



agriculture, forestry & fisheries

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REPUBLIC OF SOUTH AFRICA

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ATTENTION: Mr. Thulani Mthombeni (Tmthombeni@ncpg.gov.za)
cc Mr. Clinton Geyser (Clinton@enviroafrica.co.za)

RE: COMMENTS ON DRAFT EIA REPORT FOR THE PROPOSED HOUSING DEVELOPMENT ON PORTION 1 OF THE FARM UITKOMS 463, KATHU (DENC REF: NC/EIA/09/JTG/GAM/KAT1/2014)

The Department of Agriculture, Forestry and Fisheries (DAFF) has studied the Draft EIA report and would hereby like to make the following comments in addition to comments made on 20 May 2015.

1. Our request that the development site be adjusted to exclude portions protruding into the Kathu Forest, a Nationally Protected Woodland, was not taken into consideration. The **Department cannot support the proposed development; the portion of the site inside the Kathu Forest must be excluded from the Authorisation. A geo-referenced map showing the exclusion areas must form part of the Environmental Authorisation (if granted) – after the DAFF has verified that such GPS reference points are indeed outside Kathu Forest.**
2. **As pointed out in 2015, the development site intrudes into a portion of Kathu Forest, Class 1 Woodland which is the primary conservation area and a no-go area for development. Activities such as hiking and eco-tourism are allowed in Class 2 and Class 3, but not in Class 1.** See figure 1 on page 2 for a map of Kathu Forest, showing the different Woodland Classes as was published in the Government Gazette. None of the mitigation measures in the draft EIA report mentioned that the Kathu Forest area must be demarcated as a no-go area.
3. The map attached as Appendix 2C – Preferred Alternative, shows the triangular area consisting of Class 1 Woodland as Open Space Zone III. The draft EIR describes Open Space Zone III as an “area 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.**” The concern here is that although this portion of Kathu Forest under the current layout plan is zoned for conservation, the local Council may approve buildings or tourist facilities in Open Space Zone III. According to the Government Gazette

publication of Kathu Forest as a Protected Woodland, Class 1 Woodland is no-go area for development. Tourist facilities can only be constructed in Classes 2 and 3 Woodland.

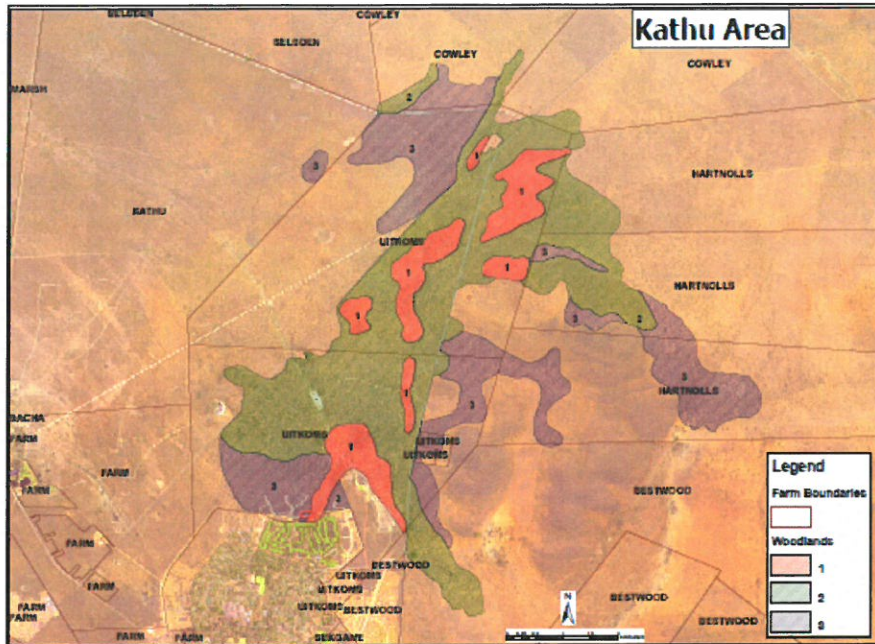


Fig. 1: Map of Kathu Forest showing the three Woodland Classes. Class 1 is the primary conservation area.

