



# Proposed Tg. Aru Eco Development, Kota Kinabalu, Sabah

Final Terms of Reference for Special Environmental  
Impact Assessment

Addendum 02 – Second Public Review: Response to Submissions

Tg. Aru Eco Development Sdn. Bhd.

62800657-2-RPT-01-ADD-01 Rev. 01

June 2015

This report has been prepared under the DHI Business Management System certified by Bureau Veritas to comply with ISO 9001 (Quality Management)



# Proposed Tg. Aru Eco Development, Kota Kinabalu, Sabah


## Final Terms of Reference for Special Environmental Impact Assessment

### Addendum 02 – Second Public Review: Response to Submissions

Prepared for            Tg. Aru Eco Development Sdn. Bhd.  
 Represented by        Executive Director

---

#### Current Revision Approvals

	Name / Title	Signature	Date
<b>Prepared by</b>	Wong Lie Lie		Jun 18, 2015
<b>Reviewed by</b>	Tania Golingi		Jun 21, 2015
<b>Approved by</b>	Tania Golingi		Jun 23, 2015

#### Classification

<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Restricted	<input type="checkbox"/> Confidential
-------------------------------	--	---------------------------------------

This page is intentionally left blank

## Document Information

<b>Project No.</b>	62800657-2		
<b>Project Title</b>	Proposed Tg. Aru Eco Development, Kota Kinabalu, Sabah		
<b>Subject</b>	Final Terms of Reference for Special Environmental Impact Assessment: Addendum 02 – Second Public Review: Response to Submissions		
<b>Client</b>	Tg. Aru Eco Development Sdn. Bhd.		
<b>Project Director</b>	Claus Pedersen		
<b>Project Manager</b>	Tania Golingi		
<b>Document No.</b>	62800657-2-RPT-01-ADD-02	<b>Rev</b>	01

<b>Distribution</b>	<b>Type of Data</b>	<b>No of copies</b>
Environment Protection Department	Hardcopy	24
Tg. Aru Eco Development Sdn. Bhd.	Digital	1
Jurutera Perunding Campo Sdn Bhd	Digital	1
DHI Water & Environment (M) Sdn. Bhd.	Digital	1

## Document Revision History

<b>Rev</b>	<b>Rev Date</b>	<b>Description of Change/ Reason for Issue</b>	<b>Prepared by</b>	<b>Checked by</b>	<b>Approved by</b>
01	Jun 23, 2015	Submission to EPD	wll	tag	tag

The information contained in this document produced by DHI Water and Environment (M) Sdn. Bhd. is solely for the use of the Client identified on the cover sheet for the purpose for which it has been prepared. DHI Water and Environment (M) Sdn. Bhd. makes no representation, undertakes no duty, and accepts no responsibility to any third party who may use or rely upon this document or the information.

All rights reserved. No section or element of this document may be removed from this document, reproduced, electronically stored or transmitted in any form without the written permission of DHI Water and Environment (M) Sdn. Bhd.

© DHI Water and Environment (M) Sdn. Bhd.

This page is intentionally left blank

## CONTENTS

<b>1</b>	<b>Introduction.....</b>	<b>1-1</b>
1.1	Assessment Process .....	1-1
1.2	Purpose and Structure of this Document.....	1-1
<b>2</b>	<b>Responses to Public Submissions.....</b>	<b>2-1</b>
2.1	Joshua Y. C. Kong.....	2-3
2.2	Ministry of Local Government and Housing.....	2-13
2.3	C.M.J. Leon.....	2-13
2.4	Malaysian Marine Department.....	2-16
2.5	Mineral and Geoscience Department Malaysia, Sabah .....	2-18
2.6	LEAP Spiral.....	2-20
2.7	Yeo Bee Hong.....	2-40
2.8	Waikiki Management Corporation.....	2-41
2.9	Melanie Chia Chui Ket .....	2-43
<b>3</b>	<b>Environment Protection Department (EPD).....</b>	<b>3-1</b>

## TABLES

Table 1.1	Breakdown of comments received from various parties .....	1-1
-----------	---	-----

## APPENDICES

A	Public Comments on Revised TOR
---	--------------------------------





# 1 Introduction

This document documents the responses to public and government agencies comments on the Revised Terms of Reference (TOR) (document number 62800657-RPT-01, Revision 6) for the Special Environmental Impact Assessment (SEIA) for Tg. Aru Eco Development, Kota Kinabalu, Sabah. This document shall be read in conjunction with the Final TOR report (document number 62800657-RPT-01, Revision 7).

## 1.1 Assessment Process

For Special EIAs, a Special Review Panel is established by the Environment Protection Department (EPD) to review the TOR and SEIA reports. In addition, the public is also given the opportunity to submit views and comments on any pertinent environmental issues and concerns that should be addressed in the EIA study through a “Public Hearing” whereby the TOR/revised TOR is made available to the public for review and comment (see EPD Handbook on Environmental Impact Assessment in Sabah, 2<sup>nd</sup> Edition 2005).

Following submission and public display of the Draft TOR (62800657-RPT-01, Revision 4) in July 2014, a revised TOR (62800657-RPT-01, Revision 6) was prepared based on the comments of the Review Panel and public submissions. The revised TOR was released for public comment from December 15 – 29, 2015. A total of nine submissions were received within this period as shown in Table 1.1.

Table 1.1 Breakdown of comments received from various parties

Category	Number of comments received
Public	3
Non-governmental organisation (NGO)	1
Government agencies	4
Political representatives	1

## 1.2 Purpose and Structure of this Document

This document provides the responses from the EIA Consultant on behalf of the Proponent, with respect to the issues raised in the public submissions and written comments from Government agencies made on the Revised TOR (Section 2). This document also includes the responses to a list of issues to be addressed prepared by EPD in relation to the Department’s review of the Revised TOR (Section 3).



## 2 Responses to Public Submissions

The comments received from the public (including other government departments) are tabulated below. Although not all of the issues raised in the submissions are environmental, all issues, comments and questions relevant to the TAED Project and the SEIA are addressed. However, where submissions focused on the EIA procedure or other matters beyond the control of the Proponent, the action / response denoted in the following tables is “NA - Not applicable”.



## 2.1 Joshua Y. C. Kong

Email address: jknow823@gmail.com

Tel: 0138394513/0128380897

Letter- 16.12.2014

Email -22.12.2014

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	Revised SEIA of TAED-16.12.2014	What is LINK online for this report?	<p>The environmental assessment of the Proposed TAED Project is presently at Terms of Reference (TOR stage) and as such the SEIA report is not available.</p> <p>The Revised Terms of Reference is available at:  <a href="http://www.sabah.gov.my/jpas/bm/Assessment/eia/sp-eias/Tg%20Aru/Tg%20Aru_revisedTor.html">http://www.sabah.gov.my/jpas/bm/Assessment/eia/sp-eias/Tg%20Aru/Tg%20Aru_revisedTor.html</a></p>
2	1.1 Introduction	EPD gave a short review period of two weeks for revised TOR during the Year End Holidays. TAEDSB should not use this flimsy reason to claim support for the TAED project as responses would be few. There was no reply from EPD on my first submission on TAED to EPD on 16 <sup>th</sup> July 2014.	<p>N/A</p> <p>It is noted that the review of the SEIA Terms of Reference is not intended as a public opinion poll of the Project and will not be used as such by the Proponent.</p> <p>All comments on the Draft TOR were addressed and required changes incorporated in the Revised TOR; responses to comments can be referred to on the EPD website:  <a href="http://www.sabah.gov.my/jpas/Assessment/default.htm">http://www.sabah.gov.my/jpas/Assessment/default.htm</a>            (click on the Link to Summary of Public Comments)</p>
3.	1.2 Introduction	On the revised SEIA, it was found not available in the EPD's website on 16 <sup>th</sup> December 2014, as per newspapers article. Fortunately, someone sent me a copy online. Why EPD did not send me one as my earlier submission had my email at the top right of page 1? What is the KPI of EPD? One thing that is certain is that the less people knows about this SEIA, the better for some people.	N/A

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
4	1.3 Forums on Private or Public TAED	<p>What happen to all the public forums as promised at the launch of TAED on 16<sup>th</sup> September 2014. As there were few and far apart public forums on TAED, as TAED is deemed a “private” of sort project and why should the public be the troublemakers? .....</p> <p>.....So where is the promised OPEN public forums on TAED?</p>	<p>TAED have held a number of public information exercises on the Masterplan directed at specific stakeholders and NGOs.</p> <p>As part of the EIA process, one public meeting will be held to present and seek feedback on the SEIA findings and recommendations (see Revised TOR Revision 7 Section 5.2.11.2).</p>
5	1.3 Forums on Private or Public TAED	<p>Our views have been challenged lopsidedly especially in the press in favour of the private owners of TAEDSB. My sole neutral letter to Daily Express was not published when those letters or press releases or articles in the favour of the private owners were given much spaces like shouting down at the public when TAED is supposed to be a state owned public project.</p>	N/A
6	1.3.2 Forums on Private or Public TAED	<p>There was one forum on State Planning Conference 2013 on 12<sup>th</sup> December 2013 as weird with unspecified organizer and my wife and I were allowed into the conference FOC but later were asked to pay for the conference fee. One of the conference papers were on TAED. So I can draw a conclusion that TAED is indeed a private project on largely public domain trying to make quick money even with a State Sponsored Conference</p>	N/A
7	1.3.3 Forums on Private or Public TAED	<p>The modus operandi of the impatient promoters also likely rent seekers of public properties had been exposed through and through as TAED was already in an advanced stage of preliminary development before it was disclosed to the public at large.</p>	N/A
8	1.4 Team Member	<p>The team member in Table 6.1 Dr Claus Pedersen’s registration with EPD expired on 30<sup>th</sup> September 2014 and that is when this SEIA was finalised on 17<sup>th</sup> October 2014. Why that is his registration was not renewed? SO in between 30<sup>th</sup> September 2014 and 17<sup>th</sup> October 2014, any work done can be deemed null and void affecting the validity of this report.</p>	<p>Dr. Claus Pedersen’s registration with EPD was undergoing renewal with EPD at the time of the Revised TOR report finalisation. The registration was renewed by EPD on October 10, 2014 (EPD letter with reference JPAS/PP/00/600-1/14/2/12(80)) and notified to DHI on October 13, 2014 via fax. The validity is up to September 30, 2016.</p> <p>The 17 day period (just over 2 weeks) between the registration expiry and TOR submission is a normal lead time between the putting the finishing touches to the report until printing and delivery and hence no technical work was done during this time.</p> <p>The renewal coming in more or less at printing time meant that this was not updated in the revised TOR (revision 6). The present revision (Final TOR, revision 7) has the relevant updated details.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
9	2.0 Beach	The existing 1.4 metre Tg. Aru Beach (TAB) is unlikely to be improved with a new beach (not waterfront) with quality and wider one. The reasons are as follows:-	
10.	2.2.1 Beach Maintenance	Can you show me one that has been done without costly maintenance to maintain it as a sandy beach?	<p>We have not done a review of all artificial beach or beach nourishment projects in the world; however, two case studies known to DHI include Amager Strandpark and Koege Bugt Strandpark in Denmark.</p> <p>There has been no re-nourishment of the beaches since construction, which is about 9-10 years ago for Amager Strandpark and 35 years for Koege Bugt Strandpark. Both are morphologically functioning very well after the same design principles as applied for the design of the TAED project with:</p> <ul style="list-style-type: none"> <li>• The beaches moved forward from the original coastline to achieve better wave exposure and a cross-sectional profile that allows shoreward transport of material by the waves.</li> <li>• Plan profile adjusted to be oriented towards the main wave directions to be dynamically stable over the long run.</li> <li>• Terminal structures that serve dual purposes as integral parts of marinas and channel entrance structures and keeps the sediment within a sediment cell at the beach.</li> <li>• Construction with sand of the right grain-size distribution to be both stable and attractive from a recreational point of view.</li> <li>• Sufficient beach width to provide a buffer for seasonal mobility of the sand</li> </ul> <p>It is clear that when the governing processes in beach morphodynamics are taken into account during its design, an artificial beach can be created such that it is maintained by natural processes alone. The natural forces of waves and currents transport the sediments according to the same principles regardless of whether a beach is naturally shaped by thousands of years of natural action or whether it is shaped artificially by a few years of construction works.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
11	2.2.2 Waves and Currents	Given that the equilibrium of the new waves/currents and water level would be finding its new positioning, the area would be affected in unknown possibilities.	<p>The influence of currents, waves and water levels have been studied in detail utilising numerical models in order to develop the TAED layout, both to ensure that the marina, canal and beach features are sustainable and also to ensure that areas outside the TAED site are not adversely affected.</p> <p>The methodology is outlined in Section 5.3 of the TOR; and the findings will be described in detail in the SEIA report.</p>
12	2.2.3 New Scenario	Nothing is for sure how the new scenario would develop as the Tg. Aru Beach or its hinterland proper would be a new structure of dredged area and raised ground levels of Beach 2 and Beach 3 and beyond towards Petagas.	<p>Noted; the purpose of the SEIA is to predict the potential impacts using the best available models and determine whether or not mitigation measures are available.</p> <p>As outlined in the TOR, the potential morphological impacts have been identified as a critical issue ("Focus Issue", see Section 4.3.1) and hence will be accorded significant attention in the SEIA.</p>
13	2.2.4 Erosion	Again nothing if for sure how erosion would emerge with the areas of the new beach and instead of getting quality wider beach or unexpected erosion could occur as it was in the 1980s and 1990s due to the massive sea filling around the Kota Kinabalu Port area and in the near future when it was in Sinsuran and Segama (1980s) and 1990s (Suria Sabah Site) areas in Kota Kinabalu city.	As above.
14	2.2.5 Climate Change	The damage of the critical climate change especially in Sabah which had seen increase of 3 degrees centigrade for 40 years from 1960 to 2000 according to the official weather statistics. Source Book titled "Water by Joshua Y. C. Kong. So how can anyone be sure the new artificial beach of whatever artificial nature be assured of no damage in the immediate future and possible irreparable as left to the ravages of the weather as exacerbated by the worsening climate rises globally affecting all the oceans.	<p>Aspects relating to tropical storms and sea level rise have been taken into account in the TAED Masterplan design. Both the IPCC and NAHRIM assessments of potential sea level rise have been considered in the Masterplan development. It is noted that based on these assessments, the existing Tg. Aru Beach will be flooded in the near future unless action is taken. The design ground levels (which are higher than existing) take sea level rise into account.</p> <p>The relevant information will be presented in the SEIA report.</p>
15	2.2.6 Justification	So is this SEIA is just superficial as far as the justification of a very expensive artificial new beach at Tg. Aru for the replacement of a very beautiful natural sandy beach just needing some improvement with common sense after a due diligence exercise with the hind sight of improvement at minimum costs and effort. The sort of expected quality and wider new beach could be non-functional at all.	The SEIA has yet to be carried out. As outlined in the TOR, the scope of the SEIA study will be to focus on <u>environmental impacts</u> . The outcome of the EIA should then be taken into account in the decision making process by the relevant <u>project</u> approving authorities. It is noted that EPD will approve or reject the EIA on technical grounds, but EPD do not approve the project.



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
16.	2.2.7 Mangroves	Would TAB in its present much neglected conditions all know for more than two decades due to the relevant authorities fault be invigorated by the planting of adequate mangrove trees with appropriate conducive landscape and generally clean up of the prevailing mess.	Given the importance the public places on having a sandy beach at Tg. Aru, the option of mangrove planting to rehabilitate the coastline must be discounted; quite apart from the physical feasibility of establishing mangroves along an open sandy coast.
17	3.1.1 Reclamation of the TAED	This is definitely a non-starter as where in the world is there such a massive reclamation of 444 acres including substantial part of sea to the depth of 3-9 meters? The parameters of this operation such as soil availability from the sea nearby or land further afield can very much disturb the environment temporary or permanently. The SEIA has not sanctioned the Standard Operating Procedure for such massive reclamation operation to be adhere to and that the parties concerned would strictly comply with such specific stipulated SOP.	<p>As stated in Section 2.2.2.5 of the TOR, a suitable source of fill material is being sourced in parallel with this EIA. The sand may be obtained from an existing licenced provider, in which case they will have already carried out an EIA for the borrow dredging; or the Proponent may have to carry out an EIA for a new location.</p> <p>The proposed project is at the Terms of Reference stage and has not yet reached the SEIA stage.</p> <p>Reclamation impacts and feasibility (both long-term morphological impacts and construction impacts such as sediment plumes) have been identified as “Focus Issues” in the TOR (Section 4.3.1) and hence will be accorded significant attention in the SEIA.</p> <p>Mitigation measures such as SOPs will certainly be addressed in the SEIA, while it is also a requirement by EPD to formulate monitoring programmes and reporting mechanisms to ensure compliance with all recommended mitigation measures.</p>
18	3.1.2 Coastline Status	This SEIA has not considered the status of the coastline of the west coast of Sabah with the reclamation in the context of erosion given the water/current pressure has to be diverted to elsewhere except some have said that the current is not strong in the area. Who would know how the direction of current would after China had a massive reclaimed area in the nearby Spratley islands zone?	<p>The proposed project is at the Terms of Reference stage and the SEIA has yet to be carried out.</p> <p>The regional model used in the hydraulic studies covers the entire South China Sea and the details of the areas covered are shown in the TOR (Section 5.3.1.1). The Spratley islands are at least 550 km from the project site and any influence from man-made reclamations would be extremely small compared to the natural topography, islands, shoals and reefs.</p>
19.	4.2-4.4.2 Erosion	This item is done in great style by DHI as illustrated with data of SPY 1966 for the next 48 years and quote “threatened within 5-10 years unless remedial action is taken”.	<p>Historical satellite imagery is the best tool available to describe coastline evolution. The SEIA consultant is required to take into account the baseline environment and that is why this description is in the TOR report.</p> <p>It is noted that the quote “threatened within 5-10 years unless remedial action is taken” is from the NCES report 1986, and is the description or definition of Category 2 erosion.</p>



