

## CHAPTER FOUR: ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AND PUBLIC PARTICIPATION

### 4.1 INTRODUCTION

This Chapter of the report provides the legal context for this Environmental Impact Assessment (EIA) in line with Appendix 2, Section 2 of NEMA EIA Regulations, 2014 (as amended). This includes an overview of the approach to the EIA process, with a focus on the public participation process, as well as a schedule for the EIA process, as follows:

- As required in GN R326, Appendix 2 2. (1) (e) “a description of the policy and legislative context within which the development is proposed including an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks and instruments that are applicable to this activity and are to be considered in the assessment process”; and
- As required by GN R326, Chapter 6, Regulation 39 to 44, the steps to follow regarding the public participation process for the Scoping phase of the assessment.

The plans, guidelines, spatial tools, municipal development planning frameworks and instruments which have been considered in the Scoping Phase of this assessment are listed below and are discussed in more detail in Chapter One and Three of this report.

### 4.2 LEGAL CONTEXT FOR THIS EIA

Section 24(1) of NEMA provides as follows:

*"In order to give effect to the general objectives of integrated environmental management laid down in this Chapter, the potential impact of the environment of listed activities must be considered, investigated, assessed and reported on to the competent authority charged by this Act with granting the relevant environmental authorization."*

The reference to "listed activities" in section 24 of NEMAA relates to the NEMA EIA Regulations, 2014 (as amended), which came into effect on the 8 December 2014 and were amended on the 7 April 2017 by Government Notice R326, 327, 325 and 324 published in Government Gazette 40772. The Government Notices published are collectively referred to as the NEMA EIA Regulations 2014 (as amended) and amongst others, comprise listed activities that require either Basic Assessment (BA), or a Scoping and Environmental Impact Assessment (S&EIA), which is to be undertaken prior to commencement of any activities on site. This proposed project requires full S&EIA in order to obtain Environmental Authorization for activities listed in GN R327, 325 and 324, for which the decision-making authority is the Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT), Cacadu Region.

The listed activities that potentially require Environmental Authorization are outlined in Table 4.1 below. At this stage of the assessment process a cautious approach has been adopted towards the identification of listed activities, and where there is uncertainty as to whether a listed activity applies to this project, it has been included in the table below. As noted in Chapter One of this report, and in correspondence dated the 18 October 2016, DEDEAT was notified in writing of the intention to commence a S&EIA process for the proposed project. Included with this correspondence was a Background Information Document (BID) on the project which, amongst others, outlined the approach to this S&EIA process, potential listed activities and included a locality map for the development. However, notification was provided in terms of the NEMA EIA Regulations, 2014 published in Government Notice R982, 983, 984 and 985 on the 4 December 2014, in Government Gazette 38282, which were applicable at the time of notification. These

regulations have subsequently been amended by the publication of GN R326, 327, 325 and 324 in Government Gazette 40772 on the 7 April 2017. Therefore, the proposed S&EIA process and identification of potential listed activities must be undertaken in terms of the NEMA EIA Regulations, 2014 (as amended). The applicability of listed activities will be refined during the course of the EIA process and DEDEAT will be notified accordingly.

The EIA process is a planning, design and decision-making tool which needs to show the responsible authority, DEDEAT, and the project applicant, what the consequences of their choices will be in biophysical, social and economic terms. As such it identifies potential impacts that the project may have on the environment as well as identifying potential constraints the environment may place on the development. The EIA makes recommendations to mitigate potentially negative impacts and maximize potentially positive impacts associated with the project.

*Table 4.1 Listed activities according to GN R327, 325 and 324 requiring Environmental Authorisation in terms of the NEMA EIA Regulations, 2014 (as amended).*

ACTIVITY NUMBER	PROJECT COMPONENT
<b>GN R327 (Listing Notice 1 – Basic Assessment)</b>	
<p>9. <i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water-</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where-</i></p> <p><i>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or...</i></p>	<p>Irrigation water for the development will be reticulated from the Lower Sundays River Water Users Association (LSRWUA) canal offtake point located on the Remainder of Farm 714, to Farm 653, via two uPVC pipes (ø450mm; throughput 280 L/s) for a distance of ~578m. The two pipelines converge into a single uPVC pipe (ø630mm; throughput 280 L/s), for a distance of ~137m across the Sundays River. Following the crossing of the river, the reticulation again splits into two uPVC pipelines (ø450mm; throughput 280 L/s) for a distance of ~7km, where it terminates at the existing dam, proposed for expansion, on Farm 653. The pipeline will be installed within the road reserve and over private land for a distance of ~8km's.</p> <p>It is anticipated that the distance over private land will exceed 1000 metres in length, thereby triggering this listed activity, which requires Environmental Authorisation.</p>
<p>13. <i>The development of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50000 cubic metres or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014.</i></p>	<p>It is proposed that an existing dam (current capacity ~ 17 000 cubic metres) be expanded to a capacity of 45 000 cubic metres) and that three new dams with a capacity of 45 000 cubic metres each (combined capacity of 135 000 cubic metres) be constructed in order to supply the required irrigation water for the proposed development. The total combined capacity of the four dams will therefore be approximately 180 000 cubic metres, thereby triggering this listed activity, which requires Environmental Authorisation.</p>

<p>19. <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p>	<p>The following project activities will trigger this listed activity:</p> <ul style="list-style-type: none"> <li>• In order to connect to the LSRWUA canal system, which is located north of the Sundays River, an irrigation pipe (ø630mm) will be installed through the Sundays River and will require the excavation of more than 10 cubic metres of soil or rock from the watercourse during construction; and</li> <li>• the installation of internal irrigation infrastructure and construction of internal vehicle tracks, including the realignment of the existing access road on Farm 653 may be required through watercourses on the site.</li> </ul> <p>These components of the project trigger this listed activity, which requires Environmental Authorisation.</p>
<p>24. <i>The development of a road –</i></p> <p>(ii) <i>with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i></p>	<p>The preferred width of the main internal distributor area should preferably be a minimum width of 8 metres near the entrance to the site. The width of the other main internal roads will vary between 8m and 4m.</p> <p>At the main proposed access point to the administrative area, south of the MR00470, a bellmouth with a radius of approximately 30m is proposed</p> <p>It is anticipated that the combined length of the internal access roads may exceed 1 kilometre in length.</p>
<b>GN R325 (Listing Notice 2 – full S&amp;EIA)</b>	
<p>15. <i>The clearance of an area of 20 hectares or more of indigenous vegetation, ...</i></p>	<p>The proposed agricultural development will entail the clearance of approximately 920 hectares of vegetation, most of which is anticipated to be indigenous.</p> <p>This component of the project triggers this listed activity, which requires Environmental Authorisation.</p>
<b>GN R324 (Listing Notice 3 – Basic Assessment)</b>	
<p>2. <i>The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.</i></p> <p><b>a. Eastern Cape</b></p> <p>ii. <i>Outside urban areas, in:</i></p> <p>(dd) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(ff) <i>Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;...</i></p>	<p>It is proposed that three new dams with a capacity of 45 000 cubic metres each (combined capacity of 135 000 cubic metres) be constructed in order to supply the required irrigation water for the proposed development.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 9.7 kilometres from the nearest boundary of the Addo Elephant National Park. The majority of the site has been identified as a Terrestrial CBA (BLMC2) and the entire site as an Aquatic CBA (ABLMC 2a) in terms of the Eastern Cape Biodiversity Conservation Plan.</p> <p>These components of the project trigger this listed activity, which requires Environmental Authorisation.</p>

<p>4. <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><b>a. Eastern Cape</b></p> <p><i>i. Outside urban areas:</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas;...</i></p>	<p>The preferred width of the main internal distributor area should preferably be a minimum width of 8 metres near the entrance to the site. The width of the other main internal roads will vary between 8m and 4m.</p> <p>At the main proposed access point to the administrative area, south of the MR00470, a bellmouth with a radius of approximately 30m is proposed</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 9.7 kilometres from the nearest boundary of the Addo Elephant National Park. The majority of the site has been identified as a Terrestrial CBA (BLMC2) and the entire site as an Aquatic CBA (ABLMC 2a) in terms of the Eastern Cape Biodiversity Conservation Plan.</p> <p>This component of the project triggers this listed activity, which requires Environmental Authorisation.</p>
<p>10. <i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p><b>a. Eastern Cape</b></p> <p><i>i. Outside urban areas:</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;...</i></p>	<p>The existing buildings on site will be renovated so as to accommodate a small chemical store, with a capacity to store approximately 30 cubic metres. This will be sufficient to accommodate the temporary storage of chemicals on site.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 9.7 kilometres from the nearest boundary of the Addo Elephant National Park. The majority of the site has been identified as a Terrestrial CBA (BLMC2) and the entire site as an Aquatic CBA (ABLMC 2a) in terms of the Eastern Cape Biodiversity Conservation Plan.</p> <p>This component of the project triggers this listed activity, which requires Environmental Authorisation.</p>
<p>12. <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>a. Eastern Cape</b></p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p>	<p>The proposed pipeline route from the canal to Farm 653 will cross over the Sundays River. Some of the vegetation on the banks of the river, within which the pipeline will be installed, has been identified as Albany Alluvial Vegetation in terms of the NBA mapping resources and this has been confirmed by the vegetation specialist.</p> <p>This vegetation type has been listed as an Endangered ecosystem in terms of section 52 of the NEMBA.</p> <p>The width of the pipeline route which will be disturbed is anticipated to be approximately 7 metres. Therefore, 300 square metres of this vegetation type may be cleared to accommodate the installation of the pipeline.</p> <p>This component of the project triggers this listed activity, which requires Environmental Authorisation.</p>

<p>14. <i>The development of-</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p>where such development occurs –</p> <p>(a) <i>within a watercourse;</i></p> <p>(c) <i>if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; ...</i></p> <p><b>a. Eastern Cape</b></p> <p><i>i. Outside urban areas:</i></p> <p>(ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(hh) <i>Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; ...</i></p>	<p>It is proposed that three new dams, with a capacity of 45 000 cubic metres each, be constructed in order to supply the required irrigation water for the proposed development. These may be constructed within 32 metres of the water resources on Farm 653.</p> <p>Internal irrigation infrastructure may be established within 32 metres of the water resources on site. In addition, the proposed pipeline route from the canal to Farm 653 will be installed through the Sundays River and will pass by two unchannelled valley bottoms (farm dams/ wetlands), located immediately north of Portion 6 of Farm 558. The development footprint thereof is likely to exceed 10 square metres at this point.</p> <p>Internal vehicle tracks may be constructed through watercourses on Farm 653.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 9.7 kilometres from the nearest boundary of the Addo Elephant National Park. The majority of the site has been identified as a Terrestrial CBA (BLMC2) and the entire site as an Aquatic CBA (ABLMC 2a) in terms of the Eastern Cape Biodiversity Conservation Plan.</p> <p>These components of the project trigger this listed activity, which requires Environmental Authorisation.</p>
<p>16. <i>The expansion of reservoirs<sup>1</sup>, excluding dams<sup>2</sup>, where the capacity will be increased by more than 250 cubic metres.</i></p> <p><b>a. Eastern Cape</b></p> <p><i>i. Outside urban areas:</i></p> <p>(ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(hh) <i>Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve; or...</i></p>	<p>In addition to the three proposed new dams, it is proposed that an existing dam (current capacity ~ 17 000 cubic metres) be expanded to a capacity of 45 000 cubic metres in order to supply the required irrigation water for the proposed development.</p> <p>The area under assessment is located outside of an urban area, in the Eastern Cape and approximately 9.7 kilometres from the nearest boundary of the Addo Elephant National Park. The majority of the site has been identified as a Terrestrial CBA (BLMC2) and the entire site as an Aquatic CBA (ABLMC 2a) in terms of the Eastern Cape Biodiversity Conservation Plan.</p> <p>This component of the project triggers this listed activity, which requires Environmental Authorisation.</p>

<sup>1</sup>As per the meeting with DEDEAT on the 18 April 2017, the following explanation was provided for a reservoir regarding the applicability of listed activities, namely; “*Reservoir: refers to a structure constructed outside of a watercourse for the off-stream storage of water. A reservoir is not considered to be a watercourse because water does not flow naturally into and out of a reservoir; it is pumped through pipes.*”

<sup>2</sup> In terms of the EIA Regulations 2014, as amended the following definition is provided, ““**dam**” when used in these Regulations means any barrier dam and any other form of impoundment used for the storage of water, excluding reservoirs;”

### 4.3 LEGISLATION AND GUIDELINES APPLICABLE TO THIS EIA

As per Appendix 2 of GN R326 Regulation 2 (1) (e) the scope and content of this report has been informed by the following legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, instruments, and information series documents, which are potentially applicable to this project and considered in the assessment process.

#### 4.3.1 National Legislation

##### 4.3.1.1 *The Constitution of the Republic of South Africa (Act 108 of 1996):*

The Constitution, is the supreme law of South Africa and provides the legal framework for legislation regulating environmental management in general, against the backdrop of the Bill of Rights contained in Chapter Two of the constitution and enshrining fundamental human rights. Section 24 of the Constitution states that everyone has the right:

- “a) to an environment that is not harmful to their health or well-being; and*
- b) to have the environment protected, for the benefit of present and future generations through reasonable legislative and other measures that:*
  - (i) prevent pollution and ecological degradation;*
  - (ii) promote conservation; and*
  - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

**Applicability to this proposed project:** The proposed development must be implemented in a manner to 1) prevent pollution and ecological degradation; 2) promote conservation; and 3) secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development. The State has duty to promulgate legislation and take other steps that ensure that these rights are upheld and that, among other things, ecological degradation and pollution are prevented.

##### 4.3.1.2 *NEMAA (as amended) and the EIA Regulations 2014 (as amended) published under Chapter 5 of NEMA (GN R326, GN R327, GN R325 and GN R324):*

The NEMA sets out a number of principles (Chapter One, Section 2) to give guidance to developers, private land owners, members of public and authorities. The proclamation of the NEMA gives expression to an overarching environmental law. Various mechanisms, such as cooperative environmental governance, compliance and non-compliance, enforcement, and regulating government and business impacts on the environment, underpin NEMA.

NEMA, as the primary environmental legislation, is complemented by a number of sectoral laws governing marine living resources, mining, forestry, biodiversity, protected areas, pollution, air quality, waste and integrated coastal management. Principle number 3 determines that a development must be socially, environmentally and economically sustainable. Principle Number 4(a) states that all relevant factors must be considered, inter alia i) that the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimized and remedied; ii) that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied; vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised; and viii) that negative impacts on the environment and on peoples' environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimized and remedied.

**Applicability to this proposed project:** The activity requires full S&EIA in order to obtain Environmental Authorization for activities listed in GN R327, 325 and 324, for which the competent authority is the Provincial DEDEAT, Cacadu Region. This report serves to inform that process and governing principles of NEMA and the requirements of the NEMA EIA Regulations, 2014 (as amended).

In terms of the requirements for good governance prescribed by the Act, there is an obligation to use all available information when making decisions, and to ensure that decisions are informed by the most up to date and relevant information available.

#### 4.3.1.3 *National Environmental Management Biodiversity (NEMBA) (Act 10 of 2004):*

The Act provides for the protection of listed endangered ecosystems and restricts activities according to the categorization of the area (not just by listed activity as specified in the NEMA EIA Regulations 2014, as amended). It promotes the application of appropriate environmental management tools to protect biodiversity. Chapter Three allows for the publication of bioregional plans. Chapter Five of the Act refers to the introduction and control of alien invasive species. The Threatened or Protected Species (TOPS) Regulations, in terms of Section 97 (Chapter Eight), requires an authorization/ permitting process to be followed.

**Applicability to this proposed project:** The site falls within the SRVM and no bioregional plans have been gazetted for this region. However, environmental management tools that are available for this region include, the Sundays River Valley Municipality Biodiversity Sector Plan (SRVM BSP) as well as the Eastern Cape Biodiversity Conservation Plan (ECBCP). These biodiversity planning frameworks must be consulted to inform decision making. Amongst others, these documents identify Aquatic and Terrestrial Critical Biodiversity Areas (CBAs) and Ecologically Sensitive Areas (ESAs), which are coupled with relevant land use guidelines. However, these planning frameworks only serve as an identification tool and thus, require site verification, the results of which need to be considered by the development proposal.

Any threatened or protected species in terms of the NEMBA Threatened or Protected Species (TOPS) list cannot be removed without an authorization/ permit. The proposed pipeline route from the canal to Farm 653 will cross over the Sundays River. Preliminary specialist input has identified that the vegetation on the banks of the river, within which the pipeline will be installed, as Albany Alluvial Vegetation. This vegetation type has been listed as an *Endangered* ecosystem in terms of section 52 of the NEMBA. Alien species listed in terms of NEMBA identified on a site are required to be controlled and / or eradicated. This assessment process includes a Vegetation and Aquatic Specialist Assessment which will include a consideration of the abovementioned planning frameworks and applicable legislation.

#### 4.3.1.4 *National Forests Act (NFA) (Act 84 of 1998):*

The National Forest Act (Act 84 of 1998) allows for the protection of certain tree species. The Minister has the power to declare a particular tree to be a protected tree. According to Section 12 (1) d (read with Sections (5) 1 and 62 (2) (c)) of the National Forest Act (Act 84 of 1998), a license is required to remove, cut, disturb, damage or destroy any of the listed protected trees. The most recent list of protected tree species was published in September 2017. The Department of Agriculture, Forestry and Fisheries (DAFF) is authorised to issue licences for any removal, cutting, disturbance, damage to or destruction of any protected trees.

**Applicability to this proposed project:** The protected trees that commonly occur in this region are *Sideroxylon inerme* (Milkwood). The presence of these trees on site will be confirmed as part of the Vegetation Specialist Assessment, to be conducted during the EIA Phase.

#### 4.3.1.5 National Heritage Resources Act (NHRA) (Act 25 of 1999):

The National Heritage Resources Act (Act 25 of 1999) (NHRA) introduces an integrated and interactive system for the managements of national heritage resources (which include landscapes and natural features of cultural significance). The protection of archaeological and paleontological resources is the responsibility of a provincial heritage resources authority and all archaeological objects, paleontological material and meteorites are the property of the State.

#### Archaeology, palaeontology and meteorites:

*“Section 35 (4) No person may, without a permit issued by the responsible heritage resources authority:*

- a) destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;*
- b) destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;*
- c) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.”*

#### Heritage resources management:

*“38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized as:*

- a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;*
- b) the construction of a bridge or similar structure exceeding 50 m in length;*
- c) any development or other activity which will change the character of the site –*
  - (i) exceeding 5000 m<sup>2</sup> in extent, or”*

**Applicability to this proposed project:** A Phase 1 Heritage Impact Assessment will be undertaken as part of the EIA phase of the assessment for this proposed development. The East Cape Provincial Heritage Resources Agency (ECPHRA) is required to provide comment on these reports to assist DEDEAT in their decision making. In order to facilitate their input, the respective reports will be loaded onto the SAHRIS website and the ECPHRA will be provided with copies of reports during the various stages of the assessment process.

#### 4.3.1.6 National Water Act (Act 36 of 1998):

The NWA is concerned with the overall management, equitable allocation and conservation of water resources in South Africa. It controls and manages water use in terms of water abstraction, water storage, wastewater discharge, impact on watercourses, altering watercourse flow and the determination of the Reserve. The General Authorizations in terms of Section 39 of the Act identify certain activities that require registration or licensing via the Department of Water Affairs that impact aquatic resources (watercourses and wetlands).

Section 144 states the Departments view on development surrounding water resources: 144) For the purposes of ensuring that all persons who might be affected have access to information regarding potential flood hazards, no person may establish a township unless the layout plan

shows, in a form acceptable to the local authority concerned, lines indicating the maximum level likely to be reached by floodwaters on average once in every 100 years. In other words, the township developer must delineate the 1:100-year flood line on a map when developing a township.

Measures must be implemented that prevent pollution and ecological degradation of aquatic resources i.e. rivers and wetlands.

A water use licensing application or registration is generally processed in the event that a proposed development lies within 500 m of wetland habitat, in close proximity to aquatic features (wetlands, dams, rivers) or where a development crosses a watercourse; in terms of Section 21(c): impeding or diverting flow in a watercourse and 21(i): altering the beds and banks etc. of a watercourse.

Application is made in terms of the Dam Safety Regulations for dams exceeding 50 000 m<sup>3</sup> and with a berm wall height exceeding 5 m in height.

**Applicability to this proposed project:** Due to the occurrence of a number of water resources (wetlands and watercourses) on the Farm 653, as well as the need for the proposed pipeline to be installed through the Sundays River, an Aquatic Specialist Assessment will be undertaken. The results of the full Aquatic Report will be included in the EIA phase of the assessment.

The installation of the pipeline through the Sundays River as well as the undertaking of activities within 500m of the wetlands that have been preliminarily identified Farm 653 and adjacent to the irrigation pipeline route, will likely require a General Authorisation (GA) or the submission of a Water Use Licence Application (WULA) in terms of Section 21 (c) and (i) of the Water Act.

It is proposed that an existing dam (current capacity ~17 000m<sup>3</sup>) be expanded to a capacity of 45 000m<sup>3</sup> and that three new dams with a capacity of 45 000m<sup>3</sup> each, be constructed in order to supply the required irrigation water for the proposed development. A GA or WULA is not usually required in terms of Section 21 (a) (water abstraction) when water is supplied from the existing Lower Sundays River Water Users Association (LSRWUA) canal system. Similarly, it is also unlikely that Section 21 (b) (water storage) should apply. Water from the LSRWUA canal system is not readily available during the day and is only released during prescribed times. The proposed balancing dam is thus needed to access and temporarily store the water from the LSRWUA canal system during the prescribed time periods.

