



**Western Cape
Government**
Environmental Affairs and
Development Planning

Development Management
(Region 3)

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ENQUIRIES: Ms. Francini van Staden
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Afrikaanse Taal en Kultuurvereniging
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Attention: Mr. S. Cilliers

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Dear Sir

PRELIMINARY COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT OF ERF 3122, HARTENBOS HEUWELS, HARTENBOS, MOSSEL BAY

1. The abovementioned Draft Environmental Impact Report ("EIR") dated March 2015 that was received by this Department on 09 March 2015, refer.
2. This letter serves to provide you with preliminary comments on the abovementioned proposal and report.
3. The following is understood as the proposal:
 - 445 single residential plots;
 - 4 group housing plots;
 - 5 public open areas; and
 - Associated infrastructure (roads, sewerage, water, electricity).
4. It is furthermore noted that two development layout alternatives have been considered to date. The latest and preferred layout Alternative 2 incorporates two wetlands (National Freshwater Ecosystem Priority Areas (NFEPA)) on the site, as well as undisturbed indigenous vegetation. According to the Draft EIR, provision has also been made for two ecological corridors for ecological connectivity between the areas which contains vegetation of High and Medium conservation worthy sensitivity.
5. This Department is not satisfied with the scope of the specialist botanical and visual studies, as these represent a baseline assessment of the vegetation disturbance and landscape alteration respectively and merely identified site specific constraints. Reference should be made to the *Guideline for the review of specialist input in the EIA process* (June 2005) with specific reference to the scope of specialist involvement in the

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EIA processes; and the identifying and addressing of direct, indirect and cumulative impacts relevant to this application.

6. This Department is furthermore concerned that the comments and recommendations provided on the Final Scoping Report (correspondence issued by this Department dated 14 August 2014) have not been fully considered and addressed. The aforementioned has subsequently contributes to the following "gaps in information", which is now evident in the Draft Environmental Impact Report (dated March 2015), namely:

Biodiversity:

- 6.1. Two botanical studies were commissioned by Mr. Dave McDonald (2006) and Mr. Nick Helme (2012) respectively. This Department is concerned that both studies represent a baseline assessment of the vegetation on site and with the purpose of identifying development constraints.
- 6.2. The findings of the baseline assessments compiled by Nick Helme (botanical study dated 2012) and Dave McDonald (botanical study dated 2006) cannot be deemed adequate to inform the significance ratings of the potential impacts on the vegetation, neither can it inform decision-making in terms of granting or refusing environmental authorisation, due to the scope/level of the assessments.
- 6.3. It is furthermore noted that the most recent report compiled by Mr. Helme (dated 2012) "*excluded various areas that were assessed by McDonald (2007)*" whilst the report compiled by Mr. McDonald (2006) called for "*more detailed information about the plant communities; this can only be achieved by sampling over and extended period.*" It is therefore unclear to what extent this and other recommendations made McDonald have been considered and taken forward in the Draft EIR.
- 6.4. It is also not clear from the DEIR whether a botanical offset has been considered by the applicant/EAP, as recommended by both botanical specialists. This Department requires clarification and confirmation in this regard.
- 6.5. It is brought to your attention that the botanical offset site proposed by Mr. Helme (2012) has already been partially compromised, as this site has been earmarked for the proposed Mossel Bay Municipality's *Sonskynvallei Low Cost Housing* project.
- 6.6. The scope and level of the botanical assessment need to be elevated into a full and comprehensive specialist botanical impact assessment. Such an assessment should comply with the *DEA&DP Guideline for Involving Biodiversity Specialists in the EIA Process* (June 2005), with specific reference to the guidelines for specialist biodiversity input in the impact assessment stage of the EIA, as well as the Fynbos Forum Ecosystem Guidelines for Environmental Assessments in the Western Cape.
- 6.7. The aforementioned assessment should further comply with the *DEA&DP Guideline for Involving Biodiversity Specialists in the EIA Process* (June 2005), with specific reference to the guidelines for specialist biodiversity input in the impact assessment stage of the EIA.

