

**BASIC ASSESSMENT ENVIRONMENTAL PROCESS FOR THE PROPOSED PHASE 2 EXTENSION OF HOUMOED AVE AND UPGRADE OF MASIPHUMELELE  
INFORMAL SETTLEMENT**

Reference numbers assigned to commenting parties are tabled below. Summaries of all comments received in respect of the Phase 2 application were incorporated into this comments and responses table. Where similar issues were raised by more than one party, these were captured together, where possible.

1.	Katherine Persson	2.	Kim van Niekerk	3.	Nicola Cox	4.	Asanda Peter
5.	Vuyo Innocent Tshongweni	6.	Thulani Kimbili	7.	Nosiboniso Gqolodasshe	8.	Mjomovuyo Mayiya
9.	Noloyiso Nxele	10.	Mzwamadoda Msolu	11.	Mkululi Magisima	12.	Fanisula Hozewe
13.	Dumsani Nhlapo	14.	Anonymous 1	15.	Anonymous 2	16.	Lieze Swart
17.	Adrienne Molyneux	18.	Allan Duff	19.	Anton Vaudrey	20.	Carine Kleynhans
21.	Chris Pickering	22.	Colette Harmse	23.	Gavin Shaw	24.	IF Meeuwssen
25.	Jackie van Baal	26.	John V Thomas	27.	Kobus Aucamp	28.	Linda Ray
29.	Liz Smith	30.	Lyle Richard Bennett	31.	Mike Jennings (agree with last 2 points made by J Shaw)	32.	Odette Vaudrey
33.	Pat Mckune	34.	Monique Sham	35.	Norman Gerber	36.	Sally Tollin
37.	Roxy Holman	38.	Trish Richards	39.	Kommetjie Residents and Ratepayers Association (KRRRA) Patrick Dowling	40.	Sunnydale Ratepayers Association (SRA)
41.	Cape of Good Hope SPCA	42.	SANParks	43.	Lake Michelle Homeowners Association (LMHOA)	44.	Noordhoek Ratepayers Association
45.	Jenny Shaw	46.	Andrea Marais	47.	Noordhoek Environmental Action Group (NEAG)	48.	CapeNature
49.	City of Cape Town: Urban	50.	City of Cape Town: TDA Development Management:	51.	City of Cape Town: Social	52.	City of Cape Town Environmental and Heritage

	Integration Department		Land Use Management		Services: Recreation and Parks		Management: Environmental Management Section
53.	City of Cape Town Biodiversity Management	54.	City of Cape Town: Informal Settlements, Water and Waste Services: Catchment, Stormwater & River Management.	55.	City of Cape Town Informal Settlements: Solid Waste Management	56.	City of Cape Town Informal Settlements: Water & Sanitation: Water Services
57.	City of Cape Town: Energy: Electrical Generation and Distribution	58.	Houmoed Community Coalition Group	59.	Kalk Bay Environmental Action Group (KEAG): Lindsey MacDonald	60.	Department of Environmental Affairs and Development Planning (DEA&DP)
61.	Paul Hoffman	62.	Tshepo Moletsane	63.	Luke Beers	64.	Horst Kleinschmidt
65.	Julian Cooke	66.	Michael Williams	67.	James Large	68.	Graham Mountifield
69.	H&J Nash	70.	Pete Lucas	71.	Beryl Muniz	72.	CCT: Spatial Planning & Environment: EMD: Environment and Heritage Management (Environmental Management Section)
73.	DEADP: Pollution and Chemicals	74.		75.		76.	

COMMENTS RECEIVED ON BID AND INITIAL PUBLIC PARTICIPATION ACTIVITIES:			
Commentator(s)	Summary of the nature of comments	Respondent	Response
1	It is important to assess the impact on livelihoods and the homes in Masipumelele should the extension to Fish Eagle Park be applied for. The community is currently very concerned and confused as they think this application includes this section.	Chand	Agreed. As such, a Social Impact Assessment informed the DBAR.
2	Concern about Houmoed carrying heavy traffic from Lekkerwater (Phase 2- Fish Eagle) over the wetlands and using smaller residential roads such as Noordsig Avenue in Milkwood Park.	Chand	The roadway would not restrict certain types of vehicles. Should both phases of the Houmoed Link be approved, it is therefore possible that heavier vehicles may use this road. Noise mitigation measures included in the design and landscaping of the project will limit related noise impacts to a large extent.
3	<p>Work For Love is in support of a further access to Masi and we would like to make sure that all necessary planning is put in place to make sure this road is as useful as possible to assist in upgrading the township area as much as possible.</p> <p>Some thoughts</p> <ol style="list-style-type: none"> <li>1) creating connecting roads to the township from the Houmoed Road and Lekkerwater Road.</li> <li>2) creating business sites next to the road that community people can lease/buy at affordable rates. Partnering with NPO s like ours that works with enterprise development and mentors entrepreneurs.</li> <li>3) how can this road become an attractive site for tourists using the route on the way to cape point that also benefits the community?</li> <li>4) will the road building be linked with housing development? Where and</li> </ol>	Chand	<p>Noted. The recommendations were considered and relayed to the design team and the CoCT for consideration in the final design of the projects.</p> <p>The public participation process included engagements with the community leaders to obtain their initial feedback on the proposals. The Social Impact Assessment also highlighted the need to involve the community in conceptualizing and compiling the resettlement plan.</p> <p>It is agreed that continued vigilance would be required to prevent continued unlawful encroachment and infilling in the wetland. It is</p>

	<p>how will affected parties be resettled when the road is built?</p> <p>5) will Masiphumelele residents be trained and employed by the contractor building the road?</p> <p>6) involving the community in the planning. Train them in organising themselves and vote representatives. We for example have close working relationships with the Zululand street committee and would be happy to assist in helping in the public participation process in this regard.</p> <p>7) Considering the easy access to the wetlands through the road, the dumping more rubble in the wetlands by big lorries that now have access and the subsequent building of more shacks into the wetlands. Even a wall will not stop people to break it up and use the debris as landfill (I grew up in Berlin saw the Berlin wall come down in a few days when the guards stopped shooting people who tried to get over or demolish it). There is also a danger that this road becomes a dangerous road, empty and unused, littered with rubbish and burning tires and broken cement.</p>		<p>hoped that the wall would provide a definitive edge in this regard, and the roadway would serve to improve surveillance on the wetland area so that such illegal activities can immediately be identified and rectified.</p>
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<b>COMMENTS RECEIVED ON DRAFT BAR (PRE-APPLICATION)</b>			
<b>Commentator(s)</b>	<b>Summary of the nature of comments</b>	<b>Respondent</b>	<b>Response</b>
4, 5, 6, 16, 19, 26, 29, 32, 40, 42, 44, 45, 58	Support for the project due to the housing opportunities, provision of service infrastructure and overall better living conditions it would provide to Masiphumelele residents including better health and safety.	<b>Chand</b>	Noted.
40	Support for the road due to likely improvement of the quality of runoff (stormwater and sewage) into the wetland.	<b>Chand</b>	Noted.
5, 14, 15, 16, 23,	Support for the road as it would provide a safer and more accessible	<b>Chand</b>	Noted.

45, 58	route to shopping centres, transport opportunities and places of work for the Masiphumelele Community.		
26, 42	Support for the road as it will aid in traffic relief.	<b>Chand</b>	Noted.
23, 45, 58	Agreed that road would provide increased accessibility for fire, ambulance, police and other emergency services.	<b>Chand</b>	Noted.
23, 45, 58	Agreed that there will be more commercial and thus job opportunities along the new road.	<b>Chand</b>	The road will ease access to commercial opportunities.
26, 34, 40, 42	Support for the road as it would provide a definitive boundary to prevent further encroachment. The road would also allow for better wetland and faunal management.	<b>Chand</b>	Agreed.
23, 30, 31, 43, 45	Major concern over the current and continued encroachment into the wetland towards Lake Michelle. The City has failed to curtail this. Encroachment will likely impact on property values and thus the income received from property rates. Wildlife has already decreased in the "Eco-Estate." What is being done to prevent further degradation?	<b>Chand</b>	The project is aimed at stopping the continued encroachment into the wetlands by proposing a road as a definitive edge between urban development and the wetland. All infilling and structures located to the north of the proposed roadway will be removed as part of the project and associated rehabilitation of the wetland.
18	Concern that City's neglect to manage encroachment into the wetland was planned to allow for the road.	<b>Chand</b>	The City's law enforcement and land invasion divisions are active in the area to remove illegal structures. This task is hindered by the poor access to the wetland edge and the high demand for housing structures in the area. The wetland cannot effectively be protected in absence of the proposed road and upgrade of the informal settlement.
16, 23	Lake Michelle's view will be obstructed by a block of flats which will result in a decrease in property values.	<b>Chand</b>	It is not clear what block of flats are being referred to. The upgrading of the informal settlement may include 3-storey walkup buildings, however this is yet to be determined as part of the detailed design phase when housing allocation and related subsidy eligibility are being determined.  The project steering committee will have opportunity to

			provide inputs into the nature and scale of the buildings, and it is proposed that Lake Michelle be represented on the project steering committee.
69	Objection to the road as it could structurally interfere with the units in the Noordsig development.	<b>Chand</b>	The engineers did not flag this as a potential concern. No roadway will be designed such that it could pose a potential threat to the structural integrity of structures in the area. The design of the infill and sub-bases for the housing and road components will be undertaken by professional engineers to ensure this outcome.
70	Request to be forwarded Faunal Impact Assessment.	<b>Chand</b>	Available on Chand's website (link shared)
6, 9, 12, 13, 16, 23, 44, 45, 58	Concern regarding resettlement locations – permanent and temporary. Where are the locations? Why have the City not been transparent regarding relocation sites? The public cannot comment fully without this information. Concern that new sites will likely impact negatively on neighbouring residents.	<b>Chand</b>	<p>The City indicated that all hosting sites considered are within a 2.5km radius from the Masiphumelele informal settlement. The host sites have not been confirmed as yet as the City is still in the process of understanding which of the sites are available for residential use. Should development on any of these sites require environmental or land use planning authorisation, the necessary process will be followed and the public will have their opportunity to comment at that point.</p> <p>The DEA&amp;DP agreed that the exact locations of the host sites are not required for the purposes of the application for the road and upgrading of the informal settlement.</p>
7	Concern that Masiphumelele resident's name is on the City's housing database but still waiting with no response from the City. Commentator asks to be considered for a house.	<b>Chand</b>	The housing allocation process lies outside the scope of the Basic Assessment environmental application. The commenting party must continue to liaise with the City in this regard. Chand made the contact details of the relevant City Department available to enquiring I&APs.

8	Will current backyard dwellers also be considered for relocation?	<b>CoCT Informal Settlements</b>	Yes, all households living in the informal areas may be subject to relocation to facilitate a future formal residential development.
9	City of Cape Town should have been present at Open House to answer questions.	<b>Chand</b>	A representative from the City's Informal Settlements department was present at the Open House hosted in Masiphumelele and a transport representative of the City was present at the Open House in Sunnydale.
9	Will residents who live in the wetland but are under 40 years be considered for houses?	<b>Chand</b>	South African residents aged 18 and older and that meet certain income criteria qualify for a housing subsidy. All residents in the informal settlement will however receive alternative accommodation as per national legislation governing relocations.
9, 12	Will there be infrastructure on the permanent sites?	<b>Chand</b>	Sites that accommodate permanent structures will have the required infrastructure to support permanent residential development.
9, 12	What size will the houses be?	<b>Chand</b>	This is yet to be determined during the final design phase but will be dependent on affordability in terms of the housing subsidies and also the best land use considering the scarcity of available land.
9	Why must relocation occur since it is such an expensive exercise?	<b>Chand</b>	Due to the nature of the project to upgrade the informal area and the significant earthworks that will be required to raise the site to an acceptable level (in relation to the wetland), implementation of the project will not be possible without relocation of those households currently residing in the informal settlement. Relocation will be subject to an extensive Relocation Action Plan that will be developed in collaboration with the Project Steering Committee, which will include

			the community leaders.
10	More engagement with leaders required.	<b>Chand</b>	While extensive engagement took place during the Basic Assessment process, it is agreed that further engagement is required prior to implementation should environmental rights be granted. The Project Steering Committee will be formalised for this purpose.
13, 16	Concern that residents who are unemployed will not qualify for houses.	<b>Chand</b>	Qualification criteria for housing subsidies include South African residents that are unemployed (i.e. those earning no income) as well as those residents that earn below a certain threshold. Unemployed residents (that meet the other qualification criteria) will therefore be considered.  It must also be noted that all residents in the informal settlement will receive alternative accommodation as per national legislation governing relocations.
12	Concern that residents who are unemployed will not be able to pay rent for houses.	<b>Chand</b>	Qualification criteria for rental units include a minimum level of income so unemployed residents will not qualify for rental units. Unemployed residents could however qualify for subsidised housing should they meet all other qualifying criteria.  It must also be noted that all residents in the informal settlement will receive alternative accommodation as per national legislation governing relocations.
16	Concern over poor living conditions in Masiphumelele.	<b>Chand</b>	Agreed. The project is aimed at vastly improving the living conditions of those in Masiphumelele's informal settlement. It is also anticipated that indirect impacts associated with better accessibility to commercial opportunities would serve to further improve the livelihoods of those residing in the greater Masiphumelele area.

<p>16, 23, 29, 31, 44, 45, 58</p>	<p>Concern that the resettlement process will not only impact negatively on the Masiphumelele community but also on the broader community. There is currently a lot of uncertainty around the process and it appears that the complexity is not well understood. Social unrest (protests, riots and violence) is predicted if relocation is not planned, managed and implemented well. The safety and security of neighbouring residents need to be considered.</p> <p>Serious steps should be taken to crease the capacity of the Masiphumelele community to self-mange the situation described above. The City should also show willingness and motivation to immediately and pro-actively deal with unrest should it occur. Concern that the City had failed to do so in the past.</p>	<p><b>Chand</b></p>	<p>It is agreed that the relocation process requires significant planning and consideration in order to avoid the consequences mentioned by the commenting party. To this end, the EAP recommends the establishment of a Project Steering Committee which amongst others, will comprise of key community members. The Project Steering Committee will be actively involved in the development of the Relocation Action Plan.</p>
<p>16, 23, 47, 67</p>	<p>Concern that there will be unrest in the community when newest members of Masiphumelele that reside in the wetland are provided with houses while those that have been on the waiting list for years will not qualify. Possible unrest stemming from this must also be considered.</p>	<p><b>CoCT Informal Settlements</b></p>	<p>The allocation of housing opportunities will be according to the City's approved housing allocations policy. This is normally based on the housing waiting list where, generally those longer on the list, gets first priority.</p>
<p>16, 23, 58, 21, 25, 45, 46, 58, 68</p>	<p>Belief that the road would not protect the wetland from future dwelling encroachment or from litter, but instead facilitate it due to increased accessibility. The 0.45m wall is not considered effective. A guarantee from the City is required that no more encroachment will occur and that the wetland be protected into perpetuity. The City has failed to stop encroachment over the last 10 years (due to capacity and funding constraints) which indicates that they will fail to do so in the future despite indicated mitigation measures. The cases of Sandvlei and Rietvlie serve as further evidence.</p>	<p><b>Chand</b></p>	<p>The proposed mitigation, which includes the wall on the edge between the roadway and the wetland, is supported by the Department of Water and Sanitation as appropriate means to curtail further encroachment into the wetland. Users of the road will provide increased surveillance in the area to report any illegal activity beyond the definitive edge provided by the roadway and wall. The road will improve the City's ability to respond to any encroachment attempts. The current lack of easy access to the area is hampering the City's efforts in this regard.</p> <p>It should be noted that the total height of the wall above the water level will be 2m and this should serve to discourage entry into the wetland.</p>

47	<p>Concern over mitigation measures for wetland impacts:</p> <ul style="list-style-type: none"> <li>- Mitigation measures are poorly formulated</li> <li>- Unclear how mitigation measures will be implemented and maintained</li> <li>- Unintended negative consequences of mitigation measures not considered</li> <li>- Not clearly stated whether the proposed budgets include mitigation measures</li> <li>- Concern that funding will dry up and mitigation measures not properly implemented</li> <li>- Opinion that no level of mitigation suggested can replace a functioning wetland or counter future wetland collapse and specie extinctions.</li> </ul>	<b>Chand</b>	<p>It is not clear which mitigation is considered to be 'poorly formulated' and those that are not clear on implementation and maintenance. The mitigation was proposed by a suitably qualified and well regarded wetland specialist with extensive experience in development of appropriate mitigation for wetlands of this nature. Where mitigation in itself present concerns (due to unintended consequences), these are re-conceptualised to avoid such consequences, or not recommended. In absence of more detail on the specific concerns with the mitigation, no further detailed response can be provided.</p> <p>Implementation of the specialist's recommendations should be viewed in conjunction with the BAR and EMPr.</p> <p>The wetland and faunal impact assessments assessed the level of residual impact subsequent to the mitigation associated with the road proposal. It is agreed that some residual negative impact would remain however the specialists do not believe that this would be to an extent where wetland collapse and species extinction would occur. These would be seen as fatal flaws.</p> <p>The budgets indeed include the recommended mitigation measures. The City committed to those budgets being available for this project. This was clarified in the final BAR</p>
21, 35, 62, 63, 64, 65, 66	<p>Concern that planned wall will prevent surveillance over the road. This will be dangerous in terms of motor vehicle accidents and in terms of robbery and violence.</p>	<b>Chand</b>	<p>It is assumed that this comment relates to the noise mitigation wall between the road and the upgraded informal settlement. Walls alongside roads of this class,</p>

			inside urban areas are standard and hence it is not believed that it would pose a greater risk to motor vehicle accidents than any other similar road in the City. The comment that the wall would prevent surveillance onto the road is acknowledged, however this is a necessary mitigation to reduce noise levels to acceptable limits. As the road would be abutted by human settlements, the reality is that if the wall was not proposed, vibracrete / other structures would have been erected in order to delineate the edge of the property(ies) that abut the road. Such structures would also serve to block the view onto the road and hence, the lack of surveillance onto the road from the settlement is likely unavoidable.
16, 23, 58, 21, 25, 45, 46, 47, 58	Belief that the City will be unable to implement the suggested mitigation measures due to capacity and funding constraints as evidenced by failure to stop wetland encroachment over the last 10 years, also the cases of Sandvlei and Rietvlei.	<b>Chand</b>	The mitigation measures will be conditional on approval of the Environmental Authorisation and Water Use Licence (if granted). The City will therefore be legally bound to implement these measures should they commence with the proposed Phase 2 development.
31	<p>Questions regarding implementation of mitigation measures:</p> <ul style="list-style-type: none"> <li>- What guarantee can the City provide that no more encroachment will occur and that the wetland be protected into perpetuity?</li> <li>- What power do the public have to ensure that the agreed upon mitigation measures are implemented?</li> </ul>	<b>Chand</b>	The proposed roadway will contribute significantly to the fight against illegal infilling and encroachment of the wetland as the City's land invasion unit can then easily access the area to monitor the situation. The users of the roadway will further serve to provide surveillance in this regard. The City will continue with their anti-land invasion efforts to end the encroachment into the wetland – efforts that are currently significantly hampered by the lack of proper access to the area. As the infilling constitutes illegal activities, the City can only fight to try and prevent and respond to such activities, however they are not in a position to provide any guarantees as requested by the commentator.

			<p>The Environmental Authorisation is publicly available and will be legally binding on the City. Should authorisation be granted, the implementation of mitigation measures will be conditional on such approval. If the City neglects to meet the conditions of approval, the public would be at right to notify the DEA&amp;DP of the non-compliance so that the authorities may respond.</p>
47 NEAG	<p>NEAG insists that the City responds with final recommendations, in writing regarding:</p> <ol style="list-style-type: none"> <li>1) A Storm Water Management Plan,</li> <li>2) A Wetland Rehabilitation Plan</li> <li>3) Specific environmental and wetland recommendations on the final EIA report: Draft proposals or a "plan of action" regarding the implementation of mitigation recommendations outlined in the report must be published. The role of the City in monitoring, policing, funding and implementing work must form part of the public participation process. I&amp;AP should be given the opportunity to comment on the City's work plan and the future arrangements as part of its wetland management responsibilities in co-operation with SANParks.</li> </ol>	<b>Chand</b>	<p>The project related Stormwater Management Plan, Wetland Rehabilitation Plan and environmental and wetland recommendations (mitigation) were subject to public review and comment periods in line with the 2014 EIA Regulations. The final plans will include responses to all comments received as well as any non-significant changes as a result of comments raised. Timeframes prescribed in the 2014 EIA Regulations does not allow for further round of public review of final documentation, unless significant changes are made to the reports and supporting documentation. At this point, it is not envisaged that significant changes will be made. The final reports will however be made available to I&amp;APs for their information. The DEA&amp;DP can be approached directly to understand whether they would be open to accepting comments during their decision-making process.</p> <p>Environmental specifications and requirements relating to implementation of the project are contained in the EMP. Implementation plans compiled by the City is not a requirement as part of the EIA (in this instance, Basic Assessment) process. Should environmental authorisation be granted, the City may decide whether further plans will be subject to public participation. This falls outside the scope of the environmental application process.</p>

47	<p>NEAG insists on written acceptance by the City that</p> <ul style="list-style-type: none"> <li>(i) they have budget for the mitigation recommendations should the project go ahead;</li> <li>(ii) that there will be provision in the future budget for monitoring and maintaining the various mitigation measures,</li> <li>(iii) an indication of who will be appointed to do so.</li> </ul>	<b>CoCT</b>	<p>(i) The City will budget to meet all its obligations to comply with the conditions of approval in the Environmental Authorisation and Water Use Licence Approval.</p> <p>(ii) The City of Cape Town's various Departments are responsible for managing and oversight of the various mitigation measures during the different stages of the project. All Departments fulfill their delegations either through qualified City employees or via contracted services when deemed appropriate (at the time) or required by conditions of approval of authorisations.</p> <p>(iii) If required in terms of conditions of approval, or deemed necessary by the various Departments, external services will be procured in terms of the normal City's Supply Chain Management Processes.</p>
47	<p>Developments proposed for Noordhoek (Figure provided in original comment) will place more pressure on surrounding natural spaces and biodiversity, and further impede the movement of fauna between the mountains and wetland. The reports do NOT take the broader ecological system into account, which is "fatal flaw" with regards to wetland health and faunal extinctions.</p>	<b>Simon</b>	<p>Cumulative impacts of development on ecological function and landscape connectivity are a concern in the area given the large amount of development that is taking place in the greater Noordhoek region. With regards to the current application, cumulative impacts must be considered in light of the contribution of the current development to habitat loss and landscape fragmentation. While the comment may be correct in that all of the development in the area is impacting on faunal movement, one has to consider the contribution of the <u>current</u> development to this impact. It is clear that the Houmoed Phase 2 development footprint is in an area where there is likely minimal connectivity between the mountains and wetland given the very high human density and activity in the affected area. In addition, the road will</p>

			provide a hard edge to the urban area and should ultimately be able to reduce the current impingement of houses etc. into the wetland area.
47	<p>Concerns regarding Stormwater Management:</p> <ol style="list-style-type: none"> <li>1. Concern that many engineering recommendations were made in the past, but not implemented</li> <li>2. Need to plan for climate change as per cautionary principle</li> <li>3. Existing underground drainage is inadequate to withstand the 50 y floods, and there are constant silt blockages as well.</li> <li>4. Opinion that SUDS is not possible – the recommendations for 5 drainage sumps etc. in the SWMP are very good and should be built without the road</li> <li>5. A Storm Water Management Plan must be prioritised but not depend on building the road.</li> <li>6. Belief that the statement that the Phase 2 no-go option would result in on-going pollution of the wetland is unacceptable – the drainage situation in Masiphumelele can be addressed without building the road.</li> <li>7. The septic flows from Masiphumelele must urgently be directed to the WVVWTW (Wildevoelelei Wastewater Treatment Works). Storm flows can overtop these and be allowed to go into the wetlands, but the EIA around the road cannot be considered in isolation.</li> <li>8. Any EIA must include a proper long-term solution to the dangerously polluted high nutrient flows into the wetland system, which holds implications for the P&amp;P reed beds and thus the greater Noordhoek wetland system. Only once that is considered can the additional impacts of a road on the wetlands be assessed.</li> </ol>	<b>Chand and HHO</b>	<ol style="list-style-type: none"> <li>1. The environmental recommendations and mitigation will become conditional on approval of the Environmental Authorisation, if granted. The City would be legally bound to the implementation of these specifications, with significant ramifications in the event of non-compliance.</li> <li>2. The design takes into account extreme storm events (1:100 year), to which a further 20% was added to allow for future unknowns, such as environmental changes, From a frequency perspective, the designed infrastructure would withstand the 1:100 storm event regardless of frequency of occurrence,</li> <li>3. We agree that the existing infrastructure is sub-standard and that siltation is a problem. The proposed infrastructure has been designed to accommodate the 1:100 year flood, with litter and silt removal facilities.</li> <li>4. 4 litter traps/ drainage sumps are proposed. Bulk earthworks and culverts would be required regardless of whether the road was constructed.</li> <li>5. The SWMP depends on the proposed roads, which act as overland channels in the event of large storms. The reporting does not state that the road is necessarily required to prevent on-going pollution of the wetland. The road is however merely one component of the Phase 2 project.</li> <li>6. The assessment of the no-go option relates primarily to the current conditions associated with the informal settlement. In absence of the upgrading of the settlement (including formalised sanitation and stormwater systems), the no-go alternative would lead to polluted runoff entering the stormwater system. The</li> </ol>

			<p>road is an integral part of the planning of the informal settlement upgrade.</p> <p>7. Also see responses above. The proposal is to upgrade the informal settlement and provide formalised sewerage infrastructure which would drain to the Wildevoelwei Wastewater Treatment Works. Formalised stormwater infrastructure is also proposed, as per the stormwater management plan.</p> <p>8. Runoff of polluted wastewater and stormwater entering into the wetland system was thoroughly considered in the process and appropriate mitigation was proposed to prevent this situation from recurring as part of the formalised settlement. Refer to the BAR and stormwater management plan.</p>
67	Concern that increased stormwater runoff from road surface will pollute adjacent wetland especially with soil.	<b>HHO</b>	Given the high population density of Masiphumelele, it is highly unlikely that the proposed development would lead to increased runoff. Nevertheless, all surface water runoff would be treated via the litter/silt trap, low flow diversion and wet swales. Currently there is no treatment of any kind. This means improved water quality.
67	Concern that the shacks in the wetland are blocking the east to west flow of water.	<b>HHO</b>	The informal structures would be removed in terms of the City of Cape Town's housing strategy and the Phase 2 development proposal.
67	Concern that Wildervoel vlei sewerage plant is running at capacity already.	<b>Chand</b>	The City's Water and Sanitation Department provided confirmation that the WWTW have sufficient capacity to deal with the sewage that will be generated by the development. This proof is included in the final BAR, that will be made available to I&APs for their information purposes.
67	Bluegum trees on erf 4931 (Mr James Large's property) would be lost. These are essential to bees, provide habitat to raptors, wood for warmth and cooking and provide a windbreak to the property which	<b>Chand</b>	Bluegums is an alien species which would only be deemed conservation-worthy in specific instances. This was not the case for the botanist, faunal specialist and heritage

	is helping with the growth of the indigenous trees.		practitioner in this instance.
67	Belief that the approval of the section of Houmoed Avenue at Fish Eagle Park was deliberate to facilitate the implementation of Phase 2. The road is hardly being used for emergency purposes as intended. Was this section not also set aside by the Minister during the appeal process for the previous Houmoed Extension application?	<b>Chand</b>	<p>The existing section of Houmoed Avenue at Fish Eagle Park was not subject to environmental authorisation (i.e. it did not trigger the need for Environmental Authorisation). The decision by the Minister on the appeal process for the previous application for Houmoed Avenue related only to that application for Environmental Authorisation. This decision does not disallow implementation of existing rights nor the right to reapply for Environmental Authorisation.</p> <p>The existing section of Houmoed Avenue at Fish Eagle Park has no bearing on the environmental assessment for the Phase 2 development as proposed, and in no way eases the application process or assessment. The construction of this section could therefore not have been deliberate as suggested.</p>
16, 45, 58	The noise generated from the road and mitigation measures should be considered more comprehensively especially how noise will impact on Neighbouring Lake Michelle.	<b>Chand</b>	The noise impact assessment included noise sensitivity mapping to understand the extent of noise impacts and would result from the roadway. Noise mitigation was recommended in order to reduce the noise levels to acceptable limits where this was required. Lake Michelle falls well outside the impacted area in terms of the noise sensitivity mapping compiled by the noise specialist. The mitigation is deemed appropriate to the specific class of the road in this setting. Full details are provided in the noise impact assessment report.
16, 22, 23, 45, 58, 67	Concern over light pollution from the road to the new houses in Masiphumelele, the wetland and in Lake Michelle (which has no street lighting or anything other than ambient lights).	<b>Chand</b>	The lighting is specifically designed to be directed downwards onto the roadway thereby avoiding light pollution into the wetland and adjacent areas.
16, 45, 58	Concern that a "temporary relocation area" will likely become a permanent informal settlement. As such it is of utmost importance that people are moved either into upgradable Temporary	<b>Chand</b>	Agreed. The detail of the TRAs must be included in the Relocation Action Plan.