The aforementioned GA or WUL applications will be submitted to the Department of Water and Sanitation (DWS), they have thus been included on the database for this project.

#### *4.3.1.7 National Environmental Management: Protected Areas Act (NEMPA) (Act 57 of 2003):*

The Act provides for the declaration of Protected Areas (PAs) in three forms (Chapter Three), namely Special Nature Reserves (Part 2), Nature Reserves (Part 3) and Protected Environments (Part 4). National Parks are the equivalent of National Protected Areas. Section 10 states that a Protected Area, declared in terms of provincial legislation, is either a nature reserve or protected environment.

**Applicability to this proposed project:** The nearest boundary of the Addo Elephant National Park is located approximately 9.7km to the north-east of the site, therefore SANParks, as well as

representatives of Addo Elephant National Park have been included on the project database and will be notified in writing of the various stages to comment on the assessment process.

#### 4.3.1.8 *Conservation of Agricultural Resources Act (Act 43 of 1983):*

The objectives of the Conservation of Agricultural Resources Act (Act 43 of 1983) (CARA) are to provide for the conservation of the natural agricultural resources of South Africa by the:

- Maintenance of the production potential of land;
- combating and prevention of erosion and weakening or destruction of the water sources; and
- protection of the vegetation and the combating of weeds and invader plants.

The CARA states that no land user shall utilise the vegetation of wetlands (a watercourse or pans) in a manner that will cause its deterioration or damage. This includes cultivation, overgrazing, diverting water run-off and other developments that damage the water resource. The CARA includes regulations on alien invasive plants. According to the amended regulations (GN R280 of March 2001), declared weeds and invader plants are divided into three categories:

- Category 1 may not be grown and must be eradicated and controlled;
- Category 2 may only be grown in an area demarcated for commercial cultivation purposes and for which a permit has been issued, and must be controlled, and
- Category 3 plants may no longer be planted and existing plants may remain as long as their spread is prevented, except within the flood line of watercourses and wetlands. It is the legal duty of the land user or land owner to control invasive alien plants occurring on the land under their control.

The provisions of Regulation 2 of CARA relate to the cultivation of virgin or new land. The landowner or applicant must obtain permission or authorisation in terms of Regulation 2 of the CARA Act, before virgin soil may be disturbed mechanically.

**Applicability to this proposed project:** The Vegetation Specialist Assessment will identify CARA listed species on site. Should alien plant species occur within the study area; this will be managed in line with the EMP. The Land Use and Soil Management Directorate of the Department of Agriculture, Forestry and Fisheries (DAFF), as well as the Provincial Department of Rural Development and Agrarian Reform, Resource Planning Section have been included on the project database and will be notified in writing of the various stages to comment on the assessment process. A permit for the cultivation of virgin land in terms of Regulation 2 of CARA has been issued to the applicant by the DAFF LUSM.

#### 4.3.1.9 *Other Applicable National Legislation:*

- Occupational Health and Safety Act (Act 85 of 1993), as amended by Occupational Health and Safety Amendment (Act 181 of 1993); and
- Hazardous Substances Act 15 of 1973.

### 4.3.2 **Provincial and Local Legislation**

#### 4.3.2.1 *Cape Nature and Environmental Conservation Ordinance (19 of 1974):*

The Ordinance allows for conservation of the natural environment; and the protection of wildlife. Certain biota are scheduled and therefore protected. A permit must be obtained from the Provincial DEDEAT, Biodiversity Section, to remove or destroy any plants listed in the Ordinance.

**Applicability to this proposed project:** A Vegetation Specialist Assessment will be undertaken during the EIA phase of the assessment to identify the occurrence of any protected species in

terms of the Provincial Ordinance. DEDEAT's Biodiversity Division have been included on the project database and will be notified in writing of the various stages to comment on the assessment process.

#### 4.3.2.2 *Eastern Cape Heritage Resources Act (Act 9 of 2003):*

This Act provides for the establishment of a statutory body to identify, manage, conserve and promote heritage resources in the Province and matter related thereto.

**Applicability to this proposed project:** As noted under 4.3.1.5, a Phase 1 Heritage Impact Assessment will be undertaken for this project. The ECPHRA is registered on the project database and all reports as a result of this assessment process will be uploaded onto the SAHRIS website to facilitate their input. In addition, the ECPHRA is emailed an electronic copy of reports during the comment period for the various stages of this assessment process.

#### 4.3.2.3 *Other Applicable Provincial and Local Legislation:*

- SRVM Integrated Development Plan (IDP), 2015/2016;
- SRVM Spatial Development Plan, 2013; and
- Section 8 Zoning Scheme Regulations.

### 4.3.3 **Policies and Guidelines**

The policies and plans listed below have been considered in the compilation of this report. The applicability of the relevant conservation and other planning frameworks is discussed in more detail in Chapter Three of this report and will be considered by the relevant specialists in the respective assessments.

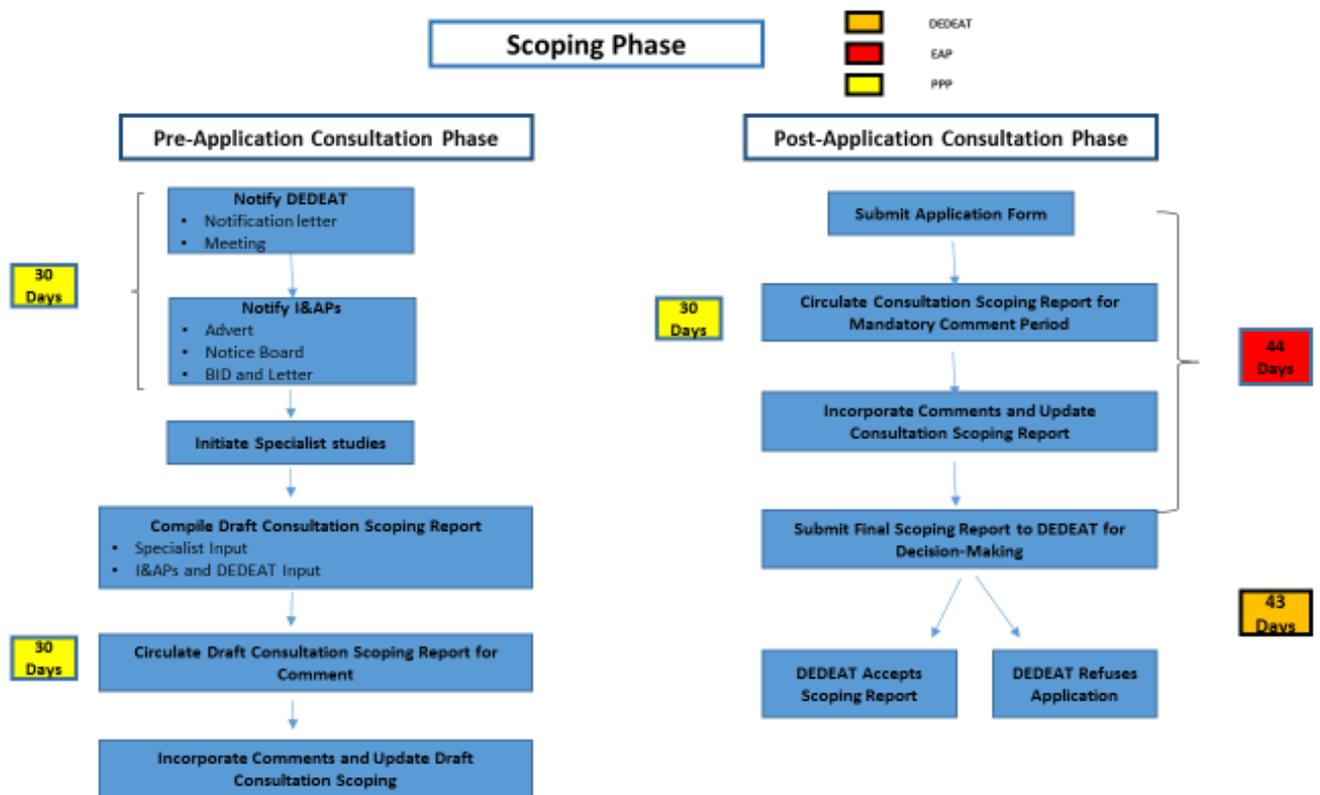
- South African National Development Plan, 2011.
- Integrated Environmental Management Information Series (Booklets 0 to 23) published by DEA over the period 2002 to 2005.
- Integrated Environmental Management Series Guidelines:
  - Guideline 7: Public Participation in the EIA process, (DEA, 10 October 2012, No 35769).
  - Guideline on Need and Desirability (DEA 2017).
- Conservation and Other Planning Frameworks:
  - National Biodiversity Assessment (NBA).
  - National Freshwater Ecosystem Priority Areas (NFEPAs).
  - National Protected Areas Expansion Strategy (NPAES).
  - South African Heritage Resources Agency (SAHRA).
  - Agricultural Geo-Referenced Information System (AGIS).
  - Eastern Cape Biodiversity Conservation Plan (ECBCP).
  - Subtropical Thicket Ecosystem Programme (STEP).
  - Sundays River Valley Municipality Biodiversity Sector Plan (SRVM BSP).

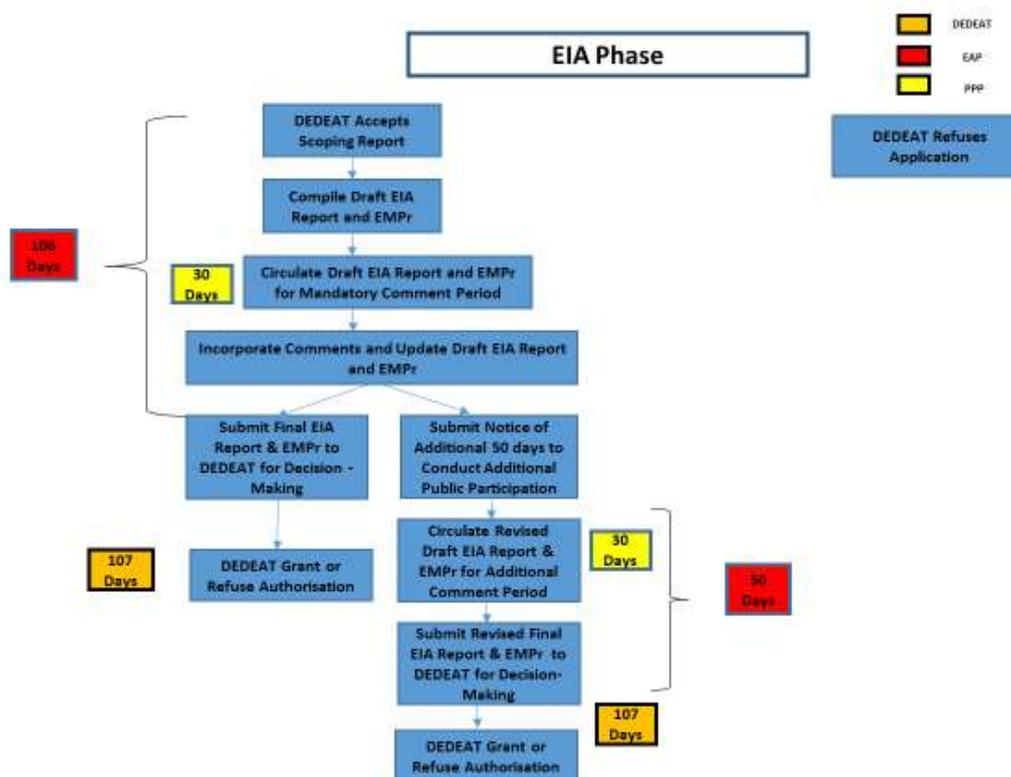
### 4.4 OVERVIEW OF THE SCOPING AND EIA PROCESS

The S&EIA process for this assessment has been divided into the following phases:

- **Pre-Application Scoping Phase (section 4.5 below)**
  - Project Announcement and Registration of I&APs (30 days)
  - Review of the Draft Consultation Scoping Report (30 days)
- **Application and Scoping Phase (section 4.6 below)**
  - Submit Application Form for Environmental Authorisation to DEDEAT
  - Review of the Consultation Scoping Report (30 days)
  - Submit Final Scoping Report to DEDEAT **(WE ARE HERE)**
- **Environmental Impact Assessment Phase (see Chapter Six of this report)**
  - Review of the Draft Environmental Impact Assessment Report (40 days)
  - Submit Final Environmental Impact Assessment to DEDEAT
- **Decision Making and Appeal Period (see Chapter Six of this report)**
  - Notice to I&APs of decision and appeal period

The project is currently at the stage where the Final Scoping Report (FSR) is being submitted to DEDEAT for their decision-making. The diagram below depicts the S&EIA process being implemented for the proposed project.





#### 4.4.1 Principles for Scoping and Public Participation

The S&EIA process is being driven by a stakeholder engagement process that will include inputs from the competent authority, affected Organs of State, Interested and Affected Parties (I&APs), specialists and the project applicant.

Guideline 7 on “Public Participation in the EIA Process”, published by DEA in October 2012, states that public participation is one of the most important aspects of the Environmental Authorisation process. This stems from the requirement that people have a right to be informed about potential decisions that may affect them and that they must be afforded an opportunity to influence those decisions. Effective public participation also improves the ability of the competent authority to make informed decisions and results in improved decision-making as the view of all parties are considered (DEA, 2012: pg. 5). An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently. The Guideline (DEA, 2012) further notes that the benefits of public participation include the following:

- “it provides an opportunity for I&APs, EAPs and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;
- it provides I&APs with an opportunity to voice their support, concerns and questions regarding the project, application or decision;
- it provides I&APs with the opportunity of suggesting ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;
- it enables an applicant to incorporate the needs, preferences and values of affected parties into its application;
- it provides opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;
- it is an important aspect of securing transparency and accountability in decision-making; and
- it contributes toward maintaining a healthy, vibrant democracy.”

The Scoping process is designed to, amongst others, satisfy the requirements of Chapter Six (Regulations 39-44) of GN R326 of the NEMA EIA Regulations, 2014 (as amended), which relates to the public participation process and the registration of interested and affected parties (I&APs) and the acknowledgment of their comments on the proposed project. Issues raised during the Scoping process have been included in a Comments and Responses Trail as part of this Chapter of the report. Copies of comments received from I&APs and requests to register interest on the project database are included in Appendix F of this report.

Regulation 43. (1) states the following:

43. (1) ***“A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application.”***

An effective public participation process could therefore result in stakeholders working together to produce better decisions than if they had worked independently.

#### **4.4.2 Authority Consultation**

All public participation documentation (Draft and Final Reports) will be sent to the competent authority (DEDEAT), as well as other Organs of State (ECPHRA, LSRWUA, DAFF, Department of Rural Development and Agrarian Reform, SRVM, Department of Roads and Public Works (DRPW), DWS) which may have jurisdiction over an aspect of the project and are included on the I&AP database. Authorities are required to provide their input into the assessment process, within the timeframes stipulated. Input from authorities will be included in the Comments and Responses Trail for the S&EIA process.

In order to initiate the Scoping&EIA process, notification of the intention to commence with a S&EIA process, was submitted to DEDEAT, Cacadu Region, as well as Organs of State on 18 October 2016. Included with this correspondence was a Background Information Document (BID), locality map and comment form.

On the 12 March 2018, an Application Form for Environmental Authorisation, in order to commence the legislated portion of the S&EIA process in terms of the NEMA EIA Regulations 2014 (as amended), was submitted to the competent authority, prior to the release of the Consultation Scoping Report (CSR) for a legislated 30-day consultation period. However, DEDEAT subsequently notified the EAP that the incorrect version of the Application Form had been submitted. Therefore, a revised Application Form was submitted on the 15 March 2018. Acknowledgement of receipt of the submission of the Application Form, as well as the CSR, was received from DEDEAT on the 27 March 2018 and reference number EC06/C/LN2/M/11-2018 has been assigned to this application. The project is currently at the stage where the FSR will be submitted to DEDEAT for their decision-making. Correspondence to and from DEDEAT and to I&APs, including Organs of State, are attached as Appendix B and E of this report, respectively. Organs of State and/ or State Departments, which may be required to issue a licence or permit prior to commencement of the project, will be consulted and are included on the project database. Appendix D.2 includes the database of Organs of State and/ or State Departments which may have jurisdiction over an aspect of the project, with their contact details. The following National,

Provincial and Local Government Departments, as well as other Organs of State, were proactively identified and included on the database for this project prior to advertising the Scoping process (Pre-Application Phase) and have been notified of the various stages to comment on the Scoping process:

- National and Provincial Government Departments (Potential Juristic Organs of State):
  - National Department of Agriculture, Forestry and Fisheries (DAFF);
  - Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT: EIM - Competent Authority);
  - Provincial Department of Economic Development, Environmental Affairs and Tourism (DEDEAT: Biodiversity Section);
  - Provincial Department of Rural Development and Agrarian Reform;
  - Provincial Department of Water and Sanitation (DWS);
  - East Cape Department of Roads and Public Works (ECDRPW);
  - East Cape Provincial Heritage Resources Agency (ECPHRA);
- Other Government Departments:
  - Sundays River Valley Municipality: Local Authority;
  - SA National Parks and Addo Elephant National Park representatives;
  - Lower Sundays River Water Users Association (LSRWUA); and
  - Sundays River Valley Municipal Ward Councillor, Ward 8
  - Transnet Freight Rail.

Since commencing with the S&EIA process, it has been confirmed by the vegetation specialist that the Protected Tree Species, *Sideroxylon inerme*, has been identified on site. The Department of Agriculture, Forestry and Fisheries (DAFF) is authorised to issue licenses for any removal, cutting, disturbance, damage to or destruction of any protected trees and has, therefore, been identified as a Juristic Organ of State for this assessment. Mr Thabo Nokoyo, as a representative of this Department has thus, subsequently been added to the I&AP register.

These Organs of State/ State Departments will remain on the database for the duration of the S&EIA process for this project and receive information in the format as agreed to with the relative departments (hard copy, CD or email). Information available for I&AP review will be placed on the website [www.publicprocess.co.za](http://www.publicprocess.co.za) for the duration of the S&EIA process.

The sections below provide an overview of the tasks that will be undertaken in the Scoping Phase, with an emphasis on providing a clear record of the public participation process followed to date, to ensure that the objectives for public participation and the Scoping process for this EIA are achieved.

#### **4.4.3 Database Development and Maintenance including Information Sharing**

The following provides an outline of the approach to the development of the Project Announcement Phase database for this project, as well as the maintenance of the database and ongoing information sharing throughout the S&EIA process.

Prior to the announcement of the S&EIA process, the EAP, drawing on experience in the local SRV municipal area and by means of a deed search, developed an initial database of potential I&APs for the initiation of the Scoping process. Adjacent landowners/ tenants were identified through a deeds search (Windeed) and, where required, contact information was confirmed telephonically. In those instances where the landowners/ tenants could not be identified through the deeds search a site visit to the respective farms was undertaken in order to establish the identity of the landowners/ tenants and record their contact information. In addition, and on the 12 October 2016,

the current tenant on the property (Mr Keith Gafney) was telephonically consulted with regards to tenants on the property, which was followed up with a meeting with Mr Gafney on the 18 October 2016. Appendix F of this report contains notes from the telephonic consultation with Mr Gafney as well as a copy of the registration form of the meeting held. On the 12 October Mr Gafney confirmed there were 7 family members living on the farm and three labourer's cottages. The seven family members were all included on the database for the project prior to the commencement of the Scoping Process. Mr Gafney was provided with letters of notification for the three labourers cottages on the farm. Subsequent to the meeting with Mr Gafney and on the 26 February 2018, it was confirmed that the family members had all vacated the property and the labourers on site had moved with Mr Gafney to his new farm Longwood, near Amanzi.

This database included, amongst others, adjacent landowners/ tenants, affected/ Juristic Organs of State (as outline in section 4.4.2 above), the Councillor for Ward 8 and other potential (I&APs) e.g. WESSA EP Region, Custodians of Rare and Endangered Wildlife (CREW). A copy of the database for the project is included as Appendix D.1 of this report and prior to advertising the S&EIA process included **46 registered IA&Ps**.

