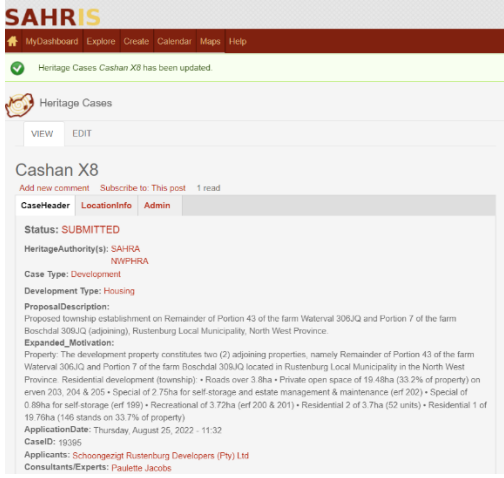


## Comments & Responses Report

I&AP:	I&AP Comment	EAP Response
Ms Lesego	2022-06-27: Requested to be registered. 2022-06-28: Requested copy of draft Scoping Report.	Registered. Supplied draft Scoping Report: 2022-08-29
Zietsman-Horn Attorneys (representing Mr Schild)	2022-07-21: Requested to be registered. Mr Schild is the owner of Portion 7 of the farm Boschdal. Is Portion 7 included in the application? Please clarify extend of application.  2022-07-25: Mr Schild is owner of Portion 6 of the farm Boschdal	Registered. Provided proof of ownership of Portion 7 as Pilansberg Investments (Pty) Ltd. Mr Schild was identified as a direct neighbour. Application includes Portion 7.  Noted, clarified and resolved. Supplied draft Scoping Report: 2022-08-29

## Comments & Responses on the draft Scoping Report

SAHRA	<p>Case number allocated: 19395</p>  <p>The screenshot shows the SAHRIS interface for case 'Cashan X8'. It includes a navigation bar with 'MyDashboard', 'Explore', 'Create', 'Calendar', 'Maps', and 'Help'. A notification states 'Heritage Cases Cashan X8 has been updated'. The case details are as follows:</p> <ul style="list-style-type: none"> <li><b>CaseHeader:</b> LocationInfo Admin</li> <li><b>Status:</b> SUBMITTED</li> <li><b>HeritageAuthority(s):</b> SAHRA, NWPHRA</li> <li><b>Case Type:</b> Development</li> <li><b>Development Type:</b> Housing</li> <li><b>ProposalDescription:</b> Proposed township establishment on Remainder of Portion 43 of the farm Waterval 306JQ and Portion 7 of the farm Boschdal 306JQ (adjoining), Rustenburg Local Municipality, North West Province.</li> <li><b>Expanded_Motivations:</b> Property: The development property constitutes two (2) adjoining properties, namely Remainder of Portion 43 of the farm Waterval 306JQ and Portion 7 of the farm Boschdal 306JQ located in Rustenburg Local Municipality in the North West Province. Residential development (township) • Roads over 3.8ha • Private open space of 19.48ha (33.2% of property) on erven 203, 204 &amp; 205 • Special of 2.75ha for self-storage and estate management &amp; maintenance (erf 202) • Special of 0.88ha for self-storage (erf 189) • Recreational of 3.77ha (erf 200 &amp; 201) • Residential 2 of 3.7ha (50 units) • Residential 1 of 19.76ha (146 stands on 33.7% of property).</li> <li><b>ApplicationDate:</b> Thursday, August 25, 2022 - 11:32</li> <li><b>CaseID:</b> 19395</li> <li><b>Applicants:</b> Schoonheerd Rustenburg Developers (Pty) Ltd</li> <li><b>Consultants/Experts:</b> Paulette Jacobs</li> </ul>	<p>Submitted to SAHRIS: 2022-08-25 Submitted EIR &amp; EMPR: 2023-01-13 No comments received yet.</p>
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Ms Lesego	No comments received by deadline of 2022-09-30.	Provided draft Scoping Report: 2022-08-29 Never down loaded from we transfer.
Zietsman-Horn Attorneys (representing Mr Schild)	No comments received by deadline of 2022-09-30.	Provided draft Scoping Report: 2022-08-29 Never down loaded from we transfer. Confirmed (verbally with Mr Horn via telephone conversation) no further comments: 2022-10-04
RLM: Directorate Community Development; Unit: Integrated Environmental Management (IEM)	<p>Comments: 2022-09-23 (received 26<sup>th</sup>)</p> <p><u>Noted during site visit:</u></p> <ul style="list-style-type: none"> <li>• Site is transformed and built-up.</li> <li>• Site is fenced with boundary paved path for security patrol.</li> <li>• Site disturbances from RLM reservoir construction was rehabilitated and levelled.</li> <li>• Site is accessed through existing Schoongezigt Estate.</li> <li>• Project area is bordered by Kgaswane Nature Reserve to the south and west</li> <li>• Alien invasive species are present on site due to previous disturbances.</li> <li>• Site is surrounded by neighbouring urban residential developments (Cashan X7, Cashan X6, Cashan X4, Safari Tuine, Boschdal) suburbs to the north and east.</li> </ul> <p><u>BPDM EMF:</u> Zones B, C, E &amp; G Land uses are compatible, partially compatible and incompatible. However, site has been previously disturbed by two reservoirs built on site and associated construction works. Therefore, based on review of</p>	<p>Provided draft report: 2022-08-30 Site visit: 2022-09-15</p> <p>Agree.</p> <p>As per pages 21 – 22 in draft and final scoping report.</p>

	<p>information, Unit IEM supports proposed township development.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• All mitigation measures recommended by specialist reports (i.e. the Biodiversity Assessment, Cultural Heritage Impact Assessment, Palaeontology study and Visual Impact Assessment Report) in the Scoping Report and EMP as compiled by HydroScience must be complied with.</li> <li>• All areas designated as sensitive (i.e. MBR core area and Kgaswane Nature Reserve) in report must be delineated and appropriate buffer zones established. The delineated zones should then form part of a sensitivity map that will inform mitigation measures to protect these ecologically sensitive areas. No development must take place within portions of the site designated as sensitive.</li> <li>• A buffer zone must be created between the steeper slope (MBR core area and Kgaswane Nature Reserve) and nearest development to protect this area.</li> <li>• The boundaries of footprint areas are to be clearly defined in final layout plan, to be submitted to the RLM, and it should be ensured that all activities remain within defined footprint areas.</li> <li>• The proposed activity should be managed with utmost care and responsibility, and that habitat disturbance should not be allowed to occur due to development activities.</li> <li>• An Alien Invasive Control Programme must be compiled in order to control alien and invasive vegetation on site during construction and operation.</li> </ul>	<p>Support for project noted.</p> <ul style="list-style-type: none"> <li>• Noted and agree. All mitigation measures recommended by various specialist will be incorporated into the EMPr compiled by HydroScience and a copy of the EMPr will be provided to.</li> <li>• No development in MBR core or Kgaswane Nature Reserve. Small sections of the property in MBR core will be kept as open space. See delineations in Section 6.2 of Scoping Report and biodiversity specialist report (Appendix D). Buffer has been established - see SDP Figure 4-2 (green area as private open space). Ecologically sensitive areas will be protected through the private open space which will be managed by the HOA.</li> <li>• Noted and agreed. Will also include in EMPr and convey to Town Planner.</li> <li>• EMPr (part of next phase of project) will consider this and EMPr will be supplied to RLM.</li> <li>• An Alien Invasive Control Programme will form part of the EMPr (next phase) and will be provided to RLM.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Adequate measures to collect, remove and safely dispose waste must be implemented during each stage of the proposed development, from site preparation to final construction and operation. Proper waste handling facilities must be provided for on the construction site and emptied daily. Solid waste including excess spoil (soil, rock, rubble etc.) must be removed to a recommended waste disposal site.</li> <li>• Appropriate and visible signalling for safety purposes must be posted at reasonable distances (those that allow sufficient time for reaction by motorist) at every intersection of the road affected by the construction and operational activities.</li> <li>• Dust generated by construction activities must be minimised by dust suppression techniques such as the use of water sprinkler.</li> <li>• The Storm Water Management Plan (SWMP) must address any potential pollution from oil and diesel leaks or spills during construction and operation. The plan must ensure sufficient berms are constructed to contain accidental spills.</li> <li>• The proposed activity to be managed with utmost care and responsibility, and that habitat disturbance should not be allowed to occur due to development activities. In the event of the uncovering of any further material of archaeological or cultural significance during foundation excavation, the construction in the vicinity of the finding must be stopped.</li> <li>• The removal, exhumation, destruction or altering or any other disturbance of heritage sites must be authorised by SAHRA in terms of the NHRA. The archaeological sites identified must not be disturbed before SAHRA has made a decision in this regard.</li> </ul>	<ul style="list-style-type: none"> <li>• Waste management will be addressed in the EMPr (next phase) and provided to RLM.</li> <li>• A traffic Impact study will be conducted. Traffic management will be addressed in the EMPr (next phase).</li> <li>• Dust suppression will be included in the EMPr (next phase) and supplied to RLM.</li> <li>• A SWMP will be developed. The management of oil / diesel (hydrocarbons) from spillages / leaks will also be addressed in the EMPr.</li> <li>• Duplication. The cessation of construction activities upon discovery of archaeological or culturally significant material will be included in the EMPr (next phase) and supplied to RLM.</li> <li>• Agreed. No archaeological sites were discovered (see Appendix D for specialist study). SAHRA has been provided with information and they have not provided comments.</li> </ul>
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	<ul style="list-style-type: none"> <li>The applicant must be responsible for compliance with the provisions of duty of care and remediation of environmental damage in accordance with Section 28 of NEMA, as amended.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and agreed. The applicant will also be responsible for the implementation of the EMPr.</li> </ul>
DFFE	<p>Acknowledgement of receipt: 2022-08-31 Reference number allocated: 14/12/16/3/3/2/2198</p> <p><u>Comments:</u> 2022-09-27 (received 28<sup>th</sup>) The following information must be included in the Final Scoping Report:</p> <p>a) You indicated that, the proposed development is located within the Magaliesberg Biosphere Core, North West Province. Therefore, please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure (including thresholds) as described in the project description. Only activities (and sub-activities) applicable to the development must be applied for and assessed.</p> <p>b) Ensure that the SG codes, farm names and numbers are correct and consisted throughout the reports.</p> <p>c) Please ensure that the proposed project (Township establishment) is made available to all relevant stakeholders, including to the DFFE: Biodiversity Conversation.</p> <p>d) Written comments must be obtained from the relevant authorities (or proof of consultation if no</p>	<p>Submission (application &amp; draft Scoping): 2022-08-30</p> <p>a) Small sections on the south and west of the property fall within the MBR core (see Figure on page 20 of scoping report). All relevant listed activities have been applied for. DFFE should please indicate which activities if any, if they are of the opinion that not all activities have been applied for. The comment is very vague and general.</p> <p>b) SG codes: T0JQ0000000030600043 &amp; T0JQ0000000030900007; Farm names and numbers: Remainder of portion 43 of the farm Waterval 306JQ &amp; Portion 7 of the farm Boschdal 309JQ are correct as per Section 3 of Scoping Report on properties and are consistent throughout the Scoping Report including the title of the project.</p> <p>c) Please provide details of DFFE: Biodiversity Conservation if DFFE does not circulate internally in their Department.</p> <p>d) Written comments were obtained from relevant authorities (RLM, NW DEDECT,</p>

