

DRAFT SCOPING REPORT COMMENTS RECEIVED - Proposed housing development, Portion 1 of Farm Uitkoms No 463, Kathu

Date	Issue	Comment	I&AP	Response	Respondent
2015/05/13		The nature and quantity of raw materials needed during the construction phase. Their source, transportation to site, storage on site and pollution potential must be described.	Moses Ramakulukusha - Department: Environment and Nature Conservation	Noted. Will be addressed in the Environmental Impact Report (EIR)	EnviroAfrica
		The amount of energy needed during both the construction and the operational phases. A description of the source and availability must be given.		Noted. Will be addressed in the Environmental Impact Report (EIR)	EnviroAfrica
		The volume of water needed during both the construction and operational phases of the proposed development		Noted. Will be addressed in the Environmental Impact Report (EIR)	EnviroAfrica
		Baseline information pertaining to the geological setting of the area		Some information has been included in Section 5.6 of the Final Scoping Report. More detailed description of the geology will be included in the Geo-technical assessment to be included in the EIR.	EnviroAfrica
		Photographs of the site must be added and the direction from where the photographs were taken must be given		Noted.	EnviroAfrica
		In addition to the National Forest Act, Act 84 of 1998, the Northern Cape Conservation Act, Act 09 of 2009 must also be considered		Noted. This has been included in Section 3.8 of the Final Scoping report	EnviroAfrica
		Clarity on the applicability of listed activities R544: 18 and 22, R546: 13, 14 and 16 to the project		R544:18 - There are no watercourses identified on the site. Therefore no infilling etc. within a watercourse is expected. R544: 22 - the entrance road is expected to be 6m wide, with a 1m shoulder on either side. R546: 13 - An area exceeding 1ha is expected to be cleared. The site is in close proximity to the Kathu Forest. R546: 14 - the site is located within the Urban Edge of Kathu, and is therefore not applicable. This has been removed from the Final Scoping Report. R546: 16 - there are no watercourses that have been identified on the site.	EnviroAfrica
		The national Department of Environmental Affairs is the Competent Authority for all the energy related listed activities		Noted. No energy related listed activities are being applied for.	EnviroAfrica
		Socio-economic impact assessment must be included as a specialist study		Noted. A Socio-economic assessment will be included in the EIR	EnviroAfrica
		A geotechnical assessment must be included as part of the specialist. The assessment will provide information related to the soil types, soil potential, soil stability, subsol structure, suitability of the area to support the proposed structures and recommendation for foundations		Noted. A Geo-technical Assessment will be included in the EIR	EnviroAfrica
	General				
		Our clients are firmly of the view that the application is undesirable and will have significant negative impacts on both the receiving environment and surrounding environment and act herein in their own interest as well as in the interest of the environment and in the public interest.	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Golf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Golf en Jag Home Owners Association	Noted	EnviroAfrica
		The report indicates that on 28 January 2014 an application for environmental authorisation was lodged with the Department of Environment and Nature Conservation, Northern Cape ("D:E&NC"), the application was formally accepted on 29 January 2014. We note that although the report refers to this application form as an Appendix, it has not been provided with the report.		Noted. The Acknowledgement of Receipt of the Application Form from the D:E&NC) has been included as Appendix 1 of the Draft Scoping Report. A copy of the Application Form will be included as Appendix 1B in the Final Scoping Report, which you will receive a copy of when available.	EnviroAfrica
		The report states that the current property zoning of the property is Agriculture, with the property being classified for sports and recreation activities (the Kathu Equestrian Club present on the property). The report notes that an application for rezoning and subdivision is being considered for the proposed development of a low density residential development. No information has been provided as to the status of this application.		Noted. It is the intention of the developer to lodge an application for land use change, hence the statement of an application being considered. However, as any specialist in terms of land development is aware and as the parties represented by Werksmans Attorneys are aware through their past developments in Kathu, no application for land use change at the local authority will be considered without the relevant Environmental Authorisation. Hence the land use change application will only be submitted after the NEMA process has been concluded and will be available for public comment in terms of the Spatial Planning and Land Use Management Act governing this process. Whereas this process allow for public participation in terms of environmental concerns, land use concerns will be addressed as part of that process.	MacroPlan
		We understand that the application process is currently in its infancy, and that further information will be provided in the reports to follow. We will however record our clients' initial concerns (in order to ensure that the subsequent iterations of the impact assessment reports adequately address our clients concerns), reserving the right to provide further and more comprehensive comments once further information has been provided. Our clients comments on the report are detailed below, but may be summarised as follows:			
		The information provided in the report is misleading and unclear;		Noted	

		The report contains insufficient information in order for Interested and Affected parties to submit informed comments on the proposed development		Noted	
		The report fails to adequately address the land use planning requirements		Noted	
		The report does not address the implications of NEMA, particularly the implications of the section 2 NEMA principles;		Noted	
		The report does not provide adequate information as required by regulation 28 of the NEMA 2010 regulations		Noted	
		The report fails to adequately address the impacts on the surrounding environment		Please note that this is only the Scoping Report. Potential impacts identified during the Scoping Phase will be addressed in the Environmental Impact Report phase of the application	EnviroAfrica
		As noted above, our clients are aware that the assessment process is in its infancy and that further information about the proposed development will be made available in due course. We note that the report indicates that the environmental authorisation application has been provided, this is incorrect. The environmental authorisation application form which was submitted to the D:E&NC has not been provided with the report. The report is therefore incomplete and must be recirculated for comment together with the completed application form, as submitted to the D:E&NC.		Please note that a NEMA Application Form has been sent to D:E&NC. Only the Acknowledgement of Receipt of the NEMA Application Form has been included in the Draft Scoping Report. The NEMA Application Form, as sent to D:E&NC, will however, be included in the Final Scoping Report	EnviroAfrica
Botanical					
