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ENQUIRIES: Ms. M. Schippers
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The Director
Amphoria (Pty) Ltd.
P. O. Box 11338
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Attention: Mr. A. Mulder

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Dear Sir

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") FOR THE PROPOSED MIXED USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERVEN 23582-23584 AND 23579 AND 23580, KUILSRIVER.

1. The abovementioned report dated August 2019 and received by this Department on 08 August 2019 and this Directorate's acknowledgment thereof dated 13 August 2019, refer.
2. Activity Description and description of alternatives
 - 2.1. Page 21 of the draft BAR indicates that the two bridges will be developed across the Bottelary river, page 49 indicates that the proposed development will include a private school and page 18 indicates that roads wider than 4m will be developed. However, this has not been included in the description of the proposed development.
 - 2.2. Page 9 of the draft BAR indicates that the total number of housing units will be 3056, while pages 8 and 13 indicates 3402 housing units.
 - 2.3. The activity description must be updated to include the correct number of housing units and all the components of the proposed development.
 - 2.4. All reference to the previous authorisation must be removed from the activity description as well as the section on alternatives as this has been clarified in the executive summary. The section on the activity description and alternatives must only include the details of the proposed development and the alternatives.
3. Applicable listed activities
 - 3.1. It is noted that Activity 19 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended) is being applied for. However, according to the Freshwater Assessment Report (dated May 2017 and compiled by BlueScience and the addendums to the Freshwater Assessment Report dated

October 2017 and September 2018, respectively) buffer areas must be implemented around all watercourses located on the proposed site.

- 3.2. Activity 13 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended) is being applied for. However, it is unclear as to how this activity is triggered as the proposed development will include stormwater ponds.
 - 3.3. Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) are being applied for. However, pages 17 and 18 of the draft BAR states, "However, as per the site visit and the Botanical Assessment not much indigenous vegetation is present and this should not be triggered." This statement implies that indigenous vegetation is present on the proposed site. Should the thresholds be met, the above listed activities will be triggered.
 - 3.4. Activity 28 is being applied for, however, the draft BAR does not indicate whether the land was used for agricultural purposes on or after 01 April 1998.
 - 3.5. The applicability of the abovementioned listed activities must be confirmed and the BAR to be submitted as part of the application phase must include an assessment of all the listed activities applicable to the proposed development.
4. Specialist studies
- 4.1. The proposed development will be located on Erven 23582-84 and 23579-80, Kuilsriver. However, the Botanical and Freshwater Impact Assessment Report refers to (Portions 1, 11, 26, 30, 34, 58 and 87 of Farm 222, Kuilsriver).

It is also noted that the abovementioned specialist reports do not include an assessment of the impacts on the watercourses and indigenous vegetation as a result of the proposed development.

The specialist reports must be updated to include an assessment of the above by the respective specialists and the correct site must be stipulated in the respective specialist reports.

- 4.2. The Botanical Impact Assessment Report as included in the draft BAR is dated 03 April 2007. This specialist study is regarded to be outdated. An updated Botanical Assessment must be conducted.
- 4.3. The proposed development does not allow for a connection between Saxdown and Zevenwacght link road. A link between the abovementioned roads must be investigated as an alternative access road and reported on in an updated Traffic Impact Assessment Report.
- 4.4. This Directorate has provided a screening report (as per the National Department of Environmental Affairs screening tool) to the proponent that was attached to this Directorate's acknowledgement of the Notice of Intent. The screening report identified a list of specialist studies to be conducted. It is noted that this was not considered by the proponent/Environmental Assessment Practitioner. Please note the screening report must be considered as part of the Environmental Impact Assessment process. Should you be of the opinion that all the specialist studies identified in the screening report will not be required, a motivation in this regard must be provided.



5. Impacts

- 5.1. All the impacts associated with the proposed development have not been identified and assessed in the draft BAR.
- 5.2. The proposed development will include blocks flats, however, visual impacts associated with the proposed development have not been identified and assessed.
- 5.3. In addition to the above, dust impacts and impacts on heritage resources have not been identified and assessed.
- 5.4. The BAR must be updated to include and assessment of the above.

6. Services

- 6.1. The comment from the City of Cape Town (dated 24 October 2018) states, "*Water network appears to have sufficient capacity to accommodate the proposed development.*" The local authority must confirm that sufficient, spare, unallocated capacity is available to provide the proposed development with water.
- 6.2. Confirmation of electricity provision from Eskom, solid waste management and stormwater management from the local authority must be included in the BAR to be submitted to the competent authority.