	<p>comments were received) and submitted to this Department. In addition, a graphical representation of the proposed development within the respective geographical areas must be provided</p> <p>e) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link <a href="https://www.dffe.gov.za/documents/forms">https://www.dffe.gov.za/documents/forms</a>.</p> <p>f) Full description and associated infrastructure of the projects (Township establishment) must be provided.</p> <p><b><u>Layout and sensitivity maps:</u></b></p> <p>a) A copy of the layout map must be submitted with the final scoping report. All available biodiversity information must be used in the finalisation of the layout map. Existing infrastructure must be used as far as possible, e.g., roads. The layout map must indicate the following:</p> <ul style="list-style-type: none"> <li>• Neighbouring Kgaswane Nature Reserve to the south and west.</li> <li>• Sensitivity of natural areas and areas bordering natural areas such as Kgaswane Nature Reserve.</li> <li>• Proximity to Magaliesberg Biosphere Core.</li> <li>• Location mainly in the Magaliesberg Biosphere buffer.</li> <li>• Location of neighbouring developments (Cashan X7, Cashan X6, Cashan X4, Safari Tuine X15) to the north and east.</li> </ul>	<p>MBR NPC) or proof of consultation (SAHRA) where no comments were received. A graphical presentation of the proposed development in the MBR, ESA and CBA areas have been provided – refer to Section 4.3</p> <p>e) Activities in application form and Scoping report are the same. Probably a general comment as no specifics are provided.</p> <p>f) Full description and associated infrastructure of the project is provided – refer to Section 4.</p> <p>A copy of the layout map is included: Figure 4-2. Biodiversity information was used to finalise the layout map (initial biodiversity scanning in 2021 before drafting of layout plan). Existing infrastructure is used as far as possible – roads, bulk services etc. The layout map focusses on the layout of the township and indicates:</p> <ul style="list-style-type: none"> <li>• Location of neighbouring developments (Cashan X7, Cashan X6, Cashan X4, Safari Tuine X15) to the north and east.</li> <li>• The existing Schoongezigt Estate and already approved developments (Cashan X7) in direct proximity to the north and east through a shared road network.</li> </ul> <p>To avoid cluttered maps, other maps in Section 4 indicates:</p>
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	<ul style="list-style-type: none"> <li>• The existing Schoongezigt Estate and already approved developments (Cashan X7) in direct proximity to the north and east through a shared road network.</li> <li>• Already disturbed areas and existing biodiversity areas.</li> <li>• All existing infrastructure and new proposed infrastructure that will be linked to the proposed development must be provided.</li> </ul> <p>b) The environmental sensitivity map, if possible, which indicates the following: The location of sensitive environmental features on site, e.g., CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the Township establishment and its associated infrastructure; Buffer areas; and all “no-go” areas.</p> <p><b><u>Alternatives:</u></b></p> <ul style="list-style-type: none"> <li>• If no alternatives, including alternative locations for the activity were investigated, the motivation and reasons for not considering such must be provided. Even though this Department note that, you already provided reasons for not considering the alternative investigation, you are encouraged to continue to provide the reasons throughout the EIA process.</li> <li>• Written proof of an investigation and motivation if no reasonable or feasible alternatives exist in terms of Appendix 2.</li> </ul>	<ul style="list-style-type: none"> <li>• Neighbouring Kgaswane Nature Reserve to the south and west.</li> <li>• Sensitivity of natural areas and areas bordering natural areas such as Kgaswane Nature Reserve.</li> <li>• Proximity to Magaliesberg Biosphere Core.</li> <li>• Already disturbed areas and existing biodiversity areas.</li> </ul> <p>All existing infrastructure and new proposed infrastructure that will be linked to the proposed development has not been provided as it has to be done in consultation with RLM during township application process</p> <p>Environmental sensitivity maps are included in Section 6.2 (including CBA, protected areas (MPE), no heritage sites, no wetlands, drainage lines (outside project area) and collated in Figures 6-1 and 6-2.</p> <ul style="list-style-type: none"> <li>• See Section 7 for alternatives considered and motivation and reasons for alternatives not considered.</li> </ul>
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	<p><b><u>Public Participation Process (PPP):</u></b></p> <ul style="list-style-type: none"> <li>• Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof must be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of the approved public participation plan and Regulation 39, 40, 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended.</li> <li>• A comments and response trail report (C&amp;R) must be submitted with the final SR. The C&amp;R report must incorporate all historical comments (pre and post submission of the draft SR) for this development. The C&amp;R report must be a separate document from the main report and the format must be in the table format which reflects the details of the I&amp;APs and date of comments received, actual comments received, and response provided. Please ensure that comments made by I&amp;APs are comprehensively captured (copy verbatim if required) and responded to clearly and fully.</li> <li>• Please note that a response such as “Noted” is not regarded as an adequate response to I&amp;AP’s comments.</li> </ul> <p><b><u>Specialist assessments to be conducted in the EIA phase:</u></b></p> <ul style="list-style-type: none"> <li>• Specialist studies to be conducted must provide a detailed description of their methodology, as well as indicate the locations and descriptions of project and all other associated infrastructures that they have assessed and are recommending for authorisation.</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of correspondence with the various stakeholders is included in Appendix E. We were unable to obtain comments from SAHRA though they were provided in excess of 40 days to provide comments. See proof of submission on SAHRIS in this table. The PPP has been conducted according to regulations.</li> <li>• A C&amp;R is submitted (this report). The C&amp;R incorporates all historical comments (pre and post submission of the draft SR) for this development. The C&amp;R has been made a separate document from the main report as requested and the format is a table format, which reflects the details of the I&amp;APs and date of comments received, actual comments received, and response provided. Comments made by I&amp;APs are comprehensively captured (copied verbatim) and responded to clearly and fully.</li> <li>• Specialist studies conducted provided a detailed description of their methodology, as well as indicate the locations and descriptions of project and all other associated infrastructures that they have assessed and are recommending for authorisation.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The specialist studies must also provide a detailed description of all limitations to their studies. All specialist studies must be conducted in the right season and providing that as a limitation, will not be accepted.</li> <li>• Please note that the Department considers a 'no-go' area, as an area where no development of any infrastructure is allowed; therefore, no development of associated infrastructure including access roads is allowed in the 'no-go' areas. Should the specialist definition of 'no-go' area differ from the Departments definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.</li> <li>• Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and were necessary, include further expertise advice.</li> <li>• It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. "the Protocols"), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols. Please note further that the protocols require the specialists' to</li> </ul>	<ul style="list-style-type: none"> <li>• Specialist studies also provided a detailed description of all limitations to the studies. All specialist studies were conducted in the right season (biodiversity done in wet and dry seasons in 2021 and 2022).</li> <li>• Noted. The private open space area will have no access roads but does have the property boundary fence and the paved security control road.</li> <li>• Specialists did not specify contradicting recommendations.</li> <li>• Noted and Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes were considered and specialist assessments were conducted in accordance with these protocols. Specialists are registered with SACNASP in their respective fields.</li> </ul>
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	<p>be registered with SACNASP in their respective field.</p> <ul style="list-style-type: none"> <li>• Please include a table in the report, summarising the specialist studies required by the Department's Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted. Please note that if any of the specialists' studies and requirements/protocols recommended in the Department's Screening Tool are not commissioned, motivation for such must be provided in the report per the requirements of the Protocols.</li> <li>• Please ensure that all required specialist studies for the proposed Township development are recommended and conducted.</li> </ul> <p><b>General:</b>  You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:  <i>"If S&amp;EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority"</i>  You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix</p>	<ul style="list-style-type: none"> <li>• See Section 4.2 with table indicating specialist studies required by the Department's Screening Tool, a column indicating whether these studies were conducted or not, and a column with motivation for any studies not conducted. An additional table added as requested and stipulated here.</li> <li>• All required specialist studies for the proposed Township development were recommended and conducted. Traffic Impact Study to still be conducted.</li> </ul> <p>Noted.</p> <p>A Scoping report, which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority, will be submitted to the competent authority in October 2022.</p> <p>The final scoping submitted to DFFE complies with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation</p>
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	<p>2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p> <p>Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p>	<p>21(1) of the EIA Regulations 2014, as amended.</p> <p>An extension of timeframes may be required to allow NW DEDECT to provide their comments but it is not foreseen at this stage. <i>Comments will be included in next phase to remain within legislated timeframes.</i></p>
<p>Kroondal and Wards Environmental Forum (KWEF)</p>	<p>2022-09-23: Requested report</p> <p>Comments: 2022-09-30</p> <p><b>1. <u>Comments on the Public Participation Procedure (PPP)</u></b></p> <p>a. There were only 2 notices with details of the application posted- one at the “contractors” gate to the proposed development, please see map below from the Draft Scoping Report (DSR)- the notice would therefore be inaccessible to anybody except the contractors / people using the contractors’ gate, as it is placed on gate which has to be accessed by going through a locked gate at the end of Crocodile River Road (marked by a blue “x” and passing through 2 properties owned by other landowners, in order to reach the gate indicated on the map. Indeed, KWEF can confirm that it was unable to see the notice from the public road closest to the notice. (see below photos). The second notice was placed at the entrance to the proposed extension of the existing Schoongezigt Estate, within the Estate- i.e. on the “back gate” of a</p>	<p>Provided draft Scoping Report: 2022-09-24 Downloaded report: 2022-09-25</p> <p>a. Legislation only requires one notice but two notices were placed. Notices would be accessible to neighbouring property owners, contractors, workers, Schoongezigt Estate property owners and their visitors. The gate from Crocodile River Road was / is not always locked. EAPs cannot place notices on third parties’ properties, it is only legally allowed to place notices on the applicant’s property. For this reason, legislation also requires a notice in a local newspaper. A notice was placed in the Rustenburg Herald to make the wider community aware of the project and a member of the public even responded to this notice. KWEF also had access to the newspaper. Adjacent landowners and neighbours were also notified / contacted via email. KWEF was not specifically notified as</p>