2015/05/20		The draft Scoping Report (DSR) confirmed on page 14 that the proposed development may form part of the Kathu Forest. Page 20; Figure 5 again confirmed the overlap with the demarcated Kathu Forest. The DAFF strongly objects to this. Kathu Forest should be excluded from development.	Jacoline Mans - Department of Agriculture, Forestry and Fisheries - Northern Cape	Noted. EnviroAfrica agrees with this statement. Although part of the Kathu Forest is included in the development property, no development will take place within the part that overlaps with the Kathu Forest. In terms of the Scheme Regulations of the Gamagara Municipality, governing all land use within the municipality, as is the mandate of the local authority, the zoning of Open Space Zone III has the primary right of Conservation Area, the definition of which is as follows: "A premise or area indicated in this scheme to be used by Council, a person or an institution, exclusively for the conservation of the natural environment, land, historical buildings, fauna and/or flora and include tourist facilities that forms an integral part." Furthermore, the following restriction applies: "No structure shall be erected or use practised else than those included in the definition of a "conservation area" or as specifically approved by Council. The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Council." This is why this zoning was chosen to cover the proclaimed forest areas, rather than having it maintained as agricultural land, as this provides a protective zoning on top of the protective proclamation of the DAFF. If this is undesirable to DAFF, we can merely remove these areas from the layout, but this will consequently exclude the overlay of a protective zoning through this development application.	EnviroAfrica and MacroPlan
		Page 15 refers to the alternatives and indicated that 450 (Alternative 1) to 440 (Alternative 2) erven will be developed on site and that Alternative 2 has taken sensitive archaeological area to the south-west of the site and the protected Kathu Forest and some thick stand of Camel Thorn trees into account. The report stated that both alternatives are viable options, but not preferred, because it covers too much of the natural vegetation in the area. Alternative 3 (Preferred Alternative) is said to take into account the protected Kathu Forest (but still overlaps with Kathu forest) by including more land into the Open Space Zone II units, where Open Space zoning will account for 78% of the property, resulting in development of 172 erven over an area of 112ha. It is not clear what activities would be allowed in the Open Space zoning.		Noted. Please note that the section of the proposed development which overlaps the Kathu Forest, and the sensitive archaeological area, will be included in the Open Space III zoning, which, as described on Page 17 of the DSR, is "a premise or area indicated in this scheme to be used by Council, a person or an institution, exclusively for the conservation of the natural environment, land, historical buildings, fauna and/or flora and include tourist facilities that forms an integral part. Restrictions - No structure shall be erected or use practised else than those included in the definition of a "conservation area" or as specifically approved by Council. The land use restrictions and additional provisions relevant to this zone are applicable as for each site or use or type of building approved by the Council." Therefore no development can take place within the Kathu Forest area.	EnviroAfrica
		Please note that the local municipality cannot re-zone any part of the Kathu Forest, because they have no mandate in terms of the National Forests Act. If there is such a need, they will have to consult with the Minister of the DAFF, or exclude the Kathu Forest area from the proposed development.		Please refer to the responses above. In the light of the specifications of the proposed zoning, would the DAFF consider granting their blessing to the proposed zoning through this NEMA process? If not, please confirm this and we will be sure to exclude the proclaimed areas.	MacroPlan
		Kathu forest Class 1 Woodland is the primary conservation area and regarded as a no-go for development. Page 18, figure 3, the image of the site with co-ordinate locations 3, 4 and 5 is overlapping with Class 1 Woodland of the Kathu forest. The eastern boundary of the site, the line between co-ordinates 2 and 3, also intrudes in Kathu forest, as well as the northern boundary, the line between co-ordinates 1 and 2. All of these will have to be adjusted to avoid the Kathu forest.		Please note that no development will take place in these sections of the property that overlap with the Kathu Forest. Please refer to the responses above. In the light of the specifications of the proposed zoning, would the DAFF consider granting their blessing to the proposed zoning through this NEMA process? If not, please confirm this and we will be sure to exclude the proclaimed areas.	EnviroAfrica and MacroPlan

		The area with co-ordinate locations 3, 4 and 5 as referred to above, is earmarked for Open Space I, II and III. It is not clear what is meant by Open Space I, II and III. Table 1 on page 16 described Open Space Zones I, II and III as "Park, Recreation and Conservation". Again, it is not clear what type of park, recreation and conservation activities are anticipated in the Open Space Zones and Whether "conservation" refers to formal conservation in the form of a Nature Reserve or a Protected Area declared in terms of the relevant legislation such as NEMPA or NEMBA. It is crucial to note that in the Kathu Forest, all vegetation are protected, not just the protected trees species per se. Kathu Forest should be left intact in its natural undisturbed state as far as possible, with no artificial watering (i.e. for parks and lawns), roads, buildings etc. Existing land-use (agriculture) may continue.		Please note that Open Space II covers the area to the north of the property which includes the existing Kathu Equestrian Club. This is only to formalise the Equestrian club area. No further development is planned as part of this development in that area. Open Space III is the proposed conservation area to the west of the site, that overlaps the Kathu forest. No development what so ever will take place in that area. MacroPlan - The statement that the northern section of the involved property covers category 1 woodland and that the proposed zoning of Open Space Zone II covers the said are is correct. This is merely to accrue the correct land use rights to the historically present Kathu Equestrian Club. This rezoning is not intended to negate the limitations of the Kathu Forest Proclamation and would not automatically allow for additional structures to be erected as the area's development is significantly protected by NEMA. According to the Gamagara Scheme the following land use rights are accrued by the proposed zoning: "private open space; any land which has been set aside in this scheme for use as a private site for sport, playing, rest and recreation facilities or as an ornamental garden or pleasure-garden, provided that the land is under the long term management of a private person or authority, and also a cemetery or show grounds, whether public or private." We understand the concern of DAFF in terms of additional development and propose 2 options: 1. DAFF allows this rezoning, but with the strict limitation that any expansion of the current equestrian facilities be done under their supervision, or 2. That the northern section of the property where the Category 1 woodland is crossed, also be zoned to Open Space Zone III as in the instance of the overlap to the east of the site. We will comply in any instance.	EnviroAfrica and MacroPlan
		Page 17 refers to the no-go alternative and stated that "no agricultural activities are taking place on this site although it is zoned as Agricultural Zone I". Kindly note that re-zoning of agricultural land is subjected to the Sub-division of Agricultural Land Act (70 of 1970) and agricultural land cannot be changed to another land use without a letter from the Registrar of this Act. The DAFF is responsible for the sub-division of Agricultural Land Act (70 of 1970). The Branch: Forestry in the DAFF may object to the re-zoning if it will negatively impact on the protected Kathu forest. Our interpretation of the Kathu Forest declaration is that existing land-use activities (at the time of publication) may continue, but rezoning to residential cannot be tolerated in Kathu Forest.		We are fully aware of the workings of land development on Agricultural Land and always ensure compliance in this regard. All the land involved in this application has already been excluded from the definition of Agricultural Land, as contemplated by Act 70 of 1970. Furthermore, it should be clarified that no additional construction is proposed within the Kathu Forest by this development proposal. The rezoning section indicated as Open Space Zone II will merely formalise the rights of the existing activities of the Kathu Equestrian Club.	MacroPlan