	Resettlement Areas (TRA) or straight into permanent houses. The City must provide a clear and careful plan of how up-gradable TRA's will be to be developed to an acceptable standard.		
16, 45, 58, 67	<p>Concern that there will be an influx into the Wetland Informal Settlement with the promise of housing. How is the City planning to prevent an increase in this number while the "protracted planning, design and engagement process" for the resettlement programme and approval for Phase 2 is taking place?</p> <p>The continuous infilling of wetland at erf 4929 particularly through gate that was placed there by Work for Love (now Bongulethu) and the City is concerning.</p>	<b>CoCT Informal Settlements</b>	The City's land invasion unit will continue with their efforts to curb illegal settling into the Wetland Informal Settlement. Households will only be moved, when the construction is to be implemented to avoid the land being vacant for the long period of time, awaiting the housing project.
16, 40, 58	How will the City manage backyard dwellers to prevent a renewed wave of overcrowding once houses are built in the Wetland area as well as at the relocation sites? It is requested that the City invokes and applies the National Building Regulations in order to ensure the health and safety of residents and to prevent further overcrowding which will compromise the living conditions of the residents of Masiphumelele and put additional strain on infrastructure and facilities e.g. schools.	<b>CoCT Informal Settlements</b>	National Building regulations will apply as in any other area in the city. An influx of backyard dwellers would have to be managed in the normal development management process, where law enforcement and building inspectors will play their role. This however falls outside the scope of this Basic Assessment application.
16, 23, 44, 45, 58	Concern over the rapid growth in Masiphumelele which is expected to continue and accompany Phase 2, particularly through backyard dwelling. Concern that the Far South/Southern Peninsula has limited employment opportunities. Phase 2 cannot be planned in isolation but needs to include options that provide creative (and permanent) possibilities for training and employment so as to address population growth.	<b>CoCT Informal Settlements</b>	Agreed, the Local Spatial Development Framework that identifies land for other uses, over and above residential is currently being prepared to ensure that not only residential areas are developed.
16, 17, 21, 23, 31, 41, 43, 44, 45, 58	It is recommended that a fence be erected along the entire length of the road to prevent further encroachment into the wetland (similar to that along N2 in George and Knysna). Possibly on the planned 0.45 wall.	<b>HHO</b>	See all other responses relating to the wall. The wall is considered sufficient to prevent such encroachment.
44, 45	It is recommended that a 2m high wall be constructed. Planned 450cm wall not considered effective.	<b>Chand</b>	The proposed wall is 2m+ high on the wetland side. On the inside (road side) of the wall, the level will be raised significantly to allow for the roadway. The original proposal of a 450mm high wall was to allow the public to use it for seating, however subsequent concern was safety, as in some cases along the wall extent, there is a 2.5m – 3m

			drop. As a result, the idea of a handrail was considered but due to the nature of the area, the risk of having to maintain and/or replace the steel rail on a regular basis was high. This resulted in raising the wall to become a concrete parapet of 1065mm height which resolves all safety concerns, becomes a motor vehicle crash barrier, and provides greater protection against dumping.
17, 18, 22, 27, 28, 30, 38, 58, 35, 61, 67, 69	Concern that the road would impact negatively on wildlife especially toads, otters, chameleons, porcupines, owls, francolins, little bittern and other birdlife through loss of habitat, pollution of habitat due to road activities, light and noise pollution (impacting on movement and breeding patterns), road kill and illegal hunting.	<b>Chand</b>	The faunal assessment was comprehensive in its assessment of impacts of the proposal on fauna. Where appropriate, mitigation was proposed to reduce these impacts. The residual impacts were deemed acceptable in light of the need of the project. The findings and recommendations of the faunal impact study were supported by biodiversity authorities Cape Nature and the City's Environmental Resource Management branch.
22, 27, 28, 30, 35, 39, 58	Of major concern is the Endangered Western Leopard Toad which will be adversely impacted on due to habitat loss, light and noise pollution and increased roadkill.	<b>Chand</b>	The faunal assessment was comprehensive in its assessment of impacts of the proposal on fauna. Where appropriate, mitigation was proposed to reduce these impacts. The residual impacts were deemed acceptable in light of the need of the project. The findings and recommendations of the faunal impact study were supported by biodiversity authorities Cape Nature and the City's Environmental Resource Management branch.
16, 45, 58, 67, 22,	Concern over noise pollution on adjacent property owners. The noise generated from the road and mitigation measures should be considered more comprehensively especially how noise will impact on Neighbouring Lake Michelle.	<b>Chand</b>	The noise impact assessment included noise sensitivity mapping to understand the extent of noise impacts and would result from the roadway. Noise mitigation was recommended in order to reduce the noise levels to acceptable limits where this was required. The mitigation is deemed appropriate to the specific class of the road in this environmental setting.
58	Belief that is morally wrong" to contemplate destroying a biodiversity-rich wetland during a drought and the global 6 <sup>th</sup> Mass Extinction.	<b>Chand</b>	All environmental impacts were considered during the extended Basic Assessment process. While there are

	Environmental risks are too high.		environmental risks associated with the project (as reported in the BAR), appropriate mitigation is recommended where necessary to reduce the significance of impacts to acceptable levels. The specialists did not believe that the road would contribute to extinction of any local or greater populations.
61, 62, 63, 64, 65, 66, 67 17, 21, 22, 30, 58	<p>Objection to the road. Other less costly options should be explored. For example:</p> <ul style="list-style-type: none"> <li>- Widening of Ou Kaapse Weg and Kommetjie Road.</li> <li>- Further upgrades to Kommetjie Road including reserved lanes for bicycles and public transport.</li> <li>- A solid wall between Masiphumelele and the wetlands with a small road for emergency and police vehicles running from Lekkerwater Road to Fish Eagle Park using Kanana road and Masemola road. These two roads only need to be connected at Fish Eagle and Lekkerwater main road. These roads already exist are tarred and belong to the CoCT thus would be less costly.</li> <li>- Extension of Sunnysdale Road including improved NMT facilities.</li> <li>- Road to be built further south, towards Kommetjie Road. It is understood that the strip of land from the T-junction at Noordsig Avenue and Bordeaux road to Lekkerwater Road is government land. This strip continues directly into Masiphumelele, into Myeza Road and to Fish Eagle Park Road. As no properties would have to be expropriated, this option is less costly and would potentially require fewer people to be relocated.</li> </ul>	<b>HHO</b>	<ul style="list-style-type: none"> <li>- The existing widening of KMR and OKW extend to the full width of the road reserve. Additional widening will result in land expropriation which will be met with severe objections.</li> <li>- NMT facilities (pedestrians and cyclists) are included along KMR with a public transport queue jump lane at the KMR/OKW intersection.</li> <li>- These roads do not have sufficient width and capacity to accommodate the future traffic demand, and the accommodating through traffic on these routes will have safety issues for pedestrians and residents along these routes. The proposed route is also longer and not continuous.</li> <li>- The proposed opening of the top end of Sunnysdale Road would be highly contentious and is highly likely to be met with severe objections from those residents living along what is currently a cul de sac. Opening of the link to Kommetjie Main Road would result in a significant rat-run through a residential suburb, with its traffic safety, security, noise, volume of traffic and associated loss of the residential environment currently enjoyed. The opening of Sunnysdale Road would result in the need to install traffic signals, which would result in further delays to through traffic on Kommetjie Main Road. Furthermore, the increased traffic along Sunnysdale Road cannot be accommodated by the unsignalised Buller Louw/Sunnysdale</li> </ul>

			<p>intersection.</p> <ul style="list-style-type: none"> <li>- The Bordeaux alignment will be inadequate to provide the relief required. The route will not be continuous and longer in length and through a residential area with a number of residential driveways. It is also highly likely to cause road safety issues and be met with severe objections from those residents living along Bordeaux Avenue.</li> </ul>
30, 67	Concern that road would block 48 Lekkerwater Road's (ERF 944/5) emergency exits (one via Lekkerwater Road to Kommetjie Road and other exit via Noordsig Avenue).	<b>HHO</b>	Access to Lekkerwater Road as an emergency exit is still available via the original driveway and a dropped kerb. This will be considered in the final detailed design.
17, 22, 58, 61, 69	Concern that the road would highly likely impact negatively on the property values in Milkwood Park, Noordsig and Noordhoek Chalets and Lake Michelle.	<b>City of Cape Town</b>	This response is related to the Phase 2 Houmoed Ave proposal between Fish Eagle Park and Lekkerwater Road. As such, the property values in Milkwood Park, Noordsig, Noordhoek Chalets and Lake Michelle are likely to be unaffected with the phase 2 proposal.
18	Concern over a trench that has been dug for urination and defecation in encroached area.	<b>Chand</b>	It is not clear what trench is being referred to in this comment. The upgrading of the informal settlement will include provision of formal sanitation to the new settlement and upgrading of the stormwater system in the area which are currently contaminated with sewage. The project will therefore serve to vastly improve the sanitation situation compared to the current conditions.
18, 20, 22, 27, 30, 31, 39, 58	Major concern that the wetland and accompanying functions will be lost (habitat provision, aquifer recharge, flood prevention, water filtration and purification etc.) due to increased pollution from increased accessibility and obstruction of natural flows to due road infrastructure.	<b>Chand</b>	All potential impacts on the wetland and related wetland services were thoroughly considered by the freshwater ecologist. The impacts were documented, and appropriate mitigation were put forward in order to reduce the significance of impacts, thereby protecting the integrity and functioning of the wetland.
27	Properties along Houmoed will be impacted on during rain events as rain will not drain away as it is currently.	<b>HHO</b>	Houmoed and internal roads have been designed to convey all runoff into the underground systems for minor

			floods and is utilised as channels into the littertrap/low flow diversion chambers (at the low points) for larger storm events up to the 100y flood.
18, 33	<p>Concern that Lake Michelle will be impacted on negatively. Either it will run dry due to poor drainage or poor quality water will flow into it.</p> <ul style="list-style-type: none"> <li>- Has the water catchment areas and stormwater flow into the Lake Michelle water inlet been considered in planning?</li> <li>- Will it be negatively impacted on in any way, including the management of informal sewage run-off into the wetland and into Lake Michelle?</li> </ul>	<b>HHO</b>	<p>Only the northern half of the wetland drains into Lake Michelle. Phase 2 has no impact on Lake Michelle, or the water entering Lake Michelle.</p> <p>Foul sewerage infrastructure would be provided and sewerage treated at Wildevoelwei Waste Water Treatment Works,</p>
20, 21, 28, 39, 58, 61, 62, 63, 64, 65, 66, 69	<p>Objection to the road as it will not aid in traffic congestion. The road will likely worsen congestion as improved roads in time create greater traffic and more development which will in turn cause more traffic.</p>	<b>HHO</b>	<p>The future planned and approved developments have been taken into account in the development of the traffic model used to calculate the future traffic flows. From the traffic model the road is required to reduce traffic flows on KMR in the future to alleviate congestion along KMR.</p>
21, 61, 62, 63, 64, 65, 66, 67	<p>The upgrades to Kommetjie Road and Ou Kaapse Weg will ease traffic congestion without the need for Houmoed to be upgraded. The need for Houmoed should only be assessed after these upgrades have been implemented.</p>	<b>HHO</b>	<p>The transport study (included as an Appendix to the BAR) shows that the Houmoed Ave extension is required despite the other road upgrades in the area and will also serve to optimise the functionality of the upgrades in the area. Owing to protracted application processes in order to secure the development rights, it is common practice to commence with the applications well in advance for planned infrastructure projects. In this instance the infrastructure is urgently required, consequently, the application processes are accelerated as far as possible.</p>
21, 35, 61, 62, 63, 64, 65, 66	<p>Concern that the road will be a fast moving, potentially dangerous road due to the few intersections and particularly abused by speeding taxis given its connection to Masiphumelele.</p>	<b>Chand</b>	<p>The road will have a speed limit of 60km/hour as with similar roads inside residential areas. As with all roads in the City, country and abroad, speeding taxis and other illegal road use activities could occur. This however falls outside the scope of the Basic Assessment and is a law enforcement matter.</p>

67	The BAR does not sufficiently acknowledge that the same proposal was previously rejected by civil and environmental organisations and that the previous Record of Decision was overturned by the Minister of Environmental Affairs.	<b>Chand</b>	The overturning of the 2002 Record of Decision (on appeal) has no bearing on the current assessment and hence, this was not covered in significant detail. The current application should be considered in its own right.
20, 22, 27, 58	Money for road should rather be used to uplift the Masiphumelele community through housing and essential services.	<b>Chand</b>	The project entails a component to upgrade the Masiphumelele informal settlement, thereby uplifting the community in the area. The roadway as the edge between the urban environment and the wetland is deemed an indispensable component of the project as it would aid in curtailing continued encroachment into the wetland area, provide access to the wetland edge for better management of this resource, improve accessibility of those residing in Masiphumelele to commercial opportunities and improve traffic flow in the greater valley.
21, 22, 58	Sunnydale road should rather be extended as it will be less costly. Suggestion that pedestrian access to Sunnydale Road should also rather be improved through proper NMT facilities.	<b>HHO</b>	The proposed opening of the top end of Sunnydale Road would be highly contentious and is highly likely to be met with severe objections from those residents living along what is currently a cul-de-sac. Opening of the link to Kommetjie Main Road would result in a significant rat-run through a residential suburb, with its traffic safety, security, noise, volume of traffic and associated loss of the residential environment currently enjoyed. The opening of Sunnydale Road would result the need to install traffic signals, which would result in further delays to through traffic on Kommetjie Main Road. Furthermore, the increased traffic along Sunnydale Road cannot be accommodated by the unsignalised Buller Louw/Sunnydale intersection.
22	Concern that road will cause air pollution from vehicles.	<b>Chand</b>	Vehicles travelling along the road will emit emissions to air as is the case on all roadways. Increased traffic as a result of urban development and population expansion causes an increase in vehicle emissions to air. The road will not result in an overall increase in vehicle emissions to the

			broader area, as the road will divert traffic from other roads in the area (in other words, the emissions will occur, whether it is on the proposed new roadway or the road network in the area). It is acknowledged that the pattern / area of initial release of the emission will change prior to its ultimate diffusion. The ambient air quality in the area will however not be affected.
22, 35, 67	Security concern as the road will provide easier access to neighbourhoods which are currently protected by the wetland edge. Increase in crime rates expected due to direct access and quick "getaway" to Masiphumelele. What measures will be put in place to prevent this?	<b>Chand</b>	<p>This concern is acknowledged and is not uncommon in areas where established residential areas are in close proximity to informal settlements. Similar to these other areas, residents would need to engage neighbourhood watch and private security firms to strategise about possible changes to the way in which security is currently provided. Private security and neighbourhood watch should also liaise with law enforcement in the area as a combined approach to provision of security would be ideal.</p> <p>Without minimising the security concern, it should be highlighted that illegal activity is a law enforcement consideration and should have no place in informing the City's forward planning for important infrastructure requirements.</p>
22, 23, 25, 27, 67	Concern that pollution of the wetland through litter, oil, rubber dust and dumping will increase by creating a thoroughfare.	<b>Chand</b>	The wetland is currently abutted by the informal settlement. The inadequate sanitation and stormwater management in the informal settlement result in a high level of pollutants entering the wetland. The proposed upgrading of the informal settlement and the proposed roadway will include carefully designed stormwater interventions and formal sanitation which will serve to vastly reduce the level of pollutants that enter the wetland. Waste bins will be provided, and users of the road will provide surveillance to discourage illegal dumping of waste and littering. The proposed road will also provide

			the necessary access to the wetland for any cleanup actions that may be required; something that the current inaccessibility does not provide.
22	Concern that sense of place will be lost. "Country-side" atmosphere is why most residents decided to invest in property in the area.	<b>Chand</b>	<p>Localised urban development and the informal settlement of Masiphumelele have significantly altered the landscape in the area. The upgrade to the informal settlement is expected to improve the sense of place in the area compared to the current conditions. The informal settlement currently obstructs cars to the wetland area, so comparatively, traffic on the proposed road will result in noise and an discernible change to the current character of the area. The road is however an integral part of the upgrading of the informal settlement.</p> <p>The localised sense of place for the Phase 2 development is in the opinion of the EAP more accurately described as "informal urban environment". It is acknowledged that certain remnant areas in the greater valley are considered to have more of a "country" character, however it is not believed that the Phase 2 extension of Houmoed Avenue and the upgrading of the informal settlement will impact on the character of these areas. This comment relates to some extent more to Phase 1 extension of Houmoed.</p>
22	Belief that the proposal is being "pushed through with Basic Assessment", without clear indication of who will ensure protection of wetland.	<b>Chand</b>	<p>The Basic Assessment is the regulatory process triggered by the proposed development in terms of the Environmental Impact Assessment Regulations of 2014, as amended. While a full Environmental Impact Assessment could be motivated for and undertaken in lieu of a Basic Assessment under the previous regulations, this is no longer allowed for under the current 2014 regulations, as amended. The Basic Assessment process is therefore followed in accordance with the legal requirements for the project and not as an effort to avoid a full EIA process.</p>

			<p>It should also be said that the Basic Assessment process is comprehensive in terms of the public participation, investigations that informed the process and reporting, and is appropriate for the purposes of decision-making by the environmental authorities.</p> <p>The Basic Assessment Report is clear that the City of Cape Town remains responsible for all wetland rehabilitation and freshwater mitigation associated with the project. The overall protection of the greater wetland falls to the various landowners (SANParks, City of Cape Town, private individuals), as well as the public that interact with the wetland.</p>
22	<p>The below legislation was not considered in the BAR:</p> <ol style="list-style-type: none"> <li>1) The Constitution of South Africa which creates a duty on the State to conserve wetlands. Specifically Section 24 which states the right to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures.</li> <li>2) Section 19 of the National Water Act which states that if there is land where there is an activity or process which causes, has caused or is likely to cause pollution of a water resource, the person in control must take all reasonable measures to prevent such pollution from occurring, continuing or recurring.</li> <li>3) The Ramsar Convention on Wetlands of International Importance, to which South Africa is a party, which provides that "Contracting Parties shall formulate and implement their planning so as to promote...as far as possible the wise use of wetlands in their territory"</li> </ol>	<b>Chand</b>	<p>The proposal received considerable inputs from specialists to ensure sustainability which is one of the ultimate objectives of the legislation mentioned in the comment. All legal requirements in terms of legislation are being met. It is not believed that the proposal is contradictory to the objectives of the legislation and policies mentioned in the comment.</p>
22	<p>Alternative routes were not considered as per legislative requirements.</p>	<b>Chand</b>	<p>Legislation does not dictate that alternative routes must be investigated, but merely that alternatives (e.g. layout, technology, operational, site alternatives etc.) must be considered. One of the key objectives of the Phase 2 project was to consider the current level of infilling of the wetland and to propose a reasonable edge where urban development should cease and about the natural</p>

			<p>environment (the wetland). It was proposed that the road would define this edge. A major consideration was to balance the need for land for housing (critically needed in the area) with the future protection of the wetland. This matter was thoroughly considered by the various specialists, the EAP and the applicant in the early stages of the project. A line was agreed upon, which is located mostly on land that is already disturbed by infilling. This presented opportunities to rehabilitate infilled areas that are located north of the proposed line (road) to restore the wetland habitat in those areas while allowing for a reasonable space for the upgrading of the informal settlement. This process therefore presented little alternatives with respect to routes.</p> <p>The Basic Assessment was however informed by the Transport Study which considered various road upgrade possibilities in order to alleviate and improve the flow of traffic in the valley.</p>
24, 25, 36	<p>Objection to the road "due to environmental reasons". Environmental issues were not considered comprehensively enough. A full Environmental Report is required regarding the impact on the affected wetland.</p>	<b>Chand</b>	<p>A comprehensive Basic Assessment process was followed and the resultant Basic Assessment Report thoroughly considered all anticipated environmental impacts associated with the proposed road and upgrading of the informal settlement. This process exceeded legal requirements in terms of the 2014 EIA Regulations as amended and is deemed appropriate for the purposes of decision-making. The 2014 EIA regulations do not make provision for a full Scoping and EIA process to be undertaken when activities triggering a Basic Assessment are relevant to the proposed development.</p>
24, 37, 47, 61, 62, 63, 64, 65, 66	<p>Suggestion that the road rather be developed as a "scenic road" as a footpath and/or bicycle path/horse riding path for locals and visitors to enjoy the wetland. By definition, it should be slow moving and have excellent surveillance.</p>	<b>Chand</b>	<p>The road serves not only to alleviate and improve traffic flow in the valley, but would also form the hard edge required between urban development (with the upgrading of the informal settlement) in order to protect the wetland</p>

			<p>from further urban encroachment, provide another access to Masiphumelele area and makes the wetland accessible for the aesthetic enjoyment of the greater community and visitors to the area. The access provided by the road is also important for proper emergency response in the area.</p> <p>The proposed road includes pedestrian and bicycle lanes. The suggestion of only providing for non-motorised transport would however not achieve the other objectives as stated above.</p>
61, 62, 63, 64, 65, 66	Suggestion that a scenic road rather be located about 15m north of where it is proposed. This would allow more space for housing. While this would still have a small negative environmental impact it would resolve the edge of the wetland it would have lasting social benefit.	<b>Chand</b>	<p>The suggestion is noted, however this is not currently considered by the City. It would likely entail further infilling and encroachment into the wetland as this road is proposed north of the current development edge. It would however as suggested provide for more housing opportunities. The current development proposal is deemed a reasonable compromise between balancing the negative biophysical and positive social impacts associated with the Phase 2 development.</p> <p>Should Environmental Authorisation not be granted, the City may opt to consider this alternative and to apply for the requisite rights.</p>
61, 62, 63, 64, 65, 66	Belief that the road only has one purpose - to reduce traffic congestion from the Kommetjie Road/ Ou Kaapseweg intersection in the morning. Due to its few connections- at Riverside, Pokela, Lekkerwater and Buller Louw Boulevard - the road adds almost no value to Masiphumelele or Sunnysdale.	<b>Chand</b>	The various reasons for the road are clearly detailed in the BAR and elsewhere in this comments and responses table.
25, 58	The road will result in increased traffic on Noordhoek Main Road and onto Silvermine Road.	<b>HHO</b>	This is only the case if Phase 1 of Houmoed Extension is approved. This matter is dealt with in terms of that specific application and is unrelated to Phase 2.
27, 61, 62, 63, 64, 65, 66, 67, 20, 22, 27, 58, 47	While overcrowding, encroachment and poor sanitation and resulting unrest in Masiphumelele are acknowledged building a road is not considered a justifiable solution especially since the City has	<b>Chand</b>	It is widely regarded that a roadway presents the most appropriate edge between urban development and sensitive natural environments. The road is an integral part

	failed to manage the issue over the last 10 years. Urgency and capital expenditure for the Houmoed extension should shift to finding solutions to the unacceptable living standards in Masiphumelele including formal housing and improved service infrastructure.		of the upgrading of the informal area, as is clear in the motivation provided in the BAR and responses provided in this table.
27	Why has the City's tender for the construction of wash houses in Masiphumelele which was to be completed in January 2018 not started?	<b>Chand</b>	This comment falls outside of the scope of the Basic Assessment.
28	Objection to the proposal as there is no clear benefit to the larger community.	<b>Chand</b>	The upgrading of the informal settlement will vastly improve the living conditions of those residing in the informal settlement. While the beneficiaries that can reside in the upgraded settlement will experience the majority of benefits, there area benefits to the larger community. Formalised stormwater and sanitation services will in turn improve the quality of water entering the wetland, ensuring a healthier environment for all. The upgraded settlement will also improve the overall character of the area when compared to the current conditions. The proposed road will ease accessibility for the greater Masiphumelele and Fish Eagle Park communities, it will ease access for emergency services, provide for better connectivity to commercial opportunities and will improve the flow of traffic in the greater valley – a benefit to all road users in the valley.
30	Concern that Protected Milkwood Trees would be lost.	<b>Chand</b>	Under the preferred alternative, no Milkwood Trees would be impacted / lost for Phase 2.
30	Suggestion that the road be built further south, towards Kommetjie Road. It is understood that the strip of land from the T-junction at Noordsig Avenue and Bordeaux road to Lekkerwater Road is government land. This strip continues directly into Masiphumelele, into Myeza Road and to Fish Eagle Park Road. As no properties would have to be expropriated, this option is less costly. This would also potentially require fewer people to be relocated.	<b>HHO</b>	The Bordeaux alignment will be inadequate to provide the relief required. The route will not be continuous and longer in length and through a residential area with a number of residential driveways. It is also highly likely to cause road safety issues and be met with severe objections from those residents living along Bordeaux Avenue.
30	Moving 1000 people out of their homes to build a road is immoral.	<b>Chand</b>	The relocation is required for the project in its entirety, namely the upgrading of the Masiphumelele informal

			settlement and the Phase 2 extension of Houmoed Avenue. The proposed road is an integral part of the informal settlement upgrade, and the latter cannot be achieved without the road as an edge. See other responses in relation to the relevance of the road for the project.
30	The road should not be approved especially since amendments to the National Environmental Management Act would be required to make it legal (concerning activities 19, 48, 56, 18 and 23).	<b>Chand</b>	<p>No amendments would be required to the National Environmental Management Act itself. The Act prescribes that authorisation is required for certain listed activities prior to its commencement. The Basic Assessment process serves as the application in this regard to comply with the requirements of the Act. The fact that listed activities are triggered does not presume that the project should not go ahead. It does necessitate the careful consideration of environmental aspects and impacts so as to understand whether the project could be acceptable, and if so, under which conditions.</p> <p>The Basic Assessment found that some impacts associated with the project are positive, while other negative impacts could be mitigated to acceptable limits.</p>
31	When, and in what format, will recommended measures be finalised and will the public have an opportunity to review and comment?	<b>Chand</b>	<p>The recommended mitigation measures were contained in the draft Basic Assessment Report (BAR) that was subject to a 30-day public participation process. The comments received during this process informed last amendments to the BAR and the compilation of a 'final BAR'. The 2014 EIA Regulations (as amended) dictate that <u>substantial</u> changes to the BAR must be subject to another round of public review. It is not anticipated that there will be substantial changes to the BAR and for this reason, the final BAR will merely be distributed to the public for their information purposes and not for further comment. This distribution will take place at the same time as the submission of the final documentation to the DEA&amp;DP for</p>

			decision-making.
31	What document will the developers be held accountable to (in terms of mitigation measures, such as rehabilitation of wetland fringes) and what power do the public have to ensure that the agreed upon measures are implemented?	<b>Chand</b>	The final BAR and associated appendices (specialist reports, Environmental Management Programme etc.) as well as the Environmental Authorisation and Water Use Licence (if issued).
32, 44, 29	Right reserved to comment on Final BAR before submission to decision-making authorities.	<b>Chand</b>	The 2014 EIA Regulations (as amended) does not make provision for comments by I&APs on the final BAR submitted to the DEA&DP for decision-making. The DEA&DP should be contacted directly to understand whether the authorities would be open to accepting comments directly at that point.
33, 18	Has the water catchment areas and stormwater flow into the Lake Michelle water inlet been comprehended in the planning of this project, and will it be negatively impacted on in any way, including the management of informal sewage run-off into the wetland and into Lake Michelle?	<b>HHO</b>	Only the northern half of the wetland drains into Lake Michelle. Phase 2 has no impact on Lake Michelle, or the water entering Lake Michelle. Foul sewerage infrastructure would be provided and sewerage treated at Wildevoelvlei Waste Water Treatment Works.
35	The EAP and Chand's independency and integrity is questioned. The EAP previously made recommendations in favour of the application without including a faunal study. This suggests applicant-favoured bias and should be addressed by the authorities.	<b>Chand</b>	No such comments were raised in respect of the Phase 2 development. The commentator is advised to consult the Phase 1 comments and responses table that responds to this comment as it relates to that phase.
35, 47	The faunal report raises some serious concerns, which should be taken seriously especially considering that the report was prepared by a generalist, without species-specific specialist input. The report fails to take into account the broader biodiversity system in the Far South, and the role that animals in the wetland play in balancing this biodiversity. It is recommended that the City's biodiversity department get involved in this application.	<b>Chand</b>	Neither Cape Nature, nor the City's biodiversity department raised the lack of species-specific specialist input as a concern. Both these biodiversity authorities supported the findings and recommendations of the faunal specialist study. The faunal impact assessment was comprehensive and undertaken by a well-regarded, trained and experienced faunal specialist.
47	Belief that conclusion in Faunal report " <i>the total extent of habitat loss within intact areas is less than one hectare and is not considered highly significant as these are not high-value areas due to their</i>	<b>Simon</b>	Based on the layouts of the development provided for the assessment, the footprint within the wetland areas is low as described. It is beyond the scope of the current study to

	<p><i>exposure to noise, pollution and disturbance from the informal settlement"</i> does not take into account the broader loss of wetland, informal settlement creep into once functioning wetland with fauna and the impacts of Phase 1. Taking the above into account would suggest that as much as 40-50% of wetland loss can be seen. This shows potential significant wetland loss and raises a red flag with regards to overall wetland pressures and long-term health. Since the area where Phase 2 will be built cannot realistically be rehabilitated, it makes the area earmarked for Phase 1 even more valuable as a wetland conservation area.</p> <p>The report needs to be more specific as to who will monitor faunal health and safety during road construction and how often this will be done. The appointment of wildlife specialists is key.</p>		<p>consider the impacts of the encroachment of the informal settlement into the wetland as this is another issue entirely and is in no way related to the current development. However, it is the intention that the road will form a hard edge to the urban area and prevent further encroachment of houses into the wetland area. The areas within the wetland that are already affected will be rehabilitated as described in the freshwater study. As such, it is clear that the current development of Houmoed Avenue Phase 2 as well as Houmoed Avenue Phase 1 will not result in a 40-50% reduction in the wetland area. It is clear that the encroachment of the informal settlement into the wetland is currently the major driver of wetland loss and needs to be arrested in order to secure the functioning of the wetland. As the Houmoed Phase 2 road can be used to limit further encroachment into the wetland, the road has the potential to provide a long-term positive benefit to the wetland.</p> <p>In terms of construction phase impacts, an ECO (Environmental Control Officer) is required to be on-site during construction to ensure that construction takes place in an environmentally responsible manner, in accordance with the conditions as described in the EMPr</p>
38	Concern over safety and security during construction phase.	<b>Chand</b>	The contractor will be subject to the specifications of the construction Environmental Management Programme. This will include measures to limit loitering in the area by construction personnel and general safety and security measures. As with all construction projects, the adjacent community would have to be vigilant during this period and liaise with local security firms if required.
38	What will best serve all communities must be taken into account.	<b>Chand</b>	Noted. The Basic Assessment process serves to consider the positive and negative impacts associated with the

			project on the environment and all parties involved, in order to understand whether the proposal could be acceptable, and if so, under which conditions.
40	Planning of Phase 2 of the Kommetjie Road Upgrades (from Living Hope to Houmoed Avenue) will need to address the increase of traffic and pedestrians by upgrading the Kommetjie Road and Lekkerwater Road intersection with traffic lights - should Phase 2 of Houmoed Avenue be approved.	<b>HHO</b>	Agreed
40	The hand railing to be placed on the 450cm lip of the Northern side of the Houmoed Avenue road in Masiphumelele should be substantial and high enough to prevent the dumping of fill into the wetlands. Ideally the railing should be constructed from a material that has no scrap value and given its proximity to the sea, has a very long design life.	<b>HHO</b>	The original proposal of a 450mm high wall was to allow the public to use it for seating. The initial concern was safety, as in some cases along the wall extent, there is a 2.5m – 3m drop. As a result, the idea of a handrail was considered but due to the nature of the area, the risk of having to maintain and/or replace the steel rail on a regular basis was high. This resulted in raising the wall to become a concrete parapet of 1065mm height which resolves all safety concerns, becomes a motor vehicle crash barrier, and provides greater protection against dumping.
47	Concern that the high value of wetlands is ignored (Figures provided and studies referenced in original NEAG comment document):  a) Lying within the 5m floodline, Masiphumelele will be at risk if the wetland is compromised due to the road development b) Belief that the area should not still be identified as road reserve. The Noordhoek wetlands are under more pressure now and is of more value today c) Should the Western Cape not be acknowledging the ecological value of wetlands as is happening internationally? d) Belief that a partially degraded wetland is not an invitation or excuse for further degradation, but for rehabilitation and conservation instead e) Houmoed Road will cause long-lasting and toxic pollution of the wetland particularly heavy metal (lead, zinc, chromium,	<b>Dean Ollis</b>	- (a) Portions of Masiphumelele informal settlement are currently located in the flood zone. The proposed road would be raised above the flood level and have an embankment on the wetland side, which should alleviate flooding of areas on the up-slope side of the road.  - (b) The area proposed as a road reserve for Phase 2 is already mostly occupied by informal infill and housing; it is by no means pristine wetland.  - (c) The ecological value (importance) of the wetland was assessed and acknowledged as part of the Freshwater Ecology study by FCG.  - (d) Rehabilitation and conservation of portions of the wetland is proposed as part of Phase 2, together with off-

