



REFERENCE: 14/2/4/2/2/B4/18/0012/18

ENQUIRIES: Nabeelah Khan

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7600

Tel: (021) 808 8760
Email: myra.francis@stellenbosch.co.za

Attention: Petrus Du Plessis Smit/Myra Francis

Dear Sir/Madam

ACKNOWLEDGEMENT OF RECEIPT OF THE SECTION 24G APPLICATION FOR THE UNLAWFUL EXCAVATION AND CONSTRUCTION OF A GABION WALL WITHIN THE DRAINAGE LINE ON ERF 9445 IDAS VALLEY STELLENBOSCH

1. The above mentioned application dated 13 June 2018, as received by this Department on the 13 July 2018, has reference.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. The Department will consider the information in respect of the application and advise you accordingly.
4. Please be reminded that it is an offence in terms of *Section 49A (1) (a) of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA")* for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of said activity. A person convicted of an offence is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment, in terms of Section 49B of NEMA.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

Mrs Z Toefy
Head of Sub- directorate: Rectification
Directorate: Environmental Governance

Date: 2018 -07- 20

CC: (1) Jessica Hansen (EAP) Email: admin@ecoimpact.co.za Fax: (021) 671 9976

(2) Karen Siebrits (ASLA Devco) Email: karen@asla.co.za Fax: (021) 845 8552

(3) Nithzaam Albertyn (Environmental Law Enforcement: Region 2) Email: Nithzaam.albertyn@westerncape.gov.za



REFERENCE: 14/2/4/2/2/B4/18/0012/18

ENQUIRIES: Jamie-Lee van Zyl

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7600

Tel: (021) 808 8760
Email: Mya.Francis@stellenbosch.co.za

Attention: Ms Myra Francis

SECTION 24G PRE-DIRECTIVE

PRE-DIRECTIVE IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998 ("NEMA") FOR THE UNLAWFUL EXCAVATION AND CONSTRUCTION OF A GABION WALL WITHIN A DRAINAGE LINE ON ERF 9445 IDAS VALLEY, STELLENBOSCH

1. Section 24G of the NEMA provides for the consequences of unlawful commencement, and upon application to the competent authority, applies to any person who has commenced a listed or a specified activity without environmental authorisation in contravention of section 24F(1) of the NEMA.
2. The Department received your application on 13 July 2018 regarding the construction of gabions within a watercourse on Erf 9445 Idas Valley, Stellenbosch.
3. The Department notes the pre-application public participation undertaken in terms of the Section 24G Fine Regulations.
4. Kindly be reminded of the NEMA public participation requirements for applications for environmental authorisation:
 - 4.1. Sections 24(1A) and 24(4)(a) of the NEMA stipulate the minimum requirements for applications for environmental authorisation and includes the requirement for public participation to be undertaken.

- 4.2. Please refer to Chapter 6 of the Environmental Regulations, 2014 (*Government Notice Number 326 of 7 April 2017*) for detail on the public participation process to be followed for applications for environmental authorisation.
- 4.3. In terms of section 24O of the NEMA the relevant competent authority must consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.
5. Thus, having considered the information in respect of your application, you are hereby given notice of this Department's intention to issue you with a Directive in terms of section 24G(1)(b) of the NEMA, which will direct you to:
- (vii) Compile a report containing-*
- (dd) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed;"*
6. You are required to conduct a public participation process for the activities for which you applied. The applicant/ Environmental Assessment Practitioner ("EAP") must record and respond to all comments received during the public participation process. The comments and responses must be captured in a **Comments and Responses Report** and must also include a description of the public participation process followed. The Comments and Responses Report must be made available to registered Interested and Affected Parties for review and/or comment, if any, before it is submitted to the Department for consideration.
7. The application must be submitted to all the relevant State Departments that administer laws relating to a matter affecting the environment, for comment for a period of 30 (thirty) calendar days. In this regard, comment must be obtained from this Department's Development Management directorate, CapeNature, the Department of Water and Sanitation, Heritage Western Cape, the Department of Agriculture, and the Cape Winelands District Municipality.

8. The applicant/ EAP is required to inform this Department, in writing, upon submission of the application to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O(2) & (3) of NEMA, inform the relevant State Departments of the commencement date of the 30 day commenting period.
9. Please be advised that you may submit further representations (along with the report requested in paragraph 5 above) as to why the Department should not issue you with a Directive in respect of all provisions contained in section 24G(1)(b) of the NEMA.
10. Should the public participation process result in a change in the application information (such as a change in the Environmental Management Programme), an updated application must be submitted together with the report on the public participation undertaken.
11. Further to the above, having considered the information contained in the application form, this Department has identified the following additional listed activity not included in your application that may have been triggered by the unlawful commencement of the activities, i.e.:
Government Notice 324 of 7 April 2017
Activity Number: 12
Activity Description: *"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.*
 - i. Western Cape
 - iv. *On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning."*

Should it be confirmed that this listed activity is applicable and has indeed been commenced with; the application must be revised and the listed activity included and assessed.
12. Please be advised that consideration must be given to ways which would minimise waste and wastage in the design, construction and operational phase of the development. In

this regard please see the Department's Waste Minimisation Guideline for EIA Reviews (May 2003), available from the Department on request. The Guideline raises awareness to waste minimisation issues and highlights waste and wastage minimisation practices.

13. You are afforded a period of **7 (seven) calendar days** from the date of receipt of this Pre-directive to make written representations to the Department as to why a Directive in terms of paragraph 5 above should not be issued. Furthermore, you are required to confirm whether or not you intend to submit the requested information as detailed above and provide the Department with a timeframe of the proposed submission date.
14. Please note that if you fail to comply with a Directive, you will have committed a criminal offence in terms of 49A(1)(g) of the NEMA.
15. In addition, section 49B of the NEMA stipulates that a person convicted of an offence in terms of section 49A(1)(g) is liable to a fine not exceeding R10 million, or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.



ADV. CHARMAINE MARÉ
DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE: 17 September 2018

CC: (1) Jessica Hansen (Eco Impact Legal Consulting (Pty) Ltd)

Fax: (021) 671 9976

Email: admin@ecoimpact.co.za

Jessica

From: Jessica <jessica@ecoimpact.co.za>
Sent: Friday, 28 September 2018 11:12 AM
To: 'Jamie-Lee Van Zyl'
Cc: karen@asla.co.za; 'Myra Francis'; 'Nicolaas Hanekom'
Subject: RE: s24G - Erf 9445 - Idas Valley

Good day Jamie-Lee

Many thanks for the clarity and guidance.

We will continue with the application as prescribed below.

Kind regards,

Jessica Hansen
Head of Training
ISO 50001 Energy Expert
Pri.Sci.Nat 400192/16



Eco Impact Legal Consulting (Pty) Ltd
Reg: 2010/015546/07
P.O. Box 45070 **Office:** +27 (0) 21 671 1660
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South Africa **Email:** jessica@ecoimpact.co.za
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From: Jamie-Lee Van Zyl <Jamie-Lee.vanZyl@westerncape.gov.za>
Sent: Friday, 28 September 2018 9:56 AM
To: Jessica <jessica@ecoimpact.co.za>
Cc: karen@asla.co.za; 'Myra Francis' <Myra.Francis@stellenbosch.gov.za>; Nicolaas Hanekom <nicolaas@ecoimpact.co.za>
Subject: RE: s24G - Erf 9445 - Idas Valley

Good day Jessica

Since the promulgation of the s24G fine regulations, the Department has decided that the guidance correspondence (on the way forward/ information requirements) issued to applicants and EAPs after the submission of application will be in the form of a Pre-Directive.

This is due to delays in the submission of information in the past which have lead to delays in applications being finalised.

Your proposed public participation process is acceptable. Please note however that the application submitted in its current form does have an EMP, MMP, specialist studies, etc. which must go out for comment at point **b.** below.

Please advise the Department when you make the application available for the 30 days commenting period, as per point **b.** below. It is at this stage that the Department will request comment from State departments in terms of s24O of the NEMA.

The Comments and Responses Report (and the application, if there are changes to the application or its appendices) must then be submitted to I&APs for an additional 30 days.

The same time you submit the C&R Report to I&APs (and other documents that may be revised), you may submit the finalised application to the Department for consideration.

The Department will review the application and await the conclusion of the 30-day commenting period, for any additional comments that I&APs may submit.

Trusting the above is in order.

Kind regards
Jamie-Lee van Zyl
Sub-directorate: Rectification
Directorate: Environmental Governance

Department of Environmental Affairs and Development Planning

1st Floor Leeusig Building, 1 Dorp Street, Cape Town

Tel: 021 483 8347
Fax: 021 483 4033
E-mail: Jamie-Lee.vanZyl@westerncape.gov.za
Website: www.westerncape.gov.za/eadp



From: Jessica [<mailto:jessica@ecoimpact.co.za>]
Sent: 19 September 2018 04:10 PM
To: Jamie-Lee Van Zyl <Jamie-Lee.vanZyl@westerncape.gov.za>
Cc: karen@asla.co.za; 'Myra Francis' <Myra.Francis@stellenbosch.gov.za>; Nicolaas Hanekom <nicolaas@ecoimpact.co.za>

Subject: s24G - Erf 9445 - Idas Valley

Importance: High

REFERENCE: 14/2/4/2/2/B4/18/0012/18

SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT. ACT, 107 OF 1998 ("NEMA") FOR THE UNLAWFUL EXCAVATION AND CONSTRUCTION OF A GABION WALL WITHIN A DRAINAGE LINE ON ERF 9445 IDAS VALLEY, STELLENBOSCH

Good day Jamie-Lee van Zyl

In response to the PRE-DIRECTIVE (attached) dated 17 September 2018, please see below.

It is unclear as to why a pre-directive has been issued. The applicant has appointed an EAP to conduct the s24G process on their behalf. The EAP submitted the s24G application on behalf of the applicant (voluntarily) and was awaiting response from DEADP and instruction from DEADP as to the form of public participation required as indicated as the s24G process on the website and in terms of the regulations.

The application form even states:

"PROCESS TO BE FOLLOWED:

- a) Prior to submission of an Application Form, the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").*
- b) Together with the submission of a section 24G Application Form, the form must include Proof of compliance of with Regulation 8 of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.*
- c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes."*

In any event, the EAP intends to conduct the following in response to the pre-directive:

- a. Full public participation as per the EIA regulations (newspaper advert, notice to neighbours and notices on site).
This will be done as a matter of urgency and the 30 day registration period will commence soonest.
As per point 4.1 and 4.2 of the attached pre-directive.
- b. The s24G application will be circulated to all registered interested and affected parties following the 30 day registration period as well as to all key departments in accordance with point 4.3 of the pre-directive. The application, appendices inclusive of EMP, MMP and specialist studies will be circulated for a 30 day commenting period.
- c. Following the 30 day commenting period the amended application and appendices (EMP, MMP etc) and public participation report inclusive of a comments and response report will be submitted to DEADP for decision making purposes. This will be in accordance with point 5 of the pre-directive.
- d. Please advise if the documents need to be circulated for an additional 30 days as per point 6 of the pre-directive?
"The Comments and Responses Report must be made available to registered Interested and Affected Parties for review and/or comment, if any, before it is submitted to the Department for consideration."

Please acknowledge receipt.

I will submit a hard copy of the above correspondence to you on Friday the 21st of September 2018.

Kind regards,

Jessica Hansen
Head of Training
ISO 50001 Energy Expert



Eco Impact Legal Consulting (Pty) Ltd

Reg: 2010/015546/07

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Jessica

Subject: FW: Subject : Reference No.14/2/4/2/2/B4/18/0012/8

From: Maxwell Dhelminie [<mailto:mdhelminie@gmail.com>]

Sent: Monday, October 8, 2018 2:15 PM

To: admin@ecoimpact.co.za

Subject: Subject : Reference No.14/2/4/2/2/B4/18/0012/8

The Ridge Community Forum, feels that the area in question are not suitable for any housing, due to the fact that piece of land is a wetlands and be used for educational purposes. The area is rich of plant and animal life and with the three schools around that area it only benefit kids with certain school projects. Housing is a need, we need to meet each other along the way, to benefit both parties.

We are very upset to see what our local municipality do, without the knowledge of our communities.

Thanks for your involvement with matter.

Maxwell Dhelminie

021/8832485 or 0725393723 or email

Local Community Platform

Jessica

Subject: FW: public participation process

From: Benting, PJ [pjbenting@sun.ac.za] [mailto:PJBENTING@sun.ac.za]

Sent: Friday, October 12, 2018 2:33 PM

To: admin@ecoimpact.co.za

Subject: public participation process

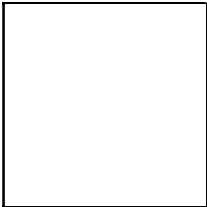
Good day Impact

in full reject from my side as home owner of Lindida Drive . (erf 11050)

Reason : Personal and Financial aswell .

Regards

P Benting



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Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings bereël. [Vrywaringsklousule](#)

Jessica

Subject: FW: APPLICATION FOR EA AMENDMENT FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH
Attachments: image001.jpg

From: Charl Cilliers <charlcilliers75@gmail.com>
Sent: Monday, 01 October 2018 1:34 PM
To: Jessica @ Eco Impact <jessica@ecoimpact.co.za>
Subject: Re: APPLICATION FOR EA AMENDMENT FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH

Thank you Jessica

Thus please formally register me for this S24G process on this project (for erf 9445).

Regards

Charl Cilliers
Pr.Sci.Nat. MSc Botany MRSSAF



environmental & botanical consulting services

Mobile: +27 (0) 82 471 5528
URL: <https://www.linkedin.com/in/charl-cilliers-pr-sci-nat/>
Postal address:
23 Bartlett Rise
Lindida
Ida's Valley
7600 STELLENBOSCH





REFERENCE NUMBER: 16/3/3/6/B4/18/1419/18

ENQUIRIES: BERNADETTE OSBORNE

DATE: 2018 -12- 10

Ms Jamie-Lee van Zyl
Department of Environmental Affairs and Development Planning
Directorate: Environmental Governance
Sub-directorate: Rectification
Private Bag X9086
CAPE TOWN
8000

Tel: (021) 483 8347
Fax: (021) 483 4033

Dear Madam

COMMENT ON THE SECTION 24G APPLICATION FOR THE UNLAWFUL EXCAVATION AND CONSTRUCTION OF A GABION WALL WITHIN A DRAINAGE LINE ON ERF NO. 9445, IDAS VALLEY, STELLENBOSCH.

1. The Section 24G application and letter dated 9 November 2018, as received by this Department on the same day, refer.
2. According to the information submitted to this Department, the following is noted:
 - The proposal is a Section 24G application in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) for the rectification of the unlawful excavation and construction of a gabion wall within a drainage line on Erf No. 9445, Idas Valley, Stellenbosch.
 - Indigenous vegetation was cleared, namely Boland Granite Fynbos vegetation, which is classified as vulnerable.
 - The gabion wall is located within a watercourse.
 - The site is located inside the urban area of Stellenbosch.
3. This Directorate has the following comment on the Section 24G Application:
 - 3.1. Please be advised that Activity 27 of Listing Notice 1 in terms of the NEMA EIA Regulations, 2014 will only be triggered if the proposed development results in the clearance of 1 ha or more of indigenous vegetation.

- 3.2. It was noted that the Wetland Offset Agreement between the Stellenbosch and the Department of Water Sanitation was only signed by the Stellenbosch Municipality. Please be advised that the agreement must be signed by both parties and included in the Final Report.
- 3.3. Comment must be obtained from the Department of Water Sanitation regarding the findings of the Freshwater Resource Rehabilitation and Implementation Plan for the proposed Idas Valley residential development on Erf No. 9445, Stellenbosch, Western Cape Province, dated September 2018 prepared by Scientific Aquatic Services and to confirm whether the proposed offset is acceptable.
- 3.4. Comment from CapeNature must also be obtained and included in the Final Report.
- 3.5. The Environmental Management Programme refers to Erf No. 995. This must be rectified.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. Please note that the proposed development may not commence prior to an Environmental Authorisation being granted by the Competent Authority.

Yours faithfully



HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: Yolandi Henstock (Ecolmpact)

Fax: (021) 671 9976

SCIENTIFIC SERVICES

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email rsmart@capenature.co.za
reference SSD14/2/6/1/9/4/9445_S24G_Stellenbosch
date **13 December 2018**

Eco Impact Legal Consulting
P.O. Box 45070
Claremont
7551

Attention: Yolandie Henstock
By email: admin@ecoimpact.co.za

Dear Yolandie

Draft NEMA Section 24G Rectification Report for the Unlawful Excavation and Construction of a Gabion Wall within a Drainage Line, Erf 9445 Idas Valley, Stellenbosch

(DEA&DP ref. no. 14/2/4/2/2/B4/18/0012/18)

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 overall desirability of the application.

Project History

This application is related to the proposed housing development on Erf 9445. This proposal was originally subject to a National Environmental Management Act (NEMA) authorisation process (DEA&DP ref. no. 16/3/1/1/B4/45/1105/14) for the original subdivision layout for Erven 10866 – 11008.

Following the submission of the Amended Final Basic Assessment Report (BAR) for this process a determination was provided by DEA&DP on 24 February 2018, in which it was determined that no NEMA listed activities are triggered. It is noted that the proposal had been amended to accommodate public open spaces to protect the watercourse and wetlands. It should also be noted that CapeNature was not provided the opportunity to comment on the amended layout within this process. We had objected to the original layout due to the lack of a buffer from the watercourse and development within a wetland.

The reason for the DEA&DP determination that no listed activities are triggered is that Listing Notice 1 Activity 12 for various structures within a watercourse and a 32 m buffer would not be triggered as the site is determined to be within the urban edge due to the existing residential subdivision. Listing Notice 1 Activity 19 related to excavation or deposition of more than 5 m³ of material within a watercourse would still be relevant, however the upgraded watercourse crossing was below the threshold. It is assumed that the change in the NEMA determination was as a result of the amended layout to accommodate the wetland and watercourse buffer, however CapeNature does not have access to the original report where the initial determination of listed activities triggered is provided.

Following the initiation of construction of the development, DEA&DP was contacted to investigate allegations of commencement of NEMA listed activities at this location. Following the investigation a pre-compliance notice was issued which determined that listed activities had been triggered by construction activities, namely Listing Notice 1 Activity 19. This was due to earthmoving activity and construction of gabions within a watercourse.

The reason for the NEMA Section 24G rectification process despite the initial determination that no NEMA listed activities would be triggered is that activities were undertaken that were not included in the original project description. It is therefore recommended that further explanation is required in this regard, which could either be that there was an incorrect or incomplete project description for the determination of no listed activities or that the activities deviated from the approved project proposal.

Freshwater Specialist Studies

The freshwater ecological information (November 2014) and the follow-up wetland assessment (August 2015) which were included within the initial NEMA authorisation application have been included as appendices in the NEMA S24G application. As stated above, CapeNature raised concerns regarding these studies within in the NEMA authorisation process. In addition to the previous freshwater specialist reports, a freshwater rehabilitation and implementation plan (FRIP) has been included dated September 2018. These reports were all compiled by different specialists.

