

DRAFT SCOPING REPORT COMMENTS RECEIVED - Proposed housing development, Portion 1 and Remainder of Farm Sims, No 462, 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, subsoil 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
	Botanical				
2015/05/20		The draft Scoping Report (DSR) page 7 stated that "Consideration is been given to the rezoning and subdivision of Portion 1 and the Remainder of the Farm Sims No. 462, Kuruman RD, Kathu from Agricultural Zone I for the development of a mixed use residential development". Page 18 refers to the no-go alternative and stated that "currently no agricultural activities are taking place on this site although it is zoned as Agricultural Zone I". Kindly note that rezoning 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 the supported recommendation under the Act. A local authority cannot change the zoning of demarcated agricultural land to any other zoning without a letter from the Registrar of the Act. The DAFF is responsible for the Sub-division of Agricultural Land Act 70 of 1970.	Jacoline Mans - Department of Agriculture, Forestry and Fisheries - Northern Cape	Please note that the application for land use change by the local authorities will only be lodged after the EA for the development proposal has been received. As far as we are aware, the land involved in these applications, albeit being zoned as Agricultural land in terms of the municipal scheme regulations, has already been proclaimed (excluded from the definition of Agricultural Land as contemplated by Act 70 of 1970). Consequently, the DAFF does not have any jurisdiction over the land's rezoning and subdivision process. Should we be proven otherwise, we will follow the due processes required by law.	MacroPlan
		Kindly note that a portion of the farm Sims 462 forms part of the demarcated Kathu Forest area. The DAFF may not support re-zoning in any part of the Kathu Forest, but we do not object to re-zoning outside of the Kathu forest. Please ensure that the area of the farm Sims containing a portion of the Kathu Forest is excluded from the application for -re-zoning		Noted. As per figure 5 of the Draft Scoping Report, the proposed site is well outside of the Kathu Forest. MacroPlan - As per the notice of proclamation we have been provided with, the development is nowhere close to the Kathu Forest?	EnviroAfrica/ MacroPlan
		Page 26 indicated that "mammal and bird species was not regarded as the proposed activity is not expected to have significant, permanent impact on these species." Page 22 mentioned that a small seasonal pan is located in the northern corner of the study site. Therefore, it might be necessary to assess the impacts on avifauna.		The proposed layout has taken mature Acacia erioloba into account. Most fauna and avi-fauna species of importance will be associated with the Camelthorns on the property, and as such, the impact of the proposed development on the Camelthorn trees will be assessed in the Botanical Impact Assessment. The small seasonal pan will be buffered from the proposed development and should not affect any avifauna that may come there from time to time.	EnviroAfrica / Dr Dave McDonald
	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 notes that the property is approximately 168.9 hectares in size and is located to the west of the town of Kathu, adjacent to the Kathu Village Mall, and east of Mapoteng. We note that conflicting information is provided later in the report, where it is stated that the property is located to the north of the town of Kathu. 5 Clarification is required in order to identify the correct location of the property. Once the report has been supplemented in this regard, we submit that it should be recirculated for public comment so that parties who were under the impression that they would not be affected, and may be so affected, have the opportunity to comment.		Noted. The site is located to the west of Kathu, as per Figure 1 and 2 of the Scoping Report	
		We note that the R380 runs through the proposed development. Further information is required in order to determine whether consent or approval from the relevant roads management authority is required, and if so, whether this application has been made.		Macroplan has already received the necessary consents and feedback from the relevant roads authorities. The development of intersections and any construction under their jurisdiction will be done under the scrutiny of the relevant departments.	MacroPlan
		The current property zoning is Agricultural and, according to the report, an application for rezoning and subdivision is being considered for the development of a mixed use residential development. 6 No further information regarding the rezoning and subdivision application has been provided.		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
		Our clients are of the view that the proposed development is undesirable and will have a negative impact on their own rights and interests as landowners as well as on the receiving and surrounding environment. Our clients have instructed us to submit comments on the report, which we hereby do.		Noted	
		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
		The report states that consideration is being given to the construction of a housing development and associated infrastructure on the property. However, the report notes that consideration is being given to the rezoning and subdivision of the property from Agricultural Zone I for the development of a mixed-use residential development. The report furthermore confirms that the applicant envisaged the property to conform to a mixed use development.		A mixed-use residential development is proposed. Any confusion has been amended in the Final Scoping Report	

