



**EIA REFERENCE:** 16/3/3/1/A5/20/2030/19  
**ENQUIRIES:** AYESHA HAMDULAY  
**DATE:** 2019 -08- 07

The Members  
DEVCO Group of Companies  
P O Box 1756  
**DURBANVILLE**  
7551

**Attention: Mr Deon Winterbach**

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Dear Sir

**COMMENT ON THE CONSULTATION BASIC ASSESSMENT REPORT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ESTABLISHMENT OF THE DURBANVILLE GARDENS – ASSISTED LIVING RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 56 AND ON ERVEN 4144, 4145, 15763 AND 10853, DURBANVILLE**

1. The abovementioned document with cover letter dated 10 July 2019, received by this Department on the same date, refer.
2. From a review of the information submitted to this Department, the following was noted:
  - 2.1. The proposed establishment of the Durbanville Gardens – Assisted Living Residential Development on Remainder of Erf 56, Erven 4144, 4145, 15763 and 10853, Durbanville entails an approximately 2.54ha area being used for the establishment of the following:
    - Approximately 331 sectional title apartment units;
    - Approximately 385 parking bays, of which 14 parking bays are designated for people with disabilities, specifically persons with paraplegia;
    - Approximately four (4) separate title residential units (cottages);
    - A proposed clubhouse of approximately 247m<sup>2</sup> with associated Bowling Green and swimming pool; and
    - An approximately 803m<sup>2</sup> Frail Care Facility.

The development proposal also includes stormwater detention ponds in the north eastern corner of the site, which is mapped as an aquatic Critical Biodiversity Area 2 ("CBA") and internal private access roads with two entry/exit points.

Access to the proposed Durbanville Gardens – Assisted Living Residential Development will be gained from the Willow Wood Close Circle off Vissershok Road situated directly to the north of the proposed site. A basement-level parking exit will open onto Vissershok Road and will also serve as an emergency entrance point for the development proposal. Public Access to the proposed frail care facility will be provided with security controlled access to the rest of the site.

The approximately 331 sectional title apartment units will be arranged into six (6) apartment blocks situated at the centre of the proposed site. These six (6) apartment blocks will include the following:

- Block A – Approximately 30 sectional title apartment units
- Block B – Approximately 52 sectional title apartment units
- Block C – Approximately 62 sectional title apartment units
- Block D – Approximately 46 sectional title apartment units
- Block E – Approximately 81 sectional title apartment units
- Block F – Approximately 60 sectional title apartment units

The proposed 4 separate title residential units (cottages), the clubhouse of approximately 247m<sup>2</sup> and associated Bowling Green and pool, the gatehouse, the frail care facility and stormwater retention ponds will be situated towards the northern edge of the proposed site.

A grey water treatment plant is proposed alongside the eastern edge of the development proposal for irrigation purposes.

It is noteworthy that the only sections of the Durbanville Gardens – Assisted Living Residential Development that will fall within the 1:100 year floodline of the Mosselbank Tributary / Uitkamp Wetland Area will be the proposed stormwater detention ponds, a section of the parking areas along the eastern edge of the development proposal and a small portion of the proposed bowling green. No residential or apartment units will be located within the said 1:100 year floodline.

3. Please note the following advice pertaining to the application:

3.1. The following listed activities are indicated in the submitted application form as applicable to the development proposal:

**Item 12 of GN No. R.983 (as amended):**

*"The development of—*

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or*
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;*

*where such development occurs—*

- (a) within a watercourse;*
- (b) in front of a development setback; or*
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —*

*excluding—*

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*

- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway line reserves; or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."

**Item 19 of GN No. R.983 (as amended):**

"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies."

**Item 27 of GN No. R.983 (as amended):**

"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan."

**Item 12 of GN No. R.985 (as amended):**

"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

**i. Western Cape**

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone,

- whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;*
- iv. *On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or*
  - v. *On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."*

You are reminded that only those listed activities applied for will be considered for Environmental Authorisation. The onus is on the applicant to ensure that all the applicable listed activities are assessed as part of the Environmental Impact Assessment ("EIA") process.

3.2. Specialist Input/ Assessment Required

Please ensure that specialist reports contain all information specified in Appendix 6 of the EIA Regulations, 2014 (as amended). Note that the specialist report / inputs must be appended to the Basic Assessment Report ("BAR").

4. General

- 4.1. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
- 4.2. Please note that the activity must not be commenced with prior to an Environmental Authorisation being granted by this Department. It is prohibited in terms of Section 24F of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
- 4.3. This Department reserves the right to revise or withdraw its comments and request further information from you based on any new or revised information received.

Yours faithfully



**HEAD OF COMPONENT**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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(GNEC)

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