

**CTFS AMENDMENT APPLICATION FOR THE PROPOSED DEVELOPMENT FRAMEWORK AMENDMENT
EXISTING EA REFERENCE NUMBER: E 12/2/1-595-FARM 653, OA**

COMMENTS RECEIVED DURING THE AMENDMENT APPLICATION:				
No.	Name:	Comment:	Respondent:	Response:
1.	Anton Bredell Western Cape Minister of Local Government, Environmental Affairs and Development Planning 2 July 2019	<p>Your application for the further amendment of the Amended Appeal Record of Decision ("RoD") in the above regard, refers.</p> <p>You are requested to submit a report which contains the following information before an informed decision can be made on the abovementioned application:</p> <ul style="list-style-type: none"> i. A description of the need and desirability of the proposed changes. ii. An Amended Environmental Management Programme ("EMPr") which contains measures to ensure avoidance, management and mitigation of impacts associated with the proposed changes. The current EMPr which has been submitted with the abovementioned information does not include all the mitigation measures which have been recommended in the Amendment Application Report and the specialist studies. iii. An indication of the listed activities considered similarly listed in terms of the current EIA Regulations, 2014 Listing Notices No. 1, 2 and 3 (Government Notices No. R. 983, R. 984 and R. 985 of 4 December 2014 as amended by Government Notices No. R. 324, R. 325 and R. 327 of 7 April 2017 respectively). iv. A copy of an up-to-date and legible landscape plan for the proposed amendments. 	CHAND	<p>A description of the need and desirability of the proposed amendments to the DF has been added to the Assessment Report- refer to section 4.</p> <p>The recommended mitigation measures have been cross-checked with the EMPr and all relevant measures have been included. Clarity with regard to those which have not been included is provided in the Assessment Report, under the specialist recommendations for each specialist assessment.</p> <p>This has been added to the Assessment Report and recommendation have been made by the EAP in this regard- refer to section 2 of the Assessment Report.</p> <p>The latest landscaping plan has been included in Appendix O, noting that this is the latest version, but that more detailed versions would have to be approved by the City of Cape Town at a precinct level. This has been clarified in section 3.1 of the Assessment Report.</p>

		<p>v. Clarity in terms of which condition in the proposed amendments is applied for imposition into the Amended Appeal RoD to ensure that only the phase/s on which sewage treatment capacity exists with the municipality will be developed "... given that the ZWWTW currently does not have additional capacity for the treatment of sewage...".</p> <p>vi. Proof that the amendment application and the information required herein are made available for a 30-day public participation process to give the potential and registered interested and affected parties an opportunity to submit comments as required in terms of section 240 of the NEMA and regulation 41 of the current EIA Regulations, 2014.</p> <p>vii. Comments from CapeNature, Department of Water and Sanitation, Heritage Western Cape, City of Cape Town's roads engineer, etc.</p> <p>viii. A comments and responses report to prove that the issues raised have been responded to and adequately addressed by the environmental assessment practitioner.</p> <p>The abovementioned information must be submitted to the Ministry of Local Government, Environmental Affairs and Development Planning (Attention: Mr Marius Venter, Tel: (021) 483 3721, Fax: (021) 483 4174 and Marius.Venter@westerncape.gov.za) within a period of 90 days from the date of this letter. If you, however, for some reason will not be able to submit the outstanding information within the stipulated period, you must inform the Ministry of Local Government, Environmental Affairs and Development Planning as such in writing before the end of the 90-day period. You will be required to submit a concise motivation why the outstanding information will not be submitted within the 90-day period. The motivation must include the tasks that have been performed to date, the reasons for the delay in the submission and an indication when the information will be submitted. Such motivation must be submitted before the end of the 90-day period.</p>		<p>Clarity has been provided in section and the condition of authorisation has been expanded upon to provide more clarity in this regard (refer to condition 23 of the proposed amended EA).</p> <p>The Draft Amendment Application and associated reports are currently available for public review and evidence will be included in the final application submitted to the DEA&DP.</p> <p>These comments have all been incorporated into the Amendment Application and have been addressed. The comments are also listed in this Comments and Responses table.</p> <p>This is the Comments and Responses table, but section 7.2 of the Assessment Report also covers the stakeholder engagement to-date and the way comments have been addressed in this amendment application.</p> <p>Noted. Extensions have been granted and these are included in Appendix T(ii).</p>