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>So DHI suggests the sole solution is a beach front or sea front with massive reclamation as earlier commented in 3.</p>	<p>There is no such statement in the TOR.</p>
		<p>How would the edition of SPY 1966 be reliable and comparable now in the context of scale, technology then and now, and why anyone was interested in the TAB in 1966?</p> <p>Why now more attention is drawn to the less prominent and more remote area in the third beach?</p> <p>Why not DHI secure the recent satellite images of SPOT Asia for more appropriate comparison in 1987 and 2014 to give more assertive data?</p>	<p>SPY imagery are declassified spy satellite images with a 10 m resolution taken by Corona and Gambit reconnaissance satellite systems operated by the US military.</p> <p>The Project area encompasses 2<sup>nd</sup> and 3<sup>rd</sup> beaches, and it is the area along Prince Phillip Park and 3<sup>rd</sup> beach which is suffering from erosion.</p> <p>It is unclear why 1987 is considered more appropriate than 1966. The investigation of historical shoreline change attempts to go back as far as possible. SPY imagery are able to go back further in time (1966) to give a more accurate depiction of erosion over time. SPOT Asia only began its satellite imagery in 1986. According to Galiatsatos et al. 2005, SPY satellite imagery provides a high level of detail on ground features.</p> <p>The most recent survey to determine the present day shoreline was carried out in 2014.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>•Galiatsatos, N., Donoghue, D.N.M. &amp; Philip, G. An evaluation of the stereoscopic capabilities of CORONA declassified spy satellite image data. Porto, Portugal: 25th EARSeL Symposium, Workshop on 3D Remote Sensing; 2005.</li> </ul>
20	4.4.3 TAEDSB CEO statement	<p>TAEDSB CEO did not qualify in his statement of the specific areas with acute erosion hence misinterpretation.</p>	<p>N/A. It is noted that the TOR clearly describes the location of erosion as occurring within the Project area, i.e. 2<sup>nd</sup> / 3<sup>rd</sup> beaches (see Section 3.1.3.1)</p>
21.	4.4.4 Reclamation	<p>Solving erosion with massive reclamation is akin to curing “cancer” both remotely possible and costs-initial outlay and annual maintenance- prohibitive with uncertain results and bordering on an ecological bigger disaster in the making.</p>	<p>Reclamation impacts, project alternatives, beach maintenance and costs as well as mitigation measures will be described in detail in the SEIA.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
22.	5.1 Airport	The airport is such an important item in parallel to the TAB through the length and yet the SEIA report only briefly mentioned in it some instances.	<p>The revised TOR is not the SEIA report. The SEIA report will only be prepared once the TOR is approved.</p> <p>The TOR lists the airport as a sensitive receptor in Section 3.4 and also states that consultations with the relevant authorities will be carried out during the SEIA study to ensure that potential impacts are captured and assessed (Section 5.1.4).</p>
23.	5.1 Airport Hydrology	With the massive reclamation towards the sea at a higher level and the Kepayan hills at the other side of the airport, the airport can be a valley of sorts and nobody knows how the water could flow and accumulated in an area especially a valley in scenario of flash floods coupled with high tide. Even KLIA2 was flooded at the apron and some part of the tarmac recently.	The Project ground levels and potential hydrological impacts to the airport and other nearby inland areas will be investigated as part of the SEIA. This was added to the revised TOR (Revision 6, October 2014) in Section 5.3.6.
24.	5.2 Value of airport	To end any dispute of that to happen or not, the choice is for the public to accept any argument and it is more appropriate that we give value to the airport so that when it is destroyed by whatever reasons in whatever situations including disturbance to any plane in flight, the parties concerned would be held fully liable. TAEDSB is likely in a precarious position to take the full blame for the 'demise' of the Airport of KKIA and KKIA2.	Project impacts on the airport and mitigation measures will be detailed in the SEIA.
25.	6.0 Trees	What will happen to the existing valuable endemic trees or flora is for anyone to imagine. For an ecological project like Tanjung Aru Eco Development, it is likely that most of the existing old trees would perish especially with massive reclamation impacting the roots adversely in the present second and third beach.	<p>Reclamation impacts on the flora (existing old trees) will be evaluated in the SEIA.</p> <p>As stated in the TOR, old growth trees will be mapped (Section 5.2.8) in order to assess potential impacts and develop appropriate mitigation measures.</p>
26.	6.2 Tree Value	To cut the argument short, we need to give each existing tree as marked a certain value and monthly audit to be done once operation/development is started and the compensation be given to various assigned NGOs.	Flora impacts and secondary impacts on birds, mitigation measures and monitoring measures will be detailed in the SEIA.
27.	6.3 Tree as a habitat	The trees are also resting/transit place for some priceless exotic birds without any value to be attached to that. TAEDSB would argue that any trees lost would be replaced and of course with the young also likely "alien" plants.	As stated in Section 4.3.1.1 of the TOR, the importance of the trees to birds are recognised as a <i>Focus Issue</i> and the impacts to be addressed in the SEIA. Mitigation measures will be reviewed and the most suitable recommended in the SEIA report; this may include specification of the type of plants (native) to be planted within the site.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
28.	7.1 Public Park and Amenities	The inclusion of the many artificial facilities in this list is just an excuse to do what are not really needed even with TAED making it no longer an eco-project but likely overcrowding in times to come would be counterproductive for those who would be the residents in the area. Woes like parking, cleanliness, pollution and noise level would be prohibitive for the sustenance of the prevailing tranquillity of the Tg. Aru Beach now. We are not assured of the exact nature of such new amenities in the context of ecology.	Project impacts on parking, cleanliness, pollution and noise level as well as subsequent mitigation measures proposed will be detailed in the SEIA.
29	7.1 Size of Park	The increased size of Prince Philip Park is irrelevant as it is not proportionate increase of the overall area including an exclusive Golf Course.	It is noted that during a number of stakeholder engagement exercises held by TAED, many stakeholders have expressed that the Prince Philip Park is of great importance to the public and its retention, expansion and natural characteristics a key issue of concern. The size of PPP was thus considered highly relevant by TAED and the size increased to address public interests.
30	7.1 KKCH	All the lack of amenities under KKCH cannot be an excuse for the massive development of TAED. When KKCH failed, the State and Federal Governments have also failed. Don't use this stupid excuse to destroy Tg Aru Beach in 3 beaches beyond recognition.  With TAED, a massive ecological disaster is just waiting to happen.	N/A; the TOR does not mention any lack of amenities as rationale for the project.  Again, the purpose of the SEIA, <u>which is yet to be carried out</u> , is to predict and evaluate the impacts of the project, including ecological impacts.
31	7.2 Sole Natural Sandy Beach in the City	It has been indisputable that TAB is Kota Kinabalu's sole comfort zone left for decades for leisure and sunset watching plus the birds' calling place. It would never be the same again with the proposed massive very costly physical and eco-adverse project. Many would miss it once it is gone especially with the recent awareness of the beach.	Impacts to the landscape character are recognised as a <i>Focus Issue</i> as per the TOR Section 4.3.1.2 and will be assessed as part of the SEIA.
32	7.3.1 Stateland to be maintained as socioeconomic status	The status of the stateland including foreshores, seashores, open sea as reclaimed should be gazetted as stateland to prevent them falling into possession of others in any malfunction of economic or commercial development. Sabah has lost too much state assets-land and otherwise including sole Sabah bank. None of the land of TAED as a prime heritage site should be charged to any bank/finance agency to avoid the onerous situation should abandonment of the TAED occurs.	It is the Proponent's intention to subdivide the Masterplan area and confer the title for the beach and foreshore reserve and Prince Philip Park to the State Government.  The SEIA will explore the means to ensure that this process occurs prior to construction of the project and is carried out in a manner transparent to the public.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
33	7.3.2 Land Ownership-TAED	Although TAED is claimed to be owned and managed by the State, there is doubt and lack of transparency when the status of the Chief Executive Officer is in doubt	N/A
34	7.3.3 Stateland	So whatever land of the State must be declared in a Gazette as State assets prior to the start of the project. Let's do the accounting accordingly. Otherwise it is a private project on largely public domain and implication of abuse of power and criminal breach of trust. The titles of the TAED land should be exhibited.	It is the Proponent's intention to subdivide the Masterplan area and confer the title for the beach and foreshore reserve and Prince Philip Park to the State Government.  The SEIA will explore the means to ensure that this process occurs prior to construction of the project and is carried out in a manner transparent to the public.
35.	8.1 Monitoring	It is very important that there is a mechanism of monitoring and accounting as once TAED is started, it is beyond control of the public as many items are unspecified in the revised SEIA.	The revised TOR is not the SEIA report. The SEIA study and report will only be prepared once the TOR is approved.  A mechanism for monitoring and accounting for physical, biological and socio economic environmental impacts will be proposed by the SEIA team as part of the SEIA study.
36	8.2 Support for existing beach	Nothing is best or better as a natural sandy beach than anything else like the unreachable and untouchable sun.	N/A
37.	8.3 Reclamation	The reclamation process would present a period of uncertainty for our breath as pollution would be too abundant to be tolerated be it from the source of materials from the sea to the hills to be cut.	Reclamation impacts and mitigation will be detailed in the SEIA as noted in Section 4 of the TOR.
38	8.4 Cost Benefit	We have tolerated the minimum erosion from the waves for decades and the associated mess from our sewerage system as mismanaged for some years, and so far has anybody took a serious look using economical and natural mangrove swamp plus some bunding to recover our beach to reduce the battling of the waves and high tide? Mangrove trees would be the favoured ecological approach.	Given the importance the public places on having a sandy beach at Tg. Aru, the option of mangrove planting to rehabilitate the coastline must be discounted; quite apart from the physical feasibility of establishing mangroves along an open sandy coast.
39	8.4 Airport	The airport is a crucial public asset to be maintained at all cost and who would guarantee that after TAED?	Project impacts on the airport will be assessed in the SEIA.
40	8.5 Compensation of Trees	The valuable endemic trees and any such trees lost in the process of development should be compensated based on a pre-determined value.	Flora impacts, mitigation measures and monitoring measures will be detailed in the SEIA.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
41	8.6 Natural vs Manmade	Nothing is best except with the natural habitat of TAB largely untouched since time immemorial to be re-structured with such a so-called eco project when it is not so "eco" as it is in its so far disclosed purpose and intention.	N/A
42	8.7 Fund Maintenance	Where would TAEDSB secure its fund of RM45m annually to manage and maintain TAB after TAED to avoid another massive "eyesore".	It is noted that the figure of RM 45 million annually is not for the beach alone, but the entire TAED development. The funding is based on the private land development behind the public beach.
43	8.8 God	Why touch anything that has not been done before and don't try to do it better than God in His sole domain on Earth for our own BREATH comes from God WITHOUT a doubt.	N/A

## 2.2 Ministry of Local Government and Housing

Wong Foo Tin,  
Permanent Secretary,  
Block C, Tingkat 3-6, Wisma Tun Fuad Stephens,  
88999, Kota Kinabalu, Sabah  
Tel: 088-256744

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	2.0 Support	This Ministry does not oppose this project and fully supports the implementation with minimal environmental impacts	Noted.

## 2.3 C.M.J. Leon

Resident Waikiki Condominium  
Email: cmjleong7@gmail.com

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	1. Master Plan Development & Approvals	The public has seen advertisement in the DE 16/9/13 of a Proposed Master Plan of Development. We have now learnt that the original Master Plan has been revised. The general Public needs to be consulted on the Master Plan and upon it being accepted we can comment on the studies by DHI.	The SEIA will address the latest Masterplan upon approval of the TOR. The Masterplan is not being prepared under any legislation however will follow procedural requirements with respect to planning submissions.
	2. DHI report 62800657-2-RPT-01-ADD-01.pdf	It is very clear that DHI is only capable of making reports based on the TOR given to them. Comments and concerns addressed to DHI based on the Master Plan issues are beyond their scope of work. There does not seem to be a proper leader/spokesman on behalf of the Proponents who can address issues outside the TOR meaning the Master Plan itself. The Proponent must represent himself clearly so that the Public can take their concerns directly to be clarified by him. After 2 years of frustration by the Public, there is still no proper representation by the Proponent.	N/A

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
	3. Meeting held at Tg. Aru with the TAED	<p>A meeting was held on the 8<sup>th</sup> November 2014 at the Sri Tanjung Seafood restaurant in Tanjung Aru organised by the Tanjung Aru Action Group 2.0. The spokesman a Mr. Lionel Lau who is from an appointed Peninsula based public relations company could not address many of the questions posed by the Public based on the Master Plan (how it came about, its approvals, reclamation costs, maintenance costs, pollution etc. etc.). The meeting was therefore not entirely fruitful as there were many "unanswered" questions. I suppose you can refer to the minutes of the meeting by Tanjung Aru Action Group 2.0. The minutes were not circulated to the attendees. To "push" unanswered questions aside is probably not in the best interest of the Public.</p> <p>We urge that in all sincerity on the part of TAED to conduct a series of similar meetings so that answers may be given to the Public in a well organised manner.</p>	N/A
	3. Meeting held at Tg. Aru with the TAED	<p>Furthermore, representatives from the various Government Agencies (7-8 were mentioned in the report) were not present at the meeting and almost "every query" by the Public was not convincingly answered by the spokesman.</p> <p>We request that the relevant Representatives from the Government Agencies attending these future meetings are senior enough to make decisions and are capable to answer the Public queries.</p>	N/A



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
	<p>4. Aloft Service Apartments IN FRONT of Waikiki Condominiums</p>	<p>In the Original Proposed Development Plan published in DE 16/9/13, the ALOFT service apartments were located adjacent to Waikiki Condominium.</p> <p>The revised current Master Plan showed that the Aloft Service Apartments being relocated to sit right smack in front of the Waikiki Condominium.</p> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Why does the Proponent want to relocate the Aloft Service Apartment IN FRONT of Waikiki Condo?</li> <li>2. The land use where Sugar Bun and the Food Market is presently designated as Public Recreation Reserve. Why alter the zoning to house "medium/high" rise buildings at this area?</li> <li>3. TAE development is 700+ acres, is there no other place to locate the Aloft Service Apartments?</li> <li>4. Why not locate it to the area designated in the proposed development plan dated 16/9/13?</li> <li>5. The Waikiki Condo residents currently enjoy the view of the beach. Aru trees and beautiful sunsets on a daily basis. By citing the Aloft Service Apartments IN FRONT of the Waikiki Condo, the residents will be rewarded with the "back view" of Aloft Service Apartments. I bet that the commissioned project architects BENOY can certainly do better than that!!!</li> <li>6. There are 234 units in Waikiki condominium. Was there any attempt by the Proponent or DHI to conduct a survey on whether the proposal to cite Aloft Service Apartments IN FRONT of Waikiki Condo is ACCEPTABLE to the residents?</li> </ol>	<p>Aloft Service Apartment justifications will be addressed in the SEIA</p> <p>The EIA process is still within the Revised TOR stage. The SEIA socioeconomic survey will only be done after the TOR is approved. As listed in Section 5.2.11, a sample size of 10% of the households within the study area, including residents of Waikiki Condominium will be surveyed.</p> <p>Based on these comments, an additional Focus Group Discussion focusing on Waikiki residents has been added to Table 5.4 in the present Final TOR (revision 7).</p>
	<p>5. Responses</p>	<p>Please forward replies via email.</p>	<p>N/A</p>



## 2.4 Malaysian Marine Department

Ibu Pejabat Laut Wilayah Sabah,  
No.2 Kompleks Jabatan Laut Sabah,  
Jalan Sepanggar Teluk Salut,  
88450, Kota Kinabalu.  
Sabah.

Ref no: JLS/PB/600/2/10(Jid.2);, Date 30 December 2014

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	2.1 Approvals	<p>To ensure the safety of the boats and ships passing through the area at the development phase and during full time operations of the resorts, the following items needs to be given attention to and followed by the developer:</p> <p>2.1 Malaysia Shipping Notice No. 5 2014 (<a href="http://www.marine.gov.my">www.marine.gov.my</a>). The developer needs to issue a formal application letter to the Sabah Marine Director for approval on marine activities that will be done and fill out Attachment 1 JLM/BKI/MAKLUM/491B(1)v1.1 that can be found at the nearest Malaysia Marine Department Office to the project site.</p>	The information has been passed to the proponent.
	2.2 MRTA	<p>2.2 4.3.3.1 <i>Navigation – Marine Traffic Assessment report</i> (scope of study of 5 years prior) needs to be carried out and the study report needs to be sent to this department for subsequent approval.</p>	<p>Noted. Project Proponent will take note on the scope of study criteria for MTRA.</p> <p>MTRA will be conducted as shown in TOR as Section 2.3.1. It was also listed under supporting studies in Section 5.1.3 of the Revised TOR (Revision 6).</p> <p>Approvals for the MTRA will be submitted to the relevant authorities as updated in Section 2.3.1 of Final TOR (Revision 7).</p>
	2.3 Navigational pathway	<p>2.3 Pathway coordinates that will be used needs to be listed and plotted on the MAL marine map to facilitate decision making whether the pathway is situated within a main shipping route or located to close to a dangerous area. Additional information on the map and navigation pathway approval needs to be referred to this department.</p>	Noted. Project Proponent will take note on the requirement.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
	2.4 Shipwrecks	2.4 Under Merchant Shipping Ordinance 1960 Part VIII Chapter 36 any discovery of shipwrecks and other structures in the sea within the project site during the projects commencement, this information needs to be conveyed to the Sabah branch Malaysia Marine Director as The Receiver of Wreck. Failure to report without substantial reason, the proponent can be subjected to fines.	Noted. This information has been conveyed to the Proponent.
	2.5 Buoy and Light Dues	2.5 All boats and ships involved with the project is subject to the payment of Buoy and Light Dues at the rate RM1.15 per Net Registered Tonnages like those listed under the Merchant Shipping Ordinance 1960. Payment must be completed at the Marine Department Kota Kinabalu Branch. Permission to sail will only be given after Port Clearance under Merchant Shipping Ordinance 1960 Chapter 58 is issued.	Noted. This information has been conveyed to the Proponent.
	2.6 Ship security compliance	Prior to project commencement, all boats and ships involved need to go through checking to ensure security compliance for ship is qualified to sail needs to be carried out by an inspection officer from this department "Port State Control" (for ships with foreign flags) or Flag State Control (for Malaysian ships).	Noted. This information has been conveyed to the Proponent.
	2.7 Buoys and Beacons	Marine project areas have been marked like those listed under Merchant Shipping Ordinance 1960 Part VIII Section 243 & 246 Remarking of Temporary Buoy/Beacon. Buoys/beacons signage needs to be referred to by this department for approval purposes.	Noted. This information has been conveyed to the Proponent.
	2.8 Shipping details	Full details of the ship involved, work coordinates in Latitude and Longitude, activities that will be carried out, pathways and completion of work duration needs to be informed to the department for the issuance purposes Notice to the Sailors at least 14 days prior to work commencement.	Noted. This information has been conveyed to the Proponent.
	2.9 Marine accidents	Any marine accidents while project is carried out needs to be reported to the department immediately for investigation purposes. Failure to report any accidents that occurred is a crime under the law Merchant Shipping Ordinance 1960.	Noted. This information has been conveyed to the Proponent.



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
	3.0 Conditions	The department will fix other conditions from time to time based on the type of activities that involve safety navigation and other relevant matters.	Noted. This information has been conveyed to the Proponent.
	3.1. Conditions	These conditions are subject to the approval of other government agencies.	Noted. This information has been conveyed to the Proponent.

## 2.5 Mineral and Geoscience Department Malaysia, Sabah

Frederick Francis Tating,  
 Head of Geological Activities,  
 Jalan Penampang,  
 Beg Berkunci 2042,  
 88999, Kota Kinabalu  
 Tel: 088-260311

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	2.0 Impacts of excavation on airport	Comments from this department is similar as those within Appendix B (Technical Panel Review Comments) item 2.6 regarding the impacts of excavation on the airport and the actions that will be taken by the developer like within Section 2.3 Baseline Environment item No.3 and Section 2.4 Impact Assessment Issues and Methodology/Impact to hydrology and drainage item no.1.	Excavation impacts on the airport, specifically the stability of the airport runway, will be detailed in the SEIA as noted in Section 4.3.3.5 and Table 5.1 of the current Final TOR (Revision 7). Impact to hydrology and drainage will be assessed as noted in Section 5.2.3.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
2.	Geological Drawings Request	<p>Several additional information is required to evaluate the geological impacts on the proposed development (building structure) within the area that needed to be placed within the SEIA report such as:</p> <ul style="list-style-type: none"> <li>a. Geological drawings of the proposed site overlay with the building layout plan</li> <li>b. Geological Cross- sectional drawings of the proposed site overlay with the building layout plan.</li> </ul>	<p>A geological investigation will be conducted for the study area and included in the SEIA.</p> <p>However, it will not be possible to provide geological or cross-sectional drawings of the proposed site overlaid with the building layout plans as there will be no building lot plan at this stage. As described in Section 2.2 of the TOR, the proposed site will be subdivided according to the masterplan developed by third party investors. The design and building development plan for each lot will be the responsibility of the owners within the guidelines and conditions of the TAED Masterplan.</p>
3.	Support	<p>The department does not have any objections to the Terms of Reference and hopes it can be carried out based on the consultant's correspondence.</p>	<p>Noted.</p>



## 2.6 LEAP Spiral

Cynthia Ong,  
Chief Executive Officer,  
HG01B Ground Floor, Hawaii Court,  
Waikiki Condominiums, Jalan Aru,  
Tanjung Aru, 88100 Kota Kinabalu, Sabah.  
Tel: 088-270705

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	Scope of TOR/SEIA/Masterplan	Revised TOR 2.1: "It must be noted that the hydraulic study and detailed design works may result in some changes to the <b>Project footprint</b> along the <b>seaward perimeter</b> , in order to optimize the layout." What does this mean? How can the SEIA assess the project footprint when the hydraulic study and detailed design works may change the seaward perimeter after the SEIA is done?	Layout optimisation which may include minor changes to the perimeter is a potential mitigation measure, depending on the findings of the SEIA. Any changes required would be included as part of the SEIA, not after.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>Fig.2.4 quotes the source as '<b>Benoy Masterplan Final Report January 2014</b>',yet, for example, the <b>Documentation of Comments page 53</b> quotes the '<b>final Masterplan dated July 2014</b>'.There is also a <b>May 2014 Masterplan (Documentation of Comments page 3 Appendix B)</b>.Which is the correct and final version of the plan? Has it changed again?</p> <p>See also <b>page 12 of the Documentation of Comments</b> "TAED made the decision to delay publicizing the Masterplan until a more firm plan was in place". Page 13 states "The SEIA study will be based on the final masterplan". This is confusing and not acceptable.</p>	<p>For clarification, the source for Figure 2.4 (in TOR revision 6) is the Benoy Masterplan Final Report, dated January 2014.</p> <p>The Documentation of Comments reference to the July 2014 date is incorrect and should have referred to the May 2014 Masterplan date.</p> <p>Please refer to the latest masterplan in Figure 2.3 in the Final TOR (revision 7).</p> <p>The <u>SEIA</u> will be based on the latest Masterplan provided by the Project Proponent, as refinements have been ongoing. As outlined in the TOR, the TOR was written early in the project development process, in accordance with EIA best practice. Changes to the masterplan have been minor, including for example the number of access bridges along the channel, the final road layout, etc.</p> <p>Perhaps some of the confusion relates to the term used, i.e. "Masterplan". This masterplan is not a statutory planning document like a local plan, neither has a development plan submission to the DBKK been made which "fixes" the proposed project concept and description at this TOR stage. Ideally, the final development plan is prepared based on the findings of the EIA study, addressing for example the issues that have already been raised at the TOR stage, such as public access to the Prince Philip Park, the height of the apartments, etc.</p> <p>To avoid confusion, the term 'final' with respect to the masterplan in the TOR has been replaced with 'latest', as the goal of the EIA process is such that the FINAL masterplan is set only at the end of the EIA process.</p>
2	Land Status	<p>The SEIA must also contain clear information about the <b>DBKK zoning</b>, including the controversial Hotel and Resorts zoning proposed in the latest draft of the KK City Plan, to which many objections have been raised. Is the plan not still at a draft/public hearing stage?</p> <p>Fig.2.22: How can the public foreshore be zoned as Hotel and Resorts? The proposed golf course is not even shown on this map.</p> <p>Fig.2.3 shows the <b>private residence next to First Beach</b> as inside the project area. This is wrong.</p>	<p>DBKK zoning status and information will be detailed in the SEIA as noted in Section 2.3.3.</p> <p>N/A, please refer to DBKK.</p> <p>Fig 2.3 does not include the private residence next to First Beach. There is a red line separating the Project area and the private residence.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		Table 3.1 shows <b>Private Residence</b> as "within project site to 50m". Is this correct?	Yes, please refer to Figure 3.15 within the Revised TOR which shows the location of the private residences, which include the army and police chief residences inside the Project site
		What is the <b>draft Tanjung Aru local Plan (see Documentation of Comments A 12)</b> and how does this affect the proposed development?	<p>The Draft Kota Kinabalu Local Plan 2020 is considered a new "Draft Scheme" which has superseded all previous draft schemes including the Draft Tanjung Aru Local Plan. Therefore, the Draft Scheme namely Draft Kota Kinabalu Local Plan 2020 is the current statutory document used by DBKK to monitor the land use zoning and planning standard to be imposed in any submission of subdivision plan and development plan.</p> <p>This new Draft Scheme will be shown and referred to in the SEIA and the Tg. Aru Local Plan will no longer be referenced.</p>
3	Time Frame	Table 2.5 should include expected timeframe for each component. This is of great concern to stakeholders. It is noted that these estimated timeframes seem unrealistically short, so a worst and best case scenario would be more fair to stakeholders.	<p>A more detailed timeframe for the project development will be included in the SEIA Project Description. This is currently being developed as part of the detailed design stage.</p> <p>If possible, a worst and best case scenario will be included to account for potential project delays.</p>
		Tables 2.3 and 2.5 do not include the construction of the proposed <b>golf course</b> .	<p>All onshore development, including the Golf Course, landscaping, etc., are covered under the "Construction of onshore development" component in updated Table 2.5 in the Final TOR (revision 7)</p> <p>Table 2.3 lists only the residential and resort areas (i.e. under Section 2.2.2.4, Commercial, Residential and Resort Areas)".</p> <p>Further detail on the golf course will be described in the SEIA as and when such information is available.</p>