Visual:

- 6.8. This Department is concerned that the development is in-part proposed on the top of a landform, which will alter the slope of a terrace and also impact on the skyline.
- 6.9. The Visual Assessment (Cave Klapwijk and Associates, 2010) has not assessed the current development proposal, preferred layout, and its potential visual impacts.
- 6.10. The visual assessment and findings of the Visual Assessment therefore does not apply to the current development proposal, but relates to a different proposal (172 single residential, 182 group housing units, 162 retirement housing units, a community centre and business centre) that is of a different context.
- 6.11. This Department re-iterates the need for a full visual impact assessment, which complies with the *Guideline for Involving Visual and Aesthetic Specialists in the EIA process* (June 2005). The visual impact assessment should apply to the current development proposal and which will address the potential negative impacts of the current proposal to inform decision-making.

Stormwater Run-off:

- 6.12. The proposed development site is located at the top of a stormwater catchment and the site is on a watershed of drainage lines flowing west and eastward. It is not clear from the Draft EIR as to what extent the proposed layout takes cognisance of the impact of concentrated stormwater run-off. The wetland assessment (Lubbe, 2014) recommended a sensitive stormwater plan and the Draft EIR must confirm whether such a plan will be designed to management the potential impacts of stormwater run-off.

Fire Management:

- 6.13. This Department is concerned about the placing of developments within fire-prone environments as it could lead to the loss of functional ecosystems.
- 6.14. Due to the nature of the development site, it is noted that the fire management specialist describes the site as being at high risk for wildfires. However, it appears from the fire management study (Pool & Van Zyl, 2011) that the development layout considered by the fire specialist is not the preferred layout alternative described in the Draft EIR. This Department requires that the fire management specialist consider the preferred layout proposed to inform decision-making and compile the Fire Management Plan in consultation with the Biodiversity (Botanical) specialists. It is further suggested that the fire management specialist considers not only the site of the proposed development, but also the adjacent properties.
- 6.15. This Department requires that the Fire Protection Agency (FPA) comment on the application, implementation of the fire management plan and the preferred layout in terms of fire management and safety.

Layout:

- 6.16. The preferred layout alternative (Alternative 2) has not been subjected specialist (particularly botanical, visual and fire management) review and recommendation.

Public Participation:

6.17. According to the information contained in the Draft EIR, it does not appear as if the request made by this Department in terms of re-advertising of the correct listed activities has been met. In the event that the Department's request has not yet been met, it is suggested that the amended Draft Environmental Impact Report be advertised together with the correct and applicable listed activities.

Impact Significance:

6.18. The ratings of the residual impacts remain a concern to this Department as these still reflect impacts (i.e. surface run-off, destruction of flora, faunal displacement and destruction, visual impact and traffic) of medium to high negative for the operational phase.

- 7. In light of the above, it is recommended that the Draft Environmental Impact Report be revised to address the abovementioned issues and be made available to all registered interested and affected parties for an opportunity to comment (21-day period) on the amended Draft Environmental Impact Report, in terms of Regulation 54(6) of the 2010 EIA Regulations.
- 8. You are hereby furthermore advised that the Final Environmental Impact Report must contain all the information outlined in Regulation 31(2) of the 2010 EIA Regulations. Omission of information or failing to comply with the aforementioned provision may result in the Final EIR being rejected.
- 9. In accordance with Regulation 67 of GN No. R. 543 of 18 June 2010, the Final EIR must be submitted to this Department within a period of six months from the date of submission of your Draft EIR (09 March 2015) to prevent the application from lapsing.

If you, however, have been complying with the requirements of the Regulations and have progressed with the application process, but for some reason will not be able to submit the Final DEIR within this six month period, you must timeously inform the Department in writing of such before the end of the six month period. You will be required to submit a concise motivation as to why the required document will not be submitted within the six month period.

The motivation must include the tasks that have been performed to date, the reasons for the delay in submission and an indication when the document will be submitted to the Department (including a revised project schedule). Such written motivation must reach the Department before the end of the six month period. The Department will consider your motivation and inform you of its decision whether or not to continue with the processing of the current application.

- 10. Failure to submit the abovementioned outstanding information or documentation before the end of the six month period will result in your application file being closed for administrative purposes in terms of Regulation 67(1) of GN No. R. 543 of 18 June 2010. As such, a new EIA application process will have to be initiated with a new Application to be submitted if you wish to again pursue your proposed development.

- 11. Please note that the activity may not commence prior to an environmental authorisation being granted by the relevant 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 competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
- 12. The Department reserves the right to revise initial comments and request further information from you based on any new or revised information received.

Yours faithfully



HEAD OF DEPARTMENT

Copied to: Ms. H. van Greunen & Ms. C. Kruger (EAP)
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