2.	Waseefa Dhansay	Heritage Western Cape is in receipt of your application for	CHAND	Noted.

	<p>Heritage Western Cape 10 September 2019</p>	<p>the above matter received on 2 August 2019.</p> <p>You are hereby notified that, since there is no reason to believe that the proposed amendment to the development framework will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p> <p>However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.</p> <p>This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.</p> <p>HWC reserves the right to request additional information as required.</p> <p>Should you have any further queries, please contact the official above.</p>		<p>This has been included as a specification in the EMPr.</p> <p>Noted.</p>
<p>3.</p>	<p>Alexander Forbes City of Cape Town: Spatial Planning and Environment: Environmental Management 4 September 2019</p>	<p>Thank you for the opportunity granted to the City of Cape Town (CCT) to comment on the above-mentioned document.</p> <p>1) Application circulation</p> <p>The application was circulated to various CCT Departments for comment. Comments were received from the following Departments (Branches):</p> <ul style="list-style-type: none"> • Water and Waste (Solid Waste Management- Policy); • Water and Waste (Solid Waste Management- Collections); • Water and Waste (Water and Sanitation); • Community Services and Health: City Health (Specialised Health Services: Noise Control); • Transport (TIA and Development Control); • Spatial Planning and Environment (Urban Planning and Design Department); • Spatial Planning and Environment (Planning and Building Development Management). <p>2) Comments made/issues raised by the various</p>	<p>CHAND</p>	

		<p>Departments</p> <p>a) Solid Waste Management: Policy- Rosina Lesoetsa- 021 400 1902 (Appendix A) This Branch stated that the amendment will have no impact on the provision of waste management services.</p> <p>b) Solid Waste Management: Collection- Chantel Erlank- 021 400 5567 (Appendix B) This Branch stated that their comments remain the same as contained in the DBAR.</p> <p>c) Water and Sanitation- Ashiekah Salie- 021 400 4961 (Appendix C) This Branch stated that Water and Sanitation has no objection to the proposed development (See memorandum for detailed comments).</p> <p>d) City Health: Specialised Services: Noise Control- Anelisa Yani- 021 400 7404 (Appendix D) This Branch supports the abovementioned application (Please see memorandum for detailed comments).</p> <p>e) Transport: TIA and Development Control- Bill Jones- 021 444 1916 (Appendix E) This Branch supports the abovementioned amendment to the Cape Town Film Studios Development Framework (See memorandum for detailed comments).</p> <p>f) Planning and Building Development Management: Rafiq Allie- 021 360 1297 (Appendix F) The subject property is commonly referred to as the cape town film studio's site. A rezoning and subdivision as well as development framework were previously approved in 2006 for the subject property. Currently the land use management branch is processing a land use application to amend the approved development framework and to amend certain conditions of the previous approval.</p> <p>In principle our department has no objections to an environmental authorization being granted for the envisaged changes to the development framework previously approved.</p> <p>Environmental and Heritage Management Branch:</p>		<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. A Noise Impact Assessment was done and the mitigation measures arising from that study have been included as conditions of authorisation in the proposed amended EA.</p> <p>Noted. The two points raised have been incorporated into a revised access and movement drawing included in Appendix E(iii) of the Amendment Application.</p> <p>Noted.</p>
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	<p>Heritage Section - Johan van Wyk - 021 850 4104</p> <p>As the amendments applied for entail inter alia the change of the proposed land use from residential to mixed use on land parcels situated along the R310 and in close proximity to the original access road to the adjacent Vergenoegd Farm (a proclaimed Provincial Heritage Site), it is the opinion of the Heritage Section of this Branch that a Record of Decision (comment) will be required from the provincial heritage authority (i.e. Heritage Western Cape - HWC) in accordance with the National Heritage Resources Act (Act 25 of 1999), because of the possible visual impact of the amendments on Vergenoegd Farm.</p> <p>A similar application was submitted to HWC in 2015 for purposes of the proposed service station next to the R310 on Farm 653 Stellenbosch, where after a ROD was issued by HWC on 30 November 2015 in support of the proposal. The Heritage Section of the Environmental & Heritage Management Branch will be able to provide final comment once the Record of Decision (comment) from HWC on the current Amendment application is received.</p> <p>Conclusion</p> <p>This Branch has no objection to the abovementioned application as it is in line with Cape Town Municipal Spatial Development Framework (2018), but the applicant must address the various technical issues raised by the different departments/branches of the City.</p> <p>Kind regards, Azanne van Wyk Head: Environmental and Heritage Management (Eastern Region)</p> <p>Appendices</p> <ul style="list-style-type: none"> • Appendix A: Water and Waste: (Solid Waste Management- Policy)- Rosina Lesoetsa • Appendix B: Water and Waste: (solid Waste Management- Collections)- Chantel Erlank • Appendix C: Water and Waste: (Water and Sanitation)- Ashiekah Salie • Appendix D: City Health: (Specialised Services- Noise)- Anelisa Yani • Appendix E: Transport (TIA and Development)- Bill Jones • Appendix F: Spatial Planning and Environment 		<p>Comment from HWC has been obtained and they have confirmed that "since there is no reason to believe that the proposed amendment to the development framework will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required."</p> <p>Technical issues raised by the City of Cape Town have been addressed in the following ways:</p> <ul style="list-style-type: none"> • Comment from HWC was obtained and it was found that no further assessment is necessary; • A Noise Impact Assessment was done and mitigation measures to protect sensitive noise receptors (if developed in certain areas) have been included in the proposed amended EA; • Any additional measures suggested by the City of Cape Town have been incorporated into the EMPr; • The access and movement for the proposed realignment of the secondary access road have been revised in accordance with the City's comment; • Measures for the way service for