		We submit that the report does not clearly state whether the property will be utilized for a housing development or a mixed-use development. The lack of clarity in the report regarding the use of the property represents a flaw in the report. The report must be supplemented in this regard, providing detailed information as to the exact property uses contemplated by the applicant and how the current application is related to the rezoning and subdivision applications referred to in the report.		A mixed-use residential development is proposed. Any confusion has been amended in the Final Scoping Report	
		We note that the report considers the need and desirability of the proposed development. It is however unclear whether the factors considered in determining the desirability of the proposed development applies to the current project to be undertaken on Farm Sims as reference is also made to an entirely different development namely, the <i>Uitkoms</i> residential development situated on the property known as Farm Uitkoms. Reference to these two different developments has resulted in confusion as these developments are very similar in		The need and desirability refers to the proposed development on Farm Sims. Any typographical errors have been amended in the Final Scoping Report	
		The lack of accurate and detailed information in the report represents a flaw in the report and as such, the report must be referred back to the EAP for amendment, following which it must be recirculated for comment.		Amendments have been made in the Final Scoping Report, which will be recirculated to all Registered and Interested and Affected Parties	EnviroAfrica
	Application Form				
		As noted above, our clients are aware that the assessment process is in its infancy and that further detailed 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.	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	Please note that the Draft Scoping Report states on page 12 that 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
	Public Participation				
		In the report, the EAP refers to compliance with regulation 54(2)(6)(vi) of the NEMA 2010 regulations by confirming that notification letters were sent to organs of state which have jurisdiction in respect of the proposed development. 7.2.2 It is noted that the initial notification letter which was purportedly sent to the South African Heritage Resources Agency ("SAHRA") was not attached to the report. It is therefore unclear as to whether SAHRA was notified of the proposed development, as required in terms of section 38 of the NHRA. This discrepancy represents a flaw in the report. As such, the report must be amended in order to confirm whether SAHRA was notified, as it legally required, and proof of such notification must be provided.	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 note that all applications to SAHRA are through an on-line database called SAHRIS (integrated on-line heritage resource information system). SAHRA have been notified (Case ID 5833), and the initial notification letter and Draft Scoping Report were loaded onto the database. Proof of the on-line registration will be included in the Final Scoping Report	EnviroAfrica
	Services/ infrastructure				
		We note that the infrastructure requirements for the proposed development have not been adequately addressed in the report. The report notes that access to the site will be provided via the R380 at the Kathu Village mall, from the Kathu mine road and from the "old road" to the north. The report confirms that all roads will require upgrading, however no information has been provided as to whether any consent from the Provincial or local roads authority will be required. Furthermore, no indication is provided as to the duration of these upgrades and how these works will impact on the existing traffic flow of the area.	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. More details of the infrastructure, roads and traffic will be provided in the Draft EIR. A Traffic Impact Assessment will also be included in the EIR	EnviroAfrica
		Furthermore, the report notes that water supply will be provided by the Kathu West and Sesheng South reservoirs, however no confirmation of capacity to supply the volumes of water required has been provided. Considering the nature and size of the development, it is imperative that a reliable water supply be secured for both the construction and operational phases in order to prevent any detrimental impacts on the natural water resources in the area.		Noted. Confirmation will be provided in the EIR.	EnviroAfrica
		A Preliminary Bulk Services and Infrastructure Status Report ("the BSISQR") was provided with the report; however the BSISQR states that it should be read in conjunction with previous reports prepared by Aurecon / WorleyParsons. We note that these previous reports have not been made available together with the report, making it impossible for interested and affected parties to submit informed comments thereon.		Noted. More details regarding the services will be included in the EIR	EnviroAfrica

		We note that the Electrical Service Report provided with the report (Appendix 6) was conducted for the development on Farm <i>Uikoms</i> and not this proposed development. It is therefore unclear as to how the findings of this report, which was conducted in respect of an entirely different property, can be relied upon. Nevertheless, we note that the Electrical Service Report clearly states that the capacity of Kathu substation is insufficient to accommodate any further development in Kathu.		Noted. The incorrect report was included in the Draft Scoping Report, however, the findings as included in the Draft Scoping Report (page 25) still stands. Please note that the correct reports have been included in the Final Scoping Report.	