	<p>aluminium, copper, platinum group elements) pollutants from are vehicles – which are also responsible for particulates, grease, oil and rubber pollution (study cited in original comment).</p> <p>f) The financial value of functioning wetlands is not considered. Based on scholarly research, the monetary value of the Noordhoek wetlands “ecological services” is R42 000 per ha per year. It is approximated that the Pick &amp; Pay (P&amp;P) reed bed is ~ provides “ecological services” to the value of R1 260 000 per annum (De Groot, R., et al. 20123) While the Lakes wetland value is at least R840 000 per year. The larger Noordhoek wetlands (northern section) is approximately around 225 ha (1.5km x 1.5km) so R9 400 000 per ha /y for the greater wetlands, just in ecosystem costs. Based on these calculations, should damage or decline happen to the wetland, the pure ecosystem costs are at least R10m per annum.</p> <p>g) Concern that the Noordhoek wetland is already stressed. The significant loss of wetland edge by hardening and impinging on fringes will undermine the overall health of the wetland, Lake Michelle and the greater Noordhoek wetlands.</p> <p>h) A significant portion of relatively natural sections of the wetland will be lost - less than 25% of the wetland will have relatively unmodified edges, down from around 36% - meaning that only the Northern section of the wetland will remain effectively functional, due to the City's illegal canalisation into the southern section of the wetland</p> <p>i) The Northern section would have to provide all ecological services - scrubbing pollutants, dealing with increased runoff – which puts the whole system at risk of collapse.</p> <p>j) The BAR does not consider the wider impact the proposed road will have on the entire wetland system.</p> <p>k) The BAR fails to describe how the wetland will be rehabilitated.</p>	<p>site rehabilitation and conservation of other wetlands in the Noordhoek valley as an offset to compensate for the historical, unauthorised loss of wetland in the Masiphumelele area.</p> <p>- (e) The additional pollutant loads that the proposed road will contribute to the wetland is likely to be very small, relative to the pollution loads already entering the wetland from the highly urbanised catchment already containing a network of tarred roads with a relatively large surface area. In addition, the proposed stormwater management system for Phase 2 should reduce the pollution loads entering the wetland from the Masiphumelele portion of the catchment, relative to the current situation.</p> <p>- (f) These calculations of the financial value of the Noordhoek wetlands are not based on a quantitative assessment of the ecosystem services that are being provided by the actual wetland in question, which would be required for a vaguely accurate financial value to be estimated. Such a study was well beyond the scope of work completed by FCG.</p> <p>- (g) The loss of fringing wetland was assessed by FCG. In the case of Phase 2, most of the fringing wetland has already been infilled and occupied by informal housing. With the proposed rehabilitation of the degraded fringing wetland area to the north of the proposed road for Phase 2, it is anticipated that the overall condition of the wetland will be improved locally.</p> <p>- (h) The proportion of intact, functioning wetland should be increased along the northern edge of the proposed road for Phase 2, with the implementation of the proposed rehabilitation measures.</p>
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			<p>- (i) There is unlikely to be a significant (if any) reduction in ecosystem service provision by the wetland, as a result of the establishment of the proposed road.</p> <p>- (j) This was considered in the Freshwater Ecosystems Impact Assessment Report by FCG, and it was concluded that the proposed road is unlikely to have a significant detrimental impact on the wider Noordhoek Wetland System.</p> <p>- (k) This is addressed in the Freshwater Ecosystems Impact Assessment Report by FCG.</p>
47	Assertion that the rehabilitation of the wetlands should be prioritised as opposed to the building of the road (assertion based on a report by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, see original NEAG comment)	<b>Chand</b>	The recommendation is noted, however the City is at rights to apply for authorisation for the proposed project. The need and desirability for the project (detailed in the BAR) should also be taken into account.
47, 67	<p>Concerns related to Social report:</p> <ol style="list-style-type: none"> <li>1. Info based on several old (up to 2011) and one new (2017) survey. Using 2011 census data is inaccurate and misleading and shows lack of proper planning.</li> <li>2. Inaccurate information because of deliberate misreporting by residents (e.g. those renting out wetland shack to foreigners, etc.).</li> <li>3. The report admits that the CoCT has not engaged MASI residents, and that there is a serious lack of trust and cooperation between parties.</li> <li>4. The criteria for housing will disqualify many (most?) of the WIS (Wetland Informal Settlement) dwellers.</li> <li>5. Not determined how many WIS dwellers are SA residents.</li> <li>6. Residents need to have been on waiting lists for a long time in order to qualify.</li> <li>7. Loss of income and general disruption of their lives.</li> <li>8. TRA (Temporary Relocation Site) cannot be located where it will</li> </ol>	<b>Chand</b>	<p>The Social Impact Assessment and related report was deemed sufficient for the purposes of decision-making on the project and to understand the possible impacts and mitigation.</p> <ol style="list-style-type: none"> <li>1) The study was supported by a survey that was completed inside the Wetland Informal Settlement whilst the Social Impact Assessment was underway.</li> <li>2) The nature of the misrepresentation referred to is not clear. The 2017 survey served to confirm, in person, the number of structures and households present in the wetland informal settlement. The numbers are therefore deemed accurate. While non South African residents would not qualify for housing subsidies, all residents that will be relocated will be provided with alternative accommodation (despite their nationality). This is a legal requirement.</li> <li>3) The report makes recommendations to ensure</li> </ol>

	<p>encourage further ingress into the wetlands.</p> <p>9. Existing routes to the mall, for pedestrians, has been blocked off by residents building a wall—these blockages need to be opened by the City.</p>		<p>comprehensive participation in the remainder of the relocation process.</p> <p>4) All residents that will be relocated will be provided with alternative accommodation. This is a legal requirement. Non-qualifiers will therefore be accommodated in the relocation process.</p> <p>5) The City has these statistics. This level of information was not deemed necessary for the Social Impact Assessment and environmental process as the legislation and City policies are in place to ensure that all qualifiers and non-qualifiers (e.g. foreigners) receive alternative accommodation.</p> <p>6) The allocation of housing opportunities will be according to the City's approved housing allocations policy. This is normally based on the housing waiting list where, generally those longer on the list, gets first priority. However, all residents of the informal settlement will be moved and provided with alternative accommodation.</p> <p>7) This impact was thoroughly assessed in the Social Impact Assessment and documented in the related report and the draft BAR. Recommendations were put forward to avoid/limit disruption to a minimum.</p> <p>8) Location of the TRA falls outside the scope of this Basic Assessment. The City must however consider this aspect in their future planning to prevent further infilling of the wetlands. Where TRAs will be located in close proximity to the wetland in question or other wetlands, the required authorisations must be obtained to allow for this development and thorough consideration must be given to the design to allow for proper law enforcement by land invasion units.</p> <p>9) The City was notified of the obstructions. The proposed roadway will allow for unobstructed pedestrian and non-motorised transport access to the mall and related</p>
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			commercial/economic opportunities.
47	Unclear whether appropriation of properties is included in the provided budget.	<b>CoCT</b>	Land acquisition is not included in total anticipated capital expenditure of the project as indicated in the BAR as compensation will only be determined in the land acquisition process subsequent to the Basic Assessment process.
40	Disagreement with conclusion that the status quo would remain under the No-Go Alternative. Failure to build this road and to create the hard edge will have increasingly negative impacts on flora, fauna, health, safety and traffic – in fact the full ambit of the report. Belief that the implications of the No-Go Alternative, or even excessive delays in the implementation of the proposal, can be expected to escalate many of the Low and Medium answers to High or Very High.	<b>Chand</b>	In absence of any interventions, it is possible that the current situation could worsen under the no-go scenario. The significance assessment in the report is however related to the current situation.
67	<p>Land-owner of erf 4931 whose land is subject to expropriation objects to the road due to the reasons set out below and elsewhere in this report. He is of the opinion that he has been unfairly treated by the City of Cape Town for the following reasons:</p> <ul style="list-style-type: none"> <li>- The City seems to take implicit ownership of his unused piece of land which is not a road reserve but privately owned.</li> <li>- The proposed road has resulted in unfair dealings with the City who has prevented the land-owner from sub-division – despite 3 years of negotiations and appeals.</li> <li>- The City has been preventing the land-owner and adjacent land-owners from rezoning to industrial due to the proposed road.</li> <li>- Remaining single-residential has resulted in loss of income</li> <li>- The Noordsig Development encroached into the road reserve and as such, should the road go ahead, the owner would have to give up 13 m of land instead of the original 10m</li> <li>- Property has been deliberately devalued from R2.165, 500 in 2013 to R1.777.00 in 2017 for future expropriation.</li> <li>- Property has been re-surveyed from Cape farm 944/5 to single residential erf 4931 without communication with land-owner</li> </ul>	<b>CoCT and Chand</b>	<p>Mr Larges properties are zoned as Single Residential Zone 1 (SR1). In the CTSDP and Southern District Plan these properties are designated as 'Urban Development' area. Both these spatial planning policies make a distinction between designated 'Urban Development' and 'General Industrial Development'. The Lekkerwater industrial area, immediately south of Mr Large's properties, is indicated as the latter. However, Mr Large's properties are not. Further to this, the Sunnyside Structure Plan designates these erven as 'Urban Agricultural / Allotments'. To this extent therefore, an application for these properties to be rezoned from residential to industrial area would not be consistent with applicable policy.</p> <p>Mr Large wanted the subdivided properties to take access from the northern end of Noordsig Road and not from Lekkerwater Road. The requirement was for a short section of road built to a lower specification (Class 5) than Houmoed Road (Class 4) to provide access to the properties in the absence of Houmoed Road being</p>

	<ul style="list-style-type: none"> <li>- Land-owner is unable to build on 4391m<sup>2</sup> due to presence of the wetlands. Another 1000 m<sup>2</sup> is not usable due to Milkwood trees. The City now plans to take 1000 m<sup>2</sup> for the proposed road, leaving an area of 2390 m<sup>2</sup> of the original 8565 m<sup>2</sup>.</li> <li>- Claim that 11.6% of the total land will be used is not accurate as it does not take into account USABLE land.</li> </ul> <p>Further objections to the road:</p> <ul style="list-style-type: none"> <li>- The road will remove most of the property's parking</li> <li>- The proposed plans do not show how ingress and egress would be achieved – it is anticipated that the intersection will be extremely busy and unsafe</li> <li>- Entrance into garage would be lost as there would be no space to turn into it</li> <li>- A storage space, workshop, two bathrooms and borehole would be lost</li> <li>- The emergency exit for the property would be lost which is necessary during riots stemming from Masiphumelele</li> <li>- The public open space erf 76/3479 would be lost despite years of maintenance at the land-owner's own expense</li> <li>- Loss of security. Currently only a tiny piece of boundary, 14m is exposed at Lekkerwater road. This area includes a main gate, secured with razor wire, a 2.5 meter high fence and a thicket of thorn trees, if the road goes ahead this will change and 80m of the boundary will be exposed to the road.</li> <li>- Cost will have to be incurred for extra security and insurance due to expected rise in crime rates</li> <li>- This proposed road has been negatively affecting the land-owner's life emotionally &amp; financially for 25yrs and will continue to do so if it should go ahead</li> </ul>	<p>available.</p> <p>The adjacent development has been implemented within the approved cadastral boundaries, thus not compromising the City's ability to implement Houmoed Avenue in the future. It was always the intention to use a portion of Mr Large's property as well as a portion of adjacent industrial property for Houmoed Ave.</p> <p>Chand are not in a position to comment on the issues relating to the claimed devaluation or the lack of communication during the re-surveying of the property as well as the methodology used to determine compensation. It is however Chand's opinion that the City's initial valuation of Mr. Large's property is below what should be offered. Ultimately the City should negotiate a price that would be satisfactory to all parties concerned. This debate is outside the ambit of the Basic Assessment.</p> <p>With respect to the further concerns noted, these matters will be taken into account in the land acquisition process. The detailed design will accommodate the access and egress to the property in question and consider the need for an emergency exit. Refer to other responses relating to security matters.</p> <p>The current proposed road reserve would restrict the space available to enter or exit Mr Large's garage. Approximately 5.5m would be available, whereas 7m would be necessary for comfortable access &amp; egress. There are several options available including a reduction in the road reserve width by ±1.5m to provide Mr Large vehicular access to his garage. The road reserve width could be reduced to ±21m along Mr Large's frontage, as no sidewalk would be possible on his side of the future road due to the proximity of the Milkwood trees. This would be detailed in the final</p>
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			<p>designs to ensure that Mr Large's future driveway would have safe sight distance along the future Houmoed Avenue.</p> <p>Erf 3479 is unrelated to the Phase 2 application.</p>
67	<p>What plans are in place to prevent vagrancy and illegal squatting on erf 76/3479? This area also has a small forest of Milkwood trees that will need to be protected.</p>	<b>Chand</b>	<p>Vagrancy and illegal land occupation are societal concerns and law enforcement matters. The City's land invasion unit will continue to serve the area. Owners and occupiers of adjacent land units and users of the road will also have a role to play in surveillance and reporting of vagrancy and illegal squatting on the mentioned, and other open spaces in the area. Management of these societal issues fall outside the ambit of the environmental assessment and authorisation, if granted.</p>
40	<p>Minor discrepancies noted:</p> <ol style="list-style-type: none"> <li>1) Page 20 states that Houmoed Avenue will be linked to extensions of the N-S Pokela and Riverside, while page 26 replaces Riverside with the E-W Masemola.</li> <li>2) Page 32 has perennial or non-perennial rivers (streams) entering from Noordhoek only. However, there is some runoff during heavy rains through Capri, hence the remnants of a dam, the canals and surge ponds.</li> <li>3) Page 50/51, and elsewhere to a lesser extent, merges the impact of Phases 1 and 2 on the Valley. It does not cater for Phase 2 only when it comes to the impact of and on vehicles and pedestrians so is therefore inaccurate in the event of Phase 1 being delayed or cancelled.</li> <li>4) Erf 8/944 (Valley Blocks at the end of Lekkerwater Road) is cited as being a plot that will have to sell some ground and yet the details show that it is only three sites to the North of Lekkerwater Road that have to give up land for Alternative 1 and Alternative 2.</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) Noted. The corrections were made in the BAR.</li> <li>2) Runoff from Capri area detailed in the comment is considered surface stormwater. The conditions in this urban area have been significantly altered and there are no natural watercourses remaining in the vicinity of Capri. The two watercourses noted in the BAR refers to those present in the entire valley in addition to the wetlands that occur as part of the greater Noordhoek wetland system.</li> <li>3) This comment is not clear to the EAP and hence, no response can be offered other than to state that the EAP stands by the impact assessment undertaken for the Phase 2 proposal.</li> <li>4) The BAR states that 5 properties will be subject to land acquisition. The comment is not clear in indicating where the detail show that only three properties will be affected in this way.</li> </ol>
<b>42 SANParks</b>	<ol style="list-style-type: none"> <li>1) A portion of the Houmoed road reserve on Erf 4198, Kommetjie, includes a piece of land adjacent to the</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) Correct</li> </ol>

	<p>reedbeds area that has been occupied by residents of Masiphumelele. It is understood that these residents would be re-settled through the City's housing program and the land would be vacated with no houses to the west of the road reserve. This area is declared National Park and forms part of the inscribed Core Area of the Cape Floral Region World Heritage Site.</p> <p>2) Regarding the offset proposal and the future of Erf 4836 Noordhoek / CF 933, the correct mechanism to deal with land issues between the TMNP and the City is the Heads of Agreement (HoA) that was put in place by the various local authorities at the time when the Park was established in 1998. The conservation portion of Erf 4836, Noordhoek should be included in the list of properties for declaration and transfer to SANParks as provided for in the HoA.</p> <p>3) In the light of the objectives and provisions of the HoA, a Biodiversity Management Agreement would not be an appropriate legal mechanism for the management of this property as part of the TMNP given the provisions of the HoA. This conservation portion must be declared as a National Protected Area and ultimately part of the Core Area of the Cape Floral Region Protected Areas World Heritage Site. This will not only allow protection in perpetuity, but also enable improved and appropriate management of the recreational impacts such as horse riding in this environmentally sensitive area.</p> <p>4) <i>Correction:</i> Erf 4198, Kommetjie is owned by SANParks and forms part of the Table Mountain National Park. The contact person is not the Cape Nature representative as listed, but should be recorded as: Park Manager, Table Mountain National Park, P O Box 37 Steenberg, Ph. 021 712 0527.</p> <p>5) <i>Correction:</i> The correct property number for the offset property is either its original property number: Remainder Cape Farm 933 or Erf 4836 Noordhoek is incorrectly referred to in the documentation as "Remainder of Farm 4836".</p>	<p><b>Chand</b></p> <p><b>Chand</b></p> <p><b>Chand</b></p> <p><b>Chand</b></p>	<p>2) Noted. The most appropriate means to achieve the objectives of the offset proposal must be agreed upon between the City of Cape Town and SANParks prior to implementation of the project.</p> <p>3) Noted. The most appropriate means to achieve the objectives of the offset proposal must be agreed upon between the City of Cape Town and SANParks prior to implementation of the project.</p> <p>4) Noted, the necessary corrections were made in the final BAR.</p> <p>5) Noted, the necessary corrections were made in the final BAR and EMPr.</p>
16, 44, 58	<p>Management of the wetland before, during and after construction needs to be addressed and detailed monitoring plans required. It is recommended that an extended public works programme for monitoring of the road edge should be budgeted for and implemented.</p>	<p><b>Chand</b></p>	<p>The wetland impact assessment identified the required monitoring actions that are required in order to protect and rehabilitate the affected wetland areas before, during and after the construction of the project, should approval be granted. Other monitoring and auditing requirements</p>

			<p>will be undertaken in line with the 2014 EIA Regulations.</p> <p>It falls outside the scope of the Basic Assessment process to make recommendations on community involvement in monitoring of projects. Community involvement can take place on a voluntary basis, should there be a desire.</p>
44	<p>Concern over current state of wetland due to litter, rubble and sewerage especially seeping into Wildervoelvllei. Belief that the entire wetland (Pick 'n Pay Reed-bed, Wetland between Masi and Lake Michelle and Remainder Erf 4836) should be rezoned to a Natural Protected Areas Category as currently identified as an Aquatic Critical Biodiversity Area of High Conservation Importance. Areas must receive statutory protection using mechanisms from the National Environmental Act to protect against any inappropriate development in those existing zones. Remainder Erf 4836 should be rehabilitated as City / SANParks land without target credits been given.</p>	<b>Chand</b>	<p>The protection of the entire area noted in the comment falls outside the scope of this Basic Assessment process, however Remainder of Farm 4836 is recommended for protection and conservation into perpetuity as part of the offset proposal. The commenting body should approach the City directly to negotiate broader conservation needs for the area.</p>
44, 58, 16	<p>Recommendation that a Wetland educational Park be created for the enjoyment and education for all communities. A Community-Local Authority partnership for the Remainder of Erf 4836 could provide a much safer, recreational facility on the doorstep of previously denied communities. There is also potential for tourism providing employment and economic opportunities.</p>	<b>Chand</b>	<p>The EAP is supportive of these suggestions, however the consideration thereof is not directly linked to the proposed project. The City should be engaged directly to consider the suitability of these suggestions in light of the City's forward planning for the area.</p>
46, 47, 58	<p>The public participation process is flawed and should be suspended for the following reasons:</p> <ol style="list-style-type: none"> <li>1) The large amount of documentation and technical jargon used in the documents exclude the broader public from participating. According to the Gunning Fox Index, the public would require an Honours degree or equivalent to understand the BAR documents.</li> <li>2) Information presented in the BAR differs from specialist recommendations thus commenting on mitigation measures is impossible.</li> <li>3) 30 days to review two BARs and supporting documentation is not sufficient. 60 days should have been granted.</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) The minimum content requirements for Basic Assessment Reports (BARs) are legislated through the 2014 EIA Regulations, as amended. In order to meet these requirements, the BAR has to include a certain level of technical information. It is not believed that the report contains excessive jargon. The notice inviting I&amp;APs to comment makes it clear that questions may also be raised. No questions of clarification were raised as part of the process and hence, this comment is not deemed reasonable.</li> <li>2) Where the mitigation in the BAR differs from those in specialist reports, it is clearly highlighted as such in the BAR. It is also not believed that such differences would</li> </ol>

	<ul style="list-style-type: none"> <li>4) Seeing that the BAR is only available in English, non-native English speakers are excluded from the public participation process.</li> <li>5) Not enough hard copies of the BARs were made available to ensure that those without internet access could review the documentation.</li> <li>6) Two Open Houses are not sufficient for everyone to attend.</li> <li>7) Unclear whether phase 1 and phase 2 are dependent on each other. As such those in support of phase 2 chose not to comment on phase 1 in fear of preventing implementation of phase 2.</li> </ul>		<p>make it impossible for I&amp;APs to comment.</p> <ul style="list-style-type: none"> <li>3) In response to a request for extension of the commenting period, this timeframe was extended by 14 days in consultation with the DEA&amp;DP. This timeframe is deemed appropriate given the timing constraints of the 2014 EIA Regulations, as amended.</li> <li>4) Cognisance was taken of language differences during the Basic Assessment Process. A Xhosa liaison was stationed at Chand Environmental for months during this process in order to respond to queries / comments received in this language. Furthermore, a Xhosa translator was present at the Open House event held in Masiphumelele and key documentation as part of the process was translated to Xhosa to support the Xhosa speaking community. No queries were received that suggested that the BAR had to be translated to Xhosa. It is believed that the Xhosa community was thoroughly engaged as part of the process and that they would have requested such translation of the BAR if this was required. This is also true for other languages represented in the valley.</li> <li>5) Again no queries were received in this regard as part of the process to suggest this as a real concern.</li> <li>6) This comment is unreasonable. Ample opportunity existed for I&amp;APs to attend the two Open Houses. At no point during either of the open houses was it so crowded that attendees didn't have sufficient opportunity to review the information on display. Two Open Houses were scheduled one week apart and were advertised at the same time so as to give attendees a choice in which event to attend.</li> <li>7) This was certainly not the experience of the EAP. Many comments received expressed support for all or parts of the Phase 2 proposal whilst opposing the Phase 1 road proposal. The BAR was clear on the two phases not</li> </ul>
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			<p>being dependent on each other and that they were separate projects with different motivation.</p> <p>In general, the legislative and other public participation activities that took place as part of the process were extensive. The public participation component is believed to have been more than adequate to understand the issues related to the project. Additional public participation actions would not have yielded different results.</p>
47	<p>Regarding the interdependency of the two phases, If Phase 1 precedes Phase 2, by the time Phase 1 is complete, further wetland degradation will already have occurred around Phase 2. If Phase 2 precedes Phase 1, it is highly likely that the Kommetjie Road upgrade would be complete by the time Phase 1 goes ahead, rendering Houmoed no longer viable as a temporary road.</p>	<b>Chand</b>	<p>The Phase 2 need and motivation differs vastly from that of the Phase 1 road extension. Phase 2 includes the much needed upgrading of the informal settlement, which is intricately linked to the provision of the roadway. The timing of the implementation of the two phases will be determined by the City, should authorisation be issued. Both phases will however require further specialist inputs into the final designs to ensure that mitigation proposed in the environmental process is adequately incorporated. Phase 2 will also be subject to the compilation of a comprehensive resettlement and implementation plan, as detailed in the BAR.</p> <p>It should also be noted that the temporary road component associated with the Phase 1 application was ultimately waived given that the extended time of the Basic Assessment process for that phase. The permanent roadway is still being pursued in the Phase 1 application. The motivation for the need for this road section is detailed in the Basic Assessment for that Phase.</p>
46	<p>Confusion over the wetland ponds. Unclear whether ponds will be moved or reshaped and what the difference and rationale between these options. No other environmentally non-destructive options explored.</p>	<b>Chand</b>	<p>It is not believed that the information presented was misleading, the draft BAR made clear statements in this regard. Further clarity was provided in the final BAR on the proposed mitigation relating to the open water bodies in</p>

			the wetland (the ponds).
47	<p>Draft proposals or a "plan of action" regarding the implementation of mitigation recommendations outlined in the report must be published. The role of the City in monitoring, policing, funding and implementing work must form part of the public participation process. The public and interested parties should be given the opportunity to comment, not only on the City's work plan, but also on the future arrangements as part of its wetland management responsibilities in co-operation with SANParks.</p>	<b>Chand</b>	<p>The Environmental Management Programme (EMPr) and wetland offset strategy are clear on the roles and responsibilities of the City, the contractor, specialists and other monitoring parties in implementing the mitigation measures identified as part of the process. These documents were part of the BAR documentation that was subject to public review. Further detailed Method Statements and plans follow subsequent to the environmental process when further detailed designs have taken place. These detailed plans are not required for decision-making on whether to grant / refuse Environmental Authorisation and Water Use Licenses.</p> <p>Where deemed necessary, the authorities (DEA&amp;DP and the DWS) will stipulate the need for further authority approvals of these detailed plans as part of the conditions of approval (if granted).</p>
47	<p>Belief that the statement that the Phase 2 no-go option would result in on-going pollution of the wetland is unacceptable. It implies that the shocking drainage situation in Masiphumelele can only be addressed by building the road. These drainage canals must be dealt with in a holistic manner, as outlined in the Storm Water Management Plan (SWMP) and not urgently and predicated on building a road.</p> <p>The septic flows from Masiphumelele MUST be directed to the WVVWTW (Wildevoevllei Wastewater Treatment Works) as a matter of urgency. Storm flows can overtop these and be allowed to go into the wetlands, but the EIA around the road cannot be considered in isolation. Any EIA must include a proper long-term solution to the dangerously polluted high nutrient flows into the wetland system, which holds implications for the P&amp;P reed beds and thus the greater Noordhoek wetland system. Only once that is considered, either as part of this EIA or as part of an associated EIA, can we consider the additional impacts of a road on the wetlands.</p>	<b>Chand</b>	<p>In EIA processes, the no-go option means the current status quo / land use rights of the property that has not been acted on that may not require Environmental Authorisation. In line with standard practice, the assessments of impacts associated with the No-Go option therefore related to the current situation.</p> <p>The EAP is not clear why the commenting party believes that the current Basic Assessment process did not take account of the current conditions. The status quo served as the baseline conditions that informed the entire study. The draft BAR was clear on how the current conditions and lack of proper sanitation affects the quality of stormwater and consequently the wetland. Furthermore, it should be noted that the Phase 2 Basic Assessment relates to the road component as well as the upgrade of the informal</p>

			<p>settlement. The proposed settlement upgrade includes significant upgrades to the sewerage and stormwater management systems in line with the suggestions by the commenting party. These proposed interventions were fully detailed in the draft BAR and related engineering report and are deemed appropriate to prevent further impacts on water quality of the wetland.</p> <p>Should the proposed Phase 2 development not receive approval, the City would have to propose an alternative means of managing the polluted stormwater that enters the wetland.</p>
29	<p>Concern over "Housing for the Missing Middle"</p> <ul style="list-style-type: none"> <li>• From the report it is gathered that 17% of the present Masiphumelele residents of the WIS (i.e. at least 415 households or more than 830 individuals, possibly more by this time) are not eligible for BNG or CRU forms of housing and will continue living in 'temporary' accommodation i.e. shacks. This will have social, safety and security implications.</li> <li>• The price of land and cost of rental accommodation in the area has increased exponentially as it has become a more desirable place to live.</li> <li>• High-end private housing estates and developments, and recently an upmarket private school are putting enormous pressure on the existing South Peninsula infrastructure and road network. High-end developments of this sort also increase the perception and experience of extreme inequality that and is a primary contributor to our social problems, including crime and civil unrest.</li> <li>• One way to address this problem could be to require for developers of such projects in the South Peninsula to enter a public-private partnership supporting the development of affordable gap housing for the emerging middle classes. The City needs to pro-actively pursue this goal.</li> <li>• If partnerships for the building of Gap housing could be initiated immediately and fast tracked to take place simultaneously with the Phase 2 resettlement design and engagement process, this could possibly reduce the need</li> </ul>	<p><b>CoCT Informal Settlements</b></p>	<p>The housing development projects will include a proper and up to date survey of the status of the applicants to ensure that the right housing response is achieved. These suggestions can be considered in that process, however this falls beyond the scope of the Basic Assessment process.</p>