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		<p>(Planning and Building Development Management)- Rafiq Allie</p> <p>Appendix A: Solid Waste – Policy The amendment will not have any impact on the provision of waste management services. There are no further comments from the department.</p> <p>Appendix B: Solid Waste - Collections Our Departmental comments remain the same.</p> <p>Appendix C: Water and Sanitation COMMENT ON WATER AND SANITATION SERVICES FOR ENVIRONMENTAL AUTHORISATION AMENDMENT APPLICATION FOR CTFS DEVELOPMENT FRAMEWORK AMENDMENT ERF 41969-RE AND ERF 41968, BLUEDOWNS <u>Background</u> The proposed activity will comprise the following:</p> <ul style="list-style-type: none"> • Film studios and open film lots (i.e. “Testing Facility”, “Cape Town Film Studios” and “OSZ Backlot”) of up to 44.96 hectares; • Within the 44.96 hectares mentioned above, a particular Outdoor Studio Zone comprising two backlots (“OSZ Backlot”) totaling up to 2.33 hectares in extent would be allocated for use which allows the establishment of temporary structures and/or sets which do not have foundations and do not require a building plan. • Additional access routes to the Outdoor Studio Zone Backlots; • A residential component (“Residential Area 1”) which will be located on the south-western half of the site comprising of up to 11.25 hectares; • Mixed Use Areas (“Mixed Use 1”, “Mixed Use 2”, “Mixed Use 3”, and “Mixed Use 4”) in the western half of the site totaling up to 34.04 hectares; 		<p>effluent/sewage would be dealt with have been described in the Assessment Report and related aspects have been included as conditions of authorisation in the proposed amended EA.</p> <p>Noted.</p> <p>Noted.</p>
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		<ul style="list-style-type: none"> • A service station/diner at the entrance to the site, along the R310, of up to 0.96 hectares; • Conservation and associated buffer areas of up to 76.46 hectares; • Landscaped areas of up to 18.51 hectares; and • Associated access roads and servitudes. <p><u>Water Reticulation</u></p> <p>This development falls within the CCT 110 water distribution zone. A 380mmØ supply connection provides water to the studio and has a static pressure of 97m. This system has sufficient capacity. There is enough pressure in the network around the site with 90-120m static pressure.</p> <p>There are two bulk line (810mm and 840mm) north of the site with more than 120m static pressure.</p> <p><u>Bulk Water</u></p> <p>North of the development there is a 2400mmØ bulk water main with peak pressure of 97.9m. This is a bulk main but no new additional connections will be allowed. Additional connection to the bulk system will not be allowed so existing users will have to be consulted when proposing a connection for the development.</p> <p><u>Sewer Reticulation</u></p> <p>The proposed development is situated in the catchment of Zandvlei Wastewater Treatment Plan (WWTW). There is an existing internal network of 110mmØ and 160mmØ within the site which connects to a 300mmØ collector sewer that has capacity. The 300mmØ connects to 1000mmØ bulk sewer line which then gravitates to Zandvlei WWTW.</p> <p><u>Wastewater treatment</u></p> <p>The treatment works currently has insufficient unallocated capacity to accommodate the sewer flow volume from the development and is planned for an upgrade of 18 Ml/d with completion date for December 2024.</p>		<p>This is noted in the services report in Appendix F.</p> <p>This is noted in the services report in Appendix F.</p> <p>This is noted in the services report in Appendix F. The Applicant may consider interim solutions should there be insufficient capacity at the time of need, however it is likely that the phasing of the development would coincide with the upgrade of the WWTW. There is a new condition (i.e. number 23) of authorisation related to this issue in the proposed amended EA which would require the Applicant to ensure there is sufficient service capacity for the development of each phase and also that, should interim solutions be implemented, the necessary approvals in terms of applicable law are obtained.</p>
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		<p><u>Conclusion</u></p> <p>The Water and Sanitation has no objection to the proposed Film Studios. The Wastewater Treatment Works upgrades have been budgeted for and expected completion date is December 2024.</p> <p><u>Water Pollution Control</u></p> <p>The proposed installation of a service station must comply with the Water Pollution Control by-law.</p> <p>The developer is required to show that all precautions have been taken to deal with cases of fuel spillage at a service station.</p> <p><u>Technical Requirements</u></p> <ul style="list-style-type: none"> • Water Pollution control official are required to inspect the installation. • The upgrade of the Zandvlei WWTW is required for the development of the Film Studio. <p><u>General / Disclaimer</u></p> <ol style="list-style-type: none"> 1. Information provided is based on best available data. 2. The flows and pressures provided in this comment are theoretical and not measured. <p>Appendix D: Noise Control</p> <p>Legal Framework</p> <p>Regulation 4, Western Cape Noise Control Regulations PN 200/2013.</p> <p>Land use</p> <p>4.(1) The local authority, or any other authority responsible for considering an application for a building plan approval, business licence approval, planning approval or environmental authorisation, may instruct the applicant to conduct and submit, as part of the application-</p> <p>(a) a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103; or</p>		<p>Noted. See above.</p> <p>Noted. This is included as a specification in the EMPr.</p> <p>Noted. This is included as a specification in the EMPr.</p> <p>Noted. This is included as a specification in the EMPr.</p> <p>Noted. This is included as a specification in the EMPr.</p> <p>Noted.</p> <p>A Noise Impact Assessment has been done and the findings incorporated into the updated Draft Amendment Application and associated documentation. Refer to Appendix G(v) for the full report.</p>
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		<p>(b) where the noise level measurements cannot be determined, on assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or activity.</p> <p>(2)(a) A person may not construct, erect, upgrade, change the use of expand any building that will house a “noise-sensitive activity in a predominately commercial or industrial area, unless he or she insulates the building sufficiently against external noise so that the sound levels inside the building will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103.</p> <p>* [Noise Sensitive Activity: means any activity that could be negatively impacted by noise, including residential, healthcare, education or religions activity.]</p> <p>(b) The owner of a building referred to in paragraph (a) must inform prospective tenants or buyers in writing of the extent to which the insulation measures contemplated in that paragraph will mitigate noise impact during the normal use of the building.</p> <p>(c) Paragraph (a) does not apply when the use of the building is not changed.</p> <p>(3) Where the results of an assessment undertaken in terms of sub regulation (1) indicate that the applicable noise rating levels referred to in that sub regulation will likely be exceeded, or will not be exceeded but will likely exceed the existing residential noise levels by 5 dBA or more-</p> <p>(a) the applicant must provide a noise management plan, clearly specifying appropriate mitigation measures to the satisfaction of the local authority, before the application is decided; and</p> <p>(b) Implementation of those mitigation measures may be imposed as a condition of approval of the application.</p> <p>(4) Where an applicant has not implemented the noise management plan as contemplated in sub regulation (3), the local authority may instruct</p>		
