

DRAFT SCOPING REPORT: PROPOSED ESTABLISHMENT OF AN APPROXIMATELY 44HA FORMAL HOUSING DEVELOPMENT ON SITE 2 (PORTION OF NEW BRIGHTON IN THE NORTH-EAST OF THE TOWNSHIP OF PABALLELO), UPINGTON



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ACRONYMS

CBA	Critical Biodiversity Area
DEA&DP	Department of Environmental Affairs and Development Planning
DWS	Department of Water and Sanitation
EAP	Environmental Assessment Practitioner
ECA	Environment Conservation Act (Act No. 73 of 1989)
EIA	Environmental Impact Assessment
EIR	Environmental Impact Report
EMP	Environmental Management Programme
HIA	Heritage Impact Assessment
I&APs	Interested and Affected Parties
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEMBA	National Environmental Management: Biodiversity Act (Act No. 10 of 2004)

NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999)
NID	Notice of Intent to Develop
NWA	National Water Act, 1998 (Act No. 36 of 1998)
OESA	Other Ecological Support Area
SANBI	South African National Biodiversity Institute
WULA	Water Use Licence Application

1. INTRODUCTION

1.1 BACKGROUND

The Dawid Kruiper Local Municipality proposes to establish a formal housing development on Paballelo Site 1, *i.e.*, (Portion of New Brighton in the north-east of the township of Paballelo, next to the R360 Regional Road), Upington. The process of establishing the formal housing development on Paballelo Site 1 includes *inter alia*, the establishment of formal housing, installing of water supply, wastewater disposal, stormwater management, formal road network, electricity supply and other relevant infrastructure as well as solid waste collection services.

An informal settlement exists on much of the proposed site and the proposed site can be accessed from the existing roads in the township of Paballelo.

The applicant, Dawid Kruiper Local Municipality has appointed EnviroAfrica CC to be the independent Environmental Assessment Practitioner (“EAP”) company to manage the process of applying for environmental authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”).

The purpose of this Scoping Report is to describe the proposed development, the process followed to date, the alternatives considered and to list the issues identified for further investigation. Should the competent authority be satisfied with this Scoping Report, the required specialist studies that will be confirmed by the competent authority and commenting authorities will be proceeded with to the EIR phase of the application and included in the EIR together with other identified significant issues.

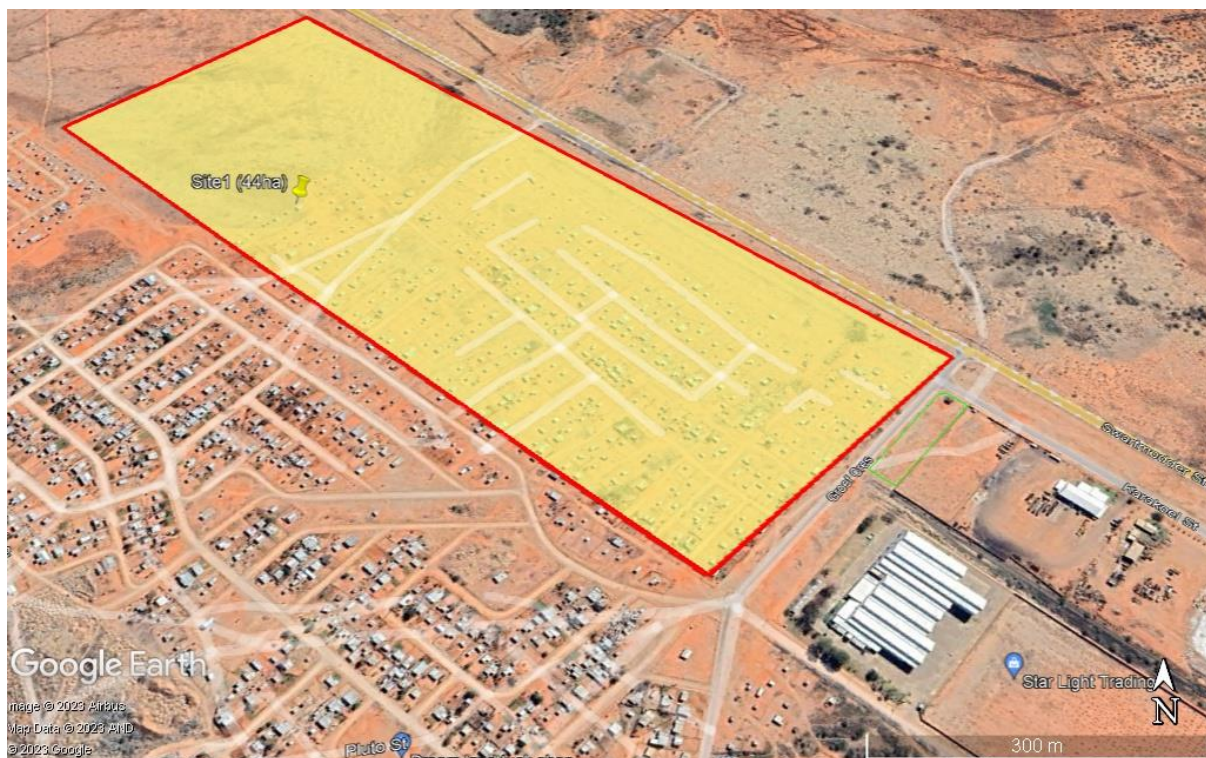


Figure 1. Locality map depicting the proposed site

1.2 DESCRIPTION OF THE PROPOSED ACTIVITY

The Dawid Kruiper Local Municipality proposes to establish a formal housing development on Paballelo Site 1, *i.e.*, (Portion of New Brighton in the north-east of the township of Paballelo, next to the R360 Regional Road), Upington. The process of establishing the formal housing development on Paballelo Site 1

includes *inter alia*, the establishment of formal housing, installing of water supply, wastewater disposal, stormwater management, formal road network, electricity supply and other relevant infrastructure as well as solid waste collection services. A large portion of the proposed site is currently occupied by an informal settlement that will have to make way for the formal housing development.