The 2018 FRIP has included an updated wetland delineation which differs from that included within the August 2015 wetland assessment. The wetlands mapped are more extensive and better aligned to the extent of wetlands observed by CapeNature during the site visits undertaken. The wetlands mapped are more extensive and the explanation provided in the 2018 FRIP is that the 2015 assessment had only included the permanent wetland zone and not the temporary wetland zone. The revised layout was based on the 2015 assessment.

The methodology for the wetland delineation for the 2018 FRIP has not been described, however it is assumed that this is in accordance with the standard DWAF (2005, 2008) methodology for the identification of wetlands and riparian areas. The freshwater features on site are also not described or assessed in detail with a brief summary provided in a table. We wish to query if there is an interim report with the further detail. The wetland is however described as critically modified and dominated by alien invasive species.

Wetland Offset

The 2018 FRIP is focused on the wetland offset proposal. The amended layout was based on avoidance of the wetland delineation of the 2015 assessment and therefore there is an additional area of wetland which will be impacted on by the revised layout according to the 2018 delineation, hence requiring a wetland offset. Wetland offsets are undertaken in terms of the National Water Act (NWA) for whom the competent authority is the Department of Water and Sanitation (DWS). There is an appendix for the water use license application (WULA) in terms of the NWA, however the only document included is confirmation of receipt of the Final BAR by DWS.

The wetland offset assessment and requirements have not been included in the FRIP, although it is stated that in accordance with the wetland offset calculator, the offset requirements are 0.7 functional ha equivalents and 0.4 habitat ha equivalents. Once again we wish to query if there was an interim report that included the above details.

In terms of identifying a target offset site, 1.68 ha of seep wetland were identified on the neighbouring property. The functional ha equivalent for this site however was calculated as 0.4 ha, therefore in order to meet the offset requirement of 0.7 ha, the wetland would need to be improved by 35% to a Category B (largely natural) state. This target was however considered to be unrealistic and therefore a present ecological state (PES) of Category C was proposed and supported by DWS.

The focus of the FRIP is on the implementation of the wetland offset. The implementation plan consists of four steps, namely: planning; alien invasive clearing; rehabilitation of the wetland; and monitoring. In general, CapeNature supports the proposed implementation plan of the wetland offset. There are however a few issues which need to be highlighted.

A key issue is the first listed control measure for the planning step, namely that the neighbouring property must be correctly zoned as an open conservation servitude. Placing an appropriate security for the wetland area is essential for the long term viability and success of the proposed wetland offset. Further clarity is required of the proposed security of the wetland and we wish to query the proposed open conservation servitude. CapeNature can be further engaged in this regard.

We further wish to query the delineated extent of the wetland offset, as this is not clear from the FRIP. The delineated wetland itself has been indicated, however it is not clear if the entire extent of delineated wetland is proposed for the offset. The wetland is located over three different cadastres outside of the proposed development area. Land ownership is also important in this regard, in particular with regards to the proposed security for the wetland offset. We wish to emphasize that it is essential that these plans must be confirmed within the process, as it will affect the implementation of the offset.

A few other issues which require further discussion include:

- The proposal for control of the Kikuyu grass (*Pennisetum clandestinum*) is spraying with Glyphosate herbicide. The preference would be for a grass specific herbicide (e.g. Gallant), and it should be ensured that if Glyphosate is used it must be used in monospecific stands of Kikuyu and not where it is mixed with indigenous species.
- The earthworks associated with the rehabilitation interventions should be undertaken prior to alien clearing in order to maximize resources as this will remove alien invasive species within the footprint. It is essential then that alien invasive species do not establish within these rehabilitation footprints.

It must be taken into account that an operational agreement for the synchronisation of CARA/NWA/NEMA/NHRA processes within the Western Cape has recently been signed by the relevant state departments and is particularly of importance with regards to the water-related issues for this application. As such, the outcome of the WULA needs to be considered concurrently with this NEMA S24G rectification process and the WULA documentation should also be included in the NEMA process for consideration.

Most significantly, the proposed wetland offset functions both to compensate for impacts on water resources as well as freshwater ecology and therefore must be taken into consideration for the outcome of the NEMA process, even if it is authorised in terms of the WULA. Collaborative consultation between CapeNature, DEA&DP and DWS is also required.

Conclusion

In conclusion, CapeNature agrees with the proposed wetland offset implementation as outlined in the FRIP, however further confirmation is required regarding the method of securing the offset and associated responsibilities. CapeNature also requests that any additional reports related to the calculation of the wetland offset and the current wetland delineation (2018, not 2015) are provided for review in order to fully interrogate the proposal.

An important consideration is the application of the mitigation hierarchy, including a motivation why a further revision of the proposed development was not undertaken in response to the 2018 wetland delineation as opposed to implementing a wetland offset.

In terms of other considerations in terms of the application, the concerns related to the unlawful activities have been adequately addressed as described above and we do not

consider that any other remedial measures are required (again taking into consideration the mitigation hierarchy)

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Scientific Services)

cc. Jamie-Lee van Zyl, Department of Environmental Affairs and Development Planning
Jeanne Gouws, CapeNature
Warren Dreyer, Department of Water and Sanitation



REFERENCE:19/3/2/4/B4/18/PMIM038/18

ENQUIRIES: M. Natus
Attention: Jessica Hansen

Eco Impact Legal Consulting
P.O. Box 45070
Claremont
7708

Tel: 021 671 1660
email: admin@ecoimpact.co.za

COMMENTS ON S24G APPLICATION FOR THE UNLAWFUL EXCAVATION AND CONSTRUCTION OF A GABION WALL WITHIN A DRAINAGE LINE ON ERF 9445, IDAS VALLEY, STELLENBOSCH

The Directorate: Pollution and Chemicals Management (D: PCM) hereby acknowledges receipt of the 24G application for erf 9445 on 9 November 2018 for the unlawful excavation and construction of a gabion wall within a drainage line and has the following comments:

1. Careful consideration should be given to the effective drainage, collection and disposal of storm water runoff as the site consist of impermeable residual granites with permeable transported soils (Geotechnical Site Investigation);
2. What measures are to be put in place to ensure sustainability of the two seep wetlands taking into account that the wetlands are modified;
3. Potable and non-potable water must be used sparingly;
4. The applicant must at all times be mindful of the proposed activities applied for, and any additional environmentally impacting activity conducted may require a separate application for environmental authorisation.

Kindly be informed that the D: PCM reserves the right to review the above-mentioned comments, should additional information come to light. Please contact Monique Natus should you need to.

Wilna Kloppers (Mrs.)

Director: Pollution & Chemicals Management

Date: 21/12/2018

CC: Jamie-Lee van Zyl (Dir: Environmental Governance) Jamie-Lee.vanZyl@westerncape.gov.za

DEA&DP REFERENCE NUMBERS:

14/1/1/E2/4/2/3/0330/17 (for the Section 24G of the NEMA Application)

16/3/1/1/B4/45/1105/14 (for the Final Basic Assessment Report related to this project and to the above 24G Application)

**COMMENTS ON THE S24G APPLICATION: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 9445
IDA'S VALLEY (ADJACENT TO LINDIDA)**

STATEMENT OF INTEREST

I note from the outset my vested interest in the proposed housing project adjacent to Lindida in Ida's Valley, in that I am an adjacent landowner. I am concerned, *inter alia*, that a residential development comprising 166 units could negatively affect my property value, my safety and security, the environment, wetland functioning, and my beautiful views over the vacant land adjacent to my home.

NOTE:

1. Some of the paragraphs below relate/refer back to my comments lodged by the undersigned on the Final Basic Assessment Report (FBAR) dated 2015-12-16 (**Appendix A**) for the above residential development. At the time it was understood that the Erf Numbers were Erven 10866 – 11008. These comments should now be read to relate to the correct Erf Number 9445.
2. The attached Freshwater Assessment commissioned by myself (**Appendix B**) similarly refers to Erven 10866 – 11008. This report should now be read to relate to the correct Erf Number 9445.

COMMENTS:

1. It is unclear how or if any of my previous comments on the FBAR dated 2015-12-16 have been taken into account, given that the DEA&DP's letter dated 2017-02-24 states that the proposed project will not trigger activities listed in terms of the 2014 NEMA EIA Regulations, and because no further correspondence relating to my comments on the FBAR has been received by myself. The still relevant comments that I now request answers to are contained in paragraphs 3; 4; 6; 8; 9 (bullets 1 and 6); 10; 11; 12; 13; 14; 15; 16; 17; and 19 of **Appendix A**.
2. Similarly, I request a copy of the comments and responses report to be compiled by EcolImpact for this S24G Application, in order to determine whether or not all my comments have been adequately answered.
3. The November 2015 Site Development Plan that was attached to the FBAR only referred to 217 single-storey semi-detached; single storey free-standing; and single storey duplex houses, each 40m² in size. The updated SDP and indeed the S24G Application makes no mention of Erf and/or house sizes, single or double storey, etc. Mention is only made of 166 Single Residential Zone properties. This broadened definition may result in different development outcomes. Also, a new bridge off Bartlett Rise has been added which would make Bartlett Rise Road a thoroughfare. Should the bridge be longer than 50m it would require a Notification of Intent

to Develop to be submitted to Heritage Western Cape. Please provide clarity on these aspects so that I can comment fully.

4. It has been shown that almost the entire site/property constitutes a wetland (seasonal and/or temporary). Refer to the attached independent wetland assessment in this regard (**Appendix B**). The EAP is also reminded of the following definition of a wetland, as contained in the 2014 NEMA EIA Regulations, as amended: *“wetland” means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil*. As such, please supply me with a copy of the Water Use Licence Application (WULA) to the Department of Water and Sanitation (DWS) dated 10 June 2015 (or subsequent/updated application) so that I can comment on the said document. Attachment F of the S24G Application only contains correspondence from the DWS and proof of submission of said WULA to the DWS. The WULA should include application for the housing development itself (wetlands affected, and construction within 500m of a watercourse), as well as for works in the river. Appendix H1 of the S24G Application: DWS (DW781) FRESHWATER ECOLOGICAL INFORMATION relates to the river only. Also, in terms of the “One Environmental Approval System”, it is contended that I&APs should be allowed to comment on the current WULA as part of this S24G Application process.
5. It is reiterated that the houses in Lindida (including where I live) are all cracked. As such, mitigation measures to prevent cracking should, be provided, and such mitigation measures should preferably be provided by geotechnical engineers. In support of this statement it is unlikely that houses can be founded conventionally using strip or pad footings at a nominal founding depth (refer to the Geotechnical report attached as Appendix H4 to the S24G Application where this statement was made). Instead, expensive raft foundations may be required to account for heaving, wet (during winter) clayey soils.
6. It is again reiterated that the population and distribution of IUCN red data listed near-threatened frogs (Cape Rain Frog, *Breviceps gibbosus*) should be surveyed during the winter months on the subject property and that comments should be obtained from CapeNature in this regard. The “frog assessment” previously undertaken and which was attached to the FBAR did not cover the subject property. A large population of rain frogs is present (pers. obs.) on the site proposed for development. As such, it is suggested that an application should be made to the DEA&DP in terms of the National Environmental Management: Biodiversity Act (Act 10 of 2004) and/or in terms of the NEMA EIA Regulations 2014, as amended (Activity 30 of Listing Notice 1 refers) to lawfully allow for the disturbance of this IUCN listed species.

[Home](#) » [Breviceps gibbosus](#) (Cape Rain Frog, Giant Rain Frog)



Breviceps gibbosus

<http://dx.doi.org/10.2305/IUCN.UK.2017-2.RLTS.T3069A77162627.en>

Scope: Global
Language: English
[Download assessment](#)



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Taxonomy [top]

Kingdom	Phylum	Class	Order	Family
Animalia	Chordata	Amphibia	Anura	Brevicipitidae

Scientific Name: *Breviceps gibbosus* (Linnaeus, 1758)
Common Name(s):
English – Cape Rain Frog, Giant Rain Frog

[Taxonomy](#)
[Assessment Information](#)
[Geographic Range](#)
[Population](#)
[Habitat and Ecology](#)
[Use and Trade](#)
[Threats](#)
[Conservation Actions](#)

Translate page into:

7. It should again be noted that the specialist (who undertook the frog and bird assessments that were attached to the FBAR) Dr Dirk van Driel’s SACNASP (400041/96) professional registration as a Professional Natural (Environmental) Scientist has ostensibly been cancelled (according to a SACNASP database search undertaken previously on 15/12/2015, and again on 21/09/2018) – see below. Why has Dr van Driel’s registration been cancelled? The EAP should enquire from the DEA&DP whether or not they accept specialist reports that are not at least signed off by currently registered scientists that are also registered in the correct field of specialist registration. A specific answer to this question would be appreciated.



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SACNASP DATABASE SEARCH

Please make your selection below:

Field of Practice: Status: Category:

Province: Sector:

Society: Employer:

Surname: Subject:

Qualification Place:

Reg No	Acc No	Title	Initials	Surname	Employer	Category	Field of Practice	Reg Date
400041/96	DR017R	Dr	C D	van Driel	Dept of Water Affairs	Pr.Sci.Nat.	Environmental Science	1996-03-22

[Extract to Excel](#)

QUERY TOTAL: 1

8. Refer to Paragraph 4 above. Since a wetland is included in the definition of a watercourse as described in the National Water Act (Act 36 of 1998) and in the EIA Regulations, a Water Use Licence Application / Application for General Authorisation to the Department of Water and Sanitation (DWS) is required, and should encompass not only the structures within the stream itself, but also the proposed residential development. Note that in terms of GN 509 of 26 August 2016, an application for General Authorisation (or for a Water Use Licence) must be lodged with the DWS for development within “(c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.”
9. Social justice: The geotechnical study for the project describes the founding conditions and suitability for building. The geotechnical report states that “*topographically, the site is relatively flat, with some depressions where water ponds to form marshes*”. The geotechnical report also notes a “*high water table*” and a “*wetland in the central northern portion of the site*”. The soil profiles attached to the geotechnical report indicate greyness in subsoil horizons. Such gleying is usually indicative of anaerobic (i.e. water-saturated) soils. In terms of social justice, it is put forward that potentially previously disadvantaged or vulnerable people should not be provided with housing opportunities on sites perhaps only marginally suitable for development purposes. Such people will possibly not be able to afford the maintenance costs associated with houses built in an area with a high seasonal water table (e.g. repairs to cracks, rising damp, and re-painting of houses).
10. It is surmised that the main reason for constructing a sunken gabion-wall within and along the northwestern bank of the stream is not to protect the adjacent part of the property from flooding during winter – how would a porous rock wall achieve this? It would make more sense practically to surmise that the real reason for the gabion structures would be to drop the level of the water table in the area earmarked for housing development purposes. As such the developer / EAP should provide detailed reasoning why this has been undertaken.
11. NEMA Principles: It is contended that aspects of the proposed project as reflected in Paragraph 9 above reflect non-alignment with the National Environmental Management *Principles*, as contained in the National Environmental Management Act (Act 107 of 1998) (NEMA). The following *Principles*, amongst others, have relevance and it is requested that the EAP must explain fully how these *Principles* have been taken into account, and how they have been included in the assessment of impacts. In addition, it is contended that it is incumbent on all State Departments to consider these *Principles*, and the consequences of their decisions regarding residential development on land with a seasonally high water table, especially with respect to possible impacts on potentially previously disadvantaged/vulnerable communities. The Policies are presented verbatim below in italics, with my comments/questions bulleted, and in normal font.

CHAPTER 1

NATIONAL ENVIRONMENTAL MANAGEMENT PRINCIPLES

2. Principles

(1) *The principles set out in this section apply throughout the Republic to the actions of all organs of state that may significantly affect the environment and -*

(a) shall apply alongside all other appropriate and relevant considerations, including the State's responsibility to respect, protect, promote and fulfil the social and economic rights in Chapter 2 of the Constitution and in particular the basic needs of categories of persons disadvantaged by unfair discrimination;

- In particular, how would the construction of a residential development on a property with a seasonally high water table protect or at least ensure the social and economic rights of new occupants?

(2) *Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.*

- Whilst the provision of low-cost housing is definitely a societal need within the Municipal area (and indeed country-wide), how is the principle of equitability aligned with housing construction on a site perhaps only marginally suitable for this purpose? So yes, whilst this is indeed the right time for low-cost housing development, would the development of the subject property be at the right place?

(3) *Development must be socially, environmentally and economically sustainable.*

- Which entity will be responsible for the long-term operational phase monitoring and implementation of Appendix H3 of the S24G Application, namely the FRESHWATER RESOURCE REHABILITATION AND IMPLEMENTATION PLAN FOR THE PROPOSED IDAS VALLEY RESIDENTIAL DEVELOPMENT ON ERF 9445, STELLENBOSCH, WESTERN CAPE PROVINCE? No mention is made regarding specific responsibility in the aforementioned document, excepting for the cursory statement: *"This monitoring plan must be implemented by a competent person and submit the findings to the responsible authority for evaluation"*. It is assumed that the Municipality would be responsible for the implementation of this plan during the operational phase (as implied in the Maintenance Management Plan (Appendix I2 attached to the S24G Application) and as indicated in Appendix M3 (the MOA with the DWS). The Erf Number (Portion 3 of Farm 1075, Ida's Valley) of the proposed offset area must surely be included in the S24G Application and in Appendix H3, and not only in Appendix M3 (the MOA with the DWS). Who would the responsible authority be for the evaluation of the operational phase monitoring and implementation of the plan attached as Appendix H3? Would it be CapeNature, the DEA&DP or the DWS? The mooted time-frames for long-term monitoring and maintenance as described in Appendix H3 are also way too short and should, in terms of long-term sustainability (NEMA-defined),

be implemented in perpetuity (for example, with regard to continual habitat monitoring, scheduled alien plant and litter clearing).

- It is noted that the S24G Application and Appendix H3 may be legally flawed in that they make no mention as to how the following biodiversity offset guidelines have been considered/incorporated in detail, namely:
 - Department of Water Affairs and South African National Biodiversity Institute. 2013/2016. Wetlands offsets: a best-practice guideline for South Africa. Pretoria (Appendix I2 of the S24G Application refers to a 2016 version of this document, but I could not find it on the WRC website); and/or
 - Department of Environmental Affairs and Development Planning. 2007. Provincial Guideline on Biodiversity Offsets. Republic of South Africa, Provincial Government of the Western Cape, Department of Environmental Affairs & Development Planning, Cape Town.
- Furthermore, it is enquired as to how the S24G Application and Appendices I2 and H3 are going to address the following National Policy document (a detailed response is requested):
 - GN NO. 276 of 31 March 2017 National Environmental Management Act: Draft National Biodiversity Offset Policy as contained in Government Gazette No. 40733
- The S24G Application and Appendix H3 also do not mention which biodiversity offset calculator has been used. Please provide a reference.
- It is put forward that biodiversity offsets more often than not don't get managed in the long term in any meaningful or pragmatic way, often because there is no budget/resources available to provide long-term protection and management. Could the EAP please indicate in Appendices I2 and H3 what financial provisions have been made for the construction and operational phase implementation of these two documents where applicable.
- It is noted that whilst the DWS is the competent authority with regard to wetlands, and they would have to agree to an offset (the MOU attached as Appendix M2 to the S24G Application refers), the DEA&DP are the competent authority with regard to the Section 24G EIA process and would thus have to authorise the offset. I would imagine that CapeNature, as custodians of biodiversity in the Western Cape, would also need to agree to the offset proposed.