	<p>for a substantial number of temporary accommodation units by enabling people to move straight into permanent homes.</p> <ul style="list-style-type: none"> <li>• A 'community housing tax' could be implemented which would go towards the building of such social or gap houses in our area.</li> </ul>		
59	KEAG objects to the proposal	<b>Chand</b>	Noted.
17	Confusion over whether the road will be permanent or temporary. Motivation that the road will prevent further encroachment by shack dwellers implies that the road will be permanent. The City should take responsibility for relocating the shack dwellers to more suitable properties, and perhaps fencing off the wetlands to prevent further incursions. The road shouldn't be used as a pretend remedy.	<b>Chand</b>	<p>There is nothing in the draft BAR for Phase 2 that suggests that the road component of the proposal is temporary. It is therefore not clear to the EAP why the commenting party would be confused on this matter.</p> <p>As stated in the BAR, the City is legally obliged to provide all relocated households / individuals with alternative accommodation. This will be the subject of a detailed Relocation Action Plan to be compiled prior to implementation of the project. This plan will be developed with representation from the community and key stakeholders and will be subject to further participation.</p>
48 <b>CapeNature</b>	<ol style="list-style-type: none"> <li>1) CapeNature supports the approach that the baseline date of 1998 was used to assess freshwater impacts as the continuous degradation of the wetland and transgression of the relevant legislation need to be taken into consideration.</li> <li>2) CapeNature has interrogated the proposed wetland offset requirements as calculated in terms of the wetland offset calculator. It would have been useful if the wetland calculator itself had been included in the report, in order to properly interrogate the calculations. Although described in the text, not all of the values have been listed and hence it is not possible to undertake the calculations separately. Based on the information provided, the wetland offset requirements are approximately 2.2 wetland functional hectare equivalents and either approximately 1 or 4.5 ecosystem conservation hectare equivalents depending on the threat status which is applied (according to the wetland calculator, the threat status score for Vulnerable is 3 and Endangered is 7.5, which does not explain the above differences</li> <li>3) The proposed interventions are supported, as well as the</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) It should be noted that in line with standard EIA practices, the current status quo conditions informed the impact assessment component of the freshwater study. The 1998 conditions were only used to determine the level of infill that has taken place since that date in order to calculate the offsets required to compensate for that historical infilling.</li> <li>2) The freshwater specialists (FCG) are willing to forward the Wetland Calculator results (an Excel spreadsheet) to CapeNature and to discuss the results with CapeNature, however the specialist stands by his current calculations.</li> <li>3) Rehabilitation of the excavations into the reedbed wetland to the north of Masiphumele will be included as part of the rehabilitation strategy.</li> <li>4) These rehabilitation measures will be given priority in</li> </ol>

	<p>recommendation that the rehabilitation is undertaken by an appropriately qualified specialist practitioner. It is recommended that a wetland rehabilitation plan (or as a minimum) method statement must be compiled for submission and approval to the relevant authorities.</p> <p>4) It is noted both from the stormwater management plan and Google Earth imagery that the five existing stormwater canals are excavated deep into the Pick 'n Pay Reedbed Wetland. This is not mentioned or discussed in the freshwater impact assessment. Ideally these should be rehabilitated and included within the rehabilitation plan. Further investigation thereof is required.</p> <p>5) Rehabilitation measures 1. Redistribution of water from the western outlet of Lake Michelle; and 4. Reinstatement of seasonal wetlands from an infilled area should receive preference in terms of the objectives of a wetland offset and would not replicate current actions or activities which are legislated requirements of landowners.</p> <p>6) The proposed wetland offset of securing remainder of farm 4836, Noordhoek for formal conservation is supported by CapeNature, as this will consolidate the formal conservation of the Noordhoek Wetlands.</p> <p>7) While the Department of Water and Sanitation (DWS) is the competent authority for wetland offsets, wetland offsets need to be included within NEMA processes, as they allow for compensation for impacts on freshwater ecology in addition to impacts on water resources.</p> <p>8) Although the wetland offset report is supported, the proposal needs to be finalized, and can currently be considered as a "scoping phase study". This will need further negotiation between the relevant parties, in particular DWS, SANParks and CCT:BMB. One of the aspects that needs to be considered for this particular proposal is that the project applicant is the owner of the land, however SANParks has been informally managing the land and would be the most appropriate conservation agency for managing the site considering the location. Budgeting requirements and the different tiers of government involved, and the general challenge with regards to budgeting that is experienced for biodiversity offsets involving state entities also requires</p>		<p>the implementation of the proposed Wetland Offset and will be informed by the necessary investigations.</p> <p>5) Agreed. Detailed rehabilitation plans and related Method Statements must be developed prior to the interventions being implemented. The DWS and DEA&amp;DP to advise whether further approvals of these plans / MSs will be required. This could be conditional on approvals, if granted.</p> <p>6) Noted and agreed.</p> <p>7) For this reason, the Wetland Offset Strategy was included in the Basic Assessment process. It should also be noted that this project presented a situation where no offsets were strictly required when considering standard EIA assessment methodologies that measure impacts against the status quo. Offsets are only required in light of the historical infilling since 1998 and the agreement between the CoCT and the DWS that offsets will be implemented to compensate for this loss.</p> <p>8) Agreed. Whilst the CoCT will be responsible for implementation of the offset strategy as the holder of the Water Use Licence and EA for the project (if granted), this does not preclude the further negotiations that would be required in order to achieve the desired objectives and outcomes of the offset strategy.</p> <p>9) The wall is proposed between the road and the wetland. This was stated in the draft BAR, however further clarity was included in the final BAR.</p> <p>10) Noted.</p>
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	<p>consideration. Also, the wetland offset is mainly required through loss of wetlands that is only indirectly related to the applicant.</p> <p>9) The proposed wall is supported as further impacts on the wetlands must be prevented and would also create a suitable management interface for the Table Mountain National Park and the Pick 'n Pay Reedbed Wetlands. Illegal hunting within the national park could be better controlled with a suitable management interface with the settlement and reduce existing impact on fauna, in particular mammals. One aspect that requires clarity is whether the wall will be located between the road and the settlement or between the road and the wetland.</p> <p>10) CapeNature does not object to the application as proposed. Alternative 1 is the preferred alternative which concurs with the findings of the botanical and freshwater specialist studies and is supported.</p>		
<p><b>49 City of Cape Town: Urban Integration Department</b></p>	<p>From a spatial planning and urban design perspective key issues for consideration in any future land use applications include:</p> <ol style="list-style-type: none"> <li>1) Consistency with policy: the proposal is considered to be inconsistent with respect to the Broad Provincial Spatial Planning Categories (BPSPC) as the site is designated as buffer 1</li> <li>2) Impact on existing and immediately adjacent residents: Masiphumelele residents will be impacted on both negatively and positively.</li> <li>3) Impacts on adjacent land-owners: The proposal will be advantageous to adjacent land-owners in terms of improved access and movement as well as general living environment and interface with the adjacent wetland area.</li> <li>4) Impacts on wider Valley: Impact likely to be positive especially for Masiphumelele residents as well as Kommetjie residents in terms of easing access along Kommetjie Road. The road would also assist in future management of the wetland edge in terms of residential encroachment, wetland protection and wetland functionality. From a spatial planning</li> </ol>	<p><b>Chand</b></p>	<p>Noted.</p>

	<p>perspective the Houmoed Road bypass is seen as an important road and NMT link as part of the sustainable movement network in support of existing and future urban development in the Valley and greater Far South</p> <p>5) Development Alternatives: Alternative 1 is considered most appropriate.</p>		
<b>50 City of Cape Town: TDA Development Management: Land Use Management</b>	Houmoed Avenue has been identified in the Sunnydale Local Area Structure Plan (since 1995) as well as the Southern District Plan. Both plans have been approved as policy plans by Council. From a planning perspective, the road would act and an effective edge. The proposal is supported.	<b>Chand</b>	Noted.
<b>51 City of Cape Town: Social Services: Recreation and Parks</b>	The proposal is supported.	<b>Chand</b>	Noted.
<b>52 City of Cape Town Environmental and Heritage Management: Environmental Management Section</b>	<ol style="list-style-type: none"> <li>1) The mitigation measures and recommendations proposed by the Freshwater Ecologist, Botanist and Faunal Specialist must be implemented in full.</li> <li>2) EMS is in support that erf 4836 is secured as a wetland offset. It is recommended that ownership is transferred to SANParks as the erf forms part of the Noordhoek Wetland System, much of which falls within the Table Mountain National Park. SANParks would be responsible for the management and all costs involved. The erf forms part of the Heads of Agreement between the City and SANParks. Mike Sims from the City's Property Management Department: Property Transaction Management needs to provide clarity on the status of the HOA as well as the terms thereof. A portion of erf 4836 is occupied by sportsfields and a lease agreement is in place between the City and the Noordhoek Riding Association. These areas would have to be subdivided and excluded from the area transferred to SANParks. Subdivision and transfer costs should also be factored into the proposal.</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) Agreed. This will be conditional on approval of the EA and WUL, if granted.</li> <li>2) Noted. SANParks and the City would have to come to an agreement as to the most appropriate way forward that would achieve the objectives and outcomes of the proposed wetland offset intervention relating to conservation of the offset site into perpetuity.</li> <li>3) Noted, this requirement was included in the final BAR.</li> <li>4) Noted, this requirement was included in the final BAR.</li> <li>5) Noted.</li> <li>6) Agreed.</li> <li>7) Noted.</li> </ol>



	the new calculations.		
<b>55 City of Cape Town Informal Settlements: Solid Waste Management</b>	<ol style="list-style-type: none"> <li>1) All residential properties are compelled to use Council refuse removal services and may not use private contractors directly.</li> <li>2) Confirmed that Solid Waste (Collections) as the Service Provider in the Sunnyside Area has no objection to the proposal and has sufficient unallocated capacity to accept, collect and dispose of all types of waste to a designated licence landfill facility.</li> <li>3) A good waste management system must be in place to handle all waste generated by the activities and to mitigate against negative impacts.</li> <li>4) Waste generated during construction and operational phase should be recycled on site or re-used to fill up other sites. Clean builder's rubble can be disposed of at the nearest licenced facility. Waste generated by construction personnel must be placed in refuse bins on site.</li> <li>5) The proposed development will not have any implications on the infrastructure of the area provided that contractors identify a permitted refuse disposal site for various categories of waste</li> <li>6) Any building, excluding a dwelling house, in which refuse will be generated shall be provided with an adequate centralised refuse room as per standard building regulations. The room must be in a position nearest to a public access road to ensure that it is easily accessible to Council refuse collection vehicles (refuse collection vehicles and staff will not enter private land). The location of the refuse collection area must be to the satisfaction of the local authority. Should there be an existing refuse area this should be used and additional bins added or provision should be made for added space.</li> <li>7) Where internal roads are developed as private roads a refuse room with an embayment for refuse vehicles will have</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) Noted.</li> <li>2) Noted.</li> <li>3) The activities will entail a roadway that will, in itself not generate waste. Waste receptacles along the road will be emptied as part of the City's waste removal service in the greater area and will fall into that schedule. The City must be cognisant to ensure that bins do not overflow and are designed such that litter cannot become wind-dispersed to adjacent areas and the wetland. Waste generated as part of the housing component will be managed in accordance with other residential developments and will feed into the City's weekly collection service.</li> <li>4) Noted, clarifying that only clean rubble may be used for infilling on other sites, if there is nothing that precludes this from an environmental / land use perspective.</li> <li>5) Noted.</li> <li>6) Noted.</li> <li>7) Noted.</li> <li>8) Noted.</li> <li>9) Noted.</li> <li>10) Noted.</li> </ol>

	<p>to be provided.</p> <p>8) Should the land-owner make alterations or additions to the residential property or sub-divide the property into two or more portions for residential purposes and require additional refuse containers, the owners must liaise with the Corporate Call Centre for Solid Waste Management Enquiries on 086 010 3089 to make the necessary arrangements.</p> <p>9) With regards to compliance with conditions related to subdivision, solid waste conditions must be clearly stated to avoid delays with clearances given by Solid Waste Management.</p> <p>10) No hazardous, chemical or medical waste may enter the general waste stream. Collectors will not collect such waste. A private specialised waste company must be engaged in this regard and would have to adhere to the requirements for the handling and classification and disposal of Hazardous Waste (DWAR 1998) with the approval by the Department of Health.</p>		
<b>56 City of Cape Town Informal Settlements: Water &amp; Sanitation: Water Services</b>	<p>1) The District 1 Water Section has no objections to the proposal.</p> <p>2) The applicant should note that as part of the proposed works, new water infrastructure will need to be installed by this Department.</p>	<b>Chand</b>	Noted.
<b>57 City of Cape Town: Energy: Electrical Generation and Distribution</b>	<p>1) Important electrical infrastructure exists in the vicinity of the land in question. As such a wayleave shall be obtained from the Electricity Services Department before any excavation work may commence. Contact Drawing and Record Centre Office South 0217635650 care of Mr Andre Upton</p> <p>2) Any alterations or deviations to electricity services necessary as a consequence of the proposal will be carried out at the applicant's cost.</p>	<b>Chand</b>	<p>1) Noted, this was included in the EMPr.</p> <p>2) Noted.</p>

<p><b>60 DEADP</b></p>	<p><u>Public Participation Process:</u></p> <p>1.1 You are required to submit proof of the Public Participation Process being conducted for the draft BAR. This will include (but is not limited to):</p> <ul style="list-style-type: none"> <li>• Proof that the Department of Water and Sanitation, Heritage Western Cape and the Western Leopard Toad Conservation Committee were consulted on the draft BAR (the cover letter omitted the Department of Water and Sanitation and Heritage Western Cape as part of the State Departments to be consulted);</li> <li>• A cut-out of the advertisement that was placed in the "False Bay Echo" newspaper (Appendix H(v));</li> <li>• Proof that numerous notice boards were placed at strategic locations (Appendix H(vi));</li> <li>• The formal notifications sent to landowners (Appendix H(ii));</li> <li>• Proof that the draft BAR was made available to all registered Interested and Affected Parties;</li> <li>• All comments received from I&amp;AP;</li> <li>• A Comments and Responses Report, indicating all the comments received from Interested and Affected Parties on the draft BAR and the responses thereto (Appendix H(viii)); and</li> <li>• A complete list of registered Interested and Affected Parties</li> </ul> <p>2) <u>Declarations by Applicant, Environmental Assessment Practitioner ("EAP") and the specialists:</u></p> <p>2.1 You are hereby reminded to include the signed declarations from the applicant, the EAP and the specialists in the BAR.</p>	<p><b>Chand</b></p>	<p>1) Noted, this was included in the final BAR. DWS received hardcopy and electronic submissions of the BAR and supporting documentation as well as the WULA application documentation. Proof is included in Appendix L of the report. HWC and Western Leopard Toad Conservation Committee were notified of opportunities to comment with all other identified and registered I&amp;APs. Proof of distribution of this notice to these parties are included in Appendix H(ii)(a). HWC provided comment in response to a NID earlier in the Basic Assessment process but received another opportunity to comment on the BAR as per the notification. No further comments were received from HWC. No comment was received from the WLT-CC on Phase 2 of the BAR.</p> <p>2) Noted, this was included in the final BAR</p> <p>3) Noted, the necessary rectifications were made.</p> <p>4) Noted, this was included in the final BAR.</p> <p>5.1) The amendment was made in the final BAR</p> <p>5.2) Proof of submission of the WULA to DWS is included in the final BAR</p> <p>5.3) Given that the recommendations contained in the HWC response to the NID already included a specification that any heritage / archaeological finds found during</p>
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	<p>3) <u>Policy and legislative context:</u></p> <p>3.1 Section B10 of the draft BAR (Policy and Legislative Context on pages 43 and 44) refers to Departmental Guidelines such as the <i>Guideline on Public Participation, Guideline on Alternatives, Guideline on Need and Desirability</i> that were considered by the applicant.</p> <p>3.2 Please be advised that these guidelines are outdated since this Department has not yet published guidelines in terms of Section 24J of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") for the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended).</p> <p>3.3 Your attention is drawn to the Department's Circular: EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended). Please consult the Circular in future for applications that must be submitted in terms of the EIA Regulations, 2014 (as amended).</p> <p>4) <u>Confirmation of availability of services:</u></p> <p>4.1 Since water supply, solid waste removal, electricity supply and effluent discharge services will be provided by the City of Cape Town, you are requested to provide this office with written proof that the municipality has sufficient unallocated capacity to provide the necessary services to the proposed development.</p> <p>4.2 Confirmation of the availability of services from the service provider must be provided together with the BAR.</p> <p>5) <u>General:</u></p> <p>5.1 Please indicate the correct departmental reference number on page 16.</p> <p>5.2 You are required to include the proof of submission of the Water Use License Application to the Department of Water and Sanitation (Appendix L).</p> <p>5.3 It is indicated on page 42 that an adjacent landowner (Erf 39/944) noted possible remnants of middens on his property.</p>	<p>implementation of the project must be brought to HWC's attention. The recommendation in the BAR and EMPr therefore states that a suitably qualified and experienced heritage practitioner should conduct a further screening of the road corridor prior to contractors moving onto site and site clearance commencing. Any findings should be dealt with in accordance with the procedure detailed in the EMPr (based on the HWC requirement). This approach was tested with the Heritage specialists who agreed that it is acceptable.</p> <p>6) Noted.</p>
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	<p>Was Heritage Western Cape consulted on this?</p> <p>6) In accordance with Regulation 19(1) of Government Notice No. R. 982, the final BAR must be submitted to this Department within a period of 90 days of receipt of the application by this Department, i.e., the final BAR must be submitted by 20 July 2018.</p>		
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COMMENTS RECEIVED ON DRAFT BAR 13 SEPTEMBER – 14 OCTOBER 2019 (POST- APPLICATION)			
71	<ol style="list-style-type: none"> <li>1) Project will cause destruction of the wetlands</li> <li>2) Safety and security concerns</li> <li>3) Concern that properties will be devaluated</li> <li>4) Concern that project will encourage more people to move into an area that doesn't offer any more capacity</li> <li>5) Concern about increase in crime and joblessness as the Valley does not have major e employment opportunities</li> <li>6) Concern that taxpayers' money is being used when more high schools are needed.</li> </ol>	Chand	<ol style="list-style-type: none"> <li>1) The project is aimed at stopping the continued encroachment of illegal settling into the wetlands by proposing a road as a definitive edge between urban development and the wetland. All infilling and structures proposed will be located on previously infilled wetland areas. It is further proposed that all existing structures located to the north of the proposed roadway be removed as part of the project and associated rehabilitation of the wetland. The rehabilitation actions will serve to improve the wetland condition when compared to the current scenario.</li> <li>2) During construction, the contractor will be subject to the specifications of the construction Environmental Management Programme. This will include measures to limit loitering in the area by construction personnel and general safety and security measures. As with all construction projects, the adjacent community would have to be vigilant during this period and liaise with local security firms if required. Security and safety aspects are currently also a concern. As with all other parts of the South Africa, safety and security concerns points to larger social problems. Provision of important road infrastructure, improvement of living conditions for</li> </ol>

			<p>those in informal settlements and the ultimate protection of the wetland cannot be restricted due to safety and security concerns. Such issues must be resolved outside the realm of development applications. Security and safety concerns must be considered in light of the extensive benefits of the project.</p> <p>3) The project relates to the provision of important road infrastructure and the upgrading of an informal settlement, which will ultimately protect the wetland from further destruction. The project will result in the general improvement of aesthetics in the area, which will certainly not detract from property values, when compared to the current situation.</p> <p>4) The number of dwellings that will be provided will be subject to the town planning regulations and housing allocation process of the City. Settlement beyond such allowances will be illegal and must be dealt with as a law enforcement matter.</p> <p>5) Safety and security matters are addressed in point 2 above. The project aims to improve the living conditions of those already residing in the wetland informal settlement, and will therefore not contribute to an influx of people or a result in increased unemployment.</p> <p>6) Budget allocations falls outside the realm of this Basic Assessment Report. The need and desirability of the project is clearly detailed in the BAR.</p>
<p><b>35</b></p>	<p>1) It is unclear where in the Noise Impact Assessment the conclusion is made that the noise impact would be 'Low Negative' as indicated in the BAR. Please advise.</p> <p>2) The calibration should have a logbook. It is requested that copies of the logbook at the time of the assessment is provided.</p>	<p><b>Chand</b></p>	<p>1) This is stated in the impact assessment tables included in Appendix B of the Noise Impact Assessment Report.</p> <p>2) The calibration certificates of the equipment was sent to the I&amp;AP in response to a prior comment. These were also included in an appendix to the Noise Impact Assessment. It is clear from the calibration certificates</p>

			that these align to the timeframe when the assessment was undertaken. This is sufficient to demonstrate the accuracy of the equipment used in the assessment.
<b>42 SANParks</b>	<p>1) As previously stated, SANParks supports the Houmoed Avenue upgrade project (Phase 1 and 2) as it will address many long outstanding issues and challenges facing the area relating to environmental degradation, traffic congestion, access issues, housing needs, water management and for securing an appropriate interface to protected sensitive areas such as the Table Mountain National Park and associated wetlands. To achieve this will require that the mitigation measures, as identified, are adequate and implemented.</p> <p>2) The implementation of Phase 1 and 2 of the Houmoed Road extension will provide the necessary means to safeguard sensitive and protected areas from urban impacts and encroachments.</p> <p>3) It was noted that the City's Road Scheme designates Minor Road 9 as a link from Kommetjie Road to Noordhoek and it is understood that the Houmoed Road extension proposal will now fulfil this function.</p> <p>4) <b>Wetland Offset:</b> TMNP has noted a significant shift in the approach to dealing with the offset property (Remainder of Erf 4836) from the previous BAR to the current one. While the overall objective is to secure the environmental management and status of this 149-hectare conservation worthy portion of the offset property in perpetuity remains, there has been a substantive change in approach. The previous BA (April 2018   ) proposed the transfer to and management of the conservation portion of Remainder of Erf 4836 by SANParks.</p> <p><i>"Ideally, from a wetland conservation perspective the ownership</i></p>	<b>City of Cape Town</b>	<p>1) The City of Cape Town appreciates SANParks support for the Houmoed Avenue upgrade project (Phase 1 and 2) and agrees that the identified mitigation measures be should be adequate and well implemented.</p> <p>2) It is agreed that Phase 1 and 2 of the Houmoed Road extension will provide the means to safeguard sensitive and protected areas from urban impacts and encroachments.</p> <p>3) The Houmoed Road extension will indeed fulfil the function of the Minor Road 9 link from Kommetjie Road to Noordhoek.</p> <p>4) Wetland offset: The City recognises the historic and current critical role played by SANParks in the management of Erf 4836 and remains fully committed to securing the long term conservation of a wetland offset as identified by specialist studies. The City is committed to utilising the best possible conservation tools to ensure the offset area gains formal conservation status in perpetuity. This will be done in consultation with conservation stakeholders, including SANParks.</p>

	<p><i>of the undeveloped portion of the Remainder of Farm 4836 should be transferred from the City of Cape Town to SANParks...If this is not possible as a minimum a formalised Biodiversity Management agreement should be established between the City and SANParks whereby SANParks are mandated to manage the undeveloped portion of the site as part of the Table Mountain National Park with support from the City who retain ownership of the site. At the same time a long-term conservation servitude (to be valid for the maximum number of years possible) should be registered across the relevant portion of the site" (BA report, April 2019, pages 94, 95).</i></p> <p>It appears the City has now amended its approach, (as indicated in Appendix O) of the Sept. 2019 BA) to a vague 'Biodiversity Management Agreement' with SANParks that <u>may</u> be achieved or its declaration as a local Nature Reserve in terms of NEM:PAA. There are a number of concerns with this approach:</p> <p>4.1) This proposal undermines the long history of co-operative conservation management of the property as part of the greater Noordhoek wetlands by SANParks with the agreement of the City. The historic role that SANParks has played in managing the property needs to be recognized in the decision on the long-term management of the off-set property.</p> <p>4.2) This shift in approach by the City is of concern as it appears to undermine the original intention by all spheres of government and stakeholders to address the previously fragmented nature of biodiversity management and restoration on the Peninsula. There was across the board agreement to establish a National Park on the Peninsula which is successfully being achieved with 85% of the conservation worthy land on the Peninsula already managed on an</p>		
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	<p>integrated basis as part of the TMNP. The City was and remains a key role-player and partner and should maintain its commitment to this goal.</p> <p>4.3) The realisation of the off-set property forming part of a nationally protected area on the Peninsula with World Heritage Site status is undermined by this new approach to the offset property.</p> <p>4.4) The only realistic way forward is for the 149-hectare conservation portion of Remainder of Erf 4386 to be declared as a National Protected Area as part of the TMNP and ultimately part of the Core Area of the Cape Floral Region Protected Areas World Heritage Site. This will allow both ongoing management of this environmentally sensitive area and its protection in perpetuity.</p> <p>5) <b>SANParks land, Remainder Erf 4198 Kommetjie:</b> The proposed routing of Houmoed Road Phase 2 traverses the eastern portion of Remainder of Erf 4198. This property is owned by SANParks and is declared as National Park and gazetted as a Core Area of the TMNP component of the Cape Floral Region Protected Areas World Heritage Site. The proposed road reserve area required is identified as 2 836m<sup>2</sup>. The vicinity of this area is occupied by overflow residents of the unplanned settlement of the City's neighbouring reedbed property (CF945 portion 25). For this area to be made available for the road reserve as proposed, and as condition of authorisation, the applicant will need to secure the de-proclamation of this portion as both National Park and World Heritage Site. SANParks support will be required to achieve this.</p> <p>6) <b>Rehousing of informal housing:</b> The proposed routing of the</p>	<p><b>Chand</b></p>	<p>5) The required de-proclamation of this portion as both National Park and World Heritage Site and the requisite SANParks support in this regard is noted, and was included in the BAR as a legal requirement.</p> <p>6) Noted. This was included as a condition of approval.</p>
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	<p>road reserve on Remainder of Erf 4198 will require the relocation of the current informal residents who will need to be accommodated in the upgraded formal housing area. This requirement needs to be a condition of authorisation for the applicant to ensure that all unplanned informal housing on Remainder of Erf 4198 be relocated and accommodated in the proposed formal housing program at Masiphumelele.</p> <p>7) Section 11 (a) on Page 50 of the BA report needs to list both the National Environmental Management: Protected Areas Act (Act 15 of 2009) and the World Heritage Convention Act (Act 49 of 1999) as applicable legislation to this application.</p> <p>8) Section 11 (b) on Pages 50 to 53 needs to list the Table Mountain National Park's Park Management Plan (2015 to 2025) and the associate Conservation Development Framework (CDF) as an applicable planning framework as it applies to affected areas managed as part of TMNP.</p> <p>9) The tables on pages 14, 92 and 129 need to be amended to correctly acknowledge that the 2 836m<sup>2</sup> portion of Remainder of Erf 4129 is State land and does not fall under the category of "Acquisition of private land"</p> <p>10) The correct zonation of the TMNP property Remainder of Erf 4198 as per the approved TMNP Conservation Developed Framework is 'Quite Use Zone' and not 'Limited Use Zone' as listed in Table 1, page 33.</p>		<p>7) Noted and included in the final BAR.</p> <p>8) Noted and included in the final BAR.</p> <p>9) Noted and amended.</p> <p>10) Noted and amended.</p>
<b>48 CapeNature</b>	<p>1) The project proposal is essentially the same as was presented in the previous application, therefore the comments on the previous process remain relevant and should be considered as pre-application consultation for this process. Similarly, there are no new or updated biodiversity-related specialist studies and the previous studies remain relevant.</p>	<b>Chand</b>	<p>1) Noted.</p> <p>2) Noted.</p> <p>3) Noted.</p> <p>4) Noted. This was included as a condition of approval relating to the offset mechanism.</p> <p>5) Noted. The City of Cape Town already owns the</p>