The proposed site is accessible from the existing roads in the township of Paballelo.

2. NEED AND DESIRABILITY

In terms of the EIA Regulations of 2014 (as amended) the Scoping Report must describe in detail the Need and Desirability of the proposed activity. The consideration of “need and desirability” in EIA decision-making requires the consideration of the strategic context of the development proposal along with the broader societal needs and the public interest.

While the concept of need and desirability relates to the *type* of development being proposed, essentially, the concept of need and desirability can be explained in terms of the general meaning of its two components in which *need* refers to *time* and *desirability* refers to *place* – i.e., is this the right time and is this the right place for locating the type of land-use/ activity being proposed? Need and desirability can be equated to the *wise use of land* – i.e., the question of what it is that is the most sustainable way of using the land.

2.1 NEED

The approximately 44ha proposed site is currently occupied to a large extent by an informal settlement and so most of the people on the property do not have access to most of the basic services that households are supposed to have access to. It is specified in the constitution of the South Africa that everyone has the right to adequate housing and so a need exists for the informal settlers to be provided with adequate housing and basic municipal services by the Dawid Kruiper Local Municipality.

2.2 DESIRABILITY

The following factors affect the desirability of the area for the proposed development.

2.2.1 Location and Accessibility

The proposed formal housing development will be located on Paballelo Site 1, which is largely occupied at present by an informal settlement. Access to the proposed site is available via the existing roads in the township of Paballelo. The desirability of the location of the proposed development will be further investigated in the Environmental Impact Report (“EIR”).

2.2.2 Compatibility with the Surrounding Area

The proposed formal housing development will be located within the existing township of Paballelo. The location of the proposed formal housing development in the same place where an informal settlement stands within the existing township of Paballelo will make it easier for the municipality to link up the proposed development the existing service infrastructure of the township. The proposed formal housing development on Paballelo 2 where an informal settlement currently stands will also enable the recipients of the proposed formal housing units to integrate more easily into the existing formal township of Paballelo.

3. LEGAL REQUIREMENTS

The current assessment is being undertaken with the requirements of the NEMA in mind, as well as the EIA Regulations, 2014 (as amended). However, the provisions of various other Acts must also be considered in this EIA application.

The legislation that is relevant to this study is briefly outlined below.

3.1 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA

The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) states that everyone has a right to a non-threatening environment and that reasonable measures be applied to protect the environment. This includes preventing pollution and promoting conservation and environmentally sustainable development while promoting justifiable social and economic development.

3.2 THE NEMA

The NEMA (as amended) makes provision for the identification and assessment of activities that are potentially detrimental to the environment and which require authorisation from the competent authority based on the findings of an environmental assessment. The NEMA is a national Act and the power to enforce the Act in the Northern Cape Province has been delegated to the Department of Agriculture, Environmental Affairs and Rural and Land Reform ("DAERL").

On 04 December 2014, the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the NEMA, namely the EIA Regulations 2014. These Regulations were amended on 07 April 2017 (GN No. 326, No. 327 (Listing Notice 1), No. 325 (Listing Notice 2), No. 324 (Listing Notice 3) in Government Gazette No. 40772 of 07 April 2017). Listing Notice 1 and 3 are for Basic Assessment and Listing Notice 2 for a full Environmental Impact Assessment.

According to the EIA Regulations, 2014 (as amended), environmental authorisation is required for the following listed activities relating to the proposed formal housing development:

Government Notice R. 327 (Listing Notice 1):

Item 9, i.e., *"The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—*

- (i) with an internal diameter of 0,36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more;*

excluding where—

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or*
- (b) where such development will occur within an urban area".*

Item 10, i.e., *"The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –*

- (i) with an internal diameter of 0,36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more;*

excluding where—

- (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or*
- (b) where such development will occur within an urban area".*

Item 11, i.e., “The development of facilities or infrastructure for the transmission and distribution of electricity—

- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or
- (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more; excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is —
 - (a) temporarily required to allow for maintenance of existing infrastructure;
 - (b) 2 kilometres or shorter in length;
 - (c) within an existing transmission line servitude; and
 - (d) will be removed within 18 months of the commencement of development”.

Item 12, i.e., The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
 - (ii) infrastructure or structures with a physical footprint of 100 square metres or more;
- where such development occurs—

- (a) within a watercourse;
 - (b) in front of a development setback; or
 - (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —
- excluding—
- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
 - (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
 - (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
 - (dd) where such development occurs within an urban area; **[or]**
 - (ee) where such development occurs within existing roads, **[or]** road reserves or railway line reserves; or
 - (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared”.

Item 28, i.e., “Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or
- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes”.

Government Notice R. 325 (Listing Notice 2)
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Item 15, i.e., “The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or

(ii) maintenance purposes undertaken in accordance with a maintenance management Plan”.

A background information document was made available to Interested and Affected Parties (“I&APs”) during a pre-application Public Participation Process (“PPP”). The pre-application PPP process was undertaken to identify potential issues to be dealt with during the application for environmental authorisation. However, no comment was received.

The principles of environmental management as set out in section 2 of the NEMA have been considered. The said principles regarding this development proposal include *inter alia*, the following:

- “People and their needs must be placed at the forefront while serving their physical, psychological, developmental, cultural and social interests. The activity seeks to provide additional employment and economic development opportunities, which are a local and national need – *the proposed activity is expected to have a beneficial impact on people, especially developmental and social benefits, as well as providing additional employment and economic development opportunities*”.
- “*The development will be socially, environmentally and economically sustainable. Where disturbance of ecosystems, loss of biodiversity, pollution and degradation, and landscapes and sites that constitute the nation’s cultural heritage cannot be avoided, are minimised and remedied. The impact that the activity will potentially have on these will be considered, and mitigation measures will be put in place - potential impacts have been identified and considered, and any further potential impacts will be identified during the public participation process. Mitigation measures will be included in the EM*”.
- “*Where waste cannot be avoided, it will be minimised and remedied through the implementation and adherence of the Environmental Management Programme (EMP) – this will be included in the EIR*”.
- “*The use of non-renewable natural resources will be responsible and equitable*”.
- “*The negative impacts on the environment and people’s environmental rights will be anticipated, investigated and prevented, and where they cannot be prevented, will be minimised and remedied*”.
- “*The interests, needs and values of all interested and affected parties will be taken into account in any decisions through the Public Participation Process*”.
- “*The social, economic and environmental impacts of the activity will be considered, assessed and evaluated, including the disadvantages and benefits*”.
- “*The effects of decisions on all aspects of the environment and all people in the environment will be taken into account, by pursuing what is considered the best practicable environmental option*”.