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	<p>The applicant in writing to-</p> <ul style="list-style-type: none"> (a) Cease any activity that does not comply with that plan; or (b) Reduce the noise levels to an acceptable level to the satisfaction of the local authority. <p>Assessment of application:</p> <p>This office has scrutinized and physically assessed the area contemplated in the application.</p> <p>The application was assessed in terms of Western Cape Noise Control Regulations PN 200 of 2013, SANS 10103:2008 – <i>The measurement and rating of environmental noise with respect to annoyance and to speech communication</i> and SANS 10328:2008 – <i>Methods for Environmental Noise Impact Assessment</i>.</p> <p>The following descriptions in terms of the above mentioned legislation is applicable to this application.</p> <p>“Disturbing noise” means a noise, excluding the unamplified human voice, which -</p> <ul style="list-style-type: none"> a) Exceeds the rating level by 7dBA(A); b) Exceeds the residual noise level where the residual noise level is higher than the rating level; c) Exceeds the residual noise level by 3dBA(a) where the residual noise level is lower than the rating level; or d) In the case of a low frequency noise, exceeds the level specified in Annex B of SANS 10103. <p>“Rating level” means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103.</p> <p>“Residual noise” means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise.</p> <p>“Noise nuisance” means any sound which impairs or may</p>		
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	<p><i>impair the convenience or peace of a reasonable person.</i></p> <p>“Property projection plane” means a vertical or horizontal plane, whichever is applicable, on a boundary line of premises defining a boundary of the premises in space.</p> <p>“Day-time”: 06h00 – 22h00 “Night-time”: 22h00 – 06h00</p> <p>Findings and Comments Construction phase The following statement was extracted directly from the EMPr and the and report was responded to in bold word sentences:</p> <p>Page 41, Item 5.18 Noise control Noise generation during construction could create disturbance and a nuisance for people working, resident in and commuting through the area. Contractors shall thus restrict working hours for construction activities to: 07:00 – 18:00 on weekdays (excluding public holidays); and 07:00 – 13:00 on Saturdays (excluding public holidays).</p> <p>Best available methods must be investigated to reduce impact of possible disturbance to noise sensitive receivers by controlling noise at source, along transmission path(s) or in the area(s) of impact.</p> <p><u>An example to the above would be an option of using non-tonal audible movement warning alarms that can focus the signal in the area of potential danger, those that allow for the level of the alarm to be adjusted depending on the surrounding noise, however this needs to be investigated for compliance with other legislative requirements.</u></p> <p>If contractors wish to work outside of these hours, this must be with the agreement of the PM, ECO and the building regulations. The ECO is, however, to be fully informed of any complaints received regarding noise levels during the</p>		<p>Noted. The EMPr has been updated to reflect this as a specification.</p> <p>Noted. The EMPr has been updated to reflect this as a specification.</p>
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	<p>construction period.</p> <p>Noise complaints received by the City of Cape Town Noise Control Administration outside the allocated times as stipulated in the National Building Regulations will be dealt with in terms of the Western Cape Noise Control Regulations, 2013. Should there be a needs to work outside these hours, an application for noise exemption needs to be submitted to the nearest City of Cape Town Environmental Health Office for consideration.</p> <p>The contractor should be full acquainted with the Noise Control Regulations of the Province of the Western Cape published in the Provincial Gazette 5309 of 20 November 1998. The regulations published under Provincial Notice 627 pf 1998 (in Provincial Gazette 5309 of 20 November 1998) were repealed in 2013.</p> <p><i>NB. Reference should be made to the applicable National/Provincial legislation with regards to control of noise.</i></p> <p>Requirements</p> <p>As stated in the EMPr, the development will consist of residential component and hotel accommodation in a predominantly commercial and industrial environment. The mixed use activities of the site presents a possibly of noise impact that may be anticipated from both the commercial and industrial components.</p> <p>The applicant must conduct and submit as part of the application-</p> <p>A noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103.</p> <p>(b)where the noise level measurements cannot be determined, an assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or</p>		<p>Noted. The EMPr has been updated to reflect this as a specification.</p> <p>Noted. The EMPr has been updated to reflect the latest regulations.</p> <p>As above.</p> <p>This has been done, refer to Appendix G(v) for the full report.</p>