	<p>2) The most significant change to the proposal relates to the proposed mechanism for securing the wetland offset, for which the proposal in the initial application was that Erf 4836 would be transferred to SANParks and included within the Table Mountain National Park (TMNP). CapeNature supported this proposal.</p> <p>3) It is understood that the new proposal is that the property will remain under the ownership of the City of Cape Town and will be conserved either as a nature reserve under Section 23 of the National Environmental Management: Protected Areas Act (NEM:PAA) or as a Biodiversity Management Agreement in terms of the National Environmental Management: Biodiversity Act (NEM:BA). Both options are administered through the CapeNature Stewardship Programme.</p> <p>4) It is assumed that the proposed changes to the mechanisms for securing Erf 4836 are as a result of the negotiations between the City of Cape Town and SANParks in terms of the Heads of Agreement established during the initial development of TMNP, and is therefore primarily a matter to be resolved by the two relevant parties. However, in the case that the wetland offset will be secured and managed by the City of Cape Town, this will need to be assessed by the Western Cape Protected Area Expansion and Stewardship (WC PAES) Review Committee chaired by CapeNature, which will evaluate the biodiversity value and provide a recommendation regarding the proposed mechanism for formally conserving Erf 4836. All properties which are considered for protected area expansion within the Western Cape are evaluated by the WC PAES Review Committee, apart from national parks.</p>		<p>offset land.</p> <p>6) Noted and agreed. The offset requirement is however not associated with the proposed projects (Phases 1 and 2), but rather with the historical infilling of the area. As such, the DWS requested an offsite offset as proposed.</p> <p>7) Noted. This was included as a condition of approval relating to the detailed offset plan.</p> <p>8) Noted. The competent authorities' attention is drawn to this.</p> <p>9) Noted. This will be inherent in the conditions of approval.</p> <p>10) It is agreed that multi-stakeholder engagement will be required in order to select the appropriate offset mechanism. The urgency of engagements between the City and CapeNature with regard to the offset mechanism was included as a recommended condition of approval, given the timeframe of the PAES Review. It is further recommended that the freshwater ecologist be party to the first engagement to share and illuminate the detailed calculations.</p> <p>11) Noted and agreed. This is a law-enforcement matter that the City of Cape Town would need to address going forward as part of active wetland management.</p> <p>12) Noted and agreed.</p>
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	<p>5) The wetland offset, which would relate to the conservation area delineated in Appendix O, must be secured through a mechanism that will sterilise the property from any further development. A key consideration in this case is that there are no costs involved for land purchase.</p> <p>6) Four wetland rehabilitation interventions were identified which would function as the wetland offset in the wetland offset report, of which options 1 (redistribution of water from western outlet of Lake Michelle) and 4 (reinstatement of seasonal wetlands) were preferred by CapeNature. It is however noted that the location of the proposed reinstatement of seasonal wetlands will fall within the section proposed to be subdivided off from the conservation area delineated in Appendix O and would therefore not be supported in the current proposal. Rehabilitation interventions adjacent to Houmoed Avenue also need to be factored into the wetland offset as discussed in previous comments and addressed in the comments and response report.</p> <p>7) An additional component that should be considered further for the wetland offset is the suitability of Erf 4836 as habitat for the Endangered Western Leopard Toad (<i>Sclerophrys pantherina</i>). Provision of suitable habitat for this species as a component of the wetland offset should be factored into the assessment. It is noted that the faunal specialist did provide inputs into the wetland offset study. While Phase 1 of the upgrade of Houmoed Avenue is undergoing a separate but concurrent process, the impact on the Western Leopard Toad was raised as a major concern, and therefore bolstering of the Noordhoek population of the species through interventions on Erf 4836 could compensate to a degree for potential impacts of Phase 1.</p>		
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	<p>8) Most of our concerns raised have been addressed, some of which are discussed above. CapeNature is unaware of the current status of the water use license application (WULA), as this is the process through which the wetland offset will be authorised, however it is also being considered as the mitigation in terms of the NEMA process. CapeNature supports that the wetland offset is also included as a condition for the NEMA authorisation, although this must be confirmed with DEA&amp;DP and it must be ensured that there is alignment between the WULA and NEMA authorisation.</p> <p>9) The wetland offset must be finalised in terms of securing Erf 4836 and the wetland rehabilitation interventions which also require a wetland rehabilitation plan. It must be ensured that the conditions of approval (should the application be authorised) must ensure that the wetland offset is fully implemented according to best practice, should the wetland offset not be finalised within the necessary legislated timeframes.</p> <p>10) The finalisation of the wetland offset requires multi-stakeholder engagement, including Department of Water and Sanitation, SANParks, City of Cape Town, DEA&amp;DP and CapeNature. With regards to the PAES Review it is recommended that the City of Cape Town takes this forward with CapeNature as a priority, although there may be additional engagements required prior to finalisation. CapeNature requests that the detailed calculations for the wetland offset are provided for further negotiations as mentioned in the comments and response table.</p> <p>11) Concern that there has been further encroachment into the wetland by the informal settlement since the initiation of the process. While we do support the proposal of the road and road design to provide an effective boundary to the</p>		
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	<p>settlement, there should be active monitoring and an action plan to ensure that no informal dwellings are established on the opposite side of the road to the settlement.</p> <p>12) CapeNature recommends that there is further engagement regarding the wetland offset and that it is finalised as far as possible before environmental authorisation (should it be given) and that the conditions of approval are carefully worded to ensure implementation.</p>		
<p><b>52 CCT: Spatial Planning &amp; Environment: EMD: Environment and Heritage Management (Environmental Management Section)</b></p>	<p>Previous comments from the Environmental Management Section (EMS) still stand. The following are additional comments/concerns regarding this proposed development:</p> <p>1) EMS is in support of the conservation worthy portion of 4836 being secured for conservation purposes into perpetuity as a wetland offset for the project. It is the office's professional opinion that the future ownership of erf 4836 should rest with SANParks. This has been discussed with the City's Biodiversity Branch and they are in agreement with this stance. In SANParks ownership it will be afforded the ultimate protection for conservation purposes and they have a proven track record of securing budget to manage this particular erf. Discussions between the relevant authorities regarding the future of erf 4836 should begin soonest to avoid any unnecessary impasses and to reach agreement on the most appropriate mechanism for conservation into perpetuity.</p> <p>2) Issues in the Wetland Offset Report:</p> <p>i. The whole of erf 4836 has been assessed in the report. However, it must be highlighted that the map contained in in Annexure O is the correct map indicating the area available for the wetland offset. This map shows the line along which the conservation worthy portion needs to be subdivided from the degraded areas and the portions currently leased by the City or other entities. This subdivision line was identified in a botanical report commissioned by the then CPCP Authority in</p>	<p><b>Chand</b></p>	<p>1) Discussion and agreement on the appropriate offset mechanism and ultimate land ownership will demand multi-stakeholder discussions between the various City of Cape Town departments, SANParks and Cape Nature. It is agreed that such discussions must commence with urgency, should the proposal receive Environmental Authorisation and a Water Use Licence.</p> <p>2) Wetland offset report:</p> <p>i. Noted. This was highlighted in the BAR.</p> <p>ii. Correction made.</p> <p>iii. The recommendations of the wetland specialist were followed in this regard, which very likely took account of the fact that the success of the berm and other wetland interventions to date has not been monitored.</p> <p>iv. The City's preference in this regard is acknowledged and could be managed through the lease contracts, given that this degraded portion in question will be subdivided from the remaining offset land earmarked for conservation.</p>

	<p>203 to identify the conservation worthy portion of then erf 933.</p> <ul style="list-style-type: none"> <li>ii. Erf 4836's zoning should be corrected to "Limited Use". Under Limited Use existing uses may continue but no other uses are permitted. The intention of this zoning is to progressively phase it out. Therefore, it is likely that when erf 4836 is subdivided it would need to be rezoned. Appropriate zoning for the conservation worthy portion would be Open Space 1.</li> <li>iii. There is no mention of building on existing Working for Wetlands interventions such as the berm. However, the success of the berm structure has not been monitored and it is questionable as to whether the desired outcomes were ever achieved.</li> <li>iv. Mention is made of formalising horse-riding paths with hard surfacing (e.g. laterite). This office is not in favour of any imported foreign material into the wetland system. This has been made a condition of the current lease of a portion of the degraded portion of erf 4836 and it has been enforced</li> <li>v. Part of the rehabilitation works involve the removal of some of the infill platform along the toe of the old dump set. Depending on the nature of the infill this may need to be disposed of at Vissershoek and this must be factored into rehabilitation costs.</li> <li>vi. Revegetation must be undertaken with locally genetic species.</li> </ul> <p>3) The BAR mentions that the wall of reinforced concrete structure will be raised 450mm above the road sidewalk level and handrails will be introduced on top of the walls for safety reasons. It is questionable as to whether this will be an effective public safety barrier. A recommendation is to install Clearvue (or similar) fence on top of the wall. The height must be such that it deters attempts to climb over it and prevent dumping into the wetland</p>		<ul style="list-style-type: none"> <li>v. Noted. This should be taken into account by the City of Cape Town in implementation.</li> <li>vi. Agreed. Such finer details would be managed as part of the implementation.</li> </ul> <p>3) The most appropriate safety barrier could be decided upon in the final design stage. The Department's preference here is noted in the BAR for consideration in the final design.</p> <p>The City's support is noted.</p>
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	EMS is in support of Alternative 1 subject to full implementation of all mitigation measures and recommendations of the faunal specialist, freshwater ecologist and botanist.		
<b>53 Spatial Planning &amp; Environment: EMD: Biodiversity Management</b>	No further comments at this point.	<b>Chand</b>	Noted
<b>Assets and Facilities Management: Property Management</b>	It appears that privately owned properties are affected by the proposed route which will require acquisition processes to be undertaken. It is suggested that as soon as final clarity is in place with regards to the route the abovementioned acquisition processes be requested as this may be a lengthy process. There does not appear to be any other issues that require comment from this department.	<b>Chand</b>	Noted. Preliminary land acquisition discussions have already commenced with affected landowners.
<b>55 Informal Settlements: Solid Waste Management</b>	Solid Waste Management's previous comments stand.	<b>Chand</b>	Noted.
<b>51 Social Services: Recreation &amp; Parks</b>	<ol style="list-style-type: none"> <li>1) There is an existing shortfall in terms of open space and community facility provision.</li> <li>2) There is a shortfall in the provision of primary schools within this area (matter which should be addressed by Province).</li> <li>3) This future formalising of this settlement will need to include detailed assessment of social facilities based on the population density. Such provision should comply with the CSIR guidelines for facility provision. Please refer to the comment from Community Services and Health: Planning, Development and PMO unit.</li> <li>4) The Social Impact Assessment Report included as part of the DBAR does not take future social facility provision into consideration nor the stressors the future upgrade would place on any of the existing facilities.</li> <li>5) Note that the developer will be responsible for the provision and development of open spaces as part of the formalising</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) Agreed.</li> <li>2) This falls outside the scope of this application, but is noted.</li> <li>3) Noted. The City would be mandated to determine the needs for social facilities. It falls outside the scope of this application.</li> <li>4) Refer to point 3 above. It is also submitted that the upgrading of the informal settlement would not place more stress on the social facilities in the area as the community is already residing in this space, and would therefore already be utilizing the social facilities.</li> <li>5) This would be taken into account in the final layout designs.</li> </ol>

	<p>project. In addition, the developer would also be responsible for availing land for community purposes.</p> <p>This office has no objection to the proposed road extension.</p>		
<b>Community Services &amp; Health: Planning, Development and PMO</b>	<p>The purpose of this memorandum is to assess and provide comment on the proposed road extension and upgrading of informal settlement in line with Community Services &amp; Health's strategic planning and policy. This department assumes that the Basic Assessment report has provided the most accurate and up to date information relating to City spatial strategy for the subject area. Further to that, it is noted that the application is only for the construction of Houmoed Road extension and access roads into Masiphumelele informal settlement.</p> <p>The department has no objection to the above application. Although the proposed road will not necessitate the provision of new community facilities, the informal settlement community are in dire need of such. Therefore, it is to be noted that should residential upgrading and/or new development take place, public facilities must be considered and proposals for such must be grounded in a detailed assessment of the community needs. The "City of Cape Town's Guidelines and Standards for the Planning of Social facilities and Recreational Spaces" applies in this regard.</p>	<b>Chand</b>	<p>Note that in addition to the construction of Houmoed Road extension and access roads into Masiphumelele informal settlement, the application also includes the upgrading of the informal settlement (as recognised in the first sentence of this comment).</p> <p>The comment is noted. The need for provision of social and public facilities will be determined in the subsequent design processes that will be undertaken by the City of Cape Town in line with the spatial and land use planning regulations.</p>
<b>Social Services: City Health (Environmental Health)</b>	<ol style="list-style-type: none"> <li>1) No objection.</li> <li>2) Main concern is the pollution of the canals and water quality in the wetlands, however this is being addressed under Stormwater infrastructure.</li> <li>3) The installation of containers in Houmoed Road also poses a health and safety risk.</li> </ol>	<b>Chand</b>	<ol style="list-style-type: none"> <li>1) Noted.</li> <li>2) Correct.</li> <li>3) It is not clear what containers are being referred to in this point. Regardless, all health and safety matters will be thoroughly considered as part of the implementation plan.</li> </ol>
<b>57 Energy: Electrical Generation &amp; Distribution</b>	<p>Electricity has no objection to the proposal subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) There are currently no known services on the property. Any</li> </ol>	<b>Chand</b>	The conditions are noted.

	<p>alterations, deviations or relocations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost.</p> <p>2) Electrical infrastructure may exist on the property or in its vicinity. A wayleave shall be obtained from the Electricity and Distribution Department before any excavation work may commence. In this regard, please contact the Drawing and Record Centre office (North telephone 021 444 2146), East (telephone 021 444 8340), South (telephone 021 400 4780))</p>		
<p><b>73 DEA&amp;DP: Pollution &amp; Chemicals</b></p>	<p><b>1. Construction phase</b></p> <p>1.1 All temporary toilets and solid waste skips should be located at the furthest point, within the construction camp, from the edge of the wetland. These facilities should be serviced regularly by a reputable service provider.</p> <p>1.2 The storage of hazardous substances (i.e. fuel storage, refuelling of vehicles and bitumen, etc.) should be located on impervious surfaces with bunds (to accommodate 110% of the volume) around them to contain any fugitive spillages and/or leakages.</p> <p>1.3 No vehicles are allowed to be refuelled or repaired within the wetland area.</p> <p>1.4 No discharge of effluents or the wash water from cement batching areas should be allowed to enter the wetland.</p> <p>1.5 Earth-moving construction activities should ideally take place within the dry season (i.e. October-April) to reduce the risk of contamination runoff from the construction activities/site washing into the wetland area.</p> <p><b>2. Storm water Management</b></p> <p>2.1 The D: PCM supports the recommendation (page 21) made in the Storm Water Management Plan (Appendix G(viii)).</p> <p>2.2 The maintenance and cleaning of the new storm water catch pits (peat cushions), litter traps and sediment traps should be detailed in the final Storm water management</p>	<p><b>Chand</b></p>	<p>1) These specifications are covered in the EMPr. 2) Noted. 3) This recommendation was included in the OEMP.</p>

	<p>plan.</p> <p><b>3. Operational Environmental Management Plan (OEMP)</b></p> <p>3.1 Further to the follow-up monitoring by a freshwater ecologist on the status of the freshwater ecosystem, page 41 of OEMP, the monitoring should also include inspections on the stormwater channels from the informal settlement. These inspections should also take place twice a year for five years after the construction of the road and housing developing.</p>		
<p><b>44 Noordhoek Ratepayers Association (NPRA)</b></p>	<p>While the build, of a hard edge into the Noordhoek wetland, only at the boundary of Masiphumelele, too prevent further degrading of the wetland is supported, we have serious concerns with the latest amendments of the report.</p> <p><b>The change in transfer of the offset land to SANParks within 5 years from the date of Environmental Authorisation</b> has been changed to a Biodiversity Management Agreement or proclamation of the offset land, as a Nature Reserve.</p> <p>Currently, it is the COCT's responsibility to manage the current encroachment into the wetland, the pollution, storm water, sumps and drainage of the wetland. And whilst there have been some areas where management has occurred with encroachment, to date, over many years, the COCT has not shown the ability to have a holistic wetland management programme to achieve the required results. Which is why we have the current situation.</p> <p>So why the change in the offset land management? We still believe that the offset land and the conservation portion of the Noordhoek wetland, should be declared as part the National Protection Area and part of the Table Mountain National Park, World Heritage site. We need the most appropriate conservation agency, who has proved in the past, that they are able to manage the site, too be given the Noordhoek wetland too manage, as a holistic water</p>	<p><b>Chand</b></p>	<p>The most appropriate offset will be determined by a multi-stakeholder group, which includes all relevant biodiversity authorities and organs of state, including CapeNature, SANParks and the City of Cape Town. Furthermore, apart from national parks, all properties which are considered for protected area expansion within the Western Cape are evaluated by the WC PAES Review Committee, which is chaired by CapeNature.</p> <p>Involvement of the biodiversity authorities will ensure that the ecological health and functioning of the wetland are prioritised in considerations regarding the offset mechanism.</p> <p>Land invasion is a law enforcement matter, the complete prevention of which falls outside the realm of this application. Design, such as the wall, can to some extent prevent such unlawful actions, and where possible, this was considered in this application. Government and society plays a role in the day-to-day active monitoring and reporting of land invasions, as with all other unlawful activities.</p>

	<p>source.</p> <p>If the <b>Wall / Road is only going to 'aid in' discouraging further illegal invasions of the wetland.</b></p> <p>Then we would need to insist on having a Management Plan that will be dealing with the illegal invasion of the wetland. The scope of which would not only cover the border of Masiphumelele onto the wetland. It would need to cover the entire border, of private/public owned land, onto the Noordhoek Wetland.</p> <p>It is the COCT's policy, too improve Wetland Management. Noordhoek wetland is not a segmented water source, and yet there is still no detailed Wetland Management Programme in place, prior to the commencement of construction. Noordhoek wetland has still not been included in the Environmental Assessment, as a holistic water source.</p> <p>The NRPA, really does understand the urgency of the 'hard edge' between Masiphumelele and the Noordhoek wetland, being built. The benefits and upgrade to the Masiphumelele community are well known. We do however need to ensure that a detailed holistic Wetland Rehabilitation Programme is in place prior too construction, so we don't end up with the current situation, just repeating itself.</p>		
<p><b>47 NEAG</b></p>	<ol style="list-style-type: none"> <li>1) All previous comments and serious concerns for both Phase 1 &amp; Phase 2 still remain valid and we insist that these are included in the comments to this stage of feedback.</li> <li>2) Although the issue of sumps and drainage management from the road drainage and canals from Masiphumelele is spoken to in a broad sense, with diversion of low water flows from the canals to the sewage works, the detail has not yet been decided and disclosed. The detail of this process should be made available to NEAG for comment since we are concerned about the larger impact a poorly formulated and</li> </ol>	<p><b>Chand</b></p>	<ol style="list-style-type: none"> <li>1) All comments raised in by NEAG in respect of Phase 2 have been captured in this issues trail document. The comments raised by this commenting party on Phase 1 is not entirely relevant to Phase 2, but has been included in full in a separate table in this issues trail.</li> <li>2) The detailed stormwater design and stormwater management plan will follow in the next design phase.</li> <li>3) Noted.</li> <li>4) Extensive public participation was undertaken with the Masiphumelele community as part of the Phase 1 and</li> </ol>

	<p>implemented design might have on the overall and long-term health of the wetland. It is difficult to provide comment without specifications available.</p> <p>3) The road will create a hard edge with a concrete revetment facing the wetland that will delineate the division between the suburb and the natural environment. While not ideal it is better than the current situation of environmental compromise and settlement creep. Although this might relieve current pressure being placed on the wetland it is important for the city to provide continuous visible wetland management to avoid new wetland creep and expansion which is ironically made easier through the creation of a road.</p> <p>4) Although this falls outside the scope of our environmental concerns we are of the opinion that the primary outstanding issue with Ph. 2 of Houmoed is the lack of meaningful consultation with affected residents. Having conducted our own independent research with a dipstick sample of Masi residents we know that, for example, they are generally against Ph.1 Houmoed because of the safety risks and perception that the funding could be used towards human upliftment in Masi. This type of consultation was never considered during the EIA process for Ph.1 and seems unfair as Masi residents might be the most impacted by Ph.1 in conjunction with people who live in Milkwood Park.</p> <p>5) As mentioned in all previous comments and conversations with Mayor Dan Plato and Felicity Purchase, we insist that a <b>detailed Wetland Management Programme for this entire wetland</b> must be put in place before any construction goes ahead for either of these two phases. This management programme should tie in with the CoCT "policy/ vision" for improved wetland management in the metropole and we suggest that the city become linked to the Ramsar wetland protection protocols through its integrated management programmes and its ecosystem approach to environmental</p>		<p>Phase 2 applications. This included a series of meetings with informal settlement section leaders and other key community leaders, an open house, distribution of flyers in appropriate language, interviews by the social specialists, a dedicated call-line and focused efforts to elicit comments via a knock-and-talk exercise. The concerns claimed to be raised by Masiphumelele residents, were never raised during any of these engagements. It has always been the overall sentiment that Phase 1 is supported by the Masiphumelele residents. This is documented in the reporting for that Phase.</p> <p>It is also noted that while claims are made of NEAG having conducted sampling of the sentiment in Masiphumelele, and that there has been a lack of meaningful consultation with the residents of the informal settlement (as part of the applications), this is not substantiated by any proof.</p> <p>5) Mitigation and requirements in respect of wetland management that relates to this application has been captured in the EMPr. This does not prevent the City from compiling a wetland management plan and consideration of pursuing RAMSAR status for the wetland. It however falls outside the scope of this application.</p> <p>6) Comments by NEAG and responses by the EAP and others on Phase 1 have been included in a separate table below. All impacts, including all cumulative impacts, were considered by the specialists and EAPs, where relevant.</p> <p>7) Noted.</p>
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	<p>management as set out in its environmental policy (<a href="http://resource.capetown.gov.za/documentcentre/Documents/Bylaws%20and%20policies/Environmental%20Strategy.pdf">http://resource.capetown.gov.za/documentcentre/Documents/Bylaws%20and%20policies/Environmental%20Strategy.pdf</a>). All of our earlier comments on this process are included in the report.</p> <p>6) Related to this are the inherent shortcomings of this scoping process that fails to provide a holistic overview of the impacts of Ph 1 &amp; 2 on the greater Noordhoek Wetlands in that it fails to consider the impacts of these projects from an ecosystem perspective. We have spoken to this in our comments on Ph 1. Including again here. Our comments relating to this were tritely dismissed and misrepresented in the response from the EAP who stated that our wish for a holistic overview was vague. There is nothing vague about the scientific understanding that the impacts/footprint of a road stretches very far into the wetland and therefore has a negative impact on the entire wetland biota from an ecosystem perspective. We urge the city and the authorising agencies for this project (DEADP) to revisit all our comments and not rely on the EAP for an interpretation of what constitutes wetland health and impacts. If this is not done, we will have no alternative but to appeal any decisions made due to inadequate consideration of the potential impacts of this project to the greater Noordhoek Wetlands. We have provided significant detail, but the piecemeal approach of comment and response does not do justice to examining the impacts to the ecosystem from an integrated perspective.</p> <p>7) We reserve our rights on all and any further interaction and comment on this process.</p>		
<p><b>DEA&amp;DP: Development Management</b></p>	<p>1. This Department has considered the draft BAR and has the following comments, which are not limited to:</p> <p>1.1 You are required to submit proof of the Public Participation Process being conducted for the draft BAR. This will include (but is not limited to):</p>	<p><b>Chand</b></p>	<p>1) Noted and included as requested. 2) Noted. 3) Noted. 4) Noted.</p>

	<ul style="list-style-type: none"> <li>• Proof of notification sent to Interested and Affected Parties via e-mail and post;</li> <li>• A cut-out of the advertisement that was placed in the False Bay Echo newspaper on 12 September 2019 (Appendix H(v)(b));</li> <li>• Proof that a notice was place on site (Appendix H(vi)(b));</li> <li>• Proof that the draft BAR was made available to registered Interested and Affected Parties;</li> <li>• All comments received from Interested and Affected Parties (Appendix H(iv));</li> <li>• A Comments and Responses Report, indicating all the comments received from Interested and Affected Parties on the draft BAR and the responses thereto; and</li> <li>• A complete list of registered Interested and Affected Parties.</li> </ul> <p>1.2 The declarations completed by the Environmental Assessment Practitioner and the applicant must be duly dated and the signature thereon must be original.</p> <p>1.3 Please note that one printed copy as well as one electronic copy (saved on CD/DVD) of the final BAR must be submitted to this Department.</p> <p>2. In accordance with Regulation 19(1) of Government Notice No. 982, the final BAR must be submitted to this Department with a period of 90 days of receipt of the application by this Department, i.e., the final BAR must be submitted by 6 December 2019.</p> <p>3. Please note that the proposed activity must not be commenced with prior to an environmental authorisation being granted by the 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. A person convicted in terms of this prohibition is liable to a fine not exceeding R10million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.</p>		
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	4. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.		
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**NEAG COMMENTS OF HOUMOED PHASE 1:**

NEAG	Summary of the nature of comments	Respondent	Response
47	<p>Concern that the high value of wetlands is ignored (<i>Figures provided, and studies referenced in original comment 47</i>):</p> <ol style="list-style-type: none"> <li>1) Lying within the 5m floodline, Masiphumelele will be at risk if the wetland is compromised due to the road development</li> <li>2) Belief that the area should not still be identified as road reserve. The Noordhoek wetlands are under more pressure now and is of more value today</li> <li>3) Should the Western Cape not be acknowledging the ecological value of wetlands as is happening internationally and conserve as required?</li> <li>4) Belief that a partially degraded wetland is not an invitation or excuse for further degradation, but for rehabilitation and conservation instead</li> <li>5) Houmoed Road will cause long-lasting and toxic pollution of the wetland particularly heavy metal (lead, zinc, chromium, aluminium, copper, platinum group elements) pollutants from are vehicles – which are also responsible for particulates, grease, oil and rubber pollution (study cited in original comment).</li> <li>6) The financial value of functioning wetlands is not considered. Based on scholarly research, the monetary value of the Noordhoek wetlands “ecological services” is R42 000 per ha per year. It is approximated that the Pick &amp; Pay (P&amp;P) reed bed is ~ provides “ecological services” to the value             <ol style="list-style-type: none"> <li>a. of R1 260 000 per annum (De Groot, R., et al. 20123) While the Lakes wetland value is at least R840 000 per year. The larger Noordhoek wetlands (northern section) is approximately around 225 ha (1.5km x 1.5km) so R9 400 000</li> </ol> </li> </ol>	<p><b>Chand, Dean Ollis (FWCG) &amp; HHO</b></p>	<ol style="list-style-type: none"> <li>1) The wetland is split into two sections with a ridge, seen in the stormwater management plan. The northern section drains towards The Lakes and the southern section towards Wildevoëlvlei dam 1 and 2. If the proposed road is built for phase 1 it should have no effect on the southern section of the wetland’s drainage due to the ridge. This would mean there is no increase in flooding risk for Masiphumelele if the phase 1 proposed road is constructed.</li> <li>2) Despite the belief by the commenting parties, the designated road reserve remains in place and cannot be ignored. The present ecological condition and importance of the wetland was thoroughly considered in the Freshwater Impact Assessment Report.</li> <li>3) The EAP cannot comment on local and provincial government’s sentiments towards wetlands other than to say that both levels of government have many projects in place to protect wetlands under their custodianship. In addition to its environmental protection mandates, government is however also responsible for the provision of infrastructure. The proposed road extension application does not ignore the importance of the wetland but attempts to balance the need for the project with the biophysical and social desirability.</li> <li>4) Agreed, however the degradation of wetlands should always be carefully considered. In this instance, the residual impact on the wetland should be considered in light of the greater need and desirability of the project. The freshwater specialist did not deem the significance of residual impacts on the wetlands to be such that the proposed road extension should be avoided.</li> <li>5) The additional pollutant loads that the proposed road will contribute to the wetland is likely to be very small, relative to</li> </ol>

	<p>per ha /y for the greater wetlands, just in ecosystem costs. Based on these calculations, should damage or decline happen to the wetland, the pure ecosystem costs are at least R10m per annum.</p> <p>7) Concern that the Noordhoek wetland is already stressed. The significant loss of wetland edge by hardening and impinging on fringes will undermine the overall health of the wetland, Lake Michelle and the greater Noordhoek wetlands.</p> <p>8) A significant portion of relatively natural sections of the wetland will be lost - less than 25% of the wetland will have relatively unmodified edges, down from around 36% - meaning that only the Northern section of the wetland will remain effectively functional, due to the City's illegal canalisation into the southern section of the wetland</p> <p>9) The Northern section would have to provide all ecological service - scrubbing pollutants, dealing with increased runoff – which puts the whole system at risk of collapse.</p> <p>10) The BAR does not consider the wider impact the proposed road will have on the entire wetland system.</p> <p>11) The Western Cape State of Biodiversity report states that 71% of the wetlands in the Western Cape are either critically endangered, endangered. This is a serious concern and flags the manner in which urban development is managed around wetlands in the province.</p> <p>12) CBD SBSTTA (2014) reports show that the trends for Red List Index for wetland birds, mammals and amphibians are negative, and that wetlands species in these groups are moving faster towards extinction than initially anticipated. Phase 1, as it is stated in the EIA, will lead to local extinctions of species.</p> <p>13) The environmental cost of Phase 1 far outweighs any proposed benefits of the extension, considering globally we are entering the 6th mass extinction of species.</p>		<p>the pollution loads already entering the wetland from the highly urbanised catchment already containing a network of tarred roads with a relatively large cumulative surface area.</p> <p>6) These calculations of the financial value of the Noordhoek wetlands are not based on a quantitative assessment of the ecosystem services that are being provided by the actual wetland in question, which would be required for a vaguely accurate financial value to be estimated. Such a study was well beyond the scope of work completed by FCG.</p> <p>7) The extent of wetland lost and the hardening of the edge were considered by the freshwater specialist. Details and mitigation measures (including rehabilitation of the edges) are included in the freshwater impact assessment report.</p> <p>8) The loss of fringing wetland was assessed by FCG. In the case of Phase 1, most of the existing fringing wetland is "largely modified" (Ecological Category D). With the proposed rehabilitation of degraded fringing wetland areas along the edges of the proposed road, it is anticipated that the ecological condition of the fringing wetlands will be improved locally.</p> <p>9) There is unlikely to be a significant (if any) reduction in ecosystem service provision by the wetland, as a result of the establishment of the proposed road.</p> <p>10) The BAR reflects the full suite of impacts identified by the freshwater specialist. The specialist took account of the 'Pick &amp; Pay' reedbed wetland inside the greater Noordhoek wetland system. Direct, indirect and cumulative impacts were identified and assessed, where deemed relevant/applicable to the proposal.</p> <p>11) The comment is noted and also flags the importance of careful consideration of development applications in close proximity to wetlands. It is believed that the specialist inputs obtained in relation to the wetland and the proposed project is more than sufficient for the authorities' decision-making in this regard.</p> <p>12) The faunal specialist report discusses extinction of species in</p>
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			<p>absence of mitigation measures. It goes further to detail the mitigation required in order to prevent such extinctions from occurring.</p> <p>13) The EAPs' opinion on the balance of the cost and benefits of the projects are clearly detailed in the BAR. Based on the comments received it is clear that not all commenting parties accepts the benefits of the project as stated, and hence, these are discounted in their cost-benefit considerations.</p>
47	<p>Concern over mitigation measures for wetland impacts:</p> <ol style="list-style-type: none"> <li>1) Opinion that no level of mitigation suggested can replace a functioning wetland or counter future wetland collapse and species extinctions.</li> <li>2) Mitigation measures are poorly formulated</li> <li>3) Unclear how mitigation measures will be implemented and maintained</li> <li>4) Concern that the City has already mowed the area significantly next to the current Houmoed Road and next to the nearest pond, showing the inability of the City to appropriately manage this area.</li> <li>5) Unintended negative consequences of mitigation measures not considered</li> <li>6) Not clearly stated whether the proposed budgets include mitigation measures</li> <li>7) Concern that funding will dry up and mitigation measures not properly implemented</li> <li>8) Rehabilitation of Pick 'n Pay reedbed should be done regardless of the road construction.</li> </ol>	Chand	<p>1) The wetland and faunal impact assessments assessed the level of residual impact subsequent to the mitigation associated with the road proposal. It is agreed that some residual impact would remain however the specialists do not believe that this would be to an extent where wetland collapse and species extinction would occur. These would be seen as fatal flaws.</p> <p>2-8) It is not clear which mitigation is considered to be 'poorly formulated' and those that are not clear on implementation and maintenance. The mitigation was proposed by a suitably qualified and well-regarded wetland specialist with extensive experience in development of appropriate mitigation for wetlands of this nature. Where mitigation in itself present concerns (due to unintended consequences), specialists would reconceptualise such measures to avoid such consequences, or remove such recommendations altogether. In absence of more detail on the specific concerns with the mitigation, no further detailed response can be provided.</p> <p>Implementation of the specialist's recommendations should be viewed in conjunction with the BAR and EMPr.</p> <p>The budgets indeed include the recommended mitigation measures. The City committed to those budgets being available for this project. This was clarified in the final BAR.</p>
47	Concerns related to the wetland ponds adjacent to the road	Chand	<p>1) All impacts on freshwater systems were clearly identified and highlighted in the Freshwater Impact Assessment Report and</p>