3.3 NATIONAL HERITAGE RESOURCES ACT

The protection and management of South Africa’s heritage resources is achieved by means of enforcing the National Heritage Resources Act, 1999 (Act No. 25 of 1999). The South African National Heritage Resources Agency (“SAHRA”) is the enforcing authority.

In terms of Section 38 of the National Heritage Resources Act, HWC requires a specialist assessment to be conducted where certain categories of development are proposed. Section 38(8) of the National Heritage Resources Act also makes provision for the assessment of heritage-related impacts as part of an EIA process and indicates that if such an assessment is found to be adequate, a separate specialist study is not required.

The National Heritage Resources Act requires relevant authorities to be notified regarding the proposed formal housing development, as the following is relevant to the proposed housing development:

- *any development or other activity which will change the character of a site exceeding 5000m² in extent;*

3.4 EIA GUIDELINE AND INFORMATION DOCUMENT SERIES

The following are the latest guidelines and information Documents that have been consulted:

- DEA&DP *Environmental Impact Assessment Guideline and Information Document Series* (Dated: March 2013):
 - ✓ *Guideline on Transitional Arrangements*
 - ✓ *Generic Terms of Reference for EAPs and Project Schedules*
 - ✓ *Guideline on Alternatives*
 - ✓ *Guideline on Public Participation*
 - ✓ *Guideline on Exemption Applications*
 - ✓ *Guideline on Appeals*
 - ✓ *Guideline on Need and Desirability*
- Department of Environmental Affairs and Tourism (DEAT) *Integrated Environmental Management Information Series*

3.5 NATIONAL WATER ACT

In addition to the provisions of the NEMA for the EIA process, the proposed development may also require authorization under the National Water Act, 1998 (Act No. 36 of 1998), as some drainage lines exist on the proposed site that are likely be altered by the proposed development. The National Department of Water and Sanitation which administers the Act, will be a major role-player in the EIA process.

3.6 NATIONAL ENVIRONMENTAL MANAGEMENT ACT: BIODIVERSITY ACT OF 2004

The National Environmental Management Act: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA") is part of the suite of legislation falling under the NEMA, which includes the Protected Areas Act, the Air Quality Act, the Integrated Coastal Management Act and the Waste Act. Chapter 4 of the NEMBA deals with threatened and protected ecosystems and species and related threatened processes and restricted activities. The need to protect listed ecosystems is addressed (*Section 54*).

4. ALTERNATIVES

The following alternatives have been considered for the proposed development:

4.1 SITE ALTERNATIVES

The proposed site is approximately 44ha in size and an informal settlement currently occupies the majority of the property. It will be easier for the Dawid Kruiper Local Municipality to establish the proposed formal housing development on the same property where the informal settlement currently stands than to arrange for the informal settlers to be relocated to an alternative site that the informal settlers may not want to relocate to. In addition, the proposed site is owned by the municipality and will therefore not have to be purchased by the municipality. The public funds will instead be used more for establishing the proposed formal housing development and to provide service infrastructure to the proposed development. In view of this, Paballelo 1 is the only site alternative considered..

4.2 ACTIVITY ALTERNATIVES

The preferred activity alternative and the only activity alternative that the applicant has considered is the establishment of a formal housing development on the proposed site.

The applicant has not considered any other activity alternative for the proposed site. The proposed site is in a significantly disturbed state as a result of the existing on-site informal settlement, thus minimising the likelihood that any significant negative environmental impacts will arise from establishing the proposed formal housing development on the proposed site. In addition, the likelihood exists that relocating the informal settlers in order to implement an alternative development proposal on the proposed site will require that the on-site informal settlers be relocated and this will cause unnecessary social upheaval or even violence that can be avoided by establishing the formal housing development in the same place where the informal settlement currently stands.

The proposed formal housing development on Paballelo 1 is therefore deemed to be the most desirable activity alternative on the proposed site. This activity alternative will be investigated in depth during the Environmental Impact Reporting phase.

4.3 NO-GO ALTERNATIVE

The applicant has also considered the option of not proceeding with the proposed development.

The implementation of the “no-go” alternative will not directly cause any new negative environmental impacts. However, implementing the “no-go” alternative means that the Dawid Kruiper Local Municipality would do nothing about the people living inside informal structures on the proposed site without receiving most of the basic services that municipalities are required to provide to everyone.

This would amount to a failure of the municipality to perform the duties that municipalities are legally required to perform and this would be a highly undesirable state of affairs.

In light of the above, the no-go- alternative is undesirable and should be discarded and the preferred activity alternative authorised by the competent authority.

4.4 CONCLUDING STATEMENT ON ALTERNATIVES

The applicant wishes to establish a formal housing development on Paballelo Site 1 so that the informal settlers on the proposed site can enjoy the benefit of adequate housing and municipal services in their homes such as electricity supply, piped water supply, flush toilets, and also enjoy the safety of having street lights outside and the convenience of regular refuse collection etc. Paballelo 1 is the only site alternative considered and is deemed the most suitable, as the much of the logistical difficulties of relocating the informal settlers to an alternative site will be avoided. In addition, the informal settlers on Paballelo 1 are accustomed to living on Paballelo 1 and are likely to resist any proposal that involves them being relocated to an alternative site elsewhere..