		It is unclear whether the proposed Postmasburg Waste Water Treatment Works and sewer line forms part of the current application process. We submit that the lack of clarity regarding this activity presents a flaw in the report. Waste water and sewerage treatment are of significant concern to our clients, whose use and enjoyment of their properties will be negatively impacted upon as a result of inadequate waste water and sewerage management. The lack of information presents a significant flaw in the report and it must be amended and recirculated for comment.		Noted. This is a typographical error, and has been amended in the Final Scoping Report. Bulk waste water will be accommodated at the Gamagara Municipality Waste Water Treatment Works (WWTW). According to the Bulk Services and Infrastructure Status Report (Appendix 5), an additional 0.21Ml per day of additional Waste Water Treatment Capacity will be required by the development.	EnviroAfrica
		We note that the report does not provide sufficient information on the GMRSDf, this is particularly significant with regard to whether the municipality has the proper refuse disposal infrastructure and capacity required to accommodate the development.		Noted. Service confirmation letters will be provided in the EIR. MacroPlan - The technical Department of the municipality, the latter being the custodians of service delivery, will consider all aspects of service availability (refuse included) when considering the application for land use change. They will also require a BICL from the developer which would have to be applied towards the improvement of infrastructure, should this be necessary. So the matter will be considered from a local government side and should the capacity of landfills need to be expanded (or other alternatives be sought) it would be the responsibility of the municipality to ensure the due processes are followed in this regard	EnviroAfrica and MacroPlan
		In our consideration of the GMRSDf we have noted that refuse disposal is a growing concern for the municipality as refuse is being transported to Dibeng for dumping, however, it appears that this is not a legally declared dumping site. The municipality intends on entering into discussions regarding an alternative dumping site between Kathu and Dibeng. However the current status of these discussions is unclear.		Noted. Service confirmation letters will be provided in the EIR. MacroPlan - The technical Department of the municipality, the latter being the custodians of service delivery, will consider all aspects of service availability (refuse included) when considering the application for land use change. They will also require a BICL from the developer which would have to be applied towards the improvement of infrastructure, should this be necessary. So the matter will be considered from a local government side and should the capacity of landfills need to be expanded (or other alternatives be sought) it would be the responsibility of the municipality to ensure the due processes are followed in this regard	EnviroAfrica and MacroPlan
		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. 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	
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 Gholf en Jag (Pty) Ltd, the Khumani Housing Development Company (Pty) Ltd and the Kalahari Gholf en Jag Home Owners Association	Noted. Please responses below	EnviroAfrica
		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

	<p>Botanical Impacts - We note that the EAP has identified the botanical impact assessment report as a study which must be undertaken as part of the environmental impact assessment process. We note that 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), associated fauna and avi-fauna species and the wetlands and sensitive botanical areas. The impact assessment report must propose mitigation measures which will be put in place in order to properly manage the biodiversity impacts associated with the proposed development. The report states that no fauna or avi-fauna impacts are anticipated and therefore no impact assessments will be undertaken. This statement is unqualified and cannot be relied upon. Considering the location of the proposed development, the need for a comprehensive biodiversity impact assessment is apparent.</p>		<p>No significant impacts are expected. A botanical assessment report has been completed and will be included in the EIR. The impacts of the proposed development have been carefully considered in the report.</p>	<p>EnviroAfrica / Dr Dave McDonald</p>
	<p>Water impacts - We note that the report does not identify a water impact assessment as being necessary. Although the report states that no above ground water resources were found, aside from a seasonal pan located at the northern end of the site, the area has also been identified in the National Freshwater Ecosystem Priority Area as a natural wetland.</p>		<p>The wetland, not the surrounding area, has been identified in the NFEPA maps. The wetland has been excluded from the development footprint, and will be protected within an area designated as Open Space. Dave McDonald - The small seasonal pan will be buffered from the proposed development and should not affect any avifauna that may come there from time to time.</p>	<p>EnviroAfrica / Dr Dave McDonald</p>
	<p>Reference is made to the Gamagara Municipality Reviewed Spatial Development Framework, 2010 ("GMRSDF") which provides that water resources located within the Kathu area are extremely limited and the area has become dependent 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 further result in storm water contamination. Furthermore, the report confirms that there are no plans for any bulk storm water management infrastructure. The need for a water impact assessment report is 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.</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>	<p>MVD Kalahari</p>
	<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 and the intended mixed uses which will be undertaken on the property, 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. The increase in traffic and congestion 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 the traffic impacts.</p>		<p>Noted. The Traffic Impact Assessment will be included in the EIR.</p>	<p>EnviroAfrica</p>
	<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. These areas are subject to on-going archaeological research. The need for a comprehensive assessment of the impact of the proposed development on these resources is apparent.</p>		<p>As per the above, SAHRA have been notified and a copy of the Draft Scoping Report loaded onto SAHRIS. A Heritage and Palaeontological Assessment will be included in the EIR, and will be uploaded to SAHRIS for comment from SAHRA</p>	<p>EnviroAfrica</p>