(4) (a) Sustainable development requires the consideration of all relevant factors including the following:

(vii) that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and

- How is a risk-averse and cautious approach being applied to this project, when there is documented knowledge of a high seasonal water table on site, as documented by the appointed Geotechnical Engineers for the project?

(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.

- Again, how is development of a low-cost residential development on a potentially marginal and seasonally wet site the best environmental option, taking into account potential effects on people (e.g. wetness related illnesses such as tuberculosis during the winter) and their houses (e.g. cracking) as well as on the environment? Have climate change considerations been included in the S24G process? Uncertainty exists how climate change will affect us, thus building in a wetland and/or in a seasonally wet area may hold significant risks to human life.

(c) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.

- It is expected that the new occupants of the low-cost houses are most likely to fall into the socio-economic categories of "vulnerable" and/or "disadvantaged". Such persons will possibly not be able to afford the maintenance costs associated with houses built in an area with a high seasonal water table. Furthermore, it is cautioned that living in seasonally wet areas may lead to a higher risk of sickness, such as tuberculosis, amongst potentially vulnerable persons.

(e) Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle.

- So theoretically, which entity's responsibility will the maintenance and management of the project be during the operational phase ("*throughout its life cycle*")? – ostensibly that of the Municipality. As such, would the Municipality or other entity be willing to undertake full responsibility for the long-term operational phase management and monitoring of the housing project (and associated works in the stream, etc.), including responsibility for long-term health and other risks associated with construction on this potentially only marginally suitable property?

(g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.

- Therefore, any decision must show that the interests of all I&APs, including myself have been fully taken into account. My questions must also thus be answered in full.

(k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.

- In terms of the above, I should be granted access to the answers to all of my submissions before they are submitted to the Competent Authority for decision-making.
- In this respect, bullets 4 and 5 in the email from Yolandie Henstock of EcoImpact dated 9 November 2018 refer. Should an additional 30-day commenting period be afforded, I hereby request to be sent answers to any additional comments from my side before the submission of my additional comments and answers thereto to the DEA&DP.

Yolandie Henstock <yolandie@ecoimpact.co.za>

9 Nov 2018, 14:31



to mm, DreyerW, zepel, ehanekom, Wilna.kloppers, municipal.manager, Mya.Francis, rsmart, Henri.Fortuin, brandonl, LandUse.Elsenburg, golivier, Calvin.vanwij

S24G APPLICATION - ERF 9445 IDAS VALLEY STELLENBOSCH

Good day,

Please note that the DRAFT s24G application and appendices are available for COMMENT. Please provide comment by the 10th of December 2018. Electronic copies are available on our website at <https://www.ecoimpact.co.za/public-participation/>.

Please note that you will be afforded a second commenting period as the next steps are as follows:

- 10 December 2018 – closure of initial commenting period.
- Drafting of comments and response table.
- The Comments and Responses Report (and the application, if there are changes to the application or its appendices) must then be submitted to Key departments and I&APs for an additional 30 days.
- At the same time as we submit the C&R Report to key departments and I&APs (and other documents that may be revised), we will submit the finalised application to the Department for consideration.
- The Department will review the application and await the conclusion of the 30-day commenting period, for any additional comments that key departments and I&APs may submit.

Kind regards

Yolandie Henstock

Administration



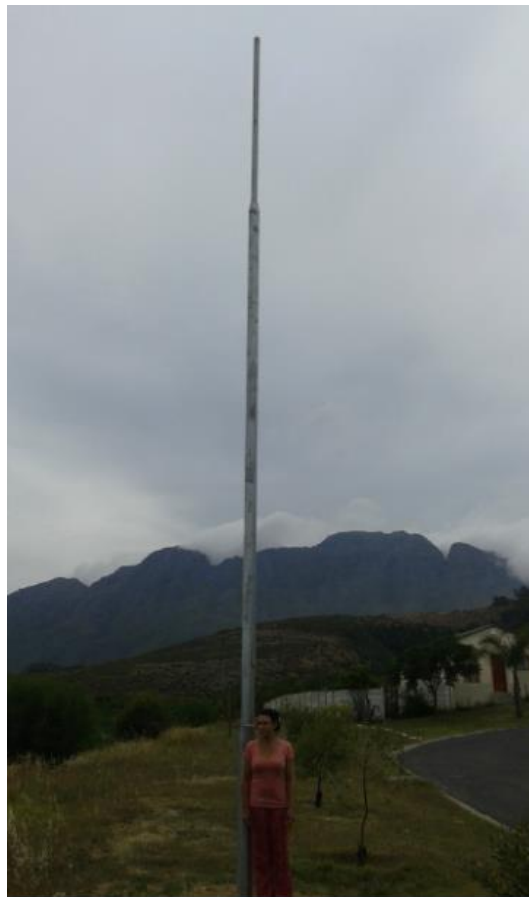
(r) Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure.

- The EAP should show how this has been taken into account for this project. It should thus be demonstrated that whilst it is acknowledged that there is development pressure (the time for residential development is right), how is it that the subject project should be authorised at this site, and not at an alternative locality? (it is put forward that the place may not be right).

12. The EMP (Appendix I of the S24G Application) refers. The EMP states the Engineers Representative (ER) and ECO are to report the Environmental Officer (EO). This is practically not how things work contractually. The ER reports to the Engineer who internally reports to the Client. Who and what is this EO – the EO's Roles and Responsibilities are not included in

the EMP. The ECO is to take things up with the Project Manager. Yet it is indicated the ECO is supposed to report to the EO. The various roles and the responsibilities of the various role players should be clarified since not doing so would cause confusion and thus limit the efficacy of the EMP. The EMP states that the ECO may order site vacation. Contractually, the ECO will have no appointment to undertake such instruction. Contractually only the Engineer can issue this instruction. The 2014 EIA Regulations requirement for an Environmental Auditor (Regulation 34) should be included in the EMP to ensure that legal compliance is maintained (would such an Auditor be the ECO or the EO? This responsibility should be specified). The EMP states that the Contractor should be fined for transgressions. Since all other construction-related disciplines work according to a contract, so too should the environmental work (and not to a fine system). Contractually, millions of Rands can be withheld for environmental (or other transgressions), whereas the stated fines are only for a few thousand Rand. As such, it would be more pragmatic to include compliance with environmental directives; laws; and authorisations within contract documentation, than to impose a penalty system.

13. What is the purpose of this very tall lamp-post recently erected adjacent to the site within Bartlett Rise Road? If this lamp-post is for the housing development, could it be construed that the development is “continuing” without all the relevant authorisations in place?



14. One of my preliminary comments on the S24G Application dated 17 April 2018 (which should also be attached within Appendix G to the S24G Application) read: “Your advert in the Eikestadnuus dated 5 April 2018 makes no mention of the proposed housing development

associated with the unlawful earth moving and construction of rock gabions undertaken within the watercourse on the property. This omission would serve to ensure that at least some I&APs reading the advert may not realize the intention is actually to obtain retrospective environmental authorisation for Activity 19 of Listing Notice 1, which would then ostensibly "allow for" the said housing development to go ahead. This is not procedurally fair in my opinion, as certain I&APs who would otherwise have registered to partake in the public participation process, may not have done so". Your response in Appendix G to the S24G Application read "The unlawful commencement related to the gabions". Whilst it is acknowledged that the unlawful commencement related to the gabions, I still feel that potentially affected I&APs would not have realised the full implications of the S24G process. It is interesting that Maxwell Dhelminie noted a similar concern in his comment dated 8 October 2018.

CONCLUSION:

I trust that these comments, which are not in support of the S24G Application, nor of the housing project to which this application relates, will be duly considered by yourselves, and by the Competent Authority.

Yours sincerely

Charl Cilliers
Pr. Sci. Nat. MSc Botany

23 Bartlett Rise
Lindida
Ida's Valley
7600 STELLENBOSCH
07/12/2018

DEA&DP REFERENCE NUMBER: 16/3/1/1/B4/45/1105/14

COMMENTS ON THE FINAL BASIC ASSESSMENT REPORT

PROPOSED RESIDENTIAL DEVELOPMENT ON ERVEN 10866 AND 11008 IDA'S VALLEY (ADJACENT TO LINDIDA)

NOTE:

1. These comments are regarding Erven 10866 and 11008 **only** (the 217 tiny 40m² low-cost dwellings proposed adjacent to the middle-income neighbourhood of Lindida).
2. Most of the paragraphs below relate to comments lodged by "concerned residents of Ida's Valley" on the Draft Basic Assessment Report (DBAR) that were either not addressed at all, or that were not adequately assessed, in the opinion of the undersigned.

COMMENTS:

1. Whilst the Draft Basic Assessment Report (DBAR) advertisement placed in the Stellenbosch Gazette and the "notice to land-owners" stated that I&APs should comment within 40 days of the date of the advertisement / notice, it can be argued that the explicit duration of the commenting period was not stated (i.e. the start and end-dates were not stated).
2. The EAP is technically correct that legislation does not require it ... but why bother placing a copy of the DBAR at the local library in Ida's Valley if no potential I&APs were informed of that documents' availability there? The commenting periods were also not stated in the DBAR. The DBAR was simply dated January 2015.
3. It is reiterated that the developer (ASLA) are already advertising the proposed development as if it is approved, and are inviting prospective buyers to purchase properties. This creates the public misconception that the Environmental (and Town Planning) Approvals are "done deals". It is contended that the term "noted" is not a suitable response to this statement (in the Comments and Responses Table attached as Appendix F to the FBAR). The term "agreed" would be more appropriate.
4. It is reiterated that the ASLA notice-board pictured below is misleading, as no apartments are planned on Erven 10866 and 11008. In addition, no garages are ostensibly planned for the 40m² houses. Again, the term "noted" is not a suitable response to this statement. Due to its undeniable influence of public perceptions (and hence on the public participation process), the misleading notice-board should have been removed and replaced with something depicting a dense, low-cost development, consisting of 40m² houses.



5. The Comments / Response Report (attached as Appendix F to the FBAR) notes that the subject properties have an existing approval in terms of the Land Use Planning Ordinance (LUPO). It's strange that LUPO approval should precede Environmental Authorisation (EA). Please correct me if I am wrong, but in my understanding, if NEMA Listed Activities are triggered, EA should be required by the Municipality before LUPO approval is granted. As such, is the existing LUPO approval valid? If the LUPO approval is valid, does it have an expiry date? How does the LUPO "approval" relate to the new LUPA and/or SPLUMA legislation? This key information (or at least an explanation thereof) should, in my opinion, have been included in the Draft (DBAR) and Final Basic Assessment Reports (FBAR).
6. It is reiterated that the proposed development area is very wet during winter, which is possibly why it has not been cultivated for many years (judging by GoogleEarth imagery). It is argued that the area is a functional seasonal wetland).
7. Whilst the geotechnical study attached to the FBAR describes the founding conditions and suitability for building, the geotechnical report states that "*topographically, the site is relatively flat, with some depressions where water ponds to form marshes*" (i.e. wetlands)! The geotechnical report also notes a "*high water table*" and a "*wetland in the central northern portion of the site*"! The soil profiles attached to the geotechnical report indicate greyness in subsoil horizons. Such gleying is usually indicative of anaerobic (i.e. wetland) soils. As such, a wetland delineation based on soil types (and on vegetation) must be undertaken (since the geotechnical assessment fails to delineate the wetland/s) in order to adequately describe the site.
8. Whilst the geotechnical study attached to the FBAR describes "moderate heave movements" attributed to clayey colluvial soils, it is reiterated that the houses in Lindida (including where I live) are ALL cracked. As such, mitigation measures to prevent cracking should, in my opinion, have been provided in the FBAR (or at least in the EMP), and by the geotechnical engineers in their report. The geotechnical report suggests that "*Structures may be founded*

conventionally using strip or pad footings at a nominal founding depth". This statement is probably wishful thinking, given the soil wetness, and the heaving nature of the expanding clays in the area.

9. It was suggested in the "concerned residents of Ida's Valley" comments on the DBAR that the specialist studies undertaken by Eco-Impact and attached to the DBAR should be independently reviewed. Note that the DEA&DP and CapeNature also asked for certain specialist studies to be independently reviewed. Strictly speaking, the existing studies were not independently reviewed (i.e. revised). Additional studies were provided instead. The following comments relate to the "specialist" studies undertaken to date.

- An additional "frog assessment" was provided (only for Erf 11330 and, inexplicably, not for Erven 10866 and 11008). Whilst the frog assessment identifies the presence of, *inter alia*, Cape Rain Frog *Breviceps gibbosus* on Erf 11330, my comments relate only to Erven 10866 and 11008).

As such, it is reiterated that the population and distribution of these threatened frogs (Cape Rain Frog) be surveyed during the winter months (for Erven 10866 and 11008), and that comments should be obtained from CapeNature in this regard.

Whilst the "frog assessment" (which does not cover Erven 10866 and 11008) states that Cape Rain Frogs take rather well to urban development and are often encountered in Cape Town gardens, it is reiterated that the IUCN Red list states that *"its habitat has been severely reduced and fragmented by agricultural expansion in much of its range and urban development in parts of its range."* This certainly seems to be the case in Lindida, where I have not encountered or heard any rain frogs coming from within the existing developed area. A large population of rain frogs is, however, present (pers. obs.) on the site proposed for development. The frogs on Erven 10866 and 11008 are presumably associated with the banks of the non-perennial river channel, and with the edges of the seasonal wetlands, as identified in both the "wetland assessment", and in the "geotechnical assessment".

- An additional "wetland assessment" was provided for Erven 10866 and 11008. The wetland assessment correctly identifies a significant portion of the site as comprising a seasonal wetland, but, inexplicably, fails to delineate the wetland!
- An additional "bird assessment" was provided for Erven 10866 and 11008. This assessment merely confirms previous comments on the DBAR that numerous bird species occur or possibly occur on the properties, including Fiery Necked Nightjar (rating = 4). Nightjars are present, and I hear them often on warm evenings from my veranda. Albeit that the specialist rated the probability of Wood Owl as 1 (a very slight, if any at all, chance for a bird to occur), this species (uncommon in the Western Cape) occurs along the nearby Rustenburg Road, and along other wooded rural roads, such as Jonkershoek Road (they nest on the farm Starke Conde: see the website for a photograph: <http://www.stark-conde.co.za/gallery/>). As such, this low rating for Wood Owl is probably not accurate. The number of bird species alone, as listed by Mr Dirk van Driel, effectively nonsensees the "Biodiversity and Ecology Baseline Study", which is still attached to the FBAR in its original format (i.e. the baseline "study" has not been reviewed or amended).

- It should perhaps be noted that the specialist Dr Dirk van Driel's (responsible for the frog, bird and wetland assessments) SACNASP (400041/96) professional registration as an Environmental Scientist has been cancelled (according to a SACNASP database search undertaken on 15/12/2015 by the undersigned).
- An additional (compiled in-house by Messrs Eco-Impact) "freshwater assessment" was provided for Erven 10866 and 11008 (a separate report was compiled for Erf 11330). The freshwater "assessment" makes no mention of (ignores?) the seasonal wetlands identified in the "wetland assessment", and does not mention the marshes, wetlands and gleyed soils identified in the preliminary geotechnical assessment. The freshwater assessment does not delineate the wetlands or marshy areas, and only focuses on the tributary of the Krom River, which abuts the site.
- The Water Use Licence Application to the DWS (compiled in-house by Messrs Eco-Impact) makes no mention of the seasonal wetlands identified in the "wetland assessment", and does not mention the marshes, wetlands and gleyed soils identified in the preliminary geotechnical assessment.

A wetland (albeit seasonal) is included in the definition of a watercourse as described in the National Water Act (Act 36 of 1998). In addition, in terms of GN 398 of 26 March 2004, an application for General Authorisation (or for a Water Use Licence) must be lodged with the DWS for development within "*any wetland or any water resource within a distance of 500 meters upstream or downstream from the boundary of any wetland.*" As such, the WULA to the DWS should be deemed to be incomplete.

10. Whilst visual impacts were ostensibly assessed in the FBAR, I still contend that the development of 217 houses (40m² per unit) will devalue my property, since my current rural views (see photo example below) across vacant fallow farmland will be destroyed.



11. Page 55 of the FBAR assesses the impact of the development (of Erven 10866 and 11008) on property values (in the adjacent Lindida residential area). "*Site specific landscaping and*

architectural guidelines” and “*best possible layout, public open space*” are proposed to reduce the “magnitude” impact rating from “6” to “4” in the FBAR. What is meant by “Site specific landscaping and architectural guidelines”?

12. Elsewhere (in the comments and responses report attached to the FBAR), the statement regarding site specific landscaping and architectural guidelines is contradicted by the statement “*The buildings will be planned and designed according to the Stellenbosch zoning scheme guidelines of 1996. No specific architectural guideline is developed for the development*”. So ... will architectural guidelines be developed and applied or will they not??
13. As far as I know, houses within new developments must be designed according to the SANS 10400-XA:2011 National Building Regulations, not in terms of outdated scheme guidelines. In addition, it is contended that members of the public commenting on new developments should have access to site specific architectural guidelines (which describe, *inter alia*, finishes, roofing, number of storeys, boundary walls, landscaping, environmental sustainability and energy efficiency). Without such guidelines, the public do not know what they are commenting on (refer again to the misleading notice board erected on site, pictured above). As such, as a directly adjacent neighbour, I request site specific landscaping and architectural guidelines, so that I may be properly informed with regard to the proposed development, and with regard to the “mitigation” measures proposed.
14. The proposed layout is definitely not the “*best possible*” since, not only does it ignore seasonal wetlands and marshes (and maximises the number of units), but it goes against a number of judicious urban design principles for low-cost housing developments. For example, dead end streets backing onto public open spaces (especially riverine habitats), and houses facing away from public open spaces significantly increase the risk of illegal dumping (this is a reality in Ida’s Valley – one need only contact the Area Cleaning Department of the Municipality for confirmation if there is any doubt). What is more, it is known that houses facing away from public open spaces places the new occupants at increased risk from criminals, who can gain unobserved access to such homes from such open spaces.
15. Theoretically, the “*best possible*” layout would consider environmental constraints such as wetlands / marshes, and would have houses facing onto public open spaces (occupants are less likely to litter in front of their homes, children playing in the open spaces can be observed by their parents, and occupant safety will inadvertently be improved). Short roads should run along the edge of the public open space, with speed-bumps and road signs where required. Such measures will prevent speeding and running over of children crossing over into the open space area. It is suggested that the appointed Town Planners go back to the drawing board and apply their minds to come up with a believable “*best possible layout*”. Note that such a new layout should again be advertised for public comment (as this would represent a substantial change to the development proposal).
16. Page 55 of the FBAR assesses the visual impact of the development (of Erven 10866 and 11008) on the adjacent Lindida residential area. In my view, the assessment is subjective.