I&APs were notified of the requirement to register their interest on the database for this project from the outset of the Scoping process, via Letter 1 to I&APs. However, the identification and registration of I&APs will be ongoing for the duration of the S&EIA process. ***While not required by the regulations, those I&APs identified at the outset of the Scoping process will remain on the project database and will be kept informed of all opportunities to comment and will only be removed from the database by request.***

In response to the initial notification letters (letter 1) sent to 46 I&APs, **six (6) I&APs requested to register** their interest on the project database. Two of these I&APs had been proactively identified and included on the project database prior to commencement with the assessment process and will remain on the database as registered I&APs. Four I&APs who were not included on the initial database and who have requested to register have been included on the project database and will remain on the database as registered I&APs. In addition, the database has been updated to include the five landowners/ tenants who were contacted through visits to the farm on the day of the project announcement. Finally, one of the adjacent landowners that had been proactively identified at the start of the assessment process, has appointed Mr John Vosloo from John Vosloo Attorneys to present his concerns. Thus, attorney John Vosloo has been added to the database. The requests to register as well as the comments received from these I&APs have been recorded in the Comments and Responses Trail and copies of the comments are included in Appendix F. At the time of the **release of the Draft Consultation Scoping Report (Draft CSR) for a 30-day review, the database, thus included 56 registered I&APs.**

During the 30-day comment period for the review of the Draft CSR comments were received from five (5) I&APs, all of which were already registered on the database. One of the comments received was a request to register made by one of the affected landowners. In addition to the comments received from general I&APs, comments were received from three (3) representatives of Organs of State, namely two (2) comments were received from Department of Water and Sanitation (DWS) representatives and one (1) comment was received from the District Roads Engineer (Dept. Roads and Public Works). Two meetings were held between the aquatic specialist and DWS representatives with regards to the proposed development. One meeting was held on 27 March 2017, prior to the release of the Draft CSR. The other meeting took the form of a site visit, which was held on 7 June 2017, during the Draft CSR review period. The attendance registers for both meetings, as well as the comments made / received as a result of these meetings has been

included in Appendix F. Three (3) DWS representatives have been added to the database as a result of the interaction between them and the aquatic specialist. Comments were received on another project being undertaken by Public Process Consultants by Mr Abhilash Alex of Transnet Freight Rail (Track Engineer). It was the opinion of the EAP that Mr Alex should also be included on the database for this project, since the pipeline route is proposed to cross the railway line at a point.

Therefore, at the time of the **release of the CSR the database of I&APs included 61 registered I&APs.**

During the 30-day comment period for the review of the CSR, comments were received from eight (8) commentators. Some of the commentators were already registered on the I&AP database, however, as a result of the comments received, an additional four (4) new I&APs have been registered on the database. One I&AP, Mr Riaan Oosthuizen, who was identified as an adjacent landowner at the outset of the Scoping phase, has recently sold his property and requested that the new owner be registered in his place. Mr Oosthuizen was thus removed from the I&AP register.

In addition, Mr Alan Southwood, representative of DEDEAT Biodiversity Section, has recently retired and thus indicated that Mr Luzuko Dali should be included as the representative from here forward, however, he would like to remain registered on the database in his personal capacity. Mr Mike Primmer has been added to the database to replace Mr Harms du Plessis, who has recently retired from the LSRWUA. As indicated in section 4.4.2 above, subsequent to the commencement of the scoping phase, the vegetation specialist has identified a protected tree species on the farm and thus, Mr Thabo Nokoyo has been added as a Juristic Organ of State. Based on discussions with DWS representative, Ms Ntombi Xalabile on another project being undertaken by the EAP in the SRVM area, Ms Lizna Fourie is no longer required to be included on the I&AP database and has thus also been removed. Lastly, Ms Angela Gaylard who was included on the database as a representative of SANParks, has been removed as she is no longer employed at SANParks; however, three other representatives from SANParks are still included on the I&AP database and, therefore, no additional representatives have been added to replace Ms Gaylard.

**At the time of the submission of the FSR to DEDEAT, the database included 63 registered I&APs.**

The I&AP details on the database will be regularly captured and automatically updated as and when information is distributed to or received from I&APs, throughout the assessment process. This ongoing and up-to-date record of communication will be an important public participation component which accurately reflects the interaction with I&APs throughout the assessment process. Appendix D.1 includes a copy of the I&AP database for the project.

The sections below provide an overview of the tasks that have been undertaken and which are to be undertaken in the Scoping Phase of the assessment, with an emphasis on providing a clear record of the public participation process followed, to ensure that the objectives for public participation and the Scoping process for this EIA are achieved.

#### **4.5 PRE-APPLICATION SCOPING PHASE**

As indicated in section 4.4 above, the Scoping Phase of this Assessment has been divided into a Pre-Application and Application Scoping Phase.

The purpose of this approach is to, amongst others, achieve the following:

- To ensure I&APs (including authorities and affected Organs of State) have access to information on the proposed project, S&EIA process, from the outset of the Scoping process;
- To facilitate the identification of issues of concern, to inform the range of specialist studies being conducted for this EIA;
- To assist in the identification of alternatives for assessment; and
- To facilitate the refinement of the project description, and development footprint within the property under assessment.

The following activities have been undertaken during the Pre-Application Phase:

- Project Announcement and Registration of I&APs (30 days); and
- Draft Consultation Scoping Report review (30 days),

#### 4.5.1 Project Announcement and Registration of I&APs

In order to notify and inform the public, potential I&APs, as well as Organs of State and the competent authority of the proposed project, the opportunity to register as an I&AP as well as raise issues of concern, the S&EIA process was announced as follows:

- Advertisement in one local newspaper:
  - The Herald, 18 October 2016 (Provincial distribution);
- Site Notice Boards (five):
  - A notice board announcing the S&EIA process, identifying the area under assessment, potential listed activities and contact details for further information and registration as an I&AP, was placed at the entrance to Farm 653, as well as at strategically chosen points along the proposed pipeline route;
- Letter 1 to I&APs: Notice of the S&EIA Process, Comment and Registration Period:
  - Letter 1 to I&APs included a Background Information Document (BID), locality map and comment form. On 18 October 2016, written notification of the S&EIA process (Letter 1) was sent to all I&APs on the project database via normal mail and email. A 30-day comment and registration period provided to I&APs to register their interest on the project database and raise issues of concern for inclusion in the Draft CSR. This period extended from **18 October 2016 to 18 November 2016**;
  - As outlined in Section 4.4.2 above all affected Organs of State, including the competent authority received notification of the assessment process via Letter 1 to I&APs;
- Website:
  - Letter 1, the BID, comment form, and locality map for the project were placed on the website [www.publicprocess.co.za](http://www.publicprocess.co.za)

The project announcement and registration phase described above was undertaken in terms of the NEMA EIA Regulations 2014, prior to the publication of the amendments to the regulations on 7 April 2017. Therefore, the listed activities identified and described in the notification documentation (newspaper advert, site notice board and correspondence to authorities and I&APs) referred to GN R982, 983, 984 and 985 published on the 4 December 2014 in Government Gazette 38282. Subsequent to the publishing of the amendments, the S&EIA process, including the identification of listed activities is being undertaken in terms of the amended NEMA EIA Regulations, 2014, (GN R326, 327, 325 and 324) published in Government Gazette 40772 on the 7 April 2017.

Appendix C contains photos of the site notice boards and a copy of the newspaper advertisement placed in "The Herald". Appendix E contains a copy of the correspondence sent to all I&APs, as well as Organs of State on the project database. Appendix F contains copies of correspondence received from I&APs in response to the project announcement. The following provides a summary of the issues raised, the number in brackets, indicates the number of times a specific issue was raised by I&APs during this phase of the assessment process:

- Impact on Agricultural Land (3)
- Impact on Roads (2)
- Socio Economic Impacts (6)
- Project Detail (4)
- EIA and Public Participation (15)
- Aquatic Impacts (1)

The issues raised have been included in the Comments and Responses Trail in Section 4.7 below and copies of these comments are included in Appendix F of this report.

#### 4.5.2 Draft Consultation Scoping Report Review

The project announcement and registration phase described above was undertaken in terms of the NEMA EIA Regulations 2014, prior to the publication of the amendments to the regulations on 7 April 2017. Therefore, the listed activities identified and described in the notification documentation referred to GN R982, 983, 984 and 985 published on the 4 December 2014 in Government Gazette 38282. The Draft CSR and all subsequent reports/ documentation, have been / will be prepared in terms of the amended NEMA EIA Regulations, 2014, (GN R326, 327, 325 and 324) published in Government Gazette 40772 on the 7 April 2017.

As part of the Pre-Application Phase a Draft CSR was released to I&APs, including authorities and Organs of State, for a non-legislated **31-day** comment period (31 days to accommodate a public holiday) which extended from **6 June 2017 to 7 July 2017**.

The Draft CSR was prepared utilizing information from the following sources:

- Consultation with selected specialists;
- Review of existing information;
- I&AP consultation process; and
- site visits by the EAP and preliminary input from specialists.

The following indicates the process that was followed for the distribution and sharing of information during the review period of the Draft CSR:

- Report Distribution:
  - Organs of State and/ or State Departments were provided with a hard copy or an electronic version (CD or email) of the report, as agreed to with the relevant State Department.
  - The Councillor for Ward 8 was provided with a CD copy of the report.
- Letter 2 to I&APs – Notice of comment period for Draft CSR:
  - All I&APs on the project database were notified in writing, via letter 2, of the 31-day comment period. Included with this correspondence was a comment form and an Executive Summary of the Draft CSR. Correspondence was sent via normal mail and email.
- One on one meetings were held as and when necessary with key I&APs upon request;
- Website:
  - A copy of Letter 2, the Draft CSR, Executive Summary, and comment form were placed on the following project website [www.publicprocess.co.za](http://www.publicprocess.co.za)

All issues and concerns raised by I&APs during the review of the Draft CSR were included in the CSR. Appendix E contains a copy of the correspondence sent to all I&APs, as well as Organs of State on the project database. Appendix F contains copies of correspondence received from I&APs in response to the notice of the comment period for the Draft CSR. The following provides a summary of the issues raised during the review of the Draft CSR, the number in brackets indicates the number of times a specific issue has been raised by I&APs during this phase (review of Draft CSR) of the assessment process:

- Impact on Roads (1)
- Socio Economic Impacts (3)
- Project Detail (3)
- EIA and Public Participation (20)
- Aquatic Impacts (2)
- Heritage Impacts (1)

#### 4.6 APPLICATION AND SCOPING PHASE (CURRENT STAGE IN THE PROCESS)

This phase in the Scoping process entails the following, which is outlined in more detail below:

- Submission of Application Form for Environmental Authorisation to DEDEAT
- Consultation Scoping Report Review (30 days)
- Submit Final Scoping Report to DEDEAT **(WE ARE HERE)**

##### 4.6.1 Submission of Application Form for Environmental Authorisation to DEDEAT

On the 12 March 2018, an Application Form for Environmental Authorisation, in order to commence the legislated portion of the S&EIA process in terms of the NEMA EIA Regulations 2014 (as amended), was submitted to the competent authority, prior to the release of the CSR for a legislated 30-day consultation period. However, DEDEAT subsequently notified the EAP that the incorrect version of the Application Form had been submitted. Thus, a revised Application Form was submitted on the 15 March 2018.

Therefore, in line with Regulation 21 (1) of the NEMA EIA Regulations, 2014 (as amended), the **comment period provided for the review of the CSR was extended** to ensure a minimum of 30 days were provided for the submission of comments, (after submission of the Application Form to the competent authority). For this reason, a new letter and comment form were prepared and sent to all I&APs registered on the database indicating that the comment period would be extended to 19 April 2018.

Acknowledgement of receipt of the submission of the Application Form, as well as the CSR was received from DEDEAT on the 27 March 2018 and reference number EC06/C/LN2/M/11-2018 has been assigned to this application.

The applicant must, within 44 days of receipt of the application by the competent authority, submit a Scoping Report to the competent authority, which has been subjected to a public participation process of at least 30 days. Failure to comply with the timeframes will result in the application having deemed to be lapsed by the competent authority.

##### 4.6.2 Consultation Scoping Report Review

In parallel to the submission of the Application Form to the competent authority, the CSR was released for a minimum legislated 30-day comment period. All I&APs were notified in writing of the 30-day comment period and were provided with a comment form and Executive Summary of the CSR. However, DEDEAT subsequently notified the EAP that the incorrect version of the Application Form had been submitted. Thus, a revised Application Form was submitted on the 15 March 2018. In line with Regulation 21 (1) of the NEMA EIA Regulations, 2014 (as amended), the **comment period provided for the review of the CSR was extended** to ensure a minimum of 30 days were provided for the submission of comments (after submission of the Application Form to the competent authority). For this reason, a new letter and comment form were prepared and sent to all I&APs registered on the database indicating that the comment period would be extended to

19 April 2018, thus providing a 34-day comment period (in order to accommodate public holidays which fell over the comment period).

The following indicates the process for the sharing and distribution of information during the review period of the CSR:

- Report Distribution:
  - Affected Juristic Organs of State and/ or State Departments were provided with a hard copy or electronic version (CD or email) of the report, as agreed to with the relevant State Department;
  - The Councillor for Ward 8 was provided with a CD copy of the report;
- Letter 3 to I&APs - Notification of comment period on the CSR:
  - All I&APs were notified in writing of the 34-day comment period and received an Executive Summary of the CSR, as well as a comment form;
  - Correspondence was sent via normal mail and email (where addresses were available).
- Website:
  - A copy of Letter 3, the CSR, Executive Summary, and comment form were placed on the project website [www.publicprocess.co.za](http://www.publicprocess.co.za)
- No meetings were held with key I&APs during the review period of the CSR

The CSR included the Plan of Study (PoS) for EIA which outlines the next stage in the process and provides a Terms of Reference (ToR) for specialist studies to be undertaken as part of the EIA process. The PoS for EIA is subject to the approval of the authorities and may require amendment.

The following provides a summary of the comments received in response to the review of the CSR, the number in brackets, indicates the number of times a specific issue has been raised by I&APs during this phase of the assessment process:

- Impact on Roads (1)
- Socio Economic Impacts (2)
- Project Detail (2)
- EIA and Public Participation (14)

#### **4.6.3 Submit Final Scoping Report to DEDEAT (CURRENT STAGE)**

The FSR, together with the Plan of Study (PoS) for EIA, will be prepared for submission to the Provincial DEDEAT for their decision-making, within 44 days of submission of the Application Form. The FSR includes all the comments received from I&APs during the Pre-Application (project announcement and Draft CSR), as well as Application Phase of the assessment (CSR). The following indicates the process for the distribution of information during the submission of the FSR:

- Report Distribution:
  - Affected Juristic Organs of State and/ or State Departments will be provided with a hard copy or electronic version (CD or email) of the report, as agreed to with the relevant state Department;
  - The Councillor for Ward 8 will be provided with a CD copy of the report;
- Letter 4 to I&APs – Notification of the submission of the FSR:
  - All I&APs on the project database will be provided with written notification of the submission of the FSR to DEDEAT for their decision-making. No additional comment period is proposed for the FSR.
  - Correspondence will be sent via normal mail and email (where email addresses are available).
- Website:
  - A copy of Letter 4, the FSR and Executive Summary will be placed on the following project website: [www.publicprocess.co.za](http://www.publicprocess.co.za)

DEDEAT will have 43 days from receipt of the Scoping Report (this report) to either accept the Scoping Report, with or without conditions, or refuse Environmental Authorisation.

This step marks the end of the public participation process for the Scoping Phase of the EIA process. The steps in the public participation process to be undertaken for the EIA phase of the assessment are outlined in Chapter Six of this report: Plan of Study for EIA.

#### 4.7 SCOPING AND IDENTIFICATION OF ISSUES

An important element of the Scoping process is to identify issues for inclusion in the EIA phase of the assessment. These issues provide input towards the assessment of alternatives, the scope and terms of reference for specialist assessments. To ensure a comprehensive range of issues are identified the following sources have been used for the identification of issues and the development of the CSR:

- Site visit undertaken by Public Process Consultants on the 18 July and 18 October 2016;
- Preliminary input and consultation from identified specialists:
  - Vegetation;
  - Aquatic;
  - Soil Suitability;
  - Heritage;
  - Traffic;
  - Visual; and
  - Security Risk Assessment.
- Review of existing conservation planning frameworks:
  - Regional and National Biodiversity Planning Documentation: STEP, ECBCP, NBA, SRVM Biodiversity Sector Plan;
- Technical Information provided by Ikamva Lethu Farms (Pty) Ltd;
- Scoping of issues with I&APs:
  - Issues and concerns raised via email and written correspondence during the Project Announcement Phase and the review of the Draft CSR; and
  - Issues and concerns raised via telephonic consultations and meetings held with I&APs during the Project Announcement Phase and the review of the Draft CSR
- Scoping of issues with relevant authorities: DEDEAT, LSRWUA, ECDRPW, DWS.

The specialist studies which are proposed to form part of the EIA process are outlined in Chapter Six of this Report.

During the Scoping process, it is important to evaluate and prioritise the issues raised through the interactions with authorities, I&APs, specialists on the EIA team, and the project applicant. In accordance with the philosophy of Integrated Environmental Management, it is necessary to focus the EIA on the key issues raised. To assist in the identification of key issues, a decision-making process is applied to the issues raised, based on the following criteria:

- Whether or not the issue falls within the scope and responsibility of this EIA; and
- whether or not sufficient information is available to respond to the issue raised without further specialist investigation.

Where an issue is considered to fall beyond the scope of this assessment process, sufficient reasoning needs to be provided.

In order to further evaluate, address and respond to issues of concern raised by one I&AP (adjacent landowner of Portion 4 of Farm 632 and Portion 83 of Farm 558, Mr DS. van der Westhuizen), through their legal representative, input was provided by, amongst others, BLC

Attorneys. The detailed response provided by BLC Attorneys prior to the release of the Draft CSR is included as Appendix J of this report. This Memorandum of Advice assisted in providing some of the responses to the concerns raised by this I&AP, thus the Comments and Responses Trail below (Table 4.3) includes excerpts from the Memorandum of Advice provided by BLC Attorneys (7 March 2017) and the reader is referred to the full context of the advice for more information. It is further noted that the commentator, Attorney John Vosloo on behalf of his client, was provided with an extension to the comment period during the initial 30 day I&AP registration period. In addition, it was agreed with the commentator that, in order to facilitate their input into the EIA process, the comment period provided for the review of the Draft EIA would be 40 days, and not the legislated 30 days. The commentator will be provided with a CD containing an electronic copy of all reports which are released for I&AP review during the S&EIA process. Mr Vosloo, on behalf of his client, was therefore provided with a CD of the Draft CSR and the CSR for the respective 30-day review periods. The commentator was further notified via normal mail and email of the comment period on the Draft CSR and the CSR. The following is noted with regards to the interaction with this I&AP during the initial Comment and Registration Period as well as in response to the Draft CSR:

- Mr Vosloo, in his correspondence of the 20 October 2016 confirms that he acts for and on behalf of a number of parties who are “also the rightful owners of the following properties:” and lists six properties. Of the six properties listed Portion 83 of Farm Buck Kraal No 558 Uitenhage Road and Portion 4 of Farm 632 Uitenhage Road, are the two properties which are adjacent to the boundary of the property under assessment, registered in the name of the Klein Rooipoort Trust. In correspondence dated the 6 July 2017 this I&AP has added Klein Rooipoort (PTY) Ltd as an additional I&AP that he represents on behalf of Mr van der Westhuizen. In response to the comments received from this I&AP during the comment and registration period it was determined that a Visual Impact Assessment will be undertaken for the EIA Phase of the assessment.
- As noted in section 4.4.1 above and in terms of the NEMA EIA Regulations 2014 (as amended), GN R 326 Section 43. (1) (as amended) while an I&AP is entitled to comment on all reports or plans during the public participation process, I&APs have an obligation to “*bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application*”. It is hereby noted that Mr Vosloo is currently applying on behalf of Klein Rooipoort (PTY) Ltd for 253 ha of water rights for Portion 4 of Farm 632, which is adjacent to the north western boundary of the property under assessment. The application for water rights was advertised in “The Herald” of the 22 May 2017.
- In response to the opportunity to comment on the Draft Consultation Scoping Report, it does not appear that the commentator has reviewed the responses (contained in the Comments and Responses Trail) to the comments submitted on behalf of his client, which inter alia, includes proposed mitigatory measures to the concerns raised during the project announcement and registration phase. The commentator appears to have merely responded to Appendix J of the Draft Consultation Scoping Report, the Memorandum of Advice provided by BLC Attorneys. As indicated by the following statement in the comment provided: “*The comments will follow as per the "Appendix J" to the Draft Consultation Scoping Report ("Responses").*” See a copy of correspondence received from the commentator included in Appendix F to this report, dated 6 July 2017.
- As noted under section 4.4.1 above, as per DEA’s Guideline 7 on Public Participation in the EIA Process (October 2012), I&APs are provided the opportunity of suggesting ways for reducing or mitigating negative impacts of the project, which enables the applicant to incorporate the needs, preferences and values of affected parties into the application and provides the opportunity for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests. In order to address the issues of concern raised by the commentator, a meeting was held on the 31 August 2017, wherein Mr van der Westhuizen made recommendations with regards to safety and security of his property. In order to address the issues of concerns and objectively evaluate the recommendations made by this commentator, a

Security Risk Assessment was undertaken. The commentator was provided, via his Attorney, with a proposed biodiversity no-go map as well as the results of the Security Risk Assessment, included as Appendix K of this report.

Table 4.3, The Comments and Responses Trail below indicates the issues raised to date during the Scoping process. Appendix F contains copies of the issues raised (via fax, email or written correspondence). In line with the criteria outlined above, a response to the issue raised/ comment made has been provided by the EIA team.

The issues raised have been divided into categories and the summary table below (Table 4.2) indicates in the left-hand column, the issue raised. The number of issues raised per category is given in the middle column and the number of commentators per category are indicated in the right-hand column.

Table 4.2: Summary of Issues Raised.