	<p>gated security complex, which not all the estate residents will see, let alone other neighbouring landowners who do not have access to the complex. Thus, NO member of the outside general public, and many affected adjacent landowners, would have any means of seeing the notices, and even the landowners of the existing Schoongezigt Estate phases 1 and 2, may not have seen the notice. This is in contrast to what is required by the NEMA EIA 2014 regulation 41: <i>“(2) The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by- (a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of- (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and (ii) any alternative site;“</i></p> <p>b. The EAP states that email notification of the proposed application was sent to the existing Schoongezigt Residential Estate and Rockridge Estate on the 18.7.2022 in table 8.2 of the Draft Scoping Report. No obvious Rock Ridge Estate email address was seen in the Appendix E2 emails, while there is an admin@schoongezigt.co.za</p>	<p>they operate in the Kroondal &amp; Wards area and not this area. HydroScience has always notified KWEF in terms of all projects in Kroondal and ward areas. KWEF, however, did hear about the project and therefore the process cannot be seen as inadequate by them. The notice boards were fixed at the boundary, on the fence of the site where the activity to which the application or proposed application relates is or is to be undertaken (as per legislation quoted).</p> <p>b. Correct. VPM team does the management of Rockyridge Estate and was notified. Refer to Appendix E provided. As Rockyridge Estate is a security complex, we do not have access to the individual residents and have to rely on the managing agent to notify individuals. The person in control of was therefore notified. Schoongezigt</p>
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	<p>address. KWEF would like proof that an email notification was sent to the Rock Ridge Estate managing/ trustee body, and that the individual landowners within the estates received notification, as is required by NEMA EIA 2014 regulation 41:“ (2) <i>The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and <b>must give notice to all potential interested and affected parties of an application or proposed application</b> which is subjected to public participation by- (b) <b>giving written notice</b>, in any of the manners provided for in section 47D of the Act, to (ii) <u>owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken</u> or to any alternative site where the activity is to be undertaken;.”</i></p> <p>There is no request for the email to be forwarded to the individual landowners/ occupiers in the two estates. This is a critical issue, because these are some of the most affected I&amp;APs in this application. They may have bought properties under the impression that they would enjoy the view/ undeveloped natural surroundings for as long as they stayed there, for example. It would be useful if proof of notification of all the above I&amp;APs could be provided.</p> <p>KWEF wonders how the PPP for the phase 2 of Schoongezigt Estate, and even the</p>	<p>and Rockyridge Estates are private estates and will not allow us to place notices on their entrance gates. A copy of all I&amp;APs and their contact details were provided to DFFE. This however, cannot be made public due to POPIA.</p> <p>HydroScience was not involved and is therefore unable to comment.</p>
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	<p>initial phase of Schoongezigt Estate was conducted- was an adequate PPP done for these applications? Was the Magaliesberg Biosphere Reserve notified of Phase 2 of the Schoongezigt Estate application, as it would have fallen in the Biosphere Reserve's buffer zone as well?</p> <p><b>2. <u>Comments related to the draft Scoping Report:</u></b></p> <p>a. The landuse of the affected farm portions is listed as Agricultural on page 6 of the Draft Scoping Report (DSR), and it is stated: <i>"Township establishment through Spatial Planning and Land Use Management Act (SPLUMA), 2013 (Act 16 of 2013) application through RLM by NE Town Planning (Nolte Ekkerd)"</i></p> <p>KWEF requests details of this Land Use change application, including the date it was made, advertised in a local newspaper, and how notice of it was given to I&amp;APs, and whether the application has been successful or is still in process, as a matter of urgency. It would appear that at least the Magaliesberg Biosphere Reserve may not have been given notice of this application, nor any other township landuse applications falling in the Magaliesberg Biosphere Reserve buffer zone in the area.</p> <p>b. On page 8 of the DSR it is stated: <i>"A construction camp (at entrance from Schoongezigt Estate) and other disturbances (soil heaps and dumping) associated with the RLM water reservoir construction have had to be rehabilitated to an extent (levelled)."</i></p> <p>And Appendix C1 has photographs showing extensive earth works and damage to the natural</p>	<p>a. Correct. HydroScience is not a town planner and therefore not involved in the Land Use change application. Contact the Town Planner, Mr Nolte Ekkerd from NE Town Planning in this regard.</p> <p>b. HydroScience was not involved in the application / process for the RLM water reservoir and therefore has no detail on it. We suggest you contact the relevant authority.</p> <p>The applicant / land owner levelled areas / stockpiles and removed waste. RLM has been informed about this</p>
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	<p>environment, and an active water leak causing erosion and wash away of soil, captioned: <i>“Area disturbed during reservoir construction process had to be levelled and will be rehabilitated.”</i></p> <p>KWEF would like details of the EIA done for the construction of the RLM water reservoir, and a copy of the accompanying EMPR. It is possible that adjacent landowners were not notified of the construction of the water reservoir, which borders on the MPE and Magaliesberg Biosphere Reserve core and a Ramsar wetland. Furthermore, from the above extract from the DSR, it is unclear whether the “rehabilitation” referred to was performed by the landowner, or the RLM, and whether the EMPR and any planned rehabilitation were complied with.</p> <p>These above points are relevant, because it needs to be established the Rustenburg Local Municipality is able to provide all the needed infrastructure and services for the planned development, in an efficient and functioning manner, which will not unduly destroy/ damage the very high sensitivity of the terrestrial and aquatic biodiversity identified in the Government Screening Tool, see the Application appendix labelled “01 Application”. Judging by the construction of a leaking reservoir, with extensive unrehabilitated damage to a Critical Biodiversity Area 2, in the buffer zone of the Magaliesberg Biosphere Reserve (MBR) and bordering on the Magaliesberg Protected Environment (MPE), Kgaswane Nature Reserve and the MBR core, with possibly no notice to/ consultation with all relevant I&amp;APs, it would appear that the RLM is not in a position to do this. Furthermore, the RLM</p>	<p>application, process and was on site, is aware of and took photos of the water leak from the reservoir. The issues mentioned further needs to be addressed with RLM. Service delivery and service agreement are addressed during the SPLUMA (Town Planning) application.</p> <p>Did KWEF raise their concerns during the other or previous processes / application referred to here? HydroScience and its independent specialists can only evaluate this project in light of existing surroundings, it cannot go back in history.</p>
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	<p>has not received an unqualified audit for many years, and it seems that the state of service delivery in the municipality is extremely poor. In support of this, KWEF submits 2 recent articles which appeared in the Platinum Weekly newspaper of 23 September 2022 in the attached Appendix 1, which highlight the MAJOR environmental and service delivery problems faced by Rustenburg residents, with “rivers” of sewage flowing through residential areas and into a river. There is clearly an issue with adequate water supply to high lying areas – please see the articles, and yet the RLM has seen fit to allow all the residential housing township development on top of some of the highest areas of Rustenburg, including the area affected by this application. There has already been a phase 2 of Schoongezigt Estate approved (which appears to have over 100 stands), and this is now being developed, and the RLM is being asked to approve the construction of another 198 units in the area. Probably the leaking reservoir was supposed to alleviate the water supply problem, but the way in which the RLM went about placing and building it, obviously leaves much to be desired and has created environmental issues, causing the biodiversity specialist to downgrade the sensitivity of the affected land. The rate at which township development is being allowed to proceed in the area, means that this reservoir will probably not be adequate in the future.</p> <p>The sewage system in the area was not supposed to handle as much sewage as it already is handling, and blocked and leaking</p>	<p>Pollution of rivers should be addressed with DWS as the custodian of SA’s water resources.</p>
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	<p>sewage pipes are a very regular occurrence, especially in the sewage system downstream of the new developments (see photo in KWEF Appendix 2). The overflowing sewage regularly finds its way into the non-perennial rivers especially the riverbed running parallel to the lower Nylrivier Avenue, and in some areas of Rustenburg, into the perennial rivers (see newspaper article Appendix 1).</p> <p>Furthermore, the roads in the area are in an extremely bad state of disrepair- see photographs in KWEF Appendix 3, of some of roads on which yet more heavy construction vehicles, followed by an extra at least 198 vehicles, from the new house units in this application, let alone those from the already approved phase 2 of Schoongezigt Estate (around 100 units), will travel. The access roads to the Schoongezigt Estate entrance and two contractors' gates, already suffer under high traffic volumes, at peak traffic times.</p> <p>On top of the above, the increasing amount of township development and the lack of adequate stormwater drainage by the RLM, leads to huge amounts of storm water rushing down the roads from the higher lying areas, such as Cashan 7, and causing major problems in the lower lying areas. During hard downpours, real rivers of water come gushing down the roads, damaging them, see Appendix 4, and flooding some properties. Further development of the built environment in the area of this application will very likely further aggravate the situation of inadequate/ malfunctioning storm water drainage. The original stormwater drainage</p>	<p>A traffic study will be conducted to determine if road upgrades are required.</p> <p>Storm water management is a local authority responsibility. Inadequate / malfunctioning storm water drainage should be addressed with RLM.</p>
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	<p>system in the lower lying areas of Cashan, was not designed to cater for the huge amounts of water runoff which comes from the extensive township developments uphill, including in the Cashan extension 7, area, which likely should not have been developed according to the NW Biodiversity Plan and the current Bojanala Platinum District Municipality EMF.</p> <p>Streetlights in many/ most of Rustenburg's suburbs, have not functioned for years.</p> <p>The RLM is very likely not in a position to deliver adequate infrastructure and services for the proposed development, and ensure the protection of the very sensitive aquatic and terrestrial biodiversity in the affected and adjacent areas to this proposed development. This is exemplified by the leaking new water reservoir with its accompanying destruction of the adjacent environment, and the lack of rehabilitation of the site. There is not an acceptable level of service and infrastructure to the existing townships/ suburbs.</p> <p>c. Page 61 of the DSR refers to:  <i>"9.1.1 Historic / existing impacts</i></p> <ul style="list-style-type: none"> <li>• <i>Disturbance and land modification (two existing water reservoirs and associated disturbances).</i></li> <li>• <i>Maintenance (fencing and security patrol road along boundary) and rehabilitation of the associated edge effects of above construction.</i></li> <li>• <i>Roads (access to other developments such as Cashan X7 and reservoirs) and associated traffic and possible fauna road kills.</i></li> <li>• <i>Footpaths and litter associated with human movement.</i></li> </ul>	<p>Non-functioning streetlights should be reported to RLM.</p> <p>If RLM is not in a position to deliver adequate infrastructure and services for the proposed development, it should not approve the development application through SPLUMA.</p> <p>Agree.</p> <p>c. HydroScience was not involved in environmental assessments and planning re reservoirs.</p>
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	<ul style="list-style-type: none"> <li>• <i>Alien and/or Invasive Plants (AIP).</i></li> <li>• <i>Possible poaching.</i></li> <li>• <i>Fire and erosion.</i></li> <li>• <i>Security breaches and safety concerns.”</i></li> </ul> <p>The disturbance and degradation of CBA2 land, from both of the water reservoirs’ construction and operation, suggest a lack of adequate environmental assessment and planning, and / or proper implementation of the building plans and EMPR. The construction of a Clear View type fence (impenetrable to larger and likely many smaller vertebrates), topped by an electric fence around the affected farm portions. and an access road through Farm Boschdal JQ309 portions 27 and RE/2, should surely not have proceeded without environmental authorisation, given the ESA and CBA2 status of the land, which is noted in the Terrestrial Biodiversity report to be a corridor for wildlife and an area where they would be able to forage. The construction of a paved patrol along the fence should surely likewise not have proceeded without environmental authorisation. The “security breaches and safety concerns” are puzzling, seeing as there is apparently no construction/ improvement (apart from the reservoirs which should have their own security fencing), on the property as it stands. These security concerns might relate to the other existing estate developments in the area, and are not a valid motivation for the building of the electrified fence and patrol road on this property: these structures are certainly not environmentally sensitive and will have a high impact on the movements, foraging and well being of the fauna</p>	<p>There was an existing fence but the fence had to be replaced (maintenance) due to security breaches etc.</p> <p>Development of Remainder of Portion 2 of Boschdal was authorised. HydroScience is unaware of the status of Portion 27.</p> <p>The security patrol road existed previously and it was just upgraded to a paved road in certain areas to avoid erosion etc. Security breaches (personal communication with land owner) occurred (cutting and damage of fence etc) along the Kgaswane Nature Reserve boundary giving access to existing approved developments. Rand Water Reservoir has its own fence and is also a separate property. RLM reservoir does not have its own fence and forms part of this property.</p>
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	<p>in the area, apart from the damage done to vegetation during their construction.</p> <p>Alien and invasive plants, as clearly stated in the biodiversity study, should be removed / controlled by law. The current landowners and developer (who is a director of both the companies which own the properties), are clearly non-compliant with these regulations (12 category 1b invader species were found on the property by the biodiversity specialist). There is one photograph in the Appendix C1 which shows a couple of tree stumps and is labelled: "Proof of alien control". KWEF rejects this "evidence"- all it shows is that some or other tree/s were cut down, possibly as part of a vegetation clearing process for the construction of a road/ reservoir, there is no evidence that the trees involved were not indigenous. The presence of alien plants is unlikely to change when the land is developed and disturbed, it will likely only get worse, and looking at the existing 2<sup>nd</sup> phase of the estate which is under construction already, lip service is paid to the estate's own building rules (see KWEF Appendix 5).</p> <p>d. The Bojanala Platinum District Municipality Environmental Management Framework (BPDM EMF), and the Rustenburg Local Municipality Environmental Management Framework are the same, and are relevant to the area in this application, as it lies within the Rustenburg Local Municipality borders. This is despite the Government Screening Tool not listing these EMFs. The map on page 21 of the DSR is incorrectly interpreted according to the map key. The outlined project area is also not correctly</p>	<p>Alien and invasive plants did probably establish due to disturbances but should be removed. There is a process in place but this process has not been completed. The photograph in Appendix C1 which shows a couple of tree stumps shows that alien invasive tree species were cut down and then treated (substance painted on stump) to prevent regrowth.</p> <p>d. Not sure why the Screening tool does not list these EMFs but HydroScience did include these EMFs. The BPDM EMF was used to produce a report. DFFE to comment on why the EMFs are not included – a notification has been send by HydroScience to the people managing the screening tool. The map on page 21 only shows Waterval portion (largest portion) because the EMF does not allow</p>
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	<p>situated, as the affected area actually directly abuts on the MPE on its southern and eastern borders (see maps elsewhere in the report), and furthermore the guidelines for each zone are not listed. The affected land actually lies within: - Zone G (orange): Sensitive Topography Zone Sensitive topographical features, such as hills and ridges, which are deemed sensitive to development.</p> <p>To quote from the BPDM EMF: “General environmental management guidelines: <b>Sensitive topographical features should be protected and any development that might negatively affect them should be discouraged.</b> A detailed specialist study might have to be conducted by an accredited scientist to determine the impacts of an envisaged activity on the corridor function provided by a topographical feature. The visual impacts of proposed developments in this zone should be considered and developments/activities with high visual impact avoided. <b>If the zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:</b></p> <ul style="list-style-type: none"> <li>- The development guidelines in the relevant management plan should be consulted whenever an activity falls within the buffer area.</li> <li>– Developments that might put stress on the protected environments should be avoided within the buffer area.</li> <li>- The applicable biosphere development guidelines and principles should be considered.</li> <li>- Conservation and tourism orientated developments should be promoted within the buffer area.</li> </ul>	<p>inclusion of more than one property per map / report but the position of the Boschdal portion can easily be inferred and does not have other zones included than the Waterval portion. Zone G is included in the report. The visual impacts were considered and a specialist visual impact assessment was conducted.</p> <p>The fact that the property also falls within the MBR buffer was also considered and discussed in the same section of the report.</p>
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	<ul style="list-style-type: none"><li>- High density developments, industrial developments, mining activities and other high-impact developments should be avoided in the buffer area.”</li><li>-Zone E (purple): Agricultural Zone II Areas deemed suitable for further agricultural development for both grazing and cultivation purposes. To quote from the BPDME MF: “General environmental management guidelines -High potential agricultural land that is actively being cultivated should not be used for other types of development.</li><li>- Agriculture is the main priority within this zone and should be prioritised above all other types of activities and developments.</li><li>-Crop farming should be encouraged.</li><li>- Irrigation potential should be optimised.</li><li>-Intensive agriculture should be encouraged and developed.</li><li>-Sustainable farming practices should be encouraged.</li><li><b>If the zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:</b></li><li>- The development guidelines in the relevant management plan should be consulted whenever an activity falls within the buffer area.</li><li>- <b>Developments that might put stress on the protected environments should be avoided within the buffer area.</b></li><li>- <b>The applicable biosphere development guidelines and principles should be considered.</b></li></ul>	<p>Zone E was included in the report. The property has never been used for agricultural purposes. Intensive farming with irrigated crops will have a significant impact in terms of water resources as well as biodiversity.</p>
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	<p>- <b>Conservation and tourism orientated developments should be promoted within the buffer area.</b></p> <p>- <b>High density developments, industrial developments, mining activities and other high-impact developments should be avoided in the buffer area.”</b></p> <p>-Zone F (dark green): Biodiversity Zone  Zone F: Biodiversity Zone Description The ‘Biodiversity Zone’ represents areas of high and significant biodiversity in the Bojanala District Municipality. Areas of high biodiversity was identified from the North West Province Biodiversity Sector Plan and includes, amongst others, critical biodiversity areas (CBAs) and Ecological Support areas (ESAs).  To quote from the BPDM EMF:  “General environmental management guidelines:  - <b>Biodiversity and sensitive topographical features should be protected within these areas at all costs.</b> Before any non-conservation related activity is to be considered a detailed specialist study has to be conducted by an accredited scientist to determine the impacts of the envisaged activity on not only the site but also on the larger area (strategic context).  - <b>Activities should be limited to conservation related and low-impact tourism related activities.</b>  <b>The guidelines contained in North West Province Biodiversity Sector Plan are applicable and should be applied within this zone.</b></p>	<p>Zone F (dark green) was not included as no such areas were marked on the proposed development portions. A specialist biodiversity study and impact assessment were conducted due to the ESA and CBA as per NW Biodiversity Sector Plan.  KWEF neglects to mention and discuss Zone B (industrial) and Zone C (Mining) which also falls within the development area.</p>
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	<p><b>If the zone falls within a Biosphere Buffer Zone, the following guidelines are also applicable:</b></p> <ul style="list-style-type: none"> <li>- The development guidelines in the relevant management plan should be consulted whenever an activity falls within the buffer area.</li> <li>-Developments that might put stress on the protected environments should be avoided within the buffer area.</li> <li>- The applicable biosphere development guidelines and principles should be considered.</li> <li>- Conservation and tourism orientated developments should be promoted within the buffer area.</li> <li>- High density developments, industrial developments, mining activities and other high-impact developments should be avoided in the buffer area.”</li> </ul> <p>It is evident from the above that the RLM has not been using the BPDM EMF in making its decisions on approving the township developments in the area, and that the current application is not in keeping with the above guidelines.</p> <p>The EAP has not supplied all the above relevant information in the DSR, so that the competent authority would be in a position to make an informed decision on this application.</p> <p>e. The biodiversity specialist study is inaccurate and inadequate. KWEF has listed a few issues below. -The biodiversity specialist report states</p>	<p>Whether the BPDM EMF is used by RLM in making decisions cannot be responded to by HydroScience.</p> <p>The accusation is untrue. ESA, CBA, Zones according to BPDM EMF and MBR core, buffer and transitional zones have been mentioned and detailed in the report.</p> <p>e. Feedback from biodiversity specialist:</p>
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	<p>on page 15: <i>“South African Inventory of Inland Aquatic Ecosystems (SAIIAE) The project area does not overlap with NBA wetlands or rivers National Protected Areas Expansion Strategies (NPAES) Irrelevant: Closest NPAES (NW/Gauteng Bushveld) is 6 km from the project area. Strategic Water Source Areas (SWSA) The project areas are 132 km from the closest SWSA”,</i></p> <p>-Whereas the Government Screening Tool states the following:  <b>“Sensitivity Feature(s)</b>  <i>Very High Aquatic CBAs  Very High Strategic water source area  Very High Freshwater ecosystem priority area quinary catchments”</i></p> <p><b>“Sensitivity Feature(s)</b>  <i>Very High Critical Biodiversity Area 2  Very High Ecological Support Area 1  Very High Freshwater ecosystem priority area quinary catchments  Very High Focus Areas for land-based protected areas expansion”</i></p> <p>It is very worrying that the specialist has made incorrect statements of such importance about the sensitivity/ importance of the affected area. Neither the specialist nor the EAP has picked up that the proposed development borders on a RAMSAR Wetland in Kgaswane (proclaimed in 2019), which like the Magaliesberg Biosphere Reserve, is an internationally recognised and awarded status.  The specialist report lists the following on page 28:</p>	<p>This is as per the cited dataset. A portion of a FEPA quinary catchment overlaps the project area.  This is as per the cited dataset.</p> <p>The site is not situated in the updated (2021) SWSA.</p> <p>It is uncertain as to what incorrect statements were provided.</p> <p>The SACAD dataset cited in the report refers to this RAMSAR area as the Kgaswane Mountain Reserve which is presented in the report. The report does refer to Biosphere.</p> <p>This is cited from Mucina &amp; Rutherford, 2006.</p>
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	<p>“Endemic Taxa: Succulent Shrub: <i>Aloe peglerae</i>. Succulent Herb: <i>Frithia pulchra</i>,” but fails to mention the following about <i>Aloe peglerae</i>, to quote from the SANBI website:</p> <p><b><u>“It is listed in the Red Data list of South Africa as an <i>endangered</i> species on the extinction queue if not protected or grown for ex-situ conservation. <i>The greatest threat to this plant is caused by over collection in the wild by plant collectors and developments along the ridges where the plants occur.</i>”</u></b></p> <p><i>Frithia pulchra</i> is listed as Vulnerable on the Red Data List, however, the section “6.1.6.2 Plant Species of Conservation Concern” in the report, makes no mention of these plants.</p> <p>Cape Vultures are also endangered species and there is at least one breeding colony on the Magaliesberg cliffs. Until a few years ago, there was a breeding colony above Aasvoelkrans Resort, not very far from Kgaswane Nature Reserve.</p> <p>Leopards and brown hyena do occur in the Kgaswane Nature Reserve and MPE. The Sable Antelope is listed as a vulnerable species on the Red Data list, and there is a large breeding herd in the Kgaswane Nature Reserve.</p> <p>KWEF would also like to point out that there is an existing problem with baboons, which as noted in the specialist report, definitely made use of the affected land, before it was fenced off with an electric fence. In recent years, especially when veld food is scarce, the baboons have come from the Kgaswane Nature Reserve, through the undeveloped areas, such as the affected land in this application, into the suburbs and open areas</p>	<p>This list is sourced from BODATSA-POSA.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>A recommendation could be to facilitate the reserve in providing suitable food sources within the reserve.</p>
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	<p>such as in Cashan ext. 5, Safari Gardens ext. 11, etc., where they have foraged, and sometimes raided dustbins and houses. Unfortunately, there are rumours that some of these baboons may have been shot. This development further decreases the land available to the baboons, in times where sources of food in the veld are limited, and places residential areas right on the border of the Nature Reserve, risking habituation of the baboons to human settlements.</p> <p>The specialist has created a map showing areas of Biodiversity Site Ecological Sensitivity on page 57, showing areas of high sensitivity, which cover most of the affected land. If this is compared to the proposed plan for the development, there is a very large overlap of the high sensitivity areas with the areas to be developed with houses/ other infrastructure. Judging by an August 2022 Google Earth photograph below, showing the phase 2 development of the estate (the denuded, brown areas), and which presumably had a similar biodiversity study done on it, little/ none of the existing biodiversity will be left if this development proceeds.</p> <p>The biodiversity specialist appears not to have considered the proposed development layout, which must be critical for him to make any recommendation, as he states on page 80 of the specialist report: <i>“10.1 Recommendations The following are recommendations following the field assessment: • Provision of a development layout in order to comment more precisely on the development and possible options.”</i></p> <p>The specialist discussion around whether the application should be approved is very confusing,</p>	<p>Development in High sensitivity areas is permissible. It is recommended (a guideline) that avoidance mitigation be included wherever possible. Minimisation mitigation – changes to project infrastructure design to limit the amount of habitat impacted, limited development activities of low impact acceptable. Offset mitigation may be required for high impact activities.</p> <p>The biodiversity phase 1 study was used to compile the proposed development layout.</p>
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	<p>and appears contrived in order to allow consideration of the development. It does not take the proposed plan, nor above points, into consideration. For example, on page 59: “The suitability of development within the project area, due to the inherent sensitivity, as well as location regarding the available ecological datasets, creates an intricate situation specific to the high sensitivity areas. This is emphasized by the abovementioned information. However, the low and medium sensitivity areas are permissible for development, whereas, limited size development permissible within the high sensitive areas outside of the suggested ‘no-go’ areas. Regarding other high sensitivity areas, implementing avoidance mitigation wherever possible, in hand with minimisation mitigation such as changes to project infrastructure design to limit the amount of habitat impacted, then the limited development activities of low impact may be acceptable in other words development with high regard for the sensitivity of the environment. All the above-mentioned development recommendations within the different sensitivity zones can be considered in regard to the density of the development, for example high density in low sensitivity areas etc. One also has to take into consideration the cumulative impact as development has already been allowed in the portion 306/43 north the project area (Figure 6-19), which also contributed to CBA 2. “</p> <p>KWEF does not agree with the biodiversity report that the significance of all the impacts can be reduced to “low”, through the proposed mitigation</p>	<p>The impact ratings can be updated on receipt of a revised layout.</p>
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	<p>measures- it is not possible for instance, that “Degradation, destruction and fragmentation of highly sensitive habitats, if construction work or waste material is allowed to penetrate these habitats” can be reduced to low significance through mitigation measures- most of the areas where houses are planned are very highly sensitive. This is simply not possible or realistic, especially taking into consideration the wholesale destruction of highly sensitive land by the phase 2 development currently underway- see the Google Earth photograph from August 2022 above. The EAP’s Impact Assessment Ratings on pages 65 to 70 are also totally unrealistic- e.g. a rating of 14 is given for post mitigation of “Destruction, fragmentation and degradation of habitats and ecosystems (CBA2 lost)” during the construction phase. KWEF suggests that these ratings should all be redone, especially after looking at what is happening in phase 2 of Schoongezigt Estate.</p> <p>In its limitations section, the specialist report states: <i>“The assessment if for the proposed development of Portion 43 of the farm Waterval 306JQ and Portion 7 of the farm Boschdal 309 JQ. It is assumed all existing activities both within and adjacent to the project area have been authorised for the adjacent development, namely Cashan; and,”</i> whereas this is not at all clear, seeing as activities (e.g. road construction and erecting of electrified Clear View fencing) have occurred on Portions 27 and 2/Re of Farm Boschdal JQ309, and even on the affected farm portions, and most likely without any environmental authorisation. The specialist impact statement on page 80</p>	
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	<p>states: <b><i>“Considering the above-mentioned information, the development will result in the destruction and fragmentation of intact and functional CBA 2 areas, IBA and Biosphere reserve areas rated “Very High” by the screening report. It is the opinion of the specialist that the project may be cautiously considered, should all mitigation measures be implemented.”</i></b></p> <p>It is very possible that the mitigation measures will not result in the “low” significance indicated by the specialist, and very possible the mitigation measures will not be implemented, judging by the developer’s previous/ ongoing Schoongezigt developments. It is not clear how the specialist would come to the above conclusion if he saw the proposed development plan and what is happening to the environment in phase 2 of the Schoongezigt Estate.</p> <p>f. KWEF can confirm that the new RLM water tower which was completed in the last few weeks, is an eyesore both from the road in the Kgaswane Nature Reserve, and from the Peglerae Hiking Trail in the reserve. The proposed development which will occur in proximity to the water tower, will therefore also intrude on views from the hiking trails in the reserve, significantly.</p> <p>g. KWEF would like clarification on what sort of buffer is supposed to be imposed around the MPE, Ramsar Wetland and Kgaswane Nature Reserve. Also, clarification is needed on why an application for township development of this sort is being considered in the Magaliesberg Biosphere Reserve buffer zone.</p>	<p>The recommendation has been made to consider and comment on a ‘final’ site development plan.</p> <p>f. Noted. The RLM water tower cannot be removed and is an existing impact and further development in this area cannot be more significant.</p> <p>g. There are no legal requirements on buffers – the surroundings and sensitivity are considered.</p>
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	<p><b><u>Conclusion:</u></b>  It is clear to KWEF, from the Specialist Biodiversity Report (which itself has left out vital facts), the North West Biodiversity Plan, the Bojanala Platinum District Municipality EMF, and the Magaliesberg Biosphere Reserve guidelines, that this proposed township development should <b>not</b> be considered. Furthermore, it is apparent that the placement of notices on private land, far from the sight of the general public and adjacent landowners, constitutes a breach of the NEMA EIA 2014 regulations. Evidence of the provision of written notice to the various adjacent individual land users/landowners, especially in Schoongezigt Estate and Rock Ridge Estate must also be shown.</p>	<p>These were considered and detailed in the scoping report and therefore it allows DFFE to make an informed decision on the future of the proposed township.</p> <p>This aspect was addressed under 1. Comments on the Public Participation Procedure (PPP).</p> <p><b>HydroScience invited KWEF to a site meeting with MBR on 2022-11-21 but Ms Visser declined.</b></p>
<p>MBR NPC</p>	<p>Comments: 2022-09-28 (received 2022-10-01 – after deadline but still included)</p> <p><b><u>Magaliesberg Biosphere Context:</u></b>  The sustainable development and utilization of the Magaliesberg Biosphere is guided by the Magaliesberg Biosphere Management Plan (MBMP), on behalf of its stakeholders. The MBMP was adopted by the National Government (DFFE) and Provincial governments and Municipalities in which the biosphere falls at the time of the biosphere designation in 2015. The plan provides a broad strategic framework and tool for the establishment and management of the Magaliesberg Biosphere, including land-use guidelines, based on the appropriate degree of human use and environmental sensitivities of biosphere zones.</p>	<p>Provided draft Scoping Report: 2022-08-29  Downloaded report: 2022-08-30</p> <p>Noted as background and context provided for comments.</p>