	<p>extension:</p> <ol style="list-style-type: none"> <li>1) The proposed road extension would detrimentally impact on, probably "destroy," three natural ponds in the wetland.</li> <li>2) Belief that ponds will be severely polluted from runoff and litter from the road negatively impacting on fauna, flora and placing pressure on overall wetland health.</li> <li>3) Belief that negative impacts cannot be mitigated.</li> <li>4) The exposed pond which is severely polluted demonstrates what a road and access will do.</li> <li>5) The ponds are the only known breeding spots for the Endangered WLT in the area and as such are crucial for their survival. Belief that moving or destroying them will result in local toad extinctions</li> <li>6) The importance of the two permanent ponds for WLT breeding is understated.</li> <li>7) The report incorrectly states that the freshwater ponds are artificial and as such can be moved.</li> <li>8) Because the ponds are suspected to be man -made they are devalued in the report.</li> <li>9) The reports fail to ascertain the true value of the water in the ponds and how much water they contain</li> <li>10) Belief that the importance of the ponds for wildlife has been downplayed in the BAR.</li> <li>11) The ponds are crucial habitat for other wetland fauna (e.g. Otters and chameleons), especially now during drought conditions as other parts of the wetland have run dry.</li> <li>12) The ponds serve as a source of water should a fire break out in the wetlands.</li> <li>13) The ponds provide a refuge for animals during fires and water for animals during droughts.</li> <li>14) No other permanent water bodies are available to animals in the wetland.</li> <li>15) A full aquatic evaluation of animals that reside within and around the ponds and how moving the ponds will impact</li> </ol>		<p>the BAR. Several anthropogenic and natural systems are present in the study area and none of these will be destroyed, as stated in the comment. Refer to the Freshwater Impact Assessment Report and the BAR.</p> <ol style="list-style-type: none"> <li>2) See above.</li> <li>3) Mitigation proposed by the specialists will reduce the level of significance of impacts, however some residual impact will remain. This is clearly detailed in the freshwater impact assessment report and is not considered by the specialist to be such that it justifies refusal of the applications for Environmental Authorisation and the Water Use Licence.</li> <li>4) The exposed pond adjacent to the existing section of Houmoed Avenue is likely not subject to conditions of approval that was developed to protect this feature. Should authorisation be granted, such conditions of approval will be relevant to all waterbodies and natural areas adjacent to the entire length of the road (existing and proposed sections).</li> <li>5) The ponds will not be destroyed or relocated and hence they will still be available for use by the toads.</li> <li>6) The relevance and importance of the ponds for fauna and the WLT is clearly detailed in the faunal report.</li> <li>7) Aerial photos from the 1940's (the earliest records available) confirm that the ponds are artificial features. The ponds have, however, been there for a long time and are important features from an ecological point of view - this has been acknowledged and taken into account in the Freshwater Ecosystems Impact Assessment Report as well as the faunal reports.</li> <li>8) See 7 above.</li> <li>9) The relevance and importance of the ponds for fauna and the WLT is clearly detailed in the BAR and faunal report.</li> <li>10) Noted and reported as such.</li> <li>11) The size of the ponds would remain unchanged and hence this function would not be lost by the proposal.</li> <li>12) Noted. The size of the ponds would remain unchanged and</li> </ol>
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	<p>them was not included in the Faunal report.</p> <p>16) The middle pond feeds into the Lake Michelle ponds which will suffer should this pond be compromised</p> <p>17) Belief that the ponds cannot be recreated.</p> <p>18) Moving and reshaping of ponds would cause severe disruption to the fauna and flora putting their survival at risk – the impact of moving or reshaping the ponds is not adequately assessed.</p> <p>19) Moving and reshaping as mitigation strategy is considered environmentally irresponsible and rejected.</p> <p>20) Confusion over plan for the ponds – will they be moved or reshaped? Why reshaped? Should this not trigger NEMA?</p> <p>21) Belief that suggestion of reshaping ponds without species specialist input is moot.</p> <p>22) To what extent will recreating the ponds disturb the wetland ecosystem?</p> <p>23) How would the recreated ponds be replenished or will they dry up during summer and become seasonal bodies?</p> <p>24) Would the existing ponds be infilled and then recreated later – this will have a disastrous impact on animal life.</p> <p>25) How will animals be moved?</p> <p>26) How will these re-created ponds and the timing of their construction affect breeding and movement of endangered WLTs in the area?</p> <p>27) Assertion that more information about the “fate” of the ponds be included in the final BAR for review.</p> <p>28) How exactly would reshaping be done?</p> <p>29) The contradictions and lack of clarity regarding the ponds and the animals is considered a “fatal flaw” in the EIA</p>		<p>hence this function would not be lost by the proposal.</p> <p>13) See above.</p> <p>14) The faunal study was comprehensive for the purposes of decision-making on the applications. The EAP is comfortable with mitigation put forward, and this was supported by biodiversity authorities Cape Nature and the City of Cape Town’s Environmental Resource Management Department in their comments. The rehabilitation plan will be compiled with further inputs from the faunal specialist (and a herpetologist where required) to ensure that mitigation is incorporated so as to meet the objectives of the mitigation proposed in the faunal impact assessment. The faunal assessment was updated to expand on / refine some of the mitigation measures proposed so as to further inform the design of the road.</p> <p>15) The Freshwater Impact Assessment carefully identified the nature of all freshwater systems. This is presented in the Freshwater Impact Assessment Report.</p> <p>16) Ponds will not be recreated. The ponds will be reshaped as required, as per a detailed rehabilitation plan developed by a freshwater and faunal specialist.</p> <p>17) The ponds will not be significantly impacted, the purpose of any reshaping would be to enhance the habitat value of the areas adjacent to the pond and create a wider variety of habitats. Any activity near to the ponds would occur under the guidance of the freshwater specialist.</p> <p>18) Ponds will not be moved. Specialists believed the reshaping of the ponds to be acceptable. It will be subject to the requirements of a detailed rehabilitation plan developed by relevant specialists.</p> <p>19) The BAR is clear on the fact that the ponds will not be moved but merely reshaped. Full justification is provided in the BAR, freshwater and faunal impact assessments. The required NEMA and WULA applications are integrated into the current environmental applications that are underway as this is</p>
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			<p>mitigation to the proposal.</p> <p>20) The specialists, EAP and Cape Nature do not share this opinion, however the competent authorities should consider this in their decision-making. Species specialist inputs will, where necessary, be included for the required detailed rehabilitation plan.</p> <p>21) The ponds will not be recreated.</p> <p>22) The ponds will not be recreated.</p> <p>23) The ponds will not be recreated.</p> <p>24) Movement of animals would not be required.</p> <p>25) The ponds will not be recreated.</p> <p>26) The revised draft BAR was clear on the intended interventions in relation to the ponds.</p> <p>27) This will be subject to a full and detailed rehabilitation plan with method statements that will all be developed and approved by all necessary authorities prior to implementation.</p> <p>28) The revised draft BAR was clear on the intended interventions in relation to the ponds.</p>
<b>47</b>	<p>A major flaw of the DBAR is the absence of a comprehensive Faunal Study. Faunal impacts were not sufficiently addressed in the report and render the DBAR incomplete. This lack of fundamental information has hindered the public to make an informed decision and comment effectively.</p> <p>The faunal impact of the proposed road is a critical issue that deserves full investigation by suitable specialists including, at least, a herpetologist, ornithologist, invertebrate specialist and a mammal specialist. It is important that these categories are assessed and presented separately.</p> <p>The right to comment fully on the faunal impact assessment once available is reserved.</p>	<b>Chand</b>	<p>The DBAR as prepared indicated clearly that a faunal study was underway and that this would be included in a subsequent version of the BAR that will again be available for comment by I&amp;APs. It therefore did not impinge on the rights of any commenting party and was not a flaw in the report.</p> <p>The results of the faunal impact assessment and full specialist report were included in the revised draft BAR and the second revised draft BAR.</p>
<b>47</b>	Concerns and shortcomings of the faunal study included in	<b>Chand and</b>	<p>1) The faunal report is considered adequate to inform decision-making on the applications for WULA and EA. Biodiversity</p>

	<p>revised DBAR:</p> <ol style="list-style-type: none"> <li>1) Belief that report is inadequate since author is a botanist and a "generalist" and not a faunal specialist</li> <li>2) No species specialist input</li> <li>3) The conclusion made regarding the Endangered African Marsh Harrier is suggestive and speculative – a specialist report is required in support</li> <li>4) Report fails to address impact on Red Data Species Little Bittern.</li> <li>5) The report underplays the risk of local faunal populations going extinct due to road construction.</li> <li>6) Opinion that habitat loss and species extinction mentioned by report should be grounds for dismissal of application</li> <li>7) The report does not adequately assess the impact traffic noise will have on deterrence of species, and mating calls of frogs, birds and toads.</li> <li>8) Methodological concerns regarding the short timeframe of data collection. The study was not conducted longitudinally across seasons – a 5 year across season corpus should be considered by a specialist</li> <li>9) Accuracy of the assessment is called into question since it was undertaken during a drought in summer.</li> <li>10) The mapping framework is described without detailing the scientific method used to conduct the sensitivity measurements. This flaw is evidenced by inconsistencies between the written report (species extinction etc.) and the table presented later which suggests low to medium impacts.</li> <li>11) The report downplays that the wetland is a ESA and fails to discuss what the impacts would be on fauna if the ecological support area was severely compromised</li> <li>12) Study does not take into account species movement and migration</li> </ol>	<p><b>Simon Todd</b></p>	<p>authorities (Cape Nature and CoCT ERM) did not question the credentials of the specialist used for the study.</p> <ol style="list-style-type: none"> <li>2) Species specialist inputs were not deemed necessary for the purposes of the study and this is supported in the comments by Cape Nature and the City's ERM. Should detailed design measures require inputs by a species specialist, this can be incorporated into the detailed design process (and compilation of the rehabilitation plan).</li> <li>3) The faunal report and the response to comments raised in this regard on the pre-application draft BAR was clear. Impact on the African Marsh Harrier is of greater potential concern, given the Endangered national status of this species. According to reports, there is a single pair that is breeding in the vlei (which makes sense given the territorial nature of breeding pairs), with the nest site in close proximity to the proposed Houmoed Avenue extension. It is likely that if the nesting site is close to the road, that the Harrier will abandon the nest site as this species is intolerant of human disturbance especially when breeding. As such, measures should be taken to ensure that the birds are not disturbed when breeding (usually June-November but can be any time). As the African Marsh Harrier exhibits strong site fidelity (but not necessarily nest fidelity), it is likely that the birds will move their nest to an alternative location after the construction of the road. As with the Little Bittern, the extent of habitat loss for this species is not likely to be highly significant as the total extent of vlei lost to the road will not exceed a few hectares. Overall, the major impact on the Marsh Harrier is likely to be largely transient in nature and restricted to the construction phase, with some long-term residual habitat loss of local significance only.</li> <li>4) This was responded to in a similar comment on the pre-application draft BAR. The Little Bittern is not a listed species and due to its secretive nature is likely to avoid the fringes of the vlei area and would experience some degree of habitat loss as a result of the development. However, as the extent of</li> </ol>
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	<p>13) Study does not look at the long-term effects of the road on biodiversity (<i>study cited in original comment 47</i>)</p> <p>14) The 50m radius impact estimate is underplayed when looking at studies done internationally (<i>study cited in original comment 47</i>)</p> <p>15) The report does not provide an adequate assessment of the impact on the Endangered WLT. A herpetologist was not consulted despite the species Endangered status. This is considered a “fatal flaw” of the report</p> <p>16) Underpasses are considered illogical as there will be walls and fencing that isolate Milkwood Park from the road and wetlands area.</p> <p>17) Successful underpasses for amphibians are unheard of in the literature (<i>87 studies consulted by commentator</i>)</p> <p>18) Similar measures implemented in Noordhoek for porcupines failed because CoCT failed to maintain stormwater pipes. Similar fate predicted</p> <p>19) Underpasses would need to be close to each other which the report does not deal with</p> <p>20) Unclear who would be responsible for the maintenance of tunnels which will become blocked by litter and reeds preventing safe passageway</p> <p>21) Annex 3 of List of Amphibians does not include WLT – the omission demonstrates either bias or incompetence and brings into question validity of database.</p> <p>22) No mention of endangered <i>Platanna</i> or critically endangered micro frog.</p> <p>23) Report does not take into account the impact increased traffic on Noordhoek and Silvermine road through to Lekkerwater road will have on WLT breeding populations and other fauna due to roadkill.</p> <p>24) <i>“According to the MammalMap database, 30 mammals have been recorded from the quarter degree 3418AB. The actual number of species present within the affected area would be significantly less than this due to</i></p>		<p>the vlei that would be lost is about 3% of the vlei, this is not likely to significantly reduce the habitat value of the vlei for the Little Bittern, especially if the open water ponds are protected from impact or rehabilitated appropriately. Again, the extent of habitat loss for this species is not likely to be highly significant as the total extent of vlei lost to the road will not exceed a few hectares.</p> <p>5) Extinction is unambiguously discussed in the faunal report in relation to typical road construction. It then goes further to propose mitigation to prevent extinction from occurring.</p> <p>6) The significance of the habitat loss is not such that it constitutes a fatal flaw. Similarly, local extinction of species can be avoided with the mitigation measures. Residual risk / impact is clearly discussed, however local extinction of species is not a concern. As such, there are no fatal flaws in relation to faunal considerations.</p> <p>7) Neither CapeNature nor the City's environmental / biodiversity authorities raised this as a concern and the specialist therefore stands by his findings and mitigation put forward.</p> <p>8) It is not believed that a 5 year longitudinal study is warranted for the purposes of the Basic Assessment.</p> <p>9) The drought conditions are likely to have placed some limitations on the study as it was drier than usual. However, the ponds were still full of water at the time of the assessment and it is difficult to see how the conditions at the time of sampling would have significantly affected the outcome of the study.</p> <p>10) The methodology clearly states the approach and the manner in which the sensitivity map was derived. The assessment also necessarily requires specialist interpretation and assessment.</p> <p>11) Biodiversity designations of land in spatial plans are typically assigned through desktop exercises and are subject to ground—truthing in applications for development rights. The BAR, freshwater and faunal studies highlight the biodiversity designation of the site, noting also the verified findings of the specialists. The importance of the wetland and the ponds for</p>
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	<p><i>the extensive transformation of the affected area as well as the proximity to the urban fringe." (pg 11) If this statement is true, then how can further altering the affected area improve the situation for the resident mammals? Phase 1 will further reduce the connectivity of this portion of the wetland to the larger wetland and will significantly reduce the actual amount of land available for animals.</i></p> <p>25) The sensitivity map shows that the extension falls within a high sensitivity area which includes two ponds</p> <p>26) The faunal report downplays the prevalence of Cape Clawless otters that make use of the ponds – regular sightings have been documented (<i>proof included in original comments 51, 47, 17</i>)</p> <p>27) The report fails to mention and assess the impacts on caracals, the critically endangered beetle (<i>Capelatus prykei</i>), terrapins, micro frogs and otters that live in the wetland.</p> <p>28) Belief that the manner in which the mitigation is structured is misleading/ contradictory implying that the report is applicant biased.</p> <p>29) The report fails to take the broader Far-South biodiversity network into consideration. The wetland provides an important support system for animals in the broader area – natural areas are already under severe pressure.</p> <p>30) The study fails to discuss the potential impact the road will have on the movement of animals in Milkwood park and the surrounding areas to the wetlands negatively impacting on genetic variability. Animals select for road avoidance creating genetically partitioned subpopulations (<i>a study is quoted in the original comment 47</i>)</p> <p>31) Assertion that a specialist amphibian study must be conducted before submission to DEADP. The study must extend the season from breeding to toadlet dispersal.</p>		<p>fauna is clearly detailed in the faunal report as well as the various responses to comments raised in respect of specific faunal comments received.</p> <p>12) This was considered in the identification and assessment of impacts as captured in the faunal report. Mitigation specific to movement of species such as the WLT was included as required.</p> <p>13) All operational phase impacts consider the long term impacts of the road. Mitigation for the design of the permanent road relates directly to the avoidance and/or reduction of operational phase impacts.</p> <p>14) The radius is considered suitable in the context of the site and proposal. This was not raised as a concern by CapeNature nor the City's environmental / biodiversity branch.</p> <p>15) The faunal report is considered adequate to inform decision-making on the applications for WULA and EA as it relates to impacts on the WLT. Substantial toad-specific mitigation is proposed and incorporated into the design of the road. Biodiversity authorities (Cape Nature and CoCT ERM) did not raise the need for further species-specific specialist inputs.</p> <p>16) The faunal underpasses with related mitigations to guide toads to the underpasses are proposed to ensure safe passage for the toads to the breeding ponds, thereby negating / significantly limiting the need for toads to cross the roadway.</p> <p>17) Milkwood Park is currently largely fenced by walls and so it is not clear that the development will increase the isolation of the vleis from the urban area. Underpasses will allow for movement under the road and into the urban area as far as possible.</p> <p>18) This is false. Several reviews of underpasses for amphibians are available and many of them demonstrate significant use of underpasses by amphibians. For example see the references: <i>Smith, R.K., Meredith, H. &amp; Sutherland, W.J. (2018) Amphibian Conservation. Pages 9-65 in: W.J. Sutherland, L.V. Dicks, N. Ockendon, S.O. Petrovan &amp; R.K. Smith (eds) What Works in</i></p>
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	<p>32) It is recommended that the City's biodiversity department get involved in the application</p>		<p><i>Conservation 2018. Open Book Publishers, Cambridge, UK.</i></p> <p>19) Should authorisation be granted, the road and all related infrastructure would be subject to the operational maintenance specifications of the SWMP, and the EMP as conditions of approval. The City would therefore have a legal obligation to perform the necessary maintenance works or face significant consequences associated with non-compliance to the conditions of approval.</p> <p>20) Underpasses would be located in proximity to the breeding sites and the final design and implementation of the underpasses would take place with input from an amphibian specialist.</p> <p>21) Maintenance would be the responsibility of the City of Cape Town. This is specified in the EMPr.</p> <p>22) The list is drawn from the ADU database as indicated. There is no bias. The presence of the WLT at the site is well indicated in the text.</p> <p>23) The faunal report specifically notes these species so it is not clear what this comment is based on.</p> <p>24) A recommendation was included in the BAR that WLT mitigation must be extended to key toad movement zones along Noordhoek Main Rd and Silvermine roads. The recommendation states that the following must however be considered in this regard:</p> <ul style="list-style-type: none"> <li>- The proportional traffic increase that this section of Houmoed Avenue will have on the traffic increase on Noordhoek Main Road and Silvermine Road as the proponents of Houmoed Road (Phase 1) cannot be held liable for implementation of the full suite of mitigation deemed necessary on these other roads given: <ul style="list-style-type: none"> <li>a) Current levels of traffic on these roads with the associated impacts on the WLT;</li> <li>b) Future proposed developments along these roads that would increase traffic on these roadways regardless of whether Phase 1 of Houmoed Avenue is implemented.</li> </ul> </li> </ul>
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			<p>populations required to prevent a decline is genetic diversity is low.</p> <p>32) Species specialist inputs were not deemed necessary for the purposes of the study and this is supported in the comments by Cape Nature and the City's ERM. Detailed design measures and compilation of the rehabilitation plan must incorporate inputs from a species specialist.</p> <p>33) The City's biodiversity department had full opportunity to comment and provided none. The City's Environmental Resource Management branch supported the findings and proposed mitigation of the faunal assessment.</p>
<p><b>47</b></p>	<p>The faunal report states throughout and specifically on page 16 that:</p> <p><i>"...pose a relative high intensity risk to the wetland", "The Houmoed Avenue extension would result in some direct long-term habitat loss within the wetland as well as increased disturbance along the edge of the wetland during construction", "The two areas of open water represent a habitat that is uncommon and restricted within the wetland and their loss would be considered locally significant. The large amount of disturbance and loose soil generated during construction would also pose a</i></p> <p><i>significant pollution risk to the wetland", "This is likely to impact the ability of fauna to disperse or move about the landscape. This can impact the genetic integrity of the affected populations as well as increase the likelihood that local populations will go extinct"</i></p> <p>which is in stark contrast to the recommendation</p> <p><i>"Overall, the impacts of the development of the Houmoed Avenue road on fauna are likely to be low after mitigation...."</i></p> <p><i>"As such, there are no faunal ecological reasons to indicate that</i></p>	<p><b>Chand</b></p>	<p>The initial quoted statements on the impacts of the road are considered prior to the application of mitigation measures. The concluding remarks quoted consider the impact post-mitigation. This is standard in specialist assessments.</p>

	<i>the development should not go ahead as planned".</i>		
<b>47</b>	<p>The "report" starts off by listing the key principles of the NEMA act but fails to refer back to these key principles and how the proposed road measures up to them.</p> <p>The report starts by quoting part of the NEMA act which states: <i>"That a precautionary and risk-averse approach be adopted towards projects which may result in substantial detrimental impacts on biodiversity and ecosystems, especially the irreversible loss of habitat and ecological functioning in threatened ecosystems or designated sensitive areas"</i>.</p> <p>This quote is in stark contrast to the final comments contained in the report:</p> <p><i>"Overall, the impacts of the development of the Houmoed Avenue road on fauna are likely to be low after mitigation and there are no highly significant impacts on fauna likely to be associated with the development and which represent a red flag or fatal flaw"</i> since the report clearly states that there is a likelihood of faunal extinctions and other impacts such as on the ponds which <i>"are considered locally significant as open water is not available elsewhere in the affected wetland. Even if they do not fall within the footprint of the road, they would be immediately adjacent to the road, which would significantly reduce their utility to fauna."</i></p>	<b>Chand</b>	<p>The BAR includes a full discussion on the alignment of the application and proposal with the NEMA principles.</p> <p>The comment is incorrect in stating that the BAR makes reference to faunal species extinctions. The faunal report refers to local species extinction as an unmitigated impact. It goes further to recommend mitigation with a view to preventing such species extinction.</p>
<b>47</b>	<p>Assertion that faunal impact assessment requires serious revision:</p> <p>Assessment impacts on pg. 20 onwards of Faunal Report is based on insufficient empirical evidence and incongruent with environmental concerns raised in the body of the report</p> <p>1) The impact description and subsequent suggested mitigation for each are not well formulated: all 'without</p>	<b>Chand</b>	<p>The faunal report is based on sound methodology. The significance of impacts is rated according to the methodology included in the BAR and is not the personal opinion of the specialist.</p> <p>The EAP stands by the faunal impact assessment prepared by the specialist. The City's Environmental Resource Management branch and CapeNature supported the findings and</p>

	<p>mitigation' impacts should be HIGH and all 'with mitigation' impacts should be MED/ HIGH based on the detail and results deduced from the main part of the report. For example:</p> <ul style="list-style-type: none"> <li>• <b>Impact 1:</b> Loss of faunal habitat due to transformation of currently intact habitat for road construction with the report saying further: "Habitat loss cannot be well mitigated because of..." suggests that both without and with mitigation significance should be allocated as HIGH. This impact also states that: "Although some loss of wetland will occur, this is not likely to result in irreplaceable loss of the resources as the wetland should be able to continue providing the same service that it currently provides" which is not true as the ponds will be significantly impacted and they are pure water bodies. Furthermore, the long-term impact on the wetland is unknown during the positive feedback loops experienced by climate change. The report also does not take the cumulative impact of climate change on biodiversity in the area into account and how the road will create increased pressure on species survival and adaptation strategies. These reports demonstrate the fact that the city is perpetually short-sighted and incapable of long-term planning which makes one very concerned about the future.</li> <li>• <b>Impact 2:</b> suggests that construction should take place in the late summer. This is a concern as the rest of the wetland will be dry and faunal species are likely to need access to the permanent water bodies in the Houmoed ponds.</li> </ul>		<p>recommendations of this report.</p>
<p>47</p>	<p>Assertion that the City cares more about development than about people and the environment. The City's planned densification around the wetland and in Kommetjie and Noordhoek, ignore wildlife corridors, havens, and biodiversity</p>	<p><b>Chand</b></p>	<p>Housing comments are unrelated to the Phase 1 proposal. It should be noted that development does not negate taking care of the wetland. A comprehensive freshwater impact assessment informed the design of the proposed road and rehabilitation</p>

	<p>support structures. Concern that there is very little planned housing in Masi but rather in the surrounding areas, a high focus on middle- to high-income housing (which is not needed). Water use is highest in middle- and upper-income families, and one would think that the pressure on the Western Cape to supply water to the existing population base would</p> <p>a.) Make them focus on rehabilitating and preserving wetlands, which replenish groundwater and</p> <p>b.) Focus efforts on the desperately needed lower income housing.</p>		<p>measures that must be in place during the design, construction and operational phase to prevent significant impacts to the wetland.</p> <p>The proposed road would not preclude further preservation of the wetland and would to some level support this as the road would present a firm edge to the wetland that would prevent further informal encroachment by select adjacent residents and would ease surveillance onto the wetland to identify any disturbance on the wetland.</p>
<p><b>47</b></p>	<p>The environmental, social and financial costs of having to remediate a collapsed wetland system will be exorbitant. The CoCT has done a very poor job of maintaining the wetland to date. By neglecting to come up with a solution for the Masi overcrowding and the services needed by the residents, they have allowed colonisation of the wetland. There is no evidence that CoCT will stick to their commitment of rehabilitating the wetland and it not clear if they have the capacity to do so.</p> <p>Assertion that the City should provide a guarantee that no more encroachment into the wetlands be permitted and that the wetlands be protected into perpetuity.</p> <p>NEAG insists that the City responds with final recommendations, in writing regarding:</p> <ol style="list-style-type: none"> <li>1) A Storm Water Management Plan,</li> <li>2) A Wetland Rehabilitation Plan</li> <li>3) Specific environmental and wetland recommendations on the final EIA report: Draft proposals or a “plan of action” regarding the implementation of mitigation recommendations outlined in the report must be published. The role of the City in monitoring,</li> </ol>	<p><b>Chand</b></p>	<p>The proposal would not lead to the collapse of the wetland system. The City would be legally bound to implementation of the mitigation measures as part of the conditions of approval of the EA and WUL, if granted.</p> <p>The proposed roadway will contribute significantly to the fight against illegal infilling and encroachment of the wetland as the City's land invasion unit can then easily access the area to monitor the situation. The users of the roadway will further serve to provide surveillance in this regard. The City will continue with their anti-land invasion efforts to end the encroachment into the wetland – efforts that are currently significantly hampered by the lack of proper access to the area. As the infilling constitutes illegal activities, the City can only fight to try and prevent and respond to such activities, however they are not in a position to provide any guarantees as requested by the commentator.</p> <p>The project related Stormwater Management Plan, Wetland Rehabilitation Plan and environmental and wetland recommendations (mitigation) were subject to public review and comment periods in line with the 2014 EIA Regulations. The final plans will include responses to all comments received as well as</p>

	<p>policing, funding and implementing work must form part of the public participation process. I&amp;AP should be given the opportunity to comment on the City's work plan and the future arrangements as part of its wetland management responsibilities in co-operation with SANParks.</p> <p>NEAG insists on written acceptance by the City that</p> <ul style="list-style-type: none"> <li>(i) they have budget for the mitigation recommendations should the project go ahead;</li> <li>(ii) that there will be provision in the future budget for monitoring and maintaining the various mitigation measures,</li> <li>(iii) an indication of who will be appointed to do so</li> </ul>	<p>any non-significant changes as a result of comments raised.</p> <p>Given the change to the area available for rehabilitation, a Second Revised Draft BAR will be made available for public review and comment. Comments received in response to the additional public review would then be responded to and incorporated into the final BAR. The Final BAR will be submitted to DEA&amp;DP for decision-making and will not be subject to further public review and comment (in line with the 2014 EIA Regulations, as amended). It will however be made available to I&amp;APs for their information. The DEA&amp;DP can be approached directly to understand whether they would be open to accepting comments during their decision-making process.</p> <p>Environmental specifications and requirements relating to implementation of the project are contained in the EMPr. Implementation plans compiled by the City is not a requirement as part of the EIA (in this instance, Basic Assessment) process. Should environmental authorisation be granted, the City may decide whether further plans will be subject to public participation. This falls outside the scope of the environmental application process.</p> <ul style="list-style-type: none"> <li>(i) The City will budget to meet all its obligations to comply with the conditions of approval in the Environmental Authorisation and Water Use Licence Approval.</li> <li>(ii) The City of Cape Town's various Departments are responsible for managing and oversight of the various mitigation measures during the different stages of the project. All Departments fulfill their delegations either through qualified City employees or via contracted services when deemed appropriate at the time.</li> <li>(iii) If deemed necessary by the various Departments, external services will be procured in terms of the normal City's Supply Chain Management Processes</li> </ul>
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47	<p>Concerns related to the Botanical report:</p> <ol style="list-style-type: none"> <li>1) The impact on Sand Fynbos and Dune Strandveld (conservation priorities in the Cape Peninsula) are underplayed.</li> <li>2) The report fails to point out that Milkwoods can be pruned and transplanted.</li> </ol>	Chand	<ol style="list-style-type: none"> <li>1) The botanical study is clear on impacts that may be associated with the proposed roadway. No impacts are downplayed. It is not in the interest of independent specialists to downplay impacts.</li> <li>2) In some instances, Milkwoods can indeed be pruned or transplanted and hence, the botanical report notes the need for a permit to allow for any impact on Milkwoods (including pruning and/or transplanting).</li> </ol>
47	<p>Since an environmentally sensitive area, is being dealt with, impact tables should be comparing the impacts of the road to the critical elements contained in the NEMA. A study by Trombulak, S.S. &amp; Frissell, C.A. (2000). Review of ecological effects of roads on terrestrial and aquatic communities as a collective summary should be used in conjunction with the main findings of the report to evaluate the road construction in relation to the NEMA Act (see main findings of cited study and table in original comment 47)</p>	Chand	<p>The BAR was compiled in alignment with NEMA and the content requirements of the 2014 EIA Regulations, as amended. Congruence of the application and project with the principles and objectives of NEMA is thoroughly dealt with in the BAR.</p>
47	<p>The proposal does not take into account the UN Sustainable Development Goals (SDGs). (see comment 47 pg. 37 which lists and addresses the goals in relation to the proposal)</p>	Chand	<p>The BAR meets the content requirements of the 2014 EIA Regulations, as amended, and this ensures alignment with industry best practice and legal requirements.</p> <p>The proposal is aligned with several of the goals (e.g. Goals 8 and 10 which amongst other things promote equal access to economic opportunity in the longer term. The road facilitates easier access to economic opportunities for residents of Masiphumelele. Goal 9: The road constitutes an investment in infrastructure for the good of the greater community.)</p> <p>Goal 15 deals with life on land and sustainability in relation to biophysical resources. The application for environmental authorisation was informed by the necessary specialist inputs in order to determine whether the project could be viable from a</p>

