

Comments and Response Table:

070845- PROPOSED BRIDGE UPGRADE AND PROPOSED AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 2958, RE OF ERF 8343, AND A PORTION OF RE OF ERF 2224, HOUT BAY.

COMMENTS RECEIVED ON POST-APPLICATION PART 2 AMENDMENT REPORT					
Nr	Comment Received	Date Received	I&AP	Company	Response
1	<p>ACKNOWLEDGEMENT OF RECEIPT OF THE DRAFT AMENDMENT REPORT IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL ESTATE ON A PORTION OF THE REMAINDER OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.</p> <p>1. The draft Amendment Report received by this Department via electronic mail correspondence on 21 August 2024, refers.</p> <p>2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.</p>	29 August 2024	Taryn Dreyer	Western Cape Department of Environmental Affairs and Development Planning	1-5. Noted

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	<p>3. This Directorate will provide comment on the draft Amendment Report within the 30-day commenting period, which commenced on 21 August 2024, and will advise you accordingly.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>5. The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.</p>				
2	<p>ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL</p>	<p>29 August 2024</p>	<p>Taryn Dreyer</p>	<p>Western Cape Department of Environmental Affairs and Development Planning</p>	

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	<p>ESTATE ON A PORTION OF THE REMAINDER OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.</p> <p>1. The application form as received by this Department via electronic mail correspondence on 21 August 2024, refers.</p> <p>2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.</p> <p>3. Following a review of the information submitted to this Department, the following is noted:</p> <p>3.1. The proposed amendment applied for entails a change in the development layout and to include an additional portion (<i>i.e.</i>, Erf 2958).</p> <p>3.1. The scope of the proposed amendment pertains to portions of the Remainder of Erf No. 2224 and Erf No. 2958.</p>				<p>1-3. Noted.</p>
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	<p>3.2. The amendment application includes an amendment of the Environmental Management Programme.</p> <p>3.3. The remaining extent of Remainder of Erf No. 2224 and Remainder of Erf No. 8354 will remain as per the current Environmental Authorisation.</p> <p>4. Consent from landowner:</p> <p>4.1. According to page 8 of the application form, B. I. Scher and M.H. Derman are the landowners of the properties.</p> <p>4.2. Please ensure that the consent from the above landowners is submitted to this Directorate as a matter of urgency.</p> <p>5. Public Participation:</p> <p>5.1. It is noted that the public participation process will meet the requirements of Regulation</p>				<p>4.1-4.2 Landowner consent was submitted to the Department on 5 September 2024.</p> <p>5. Comments are noted. The Public Participation Process has been undertaken as set out by the EIA Regulations, 2014 (as amended) and the applicable guidelines. Pre-</p>
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	<p>41 of the EIA Regulations, 2014 (as amended).</p> <p>5.2. E-mail notification to interested and affected parties ("I&APs") is strongly supported. However, other means of notification for those I&APs will be required where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.</p> <p>5.3. The Directorate may require that a hard copy of the reports also be submitted to the Department but will advise you accordingly. Where I&APs are unable to access electronic copies of the draft Amendment Report, a hard copy of the report must be made available. Alternatively, the EAP will be required to engage with I&APs, with respect to alternative methods of</p>				<p>application consultation with the relevant stakeholders were also undertaken.</p>
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	<p>accessing electronic copies of the draft Amendment Report.</p> <p>5.4. Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management (Region 1 and 2) will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za. This new electronic means of working is effective from 01 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.</p>				
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	<p>5.5. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft Amendment Report available to State Departments.</p> <p>5.6. The person conducting the public participation process must fulfil the requirements outlined in Chapter 6 of the EIA Regulations, 2014 (as amended) and must consider any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations,</p>				
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	<p>2014 (as amended) as well as any other guidance provided by the Department.</p> <p>6. Screening Tool:</p> <p>6.1. This Directorate notes that a Screening Report (dated 08 July 2024) and confirmation of the relevant specialist studies to be conducted have been provided. A Site Sensitivity Verification Report has also been provided by the Environmental Assessment Practitioner ("EAP").</p> <p>6.2. The following specialist assessments were identified in the Screening Report (dated 08 July 2024):</p> <p>6.2.1. A Landscape/Visual Impact Assessment;</p> <p>6.2.2. An Archaeological and Cultural Heritage Impact Assessment;</p> <p>6.2.3. A Palaeontological Impact Assessment;</p>				<p>6. Comments are noted. No commenting authority has requested any additional specialist studies to be undertaken.</p>