	<p>To put biosphere zonation in context, all UNESCO biosphere reserves have three zones, namely the Central Core devoted to conservation (formally protected Magaliesberg Protected Environment / Kgaswane Mountain Reserve is relevant in this case), a Buffer Zone which surrounds the core, and in which limited development, such as farming and tourism activity is preferred, and an outer Transition Area aimed at promoting the improvement of the quality of livelihoods of the local communities, as well as the integration of the reserve with the surrounding urban, agricultural and industrial areas.</p> <p>Creating buffer zone between the Rustenburg urban edge and Kgaswane has always been challenging for the MBR, with fragmentation and edge effects being of great concern.</p> <p><b><u>List of observations and concerns:</u></b></p> <p>1. The obvious clearing and deterioration of habitat that has occurred since late 2019 to present across the site. The terrestrial study (appendix D) notes a list of disturbances they found on site</p> <p>Historic land modification.</p> <ul style="list-style-type: none"> <li>• Maintenance and rehabilitation of the associated edge effects;</li> <li>• Roads (and associated traffic and wildlife road mortalities);</li> <li>• Footpaths and litter associated with the human movement;</li> <li>• Alien and/or Invasive Plants (AIP); and</li> <li>• Unregulated Fire and Erosion;</li> <li>• Poaching;</li> <li>• Roads and associated vehicle traffic and road kills; and</li> <li>• Fences and associated maintenance.</li> </ul>	<p>RLM water reservoir (on this property) and Cashan X7 construction (directly adjacent to this property) has taken place over this period. Some rehabilitation had to be done (removal of waste and levelling) after construction of RLM reservoir.</p>
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	<p>Without access to the previous EMPs for surrounding developments (we call this EIA application phase 2 Cashan), it is apparent that the roads and clearing shown in the Terrestrial study and the fence and brick-paved track shown in the DSR, were unauthorized and therefore this should be a section 24G application and not a scoping and EIA process.</p> <p>The clearing for roads also applies to properties 2 and 27 of 309 farm Boschdal. These are neighbouring properties to portion 7 where roads have been cleared in the recent past. These roads lead to portion 7 and are assumed to be related to Cashan 1 and 2 construction entrance.</p> <p>The disturbance to untransformed CBA 2 - protea grassland forming part of the Gold reef Mountain Bushveld Ecosystem – by clearing, compaction, water leaks, spread of alien invasive plants and construction of the fence and pathway on the site has caused degradation of habitat and compromises the integrity of the ecological functioning of CBA and ESA adjoining the protected area and are negative edge effects.</p> <p>The fence construction is concerning since the occurrence of mega-fauna, (serval and porcupine) have been noted for the site in the terrestrial report (TBC, 2022). Are these animals getting through the new fence?</p> <ul style="list-style-type: none"> <li>• If so, pets will be able to access the nature reserve in the reverse direction. Cats especially are a major threat to biodiversity at the urban edge.</li> </ul>	<p>HydroScience also does not have access to previous EMPs for surrounding developments. This project is actually referred to as Cashan X8 with Cashan X7 (adjacent) currently under construction. The new fence replaced an existing fence which was broken/damaged in a number of places (maintenance) to ensure security and safety. The brick-paved track – the security patrol road existed (pre-2019) and has recently been paved in certain areas. Some places it remained as it was – unpaved (personal communication, Mr Pieter van der Westhuizen).</p> <p>Portion 2 of the farm Boschdal 309JQ has been authorised for development by NW DEDECT (including clearance for roads). HydroScience does not know the status of Portion 27 of Boschdal 309JQ.</p> <p>No based on my observations, they will not be able to get through the new fence but they would also not be able to get through the old fence if it was undamaged. They could only get through damaged sections of the old fence. Pets will not be able to access Kgaswane Nature Reserve through the fence.</p>
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	<ul style="list-style-type: none"> <li>• If not, how are these animals moving into the project area?</li> </ul> <p>Besides the issue of what are legal vs illegal unauthorized activities, a question must be asked as to who is responsible for duty of care of this important CBA and protected area buffer. This is not no-man's land and cannot be a case of a "tragedy of the commons". There is a responsible landowner involved. Furthermore, the concept of appropriate vs inappropriate activity must be viewed in the context of the biosphere core and buffer zones, and proximity to the Kgaswane natural area.</p> <p>2. The spatial data demarcating the boundary of the Kgaswane Mountain reserve which is expected to coincide with the Magaliesberg Protected Environment boundary is not consistent between maps used throughout the reports. The MB NPC requests clarity on the correct protected area coordinates since these are legislated formal protected areas that abut the site.</p> <p><u>3. Township development &amp; Service Provision</u>  The SPLUMA (2013) township application does not appear to have gone through the required public participation. The DSR refers to the SPLUMA application for details on RLM housing status-quo. MB NPC requests the township application and decision are provided as supporting documentation for this application since RLM housing and the ability of RLM to accommodate services required, will help the competent authority to assess needs and desirability of the development at this time.  This is not a housing development that will satisfy housing shortage, it is res 1 and 2, med-high income housing. There are numerous abandoned houses in the</p>	<p>2. The maps were compiled from data from official government sites. Different layers are used. The maps are correct as per data available and sourced (DFFE sources data from SANBI, SAHRA, DALRRD &amp; EWT).</p> <p>3. HydroScience is only involved in the NEMA application and not the SPLUMA application. For all enquiries regarding the SPLUMA application contact Mr Nolte Ekkerd from NE Town Planning.</p> <p>The housing shortage in Rustenburg in all categories of housing (and particularly in the medium income category) was confirmed by Remax Real Estate in Rustenburg. All estate</p>
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	<p>existing suburbs of Rustenburg that could meet this demand.</p> <p>RLM infrastructure is not coping. This is evident in countless articles in the Platinum weekly. Helen Joseph Ave is single lane and congested. RLM is not managing to fix potholes or cope with sewage and potable water provision.</p> <p>There is currently a dire water provision crisis in RLM not only due to loadshedding pumping interruptions but the inadequate capacity at the Bospoort Water Treatment Works and with the lack of resources needed by the RLM maintenance crews to attend to leaks. All the reservoirs around Rustenburg are not keeping up with water demand of approx. 500000 residents (from Cllr Luan Snyders).</p> <p>This development will mean RLM has new infrastructure to develop when they do not have finances for existing infrastructure. Inadequate service provision has the potential to impact the protected area. A documented case in point is the creation of an artificial wetland due to the permanently leaking RLM reservoir on site. (R.E. Grundling, D.P. Turner, et.al. (2021) Accidental wetlands - A southern African case study from the Kgaswane Mountain Reserve, Rustenburg. South African Geographical Journal VOL. 103, NO. 4, 484–500).</p> <p>4. It is odd that the terrestrial study (TBC, 2022) fails to mention the Magaliesberg Protected Environment, which is on the SAPAD register. It has its own EMF gazetted in 2009. The EMF states - “The MPE is one of the few large natural montane landscapes that are not severely fragmented or disturbed by urban sprawl and if managed properly have the potential to remain as such.</p>	<p>agents in Rustenburg will confirm shortage in stock for sale and rent (Ms Ravenscroft from Remax Platinum).</p> <p>4. From TBC: This is presented in report. See table extracted from report below.</p>
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The remote upper northern slopes and grassland patches provide suitable secure habitats for threatened plant species such as *Aloe peglerae* and *Frithia pulchra*. Ideal habitats for rare invertebrate species likely to be red-listed in future, such as the rock scorpion, *Hadogenes gunningi* and the fruit chafer beetles *Ichneutoma stobbiai* and *Trichocephala brincki* are also present in these areas.” The *Hyalites anacreon* butterfly species is dependent on wetlands of Magaliesberg northern slopes. The Endangered Mountain Reedbuck utilize steep northern slopes to safeguard young lambs. They are highly sensitive to disturbance. These species are very likely to occur in Kgaswane.