	<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, current 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 (and its effect on biodiversity in the area) 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 are to be managed.</p>		<p>A visual impact assessment is not deemed necessary. The proposed development will be located within the urban edge, with residential and commercial land-uses adjacent to the property. The proposed site is classified as "mixed-use development" and "lower density residential in the Kathu Spatial Development Framework (Appendix 4) and has been earmarked for the planned urban expansion.</p>	<p>EnviroAfrica</p>

		Noise impacts - We note that the report does not identify a noise impact assessment as being necessary. Due to the 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 surrounding areas). This would likely cause a nuisance which would affect biodiversity in the area, the use and enjoyment of the surrounding properties, as well as negatively impact on the value of these properties. 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.		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 and commercial 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 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 as well as negatively impact the value of these properties.		Noted. Dust mitigation will be addressed in the EMP. Dust is only expected during the construction phase, and this will be temporary. Dust will be addressed in the EIR	EnviroAfrica
		Socio-economic impacts - We note that the report does not identify a socio-economic impact assessment as being necessary. 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 during 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. A socio-economic assessment is required in order to identify the impacts associated with the proposed development (both positive and negative) and propose adequate mitigation measures. Such an assessment would also assist in the desirability determination, as discussed below.		Noted. A Socio-economica 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)(i) 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 development does not materialise. No further socio-economic benefits and disadvantages are discussed in the report. The report should include a socio-economic impact assessment report which identifies the advantages and disadvantages of the proposed development and proposes 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.		Potential negative and positive impacts are, and will continue to be identified during the Scoping Phase of the Application. Impacts, and impact mitigation, will be addressed in the Specialist Reports and 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	Noted. Please see responses below	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 alternative.		The disadvantages and advantages of the various layout alternatives have been touched on the Scoping Report. A more detailed analysis will be included in the EIR and Specialist reports	EnviroAfrica
		The report states that Alternative 3 "has importantly taken the sensitive natural features such as wetlands and the sensitive botanical areas into consideration when it has come to the placement of open spaces and roads", however these considerations are not adequately assessed and interested and affected parties are not provided with any information on the criteria used in the assessment process. This statement also contradicts earlier statements in the report, which provides that there are no above ground water resources present on the property. In terms of the National Water Act, 1998, a wetland is included in the definition of a water resource.		The Scoping Report does not state that there are no above ground water resources. Page 22 of the Draft Scoping Report states "No above ground freshwater resources were found on the site, besides a small seasonal pan located in the northern corner of the site. This has also been identified in the National Freshwater Ecosystem Priority Areas (NFEPA) layer on the SANBI BGIS maps (see Figure 6 above and Figure 7 below) as a natural wetland (Eastern Kalahari Bushveld Group 1 Depression). The wetland has therefore been identified, and been taken into consideration with the layout plans excluding the wetland area from development. A more comprehensive assessment will be done in the EIR and Specialist Reports	EnviroAfrica
		Furthermore, we note that no consideration has been given to the wetlands and sensitive botanical areas when considering the placement of residential properties, institutional properties, business properties and associated infrastructure. As such we submit that the identification and comparative assessment of alternatives does not meet the statutory standard.		Consideration of the placement of roads, open spaces, residential properties etc. has been taken into consideration, with input from the town planner, EAP and Specialist, to minimise any potential negative environmental impacts. These will be assessed in the Specialist reports and 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 Uitkoms, 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.	EnviroAfrica
		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. No technology alternatives have been assessed.	EnviroAfrica
		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 I. 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 development may result in no potential negative environmental impacts, this results in a positive impact as the natural vegetation, heritage resources, water resources and existing businesses and activities will not be negatively affected.		The land is situated within the urban edge of Kathu, as contemplated in the SDF, has been earmarked for the integrative expansion of the town which will lead to the marriage of two previously segregated communities.	MacroPlan
		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	
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 Attornys - 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		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 feasible and reasonable alternatives.			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			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.			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			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 industry			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			
		We note that the proposed development cannot come into operation before the proposed upgrades mentioned in the BSISQR have been implemented, particularly due to bulk water and sewer infrastructures being an important requirement for the development.			