			<p>biodiversity and sustainability perspective. No fatal flaws were identified by the independent specialists.</p> <p>The proposal is therefore not deemed inconsistent with the UN Sustainable Development Goals.</p>
47	<p>The proposal is counter to the City's stated visions regarding sustainability, public transport priority, dignified housing, and poverty alleviation agenda.</p>	<b>Chand</b>	<p>More detail is required why it is believed that the road proposal is contrary to these stated visions by the City. The City is mandated to provide infrastructure and is following due process to obtain the required development rights. Should the competent authorities deem it to environmentally sensitive or inconsistent with planning and environmental policies, then authorisation will be denied.</p>
47	<p>Focus should shift to finding solutions for Masiphumelele and the R60 million budget for phase 1 should rather be used for upgrading Masiphumelele wrt housing, infrastructure and services – not to “get to the shops quicker” Concern that there will be unrest within the Masi community should money be put towards a road instead of housing and basic services.</p> <p>Ground-up article in which Masi resident is quoted saying that the City cares more for roads than about the people:  <a href="https://www.groundup.org.za/article/masiphumeleles-wetlands-shackdwellers-dread-winter/">https://www.groundup.org.za/article/masiphumeleles-wetlands-shackdwellers-dread-winter/</a></p>	<b>Chand</b>	<p>The Ground-up article is not supported by the facts. The City would have to take decisions around priority of implementation of the phases taking account of need, possible consequences etc.</p>
47	<p>Concern over illegal digging by City of Cape Town of open sewage canals extending from Masiphumelele into wetland which is already compromising wetland function. The impact of these canals on wetland function and biodiversity health is not properly assessed in the BAR. Opinion that these should be converted into proper sanitation urgently notwithstanding the construction of the road.</p>	<b>Chand</b>	<p>This comment falls outside the scope of the Basic Assessment process. The Phase 2 proposal is to upgrade the informal settlement in order to provide formalised sanitation and other services in addition to housing and the proposed Phase 2 section of the roadway. It is agreed that solutions must be sought to the sanitation concerns currently experienced in Masiphumelele and that this should be addressed outside of the Phase 1 road application.</p>

47	<p>Motivation used in the BAR that “wetlands are compromised already” is not considered valid. City has allowed for the digging of sewage channels, spread of alien vegetation, pollution and invasion into the wetlands due to poor management, especially of Masiphumelele. The City should be held accountable for the degradation of the wetland and restore the wetlands without the road. The City should take responsibility for relocating the shack dwellers to more suitable properties or to prevent further incursions. Belief that the City has failed to prevent this and is now using the road as an excuse to “fix” their failures. The road shouldn’t be used as a “pretend remedy”. Some commentators believe that this neglect was purposefully done to allow for the road. If these issues are not being, or cannot be effectively managed currently there is no reason to believe the road will make any difference.</p>	Chand	<p>The baseline conditions of the wetland go far beyond the digging of sewage channels and the encroachment of informal residents by Masiphumelele. The City is aiming to resolve this matter with the Phase 2 application, noting however that this is in response to illegal settlement and infilling undertaken by residents in the informal settlement, and not the City. The statement in the BAR referring to the wetland already being compromised deals with the current condition in relation to the original natural state of the wetland, prior to any urban development in the area. Urban encroachment (in the entire valley, not only in Masiphumelele) has significantly altered the original reference state of the wetland when compared to the present day conditions.</p>
47	<p>Concern that foot traffic, vehicular traffic and increased accessibility will cause pollution and degradation of the adjacent wetland and wetland ponds. It is predicted that rubbish and litter would be dumped into the wetland. Also cigarette butts which is a fire hazard and a major safety concern. The mitigation measures proposed in the DBAR to prevent pollution and access to the reed beds are not sufficient and will be ineffective. Mitigation might be implemented but litter prevention cannot be enforced. Existing roads in the Valley are already poorly maintained and cleaned indicating limited capacity of the City to implement required mitigation to prevent pollution. The pollution evident in the ponds in Sunnysdale along the M6 can testify to the impact humans have on surrounding wetland pond areas (<i>pictures of litter are provided and studies are cited in the original comments – see comment 47</i>).</p> <p>Drainage/runoff from the proposed road would also seep into wetland and adjacent lakes, causing pollution.</p>	Chand	<p>All impacts on freshwater resources were assessed by a qualified and highly experienced freshwater specialist who provided guidance on the mitigation required in order to prevent or limit impacts on the wetland during the design, construction and operational phases. Dumping of waste is a nationwide concern and a social mindset change is required in this regard. Designs for new development can respond to this issue as far as possible, however planning for important infrastructure cannot be hindered because of such unlawful actions.</p> <p>Unlike other roads in the Valley, Houmoed Avenue, if approved, will be subject to an operational phase maintenance management plan that will bind the City into scheduled maintenance actions to prevent impacts on the freshwater resources.</p>
47	<p>Concern that Lake Michelle system is collapsing evidenced by dead fish and in part due to illegal sewage canals created by</p>	Chand, HHO, Dean	<p>1) The proposed road will not impact on the drainage or quality of water of Lake Michelle and City is planning to address this in</p>

	the City. Road will worsen the impacts on Lake Michelle.	<b>Ollis</b>	the Phase 2 proposal.
<b>47</b>	It is unclear whether both phases (1 and 2) could proceed without the other, and confusing information has been received from various sources (some say from an engineering perspective they are interdependent, and others say from a funding perspective they are independent). The EIA should be clear on this.	<b>Chand</b>	The BARs are definite on the fact that the two phases can proceed in absence of the other and motivation in this regard is provided.
<b>47</b>	<p>Motivation that road will serve Masiphumelele residents is not justified.</p> <p>1) Sunnysdale already exists as a shortcut for pedestrians to shopping centers. Any distance in travel time would be insignificant as shown in the table below: (Figures also included in original comment)</p>	<b>Chand</b>	<p>1) The Houmoed link will provide a shorter walking route to the shopping centres for those Masi residents who live at the top of Masi – their walking distance will be shortened by approximately 1 km, which is significant. The residents living at the bottom of Masi (near KMR) will continue to use Sunnysdale Road, as this will still be a shorter route for them. As the majority of the Masi residents live at the top portion of Masi, the Houmoed link will provide a large walking time benefit. The opening of a pedestrian route via Juniper and Bordeaux would be highly contentious and would need to go through a public process.</p>

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<b>47</b>	<p>Objection to the proposed road as it will not contain the spread of the informal settlement, as motivated in the DBAR, but rather increase access and encourage vagrancy. Concern that informal structures will be erected along the road which will further encroach on the wetland. Opened access will be more difficult to monitor. How will this be managed? The City has failed to curtail encroachment thus far indicating that they will fail to prevent expansion of Masiphumelele along the Houmoed extension.</p>	<b>Chand</b>	<p>It has been shown that roads present the best interface between sensitive natural environments and urban development. The CoCT's 2013 Standard Operating Procedure: Guidelines for New Developments adjacent to Conservation Areas, therefore recommends that conservation areas should be bordered by a road as the increased visibility, surveillance and accessibility enables the City and other parties to better manage impacts (such as unlawful land invasion and vagrancy) on the sensitive environments.</p> <p>The proposed Phase 1 and 2 roadway will contribute significantly to the fight against illegal infilling and encroachment of the</p>																																				

	The Second Revised Draft BAR fails to address this.		wetland as the City's land invasion unit can then easily access the area to monitor the situation. The users of the roadway will further serve to provide surveillance in this regard.
<b>47</b>	<p>Objection to the road due to its significant impact on the Pick 'n Pay Reedbed wetland placing the greater wetland system at risk of collapse.</p> <p>Concern that a road running along approximately 25 % of the wetland edge will severely diminish the ability of the system to function properly due to increased exposure and accompanying pollution from stormwater runoff, vehicle fuels, litter and illegal dumping. The loss of ecosystem services such as filtering and retaining water, aquifer recharge, soil erosion prevention, reducing floods, water purification and trapping of carbon as soil organic matter is concerning, especially considering current drought conditions. Concern that the road would form a barrier against the free flow of water especially after heavy rain leading to flooding.</p>	<b>Chand, HHO</b>	<p>All impacts on freshwater resources were assessed by a qualified and highly experienced freshwater specialist who provided guidance on the mitigation required in order to prevent or limit impacts on the wetland during the design, construction and operational phases. The ability of the system to retain the pre-construction wetland ecosystem functions when compared to the post-construction situation was included in this assessment and is detailed in the revised BAR and Freshwater Impact Assessment Report.</p> <p>The road does form a barrier due to the lifting of the vertical alignment. The surface flow has been addressed and a number of culverts and an open channel would ensure free discharge of run-off. The rockfill layer would allow subsurface flow towards the wetland.</p>
<b>47</b>	The road represents a high-risk activity that could cause detrimental damage. The importance of the conservation of the wetland far exceeds the need for the road – precautionary approach is not being taken.	<b>Chand</b>	The City determined the need for the road and this is also demonstrated in the traffic impact assessment. All impacts on freshwater resources were assessed by a qualified and highly experienced freshwater specialist who provided guidance on the mitigation required in order to prevent or limit impacts on the wetland during the design, construction and operational phases. The ability of the system to retain the pre-construction wetland ecosystem functions when compared to the post-construction situation was included in this assessment and is detailed in the revised BAR and Freshwater Impact Assessment Report.
<b>47</b>	Opinion that wetland and the road reserve should be declared a conservation area and managed as such – it meets 7 of the 9 RAMSAR criteria and should be considered for a RAMSAR site classification in the near future ( <i>RAMSAR criterion listed in original</i>	<b>Chand</b>	The proposed road would not preclude the possibility of declaration of the wetland as a RAMSAR site, should this be deemed desirable by the stakeholders.

	comment 47). Recommended that it be handed example handing it over to SANParks for protection into perpetuity.		
47	<p>Concern that the below are not incorporated into the BAR:</p> <ol style="list-style-type: none"> <li>2) Article 24 of the Constitution</li> <li>3) Section 19 of the National Water Act</li> <li>4) The RAMSAR convention</li> <li>5) The Convention on Biological Diversity to which South Africa is a signatory</li> <li>6) The Nature Conservation Ordinance No. 19 of 1974.</li> <li>7) A landmark Constitutional Court judgment linked the conservation of the environment with the protection of animals: National Society for the prevention of Cruelty to Animals v. Minister of Justice and Constitutional Development and others (court case quoted in original comment 47).</li> <li>8) Duty of care and precautionary principle</li> </ol>	Chand	<p>Alignment of the proposal with <b>relevant</b> legislation, policies and plans are discussed in detail in the BAR. It is not believed that key policies that would have an effect on the outcome of the Basic Assessment process were excluded in the BAR. The document meets the content requirements of the 2014 EIA Regulations, as amended as well as best practice requirements. The CoCT will not commence with the project in absence of any required approvals / authorisations. This environmental process will inform decision-making in this regard and applications are underway.</p>
47	<p>Concern that other alternatives that are less costly and destructive were not considered and should be explored by the City and traffic specialists and included in the final EIA. The following alternatives are suggested:</p> <ol style="list-style-type: none"> <li>1) It is recommended that Sunnysdale Road is extended to Kommetjie Road. This is already a major pedestrian shortcut to Kommetjie Road and would alleviate traffic between the 4-way stop and the Buller Louw intersection. It is only approximately 600m further along from Lekkerwater and it is a more direct way of getting onto Ou Kaapse Weg than through Noordhoek Main and Noordhoek Silvermine Roads.</li> <li>2) Longboat could be opened again for right turns only into and out of it from OKW.</li> </ol>	HHO / CoCT	<p>The Traffic Impact Assessment is clear on the reasons for Houmoed Avenue in particular, and full responses were provided in the revised draft BAR to alternative routes that were suggested by I&amp;APs.</p> <p>Sunnysdale Road will provide little or no benefit and is not seen as an alternative to Houmoed Avenue. It is a residential street with many private driveways. The opening of the road will be strongly opposed by residents along the street.</p> <p>The numerous benefits of the Houmoed Ave Extension have been described elsewhere in the documentation (i.e. as a bypass to Kommetjie Road and Ou Kaapse Weg during construction as well during the peak hour, as a barrier between development and the wetland etc.) Sunnysdale Road extension to Kommetjie Road will not achieve either objective. As part of the planning process and</p>

			<p>Access Management Plan in line with current Access Management Guidelines, was prepared for Kommetjie Road and the intersection of Kommetjie Road and Sunnydale Road is to remain closed.</p> <p>1) The proposed opening of the top end of Sunnydale Road would be highly contentious and is highly likely to be met with severe objections from those residents living along what is currently a cul de sac. Opening of the link to Kommetjie Main Road would result in a significant rat-run through a residential suburb, with its traffic safety, security, noise, volume of traffic and associated loss of the residential environment currently enjoyed. The opening of Sunnydale Road would result the need to install traffic signals, which would result in further delays to through traffic on Kommetjie Main Road. Furthermore, the increased traffic along Sunnydale Road cannot be accommodated by the unsignalised Buller Louw/Sunnydale intersection.</p> <p>2) With the existing capacity upgrade along Ou Kaapse Weg the introduction of a right in and right out of Longboat will be unsafe unless signalised. The signalisation of the intersection will not conform to the traffic signal spacing requirements and only result in additional delay for vehicles travelling along Ou Kaapse Weg.</p>
47	Objection to the road as noise pollution will be caused by increased traffic and increased pedestrian presence along the proposed road. High noise levels will also have a negative impact on wildlife.	Chand	A Noise Impact Assessment was undertaken and included in the revised BAR for consideration and comment.
47	Concern that the DBAR fails to acknowledge that an environmental application for the same proposal was rejected on Appeal in 2004. The rejection indicates that the extension of Houmoed Avenue was, and still is, undesirable, given that the environmental impacts have not changed, and constitutes unsustainable development. Why then, is the proposal being	Chand	The environmental team is well aware of the 2002 application made by the City. The information contained in the environmental application was reviewed for background and context, however given that approximately 16 years has passed, that environmental laws and regulations have changed significantly and that the natural and urban environment has changed considerably, 2002

	considered?		<p>as a point of departure would not have been credible.</p> <p>The terms of reference for the specialist studies undertaken in the current process are in line with international best practice, as well as the legal requirements and all Departmental guidelines, which did not exist in 2002. As such, the investigation and subsequent findings have been more rigorous thereby bringing to bear more scientifically defensible studies which ultimately supports the health of the environment.</p> <p>It should also be noted that legislation allows for the reapplication of development proposals subsequent to a rejected application. Thus, the City is well within their rights.</p>
47	<p>Objection to the road as the unique "sense of place" and "ambience" of the area will be lost. The qualities that define Noordhoek and surrounds such as "quiet" and "peaceful" will be lost. The proposed road will forever change the unique character of the area – the reason why most people invested in properties. The natural beauty of the area as well as the pleasure derived from the natural environment will also be lost.</p>	<p><b>Winston White</b></p>	<p>The area is already significantly altered by various types of development. The comment regarding the loss of sense of place should be considered in terms of the overall experience of all receptors (people) within the local area. For a small number of residential receptors a portion of the sense of place will be lost. However, this is not necessarily the case for all residential receptors within the local area. The entire range of visual resources which make up the overall local area visual experience will not be lost. Due to reduced traffic within the localised area, more residential properties would potentially benefit than be negatively affected by the proposed avenue extension. "Quiet" is not a visual consideration and therefore will not be addressed in this response - refer to the noise specialist assessment. The aesthetics associated with 'peace' would be altered for a small number of residential properties however the majority of residential properties within the area are not expected to be negatively affected if at all. The reason why most people invested in the area will not be lost. Rather, a fair statement would be, the reason why some residential owners (A small number) invested will be impacted. To say most residential investors are negatively affected cannot be justified.</p>

		<p>The sense of place will not be entirely lost by the introduction of a road which mimics roads already existing within the local area. Otherwise the point can be made that no development should ever have happened in the valley as the valley was once a pristine natural landscape which has been altered by various types of development. The very existence of any development within the area would all have had a cumulative visual impact over time, including residential development, roads, malls, schools, and so on. Throughout the history of the local area the urban environment (including suburban areas like Sunnydale) has been in continual flux as can be observed by the variety of urban development within the area. Change to the urban experience over time cannot be avoided. Urban development and change is the reason any development (including residential) in the area exists in the first place. Change should be expected as urban environments progress. The question is whether the degree of change is appropriate and compatible with the status quo and the immediate context. It is submitted, that the proposed road extension is entirely appropriate to the context and the general status quo. And if road development is not appropriate in this context, then any development within the area cannot be justified as roads development does not have the greatest visual impact out of all the development types already existing within the local area. The mitigation measures are expected, based on professional experience, to provide significant visual amelioration during construction and operation of the avenue extension if skillfully implemented under the guidance of a professional landscape architect. To state otherwise, requires justification, it cannot merely be asserted. The comment with reference to existing zoning scheme rights generally falls within planning applications for justification. Visual impact is usually concerned with the status quo, affects to it over time, proposed changes and the sensitive receptors within the local area potentially affected by the proposed change. However, when considering the historic cumulative visual impacts which have occurred within the</p>
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			local area, the existing zoning rights are considered as appropriate. The proposed public road of the proposed character is considered to be appropriate as the proposed road is expected to match the visual character of existing roads within the area."
<b>47</b>	Concern that road will have opposite effect and increase traffic congestion as more and improved roads create more traffic. In the long-term, the road would exacerbate the traffic issues of the Far South. More roads do not equal reduced congestion. Houmoed will create a rat race route.	<b>HHO</b>	The future planned and approved developments have been taken into account in the development of the traffic model used to calculate the future traffic flows. From the traffic model the road is required to reduce traffic flows on KMR in the future to alleviate congestion along KMR.
<b>47</b>	Night time illumination will disorientate fauna and especially impact on nocturnal animals that reside in the wetlands. Particularly the WLT. These impacts have not been adequately assessed.	<b>Simon Todd</b>	Light pollution is a significant source of impact, especially in invertebrates such as moths which are attracted to point-source lights. Birds can however sometimes also be affected and may become disorientated around lights or may change their behaviour around lights due to the attracted insects. The street lighting will however not attract mosquitoes in the adjacent suburbs and as far as I am aware, mosquitoes in the Western Cape do not carry any diseases, so there does not seem to be any health risks directly associated with the street lighting and mediated through insects. It is however important to note that insects are differentially affected by the specific wavelengths of light emitted by different types of light bulbs. Most low-UV bulbs such as most LED-type bulbs do not attract many insects and it is recommended that the street lighting be fitted with this type of bulb, which not only use less energy but are also more environmentally friendly. In addition, it is generally standard practice to shield and direct street lighting along major roads onto the road to reduce light pollution of the adjacent suburbs. In the current case it is recommended that the street lights are downward-directed and shielded on both the street and wetland sides to limit stray light into the wetland and adjacent urban areas.
<b>47</b>	The need for the proposed road to aid in traffic congestion is not justified. There is no data furnished to adequately justify the	<b>HHO</b>	The traffic problem facing the Far South Area has two components namely local traffic issues and regional traffic issues. The regional

	<p>extension of Houmoed Road as a traffic alleviation measure. It is believed that the proposed extension would not improve traffic flow as the road would fail to provide a suitable alternative route beyond congestion zones within the Valley. It would create a "rat run route" and simply create another congestion point where it meets Noordhoek Main Road and where Noordhoek Main road meets Ou Kaapse Weg (OKW). Extension will only cause a bottleneck further down and not provide any traffic relief despite claims by traffic engineers. The congestion on OKW will remain unchanged, thus the overall traffic problem will not be solved. The effects on OKW are not adequately assessed in the DBAR.</p> <p>It is believed that the Kommetjie Road and OKW upgrades will provide sufficient traffic relief. The need for Houmoed should only be assessed after these upgrades have been completed.</p>		<p>traffic issues result from limited capacity on the rail link and OKW, Chapmans Peak Drive and Main Road links to the rest of the metropolitan area. The local traffic issues result from limited routes and capacity of these routes within the Far South Area, such as Kommetjie Road and OKW.</p> <p>The Houmoed link will resolve the <b>local</b> traffic problem for the predicted 2028 traffic scenario. The regional traffic problem will still need to be addressed either by significant upgrades to the rail link or by capacity improvements to OKW or Main Road, which is the subject of another study.</p> <p>Future traffic modelling clearly shows that the Kommetjie Road and OKW upgrades would not be sufficient to deal with the local 2028 traffic scenario and hence it is not necessary to await the completion of these upgrades. It must also be noted that while traffic alleviation is a key motivation for the project, it is not the only one.</p> <p>The applications are currently made for the development rights relating to Houmoed. The City may well then choose to wait to act on these rights (if granted).</p>
<p><b>47</b></p>	<p>The idea of building a temporary road to alleviate traffic while the Kommetjie Rd extensions are happening is considered moot at this stage. These road works are far advanced and a temporary Houmoed Rd extension is unlikely to be finished before the Kommetjie extensions are completed</p>	<p><b>Chand</b></p>	<p>In terms of timing of the Kommetjie Main Road construction, it is unlikely that the temporary bypass route would be constructed ahead of the permanent road. The development rights would however still be sought should construction on the road upgrades be significantly delayed for some reason.</p>
<p><b>47</b></p>	<p>The accuracy of the traffic report is questioned. . The traffic report fails to accurately identify and motivate the need and/or benefit of the proposed road extension.</p> <p>Specific concerns include:</p> <p>a) New development in the Far South is not included in the</p>	<p><b>HHO</b></p>	<p>The traffic impact report has been undertaken as per the statutory requirements and methodologies prescribed by the relevant road authorities. Traffic flows have been determined from actual peak period traffic counts. The trip generation rates used to predict the increase in traffic as a result of development within the study area, have been based on prescribed standard trip generation rates, and adjusted to take the likely public transport usage into</p>

	<p>model. Of special interest is the ultimate development of a large piece of land owned by the City of Cape Town adjacent to the sports field, the possible extension of Lake Michelle Estate and the application for Generations School on Noordhoek Main Road – all of which will intensify traffic flow</p> <ul style="list-style-type: none"> <li>b) No alternative routes, ideas or strategies are explored showing bias in favour of the project.</li> <li>c) There is insufficient analysis regarding improving public transport services instead</li> <li>d) There is no evidence that any congestion relief will be lasting (unless locked in, congestion relief measures are more likely to facilitate increased demand).</li> <li>e) The actual time benefit and congestion relief has not been assessed</li> <li>f) The cumulative impact of the road on traffic has not been assessed.</li> </ul>	<p>account. The future trips were assignment to the proposed road network taking into account human behavior. The analysis of the performance of the links and intersections for the future scenarios was undertaken using recognized and calibrated software.</p> <p>Actual travel distances measured between the three possible future routes between the Houmoed/Kommetjie Road intersection and the Silvermine/Ou Kaapse Weg intersection are as follows:</p> <ul style="list-style-type: none"> <li>• Route 1: 6 km via Kommetjie Road and Ou Kaapse Weg</li> <li>• Route 2: 6 km via Houmoed, Noordhoek Road and Ou Kaapse Weg</li> <li>• Route 3: 7.6 km via Houmoed, Noordhoek Road and Silvermine Road</li> </ul> <p>Based on actual travel distances of the above alternative routes and reduced congestion levels during peak periods once the current OKW/KMR upgrade is operational, there should in fact be a small reduction (0 to 5%) in traffic on the Noordhoek/Silvermine diversion route (Route 3), which is highly unlikely to increase once the Houmoed link is added to Lekkerwater or Kommetjie Road. The existing diversion of traffic via Noordhoek Road and Silvermine Road will no longer be attractive (being 1.6 km longer). Therefore, the inclusion of the Noordhoek Road/Silvermine Road intersection will not change or influence the existing or future results obtained from the model in any significant manner.</p> <p>Special events are typically not included in long term traffic planning as the event is of short duration. Should Chapman's Peak be closed indefinitely the CoCT will need to consider a special event plan.</p> <p>The local transport model did not take any potential development within the Noordhoek Valley into account.</p> <p>The need of Houmoed Avenue is not motivated based on travel</p>
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			<p>time. The motivation for the link is based on the assigned volume per route and per intersection. The volume/capacity ratios are indicated in the traffic report for the various scenarios.</p> <p>The traffic impact assessment considered alternative options and found no reasonable / feasible alternatives in this regard. This is not a fatal flaw for the BAR. Full and considered responses were provided to the alternative routes suggested by I&amp;APs in their comments.</p> <p>Also refer to responses in relation to public transport alternatives. With respect to cumulative impacts, the roadway is proposed exactly for that reason, to improve traffic flow in the greater valley. This is one of several motivations for the road.</p>
47	Local councillor Liell-Cock recently noted that Phase 2 around Masiphumelele is needed and will go ahead due to benefits to Masiphumelele residents and protection of the wetland. It was further stated that the Phase 1 Houmoed extension section is only needed during the construction phase of Kommetjie Road and that this will be an environmental disaster which can never be undone to cover up bad land use planning decisions. This supports the assertions by NEAG.	<b>Chand</b>	The opinion of the councilor and NEAG is noted, however the traffic impact assessment states otherwise with regard to the long-term need for Phase 1 of the road in this road network.
47	The proposal by the City attempts to build road infrastructure to undo prior poor planning decisions. Illogical and against best practice to attempt to further densify this area in the same manner as the rest of the city when it is not tenable to do so without placing the carrying capacity of not just the roads but the ecosystems of the area at risk of further collapse.	<b>Chand</b>	Chand cannot comment on previous planning decisions. The roadway has been part of the City's long term transport planning for many years, and the Basic Assessment is undertaken to inform environmental authority's decision on whether the roadway as proposed is appropriate in the environmental setting and the context of the area.
47	Objection to the proposed road as it is believed that it will significantly and permanently contribute to the decline and probable eventual extinction of the endangered Western Leopard Toad (WLT) ( <i>Sclerophrys Pantherina</i> ) in the Milkwood Park area – one of the last fragmented populations remaining on	<b>Simon Todd and Chand</b>	It is clear that without mitigation, the Houmoed Road would potentially have a significant impact on the Western Leopard Toad. Road-related deaths account for an average of 20% of the annual mortality of the Toads (IUCN 2017) and as a result, the potential impact of the road on the local Toad population should

	<p>the south peninsula – and that proposed mitigation measures would not be sufficient to protect against the decline of the species. A proper risk assessment of the impact on the WLT is lacking which means that the effectiveness of proposed mitigation measures cannot be properly assessed. It is questioned how the mitigation measures proposed will be effective in supporting the movement of WLT to areas they need to be (considering existing housing development in the area) and the proposed stormwater channels that will be inundated during rain / flood events (a risk to WLT).</p> <p>The proposed road will destroy breeding habitats, (the road will be directly beside two breeding ponds and within the core buffer zone of a third breeding pond), prevent safe migration to breeding areas around the lake and street lighting and pollution of water bodies will negatively affect breeding. The protection of the breeding ponds is viewed as crucial for the conservation of the species. The community has invested a lot of time, money and energy into the protection of the local WLT populations.</p> <p>The comments of ToadNUTS are supported in full.</p>		<p>not be underestimated. However, as this is related to deaths that occur while crossing the road, this impact can potentially be mitigated through preventing toads from crossing the road. On the wetland side of the Houmoed road, this should not be difficult as there will not be any turn-ins from the Vlei. However, there are potentially several roads that will enter Houmoed Avenue from the suburbs and it will be difficult to prevent Toads from entering the road from these access points. This can likely be reduced through providing alternative access routes under the road at regular intervals at culverts as recommended elsewhere in the report. However, even with mitigation, it is likely that some Toads will find their way onto the road and consequently it is likely that the road will increase toad mortality at least to some degree. However, this is not likely to be the major source of impact related to the development and as suggested above, impact to the existing ponds next to the route is highlighted as the major potential impact on the Toads as this will impact the breeding habitat which would have a much greater impact on the long-term population viability. The freshwater and faunal specialists discussed this matter at length. It was ultimately decided to not move the open water areas but to rather rehabilitate the fringes of these ponds (without reducing the expanse of open water) to ultimately prevent / limit impacts on the WLT.</p> <p>This impact is not considered to automatically constitute a fatal flaw of the development as even some local impact which is not certain to occur, is not likely to compromise the overall viability of the southern peninsula subpopulation as there are other less impacted areas (such as the Lakes area and Noordhoek) that are likely to be more important for the long-term persistence of this species in the area.</p> <p>Also see responses to other comments relating to the WLT.</p>
<b>47</b>	The motivation that “greater access to the border of the wetland will allow for more recreational opportunities” is	<b>Chand</b>	Recreational opportunities include walking along an area of natural beauty, sitting and enjoying the view of the wetland etc.

	misleading and not justified. Wetlands have little to no recreational opportunity. Conversely, the few recreational opportunities will be compromised by vagrancy, the concealment of criminals and illegal dumping.		<p>This will be enabled by the roadway.</p> <p>Refer to the responses relating to the appropriateness of a roadway as interface between natural and urban environments owing to the surveillance and access for management opportunities offered by such roads. This will serve to prevent / limit illegal activity mentioned in this comment.</p>
<b>47</b>	The NGO, Work for Love would be negatively impacted on – the school serves an important social function to the Masiphumelele community. Concern that the Work for love scholars will lose a vital part of their environmental education and their “connectedness to nature” will be lost if the wetland is lost.	<b>Chand</b>	<p>The school's principal / owner was consulted during the public participation activities in order to understand potential impacts and find possible ways in which these can be limited.</p> <p>The total loss of ~3% of the Pick 'n Pay reedbed wetland and 0.6% of the larger Noordhoek Wetland System is not considered such that it would affect opportunities for learning about the wetland and environmental matters in general.</p>
<b>47</b>	The City should rather prioritise and fund the improvement of the public transport system (both road and rail) which would serve more people (not just motorists), aid in tourism, reduce carbon emissions and make use of already developed transport corridors and infrastructure. Congestion and Travel Demand Management research <sup>5</sup> – including work by the City of Cape Town's TDA itself – shows clearly that we need to shift to more efficient transport rather than build new infrastructure such as roads. Promoting lower-carbon choices in a car-as-king environment is only possible when congestion is used as the 'stick' and public transport is provided as the 'carrot'. This road project flies in face not only of the City of Cape Town and TDA's own stated principles and vision, but of international best practice. The road only serves to benefit middle upper income people with cars. Public transport, cycling lanes and pedestrian pathways will benefit everybody. Public transport would not only alleviate traffic but contribute to the City of Cape Town's often stated and much vaunted sustainable and climate goals, and more importantly provide Masi residents with a more cost	<b>HHO</b>	<p>The CoCT has prioritized the implementation of a public transport system, however, it will take more than 30 years to implement throughout the entire metro area. The introduction of the MyCiti service in this area is unlikely to be in the short to medium term due to the priority being elsewhere in the Metro.</p> <p>The rail service is not the responsibility of the CoCT and is a function of national government, which is also not likely to improve significantly in the short to medium term.</p> <p>The CoCT are aware of the capacity limitation on both the internal and external networks serving the far south, and are addressing these in the Far South Transport Study. This study takes into account the need for a wide range of travel demand management and public transport strategies.</p> <p>NMT facilities (pedestrians and cyclists) are included along KMR and OKW in the current upgrade, with public transport queue jump lanes at the KMR/OKW intersection.</p>