The “extent” of potential visual impacts are not site specific, but extend to at least 100m beyond the site boundary (i.e. impact on direct neighbours). This rating should be “2” (with and without mitigation). The “duration” of operational phase visual impacts is definitely not “0-1 years”. The housing development will (if approved) be “permanent”, irrespective of any mitigation measures applied (suggested rating of “5”). What mitigation is proposed to reduce the “duration” impact rating from “5” to “1” in the FBAR? The “magnitude” of the impact is certainly not “minor” if one is a directly adjacent landowner. I would give a “magnitude” rating of at least “6” (moderate, if “mitigated”) and “8” (high, without “mitigation”). The “probability” of the impact occurring is not “2” (low likelihood). Should the development be approved, surely the probability of visual impacts will be either “3” (distinct possibility), “4” (most likely) or “5” (impact will occur). As such, I still contend that an independent Visual Impact Assessment should have been undertaken, to avoid any subjectivity.

17. It is reiterated that 40m² houses on 100m² erven without garages will inadvertently lead to new homeowners constructing “car ports”, garages and/or wendy houses in their back yards without the necessary Municipal building-plan approvals. This trend is commonplace in certain areas in Ida’s Valley (and in other poorer neighbourhoods), irrespective of the efforts of Municipal Law Enforcement agencies. It goes without saying that prevention, through wise urban design, is better than “cure” through law enforcement! It is noted in the Comments and Responses Report attached to the FBAR that *“The municipality informed the new residents of this requirement”*. Have the new residents thus already been identified, and have all of them been informed of this requirement (not to build structures without Municipal approval)?
18. The comment in the Comments and Responses Report attached to the FBAR that *“This environmental application is not for the residential development, but for the infrastructure that will be built within 32m of the river as well as impacts inside the river”* is factually incorrect. The title of the Application (FBAR) is “THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF 10866, 11008 AND 11330, STELLENBOSCH”. The activities within and within 32m of water courses are associated with the proposed residential developments in two areas in Ida’s Valley. Listed Activities are also triggered in terms of the 2010 (and 2014) EIA Regulations, in terms of the housing development(s) of > 5a within an urban area.
19. It is noted that sewage reticulation upgrades totalling an estimated R 41 Million (bulk) and R 6.5 Million (network) ex VAT will be required to accommodate the proposed development together with “other future development areas”. One wonders how these figures would impact on the economic viability of the housing development. It is also noted that Bulk Infrastructure Contribution Levies from the proposed development (and from other developments) should be used to pay for these upgrades. It is assumed that such levies (increases) will not affect existing residential areas within Ida’s Valley (e.g. Lindida).

CONCLUSION:

I trust that my comments will be duly considered by yourselves, and by the Decision-Making and Commenting Authorities.

Yours sincerely

Charl Cilliers

23 Bartlett Rise
Lindida
Ida's Valley
7600 STELLENBOSCH

16/12/2015

NAME	SIGNATURE	POSTAL ADDRESS	EMAIL ADDRESS

NAME	SIGNATURE	POSTAL ADDRESS	EMAIL ADDRESS

Freshwater Impact Assessment Report

**For the Proposed Residential Development on
Erven 10866 and 11008 Ida's Valley
Stellenbosch**



**PREPARED FOR:
CHARL CILLIERS**

September 2017

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Annexure 2: Photographs of the Observed Vegetation within the Wetland

Details of Specialist:

Amy is a registered Candidate Natural Scientist with the South African Council of Natural Scientific Professionals (SACNASP) in the field of Environmental Science. She holds a Master of Science degree in Environmental and Wetland Science from Rhodes University and is a member of the Golden Key International Honour Society.

Amy is employed at Resource Management Services as an Environmental Consultant and assists with Environmental Impact Assessments (EIA's), Basic Assessments (BA's) and provides a specialist input within the freshwater and ecological fields. She has experience in writing Integrated Wetland Assessment Reports, Environmental Impact Reports, as well as Ecological Assessment reports.

Specialist Declaration:

This report has been prepared according to the requirements of Section 13 and Section 23 (5) of the Environmental Impact Assessments EIA Regulations (NEMA, No. 107 of 1998, as amended 2014).

I, Amy Barclay, declare that;

- I act as the independent specialist in this application;
- I do not have and will not have any vested interest (either business, financial, personal or other) in the undertaking of the proposed activity, other than remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2014;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting the specialist report relevant to this application, including knowledge of the Act, regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, regulations and all other applicable legislation;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- all the particulars furnished by me in this form are true and correct; and
- I am aware that a person is guilty of an offence in terms of Regulation 48 (1) of the EIA Regulations, 2014, if that person provides incorrect or misleading information. A person who is convicted of an offence in terms of sub-regulation 48(1) (a)-(e) is liable to the penalties as contemplated in section 49B (1) of the National Environmental Management Act, 1998 (Act 107 of 1998).

Name of Specialist: Amy Barclay (MSc Geography – Wetland Science)

SACNASP registration number: 113987

Date: 1 September 2017

1. Introduction

The Freshwater specialist was appointed by Charl Cilliers to evaluate the aquatic ecosystems within Erf 10866 and Erf 11008, Idas Valley, Stellenbosch (**Figure 1**). The property is owned by the Stellenbosch Municipality, who are in the process of constructing a housing development on the erven.

Two rivers, one perennial and one non-perennial, traverse through the Erven (hereafter, 'the site') (**Figure 1**). The perennial river, which is a tributary of the Krom River flows in a general westerly direction. The non-perennial river, which is a tributary of the perennial river, flows in a south-westerly direction. The site is mapped as an Ecological Support Area (ESA2) (**Figure 9**).

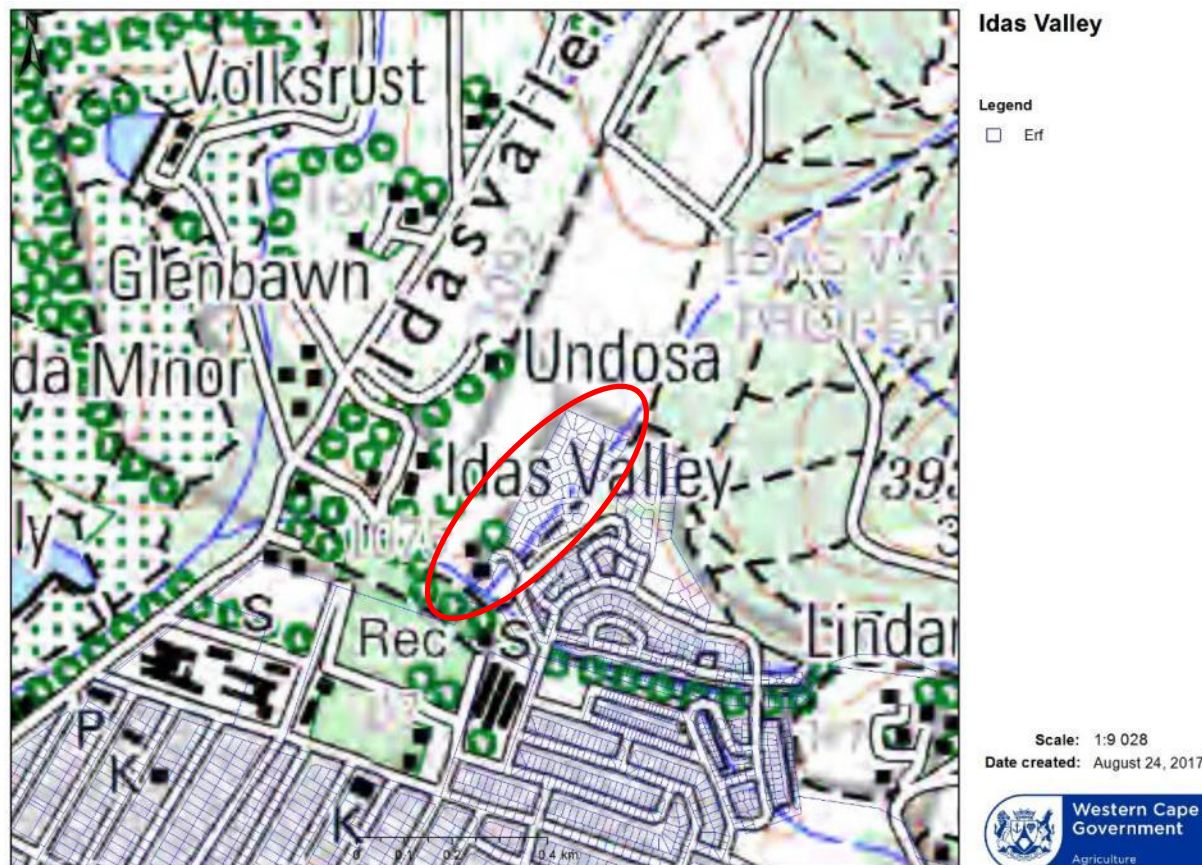


Figure 1: Non-perennial and perennial rivers running through erven 10866 and 11008.

This report sets out the results from a desktop analysis as well as a site visit undertaken in August 2017.

The main objective of this report is to delineate wetland and riparian resources and to assess the impact of the proposed housing development on these resources.

1.1 Project Background

The Stellenbosch Municipality has moved to construct a low-income housing development on Erven 10866 and 11008. At completion, 217 Low-income houses (40m²) are proposed to be built in order to address the current housing 'crisis' in the region. This development will lie adjacent to the middle-income suburb of Lindida (**Figure 2**).

NOTE: It is important to note that development is already underway on site. Construction of a gabion structure within the non-perennial river commenced in June 2017 and thus the appearance and state of the river has changed dramatically. It is thus difficult to know the exact condition of the river before construction commenced. Please see **Annexure 1** for a photograph series of the non-perennial river, and the construction undertaken within the river.

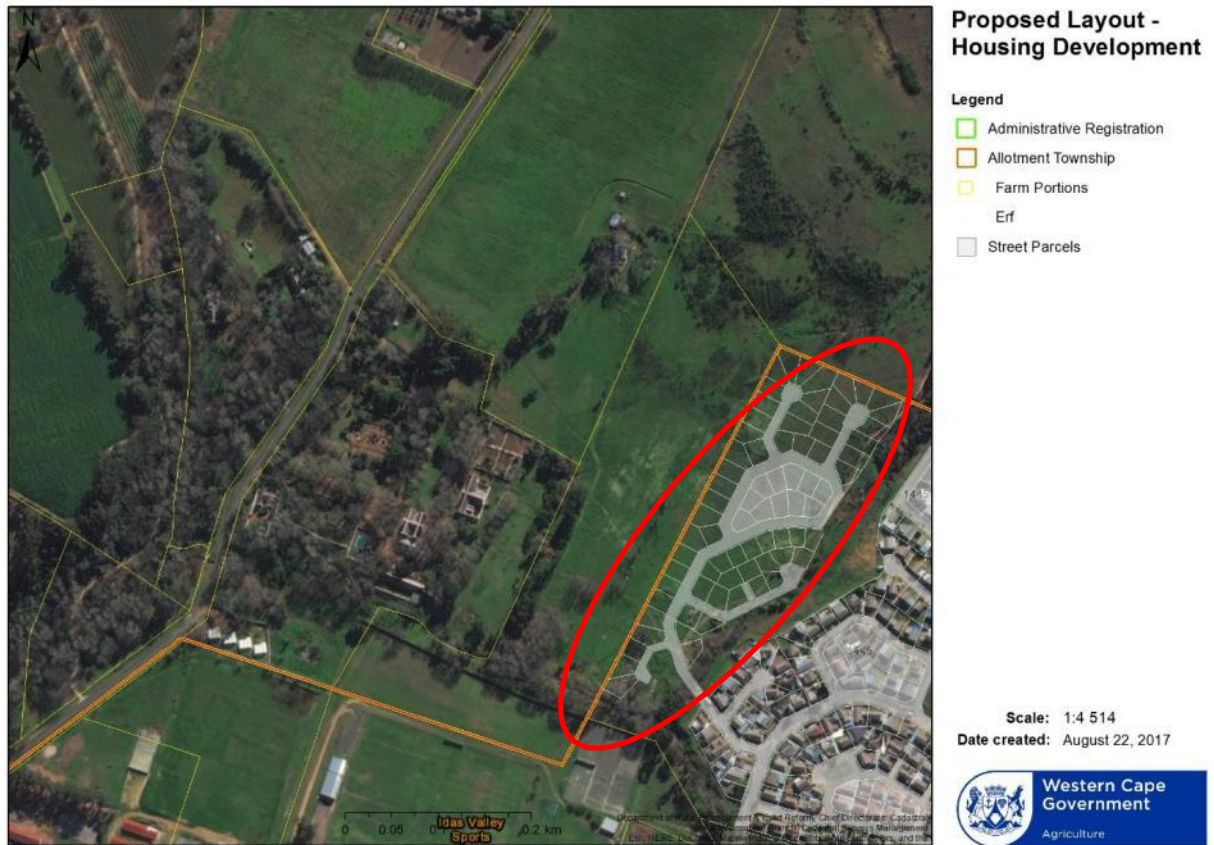


Figure 2: The proposed development layout of the new housing development.



Figure 3: Construction undertaken within the non-perennial river flowing through the site in a southerly direction.

1.2 Terms of Reference

This report aimed to characterise the Present Ecological State (PES) and Ecological Importance and Sensitivity (EIS), assess aquatic impacts of the proposed activities, and to advise on mitigation measures to mitigate possible impacts of the proposed activities.

The following approach was applied in delineating and characterising watercourses in the site, and then assessing the impacts that the project may have on any watercourses within and surrounding the proposed site, which included a desktop study followed by a site visit:

- The delineation of all watercourses within the proposed site according to the *Updated Manual for the Identification and Delineation of Wetlands and Riparian Areas* (DWAF, 2008), as well as the mapping of the delineated watercourses overlaid with the outline of the proposed activities;
- The classification and characterisation of these watercourses using a *Classification System for Wetlands and other Aquatic Ecosystems in South Africa* (Ollis et al., 2013);
- The calculation of the Present Ecological State (PES) and Ecological Importance and Sensitivity (EIS) using *A qualitative procedure for the assessment of the habitat integrity status of the Luvuvhu River* (Kleynhas, 1996) and *Assessment of Ecological Importance and Sensitivity* (Kleynhans, 1999);
- The determination of the Recommended Ecological Category (REC) was from these scores;
- The determination of recommended buffer zone was determined according to *Buffer zone guidelines for rivers, wetlands and estuaries* (Macfarlan & Bredin, 2016);
- The identification of any potential impacts that the proposed activities may have on the site; and
- The suggestion of mitigation measures in order to mitigate any potential impacts.

1.3 Limitations

The findings of this report were determined by a combination of desktop assessments of existing freshwater information for the study area and catchment, as well as by a site visit. One site visit was undertaken, due to time constraints, and so results are based mostly on the conditions on the day of the survey.

The site was visited during winter (August 2017) during the Western Cape's 'rainy period'. It must however be noted that much of the province, including the site, is experiencing a severe drought and has been declared a 'disaster area'.

1.4 Use of This Report

This report reflects the professional judgement of its author, and, as such the full and unedited contents of this should be presented in any application to relevant authorities. Any summary of the findings should only be produced with the approval of the author.

2. Site Description

2.1 Location

The proposed site of the proposed housing development (hereafter 'the site') is situated directly east of the suburb of Lindida, in Stellenbosch, Western Cape (**Figure 4**). The proposed site area is about 5Ha in extent.

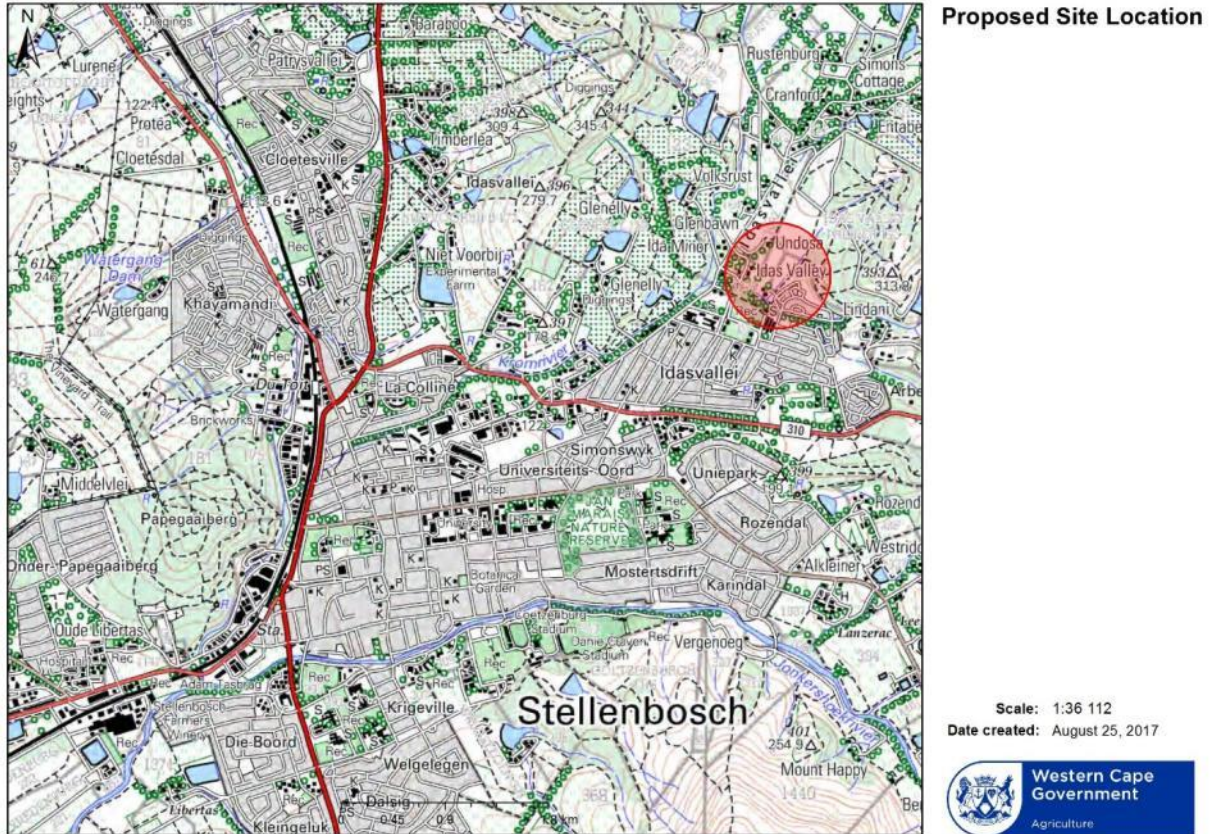


Figure 4: Proposed site location in Stellenbosch, Western Cape.

2.2 Climate

Stellenbosch experiences warm summers and cool winters, receiving winter rainfall. The mean annual precipitation is 800mm and the annual evaporation rate is estimated to be 1500mm.