ISSUE	NO.	COMMENTATORS AND NUMBER OF ISSUES RAISED PER COMMENTATOR
1. Impact on Agricultural Land	3	<b>Issues Raised During the Project Announcement</b> <ul style="list-style-type: none"> <li>Gcinile Dumse, Directorate: Land Use &amp; Soil Management, Dept. Agriculture, Forestry &amp; Fisheries (3)</li> </ul>
	0	<b>Comments on the Draft CSR</b> <ul style="list-style-type: none"> <li>none</li> </ul>
	0	<b>Comments on the CSR</b> <ul style="list-style-type: none"> <li>none</li> </ul>
2. Impact on Roads	2	<b>Issues Raised During the Project Announcement</b> <ul style="list-style-type: none"> <li>Peter Lotter, Dept of Roads and Public Works: Engineering Technologist (2)</li> </ul>
	1	<b>Comments on the Draft CSR</b> <ul style="list-style-type: none"> <li>Randall Moore, District Roads Engineer, Sarah Baartman District (1)</li> </ul>
	1	<b>Comments on the CSR</b> <ul style="list-style-type: none"> <li>Peter Kotze, Tenant on adjacent farm (1)</li> </ul>
3. Socio Economic Impacts	6	<b>Issues Raised During the Project Announcement</b> <ul style="list-style-type: none"> <li>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner) (6)</li> </ul>
	3	<b>Comments on the Draft CSR</b> <ul style="list-style-type: none"> <li>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner) (2)</li> <li>Mr D van der Westhuizen (adjacent landowner) (1)</li> </ul>
	2	<b>Comments on the CSR</b> <ul style="list-style-type: none"> <li>Peter Kotze, Tenant on adjacent farm (1)</li> <li>Eardley Rudman, Adjacent Landowner (1)</li> </ul>
4. Project Detail	4	<b>Issues Raised During the Project Announcement</b> <ul style="list-style-type: none"> <li>Gcinile Dumse, Directorate: Land Use &amp; Soil Management, Dept. Agriculture, Forestry &amp; Fisheries (1)</li> <li>Julie Puttergill, Adjacent Landowner (3)</li> </ul>
	3	<b>Comments on the Draft CSR</b> <ul style="list-style-type: none"> <li>Mr D Gawulana &amp; Mr Kunene, Dept of Water and Sanitation EC Region (2)</li> <li>Julie Puttergill, Adjacent Landowner (1)</li> </ul>
	2	<b>Comments on the CSR</b> <ul style="list-style-type: none"> <li>Peter Kotze, Tenant on adjacent farm (1)</li> <li>Hermanus Potgieter, Adjacent Landowner (1)</li> </ul>

5. EIA and Public Participation	15  20  14	<p><b>Issues Raised During the Project Announcement</b></p> <ul style="list-style-type: none"> <li>• Lizna Fourie, Dept. Water and Sanitation (DWS), East London (1)</li> <li>• Eardley Rudman, Blaauwkrantz Safaris, Adjacent Landowner (1)</li> <li>• Hetta Dowd, Private (1)</li> <li>• Julie Puttergill, Adjacent Landowner (2)</li> <li>• John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner) (10)</li> </ul> <p><b>Comments on the Draft CSR</b></p> <ul style="list-style-type: none"> <li>• John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner) (17)</li> <li>• Mr D Gawulana &amp; Mr Kunene, Dept of Water and Sanitation EC Region (1)</li> <li>• Mr Johannes Coetzee, owner Geluk Plaas (1)</li> <li>• Keith Gafney, previous landowner of Farm 653 (1)</li> </ul> <p><b>Comments on the CSR</b></p> <ul style="list-style-type: none"> <li>• <u>Alan Southwood, DEDEAT Biodiversity representative and Private capacity (2)</u></li> <li>• <u>Shereen Harmse, on behalf of Riaan Oosthuizen, former adjacent landowner (1)</u></li> <li>• <u>Rossouw Potgieter, Laslappies Boerdery (1)</u></li> <li>• <u>Odwa Somdaka, Dept of Water and Sanitation, Technical Unit (1)</u></li> <li>• <u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner) (8)</u></li> <li>• <u>Peter Kotze, Tenant on adjacent farm (1)</u></li> </ul>
6. Aquatic Impacts	1  2  0	<p><b>Issues Raised During the Project Announcement</b></p> <ul style="list-style-type: none"> <li>• Meeting with Representatives of the Dept of Water and Sanitation (1)</li> </ul> <p><b>Comments on the Draft CSR</b></p> <ul style="list-style-type: none"> <li>• Marisa Bloem, Department of Water and Sanitation (1)</li> <li>• Morgan Griffiths, WESSA (1)</li> </ul> <p><b>Comments on the CSR</b></p> <ul style="list-style-type: none"> <li>• <u>none</u></li> </ul>
7. Heritage Impacts	0  1  0	<p><b>Issues Raised During the Project Announcement</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><b>Comments on the Draft CSR</b></p> <ul style="list-style-type: none"> <li>• Julie Puttergill, Adjacent Landowner (1)</li> </ul> <p><b>Comments on the CSR</b></p> <ul style="list-style-type: none"> <li>• <u>none</u></li> </ul>

Table 4.3: Comments and Responses Trail.

## 1. Impacts on Agricultural Land

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
1.1	The provisions of Regulation 2 of CARA related cultivation of virgin or new land are applicable to the proposed expansion of the agricultural activities on the property. The land or applicant must obtain permission or authorization in terms of Regulation 2 of the CARA Act, before the virgin soil may be disturbed mechanically. The EAP must consider LUSM as the authority and no mechanical disturbance of any virgin soil must be effected without obtaining an authorization from CARA Act 43 of 1983.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	26Oct2016, <i>email</i>	The LUSM division of DAFF is included as an I&AP on the project database. The applicant has applied for the respective permit and has received such from DAFF. See a copy thereof attached as Appendix I.
1.2	The soil classification, land capability report and the soil form mapping must be provided by the applicant.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	26Oct2016, <i>email</i>	A Reconnaissance Soil Survey has been undertaken as part of the Rapid Environmental Risk Assessment which was conducted prior to the initiation of the S&EIA Process. The Soil Report including soil classification, land capability and soil form mapping was submitted to DAFF thereafter, along with the application for cultivation of virgin soil.
1.3	The LUSM office will be required to conduct a joint site inspection with Rural Development and Agrarian Reform, Resource Planning Section based in Port Elizabeth before a decision may be taken. The land user will be required to lodge an application in terms of Regulation 2 of CARA Act 43 of 1983 before an arrangement for site inspection.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	26Oct2016, <i>email</i>	A site visit has been undertaken by representatives of the LUSM division of DAFF and the Rural Development and Agrarian Reform, Resource Planning Section.
<b>Comments on the Draft CSR</b>				
	None			
<b><u>Comments on the CSR</u></b>				
	None			

## 2. Impact on Roads

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
2.1	Access to provincial roads must comply to the Departments standards and run off water must be considered.	Peter Lotter, Dept of Roads and Public Works: Engineering Technologist	8Nov2016, email & comment form	The Department of Roads and Public Works is included as I&AP on the project database. A Traffic Impact Assessment will be undertaken as part of this project. In addition, the issue regarding the management of run-off water will be addressed in the EIA Report.
2.2	Wayleaves for construction in the road reserve must be applied for on the standard form obtainable from this office.	Peter Lotter, Dept of Roads and Public Works: Engineering Technologist	8Nov2016, email & comment form	Application will be made for the necessary wayleave servitudes.
<b>Comments on the Draft CSR</b>				
2.3	Can you please forward a layout map of the development to determine whether any of our roads are affected?	Randall Moore, District Roads Engineer, Sarah Baartman District	6June2017, email	<p>In response to this comment this I&amp;AP was emailed a locality map of the proposed development as included in the Draft Consultation Scoping Report. It was further noted that an electronic copy (on CD) of the full report including appendices and attached locality map was sent to this I&amp;AP and Mr Peter Lotter via registered mail (see comment received from Mr Lotter above). A copy of the full report can also be downloaded via our website: <a href="http://www.publicprocess.co.za">www.publicprocess.co.za</a></p> <p>The comments Mr Lotter submitted on this project, during the project announcement phase, have been captured in the Comments and Responses Trail contained in Chapter Four of the report and copies of the correspondence are contained in Appendix F.</p>
<b>Comments on the CSR</b>				
2.4	<u>Increased heavy traffic will damage the existing gravel road, especially after it rains. This needs to be addressed.</u>	<u>Peter Kotze,</u> <u>Tenant of</u> <u>adjacent farm 603</u>	<u>27March2018,</u> <u>email and</u> <u>comment form</u>	<u>With regards to the increase in traffic and impact on the gravel road a specialist Traffic Impact Assessment will be undertaken for the project, which will, amongst others, assess the current condition of the road and make recommendations with regards to ongoing road maintenance. Should Environmental Authorisation be granted for this project, the development must include a drainage/ stormwater runoff plan, which must be submitted to DEDEAT for their approval prior to the commencement of the vegetation clearing / site preparation phase.</u>

**3. Socio-Economic Impacts**

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
3.1	<p>1. I attach hereto a colour copy of a Google Earth map with the property inside the yellow lines reflecting our client’s property and the portion within the red lines depicting where the proposed development will take place, together with indications of hunting lodge position and primary hunting areas placed thereon by me (not Google earth).</p> <p>2. Our client keeps Rhinos on his property (adjacent to the proposed development by the Applicant and not on the other side of the farm being out of sight) and to this end our client enquires as to what action plan will be put in place to protect the Rhinos from potential poaching and the like. It is anticipated that the development will have the consequence of numerous staff members and outside contractors present on the property who will no doubt see these valuable animals and create a security risk to them and hence to our clients valuable assets. Rhino poaching is not a vague contention but a very real problem and an actual reality for our client.</p>	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	20Feb2017, email	<p>As per the map provided by this commentator on behalf of his client, contained in Appendix F of this report, reference is made to the red lines depicting the proposed development area, however the purple line on the map provided by the commentator is the area under assessment, not the red lined area. In addition and in correspondence of the 1 November 2016, to the commentator, it was noted that based on the preliminary specialist findings, there would be a minimum 300 meter buffer (no-go) area for development between the proposed development on the Remainder of Farm 653 the western boundary of the site. This no-go area is proposed to extend approximately 800 meters along the southern boundary (fenceline) of Portion 83 of Farm 558, the commentator’s property. This is immediately adjacent to the area which the commentator has indicated as “<i>primary hunting areas</i>”.</p> <p>In response to the concerns regarding security and safety issues on Mr van der Westhuizen’s property in relation to the proposed development, legal input was sought from Attorneys BLC (see detailed response attached as Appendix J to this report), which states inter alia (additional inserts by Public Process Consultants):</p> <p>Commercial hunting operations on game farms have to adhere to strict safety and security regulations in terms of the <i>Nature Conservation Ordinance 19 of 1974</i> (the Ordinance) and the <i>Biodiversity Act 10 of 2004: Threatened or Protected Species Regulation, 2015</i>. In terms of the Ordinance read with the Threatened or Protected Species Regulations, it is Mr van der Westhuizen’s responsibility to ensure that his property is adequately enclosed (certificate of adequate enclosure). Adjacent property owners cannot be held liable for damages to persons or property caused directly or indirectly by the introduction of animals such as Rhino. Thus, the concerns of poaching, security and safety must be addressed by Mr van der Westhuizen.</p> <p>Ikamva Lethu is responsible for the safety and security of the product, equipment, infrastructure etc. on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel,</p>

				<p>contractors and suppliers will be strictly monitored to ensure the security of their product, equipment and infrastructure.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report, a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report.</p>
<p>3.2</p>	<p>3. Our client further runs a commercial Hunting Safari operation from his property which does not only take place during the traditional hunting season but very often right through the year. The primary hunting areas have been marked on the attached map for ease of reference hereto. Hunting takes place from the ground and from hunting towers. To this end, the proposed development property is topographically lower than our client's property. It follows that when hunting with high velocity hunting rifles takes place on our client's property, every reasonable possibility exists that a bullet may travel over the boundary in the direction of the development causing potential damage, injury or even death to people working there, during the development stage and thereafter as well. Our client would require an indemnity in this regard as well as a plan of action to alleviate this potential danger. To this end, and in law, our client foresees this possibility and is obliged in law to take steps to limit potential damage in this regard. Our client further has a hunting lodge on the property in relative close proximity (as marked on the attached image) to the boundary line between the applicant's proposed development and our</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>20Feb2017, email</p>	<p>See response to 3.1 above with regards to the proposed buffer area (no-go area for development) on Ikamva Lethu, which is on the western and northern boundary of the proposed Ikamva Lethu development and adjacent to Mr van der Westhuizen's property and the "primary hunting areas".</p> <p>In response to the concerns regarding security and safety issues on Mr van der Westhuizen's property in relation to the proposed development, legal input was sought from Attorneys BLC, (see detailed response attached as Appendix J to this report), which states inter alia (additional inserts by Public Process Consultants):</p> <p>Commercial hunting operations on game farms have to adhere to strict safety and security regulations in terms of the <i>Nature Conservation Ordinance 19 of 1974</i> (the Ordinance) and the <i>Biodiversity Act 10 of 2004: Threatened or Protected Species Regulation, 2015</i>. In terms of the Ordinance read with the Threatened or Protected Species Regulations, the owner of the game farm is required to control and closely monitor the conduct of its clients on hunting trips through the employ of hunting outfitters and professional hunters. The concerns of poaching, security and safety must be addressed by Mr van der Westhuizen.</p> <p><i>The Firearms Control Act 60 of 2000</i> (FCA), and the <i>Firearms Control Regulations, 2004</i> (the Regulations) govern the operation of a shooting range on a game farm. There are strict regulations that aim to ensure minimal risk to adjoining land owners. Section 8 of the FCA requires accreditation before a license for shooting ranges or hunting associations can be issued. Regulation 6(3) states that the Registrar may only accredit a shooting range on proof by the applicant that the shooting range complies with the applicable compulsory specifications set in terms of the <i>Standards Act 29 of 1993</i>. Section 19(5) further provides that a firearm in respect of which a licence has been issued in terms of this section may only be used on an accredited shooting range in accordance</p>

	<p>client's property, making this a very real problem. Further our client has a formal short, medium and long range shooting range on his property for various reasons and also accommodates various security units there for training and the like, hence even when not hunting, shooting takes place there on a very regular basis making this concern even more real to all parties concerned. A second smaller shooting range also exists on the property for commercial hunters to check their rifles prior to hunting (as is required by good hunting practices and is the norm in the industry) which also contributes to this problem and concern.</p>			<p>with the rules of that shooting range and in accordance with such conditions as the Registrar may impose.</p> <p>Section 16 states that a licence is required to possess a firearm for dedicated hunting and dedicated sports shooting. Furthermore section 16(3) provides that a firearm in respect of which a licence has been issued in terms of this section may be used where it is safe to use the firearm and for a lawful purpose.</p> <p>Clearly the abovementioned provisions set out standard requirements for the establishment of a shooting range on one's property. It is assumed that Mr van der Westhuizen's property has conformed to these legal requirements since his shooting range has been in use for a long period of time, and is cognisant of ensuring his clients use their firearms responsibly and lawfully. This is crucial in terms of security and safety obligations owed to adjacent property owners.</p> <p>It is clear from the input provided by BLC Attorneys that the onus of responsibility is on Mr van der Westhuizen to ensure that his hunting and shooting range complies with the necessary legislation to ensure the security and safety owed to adjacent landowners (existing and potential future landowners).</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report, a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report</p>
<p>3.3</p>	<p>4. Insofar as the proposed development is concerned with particular reference to the long-term aspects thereof, our client regularly entertains and has paying overseas safari clients hunt on his property and staying at the hunting lodge for this purpose. It certainly would not be favourable for overseas safari clients hunting in "Africa" and expecting to see "Africa" to have a view of a large scale agricultural development and ultimately</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>20Feb2017, email</p>	<p>As per the email to the commentator of the 23 January 2017 it was confirmed that a Visual Impact Assessment will be undertaken for the EIA Phase of the assessment, which will amongst others, assess the impact on sensitive visual receptors. A copy of this report will be included in the EIA phase of the assessment. .</p> <p>In addition, and in response to this concern, potential loss of income due to the proposed construction and operational phase of the Ikamva Lethu development, on Mr van der Westhuizen's commercial operations on his property, legal input was sought from Attorneys BLC (see detailed response attached as Appendix J</p>

<p>orchards from the property where they are paying a lot of money to hunt. Certainly whilst the development is under construction, our client will in all probability not have the ability to have overseas safari hunters on the property for this very reason and will lose substantial income. Further, as pointed out above, a significant and real risk exists insofar as any stray bullets and the like are concerned. Once developed, our client feels that he will have to disclose the fact that any overseas safari clients will have a view of a developed property and this would lead to a loss of income to our client. He will also be compelled to disclose that stray bullets may cause injury or death to people on the adjoining development and property hence in effect shutting his operation down as this will certainly put potential hunting clients on high alert and scare them off. How do the developers intend dealing with this problem and/or mitigating same?</p>			<p>to this report), which states inter alia (also see response above regarding safety and security issues of concern):</p> <p><i>“2.3 The proposed development of the citrus orchard is objectively reasonable, and does not materially and substantially affect Mr van der Westhuizen’s business interests or the use and enjoyment of his property. The reasons for this are as follows:</i></p> <ul style="list-style-type: none"> <li><i>a. nuisance in terms of noise levels will be temporary in nature until the end of the construction period;</i></li> <li><i>b. there are other citrus orchards presently bordering Mr van der Westhuizen’s farm, thus the view overlooking the proposed development will not differ substantially from other areas on Mr van der Westhuizen’s farm;</i></li> <li><i>c. citrus farming with the presence of orchards is the predominant established activity in that area;</i></li> <li><i>d. the further development of Remainder of Farm 653 for agricultural purposes extending to the proposed citrus farms was foreseeable by Mr van der Westhuizen as such activity is in line with the primary zoning of the property;</i></li> <li><i>e. previously mentioned, it is Mr van der Westhuizen’s responsibility to ensure that his game are adequately enclosed and do not interfere with adjacent farms;</i></li> <li><i>f. Ikamva Lethu will ensure that their site is adequately fenced to prevent theft of citrus and other products. The fence will be monitored on a weekly basis;</i></li> <li><i>g. the proposed construction that includes the presence of farm workers is necessary and reasonable for the establishment of the citrus orchard;</i></li> <li><i>h. the farm workers access to and from the development site will be monitored;</i></li> <li><i>i. there is no evidence of damage suffered as a result of the other orchards in the area;</i></li> <li><i>j. and there is no evidence to suggest that Mr van der Westhuizen will suffer any damages in the future.</i></li> </ul> <p><i>2.4 The temporary inconvenience which may be suffered by Mr van der Westhuizen does not outweigh the utility of the establishment of the property for citrus by Ikamva Lethu Farms and the ongoing farming activities. The reasoning behind this is explained in detail under clause 3.3.2 below.</i></p> <p><i>2.5 The common law states that there may be instances where there will be no good reason for imposing a duty on the defendant to protect the plaintiff from economic loss where it was reasonably open to the plaintiff to take steps to protect its own interests. In other words, Mr van der Westhuizen may impose reasonable and effective measures to mitigate any inconvenience posed by the development on the adjacent farm. This may include changing the usual route of</i></p>
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				<p><i>his game hunting party to avoid his clients viewing the development of the citrus orchard.”</i></p> <p>Based on the legal input provided by Attorneys BLC (see detailed response as Appendix J, only excerpts have been provided above) the concern regarding future loss of income will not be assessed further in the EIA phase of the assessment.</p> <p>However as indicated above a Visual Impact Assessment and Security Risk Assessment will be undertaken for the EIA phase of the assessment.</p>
3.4	<p>5. Insofar as general security is concerned, development of such a large project would most certainly cause security problems to our client insofar as exotic animals on his property and/or potential poaching is concerned. What plan do the developers propose in this regard?</p> <p>6. The aforementioned concerns do not only relate to the development as such but also to the proposed pipeline where same is in close proximity to our client’s property.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>20Feb2017, email</p>	<p>See response to 3.2 above regarding security/ poaching issues of concern and the legal responsibility of the landowner, Mr van der Westhuizen, to ensure the adequate enclosure of his property in line with the relevant regulations.</p> <p>In addition, the installation of the proposed irrigation pipeline is approximately 1.2km away from the closest boundary of Mr van der Westhuizen’s property and the construction phase thereof will be temporary in nature.</p> <p>Based on the input received from this I&amp;AP through written correspondence and meetings held, a Visual Impact Assessment and Security Risk Assessment will be undertaken for the EIA phase of this assessment..</p>
3.5	<p>Insofar then as the visual impact assessment and security issues are concerned, yourselves are free to arrange a meeting with our client through our offices for purposes of compiling any specialist reports in respect of the draft consultation scoping report and consultation scoping report.</p> <p>Insofar as the visual impact assessment and the security issues are further concerned, please note that it is not only in the applicant’s interest to ensure the security of the product but also in the interest of our client to ensure the security of his highly endangered and exotic game on the property, his safari business/operation as well potential liability in respect of hunting on his property vis-à-</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>20Feb2017, email</p>	<p>As telephonically discussed with the commentator the specialist for the Visual Impact Assessment has contacted Mr Vosloo, in order to gain access to Mr van der Westhuizen’s property for the purposes of this specialist assessment.</p> <p>It is the responsibility of Mr van der Westhuizen to ensure that the activities, which take place on his property complies with the applicable legislation and does not cause harm or injury to neighbours. Refer to Appendix J for input provided from BLC Attorneys. Ikamva Lethu will ensure their development is adequately fenced to ensure the safety and security of their product, infrastructure and equipment.</p> <p>As has been noted to the commentator in the email of the 23 January 2017, the Draft CSR will include the Terms of Reference for specialist studies. It will not include the results of the specialist studies, plans/ recommendations to alleviate and / or mitigate potential impacts. The results of the various specialist assessments, including, amongst others, mitigatory measures will be included in the EIA phase of the assessment, which will be made available for a 40-day review period. It is the purpose of the Scoping process to, amongst others, identify issues of concern to include in the specialist terms of reference, which</p>