		It is submitted that the lack of infrastructure represents a significant shortfall in the application, considering that without implementation of suitable infrastructure the proposed development cannot be pursued. In considering the lack of information provided, it is evident that the applicant has not fully considered the need for the development in the Kathu area.		The Gamagara Municipality has confirmed that they will fulfill the role of the service provider (please refer to Appendix 5(b)	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 in the application.			EnviroAfrica
	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 Attornys - 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.		Noted	
		It is further noted that the Kathu Forest was declared as the first Protected Woodland in the country, in terms of Government Notice R727 in <i>Government Gazette</i> 32370 of 10 July 2009 ("the Notice"), of section 12 (1) (c) of the NFA.			

		The Notice indicates that the Kathu Forest was registered as "National" Heritage Site in 1995; we understand that this was a typographical error and that the Forest was declared a Natural Heritage Site. This Natural Heritage Site covers an area of approximately 4672 ha. The Kathu Forest has been included in the National Committee for Nature Conservation (NACOR) list as an area of conservation importance in 1978.		Noted.	EnviroAfrica
		It is our understanding that this designation was undertaken in terms of the South African Natural Heritage Programme established by the Department of Environmental Affairs in 1985. This Programme is now regulated under the National Environmental Management: Biodiversity Act, 2004 and National Environmental Management: Protected Areas Act, 2003 which provide the enabling structures to support it. The Natural Heritage Site status results in the limitation of activities which may take place on and around the Forest property.		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			
		the current development and expansion of the town of Kathu which includes an up-market housing development to the north of the town		How does this pertain to SIMS which intends to form an integrative development between Mapoteng/Sesheng and Kathu as previously segregated communities?	MacroPlan
		new and expanding mines		This development is a response to the growing housing need of the expanding mining activity in the region (albeit the need for mining expansion has slowed due to market indicators, the need for housing of the workforce remains)	MacroPlan
		the Impact of the proposed development on the Kathu forest's ecological integrity and the potential loss of biodiversity		The proposed development will not impact directly on the Kathu Forest as it is situated well outside of the demarcated Kathu Forest, as per Figure 5 of the Scoping Report	EnviroAfrica
		groundwater issues are also of major concern. because the lowering of the water table by abstraction could lead to the death of 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. There are not many camelthorn trees on the SIMS site . The vegetation is shrubby and lowering of the watertable is unlikely to have a major effect.	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			
		The report states that the proposed development does not fall within, or adjacent to, the declared Kathu Forest, but that it is located within the Kathu Bushveld, which is characterised by a medium-tall tree layer with <i>Acacia erioloba</i> in places, but mostly open and including <i>Boscia albitrunca</i> as the prominent trees. We submit that the report does not consider the unique ambience for which the area is known (as a result of the Kathu Forest). Furthermore, the exact distance and location of the proposed development in relation to the Kathu Forest is not clarified in the report. We further note that the report only mentions that the proposed development is located within the Kathu Bushveld, but fails to assess the potential impact that the development will have on the unique attributes of this Bushveld (such as the tourism and ecological resources it provides) .		Noted. The location of the site in respect to the Kathu Forest can be seen in Figure 5 of the Scoping Report. Impacts on the Kathu Bushveld vegetation type will be addressed in the Botanical Impact Assessment, and be included in the EIR.	EnviroAfrica
		The report states that the development is located within the urban edge of Kathu, and can therefore also be considered to be infill development. 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 property. It is 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 ne 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 GMSDF states that water resources located within the Kathu area are extremely limited and the area has become dependent on underground water resources. Furthermore, the report contains an unqualified statement that there are no aboveground water resources present on the property. This statement is contradicted as the report later confirms the existence of a small pan on the property and acknowledges that the area is identified in the National Freshwater Ecosystem Priority Area as a natural wetland. No reliance can be placed on these conflicting statements, pending the undertaking of a specialist water impact assessment report. A water impact assessment should be conducted to identify any potential water use activities required for the proposed development and address any impacts that the proposed development might have on the water resources in the area.		The Scoping Report does not state that there are no above ground water resources. Page 22 of the Draft Scoping Report states "No above ground freshwater resources were found on the site, besides a small seasonal pan located in the northern corner of the site. This has also been identified in the National Freshwater Ecosystem Priority Areas (NFEPA) layer on the SANBI BGIS maps (see Figure 6 above and Figure 7 below) as a natural wetland (Eastern Kalahari Bushveld Group 1 Depression). Underground water resources will be addressed in the geo-technical report	EnviroAfrica