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		<p>activity.</p> <p>Regulation 4(2) of the Western Cape Noise Control Regulation also states the following:</p> <p>(2) (a) A person may not construct, erect, upgrade, change the use of or expand any building that will house a “noise-sensitive activity in a predominately commercial or industrial area, unless he or she insulates the building sufficiently against external noise so that the sound levels inside the building will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103.</p> <p>It is envisaged that the outdoor environment may have an effect on the residential component of the development and as stated in the above mentioned regulations, the following is applicable.</p> <p>Offences and penalties</p> <p>13. (1) A person commits an offence if he or she-</p> <p>(a) contravenes or fails to comply with regulation 2, 3, 4(2), 5, 6(1), 7(1) or 7(6):</p> <p>These requirements are based on available information at the time of consideration. The Noise Unit comment may be revised should new information become available.</p> <p>Appendix E: Transport</p> <p>Comments for the Department: Transport, based on details, specifications and information reflected on the amendment to the Cape Town Film Studios (CTFS) Development Framework, Erven 41969Re and 41968, Blue Downs and Farm 655/14, Stellenbosch, Figure No. 1, Drawing No. CTFS-180913-01, prepared by NM& Associates: Planners and Designers AND THE Transport Impact Assessment, project No. STUR0119, prepared by Sturgeon Consulting, dated October 2018, Final Report Revision, are as follows:</p> <p>The department: transport supports the abovementioned</p>		<p>These comments have been included in a revised access and movement drawing, refer to Appendix E(iii).</p>
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		<p>amendment to the Cape Town Film Studios (CTFS) Development Framework, however the following amendment are required the proposed CTFS Development Plan, namely:</p> <ol style="list-style-type: none"> 1. The second proposed roundabout on the Cape Film Studio Boulevard needs to be increased in diameter to the same size as the existing roundabout. This will require an adjustment to the road reserve to Cape Film Studios Boulevard i.e. the introduction of splays at all four corners of the proposed intersections. 2. The proposed vehicle access on the Cape Film Studio Boulevard between the two roundabouts are to be Left-in/out only (LILLO) and not a full access as indicated on the CTFS Development Framework Plan. <p>Appendix F: Planning and Building Development Management</p> <p>The subject property is commonly referred to as the cape town film studio's site. A rezoning and subdivision as well as development framework was previously approved in 2006 for the subject property. Currently the land use management branch is processing a land use application to amend the approved development framework and to amend certain conditions of previous approval, zoned General Business (GB1).</p> <p>In principle our department has no objections to an environmental authorisation being approved for the envisaged changes to the development framework previously approved.</p>		Noted.
4.	Rhett Smart CapeNature 10 October 2019	<p>Application for Further Amendment of the Appeal Environmental Authorisation for the Dreamworld Film City and Residential Development on Remainder of Portion 13 and Portion 16 of Farm Vergeneogd 653, Faure, Cape Town (DEA&DP ref. no.: E12/2/1-595-FARM 653, OA 3/6/3)</p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the</p>	CHAND	Noted.

	<p>overall desirability of the application.</p> <p>Background The Dreamworld development received environmental authorisation on appeal in 2006. The Cape Town Film Studios was built in terms of this approval and subsequently an amendment to the appeal decision was provided in 2014 for a change in the development framework and an amendment to conditions of approval. The current application is for further amendment to the appeal decision, again to amend the development framework and conditions of approval. We wish to note that our comment will focus on the proposed amendment and we will not interrogate the previous authorisations and amendments.</p> <p>Changes to Development Framework In summary the main changes to the development layout are a change of the north eastern section of the film studio to mixed use, change of the residential areas to mixed use (apart from the south-western node), reduction in the size of the outdoor studio site, access roads adjacent to the renosterveld conservation area and a straightening of the boundaries of the various components. The changes to the layout have been assessed by botanical and freshwater specialists.</p> <p>The primary area of concern from a terrestrial biodiversity perspective is the renosterveld conservation area, which is the focus of the botanical specialist studies. A specialist botanical comment was compiled dated 21 June 2016 and followed up by an update to the botanical assessment, evaluating the latest version of the proposed amendment dated 20 July 2018. The two reports have indicated areas of high and medium-high sensitivity within the renosterveld conservation area precinct. Five plant species of conservation concern were encountered, however there is a good probability of more being present due to the sub-optimal time of year for the site assessments. The recommendation is that the sensitivity mapping should be used to inform the proposed amendment development layout, which is supported by CapeNature.</p>		<p>Noted.</p> <p>CapeNature's support of the botanist as well as the preference to let the sensitivity mapping guide the development is noted. However, the existing approved DF is used as a point of departure and the intention remains to develop within the approved footprint, albeit with the proposed amendments of the footprint to provide for the access roads and mixed use areas to make the spaces easier to navigate and develop from a logistic perspective, while maintaining the existing extent of the Renosterveld area. Noting that the botanical impacts of the current approved DF and proposed amended DF are the same. A further motivation in this regard is included in section 4 of the Assessment Report.</p>
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		<p>The conclusion is therefore that the proposed revised development layout should be amended in accordance with the identified constraints, as currently the mixed use node encroaches on to the western section of the high sensitivity area. The two proposed roads which will encroach on the area designated as part of the conservation area in the 2014 layout are however located within the low sensitivity area and are considered acceptable without requiring additional mitigation. CapeNature agrees with the above recommendations, however we do wish to further state that the total area of the renosterveld conservation area must not be reduced from the two previous layouts as a result of two access roads.</p> <p>It is noted that an additional botanical assessment was undertaken dated 19 July 2017, however CapeNature recommends that the above two reports are referred to, and which will additionally ensure consistency throughout the process. The 2017 report does not provide sufficient detail regarding the biodiversity on site, which should include mapping of sensitivity and identification of development constraints.</p> <p>The freshwater assessment for the current proposed amendment includes delineation of the freshwater features in the two primary sections of the development framework where freshwater features may be affected, namely the renosterveld conservation area precinct and the western half of the development framework which includes the outdoor studios and associated access road.