		Page 17 stated that Open Space Zone III (Conservation) areas, no structure shall be erected or use practiced else than those included in the definition of a "conservation area" or as specifically approved by Council. Kindly note that the Kathu Forest is nationally protected woodland and the Council does not have any delegated authority in exercising powers and duties in terms of NFA		Noted. We are fully aware that the area is protected and that Council does not have the authority to exercise powers in the area in terms of the NFA. However, the local authority remains the custodian of land uses within their jurisdiction and have delegated authority in terms of the Spatial Planning and Land Use Management Act. This does however not negate the rights of the DAFF in terms of the proclaimed forest and the local authority shall make no land use change decision in such areas without the explicit Authorisation of any governing body that stands above their authority.	MacroPlan
		Page 19 refers to the fact that Kathu Forest is a Protected Woodland and stated that "the proposed property is adjacent to the declared Kathu forest...". As already pointed out, the DAFF is of the opinion that the developments site infringes into Kathu Forest in the north and east, as well as the area between numbers 3, 4 and 5 in the map supplied as figure 3 on page 18 of the DSR. In fact, co-ordinate numbers 1 - 5 are all located inside the demarcated Kathu forest. We used the co-ordinates 1 - 5 supplied on page 18 of the DSR and overlaid it on the Kathu Forest map. the red line is in the Kathu Forest boundary and the black line corresponds with the development area		Noted. Please note that although the development property does overlap the Kathu forest in the area 1 - 5, no development will take place	EnviroAfrica
		Please adjust the boundaries of the proposed development site, by excluding the areas intruding into the demarcated Kathu forest, to ensure that it is excluded from development.		We can exclude the woodland, but in terms of our comments above, would this still be necessary if we are, as stated, proposing a protective zoning?	MacroPlan
		The layout maps provided in the DSR as Appendix 2 (2A, 2B, 2C) cut-off the northern section of the proposed development. Thus it is not clear, if anything but Open Zone, is planned for the northern section of the development site. May you please provide further details in terms of the layout plans for the remainder of the development site?		Noted. The area to the north of the property, although included in the site development plan, will remain unchanged. No development will take place in that area as part of this development. The northern section includes the existing Kathu equestrian Club, and such, forms part of the Open Space Zone II. The Kathu Equestrian Club will be incorporated within the layout and theme of the development.	EnviroAfrica
2015/05/08		In terms of the Notice the Kathu Forest is located on Portion 1 & Remainder of the Farm Uitkoms No. 463. We note that the Kathu Forest is located <u>on</u> the property which the applicant intends developing and not adjacent to the property.	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Gholf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Gholf en Jag Home Owners Association	Noted. Please see responses to DAFF above	

		The report states that the proposed property <u>may</u> form part of the Kathu Forest. We submit that this statement is misleading and incorrect. The proposed property does form part of the Kathu Forest as confirmed in the Notice declaring the forest a protected woodland.		Noted. Please note that although parts of the property are located within the Kathu Forest, no development will take place within the Kathu Forest. This will be clarified in the Final Scoping Report	EnviroAfrica
		The failure to ensure that there is adequate infrastructure available presents a significant flaw in the application and it must be referred back to the EAP for supplementation.		Noted. Service capacity confirmation letters will be provided in the EIR.	EnviroAfrica
		Inadequate provision for waste management resulting from the proposed development will also trigger the duty of care obligations under section 28 of NEMA and section 16 of the National Environmental Management Waste Act, 2008 which may result in criminal liability for the applicant.		Noted	EnviroAfrica
	Specialist studies				
		As detailed below, we submit that further specialist studies are to be undertaken, including a biodiversity assessment; a visual impact assessment; a dust impact assessment; a socio-economic impact assessment; a water assessment; and a noise impact assessment. The failure to provide sufficient information as part of the environmental impact assessment will result in interested and affected parties being unable to formulate and submit informed comments on the impacts of the proposed development. Furthermore, this will also affect the ability of a decision-maker to grant the environmental authorisation as the decision-maker will not have sufficient information on the impacts of the proposed development.	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Golf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Golf en Jag Home Owners Association	Noted. Please responses below	
		No specialist reports have been provided with the current report and, considering the size and nature of the proposed development, we submit that the following studies must be undertaken:		Specialist reports will be submitted with the Environmental Impact Report	EnviroAfrica
		We note that the EAP has identified a botanical impact assessment as a study which must be undertaken as part of the environmental impact assessment process. We note that a number of biodiversity impacts are likely to occur as the report indicates that the project area includes the unique protected tree, <i>Acacia erioloba</i> (Camel thorn), and associated fauna and avi-fauna species associated with the Camel thorns on the property. Furthermore, the property is situated within a protected woodland area, is declared a natural heritage site and is subject to development limitations. The report states that no fauna or avi-fauna impacts are anticipated and therefore no impact assessments of these aspects will be undertaken. 13 This statement is unqualified and cannot be relied upon. Reference is made to an article prepared by T. A. Anderson (Annex 1 hereto), which notes that the uniqueness of the Kathu Forest was confirmed in 1956 when the forest was declared a State Forest. The article notes that the Camel thorn trees provide services which are scarce in the area, including shade and shelter for many animal and bird species, including Red Data and other protected species. The article further states that the forest supports a unique array of bird species. Importantly, the article states that the forest must be actively conserved for scientific, biodiversity, landscape and eco-tourism reasons. It is for this very reason that the Forest was declared a protected woodland area, in terms of the NFA. Considering the location of the proposed development (in the Kathu Forest area) and the need to protect biodiversity corridors The impact assessment cannot be limited to botanical aspects. The need for a comprehensive biodiversity impact assessment is apparent.		The botanical report has been completed (and will be included in the Environmental Impact Report) and carefully considers all the aspects pertinent to impacts on the flora of the development site.	Dr Dave McDonald