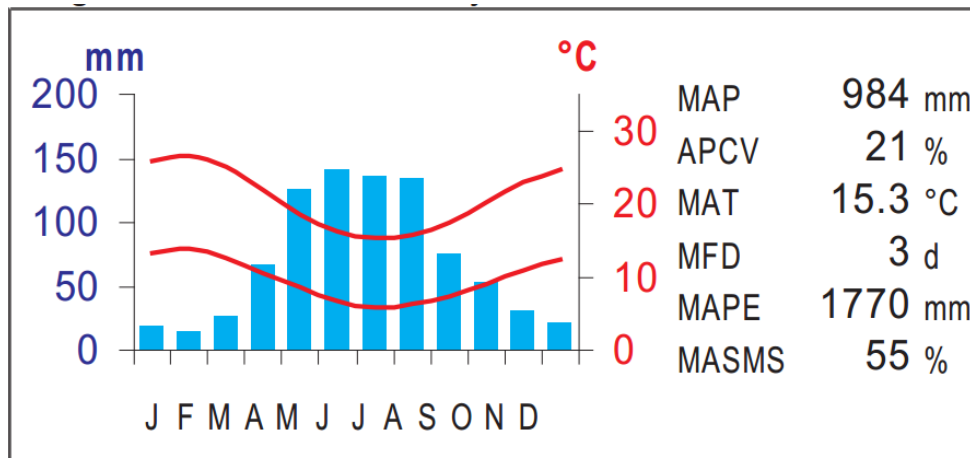


Figure 5: Climate data for the Boland Granite Fynbos region, within which the site falls (Mucina and Rutherford, 2006)

2.3 Vegetation and Land Use

The site falls within the Cape Floristic Region (CFR) with a vegetation type of disturbed and partially degraded Boland Granite Fynbos. This vegetation type is considered to be '**vulnerable**' as per the South African National Biodiversity Institute (SANBI), and has been classified as such based on the A1 (irreversible loss of habitat, remaining extent = 60% of original extent of ecosystem) and D1 (threatened plant species associations = 40 Red Data listed plant species occur within this vegetation type).

The study area is relatively undisturbed by human activities, most likely due to the marshy characteristics of the area preventing development in the past. The land has most likely only been used for livestock grazing. Despite the fact that the natural vegetation has not been heavily altered, there is a heavy presence of alien invasive vegetation on the site as well as upstream of both rivers.

The following alien invasive species were found at the site:

- *Pennisetum clandestinum* (Kikuyu grass);
- *Acacia saligna* (Port Jackson Willow).

Much of the northern section of the site was dominated by hydrophytic species¹.

The following indigenous obligate (wetland indicator) species were found at the site during the site visit:

- *Pennisetum macrourum*;
- *Zantedeschia aethiopica* (Arum lilies).

In addition, 3 species of *Oxalis*; *Pelargonium* sp.; *Cotula turbinata*; *Chasmanthe floribunda* (all indigenous) and *Cynodon dactylon* (cosmopolitan – worldwide distribution) were observed on site.

Please see **Annexure 2** for a photograph series of the vegetation observed at the site visit.

Many ostensibly indigenous bulbs were observed at the site. Unfortunately, as none of these bulbs were flowering, it is near to impossible to determine the species.

¹ Plants that grow in water or on a substratum that is at least periodically deficient in oxygen as a result of soil saturation or flooding; plants typically found in wet habitats.



Figure 6: Hydrophytic vegetation observed in the northern section of the site.



Figure 7: Example of a bulb species found on site.

2.4 Fauna

A host of animal life was observed during the site visit including many bird and butterfly species.

The frog species occurring on site include the Clicking Stream Frog (*Strongylopus grayii*) and the Red-Data Listed Cape Rain Frog (*Breviceps gibbosus*). A Cape Gysbok was sighted on site during the site visit, as well as evidence of moles and porcupines. It is evident from the site visit that the site supports a host of wildlife, and serves as an important biodiversity refuge for the region.

2.5 Aquatic Features and Conservation Importance

Aquatic Features

A desktop study determined that there are two rivers flowing through the site, one perennial and one non-perennial (**Figure 8**). The rivers are both tributaries of the Krom River. These rivers fall within quaternary catchment G22G.

The Krom River flows into the Eerste River, both of which are classified as **Ecological Support Areas** due to the moderately modified state of the rivers (National Spatial Biodiversity Assessment).

The non-perennial river runs from the north-eastern section of the site, through the site in a southerly direction, where it flows into the perennial river. The perennial river, which originates from and is fed by the Idas Valley Dam, enters the site at its south-eastern boundary, flowing in a westerly direction. The river flows for another 400m before reaching its confluence with the Krom River.

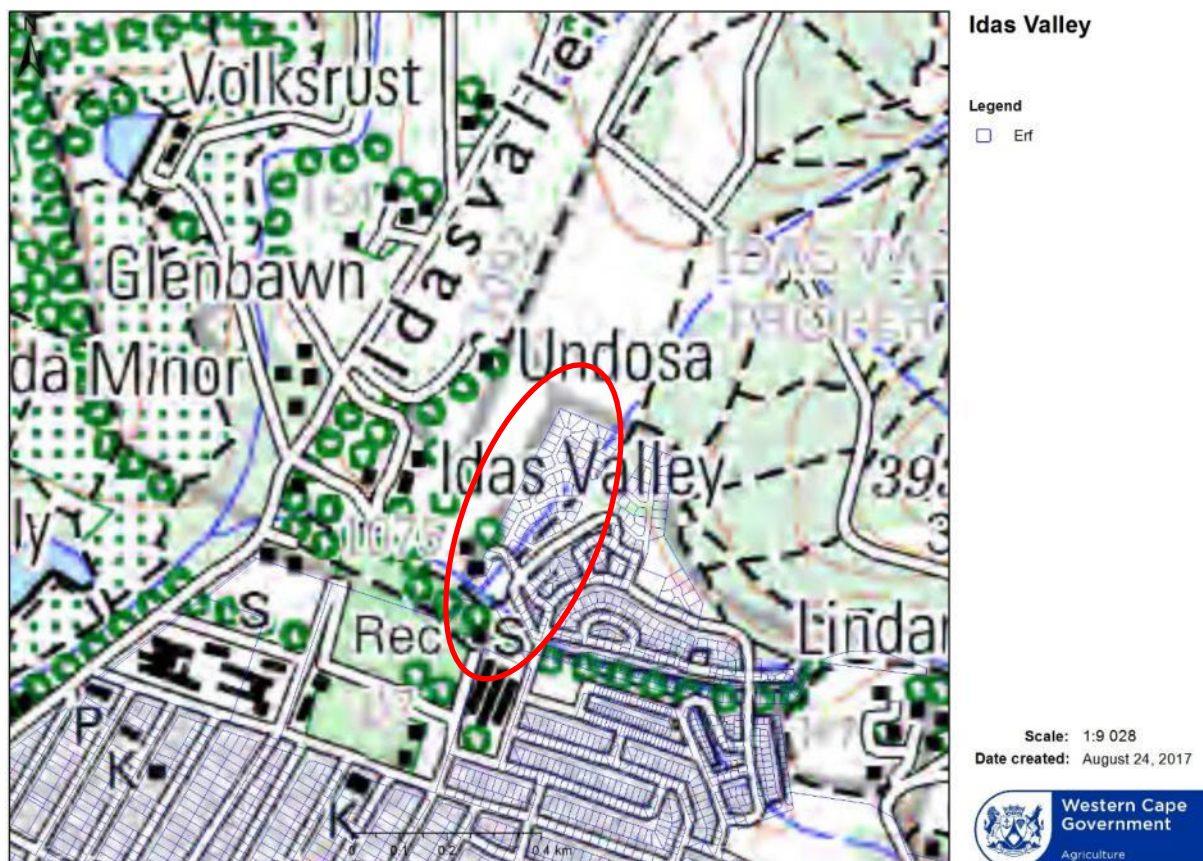


Figure 8: Topographic map showing a perennial river as well as a non-perennial river flowing through the proposed site.

Western Cape Biodiversity Spatial Plan (WCBSP)

The 2017 Western Cape Biodiversity Spatial Plan (WCBSP) dataset illustrates vicinities of biodiversity that are significant throughout the Western Cape. The data covers major coastal and estuarine habitats, as well as terrestrial and freshwater realms respectively. The data specific to the proposed site

relates to the Stellenbosch Municipality dataset. This municipality includes the following datasets: Protected Areas (PAs), Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs) (1 and 2), and Other Natural Areas (ONAs).

Critical Biodiversity Areas are areas required to meet biodiversity targets for ecosystems, species and ecological processes, as identified in a systematic biodiversity plan. Ecological Support Areas that “*are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services*”. Ecological Support Areas may be terrestrial or aquatic.

Other Natural Areas have the following management objectives: “*Minimize habitat and species loss and ensure ecosystem functionality through strategic landscape planning. Offers flexibility in permissible land-uses, but some authorisation may still be required for high-impact land-uses.*”

The Ecological Support Areas (ESAs) on the site and surrounding areas are displayed in **Figure 9**. There is an aquatic ESA, which acts as a buffer to a non-perennial and a perennial river system which flow through the property. Much of the site is considered an ESA2, which are classified as degraded ESAs, and which should be restored.



Idas Valley - Ecological Support Areas

Legend

Erf

BSP ESA: Restore

- ESA2: Restore from plantation or high density IAP
- ESA2: Restore from other land use
- ESA2: Restore where appropriate (CT)

Scale: 1:10 000

Date created: August 24, 2017



Western Cape
Government

Agriculture

Figure 9: The proposed site (entire area) is an Ecological Support Area

3. Legal Framework

The following section describes important legislation pertaining to wetlands and aquatic ecosystems in relation to this project.

3.1 National Water Act

The National Water Act (Act No. 36 of 1998) defines a water resource as: “a *watercourse, surface water, estuary, or aquifer*”. A watercourse is defined by the Act as:

“A river or spring; a natural channel in which water flows regularly or intermittently; a wetland, lake or dam into which, or from which, water flows; and any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks”.

The aim of the National Water Act is to achieve a balance between the use and protection of the country’s water resources. This legislation has redefined the concept of water resource use and protection to include not only water but the full range of goods and services that aquatic ecosystems provide.

3.2 Water use Authorisation

In order to determine whether an activity requires a water use licence, the activity must be deemed a ‘water use’ in accordance with the National Water Act (Act 36 of 1998). The proposed site for this activity is located within the regulated area of a watercourse, and as such the activity is considered a water use in terms of Section 21 (c) & (i) of the National Water Act apply. For the purposes of this Act, water use includes:

- (c) Impeding or diverting the flow of water in a watercourse;*
- (i) Altering the bed, banks, course or characteristics of a watercourse.*

S21(c) & (i) refer to the proximity of the proposed site to the adjacent watercourse in both erven. The proposed site is situated within 100m from the edge of a watercourse and thus falls within the regulated area of the watercourse (in accordance with Government Gazette No. 40229 (Notice 509 of 2016)) below:

"Regulated area of a watercourse" for section 21 (c) & (i) of the Act water uses in terms of this Notice is refers to:

- (a) The outer edge of the 1 in 100-year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;*
- (b) In the absence of a determined 1 in 100-year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or*
- (c) A 500m radius from the delineated boundary (extent) of any wetland or pan.”*

4. Watercourse Delineation

The *Updated Manual for the Identification and Delineation of Wetlands and Riparian Areas* (DWAF, 2008) was used to identify and delineate watercourses in the site.

4.1 River Delineation

The National Water Act defines Riparian zones as;

“the physical structure and associated vegetation of the areas associated with a watercourse which are commonly characterised by alluvial soils, and which are inundated or flooded to an extent and with a frequency sufficient to support vegetation of species with a composition and physical structure distinct from those of adjacent areas”

Desktop Analysis:

A desktop study undertaken showed that there are two rivers on the site, one non-perennial and one perennial (**Figure 8**).

Groundtruthing:

A site visit was conducted in August 2017 to ‘groundtruth’ the two rivers that are mapped on the site (**Figure 1**).

Riparian zones develop in response to (and are adapted to) the physical disturbances caused by frequent overbank flooding from the associated river or river channel. Riparian zones were identified at the site using the following indicators:

- The position within the landscape;
- The presence of alluvial soils and recently deposited material;
- Topography associated with riparian areas; and
- The presence of riparian vegetation.

Both the perennial river and the non-perennial river are evident on site. It is noted from the flow accumulation rates (**Figure 12**) that the natural drainage pattern for the site is synonymous with the rivers and the wetland observed on site. At the time of the site visit, construction was taking place within the non-perennial river (**Figures 10 and 11**).



Figure 10: Construction of the gabions within the non-perennial river



Figure 11: Construction taking place within the non-perennial river.

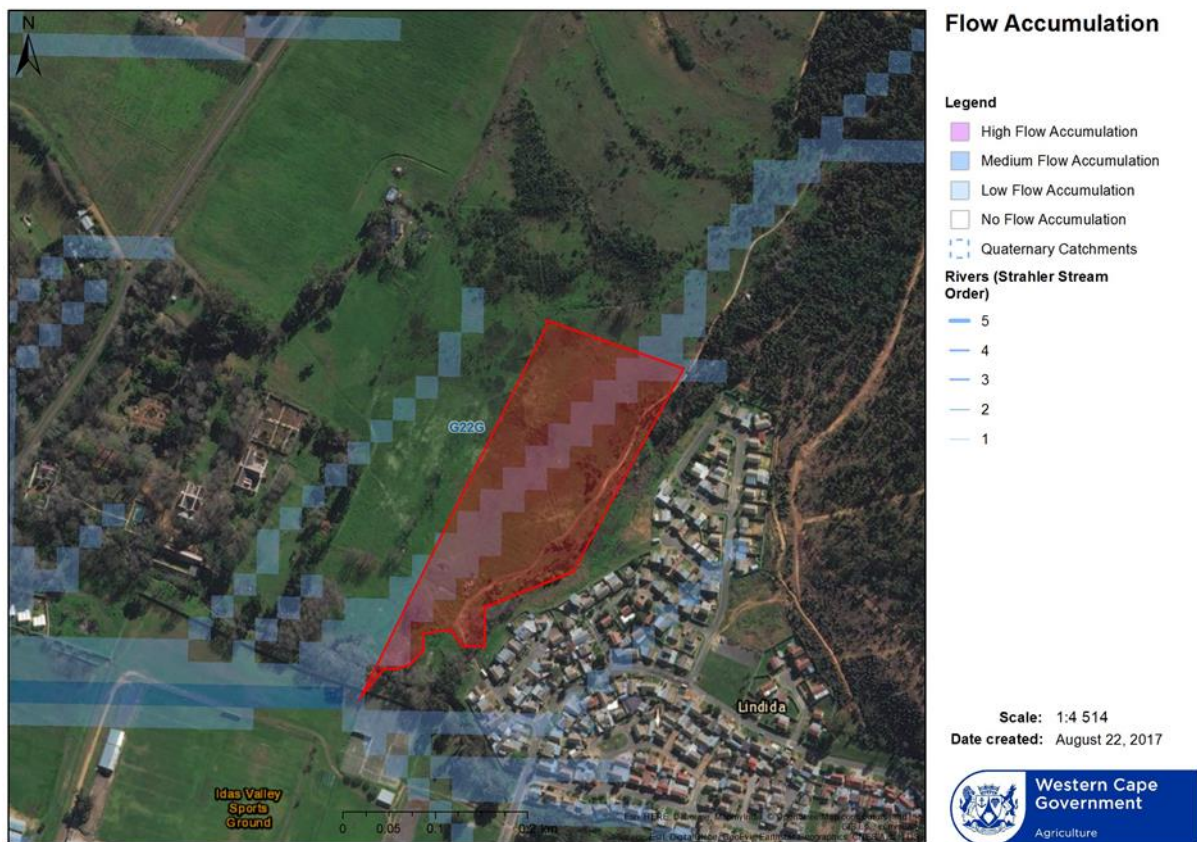


Figure 12: Flow accumulation rates for the site indicated that the natural drainage pattern matches the two rivers and the wetland observed on site.

4.2 Wetland Delineation

The National Water Act (Act No. 36 of 1998) defines a wetland as:

“Land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil”.

Desktop Analysis:

The Desktop Analysis found that no wetland areas are mapped on the site (SANBI 2017). However, groundtruthing showed the SANBI mapping to be incorrect.

Groundtruthing:

A field study was undertaken in August 2017 in order to determine whether any wetlands exist on the site. The valley was walked thoroughly (**Figure 13**) and four samples were hand augered and the soil characteristics (soil wetness indicators) examined. It is important to not isolate the site from its surroundings, as the environment has no boundaries.

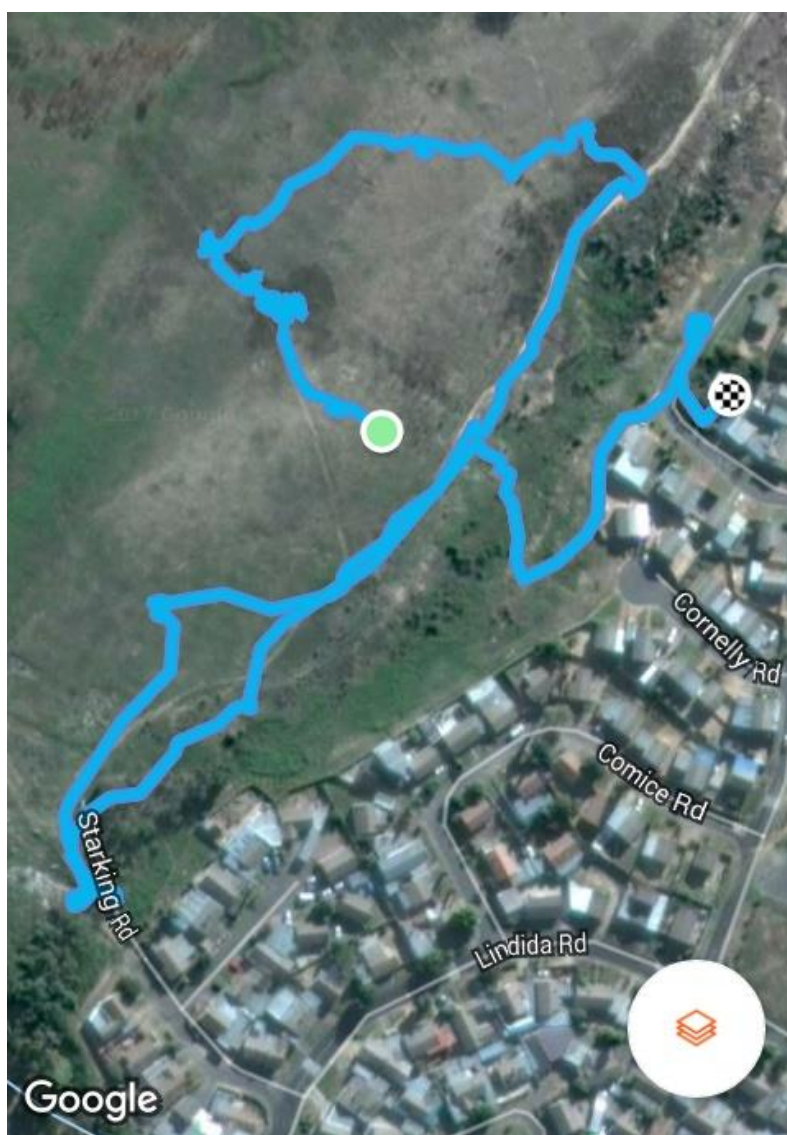


Figure 13: Route walked at the site visit

Wetland indicators:

There are a number of key indicators used in the delineation of wetlands which are highlighted in the DWAF (2005) manual titled: *A Practical Field Procedure for The Identification and Delineation of Wetlands and Riparian Areas*. This guideline was used to assess the watercourses.