4. Page 19 of the draft EIA report stated that “a portion of the proposed property forms part of the Kathu Forest. However, the development layout has taken this into consideration and no development will take place within the Kathu Forest.” The DAFF is of the opinion the affected Class 1 Woodland with the proposed zonation of Open Space Zone III, does not sufficiently guarantee the conservation of this portion of Kathu Forest in the long-term, because it would give Council the power to authorise unwanted structures and activities in the primary conservation area of Kathu Forest.
5. The Department is very concerned about the site boundary not being consistent in the different maps used in the reports. The north eastern site boundary in Figures 6 and 7 on page 26 of the draft EIR clearly differ. In figure 6, the eastern site boundary goes through Vlermuisleegte. In figure 7, the eastern boundary line was moved to the east of Vlermuisleegte and all the way inside the Kathu Forest. This is not acceptable. In our comments of May 2015, the DAFF also pointed out on a map that this north-eastern site boundary intrude into the Kathu Forest and we requested that the boundary be adjusted to exclude areas intruding into the demarcated Kathu Forest.

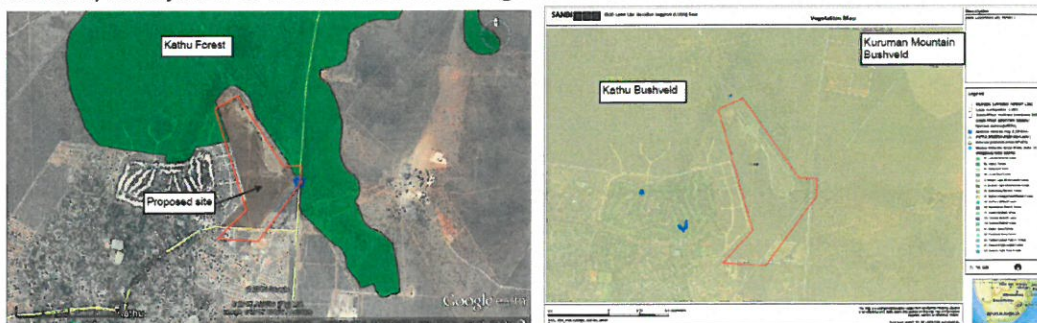


Fig. 2: These maps are labelled as figure 6 (left) and figure 7 (right) on page 26 of the Draft EIR. It is clear that the north eastern site boundary is not in the same position on the two maps and that there is intrusion into the Kathu Forest.

J.M.