		Water impacts - We note that the report does not identify a water impact assessment as being necessary. The report states that no above ground water resources are present on site. This has not been confirmed by an independent assessment.		As independent Environmental Assessment Practitioners, no above-ground water resources were observed on the property during site visits or desktop studies. The National Freshwater Ecosystem Priority Areas map (SANBI BGIS) also does not identify any freshwater ecosystems on the site. As such, the need for a freshwater Impact Assessment on the site is considered unnecessary	EnviroAfrica

		<p>Reference is also made to the Gamagara Municipality Reviewed Spatial Development Framework, 2010 ("GMRSDP") which provides that water resources located within the Kathu area are extremely limited and the area has become extremely dependant on underground water resources. Due to the nature and scale of the proposed development, we anticipate that a large portion of the property will be levelled and covered with built structures, concrete or tar. This will likely impact on storm water velocity which may increase erosion of the surrounding properties and may result in storm water contamination. Furthermore, the report confirms that there are no plans for any bulk storm water management infrastructure. Considering the size of the proposed development, it is unclear as to why this infrastructure has been deemed unnecessary. The need for a water impact assessment report is therefore apparent. This impact assessment report must identify the various water impacts and propose mitigation measures which will be put in place in order to properly manage these impacts. Furthermore, we note that water storage and the use of borehole water are also required for the proposed development; however the report does not indicate whether a water use licence application will be made. Further information on these aspects of the proposed development is required.</p>		<p>The Gamagara Municipality is busy with the procurement of consultants to do a complete Storm Water Master Plan for the greater Kathu. Boreholes were not advised, as indicated in Section 4.2.1 on page 11 and 12 of the Draft Bulk Services report dated 5 November 2014. No additional water storage (reservoirs) are proposed within the development. The existing reservoir and tower will be utilised.</p>	MVD Kalahari
		<p>Traffic impacts - We note that the EAP has identified the traffic impact assessment report as a study which must be undertaken as part of the environmental impact assessment process. Due to the scale of the proposed development, it is clear that there will be a significant increase in traffic in the area during the operational phase. Traffic impacts will also result from the construction phase as a result of slow moving heavy-duty construction vehicles accessing and leaving the site. This will put pressure on existing transport arteries identified in the report. The impact assessment report must propose traffic mitigation and safety measures which will be put in place in order to properly manage these traffic impacts.</p>		Noted	EnviroAfrica
		<p>Archaeological, Heritage and Paleontological impacts - We note that the EAP has identified archaeological, heritage and paleontological impact assessment reports as studies which must be undertaken as part of the environmental impact assessment process. As noted above, section 38 of the NHRA requires that notification of the proposed development must be submitted to the heritage authority. The report does not provide a clear indication as to whether a notice of intention to develop was submitted to the authority. Furthermore, our research has indicated that significant Stone Age sites occur in and around Kathu and on adjacent farms, with these areas being subject to on-going archaeological research. Reference is made to Annex 1, which notes that in 1995, the forest was declared a Natural Heritage Site and is therefore afforded additional protection. The article further notes that the Kathu Forest is found on red Aeolian sand which is considered to be a fossil desert. The need for a comprehensive assessment of the impact of the proposed development on these resources is apparent.</p>		Noted. A detailed Heritage Impact Assessment as well as a Palaeontological Assessment has been conducted and will be included in the EIR	EnviroAfrica
		<p>Visual impacts - We note that the report does not identify a visual impact assessment as being necessary. We submit that due to the location, rural ambience, size and nature of the proposed development, significant visual impacts will occur as a result of the proposed large scale development. An independent specialist must assess the anticipated visual impacts, particularly those associated with the multi-storey buildings, building materials used, and artificial lighting (particularly on animal and bird species) and propose adequate mitigation measures so that interested and affected parties (and the decision-maker) may be informed as to what these impacts are and how they will be managed.</p>		A visual impact assessment is not deemed necessary. The proposed development will be located between two existing residential developments.	EnviroAfrica
		<p>Noise impacts - We note that the report does not identify a noise impact assessment as being necessary. Due to the density, scale and location of the proposed development we note that noise will be generated during the construction and operational phases (construction noise, residential and commercial uses and increased traffic will affect the ambience of the area). This will likely cause a nuisance which would affect the use and enjoyment of the surrounding properties as well as negatively impact the value of these properties. Noise impacts may also result in negative impacts for animal and bird life in the area. These noise impacts are not normally associated with the current property uses in the area and an assessment is required in order to identify the impacts and propose adequate mitigation measures.</p>		Noted. Noise impacts during construction will be addressed in the Environmental Management Programme. The noise impacts during the operational phase are expected to be similar to that of any other residential development in the area. Please note that noise impacts will be addressed in the EIR, however, a noise impact assessment is therefore not deemed necessary.	EnviroAfrica

		Dust impacts - We note that the report does not identify a dust impact assessment as being necessary. Due to the scale of the proposed development, we anticipate there to be high levels of dust generated by construction and ancillary activities. This would likely cause a nuisance which would affect the use and enjoyment of the surrounding properties and landowners as well as negatively impact the value of these properties.		Dust mitigation will be addressed in the Environmental Management Programme. A Dust Impact Assessment is not deemed necessary	EnviroAfrica
		Socio-economic impacts - We note that the report does not identify a socio-economic impact assessment as being necessary. Furthermore, we note that the proposed development may have a positive effect in respect of employment creation for the local community, mainly during the construction phase and to a lesser extent for the operational phase, however the impacts identified above may have a detrimental effect on existing businesses and activities which are undertaken in the area and would likely result in job losses as a result. A socio-economic assessment is required in order to identify the impacts associated with the proposed development and propose adequate mitigation measures. Such an assessment would also assist in the desirability determination, as discussed below.		Noted. A Socio-economic Impact Assessment will be conducted. This will be addressed in the Final Scoping Report	EnviroAfrica
	NEMA				
		Subsection 2(2) of NEMA provides that environmental management should be primarily concerned with people that will be affected by the activities and their respective needs. As such we note that the report does not provide for any management measures addressing impacts and issues identified	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Golf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Golf en Jag Home	Noted	EnviroAfrica