A few potential biodiversity and ecological impacts are mentioned in the EMF that are not covered in the reports but are worth further consideration –

- Climate change scenarios combined with fragmentation of habitat could over the medium and long term have a substantial effect on MPE biodiversity and ecology.
- Ecological services feeding from the mountains abruptly ends at the boundary of the MPE due to many new developments, which implies that the ‘downstream’ benefit emanating from the mountain does not achieve its optimum downstream effect.
- Uncontrolled access to the MPE via new residential extensions adjacent the boundary of the MPE. In some instances, guaranteed access to the MPE are included in the marketing of these areas – which is illegal.

In addition, the following in the absence of a buffer zone

- Spill over chemical effluent, pesticide/insecticide/ drift and light pollution.

Desktop Information Considered	Relevant/Not relevant	Section
Conservation Plan Terrestrial	The project areas are situated across a CBA 2 area	6.1.2
Ecosystem Threat Status	The project areas fall across a Least Concerned ecosystem	6.1.3.1
Ecosystem Protection Level	The project areas are rated as <i>moderately protected</i> .	6.1.3.2
South African Inventory of Inland Aquatic Ecosystems (SAIIAE)	The project areas does not overlap with NBA wetlands or rivers	6.1.3.3
Protected Areas (SAPAD & SACAD)	The western edges of the project area falls on the border (<50m) of the Magaliesberg Biosphere Reserve and the Kgaswane Mountain Nature Reserve. The project occurs within the Kgaswane Mountain Reserve and Magaliesberg Biosphere Reserve SACADs	6.1.4
Important Bird and Biodiversity Areas	The project areas fall within the Magaliesberg IBA	6.1.5
National Protected Areas Expansion Strategies (NPAES)	Irrelevant: Closest NPAES (NW/Gauteng Bushveld) is 6 km from the project area.	-
Strategic Water Source Areas (SWSA)	The project areas are 132 km from the closest SWSA	-

Aspects in the EMF can certainly be included for land management of the area, such as fire regimes, stormwater run-off etc.

	<ul style="list-style-type: none"> <li>• Altered fire regimes (suppression of, and risk of fire) and preparation of firebreaks.</li> <li>• Increased runoff and altered flow regimes because of human activity, impervious surfaces and storm water drainage affecting drainage channels and watersheds. As Kgaswane Mountain Reserve qualifies as a mountain catchment area (a critical water source area for SA) it needs to maintain a sustainable flow of good quality water to ecosystems downstream. Any alteration to the watercourse, water quality or quantity as a result of anthropogenic influence would be unacceptable.</li> </ul> <p>5. No recommendations were forthcoming in the terrestrial report except to request for further layout options. This should have been part of project alternatives which have not been presented in the DSR, for the benefit of the competent authority.</p> <p>A categorization of gated eco-developments in South Africa (Mistry and Spocter, 2020) was reviewed in the terrestrial report (TBC,2022) to recommend a layout and associated density for the development of the project. They class the development as a category 4 as less than 50% of buildable land remains within a natural state, yet it borders on a protected area meaning layout should actually conform to category 1 or 2 standards.</p> <p>Category 1: Eco-estate Developed on a greenfield site, this estate has only 1 to 5 homes per hectare. It prioritizes conservation at a landscape level, conserving 50% or more of its buildable land and the adoption of green building practices throughout its building cycle. No artificial concepts or unsustainable agricultural activities are introduced.</p> <p>Category 2: Eco-neighbour estate Developed on a greenfield site, the estate housing density may vary but</p>	<p>5. Layout was done after initial phase 1 biodiversity study in 2021 to ensure biodiversity was considered and the best possible layout was planned considering the biophysical and socio-economic environment.</p>
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it does conserve 50% or more of its buildable land. It buffers a protected area and adopts some green building interventions.

Category 4: Eco-conscious estate (with or without an artificial concept) Developed on a greenfield or a brownfield site, this estate conforms with the typical 20-plus homes per hectare found in other gated communities, but this may vary depending on the artificial concept the estate may choose to introduce. The estate conserves less than 50% of its buildable land. There is a limited number of green interventions, and it may incorporate an artificial concept, such as a golfing facility.

6. The development footprint is adjacent to built-up areas on the eastern side, the western side however will be an “island” of housing surrounded by natural area. This impacts the sense of place and significantly increases risk of edge effects and contributes to fragmentation of habitat. The open grassland access to the natural area to the NW is cut-off by the development which blocks the grassland corridor, disrupting natural connectivity and forcing movement through the drainage line that begins at the NW corner of the footprint. This can be seen in the image below.



Using the same image, if one looks at the “line” of development along the hills and ridges in this area, the

6. As far as HydroScience is aware there are other approved developments in this area for example Remainder of Portion 2 of the farm Boschdal Boschdal 309JQ.

	<p>project footprint is incongruous with the urban edge “line” and the natural buffer zone that has been created between most of the older established housing and the MPE. There are no other housing developments along this line that are under application or in the building stage at present, other than Cashan ext. 7.</p> <p><u>7. The absence of a determined buffer zone or zone of impact</u></p> <p>If this development is authorized as it is, in the absence of alternatives or alternative layouts, it is unavoidable that Protected Area buffer consisting of CBA, ESA and HILLS AND RIDGES Gold-reef Mountain bushveld habitat will be lost.</p> <p>Many of the main and secondary environmental impacts associated with this development as listed in the reports have a potential to be mitigated by the presence of a buffer zone (a scientifically considered zone of influence, measured by a distance from a development footprint or sensitive area).</p> <p>The literature and legislation around buffer zones for protected areas is scant and somewhat confusing. A buffer zone policy exists only for National Parks in SA. Buffer zone guidelines have been drafted for aquatic environments (<i>Buffer Zone Guidelines for wetlands, rivers and estuaries (2017)</i>) and at species level for red-listed, threatened plants.</p> <p>Buffer zones have been defined as “a strip of land with a use, function or zoning specifically designed to protect one area of land against impacts from another”.</p> <p>Also, “A buffer zone is a collar of land that filters out inappropriate influences from surrounding activities (Shafer, 1999), also known as edge effects, including the effects of invasive plant and animal species, physical damage and soil compaction caused through</p>	<p>7. A private open space area (green) between the development and Kgaswane Nature Reserve will function as a buffer and will be managed by the Home Owners Association (HOA) according to the EMPr to still be developed in consultation with the biodiversity specialist. The EAP, biodiversity specialist and town planner tried to find the best possible layout in terms of all environmental aspects.</p>
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	<p>trampling and harvesting, abiotic habitat alterations and pollution. Buffer zones can also provide more landscape needed for ecological processes such as fire” (Shafer, 1999).</p> <p>The <i>Background to The EIA Administrative Guidelines on Red List Plant Species</i> (2001, as amended 2006) reports a minimum buffer zone of 200 meters for a Red List plant population in grassland (urban areas, and a requirement for larger buffer for rural areas).</p> <p>For this investigation they solicited responses from ecologists on the question of buffer zone widths -Some listed here may be relevant and helpful –</p> <ul style="list-style-type: none"><li>• Burger et al., 2000 · Airborne dust is predicted to exceed DEAT (Department of Environmental Affairs and Tourism) daily air quality guidelines up to 100m to 300m away from a road construction site.</li><li>• Oxides of nitrogen are expected to exceed DEAT air quality guidelines up to 20m to 250m away from a road edge.</li><li>• Carbon monoxide emissions are expected to exceed DEAT air quality guidelines up to 15m to 30m away from a road edge and up to 65m using World Health Organization standards.</li><li>• Diesel Particulate Matter is predicted to exceed World Health standards up to 65m away from a road edge.</li><li>• Lead is expected to exceed World Health standards up to 15m to 28m away from a road edge.</li><li>• Significant impacts of particulate matter can be expected up to 20m from a road edge.</li><li>• Conservation Biology Institute, 2000 · Alien plant species have been found to extend up to about 99m into natural habitat from primary roads, secondary roads and backcountry trails.</li></ul>	
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	<ul style="list-style-type: none"> <li>• Invasive plants have been found to be abundant within 198m from forest edges and lower (but still elevated) levels of invasive plants 500m from the edges.</li> <li>• Domestic dogs and cats (that may affect populations of seed dispersal agents such as rodents) are active within reserves at a distance of more than 99m and within 30-61m from the urban-wildland interface respectively.</li> <li>• Activity of the invasive Argentine ants, which displace native ant species (crucial to the life history of many butterflies) that may act as pollinating or seed dispersing agents, has been found to be highest within 99m of the nearest urban edge. <b>(Argentine ants have been seen in the Magaliesberg (MPE EMF))</b></li> <li>• A number of empirical studies have concluded that detrimental effects to biological resources can extend up to 46- 183m from the edge of the urban-wildland interface.</li> <li>• Marris et al., 1993 · Seedlings are sensitive to glyphosate spray drift up to 20m downwind, some species show a small effect on seedling mortality between 20m and 40m.</li> <li>• A buffer zone of 200m in grassland seems reasonable since abiotic effects are going to be low at this distance, it is beyond the normal home range size of most pollinators, it is far enough to give some warning of important exotic invasions.</li> </ul> <p>8. Both the DSR and terrestrial report fail to mention that Kgaswane Mountain Reserve was declared an UNESCO RAMSAR site in Sept 2019 (site no. 2385 (Ramsar, 2019), and consequently all wetlands within</p>	<p>8. I have now included it (declared a UNESCO RAMSAR site in Sept 2019) where Kgaswane is mentioned for the first time in the report. Kgaswane management was also notified but no comments were received from them.</p>
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	<p>its boundaries are Ramsar wetlands of international significance.</p> <p>Determining a buffer zone</p> <p>Macfarlane and Bredin refer to the modified fixed-width approach to determine buffer widths, using excel an site-based tools. MB NPC requests a suitably qualified specialist determine an appropriate buffer from the drainage lines, watercourses or wetlands that occur close to the site.</p> <p>Once a buffer zone has been determined management measures should form part of the EMP to ensure that the buffer provides the required functions to maintain or enhance ecological functioning and biodiversity protection.</p> <p><u>9. Plants of conservation concern</u></p> <p>National Assessment: Red List of South African Plants version 2020.1.</p> <p>Pfab, M.F., von Staden, L. &amp; Hahn, N. 2016.</p> <p><b>Aloe peglerae</b> Schönland</p> <p>National Status and Criteria - Critically Endangered A4abd</p> <p>Assessment Date - 2016/09/13</p> <p>Distribution South African endemic</p> <p>Provincial distribution Gauteng, Northwest endemic to the Magaliesberg and Witwatersberg</p> <p>Major habitats Gold Reef Mountain Bushveld, Rand Highveld Grassland</p> <p>Description It occurs in shallow, gravely quartzitic soils on rocky, north-facing slopes or summits of ridges.</p> <p>Field observations indicate that the species has become scarce or extirpated in places accessible to the public (Pfab and Scholes 2004). At least 200 plants were recorded in the Kgaswane Nature Reserve near Rustenburg in the 1980s (Hahn 2013), but fewer than 10 plants could be found in a 1999 survey (M.F. Pfab pers. comm. 2005), and no plants could be found during the most recent field surveys (2008-2013, Hahn 2013)</p>	<p>TBC employs terrestrial and aquatic biodiversity specialists and these visited the site.</p> <p>Management measures will form part of the EMP (next phase) to ensure that the buffer provides the required functions to maintain or enhance ecological functioning and biodiversity protection.</p> <p>9. Noted that the project is not supported in its current layout because of the risks associated with the disruption of biodiversity and ecological integrity of the Kgaswane reserve and the potential presence of SCC in close proximity to the built-up area and human presence.</p>
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	<p>The presence or absence of Aloe Peglerae has not been determined within a determined buffer distance from the development footprint.</p> <p>The conclusion of the terrestrial report states <i>“The surrounding urban area has also had an impact on both the fauna and the flora in the area, which is evident in the disturbed and transformed habitats”</i>. This observation proves the importance of a buffer zone, as what was once a pristine natural area has now been degraded due to human presence. activity. The fence will not mitigate against all anthropogenic influences in the protected area (such as the spread of Invasive alien Plants (at high cost to the province to manage this spread as is required), the alteration of fire regimes (either by putting a fire break in the protected area to protect the homes from wildfire, or the risk of accidental fire entering the reserve).</p> <p>The Protea grassland ecosystem shows that this development is in a natural fire zone. Already fire associations are under immense financial and human-resource stress to protect infrastructure. On the Global forest watch North West is second only to the WC for fire risk. To stop fire interferes with the ecological function of the Magaliesberg as fires is needed by species like Protea and many SCC to stimulate growth and germination.</p> <p>One alternative for the site is to apply duty of care knowledge and skills to determine the best use. In this case it could be purchased to offset biodiversity loss on the western platinum belt. It is a natural extension of Kgaswane which provides relief from the stresses of life to visitors, hikers, cyclists and many church groups. The anesthetic and sense of place of Kgaswane will be compromised with this development which is contrary</p>	
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	<p>to the 2018 Outlook report and the 2015 Biodiversity sector plan.</p> <p>The DFFE, Northwest Province and the RLM as well as many other stakeholders have recognized the fundamental ecological, environmental and cultural importance of the Magaliesberg Biosphere and this is why it has been designated as a special landscape of national and international significance that engenders a sense of pride for all South Africans.</p> <p>The MB landscape requires appreciation, respect, and protection if it is to be conserved for future generations. Besides education, research, and conservation objectives, it is also suitable for other land uses such as education, tourism, recreation, residential developments, agriculture, and mining due to its scenic attributes, soil and water potential, proximity to cities and industrial centers and its unique geology. This paradox of conservation and development is managed by the implementation of buffer areas to protect sensitive biodiversity and ecology and biosphere zones to regulate the degree of human-use in relation to it. The prospect of this development with a very small buffer against the protected area is not supported because of the risks associated with the disruption of biodiversity and ecological integrity of the Kgaswane reserve and the potential presence of SCC in close proximity to the built-up area and human presence. Thus, an alternative layout/configuration / percentage natural area should be presented in the EIA, as well as a no-go biodiversity offset option. The layout and acceptable buffer distance should be informed by a thorough assessment of the biodiversity and ecology in the protected area immediately surrounding the footprint.</p>	<p><b>HydroScience invited MBR to a site meeting on 2022-11-21 and they Ms Belinda Cooper attended.</b></p>
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Dawsons	2022-09-21: Requested report	Provided draft Scoping Report: 2022-09-21 Downloaded report: 2022-09-21 Confirmed (verbally via telephone conversation) no further comments: 2022-10-04
NW DEDECT	Acknowledgement of receipt: 2022-09-08 Reference number: NWP/DFFE/52/2022 File send from Rustenburg regional office to Mahikeng Head Office to obtain specialist biodiversity input.	Submission of application: 2022-08-30 Site visit: 2022-09-15 <b>Comments will still be included during the next phase.</b>
<b>Comments received during the EIA phase</b>		
DFFE	2022-10-10: Acknowledge receipt of final Scoping Report.	
Daily Maverick (Onke Ngcuka)	2022-11-07	Responding to query lodged with HOA.  HydroScience is the EAP for the project with Reference number: 14/12/16/3/3/2/2198 with the DFFE relating to the PROPOSED TOWNSHIP ESTABLISHMENT ON REMAINDER OF PORTION 43 OF THE FARM WATERVAL 306JQ AND PORTION 7 OF THE FARM BOSCHDAL 309JQ (ADJOINING), RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE  If this is the development you are referring to, it has not started because it has not been approved. We are only in the scoping phase of the NEMA EIA application process. Nothing has been finalised and the Scoping report is currently with DFFE for consideration.