7. National Water Act ("NWA"), 1998 requirements

- 7.1. Please note that the comment from the Department of Water and Sanitation as included in the draft BAR is outdated.
- 7.2. Should a water use licence application ("WULA") be required in terms of the NWA, the "One Environmental System" will be applicable to your proposed development, specifically in terms of the synchronisation of the consideration of the application in terms of the NEMA and the NWA. Refer to this Department's Circular EADP 0028/2014: One Environmental Management System.
- 7.3. Proof of the submission of the WULA and comment from the Department of Water and Sanitation must be obtained with respect to the potential impacts on the watercourses located on the proposed site and must be included in the BAR to be submitted to the competent authority.

8. Buffer areas around watercourses

- 8.1. Pages 28, 29 and 31 refers to a 32m buffer from the centre of the Bottelary river. However, the recommendation of the Freshwater Assessment Report (dated May 2017 and compiled by BlueScience and the addendums to the Freshwater Assessment Report dated October 2017 and September 2018, respectively) and the Environmental Management Programme ("EMPr") stipulates that a 30m buffer from the centre of the Bottelary river must be implemented.
- 8.2. The correct buffer area to be implemented must be reflected throughout the report to be submitted to the competent authority.

9. Comment from Heritage Western Cape ("HWC")

- 9.1. The comment from HWC (dated 07 March 2017) refers to development on Portions 1, 11, 26, 30, 34, 58 and 87 of Farm 222, Kuilsriver.
- 9.2. An updated comment must be obtained from HWC that relates to the correct development on the correct site. The updated comment must also confirm whether any additional studies will be required.



10. EMPr

- 10.1. The numbering of the EMPr must be corrected as each section of the EMPr start with number 1 again.
- 10.2. Section 2.1, page 21 of the EMPr states, "*The Dust Management Plan has herewith been included in the Pre-App Draft BAR as Section B as an Annexure to the Environmental Management Programme.*" However, a Dust Management Plan has not been included in the EMPr as an Annexure.
- 10.3. The EMPr is inadequate as it does not identify and address all the impacts and risks that need to be avoided, managed and mitigated for all the phases of the proposed development. The traffic impacts and impacts on vegetation as a result of the development phase have not been addressed in the EMPr.
- 10.4. Page 8 of the Noise Impact Assessment (dated July 2018 and compiled by Jongens Keet Associates) states, "*Potential noise impacts including mitigation during construction phase are adequately contained in Section F.6(a) of the Basic Assessment Report and Environmental Management Programme, February 2018. Potential noise impacts including mitigation during operation phase are contained in Section F.6(b) of the Basic Assessment Report and Environmental Management Programme, February 2018.*" The BAR does not contain these sections and the EMPr does not address noise impacts associated with the development phase.
- 10.5. The EMPr must be updated to address all the above.

11. Proof of Public Participation

- 11.1. Proof of the public participation conducted must be included in the BAR to be submitted to the competent authority. Please note that the proof must include, *inter alia*, the following:
 - 11.1.1. A copy of the newspaper advertisement ("newspaper clipping") that was placed, indicating the name of the newspaper and date of publication;
 - 11.1.2. Photographs showing the notice displayed on site and a copy of the text displayed on the notice; and
 - 11.1.3. With regards to the written notices provided, please note the following:
 - if registered mail was sent, a list of the registered mail sent, as obtained from the post office must be provided;
 - if regular mail was sent, a list of the mail sent, as obtained from the post office must be provided;
 - if a facsimile was sent, a copy of the facsimile report must be provided;
 - if an electronic mail was sent, a copy of the electronic mail sent and delivery reports must be provided; and
 - if a "mail drop" was done, a signed register of "mail drops" must be provided.

12. General

The "*Error! Reference source not found*" on Page 23 of the Environmental Health Impact Assessment (dated June 2018 and compiled by MSEC Environmental Consultants) must be corrected.

13. Kindly quote the abovementioned reference numbers in any future correspondence in respect of the pre-application process.



14. Please note that the activity may not commence prior to obtaining an environmental authorisation from the competent authority. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity.
15. This Department reserves the right to revise or withdraw comments or request further information based on any information received.


HEAD OF DEPARTMENT

Copies to: (1) Mr. R. Kapp (Guillaume Nel Environmental Consultants)
(2) Mr. D. Georgeades (City of Cape Town)
(3) Mr. D. Daniels/Mr. W. Dreyer (Department of Water and Sanitation)

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