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<p>6.2.4. A Terrestrial Biodiversity Impact Assessment;</p> <p>6.2.5. An Aquatic Biodiversity Impact Assessment;</p> <p>6.2.6. A Hydrology Assessment;</p> <p>6.2.7. A Socio-Economic Impact Assessment;</p> <p>6.2.8. A Plant Species Assessment; and</p> <p>6.2.9. An Animal Species Impact Assessment.</p> <p>6.3. The following specialist assessments have been undertaken:</p> <p>6.3.1. A Botanical Compliance Statement;</p> <p>6.3.2. An updated Freshwater Opinion;</p> <p>6.3.3. A Herpetofauna Assessment;</p> <p>6.3.4. A revised Visual Impact Assessment; and</p> <p>6.3.5. An updated Traffic Impact Assessment.</p> <p>6.4. The Directorate agrees with the EAP's motivation contained in the Site Sensitivity Verification Report dated September 2022,</p>					
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	<p>as included in Appendix I2 of the draft Amendment Report. Please note that should any of the commenting authorities request for any of these studies to be conducted, these will have to be undertaken.</p> <p>6.5. Where an assessment protocol is prescribed for one of the environmental themes included in the Protocol (in this instance agriculture, aquatic biodiversity, archaeological and cultural heritage, and terrestrial biodiversity), the specialist assessment must comply with the Protocol.</p> <p>6.6. Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site verification and must comply</p>				
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	<p>with Appendix 6 of the EIA Regulations, 2014 (as amended).</p> <p>7. Please note that the Amendment Report must contain all the information as prescribed by Regulation 32 of the EIA Regulations, 2014 (as amended). Furthermore, the Amendment Report must contain the following:</p> <ul style="list-style-type: none"> • An assessment of all impacts related to the proposed changes; • In terms of the EIA Regulations, 2014 (as amended), when considering an application, the Department must take into account a number of specific considerations including inter alia the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR 				<p>7. Noted. The report complies with these requirements.</p>
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	<p>must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability;</p> <ul style="list-style-type: none"> • Advantages and disadvantages associated with the proposed changes; and • Measures to ensure avoidance, management and mitigation of impacts associated with such proposed changes. <p>8. The amendment report must be submitted within 90 days of receipt (<i>i.e.</i>, calculated from 21 August 2024) of the amendment application by the competent authority.</p> <p>9. If, however, significant changes have been made or significant new information has been added to the report, the applicant/EAP must notify the Department that an</p>				<p>8-10. Due to DEADP changing their opinion on the applicability of a Part 2 Amendment for the proposed amendment, this Part 2 Amendment Application has been withdrawn and will form part of the existing Basic Assessment Application for the proposed upgrade of a bridge on the same property. The submission timeframes have been extended to allow for an additional public</p>
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	<p>additional 50 days (<i>i.e.</i>, 140 days from the date of receipt of the application) will be required for submission of the report. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.</p> <p>10. If the report is not submitted within 90 days, or 140 days where an extension is applicable, the application shall lapse in terms of Regulation 45 of the EIA Regulations, 2014 (as amended) and your file will be closed. Should you wish to continue, a new application form must be submitted.</p> <p>11. The conditions stipulated in the Environmental Authorisation issued on 04 January 2016 (Reference No.: E12/2/4/1-A5/235-2058/10), and the amended Appeal Environmental Authorisation issued on 21 October 2021 (Reference No:</p>				<p>participation process to be undertaken.</p>
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	<p>14/3/1/1/A6/36/0535/21) remain applicable until a decision on this amendment application is taken by this Department.</p> <p>12. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.</p>				
3	<p>OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY</p> <p>1. The above matter and your public participation process notification, dated 21 August 2024, refers.</p> <p>2. I confirm that I am the property owner of ERF 4756 which borders</p>	<p>18-23 September 2024</p>	<p>All the IAPs below submitted the same comments:</p> <p>Sandy Dobrin Yan Dabbidy H. Bischoff Paolo Bellomusto Chantel Meulenbroeks Paul Miros Cindy Rodkin Jozefien Keppens</p>	<p>Surrounding Landowners</p>	<p>1-4 Noted.</p>