In light of the above, the competent authority should view Paballelo 1 as the most desirable site alternative.

5. SITE DESCRIPTION

5.1 LOCATION

The proposed site is located on Paballelo Site 1, *i.e.*, a (Portion of New Brighton in the north-east of the township of Paballelo, next to the R360 Regional Road), Upington (See Figure 2). The total area to be occupied by the proposed housing development is approximately 44ha. The geographic coordinates of the four corners of the proposed site are: **28° 25' 43.89"S, 21° 12' 54.17"E**.



Figure 2: Aerial view of the proposed site as a red rectangle and the surrounding area

5.2 VEGETATION

Kalahari Karroid Shrubland are classified as “**Least Threatened**” in terms of the “*Revised List of ecosystems that are threatened and in need of protection*” (GN 47526 of 18 November 2022). About two-thirds of the proposed 44ha footprint area is already transformed because of the on-site informal settlement. The remaining third, to the north of the site, is still covered with natural vegetation. The remaining natural veld can be described as a low sparse (or open) shrubland on shallow gravel soils. Calcrete patches are often visible through the low soil cover, and scatterings of quartz rocks were also occasionally observed. At the time of the site visit the vegetation included a relatively good stand of grassy species (and low weedy herbs, such as *Tribulus* species) because of recent rains. Unfortunately, most of the grasses observed are indicative of overgrazed veld, which also explains the rather dense stands of weedy herbs. A Terrestrial Biodiversity Compliance Statement containing further detail on the vegetation of the proposed site is attached to this Draft Scoping Report as Appendix 2B. The findings contained in the report will be incorporated in the EIR.

5.3 FRESHWATER

The proposed site is traversed by some drainage lines. The drainage lines are very faint and almost unrecognisable, because of human impacts such as informal urban development, grazing of livestock, trampling and littering. All that is left is a shallow depressions with sparse higher vegetation than the vegetation of the surrounding area.

There are still some remnants of drainage lines on the site. The larger one in the middle goes right through the site and into a larger drainage line that stretches in a southeast direction around the built-up area and then stops against Dakota Street in town, from where it carries on as part of the city's stormwater drainage system in a straight line to the N10, from where it is no longer easy to follow it to where it ends up in the Orange River though stormwater infrastructure. The findings and recommendations contained in the specialist report will be incorporated in the EIR.

5.4 CLIMATE

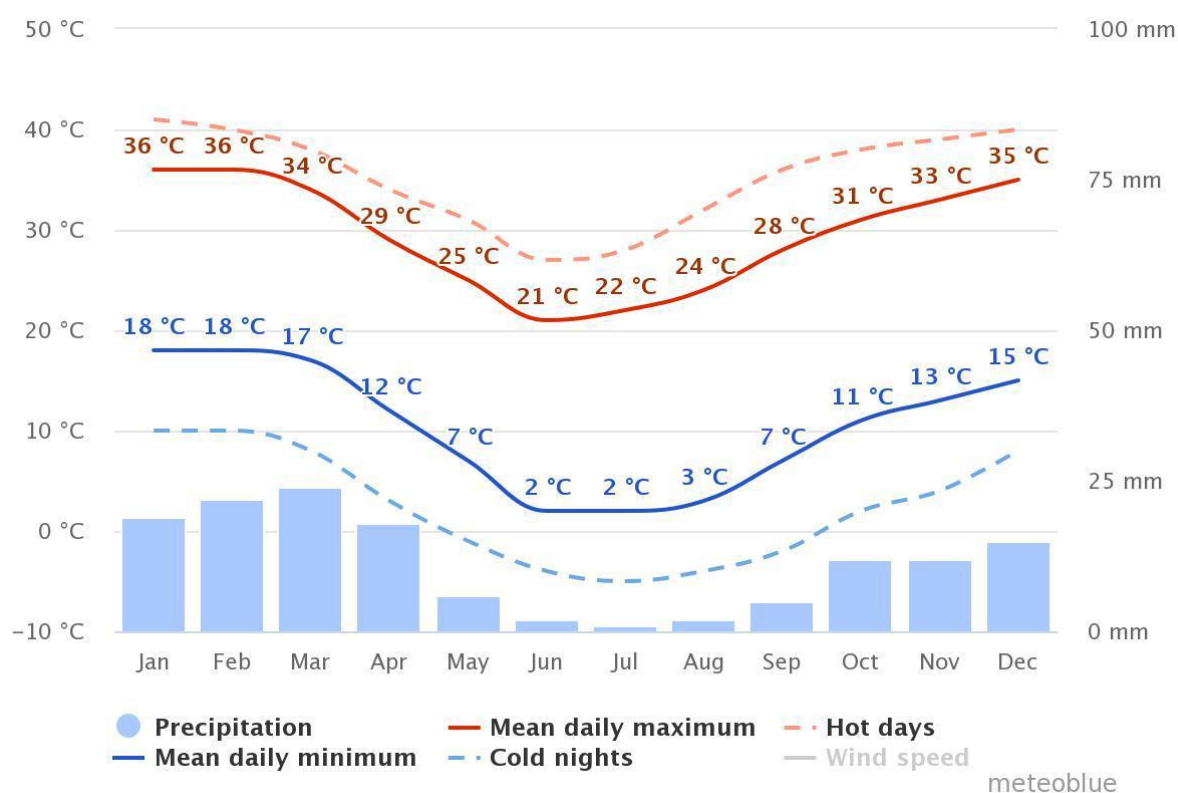


Figure 3: Climate of Upington

Summers in Upington are extremely hot, with temperatures often higher than 40°C. The winters are moderate.

The average annual rainfall only reaching 164mm, with rainfall during summer and little or no rain during winter. The dry season with no rain can last for seven months or longer.

(<http://www.upington.climateps.com> > precipitation).