	<p>effective and safer way of traveling through the Far South.</p> <p>Suggestions made:</p> <ol style="list-style-type: none"> <li>1) MyCiti bus routes along Kommetjie Main Road, Noordhoek Main Road, Fish Hoek Main Road and Ou Kaapse Weg are instated.</li> <li>2) Cycling lanes</li> </ol>		<p>The traffic impact assessment has made adjustments to the standard vehicle trip generation rates, to take higher than normal public transport usage into account. Notwithstanding these adjustments, the road upgrades are required.</p>
<b>47</b>	<p>Chand's independency is questioned. Belief that the EAP and reports are applicant biased. Frequent use is made of established persuasive tactics that support the motives on Chand and its client, CoCT. For example:</p> <ol style="list-style-type: none"> <li>1) The report inevitably support the proposed road development, considering there is no presentation of a no-go option.</li> <li>2) The EAP previously made recommendations in favour of the application without including a faunal study.</li> </ol>		<p>Chand are appointed independent consultants. The company has been established over a 20-year period and fully understands the need to embrace independence in all of its dealings. It is integral to the sustainability of the company. Furthermore, the findings of the report are guided by specialists that are independent of Chand and the CoCT. Neither Chand nor the Specialists have any gain from a biased opinion or the development getting a positive Environmental Authorisation. The specialist findings and other contributing information have are fully representative of the inputs received and relevant project information gathered without any misrepresentation, deliberate or otherwise.</p> <p>It is important to emphasize that it is Chand's role to protect the integrity of the process.</p>
<b>47</b>	<p>Completion of this phase of the road extension would create the impression that there will be spare capacity on road infrastructure which would in turn facilitate and encourage further growth in housing and traffic – thereby compounding the traffic problem and not alleviating it. Refer to induced demand from larger roadways in the book <i>The Conundrum</i> (2012) by David Owen. This is recognised in the traffic report. Some aspects of the proposal can be argued in a selective manner, but this would be biased perspective when compared to the holistic perspective which clearly shows that logic and economics indicate that this project cannot be condoned.</p>	<b>Chand</b>	<p>The traffic motivation is valid. Other motivations for the project beyond traffic included service to the broader community. In the context of these motivations the process investigated both the social and biophysical impacts to achieve a holistic view, as captured in the BAR.</p>

47	Houmoed Road extension fits into the criteria of projects contemplated in a study by George Monbiot where undemocratic, top-down, central planning decisions by policymakers have serious negative consequences for society and the environment. The public participation processes (2004 and current) as part of the environmental processes should not be mistaken for democratic process as the proposal had already been decided upon.	<b>Chand</b>	The environmental investigation is undertaken with a view to giving the decision-makers information whether to issue or deny environmental authorisation. There are some members of the public that mistrust this process. It should however be noted that it is legislated and within the ambit of this process there are a number of checks and balances.
47	The impacts of the temporary road are not adequately mitigated. These impacts will not be temporary nor reversible by the time the permanent roadway is constructed.	<b>Chand</b>	All impacts of the temporary roadway are identified and recorded in the BAR and where required, mitigation is proposed.  <i>As indicated, the timing of the application and the progress with construction of the Kommetjie Main Road and OU Kaapse Weg upgrades are such that it is highly unlikely that the temporary roadway will be implemented.</i>
47	Mitigation measures for the road are entirely inadequate and must be taken into account. This is especially so for the temporary roadway.	<b>Chand</b>	It is believed that all identified impacts are adequately addressed in the BAR and mitigation is appropriate in the context of the environmental setting and impacts identified.
47	The road will clearly not achieve its goals and is not required for the reasons it is proposed for. Instead it provides an engineering solution to a political problem (continued allowance of expansion of Masiphumelele into the wetland and beyond) that ought to be solved far more consultatively and creatively than simply by building a road.  The Phase 2 road will serve as a wall or fence (which the community of Masiphumelele have rejected for numerous reasons). Building a road as a social containment structure is not an acceptable reason to build either a temporary or permanent road on Phase 2, and certainly no logic to connect it to a Phase 1 extension. Given the number of objectors, a well-funded and legally sound legal challenge to this project can be expected and given the reasons stipulated by NEAG, it is believed that the	<b>Chand</b>	The various project objectives and need for the Phase 1 extension is clearly detailed in the BAR. Significant consultation with Masiphumelele leaders and residents for the Phase 2 application did not yield a single rejection of the road as a barrier to further encroachment into the wetland as suggested by the commentator.  There is sufficient studies and precedent in the City to demonstrate that a roadway is an appropriate buffer between urban and natural environments, especially where sensitive natural environs are abutted.  The City feels confident that sufficient need for the road is demonstrated to pursue this road extension, noting that the application will likely be appealed by objecting parties. The

	challenge will have a high likelihood of success. Therefore respectfully suggested that the City cut its losses, withdraw the Phase 1 application and not end up fighting a wide range of objectors.		roadway will however serve the greater community and must therefore be pursued despite objections and a possible legal challenge from 200+ parties.
47	Despite a PAIA request for information from the City that relates to the circumstances under which contractors employed by the City were allowed to create massive canals through the heart of the wetland, no such information was forthcoming. These actions had significant legal and environmental implications but the City neglects to provide what should be a simple response.	Chand	This falls outside the scope of this Basic Assessment process.
47	Concern about the inclination and ability of the City to carry the risk burden and proper management that would be demanded by the road expansion given the City's track record with management of this wetland, which includes allowing of infilling, polluted stormwater runoff, ingress of residential development and destruction by contractors in the wetland. Opinion that the City is incapable to properly manage the wetland and related impacts associated with the road.	Chand	<p>The City is not solely responsible for the wetland as it also stretches over land owned by SANParks and land that is in private ownership. The City has however taken responsibility and the Phase 2 development is proposing to rectify the encroachment on the wetland and poor maintenance of services in Masiphumelele that led to most of the impacts on the wetland.</p> <p>The City will be legally bound to the conditions of approval and mitigation proposed in the BAR and by the specialist should the development be authorised. Non-conformance by the City to these conditions of approval and mitigation measures will lead to significant consequences in terms of the NEMA.</p>
47	The locality of the road in relation to the wetland and sea level is not properly considered in terms of sea level rise concerns. Given this location, the need for the road must be questioned instead of justifying why the road is required as it will only exacerbate other existing problems instead of solving the traffic concerns.	Chand	The engineering of the road has been designed to accommodate altered flood scenarios. It is believed that the motivation for the road is sound and valid.
47	Inherent bias of interpretation of comments raised and responses provided which project the needs, wishes and desires of the City as paramount and of greater weight than those of the objectors to the project. Failure of Chand to properly frame the comments and inputs of objectors in light of their responses to these	Chand	All comments received were captured in this comments and responses table and all original comments are also included for consideration by the authorities. There is no attempt made by the EAP to mislead I&APs or the authorities in the way in which certain comments are framed. Some comments are summarised due to

	<p>comments by failing to juxtapose the two, as required in an environmental scoping exercise. Chand has inserted its own interpretation of comments raised which seeks to diminish the substance of the comments while providing the perspective of the client. This prejudice towards the interest of the client would be met with a high degree of success if challenged through the courts.</p>		<p>the size of the comment / similar nature of comments raised by I&amp;APs. The authorities will however have the task and opportunity to verify (against the full original comments raised) that the crux of comments raised by I&amp;APs have been accurately captured by the EAPs.</p> <p>Chand are appointed independent consultants. The company has been established over a 20-year period and fully understands the need to embrace independence in all of its dealings. It is integral to the sustainability of the company. It is important to emphasize that it is Chand's role to protect the integrity of the process and hence, we have no intention to misrepresent the authorities on the nature or severity of comments raised.</p>
<p><b>47</b></p>	<p>Withholding the herpetological study for the area further demonstrates the flawed public participation process. Despite Chand's insistence that this has no material bearing on the broader faunal report, we strongly disagree given the importance of ongoing protection of local Amphibiae, particularly the WLT. If such a study was not relevant, then why was it engaged in the first place? The failure to disclose should at least lead to further time to be granted for our experts in turn to consider this new information.</p>	<p><b>Chand</b></p>	<p>Mr. Burger provided internal feedback to Chand on the faunal report only. There was no legal or other requirement for an amphibian specialist review. Neither CapeNature nor the competent authority requested such a review or indeed a specialist amphibian study. The review was undertaken for Chand's own purposes. It is not supplementary to the faunal report or the BAR and hence it holds no weight in the formal process. For this reason, it is excluded from the process. The feedback by Mr. Burger does not constitute material information. No herpetological study for the area was undertaken for this project. The faunal study including the impact on the WLT focused on the impacts associated with the proposed development.</p> <p>No material information relevant to the process has been withheld and as such, the public participation process is not flawed, and additionally, has gone well beyond the minimum legislated requirements.</p> <p>It is agreed that the ongoing protection of local Amphibiae is important however this is in no way linked to the materiality of the herpetological feedback received from M Burger.</p>

47	Objection to the nature of the framing and structure of the proposal for this project by both the CoCT and its appointed agent in this matter, Chand Environmental Consultants (Chand).	Chand	It is not clear what is meant by the framing and structure of the proposal but the objection is noted. The applications are undertaken in line with the requirements of the 2014 EIA Regulations and best practice in terms of the EIA processes. Details on Chand's independence and the validity of the Phasing of the applications for Phase 1 and Phase 2 proposals are detailed elsewhere in this table and the BAR.
47	In addition to their comment, NEAG also submitted a copy of the full comments and responses table that was distributed with the second revised draft BAR which contains rebuttals to the majority of responses provided by Chand, the specialists, the CoCT and HHO.	Chand	Full responses were provided to all the issues raised to date. All parties that contributed to the responses as included in that and subsequent versions of the comment and responses table, stand by these responses, however it is noted that NEAG disagrees with most of the statements and responses made.
<b>Additional New Comments on DRAFT BAR June 2019</b>			
47	<ol style="list-style-type: none"> <li>1) Previous concerns raised and objection to the proposed road remain.</li> <li>2) Our ability, as unpaid volunteers with our own jobs, to be effective and dedicated custodians of the wetland is being asphyxiated by the application being withdrawn and now being resubmitted. Until now NEAG have incurred around R150 000 in costs for an environmental consultant to assist with the process and hundreds of cumulative hours spent on working through the EIA documents, meetings, calls, research etc. The CoCT makes no budget available for unpaid volunteers to represent the natural environment in application such as these which place entire ecosystems at risk.</li> <li>3) NEAG believes that the withdrawal of the application goes against PAJA (Promotion of Administrative Justice Act), the Batho Pele principles and the Constitution. This in itself should make the entire application void and trigger an urgent review of the Public Participation Process and consultants employed by the CoCT/DA.</li> <li>4) NEAG is concerned at the lack of internal</li> </ol>	Chand	<ol style="list-style-type: none"> <li>1) The objection is noted.</li> <li>2) Biodiversity authorities such as Cape Nature and the City of Cape Town's Environmental and/or biodiversity branches are mandated to be custodians of the biophysical resources. These authorities provided comment on the various reports prepared as part of the Basic Assessment process. I&amp;APs are given opportunity to comment on a voluntary basis. The review by authorities and I&amp;APs serves to provide the necessary checks and balances in the environmental assessment process.</li> <li>3) The environmental regulations allow for a withdrawal and resubmission of applications. The EAPs cannot comment on how this allowance in terms of NEMA aligns with the principles of PAJA, the Batho Pele principles and the Constitution.</li> <li>4) The EAP cannot respond to comments made at a meeting with the Mayor and others that the EAP did not attend. The officials at the City are mandated to implement critical infrastructure in the City. Chand has not received any instruction from the Mayor nor the City officials to</li> </ol>

	<p>communication between the CoCT (the applicant) and the DEA. After meeting with Mayor Dan Plato, Deputy Mayor Ian Neilson, Aids. Felicity Purchase and JP Smith and Cllr Liell-Cock we were led to believe that the CoCT agrees with our environmental concerns and threats this road (Phase 1) poses and that the application is deemed an unacceptable environmental risk as proven during the previous application that was refused.</p> <ol style="list-style-type: none"> <li>5) Allowing the process to continue is a gross waste of taxpayer money</li> <li>6) The process threatens to financially bankrupt NPO volunteer groups such as NEAG and places unsustainable burdens on volunteers who also have to make a living while volunteering. Chand on the other hand gets paid.</li> <li>7) This application makes a mockery of the City's planning processes in that the application had been shelved for several years but resurrected.</li> <li>8) Allowing the application to continue reinforces NEAGs informed belief that the road was proposed by parties within the previous Mayco with construction companies and developers and that the financial benefits would accrue to various parties who pushed the resubmission of this inherently flawed proposal.</li> <li>9) Insists that a wetland management plan be completed and implemented.</li> </ol>		<p>terminate the application. The City acted within their rights in terms of NEMA to reapply for rights to develop the road.</p> <ol style="list-style-type: none"> <li>5) The continuation of the process facilitates the possibility of the road being constructed which will ultimately serve the taxpayers.</li> <li>6) The choice to hire an independent environmental consultant was made by NEAG and other NPOs. Biodiversity authorities such as Cape Nature and the City of Cape Town's Environmental and/or biodiversity branches are mandated to be custodians of the biophysical resources. These authorities provided comment on the various reports prepared as part of the Basic Assessment process. I&amp;APs are given opportunity to comment on a voluntary basis. The review by authorities and I&amp;APs serves to provide the necessary checks and balances in the environmental assessment process.</li> <li>7) Pursuing the possible construction of this road is in full support of the City's planning processes which have not shifted since the last application. This is evidenced by the road reserve that has remained in place.</li> <li>8) The EAPs cannot comment on such unsubstantiated theories. As mentioned above, the need for the road has remained, and hence the City's pursuance of the rights to develop the roadway has continued.</li> <li>9) The project, if approved, will be subject to the specifications included in the EMPr, and a Wetland Rehabilitation Plan. This does not remove the possibility of the remainder of the wetland to be subject to a management plan.</li> </ol>
<p><b>47</b></p>	<ol style="list-style-type: none"> <li>1) We ( NEAG, ToadNUTs, Milkwood Park Environmental Group, and concerned residents) were extremely disappointed to receive notification that the Houmoed Phase 1 proposal was once again on the table.</li> </ol>	<p><b>Chand</b></p>	<ol style="list-style-type: none"> <li>1) The notification informing I&amp;APs of the withdrawal specifically stated that the project would be resubmitted under a new application. Therefore, the suggestion that the project was withdrawn in its entirety is incorrect.</li> </ol>

	<p>Especially after receiving verbal reassurances during our 'walk-about' meeting on 18th April 2019 with Mr Plato and other MACO members that this road is unnecessary and undesirable and may be the final insult to an already severely compromised wetland system. Objections to this latest attempt at procedural obfuscation by Chand and the proponent in this regard:</p> <ol style="list-style-type: none"> <li>2) The reason for terminating the last application is trivial – procedural: "...with a view to ensuring clarity on the interpretation of EIA process related matters which were raised in the previous BAR". It seems to us that the EAP and the Competent Authority should be well versed in these procedural matters already. It is highly alarming and prejudicial to our stated interests if this is not the case.</li> <li>3) There were indeed serious intentional procedural "matters" and we disputed these irregularities in through the course of the past EIA process and our professional consultant, Andre van der Spuy of AVDS Environmental Consultants, provided correct advice on these. Accordingly there should be no issues of lack of clarity as is being claimed.</li> <li>4) These procedural actions of non-compliance were challenged, but the correct advice offered was variously not accepted and /or dismissed by both the EAP(s) and DEADP. As such our environmental consultant's advice at that time is on record. Those matters should have been resolved within the timeframes of the application and ultimately a decision should have been delivered.</li> <li>5) It is our view that there were no procedural matters that were unresolved and that the merits of the first application clearly demanded that it be refused. It is</li> </ol>		<ol style="list-style-type: none"> <li>2) During the public review of the previous BAR, it was raised that a copy of the actual Application Form (as submitted to the DEA&amp;DP) was not included in the documentation for public review. Given that all of the information that was contained in the Application form was included in the body of the BAR, it was felt that that the requirements of the regulations were met in relation to inclusion of "Application Documentation". This is open to interpretation and has not been previously tested under appeal conditions. As this item could potentially compromise the application on procedural grounds, it was deemed appropriate to withdraw the application and resubmit it. This withdrawal and resubmission is in line with allowances in the EIA Regulations.</li> <li>3) Issues raised that were open to interpretation in terms of the law have now been addressed in the new BAR to guard against potential procedural flaws.</li> <li>4) Given that there were different interpretations of the procedural requirements in terms of the regulations it was deemed prudent to proceed with the withdrawal as stated above. The EIA Regulations do not prohibit a withdrawal and resubmission.</li> <li>5) This statement is in contradiction to points 1-3 above where procedural issues were cited.</li> </ol>
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	<p>now necessary to interrogate the proclaimed "process-related matters" which have been given as the reason for abandonment of the first application, to our detriment, and unfairly so.</p> <p>6) As a civic alliance in opposition to a road through highly sensitive wetlands (Houmoed Phase 1) we have incurred considerable time, effort and cost and we have been unfairly prejudiced by the withdrawal of the first application for seemingly trivial reasons. The manipulation of the PPP by stopping the process and then starting it again at the whim of the EAP and Applicant goes against the rights outlined in the Promotion of Administrative Justice Act (PAJA) which aims to ensure that administration is effective, fair and accountable to the public. As opponents to this proposed road development, are we allowed to stop the process for our benefit?</p> <p>7) We would like to highlight the fact that as the Applicant is still clearly intent on pursuing the development proposal (the 2nd application is proof) this indicates that the termination of the first application (at an extremely advanced stage – the decision-making stage) was merely a measure to protect the Applicant's interests of pursuing development (by avoiding the requisite decision of refusal which the facts of the case clearly dictated) rather than allowing the application to be adjudicated based on the merits of the findings and information as should have been the case.</p> <p>8) With that in mind we now request the EAP to immediately clarify ALL the "process related matters" for which clarity was allegedly sought. We also request all records of engagement between the EAP(s), DEADP and the Applicant which were undertaken between the date of 6 December 2018 and the 23 May 2019 (date of launch of the current Chand EIA). We require this</p>		<p>6) The withdrawal and resubmission was a decision that was taken with due consideration by the EAP and the Applicant. Furthermore, as stated above, this was done within the allowances of the EIA Regulations. Administrative justice extends to Interested and Affected Parties as well as the Applicant, thus the Applicant is well within their rights to further pursue an application.</p> <p>7) The merits of any given application are reviewed during adjudication by the authorities. It is therefore immaterial as to whether the authorities are hypothetically reviewing the old or new BAR, as their mandate is to review each application received on its own merit</p> <p>8) Changes related to procedural matters are very clearly (in tabulated format) documented in the executive summary of the new BAR. To assist readers, all changes have also been indicated in coloured text.</p> <p>It should be noted that the commentator was provided (on 14 June) with records of the following interactions between the EAP and the DEA&amp;DP:</p> <ul style="list-style-type: none"> <li>- Official withdrawal of the previous application and the</li> </ul>
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	<p>information timeously in order to fully prepare your intended comments on the current application. Alternatively we request a significant extension on the deadline stipulated in this stage of the PPP.</p>		<p>DEA&amp;DP's acknowledgement of the withdrawal</p> <ul style="list-style-type: none"> <li>- Submission of a new application and the DEA&amp;DP's acknowledgement of the new application</li> <li>- Submission of the new BAR and the DEA&amp;DP's acknowledgement thereof</li> </ul>
47	<p><b><u>NEAG &amp; ToadNuts objection DBAR 2019</u></b></p> <p><b>1) Site visit with the Mayor, Deputy Mayor, Mayco Member for Safety and Security, Mayco Member for Transport, Ward Counsellor and other officials</b></p> <ul style="list-style-type: none"> <li>• The Mayor requested meeting with NEAG and ToadNUTs to do a site visit in order to see how much environmental devastation will be caused by the Houmoed Phase 1 Road. Attending this site meeting were Council Members Dan Plato, Ian Neilson, Felicity Purchase, Simon Leill-Cock and JP Smith</li> <li>• We were able to show the delegation the impact of vagrants on the pond in front of the Noordhoek Chalets and compared this to a pristine pond in front of one of the Milkwood Park resident's homes. This is a pond almost entirely inaccessible to humans and as such wildlife abounds there. This comparison shows what will certainly happen to the remaining wetlands if a road is built, thereby enabling easy access and shack building.</li> <li>• During the site visit our delegation was able to explain how close the Noordhoek wetlands are to the brink of collapse, and what 'collapse' would look like for all residents – poor and rich alike.</li> <li>• We showed how much damage had already been done to the wetland.</li> <li>• We were confidentially told by one member of the party that "Houmoed Rd is not a priority and should not be built". In addition Mayor Plato spoke about the value of</li> </ul>	Chand	<p>1) The EAP cannot respond to comments made during a site walkabout that the EAP did not attend. The officials at the City are mandated to implement critical infrastructure in the City. Chand has not received any instruction from the Mayor nor the City officials to terminate the application. It is further noted that stated comment made by NEAG and ToadNuts parties during the site walkabout are in most instances in contradiction with the findings of the freshwater and faunal specialists involved in the Basic Assessment process. Chand stands by the inputs provided by the specialists.</p>

	<p>conserving the ponds.</p> <ul style="list-style-type: none"> <li>• After the upbeat tenor of this meeting it was disappointing to receive the notification that the CoCT had once again initiated the application for Houmoed Phase 1. It seems that CoCT operates on 'silos' in which one department does not know the intentions of another.</li> </ul> <p><b>2) The public participation process is unjust, unfair, disempowering and against the rights of nature to be protected</b></p> <ul style="list-style-type: none"> <li>• We question how it is allowed that "Final BAR (was) withdrawn prior to the authorities' deadline to take a decision. The withdrawal was prompted with a view to ensuring clarity on the interpretation of the EIA process related matters which were raised in the previous BAR". This points to the deep flaws inherent in the PPP that rather appear to favor the applicant. Furthermore, no additional information was provided to elaborate on the specific process concerns that prompted the delay and how they are in fact addressed in the new revised application moving forward.</li> <li>• The manipulation of the PPP by stopping the process and then starting it again at the whim of the EAP and proponent goes against the rights outlined in the Promotion of Administrative Justice Act (PAJA) which aims to ensure that administration is effective and accountable to the public. As local volunteer civic organisations (NEAG and ToadNUTs) we have incurred substantial costs in excess of R150 000.00 thus far to comment on the EIA. As part of the general public we do not have the knowledge or expertise to deal with EIA processes and documents without the help of a professional/s. As a civic organization it is impossible to participate equally in this process due to a lack of funds, knowledge and time. For example, to employ our own</li> </ul>		<p>2) The withdrawal and resubmission was not a manipulation of the process or taken on a whim as suggested. It was a decision that was taken by the EAP and the Applicant, with due consideration. Furthermore, the withdrawal was done within the allowances of the EIA Regulations.</p> <p>The notification informing I&amp;APs of the withdrawal specifically stated that the project would be resubmitted under a new application. Therefore the suggestion that the project was withdrawn in its entirety is incorrect. Administrative justice extends to Interested and Affected Parties as well as the Applicant, thus the Applicant is well within their rights to further pursue an application.</p> <p>I&amp;APs have the right in terms of the regulations to comment on the reporting and to obtain further specialist inputs to inform comments. Participation in the process is voluntary, however it is acknowledged that a differing opinion could result in costs to commenting parties. This is however a result of the nature of the legislated process, and not the intention of the Applicant or the EAPs. Revision of the Regulations would be required if it is found to be against the Batho Pele principles and the Constitution.</p>
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	<p>wetland expert would cost in excess of R80 000.00, which we were not able to do. On this particular point we were informed by a subject matter expert acting for the proponent that the opinion of a wetland specialist employed by ourselves would be considered as biased. Surely this cannot be accurate, and if so shows that our lack of knowledge of the PPP was being capitalized on by the EAP and their experts.</p> <ul style="list-style-type: none"> <li>• Furthermore, we have collectively spent hundreds of hours working through documentation and meetings while all in formal employment, whereas Chand and City officials are employed to deal with these matters and are compensated via salaries and consultancy fees. This places the public and environment on the back foot, again showing unfairness in the process.</li> <li>• The previous points go against the Batho Pele principles which, together with the Constitution, guarantee administrative fairness for citizens. With regard to the amount of expense we have incurred, principle 8 states: "Value for money: Public services should be provided economically and efficiently in order to give citizens the best possible value for money"</li> <li>• We are custodians of the natural environment and call for a just, fair and equalitable process in this matter. This relates both to temporal and financial constraints civic organisations such as ourselves face</li> </ul> <p><b>3) The lack of regard for the health of the Noordhoek Wetland is likely to cause long-term environmental risks, and exacerbate the effects of climate change especially for the surrounding impoverished communities</b></p> <ul style="list-style-type: none"> <li>• Considering the South African prioritization for climate change resilience, the proposed roadworks blatantly flout this focus. The construction of Houmoed Phase 1 will</li> </ul>		<p>Chand cannot respond to hearsay on any comment that a Chand appointed specialist may have made in relation to the involvement of other independent specialists by I&amp;APs. It is Chand's belief that independent specialist opinions are fully permitted in an environmental process. Without any further specifics on the matter, Chand is not in a position to provide further comment.</p> <p>3) The Freshwater Assessment considered the impacts to the wetland as a result of the Houmoed Road extension in great detail and did not find residual risk which could lead to wetland collapse and the consequent effects mentioned in the comment. Mitigation proposed is deemed acceptable in light of the impact of the proposed project.</p> <p>The proposed road would not preclude further preservation of</p>
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	<p>risk wetland collapse, increased climate change vulnerability and water insecurity in the future. Important aquifers cannot replenish if the wetland collapses.</p> <ul style="list-style-type: none"> <li>• Furthermore, the suggested fresh water and faunal mitigations are wholly inadequate trying to find long-term solutions for risks that will be immediate. That means that, for example, planting trees will only shield the pond in 10 years from when they have grown. In the interim, the ponds and fauna will be at risk from pollution, effluent, litter, noise pollution and roadkill from traffic. We have serious concerns with all the mitigations proposed, as they are not sufficient to avoid wetland collapse or species extinctions in the future.</li> <li>• It is a well-researched fact that roads provide opportunities for land occupations both locally and internationally. This road will allow this section of the wetland to be occupied by shack dwellers. As it is, CoCT has proven unable to deter the ever-expanding number of wetland dwellers from invading the wetland immediately opposite Masiphumelele, to devastating effect for biodiversity and with an alarming increase in pollution. How would CoCT be able to prevent further land invasion in the Houmoed wetland area?</li> <li>• We question whether the allocated budget of R60Mil is enough to build the road and provide sufficient mitigation and restoration in the long term. The budget allocations are veiled to the public.</li> </ul> <p><b>4) We call for immediate redress:</b></p> <ul style="list-style-type: none"> <li>• We request that in order to attempt some degree of fairness in the process that we, as civic organizations involved, are also allowed to halt the process (as was done now by Chand). This will allow us time to properly and fully assess the modifications to the latest BAR; to consult experts, to seek legal advice, and to raise money to pay outstanding bills and attempt fundraising for</li> </ul>		<p>the wetland and would to some level support this as the road would present a firm edge to the wetland that would prevent further informal encroachment by select adjacent residents and would ease surveillance onto the wetland to identify any disturbance on the wetland. The proposed roadway will contribute significantly to the fight against illegal infilling and encroachment of the wetland as the City's land invasion unit can then easily access the area to monitor the situation. The users of the roadway will further serve to provide surveillance in this regard. The City will continue with their anti-land invasion efforts to end the encroachment into the wetland – efforts that are currently significantly hampered by the lack of proper access to the area.</p> <p>The applicant will be responsible for implementing the conditions of approval and will therefore need to make the necessary funding available. The budgetary requirements included in the BAR are calculated estimates only, as this is a requirement of the DEA&amp;DP.</p> <p>4) An application for environmental authorisation has already been submitted to the competent authority. As such, the Final BAR is due before 12 August 2019 given the legislated 90 day period during which the report must be submitted to the authorities for decision-making. As the EAPs, we are not mandated to extend this period.</p> <p>5) The applicant is within their rights to apply for development rights for the proposed road. Should these rights not be granted, they would be in a position to reconsider other alternatives such as absorbing the road reserve into the protected wetland. This would fall outside the scope of this application for environmental authorisation. Should development of the road be a reality, this does not preclude the possibility of exploring the application for</p>
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	<p>future bills. We strongly request a period of 12 months is allowed.</p> <ul style="list-style-type: none"> <li>Should this additional halt to the process not be granted, we insist the CoCT (the proponent) provide full financial support to us as volunteers to employ our own specialists and to pay for the input we have had to commission thus far. The consultants employed by Chand are indirectly employed by the city and forced to come up with ways in which to get the application approved whereas a truly independent consultant would be able to take a wider view in the interests of both the local communities and our wetland. The biases in this application is also inherent in the fact that a 'NO GO' option isn't even considered, meaning that the decision is already biased regardless of the fact that the road is no longer required with the Kommetjie Road upgrade being at an advanced stage.</li> </ul> <p><b>5) Failing the above redress:</b></p> <ul style="list-style-type: none"> <li>We request that the proposed road proposal be withdrawn with immediate effect due to the associated risks which cannot be mitigated against (i.e. wetland collapse, water insecurity, species extinction, climate change vulnerability).</li> <li>We request that the road reserve is absorbed into the protected wetland area and that the city applies for the wetland to receive Ramsar status.</li> <li>We insist that the CoCT puts together a Wetland Management plan with immediate effect to deal with wetland rehabilitation for the entire wetland as well as solutions to halt and reverse wetland encroachment and anthropocentric damage.</li> </ul>		<p>RAMSAR status for the vast remainder of the wetland.</p>
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