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
4	Access	<p>The issue still exists that there is no <b>adequate alternative location</b> for people to use during construction. The stretch between the Yacht Club and STAR is much smaller and has extremely limited parking. Access to STAR and private houses would be compromised by people parking along the narrow road and causing traffic jams. This small beach area cannot be considered a reasonable or fair alternative for the public for the duration of 1.5 years. <b>4.1.2.3</b> states this will be scoped in the SEIA but scoping doesn't mean the alternative is suitable. Will the project proponent admit that there is no suitable alternative?</p>	<p>Noted, this potential impact will be evaluated in the SEIA as stated in the TOR (Focus Issue, Section 4.3.1.5). This will include assessment and optimisation of the proposed construction phasing to minimise disturbance.</p> <p>It could well be that there is no suitable alternative, i.e. there is a residual impact; the severity of the impact will be evaluated in the SEIA.</p>
		<p>Figure 2.2: Where exactly is the <b>public access to the beach and Prince Philip Park</b>? How many access points will there be? It appears that there is only one extremely small bridge across from the so-called Fisherman's Wharf, or the public must follow the road past Terminal 2 through the new housing area and across the proposed channel? This is still an issue. Fig.2.2 still shows only one very small bridge.</p>	<p>The SEIA will be based on the latest masterplan, which will be described in the Project Description section of the SEIA, including details of Public access points. The socio-economic surveys and impact assessments, including that of public access, will be based on this latest plan.</p> <p>Any mitigation measures required will be assessed and recommended, including the potential requirement for additional access.</p> <p>There is really no point debating the project details at the TOR stage, as this TOR is not an impact assessment. Suffice to say that public access to the Prince Philip Park has been raised as a key issue; this has been noted and incorporated in the TOR (Section 4.3.1.5), meaning that it will be assessed in the SEIA.</p>
		<p>Will there be a <b>draw bridge</b> over the channel near Fisherman's Wharf? How will boats get out of the channel? This will affect public access to the park and beach.</p>	<p>The details of the bridge will be described in the SEIA and impacts assessed.</p> <p>As per above response, there is really no point debating the project details at the TOR stage, as this TOR is not an impact assessment. Suffice to say that public access to the Prince Philip Park has been raised as a key issue; this has been noted and incorporated in the TOR (Section 4.3.1.5), meaning that it will be assessed in the SEIA.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>Where is the <b>car park for the public</b>? A large car parking area is needed yet it is not clear where this is. The Documentation of Comments A 13 states this will be in Fisherman's Wharf. Yet this is still not shown on Fig. 2.2 in the Revised TOR. How can a car park there be big enough to accommodate the hundreds of cars that currently use the beach especially at weekends? What more with the boutique hotel, apartment with restaurants, shops etc, here as stated in Table 2.3. Will it be a multi-story car park in this already congested area?</p>	<p>The masterplan indicates a car park at Fisherman's Wharf. This is presently planned as a multi-level basement parking area.</p> <p>It is noted that a key objective of Masterplan is to reduce traffic and carbon emissions and hence public transport such as buses, water taxis, cycle paths and walkways have been incorporated to try and keep the volume of car traffic down.</p>
		<p>Will the <b>car park be free</b> for beach goers who presently do not have to pay when they park at 2<sup>nd</sup> or 3<sup>rd</sup> beach?</p>	<p>The details of the parking system will be provided in the SEIA Project Description.</p> <p>It is noted that there is no designated parking provided at 2<sup>nd</sup> or 3<sup>rd</sup> beach; beach goers currently drive and park wherever their vehicle permits them to go – this is not necessarily a good thing for the environment as beach plants cannot establish under constant traffic.</p>
		<p><b>Documentation of Comments A9</b> states "Currently there is little public access or amenity value of the area in the <b>hinterland</b>." but looking at Fig.2.2 of the Revised TOR, the vast majority of the 'hinterland' is taken up by apartments, townhouses, villas, resorts and a MICE hotel, so increased benefit to the public will be minimal.</p>	<p>The point is that there is minimal <i>loss</i> of amenity. The SEIA will document the existing land use and public recreational areas and compare it to the post development situation.</p>
		<p>What is the <b>access to the channel for the public</b>? Fig. 2.2 appears to show most of the channel frontage is private residences, with only a small part accessible at Fisherman's Wharf and the Marina, so the <b>public benefits from the channel</b> need to be assessed.</p>	<p>Details will be provided in the SEIA Project Description, such that public access and benefits from the channel can be evaluated in the SEIA.</p>
		<p><b>How does the public get to the Marina?</b> If it is only by road, is there a public car park? Again the benefit to the public for this needs to be assessed.</p>	<p>The marina will be next to a commercial/public use waterfront development with shops, restaurants and amenities along the channel, with parking provision.</p>
5	Prince Philip Park (PPP)	<p><b>A large chunk of PPP will be lost completely</b> to create the channel/canal near Fisherman's Wharf. As one of Kota Kinabalu's key historical sites this is not acceptable.</p>	<p>Noted, the loss of heritage value of PPP will be assessed in the SEIA.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>Virtually the whole <b>cultural and heritage value</b> of the rest of this site will be lost or degraded and many of its original historical features will be obliterated. Much of the remaining part will be covered in a layer of soil to increase its height. Even the <b>trees that have been marked to be saved will not be able to survive having their roots smothered in soil</b> and will die. These facts should be made clearly known to the public in the public consultation.</p>	<p>Noted; the features of PPP and the rest of the site will be mapped such that the exact historical features lost will be described.</p> <p>The loss of old growth trees will be quantified, including where the post-development landscaping and topography is unable to accommodate the existing old-growth trees. These findings will be presented in the SEIA report which will be open for public review and comment as part of the SEIA process.</p>
		<p>2.2.2.2: The present PPP area may be 14.5 acres but what about the traffic games area? This is a popular public area too yet has not been taken into account in terms of loss of public area.</p>	<p>Noted; the loss or conversion of existing public spaces will be described and evaluated in the SEIA.</p>
		<p>Table 5.1 PPP- <b>should add loss/destruction of historical features</b> when the channel's constructed and earth is dumped on the area to raise the level.</p>	<p>Updated in Section 5.1.2 Table 5.1 in the Final TOR (revision 7).</p>
		<p>The <b>level of ground</b> in PPP will be raised between 0.3 - 0.7m (Documentation of Comments 2.2), and in A 10 it states the 'level of existing ground will be raised between 0.3 - 2.3m', with the main beach frontage raised 1.3 m. The SEIA must clearly show exactly where these different levels are.</p>	<p>Noted.</p>
6	Reclamation	<p>We maintain our stance that reclamation on this scale is potentially <b>highly damaging and controversial</b>, especially in such close proximity to Tunku Abdul Rahman Park (TARP). Massive reclamation such as this, next to a <b>marine park</b> should not be allowed.</p>	<p>Noted; the purpose of the SEIA study is to predict and quantify the impacts using best available tools.</p>
		<p>Fig.2.11: Why does this show orange colour '<b>Marine sourced reclamation</b>' for an area over the current First Beach restaurants etc. which is already land? And also on top of the private residence next to First Beach which is not in the project area? And right up to the edge of the access road to STAR and other houses?</p>	<p>The marine sourced reclamation estimates the area which requires ground level elevation. The figure is preliminary and more detailed maps will be shown (with overlay of the project boundary and adjacent cadastral boundaries) and described in the SEIA.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		2.2.2.5 states "The only area that will not be protected by an <b>exposed rock revetment</b> will be the amenity beach." Does this mean that the proposed rock bund around the perimeter of the reclamation apart from the amenity beach will stick up above water level and be visible?	Yes, the rock revetment around the breakwaters and the golf course area will be above water level and will be visible; refer to Figure 2.17, which shows the breakwater and revetment areas
		2.4.2 states " <b>rock armour protection</b> will be installed on the outer edge of the perimeter bunds after completion of the reclamation". This seems to contradict the last paragraph of 2.2.2.5 which states "The perimeter of the reclamation will be protected principally with rock that will form a bund prior to filling with sand behind it".	This has been updated in Section 2.4.2 Table 2.5 under Reclamation and earthworks in Final TOR (revision 7). Comprehensive details will also be provided in the SEIA.
		Table 5.1 - The SEIA should also look at the effects on the <b>shoreline from existing First Beach to STAR and on STAR itself</b> . This should be added to Table 5.1 Zone of Potential Impact.	Updated in Table 5.1 of the Final TOR (revision 7).
		3.1.3.2 Statements justifying the need for reclamation based on sand quality are dubious. Beaches at Nexus and Rasa Ria also have extensive sand crab (ghost crab) activity-yet are regarded as attractive natural beaches not in need of reclamation because of the quality of the sand. The picture 3.6 of "Silt and muds within the beach" is taken near STAR, not in the project area.	This section describes the existing environment and is not intended as a justification for reclamation. The TOR merely notes that the TAED masterplan aims to address these issues in its design.  The focus of sand quality within this section refers to the silt and mud deposition from Sg. Patagas river and the drains mixing with the sand. This is of concern to the public.
		3.1.3.5 Beach users almost never swim here at high tide.  And it is possible to walk along the beach at high tide unless it is an exceptionally high tide or a storm.	Noted.  The TOR states it is difficult to do so.  "At high tide it is difficult to walk along the beach due to the high water mark extending up to the old seawalls. Certainly along approximately 350 m of beach this is the case and access is limited unless the sea is calm enough that allows people to walk through the sea."
		The SEIA should include whose <b>responsibility</b> it would be for <b>maintaining the beach (both sand replenishment and cleanliness etc.)</b> if the project goes ahead, including <b>where would the money come from to pay for it</b> .	Maintenance requirements, cost and responsibilities to be outlined in the SEIA, refer to Section 2.4.3.8 of the TOR.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
7	Sand Sourcing	<p>It is alarming to read in the <b>Documentation of Comments A 10 /A 13</b> that <b>sand may be sourced from an existing licensed provider/existing sand extraction sites</b>. Surely this would increase impact on these areas to significantly more than what the operators were originally licensed to mine. New surveys and new approvals would have to be given for increases in volume like this. And it shouldn't be left to the <b>dredging contractor to source the sand!!</b> (page 16).</p>	<p>It is not clear how the Project would increase the impact on these areas to more than what the operators are licensed to mine as they would still be constrained by their licensed / EIA approved limits. The TAED project would not be able to change any existing license conditions.</p> <p>Clearly if amounts to be dredged are beyond their licensed capacity, a new EIA/ licence would be required; this is the procedure in Sabah.</p> <p>For TAED, the sand will be sourced by the project proponent. The statement A10/A13 in Addendum 1 refers to examples from other projects and not to be confused with what will be actually implemented by TAED.</p>
		<p>We maintain that it is fundamental to know the source(s) of the sand before this project can be properly assessed.</p>	<p>The impacts of filling (reclamation) at the TAED site can be assessed based on indicative sand specifications (grain size and fines content). The TAED project environmental acceptability is primarily dependent on the predicted impacts on the environment within and around Tg. Aru beach as the project is predicated on this location; whereas alternative sources of sand can be investigated should one source turn out to be non-viable from an environmental perspective.</p> <p><b>We maintain that the focus of the SEIA should be on the TAED site given that environmental impacts of sand sourcing is also covered by the State EIA process. Alternative sand source sites can be found; there is no alternative to Tg Aru beach.</b></p>
8	Barges	<p>2.2.2.5 states the method proposed by the consultant would be <b>3 barge trips per day, 24 hrs a day, 7 days a week</b>. Presumably this would mean pumping the material into the reclaimed area 24 hrs a day too. The impact of lights, noise and disturbance to marine life would be massive. This must be assessed as well as sediment control.</p>	<p>Noted, these issues are captured in the long list of impacts in Section 4.2 of the TOR.</p>
		<p>The SEIA should also look at the <b>impact on tourism</b> especially as barges would have to pass near the heavily used TARP and the sight of barges heavily laden with sand passing by the Park will not create a good ecotourism image. Ensure this is specified in the Revised TOR; currently it is only in the Documentation of Comments document.</p>	<p>The TOR has always included this; see Section 4.2.1 in which impact of tourism (tourism value due to construction activities and suspended sediment plumes) will be assessed within the SEIA.</p> <p>This has also been added in Section 4.3.2.2 in the Final TOR (revision 7).</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
9	Dust	4.2.1 Dust during reclamation and earthmoving will be a major factor affecting both the <b>marine and terrestrial environment and surrounding residents and airport</b> . We do not agree this has a Minor rating, with scores of 1,2,2,2.	Impacts of dust will occur only on the immediate area surrounding the project (important only to local condition); in addition, dust generated from reclamation works is generally low due to the hydraulic fill method and as such the magnitude is also low. Dust is furthermore relatively easily controlled through appropriate measures.  Nevertheless, it is noted that the scoring here is for scoping purposes only, to prioritise impacts for the SEIA study; the impact of dust will be assessed as part of the SEIA and the impact evaluation carried out.
		Dust should be added to the <b>airport component of Table 5.1</b> .	Updated in Final TOR (revision 7)
10	Dredging/ Chanel	4.3.3.5 It is extremely worrying to read that dredging for the channel may affect existing ground water level and risk <b>saline intrusion</b> to the <b>ground water table</b> , as well as possibly affecting the <b>stability of the airport buildings and runway</b> . This should be an issue of priority in the SEIA.	This risk is thought to be very unlikely given that the Marina, Fishermen's Wharf and at least one quarter of the channel at the southern end (near the airport) will be built in what is currently sea.  However, this issue was added to the Final TOR (revision 6 October 2014) as it was raised as an issue of concern by the TOR Review Panel.
		2.2.2.7 The channel will be a minimum width of 41.5 m wide. How big is it at its widest point?	These details will be provided in the SEIA.
		What about the <b>danger</b> of people falling into the channel? What are the proposed <b>safety measures</b> ?	Noted; safety measures will be elaborated on in the Project Description, or in the mitigation measures if such measures are not incorporated into the Plan.
11	Tunku Abdul Rahman Park (TARP)	3.2.3 Figure of 3.8 km is still wrong.	Distance has been updated in Figure 3.10 of the Final TOR (revision 7).  This distance has also been updated in Section 3.4 Table 3.1 of the Final TOR (revision 7).
		3.2.2 This statement is wrong. The nearest reefs are <b>between</b> T. Aru and TARP.	Noted. Updated in Section 3.4 Table 3.1 of the Final TOR (revision 7). The distance to the nearest reef between Tg. Aru and TARP is 1 km.
12	Marine Fauna/ Corals/ Seagrass	3.2.2 The nearest <b>coral reefs</b> from the project site are not in TARP as stated here but near the sand bank island off STAR, as shown by your own map Fig. 3.9.	Noted. Updated in Section 3.22 of Final TOR (revision 7)

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>3.3.3 What is the source of the data which says Pulau Manukan etc. have Fair to Poor quality reefs? What is the year this assessment was made?</p>	<p>Sabah Shoreline Management Plan, 2005. It is noted that comments on the age of this data were made during the first public review where it was highlighted that it is not the intention at the TOR stage to carry out detailed assessment of existing conditions, but rather readily available data is used to generate a general description of the sensitive receptors to be considered during the SEIA study.</p> <p>Further literature review and consultations to describe the TARP will be carried out as part of the SEIA study.</p>
		<p><b>Table 3.1 Sea grass</b> 5.1km away in Meruntum lagoon should be added.</p>	<p>Noted. Updated in Section 3.4 Table 3.1 of the Final TOR (revision 7).</p>
		<p>4.2.1 Impact to marine fauna during construction will be significant and <b>should not be classed as Minor</b>. This comment still stands. Not only 'megafauna' such as turtles, whale sharks and dolphins but fish and benthic communities are involved, including the hundreds of thousands if not millions of ghost crabs living on the present beach.</p>	<p>Section 4.2.1 of the Revised TOR (revision 6 - October 2014) lists impacts to marine fauna and megafauna separately as follows.</p> <ul style="list-style-type: none"> <li>• Impacts to fish fauna – Moderate</li> <li>• Impacts to benthic community – Moderate</li> <li>• Loss of benthic community due to sedimentation – Moderate</li> <li>• Impacts on megafauna due to disturbance – Moderate</li> <li>• Impacts on marine fauna from water pollution – Moderate</li> <li>• Effect of piling works on marine fauna – Moderate</li> <li>• Impacts of lighting from construction stage to marine megafauna – Minor.</li> </ul>
		<p>4.2.1 Impact of lights during construction (considerable during reclamation) should be added as a threat to turtles known to still exist in these waters. Although T. Aru beach is no longer a nesting beach for turtles, turtles do come up on Mamutik beach and strong lights from <b>24 hour reclamation</b> as well as the <b>golf course</b> later will definitely be visible and cause light pollution.</p>	<p>Lighting is a greater threat to nesting turtles and hatchlings at nesting beaches specifically. Tg. Aru Beach is not a turtle nesting beaches and no turtle nesting has been recorded in the past 20 years.</p> <p>However, the impact of light and measures to minimise light impacts to marine fauna will be addressed; this was updated in Section 4.2.1 and Section 4.3.3.6 of the revised TOR (revision 6) and remains in the Final TOR (revision 7).</p>
		<p>4.1.3.2 Should say Impact of boat movement on marine mammals, <b>whalesharks and turtles</b>.</p>	<p>Updated in Section 4.2.1 and Section 4.2.2 of the Final TOR (revision 7).</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		4.2.2 Strongly disagree that values of 1,3,2,2 can result in an overall rating of 1 for 'impact on marine fauna due to increase in noise and marine traffic disturbance'.	Noted; during the SEIA, the Rapid Impact Assessment Matrix (RIAM) will be used to generate the final Environmental scores based on a transparent formula.
		4.2.2 likewise strongly disagree that values of 1,3,3,2 can result in an overall rating of 1 for 'Loss of benthic community due to reclamation footprint'.	As above. Please note these preliminary assessments are only for the purpose of scoping and prioritisation of impacts – they do not represent the impact severity that will be evaluated based on actual data and predictive studies during the SEIA.
		<b>Table 5.1 Seagrass 5km away at Meruntum</b> should be added.	Noted. Updated in Section 3.4 Table 3.1 of the Final TOR (revision 7).
		Fig. 5.5: There should be more water <b>sampling sites</b> especially on the TARP boundary. The answers given in the Documentation of Comments are still confusing. Does it mean there will be no water quality monitoring stations during project implementation?	<p>The present Final TOR (revision 7), Figure 5.5 has been updated with eight additional water sampling sites for the <b>baseline</b> surveys, which is meant to document the existing conditions, rather than monitoring of project impacts. The baseline data combined with the modelling will be used for the impact assessment.</p> <p>The sampling strategy chosen for the SEIA baseline is to have more sampling occasions rather than stations as the number of monitoring stations proposed are adequate for assessment and model input verification. More sampling stations at the TARP boundary will not help with the impact assessment.</p> <p>Monitoring stations (i.e. to monitor realised impacts) during the construction and operational phases will only be formulated at the SEIA stage after an evaluation of impacts and subsequent development of mitigation measures has been done. It may well be that for the Environmental Monitoring Programme, additional pre-construction start baseline stations will be recommended and data collected at these stations prior to the start of construction.</p>
		2.2.3 We maintain a <b>sport fishing centre</b> is not advisable so near to the TARP area. Even if fishing is carried out outside the Park boundary many fish move in and out of the Park. They are facing enough stresses already and killing for sport in this area should not be promoted. See press statement by WWF Malaysia on 6 January 2015 in Borneo Post.	Noted; to be considered by the Proponent.
		Documentation of Comments, 2.2 - Impact of the proposed <b>boat taxis on marine fauna</b> as well as <b>noise levels and pollution from these boats</b> should be included in the SEIA.	Updated in Section 4.2.1 and Section 4.2.2 of the Final TOR (revision 7).