	<p>2022-11-08: Thank you for your response, I was wondering if you might have anything to add about the animal encroachment from the reserve into the estate?</p> <p>And just in response to that, I was wondering what the dirt road near your estate was for and whether the rubble nearby had come from the potential development? And if associated with the development, why is the developer proceeding with such activity without the EIA yet?</p> <p>May I also have your title to use for the article?</p>	<p>As you probably know, the EIA process does include a consultation process with interested and affected parties and other stakeholders and this is still on-going.</p> <p>There is a comprehensive biodiversity study that was done by The Biodiversity Company as specialists in terms of vegetation and animals. There is a fence between the reserve and privately owned properties.</p> <p>This is not my estate, I do not live in the area. As mentioned before I am the independent EAP for this project. I am not clear what dirt road you are referring to – there are a number of dirt roads in the area. Rubble cannot have come from the potential development as that is what it currently is, a potential development. Rubble is only generated once a development starts.</p> <p>I suggest you familiarise yourself with the area and be specific. I cannot respond to statements on dirt roads and rubble in the area. I am the EAP for a specific project and cannot comment on everything happening in Rustenburg.</p> <p>It appears that you have not done sufficient research, yet, to do your own story on the matter but rely on hearsay. Please make sure you have your facts correct before you do your story. Everything is well documented in the documents produced and with the authorities currently.</p>
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<p>KWEF</p>	<p><b>Public Participation:</b> Please supply the relevant legislation which states only one notice is required, and why the EAP has not included in the response table, KWEF's photographs and the quotation of NEMA EIA 2014 Regulation regulation 41:</p> <p><i>“(2) The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act <b>and must give notice to all potential interested and affected parties of an application or proposed application</b> which is subjected to public participation by-</i></p> <p><i>(a) <b>fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of-</b></i></p> <p><i>(i) the site where the activity to which the application or proposed application relates is or is to be undertaken; <b>and</b></i></p> <p><i>(ii) any alternative site;“</i></p> <p>Thus there should have been one notice on each affected farm portion, AND a notice in an alternative site which is “<b>conspicuous to and accessible by the public</b>”, or as also stated in the Public Participation Guideline In Terms Of National Environmental Management Act, 1998 Environmental Impact Assessment Regulations:</p> <p><i>“Notification of a proposal to all I&amp;APs may be given through a number of methods including fixing of</i></p>	<p>Kindly advise the interest of KWEF in this project since it falls outside the areas of concern and representation of Kroondal &amp; Ward's Environmental Forum (KWEF)?</p> <p><b>Public participation procedure:</b> Legislation was not quoted again since authorities are familiar with the content of the legislation but it will be included as per your request. As per your yellow highlighting: “a notice board” implies singular. There is no alternative site being evaluated / considered as part of this process so no notice was placed on an alternative site. Notices cannot be placed on random properties belonging to other owners. There were notices placed on each affected farm portion. As previously mentioned a newspaper notice was also placed.</p>
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noticeboards, providing written notice, placing advertisements etc.

**The type of method used must be an effective method of communication .i.e notice boards must be of appropriate size, it must be placed in areas that are considered to be visible”**

In the many EA applications KWEF has been part of, this is the only one where so few notices were put up, and the 2 that were put up, were not visible to the public. KWEF is not asking why it was not notified, only why the notice boards were not placed according to the above regulation 41, and thus why all potential interested and affected parties (I&AP defined by NEMA as “**any** person, group of persons or organisation interested in or affected by such operation or activity”) were denied an opportunity to see the notice, as it was not visible from a public road, but behind a restricted access Schoongezigt Estate gate, and on private property which was not accessible/ visible to the public as the access gate was locked and possibly manned by security at times (judging by the presence of a chair at the gate), and marked by a “ Camera Surveillance, No Trespassing” sign. This is contrary to the above regulation and guideline, as shown by KWEF’s photographs in its original comments.

**Scoping:**

a.The proposed application cannot be granted EA and commence if the land has not been rezoned from agricultural land. This is crucial and relevant information to this application.

The landowner was obviously party to the RLM water reservoir construction and would have been involved in

**Scoping report:**

As previously indicated, the township application in terms of SPLUMA is a separate application and as with any new development there are a number of applications and approvals required before it can commence. Rezoning is not a listed activity in terms of NEMA and applications in terms of NEMA are



	<p>the EA process, could he kindly provide a copy of the Final BAR/ Scoping Report and EMPR, please? Alternatively, could he kindly provide the details of the EAP involved, please?</p> <p>KWEF, and other I&amp;AP KWEF knows, (including the MBR), appear not to have been notified about, or aware of, the EA applications for the establishment of the RLM water reservoir or previous phases of the Schoongezigt Estate, which is one reason KWEF why is alarmed at the manner in which the notice boards were placed in this application – the impression is created that they were placed so as not to be visible to all potential I&amp;APs, who may therefor not be aware of such an application.</p> <p>KWEF is trying to establish the track record of the RLM in providing adequate infrastructure and services, and therefore in protecting areas rated as highly sensitive biodiversity areas, all very relevant to this application. KWEF attaches a statement put out by the RLM on 4.10.2022, with regard to the precarious water supply to especially high lying areas such as in this application, re-enforcing some of the service delivery issues.</p> <p><u>Pollution of rivers should be addressed with DWS as the custodian of SA's water resources.</u></p> <p>This response is not relevant to this application, where KWEF is making the point that major environmental damage is being caused by the RLM's poor infrastructure and maintenance, which has a direct bearing on the granting of applications for township development in the MBR buffer zone, bordering on the MPE, Kgaswane Nature Reserve and a Ramsar Wetland.</p>	<p>considered in terms of the listed activities for which application is made.</p> <p>Service delivery agreements are not concluded during the EIA process. If RLM cannot provide services, it is assumed they will not approve new developments in terms of town planning. HydroScience cannot assist KWEF in its attempts to establish the track record of the RLM or comment on RLM's poor infrastructure and maintenance. For any information on other projects, please follow the PAIA process.</p>
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A traffic study will be conducted to determine if road upgrades are required. Storm water management is a local authority responsibility. Inadequate / malfunctioning storm water drainage should be addressed with RLM Again, the response about the storm water drainage is inappropriate to the point KWEF is making, see above.

If RLM is not in a position to deliver adequate infrastructure and services for the proposed development, it should not approve the development application through SPLUMA.

Precisely, but the RLM appears to continue to grant these applications through SPLUMA, regardless of its abilities, or lack thereof.

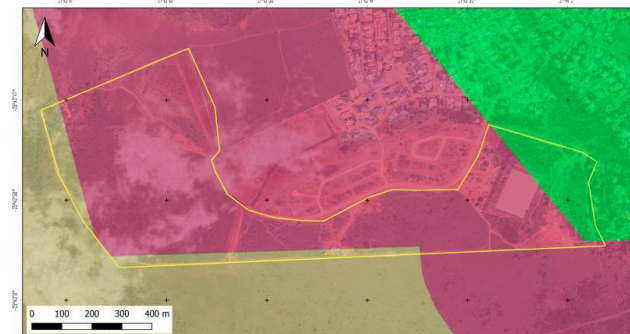
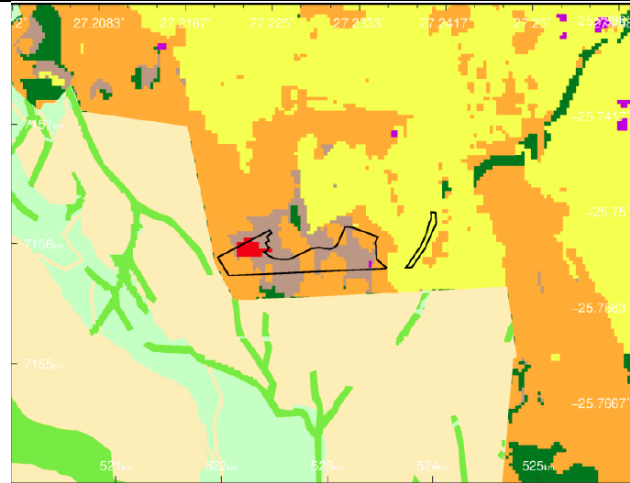
c. Hydroscience was the EAP for the EA applications for Portion 2 of Boschdal 309JQ, please will they confirm what the EA was granted for.

The patrol road was not significant until at the least May 2021, according to Google Earth photographs, whereafter it appears it underwent a major earth scraping. The applicant asserts then that the upgrade to the security fencing was done because of security risks to existing developments on other farm portions. This is not a logical step to take- it is far more expensive to fence the entire perimeter of the affected farm portions, than to place a fence within, or just outside of, the existing developments' borders. KWEF submits that the Clear View and electrified fence, and patrol road were constructed (at great expense, no doubt), on the assumption that authorisation to proceed with the current application would be granted, before any EIA could be completed. This resulted in a deterioration /

c. For any information on other projects, please follow the PAIA process.

The patrol path and fence are not used as a motivation for this project to proceed. It will remain irrespective of the success or not of this application.