	<p>vis the developers and the substantial development to take place. It is anticipated that the development as such could take months to complete with many workers, labourers, experts and the like on site in a potentially dangerous situation on all fronts.</p> <p>As such, we look forward to hearing from yourself alternatively the various specialists who will be addressing the visual impact assessment and security concerns and look forward to seeing their reports, indemnity undertakings, plans to alleviate and/or mitigate potential damage and the like in the draft consultation scoping report to enable our client to comment on the terms of reference as set out therein. To this end we kindly thank you for your advice that we will be advised when this report is ready for review and that we (our clients) will be granted a further opportunity to comment on the terms of reference on the comments thereof.</p> <p>I would be grateful if you could kindly acknowledge receipt hereof per return email.</p>			<p>require assessment in the EIA phase. As noted by the commentator, they will be provided an opportunity to comment on the Draft CSR, which will include the terms of reference for specialist studies.</p> <p>As requested by the commentator this email was acknowledged by Public Process Consultants on the 20 February 2017.</p> <p>Subsequent to the receipt of this comment and on the 31 August, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report.</p>
3.6	<p>We confirm that we still await your advices herein.</p> <p>We thank you in anticipation.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>15Mar2017, email</p>	<p>An email was sent to the commentator on the 16 March 2017, indicating that the issues and concerns raised by the commentator's client (as captured above and below) would be responded to in full in the Comments and Responses Trail of the Draft CSR. As previously agreed with the commentator they would be provided with a CD copy of the report, once it is available for I&amp;AP review purposes.</p>
<b>Comments on the Draft CSR</b>				
3.7	<p>1. The comments will follow as per the "Appendix J" to the Draft Consultation Scoping Report ("Responses").</p> <p>ad par 2.1 thereof:- Insofar as the</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et</p>	<p>6July2017, email</p>	<p>As noted above in Section 4.7 of this Chapter, the commentator Mr D van der Westhuizen (affected adjacent landowner) is currently applying for water rights on Portion 4 of Farm 632, which is adjacent to the north western boundary of the proposed development on Farm 653. In terms of the NEMA EIA Regulations 2014 (as amended) I&amp;APs are required to disclose any interests, which may</p>

<p>regulations imposed by the FCA (Firearms Control Act and Regulations) relating to shooting ranges and the like are concerned, our client complies. The mere fact that the FCA imposes strict regulations to minimise risk per se does not remove our clients objections, concerns and fears relating to the suffering of potential damages by itself and / or the developers themselves. To the contrary, our client is obliged in law to record and point these concerns and potential dangers out to yourselves as the agents of Ikamva Lethu. Mere compliance by our client to the terms and conditions relating to a shooting range, whether it be formal, informal or whether it simply relates to the discharge of a firearm on his farm does not guarantee or absolve our client from a damages claim which may arise as a result of such discharge. The developers intend introducing and initiating substantial human activity within a dangerous area and proximity (to our clients farm) given our clients hunting and the discharge of firearms activities on the farm and as such our client still as at the very least requires an unequivocal acknowledgement of such danger and potential damages coupled with an indemnity from your client, its employees and sub-contractors relating thereto. Any Act, rule or Regulation which requires certain conduct does not absolve or guarantee that an accident and / or damages are averted. It simply tries to regulate and govern liability, but does not remove the risk of the event taking place. Even the sensible and lawful use of a firearm in many instances results in damages occurring as a result of the use thereof due to factors well beyond the control of any person and in the absence of</p>	<p>al (Adjacent Landowner)</p>		<p>assist in the decision making process. Furthermore, the I&amp;AP is, amongst others, required to pro-actively engage in the process and suggest mitigatory measures.</p> <p>In addition, and in correspondence of the 1 November 2016, to the commentator (see response 3.2 above), it was noted that based on the preliminary specialist findings, there would be a minimum 300 meter biodiversity no-go buffer between the proposed development on the Remainder of Farm 653 and the affected landowner's property. This no-go area is proposed to extend approximately 800 meters along the southern boundary (fenceline) of Portion 83 of Farm 558, the commentator's property. This is immediately adjacent to the area which the commentator has indicated as "primary hunting areas".</p> <p>As noted in the responses above during the project initiation phase, Ikamva Lethu cannot indemnify the commentator from negligence, which is a civil matter, and does not form part of the scope of this EIA.</p> <p>Reference is again made to the responsibility the commentator has in terms of the FCA, which would affect not only his own property but that of adjacent landowners in ensuring the safety of existing landowners and employees thereon.</p> <p>The commentator claims no mitigation has been proposed in response to this concern, however, over and above the legal obligations on the commentator, a minimum 300m no-go biodiversity buffer is proposed adjacent to the affected properties. It is not within the scope of this EIA to indemnify the adjacent landowner of potential cases of negligence and non-compliance with the FCA.</p> <p>Subsequent to the receipt of this comment, a meeting was held with the commentator on the 31 August 2017 in order to address issues of concern raised through the Scoping Process. Subsequently a Security Risk Assessment has been undertaken. One of the objectives of this assessment was to assess potential risks of stray bullets. The commentator was provided with a copy of the outcome of this assessment via BLC Attorneys on the 22 November 2017. The return comment from Attorney Vosloo dated the 30 November 2017 notes, <i>"We have gone through your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements."</i></p> <p>The following extract is from the summary of the Security Risk Assessment</p>
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<p>fault. Many instances of such "faultless" damages prevail. All our client is saying and objecting to is that your client is intending to increase human activity within a potentially dangerous area, at the potential risk to our client as well as the employees or contractors being used in the construction, development and sustainability years relating thereto thereafter. The responses in this regard fail to assist our client in his / its concerns, fears and objections relating thereto, nor do they provide or suggest any relief as to mitigation or indemnity relating to such objections. Hence our clients concerns and objections remain as previously stated and as set out herein</p>			<p>attached as supporting documentation to this Report as Appendix K.</p> <p><i>“(b) The “stray bullet” concern must not be an issue as no hunting may take place if any risk of damage to property or human life exists.</i></p> <p><i>(c) General security concerns will be adequately mitigated by the security strategy proposed.”</i></p> <p><i>(page i, Security Risk Assessment, October 2017)</i></p>
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<p>3.8</p>	<p>ad par 2.2 thereof:- Our client complies strictly to all legislation relating to hunting activities on his/its farm either directly or where necessary by way of using appropriate sub-contractors. Further our client is in possession of an adequate enclosure certificate in respect of the property. Our clients conduct is not what is in debate or the reason of his / its concerns and objections herein, but rather that of the proposed conduct of Ikamva Lethu by placing itself in the way of potential harm and damages or alternatively not coming up with or proposing methods or suggestions as to mitigating or removing the factual potential danger to Ikamva Lethu employees or contractors as well as our clients potential losses and / or damages it may suffer as a result of the proposed development. Adjacent owners of property can most certainly be held liable for damages as a result of death or injury to game (in this case inter alia rhino's) belonging to our client and on our clients property. This then is a matter of law and fact and it is with all due respect not correct to simply deny any potential liability in this regard. The responses as set out in this regard to do not address our clients concerns and / or objections at all. Ikamva Lethu labours under a host of obligations to assist our client in minimising potential risk to his game which have simply not been addressed in the responses.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6 July 2017, email</p>	<p>As noted in Section 4.7 above of this Chapter, the commentator is currently applying for water rights on Portion 4 of Farm 632, which is adjacent to the north western boundary of the proposed development on Farm 653. In terms of the NEMA EIA Regulations 2014 (as amended) I&amp;APs are required to disclose any interests, which may assist in the decision-making process. Furthermore, I&amp;APs are, amongst others, required to pro-actively engage in the process and suggest mitigatory measures.</p> <p>As noted in the Comments and Responses Trail above, the following has been proposed to facilitate and mitigate the poaching of game. Ikamva Lethu is responsible for the safety and security of their product, equipment, infrastructure etc. on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel, contractors and suppliers will be strictly monitored to ensure the security of their product, equipment and infrastructure. In addition to this, it is further noted there will be a 300 meter no-go biodiversity buffer on Ikamva Lethu's north western and northern boundary, adjacent to the commentator's affected properties. It is further noted that Ikamva Lethu's development area will be fenced in and the affected landowner's properties, by own acknowledgement, are fenced in (certificate of adequate enclosure). In addition, it is recommended that the Construction and Operational Phase EMP, must include environmental awareness training for all Ikamva Lethu employees and contractors, which amongst others, must include information noting that all fauna and avifauna on site are not to be intentionally harmed; no snares, traps or poaching will be allowed. Only authorised personnel are permitted to enter the biodiversity no-go area.</p> <p>The project applicant has proposed mitigatory measures as outlined above to mitigate the concerns raised by the adjacent landowner.</p> <p>Subsequent to the receipt of this comment, a meeting was held with the commentator on the 31 August 2017. A Security Risk Assessment has been undertaken to amongst others, assess potential risks of stray bullets and poaching. The commentator was provided with a copy of the outcome of this assessment via BLC Attorneys on the 22 November 2017. The return comment dated the 30 November 2017 notes, "We have gone through your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements."</p> <p>The following is an extract from the Security Risk Assessment attached as</p>
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				<p style="text-align: right;">Appendix K to this report.</p> <p><i>“After evaluation of the concerns raised by the I&amp;AP, with regards to elevated rhino and exotic game security, my finding is that the risk elevation is MINOR due to the following reasons:</i></p> <p><i>a) It is unlikely that rhino inhabit the area within sight of the Ikamva Lethu fence lines as hunting of game is taking place in the area.</i></p> <ul style="list-style-type: none"> <li><i>• Rhino/ exotic game will be traumatized by high velocity rifle fire.</i></li> <li><i>• Rhino/ exotic game (high value species) will be at risk of being wounded/ killed by hunters if they roam the area adjacent to the communal fence line with Ikamva Lethu.</i></li> <li><i>• The only risk factor, namely possible sight of high value species by Ikamva Lethu workforce, is anecdotal, but will be mitigated by a restricted access natural buffer area.</i></li> </ul> <p><i>“b) The “stray bullet” concern must not be an issue as not hunting may take place if any risk of damage to property or human life exists.</i></p> <p><i>c) General security concerns will be adequately mitigated by the security strategy proposed.”</i></p> <p style="text-align: right;"><i>(page i, Security Risk Assessment, October 2017)</i></p>
<p>3.9</p>	<ul style="list-style-type: none"> <li>• In order to secure the activities on the property, a 600 meter buffer is required on Ikamva Lethu adjacent to the two affected properties. It is recommended that the Rhino Foundation is consulted.</li> <li>• The following security recommendations are provided:             <ul style="list-style-type: none"> <li>○ Installation of surveillance cameras for the construction phase</li> <li>○ Use of armed guards during</li> </ul> </li> </ul>	<p>D van der Westhuizen, Adjacent Landowner</p>	<p><i>31Aug2017, Networking meeting</i></p>	<p>In order to address the concerns raised by this commentator via his Attorney, a meeting was held on the 31 August 2017. The recommendations made by the commentator were taken into account and it was determined by the Environmental Assessment Practitioner that a Security Risk Assessment should be undertaken by a suitably qualified individual to address the concerns raised and make recommendations for mitigatory measures.</p> <p>The commentator was provided with a copy of the outcome of this assessment via BLC Attorneys on the 22 November 2017. The return comment dated the 30 November 2017 from the commentators Attorney notes, <i>“We have gone through</i></p>

	<p>construction</p> <p>Fence must be erected on the no-go area prior to the commencement of construction</p>			<p><i>your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements."</i></p> <p>Response 3.8 above provides an extract from the summary of the Security Risk Assessment.</p> <p>In addition, and in response to the concerns raised by this commentator a Visual Impact Assessment will be undertaken for the EIA phase of the Assessment.</p>
<b>Comments on the CSR</b>				
3.10	<p><u>Our small stock and game farming operation is directly neighbouring this proposed development that will result in intensive worker activity and increased human activity. We are opposed to this development should there be a safety and security threat with regards to theft, poaching and other criminal activity such as trespassing.</u></p> <p><u>I demand, as mitigation, a security fence be erected as a boundary by the initiators of this project to alleviate any liabilities, should the development be approved.</u></p>	<p><u>Eardley Rudman, Adjacent Landowner: Manager, Blaauwkrantz Safaris</u></p>	<p><u>22March2018, email and comment form</u></p>	<p><u>Ikamva Lethu is responsible for the safety and security of their product, equipment and infrastructure on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel, contractors and suppliers will be strictly monitored to ensure the security of their product, equipment and infrastructure.</u></p> <p><u>In other words, the cultivated areas of the development will have a security fence in order to prevent theft on the site. Indirectly, this fence will have a dual purpose as mitigating potential theft to adjacent landowners.</u></p> <p><u>In addition, a complaints register must be kept on site for both the construction and operational phase, which must indicate how complaints raised have been addressed. This will form part of the Environmental Management Programme (EMPr) for the development which requires approval from DEDEAT.</u></p>
3.11	<p><u>I have lived on the farm Hartmanshoop on the MR00470 road for six years. Part of the farm is on the opposite side of the road to the proposed development on Farm 653, my house is about 1.5km from the farm. Because of the distance from Sunland we have never had any security problems nor theft. I am concerned that the development will bring an increase of farm workers and seasonal workers into the area, thereby increasing the risk of security and stock theft.</u></p> <p><u>The development must be well fenced off and security must be addressed.</u></p>	<p><u>Peter Kotze, Tenant of adjacent farm 603</u></p>	<p><u>27March2018, email and comment form</u></p>	<p><u>Ikamva Lethu is responsible for the safety and security of the product, equipment, infrastructure etc. on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel, contractors and suppliers will be strictly monitored to ensure the security of their product, equipment and infrastructure."</u></p> <p><u>In other words, the cultivated areas of the development will have a security fence in order to prevent theft on the site. Indirectly, this fence will have a dual purpose as mitigating potential theft to adjacent landowners.</u></p> <p><u>In addition, a complaints register must be kept on site for both the construction and operational phase, which must indicate how complaints raised have been addressed. This will form part of the Environmental Management Programme (EMPr) for the development which requires approval from DEDEAT.</u></p>

#### 4. Project Detail

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
4.1	The establishment of windbreakers for protecting the citrus trees from wind destruction also require a permission in terms of Regulation 15 B (2) (a) Of the CARA Act, only Category 2 declared plants may be permitted for planting as wind breakers however the use of indigenous species for wind breakers will not require a permit from the CARA Act. The applicant will need to apply for a demarcation permit to use Category 2 declared invader plants.	Gcinile Dumse, Directorate: Land Use & Soil Management, Dept. Agriculture, Forestry & Fisheries	26Oct2016, <i>email</i>	This comment is noted. The applicant has been informed that if CARA Category 2 species are to be used as windbreaks, such application must be made to DAFF.
4.2	New proposed pipeline goes through boundary of our property. (1 Nov 2016)  Pipeline – Thanks that is fine. (14 Nov 2016)	Julie Puttergill, Adjacent Landowner	1Nov2016, <i>emailed comment form/ &amp; 14Nov2016, email</i>	In response to the comments submitted by this I&AP in the comment form of the 1 November 2016, this I&AP was contacted telephonically on the 8 November 2016, in order to obtain further clarity regarding the comment submitted. It was confirmed telephonically and via email of the 8 November 2016 that the new pipeline is proposed to be located in the road reserve and not through the boundary of the commentator's property. This may be difficult to determine at a glance due to the scale of the maps.
4.3	At present we use the existing dam mentioned in the EIA as a storage dam (33° 31' 31.67"S; 25° 35' 12.46"E) location of dam. (1 Nov 2016)  Dam – I will get feedback and clarity from SRCC regarding this. (14 Nov 2016)	Julie Puttergill, Adjacent Landowner	1Nov2016, <i>emailed comment form/ &amp; 14Nov2016, email</i>	In response to the comments submitted by this I&AP in the comment form of the 1 November 2016, this I&AP was contacted telephonically on the 8 November 2016, in order to obtain further clarity regarding the comment submitted. It was confirmed telephonically and via email of the 8 November 2016 that the applicant is aware of the commentator's utilisation of the water from the existing dam and have confirmed that they will continue to permit such usage and will draw up an agreement to this effect.  The response provided to this I&AP was acknowledged by the I&AP in an email of the 14 November 2016
4.4	RE/653 – still awaiting part of this farm to be subdivided – refer deed of sale between former owner Keith Gafney and Ikamva Lethu Farms. (1 Nov 2016)	Julie Puttergill, Adjacent Landowner	1Nov2016, <i>emailed comment form/ &amp; 14Nov2016, email</i>	In response to the comments submitted by this I&AP in the comment form of the 1 November 2016, this I&AP was contacted telephonically on the 8 November 2016, in order to obtain further clarity regarding the comment submitted. It was confirmed telephonically and via email of the 8 November 2016

	Excluded Portion – Yes, the SRCC have noted that the excluded portion is not part of there development. To summarise the portion should first have been subdivided before the SRCC bought from Keith Gafney. However, this was not possible as we have tried every avenue to do this. It was explained to me that the SRCC will subdivide this portion and then transfer it back into our name. However I started this a year ago and just do not get feedback from SRCC legal advice regarding this issue. I will follow up with their lawyer again as they have promised to get the subdivision done in a reasonable time. (14 Nov 2016)			that the sale of the “sub-divided” portion is in the deeds office in Cape Town and that this EIA does not include the portion the commentator has referred to.  It was again confirmed via an email, dated 14 November 2016, to this commentator that the project applicant, has confirmed that the "sub-divided" portion is in the deeds office in Cape Town and that this EIA does not include the portion referred to and which is being assessed in this assessment process.
<b>Comments on the Draft CSR</b>				
4.5	It is understood from report that a an irrigation pipeline of (Ø500mm) will be installed, hence Department of Water and Sanitation recommends that the water meter should also be installed at the abstraction point to ensure the compliance with the water use licence.	Mr DB Gawulana & Mr BT Kunene, Dept of Water and Sanitation: Eastern Cape Region	4July2017, email and written comment	It is currently recommended that two irrigation pipes, approximately ø450mm; throughput 280 L/s each are installed along private property and in the road reserve of the MR00470. A water meter will be installed at the abstraction point in order to ensure compliance with the water use license.
4.6	During the construction phase, it is recommended that all surface run-off water from the catchment area above the proposed development is safely diverted as per run-off control plan in order to prevent any erosion taking place. Hence a drainage/ run-off plan must be compiled prior to the clearing of land.	Mr DB Gawulana & Mr BT Kunene, Dept of Water and Sanitation: Eastern Cape Region	4July2017, email and written comment	This comment is acknowledged. Should environmental authorisation be granted for this project, the development must include a drainage/ stormwater runoff plan, which must be submitted to DEDEAT for their approval prior to the commencement of construction.
4.7	As a registered I & AP I would like to mention the following:  2) Regarding the expansion of existing dam. We have a servitude on the dam/ pump house and pipe-line to the dam. When Ikamva Lethu expands this dam it must be done during winter months i.e. low peak months. While working on the dam we will need to divert the pumped water to a lower dam using a pressure regulator valve during the times the irrigation blocks are closed as we only use mono pumps. Ikamva Lethu is therefore liable for any costs incurred during this process.	Julie Puttergill, adjacent landowner	3Jul2017, email	The project Applicant, Ikamva Lethu, have confirmed that they undertake to do whatever is necessary to accommodate this I&AP during the dam expansion works. If there are any costs that are incurred that may be for their account they undertake to take care of this but this will only be able to be determined and agreed at the time.

<b>Comments on the CSR</b>				
4.8	<u>We request you pay special attention to the effect that debushing could have on storm water after heavy rains on the dry stream area running through our adjacent farm, Nooitgedacht, eventually flowing into the Sundays River.</u>	<u>Hermanus Potgieter, adjacent landowner Portion 6 of Farm 132</u>	<u>10April2018, email and letter</u>	<u>Should Environmental Authorisation be granted for this project, the development must include a drainage/ stormwater runoff plan, which must be submitted to DEDEAT for their approval prior to the commencement of the vegetation clearing / site preparation phase.</u>
4.9	<u>Vegetation cleared must be carefully treated. Recent work on a new entrance gate resulted in vegetation being burnt without any supervision of the fire. This fire could spread in the dry bushveld and cause huge damage (photo available).</u>	<u>Peter Kotze, Tenant of adjacent farm 603</u>	<u>27March2018, email and comment form</u>	<u>The clearing and burning of any vegetation on site must be carefully undertaken and must be supervised.</u>  <u>In addition, a complaints register must be kept on site for both the construction and operational phase, which must indicate how complaints raised have been addressed. This will form part of the Environmental Management Programme (EMPr) for the development which requires approval from DEDEAT.</u>

## 5. EIA and Public Participation Process

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
5.1	<i>The email notification sent to Lizna Fourie from the Department of Water and Sanitation (DWS: EL) was forwarded to Ntombi Xalabile (DWS: PE) and the EAP was cc'ed.</i>	Lizna Fourie, Dept. Water and Sanitation (DWS), East London	18Oct2016, email	A copy of this email has been included in Appendix F.
5.2	Please let me know if this will do in order for me to be registered as an IAP for this proposed development.  No special interest, other than being a direct neighbour.	Eardley Rudman, Blaauwkrantz Safaris, Adjacent Landowner	16Nov2016, emailed comment form	The commentator has been registered on the I&AP database and will be kept updated on the progress of the EIA and opportunities to comment.
5.3	Request to register as an I&AP.	Hetta Dowd, Private	8 Nov2016, emailed comment form	The commentator has been registered on the I&AP database and will be kept updated on the progress of the EIA and opportunities to comment.