According to the manual, wetlands must have one or more of the following attributes (DWAF, 2005):

1. Wetland (hydromorphic) soils that display characteristics resulting from prolonged saturation
2. The presence, at least occasionally, of water loving plants (hydrophytes)
3. A high-water table that results in saturation at or near the surface, leading to anaerobic conditions developing in the top 50cm of the soil

As such, the following characteristics form wetland indicators in the field:

- a. **Terrain unit indicators:** wetlands usually form at the bottom of a slope or in an area of depression
- b. **Soil Form indicators:** soil form associated with periods of saturation
- c. **Soil Wetness Indicators:** soil colours and the presence of mottles are generally primary indicators
- d. **Vegetation Indicators:** the presence and patterns of hydrophytes

It is important to note that most wetlands are unevenly saturated. That is to say that not all parts of all wetlands are saturated for the same length of time. Thus, in most wetlands there are up to three different zones, which are distinguished according to the changing frequency of saturation.

The central part of the wetland, which is nearly always saturated, is referred to as the permanent zone of wetness. This is surrounded by the seasonal zone, which is saturated during the rainy season. The temporary zone usually surrounds the seasonal zone, and is saturated for only a short period of the year that is sufficient for the growth of wetland vegetation

Upon assessing the soil of samples within in the site, the following can be said (**Table 1**):

- a. The terrain is gently sloped towards the southern section of the site where the perennial river flows. The site lies within a valley, which are often indicative of wetland formation.
- b. The water table is shallow - less than 1m deep.
- c. The soils are somewhat gleyed (prominent grey matrix) and there are many high chroma mottles present, making the soils likely to be seasonally/ temporarily hydromorphic soils, i.e. the soils are saturated for long periods of time.
- d. The northern section of the site is dominated by hydrophytic vegetation. There is also alien vegetation present on the site. The southern section of the site comprises mainly grasses.

Despite the fact that the area is experiencing a severe 4-year drought, the soils still display clear redoximorphic soil features², indicative of a wetland.

It was found that a large portion of the site is a seasonal wetland, and is likely saturated during the winter months. A temporary wetland surrounds the western side of the seasonal wetland and is likely saturated only during periods of heavy rainfall. **Figure 14** shows wetlands delineated on the site.

² Physic-chemical changes in the soil due to (1) in the case of gleying, a change from an oxidizing (aerated) to reducing (saturated, anaerobic) environment; or (2) in the case of mottling, due to switching between reducing and oxidizing conditions (especially in seasonally waterlogged wetland soils).

Table 1: Soil and vegetation characteristics used in the delineation of wetlands and the determination of wetland zonation (Relevant characteristics highlighted in green) (after Kotze et al., 1996).

SOIL WETNESS ZONE				
SOIL DEPTH	NON-WETLAND	TEMPORARY	SEASONAL	PERMANENT / SEMI PERMANENT
0-10 cm	Matrix usually brown/red (chroma >1)	Matrix brown to greyish brown (chroma 0-3, usually 1 or 2)	Matrix brownish grey to grey (chroma 0-2)	Matrix grey (chroma 0-1)
	No / very few mottles	Few/no mottles	Many mottles	Few / no mottles
	Nonsulphidic	Nonsulphidic	Sometimes sulphidic	Often sulphidic
30-40 cm	Matrix usually brown (chroma >2)	Matrix greyish brown (chroma 0-2, usually 1)	Matrix brownish grey to grey (chroma 0-1)	Matrix grey (chroma 0-1)
	No/few mottles	Few/many mottles	Many mottles	No/few mottles
	Nonsulphidic	Nonsulphidic	Sometimes sulphidic	Often sulphidic
VEGETATION	Dominated by plant species which occur extensively in non-wetland areas; hydrophytic species may be present in very low abundance	Predominantly grass species; mixture of species which occur extensively in non-wetland areas, and hydrophytic plant species which are restricted largely to wetland areas	Hydrophytic sedge and grass species which are restricted to wetland areas, usually <1m tall.	Dominated by: (1) emergent plants, including reeds (<i>Phragmites australis</i>), sedges and bulrushes (<i>Typha capensis</i>), usually >1m tall (marsh); or (2) floating or submerged aquatic plants.



Figure 14: Wetlands delineated at the site

5. Classification and Characterisation

The watercourses were classified in terms of the Hydrogeomorphic (HGM) classification system proposed in the *Classification System for Wetlands and other Aquatic Ecosystems in South Africa User Manual: Inland Systems* (Ollis *et al.*, 2013).

The classification system is made up of a 6-tiered structure (**Table 2**):

Level one – being the broadest level – distinguishes marine, inland and estuarine systems. Level 2 progresses from the regional setting, Level 3, the landscape units, and Level 4 the Hydrogeomorphic (HGM) Units. At Level 5, Inland Systems are distinguished from each other based on the hydrological regime and, in the case of open waterbodies, the inundation depth-class. At Level 6 – the finest level – the ecosystems are distinguished by structural, chemical and biological characteristics. See **Table 8** for a detailed structure.

Table 2: HGM Units – levels 1 to 6 (from Ollis, *et al.*, 2013)

Level 1: Ecoregion	Level 2: Regional Setting	Level 3: Landscape Unit
Inland	DWA Level 1 Ecoregions NPEPA WetVeg Groups Other Spatial Frameworks	Valley Floor Slope Plain Bench
Level 4: Hydrogeomorphic (HGM) Unit	Level 5: Hydrological Regime:	Level 6: Descriptors
River Floodplain Wetland Channelled Valley-Bottom Wetland Unchannelled Valley-Bottom Wetland Depression Seep Wetland Flat	Permanently inundated Seasonally inundated Intermittently inundated Never inundated	Artificial vs Natural Geology Vegetation type cover Substratum Salinity Acidity/Alkalinity

The wetland delineated on the site can be classified as a valley-bottom wetland. The valley-bottom wetland is located along a valley floor, and is connected to the upriver and downriver river channel, making the wetland a channelled valley-bottom wetland. “*Channelled valley-bottom wetlands must be considered as wetland ecosystems that are distinct from, but sometimes associated with, the adjacent river channel itself, which must be classified as a river*” (Ollis *et al.*, 2013).

It is possible that the erosion of the non-perennial river flowing through the wetland has played a role in draining the wetland and it is probable that the trench and associated gabions (being built at the time of the site visit) will drain the wetland further.

6. Ecological Sensitivity Assessment

6.1 Present Ecological Sensitivity

The Present Ecological Sensitivity of a watercourse, represents the degree of naturalness of the watercourse. Determining the PES involves comparing the current state of the watercourse to the presumed natural condition.

The Present Ecological State (PES) of the river is expressed in terms of various components (Kleynhans, 2007);

- The drivers (physico-chemical, geomorphology, hydrology);
- The biological responses (fish, riparian vegetation and aquatic invertebrates); and
- an integrated state - the EcoStatus.

An ecological category (A - F) is determined for each of the components. Category A being Unmodified and Category F being Critically Modified (**Table 3**).

The study area is situated in quaternary catchments G22G, within the Breede-Gouritz Water Management Area (WMA) the rivers, are both tributaries of the Krom River, and are thus associated with Sub-Quaternary Reach (SQR) G22G-9205.

According to the desktop study undertaken by Department of Water and Sanitation in 2014, the SQR fell within an overall D Category, inferring a **Largely Modified** state, where there has been a loss of habitat and basic eco-functioning (**Table 3**).

Table 3: Explanation of the PES categories, highlighting category D

Interpretation of Mean of Scores for all Attributes: Rating of Present Ecological Status Category
Within Generally Acceptable Range
CATEGORY A >4; Unmodified, or approximates natural condition.
CATEGORY B >3 and <=4; Largely natural with few modifications, but with some loss of natural habitats.
CATEGORY C >2 and <=3; moderately modified, but with some loss of natural habitats.
CATEGORY D =2; largely modified. A large loss of natural habitats and basic ecosystem functions has occurred.
Outside General Acceptable Range
CATEGORY E >0 and <2; seriously modified. The losses of natural habitats and basic ecosystem functions are extensive.
CATEGORY F 0; critically modified. Modifications have reached a critical level and the system has been modified completely with an almost complete loss of natural habitat.

6.2 Ecological Importance and Sensitivity

Ecological importance refers to the river's importance to the maintenance of ecological diversity and functioning on local and wider scales and ecological sensitivity refers to the resilience of the system (Kleynhans, 1999). The Ecological Importance and sensitivity (EIS) provides a guideline for determination of the Ecological Management Class (EMC).

In order to determine EIS, certain determinants are given a score from 0 - 4 (where 4 indicates very high importance) (**Table 4**). The average score is then used in assigning the Recommended Ecological Management Class (REMC) (**Table 5**).

According to the desktop study undertaken by Department of Water and Sanitation in 2014, the SQR fell within an overall score of B, inferring a **High** Ecological Importance and Sensitivity (**Table 5**). The study area is situated upriver of the monitoring point at which this score was decided, anthropogenic activities taking place in these areas need to be monitored in order to prevent the degradation of Ecological Support Areas located downriver.

Table 4: Score sheet for determining ecological importance and sensitivity for floodplains

Determinant	Score
PRIMARY DETERMINANTS	
1. Rare & Endangered Species	X
2. Populations of Unique Species	X
3. Species/taxon Richness	X
4. Diversity of Habitat Types or Features	X
5. Migration route/breeding and feeding site for wetland species	X
6. Sensitivity to Changes in the Natural Hydrological Regime	X
7. Sensitivity to Water Quality Changes	X
8. Flood Storage, Energy Dissipation & Particulate/Element Removal	X
MODIFYING DETERMINANTS	
9. Protected Status	X
10. Ecological Integrity	X
TOTAL	X
MEDIAN	X
OVERALL ECOLOGICAL SENSITIVITY AND IMPORTANCE	

Table 5: Ecological importance and sensitivity categories along with Recommended Ecological Management Classes (REMC).

Ecological Importance and Sensitivity Category (EIS)	Range of Median	REMC
<u>Very high</u> Floodplains that are considered ecologically important and sensitive on a national or even international level. The biodiversity of these floodplains is usually very sensitive to flow and habitat modifications. They play a major role in moderating the quantity and quality of water of major rivers.	>3 and <=4	A
<u>High</u> Floodplains that are considered to be ecologically important and sensitive. The biodiversity of these floodplains may be sensitive to flow and habitat modifications. They play a role in moderating the quantity and quality of water of major rivers.	>2 and <=3	B
<u>Moderate</u> Floodplains that are considered to be ecologically important and sensitive on a provincial or local scale. The biodiversity of these floodplains is not usually sensitive to flow and habitat modifications. They play a small role in moderating the quantity and quality of water of major rivers.	>1 and <=2	C
<u>Low/marginal</u> Floodplains that are not ecologically important and sensitive at any scale. The biodiversity of these floodplains is ubiquitous and not sensitive to flow and habitat modifications. They play an insignificant role in moderating the quantity and quality of water of major rivers.	>0 and <=1	D

7. Impact Assessment

7.1 Current Impacts

As there is currently construction being undergone on the non-perennial stream, there are existing impacts on the watercourse and its catchment. These impacts include:

- The clearance of natural vegetation;
- The draining of the adjacent wetland;
- The disturbance of natural habitats and ecosystems

There is also evidence of historical modification of the entire watercourse system for upstream agriculture and for dam construction (the Idas Valley Dam).

7.1 Potential Impacts

The construction within the wetland and within 32m of the perennial river and non-perennial river will result in a disturbance of the river systems and riparian vegetation habitats. Potential impacts from the construction phase include:

- Soil erosion and sedimentation: by the removal of vegetation and topsoil and compaction by heavy machinery resulting in an increased runoff;
- Concentrated flow paths from drain outlets
- Draining the wetland
- Loss of indigenous vegetation: change in riparian vegetation due to the disturbance of the riparian bed and banks. This may further enhance erosion potential;
- Pollution: an increase in pollution due to heavy machinery, storage of chemicals, ablution facilities and likely spills during construction; and
- Removal of natural palatable plants: the loss of palatable plants that are valuable food resources for the resident animal life.

Prevention is the preferred method of mitigation and thus it is proposed that no development should take place, so as to avoid the non-perennial river, the perennial river, the wetland, and their respective ESA buffers.

7.2 Risk Matrix Assessment

A Risk Matrix was calculated in order to determine whether or not the applicant should apply for a water use licence or a general authorisation (**Table 7**). The Risk Rating for each activity was found to be Moderate and High (Refer to **Table 6** for description). As the risk classes are not Low, the water use must be authorised in terms of a Water Use Licence by the (National) Department of Water and Sanitation.

Table 6: Description of the risk ratings according to DWS 2015

RATING	CLASS	MANAGEMENT DESCRIPTION
1 – 55	Low Risk (L)	Acceptable as is or consider requirement for mitigation. Impact to watercourses and resource quality small and easily mitigated.
56 – 169	Moderate Risk (M)	Risk and impact on watercourses are notably and require mitigation measures on a higher level, which costs more and require specialist input. Licence required.
170 – 300	High Risk (H)	Watercourse(s) impacts by the activity are such that they impose a long-term threat on a large scale and lowering of the Reserve. Licence required.

Table 7: Risk Matrix: Risk assessment of the proposed Residential Development on the watercourses (Section 21 c & I water use Risk Assessment Protocol DWS, 2015)

Phases	Activity	Aspect	Impact	Flow Regime	Physical & Chemical (Water Quality)	Habitat (Geomorph + Vegetation)	Biota	Severity	Spatial scale	Duration	Consequence	Frequency of activity	Frequency of impact	Legal Issues	Detection	Likelihood	Significance	Risk Rating
Construction	Creation of hard surfaces	Additional roads, and hard surface areas requiring stormwater management	Increased volumes and velocities of surface water flows, which can be mitigated by stormwater and erosion control measures	5	5	5	5	5	2	2	9	1	2	5	2	10	90	M
Construction	Spills and leaks from construction vehicles / machinery	Impact on localised surface water quality	Contamination of soils and groundwater through infiltration of pollutants caused by leaks from machinery	5	5	5	5	5	3	2	10	1	2	5	2	9	90	M
Operational	Activities associated with maintenance and operation	Stormwater runoff	Proposed designs will ostensibly allow for diversion of stormwater runoff, but erosion and pollution are still likely to occur.	5	5	5	5	5	2	3	10	3	5	5	2	13	150	M
Operational	Increased litter and pollutants	Litter, soil compaction, possible oil spills and waste into the watercourse	Proposed designs will ostensibly allow for diversion of stormwater runoff, but erosion and pollution are still likely to occur.	5	5	5	5	5	3	3	11	5	5	5	2	15	187	H

8. Mitigation Measures

8.1 Buffer Zones

It is important to note that any development within 32m of a stream, river or wetland (which is included in the NEMA definition of a Watercourse) is required to undergo an EIA process whereby potential impacts are assessed, and appropriate mitigation measures are identified. Assessing impacts and identifying mitigation measures are also necessary in terms of section 21 (c) or (i) of the National Water Act (NWA Act No. 36 of 1998).

A buffer zone is designed to protect water resources against and reduce the impacts from nearby land use activities, in this case, the housing development (Macfarlane et al., 2014).

The 'Preliminary Guideline for the Determination of Buffer Zones for Rivers, Wetlands and Estuaries' (Macfarlane et al., 2014) was used to determine the buffer zone for the watercourses found within the erven. This tool is used as a guideline and consideration was given to the generally accepted recommended buffer areas of 50m for wetlands and 32m for rivers.

The following 8 steps are recommended in the Guidelines:

1. *“Define objectives and scope to determine the most appropriate level of the assessment;*
2. *Map and categorize water resources in the study area (identify water resource type/boundaries);*
3. *Refer to the DWS management objectives for mapped water resources or develop surrogate objectives (Present Ecological State, social and economic sensitivity);*
4. *Assess the risks from proposed developments and define mitigation measures necessary to protect mapped water resources in the study area (lateral land-use inputs);*
5. *Assess risks posed by proposed development on biodiversity and identify management zones for biodiversity protection (presence of biodiversity elements);*
6. *Delineate and demarcate recommended setback requirements (map setback requirements/zones for biodiversity protection);*
7. *Document management measures necessary to maintain the effectiveness of setback areas (buffer zone vegetation, soil characteristics, topography and ecological corridor design); and*
8. *Monitor implementation of buffer zones (determine monitoring objective/buffer zone effectiveness and design a monitoring programme).”*

In terms of the above, a fixed-width buffer of 50m around the wetland and 32m around the two rivers should be set to maintain basic aquatic processes and services of the entire aquatic ecosystem.

Note: However, as the entire site is considered an Ecological Support Area, which acts as an aquatic buffer area, no additional buffer is necessary. The entire site is considered a buffer area for the watercourses within the site. As such, any development should be located outside the ESA.

8.2 Mitigation and Management

- The degree of construction disturbance should be limited to the smallest possible areas in order to minimise potential wetland and hydrological impacts.
- Construction roads should be limited, thus making use of existing road networks as far as possible.
- It is advised that all wetlands with a buffer of 50m and riparian areas with a buffer of 32m be excluded from the development footprint and/or with a buffer being the ESA, whichever covers a larger area.
- During the operational phase, surface and ground water flows should not be diverted or impeded (e.g. by the trench and gabion structures. Such structures should thus be removed

and the affected area should be rehabilitated). This will prevent future changes in the hydrological regime that supports habitats and the associated species.

9. Conclusion:

On completing the site visit and the associated technical “ground truthing” it can be confirmed that there is a non-perennial river, a perennial river and a wetland that occur on the proposed site of the housing development.

It was determined that a 50m buffer should be set for the wetland, and a 32m buffer should be set for each of the rivers traversing the property. However, as these particular watercourses fall within an Ecological Support Area, which is a buffer zone itself, no additional buffer area is required.

As this buffer area (ESA) covers the entirety of the proposed housing development, it is advised that no construction should occur on the proposed site whatsoever in order to preserve the ecological integrity of the watercourses and surrounding areas.

It is still advised that the rivers and the wetland, together with the prescribed buffers, be enforced and that any additional impacts, such as stormwater diversion from any roads or hard surfaces into these systems, should strictly not be tolerated. During the construction and operational phases, surface and groundwater flows should not be diverted or impeded (e.g. by the trench and gabion structures. Such structures should thus be removed and the affected area should be rehabilitated). This will prevent future changes in the hydrological regime that supports habitats and the associated species within the watercourses and the secondary catchment.

Based on the findings of the freshwater assessment, it is the opinion of the specialist that the proposed housing development should not be constructed on the proposed site in Idas Valley. However, if the development is established on the site, a comprehensive list of mitigation measures as well as a rehabilitation plan should be drawn up and adhered to as to ensure the ecological stability of the watercourses.

Table 8: Proposed classification structure for Inland Systems, up to Level 4.