6. The draft EIR stated the development site is 112 ha, the Botanical Evaluation stated on page 7, number 3.2 that the total area of the site is 97 ha. Which statement is correct?
7. The DAFF has noted that the Botanical Evaluation stated the site is not 'forest-like', but it is totally irrelevant, because Kathu Forest is declared a Protected Woodland, not a Protected Forest.
8. The DAFF is very concerned that the Botanical Evaluation did not assess the impact on the Kathu Forest nor did it recognize the importance of Kathu Forest or the need for its protection. Page 69, table 4 gave a summary of all botanical impacts assessed. There were only two, namely Loss of Kathu Bushveld and Loss of Ecological Processes. Loss of a portion of Kathu Forest was not considered, nor any impacts that construction activities may have on the affected portion of Kathu Forest and how this portion will be safeguarded during construction to avoid accidental intrusion into this no-go zone.
9. Page 49 of the Botanical Evaluation refers to cumulative impacts. Again it focused only on the loss of a small portion of the Kathu Bushveld vegetation type. It does not mention the loss of a portion of the Kathu Forest, which is one of only two such almost closed-canopy Camel thorn woodlands in the world and of national conservation importance, therefore not considering it in the impact assessment is in DAFF opinion a gross oversight. Kathu Forest is threatened on all sides due to rapid urban expansion and other developments, the Bestwood residential development in the east, the Kathu Solar Park in the north-west. These cumulative impacts on Kathu Forest should have been addressed in the Impact Assessment.
10. The suggested mitigation measures said nothing about the protection of the portion of Kathu Forest on site. It should be noted that it is nationally declared as a no-go zone for developments of this nature and as such must be clearly demarcated and conserved during construction and excluded from any development activities. The Botanical Evaluation stated on page 50 that there are no "major constraints or need for cumbersome mitigation measures. The only mitigation measures recommended is the planting of *Acacia erioloba* trees in 'green spaces'." The DAFF is of the opinion that a special effort must be made to conserve the affected portion of Kathu Forest on site.
11. Page 11 of the Botanical Evaluation refers to the "Sims study site".
12. The DAFF is not supporting the rezoning from Agricultural Zone I and Special Zone (Mining Area) to residential, because it will contribute to the detriment of Kathu Forest. Our interpretation of the Kathu Forest declaration is that **existing land-use activities (at the time of the publication) may continue, but re-zoning to residential cannot be tolerated in Kathu Forest.**
13. Figure 2 below refers. The DAFF recommends that Kathu Forest (A, B, C, D, E and F) area be excluded from the Environmental Authorisation. We also recommend that the area consisting of block (F, G, H and D) be excluded from the development, due to the high density Camel thorn trees in this area immediately adjacent to the demarcated Kathu Forest.
14. In conclusion, the Department is of the opinion that our comments on the Scoping Report have not been sufficiently addressed in the Draft EIA Report and that the proposed development may have undesirable negative impacts on a portion of the Kathu Forest Protected Woodland.
15. The DAFF recommends that the portion of the study site intruding into the Kathu Forest be excluded from the Environmental Authorisation (if granted). The Environmental Authorisation must clearly stipulate the exclusion areas with GPS reference points and a map overlaid on the Kathu Forest Map. The north eastern and northern site boundary positions must also be looked at, because the maps are not consistent and on some maps it intrudes into Kathu Forest.

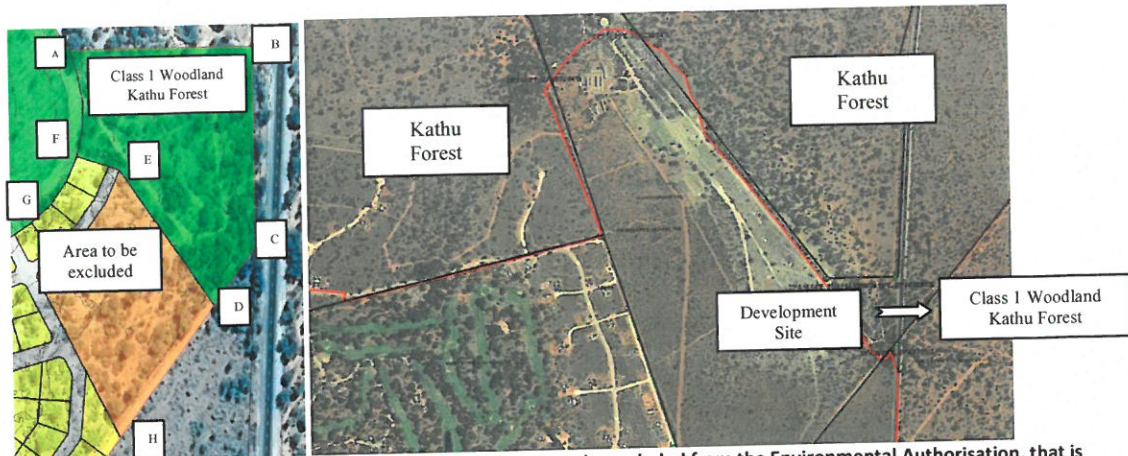


Fig. 3: The DAFF recommends that the affected Kathu Forest area be excluded from the Environmental Authorisation, that is block A, B, C, D, E and F.

16. The Department cannot allow intrusion into the demarcated Kathu Forest. We recommend that the project **not be authorised; or that the authorised site boundaries be adjusted to exclude any intrusion into the Kathu Forest.**

Thank you very much for allowing this Department to comment and for allowing additional time to do so.

Kind Regards,

Jacoline Mans
Chief Forester: NFA Regulation

cc Mr. B. Fisher (BFisher@ncpg.gov.za);
cc Ms. Elsabe Swart (Elsabe.dtec@gmail.com)