5.4	Request to register as an I&AP. Our farm is bordering the proposed development	Julie Puttergill, Adjacent Landowner	1Nov2016, emailed comment form	The commentator was actively identified as an adjacent landowner prior to initiation of the S&EIA process and thus notified at the outset of the process. The commentator has been registered on the I&AP database and will be kept updated on the progress of the EIA and opportunities to comment.
5.5	RE/653 – still awaiting part of this farm to be subdivided – refer deed of sale between former owner Keith Gafney and Ikamva Lethu Farms	Julie Puttergill, Adjacent Landowner	1Nov2016, emailed comment form	The applicant has confirmed that the sale of the portion of the property referred to is currently in the deeds office in Cape Town. The proposed layout for the development excludes this portion of the property.
5.6	Thank you for your prompt acknowledgement of our email dated 20 February 2017. It is appreciated.  We look forward to hearing from you in due course.	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	22Feb2017 , email	This comment is noted.
5.7	The above matter refers as well as our recent telephonic discussion.  We confirm that we act for and on behalf of the following parties:  1. Mr. D.S. van der Westhuizen 2. Sutherland Transport (Pty) Ltd 3. The Doreen Sutherland Testamentary Trust 4. Reel Magic CC 5. Sutherland Property Trust 6. Klein Rooipoort Trust  all individually and/or collectively as the case may be including but not limited also to the rightful owners of the following properties:  7. Portion 38 of the Farm Buck Kraal No. 558 Uitenhage Road 8. Portion 41 of the Farm Buck Kraal No. 558 Uitenhage Road 9. Portion 57 of the Farm Buck Kraal No. 558 Uitenhage Road 10. Portion 59 of the Farm Buck Kraal No. 558	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	20Oct2016, email	At the start of the assessment process, Mr van der Westhuizen was identified as an adjacent landowner by Public Process Consultants, as two of the properties, Portion 4 of Farm 632 and Portion 83 of Farm 558, adjacent to the western and northern boundary respectively of the proposed Ikamva Lethu development, are owned by Mr van der Westhuizen. Mr van der Westhuizen requested to register as an interested and affected party through his Attorney, John Vosloo and indicated that he owned an additional 4 properties in the surrounding area.  As requested by Attorney John Vosloo, he has been registered on the database for this project as representing the entities noted in the email of the 20 October 2016. As an adjacent landowner Mr van der Westhuizen was proactively identified as an I&AP and registered on the project database from the start of the assessment process. As noted in the return email to Mr Vosloo of the same date, Mr van der Westhuizen would remain on the database as a registered interested and affected party and receive written notification as and when information on the project becomes available for I&AP comment.  As per the email from Public Process Consultants of the 18 November 2016, contained in Appendix F of this report, this commentator was granted an extension to the comment period

	<p>Uitenhage Road 11. Portion 83 of the Farm Buck Kraal No. 558 Uitenhage Road 12. Portion 4 of Farm 632 Uitenhage Road</p> <p>As I will be acting as the representative of the abovementioned parties, kindly forward all documentation to my office in this regard.</p> <p>Kindly confirm per return email that the entities we have referred to herein are now registered as interested and affected parties in your pre-application scoping phase.</p> <p>It is anticipated that we may be seeking certain information from yourselves which will flow in due course to enable us to appropriately list concerns and comments to yourselves by the 18<sup>th</sup> of November 2016.</p> <p>I trust this meets your approval and thank you in anticipation.</p>			<p>until the 25 November 2016.</p>
<p>5.8</p>	<p>Thank you for your email of 20 October 2016.</p> <p>I am having difficulty in conjunction with my client determining exact location in relation to our client's property and would be grateful if you could please send me a better, more detailed map setting out the exact location where your development will take place.</p> <p>We look forward to your advices and thank you in anticipation.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>1Nov2016, email</p>	<p>At the start of the assessment process, Mr van der Westhuizen was identified as an adjacent landowner by Public Process Consultants, as two of the properties, Portion 4 of Farm 632 and Portion 83 of Farm 558, adjacent to the western and northern boundary respectively of the proposed Ikamva Lethu development, are owned by Mr van der Westhuizen. He was thus proactively identified as an I&amp;AP and registered on the project database from the start of the assessment process. Mr van der Westhuizen requested to register as an interested and affected party through his Attorney, John Vosloo and indicated that he owned an additional 4 properties in the surrounding area.</p> <p>In response to this comment and via return email of the 1 November 2016, the current status of the S&amp;EIA process was outlined to the commentator. As the project is at the Scoping stage of the assessment process it is not possible to provide the commentator with an exact layout of the proposed project. The project is further subject to Environmental Authorisation.</p>

				<p>However, the commentator was provided with a google earth link indicating the boundary of the property under assessment. In addition, Public Process Consultants mapped Mr van der Westhuizen’s properties (as provided in the email of the 20 October 2016, and provided a copy of this map to the commentator). See Appendix F of this report.</p> <p>It was further indicated to the commentator that, based on the preliminary findings of the specialist studies, there would be a minimum of a 300 meter biodiversity no-go buffer between the proposed development on the Remainder of Farm 653 and the affected landowner’s property..</p> <p>This information was provided to the commentator to assist them in raising issues of concern for inclusion in the specialist studies, if required.</p>
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<p>5.9</p>	<p>The above matter refers as well as our recent telephonic discussion.</p> <p>We confirm that we still act for and on behalf of the parties and in respect of the properties as set out in our email of 20 October 2016.</p> <p>At this point in time and bearing in mind that yourselves are busy with a pre-application stage which is not governed by statute coupled with the fact that it is unknown exactly where the agricultural development will take place on the property, our clients reserve the right to comment and/or object (as the case may be) thereto once it is clear where the development will be situated on the property.</p> <p>To this end, our client's potential concerns relate to view, security and the impact such a development will have on his safari business run from his property. To this end, we would be grateful if you could kindly confirm that a visual impact assessment will be done and made available to ourselves before the statutory 30 day period starts to run to enable client to properly assess the situation and to properly motivate any concerns or objections he or it may have.</p> <p>In short therefore, prior to the 30 day statutory period running, we should then be in a position to know:</p> <ol style="list-style-type: none"> <li>1. Where on the property the development will take place; and</li> <li>2. Have access to a visual impact assessment; and</li> <li>3. Have access to an assessment of some sort which deals with security vis-à-vis our client's property; and</li> <li>4. Our clients would also be then entitled to comment and/or object as they are reserving their rights to do at this stage.</li> </ol> <p>I would be grateful if you could kindly acknowledge receipt.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>24Nov2016 , email</p>	<p>As requested, acknowledgement of receipt of this email was sent to the commentator on the 24 November 2016. A follow up email was received from this commentator on the 11 January 2017, refer to comment and response below.</p> <p>In response to this email the commentator was contacted telephonically on the 23 January 2017, which discussion was followed up with an email on the 23 January 2017. See attached as Appendix F of this report and response provided below to the issues raised in the email of the 24 November 2016.</p> <p><b>“Access to reports for commenting purposes and timeframes</b> – We have agreed that in order to facilitate access to the various reports that will be made available for I&amp;AP comment as part of the EIA process we will ensure that a CD copy of the reports (Draft Consultation Scoping Report, Consultation Scoping Report and the Draft EIA) will be delivered to your offices. We will ensure that you are notified via email of the comment period on the reports, at the commencement of each comment period, this will include a date indicating when the comment period starts and closes. As explained and due to the timeframes in the new regulations we are not in a position to make reports and or specialist studies available for comment before the comment period actually commences. We do however undertake to extend the comment period for the Draft EIA to 40 days to provide additional time for the review of the Draft EIA and the submission of comments.”</p> <p><b>“Visual Impact Assessment</b> – we further confirm that a Visual Impact Assessment will be undertaken for the EIA phase of the assessment, which will, amongst others assess the impact on sensitive visual receptors, your clients property being one. The visual specialist will contact you to arrange access to Mr van der Westhuizen’s property in order to undertake this assessment. Could you also review the Terms of Reference for the Visual Impact Assessment, which will be included in the Draft Consultation Scoping Report and Consultation Scoping Report, to ensure the scope of the assessment will adequately meets your clients concerns. You will be notified in writing once the Draft Consultation Scoping Report and Consultation Scoping Report are available for comment.”</p>
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	<p>I would also be grateful if you could kindly keep us posted as to when the respective reports become available to enable us to deal with these matters within the statutory 30 day period. We further trust that you will advise us well in advance prior to the 30 day statutory period beginning.</p> <p>Thanking you in anticipation.</p>			<p><b>“Security Concerns on clients Safari Business – in order for us to adequately address concerns with regards to security, we would appreciate it if you could elaborate on the nature of the concerns. It is difficult for us to address issues of concern if we do not have an understanding of the nature of the concern. As discussed, it is in the applicants interest to ensure the security of their product and as such the developed portions of the site will be fenced in, with weekly monitoring of the fence.”</b></p> <p>Refer to comment and response below, dated 25 January 2017 as a follow up to this comment.</p> <p>Subsequent to the receipt of this comment, a meeting was held with the commentator on the 31 August 2017 in order to address issues of concern raised through the Scoping Process. Subsequently a Security Risk Assessment has been undertaken. One of the objectives of this assessment was to assess potential risks of stray bullets and risks of poaching. The commentator was provided with a copy of the outcome of this assessment via BLC Attorneys on the 22 November 2017. The return comment from Attorney Vosloo dated the 30 November 2017 notes, <i>“We have gone through your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements.”</i></p>
5.10	<p>Thank you Sandy</p> <p>Kind regards</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>25Nov2016 , email</p>	<p>This comment was received in response to the acknowledgement of receipt of the email sent by the commentator on the 24 November 2016.</p>
5.11	<p>Thank you so much for getting back to me so promptly. I really appreciate it.</p> <p>I noted the contents of your letter and look forward to hearing from you in due course.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen</p>	<p>19Jan2017, email</p>	<p>This comment was received in response to the acknowledgement of receipt of the email sent by the commentator on the 12 January 2017.</p>

		et al (Adjacent Landowner)		
5.12	<p>The above matter refers.</p> <p>Firstly I want to wish you, your family and your support team a happy 2017 filled with love, laughter, good business and good health.</p> <p>Is there anything we should be doing on behalf of Dawie at this stage? Are there any deadlines that need to be met?</p> <p>I look forward to your advices and in particular, the contents of our email dated 24 November 2016 (attached hereunder).</p> <p>Thanking you in anticipation.</p>	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	11Jan2017, email	<p>Due to, amongst others, the end of year shutdown period and the unavailability of the project applicant, it was not possible to immediately respond to the commentators email of the 25 November 2016. Refer to the email from Public Process Consultants to the commentator of the 12 January 2017, contained in Appendix F of this report.</p> <p>It was further confirmed with the commentator that there were no deadlines they or their client were currently required to meet.</p>
5.13	<p>The above matter refers as well as your email of 23 January 2017.</p> <p>We will revert in a few days with regards to reviewing the terms of reference for the visual impact assessment together with an elaboration on the nature of the concerns relating to security of our client's safari business.</p> <p>Insofar as your other undertakings relating to the 40 days and advices via CD and the like, I highly appreciate it. Thank you.</p>	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	25Jan2017, email	<p>This comment was received in response to a telephonic discussion and follow up email to the commentator on the 23 January 2017. The commentator previously requested notification regarding the access to reports, well before the commenting period. See comment above dated 24 November 2016. As per the email of the 23 January 2017, it was agreed the commentator will be notified in writing of commenting periods, be provided with a CD copy of the reports and the comment period for the EIA phase of the assessment will be extended to 40 days.</p> <p>As per the email to this commentator on the 25 January 2017, included in Appendix F of this report it was confirmed that the terms of reference for the Visual Impact Assessment would be included in the Draft CSR, which was currently not yet available for I&amp;AP review, and once available for review they would be notified in writing of the review period.</p> <p>It was further confirmed that additional information was required with regards to the security issues of concern on Mr van der Westhuizen's property.</p>
5.14	Once again thank you for coming back to me so promptly as per your email of 25 January 2017.	John Vosloo Attorneys on behalf of	27Jan2017, email	Refer to comment and response above dated 25 January 2017.

	Also thank you for setting it out so clearly.  We will revert hopefully in the course of next week when I consult with Dawie.	D.S. van der Westhuizen et al (Adjacent Landowner)		
5.15	With reference to your previous correspondence and our telephonic discussions, I have taken instructions from client as to visual and security aspects and will be compiling a letter setting out his concerns and sending it to by no later than the end of next week.  I trust this meets your approval.	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	10Feb2017, email	Subsequent correspondence was received on the 20 February 2017, see comments and responses captured under Socio-Economic Impacts (safety and security concerns adjacent landowner).
<b>Comments on the Draft CSR</b>				
5.16	Herewith the comments to the Draft Consultation Scoping Report as required to be submitted to yourselves on or before the 7th of July 2017. For the sake of clarity and good order we again confirm the parties whom we represent (I&AP's) and hence who are making these and previous comments and / or objections to the aforementioned proposed development. The parties are as set out in our email dated 20 October 2016, and are:-  Mr. DS van der Westhuizen Sutherland Transport (Pty) Ltd The Doreen Sutherland Testamentary Trust Reel Magic CC Sutherland Property Trust Klein Rooipoort Trust (And Klein Rooipoort (Pty) Ltd, herewith now also added as an I&AP)  We are instructed to revert as to the responses to our clients comments, concerns and objections dated 20 February 2017 as follows	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	6July2017, email	As requested by Attorney Vosloo, this I&AP has been registered on the database for this project as representing the entities noted in the email of the 20 October 2016 and again in the email of the 6 July 2017, with the addition of Klein Rooipoort (Pty) Ltd. As an adjacent landowner Mr van der Westhuizen was proactively identified as an I&AP and registered on the project database from the start of the assessment process. Mr van der Westhuizen and Mr Vosloo will remain on the database as registered interested and affected parties and receive written notification as and when information on the project becomes available for I&AP comment. It has also been agreed that Mr Vosloo will receive a CD copy of all reports as and when they become available for I&AP comment.
5.17	ad par 2.3 thereof:- Whilst the allegation is made that the proposed development is objectively reasonable, unsustainable and unproved subjective standards are used in the assessment of such objectivity. This does	John Vosloo Attorneys on behalf of D.S. van der	6July2017, email	BLC Attorneys provided a Memorandum of Advice in response to initial comments submitted by the commentator, which state and provide supporting legal case law that the proposed development in its proposed location is "objectively reasonable". However, this

	<p>not address or our clients concerns / objections in any manner at all.</p>	<p>Westhuizen et al (Adjacent Landowner)</p>		<p>comment does not negate the fact that the applicant has a legal obligation to undertake a full Scoping and Environmental Impact Assessment for this project. It is not the purpose of the Scoping process (the current stage of the application), to measure and assess impacts, but amongst others, identify the range of specialist studies that should be undertaken for the EIA phase of the assessment.</p> <p>The Environmental Impact Assessment Process is required to, amongst others, provided clear, scientific information, including input by I&amp;APs, in order to assist the authorities in their decision making process. The independent Environmental Assessment Practitioner is required to, amongst others, provide a reasoned opinion on whether the project should receive Environmental Authorisation, based on the outcome of the specialist studies conducted as part of the assessment process. This is to include any project specific conditions to be included in an authorisation, should such be granted.</p> <p>The EIA phase of the assessment, which will include the specialist assessments, has not yet commenced.</p> <p>The commentator is currently applying for water rights on Portion 4 of Farm 632, which is adjacent to the north western boundary of the farm under assessment for agricultural development (RE/Farm 653). In terms of the NEMA EIA Regulations 2014 (as amended) I&amp;APs are required to disclose any interests, which may assist in the decision making process.</p> <p>The EIA Phase of the Assessment is yet to be undertaken and specialists are required to sign a declaration of independence and provide objective scientific facts to facilitate decision making on the project.</p> <p>Preliminary mitigatory measures as well as additional specialist studies have been proposed in this comments and responses trail in response to the concerns/ objections raised by this I&amp;AP. The terms of reference for these additional specialist studies are included in Chapter Six of this report, the Plan of Study for EIA.</p>
<p>5.18</p>	<p>a) Whether noise or nuisance is temporary or not does not detract from the fact that it will be there on an</p>	<p>John Vosloo Attorneys on</p>	<p>6July2017, email</p>	<p>The commentator notes that noise will be on an unacceptable level, "causing a disturbance and potential damages to our clients</p>

	<p>unacceptable level for a substantial period of time during the development / construction of the project causing a disturbance and potential damages to our clients game which is/ are highly sensitive to it's / their environment and environmental conditions. No mitigation or alternative proposals are made or suggested by the developers. No objective or supportive input by experts are given and hence no solution to this concern / objection is given</p>	<p>behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p><i>game which is/ are highly sensitive to it's / their environment and environmental conditions.”</i> Based on a desktop review of specialist noise assessments undertaken as part of previous Environmental Assessments for agricultural developments (broiler house facilities), which were managed by the Environmental Assessment Practitioner, the following has reference with regards to noise.</p> <p>In the absence of noise control regulations, which is quite often encountered in noise impact assessments. <i>“In such a case it is almost considered standard practice to revert to two sets of approach and information:</i></p> <ul style="list-style-type: none"> <li>• <i>National and international sources of relevant information: regulations applied elsewhere; directives on various issues from national and international standards and codes of practice; relevant publications from the international acoustics literature, etc.</i></li> <li>• <i>Logical and reasonable reasoning, leading to practicable results.”</i></li> </ul> <p>(Messrs Steenkamp and Russouw, Rocklands Poultry Farms, 2007)</p> <p>SANS 10103:2003 and SANS 10103:2004 provides guidelines for ambient noise in various types of districts. <i>“Utilising the most conservative rating in the table typical rural districts have an equivalent continuous rating level for outdoor noise of:</i></p> <p style="text-align: right;"><i>45 dBA for daytime; and 35 dBA for night-time.”</i></p> <p>(Messrs Steenkamp and Russouw, Rocklands Poultry Farms, 2007)</p> <p><i>“The acceptable level by which noise may exceed ambient noise has been a topic of some debate, however the “7 decibel rule” has generally been applied by various local authorities in South Africa with some success.”</i></p> <p>(Messrs Steenkamp and Russouw, Rocklands Poultry Farms, 2007)</p> <p>Noise associated with a heavy truck travelling at 40km/h would be 90dBA and a passenger car at 60 km/h would be 75dBA. As part</p>
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			<p>of the Messrs Steenkamp and Russouw specialist assessment a Manitou (forklift) outside a broiler house, at a distance of 7 metres from the moving Manitou was measured as exceeding the noise level at day by 28.1 dBA and at night by 38.1 dBA.</p> <p><i>“One of the simplest mitigation measures that may effectively bring noise within the acceptable limits is distance from the source. Noise levels generally drop by 6 dB for each doubling in the distance from the source (Minnesota Pollution Control Agency <a href="http://www.nonoise.org/library">www.nonoise.org/library</a>).”</i></p> <p>(Messrs Steenkamp and Russouw, Rocklands Poultry Farms, 2007)</p> <p>The following activities currently take place adjacent to the area under assessment as well as on and adjacent to the commentators affected properties:</p> <ul style="list-style-type: none"> <li>• There is an existing provincial gravel road east of the commentators property used by heavy vehicles, which also bisects Farm 653, the property under assessment</li> <li>• The commentator’s property is adjacent to existing intensive agricultural activities located on its western and northern boundary. Agricultural noise on Ikamva Lethu will be similar in nature to the existing intensive agricultural activities taking place in the area under assessment.</li> <li>• The animals on the commentator’s property are currently, by own admission, exposed to loud sharp noises associated with hunting as well as shooting ranges.</li> <li>• Animals on the property are exposed to noise from an aircraft landing strip in close proximity to the area under assessment and helicopter landing pad located on the commentator’s property.</li> </ul> <p>Based on biodiversity constraints, a minimum 300 meter vegetated no-go buffer is recommended as part of this EIA, adjacent to the south and south eastern border of the commentators directly affected properties. As per the specialist information provided above the most effective mitigation measure for noise is distance. No additional activities are proposed on the property under assessment other than those associated with normal intensive farming activities, which currently taking place in</p>
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				<p>areas adjacent to the commentator's property. Construction phase noise will be temporary in nature and cease at the end of the construction phase. Noise associated with the development during operation is anticipated to be typical of that associated with existing intensive agricultural activities, which currently take place in the area.</p> <p>For the reasons outlined above, a specialist noise impact assessment is not proposed to take place as part of the EIA phase for this assessment.</p>
5.19	<p>b,c &amp; d) This was not the case when our client bought the property in question. The comments set out in the responses are subjective and not sustained in any manner as to alleviate, mitigate or remove or clients concerns and objections. The responses do not recognise our clients established and entrenched rights viz a viz his / it's substantial commercial investment, game infrastructure / breeding program and other existing activities on the property or take same into consideration, hence the responses fail to address the concerns and objections raised in this regard. The objections and concerns stated remain and still stand.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6 July 2017, email</p>	<p>Refer to the response to 5.17 above for more detail.</p> <p>As noted in Section 4.7 above of this Chapter, the commentator is currently applying for water rights on Portion 4 of Farm 632, which is adjacent to the north western boundary of the proposed development on Farm 653. In terms of the NEMA EIA Regulations 2014 (as amended) I&amp;APs are required to disclose any interests, which may assist in the decision-making process. Furthermore, the I&amp;AP is, amongst others, required to pro-actively engage in the process and suggest mitigatory measures.</p> <p>Subsequent to the receipt of this comment and on the 31 August, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report In addition it is proposed that a Visual Impact Assessment be undertaken for the EIA phase of this assessment.</p>
5.20	<p>e) This response has been dealt with above. Our client has ensured that his / it's game is adequately enclosed. It is concerned and objects to the proposed development due to the causality thereof viz a viz the game, breeding, infrastructure and commercial activities on his / its property which will be negatively influenced by such development on many fronts. There are obligations on both adjoining landowners, thus including obligations on Ikamva Lethu not to cause</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6 July 2017, email</p>	<p>Refer to the response to 5.17 above for more detail.</p> <p>As noted in Section 4.7 above of this Chapter, the commentator is currently applying for water rights on Portion 4 of Farm 632, which is adjacent to the north western boundary of the proposed development on Farm 653. In terms of the NEMA EIA Regulations 2014 (as amended) I&amp;APs are required to disclose any interests, which may assist in the decision making process. Furthermore, the I&amp;AP is, amongst others, required to pro-actively</p>