</p> <p>The delineation of wetlands for the renosterveld conservation area includes the medium-high sensitivity area mapped in the botanical assessment which was indicated as seasonal wetlands and encroaches into the high sensitivity area. The extent is however less than that indicated in the initial application and on the Biodiversity Network for the City of Cape Town, although the changes to the site and surroundings since the initial studies must be acknowledged. The two access roads are however not</p>		<p>The extent of the Renosterveld conservation area will remain as per that of the current approved DF (i.e. it would not be reduced as a result of the proposed amendments to the DF). This is confirmed in section 4 of the Assessment Report.</p> <p>The botanical impact assessment in section 5.3 refers to all three reports, with the 2017 report merely providing information on the reason an alternative road alignment cannot be considered. New recommendations from the Helme (2016 and 2018) reports are included as conditions of authorisation and are, therefore, not ignored.</p> <p>This is noted and the freshwater reports are included in Appendix G (ii), with freshwater impacts being assessed in section 5.2 of the Assessment Report.</p>
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	<p>located within the delineated wetlands.</p> <p>The western half of the property is mostly occupied by wetlands associated with an old course of the Kuils River, mainly consisting of <i>Typha</i> and <i>Phragmites</i> permanent wetlands with higher conservation value seasonal wetlands on the fringes. It is evident from the aerial photography that the wetlands were significantly less extensive historically and the hydrology has been affected through anthropogenic impacts.</p> <p>The recommendations in terms of development constraints within this area are that the access road should be aligned directly adjacent to the power line servitude where there is an existing disturbance footprint and two areas have been identified for the outdoor studio where flattening of the dunes would be necessary. The recommendations of the freshwater assessment have been incorporated into the current proposed layout, which includes a significant reduction in the area identified as the outdoor studio. It should be noted that the botanical assessment did not identify any constraints within this area where the limited extent of non-wetland areas are highly degraded. The proposed removal of the berms (as visual and noise mitigation) from the development framework is supported, which CapeNature agrees with.</p> <p>Mention is made in both specialist reports of the impact of grazing and trampling of the cattle from the Ithemba settlement. It should be noted that formalisation of this settlement has received environmental authorisation and one of the conditions of approval is fencing of the settlement which would prevent this impact. Fencing was one of the actions recommended as essential by CapeNature in our comments on the application, and included consultation with the Cape Town Film Studios in this regard.</p> <p>It is noted that the freshwater assessment indicated that there would need to be an amendment to the general authorisation in terms of the National Water Act (NWA). In relation to this we wish to alert the applicant to the operational agreement regarding the synchronisation of processes in terms of CARA, NEMA, NWA and NHRA in the</p>		<p>Noted.</p> <p>Noted.</p> <p>This has been noted by the Applicant.</p> <p>Engagement with DWS and HWC has confirmed that no further processes under NWA and NHRA would be required, however their minor comments have been incorporated into the EMPr.</p>
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	<p>Western Cape. Therefore any requirements for the NWA authorisation, such as wetland offsets, must also be stated and included in the NEMA application.</p> <p>The freshwater assessment indicates that a key mitigation measure that is required is a detailed stormwater management plan which ensures that impacts on water quantity and quality are minimised. A stormwater management plan has been included but does not include detailed designs for each precinct. Written endorsement of the stormwater management plan is required from the freshwater ecological specialist, which must also take into account potential impacts on sensitive terrestrial habitat with a particular focus on the renosterveld conservation area precinct and the outdoor studios, and any proposed amendments must be implemented.</p> <p>We do wish to note with regards to the proposed amendment to the development framework, that this needs to be considered in relation to the existing approvals which could be exercised if amendments were not approved. However, we do strongly recommend that the biodiversity constraints that have been identified by the specialists must be taken into account in the development layout. Should these not be possible from a technical or planning perspective, a detailed motivation must be supplied to support this and further mitigation measures must be recommended.</p> <p>Changes to Conditions of Approval</p> <p>An extensive list of proposed amended conditions of approval have been provided. Our inputs will focus on the conditions related to the areas to the biodiversity offset. It should be noted that a meeting was held with CapeNature and DEA&DP regarding the proposed amendments and the final meeting minutes have been included as an appendix, where these two conditions were discussed.</p> <p>Condition 16 related to the donation of a specified amount of funds to a fund managed by CapeNature and DEA&DP for conservation and environmental management purposes. This has been amended to the</p>		<p>A freshwater ecologist has reviewed the Stormwater Management Plan and provided their overall endorsement thereof. However, some additional mitigation measures have been included as conditions of authorisation in the amended EA in order to better manage the precinct-level impacts and planning aspects that could affect hydrology (and, in turn, wetlands) on the site.</p> <p>An explanation regarding why the planning of the DF has not been completely revised according to the botanist's sensitivity mapping is included in the Assessment Report.</p>