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	<p>directly onto proposed development, and old dairy farm road as accessed from Main Road.</p> <p>3. My interests stand to be directly and adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.</p> <p>4. I am registered as an "<i>interested and affected party</i>" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.</p> <p>BACKGROUND TO THE PRESENT APPLICATION</p> <p>5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("<i>the Competent Authority</i>") on 5 October 2015.</p>		<p>M Wiswedel V. Loles Jennifer Heynecke Suzanne Powel Elke Wiswedel Peter Earl Tobias Keller Kate Whitehorn Bianca Hagelberg Dave Mills Thomas Thring Kevin Stocks Rene Hartegers Emma King Sean Altern Lisa Krohn Gavin Liddle Helen Meintjies Suzan Metzler Ralf Huettmann Fiona Heath Diane Gasciogne Sam Kelly</p>		<p>5-11 Noted.</p>
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	<p>6. The Environmental Authorisation ("EA") was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.</p> <p>7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (<i>"the initial application"</i>). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.</p> <p>8. During 2021, a non-substantive amendment to the initial application was applied for (<i>"the non-substantive amendment application"</i>), in respect of the following:</p> <p>8.1 an extension of the period of the validity of the EA;</p> <p>8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (<i>"the Applicant"</i>).</p>		<p>Deam Preston Deon Durholtz Robert Burgess Hadi Ertinger Ian Adams Chris Smythe Lynton Edmunds Glynis Edmunds Ingrid Kington Chris Sparks Linda Sparks Roger Coyles Graham Will Peter Smith Adele Pretorius Mary Smith Beverly Nelson Elaine Mills Kathy Lockett Chris Brown Shaynee van den Heever Anette Budinger Annette White Leonie Mervis</p>		
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	<p>9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.</p> <p>10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.</p> <p>11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "Present Application"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and</p>		<p>Tamsyn Dixon Erica Brown Alex Dreiks Michael van den Heever Paul Steenkamp Greg Walton Nikki Shepherd Tracy Phillips Katie Cartwright Rudi van Rooyen Helene Scott Jenny McNulty</p>		
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	<p>seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.</p> <p>12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.</p> <p>13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.</p> <p>Amendments to the Application</p>				<p>12-13. All the documents forming part of the Report are relevant to the application. In cases where specialist reports have been updated and refer to the previous reports, these previous reports were also included.</p>
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	<p>14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.</p> <p>15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("the Bridge Application").</p> <p>16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.</p> <p>17. The Bridge Application is essential to the success of the envisaged</p>				<p>14-17 Please note that the Western Cape Department of Environmental Affairs and Development Planning (DEADP) has advised Sillito Environmental Consultants that they have changed their opinion regarding the applicability of the Part 2 Amendment Process. After an internal review it was determined that the proposed amendments cannot be amended via a Part 2 Amendment process. As a result, the Applicant has</p>
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	<p>development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.</p> <p>Related Application which is pending</p> <p>18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 ("the Planning Application").</p> <p>19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.</p> <p>20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay</p>				<p>withdrawn the Part 2 Amendment Application and will revise the currently ongoing Basic Assessment Application and Draft Report for the Proposed Bridge Upgrade to include the proposed amendments, as well as all the comments received on both the Part 2 Amendment and the Basic Assessment Reports. The timeframe for final submission has been extended to allow enough time for the additional public participation.</p>
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	<p>and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.</p> <p>21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.</p> <p>22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.</p> <p>23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “A”, together with the correspondence from the City of Cape Town recording its decision to</p>				<p>18-24. The pending appeal on the conditional approval for the subdivision, consolidation, rezoning, departures and implementation of a subdivision is noted.</p>
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	<p>conditionally approve the Planning Application, marked annexure "B".</p> <p>24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.</p> <p> GROUNDS OF OBJECTION</p> <p>I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.</p> <p>Site Plan</p> <p>25. Birch Lane is referred to as "The Entrance" rather than an "alternate" or "secondary" entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and</p>				
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	<p>engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.</p> <p>26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.</p> <p>27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.</p> <p>28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on my property. However, the Site Development Plan does not appear to indicate such plantscaping.</p>				<p>25. As per the Traffic Impact Assessment, the permanent primary</p>
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				<p>access to the development will be via Dorman Way.</p> <p>26-27. The site layout plan will be updated to maintain the 5m setback on the north eastern boundary.</p>
<p><i>Figure 1: Site Development Plan annexed to Present Application</i></p> <p>Access during construction</p> <p>29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:</p>				