		As it stands, interested and affected parties are not provided with sufficient information on the proposed measures to be employed to mitigate and manage negative impacts which may occur, this does not accord with the NEMA requirements.		Noted. Impacts and mitigation measures will be addressed in the Environmental Impact Report phase of the application.	EnviroAfrica
		Subsection 2(4)(a)(vii) sets out that a risk averse and cautious approach should be followed, we note that the report identifies general risk factors, however the manner in which these factors are to be managed has not been addressed.		Noted. Impacts and mitigation measures will be addressed in the Environmental Impact Report phase of the application.	EnviroAfrica
		Subsection 2(4)(a)(viii) requires the applicant to identify negative impacts on the environment and on people's environmental rights and provide measures to prevent or minimise such impacts. The applicant has identified general anticipated negative impacts and has undertaken to address these impacts during the environmental impact assessment phase; however we note that no specific mitigation measures have been included in the report.		Mitigation measures can only be included once the potential impacts have been assessed by the various specialists. The impact mitigation measures will be addressed and included in the Environmental Impact Report (EIR) and draft Environmental management Programme (included in the EIR)	EnviroAfrica
		Subsection 2(4)(1) requires social, economic and environmental impacts of activities, including disadvantages and benefits to be weighed up. The report broadly states that the direct and indirect socio-economic benefit of not constructing the residential development will not be realised if the proposed development does not materialise. No further socio-economic benefits and disadvantages are provided in the report. The report should include a socio-economic impact assessment report which identifies both the advantages and disadvantages of the proposed development (including the impact on existing businesses) and propose adequate mitigation and management measures.		Noted. This has been addressed in the Final Scoping Report, and a Socio-economic Impact Assessment will be conducted	EnviroAfrica
		Subsection 2(4)(r) makes provision for sensitive, vulnerable, highly dynamic or stressed ecosystems which require specific attention in respect of management and planning procedures where they are subject to human usage and development. The current report does not include the identification of any negative impacts that may occur and simply states that the measures will be assessed in the specialist reports to be undertaken as part of the environmental impact report. Furthermore, the report does not indicate whether the applicant intends to enter into an off-set or conservation management agreement with the authorities for the conservation and management of the protected Kathu Forest and adjoining areas		At this stage, no off-set is proposed. Any potential impacts on the Kathu Forest and any other sensitive ecosystems, including recommendations and mitigation measures will be addressed on the Botanical Impact assessment and will be included in the EIR	EnviroAfrica
	Alternatives				
		It is submitted that the report fails to identify and describe all the feasible and reasonable alternatives	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Golf en Jag (Pty) Ltd, the	Alternatives have been addressed in Section 4 of the Final Scoping Report, including other alternatives in Section 4.5	EnviroAfrica
		The report states that various alternatives were identified during the scoping phase, however only four alternatives are presented, with Alternative 3 being the preferred alternative. We note that the report does not include a comprehensive assessment of the advantages and disadvantages of each proposed alternative.		A comprehensive assessment of the potential impacts, including the alternative layouts will be addressed in the EIR	EnviroAfrica
		The following alternatives must be assessed or an explanation furnished by the EAP as to why they are not deemed reasonable or feasible alternatives			

		the property on which the proposed development will take place: considering the adverse impacts of the proposed activities on the receiving and surrounding environment and the unique sensitivity of this environment, It is incumbent on the EAP to show that there are no other, more suitable sites or location alternatives available;		Property within the urban edge of Kathu is becoming a scarce commodity and a fortunate few have large tracts of land available for township expansion. The 3 main role players are: Kumba (the developer in this instance), Kalahari Golf & Jag and the local authority. The developer (referred to as "he" for the purpose of simplification, in being a major economic contributor and employment generator in the region, wishes to provide housing to its employees and chose to do so on land he currently owns within the Kathu urban edge. The scale of the development, considering the other NEMA process being considered on SIMS, on which the participant also commented, is of such a nature that, if the developer chose alternative sites suitable in terms of the SDF, he would have to acquire land from other owners, such as parties represented by the participant. The developer therefore upholds the right to invest in the development of his own land as he sees fit, granted that all environmental and legislative measure is considered and complied to. Furthermore, in being situated within the urban edge of Kathu, the choice of this site for development, whilst still maintaining the primary use of recreation as envisioned in the SDF, as well as motivating zonings which will discourage development within proclaimed woodland, is adequately reasonable and justified.	MacroPlan
		the type of activity to be undertaken: It is incumbent on the EAP to show that there are no other, more suitable activity alternatives available		The proposed activity is to provide much needed additional housing opportunities in Kathu, and is therefore the only activity alternative considered. MacroPlan - The development provides for the protection of the current recreational land uses on the property, provides for protective zoning of sensitive areas and provides low impact low density housing opportunities in an evolving urban market, aiming to create an extremely liveable and desirable living environment. We believe that the development adequately considers the interplay of land uses and that other uses than residential and recreation will not be as fitting.	EnviroAfrica and MacroPlan
		the same argument would apply in respect of the design or layout of the proposed development; the technology to be used in the proposed development and the operational aspects of the proposed development		Various alternative layouts have, and will continue to be looked at, during the process	
		When considering the no-go development alternative the report states that no agricultural activities are taking place on this site although it is zoned as Agricultural Zone 1. We note that the report does not address why agricultural activities are not being undertaken on the property nor does it adequately assess the potential of the property being used for agricultural purposes. The report confirms that not pursuing the proposed development may result in no potential negative environmental impacts, this results in a positive impact as the natural vegetation, biodiversity, heritage resources, water resources and existing businesses and activities will not be negatively affected.		Please note that an assessment on the potential impacts (negative and positive) of the proposed development, as well as any mitigation measures, will be conducted in the EIR phase. These will be looked at in the context of the need for housing within an area designated for urban expansion within the SDF.	EnviroAfrica