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
13	Terrestrial Fauna/ Flora	Table 5.1 should add <b>disturbance/hunting of birds</b> by workforce as a potential impact	Updated in Section 5.1.2 Table 5.1 of the Final TOR (revision 7).
		5.2.7 <b>Old growth and key-stone species</b> may well be mapped but cannot withstand having their roots smothered in several feet of earth during raising of land levels. Many will also be lost during the construction of the 42 m wide channel. This should be assessed in the SEIA.	Yes, mapping is a prerequisite to determining the actual number of trees which will be lost due to the channel and the raising of land levels. This will form the basis of the actual impact assessment.
		How can significant <b>trees</b> be guaranteed to be saved if they occur in <b>land to be sold for development</b> ?	Through the imposed development guidelines which will be part of the Sales and Purchase agreement. Depending on the baseline findings (i.e. where these trees occur in relation to the Masterplan), the SEIA will detail the mitigation measures and monitoring programmes to ensure compliance.
14	Shoreline/ Currents	Table 5.1 <b>Existing shoreline from the project area to STAR</b> should be added in zones of potential impact.	Shoreline impact to STAR has been added in Section 5.1.2 Table 5.1 of the Final TOR revision 7.
15	Golf Course	Due to the serious factors of risks to the airport and the <b>safety of planes, run off</b> from the golf course and the massive <b>reclamation</b> needed for this part of the project, we maintain our stance that the golf course component of the project should not be built.	<p>The SEIA will predict and evaluate these impacts and proposed mitigation measures, such that the impacts can be assessed based on best available tools rather than conjecture.</p> <p>It is however noted that the reclamation area along the existing runway and the headland shape bounding the end of the reclamation are elements designed to direct Sg. Patagas discharges away from the Tg. Aru Beach area. The siting of the golf course in this area represents best use of this space given its location near the runway (i.e. not ideal for residential or other uses), and near the poor water quality around the Patagas river mouth.</p> <p>The airport runway does have its own independent drainage systems that will be fully taken into account by the project and incorporated where necessary. No drainage water will be directed towards the airport runway due to the importance and safety aspects as is noted.</p>
16	Pollution	4.2.1, 4.2.2: Strongly disagree agree that <b>oil and grease pollution</b> will just stay in the project area during construction and operations. The overall impact is not Minor. Strongly disagree that values of 1,2,2,2 can result in an overall value of 1.	As above, these are preliminary scores for scoping and the SEIA will utilise the RIAM which produces the impact severity scores in a more transparent manner. The scores reflect minor spills and leaks from machinery; there are no routine emissions from construction vessels and this project does not involve the operations of any oil tankers.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>4.3.2.1: We maintain that <b>water pollution</b> should be a Focus Issue and not an Issue of Note.</p>	<p>Note that “Water Pollution” in this context in the TOR is limited to oil and grease pollution during construction and impacts of operational runoff. Sediment plume dispersion – an aspect of water pollution during construction – is a Focus Issue.</p> <p>The scoping findings rank Oil and grease as an Issue of Note given that the Project does not deal with vessels carrying / transporting large quantities of oil. Rather, the main sources would be leaks and small spills, which with the implementation of effective mitigation measures can be readily controlled. The magnitude of potential emissions just does not warrant a higher prioritisation/ more detailed assessments such as oil spill modelling.</p> <p>Water pollution due to oil and grease releases during construction and operation stage, as well as runoff from the development will be further assessed during SEIA, refer to Section 4.3.2.1.</p>
		<p>4.2.1, 4.2.2: <b>Algal blooms / red tides</b> due to run off from the <b>proposed golf course</b> should be added as issues in the construction phase and operation stage of the golf course and should be addressed in the TOR. This has not been done.</p>	<p>Water quality impact due to runoff from the operation of the golf course has been listed earlier in the Revised TOR (Revision 6 – October 2014) under Section 4.1.3 and listed in Section 4.3.2.1 as an “Issue of Note”. The SEIA will address any further mitigation measures necessary.</p> <p>Water quality modelling will be carried out as outlined in Section 5.3.3 of the TOR and potential impacts on algal communities (blooms) will be evaluated based on predicted changes in nutrient loads, if any.</p>
		<p>The risk of <b>invasive species</b> brought on the hulls of yachts would significantly increase if there are a large number of yachts using the area. This should be added as an issue to be studied.</p>	<p>Updated in Section 4.2.2 of the Final TOR (revision 7).</p>
17	Noise	<p>4.2.1: We still maintain that the noise of <b>excavators and other heavy machinery</b> will not just affect the project area itself but will be heard by residents of Waikiki condo, private houses near the project area, Casuarina hotel and others and will occur over a long period. This should NOT be viewed as a MINOR disturbance. Strongly disagree that values of 1,2,2,2 can result in an overall value of 1.</p>	<p>Revised to magnitude of 2 (areas immediately outside the Project site); temporary, reversible (during construction stage) and non-cumulative. Overall value updated to 2 (Moderate); which makes it an <i>Issue of Note</i>.</p> <p>It is stressed that the matrix results presented in the TOR are merely for <b>scoping</b> purposes. Actual noise predictions will be carried out during the SEIA to determine the level of impact.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		4.3.1: We maintain noise should be included in FOCUS ISSUES not issues of note.	Per above score, noise is an <i>Issue of Note</i> . It is stressed that the matrix results presented in the TOR are merely for <b>scoping</b> purposes; they are not an impact evaluation.
		5.2.4: Why will <b>baseline noise surveys</b> be carried out only in the daytime, when proposed reclamation may be carried out 24 hrs a day?	Noted and amended. Baseline noise survey will be carried out for 24 hours. Refer to Section 5.2.5 of the Final TOR (revision 7)
18	Traffic	<p>Figure 2.2 A <b>Monorail station</b> is shown in the plans but not mentioned at all in the text. Since this would have a major impact on traffic and access and Jalan Mat Salleh, there should be a detailed assessment of the effects of the construction of this and effects it will have. If it is not confirmed as a project or hasn't even got funding then it is wrong to show it in the plan and mislead people. It is not clear whether it is even inside the project area. The answer given in the Documentation of Comments is not satisfactory. It is highly misleading to put this in the Concept layout plan Fig.2.2 if it is not in the projects jurisdiction and; only 'a government project in the pipeline'.</p>	As stated in the Documentation of Comments (ADD-01), the monorail is a potential future facility and therefore will not be assessed in this SEIA study.
		<b>What is the 'future phase of the masterplan'</b> , as mentioned on page 43 of the Documentation of Comments?	TAED may need to accommodate the monorail if it materialises in the future. As mentioned above, however, it is not part of the present Masterplan and will not be assessed in the SEIA. Should the monorail project be initiated by the government, additional studies including traffic impacts and construction impacts will clearly need to be carried out.
		2.4.3.1 <b>Total no. of expected new road users</b> , should include the Marina boat users as well, and show the total no. on top of existing road users.	Noted.
		<b>Documentation of Comments page 29 regarding Perunding Traffic Klasik Sdn Bhd traffic impact assessment states "The traffic surveys were carried out from 18-21 June 2013.". Is this the only traffic survey that will be carried out?</b> This was 1.5 years ago, and over a period of only 4 days that doesn't even include a weekend! Given the rapid rise in road traffic everywhere, this is totally unacceptable. A new up to date traffic survey should be done which includes peak traffic times at weekends and during school opening and closing times.	The traffic survey details have been updated in Section 4.3.3.3 of Final TOR (revision 7), addressing the need to include peak traffic times at weekends and during school drop-off and pick up periods.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>2.2.2.7 <b>Link road to the airport</b>- According to answers given in the Documentation of Comments, "traffic to terminate only at the airport". But the Concept Plan Fig. 2.2 appears to show the road joining the main Putatan road. If this is not the case it should be made clear that traffic using this new road has to pass through the airport grounds before exiting at the north end of the airport. This is not made clear in the Revised TOR.</p>	<p>As stated in the Documentation of Comments (ADD-01), the proposed southern road link ends at KKIA 1 terminal grounds. The road linkages are clearly outlined in Figure 2.19 in Section 2.2.2.8 on the road access points. Further details on the traffic flows will be described in the SEIA.</p>
		<p>4.2.2 Impact of a massive increase in traffic should be added - not just as a road safety issue but as a significant inconvenience to road users in terms of traffic jams.</p>	<p>Traffic impact assessment will be incorporated in the SEIA as indicated in Section 5.1.3 of previous Revised TOR (revision 6) October 2014 and current Final TOR.</p>
		<p>4.3.3.4"... this study will assess and mitigate operational traffic: impacts..". There is no way that such a massive influx of traffic can be 'mitigated' within the scope of this project.</p>	<p>The quantum of the influx of traffic will be determined as part of the SEIA and the impacts assessed accordingly based on justifiable data and predictions using accepted tools.</p>
		<p>Table 5.1 <b>Increase in traffic</b> still needs to be added to STAR, Kinabalu Golf Club and Kinabalu Yacht Club.</p>	<p>Updated in Section 5.1.2 of the Final TOR (revision 7).</p>
		<p>Surveys should include not only all residents and school users of the area but also <b>users of Terminal 2</b>. This was put in as if Terminal 2 is still being used by Air Asia, then road alterations and increase in traffic could result in <b>delays and disruptions to passenger's trying to get to the airport</b>.</p>	<p>The traffic impact assessment will consider land uses within the potential impact area, including the Airport. The key stakeholders are the operators rather than the users and hence dialogues with the operators (Department of Civil Aviation, Malaysia Airports Berhad) are instead proposed. Furthermore, the traffic impact assessment will be based on actual data on the traffic in and out of the airport, rather than the opinion of the terminal users.</p>
20	Waikiki/ Visual Impact	<p>Figure 2.2. It appears "Shoreline Apartments" or "Seaview Apartments" will be built directly in front of Waikiki Condo. These will block the sea view from the road for everybody and have significant negative visual impact. The Documentation of Comments page 30 but not the TOR reveals that the proposed block is 21m high - around 7 storeys. The TOR should include this information and specify if there will be 2 blocks as appears to be shown in Fig.2.2, or one block 1 and where car parking for these apartments will be. This development is strongly opposed by Waikiki residents.</p>	<p>The description in this TOR is not the basis for assessment. The SEIA will present the project description and relevant information in much greater detail in the Project description section. The visual impacts and public perceptions will be based on this (not the outline descriptions provided in this TOR). Visual impacts are already captured in the TOR and assessment will take all affected areas into account (Table 5.1 Section 5.1.2 of the Final TOR revision 7).</p>
		<p>Table 5.1 Waikiki Condominium- should add loss of view and impact on property value due to loss of view.</p>	<p>Updated in Table 5.1 Section 5.1.2 of the Final TOR revision 7.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
21	Social Aspects	3.3.2 <b>Tg Aru town or Pekan Tg Aru</b> should be mentioned here	Updated in Section 3.3.2 of the Final TOR revision 7.
		Tg Aru town -A survey of the population there is not enough; a projection of the impacts in terms of prices, traffic congestion and other issues during construction and operation should be included in the SEIA.	<p>The traffic impact assessment and socio-economic impact assessment will consider the issues as listed in Section 4.2.1 and Section 4.2.2 in 1<sup>st</sup> Draft TOR (revision 4 - June 2014) onwards.</p> <p>Social impacts will include increased cost of living, land prices and increased visitor prices as highlighted in Section 4.1.3.3 in the 1<sup>st</sup> Draft TOR (revision 4 June 2014).</p>
		Table 5.1 Add security issues to private residences.	Updated.
		<p>5.2.10.1/ 5.2.10.3 Socio-economic survey/recreational use-</p> <p>a) Add <b>Terminal 2 users</b> as a target group if Terminal2 is still used by passengers</p> <p>b) <b>Visitors/recreational users</b>-This depends a lot on which days surveys are done and conditions such as the weather, public holidays etc. The 10 weekdays and 4 weekends proposed must cover weekends when the weather is good as there are hundreds if not thousands of people using the beach and park at this time. Is the survey going to comprehensively cover this?</p> <p>c) As mentioned earlier, who is doing the survey? Has it already been started? It is believed that UMS undergraduate students are doing the survey; is this correct?</p> <p>d) Who will brief the respondents on the project- the students or the developer? Who will fill in the questionnaire- the students or the respondents?</p>	<p>a) As mentioned earlier, surveys of Terminal 2 users will not contribute to the impact evaluation; rather the traffic impact assessment will be based on existing and projected traffic, rather than the opinion of passengers.</p> <p>b) Yes. The weather conditions, time and whether or not it is a school or public holiday will be recorded.</p> <p>c) The Socioeconomic component is being led by Dr Paul Porodong and Dr. Giam J. Lunkapis as listed in the TOR study team (Section 6 Table 6.2). Both are very experienced in the field of socioeconomics and have led various SEIA/EIA socioeconomic surveys. No undergraduates will be involved. Research Assistants who are research-based postgraduate students will be assisting in the survey.</p> <p>d) The developer will provide the information and the surveyors will brief the respondents aided by a project fact sheet and FAQ. The information provided will focus on facts, figures and information related to public interest. This is survey research, therefore, research assistant will be asking and filling in the questions accordingly together with the respondents.</p> <p>The socioeconomic survey will only be done after the TOR is approved by EPD.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>5.2.10.2 Public Meeting. According to the Documentation of Comments, page 11, the public meeting will be held towards the end of the SEIA study period to deliberate on the SEIA findings. Is this the same meeting as the one mentioned in the Revised TOR?</p> <p>Will the result of the proposed public meeting on scoping of issues be incorporated into the SEIA? Will the public be able to have further dialogues about the SEIA findings?</p>	<p>A public meeting to deliberate SEIA findings will be held at the end of the study as updated in Section 5.2.11.2 of the Final TOR (revision 7).</p> <p>The “public meeting” mentioned in the 1<sup>st</sup> Draft TOR (revision 4 - June 2014) and Revised TOR (revision 6 - October 2014) on scoping of issues is an error and actually refers to the “Public Hearing” via this EPD process where the scoping of issues for input to the TOR has undergone two (2) public reviews and the TOR has been revised twice to take account of the public’s input on scoping stage.</p> <p>In addition, the SEIA report will undergo a public hearing whereby it is placed on the EPD website and the public will have 1 month to review the document. An addendum addressing these public comments will be written.</p>
		<p>Documentation of Comments A7: If the social surveys” are not designed as a poll/referendum on the matter”, if the majority of respondents are against the project will it make a <b>no project option</b> possible?</p>	<p>The no project option is determined by the approving authorities. Note that this is not in the Environment Protection Department’s power to approve a project; the EPD deliberate on the technical validity of the EIA and the actual environmental and socio-economic impact, not the project in question.</p> <p>The EIA document supports the decision-making process of the approving authorities, it does not abdicate their decision making responsibility.</p> <p>It is however noted that the perception of the respondents or level of project acceptability will be used in the evaluation of the broader social and heritage impacts of landscape change.</p>
		<p>Security -There will also be security issues extending well <b>beyond the 4 year period</b> when the proposed hotels, resorts, apartments and villas are being constructed. These will also require the presence of a large number of workers and their quarters.</p>	<p>The SEIA will address security impacts and the impact of workers and quarters.</p>
		<p>We stress again that public consultation must be very strong with transparent mechanisms and so that all stakeholders get a chance to be consulted and share their concerns.</p>	<p>The SEIA study will carry out public consultation as it relates to environment and social impacts, through stakeholder discussions, public meeting and through the mandated public review process for the SEIA report as outlined in the TOR.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
22	Sewage	Apparently the important components of the <b>grey and black water flow, drainage reticulation and Sewage Treatment Plants</b> will only be shown in the detailed design AFTER the SEIA is done. How can the public assess these crucial issues? They should be included in the SEIA.	The locations and specifications of the grey and black water flow, drainage reticulation and sewage treatment plants will be shown in the SEIA hence the public will still be able to comment. Detailed design may well be carried out after the SEIA, based on the specifications or minimum requirements/ mitigation measures recommended in the SEIA.
23	Airport	Fig.2.2 shows <b>dwelling</b> s- "Riverfront Eco Community (Apartments, Townhouses and Villas) <b>even nearer to the runway than the present Terminal 2 airport building presently is</b> . Surely this is a) dangerous and b) nobody would want to live right next to the runway of the second busiest airport in Malaysia.	Noted by project proponent.
		As mentioned earlier, the KK airport is in danger of being affected by dust from reclamation, increased <b>bird strikes</b> due to the proposed golf course and <b>golf balls</b> going over the perimeter of the airport. Access to Terminal 2 may also be seriously affected by increased <b>traffic jams and disruption to road access</b> .	The project impacts to KK airport will be detailed within the SEIA.
		4.2.1 Strongly disagree that values of 1,2,2,2 can result in an overall value of 1 for ' <b>Dust nuisance and lighting during construction may affect air traffic safety at KKIA</b> '.	Impacts of dust and lighting will occur only in the immediate area surrounding the project (important only to local condition); in addition, dust generated from reclamation works is generally low due to the hydraulic fill method. Dust is furthermore relatively easily controlled through appropriate measures.  However, this will be thoroughly assessed as part of the SEIA.
		4.2.2 Strongly disagree that values of 1,3,2,2 can result in an overall rating of 1 for 'Air traffic safety risk due to <b>lighting from golf course</b> '. See also A 11 in Documentation of Comments.	Noted, the impacts will be assessed in the SEIA as indicated in Section 4.3.3.5 in revised TOR (revision 6 – October 2014).  It is stressed that the matrix results presented in the TOR are merely for <b>scoping</b> purposes. Actual lighting impact will be carried out during the SEIA to determine the level of impact significance and consultations with the relevant stakeholders held to develop appropriate mitigation measures.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>4.3.3.3 <b>Ambient air quality</b> is of great concern to nearby residents and safety of the airport should be an Issue of Note.</p>	<p>Impacts to the air quality and safety of the airport will be assessed in the SEIA. The SEIA will focus on formulating mitigation measures for this, as such it is listed as a Remaining Issue since mitigation measures are readily available and do not rely on detailed modelling of the issue to develop such measures.</p> <p>As above, it is stressed that the matrix results presented in the TOR are merely for <b>scoping</b> purposes. Actual air quality impact will be assessed during the SEIA to determine the level of impact significance and consultations with the relevant stakeholders held to develop appropriate mitigation measures.</p>
24	Abandonment	<p>2.4.4 Should add removal of any partially completed reclamation work/dredging work <b>at the developer's cost</b>. It is not acceptable that a half finished reclamation bund or area, or dredged channel, would be left abandoned. They would be a major environmental danger and should be removed by the developer.</p> <p>The SEIA should specify how any <b>toxic material</b> would be removed and the site secured. Will this be added?</p> <p>4.1.4 Should add <b>safety, environmental and visual impact issues</b> from half built structures in the sea such as rock armour, revetments, bunds etc. and possibly a half- dredged channel on land.</p>	<p>Mitigation measures in the event of Project abandonment will be outlined in the SEIA. Your comments will be considered in the development of the mitigation measures.</p> <p>The SEIA will review the project activities at all phases and estimate the generation of wastes, including toxic wastes. Appropriate waste management measures will be recommended for the types of wastes generated.</p> <p>Updated in Section 4.2.3 of the Final TOR (revision 7).</p>
25	Project Options/ Alternative Sites	<p>It is good to note in 5.1.1 of the Revised TOR and A8 of the Documentation of Comments that <b>options to the proposed project/project options/alternatives</b> will be included in the SEIA, however disappointing to note that the proponent/consultant appears to have already decided that "there doesn't appear to be an alternative scheme that can meet all three requirements"-page 14 of the Documentation of Comments.</p> <p>As well as the above, <b>Alternative Sites</b> for the project should also be included.</p>	<p>This statement is based on the studies already carried out for the Masterplan development.</p> <p>Project options which have been considered in the process of masterplan development will be described in the SEIA report.</p> <p>The improvement of Tg. Aru Beach for the benefit of the public of Kota Kinabalu is one of the key components of the project and hence the project is predicated on this location.</p>



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
		<p>If the SEIA findings show that the negative environmental effects of the project outweigh the positive will the Environmental Protection Department be able to <b>reject the SEIA</b>?</p>	<p>The EPD Handbook on Environmental Impact Assessment in Sabah states that an environmental non-approval may occur if the report and /or the review has shown that the proposed project will result in significant adverse environmental impacts; no appropriate mitigation measures can be found; the project contradicts governmental policies and plans; or recommendations made by other governmental departments and authorities find that the project has an unacceptable impact on the environment. (2<sup>nd</sup> edition, November 2005).</p>
26	Rapid Environmental Impact Assessment	<p>5.4.1 <b>The Rapid EIA</b> is proposed as a summary for the impact assessment. There is a danger that the proposed Rapid EIA be the major basis on which the final decisions are made for this project. Hopefully a project of this magnitude and huge ramifications for so many stakeholders will not rely on something which may be subjective and simplistic. Many would already disagree with the ratings in the existing Revised TOR. We support WWF Malaysia's comment that they disagree with many of the ratings.</p>	<p>The Rapid impact assessment matrix (RIAM) scoring will be explained in further detail within the SEIA. It is noted that the RIAM was not used in the TOR for the scoping exercise; it used the rating system in the EPD guidelines, which does not provide a formula for the resulting environmental score. This is because at this stage the TOR is <b>not the impact assessment</b>; it is only a <b>scoping</b> exercise to guide the SEIA.</p> <p>The RIAM is more transparent as it utilises a consistent formula for calculating the environmental score, which is the overall rating of impact severity. It summarises the impact predictions and evaluations; however the rationale behind the predicted impact, the evaluation of the significance of the impact (i.e. comparison to guidelines or standards where available), etc. will be thoroughly described in the SEIA.</p> <p>The RIAM system is ideally suited to EIA where a multi-disciplinary team approach is used (Morris &amp; Biggs, 1995), as it allows for data from different components to be analysed against common important criteria within a common matrix, thus providing a rapid, clear assessment of the major impacts.</p> <p>References</p> <p>Morris, P. &amp; J. Biggs, 1995. Water. In: P. Morris &amp; R. Therivel (eds), Methods of Environmental Impact Assessment. UCL Press, UK.</p>



## 2.7 Yeo Bee Hong

Resident of Kota Kinabalu.Sabah

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	Sewage	It is not clear from the TOR that an assessment will be made on how the marine ecosystem will cope with the future sewage load from the new resorts and residential areas in Tg. Aru once the project is completed. This is due to the underlying reason that the existing sewage infrastructure system in Sabah is still basic and urgently needs to be upgraded to be able to cope with increased population growth especially in Kota Kinabalu to ensure proper treatment.	The SEIA will assess the impacts of the future sewage load from the project during the operational phase as noted in Section 4.3.2.1 of the TOR.
.2	Tourism	It is not clear from the TOR that the choice of tourism concept chosen for this project will be assessed. The number of resorts proposed indicate the transformation of a pristine beach to that towards mass tourism. While the intention may be to draw more visitors, but the environmental impacts would result in greater costs to treat pollution and lead to decreased appreciation by visitors. Lessons have been learned in mass tourist areas such as Phuket.	The change in character of the beach due to the resorts will be assessed in the SEIA; it was identified as a Focus Issue from the very first Draft TOR.
3	Socioeconomic analysis	Due to the iconic, heritage and economic value of Tg Aru to the residents of Sabah and Malaysia, being one of the very few pristine beaches in the city, it is suggested that the socioeconomic assessment sampling to be broadened to consider the residents of Kota Kinabalu and also Malaysia. In addition tourists that visit Tg. Aru should also be considered as a stakeholder.	Stakeholders from beyond the immediate impact area are included in the socioeconomic assessment through the public review process, and public meeting as opposed to the questionnaire survey. However, additional reach will be carried out through online questionnaires.  The survey of beach users at Tg. Aru will include tourists and visitors from the wider community.
4	Socioeconomic analysis	A cost benefit assessment that includes environmental values would be beneficial for the project to advice the State Government. Efforts to quantify the loss of the ecosystem and cultural values would provide an informed perspective to decision makers and propose the best way forward. With regards to this, the Guidelines on Economic Valuation of Environmental Impacts for EIA projects by DOE Malaysia 2010 could be a reference point.	Agreed this would be a valuable exercise; however beyond the scope of the SEIA as per EPD Guidelines.  It is also noted that the DOE Guidelines on Economic Valuation of Environmental Impacts require monetary valuation of the significant impacts, however does not specify a Cost Benefit Assessment.

## 2.8 Waikiki Management Corporation

Datuk Yap Pak Leong  
 President  
 Ground Floor, Hawaii Court,  
 Waikiki Condominiums,  
 Jalan Aru, Tanjung Aru,  
 88100 Kota Kinabalu,  
 Sabah.  
 Tel: 088-316680

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	Development Plan	<u>Why does the Proponent NOT adhere to the Proposed Development Plan of 16/9/2013 and maintain the location of the ALOFT SERVICE APARTMENTS as per Figure 1? After all, it was the Proponent's own proposed development plan.</u>	There is no Development Plan at the time of writing. The Masterplan was updated based on further market studies among others. The revised TOR (revision 6) and the present Final TOR (revision 7) are based on the updated Masterplan dated June 2014.
2	DBKK zoning	The <u>land use designated</u> by the Government for the area where Sugar Bun and the Market Stalls sit is for <u>Public Recreation Reserve</u> . <u>Why alter the zoning from a Public Recreation Reserve to Medium/High density?</u>	N/A
3	Condominium Positioning	Proponent has claimed that the TAED development is a 700+ acre development. <u>Is there NO appropriate space (in the 700+ acre) to locate the ALOFT SERVICE APARTMENT other than IN FRONT of the Waikiki Condominium?</u>	To be assessed in the SEIA.
4	Socioeconomic Survey	Was there a Social Impact Study conducted by the Proponent or his consultant on siting the ALOFT SERVICE APARTMENTS IN FRONT of Waikiki Condominium?	The socioeconomic survey will be conducted as part of the SEIA once the TOR is approved.
5	Socioeconomic survey	Were the Owners/Residents of Waikiki Condominium consulted regarding the location of the ALOFT SERVICE APARTMENTS IN FRONT of them? If the survey was carried out, who carried out this survey? What were the results of the survey? May we ask the survey to be made public (at least) to the Waikiki Owners/Residents?	The socioeconomic survey will only be conducted once the TOR is approved. As stated in the updated Table 5.4 in the Final TOR (revision 7), a Focus Group Meeting with Waikiki owners/ residents is proposed.



No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
6	Aesthetic Impact	The Waikiki Condominium Owners/Residents have enjoyed beach views, Aru trees, sea breeze, beautiful sunset views on daily basis. By the Proponent's proposal of siting ALOFT SERVICE APARTMENTS IN FRONT of Waikiki Condominium don't you think that you have "taken away" RATHER than "give back" to the Owners/Residents all that they enjoy now?	Noted.
7	Aesthetic impact	By adhering to site the ALOFT SERVICE APARTMENTS IN FRONT of the Waikiki Condominium, you would agree that you are rewarding the Owners/Residents with the "BACK VIEW" of the ALOFT SERVICE APARTMENTS?	Noted.

## 2.9 Melanie Chia Chui Ket

Email: melanieckchia@gmail.com

Tel: 012-8026328

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	2.2.2.5 Reclamation	<p>The project involves reclamation of approximately 444 acres and the required fill material is approximately 17 million cubic meter of which 16 million cubic meter will be imported for the reclamation and beach nourishment. Of these, 15.8 million cubic meter is reclamation material to be sourced from combination of land-based source and marines sources, which at the time of the submission of this Revised Final SEIA, the sources of this reclamation material have not yet been identified.</p> <p>The sourcing of such an enormous quantity of reclamation fill material is certainly not an easy task. Of added concern is the impact of such voluminous fill quantity not only at its source but also the impact and effect on the environment in the process of the moving/transporting this material.</p> <p>The 450,000 cubic meter of beach material which will be sourced from offshore which certainly has an impact on the marine ecology.</p> <p>The environmental impact on the original source and the end result certainly warrants the attention of the Environment Protection Department.</p> <p>The Proponent has stated that a separately EIA study for the borrow activity will be carried out if required. For a project of this size, EIA study for the borrow activity is pertinent.</p>	<p>Yes, sand sourcing activity is a Prescribed Activity under the Environment Protection Enactment 2005, which requires an EIA to be submitted to EPD. The TOR states that separate EIAs will be carried out if a borrow site does not have existing approval.</p>

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
2	2.2.2.6 Proposed Dredging and Filling Method	<p>The assumed preferred method of reclamation and construction program based on the use of Trailer Suction Hopper Dredgers (TSHD) that either pumps material directly to shore through floating pipelines or by delivering dredged material to a Cutter Suction Dredger which then pumps the material ashore through floating pipelines is of great concern due to the following factor:</p> <ul style="list-style-type: none"> <li>• The distance over which the pipelines would be;</li> <li>• The enormous volume that will be transported via the pipelines;</li> <li>• The intended 3 barge trips per day, 24 hours per day, 7 days per week with a volume placed per day of 24,000 cubic meter.</li> <li>• The effect of using floating pipeline on the marine ecology.</li> <li>• Effective sediment control.</li> </ul>	The SEIA will cover these impacts of reclamation and construction.
3	2.2.2.8 Southern Road Link	<p>Existing access to the project site is via Jalan Mat Salleh and this is the ONLY access road for now. The new access road of approximately 3.6 km is to be created to connect to the Kota Kinabalu International Airport Terminal 1 to the south which is near to the Putatan area. This area is also often congested.</p> <p>Traffic impact to the project site is certainly of concern not only to residents at the Wakiki Condominium but also nearby residents, the users of the golf club and the yacht club, the local communities and the hotel guests. A congested Jalan Mat Salleh to the project site will also certainly has an impact on Terminal 2 airport nearby.</p>	Land traffic impacts will be assessed during the SEIA, refer to TOR Section 4.3.3.3.