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	<p>29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.</p>				<p>28. The landscaping will be undertaken as per the Landscape Management Plan (Appendix G10).</p>
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	 <p><i>Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024</i></p> <p>29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental</p>				<p>29. While the City of Cape Town has approved temporary Left-In-Left-Out access from Hout Bay Main Road for the construction phase, the exact point of access and the route to the construction site has not been determined. The Applicant will ensure that the relevant signage is in place warning road users of the presence of construction vehicles, as well as flag men to assist with traffic management. The Applicant also commits to avoid using access roads that fall within the 5m setback of the development.</p>
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	<p>Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.</p>				
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Comments and Response Table:

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Figure 3: Photograph depicting how close this road runs to my property, no verge at all. It also shows the condition of the proposed construction access route and exposed man hole, taken in September 2024

29.3 This road travels along the boundary of several residential

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	<p>properties, including my own home shown below. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.</p>  <p><i>Figure 4: Photograph depicting the proximity of the construction route to my home, taken in September 2024</i></p>				
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	<p>29.4 I along with other residents who's properties abut this road are concerned for the condition and safety of our dwellings. We will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to our properties.</p> <p>29.5 At my home, one of my bedrooms is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. My neighbours property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.</p>				
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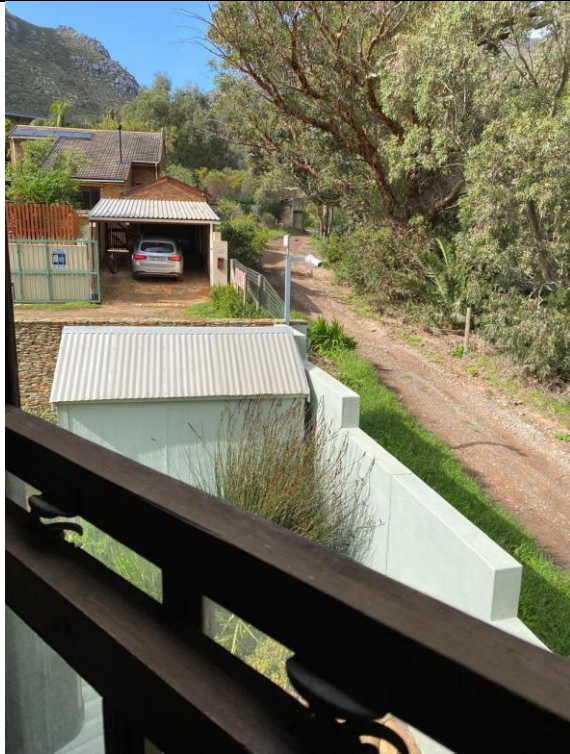
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Figures 5 and 6: Photographs depicting proximity of my home residential to construction access route, taken in September 2024

29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.