Level 2: Setting	Level 3: Landscape	Level 4: Hydrogeomorphic (Hgm) Unit				
Ecoregion	Landscape Setting	HGM Type	Longitudinal Zonation/Landform	Drainage Outflow	Drainage Inflow	
		A	B	C	D	
DWAF Level / Ecoregions	SLOPE	Channel (river)	Mountain headwater river	(N/A)	(N/A)	
			Mountain river	(N/A)	(N/A)	
			Transitional river	(N/A)	(N/A)	
			Rejuvenated bedrock fall	(N/A)	(N/A)	
		Hillslope seep	(N/A)	With outflow	(N/A)	
				Without outflow	(N/A)	
		Depression	(N/A)	Exorheic	With inflow	
					Without inflow	
				Endorheic	With inflow	
					Without inflow	
				Dammed	With inflow	
					Without inflow	
		VALLEY FLOOR	Channel (river)	Mountain river	(N/A)	(N/A)
				Transitional river	(N/A)	(N/A)
	Rejuvenated bedrock fall			(N/A)	(N/A)	
	Upper foothill river			(N/A)	(N/A)	
	Lower foothill river			(N/A)	(N/A)	
	Lowland river			(N/A)	(N/A)	
	Rejuvenated foothill river			(N/A)	(N/A)	
	Upland floodplain river			(N/A)	(N/A)	
	Channelled valley-bottom wetland		Valley-bottom depression	(N/A)	(N/A)	
			Valley-bottom flat	(N/A)	(N/A)	
	Unchannelled valley-bottom wetland		Valley-bottom depression	(N/A)	(N/A)	
			Valley-bottom flat	(N/A)	(N/A)	
	Floodplain wetland		Valley-bottom depression	(N/A)	(N/A)	
			Valley-bottom flat	(N/A)	(N/A)	
	Depression		(N/A)	Exorheic	With inflow	
					Without inflow	
				Endorheic	With inflow	
					Without inflow	
		Dammed		With inflow		
				Without inflow		
	Valleyhead seep	(N/A)	(N/A)	(N/A)		
	PLAIN	Channel (river)	Lowland river	(N/A)		
			Upland floodplain river	(N/A)	(N/A)	
		Floodplain wetland	Floodplain depression	(N/A)	(N/A)	
			Floodplain flat	(N/A)	(N/A)	
		Unchannelled valley-bottom wetland	Valley-bottom depression	(N/A)	(N/A)	
			Valley-bottom flat	(N/A)	(N/A)	
		Depression	(N/A)	Exorheic	With inflow	
					Without inflow	
				Endorheic	With inflow	
		Without inflow				
	Flat	(N/A)	(N/A)	(N/A)		
	BENCH (HILLTOP/ SADDLE/ SHELF)	Depression	(N/A)	Exorheic	With inflow	
				Without inflow		
		Endorheic	With inflow			
			Without inflow			
	Flat	(N/A)	(N/A)	(N/A)		

* ch. = channelled (outflow/inflow)

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Jessica

From: Charl Cilliers <charlcilliers75@gmail.com>
Sent: Wednesday, 12 December 2018 9:04 AM
To: Jessica @ Eco Impact
Subject: Re: ADDITIONAL EA AMENDMENT FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH (FLATS)

Dear Jessica

Thank-you for this notification.

My response hereunder should be read as an additional comment on the S24G Application for Erf 9445, Idas Valley.

Comment No. 3 contained in my submission dated 10 December 2018 made mention of a broadened definition of the project to include 166 Single Residential Zone properties. The two bullets below should be read with Comment No. 3.

The fact that the scope of development projects within Idas Valley are changing is cause for concern. The number of units (flats) for Erf 11330 is now proposed to increase by more than a third!

How can I&APs be sure that the scope (i.e. density, number of units, typologies) of the 166 subsidy housing even very broadly "described" in the S24G Application for Erf 9445 will also not be amended by applying for a substantial increase at some later stage?

Kind regards

Charl Cilliers
Pr.Sci.Nat. MSc Botany MRSSAF



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On Mon, 10 Dec 2018 at 16:10, Jessica <jessica@ecoimpact.co.za> wrote:

REFERENCE NUMBER:16/3/3/5/B4/45/1006/18

APPLICATION FOR EA AMENDMENT FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH (FLATS)

Good day

The environmental authorisation (EA) for the construction of a residential development on erf no. 11330, Stellenbosch was granted by the Department of environmental affairs and development planning on the 25th of November 2016. Construction has started on site. The applicant, Stellenbosch Municipality, are applying for an AMENDMENT to the current EA.

Please note the amendment is for:

The current EA granted states-

“60 Flats.”

Instead of having 60 flats, the municipality now wishes to **construct 96 flats**. The footprint and height is to remain the same as approved, **the internal** layout of the flats will accommodate such increase.

Please find attached a copy of the above-mentioned application for amendment to the EA and draft impact assessment report. **Your comments would be appreciated by the 31st of January 2019.**

Kind regards,

Jessica Hansen

Head of Training

ISO 50001 Energy Expert

Pri.Sci.Nat 400192/16



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7 December 2018

Eco Impact Legal Consulting (Pty) Ltd
Block B3
Greenford Office Estate
Punters Way
KENILWORTH
7708

ATTENTION: **Ms Yolandie Henstock** (yolandie@ecoimpact.co.za)
Ms Jessica Hansen (jessica@ecoimpact)
admin@ecoimpact.co.za

Dear Madam

**OBJECTION TO THE PROPOSED NEW IDASVALLEY HOUSING DEVELOPMENT PROJECT
AND GABIONS WALL ALONG THE STREAM: ERVEN 9445**

I, Danielle Heynes of Cornelly Close, Lindida, Stellenbosch, hereby lodge an objection to the abovementioned application submitted by Eco Impact Legal Consulting (Pty) Ltd.

According to my understanding:-

- 1) this will be a low cost development and as such will place strain on the overall infrastructure and will impacting negatively on our property values.
- 2) this area is a wetland which should be protected. I feel that the Stellenbosch Municipality have plenty more suitable sites.

Please advise me timeously of all site inspections and hearings in relation to the matter.

Kindly acknowledge receipt of this objection.

Yours faithfully
DI Heynes

5 Lindida Drive
Stellenbosch
7600

07/12/2018

For Attention: Jessica Hansen

PER E-MAIL

The Environmental Officer
Eco Impact

Madam

Opportunity to participate

I hereby register as an Interested and Affected Party being a landowner living in close proximity to Erf 99445, Starking Road, Lindida, Stellenbosch.

I place the following on record regarding the Section 24 g Application for the rectification and cessation of the unlawful commencement of excavation of soil in a watercourse, and clearing of indigenous vegetation:

Erf 9445 should be protected in terms of the NEMBA as it is a seasonal wetland damaged by deliberate action to change the character of this endangered area.

This fact has long been known by Stellenbosch Municipality. Despite receiving a report on what was then known as the Undosa land, it still allowed the infilling of the watercourse bordering the western/north-western edge of Lindida.

Trees on the banks of the stream were felled and dumped in the watercourse, and covered and infilled with rocks and soil. This blocked the natural flow of water to the bigger main stream bordering the northern end of the Idas Valley sports fields. This infilling obscured the fact that the feeder stream also fed the seasonal wetland located on Erf 9445 through natural seepage.

The current excavation of the deliberately blocked watercourse to allow for a concrete gabion, therefore, constitutes a second violation of legislation and regulations of the NEMBA and related enactments, as it prevents the natural flow towards and seepage into said wetland.

It also constitutes a violation of the constitutional rights of persons acting in the interest of protecting the environment, as afforded by Chpt. 2, art. 24(b) of the Constitution of the Republic of South Africa.

It must also be noted that squashing people together in a high density housing project on an environmentally sensitive area that had already been damaged through a deliberate unlawful act constitutes a further act of environmental damage, as it exploits the desperate need for housing to benefit developers and financial interests at the expense of endangered environmental areas with their unique characteristics.

I also contend that interested and affected parties are not fully informed of their rights in terms of full access to information at the briefing meetings regarding the proposed housing project, as required in Chpt. 2 art. 32 of the constitution of the country. This prevents property owners like myself to make informed decisions regarding the options suggested by developers and their consultants.

Furthermore, all residents of Stellenbosch have the same right to dignified living as, for example, residents living in Simonswyk, Die Boord and Brandwacht; peaceful, low-crime areas with extensive natural spaces and well-tended parks.

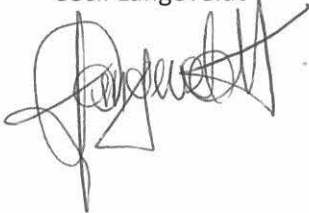
Why are residents in an area such as Ida's Valley treated differently?

The 2013 SPLUMA speaks to this issue in its imperative that the 4th Generation IDP and its integrated SDF **must redress** past imbalances in spatial planning.

Lastly I bring to your attention that certain Stellenbosch ward councilors have made known the names of those who object to the infringement of statutory and legal prescripts by saying that such persons are opposed to low cost housing.

This is a blatant lie. I, therefore, reserve the right to institute legal action to obtain the identities of any persons who disseminate disinformation, as this impugns the integrity of such persons and could expose them to physical violence, given the volatility of housing issues all over South Africa.

Yours sincerely
Cecil Langeveldt

A handwritten signature in black ink, appearing to read 'Cecil Langeveldt', written in a cursive style with a large initial 'C'.

Herewith, matters and issues discussed at a meeting with concerned residents of Lindida at 40 Bartlett Rise at 19h30 on 5 December 2018.

- 1) If housing project continues there must be a high wall between the development and Lindida as originally promised by Cape Dev/Garden Cities in 2004/5. This will make us feel more secure.
- 2) No access off Bartlett Rise Road and Starking Road. Access should be off Rustenburg Road as the houses will face that way.
- 3) According to our understanding it will be a low cost development, meaning our home values will decrease.
- 4) The security / crime in the area will increase. What about the safety of our children in Lindida? Eg. Victoria Park (behind Somerset Mall) and Klapmuts where the crime rate increased and home values decreased, etc.
- 5) The area is a wetland which should be protected. Why build houses here, when there are other areas in Stellenbosch (farms) to build houses. Previous disadvantaged people should not be accommodated in a wet area. Yes, it's the right time for housing but is it the right place?
- 6) What schools will the children attend? Our local schools in the area are already full.
- 7) Who will the housing beneficiaries be? Will this be for the Idas Valley waiting list?
- 8) Decisions are made by Officials that don't live in the area and are thus not affected. Therefore, not considering the circumstances that the current residents are experiencing.
- 9) Should houses be build, proper building material should be used that houses don't crack, seeing that it is a wet area. Currently, in Lindida – Packham Street to be exact, the houses are in very bad conditions due to cracks, because that is also a wet area.
- 10) According to the layout/ building plan the houses are facing Rustenburg. We request that houses should face the stream, should the project continue. People tend to litter behind their houses in public open spaces and this is what we want to prevent. What about the garbage issues that can lead to possible health risks?
- 11) What about the Municipal Services? Sewerage Services? Is it a new development or is the current capacity adequate?
- 12) Why do the building plans keep on changing? We would like to know what type of houses are planned?
- 13) The right procedures must be followed for the community to be able to support the project.
- 14) We request a meeting with the involved parties and the Lindida Residents as soon as possible.

Presensie lys:

Vergadering

5/12/18

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chelsea cicero	081 785 0806	
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Iize Le Roux 16.	0713869054	ileroux19@gmail.com

Jessica

From: Jacobs, GR, Mnr [gjacobs@sun.ac.za] <gjacob@sun.ac.za>
Sent: Monday, 10 December 2018 4:40 PM
To: admin@ecoimpact.co.za
Cc: jessica@ecoimpact.co.za; yolandie@ecoimpact.co.za
Subject: LINDIDA BEHUISINGS PROJEK
Attachments: Document1.docx

Vir wie dit mag aangaan.

Sien asb. van ons griewe rakende bostaande behuisingsprojek op erf 9445.

Groete.

Gerhard Jacobs.

16 Bartlet Rise
Idas Valley
Stellenbosch

0729850986



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7 December 2018

To: Ecoimpack

RE LOW COSTING HOUSES IN LINDIDA

I, Lamees Khan resident of 26 Bartlett Rise, Lindida, Idas Valley, hereby object to this low costing houses being built on wet area.

It's quite concerning the fact that the Municipal agree to this, which again gives me the impression that we people of colour does not matter!

The developing company that build our houses 12 years ago confirmed that **"NO HOUSES CAN BE BUILT ON THESE AREAS BECAUSE ITS WET EARA"**, yet 12 years later it's approved!

We as residents in this area are deeply concerned as this raised huge concern for us as residents and the people that that will stay in these low costing houses.

- The municipality has been struggling to provide houses to low income people for the pass years, now they willing to provide them with houses that's on wet area is just plain disgusting! And gives me the impression they don't care, these people waited long for their houses and pay for it, to discover in a year or two that they will have damp flooring and crack walls, and these conditions will later affect their health and much more!
- Have you thought of the logistics: sewerage systems, traffic congestion, natural disasters, and fires? Traffic has been a struggle already for the past years.
- Safety: If it's the same type of houses that was built in Cloetesville then I would fear for our safety, especially our kids, after all the violence that happened in the past years in Cloetesville.

Surely there are other lands available in 'Stellenbosch but WILL NOT BE used for low costing houses because it's near "white neighbourhood".

Kind regards
Lamees

5 Cornelly Close
Lindida
Idas Valley
Stellenbosch
7600
07 December 2018

To whom it may concern

When my husband and I decided to buy a house, we looked for an area that is quiet, has beautiful views and also has low crime statistics. We found the perfect balance in Lindida.

We moved to Lindida about approximately 8 months ago. We found a quiet neighborhood with easy going, friendly neighbors who cared for each other. It was like country living right here in Stellenbosch.

Herewith I am writing to matters of concern regarding the Housing project on Property 9445, Idas Valley. I have serious concerns of crime statistics, traffic, property prices and safety. Please reconsider the site as it is currently a wet-land: houses will not be of a good quality.

Please consider erecting a high wall between Lindida and the new development should you still decide to go ahead.

Kindest regards



Nuraan Walbrugh

8 Desember 2018

Re: Konstruksie van n Residensiele Ontwikkeling op ERF 11330

Aan wie dit mag gaan

Op 5 Desember 2018 het ons as inwoners by die woning van Mnr. en Mev. Cicero 40 Bartlett Rise, Idas Valley bymekaar gekom. Ons almal het ons onsteltenis en bekommernisse uitgespreek. Ek is eerlik dat ek nog nie persoonlik n vergadering bygewoon het nie, maar wel my man. As inwoner van Bartlett Rise 17 sowel as ander inwoners in die gebied, ken ons meestal mekaar as ou skool vriende, en goeie kennisse. Ons het goeie verhoudings, verkeer gesellig en kyk uit vir mekaar. Baie van ons het destyds as jong getroudes en 1ste nuwe huis eienaars hier gekoop. Alhoewel die onder gedeelte van Lindida ook bekend as La Gratitude Park nie rerig aangenaam is om deur te ry nie, was ons tevrede met die nuwe uitbreiding, tiepe huise en veral die pragtige natuur omgewing. Vir die afgelope 12/13 jaar was/is ons gelukkig om hier te woon, alhoewel baie van ons al minimale insidente gehad het met inbraak, die vrees van onbekende gesigte wat rondloop, weghol brande ens. Tog is ons almal bewus dat sulke dinge in enige woonbuurt gebeur. Een ding wat persoonlik vir my en my man n aangename en plesierige ervaring is, is dat van ons insluitend my oudste dogter in die somer oggende of aande met n geruste hart om die Bartlett Rise sirkel kan loop/draf vir oefenings doeleindes. Ook wanneer ons kinders van die buurt so lekker saam buite in die pad speel. Vandag is baie kinders so behep en vasgevang met tegnologie, waar ons kinders nog tyd maak om krieket, sokker, wegkruipertjie, 3 stokkies ens buite te speel. Ons kinders sit gemaklik met hul selfone buite om musiek te verskaf of om speletjies aan mekaar te stuur. Tot dusver was daar nog geen geval van iemand wat ons kinders besteel het nie. Ja ons as ouers sit baie kere buite om n oog oor ons kinders te hou, omdat spoedvraate menige kere in die pad op gejaag kom. Soms speel ons selfs saam en wees deel van die pret en joligheid. Dit skep graag n lekker atmosfeer en veral as die pappas ook saam join. Ons as inwoners kon of kan wel nie bekostig om in luukse of veilige sekuriteits buurte te woon nie, maar tog verdien ons inkomstes wat maak dat ons wel n goeie lewens standaard kan handhaaf. 2 Van ons bure het as voorbeeld ingeboude swembaddens, ons ry met ordentelike voertuie soos GTI Golf5's, VW Touran's, Volvo's, Nissan Xtrails, Toyota Fortuners, VW Polo's ens. Ons kinders speel buite met duur voorraad soos Tablets, Hover Boards, mini motor bikes, quad bikes, enjin gedrewe go-karts, duur hockey toerusting, pogo sticks ens. Meerderheid van ons gee ook ons kinders n goeie en gemanierde opvoeding en kan dit bekostig om ons kinders in Model C skole te he soos Stellenbosch Laer en Hoer, en Rhenish Primary en High. Ek dink julle kan presies uitmaak wat ek probeer se.....dat ons n hoer lewens standaard het as meeste inwoners van La Gratitude Park. Baie van ons vriende en selfs inwoners van Cloetesville en onder Vlei wat nog nie ons uitbreiding besoek het nie, het al verwys na die buurt waar die ryk mense woon. (en dit moet dam seker vir jul iets kan se).

- My vraag en onsteltenis aan julle is, waarom moet julle Low Costing Housing by ons bou? Die paneel mense wat hierdie besluite en goedkeuring gee, woon nie hier naby of noodwendig in Stellenbosch nie, en daarom pla en raak dit niemand wat soort negatiewe impak die nuwe ontwikkeling op ons buurt gaan he nie.
- Dit pla jul geensins dat ons huis waardes gaan daal nie.
- Ek verstaan dat daar baie behoeftige mense is wat behuising nodig het, maar ons almal weet dat daar ander gronde beskikbaar is vir sulke **GOEDKOOP RDP behuising**. My suster is een van die groot hoeveelheid behoeftiges wat hul naam opgegee het. Vir hul was destyds gese agter by ons waar jul tans wil bou, gaan die duurder huise gebou word. Hoekom mense hoop gee en onder n wan indruk plaas?
- Ek dink geensins dat ons as inwoners onredelik is oor die RDP huise nie. Waar is jul menslikheid om net ons lewens standaard te respekteer, en die goedkoop huise iewers anders gaan bou. Anders kon ons uitbreiding destyds net so wel goedkoop huise vir minder bevooregtes gewees het, want dit sou in pas met La Gratitude. Tog was dit besluit om duurder huise te bou en te verkoop, so dit maak geensins vir my sin dat jul nou goedkoop huise langs of agter ons wil bou nie.
- Wat gaan van ons en ons kinders se **VRYHEID** en **VEILIGHEID** word?
- Inbraake gaan beslis toeneem.