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	<p>same amount of funds to be deposited into a ring-fenced account whereby the interest generated can be used for conservation management.</p> <p>A key additional component of the original condition that has been amended is that the initial milestone for the receipt of the funds was linked to construction of 250 houses, however the current proposed amendment has changed the residential component to mixed use, with the phasing plan (Appendix P) placing the greatly reduced residential component in Phase 3 (7-10 years) and only on demand. The proposed change is for the funds to be deposited within 30 months of approval of the amendment (should this be issued), which is more suitable and appropriate milestone. In addition, bi-annual statements will be provided to CapeNature and DEA&DP.</p> <p>The response to the appeals that informed the initial appeal decision has been included as an appendix and provides context and understanding to the original wording of Condition 16, which had been a specific request from CapeNature in our meeting with the applicant. We have noted that two options for the biodiversity offset were identified. The conservation-worthy areas which would be lost was calculated as a total of 18.4 ha (consisting of wetlands, dune slack and Swartland Shale Renosterveld) and therefore an area of the same extent with the same habitats of the approximate same proportions was identified as required for purchase. The applicant indicated that a maximum of R 100 000/ha would be acceptable. The second option was to place the funds required for purchase as calculated above into a fund, the latter of which was selected for inclusion in the appeal decision. CapeNature wishes to indicate that this condition was not appropriately worded in the appeal decision and also required further context in the reasons for the decision.</p> <p>It should be noted that the designated areas mentioned above that required a biodiversity offset have not been delineated on map and therefore we cannot interrogate them in relation to the current proposed development framework. We wish to refer to the mitigation hierarchy, which is enshrined in NEMA, in terms of the approach of</p>		<p>The history of condition 16 has been included in section 7.2 of the Assessment Report and has been further updated following receipt of comment from CapeNature.</p> <p>The appeal decision was taken by the Minister and it serves as a point of departure for this amendment application.</p> <p>The Assessment Report has been updated to include some additional research done by the EAP on this matter, which also includes reference to a mapped area. Note that, based on the information available, the exact area cannot be mapped, but a reasonable</p>
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		<p>addressing impacts on the environment and related to this in evaluating the requirement for a biodiversity offset. The sequence for implementing the mitigation hierarchy entails avoid, minimize, mitigate/rehabilitate and only then offset the residual impact. The approach recommended in the botanical assessment as discussed above is therefore aligned to the mitigation hierarchy, in which recommends avoidance of the areas identified as high and high-medium sensitivity and designating these as conservation areas in the development framework.</p> <p>The Conservation Implementation Plan (CIP) for Strandveld in the Metro South East, which is a strategic offset within the district as defined, is of relevance to the application. It must be emphasized however that it is only of relevance for the western half of the study area, as this is where Cape Flats Dune Strandveld occurs and previously occurred on the site. The site has been designated as an impact area on the CIP and therefore requires detailed studies within a NEMA application (as in this amendment application) to determine the areas which should be conserved and where development can be considered acceptable.</p>	<p>and useable area for these purposes has been identified.</p> <p>Note that not all the high-sensitive areas have been proposed to be avoided as much of it is already approved in the current approved DF. Further motivation in this regard is included in the Assessment Report.</p> <p>Noted. This was not applicable at the time of granting the RoD in 2006 and, therefore, the Applicant's current development rights cannot be prejudiced. Furthermore, the portion of the site which lies within the CIP proposes that more of the dune slack wetland area be ceded to conservation. However, detailed studies, along with appropriate impact assessment and mitigation measures, as well as an appeal and further associated assessment and motivation have resulted in the approval of the current DF, which approves some development in the areas mapped as sensitive by the botanist. Mitigation measures for these areas are already in place in the current EA as well as the amended EA, one of which is the abovementioned requirement for a biodiversity offset, which comes from development in a 4ha area of Renosterveld which is no longer even proposed for development. Through the appeal process, the additional areas of wetland and dune slack were added to this extent and the rate per hectare was increased and a final decision was taken on the matter by the Minister. The current approvals are, therefore, used as a point of departure and, although the botanical reports would prefer the</p>
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		<p>CapeNature does not object to this proposed amendment to Condition 16, and wishes to suggest that the proposed amendment is an improvement on the original condition and is more compliant with relevant legislation e.g. PFMA. We do however wish to recommend a further amendment, which is the compilation of a management plan for the conservation areas, and that the expenditure of the funds must be in accordance with the management plan.</p> <p>The other amendment we wish to provide specific comment on was included as a recommendation (not condition) that CapeNature is engaged regarding stewardship. This has not been changed as a recommendation, with only the addition that should DEA&DP consistently not be satisfied with the conservation efforts of the applicant, that this should be amended to a condition of authorisation. This was one of the primary concerns raised by CapeNature in the meeting referred to above, whereby we motivated that this should be changed to a condition.</p> <p>The explanation for the proposed amendment is that the implementation of the conditions of approval will provide for implementation of the conservation actions and that therefore a stewardship agreement would be considered superfluous. CapeNature wishes to contend that the stewardship agreement will provide for legal protection and a formal status for the conservation area, in particular if the conservation area is declared as nature reserve in terms of the National Environmental Management: Protected Areas Act (NEM:PAA). A stewardship agreement would be audited annually in accordance with the</p>	<p>conservation of the entire sensitive area, it confirms that neither the current DF nor the proposed amendments to the DF are preferred (i.e. they hold the same weight) and would have the same impact. These impacts are considered, through the appeal decision of 2006 and the amended EA of 2014, to be acceptable with the implementation of mitigation measures.</p> <p>See above.</p> <p>This has been added as a condition of authorisation in the proposed amended EA.</p> <p>The stance on this issue remains and the suggestion as a recommendation rather than a condition also remains.</p> <p>The demarcation of the relevant areas on site as "conservation" areas would also provide for legal protection of those areas, albeit within the realm of a different regulatory framework. No development would be permitted within those areas under the NEMA as well as the Municipal by-law (i.e. the areas will have to be conserved in terms of the environmental authorisation as well as the land use approval). Although a stewardship agreement would</p>