	<p>harm or interfere with our clients operations on the property, alternatively provide or suggest solutions to such problems which the responses regretfully do not do. A mere denial of the concern / objection does not alleviate the developers of their obligations and should lead to a refusal to continue with the development until such time as the problems are adequately addressed and the risk, concerns and hence the objections are caused to be removed. This has not taken place</p>			<p>engage in the process and suggest mitigatory measures.</p> <p>The commentator claims “<i>A mere denial of the concern / objection does not alleviate the developers of their obligations and <b>should lead to a refusal to continue with the development until such time as the problems are adequately addressed and the risk, concerns and hence the objections are caused to be removed.</b></i>” The purpose of the EIA is to, amongst others, identify potential impacts both positive and negative and provide mitigatory measures to enhance positive impacts and reduce negative impacts.</p> <p>Mitigatory measures have been provided in this Comments and Responses trail to the concerns raised by the commentator on behalf of the adjacent landowner. In addition, additional specialist studies are proposed to form part of the EIA phase of the Assessment, namely a Visual Impact Assessment and Security Risk Assessment. The commentator has merely responded to the Memorandum of Advice provided by BLC Attorneys, despite being provided with a CD copy of the Draft Consultation Scoping Report as agreed to with the commentator at the commencement of the assessment process.</p> <p>As noted in response 5.17 above The Environmental Impact Assessment Process is required to, amongst others, provide clear, scientific information, including input by I&amp;APs, in order to assist the authorities in their decision making process. The independent Environmental Assessment Practitioner is required to, amongst others, provide a reasoned opinion on whether the project should receive environmental authorisation, based on the outcome of the specialist studies conducted as part of the assessment process. This is to include any project specific conditions to be included in an authorisation, should such be granted.</p>
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5.21	f) This response is vague to the extent that it cannot be replied to in substance.	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	6July2017, email	<p>It is presumed that the commentator is responding to the following contained in the Memorandum of Advice provided by BLC Attorneys "Ikamva Lethu will ensure that there site is adequately fenced to prevent theft of citrus and other products. The fence will be monitored on a weekly basis,"</p> <p>In response to the adjacent landowner's concerns pertaining to safety and security, mitigatory measures have been proposed in this comments and responses trail, as well as additional specialist studies to form part of the EIA phase of the assessment. Reference is made to the responses provided above.</p>
5.22	g) Whilst the presence of farm workers may be reasonable for the project as such, it does not follow, imply or mean that the development as such is then also reasonable. The objections insofar as they go to the farm workers or sub-contractors in the development are a <i>sine qua non</i> to the concerns and objections to the development as such, insofar as it will in consequence effect our client, his / its commercial investment and activities on his / its property. This response do not address, mitigate or remove our clients concerns / objections in this regard.	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	6July2017, email	<p>As noted in response 5.17 above The Environmental Impact Assessment Process is required to, amongst others, provide clear, scientific information, including input by I&amp;APs, in order to assist the authorities in their decision making process. The independent Environmental Assessment Practitioner is required to, amongst others, provide a reasoned opinion on whether the project should receive environmental authorisation, based on the outcome of the specialist studies conducted as part of the assessment process. This is to include any project specific conditions to be included in an authorisation, should such be granted.</p> <p>A Memorandum of Advice has been provided by BLC Attorneys in order to assist in addressing and responding to some of the issues of concern raised by the commentator. Amongst others, this states, that it is reasonable to expect a project of this nature in this area, and supporting legal case is provided in this regard. This should not be confused with the Scoping and Environmental Impact Assessment process.</p> <p>Mitigatory measures have been provided in this Comments and Response Trail and additional specialist studies are proposed to form part of the EIA phase of the assessment. Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van</p>

				der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report. In addition, it is proposed that a Visual Impact Assessment be undertaken for the EIA phase of this assessment.
5.23	h) Once again this response is vague to the extent that it cannot be replied to in substance	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	6 July 2017, email	<p>It is presumed that the commentator is responding to the following contained in the Memorandum of Advice provided by BLC Attorneys “<i>h. the farm workers access to and from the development site will be monitored;</i>”</p> <p>A Memorandum of Advice has been provided by BLC Attorneys in order to assist in addressing and responding to some of the issues of concern raised by the commentator. This should not be confused with the Scoping and Environmental Impact Assessment process.</p> <p>Mitigatory measures have been provided in this Comments and Response Trail, over and above the monitoring of access in order to ensure the security of the development site as well as that of the adjacent landowner.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report.</p>
5.24	i) This is an unsubstantiated allegation and fails to go to the root of our clients concerns and objections in that the onus rests on the developers to argue, put measures in place and so ensure that no risk or damages accrue to our client as a result of their proposed development. Further, there is a significant difference (which has not been addressed in the responses) between older established orchards and the development of such a substantial orchard from scratch as is the intention of Ikamva Lethu. They significantly differ both in form and consequence as to	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	6 July 2017, email	<p>Mitigatory measures have been provided in this Comments and Response Trail, which are proposed to form part of the EIA phase of the Environmental Assessment.</p> <p>A review of google earth imagery from approximately 2011 to 2013, indicates the establishment of approximately 150 ha of intensive agriculture approximately 75 meters from the north western boundary of the adjacent landowner’s property, Portion 4 of Farm 632.</p> <p>The establishment phase of the orchards are temporary in nature,</p>

	<p>surrounding property owners and in particular adjacent property owners such as our client(s) who already have substantial investments and established commercial activities which stand to be interfered with to the extent as to cause damages to be suffered by our client(s).</p>			<p>which entails clearing and levelling of the site, the installation of internal irrigation infrastructure, internal roads and laydown areas and the planting of trees. Thereafter, the operational phase will commence. Mitigatory measures will be included in the Operational Phase EMP as outlined above to ensure the safety and security of the applicant's and adjacent landowner's property, Portion 4 of Farm 632. In addition, a biodiversity no-go buffer zone of approximately 300 meters is recommended between the proposed development and the adjacent landowner's property.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report. In addition, it is proposed that a Visual Impact Assessment be undertaken for the EIA phase of this assessment.</p>
<p>5.25</p>	<p>j) Apart from providing some form of actuarial report which is totally unreasonable to expect from our client or clients (and not required in law), the fact remains that our clients concerns and objections are not only objectively and reasonably real but stand to be properly addressed, mitigated or removed by the developers. Neither of this has taken place except to refer to legislation which does not assist our client or the developers. All that the responses have done is essentially to subjectively deny the concerns / objections which also does not assist our client in any manner. The developers are under an obligation to fully recognise reasonable concerns and objections and deal with them; not just deny them. As such this reply also does not mitigate or remove or address our clients concerns / objections as raised which then still stand to be addressed and ventilated by the developers</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6 July 2017, email</p>	<p>As noted in the Comments and Responses Trail above, the following has been proposed to facilitate and mitigate the poaching of game. Ikamva Lethu is responsible for the safety and security of their product, equipment, infrastructure etc. on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel, contractors and suppliers will be strictly monitored to ensure the security of their product, equipment and infrastructure. In addition to this, it is further noted there will be a minimum of a 300 meter biodiversity no-go vegetated buffer on Ikamva Lethu's north western and northern boundary, adjacent to the commentator's affected properties. It is further noted that the project applicant's property will be fenced in and the affected landowners properties, by own acknowledgement are fenced in (certificate of adequate enclosure). In addition, it is recommended that the Construction and Operational Phase EMP, must include environmental awareness training for all Ikamva Lethu employees and contractors, which amongst others, must include information noting that all fauna and avifauna on site are to remain</p>

				<p>undisturbed, no snares, traps or poaching will be allowed.</p> <p>The project applicant has proposed mitigatory measures as outlined above as well as additional specialist studies to form part of the EIA phase of the assessment, in response to the concerns raised by the adjacent landowner.</p>
5.26	<p>ad par 2.4 thereof:- The response set out herein ONLY refers to "temporary inconvenience" which may be suffered by our client(s) and is used as the ONLY factor to subjectively evaluate one set of rights or advantages as against that of the other (developer vs. client(s)) and as such is fatally flawed in its singularity. Again it is submitted that this response does not address or alleviate our clients concerns and / or objections to the proposed development in any manner whatsoever. Where are the mitigating factors or proposed steps to alleviate or remove or lessen the potential damages to our client(s)? They are glaringly absent save for an argument why the development should be allowed to proceed. This should with all due respect not be the primary focus of the responses (as it currently stands) but should rather be an active and real recognition thereof coupled with the addressing thereof in such a manner as to remove or mitigate them to our clients reasonable satisfaction. This has not taken place and hence the objections and concerns stand and still remain unaddressed in substance</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6July2017, email</p>	<p>As indicated immediately above in 5.25, mitigatory measures have been proposed to form part of this EIA, which are to be included in the environmental authorisation, should such be granted. Mitigation is not "<i>glaringly absent</i>" as stated by the commentator. Motivation regarding the need and desirability of the development has been provided in Chapter 1 of the Draft Consultation Scoping Report. The primary focus of the Scoping Process has not been "<i>an argument why the development should be allowed to proceed.</i>" The purpose of the Scoping Process is clearly outlined in Chapter 1 and Chapter 4 of the Draft Consultation Scoping Report. The commentator has merely responded to the Memorandum of Advice provided by BLC Attorney's and it would appear has not reviewed or commented on the mitigation measures provided in the comments and responses trail, despite being provided with a copy of the Draft Consultation Scoping Report.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report.</p>
5.27	<p>ad par 2.5 thereof:- Whilst the common law may state the position as set out by the author, it is also so that our client(s) (the plaintiff) have already taken all steps to protect itself from economic loss save to the extent where the proposed development and the consequences thereof on a short, medium and long terms <i>viz a viz</i> our clients economic interests are concerned are out of his control (as is presently the</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6July2017, email</p>	<p>As noted in the Comments and Responses Trail above, the following has been proposed to facilitate and mitigate the poaching of game. Ikamva Lethu is responsible for the safety and security of their product, equipment, infrastructure etc. on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel, contractors and suppliers will be strictly monitored to</p>

	<p>case with this proposed development). They are however well within the control of the developers in many respects yet the developers in the responses essentially deny the concerns and objections. It is expected and required in law that the concerns and objections be addressed, which has not taken place in any reasonable manner and thus they all still stand and stand to be addressed appropriately.</p>			<p>ensure the security of their product, equipment and infrastructure. In addition to this, it is further noted there will be a 300 meter no-go vegetated buffer on Ikamva Lethu’s north western and northern boundary, adjacent to the commentator’s affected properties. It is further noted that the project applicant’s property will be fenced in and the affected landowner’s properties, by own acknowledgement are fenced in (certificate of adequate enclosure). In addition, it is recommended that the Construction and Operational Phase EMP, must include environmental awareness training for all Ikamva Lethu employees and contractors, which amongst others, must include information noting that all fauna and avifauna on site are to remain undisturbed, no snares, traps or poaching will be allowed. Access to the biodiversity no-go area must be restricted to authorised personnel only.</p> <p>The project applicant has proposed mitigatory measures as outlined above to alleviate the concerns raised by the adjacent landowner.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report. In addition, it is proposed that a Visual Impact Assessment be undertaken for the EIA phase of this assessment</p>
<p>5.28</p>	<p>The only mitigating proposal that is made is that client(s) may change the usual route of the game hunting parties so as to avoid his clients viewing the development of the citrus orchard. This is an unacceptable and meaningless proposal in that it simply does not address the concerns and objections of our client(s). What it does do is recognise one objection and the proposed mitigating step is completely without substance and as such stands to be rejected.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6 July 2017, email</p>	<p>Refer to 5.27 above, which provides proposed mitigation, over and above that provided in the Memorandum of Advice provided by BLC Attorneys, which were not responded to by the commentator.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this</p>

				<p>assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report. In addition, it is proposed that a Visual Impact Assessment be undertaken for the EIA phase of this assessment</p>
<p>5.29</p>	<p>Although our client does labour under certain onerous legal obligations, the fact of the matter is that the activities of our client(s) from which such obligations stem are 100% legal and a sound economic business which has taken years and a vast amount of money to develop; in the same sentence, the developers also labour under similar onerous legal obligations to ensure that their proposed development does not adversely effect the rights of others (our client(s)). That is exactly why the legislature has put legislation in place which demands a public participation process. To recognise the rights of persons effected or potentially effected by a certain proposed activity (in this case the proposed development of a large citrus orchard) and to grant the developer(s) an opportunity to address and mitigate or remove such causes of risk / objections. Failure to address the concerns and objections may lead to the authorities not granting the required consent to proceed with the proposed activity.</p> <p>As such, and taking into consideration the concession made by the developers that they labour under an obligation to ensure that the construction of the infrastructure is done by reasonable means which do not unduly harm the business activities of our client(s) it is submitted that they (the developers) have not discharged their obligations in addressing or mitigating or removing our clients concerns and objections and as such it follows that same still stand unaddressed. Our clients concerns and objections are reasonable and objectively real. Creating an orchard of this size and magnitude with potential and real risks to our client is not reasonable to the extent that the responses have failed to show it being reasonable when opposed to our clients rights and potential damages it may suffer if the development is to proceed.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>6July2017, email</p>	<p>The commentator is currently applying for water rights for intensive agriculture on the adjacent affected property, Portion 4 of Farm 632. A review of google earth imagery from approximately 2011 to 2013, indicates the establishment of approximately 150 ha of intensive agriculture approximately 75 meters from the north western boundary of the adjacent landowner's property, Portion 4 of Farm 632</p> <p>As noted in the Comments and Responses Trail above, the following has been proposed to facilitate and mitigate the poaching of game. Ikamva Lethu is responsible for the safety and security of their product, equipment, infrastructure etc. on the proposed development under assessment. The proposed citrus development will be adequately fenced, which fence will undergo weekly monitoring. Access and egress by Ikamva Lethu personnel, contractors and suppliers will be strictly monitored to ensure the security of their product, equipment and infrastructure. In addition to this, it is further noted there will be a 300 meter biodiversity no-go vegetated buffer on Ikamva Lethu's north western and northern boundary, adjacent to the commentator's affected properties. It is further noted that the project applicants developed area will be fenced in and the affected landowners properties, by own acknowledgement are fenced in (certificate of adequate enclosure). In addition, it is recommended that the Construction and Operational Phase EMP, must include environmental awareness training for all Ikamva Lethu employees and contractors, which amongst others, must include information noting that all fauna and avifauna on site are not to be intentionally harmed; no snares, traps or poaching will be allowed.</p> <p>Subsequent to the receipt of this comment and on the 31 August 2017, after the review period for the Draft Consultation Scoping Report a meeting was held with this I&amp;AP in order to further address the issues of concerns raised. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this</p>

	<p>We again confirm the objections and concerns to the proposed development and request that same not be allowed to proceed until such time as the objections and concerns have been fully addressed, mitigated or removed to our clients satisfaction coupled with a recognition of such potential damages and indemnity, as the case may be.</p> <p>We trust that the form hereof is acceptable in that the proposed comment form has not been used for logistical reasons. If you require it in a completed form please let me know so we can attend to it.</p>			<p>assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney. See a copy of the Security Risk Assessment attached as Appendix K to this report. The return comment from Attorney Vosloo dated the 30 November 2017 notes, <i>"We have gone through your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements."</i></p>
5.30	<p>The above matter refers as well as our recent meeting with Guy, yourself and further people from your office at our client's offices.</p> <p>We have previously written to Guy and await his advices. If it is in order, we will continue liaising with Guy on these issues for logistical reasons.</p> <p>From your side however, we would be grateful if you could please advise and confirm whether there are any further time periods that we as representatives of our clients need to be doing anything by. Are there further submissions that need to be made? Does anything need to be done within a specific period now?</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>7Sep2017, email</p>	<p>This comment was received in response to a meeting held on 31 August 2017 with this commentator and Mr van der Westhuizen in order to address issues of concern raised during the Scoping Process. Based on the input received from Mr van der Westhuizen at this meeting a Security Risk Assessment was undertaken. The results of this assessment, including a biodiversity no-go map for the project, were provided to Mr van der Westhuizen via his Attorney.</p> <p>It was further confirmed in writing to Attorney Vosloo via email dated the 7 September 2017 that there were no current timeframes within which responses were currently required from the commentator.</p>
5.31	<p>Thank you for your email of 22 November 2017 together with annexures.</p> <p>We will now await the further Consultation Scoping Report and subsequent Draft Environmental Impact Assessment and evaluate the situation thereafter.</p> <p>We have gone through your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements.</p> <p>We trust this meets your approval and look forward to receiving further documentation in the form of the aforementioned reports in due course.</p>	<p>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</p>	<p>30Nov2017 , email</p>	<p>This comment was received in response to the email dated the 22 November 2017, wherein the commentator was provided with the results of the Security Risk Assessment and biodiversity no-go map for the project.</p>

5.32	We would be grateful if you could advise (if you know the answer) as to when it is anticipated that the draft and final scoping reports will available herein.	John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)	9Jan2018, email	In response to this query and on the 9 January 2018, it was indicated that the Draft Scoping Report will be available for a 30 day review period in the first quarter of this year. As per our correspondence of the 22 November 2017 you will be notified in writing of the comment period and be provided with a CD copy of the report. There is no comment period on the Final Scoping Report
5.33	<p>The Draft Consultation Scoping Report for agricultural development was submitted by Ikamva Lethu (Pty) Ltd to the Department of Water and Sanitation for comments.</p> <p>Ikamva Lethu (Pty) Ltd, applied for a water use licence in terms of Section 40 of the National Water Act, 1998 (Act No. 36 of 1998) for the taking of water for irrigation purposes on the Remainder of Farm No 653, Uitenhage District.</p> <p>Ikamva Lethu (Pty) Ltd was granted a water use licence under Section (a) of the National Water Act, 1998 (Act No. 36 of 1998), to take 6 075 000m<sup>3</sup>/a for citrus irrigation on the aforementioned property. The licence was issued with special conditions that were set out on licence draft. As one of the licence special conditions, the licensee was not supposed to commence with any water use activities without obtaining a positive Environmental Authorisation from a responsible authority.</p> <p>This Scoping report forms part of series of reports and information documents that are being provided during the Environmental Impact Assessment (EIA) process for the proposed agricultural development for Ikamva Lethu Farms (Pty) Ltd, on the Remainder of Farm 653.</p> <p>Sections 24 and 44 of NEMA make provision for the promulgation of regulations that identify activities which may not commence without an EA issued by the competent authority, in this case the Department of Environmental Affairs (DEA). The Environmental</p>	Mr DB Gawulana & Mr BT Kunene, Dept of Water and Sanitation: Eastern Cape Region	4July2017, email and written comment	<p>This comment is noted.</p> <p>A copy of the project applicant's water use licence issued to Ikamva Lethu Farms (Pty) Ltd was included as Appendix G of the Draft Consultation Scoping Report.</p> <p>The Scoping Process for the project initiation phase was advertised on the 18 October 2016, at which time the EIA Regulations 2014, which came into effect on the 8 December 2014, were applicable to the project. Subsequent to the project initiation phase, and on the 7 April 2017, the NEMA EIA Regulations, 2014 were amended by Government Gazette 40772 and published in GN R326, 327, 325 and 324, collectively referred to as the NEMA EIA Regulations 2014 (as amended). The NEMA EIA Regulations 2014 (as amended) are therefore applicable to this S&amp;EIA process and all activities for the remainder of the S&amp;EIA process will be undertaken in line with the regulations as amended on the 7 April 2017.</p> <p>Stakeholder engagement does form an important component of the S&amp;EIR process and must be undertaken in accordance with Chapter 6 of the EIA Regulations 2014 (as amended). As outlined in Chapter 4 of this report, relevant local, provincial and national authorities, conservation bodies, local forums and surrounding landowners and occupants, were proactively identified by the EAP at the commencement of the Scoping Process (Project Initiation Phase) and were notified and provided with the opportunity to register their interest on the project database and raise issues of concern. These I&amp;APs will remain on the project database for the duration of the S&amp;EIR process and will be notified of the opportunity to comment as and when reports become available for public review. A copy of the project database is included as Appendix D of this report.</p>