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<p>29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley residential area.</p> <p>30. The residents of Blue Valley have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.</p>  <p><i>Figure 7: Photograph depicting Dorman Way, taken in September 2024</i></p> <p>Impact of construction</p> <p>31. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.</p> <p>32. The residents of Blue Valley propose that no more than 8 (eight) hours of</p>				
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	<p>construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.</p> <p>33. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents such as myself who works from home and is directly impacted by this development being so close. Furthermore, construction on weekends and public holidays is unacceptable.</p> <p>34. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.</p> <p>35. I submit that additional information and studies on the health risks from the anticipated noise and air</p>				<p>30. As per the Traffic Impact Assessment, the bridge construction site is not accessible via Dorman Way. Once the bridge upgrade has been completed, Dorman Way will be used as the primary access point.</p>
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	<p>pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.</p> <p>Traffic Impact Assessment Report</p> <p>36. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.</p> <p>37. The Planning Application has taken place since the preparation of this report and the access routes have been amended.</p> <p>38. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should</p>				<p>31-35. The construction working hours are in line with local legislation, and all workers will be supplied with appropriate Personal Protective Equipment as required by the relevant legislation and regulations, as well as industry best practice</p>
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	<p>have been updated to reflect the access currently being proposed.</p> <p>Process concerns</p> <p>39. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.</p> <p>40. There are far too many documents (thousands of pages) for the layman to read.</p> <p>41. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state 'refer to town planner comments', but none are attached or able to be located.</p> <p>42. The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to</p>				
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	<p>using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.</p> <p>43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this</p>				<p>36-38. Noted</p>
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	<p>route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.</p> <p>44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.</p> <p>45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.</p> <p>CONCLUSION We strongly object to the Present Application based on the submissions contained hereinabove.</p>				<p>39-41. Many of the specialist reports for drafted for the project has been updated. Since the updated reports refer to the previous reports, we have included the superseded reports to ensure that all relevant information is accessible to all IAPs. In addition, the Report provides a summary of each of the specialist reports, including the superseded reports.</p> <p>42. In email correspondence with the relevant IAPs, it was determined that John Cooper was registered as an</p>
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	<p>We trust that you find the above in order and look forward to hearing from you.</p>				<p>IAP, but only provided a postal address. John Cooper has been sent notification letters using the contact details provided. It was further determined that Jenny McNulty was not removed from the IAP database, but accidentally removed from the email list during IAP database management. John Cooper's email address has been registered on the IAP database, and Jenny McNulty has been restored to the email list and was afforded additional time to submit comments.</p> <p>43-45. Noted.</p>
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					Thank you for your participation.
4	<p>COMMENT ON THE DRAFT AMENDMENT REPORT IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL ESTATE ON A PORTION OF THE REMAINDER OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.</p> <p>1. The draft Amendment Report received by this Department via electronic mail correspondence on 21 August 2024, this Department's acknowledgement of receipt letter dated 29 August 2024, the landowner consent forms received by this Department via electronic mail correspondence on 05 September 2024, and the meeting held between officials of the Directorate and the</p>	<p>20 September 2024</p>	<p>Taryn Dreyer</p>	<p>Western Cape Department of Environmenta l Affairs and Development Planning</p>	<p>1. Noted.</p>