### 3 Environment Protection Department (EPD)

Tingkat 1 – 3, Wisma Budaya  
Jalan Tunku Abdul Rahman  
Beg Berkunci 2078,  
88999 Kota Kinabalu, Sabah, Malaysia  
Tel: 088-257290  
Fax: 088-238120  
Email: jpas@sabah.gov.my

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
1	Finalise Masterplan	The final location of the main project components such as hotel and resort, golf and etc must be indicated.	Updated in Section 2.2.1 of the Final TOR (Revision 07) Figure 2.2 showing the proposed project components layout plan.
2	Zone of Impact (ZOI)	<ul style="list-style-type: none"> <li>Sea area – P. Dinawan area was not identified in the Special TOR</li> <li>Project impact to fishing activities around P. Dinawan was not discussed</li> <li>Catchment area was not included in the scope of study as ZOI</li> </ul>	<ul style="list-style-type: none"> <li>The ZOI for Physical Environment encompasses sea area of P. Dinawan and P. Mantakud. Refer Section 5.1.2 - Figure 5.1</li> <li>Impact of sediment plumes due to the proposed project to the fishing activities in the study area including area around P. Dinawan will be discussed. Refer Section 4.3.1.4. Updated on Table 5.1 Zone of potential impact.</li> <li>Catchment area updated in Section 5.1.2 Zone of Potential Impact under Table 5.1.</li> </ul>
3	Impact area	Impact area for Normal EIA involved area of up to 3 km radius from the boundary of the project site and for Special EIA, study area should cover wider area. Therefore, identified ZOI should be updated to ensure study area covers the impact area.	The proposed ZOI is project and site specific. Based on the scoping and existing land uses found at the proposed site, there are several land uses such as the runway that acts as a barrier to any impacts that may affect area beyond the runway. As such, the ZOI has been developed based on an understanding of the landscape, land uses and natural processes (e.g. sediment cells) rather than a rule-of-thumb radius from project site. Hence the ZOI in some cases extends to approximately 19 km from the project site (e.g. for marine impacts), while others, e.g. noise impacts, cover much smaller areas.

No	Item/Page	Comment	Action/Feedback by Proponent/ EIA Consultant
4	Social Impact Assessment	To take into account issues such as aesthetic value; example of objection by residents of Waikiki Condominium with regards to the location of the proposed building in front of their Waikiki Condominium which block the residents sea view.	Noted. Aesthetic impacts were identified as a Focus issue as outlined in Section 4.3.1.2. Visual/aesthetic impact under Waikiki Condominium was listed under Section 5.1.2 - Table 5.1 Zones of potential impact.  A focus group discussion will be organised with the Waikiki Condominium residents to discuss and collect inputs for the residents. See updated Section 5.2.11.1.
5	Socio / Human Environment	Detail information on the process for the collection of inputs from the public and what is planned to inform the public that all their views and concerned have been taken into consideration in the preparation of the Special EIA (SEIA) Report.	Collection of inputs from the public will be based on the socioeconomic surveys (Section 5.2.11), Focus Group Discussions and stakeholder consultations (Section 5.2.11.1).  The public will have the opportunity to comment on the SEIA findings (impact evaluation and mitigation measures proposed) through the public meeting proposed at the end of the study (Refer Section 5.2.11.2).  Finally, the SEIA public hearing (Public review of the SEIA report) will further provide the opportunity for the public to review the SEIA findings to assess whether their views and concerns have been addressed in the SEIA.
6	Social Survey	To include workers of ShangriLa Tanjung Aru Resort.	The key stakeholders around the proposed development are the business operators rather than the workers, hence social survey with ShangriLa Tanjung Aru Resort has been earmarked (Refer Section 5.2.11.1 - Table 5.4 under Business operators).
7	Item 5.2.4	Environmental issues must be separated in order to ensure focused discussion.	Updated, refer Section 5.2.4 for air quality and 5.2.5 noise.
8	Social Interview	Interviews with public / people of interest should include all those listed in Table 5.1 – Zones Potential Impact.	Noted. Public / people of interest as listed in Table 5.1 has been earmarked for social interview as listed in Section 5.2.11.1 under Table 5.4.



# A P P E N D I C E S



Appendix A  
Public Comments on Revised TOR (Revision 6), October 2014




**JABATAN PERLINDUNGAN ALAM SEKITAR**

(ENVIRONMENT PROTECTION DEPARTMENT)

Tingkat 1 - 3, Wisma Budaya

Jalan Tunku Abdul Rahman

Beg Berkunci 2078

88999 Kota Kinabalu, Sabah, Malaysia

No. Tel. : 088-251290/251291/267572/268572

No. Faks : 088-238120/238390 E-mel : jpas@sabah.gov.my

<http://www.sabah.gov.my/jpas>

(Sila catatkan Rujukan fail Jabatan ini apabila menjawab)


**RUJUKAN : JPAS/PP/05/600-1/08/1/152 KLT.2(37)**  
**TARIKH : 19 Januari 2015**

 Pengarah  
 Jabatan Pengairan Dan Saliran  
 11th Floor, Hill View Side, Wisma Perindustrian  
 Jalan Istiadat, Likas,  
**88400 KOTA KINABALU.**

Tuan,

**SPECIAL TERM OF REFERENCE FOR "TANJUNG ARU ECO DEVELOPMENT KOTA KINABALU"**

– Revised TOR

DHi (Malaysia)			
Incoming / Outgoing			
Date: 19 JAN 2015			
File no: <i>macbr 16200657-2</i>			
	Copy		Cir.
	Act	Info	Seen
<i>TA</i>		<input checked="" type="checkbox"/>	
<i>will</i>		<input checked="" type="checkbox"/>	
<i>mman</i>		<input checked="" type="checkbox"/>	

**Faks: 088-260 781**

Saya adalah diarah merujuk perkara di atas.

 2. Bersama ini dikemukakan salinan surat ulasan dan email dari jabatan-jabatan berkaitan dan maklumbalas awam berhubung dengan *Revised TOR* Kajian EIA Khas bagi cadangan projek di atas.

- i. Surat dari *Encik Joshua Kong* – komen dalam *Daily Express* bertarikh 15/12/2014) - number 0128380897 / 0138394513;
- ii. Surat dari *Jabatan Perancang Bandar Dan Wilayah* rujukan 01/04/2616/44 bertarikh 18 Disember 2014;
- iii. Email dari *Encik Joshua Kong* – **Breath Submission** - Telepon number 0128380897 / 0138394513;
- iv. Surat dari *Kementerian Kerajaan Tempatan Dan Perumahan* – rujukan KKT&P:100-44/2 JLD.12(46) bertarikh 18 Disember 2014;
- v. Email dari *Miss CMJ Leon* – Resident of Waikiki Condominium HC 1201;
- vi. *Jabatan Laut Malaysia* – JLS/PB/600/2/10(JLD.2)( ) bertarikh 30 Disember 2014;
- vii. *Encik Yeo Bee Hong* – Resident of Kota Kinabalu, Sabah;
- viii. Email dari *Datuk Melanie Chia Chui Ket* bertarikh 29 Disember 2014 – Telepon number 0128026328;
- ix. Surat dari *Jabatan Mineral Dan Geosain*, rujukan JMG.SBH(GS)100/25/Jld.18(67); dan
- x. Surat dari *Land Empowerment Animals People (LEAP)*, KOTA KINABALU, SABAH – 12 January 2015

 3. Sila kemukakan maklumbalas bagi semua perkara yang dinyatakan di atas dalam tempoh **satu (01) bulan** dari tarikh yang dinyatakan dalam surat ini.

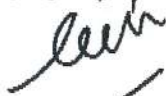
Sekian, terima kasih.

**"BERKHIDMAT UNTUK NEGARA DENGAN BERSIH, CEKAP DAN AMANAH"**  
**"DO MORE, DO IT BETTER"**

 PEMULIHARAAN ALAM SEKITAR KE ARAH  
 HIDUP YANG SEIMBANG

RUJUKAN : JPAS/PP/05/600-1/08/1/152 KLT.2(37)  
TARIKH : 19 Januari 2015

Saya yang menurut perintah,



(ELIN EMPAU)  
b.p. Pengarah

s.k.

Pengarah Urusan  
Tg. Aru Eco Development Sdn Bhd  
H-0-10, Lot 10, Block H, Metro Town  
Jalan Bunga Ulam Raja, Off Jalan Tuaran  
88000 KOTA KINABALU

Faks: 088-434773

*ELE/pt...*

EPD, 238120

16/12/2014

Re : Revised SEIA of TAED

What is LINK online  
for this REPORT

Joshua Keng

012 83 80897

013 83 94513

## Local

# Calling for feedback on revised ToR for Tanjung Aru SEIA

**KOTA KINABALU:** The public are encouraged to send feedback on a revised Terms of Reference (ToR) for the Special Environmental Impact Assessment (SEIA) for the proposed Tanjung Aru Eco Development project.

The document is now available in the Environmental Protection Department (EPD) portal (<http://www.sabah.gov.my/jpas/news/default.htm>), with the deadline for comments fixed for Dec 29, 2014.

Tanjung Aru Action Group 2.0 (TAG 2.0) chairperson Harjinder Kler said it is important for the public to read the revised ToR and to send their comments to the EPD before the deadline. An earlier ToR was rejected, prompting Tanjung Aru Eco Development Sdn Bhd (TAED) to submit a revised version.

"The proposed development at Tanjung Aru beach is a matter that is of great concern to the public. At a forum we organised last month, a host of issues were raised such as the scale of the development, public access to the beach, how pollution of the beach would be solved when the source of pollution is from other areas, the proposed reclamation and dredging and even the source of sand that will be used to create a

widened beach," said Kler.

TAG 2.0 is also disappointed with the short notice given for the public to provide their feedback, more so with the Christmas holidays around the corner.

"Despite the many concerns raised at the forum, the developer is still pushing for a revised ToR to be approved, instead of further engaging with civil society in line with their own aim of truly and realistically giving Tanjung Aru beach back to the people of Sabah," Kler said.

The ToR details the purpose and scope of the assessment and aims to identify key potential environmental impact impacts of the proposed project in order to focus the SEIA study on the significant issues related to the development of the project.

Comments on the revised ToR are to be sent to EPD via email at: [jpas@sabah.gov.my](mailto:jpas@sabah.gov.my) and copied to [savetanjungarubeach@gmail.com](mailto:savetanjungarubeach@gmail.com). Additionally, members of the public can also send comments via fax at 088-238120/238390 or directly to the office of the EPD: Environmental Protection Department, Tingkat 1-3, Wisma Budaya, Jalan Tunku Abdul Rahman, Beg Berkunci 2078, 88999 Kota Kinabalu, Sabah.



No. Tel. : 088 - 222336/222337/  
222031/217201

No. Faks : 088 - 222557

Rujukan : 01/04/2616/44  
Tarikh : 18hb Disember 2014



JABATAN PERANCANG BANDAR  
DAN WILAYAH  
Tingkat 3, 4 dan 5, Blok B  
Wisma Tun Fuad Stephens  
Km. 2.4, Jalan Tuaran  
88646 Kota Kinabalu  
Sabah, Malaysia

Pengarah,  
Jabatan Perlindungan Alam Sekitar,  
Tingkat 1-3, Wisma Budaya  
Jalan Tunku Abdul Rahman  
Beg Berkunci 2078  
88999 KOTA KINABALU, SABAH

Yang Berbahagia Datuk

**MEMOHON ULASAN BIDANG RUJUKAN (TOR) KHAS KAJIAN EIA BAGI PROJEK "TG. ARU ECO DEVELOPMENT, KOTA KINABALU"**

Dengan segala hormatnya saya diarah merujuk kepada surat Datuk Ruj: JPAS/PP/05/600-1/08/1/152(22) bertarikh 27hb November 2014.

2. Sila maklum mengenai isu zon, surat JPBW Ruj: 01/04/2616/32 bertarikh 17hb Julai 2014 dan muka 2-28, item 2.3.3 Zoning Status, 2.3.3.1 Local Plan ada berkaitan.
3. Pejabat ini tidak ada komen lagi terhadap laporan TOR tersebut di atas.

Sekian, terima kasih.

**"BERKHIDMAT UNTUK NEGARA DENGAN BERSIH, CEKAP DAN AMANAH"**

(ELEANOR WONG)  
b/p Pengarah,  
Jabatan Perancang Bandar dan Wilayah,  
Kota Kinabalu.

EW/

JABATAN PERLINDUNGAN ALAM SEKITAR	
Tarikh Dibenama	18 Dec 2014
Pengarah	Untuk Makluman
T. Pengarah	Untuk Perhatian
KPP (P)	Untuk tindakan
KPP (I)	Pengarah
PPK	
Pentar	
Kewas	
Cal	

JANGAN TERJERUMUS KE DALAM PERANGKAP DADAH

This second submission code named BREATH of valid points and comments should be read together with the first submission of views and not to be considered as unreasonable opposition to the TAED. BREATH wraps up this submission on very important items namely Beach Reclamation Erosion Airport Trees Habitat I am all for nature as nature is perfect creation of God.

[please see the 8 BREATH points and demands in the conclusion in paragraph 8]

## 1. INTRODUCTION

1.1 The call by EPD for submission of less than two weeks in the year end holidays season is very unreasonable and TAEDSB should not use this flimsy reason to claim support for the TAED project as responses would be few. I do not know why such a rush when most people would not work seriously or rather relaxed until after Chinese New Year in February, 2015. For me, I work all year round despite of my age especially when there is such an important project to review and provide positive comments to Save Tanjung Aru Beach (STAB). I work alone outside the group TAG2.0. The views expressed here are solely mine without any relevant technical skills but largely common sense. I could the impact of my little effort in the first submission on TAED to EPD on 16<sup>th</sup> July, 2014 but no reply from you.

1.2 On the Revised SEIA, it was found not available in the EPD's website on 16<sup>th</sup> December, 2014 as per newspapers' article. Fortunately someone sent me a copy online. Why EPD did not send me one as my earlier submission had my email at the top right of page 1? What is the KPI of EPD? One thing that is certain is that the less people knows about this SEIA, the better for some people.


### 1.3 Forums on private or public TAED.

1.3.1 What happen to all the public forums as promised at the launch of TAED on 16h September, 2013. As there were few and far apart public forums on TAED, as TAED is deemed a "private" of sort project and why should the public be the "troublemakers"? Our views had been challenged lopsidedly especially in the press in favour of the "private" owners of the TAEDSB. My sole neutral letter to Daily Express was not published when those letters or press releases or articles in the favour of the "private" owners were given so much spaces like shouting down at the public when TAED is supposed to a state-owned public project.


1.3.2 There was one forum on State Planning Conference 2013 on 12<sup>th</sup> December, 2013 as weird with unspecified organiser and my wife and I were allowed into the Conference FOC but later were asked to pay for the conference fee. One of the conference papers was on TAED. So where is the promised OPEN public forums on TAED? So can I draw a conclusion that TAED is indeed a "private" project on largely public domain trying to make quick money even with a State sponsored Conference. [see the handout on that Conference below]

ADM

This Conference will provide an opportunity for all stakeholders in both the public and private sectors to exchange their challenges and way forward to develop livable and sustainable cities in Sabah. This Conference will also create an excellent platform to explore innovations, exchange ideas or simply to be creative.



OBJECTIVES



- Emphasize the critical need of making our cities and communities livable.
- Understand the diverse concepts of livable cities.
- Keep abreast of best practices as well as to enhance our knowledge on the latest developments, ideas and strategies towards making livable cities.
- Promote development of livable cities in Sabah.

State Planning Conference 2013

"Journeying Together  
Towards LIVEABLE  
cities in SABAH"



Organized by  
YAB Datuk Menteri  
MUSA HUSAINI  
Chief Minister of Sabah



In collaboration with



12th December 2013

1.3.3 The modus operandi of the impatient promoters also likely "rent seekers" of public properties had been exposed through and through as TAED was already in an advanced stage of preliminary development before it was disclosed to the public at large.

1.4 Team member in Table 6.1 Dr. Klaus Pedersen's registration with EPD expired on 30 September, 2014 and that is when this SEIA was finalised on 17<sup>th</sup> October, 2014. Why is it that his registration was not renewed? So in between 30 September, 2014 and 17<sup>th</sup> October, 2014 any work done can be deemed null and void affecting the validity of this Report.

## 2. BEACH

2. So in this BREATH submission, I would like to mention on the 6 key items not omitting points already raised in the first submission.

### 2.1 2.2.2.1 Beach (based on SEIA reference)

The existing 1.4 metre Tg Aru beach (TAB) is unlikely to be improved with a new beach (not water front) with quality and wider one.

2.2 The reasons are as follows:-

2.2.1 Can you show me one that has been done without costly maintenance to maintain it as a sandy beach?

2.2.2 Given that the equilibrium of the new waves/currents and water level would be finding its new positioning, the area would be affected in unknown possibilities.

2.2.3 Nothing is for sure how the new scenario would develop as the Tg Aru Beach or its hinterland proper would be a new structure of dredged area and raised ground levels of Beach 2, and Beach 3 and beyond towards Petagas.

2.2.4 Again nothing is for sure how erosion would emerge with the areas of the new beach and instead of getting quality wider beach, more unexpected erosion could occur as it was in the 1980s and 1990s due to the massive sea filling around the Kota Kinabalu port area now and in the near future when it was in Sinsuran and Segama (1980s) and 1990s (Suria Sabah site) areas in Kota Kinabalu City.

2.2.5 The damage of the critical climate change especially in Sabah which had seen increase of 3 degrees centigrade for 40 years from 1960 to 2000 according to the official weather statistics. [Source : Book titled "Water" by Joshua Y. C. Kong.] So how can anyone be sure the new artificial beach of whatever artificial nature be assured of no damage in the immediate future and possibly irreparable as left to the ravages of the weather as exacerbated by the worsening climate rises globally affecting all the oceans.

2.2.6 So this SEIA is just superficial as far as the justification of a very expensive artificial new beach at Tg Aru for the replacement of a very beautiful natural sandy beach just needing some improvement with common sense after a due diligence exercise with the hind sight of improvement at minimum costs and effort. The sort of expected "quality and wider new" beach could be non functional at all.

2.2.7 Would TAB in its present much neglected conditions all known for more than two decades due to the relevant authorities fault be re-invigorated by the planting of adequate mangrove trees with appropriate conducive landscape and generally clean up of the prevailing mess?

## 3. RECLAMATION

### 3.1 2.2.25 Reclamation of TAED

3.1.1 This is definitely a non starter as where in the world is there such a massive reclamation of 444 acres including substantial part of sea to the depth of 3 - 9 ? meters? The parameters of this operation such as soil availability from the sea nearby or land further afield can very much disturb the environment temporary or permanently. The SEIA has not sanctioned the Standard Operation Procedure for such massive reclamation operation to be adhere to and that the parties concerned would strictly comply with such specific stipulated SOP.

3.1.2 This SEIA has not considered the status of the coastline of the west coast of Sabah with the reclamation in the context of erosion given the water/current pressure has to be diverted to elsewhere except some have said that the current is not strong in the area. Who would now know how would the direction of current after China had a massive reclaimed area in the nearby Spratley islands zone?

#### 4. EROSION

##### 4.1. 3.1.3.1 Erosion

4.2 This item is done in great style by DHI as illustrated with data of SPY 1966 for the next 48 years and quote "threatened within 5-10 years unless remedial action is taken"

4.3 So DHI suggests the sole solution is a beach front or sea front with massive reclamation as earlier commented in 3.

4.4 How would the edition of SPY 1966 be reliable and comparable now in the context of scale, technology then and now, and why anyone was interested in the TAB in 1966?

4.4.1 Why now more attention is drawn to the less prominent and more remote area in the third beach?

4.4.2 Why not DHI secure the recent satellite images of Spot Asia for more appropriate comparison in 1987 and 2014 to give more assertive data?

4.4.3 TAEDSB CEO did not qualify in his statement of the specific areas with acute erosion hence misrepresentation.

4.4.4 Solving the erosion with massive reclamation is akin to curing "cancer" with "cancer", both remotely possible and costs - initial outlay and annual maintenance - prohibitive with uncertain results and bordering on an ecological bigger disaster in the making.

#### 5. AIRPORT

5.1 The Airport is such an important item in parallel to the TAB throughout the length and yet the SEIA Report only briefly mentioned it in some instances.

5.2 With the massive reclamation towards the sea at a higher level and the Kepayan hills at the other side of the airport, the airport can be a valley of sort and nobody knows how the water would flow and accumulated in an area especially a valley in scenario of flash floods coupled with high tide. Even KLIA2 was flooded at the apron and some part of the tarmac recently.

5.3 To end any dispute of that to happen or not, the choice is for the public to accept any argument and it is more appropriate that we give a value to the airport so that when it is destroyed by whatever reasons in whatever situations including disturbance to any plane in flight, the parties concerned would be held fully liable. TAEDSB is likely in a precarious position to take the full blame for the "demise" of the Airport or KKIA and KKIA2.

#### 6. TREES

6.1 What will happen to the existing valuable endemic trees or flora is anyone to imagine. For an ecological project like Tanjung Aru Eco Development, it is likely that most of the existing exotic old trees would perish especially with the

massive reclamation impacting the roots adversely in the present second and third beach.

6.2 To cut the argument short, we need to give each existing tree as marked a certain value and monthly audit be done once operation/development is started and the compensation be given to various assigned NGOs.

6.3 The trees are also resting/transit place for some priceless exotic birds without any value to be attached to that. TAEDSB would argue that any trees lost would be replaced and of course with the young also likely "alien" plants.

## 7. HABITAT

### 7.1 2.2.2.2 Public Park and Amenities

The inclusion of the many artificial facilities in this list is just an excuse to do what are not really needed even with TAED making it no longer an eco project but likely a semi-commercial undertaking and if all these facilities are utilised to the full the likely over-crowding in times to come would be counter productive for those who would be the residents in the area. Woes like parking, cleanliness, pollution and noise level would be prohibitive for the sustenance of the prevailing tranquility of the Tg Atu Beach now. We are not assured of the exact nature of such new amenities in the context of ecology.

The increased size of Prince Philip Park is irrelevant as it is not a proportionate increase of the overall area including an exclusive Golf Course.