Sudden electric thunderstorms happen, with fierce downpours, sometimes with hail. Rainfall is erratic, with very long periods of drought that can last for years

The Orange River came down in flood twice over these last two years. The bulk of this water was from the upper catchment and despite the rain in Upington, the lower catchment does not contribute much to the flow.

Upington and surrounds are heavily dependent on the Orange River for their water needs and not on rainfall.

5.5 SOCIO-ECONOMIC CONTEXT

The establishment of the proposed formal housing development will create employment opportunities and skills acquisition for local people during the construction phase and during the operational phase the proposed housing will enable the recipients of formal housing units to enjoy a higher quality of life when residing in adequate housing that is supplied with municipal services such as piped water supply, electricity, flush toilets, refuse collection and increased safety as a result of the provision of street lights.

5.6 HERITAGE FEATURES

Although the proposed site has been transformed by the existing on-site informal settlement, the proposed formal housing development will alter more than 5000m² of land and therefore it is necessary in terms of the National Heritage Resources Act of 1998 that approval from the South African Heritage Resources Agency be obtained for the proposed development.

6. SERVICES

The Dawid Kruiper Local Municipality will be requested to provide confirmation of the availability of adequate unallocated capacity for meeting the water needs of the proposed formal housing development.

6.1 WATER

The Dawid Kruiper Local Municipality will be requested to provide confirmation of the availability of adequate unallocated capacity for meeting the water needs of the proposed formal housing development. A water use licence application will be lodged for construction work that will take place within 32m of the on-site drainage lines.

6.2 WASTEWATER DISPOSAL

The Dawid Kruiper Local Municipality will be requested to provide confirmation of the availability of adequate unallocated capacity for meeting the wastewater needs of the proposed formal housing development.

6.3 ROADS

Existing gravel roads that in the township of Paballelo will continue to be used to access the proposed site.

6.4 STORMWATER

A stormwater management plan must be compiled and implemented so that stormwater is kept from posing a threat to lives and to property.

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6.5 SOLID WASTE DISPOSAL

The Dawid Kruiper Local Municipality will be requested to provide confirmation of the availability of adequate unallocated capacity for meeting the solid waste disposal needs of the proposed housing development.

6.6 ELECTRICITY

The Dawid Kruiper Local Municipality will be requested to provide confirmation of the availability of adequate unallocated capacity for meeting the wastewater needs of the proposed formal housing development.

7. ENVIRONMENTAL ISSUES AND POTENTIAL IMPACTS

Environmental issues were raised through informal discussions with the project team, specialists, I&APs and authorities.

The following potential issues have been identified:

7.1 TERRESTRIAL BIODIVERSITY

A Terrestrial Biodiversity Compliance Statement dated 14 April 2023 has been compiled by PB Consult for the proposed formal housing development. Please refer to Appendix 2B.

7.2. AQUATIC BIODIVERSITY

A freshwater specialist was appointed to conduct a freshwater investigation and the specialist has compiled a report dated May 2023. Please refer to Appendix 2C.

The potential impacts of the proposed housing development relating to freshwater will be dealt with in detail during the EIR phase of the application for environmental authorisation.

7.3. HERITAGE

Although the proposed site has been significantly transformed by the on-site informal settlement, the proposed housing development will alter more than 5000m² of land and therefore it is necessary in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) that approval from the South African Heritage Resources Agency be obtained for the proposed development.

7.4. SOCIO-ECONOMIC

The potential socio-economic impact of the proposed formal housing development on the lives of affected people will be considered. A specialist has been appointed to compile a socio-economic study for the proposed development on the proposed site. The report is attached hereto as Appendix E. The potential socio-economic impacts of the proposed formal housing development will be dealt with in detail during the EIR phase of the application.

7.5. GEOTECHNICAL

A geotechnical study has been considered for the proposed development and a specialist is compiling the geotechnical study report. The conclusions reached in the report will be dealt with during the EIR phase of the application.

7.6. CUMULATIVE IMPACTS

The proposed site is significantly transformed by the existing on-site informal settlement. It is therefore unlikely that the proposed formal housing development will add much to the impacts caused by the existing informal settlement on the proposed site. In fact it is envisaged that the proposed formal housing development will lower many of the existing impacts on the proposed site that have been caused by the informal settlement such as the current land pollution caused by the lack of a sewer system for the disposal of wastewater.

The possible cumulative impacts of the proposed formal housing development will be investigated in detail during the EIR phase of the application.

7.7. OTHER ISSUES IDENTIFIED

Any other issues raised during the public participation process by I&APs and commenting authorities or by the Competent Authority that are not mentioned in this section will be dealt with during the EI Reporting phase of the application.

8. DETAILS OF THE PUBLIC PARTICIPATION PROCESS

Potential I&APs have been identified and will continue to be identified throughout the application process. Landowners and occupiers of land adjacent to the proposed site, relevant organs of state, relevant organizations have been added to the database. A list of State Departments and other organs of state and individual groups identified to date is shown in **Appendix 1C**.

Public Participation will be continued with for the proposed development, in line with the requirements outlined in Regulation 41 of the EIA Regulations, 2014 (as amended). Each subsection of Regulation 41 of the EIA Regulations, 2014 (as amended) will be dealt with separately below to demonstrate that potential I&APs were notified of the proposed development.

R54 (2) (a):

R41 (2) (a) (i): Site notices (A2 and A3 sizes) were placed at different locations around the proposed site.

The posters contained all details as is prescribed in Regulation 41(3) (a) and (b) and the size of the on-site poster was at least 60cm by 42cm as is prescribed in Regulation 41 (4) (a).

R41 (2) (a) (ii): N/A. No alternative site was considered.

R41 (2) b):

R41 (2) (b) (i): N/A. The Applicant is the landowner

R41 (2) (b) (ii): Written notification was circulated to the landowners and occupiers of land adjacent to/on and within proximity to the proposed site.

R41 (2) (b) (ii): Written notification was given to the municipal councillor of the ward where the proposed site is located.