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	<p>management plan which would ensure that the conservation actions are implemented and the audits are undertaken by staff with conservation expertise.</p> <p>The stewardship agreement would require that a management plan be compiled which would align to our requirement above regarding expenditure of the funds. For a nature reserve, this would require a protected area management plan (PAMP) in terms of NEM:PAA.</p> <p>We further wish to note that the benefits of signing up with the stewardship programme were mentioned in the meeting referred to above. In particular, we provided supplementary information following the meeting regarding the fiscal benefits of the stewardship programme, including municipal rates exemption and income tax rebates, which is a more significant incentive for land zoned industrial and/or commercial than agriculture.</p> <p>CapeNature does support the other proposed amendments to the conditions, which are detailed and cover the key aspects related to the required conservation actions. We would however recommend that the conditions are carefully worded so as to not be too specific and detailed such that they may require further amendment as they cannot be implemented exactly as worded due to an unforeseen circumstance, however still ensuring that the key mitigation measures required for the application to be considered acceptable are successfully implemented e.g. in the new proposed condition 5.20 related to introduction of plant species of conservation concern where one of the specified species cannot be obtained within the one year of project approval and will lead to non-compliance (we are aware that at least one of these species is very difficult to cultivate based on a different reintroduction project – <i>Cliffortia hirta</i>).</p> <p>With regards to the above, CapeNature does not consider the search and rescue of the <i>Zantedeschia aethiopica</i></p>		<p>require an annual audit, the need for an audit of the conservation management plan and implementation thereof has been included as a condition of authorisation in the amended EA in order to cover the auditing aspect.</p> <p>A management plan for the conservation areas has been included as a condition of authorisation in the amended EA to cover this potential benefit of having a stewardship programme without having to engage formally in stewardship unless desired by the Applicant.</p> <p>These are noted by the Applicant, however the stance to retain the need for stewardship as a recommendation rather than a condition of authorisation remains the same.</p> <p>This is noted, and certain aspects (including the suggested condition 5.20) have been slightly revised where appropriate.</p> <p>Noted. The associated condition of authorisation and specification within the</p>
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		<p>(arum lilies) and <i>Haemanthus coccineus</i> (paintbrush lilies) from the outdoor studios to Driftsands Nature Reserve as essential mitigation, as these are common species which are no of conservation concern, and there are likely to be existing populations of these species in Driftsands. These species could be used in the indigenous landscaping on the property due to their horticultural potential.</p> <p>The freshwater assessment has made reference to the importance of the seasonal wetlands for fauna, with particular mention of the Cape Caco (<i>Cacosternum capense</i>), an amphibian IUCN listed as Near Threatened. Condition 6 of the appeal decision related to the fauna and referred to the appendix containing the recommendations from the faunal specialist study. The only proposed amendment to this condition is that it remains the same but as amended.</p> <p>There have not been any additional faunal specialist studies for the previous amendment application or the current subject application. The proposed amendments to the development layout were not however considered to have a significant change in the impact on fauna. There has however been a lengthy time period between the compilation of the original fauna study and the current application, therefore CapeNature recommends that a faunal specialist reviews the relevant contents of the appeal decision and recommends any amendments based on the current application, and also taking into consideration the changes to the surrounding areas and current best practice. In particular, we wish to recommend that input is required regarding the connectivity between the renosterveld conservation area and the natural areas on Vergenoegd on the eastern side of the R310, where there is a confirmed population of the Cape Caco.</p> <p>Request for Additional Information The competent authority issued a request for additional information to the applicant, one of which is comments from CapeNature. With regards to the other components of the request, we have not noted a separate section dealing with the need and desirability of the proposed changes.</p>		<p>EMPr have been amended to include the option of using those plants in the landscaping on the property.</p> <p>A faunal specialist has been consulted for input in this regard. Refer to Appendix G (vi) for the full report.</p> <p>A section describing the need and desirability of the proposed amendments to the DF has been included in section 4 of the Assessment Report.</p>
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5.	<p>Ms D Mtandana Department of Water and Sanitation 18 September 2019</p>	<p>Reference is made to the application dated 02 August 2019 with DEA&DP Ref. No. E12/2/1-595-Farm 653, OA/3/6/3.</p> <p>The Department has perused the above-mentioned application and has the following comments:</p>	<p>CHAND</p>	<p>It is noted that the proposed amendments to the DF would not affect the WUL.</p>

		<p>It is highlighted that all the authorized water use(s) will not be affected by the proposed amendment. You are therefore hereby requested to comply with all the conditions set out in the water use license dated 05 November 2007 with license No. 27/2/2G522/1/2.</p> <p>Should you have any further questions in this regard you are welcome to contact this office.</p>		
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