All the lack of amenities under KKCH cannot be an excuse for the massive development of TAED. When KKCH failed, the State and Federal Governments had also failed. Don't use this stupid excuse to destroy Tg Aru Beach in 3 beaches beyond recognition. With TAED, a massive ecological disaster is just waiting to happen.

### 7.2 SOLE NATURAL SANDY BEACH IN THE CITY

It has been indisputable that TAB is Kota Kinabalu's sole comfort zone left for decades for leisure and sun set watching plus the birds' calling place. It would never be the same again with the proposed massive very costly physical and eco-adverse project. Many would miss it once it is gone especially with the recent awareness of the beach.

### 7.3 State Land to be maintained as socio-economic status.

7.3.1 The status of the state land including the foreshores, seashores, open sea area as reclaimed should be gazetted as stateland to prevent them falling into possession of others in any malfunctions of economic or commercial development. Sabah had lost too much state assets - land and otherwise including the sole Sabah bank. None of the land of TAED as a prime heritage site should be charged to any bank/finance agency to avoid the onerous situation should abandonment of the TAED occurs.

7.3.2 Although TAED is claimed to be owned and managed by the State, there is doubt and lack of transparency when the status of the Chief Executive Officer is in doubt. Not all the land in TAED had been purchased at genuine market value.

7.3.3 So whatever land of the State must be declared in a Gazette as State assets prior to the start of the project. Lets do an accounting accordingly. Otherwise it is a "private" project on largely public domain and implication of abuse of power and criminal breach of trust. The titles of the TAED land should be exhibited.

## 8. CONCLUSION - 8 BREATH points

8.1 It is very important that there is a mechanism of monitoring and accounting as once TAED is started, it is beyond control of the public as many items are unspecified in the revised SEIA.

8.2 Nothing is best or better as a natural sandy beach than anything else like the unreachable and untouchable Sun.

— 4 —

8.3 The reclamation process would present a period of uncertainty for our breath as pollution would be too abundant to be tolerated be it from the source of materials from the sea to the hills to be cut.

8.4 We have tolerated the minimum erosion from the waves for decades and the associated mess from our sewerage system as mismanaged for some years, and so far has anybody took a serious look using economical and natural mangrove swamp plus some bunding to recover our beach to reduce the battling of the waves and high tide? Mangrove trees would be the favoured ecological approach.

8.4 The airport is a crucial public asset to be maintained at all cost and who would guarantee that after TAED?

8.5 The valuable endemic trees and any such trees lost in the process of development should be compensated based on a pre-determined value.

8.6 Nothing is best except with the natural habitat of TAB largely untouched since time immemorial to be re-structured with such a so-called eco project when it is not so "eco" as it is in its so far disclosed purpose and intention.

8.7 Where would TAEDSB secure its fund of RM45m annually to manage and maintain TAB after TAED to avoid another massive "eyesore".

8.8 Why touch anything that has not been done before and don't try to do it better than God in His sole domain on Earth for our own BREATH comes from God WITHOUT a doubt.

**BREATH submission** by Joshua Y. C. Kong, P. O. Box 11923, 88821 Kota Kinabalu.  
Chartered Accountant, Author, Founder Member of Sabah Environmental Protection Association, Social/political activist,  
poet, servant of God, 22/12/2014 -



**KEMENTERIAN KERAJAAN TEMPATAN DAN PERUMAHAN  
(MINISTRY OF LOCAL GOVERNMENT AND HOUSING)**

Blok C, Tingkat 3 - 6, Wisma Tun Fuad Stephens,  
88999 Kota Kinabalu, Sabah  
Telefon : 088 - 256744 Faks : 088 - 234076 / 236177  
Laman web : www.sabah.gov.my/mlgh



Rujukan : KKT&P:100-44/2 JLD.12/(46)  
Tarikh : 18 Disember 2014



**Pengarah**

Jabatan Perlindungan Alam Sekitar  
Tingkat 1 - 3, Wisma Budaya  
Jalan Tunku Abdul Rahman  
Beg Berkunci 2078  
**88999 KOTA KINABALU**

**(U.P: Daisy Aloysius)**

Tuan/Puan,

**MEMOHON ULASAN BIDANG RUJUKAN (TOR) KHAS KAJIAN EIA BAGI PROJEK  
TG. ARU ECO DEVELOPMENT KOTA KINABALU**

Dengan segala hormatnya, surat tuan JPAS/PP/05/600-1/08/1/152(22)  
bertarikh 27 November 2014 berhubung perkara di atas adalah dirujuk.

2. Pada dasarnya Kementerian ini tidak ada halangan dengan projek  
tersebut dan menyokong penuh pelaksanaannya dengan kesan alam sekitar  
yang minima.

Sekian.

**\*BERKHIDMAT UNTUK NEGARA DENGAN BERSIH, CEKAP DAN AMANAH\*  
\*BERSAMA MEMBUDAYAKAN PERKHIDMATAN CEMERLANG\***

**( WONG FOO TIN )**  
b.p. Setiausaha Tetap

I

**"BERSAMA MEMBUDAYAKAN PERKHIDMATAN CEMERLANG"**

Rujukan :KKT&P:100-44/2 JLD.12/(46)  
Tarikh :18 Disember 2014

---

s.k. **Pengarah**  
Tg. Aru Eco Development Sdn Bhd  
H-0. 10, Lot 10, Block H, Metro Town  
Jalan Bubga Ulam Raja, Off Jalan Tuaran  
**88000 KOTA KINABALU**  
**(U.P: Encik Syed Faisal Syed Mohamad)**

**Pengarah Urusan**  
DHI Water & Environment (M) Sdn Bhd  
**88400 KOTA KINABALU**  
**(U.P: Puan Tania Golingi)**

WFT/sac



**Elin Empau**

---

**From:** "Environment Protection Department" <jpas@sabah.gov.my>  
**Date:** Tuesday, 30 December, 2014 8:09 AM  
**To:** <daisy.alloysius@sabah.gov.my>  
**Cc:** <elin.empau@sabah.gov.my>  
**Attach:** comments for taed (3).docx  
**Subject:** Fwd: Feedback on TAED Project

----- Original Message -----

**Subject:** Feedback on TAED Project  
**Date:** Mon, 29 Dec 2014 10:41:18 +0800  
**From:** chris leong <cmjleong7@gmail.com>  
**To:** <jpas@sabah.gov.my>, <savetanjungarubeach@gmail.com>

Dear Sir/Madam,

Attached herewith please find my comments on the TAED project.

Thank you.

Regards,  
Ms. CMJ Leon

In response to THE STAR ONLINE published on December 15, 2014, I am pleased to comment on the article "Feedback on Tanjung Aru Project sought". On the outset let it be known that I am not against the TAE development.

I am Ms. CMJ Leon a resident of Waikiki Condominium HC 1201 and I have attended the Tg. Aru Development Forum- Q & A session organised by the Tanjung Aru Action Group 2.0 on 8th November 2014.

My comments are as follows:-

Item	Comment	Source	Our Comments
1	Master Plan Development & Approvals		<p>The Public has seen advertised in the DE 16/9/13 of a Proposed Master Plan of the development.</p> <p>We have now learnt that the original Master Plan has been revised.</p> <p>The general Public needs to be consulted on the Master Plan and upon it being accepted we can comment on the studies by DHI.</p>
2	DHI Report 62800657-2-RPT-01-ADD-01.pdf		<p>It is very clear that DHI is only capable of making reports based on the TOR given to them.</p> <p>Comments and concerns addressed to DHI based on the Master Plan issues are beyond their scope of work.</p> <p>There does not seem to be a proper leader/spokesman on behalf of the Proponents who can address issues outside the TOR meaning the Master Plan itself. The Proponent must represent himself clearly so that the Public can take their concerns directly to be clarified by him.</p> <p>After 2 years of frustration by the Public, there is still no proper representation by the Proponent.</p>
3	Meeting held at Tg. Aru with the TAED		<p>A meeting was held on 8<sup>th</sup> November 2014 at the Sri Tanjung Seafood restaurant in Tanjung Aru organised by the Tanjung Aru Action Group 2.0. The spokesman a Mr. Lionel Lau who is from an appointed Peninsula based public relations company could not address many of the questions posed by the Public based on the Master Plan (how it came about, its approvals, reclamation costs, maintenance costs, pollution etc. etc.). The meeting was therefore not entirely fruitful as</p>

		<p>there were many "unanswered" questions. I suppose you can refer to the minutes of the meeting by Tanjung Aru Action Group 2.0. The minutes were not circulated to the attendees. To "push" unanswered questions aside is probably not in the best interest of the Public. We urge that in all sincerity on the part of TAED to conduct a series of similar meetings so that answers may be given to the Public in a well organised manner.</p> <p>Furthermore, representatives from the various Government Agencies (7-8 were mentioned in the report) were not present at the meeting and almost "every query" by the Public was not convincingly answered by the spokesman.</p> <p>We request that the relevant Representatives from the Government Agencies attending these future meetings are senior enough to make decisions and are capable to answer the Public queries.</p>
--	--	---

4	Aloft Service Apartments IN FRONT of Waikiki Condominium	<p>In the Original Proposed Development plan published in the DE 16/9/13, the Aloft Service Apartments were located adjacent to Waikiki Condominium.</p> <p>The revised current Master Plan showed that the Aloft Service Apartments being relocated to sit right smack in front of the Waikiki Condominium.</p> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Why does the Proponent want to relocate the Aloft Service Apartment IN FRONT of Waikiki Condo?</li> <li>2. The land use where Sugar Bun and the Food Market is presently designated as Public Recreation Reserve. Why alter the zoning to house "medium/high" rise buildings at this area?</li> <li>3. TAE development is 700+ acres, is there no other place to locate the Aloft Service Apartments?</li> <li>4. Why not locate it to the area designated in the proposed development plan dated 16/9/13?</li> <li>5. The Waikiki Condo residents currently enjoy the view of the beach, Aru trees and beautiful sunsets on a daily basis .... By citing the Aloft Service Apartments IN FRONT of the Waikiki Condo, the residents will be rewarded with the "back view" of Aloft Service Apartments. I bet that the commissioned project architects BENOY can certainly do better than that!!!</li> <li>6. There are 234 units in Waikiki condominium. Was there any attempt by the Proponent or DHI to conduct a survey on whether the proposal to cite Aloft Service Apartments IN FRONT of Waikiki Condo is ACCEPTABLE to the residents?</li> </ol>
---	--	---

Please forward your replies via email.

Thank You.

Yours Sincerely,  
Ms. CMJ Leon



**JABATAN PERLINDUNGAN ALAM SEKITAR**  
(ENVIRONMENT PROTECTION DEPARTMENT)

Tingkat 1 - 3, Wisma Budaya  
Jalan Tunku Abdul Rahman  
Beg Berkunci 2078  
88999 Kota Kinabalu, Sabah, Malaysia  
No. Tel. : 088-251290/251291/267572/268572  
No. Faks : 088-238120/238390 E-mel : [jpas@sabah.gov.my](mailto:jpas@sabah.gov.my)  
<http://www.sabah.gov.my/jpas>  
(Sila catatkan Rujukan fail Jabatan ini apabila menjawab)



**RUJUKAN : JPAS/PP/05/600-1/08/1/152 KLT.2(38)**  
**TARIKH : 20 Januari 2015**

Pengarah Urusan  
DHI Water & Environment (M) Sdn Bhd  
11th Floor, Wisma Perindustrian  
Jalan Istiadat, Likas  
**88400 KOTA KINABALU**



**Faks: 088-260 781**

Tuan,

**SPECIAL TERM OF REFERENCE FOR "TANJUNG ARU ECO DEVELOPMENT KOTA KINABALU"**

– *Revised Special TOR*

Saya adalah diarah merujuk perkara di atas.

2. Bersama ini dikemukakan salinan surat ulasan dari **Waikiki Management Corporation** (sign by Datuk Yap Pak Leong – President) yang diterima oleh jabatan pada 19 Januari 2015. Sila kemukakan maklumbalas / ulasan bersama-sama dengan semua surat komen / ulasan terdahulu yang telah dikemukakan kepada pihak tuan melalui surat jabatan ini rujukan JPAS/PP/05/600-1/08/1/152 KLT.2(37) bertarikh 19 Januari 2015.

Sekian, terima kasih.

**"BERKHIDMAT UNTUK NEGARA DENGAN BERSIH, CEKAP DAN AMANAH"**  
**"DO MORE, DO IT BETTER"**

Saya yang menurut perintah,

  
(ELIN EMPAU)  
b.p. Pengarah

s.k.

Pengarah Urusan  
Tg. Aru Eco Development Sdn Bhd  
H-0-10, Lot 10, Block H, Metro Town  
Jalan Bunga Ulam Raja, Off Jalan Tuaran  
**88000 KOTA KINABALU**

DHI (Malaysia)			
Incoming / Outgoing			
Date: 21 JAN 2015			
File no: master/62800657-2			
	Copy		Cir.
	Act	Info	Seen
TAS		✓	
WHL		✓	
MMM		✓	

**Faks: 088-434 773**

ELE/e/e...

# WAIKIKI MANAGEMENT CORPORATION

Ground Floor, Hawaii Court, Waikiki Condominiums,  
Jalan Aru, Tanjung Aru, 88100 Kota Kinabalu, Sabah  
Tel: 088-316680 Fax: 088-317680

Environmental Protection Department  
Tingkat 1-3, Wisma Budaya  
Jalan Tunku Abdul Rahman  
Kota Kinabalu, Sabah

Dear Sir/Madam,

## PETITION APPEAL FOR THE PROPOSED ALOFT SERVICE APARTMENTS NOT TO BE SITED IN FRONT OF THE WAIKIKI CONDOMINIUM

1. The original proposed development plan published in the Daily Express dated 16 September 2013 showed the ALOFT SERVICE APARTMENTS is located adjacent and across the road from the Waikiki Condominium as shown in Fig 1 below. Furthermore, the space in front of the Waikiki Condominium (where Sugar Bun and the Market Stalls currently sit) is for a Park and Car Park facilities.

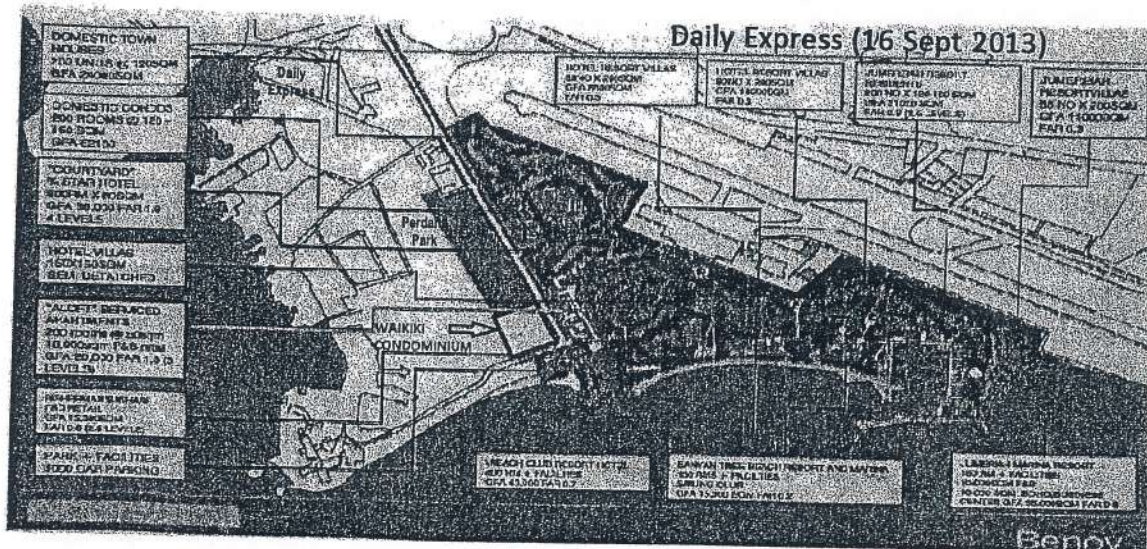


Figure 1 – Proposed Development Plan dated 16-9-13

2. The original proposed development plan published in the Daily Express dated 16 September 2013 has been altered and the Proponent has shown in the latest development plans that the ALOFT SERVICE APARTMENTS is located IN FRONT of the Waikiki Condominium (where Sugar Bun and the Market Stalls currently sit).

<b>ACKNOWLEDGED RECEIPT</b>
SIGNATURE _____
NAME _____
DATE _____

PERLINDUNGAN ALYAK SENI  
DITERIMA  
19 JAN 2015  
NEGERI

3. Comments/Questions to the Proponent from Waikiki Condominium Management Committee:
- a. Why does the Proponent NOT adhere to the Proposed Development Plan of 16/9/2013 and maintain the location of the ALOFT SERVICE APARTMENTS as per Figure 1? After all, it was the Proponent's own proposed development plan.
  - b. The land use designated by the Government for the area where Sugar Bun and the Market Stalls sit is for Public Recreation Reserve. Why alter the zoning from a Public Recreation Reserve to Medium/High density?
  - c. Proponent has claimed that the TAED development is a 700+ acre development. Is there NO appropriate space (in the 700+ acre) to locate the ALOFT SERVICE APARTMENT other than IN FRONT of the Waikiki Condominium?
  - d. Was there a Social Impact Study conducted by the Proponent or his consultant on siting the ALOFT SERVICE APARTMENTS IN FRONT of Waikiki Condominium?
  - e. Were the Owners/Residents of Waikiki Condominium consulted regarding the location of the ALOFT SERVICE APARTMENTS IN FRONT of them? If the survey was carried out, who carried out this survey? What were the results of the survey? May we ask the survey to be made public (at least) to the Waikiki Owners/Residents?
  - f. The Waikiki Condominium Owners/Residents have enjoyed beach views, Aru trees, sea breeze, beautiful sunset views on a daily basis. By the Proponent's proposal of siting ALOFT SERVICE APARTMENTS IN FRONT of Waikiki Condominium don't you think that you have "taken away" RATHER than "give back" to the Owners/Residents all that they enjoy now?
  - g. By adhering to site the ALOFT SERVICE APARTMENTS IN FRONT of the Waikiki Condominium, you would agree that you are rewarding the Owners/Residents with the "BACK VIEW" of the ALOFT SERVICE APARTMENTS?
4. We pose these questions/comments to you in response to your request for the Public to provide "feedback" regarding the TAED development.
5. Many other issues were brought up by the public and have raised issues on reclamation, cost, change in-landscape, public amenities-etc. etc. The questions raised are relevant and it is the onus of the Proponent to address and provide answers to them. As these issues have been raised previously, Waikiki Management Committee shall not repeat these here.

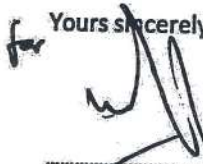
6. We wish to bring the Waikiki Condominium Issue as this has not been raised by anyone previously.

7. We have conducted a signature drive from Owners/Residents opposing the Proponent's siting of the ALOFT SERVICE APARTMENTS IN FRONT of Waikiki Condominium. These are attached herewith.

We request and appeal for the Proponent NOT to site the ALOFT SERVICE APARTMENTS IN FRONT of Waikiki Condominium.

Thank You.

Yours sincerely,



**WAIKIKI MANAGEMENT CORPORATION**  
**CERTIFICATE ESTABLISHMENT NO.0059**  
**TANJUNG ARU KOTA KINABALU**

.....  
**Datuk Yap Pak Leong**  
**President**

**Waikiki Management Corporation**



WE THE UNDERSIGNED, OWNERS/RESIDENTS OF WAIKIKI CONDOMINIUM SUPPORT THE PETITION CONDUCTED BY WAIKIKI CONDOMINIUM MANAGEMENT COMMITTEE TO APPEAL FOR THE PROPOSED ALOFT SERVICE APARTMENTS NOT TO BE SITED IN FRONT OF THE WAIKIKI CONDOMINIUM.

No.	Name	Unit No.	Telephone Contact	Signature
1.	Dottie Yap Pale Leung	H 606	019 880 8809	
2.	-do-	H 417	-do-	
3.	-do-	H 418	-do-	
4.	LEE WAH BAN	HC 213	016-5852145	
5.	LEE NYUK SIN	H C 217	016-844 1068	
6.	WONG CHIEW LEE	HC 808	016 8177611	
7.	Christabel Mary Jean Lee	Hc 1201	02-9855887	
8.	STEVEN SEOW	M-805, M-1009	016-8393893	
9.	LEE CHIN SENG	HC 218	016-5867284	
10.	GOTT VUL TSTEIN	M 413	013 8843883	
11.	JERON - PAUL PROEDIAN	HC 312	088-233314	
		MC 10, MC 206		
12.	BRIAN CLAYTON	H 304	014-6566243	
13.	CARLA MODUGNO	HC 313	01114186061	
14.	PETER LOONG	Hc 818	-	
15.	MAOH AI HILUM	M 301	-	
16.	SHIGEKI KATAOKA	MC 312	013 444 018	
17.	kwong Hui Ming	mc606 mc808	013 887 8880	
18.	Tan Soon Liang	M 205	088-238868	
19.	Betinda Hui Shuk Wen	M 207	088-212778	
20.	RICO KARA	M 204		
21.	Allon Davidass	H 301	016-7947665	
22.	Tony Colla	H 306	012 8259072	
23.	Masaru Kaneko	H 309	080 230 439	
24.	JOSE SAO GARCIA	H 310	0146488965	
25.	TONY GRIFFITHS	HC 317	019 850 8224	
26.	Rozeline Maginobol	MC 606	012-833 5669	
27.	CAROL TEH	M 201	012-8155295	
28.	Liew Yun Ching	H 201	016-5845122	
29.	William Chung	H 201	016-845-3208	
30.	Jenny Chung	H	016-880-5400	
31.	Zulkurnain Muzil	H 206	619-2335122	
32.	Tom & Judi Pulmen	H 208	0146588023	
33.	CHIA BAK	H 211	016-225 5316	
34.	TEOH PHAIK SWAN	H 212	016 8260183	
35.	John + Noel GORTON	HC 405	01114355699	
36.	TAN KING LEON	M 1006	016-831 1101	
37.	CHAN YUE LENG	HC 215	012-3340788	
38.	EDWARD SIA HOCK NUNG	HC 1001	013-8888838	
39.	AGNES LOW WAH SAN	Hc 213	016-8358109	
40.	WONG Swee Eng	MC 303	012-8036611	
41.	-Dr. Ung-	MC 401	019-5801481	





**JABATAN LAUT MALAYSIA**  
Ibu Pejabat Laut Wilayah Sabah  
No. 2, Kompleks Jabatan Laut Sabah  
Jalan Sepanggar Teluk Salut  
88450 KOTA KINABALU  
SABAH



Tel. : 088-401111  
Faksimile : 088-401180/184

Rujukan Tuan : JPAS/PP/05/600-1/08/1/152(22)  
Rujukan Kami : JLS/PB/600/2/10(Jld.2)( )  
Tarikh : 30 Disember 2014

Pengarah  
Jabatan Perlindungan Alam Sekitar  
Tingkat 1-3, Wisma Budaya,  
Jalan Tunku Abdul Rahman,  
Beg Berkunci 2078,  
88999 KOTA KINABALU

No.Tel : 088-251290/251291  
No.Faks : 088-238120/238390

Tuan,

**MEMOHON ULASAN BIDANG RUJUKAN (TOR) KHAS KAJIAN EIA BAGI PROJEK "TG. ARU ECO DEVELOPMENT, KOTA KINABALU, SABAH."**

Dengan segala hormatnya adalah saya diarah merujuk kepada perkara tersebut diatas.