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	<p>Environmental Assessment Practitioner (“EAP”) Mr. Adriaan Botha of Sillito Consulting (Pty) Ltd on 20 September 2024, refer.</p> <p>2. This Directorate has considered the draft Amendment Report and has the following comments:</p> <p>2.1 Land Use Planning:</p> <p>2.1.1 The proposed development is consistent with most of the applicable spatial planning policies, except for the Southern District Plan , regarding a part of the proposal west of the Bokkemanskloof River which is designated “Open Space” in the District Plan.</p> <p>2.1.2 Regulation 8 of Government Notice No. R. 982 of 04 December 2014 (as amended) stipulates that a competent authority is required to inform the proponent or applicant of any factors that might prejudice the success of their application.</p> <p>2.1.3 Therefore, this amendment proposal will be referred to the Land</p>				<p>2.1.1-2.1.3. Noted. No communications form the Land Use Planning component of DEADP has been received to date.</p>
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	<p>Use Planning component within this Department. You will promptly receive the pertinent advice from this section as soon as it becomes available.</p> <p>2.2 Project description: 2.2.1 According to the draft Amendment Report, the proposed amended development will comprise of the following:</p> <ul style="list-style-type: none"> •74 Dwelling houses: ranging from two-to-three bedrooms (~0.64ha); •8 very low-density single dwelling houses (~13ha); •20 two-bedroom and 4 one-bedroom apartments (~1.21ha); •One centralised care centre comprised of 28 suites/rooms (~0.12m2). The care centre will also accommodate a reception/waiting area, lobby and lift, consulting/examining room, matron's office, administrative office, assisted shower and bath bathrooms, dining hall, kitchen, staff room and ablutions, storerooms 				<p>2.2.1. This description is accurate.</p>
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	<p>(various), laundry, and basement parking;</p> <ul style="list-style-type: none"> •The existing “Old Dairy” building will be renovated and converted into a clubhouse facility comprised of recreation activities (including billiards, card games, gymnasium, yoga studio, sauna, lounge, function dining areas, outside dining terrace, and dressing rooms & ablutions) and offices for management functions. A swimming pool is proposed north of the clubhouse building whereas a bowling green and associated terraced seating are also proposed; •Private roads (~1.16ha); •Formal walkways along internal roads; •Four storm water attenuation ponds and an existing dam will serve as storm water attenuation and retention functions. This will also be landscaped with indigenous vegetation endemic to the area to promote biodiversity; • 				
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	<p>Bokkemanskloof River and associated delineated wetland (~1.81ha);</p> <ul style="list-style-type: none"> • An approximately 9ha open space area just south of the development footprint, which is too steep and too ecologically sensitive to develop; and • An approximately 48.28ha area adjacent to the Table Mountain National Park, which is currently being managed by SANParks in terms of the National Environmental Management: Protected Areas Act. The area is being managed in accordance with a long-term management agreement between the landowner and SANParks. <p>2.2.2 The description of the amended proposal differs from that contained in the Environmental Management Programme ("EMPr") as there are discrepancies regarding the number of units and storm water attenuation ponds.</p>				<p>2.2.2-2.2.3. Noted, the EMPr will be amended to reflect the same project description as the Application and Report.</p>
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	<p>2.2.3 You are therefore required to confirm the correct description of the amended proposal and update the EMPr and Amendment Report, accordingly.</p> <p>2.3 Process to be followed to amend the original Environmental Authorisation: 2.3.1 Regulation 31 of the EIA Regulations, 2014 (as amended) states: <i>"An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not—</i> <i>(a) assessed and included in the initial application for environmental authorisation; or</i> <i>(b) taken into consideration in the initial environmental authorisation;</i> <i>and the change does not, on its own, constitute a listed or specified activity."</i></p>				<p>2.3.1-2.3.5. The EAP confirms the meeting that took place on 20 September 2024. As per the advice from DEADP, the Part 2 Amendment Application has been withdrawn, and the existing Basic Assessment Application for the proposed bridge upgrade will be revised to include the amendments applied for. All comments and responses received on the Part 2 Amendment to date will be included in the revised Basic Assessment Application. Communications to this effect have also been sent to registered IAPs.</p>
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<p>2.3.2 A meeting was held with the EAP to explain that although a pre-application was undertaken for the amendment and a subsequent application was submitted based on the understanding that no new listed activities are triggered by the proposed amendments (considering the original Environmental Authorisation authorised the clearance of indigenous vegetation within the authorised footprint, and the additional erf to be included is less than 1ha and does not constitute a listed activity), as per Regulation 31 of the EIA Regulations, 2014 (as amended), an amendment is not possible for amendments, which on its own triggers a listed activity.</p> <p>2.3.3 It was therefore advised that the proposed amendments of the Environmental Authorisation are incorporated in the Basic Assessment application for the proposed Oakhurst bridge on Erf No. 2224, Hout Bay (Reference No. 16/3/3/1/A6/36/2027/24). This will ensure the correct legal procedures are followed and that the application for</p>				
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<p>the amendment of the Environmental Authorisation meets the requirements of the EIA Regulations.</p> <p>2.3.4 In terms of the way forward, a request for the withdrawal of the amendment application should be submitted to the Directorate, along with the submission of a revised Basic Assessment application form. Thereafter, a draft Basic Assessment Report ("BAR"), which includes the amendment proposal can be made available for comment.</p> <p>2.3.5 Be advised that in terms of Regulation 25(4) of the EIA Regulations, 2014 (as amended), the competent authority may replace an existing Environmental Authorisation where an amendment application has been applied for. Regulation 25(4) states: <i>"The competent authority may replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental</i></p>				
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<p><i>authorisation, if the existing valid environmental authorisation is directly related to the application for environmental authorisation."</i></p> <p>2.4 EMPr: 2.4.1 Please ensure that the application reference is included on the cover page of the EMPr.</p> <p>2.4.2 Page 8 must be amended to indicate: <i>"The EMPr should also adhere to the local authority (i.e. City of Cape Town) by law requirements as well as any other obligatory environmental and other legal requirements"</i>.</p> <p>2.4.3 Page 9 (Terms of Reference) must be amended to indicate the EMPr was designed and produced in accordance with the EIA Regulations, 2014 (as amended).</p> <p>2.4.4 According to page 7, six storm water attenuation ponds and two existing dams will serve as storm water attenuation and retention functions. However, according to pages 32, 34 and 47, five storm water attenuation</p>		
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2.4.1-2.4.3. These details have been included in the amended EMPr.