	The EAP acknowledges that the site is generally covered in thick vegetation identified and that the site is degraded in certain areas, however it is noted that a specialist botanical impact assessment must still be commissioned to confirm the status of vegetation on the property. In this regard, no reliance can be placed on this statement made in the report until it is confirmed by a specialist impact assessment		Noted. A botanical assessment has been carried out that provides details of potential impacts on the vegetation and flora and will be included in the EIR	EnviroAfrica / Dr Dave McDonald
	The EAP states that the impact on mammal and bird species were not (and will not) be 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 (or will be) undertaken, as such no reliance can be placed on this statement. As noted above, considering the nature and location of the area, such an assessment must be undertaken in order to confirm what the biodiversity impacts of the proposed development will be.		Noted. A botanical assessment has been carried out that provides details of potential impacts on the vegetation and flora and will be included in the EIR	EnviroAfrica / Dr Dave McDonald
	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 included 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 a high density 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 is an important tourist attraction and known for its unique ambience.		Please see responses above. The proposed site cannot be considered an important tourist destination (it is on the other side of town to the Kathu Forest.) A high density residential settlement and mines are located in close proximity to the west of the site. Commercial properties are located in close proximity to the east of the site. The proposed development is therefore not expected to have a significant negative visual impact on the area.	EnviroAfrica
	The report states that heritage impacts have been identified, as a number of Middle Stone Age ("MSA") and Later Stone Age ("LSA") implements were encountered over the proposed development site (a dispersed scatter of MSA tools were recorded in the north east of the proposed development site, alongside the old Kuruman Road and a ruined concrete reservoir and the foundations of a modern structure/building were found among a stand of large Camel thorn trees), 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.		Noted. This is based on initial findings of the heritage specialist. A Heritage and Palaeontological assessment will be included in the EIR. As above, there has been compliance with Section 38 of NHRA, since the project has been registered on SAHRIS.	EnviroAfrica
	The construction and operational phase may result in negative impacts as the use of vehicles, construction materials, chemicals and other hazardous substance may contaminate soil and water sources and negatively impact the surrounding properties. The operational phase will see the use of vehicles, 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 destruction of the ecology in the area.		Noted.	

		As noted above, no studies have been provided as to the traffic impacts of the proposed development. It is submitted that the construction of a high density mixed- use development consisting of 1439 units and commercial business activities will result in a significant increase in traffic on roads which will have a high negative impact on existing infrastructure. The report confirms the anticipated high volumes of traffic that will be generated by the proposed 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 what these mitigation measures are. ³⁶ 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. 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	
		The report confirms that the proposed development cannot come into operation before the proposed bulk services and infrastructure in the Kathu area have been upgraded. It is submitted that the report does not include confirmation by the local authority of its ability and capacity to provide the necessary services to accommodate the proposed development. It is likely that, given the large scale of the proposed development, this would place significant pressure on current service delivery in the area.		Service confirmation letters will be provided in the EIR, or as soon as they are received. See responses above.	EnviroAfrica
		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. Potential soil erosion and dust impacts will be addressed in the Environmental Impact Report and the EMP. A dust impact assessment is therefore not deemed necessary	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 bearing in mind the nature and scale of the proposed development.		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
		The noise, as a result of the use of heavy duty vehicles and construction equipment during the construction phase and the increase in people and activities in the area during operational phase, will likely destroy the current sense of place of the area. As noted above, this may detrimentally impact on the use and enjoyment of the surrounding properties; the current businesses being undertaken in the area and will also result in the reduction of property values.		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 and commercial activities could reduce property values which will have a negative impact on the interests of those who own neighbouring properties. Furthermore, in considering the impacts identified above, the rights of affected parties to the use and enjoyment of their properties will likely be reduced.		Noted. Socio-economic impacts will be addressed in the EIR and Socio-economic Impact Assessment	EnviroAfrica