		It is submitted that the identification and assessment of alternatives is inadequate and does not meet the legal standard required under NEMA, read with the relevant guidelines on the identification and assessment of alternatives. The report must be amended by including further information on reasonable and feasible alternatives which is properly and comparatively assessed against the no-go option (which also requires proper description of the advantages and disadvantages of the no-go option). Following the inclusion of this information, the report must be recirculated for public comment.		Noted. The potential negative and/or positive environmental impacts will be assessed in the Environmental Impact Report.	EnviroAfrica
		Need and Desirability			
		The assessment of the <i>need and desirability</i> of the proposed development does not meet the requirements of the Department's guidelines for the assessment of need and desirability in environmental impact assessment.	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Golf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Golf en Jag Home Owners Association	Noted	EnviroAfrica
		The Guidelines therefore provide that the consideration of need and desirability during the assessment process must consist of a preliminary description of the relevant considerations in relation to the <i>feasible and reasonable</i> alternatives.		Noted. Alternatives have been addressed in Section 4 of the Final Scoping Report, including other alternatives in Section 4.5	EnviroAfrica
		The consideration of need and desirability in decision-making requires the consideration of the strategic context of the development proposal along with the broader societal needs and the public interest. In the light of the flaws in the identification and assessment of alternatives noted herein, the inadequacy of the assessment of need and desirability in the report is a glaring omission in the application process		Noted. Need and desirability is addressed in Section 2 of the Scoping Report, and will be assessed in further detail in the EIR	EnviroAfrica

		Simply put, the statutory imperative to assess need and desirability is to determine whether this is the right time and the right place for the proposed activities, and whether the proposed activity is the most sustainable use of the land concerned. We submit that the information presented in the report does not place the decision-maker in a position to make this determination.		Noted. Need and desirability is addressed in Section 2 of the Scoping Report, and will be assessed in further detail in the EIR	EnviroAfrica
		The Guidelines note that, in order to properly interpret the requirement in terms of the NEMA 2010 regulations regarding "need and desirability", it is necessary to turn to the National Environmental Management Principles in terms of NEMA which serve as a guide for the interpretation, administration and implementation of NEMA and its regulations. We note that the report does not adequately address the NEMA principles and how the proposed development will meet these principles		Noted. Need and desirability is addressed in Section 2 of the Scoping Report, and will be assessed in further detail in the EIR	EnviroAfrica
		The EAP has referenced the benefits of the proposed development; however we note that these benefits are limited and the proposed development will likely have a far more significant detrimental impact on the sense of place and current surrounding property uses, which include a thriving tourism and agricultural industry		Noted. A Socio-economic Impact Assessment has been conducted, and will be included in the EIR	EnviroAfrica
		Considering the detrimental and irremediable impacts associated with the proposed development, it is clear that the activities for which authorisation is sought will manifestly not represent the BPEO, which is defined in NEMA as "the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term" and that the BPEO will be the ceasing of any further development in the area		Potential impacts will be addressed in the Environmental Impact Report, and assessed by independent specialists.	EnviroAfrica
		In considering the desirability of the proposed development the report notes that the site is located in close proximity to the N14. The N14 passes through the Kathu Forest and has been identified as a scenic route. We submit that the report does not fully consider the desirability of the proposed development as the location of the proposed development does not accord with the current sense of place. Reference is made to Annex 1, which states that due to the protected woodland status of the Forest area, only low-impact, ecotourism facilities and low density residential eco-estates may take place in the Forest and Forest buffer areas.		A Socio-economic Impact Assessment will be included in the EIR	EnviroAfrica
		It is noted that the criteria used to determine the desirability of the location is based on the principles of integration by means of Infill planning and the optimum utilisation of available land and resources, availability of bulk services, accessibility and proximity of employment opportunities. It is submitted that the report does not adequately explain and assess these requirements which results in a further shortfall to the application and report		These will be addressed in the EIR	EnviroAfrica
		Furthermore, Annex 1 states that groundwater resources in the area have been detrimentally affected by mining activities, as such, the proposed development will likely put further strain on these limited resources and is clearly undesirable. Annex 1 indicates that, should any further reduction in groundwater occur, this may very well result in the death of the Kathu Forest, which is dependent on the underground aquifers in the area.		This is speculative and there is, at this stage, no date to support such a supposition .	Dr Dave McDonald
		Impacts on environment			
		The area has a unique ambience and the biological diversity of the area should be protected for the use and enjoyment of future generations. The proposed development should be viewed in light of the uniqueness of the Northern Cape and in accordance with the objectives of NEMA. The benefits derived from the proposed development should be cautiously balanced against the significant impact of this development on the surrounding environment, which is an important tourist attraction.	Justin Truter - Werksmans Attorneys - on behalf of of Kalahari Gholf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Gholf en Jag Home Owners Association	Noted	EnviroAfrica
		It is noted that the town, Kathu has become known as the "town under the trees" due to the location of the Kathu Forest, a unique woodland of exceptionally large Camel thorn trees, situated north of the town. It is further noted that the Kathu Forest, which enjoys Natural Heritage status was declared the first Protected Woodland in the country in terms of section 12 (1) (c) of the NFA.		Noted	EnviroAfrica
		According to the Gamagara Municipality Integrated Development Plan, 2013/ 2014 ("GM IDP") the following major environmental challenges are found within the Kathu area :			
		unsustainable utilisation of the natural environment		Noted	
		the current development and expansion of the town of Kathu which includes an up-market housing development to the north of the town		Noted	
		new and expanding mines		Noted	
		the impact of the proposed development on the Kathu forest's ecological integrity and the potential loss of biodiversity		The proposed development is well away from the Kathu Forest and will not affect its ecological integrity or biodiversity.	Dr Dave McDonald
		groundwater issues are also of major concern. because the lowering of the water table by abstraction could lead to the death of the protected Camel thorn trees.		It is true that a lowering of the water table COULD lead to the death of protected camelthorn trees but no information is available on this matter and it remains purely speculative.	Dr Dave McDonald

		It is noted that none of these issues raised in the GMIDP have been addressed in the report. We submit that this is a glaring omission in the report and furthermore, does not accord with the principles outlined of NEMA as discussed above		Please see responses above	