2. Dimaklumkan kepada pihak tuan bahawa jabatan ini telah membuat semakan kepada salinan laporan *Special Environment Impact Assessment for the "Tg. Aru Eco Development, Kota Kinabalu, Sabah"*. Bagi memastikan keselamatan pelayaran bot – bot dan kapal – kapal yang melalui kawasan tersebut pada peringkat pembangunan dan semasa resort beroperasi sepenuhnya perkara – perkara tersebut perlu diambil perhatian dan dipatuhi oleh pemaju :

- 2.1 Kepatuhan kepada Notis Perkapalan Malaysia No. 5 tahun 2014 ([www.marine.gov.my](http://www.marine.gov.my)). Pemaju hendaklah membuat surat permohonan rasmi kepada Pengarah Laut Wilayah Sabah untuk kelulusan mengenai aktiviti di laut yang akan diadakan dan mengisi borang Lampiran 1 JLM/BKI/MAKLUM/491B(1)v1.1 yang boleh didapati di Pejabat Jabatan Laut Malaysia yang terdekat dengan lokasi aktiviti.
- 2.2 4.3.3.1 *Navigation - Kajian Marine Traffic Assessment* (skop kajian bagi tempoh 5 tahun sebelumnya) hendaklah diadakan dan laporan kajian tersebut perlu dihantar ke jabatan ini bagi kelulusan seterusnya.
- 2.3 Koordinat laluan yang akan digunakan hendaklah disenaraikan dan diplotkan diatas peta laut MAL bagi memudahkan penentuan samaada laluan tersebut terletak dalam laluan perkapalan utama atau berada berdekatan dengan kawasan bahaya. Maklumat lanjut peta dan kelulusan laluan hendaklah dirujuk ke jabatan ini selanjutnya.

DHI (Malaysia)			
Incoming / Outgoing			
Date: 19 JAN 2015			
File no: <i>Ma ster / 62800657-2</i>			
	Copy		Cir.
	Act	Info	Seen
TAG		✓	
WLL		✓	

"Ke Arah Negara Kelautan Elektronik"  
"Towards e-Maritime Nation"



Cert No KLR 0403591 P1

- 2.4 Dibawah *Merchant Shipping Ordinance 1960 Part VIII Chapter 36* Sebarang penemuan bangkai kapal atau sebarang struktur di laut di dalam kawasan projek semasa projek dijalankan hendaklah dimaklumkan kepada Pengarah Laut Malaysia Wilayah Sabah sebagai *The Receiver of Wreck*. Kegagalan untuk melaporkan perkara tersebut tanpa sebab yang munasabah boleh dikenakan denda.
- 2.5 Kesemua bot dan kapal yang terlibat dengan projek tersebut adalah tertakluk dengan bayaran *Buoy and Light Dues* pada kadar RM 1.15 per Net Registered Tonnages seperti yang termaktub dibawah *Merchant Shipping Ordinance 1960*. Bayaran perlu dijelaskan di Pejabat Laut Cawangan Kota Kinabalu, Sabah. Kebenaran berlayar hanya akan diberikan setelah *Port Clearance* dibawah *Merchant Shipping Ordinance 1960 Chapter 58* dikeluarkan.
- 2.6 Sebelum projek dijalankan kesemua bot dan kapal yang terlibat hendaklah melalui pemeriksaan bagi memastikan kepatuhan keselamatan layak layar yang dijalankan oleh pegawai pemeriksa dari jabatan ini iaitu *Port State Control* (bagi kapal bendera asing) atau *Flag State Control* (bagi kapal Malaysia).
- 2.7 Kawasan projek di laut perlu ditandakan seperti yang termaktub dibawah *Merchant Shipping Ordinance 1960 Part VIII Section 243 & 246 Remarking of Temporary Buoy / Beacon*. Spesifikasi boya / bikon penanda tersebut hendaklah dirujuk ke jabatan ini bagi tujuan kelulusan.
- 2.8 Maklumat lengkap kapal yang terlibat, koordinat kerja dalam *Latitude* dan *Longitude*, aktiviti yang akan dilaksanakan, laluan dan tempoh siap kerja hendaklah dimaklumkan ke jabatan ini bagi tujuan pengeluaran *Notis Kepada Pelayar* sekurang – kurang 14 hari sebelum kerja bermula.
- 2.9 Sebarang kemalangan di laut semasa projek dijalankan hendaklah dilaporkan ke jabatan ini serta merta bagi tujuan siasatan. Kegagalan melaporkan sebarang kemalangan yang berlaku adalah merupakan kesalahan dibawah perundangan *Merchant Shipping Ordinance 1960*.
- 2.10 Jabatan akan menetapkan keperluan lain dari semasa kesemasa berdasarkan kepada aktiviti yang melibatkan keselamatan pelayaran dan perkara – perkara yang berkaitan.
- 2.11 Tertakluk kepada kelulusan agensi / jabatan kerajaan yang lain.

"Ke Arah Negara Kelautan Elektronik"  
"Towards e-Maritime Nation"



Cert. No. KLR 0403591 F1

Rujukan Tuan : JPAS/PP/05/600-1/08/1/152(22)

Rujukan Kami : JLS/PB/600/2/10(Jld.2)( )

Tarikh : 30 Disember 2014

Sekian dan terima kasih

**"BERKHIDMAT UNTUK NEGARA"**

Saya yang menurut perintah,



**(AZLINA BT JOHAR)**

Bahagian Hal Ehwal Pelaut & Pelabuhan

b.p Pengarah Laut

Jabatan Laut Malaysia Wilayah Sabah

---

"Ke Arah Negara Kelautan Elel  
"Towards e-Maritime Natio



Cert No : KLR 0403591 F1

**Elin Empau**

**From:** "Environment Protection Department" <jpas@sabah.gov.my>  
**Date:** Tuesday, 30 December, 2014 8:10 AM  
**To:** <daisy.aloysius@sabah.gov.my>  
**Cc:** <elin.empau@sabah.gov.my>  
**Subject:** Fwd: Comments on Tanjung Aru SEIA TOR

29

----- Original Message -----

**Subject:** Comments on Tanjung Aru SEIA TOR  
**Date:** Mon, 29 Dec 2014 17:15:27 +0800  
**From:** Bee Hong Yeo <y.beehong@gmail.com>  
**To:** <jpas@sabah.gov.my>

Dear Sir,

I am pleased to provide my contribution and comments to the SEIA TOR based on the Star report dated 15 December 2014.

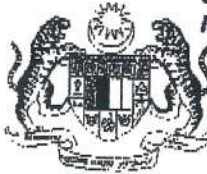
<http://www.thestar.com.my/News/Nation/2014/12/15/Feedback-on-Tanjung-Aru-project-sought-Read-revised-TOR-and-highlight-any-concerns-says-group-chairm/>

- 1) It is not clear from the TOR that an assessment will be made on how the marine ecosystem will cope with the future sewage load from the new resorts and residential areas in Tg Aru once the project is completed. This is due to the underlying reason that the existing sewage infrastructure system in Sabah is still basic and urgently needs to be upgraded to be able to cope with increased population growth especially in Kota Kinabalu to ensure proper treatment.
- 2) It is not clear from the TOR that the choice of tourism concept chosen for this project will be assessed. The number of resorts proposed indicate the transformation of a pristine beach to that towards mass tourism. While the intention may be to draw more visitors, but the environmental impacts would result in greater costs to treat pollution and lead to decreased appreciation by visitors. Lessons have been learned in mass tourist areas such as Phuket.
- 3) Due to the iconic heritage and economic value of Tg Aru to the residents of Sabah and Malaysia, being one of the very few pristine beaches in the city, it is suggested that the socioeconomic assessment sampling to be broadened to consider the residents of Kota Kinabalu and also Malaysia. In addition tourists that visit Tg. Aru should also be considered as a stakeholder.
- 4) A cost benefit assessment that includes environmental values would be beneficial for the project to advice the State Government. Efforts to quantify the loss of the ecosystem and cultural values would provide an informed perspective to decision makers and propose the best way forward. With regards to this, the Guidelines on Economic Valuation of Environmental Impacts for EIA projects by DOE Malaysia 2010 could be a reference point.

Thank you for your attention and consideration.

Regards,  
 Yeo Bee Hong  
 Resident of Kota Kinabalu, Sabah

30/12/2014




**JABATAN MINERAL DAN GEOSAINS MALAYSIA, SABAH**  
**MINERALS AND GEOSCIENCE DEPARTMENT MALAYSIA, SABAH**

JALAN PENAMPANG  
BEG BERKUNCI 2042  
88999 KOTA KINABALU, SABAH  
MALAYSIA

Tel: 6088-260311  
Faks (Fax): 6088-240150  
Laman Web (Web): www.jmg.gov.my  
E-mel (E-mail): jmgspb@jmg.gov.my



Ruj. Tuan: JPAS/PP/05/600-1/08/1/152(22)  
Ruj.Karni:JMG.SBH(GS)100/25/Jld.18 (67)  
Tarikh: 16hb Disember 2014

Pengarah,  
  
Jabatan Perlindungan Alam Sekitar,  
Tingkat 1 - 3, Wisma Budaya,  
Jalan Tunku Abdul Rahman,  
Beg Berkunci 2078,  
88999 Kota Kinabalu.  
(u.p.: Puan Daisy Aloysius)

Tuan,

**ULASAN BIDANG RUJUKAN (TOR) KHAS KAJIAN EIA BAGI PROJEK "TG. ARU ECO DEVELOPMENT, KOTA KINABALU".**

**PEMAJU: PERKASA REALTY SDN BHD**

Saya dengan hormatnya diarah untuk merujuk kepada surat tuan (Ruj.: JPAS/PP/05/600-1/08/1/152(22)) bertarikh 27 November 2014 mengenai dengan perkara tersebut di atas.

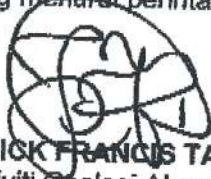
2. Ulasan daripada jabatan ini adalah seperti dalam Appendix B (Technical Panel Review Comments) item 2.6 berkaitan dengan kesan pengorekan (excavation) terhadap lapangan terbang dan tindakan yang akan diambil pihak pemaaju adalah seperti dalam Seksyen 2.3 Baseline Environment Item No. 3 dan Seksyen 2.4 Impact Assessment Issues and Methodology/Impact to hydrology and Drainage Item No. 1.
3. Beberapa maklumat tambahan diperlukan untuk menilai kesan/kekangan geologi terhadap cadangan pembangunan (struktur bangunan) di kawasan tersebut yang harus dimasukkan didalam laporan EIA adalah seperti:
  - a. Pelan geologi tapak yang ditindan (overlay) dengan pelan susunatur bangunan.
  - b. Pelan keratan rentas geologi tapak yang ditindan (overlay) dengan pelan susunatur bangunan.
4. Pada dasarnya, jabatan ini tiada halangan terhadap bidang rujukan (TOR) khas tersebut dan berharap ianya akan dilaksanakan berdasarkan kepada maklumbalas pihak perunding.

Sekian, terimakasih.

**"BERKHIDMAT UNTUK NEGARA"**

*Organisasi beriktiraf MS ISO 9002  
Makmal berakreditasi SAMM ISO/IEC 17025*

Saya yang menurut perintah,



**(FREDERICK FRANCIS TATING)**

Ketua Aktiviti Geologi Alam Sekitar

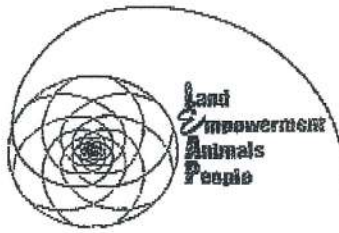
b.p. Pengarah Mineral dan Geosains Sabah,  
Jabatan Mineral dan Geosains Malaysia, Sabah.

s.k. 1. Fail 2. Fail Geologi Kejuruteraan 3. Fail Timbul

JABATAN PER
Tanah Diterima
Pengarah
T. Pengarah
KPP (P)
KPP (O)
PPK
Pentadbiran
Kewangan
Catatan :

Organisasi beriktiraf MS ISO 9002  
Makmal berakreditasi SAMM ISO/IEC 17025





**LEAP** – Facilitating projects, partnerships & exchanges that provoke sustainable ecological co-existence

TO:  
 DIRECTOR  
 ENVIRONMENTAL PROTECTION DEPARTMENT  
 3<sup>rd</sup> FLOOR, WISMA BUDAYA  
 JLN TUNKU ABDUL RAHMAN  
 88999 KOTA KINABALU

12 January 2015

Dear Sir,

DAFTAR PERLINDUNGAN ALAM LINGKAR	
Tanjung Aru	
3 JAN 2015	
Pengarah	Untuk Makluman
1 Pengarah	Untuk Perhatian
KPP (P)	Untuk tindakan
KPP (L)	Saja bincang
PPK	Untuk Makluman
Pentadbiran	
Kewangan	
Ca'	

**COMMENTS ON THE REVISED TERMS OF REFERENCE (TOR)**  
**& DOCUMENTATION OF COMMENTS**  
**FOR THE SPECIAL ENVIRONMENTAL IMPACT ASSESSMENT (SEIA) FOR**  
**TANJUNG ARU ECO DEVELOPMENT, KOTA KINABALU, SABAH**

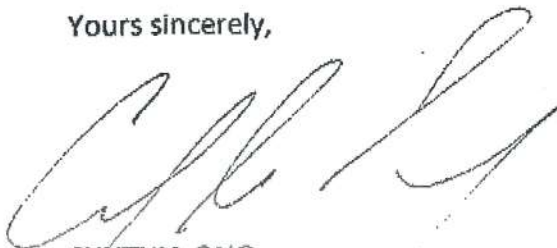
Please find attached our detailed comments on the above.

Having gone through the documents thoroughly we maintain our **strong objection to the proposed reclamation and dredging for the project.**

We also feel the project process still **lacks transparency and public participation**, as well as confusing and sometimes conflicting information being given to the public.

We re-iterate that we seek the opportunity to explore ways and solutions to create an improved Prince Philip Park, public infrastructure, beach and water quality which are truly 'eco' and for the people.

Yours sincerely,



CYNTHIA ONG  
 CEO, LEAP

LEAP SPIRAL – 877479-K

Address: HG01B Ground Floor, Hawaii Court, Waikiki Condominium, 88100 Tanjung Aru, Kota Kinabalu, Sabah  
 Tel/Fax: 088-270705 website: [www.leap.org.my](http://www.leap.org.my)

**COMMENTS ON THE REVISED TERMS OF REFERENCE (TOR) &  
DOCUMENTATION OF COMMENTS**  
**FOR**  
**THE SPECIAL ENVIRONMENTAL IMPACT ASSESSMENT (SEIA) FOR  
TANJUNG. ARU ECO DEVELOPMENT, KOTA KINABALU, SABAH**

**By LEAP SPIRAL, KOTA KINABALU, SABAH**  
**12 January 2015**

**General Comments**

*Several significant points and relevant details were found in the Documentation of Comments document but not in the Revised TOR and it cannot be assumed that all have had access to the information contained in the former.*

*In addition, conflicting information which does not tally with the Revised TOR has been given to the public. During a public forum held on 8 November 2014 TAED representative Mr Lionel Lau was asked if the school SK Tanjung Aru in the project area would be affected by the project and he replied that he believed there were plans to buy the land and move the school. Yet the school is still shown on the Conceptual Layout Plan Fig. 2.2 of the Revised TOR. Additionally, in a Daily Express article on 10 November 2014 entitled 'Tanjung Aru Gateway to roll out TAED', newly appointed Project Director Peter Adam is quoted as saying that the same part of the project area will be planned with a hospital facility, however there is no sign of a hospital in the Conceptual Layout Plan. Why is the public being given this conflicting information? How many more changes will there be in the masterplan?*

*A 'future phase of the masterplan' is also mentioned in the Documentation of Comments, page 43. What does this mean?*

*Revelations in the Documentation of Comments, page 29, state that a traffic survey was carried out 1.5 years ago, and not even over a weekend, and implies that data is being used that is not comprehensive and current.*

*Likewise have social surveys already been started or carried out, before the TOR has been finalised? It is believed the survey is being or will be done, by undergraduate UMS students. Is this correct?*

*Finally, the assessment in the Documentation of Comments 2.1.1 which states "HALF the public respondents objected to the project..." is very misleading; when reading the comments, it is clear that ALL respondents have strong objections to the project and/or deep concerns and/or want the project to be moved elsewhere. It is hoped that results from further social surveys are not mis-evaluated in this way.*

## 1. SCOPE OF TOR/SEIA/MASTERPLAN

- **Revised TOR 2.1** "It must be noted that the hydraulic study and detailed design works may result in some changes to the **Project footprint** along the **seaward perimeter**, in order to optimize the layout". What does this mean? How can the SEIA assess the project footprint when the hydraulic study and detailed design works may change the seaward perimeter after the SEIA is done?
- **Fig. 2.4** quotes the source as '**Benoy Masterplan Final Report January 2014**', yet, for example, the **Documentation of Comments page 53** quotes the '**final Masterplan dated July 2014**'. There is also a **May 2014 Masterplan (Documentation of Comments page 3 Appendix B)**. Which is the correct and final version of the plan? Has it changed again? See also **page 12 of the Documentation of Comments** "TAED made the decision to delay publicizing the Masterplan until a more firm plan was in place". Page 13 states "The SEIA study will be based on the final masterplan". This is confusing and not acceptable.

## 2. LAND STATUS

- The SEIA must also contain clear information about the **DBKK zoning**, including the controversial Hotel and Resorts zoning proposed in the latest draft of the KK City Plan, to which many objections have been raised. Is the plan not still at a draft/public hearing stage?
- **Fig. 2.22** How can the **public foreshore be zoned as Hotel and Resorts**? The proposed golf course is not even shown on this map.
- **Fig. 2.3** shows the **private residence next to First Beach** as inside the project area. This is wrong.
- **Table 3.1** shows **Private Residence** as "within project site to 50m". Is this correct?
- What is the draft **Tanjung Aru Local Plan (see Documentation of Comments A 12)** and how does this affect the proposed development?

## 3. TIME FRAME

- **Table 2.5** should include expected timeframe for each component. This is of great concern to stakeholders. It is noted that these estimated timeframes seem unrealistically short, so a worst and best case scenario would be more fair to stakeholders.
- **Tables 2.3 and 2.5** do not include the construction of the proposed **golf course**.

## 4. ACCESS

- The issue still exists that there is **no adequate alternative location** for people to use during construction. The stretch between the Yacht Club and STAR is much smaller and has extremely limited parking. Access to STAR and private houses would be compromised by people parking along the narrow road and causing traffic jams. This small beach area cannot be considered a reasonable or fair alternative for the public for the duration of 1.5 years. **4.1.2.3** states this will be scoped in the SEIA but scoping

doesn't mean the alternative is suitable. Will the project proponent admit that there is no suitable alternative?

- **Figure 2.2** Where exactly is the **public access to the beach and Prince Philip Park**? How many access points will there be? It appears that there is only one extremely small bridge across from the so-called Fisherman's Wharf, or the public must follow the road past Terminal 2 through the new housing area and across the proposed channel? This is still an issue. Fig.2.2 still shows only one very small bridge.
- Will there be a **draw bridge** over the channel near Fisherman's Wharf? How will boats get out of the channel? This will affect public access to the park and beach.
- Where is the **car park for the public**? A large car parking area is needed yet it is not clear where this is. The Documentation of Comments A 13 states this will be in Fisherman's Wharf. Yet this is still not shown on Fig. 2.2 in the Revised TOR. How can a car park there be big enough to accommodate the hundreds of cars that currently use the beach especially at weekends? What more with the boutique hotel, apartment with restaurants, shops etc here as stated in Table 2.3. Will it be a multistory car park in this already congested area?
- Will the **car park be free** for beach goers who presently do not have to pay when they park at 2<sup>nd</sup> or 3<sup>rd</sup> beach?
- **Documentation of Comments A9** states "Currently there is little public access or amenity value of the area in the hinterland.." but looking at Fig.2.2 of the Revised TOR, the vast majority of the 'hinterland' is taken up by apartments, townhouses, villas, resorts and a MICE hotel, so increased benefit to the public will be minimal.
- What is the **access to the channel for the public**? Fig. 2.2 appears to show most of the channel frontage is private residences, with only a small part accessible at Fisherman's Wharf and the Marina, so the **public benefits from the channel** need to be assessed.
- **How does the public get to the Marina**? If it is only by road, is there a public car park? Again the benefit to the public for this needs to be assessed.

## 5. PRINCE PHILIP PARK (PPP)

- A large chunk of PPP will be lost completely to create the channel/canal near Fisherman's Wharf. As one of Kota Kinabalu's key historical sites this is not acceptable.
- Virtually the whole **cultural and heritage value** of the rest of this site will be lost or degraded and many of its original historical features will be obliterated. Much of the remaining part will be covered in a layer of soil to increase its height. Even the **trees that have been marked to be saved will not be able to survive having their roots smothered in soil** and will die. These facts should be made clearly known to the public in the public consultation.
- **2.2.2.2** The present PPP area may be 14.5 acres but what about the **traffic games area**? This is a popular public area too yet has not been taken into account in terms of loss of public area.
- **Table 5.1 PPP** - should add **loss/destruction of historical features** when the channel is constructed and earth is dumped on the area to raise the level.
- The **level of ground** in PPP will be raised between 0.3 -0.7m (Documentation of Comments 2.2), and in A 10 it states the 'level of existing ground will be raised between

0.3 -2.3m', with the main beach frontage raised 1.3m. The SEIA must clearly show exactly where these different levels are.

## 6. RECLAMATION

- We maintain our stance that reclamation on this scale is potentially **highly damaging and controversial**, especially in such close proximity to Tunku Abdul Rahman Park (TARP). Massive reclamation such as this, next to a **marine park** should not be allowed.
- **Fig. 2.11** Why does this show orange colour '**Marine sourced reclamation**' for an area over the current First Beach restaurants etc which is already land? And also on top of the private residence next to First Beach which is not in the project area? And right up to the edge of the access road to STAR and other houses?
- **2.2.2.5** states "The only area that will not be protected by an **exposed rock revetment** will be the amenity beach....". Does this mean that the proposed rock bund around the perimeter of the reclamation apart from the amenity beach will stick up above water level and be visible?
- **2.4.2** states "**rock armour protection** will be installed on the outer edge of the perimeter bunds after completion of the reclamation". This seems to contradict the last paragraph of 2.2.2.5 which states "The perimeter of the reclamation will be protected principally with rock that will form a bund prior to filling with sand behind it".
- **Table 5.1**-The SEIA should also look at the **effects on the shoreline from existing First Beach to STAR and on STAR itself**. This should be added to Table 5.1 Zone of Potential Impact.
- **3.1.3.2** Statements justifying the need for reclamation based on sand quality are dubious. Beaches at Nexus and Rasa Ria also have extensive sand crab (ghost crab) activity – yet are regarded as attractive natural beaches not in need of reclamation because of the quality of the sand. The picture 3.6 of "silt and muds within the beach" is taken near STAR, not in the project area.
- **3.1.3.5** Beach users almost never swim here at high tide. And it is possible to walk along the beach at high tide unless it is an exceptionally high tide or a storm.
- The SEIA should include whose **responsibility** it would be for **maintaining the beach (both sand replenishment and cleanliness etc)** if the project goes ahead, including **where would the money come from to pay for it**.