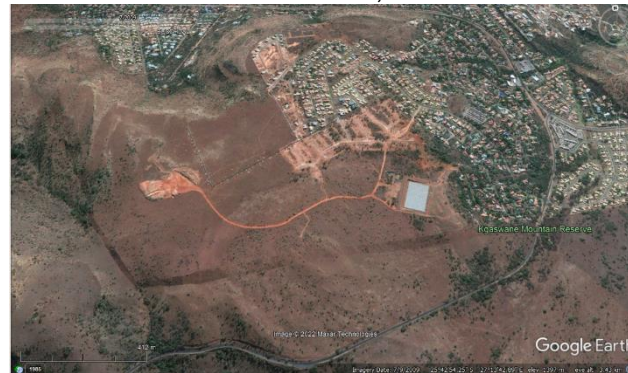
	<p>disturbance of the ecology and integrity of the land on which the EIA was to be done, and it is now being used as one of the reasons why this development should be allowed to proceed.</p> <p>It is noted that there is a spillover of invasive plants from the existing estate borders, onto the affected farm portions, by the biodiversity expert. This shows that the “process” is not being followed and also that should the estate be allowed to extend up to the border of the Kgaswane Mountain Reserve/ MBR/ MPNE, there will again be a spillover of invader plants, and likely domesticated animals, into the protected areas. That is why buffer zones are so important.</p> <p>As stated previously, KWEF does not accept the photo as proof of control of an invasive species.</p> <p>d. KWEF requests a copy of the high resolution BPDM EMF map, or the source of the map, as it has never seen such a high resolution map. As will be seen by contrasting the below maps, the affected portion of Farm Waterval 306JQ is incorrectly positioned on the EMF map, and if positioned correctly, would include a green biodiversity area.</p>	<p>d. BPDM EMF is available to the public and maps are produced by the tool at the resolution provided. BPDM EMF generates report and maps based on Surveyor General number and cannot be manipulated to change boundaries. Guidelines in the EMF for zones are considered in terms of management (next phase of the project) – this is only the Scoping phase.</p>
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Project: Waterval  
 Date: 20/07/2022  
 Compiler: A. Huisend  
 Datum: WGS 84 UTM 35S

The Purple Zone is so minute, that KWEF had to enlarge the map considerably to see it at all. It is highly unlikely that a Development Zone II industrial development would be situated in the area, unless it refers to the water reservoir, on which it could possibly

be situated? KWEF did not think it is of much relevance to this application, as it would be situated in the north, eastern corner of the affected farm portion in any case, relatively far from the protected area, were the position of the affected portion 43 of Farm Waterval to be corrected on the EMF map. The red mining area was puzzling to KWEF, who thought it might be an error, but on reviewing the Google Earth maps/ photos, realises that area seems to have appeared at the time of the Rand Water reservoir construction, and is quite likely the unrehabilitated earth work site from the time of its construction (see 2009 Google Earth photo below). It is most likely not therefor a “mining site”, but probably where the soil removed at the time of the underground reservoir construction, was stored. KWEF has been unable to find any evidence of the EA for this Tierkloof Rand Water reservoir online, in order to check the details. KWEF would consider this site as probably yet more evidence of the lack of compliance with rehabilitation of CBA2 areas, in the RLM.



The point is that the zones were mentioned, but their significance in terms of the guidelines was not detailed. Without the guidelines, the zoning is not helpful in terms

	<p>of the CA making an informed decision. As stated- the EAP did not supply ALL the relevant information.</p> <p>e. The affected area borders on a RAMSAR wetland- this should be mentioned,</p> <p>The Government Screening Tool Report is based on a 2017 map. Please will the specialist explain why, and exactly how, the Kgaswane wetland came to not be shown on the SWSA map he refers to , for 2021. There may have been some change in the reporting method. According to the Government Screening Tool Report, the affected portions are on SWSA and a NPAES area. Therefore KWEF said the specialist statements would be incorrect. If the specialist contests these classifications, will he please supply detailed explanations?</p> <p>The importance of the RAMSAR wetland area, which extends up to the border of the affected farm portions, is that South Africa is a signatory to the Ramsar Convention, and this international convention places certain expectations on South Africa, in terms of protecting its (especially those listed,) wetlands. The Ramsar Wetland does not cover the entire Kgaswane Mountain Reserve, and is a distinct entity.</p> <p>This statement is unclear- for which animals are suitable food sources to be provided? Why would this be necessary, and would it not cause dependence on humans?</p> <p>KWEF does not consider the proposed development as "low impact", especially looking at the current estate</p>	
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phase 2 development. What type of offset mitigation would be instituted?

That is not what is stated in the specialist study (see quote in column 1 of this document). It is perplexing that the biodiversity specialist says the proposed layout was compiled after the phase 1 study- as KWEF stated before, there is a very large overlap of the high sensitivity areas with the planned houses, other infrastructure.

This is not a satisfactory answer- the impact ratings for the outlay design the specialist received, should have been realistic.

f. This is a nonsensical statement. Of course further buildings/ houses, close to the border of the Kgaswane Mountain Reserve will further impact on the visual status of the area. The noise pollution would also be significantly increased in the reserve.

g. The RLM, the involved provincial and national government departments all endorsed the formation of the Magaliesberg Biosphere Reserve and are bound to take its guidelines into consideration.

Furthermore, the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 Of 2003) Norms And Standards For The Management Of Protected Areas In South Africa, Notice 528 of 2014 states:

*“9. Planning outside the boundary to secure the protected area*

*Purpose*

*The purpose for this norm and its standards is to [promote and or ensure] the positive involvement of the*

*protected area management in planning outside the protected area which may affect its integrity.*

*Application*

*This standard applies to all protected areas declared in terms of sections 18 (special nature reserve), 20 (national park), 23 (nature reserve) and 28 (protected environment) of the Act, as well as their buffer zones.*

*9.1 Norm*

*A protected area has a determined buffer zone and is involved with planning outside planning structures to ensure integrity of the protected area.*

*a) Standard*

*An appropriate buffer zone for the protected area has been established.*

*Indicators*

*The protected area has identified a buffer zone in its management plan;*

*The protected area has mechanisms to facilitate the implementation of the buffer zone;*

*The protected area management has proactively sought to encourage neighbours to introduce conservation-friendly land uses to enhance buffering of the protected area;*

*A policy for controlling activities in the buffer zone has been developed and is implemented.*

*b) Standard*

*A protected area is integrated into land-use planning outside of the protected area.*

*Indicators*

*Management authorities play an active role in land use planning affecting the protected area.*

*The land-use planning takes cognisance of the protected area and the achievement of protected area management objectives.”*



	<p>The Magaliesberg Protected Environment Environmental Management Framework and Plan (MPE EMF 2007 ) is of relevance here. Unfortunately KWEF does not have a copy of this.</p> <p>Kgaswane Mountain Reserve's EMF would be relevant as well.</p> <p>The guidelines were not detailed, as noted in point d, above.</p>	
KWEF	<p>2022-11-15: In response to response of HydroScience above</p> <p>KWEF is an environmental forum affiliated with the Deutsche Evangelisch Lutherische Gemeinde Kroondal, which is the German Evangelical Lutheran Kroondal congregation. Your statement about the project falling “outside the areas of concern and representation of Kroondal &amp; Ward’s Environmental Forum” is very puzzling- as you know, interested and affected parties do not have to have “designated areas of concern”. As previously quoted, NEMA defines an I&amp;AP as: “<b>any</b> person, group of persons or organisation interested in or affected by such operation or activity”. KWEF certainly has no financial interest in the application.</p> <p>The objectives of KWEF are to:</p> <ul style="list-style-type: none"> <li>• promote the creation of a healthier environment and a better quality of life for all, including the reduction of air, water and soil pollution,</li> <li>• exercise a positive influence on, and have an input in, the process of the granting of permits by government to local mining, industry, economic activity,</li> </ul>	

	<p>agriculture, development, tourism and environmental matters,</p> <ul style="list-style-type: none"> <li>• monitor that planned developments in the above - mentioned matters proceed in compliance with legal requirements,</li> <li>• strive to create and maintain environmental awareness, particularly within the community and the youth.</li> </ul> <p>From the above, you will understand that when an internationally proclaimed biosphere and Ramsar wetland, a protected natural environment and a provincial nature reserve will be impacted by a proposed development in the Rustenburg Local Municipality (RLM), KWEF has concerns and will raise them during the public participation process. The members of KWEF are also residents in the RLM.</p> <p>1. With regard to your comments about the public participation procedure –NEMA EIA regulation 41 states: “<i>and (ii) any alternative site;</i>”, the meaning of which is ambiguous and which KWEF interpreted to mean a notice at another place, and not at another “alternative site” which has been proposed by the applicant for the proposed development. However, the notice must be in a place conspicuous to and accessible to, the public, which the ones you placed, were clearly not, hence another/ more notices should have been put up. Schoongezigt Estate has already placed a notice relating to entrance at the contractors’ gate, on another landowner’s property, at the end of Crocodile River Avenue (see the photos KWEF sent in its initial comments), so it is unlikely that the landowner would object to another notice being placed there, and you could have also put up a notice at the existing</p>	<p>HydroScience also during the EIA phase investigated other public places to place notices such as the two (2) shopping centres in proximity but none of these had notice boards which could be used.</p> <p>Two additional notices were placed (though not on the project properties but with permission from the owners) during the EIA phase – entrance to Schoongezigt Estate as well access from Visrivier Road.</p> <p>No additional I&amp;APs registered.</p>
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Schoongezigt Estate's main entrance, or the other Schoongezigt Estate contractors' gate on Visrivier Avenue, or even better, on the large, conspicuous Schoongezigt contractors' gates sign on the corner of Visrivier Avenue and Crocodile River Avenue (see attached photos) - which would not have been on a "random property" belonging to another landowner. Other EAPs put up notices on lampposts, etc, at the municipal offices or other places where there are community notice boards- for example at the Tuscany Crossing SPAR, where it is more likely to be seen by the local community members. So KWEF stands by its position that a notice board/s was/ were not placed in compliance with the NEMA EIA regulation 41.

2. With regard to your statements:

a) "If RLM cannot provide services, it is assumed they will not approve new developments in terms of town planning. HydroScience cannot assist KWEF in its attempts to establish the track record of the RLM or comment on RLM's poor infrastructure and maintenance."

It is exactly the assumption that RLM will not approve new developments if they cannot provide services, which KWEF would like to show is flawed. The RLM has not provided adequate services to the existing residents in the area for a few years, yet they have approved the development, of, for example, phase 2 of the Schoongezigt Estate, relatively recently. KWEF is asking HydroScience to record KWEF's concerns in the final scoping report, it is requesting only what is expected of EAPs according to the NEMA EIA 2014 regulation 13, including:

*"13. (1) An EAP and a specialist, appointed in terms of regulation 12(1) or 12(2), must-*

*disclose to the proponent or applicant, registered interested and affected parties and the competent authority all material information in the possession of the EAP and, where applicable, the specialist, that reasonably has or may have the potential of influencing-*

- (i) any decision to be taken with respect to the application by the competent authority in terms of these Regulations; or*
- (ii) the objectivity of any report, plan or document to be prepared by the EAP or specialist, in terms of these Regulations for submission to the competent authority;“*

There is nothing wrong with KWEF requesting information from the applicant. As you will be aware, obtaining information through a PAIA process is often a long, frustrating and unsuccessful process, which means that the time frame to submit any pertinent information gleaned, will have long expired in this application. Furthermore, regulation 26 of NEMA EIA 2014 states:

*“Content of environmental authorisation*

*26. An environmental authorisation must specify-*

- (h) a requirement that the environmental authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, where applicable, audit reports including the environmental audit report contemplated by regulation 34, and all compliance monitoring reports be made available for inspection and copying-*
- (i) at the site of the authorised activity;*
- (ii) to anyone on request; and*
- (iii) where the holder of the environmental authorisation has a website, on such publicly accessible website; and“*

	<p>Which means that if anybody requests any of the above documents, the holder of an environmental authorisation must provide them. KWEF would like to suggest that it would be beneficial if copies of the EA, scoping report and EMPR for the original, and phase 2 of the Schoongezigt Estate, be made available to all the I&amp;APs in this application, so that it can be seen whether the developer and estate management of the existing Schoongezigt Estate (Home Owners' Association) are complying with the EMPR conditions, etc. This will give a good indication of whether the current proposed development, by the same developer and presumably ultimately the same management (Home Owners' Association), would likely proceed according to any EMPR conditions which were stipulated.</p> <p><i>b)" The patrol path and fence is not used as a motivation for this project to proceed."</i></p> <p>KWEF would like to point out that the specialist biodiversity report states that roads and fences have disturbed the environment (pages 53, 54, 61) , which has compromised the ecological site importance of the area, which in turn affects the guidelines for the development of the site. It is stated that CBA2 areas are important corridors for the movement of animals and for foraging, the Clearview Fence will have clearly impacted this.</p> <p>3.KWEF would like confirmation as to what the activities shown in the photos on pages 51 and 62 of the specialist biodiversity report represent- there appear to be heavy construction vehicles and trenches of some sort. Were these related to the construction of the</p>	<p>HydroScience was not involved and does not have access to this information and would also have to follow a PAIA process as a third party.</p>
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	<p>roads, fence, water pipelines or sewage pipelines, or some other activities?</p> <p>4. KWEF would like to add that the visual impact of the proposed development on views from the Kgaswane Mountain Reserve will be very significant, especially at night time, when the light pollution will also be a threat to the fauna such as insects and bats. An incredible aspect of Kgaswane Mountain Reserve is the miracle of such a beautiful, unspoilt natural environment existing so close to a city, with almost no evidence of the city felt, when in the reserve. The noise and visual pollution from a residential estate right up to its border, will be very detrimental to the beauty and tranquillity of the only government owned and publicly accessible nature reserve in the Magaliesberg. There must be a buffer between the reserve and any developments, in order to prevent the spoiling of this unique reserve's sense of place and peace, for the enjoyment of all.</p>	<p>Refer to specialist VIA, EMPR and buffer.</p>
<p>KWEF</p>	<p>2022-11-22: Registered for EIA phase</p>	
<p>DFFE</p>	<p>2022-11-08:  Final Scoping Report (FSR) and the Plan of Study for Environmental Impact Assessment (PoSEIA) dated October 2022 received on 10 October 2022, accepted. Proceed with EIA.  Please ensure that the following information forms part of the EIAR:  (i) The EIAR must provide an assessment of the impacts and mitigation measures for each of the listed activities applied for.  (ii) Please ensure that all relevant listed activities are applied for, are specific and can be linked to the</p>	<p>Proceeded with EIA.</p> <p>i. See Section 9, 10 and EMPR in Appendix F.</p> <p>ii. Section 5</p>