		According to the GMRSDf, core conservation areas are critical to habitat preservation and strict environmental control measures should be put in place for any development or activity that would affect these core conservation areas. The GMRSDf further notes the importance of the Kathu Forest and states that, due to its protected status under environmental legislation, protection against urban pressure is of extreme importance. We submit that the report has not assessed the negative impacts that the proposed development will have on the Kathu Forest and this constitutes a significant flaw in the report.		Potential impacts on the Kathu Forest will be addressed in the Botanical Impact Assessment, and be included in the EIR.	EnviroAfrica
		The GMRSDf also notes that development to the north of the town Kathu, which lies adjacent to the Kathu Forest, should be discouraged in order to avoid irrevocable environmental damage. As previously stated the EAP states that the proposed development is situated adjacent to the Kathu Forest. This is incorrect as the Kathu Forest is also placed on the property. It is submitted that the report does not adequately address the impacts of the proposed development on the surrounding environment. The report should be supplemented to provide for the assessment of the impact that the proposed development will have on the surrounding environment (including the Kathu Forest) and be recirculated for comments.		Potential impacts on the Kathu Forest will be addressed in the Botanical Impact Assessment, and be included in the EIR.	EnviroAfrica
		The report states that the proposed development is located within the urban edge of Kathu, and can therefore also be considered to be <i>infill development</i> . It further notes that infill planning are contemporary principles used to promote integration and to ensure optimum utilisation of available land. The report does not however consider the negative impact the proposed development will have on the interests of those who own properties within close proximity to the proposed development as well as the negative effect on the Kathu Forest as a protected area and important tourist attraction. It is therefore submitted that the report does not adequately consider the impact that the proposed development will have on the surrounding environment as required in terms of section 2 of NEMA.		A Socio-economic Impact Assessment has been conducted, and will be included in the EIR	EnviroAfrica
		Further to the above we submit that the report has failed to adequately (if not at all) address or identify a number of impacts that will occur as a result of the proposed development which include water impacts; biodiversity impacts; socio-economic impacts; visual impacts; heritage impacts; traffic impacts; impacts on municipal services in the area; and construction phase impacts. The impacts of these activities may have the following results:		See responses above and below	
		As noted above, the GMRSDf states that water resources located within the Kathu area are extremely limited and the area has become dependent on underground water resources. The report does not address this issue and a water impact assessment should be undertaken to address any water use requirements and impacts that the proposed development might have on the water resources in the area.		A Water Impact Assessment is not deemed necessary, as no above-ground water resources were identified on site. A Geo-technical assessment has been conducted and will be included in the EIR	EnviroAfrica
		The EAP states that the impact on mammal and bird species were not considered, as the proposed development is not expected to have any significant permanent impact on these species except those species associated with the Camel thorn trees. We note that no fauna or flora impact assessment has been undertaken, as such no reliance can be placed on this statement. As noted above, the Kathu Forest provides the ideal habitat for a number of red data and protected species (including birds). The need for such an assessment is clear. that no fauna or flora impact assessment has been undertaken, as such no reliance can be placed on this statement. As noted above, the Kathu Forest provides the ideal habitat for a number of red data and protected species (including birds). The need for such an assessment is clear.		Once again the geographical location of the proposed development is pertinent here. The development site is well away from Kathu Forest and would not affect any mammal or bird species reliant specifically on Kathu Forest habitat. It is erroneous to say that there has not been a 'flora' study. Such a study has been completed and will be made available in the EIR.	Dr Dave McDonald and EnviroAfrica
		The report makes reference to the socio-economic context of the area and states that the unemployment rate is 17.7% for the Gamagara Municipality; however the negative socio-economic impact of the construction and operational phase on the greater surrounding areas has not been addressed. It is likely that the construction phase will result in temporary employment and the operational phase will also provide limited employment opportunities, however there may also be significant detrimental impacts on employment for the existing businesses in the area as a result of the undesirable negative impacts associated with the proposed development.		Noted. This has been addressed in the Final Scoping Report, and a Socio-economic Impact Assessment will be conducted	EnviroAfrica

		The report states that no visual impact studies are contemplated due to the nature of the activity, the surrounding land-uses and the proximity to other residential developments, and that the sense of place is not expected to be significantly altered by the proposed residential development. As noted above, the location, size and nature of the proposed development will result in a significant change of the current sense of place as well as numerous intrusive visual impacts. The failure to consider a visual impact assessment as being necessary presents a flaw in the application. It is likely that the proposed development will have a negative impact on the visual aesthetics of the area which cannot be adequately minimised or remedied, particularly considering that the area (the Kathu Forest) is an important tourist attraction and known for its unique sense of place.		Please see responses above.	
		The report states that heritage impacts have been identified as a number of Early Stone Age, Middle Stone Age and Later Stone Age Implements were encountered over the proposed development site as well as a number of tools in disturbed areas, however we note that no heritage, archaeological or paleontological impact assessment report has yet been prepared. Furthermore, the report does not clearly indicate whether there has been compliance with section 38 of the NHRA. As detailed above, the Kathu Forest area is located in a fossil desert, is a natural heritage site and a significant tourist attraction; it can only be assumed that the proposed development will have a negative impact on the heritage resources of the area.		Noted. A Heritage and Palaeontological assessment will be included in the EIR. The project has been registered on SAHRIS, which does comply with Section 38 of the NHRA	EnviroAfrica
		The construction and operational phase may result in negative impacts as the use of vehicles, construction materials, chemicals and other hazardous substances may contaminate soil and water sources and negatively impact on various fauna and flora on the property (including the horses housed at the equestrian club) as well as the surrounding properties. The operational phase will see the use of vehicles and the generation of solid waste and other activities which could result in contamination of soil and water sources and the increase in vermin, likely leading to a decline in agricultural production and the degradation of the protected Kathu Forest and the fauna and flora in the area.		Noted.	