## 7. SAND SOURCING

- It is alarming to read in the **Documentation of Comments A 10 /A 13** that sand may be **sourced from an existing licensed provider/existing sand extraction sites**. Surely this would increase impact on these areas to significantly more than what the operators were originally licensed to mine. New surveys and new approvals would have to be given for increases in volume like this. And it shouldn't be left to the **dredging contractor to source the sand!! (page 16)**.
- We maintain that it is fundamental to know the source(s) of the sand before this project can be properly assessed.

## 8. BARGES

- 2.2.2.5 states the method proposed by the consultant would be **3 barge trips per day, 24 hrs a day, 7 days a week**. Presumably this would mean pumping the material into the reclaimed area 24 hrs a day too. The impact of lights, noise and disturbance to marine life would be massive. This must be assessed as well as sediment control.
- The SEIA should also look at the **impact on tourism** especially as barges would have to pass near the heavily used TARP and the sight of barges heavily laden with sand passing by the Park will not create a good ecotourism image. Ensure this is specified in the Revised TOR; currently it is only in the Documentation of Comments document.

## 9. DUST

- 4.2.1 Dust during reclamation and earthmoving will be a major factor affecting both the **marine and terrestrial environment and surrounding residents and airport**. We do not agree this has a Minor rating, with scores of 1,2,2,2.
- Dust should be added to the **airport component of Table 5.1**.

## 10. DREDGING/CHANNEL

- 4.3.3.5 It is extremely worrying to read that dredging for the channel may affect existing ground water level and risk **saline intrusion to the ground water table**, as well as possibly affecting the **stability of the airport buildings and runway**. This should be an issue of priority in the SEIA.
- 2.2.2.7 The channel will be a minimum width of 41.5m wide. How big is it at its widest point?
- What about the **danger** of people falling into the channel? What are the proposed **safety measures**?

## 11. TUNKU ABDUL RAHMAN PARK (TARP)

- 3.2.3 Figure of 3.8km is still wrong.
- 3.2.2 This statement is wrong. The nearest reefs are **between** T. Aru and TARP.

## 12. MARINE FAUNA/CORALS/SEA GRASS

- 3.2.2 The nearest **coral reefs** from the project site are not in TARP as stated here but near the sand bank island off STAR, as shown by your own map Fig. 3.9.
- 3.3.3 What is the source of the data which says Pulau Manukan etc have Fair to Poor quality reefs? What is the year this assessment was made?
- Table 3.1 Sea grass 5.1 km away in Meruntum lagoon should be added.
- 4.2.1 Impact to marine fauna during construction will be significant and **should not be classed as Minor**. This comment still stands. Not only 'megafauna' such as turtles, whale sharks and dolphins but fish and benthic communities are involved, including the hundreds of thousands if not millions of ghost crabs living on the present beach.
- 4.2.1 Impact of lights during construction (considerable during reclamation) should be added as a threat to turtles known to still exist in these waters. Although T. Aru beach is no longer a nesting beach for turtles, turtles do come up on Mamutik beach and strong

lights from **24 hour reclamation** as well as the **golf course** later will definitely be visible and cause light pollution.

- **4.1.3.2** Should say Impact of boat movement on marine mammals, **whalesharks and turtles**.
- **4.2.2** Strongly disagree that values of 1,3,2,2 can result in an overall rating of 1 for 'Impact on marine fauna due to increase in noise and marine traffic disturbance'.
- **4.2.2** Likewise strongly disagree that values of 1,3,3,2 can result in an overall rating of 1 for 'Loss of benthic community due to reclamation footprint'.
- **Table 5.1 Seagrass 5km away at Meruntum** should be added.
- **Fig. 5.5** There should be more **water sampling sites** especially on the TARP boundary. The answers given in the Documentation of Comments are still confusing. Does it mean there will be no water quality monitoring stations during project implementation (A 13)?
- **2.2.3** We maintain a **sport fishing centre** is not advisable so near to the TARP area. Even if fishing is carried out outside the Park boundary many fish move in and out of the Park. They are facing enough stresses already and killing for sport in this area should not be promoted. See press statement by WWF Malaysia on 6 January 2015 in Borneo Post.
- **Documentation of Comments, 2.2 - Impact of the proposed boat taxis on marine fauna** as well as **noise levels and pollution from these boats** should be included in the SEIA.

### 13. TERRESTRIAL FAUNA/FLORA

- **Table 5.1** should add **disturbance/hunting of birds** by workforce as a potential impact.
- **5.2.7 Old growth and key-stone species** may well be mapped but cannot withstand having their roots smothered in several feet of earth during raising of land levels. Many will also be lost during the construction of the 42m wide channel. This should be assessed in the SEIA.
- How can significant **trees** be guaranteed to be saved if they occur in **land to be sold for development**?

### 14. SHORELINE/CURRENTS

- **Table 5.1 Existing shoreline from the project area to STAR** should be added in zones of potential impact.

### 15. GOLF COURSE

- Due to the serious factors of risks to the airport and the **safety of planes, run off** from the golf course and the massive **reclamation** needed for this part of the project, we maintain our stance that the **golf course component** of the project should not be built.

### 17. POLLUTION

- **4.2.1, 4.2.2** Strongly disagree agree that **oil and grease pollution** will just stay in the project area during construction and operations. The overall impact is not Minor. Strongly disagree that values of 1,2,2,2 can result in an overall value of 1.
- **4.3.2.1** We maintain that **water pollution** should be a **Focus Issue** and not an Issue of Note.

- **4.2.1, 4.2.2 Algal blooms /red tides** due to run off from the **proposed golf course** should be added as issues in the construction phase and operation stage of the golf course and should be addressed in the TOR. This has not been done.
- The risk of **invasive species** brought on the hulls of yachts would significantly increase if there are a large number of yachts using the area. This should be added as an issue to be studied.

## 18. NOISE

- **4.2.1** We still maintain that the noise of **excavators and other heavy machinery** will not just affect the project area itself but will be heard by residents of Waikiki condo, private houses near the project area, Casuarina hotel and others and will occur over a long period. This should NOT be viewed as a MINOR disturbance. Strongly disagree that values of 1,2,2,2 can result in an overall value of 1.
- **4.3.1** We maintain noise should be included in FOCUS ISSUES not issues of note.
- **5.2.4** Why will **baseline noise surveys** be carried out only in the daytime, when proposed reclamation may be carried out 24 hrs a day?

## 19. TRAFFIC

- **Figure 2.2 A Monorail station** is shown in the plans but not mentioned at all in the text.. Since this would have a major impact on traffic and access and Jalan Mat Salleh, there should be a detailed assessment of the effects of the construction of this and effects it will have. If it is not confirmed as a project or hasn't even got funding then it is wrong to show it in the plan and mislead people. It is not clear whether it is even inside the project area. The answer given in the Documentation of Comments is not satisfactory. It is highly misleading to put this in the Concept layout plan Fig.2.2 if it is not in the project's jurisdiction and is only 'a government project in the pipeline'.
- **What is the 'future phase of the masterplan'** as mentioned on page 43 of the Documentation of Comments?
- **2.4.3.1 Total no. of expected new road users**, should include the Marina boat users as well, and show the total no. on top of existing road users.
- **Documentation of Comments page 29 regarding Perunding Traffic Klasik Sdn Bhd traffic impact assessment states "The traffic surveys were carried out from 18-21 June 2013..". Is this the only traffic survey that will be carried out?** This was 1.5 years ago, and over a period of only 4 days that doesn't even include a weekend! Given the rapid rise in road traffic everywhere, this is totally unacceptable. A new up to date traffic survey should be done which includes peak traffic times at weekends and during school opening and closing times.
- **2.2.2.7 Link road to the airport** - According to answers given in the Documentation of Comments, "traffic to terminate only at the airport". But the Concept Plan Fig. 2.2 appears to show the road joining the main Putatan road. If this is not the case it should be made clear that traffic using this new road has to pass through the airport grounds before exiting at the north end of the airport. This is not made clear in the Revised TOR.



- **4.2.2** Impact of a massive increase in traffic should be added - not just as a road safety issue but as a significant inconvenience to road users in terms of traffic jams.
- **4.3.3.4** "...this study will assess and mitigate operational traffic impacts..". There is no way that such a massive influx of traffic can be 'mitigated' within the scope of this project.
- **Table 5.1** Increase in traffic still needs to be added to STAR, Kinabalu Golf Club and Kinabalu Yacht Club.
- Surveys should include not only all residents and school users of the area but also users of **Terminal 2**. This was put in as if Terminal 2 is still being used by Air Asia, then road alterations and increase in traffic could result in **delays and disruptions to passengers trying to get to the airport.**

## 21. WAIKIKI/VISUAL IMPACT

- **Figure 2.2.** It appears "Shoreline Apartments" or "Seaview Apartments" will be built directly in front of Waikiki Condo. These will block the sea view from the road for everybody and have significant negative visual impact. The Documentation of Comments page 30 but not the TOR reveals that the proposed block is 21m high – around 7 storeys. The TOR should include this information and specify if there will be 2 blocks as appears to be shown in Fig. 2.2, or one block, and where car parking for these apartments will be. This development is strongly opposed by Waikiki residents.
- **Table 5.1** Waikiki Condominium – should add loss of view and impact on property value due to loss of view.

## 22. SOCIAL ASPECTS

- **3.3.2** Tg Aru town or Pekan Tg Aru should be mentioned here.
- **Tg Aru town** -A survey of the population there is not enough; a projection of the impacts in terms of prices, traffic congestion and other issues during construction and operation should be included in the SEIA.
- **Table 5.1** Add security issues to private residences.
- **5.2.10.1 /5.2.10.3 Socio-economic survey/recreational use –**
  - a. Add **Terminal 2 users** as a target group if Terminal 2 is still used by passengers
  - b. **Visitors/recreational users** – This depends a lot on which days surveys are done and conditions such as the weather, public holidays etc. The 10 weekdays and 4 weekends proposed must cover weekends when the weather is good as there are hundreds if not thousands of people using the beach and park at this time. Is the survey going to comprehensively cover this?
  - c. As mentioned earlier, who is doing the survey? Has it already been started? It is believed that UMS undergraduate students are doing the survey; is this correct?
  - d. Who will brief the respondents on the project – the students or the developer? Who will fill in the questionnaire – the students or the respondents?
- **5.2.10.2 Public Meeting.** According to the Documentation of Comments, page 11, the public meeting will be held towards the end of the SEIA study period to deliberate on the SEIA findings. Is this the same meeting as the one mentioned in the Revised TOR?

Will the result of the proposed public meeting on scoping of issues be incorporated into the SEIA? Will the public be able to have further dialogues about the SEIA findings?

- **Documentation of Comments A7:** If the social surveys...“are not designed as a poll/referendum on the matter”, if the majority of respondents are against the project will it make a **no project option** possible?
- **Security** -There will also be security issues extending well **beyond the 4 year period** when the proposed hotels, resorts, apartments and villas are being constructed. These will also require the presence of a large number of workers and their quarters.
- We stress again that public consultation must be very strong with transparent mechanisms and so that all stakeholders get a chance to be consulted and share their concerns.

### 23. SEWAGE

- Apparently the important components of the **grey and black water flow, drainage reticulation and Sewage Treatment Plants** will only be shown in the detailed design **AFTER** the SEIA is done. How can the public assess these crucial issues? They should be included in the SEIA.

### 24. AIRPORT

- **Fig. 2.2 shows dwellings** – “Riverfront Eco Community (Apartments, Townhouses and Villas) **even nearer to the runway than the present Terminal 2 airport building presently is.** Surely this is a) dangerous and b) nobody would want to live right next to the runway of the second busiest airport in Malaysia.
- As mentioned earlier, the KK airport is in danger of being affected by **dust** from reclamation, increased **bird strikes** due to the proposed **golf course and golf balls** going over the perimeter of the airport. Access to Terminal 2 may also be seriously affected by increased **traffic jams and disruption to road access.**
- **4.2.1** Strongly disagree that values of 1,2,2,2 can result in an overall value of 1 for ‘**Dust nuisance and lighting during construction may affect air traffic safety at KKIA**’.
- **4.2.2** Strongly disagree that values of 1,3,2,2 can result in an overall rating of 1 for ‘**Air traffic safety risk due to lighting from golf course**’. See also A 11 in Documentation of Comments.
- **4.3.3.3 Ambient air quality** is of great concern to nearby residents and safety of the airport should be an Issue of Note.

### 25. ABANDONMENT

- **2.4.4** Should add removal of any partially completed reclamation work/dredging work **at the developer’s cost.** It is not acceptable that a half finished reclamation bund or area, or dredged channel, would be left abandoned. They would be a major environmental danger and should be removed by the developer.
- The SEIA should specify how any **toxic material** would be removed and the site secured. Will this be added?

- **4.1.4** Should add **safety, environmental and visual impact issues** from half built structures in the sea such as rock armour, revetments, bunds etc and possibly a half-dredged channel on land.

## **26. PROJECT OPTIONS/ALTERNATIVE SITES**

- It is good to note in 5.1.1 of the Revised TOR and A8 of the Documentation of Comments that **options to the proposed project/project options/alternatives** will be included in the SEIA, however disappointing to note that the proponent/consultant appears to have already decided that “there doesn’t appear to be an alternative scheme that can meet all three requirements” -page 14 of the Documentation of Comments.
- As well as the above, **Alternative Sites** for the project should also be included.
- If the SEIA findings show that the negative environmental effects of the project outweigh the positive, will the Environmental Protection Department be able to **reject the SEIA?**

## **27. RAPID ENVIRONMENTAL IMPACT ASSESSMENT**

- **5.4.1** The Rapid EIA is proposed as a summary for the impact assessment. There is a danger that the proposed Rapid EIA be the major basis on which the final decisions are made for this project. Hopefully a project of this magnitude and huge ramifications for so many stakeholders will not rely on something which may be subjective and simplistic. Many would already disagree with the ratings in the existing Revised TOR. We support WWF Malaysia’s comment that they disagree with many of the ratings.

**From:** Elin Empau [<mailto:elin.empau@sabah.gov.my>]  
**Sent:** Wednesday, January 21, 2015 12:03 PM  
**To:** Melissa Mathews  
**Subject:** Fw: Fwd: Revised Final SEIA TOR for "The Proposed Tg. Aru Eco Development by Tg. Aru Eco Development Sdn. Bhd.

Forward.

Thank you

Elin

**From:** [Environment Protection Department](#)  
**Sent:** Tuesday, December 30, 2014 8:10 AM  
**To:** [daisy.aloysius@sabah.gov.my](mailto:daisy.aloysius@sabah.gov.my)  
**Cc:** [elin.empau@sabah.gov.my](mailto:elin.empau@sabah.gov.my)  
**Subject:** Fwd: Revised Final SEIA TOR for "The Proposed Tg. Aru Eco Development by Tg. Aru Eco Development Sdn. Bhd.

----- Original Message -----

**Subject:** Revised Final SEIA TOR for "The Proposed Tg. Aru Eco Development by Tg. Aru Eco Development Sdn. Bhd.

**Date:** Mon, 29 Dec 2014 11:27:48 +0800

**From:** <mailto:melanieckchia@gmail.com>

**To:** [jpas@sabah.gov.my](mailto:jpas@sabah.gov.my) <mailto:jpas@sabah.gov.my>

The Director,  
Environment Protection Department (EPD),  
Wisma Budaya,  
Kota Kinabalu,  
Sabah.

Dear sir,

The above subject refers.

Further to my comments to EPD on 22 July 2014 on the draft SEIA TOR, I would like to comment on three items on the Revised Final SEIA TOR as follows:

#### 2.2.2.5 Reclamation

The project involves reclamation of approximately 444 acres and the required fill material is approximately 17 million cubic meter of which 16 million cubic meter will be imported for the reclamation and beach nourishment. Of these, 15.8 million cubic meter is reclamation material to be sourced from combination of land-based source and marines sources, which at the time of the submission of this Revised Final SEIA, the sources of this reclamation material have not yet been identified.

The sourcing of such an enormous quantity of reclamation fill material is certainly not an easy task. Of added concern is the impact of such voluminous fill quantity not only at its source but also the impact and effect on the environment in the process of the moving/transporting this material.

The 450,000 cubic meter of beach material which will be sourced from offshore which certainly has an impact on the marine ecology.

The environmental impact on the original source and the end result certainly warrants the attention of the Environment Protection Department.

The Proponent has stated that a separately EIA study for the borrow activity will be carried out if required. For a project of this size, EIA study for the borrow activity is pertinent.

#### 2.2.2.6 Proposed Dredging and Filling Method

The assumed preferred method of reclamation and construction program based on the use of Trailer Suction Hopper Dredgers (TSHD) that either pumps material directly to shore through floating pipelines or by delivering dredged material to a Cutter Suction Dredger which then pumps the material ashore through floating pipelines is of great concern due to the following factor:

- \* The distance over which the pipelines would be;
- \* The enormous volume that will be transported via the pipelines;
- \* The intended 3 barge trips per day, 24 hours per day, 7 days per week with a volume placed per day of 24,000 cubic meter.
- \* The effect of using floating pipeline on the marine ecology.
- \* Effective sediment control.

#### 2.2.2.8 Southern Road Link

Existing access to the project site is via Jalan Mat Salleh and this is the ONLY access road for now. The new access road of approximately 3.6 km is to be created to connect to the Kota Kinabalu International Airport Terminal 1 to the south which is near to the Putatan area. This area is also often congested.

Traffic impact to the project site is certainly of concern not only to residents at the Wakiki Condominium but also nearby residents, the users of the golf club and the yacht club, the local communities and the hotel guests. A congested Jalan Mat Salleh to the project site will also certainly has an impact on Terminal 2 airport nearby.

You may be already mindful of the points stated above but hopefully my repetition on the same issues will reinforce the concerns on the scale of the seafront reclamation.

I believe EPD is taking a serious view on the proposed development and that the Department upholds its Vision and Mission in line with its objectives.

Please kindly acknowledge when you receive this email.

Thank you.

Yours sincerely,  
Melanie Chia Chui Ket  
[melanieckchia@gmail.com](mailto:melanieckchia@gmail.com)

012-8026328

Sent from my iPad.



JABATAN PERLINDUNGAN ALAM SEKITAR  
(ENVIRONMENT PROTECTION DEPARTMENT)  
Tingkat 1 - 3, Wisma Budaya  
Jalan Tunku Abdul Rahman  
Beg Berkunci 2078  
88999 Kota Kinabalu, Sabah, Malaysia  
No. Tel. : 088-251290/251291/267572/268572  
No. Faks : 088-238120/238390 E-mel : jpas@sabah.gov.my  
<http://www.sabah.gov.my/jpas>  
(Sila catatkan Rujukan fail Jabatan ini apabila menjawab)

104230



RUJUKAN : JPAS/PP/05/600-1/08/1/152 KLT.2(46)  
TARIKH : 08 Jun 2015

Pengarah Urusan  
DHI Water & Environment (M) Sdn Bhd  
11th Floor, Wisma Perindustrian  
Jalan Istimadat, Likas  
88400 KOTA KINABALU

DHI (Malaysia)		
Incoming / Outgoing		
Date: 12 JUN 2015		
File no: master / 62 800657-2		
Copy		Cir.
Act	Info	Seen
TAG	✓	
WL	✓	

Faks: 088-260781

Tuan,

**SPECIAL TERM OF REFERENCE FOR "TANJUNG ARU ECO DEVELOPMENT KOTA KINABALU" - Ulasan Bagi "Revised Special TOR" surat DHI 62800657-2-LET-007-TAG bertarikh 21 November 2014.**

Saya adalah diarah merujuk perkara di atas.

2. Bersama ini dikemukakan ulasan jabatan bagi perkara tersebut di atas:-

- i. "Finalise MASTERPLAN" yang ada menunjukkan kedudukan akhir komponen-komponen projek utama seperti hotel dan resort, padang golf dan lain-lain hendaklah dikemukakan;
- ii. Kajian 'zone of impact'
  - Bagi kawasan lautan – kawasan Pulau Dinawan tidak ada dikenalpasti alam TOR Special;
  - Impak projek terhadap aktiviti perikanan di sekitar Pulau Dinawan tidak ada dibincangkan; dan
  - Kawasan "catchment area" tidak dimasukkan dalam skop kajian sebagai ZOI.
- iii. Perbincangan impak bagi EIA Biasa melibatkan kawasan pada jarak 3 kilometer radius dari sempadan tapak projek, dan bagi Kajian EIA Khas jarak kajian sepatutnya melibatkan kawasan yang lebih luas sehubungan dengan itu ZOI yang telah dikenalpasti perlu dibuat semakan semula jika mencukupi;
- iv. Kajian *Social Impact Assessment* perlu mengambilkira isu-isu seperti "aesthetic value" contoh bantahan penghuni Waikiki Condominium tentang lokasi bangunan yang akan dibina terletak dihadapan Waikiki kondominium tersebut yang menghalang pemandangan penghuni kondominium ini ke arah laut, dan ini adalah dibantah;
- v. Maklumat terperinci berkaitan dengan *social / human environment* terutama proses-proses perolehan input orang awam dan bagaimana penyampaian kepada orang awam untuk memaklumkan bahawa segala pandangan dan *concern* mereka ada diambilkira dalam penyediaan Laporan EIA Khas ini;
- vi. *Social Survey* harus memasukkan pekerja di ShangriLa Tanjung Aru Resort;
- vii. Perkara 5.2.4 - Isu alam sekitar hendaklah dipisahkan supaya perbincangan boleh difokuskan; dan
- viii. Interview terhadap penduduk / pihak yang berkepentingan harus melibatkan semua yang tersenarai di *Table 5.1- Zones Potential Impact*.

PEMULIHARAAN ALAM SEKITAR KE ARAH  
HIDUP YANG SEIMBANG

RUJUKAN : JPAS/PP/05/600-1/08/1/152 KLT.2(46)  
TARIKH : 08 Jun 2015

3. Sila kemukakan maklumbalas tuan bersama-sama dengan penjelasan bagi isu-isu yang telah dibangkitkan dalam surat jabatan terdahulu bertarikh 28 Mei 2015 surat rujukan JPAS/PP/05/600-1/08/1/152 KLT.2(45) ke jabatan ini dalam tempoh satu (01) bulan dari tarikh surat ini dikeluarkan.

Sekian, terima kasih.

**"BERKHIDMAT UNTUK NEGARA DENGAN BERSIH, CEKAP DAN AMANAH"**  
**"DO MORE, DO IT BETTER"**

yang menurut perintah,

  
(ELIN EMPAU)  
b.p. Pengarah

s.k.

Pengarah Urusan  
Tg. Aru Eco Development Sdn Bhd  
H-0-10, Lot 10, Block H, Metro Town  
Jalan Bunga Ulam Raja, Off Jalan Tuaran  
**88000 KOTA KINABALU**

**Faks: 088-434773**