R54 (2) (b) (v): Notification in writing was given in which comment was requested from the following State Departments and organs of the state and other organisations that have jurisdiction in respect of an aspect of the proposed activity:

- National Department of Water and Sanitation
- Dawid Kruiper Local Municipality
- Namakwa District Municipality

R41 (2) (c) (i): An advertisement was placed in the “*Noordkaap bulletin*” local newspaper of 02 April 2023.

R41 (2) (d): N/A

R41 (6):

R41 (6) (a): All relevant facts regarding the development proposal were made available to potential I&APs and this will continue throughout the application process for environmental authorisation.

R41 (6) (b): I&APs were given at least 30 days to register and comment during the pre-application PPP.

R42 (a), (b), (c) and R43(2): A list of potential I&APs has been created and will be added to as the application process continues.

All of the PPP steps that were followed during the pre-application process will be followed again concerning the Draft Scoping Report. No comments were received during the pre-application PPP. Any comments that may be received on the Draft Scoping Report will be responded to in a Comments-Responses table that will be attached to the Scoping Report.

9. CRITERIA FOR ASSESSMENT OF IMPACTS

The impacts of the proposed development on the various components of the receiving environment will be evaluated in terms of duration (time scale), extent (spatial scale), magnitude and significance as outlined in Table 1. These impacts can either be positive or negative.

The magnitude of an impact is a judgment value that rests with the individual assessor while the determination of significance rests on a combination of the criteria for duration, extent and magnitude. Significance thus is also a judgment value made by the individual assessor.

Table 1: Criteria used for evaluating impacts

Criteria	Category
Nature of impact	This is an evaluation of the effect that the construction, operation and maintenance of a proposed formal housing development would have on the affected environment. This description should include what is to be affected and how.
Duration (Predict whether the lifetime of the Impact will be temporary (less than 1 year) short term (0 to 5 years); medium term (5 to 15 years); long term (more than 15 years, with the Impact ceasing after full implementation of all development components with mitigations); or permanent.	Temporary: < 1 year (not including construction) Short-term: 1 – 5 years Medium term: 5 – 15 years Long-term: >15 years (Impact will stop after the operational or running life of the activity, either due to natural course or by human interference) Permanent: Impact will be where mitigation or moderation by natural course or by human interference will not occur in a particular means or in a particular time period that the impact can be considered temporary
Extent (Describe whether the impact occurs on a scale limited to the site area; limited to broader area; or on a wider scale)	Site Specific: Expanding only as far as the activity itself (<i>onsite</i>) Small: restricted to the site's immediate environment within 1 km of the site (<i>limited</i>) Medium: Within 5km of the site (<i>local</i>) Large: Beyond 5km of the site (<i>regional</i>)
Intensity (Describe whether the magnitude (scale/size) of the Impact is high; medium; low; or negligible. The specialist study must attempt to quantify the magnitude of impacts, with the rationale used explained)	Very low: Affects the environment in such a way that natural and/or social functions/processes are not affected Low: Natural and/or social functions/processes are slightly altered Medium: Natural and/or social functions/processes are notably altered in a modified way High: Natural and/or social functions/processes are severely altered and may temporarily or permanently cease
Probability of occurrence Describe the probability of the Impact <u>actually</u> occurring as definite (Impact will occur regardless of mitigations)	Improbable: Not at all likely Probable: Distinctive possibility Highly probable: Most likely to happen Definite: Impact will occur regardless of any prevention measures
Status of the Impact Describe whether the Impact is positive, negative (or neutral).	Positive: The activity will have a social/ economical/ environmental benefit Neutral: The activity will have no affect Negative: The activity will be socially/ economically/ environmentally harmful
Degree of Confidence in predictions State the degree of confidence in predictions based on availability of information and specialist knowledge	Unsure/Low: Little confidence regarding information available (<40%) Probable/Med: Moderate confidence regarding information available (40-80%) Definite/High: Great confidence regarding information available (>80%)
Significance	No change: A potential concern which was found to have no impact when evaluated

<p>(The impact on each component is determined by a combination of the above criteria and defined as follows) The significance of impacts shall be assessed <u>with and without mitigations</u>. The significance of identified impacts on components of the affected biophysical or socio-economic environment (and, where relevant, with respect to potential legal requirement/s) shall be described as follows:</p>	<p>Very low: Impacts will be site specific and temporary with no mitigation necessary.</p> <p>Low: The impacts will have a minor influence on the proposed development and/or environment. These impacts require some thought to adjustment of the project design where achievable, or alternative mitigation measures</p> <p>Moderate: Impacts will be experienced in the local and surrounding areas for the life span of the development and may result in long term changes. The impact can be lessened or improved by an amendment in the project design or implementation of effective mitigation measures.</p> <p>High: Impacts have a high magnitude and will be experienced regionally for at least the life span of the development, or will be irreversible. The impacts could have the no-go proposition on portions of the development in spite of any mitigation measures that could be implemented.</p>
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In addition to determining the individual impacts against the various criteria, the element of mitigation, where relevant, will also be brought into the assessment. In such instances the impact will be assessed with a statement on the mitigation measure that could or should be applied. An indication of the likelihood that mitigation will achieve the indicated end result is given on a scale of 1-5 (1 being totally uncertain and 5 being absolutely certain), taking into consideration uncertainties, assumptions and gaps in knowledge.

Table 2: The stated assessment and information will be determined for each individual issue or related groups of issues and presented in descriptive format in the following table example or a close replica thereof.

Impact Statement:		
Mitigation:		
Ratings	Duration	
	Extent	
	Intensity	
	Probability of impact	
	Status of Impact (Positive/negative)	
	Degree of confidence	
Significances	Significance without Mitigation	
	Significance <u>WITH</u> Mitigation	
Indication of the certainty of a mitigation measure considered, achieving the end result to the extent indicated, is given on a scale of 1-5 (1 being totally uncertain and 5 being absolutely certain), taking into consideration uncertainties, assumptions and gaps in knowledge		
Legal Requirements (Identify and list the specific legislation and permit requirements which are relevant to this development):		

Please refer to Appendix 2F for a more detailed description of the impact significance rating methodology that has been used.