- Ons gaan **GEEN BEHEER HE OOR KARAKTERS/ELEMENTE** wat bedags en saans hierdeur ons strate gaan beweeg nie.
- Ons gaan **glad nie meer gemaklik voel om ons kinders alleen buite te laat speel nie.**
- Ek en my kind gaan nie die vrymoedigheid he om te draf om die sirkel nie, dit terwyl karakters en skollies n mens dop hou.
- Dit gaan **ONSMAAKLIK** wees om in die RDP huise vas te kyk.
- Ons buurt gaan definitief besoedel word met rommel, wyn bottels, gebreekte glasse en wie weer watter soort afvalstowwe. Dit is n groot kommer omdat dit **HEALTH RISKS** vir ons en ons kinders inhou.
- Ons gaan met **NOISE POLLUTION** sit omdat mense by sulke wonings met musiek lawaai bedags en tot in die nagtelike ure, en dit terwyl ons dedicated kinders gedurende elke kwartaal hard leer om goeie punte te kan verwerf.
- Sulke goedkoop woonbuurte waar mense gewoonlik woon, gee herberg aan families en ander, en sodoende word ons strate deurgeloopt met elemente wat waarskynlik **drank en dwelms smokkel en gebruik. Sal julle Hoer Gesag mense tevrede wees met dit vir jul kinders?**
- Hoe kan ons die Behuisings Projek ondersteun as ons weet ons **gaan meer in vrees lewe.**
- Ek gaan te bang wees my **kinders word gesteel, besteel, fisies aangerand, verkrag en selfs vermoor.** Ons bly in n siek wereld, en is dit nie reg van julle om nie ons griewe in agteneem nie. Selfs al verseker julle ons dat die huise wel net aan Stellenbossers gegee gaan word, het julle nie beheer of versekering dat huis eienaars nie blyplek aan mense buite Stellenbosch gaan gee nie. Dis waar ander skollies van ander oorde dan stagneer en kom oorvat, en ons lewens gaan ontsuur.
- Ons **properties gaan ge-invade** word, en ons moet tevrede wees?
- **Destyds toe ons hier koop, was dit gese dat daar n pad aangebring gaan word vanaf Hydro.** Daaroor was baie van ons happy, omdat ons high-class vriende, families, kliente, werks kollegas/eienaars kry wat ons besoek. So n pad vanaf Hydro sou geskik gewees het om sodoende die minder mooi area onderkant ons te vermy het. Tot ons spuit was daardie **pad nooit aangebring nie.** Dit bring aan ons almal **GROOT ONTEVREDENHEID** die feit dat n pad vanaf Bartlett Rise aangebring gaan word na die nuwe uitbreiding.
- **Hoe gaan traffic en die gebruik van voetgangers hier lyk by ons stillerige woonbuurt?**
- **Destyds was ook aan ons gese dat n muur langs die rivier sou opkom, en dit ook was n leun. Al besluit of belowe julle ook om nou n muur te wil bou wat ons van die RDP huise skei, gaan dit nie die oplossing wees nie. Daardie muur gaan inelkgeval nie hoog genoeg wees om ons veiligheid te verseker en van die woning en sy mense te skei nie.**
- Gronde word gebruik om Estates en ander huise in Idas Vallei te bou, wat ons behoeftige mense nie kan bekostig nie, en sodoende kry ander mense voorkeur. Hul kry stewige en ordentelike mure en omheinings om elemente buite te hou en die leef area veilig te laat voel.
- Hoe onregverdig is dit nie teenoor ons nie?.....Huise kon op daardie gronde gebou gewees het om ons mense te huisves.
- **Hiermee sluit ek af dat ek en my man totaal en al die Goedkoop Behuisings Projek teenstaan.**

Dankie

Vriendelike groete.

Mnr en Mev GG en PL Golding
 17 Bartlett Rise
 Idas Vallei
 Stellenbosch
 7600

.....

.....

Jessica

From: Leigh Cicero <lcicero@nttgroup.co.za>
Sent: Friday, 07 December 2018 9:04 AM
To: yolandie@ecoimpact.co.za
Cc: jessica@ecoimpact.co.za; admin@ecoimpact.co.za
Subject: BEHUISINGSPROJEK - ERF 9445 IDASVALLEI

Goeie Dag Yolandie

Insake:Werke in rivier en voorgestelde behuisingsprojek erf 9445 Idasvalle/Lindida

As inwoner van 40 Bartlett Rise Lindida wil ek net my bekommernisse en mening rondom begenoemde projek uitspreek.

- 1) Indien daar besluit word dat die projek voortgaan, versoek ons daar daar 'n soliede hoë muur gebou moet word tussen die nuwe ontwikkeling en Lindida. Daar was in elkgeval 13 jaar terug deur Garden Cities belowe dat daar 'n muur voor die rivier gebou gaan word.
- 2) Onder geen omstandighede wil ons 'n ingaan by Bartlett Rise hê nie. Daar gaan te veel verkeer deur beweeg wat ons rustige area totaal en al gaan verander. Kinders se veiligheid gaan ook in gedrang wees.
- 3) Volgens ons kennis gaan dit 'n lae koste bouprojek wees, wat beteken die waarde van ons huise gaan onmiddelik daal.
- 4) Daar gaan +- 500 kinders wees in die nuwe area. Watter skole gaan hulle bywoon. Skole in die area is reed stamp vol.
- 5) Gaan inwoners van Idasvallei wat nou al baie lank op 'n waglys is voorkeur kry? Of gaan dit oop wees vir die publiek? Vreemde mense in jou area is gewoontlik nie 'n goeie ding nie. *Crime rate* sal styg, huis en motor inbrake, ensv
- 6) Ek wil beklemtoon dat indien die projek voortgaan, moet daar gebruik gemaak word van ordentlike bou material. Omdat dit 'n *wetland area* is. Ja, daar is 'n groot behoefte aan behuising en dit is die regte tyd om te bou, maar is dit die geskikte plek?
- 7) Die bou planne het intussen verander as wat oorspronklik beplan was. Wat is die rede vir dit?

Hoop om van u te hoor.

Vriendelike Groete,
Leigh en Dean Cicero



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Jessica

From: Davidse, PH, Me [pauliane@sun.ac.za] <pauliane@sun.ac.za>
Sent: Friday, 07 December 2018 10:43 AM
To: jessica@ecoimpact.co.za
Cc: myra.francis@stellenbosch.gov.za
Subject: PROPOSED IDAS VALLEY RESIDENTIAL DEVELOPMENT ON ERF 9445
Attachments: LINDIDA NEW HOUSING PROJECT.docx

To who it may concern

I was informed at a meeting held by residence in Lindida that we could view our concerns in regard to the proposed housing before 10 December 2018.

I attach herewith my concern and thank you for taking the time to look at it.

Kind Regards

Paulianne Davidse (Ms)



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LINDIDA NEW HOUSING PROJECT.

I have attended a meeting where we raised our concern in regard the new housing development on ERF 9445 Idas Valley, Stellenbosch.

Concern house Owner 11 Bartlett Rise, Lindida, Stellenbosch.

1. **Nature** It is known that there are animals and might be indigenise plants on ERF 9445 that will be affected with the housing development that is planned to be build. It is known that there are frogs, helmeted Guinea fowl, snakes and possible indigenize plants. I want to bring you to the attention of two of these: The frog comes out only when it rains and burry itself under the ground with 30cm sand, whilst in the ground he form bubbles that turns hard. The guinea fowl has come so used to the surroundings that the walk early morning up into Bartlett Rise. What will happen to the nature of surrounded trees and partial wildlife that has become known to us and that we respect and that has made our living area so unique? We as residence enjoy the nature and with the new development this will be taken away not only from us but from the animals that has found a home.
2. **Sewer** Currently we struggle with our sewer system and have a constant overflow. What is the infrastructure around this with the new development? Will additional pipes be added and or will a complete new sewer system be laid for the new proposed development.
3. **Road Access** Initially the access was from Starking Road, why now on the new plan is there access of road through Bartlett Rise. The roads in our area is very narrow and there happen to be two exists of which one is used regularly. This will increase the traffic flow in Idas Valley. Access and exit through Bartlett Rise as well as Starking Road will bring a greater impact on traffic, in and out of the area. Why can exit not be on the side that the houses are facing (The Road up to Hydro), this will have a lessor on traffic.
4. **Property Value** Current property value in our area has increased due to several positive factors; ie. Quiet area, security safe; safe environment for our children to play outside, close knit community, beauty of nature that we are surrounded with. Current housing sales range from R800 0000 up.

With the new housing we are concern and know that the value of our property will drop. The same happened in Victoria Park, Somerset West after the lower class housing was build. The wall/ petition that they have put up between the lower class housing and the Garden City houses does not avoid the negative impact of crime increase. It is a poor sight to see how unstructured building materials are used by the lower class residents to renovate their houses. These are factors that dropped the value of the Garden City houses, houses where people have bonds to pay and have to accept depreciation that is out of their control.

5. **Wetland** Wet soil has an effect on people's health. It must also be taken into account that when someone buy or get a house they expect and good establishment. With the soil being wet the walls of house might/can crack or the foundation will fall in. Quality of housing is a concern on wetland as there will be damp walls right through winter and to maintain it cost

money. Low class housing must be on solid properties so that these people can experience a better life for themselves. Property on wetland will not make their lives easier.

6. A further concern is the owners that will receive property, if the development proceed. Is it inhabitants of Stellenbosch area that is on the waiting list or is it outside people that will also qualify for these houses. The question is also the type of houses that will be build.
7. A valid concern is that is mentioned in one of these documents that is will only affect Idas Valley people visually. How well is this area and the infrastructure of Idas Valley known to the decision makers? A map can give the layout of a place, but when last was a survey done to account to the amount of people living in Idas Valley. The website state 2007. This is 2018 and a lot has happened in the last 11 years. With this said we want to bring to your attention that we as residence are concerned as follow:
 1. Safety of our children who will no longer be able to play outside.
 2. Value of property drop
 3. Nature
 4. Increase in traffic in and out of Idas Valley
 5. Security of our home, vehicle ourselves.
 6. Sewer
 7. Concern of project that has been stopped on numerous occasions and now restarted.
 8. Change in previous plan to building a bridge for one of exist of area to be through Bartlett Rise when roads are too narrow for influx of traffic.

Housing is needed and although it is the right time the question is, is it the right place? From a resident point of view when a development is started the current residence and future residence must be taken into account and the property that the houses will be built on referring to quality then quantity. There are enough unused land that is dry that can be considered before affecting not only new residence, but also current residence.

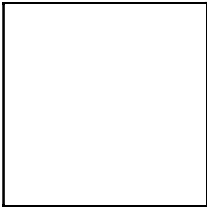
Jessica

Subject: FW: S24G APPLICATON - ERF 9445 IDAS VALLEY STELLENBOSCH - FOR COMMENT
Attachments: Scanned from a Xerox Multifunction Printer.pdf

From: Benting, PJ [pjbenting@sun.ac.za] [mailto:PJBENTING@sun.ac.za]
Sent: Tuesday, December 4, 2018 10:11 AM
To: Yolandie Henstock
Subject: RE: S24G APPLICATON - ERF 9445 IDAS VALLEY STELLENBOSCH - FOR COMMENT

Hiermee verklaar ek as huiseienaar van Erf 11050 dat ek bogenoemde projek ten volle afkeur . Koop my huis vir 1.2 Miljoen en kom bly dan daar , en u sal na 3maande sien hoe die omgewing lyk, presies soos die kaapse nedersettings, gangsters gaan die voorland wees, en lekker wggesteek wees om hul drugg gewoontes verder te dryf .

Die Uwe
Erf nr 11050



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Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings bereël. [Vrywaringsklousule](#)

HUISINGSPROJEK-ERF 9445 IDASVALLEI STELLENBOSCH

Beste Lindida Inwoners

U word vriendelike uitgenooi na 'n vergadering om 19h30 op **Woensdag 05 Desember 2018** by Bartlett Rise 40. Aan huis van Dean en Leigh Cicero.

Die doel van die vergadering is om die beoogde laekostebehuisingsprojek langsaan Lindida te bespreek. Volgens die aangehegte bouplan sluit die ontwikkeling 217 huise in, met 'n grootte van 40m². Die erfe is tussen 94m² en 109m².

Die ingange is van Starking Straat en Bartlett Rise. Dit gaan beteken dat ons area baie meer *traffic* gaan hê.

Die is 'n *Wetland Area* waar die huise gebou gaan word, so hoe gaan die huise se toestand oor 'n paar jaar wees.

Daar is wel 'n baie groot behoefte aan behuising, maar is dit die regte plek daarvoor?

Ons is ook nie gewaarborg van wie daar gaan koop nie, dalk ander dorpe se mense en nie ons eie mense van Stellenbosch wat behoefstig is en dit dalk nie kan bekostig om daar te koop nie.

Vreemde mense wat hier gaan rond dwaal, hoe gaan ons veiligheid beskerm word. Huisinbrake wat toe neem...

Ons kan dalk nog iets aan die situasie doen, maar is dit eers goedgekeur is is ons hande afgekap.

Neem kennis dat ons slegs kans het tot Maandag 10 Desember om kommentaar of bekommernisse rakende die projek by die betrokke omgewingskonsultante in te dien. Die volgende persone kan gekontak word.

yolandie@ecoimpact.co.za

jessica@ecoimpact.co.za

admin@ecoimpact.co.za

Vriendelike Groete

Leigh Cicero

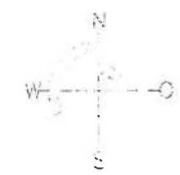
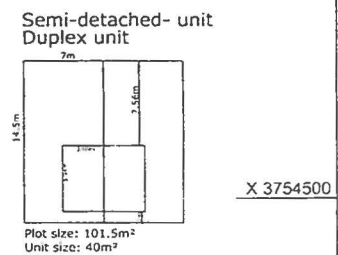
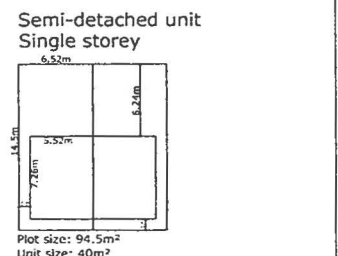
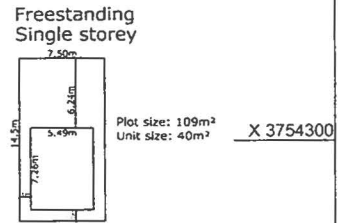
084 687 1477

ZONING	LAND USE	PTN'NR	N	AREA (ha)	%
Single Residential	Subsidy housing	1 - 217	217	2,29	44,38
Public open space	Public open space	218, 219	2	1,76	34,11
Local authority	Roads	220	1	1,11	21,51
TOTAL			220	5,16	100

UNITS TYPES - SUBSIDY HOUSING	
Semi-detached single storey	156
Semi-detached duplex unit	48
Free standing single storey	13
TOTAL 217 erven	

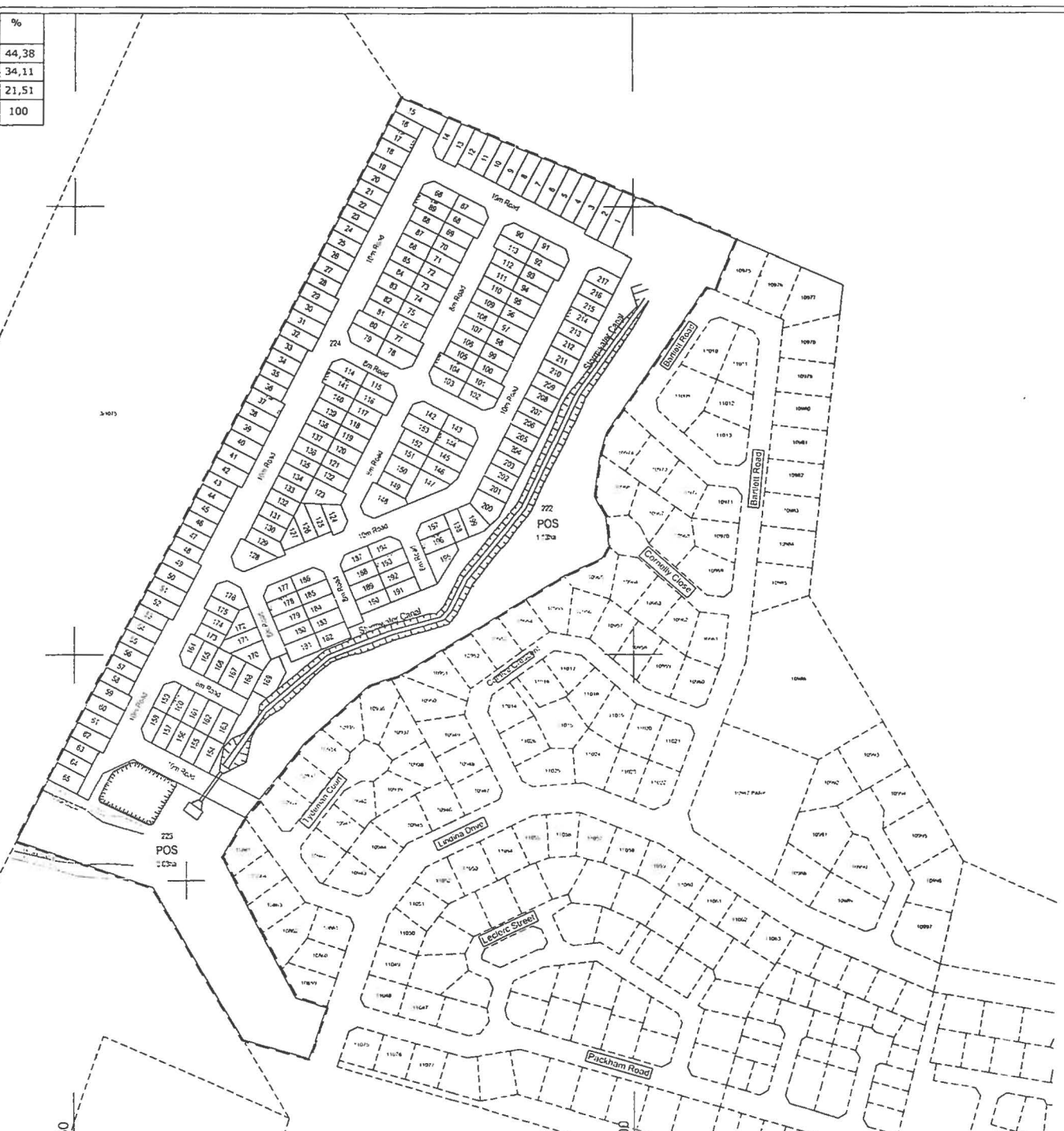
Subdivisional area

TYPICAL ERF SIZE & HOUSE PLACEMENTS



NOTA: ALLE AFSTAND BY BENADERING EN OORDEWERK JAAN OPMETTING
NOTE: ALL MEASUREMENTS APPROXIMATE AND SUBJECT TO SURVEYING

HERSIENINGS - REVISIONS		
NO.	DATUM/DATE	BESKRYWING/DESCRIPTION
01	12 Feb 2015	Add of / revise erf numbers - av
02	11 Oct 2015	Revise layout add new position of canal reserved from DECA & add residential erven
02	11 Oct 2015	Revise layout omk 3 residential erven
02	21 Oct 2015	Revise layout to allow for road access / add plot
03	17 Nov 2015	Revise layout to allow for retention pond (less 4 residential erven)



AFRIKA
INNOVATIVE PLANNING SOLUTIONS

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 03 663 Toppin Rd 1206 Cape Town South Africa
 Tel: +27 21 975 1200 Fax: +27 21 975 781

IDAS VALLEI
Erven 10866 - 10931 & 10998 - 11008
Proposed subdivision:

DATUM	17 Nov 2015	SKALA	AS
NO. & NO.	AS - 1:2000	HOOFD. & HOOFD.	DL
TEK.Nr		2.530 - S1 - 03	
DWG.No			

Base map & topographical info supplied by Rene Pesch Land Surveyor