	<p>development activity or infrastructure (including thresholds) as described in the project description. Only activities (and sub-activities) applicable to the development must be applied for and assessed.</p> <p>(iii) The listed activities represented in the EIAR and the application form must be the same and correct.</p> <p>(iv) The EIAR must assess the correct sub listed activity for each listed activity applied for.</p> <p>(v) The EIAR must include confirmation from the municipality of the availability of services for the proposed township.</p> <p><b>Public Participation</b></p> <p>(i) Please ensure that comments from all relevant stakeholders are submitted to the Department with the EIAR. This includes but is not limited to the provincial Department of Environment, the local and district Municipality, the South African Heritage Resources Agency (SAHRA), including this Department's Biodiversity Section; BCAdmin@dffe.gov.za.</p> <p>(ii) Please ensure that all issues raised and comments received during the circulation of the draft SR and draft EIAR from registered I&amp;APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final EIAR. Proof of correspondence with the various stakeholders must be included in the final EIAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments.</p> <p>(iii) A Comments and Response trail report (C&amp;R) must be submitted with the final EIAR. The C&amp;R report must incorporate all comments for this</p>	<p>iii. Same and correct</p> <p>iv. See Section 5</p> <p>v. Water – new RLM water reservoir has been established on site and only after that was this application lodged. Awaiting letters re other services – will follow-up again.</p> <p>i. See Appendix E. Awaiting NW DEDECT comments. RLM comments included. No comments from BPDM. No comments from SAHRA. DFFE Biodiversity comments included.</p> <p>ii. See Appendix E, addressed throughout the EIR &amp; EMPR.</p> <p>iii. This document.</p>
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	<p>development. The C&amp;R report must be a separate document from the main report and the format must be in the table format as indicated in Appendix 1 of this comments letter. Please refrain from summarising comments made by I&amp;APs. All comments from I&amp;APs must be copied verbatim and responded to clearly. Please note that a response such as “noted” is not regarded as an adequate response to I&amp;AP’s comments.</p> <p>(iv) Comments from I&amp;APs must not be split and arranged into categories. Comments from each submission must be responded to individually.</p> <p>(v) The Public Participation Process must be conducted in terms of Regulation 39, 40, 41, 42, 43 &amp; 44 of the NEMA EIA Regulations, 2014, as amended.</p> <p>(vi) The EAP is requested to contact the Department to make the necessary arrangements to conduct a site inspection prior to the submission of the final EIAR.</p> <p><b>Layout &amp; Sensitivity Maps</b></p> <p>(i) The EIAR must provide the four corner coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided.</p> <p>(ii) A copy of the layout map must be submitted with the EIAR. All available biodiversity information must be used in the finalisation of the layout map.</p> <p>(iii) The layout map must indicate the following:</p> <ul style="list-style-type: none"> <li>• Neighbouring Kgaswane Nature Reserve to the south and west.</li> <li>• Sensitivity of natural areas and areas bordering natural areas such as Kgaswane Nature Reserve.</li> </ul>	<p>iv. Done</p> <p>v. Done</p> <p>vi. DFFE has been invited twice but did not respond. HydroScience will again invite DFFE.</p> <p>i. Included in Section 3.1</p> <p>ii. Figure 4-2</p> <p>iii. To ensure clarity and not clutter, different maps were produced and provided in Section 4.</p>
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	<ul style="list-style-type: none"> <li>• Proximity to Magaliesberg Biosphere Core.</li> <li>• Location mainly in the Magaliesberg Biosphere buffer.</li> <li>• Location of neighbouring developments (Cashan X7, Cashan X6, Cashan X4, Safari Tuine X15) to the north and east.</li> <li>• The existing Schoongezigt Estate and already approved developments (Cashan X7) in direct proximity to the north and east through a shared road network.</li> <li>• Already disturbed areas and existing biodiversity areas.</li> <li>• All existing infrastructure and new proposed infrastructure that will be linked to the proposed development must be provided.</li> </ul> <p>(iv) The environmental sensitivity map which indicates the following: The location of sensitive environmental features on site, e.g., CBAs, protected areas, heritage sites, wetlands, drainage lines etc. that will be affected by the Township establishment and its associated infrastructure; Buffer areas; and all “no-go” areas.</p> <p><b>General</b></p> <ul style="list-style-type: none"> <li>• Should a Water Use License be required, proof of application for a license needs to be submitted.</li> </ul> <ul style="list-style-type: none"> <li>• The management authority of the Cradle of Humankind WHS must be given the opportunity to provide comment on the draft reports.</li> <li>• Should any permits be required in terms of conservation or protected areas legislation, it is the</li> </ul>	<ul style="list-style-type: none"> <li>• A water use authorisation may be required due to the location of a stream within 500m of the development. Registration on the eWULaas will be done and submitted with the final EIR</li> <li>• Questioned this requirement as the site is far from the Cradle of Humankind WHS. DFFE did not respond.</li> <li>• No permits obtained</li> </ul>
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	<p>responsibility of the EAP to ensure that such requirements are fully complied with.</p> <ul style="list-style-type: none"> <li>• The EAP must provide landowner consent for all farm portions affected by the proposed project.</li> <li>• A construction EMPr that includes mitigation and monitoring measures must be submitted with the final EIAR.</li> </ul> <p>The applicant is hereby reminded to comply with the requirements of Regulation 45 of GN R982 of 04 December 2014, as amendment, about the time allowed for complying with the requirements of the Regulations.</p> <p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an environmental authorisation being granted by the Department.</p>	<ul style="list-style-type: none"> <li>• Landowners consent included in Appendix B.</li> <li>• Construction EMPR included in Appendix F</li> </ul> <p>Still within timeframes.</p> <p>Construction has not commenced.</p>
DFFE: Biodiversity conservation	<p>2022-11-10: Acknowledge receipt 2022-12-06: Comments</p> <p>According to the North West Biodiversity Conservation Plan (NWBCP) the proposed project falls within CBA 2 area (Protected area buffer and Important habitat for plants) and small portions of ESA 1 (Hills and Ridges and Important Bird Area). The biodiversity theme sensitivity indicated by the screening report was derived to be Very High, this is also supported by terrestrial biodiversity assessment that confirmed the very high sensitivity of semi natural bushveld habitats.</p>	<p>Noted and agree. Refer to biodiversity specialist study.</p>

	<p>Moreover, the project area also consists of Protected tree, several Species of Conservation Concern, Important Bird Areas, and in close proximity (&lt;50m) to the Magaliesberg Biosphere Reserve and the Kgaswane Mountain Nature Reserve Protected area buffer zone and can be considered as Focus Areas for land-based protected areas of expansion. The development will result in the destruction and fragmentation of intact and functional CBA 2 areas, IBA and Biosphere reserve areas rated “Very High”.</p> <p>Furthermore, the semi-natural Bushveld and rocky outcrops habitat units are the largest proportions within the proposed project area, is regarded as important, not only within the local landscape, but also regionally. The unit acts as a viable constituent of IBA and Biosphere reserve as well as remaining green lands which supports viable plant species populations and is also used for foraging. The unit also serves as a movement corridor for fauna within a landscape fragmented. The habitat sensitivity is regarded as high sensitivity due to the role of this intact habitat to biodiversity within an area being more fragmented locally, which is supported by the various ecological datasets.</p> <p>The proposed development might impact on biodiversity important areas, kindly prioritise positioning the development infrastructures in areas of low ecological importance and ensure that all activities within a sensitive area that will result with significant negative residual impacts after mitigation are prohibited.</p>	<p>Significant areas of the site have been disturbed by previous projects – Rand Water reservoir and RLM water reservoir but some areas are still intact.</p> <p>Refer to specialist biodiversity study.</p> <p>Correct, refer to SDP and EMPR.</p>
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	NB: The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; <a href="mailto:BCAdmin@environment.gov.za">BCAdmin@environment.gov.za</a> for attention of Mr. Seoka Lekota.	Submitted: 2023-01-13
Library copy of report	2022-08-30 – 2022-11-21	No comments
Site visit attended by: <ul style="list-style-type: none"> <li>• Applicant</li> <li>• Town planner</li> <li>• EAP</li> <li>• MBR</li> <li>• Kgaswane Nature Reserve (4)</li> </ul> KWEF declined DFFE did not respond	2022-11-21	<b>Notes from site visit distributed to all with attendance register.</b> <u>Alternatives:</u> Other alternatives to be considered (removing some houses and increasing buffer, restricting certain areas to single storey houses, management of buffer to prevent impact on Kgaswane). <u>Existing impacts:</u> The construction of two (2) reservoirs (Rand Water & RLM) has impacted on these properties (dirt roads, cleared areas, stockpiles). One stockpile area has naturally recovered and rehabilitated – may create a visual barrier. MBR representative requested demolition of this entire stockpile be reconsidered. Cashan X7 (approved development under construction) has impacted on these properties. MBR representative also indicated “The new fence and paved path while providing security for Cashan 7 has encroached on Cashan 8. The service/ alternative entrance to Cashan 7 occurs on the Cashan 8 footprint, and alien invasive plants have encroached onto Cashan 8 (Jacarandas can be seen in the gardens of Cashan 7 properties, and kikuyu is a potential problem).”

		<p><u>Reservoir construction camp at entrance:</u> Due to disturbance (not rehabilitated), the area will be used for recreational purposes (tennis courts etc).</p> <p><u>Rand Water reservoir:</u> NW Parks Board provided information on the historic leak from this reservoir which impacted on Kgaswane but which has subsequently been repaired and resolved. The area south east of this reservoir has also been severely disturbed (not rehabilitated) and will also be used for recreational purposes (bicycle track etc). Area east of this reservoir (also disturbed) will be used for storage.</p> <p><u>RLM reservoir:</u> The area around the reservoir, though disturbed, will not be used for building of houses due to this area's high visibility from Kgaswane Nature Reserve. The owner will look at options (painting and / or berms) to make this reservoir less visible from Kgaswane and the residents.</p> <p><u>Picnic / braai area on Boschdal 7:</u> MBR representative indicated that the date of construction was not provided and the cleared area for this and the fence is estimated to be more than 300m<sup>2</sup>. It should be indicated in reports.</p> <p><u>Guidelines and management:</u> Provide guidelines on paint colours and aesthetics. Biodiversity specialist to advise on types of endemic indigenous grasses, trees &amp; shrubs to be planted in gardens and landscaped open spaces (list of possible species).</p>
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<p>Zietsman-Horn Attorneys representing Mr Ronnie Schild</p>	<p>2022-11-22: Refer to sale agreement of shares. Agreed that a personal servitude would be registered in our client’s favour to grant him access to his property. Copy of agreement attached.</p>	<p><b>Response from applicant (translated)</b> Respect personal servitude and have already provided Ronnie with a key to the gate. Provide township layout.</p>

<p>MBR</p>	<p>Thank you for arranging a site visit to Cashan 8 yesterday. It was good to put a face to and meet some of the role players.</p> <p>Some points of discussion and observations for the record:</p> <ol style="list-style-type: none"> <li>1. <u>Presentation of alternatives.</u> <ul style="list-style-type: none"> <li>• From a biosphere perspective this type of development can only be supported if development and future management falls within the land-use guidelines for biosphere buffer zones and those for the Magaliesberg Protected Environment, and for development to be considerate of, and work within the confines of what the environment can carry, without negatively impacting on biodiversity, natural services, and sense of place. RLM and seemingly the owners of the properties Waterval 143 and Boschdal 7 would have endorsed the biosphere zonation during the years of public participation in various forms and stages from 2012 to 2015 and would be aware that the properties fall in the biosphere buffer zone (on some maps, overlapping with the core zone), and that the area is an ecologically sensitive critical biodiversity area. For this reason, other alternatives should be presented in the report.</li> <li>• The no-go alternative / consideration of biodiversity offset.</li> <li>• A second alternative as discussed, to increase the buffer between the Kgaswane border fence and house-plots to more than 10m-50m by perhaps removing the first line of houses. This to reduce the zone of influence, drift and visual impact between the urban edge and reserve as a safeguard against negative edge effects. Third, the suggested alternative to limit the buildings to single story along</li> </ul> </li> </ol>	<p>The owners of the property were not aware of the properties location within the MBR before I brought it to their attention.</p> <p>These options were included as alternatives in Section 7 of the report together with advantages and disadvantages.</p>
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	<p>the first row of houses closest to the fence. In all cases to reduce the visual impact on the reserve.</p> <p>2. For an EIA of this type and its implications for sense of place, it is suggested that GIS software and tools / 3D graphics (photo drapery) are used to assess visual impact of the different alternatives presented.</p> <p>3. The construction of the reservoirs has clearly had an impact on the properties under this application, in the form of dirt roads, cleared areas and stockpiles of earth. The stockpile on Boschdal 7 has naturally recovered and rehabilitated surprisingly well, and it may create a visual barrier (berm) between some of the house sites planned along the northern boundary fence of Boshdal 7 and the large storage area planned to the south of that. Perhaps the demolition of the entire stockpile and the layout in that area can be reconsidered</p> <p>4. The development of Cashan 7 has had an impact on the application properties. The new fence and paved path while providing security for Cashan 7 has encroached on Cashan 8. The service/ alternative entrance to Cashan 7 occurs on the Cashan 8 footprint, and alien invasive plants have encroached onto Cashan 8 (Jacarandas can be seen in the gardens of Cashan 7 properties, and kikuyu is a potential problem).</p> <p>5. Although it was not forthcoming when the braai area and ablutions on Boshdal 7 were built, the area cleared around this section, also necessary for the erection of the fence, is estimated to be more than 300m<sup>2</sup> and has impacted the environment and should be recorded in reports.</p>	<p>Discussed with VIA specialist – felt it was not required.</p> <p>Very good point, will be considered.</p> <p>Noted and agree. See EMPR.</p>
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	makes up part of the urban edge bordering Kgaswane in this area.	participation process was completed years ago
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