10. PLAN OF STUDY FOR THE EIR

10.1 TASKS TO BE UNDERTAKEN

The Application Form was submitted to the competent authority and the Draft Scoping Report will be made available to the competent authority and to Interested and Affected Parties for a commenting period of at least 30 days. The comments received during the PPP will be responded to and incorporated in the Scoping Report.




The following is a list indicating what must be included in a Plan of Study for the Environmental Impact Reporting phase as per the EIA Regulations of 2014 (as amended).

- (i) *“a description of the alternatives to be considered and assessed within the preferred site, including the option of not proceeding with the activity”*. Please refer to Section 4 of this Draft Scoping Report for the full details on the alternatives considered for the proposed development.
- (ii) *“a description of the aspects to be assessed as part of the environmental impact assessment process”*. Please refer to Section 7 of this Draft Scoping Report.
- (iii) *“aspects to be assessed by specialists”*. Please refer to Appendices 2B, 2C, 2D and 2E for full details on the aspects dealt with by specialists.
- (iv) *“a description of the proposed method of assessing the environmental aspects, including a description of the proposed method of assessing the environmental aspects, including aspects to be assessed by specialists”*. Please refer to Appendices 2B, 2C, 2D and 2E.
- (v) *“a description of the proposed method of assessing duration and significance”*. Please refer to Table 2 and to Appendix 2F for full details.
- (vi) *“an indication of the stages at which the competent authority will be consulted”*. Please refer to Table 3 below.
- (vii) *“particulars of the public participation process that will be conducted during the environmental impact assessment process”*. The PPP that will be followed during the environmental impact assessment process will be identical to the PPP followed during the pre-application phase and Scoping phase that has been described in Section 8 of this Scoping Report, except for the placing again of an advertisement in the newspaper.
- (viii) *“a description of the tasks that will be undertaken as part of the environmental impact assessment process”* Please refer to Table 3 below.

Table 3. Proposed plan of study and tasks to be undertaken

No.	Action	Target Date	Progress
Pre-Application Phase			
1	Clarification meeting with client and appointment of environmental assessment practitioner ("EAP") for EIA and environmental authorisation ("EA") application		
2	Appointment of specialists for EIR assessments	June 2023	
3	Pre- application Public Participation Process ("PPP"): <ul style="list-style-type: none"> - Letter drops given to residents in and around proposed site - Posters placed at tuck shops around Paballelo 1 and other prominent places, on notice board at Dawid Kruiper Local Municipality offices in Upington - Press advertisement appeared in the Nooordkaap bulletin of 06/04/2023 and - Notification given to ward councillor Commenting period is always a minimum of 30 days ¹	03/04/2023	
5	EAP site visit	03/04/2023	
Application Phase			
12	Submit Application Form	20/06/2023	competent authority has 10 days to acknowledge receipt
13	Submit Draft Scoping Report to competent authority with Plan of Study for EIR and make the Draft Scoping Report available to Registered I&APs to comment on for 30 days	29/06/2023	
14	Compile Comments-Responses Table	29/06/2023-28/07/2023	
15	Submit Scoping Report with Plan of Study to competent authority	03/08/2023	44 days from date of submitting application form
16	Receive decision on acceptability of Scoping Report and Plan of Study from competent authority	15/09/2022	43 days from date of submitting Scoping Report to competent authority
Environmental Impact Reporting ("EIR") (Timeframe of 106 days starts from date on which competent authority approves Scoping Report)			
17	Compiling of Draft EIR and appendices		Depends on date when the competent authority accepts the Scoping Report and Plan of Study for EIR
18	Submit Draft EIR to competent authority and make the report available for I&APs to comment on		Depends on date when the competent authority accepts the Scoping Report and Plan of Study for EIR
19	Submit EIR to competent authority		
20	Receive decision reached by competent authority		Competent Authority has 107 days for decision-making

21	Applicant to inform I&APs of the decision of competent authority and the right of I&APs to appeal. EAP may be instructed to inform I&APs on behalf of Applicant. I&APs have 20 days to appeal decision of competent authority.		The decision made by the competent authority can be expedited on request by the applicant.
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KEY: Target not met:  In progress:  Target met / met to date: 

10.2 CRITERIA FOR ASSESSMENT OF IMPACTS

The impacts of the proposed development on the various components of the receiving environment will be evaluated in terms of duration (time scale), extent (spatial scale), magnitude and significance as outlined in Table 1. These impacts can either be positive or negative.

The magnitude of an impact is a judgment value that rests with the individual assessor while the determination of significance rests on a combination of the criteria for duration, extent and magnitude. Significance thus is also a judgment value made by the individual assessor.