	<p>Impact Assessment (EIA) Regulations, 2014 (Government Notice (GN) 982, which came into effect on 8 December 2014), promulgated in terms of NEMA, govern the process, methodologies and requirements for the undertaking of EIAs in support of EA applications.</p> <p>Stakeholder engagement is a key component of the S&amp;EIR process and must be undertaken in accordance with Chapter 6 of the EIA Regulations, 2014. Relevant local, provincial and national authorities, conservation bodies, local forums and surrounding landowners and occupants should also be notified of the S&amp;EIR process and the release of the Draft Scoping Report for comment.</p> <p><b>RECOMMENDATIONS</b> Taking into consideration the above information, it is recommended that this Draft Consultant Scoping Report for Ikamva Lethu (Pty) Ltd be accepted with the conditions, and advice as set out on this report. The applicant may proceed or continue with the tasks contemplated in the plan of study for environmental impact assessment.</p>			
5.34	Request to register interest.	Johannes (Arno) Coetzee, Geluk Plaas (affected landowner)	7Jul2017, email and registration form	This I&AP is an affected landowner (pipeline route) and therefore was registered on the I&AP database from the outset of the assessment process. He will remain on the database for the duration of the assessment process and be notified of the various stages to comment on reports as they become available for review.
5.35	<p>This is to confirm our telephonic discussion of today, that you and your family members all left the farm in May 2017. That the labourers present on the property identified in October 2016, at the date of our site visit, have located with you to your new farm named Longwood, near Amanzi.</p> <p>As agreed we will keep you and your family members on the project database, until such time as they request to be removed from the database.</p>	Keith Gafney, Previous Landowner, Remainder Farm 653	26Feb2018, telephonic consultation	<p>At the commencement of the Scoping Process for this project, Mr Keith Gafney (previous landowner of the Remainder of Farm 653) and six family members, were tenants on the property. In addition, three labourers' cottages were occupied on the property. They were thus all notified of the commencement of the Scoping Process.</p> <p>Subsequently as confirmed by Mr Gafney the property was fully vacated in May 2017. Mr Gafney confirmed that the labourers on the property have moved with him to his new farm. Mr Gafney and his family members, the previous tenants on the site, will</p>

				remain on the database for this EIA until such time as they request to deregister their interest.
<b>Comments on the CSR</b>				
5.36	<u>Please send any inquiries regarding permits to Mr Luzuko Dali. : Luzuko.Dali@dedea.gov.za as I am retiring on the 29 March 2018.</u>	<u>Alan Southwood, DEDEAT: Biodiversity Section</u>	<u>23March2018, email</u>	<u>As per this email, Luzuko Dali has been placed on the database for this project as representing DEDEAT's Biodiversity Section and will receive correspondence on the various stages to comment on the EIA process.</u>
5.37	<u>I no longer work for DEDEAT (retired).</u> <u>Please e-mail me Notices of EIA Projects you will be involved in the future.</u> <u>A general interest: just to know what developments are planned.</u>	<u>Alan Southwood, Private I&amp;AP</u>	<u>4April2018, email</u>	<u>As per the request from this I&amp;AP they will remain on the project database as an interested and affected party and continue to receive correspondence on the various stages to comment on the EIA process.</u>
5.38	<u>Please note we are no longer owners of this property, the new owners took over 01/03/2018.</u> <u>Please note they are Venter Boerdery, please contact them in this regards.</u> <u>Chris du Preez, Trenley, Venter Boerdery</u>	<u>Shereen Harmse on behalf of Riaan Oosthuizen, previous adjacent landowner of Farm 682</u>	<u>14March2018, email</u>	<u>As per the email from this I&amp;AP, Venter Boerdery has been added to the project database as an interested and affected party and will receive correspondence on the various stages to comment on the EIA process.</u> <u>Mr Riaan Oosthuizen, the former adjacent landowner, has been removed from the I&amp;AP database and will thus no longer receive correspondence on the proposed assessment.</u>
5.39	<u>Please register me as an I&amp;AP. I would like to receive further correspondence.</u>	<u>Rossouw Potgieter, Laslappies Boerdery</u>	<u>28March2018, email and comment form</u>	<u>As per the email from this I&amp;AP, they have been added to the project database as an interested and affected party and will receive correspondence on the various stages to comment on the EIA process.</u>
5.40	<u>With regards to the Agricultural Development on Remainder of Farm 654, Sunland. Please note that our current comments with regard to this project are sufficient and still stand. No further comments will</u>	<u>Odwa Somdaka, Dept of Water and</u>	<u>19April2018, email</u>	<u>This comment is noted. DWS will remain on the database for this project and will continue to receive correspondence on the various stages to comment on the EIA process.</u>

	<u>made with regard to this project.</u>	<u>Sanitation, Technical Unit, CMS Programmes &amp; Planning</u>		
5.41	<p><u>The above matter refers.</u></p> <p><u>Do you have any idea at this point in time as to the anticipated time that the draft scoping report will be available for a 30-day review period? You will recall that it was anticipated that same would take place within the first quarter of this year and we are simply following up.</u></p> <p><u>We look forward to your advices and thank you in anticipation.</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>28Feb2018 , email</u></p>	<p><u>In response to the comment received this I&amp;AP was contacted telephonically and again it was confirmed that the Consultation Scoping Report would be released in the first quarter of 2018 and this I&amp;AP would be notified in writing of the 30 day comment period.</u></p>
5.42	<p><u>The above matter refers as well as the correspondence and CD disk yourselves have kindly provided in re "Consultation Scoping Report".</u></p> <p><u>It is our understanding that the entire matter is now in the application and scoping phase with a view to setting out and detailing issues which have been identified through consultation and which then will form the framework (if approved) of an initial draft EIA and thereafter a final EIA</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>This commentator is correct in noting that the EIA process is currently at the application and Scoping Phase of the Assessment. However, it must be noted, as detailed in the Scoping Report (Chapter Four, page 4.20 and 4.21), issues of concern to be addressed in the EIA Phase of the assessment have been identified, not only through consultation.</u></p> <p><u>"An important element of the Scoping process is to identify issues for inclusion in the EIA phase of the assessment. These issues provide input towards the assessment of alternatives, the scope and terms of reference for specialist assessments. To ensure a comprehensive range of issues are identified the following sources have been used for the identification of issues and the development of the CSR:</u></p> <ul style="list-style-type: none"> <li>• <u>Site visit undertaken by Public Process Consultants on the 18 July and 18 October 2016;</u></li> <li>• <u>Preliminary input and consultation from identified specialists:</u> <ul style="list-style-type: none"> <li>○ <u>Vegetation;</u></li> <li>○ <u>Aquatic;</u></li> <li>○ <u>Soil Suitability;</u></li> <li>○ <u>Heritage;</u></li> <li>○ <u>Traffic;</u></li> <li>○ <u>Visual; and</u></li> <li>○ <u>Security Risk Assessment.</u></li> </ul> </li> <li>• <u>Review of existing conservation planning frameworks:</u></li> </ul>

				<ul style="list-style-type: none"> <li>○ <u>Regional and National Biodiversity Planning Documentation: STEP, ECBCP, NBA, SRVM Biodiversity Sector Plan;</u></li> <li>• <u>Technical Information provided by Ikamva Lethu Farms (Pty) Ltd;</u></li> <li>• <u>Scoping of issues with I&amp;APs:</u> <ul style="list-style-type: none"> <li>○ <u>Issues and concerns raised via email and written correspondence during the Project Announcement Phase and the review of the Draft CSR; and</u></li> <li>○ <u>Issues and concerns raised via telephonic consultations and meetings held with I&amp;APs during the Project Announcement Phase and the review of the Draft CSR</u></li> </ul> </li> <li>• <u>Scoping of issues with relevant authorities: DEDEAT, LSRWUA, ECDRPW, DWS.”</u></li> </ul> <p><u>The Plan of Study for EIA, which is contained in Chapter Six of this report, includes the terms of reference for the various specialist studies proposed to be undertaken as well as the process to be followed, as part of the EIA phase of this assessment. The Plan of Study requires approval from the competent authority prior to compilation of the Draft EIA Report.</u></p>
<p>5.43</p>	<p><u>Insofar as comments to the aforementioned report are concerned, we wish to advise as follows:</u></p> <p><u>1. We believe that at this stage of the process we have adequately addressed the report as drafted and submitted by BLC Attorneys and we have been instructed (as we did) to advise that our client has set out its requirements at the meeting between the relevant parties and is of the <i>bona fide</i> opinion that agreement had been reached in that regard.</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>It is assumed that the “report as drafted and submitted by BLC Attorneys” refers to the Memorandum of Advice from BLC Attorney’s. The comment referring thereto is noted.</u></p> <p><u>With regards to the meeting held on the 31 August 2017, as captured on page 4.36 (3.9) of the Consultation Scoping Report, and the subsequent response received from Mr Vosloo on behalf of Mr van der Westhuizen, the following was noted by Mr Vosloo with regards to the meeting, “We have gone through your documents that were sent to us with client who has instructed us to advise that he had given clear instructions as to his requirements”. Clear instructions made by Mr van der Westhuizen at the meeting does not constitute that an agreement was reached between those in attendance regarding the specifics of the recommendations made. Rather, as indicated at the meeting, these issues were noted and required further assessment, possible specialist input and consultation with the project applicant, amongst others, in order to objectively evaluate the recommendations made. It was not the purpose of that meeting to reach agreement on the recommendations made. Rather, the</u></p>

				<p><u>meeting was held in response to the issues of concern raised by Mr van der Westhuizen through Mr Vosloo, in order to obtain a clear understanding of the issues raised.</u></p>
5.44	<p><u>Insofar as comments to the aforementioned report are concerned, we wish to advise as follows:</u></p> <p><u>2. Insofar as the Mr. Rodney Visser report is concerned, being the Security Risk Assessment dated 25 October 2017, we wish to point out and record that we will wait for the draft EIA, as we do not believe that the reports in the aforementioned scoping report are conclusive to the extent that they simply identify and seemingly justify concerns and aspects raised by interested and affected parties to then still be comprehensively dealt with in the draft and final EIA. Hence, we do not anticipate or expect the aforementioned Mr. Rodney Visser report to simply be duplicated in the draft and final EIA but to be more comprehensively dealt with as an aspect which has been identified, initially investigated and with a full and more detailed investigation and report to take place. That is the purpose of the scoping and subsequent EIA process. Once we receive same, we will take instructions and only if instructed to comment thereon will we then comment thereon in order to avoid possible duplication of comments and/or a disjointed comment to the report.</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>The Security Risk Assessment undertaken for the proposed development is as a direct result of the concerns raised by this commentator’s client, inter alia, the request for a 600 meter buffer to ensure the safety of rhino on his property. The report provides baseline information on the concerns raised, assesses the potential risks based on the baseline information including a site visit to the property and makes recommendations regarding a security proposal and strategy. The terms of reference for the Security Risk Assessment are clearly outlined in Chapter Six of this report. In an attempt to ensure an open and transparent consultation process, the Security Risk Assessment has been included in the Scoping Report to afford this I&amp;AP the opportunity to comment on the recommendations made for inclusion in the proposed project. It is the purpose of the Scoping Process to, amongst others, address the concerns raised by I&amp;APs and identify “whether or not sufficient information is available to respond to the issue raised without further specialist investigation.” (CSR, Chapter 4, page 4.21) This I&amp;AP has been provided with the opportunity to comment on the results of the Security Risk Assessment through the email sent by BLC Attorneys on the 22 November 2017 and again through the 30 day comment period provided on the Consultation Scoping Report.</u></p> <p><u>The commentator has not provided any additional terms of reference to be assessed over and above that which has already been assessed nor has the commentator provided substantiated additional recommendations. No further detailed security report is proposed to form part of the EIA phase of the assessment and a copy of the current Security Risk Assessment will be included in the Draft and Final EIA.</u></p>
5.45	<p><u>Insofar as comments to the aforementioned report are concerned, we wish to advise as follows:</u></p> <p><u>2. continued ....</u></p> <p><u>As such the EIA phase of the assessment, which will include specialist assessments, has not yet commenced. We do not expect the exact same reports</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>Refer to response above.</u></p> <p><u>The specialist studies to form part of the EIA phase of the assessment were clearly outlined in Chapter Six of the Consultation Scoping Report. The commentator has not made any recommendations with regards to additional studies or the terms of reference for the specialist studies proposed.</u></p>

	<p><u>in content which have been set out in the scoping phase and hence our approach that we will await and then review the further specialist reports (EIA process) which may or may not be commented on. We refer you to paragraph 5.21 of the Public Process Consultants Study (4.52) where it is then correctly stated by yourselves that "in response to the adjacent landowners concerns pertaining to safety and security, mitigatory measures have been proposed in this comments and responses trail, as well as additional specialist studies to form part of the EIA phase of the assessment.</u></p>			
5.46	<p><u>Insofar as comments to the aforementioned report are concerned, we wish to advise as follows:</u></p> <p><u>3. For the sake of good order we also refer to paragraph 5.26 (4.55) where yourselves, in the comments column, state that the commentator has merely responded to the memorandum of advice provided by BLC Attorneys and it would appear has not reviewed or commented on the mitigation measures provided in the comments and responses trail, despite being provided with a copy of the draft consultation scoping report. In this regard we wish to point out that the thrust and bulk of the memorandum as provided by BLC Attorneys had in essence been duplicated in the comments and responses trail, including the proposed mitigation factors and that these have been adequately dealt with (for now and pending the draft and final EIA) in our response to the aforementioned memorandum dated 6 July 2017 and as referred to in your final scoping report under correspondence.</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>The Memorandum of Advice provided by BLC's Attorney's assisted in addressing and responding to some of the issues and concerns raised by this commentator on behalf of his client. Additional mitigatory measures, over and above those that may have been included in the Memorandum of Advice, have been provided in the Comments and Responses Trail of the Scoping Report.</u></p>
5.47	<p><u>Insofar as comments to the aforementioned report are concerned, we wish to advise as follows:</u></p> <p><u>4. What is common in the final scoping report is that a meeting was held between the relevant parties, and our client has clearly set out his requirements therein. We then await and will determine if all these requirements are dealt with in the draft and final EIA,</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>This comment is noted. The recommendations made at the referenced meeting resulted in the undertaking of the Security Risk Assessment, which has been included in the Scoping Report and will be included in the Draft and Final EIA. The Plan of Study for EIA, which is contained in Chapter Six of this report, includes the terms of reference for the various specialist studies proposed to be undertaken as well as the process to be followed, as part of the EIA phase of this</u></p>

	<u>and if so, to what extent.</u>			<u>assessment. The Plan of Study requires approval from the competent authority prior to compilation of the Draft EIA Report.</u>
5.48	<p><u>Insofar as comments to the aforementioned report are concerned, we wish to advise as follows:</u></p> <p><u>5.In the circumstances, and in line with the overview to the approach to the draft and final EIA, being the plan of study as set out in chapter 6 of the final scoping report, and in particular paragraphs 6.3.3.5 and 6.3.3.6 we look forward to receiving same in due course.</u></p> <p><u>We trust this meets with your approval and thank you for your co-operation and prompt replying to our e-mails, queries and concerns in the past.</u></p> <p><u>I would be grateful if you could kindly acknowledge receipt hereof per return email or fax.</u></p>	<p><u>John Vosloo Attorneys on behalf of D.S. van der Westhuizen et al (Adjacent Landowner)</u></p>	<p><u>19April2018, email</u></p>	<p><u>Paragraphs 6.3.3.5 and 6.3.3.6 outlines the terms of reference for the Security Risk Assessment and the Visual Impact Assessment respectively. This I&amp;AP has not provided any comments on the terms of reference proposed. In order to ensure open and transparent communication as well as to address the concerns raised by this I&amp;AP a copy of the Security Risk Assessment was included in the Consultation Scoping Report as well as this report. The Draft and Final EIA will include copies of the specialist studies as outlined in Chapter Six of the Scoping Report, the Plan of Study for EIA.</u></p> <p><u>Receipt of the comments submitted by this I&amp;AP was acknowledged on the 20 April 2018 via email, a copy of which is included in Appendix F of this report.</u></p>
5.49	<p><u>Attached please find my scanned comment form and registration as an I&amp;AP iro the Ikamva Lethu Agricultural Development.</u></p>	<p><u>Peter Kotze, Tenant of adjacent farm 603</u></p>	<p><u>27March2018,email and comment form</u></p>	<p><u>As a tenant of an adjacent farm this I&amp;AP was registered on the I&amp;AP database from the outset of the assessment process. He will remain on the database for the duration of the assessment process and be notified of the various stages to comment on reports as they become available for review.</u></p>

**6. Aquatic Impacts**

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
6.1	<p>(A presentation was provided by the aquatic specialist after which the following was raised by DWS representatives at the meeting)</p> <ul style="list-style-type: none"> <li>• Site inspection date will be scheduled by DWS</li> <li>• All issues will be clarified at the site inspection or thereafter</li> <li>• Confirm the requirement for a coffer dam at the Sundays River crossing</li> </ul>	<p>Meeting with Representatives of the Dept of Water and Sanitation</p>	<p>27Mar2017, meeting</p>	<p>A site inspection was held with DWS on the 7June2017, see comments below, dated 21June2017.</p> <p>Currently a coffer dam is not proposed for the installation of the pipeline through the Sundays river, should this change at any stage DWS will be notified accordingly.</p>

Comments on the Draft CSR				
6.2	<p>Reference is made to the Draft Aquatic Survey and Assessment dated 27March 2017 submitted to this Department.</p> <p>In order to make an informed decision, the following must be submitted:</p> <ul style="list-style-type: none"> <li>• Risk Assessment Matrix for section 21 (c) and (i) water uses to determine the type of authorisation required;</li> <li>• Registrations forms in terms of section 21 (c) and (i) water uses;</li> <li>• EMP which includes mitigation measures, rehabilitation plan (watercourses, rivers, wetlands and drainage lines) and monitoring programme for all the affected watercourses;</li> <li>• Design drawings</li> <li>• Detailed Method Statement for the construction activities.</li> </ul> <p>Please note that any use of water without an authorization is a contravention as in accordance with Section 151 of the National Water Act, 1998 (Act 36 of 1998).</p>	Marisa Bloem, Dept of Water and Sanitation	21June2017, written	<p>The information requirements as outlined by DWS will be complied with in order to obtain the necessary authorisation from DWS prior to commencement of construction on site.</p> <p>The EMP will include recommendations for the rehabilitation of watercourses, rivers, wetland and drainage lines, as well as a monitoring programme.</p>
6.3	<p>Thank you for your notice re the EIA for proposed agricultural development on the Farm 653, Sunland. Just a short comment from me (for WESSA):</p> <p>I note the issue about potential impacts to various wetlands, including FEPA rated wetlands. Considering the critical importance of wetlands and the NBA/State of Environment Report indicating their increasing threatened status, WESSA would hope that all efforts are made to avoid impacting on the wetlands. This would include investing in their long-term, practical management and protection from agricultural run-off, dumping and draining.</p>	Morgan Griffiths, WESSA EP	9June2017, email	<p>In terms of the NFEPA Map, the Sundays River and associated catchment, within which the proposed development falls, is not indicated as a Freshwater Ecosystem Priority Area (FEPA) or 'other' important catchment. The NFEPA river and catchments map also does not classify the non-perennial river, which traverses the site, as a priority river or priority catchment (See Map 3.4 in Chapter 3 of this report). Two FEPA Wetlands have been identified north of the RE of Farm 653, along the proposed irrigation pipeline route. In addition, the irrigation pipeline will be submerged through the Sundays River, which, although it is not a NFEPA river contains wetland habitat which has been classed as a FEPA wetland (Channelled valley-bottom).</p> <p>A specialist aquatic assessment is proposed to form part of this assessment, which will include, amongst others, mitigatory measures for affected wetlands.</p>

<u>Comments on the CSR</u>	
	<u>None</u>

## 7. Heritage Impacts

NO	ISSUES RAISED	COMMENTATOR	DATE	RESPONSE
<b>Issues Raised by I&amp;APs During the Project Announcement</b>				
<b>None</b>				
<b><u>Comments on the Draft CSR</u></b>				
7.1	<p>As a registered I &amp; AP I would like to mention the following:</p> <ul style="list-style-type: none"> <li>1) My father's grave is situated close to the farm house at Wildemansplaas. Can we please be given access to this grave for future visits, maintenance and my mother's wish to have her ashes scattered on the grave.</li> </ul>	Julie Puttergill, adjacent landowner	3Jul2017, email	The specialist who undertook the Heritage Impact Assessment identified the Grave on the farm and has recommended a no-go buffer area around the grave of 25 meters, that is, development may not take place within 25 meters of the grave. In terms of the National Heritage Resources Act, this buffer is required and this I&AP is entitled to access to the grave. This will form a recommendation in the EIA in the form of a mitigatory measure.
<b><u>Comments on the CSR</u></b>				
	<u>None</u>			

#### **4.8 CONCLUDING REMARKS**

Based on the input received from I&APs during the comment and registration process for the Scoping Phase of the assessment, it was identified that a Visual Impact Assessment will be required to be undertaken during the EIA phase of the assessment. The ToR for the specialist studies to be undertaken for this project are included in Chapter Six of this report. In addition, and based on further I&AP consultation, a Security Risk Assessment has been undertaken and is included as an Appendix (Appendix K) to this report. It will also be included in the Draft and Final EIA Report.

No input has been received from I&APs with regards to the assessment of alternatives.