		As noted above, no studies have been provided as to the traffic impacts associated with the proposed development. It is submitted that the construction of a housing development in the area will result in a significant increase in traffic on roads which will have a high negative impact on existing road infrastructure. The report confirms the anticipated high volumes of traffic that will be generated by this development recommends that external road upgrades take place and suggests that mitigation measures be put in place regarding the proposed access route, however fails to elaborate on these suggested mitigation measures.4* Furthermore, the GMSDF confirms that Kathu is already facing traffic congestion issues due to a large number of mining activities which are extremely transport intensive. It is further noted that traffic congestion already occurs on the N14 which is located within close proximity to the proposed development. A traffic impact assessment must be undertaken to assess the potential traffic impacts and propose adequate management measures.		Noted. A Traffic Impact Assessment will be included in the EIR	EnviroAfrica
		The report notes that no constraints exist regarding the availability of services for the operation of the proposed development. As noted above, this statement is incorrect. We note that no confirmation of capacity from the relevant service providers has been provided with the report. Furthermore, the EAP assumes that the Kathu East Reservoir and Tower as well as the current sewer infrastructure have the capacity to accommodate the proposed development. It is submitted that this is a speculation, as the capacity to provide these services has not yet been determined. In respect to road service requirements, the BSISQR states that "Frikkie Meyer Street is in the planning stage of a total upgrade and it is assumed that the EIA for this project covers the existing entrance to the Equestrian Centre", we submit that this assumption has not been confirmed.		See responses above	
		Furthermore, the report incorrectly states that the existing electrical main substation in the Kathu area is able to accommodate the proposed development. We submit that this statement is contradictory based on the recommendations made in this specialist Electrical Service Report, which specifically states that the existing capacity on the current 11kV cable is insufficient to accommodate additional development. The report must be supplemented to clarify the infrastructure requirements and availability of capacity to accommodate the needs of the proposed development.		See responses above	

		The construction phase activities will result in the increase in soil erosion and dust which may present a nuisance to interested and affected parties which are in close proximity to the proposed development and may negatively impact on the Kathu Forest and the ecology of the area. As noted above, a dust impact assessment must be undertaken in order to identify the dust impacts and propose adequate mitigation measures.		Noted. The property is relatively flat, and soil erosion is not expected to be a significant issue. Dust mitigation during construction will be addressed in the EMP. Dust should not be an issue during the operational phase as the site will be developed, and vegetation will remain on the undeveloped sections. A dust impact assessment is therefore not deemed necessary	EnviroAfrica
		Furthermore, we note that the proposed development will be situated on the same property as the existing Kathu Equestrian Club. The report does not address the negative impacts that the proposed development will have on the horses in the area during both the construction and operational phases of the proposed development.		Noted. This will be addressed in the Environmental management Programme.	EnviroAfrica
		During the construction phase, equipment and construction materials such as concrete and other building materials must be handled and stored properly in order to prevent spillages and contamination which will negatively affect the soil and water resources and surrounding properties. This is an important factor, considering the likelihood of soil and water contamination and the likely degradation of the Kathu Forest area.		Noted. This will be addressed in the Environmental management Programme	EnviroAfrica
		Facilities are to be provided for workers during the construction phase for both solid waste and ablution facilities, this may attract vermin if this waste is not collected and disposed of properly. Ablution facilities must be monitored in addition to the behaviour of workers in order to prevent contamination which will negatively affect the soil, water sources, and the surrounding properties.		Noted. Solid waste disposal during the construction phase will be addressed in the Draft Environmental management Programme (EMP)	EnviroAfrica
		Noise as a result of the use of heavy duty vehicles and construction equipment during the construction phase and the Increase in people and activity in the area during operational phase will likely destroy the current ambience of the rural area. As noted above, this may detrimentally impact on the use and enjoyment of the surrounding properties, the current businesses and activities being undertaken in the area (such as the Kathu Equestrian Club and tourism businesses related to the Kathu Forest) and will also result in the reduction of property values. Noise impacts will also impact on fauna and avi-fauna in the area.		Noted. Potential noise impacts will be addressed in the Environmental Impact Report and the EMP	EnviroAfrica
		Emissions during both the construction and operational phases of the proposed development will be increased which will have an effect on air quality in the area as not only dust will be discharged but vehicular, and commercial emissions will result from the proposed development.		Noted. Potential emission impacts will be addressed in the Environmental Impact Report and the EMP	EnviroAfrica
		The area is inherently agricultural in nature, the proposed development, which consists of high density residential activities in such an area would impact on the sense of place and likely reduce property values, with the impacts associated therewith likely resulting in the diminished use and enjoyment of neighbouring properties by surrounding residents and owners.		We do not agree that the area is inherently agricultural nature as the site is bounded by a residential estate and commerce. Yes, the area may have a rural character due to the very low density of the residential development in the area. The involved property has a rural character due to the equestrian facilities being located on-site. Furthermore, the proposed development does not imply high density at all, with relatively large stands being proposed with the primary right of only one loose-standing house being allowed on each (except for one group housing site). The development also provides for large tracts of open areas which will accommodate grazing of the equestrian club, protection of heritage resources, protection of the Kathu Forest and continue to accommodate the equestrian club. The residential properties will also not be directly adjacent to the adjacent low density residential estate, but will be adjacent to the high density enclosed group housing complex to the east. We therefore attest that this proposed layout will not negatively impact on the character of the Kalahari Golf & Jag Landgoed, nor should it impact on the enjoyment and use of the surrounding properties.	MacroPlan