Table 4: Criteria used for evaluating impacts

Criteria	Category
Nature of impact	This is an evaluation of the effect that the construction, operation and maintenance of a proposed formal housing development would have on the affected environment. This description should include what is to be affected and how.
Duration (Predict whether the lifetime of the Impact will be temporary (less than 1 year) short term (0 to 5 years); medium term (5 to 15 years); long term (more than 15 years, with the Impact ceasing after full implementation of all development components with mitigations); or permanent.	Temporary: < 1 year (not including construction) Short-term: 1 – 5 years Medium term: 5 – 15 years Long-term: >15 years (Impact will stop after the operational or running life of the activity, either due to natural course or by human interference) Permanent: Impact will be where mitigation or moderation by natural course or by human interference will not occur in a particular means or in a particular time period that the impact can be considered temporary
Extent (Describe whether the impact occurs on a scale limited to the site area; limited to broader area; or on a wider scale)	Site Specific: Expanding only as far as the activity itself (<i>onsite</i>) Small: restricted to the site's immediate environment within 1 km of the site (<i>limited</i>) Medium: Within 5km of the site (<i>local</i>) Large: Beyond 5km of the site (<i>regional</i>)
Intensity (Describe whether the magnitude (scale/size) of the Impact is high; medium; low; or negligible. The specialist study must attempt to quantify the magnitude of impacts, with the rationale used explained)	Very low: Affects the environment in such a way that natural and/or social functions/processes are not affected Low: Natural and/or social functions/processes are slightly altered Medium: Natural and/or social functions/processes are notably altered in a modified way High: Natural and/or social functions/processes are severely altered and may temporarily or permanently cease
Probability of occurrence Describe the probability of the Impact <u>actually</u> occurring as definite (Impact will occur regardless of mitigations)	Improbable: Not at all likely Probable: Distinctive possibility Highly probable: Most likely to happen Definite: Impact will occur regardless of any prevention measures
Status of the Impact Describe whether the Impact is positive, negative (or neutral).	Positive: The activity will have a social/ economical/ environmental benefit Neutral: The activity will have no affect Negative: The activity will be socially/ economically/ environmentally harmful
Degree of Confidence in predictions State the degree of confidence in predictions based on availability of information and specialist knowledge	Unsure/Low: Little confidence regarding information available (<40%) Probable/Med: Moderate confidence regarding information available (40-80%) Definite/High: Great confidence regarding information available (>80%)
Significance	No change: A potential concern which was found to have no impact when evaluated

<p>(The impact on each component is determined by a combination of the above criteria and defined as follows) The significance of impacts shall be assessed <u>with and without mitigations</u>. The significance of identified impacts on components of the affected biophysical or socio-economic environment (and, where relevant, with respect to potential legal requirement/s) shall be described as follows:</p>	<p>Very low: Impacts will be site specific and temporary with no mitigation necessary.</p> <p>Low: The impacts will have a minor influence on the proposed development and/or environment. These impacts require some thought to adjustment of the project design where achievable, or alternative mitigation measures</p> <p>Moderate: Impacts will be experienced in the local and surrounding areas for the life span of the development and may result in long term changes. The impact can be lessened or improved by an amendment in the project design or implementation of effective mitigation measures.</p> <p>High: Impacts have a high magnitude and will be experienced regionally for at least the life span of the development, or will be irreversible. The impacts could have the no-go proposition on portions of the development in spite of any mitigation measures that could be implemented.</p>
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In addition to determining the individual impacts against the various criteria, the element of mitigation, where relevant, will also be brought into the assessment. In such instances the impact will be assessed with a statement on the mitigation measure that could or should be applied. An indication of the likelihood that mitigation will achieve the indicated end result is given on a scale of 1-5 (1 being totally uncertain and 5 being absolutely certain), taking into consideration uncertainties, assumptions and gaps in knowledge.

Table 5: The stated assessment and information will be determined for each individual issue or related groups of issues and presented in descriptive format in the following table example or a close replica thereof.

Impact Statement:		
Mitigation:		
Ratings	Duration	
	Extent	
	Intensity	
	Probability of impact	
	Status of Impact (Positive/negative)	
	Degree of confidence	
Significances	Significance without Mitigation	
	Significance <u>WITH</u> Mitigation	
Indication of the certainty of a mitigation measure considered, achieving the end result to the extent indicated, is given on a scale of 1-5 (1 being totally uncertain and 5 being absolutely certain), taking into consideration uncertainties, assumptions and gaps in knowledge		
Legal Requirements (Identify and list the specific legislation and permit requirements which are relevant to this development):		

Please refer to Appendix 2F for a more detailed description of the impact significance rating methodology.

10.3 PUBLIC PARTICIPATION AND INTERESTED AND AFFECTED PARTIES

The IAPs will be given an opportunity to view and comment on all draft reports to be submitted to the competent authority.

At the end of the commenting period, the Draft reports will be revised in response to feedback received from I&APs and the competent authority. All comments received and responses to the comments will be incorporated in the Scoping Report and the Environmental Impact Report (EIR).

Correspondence with I&APs will be via post, fax, telephone, electronic mail and newspaper advertisements and delivery by hand where required.

Should it be required, this process may be adapted depending on input received during the ongoing process and as a result of public input. DEA&DP will be informed of any changes in the process.

11. CONCLUSION AND RECOMMENDATIONS

A pre-application PPP process was undertaken to inform I&APs of the proposed development and to identify potential environmental issues and potential concerns. The issues and concerns that were raised in response to the notifications by I&APs, authorities, the project team as well as specialist input, have been incorporated in the Draft Scoping Report.

This Draft Scoping Report, compiled in terms of the EIA Regulations, 2014 (as amended), summarises the pre-application process followed and the scoping process being conducted, the alternatives considered, and the issues and concerns raised.

As a result of the above, the need for the following specialist studies was identified:

- Terrestrial Biodiversity Study
- Aquatic Biodiversity Study
- Socio-economic Impact Study
- Geotechnical Study
- Heritage Impact Study

Any other issues raised during the Public Participation Process will be dealt with in the Scoping Report and during the EIR phase.

12. DETAILS AND EXPERTISE OF THE EAP

This Draft Scoping Report was prepared by Bernard de Witt, who has more than 30 years of experience in environmental management and environmental impact assessments.

After qualifying with a B. Sc. in Forestry and a B. A. (Hons) in Public Administration at the University of Stellenbosch, Bernard joined the Department of Forestry as an Indigenous Forest Planner in 1983, going on to become Manager of the Table Mountain Reserve with the Cape Town Council.

He then joined Cape Nature Conservation (CNC) and headed its Conservation Planning Section before taking up the position of District Manager of the Boland area (inc. the Hottentots Holland and Kogelberg). As a Regional Ecologist, he co-ordinated managerial and scientific inputs into Provincial Nature Reserves in the Boland, Overberg and West Coast regions of the Western Cape Province.

For the last four years of his employment, he assessed and evaluated development applications, from an environmental perspective, on behalf of CNC (now Western Cape Department of Environmental Affairs and Development Planning ("DEA&DP")). Since he left DEA&DP, he has been involved in environmental consulting in the private sector as a member of EnviroAfrica.

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