2.4.4. Any discrepancies between the report and the EMPr have been addressed.

Comments and Response Table:

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	<p>ponds will be required. Please advise as to the correct number of storm water ponds to be constructed and rectify the relevant pages accordingly.</p> <p>2.4.5 Page 38 states the following: "<i>Care should be taken not to construct any impermeable Amendment Applicationriers</i>". Please amend this statement accordingly.</p> <p>2.4.6 This Directorate's previous comment dated 18 October 2022 referenced "16/3/3/6/A6/36/2106/22" advised that paragraph 10.2(a) must be amended to indicate that the Environmental Authorisation and other relevant permits/authorisations must also be kept on site. The Comments and Responses Report indicated that the EMPr has been amended accordingly. However, it is noted that this was not done. Pleas ensure that paragraph 10.2(a) on page 61 is amended accordingly.</p> <p>2.4.7. Furthermore, the EMPr was not amended to include the requirement of environmental audit reports (to be</p>				<p>2.4.5-2.4.9. The required amendments have been made to the revised EMPr.</p>
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<p>completed by an independent external auditor), in accordance with the requirements of Regulation 34 of the EIA Regulations, 2014 (as amended). Please ensure that this requirement is included in the EMPr.</p> <p>2.4.8 Please ensure that the Maintenance Management Plan ("MMP") is appended to the EMPr.</p> <p>2.4.9 Further, please ensure that page 7 of the MMP is duly dated and signed by the proponent.</p> <p>2.5 Confirmation of availability of services: 2.5.1 The Amendment Report indicates that based on the findings of the Engineering Services Report, the engineers concluded that sufficient civil engineering services are available within the vicinity of the proposed amended development and confirmation for capacity by the City of Cape Town has been requested for the water and sewer network, which will be made available as soon as received from the City of Cape Town.</p>				<p>2.5.1-2.5.3. Confirmation of service availability will be included in the final BAR.</p>
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	<p>2.5.2 It is noted that you did not provide confirmation from the City of Cape Town that water supply, solid waste removal, electricity supply and sewerage disposal services can be provided.</p> <p>2.5.3 Confirmation of the availability of services from the service provider must be provided together with the final BAR.</p> <p>2.6 Public Participation Process ("PPP"): 2.6.1 You are required to submit proof of the Public Participation Process being conducted for the draft Amendment Report. This will include (but is not limited to):</p> <ul style="list-style-type: none"> • Proof that registered interested and affected parties ("I&APs"), adjacent landowners, the ward councillor, and State Departments/organs of state were notified via email of the availability of the draft Amendment Report; • Proof that the draft Amendment Report was made available on the website of Sillito 				<p>2.6.1. The Public Participation Process has been undertaken as per the EIA Regulations, 2014 (as amended). All comments received to date have been included in this comments and response report and the comments received have been included in Appendix F.</p>
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Comments and Response Table:

070845- PROPOSED BRIDGE UPGRADE AND PROPOSED AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 2958, RE OF ERF 8343, AND A PORTION OF RE OF ERF 2224, HOUT BAY.

	<p>Environmental Consulting (Pty) Ltd.;</p> <ul style="list-style-type: none"> • A Comments and Responses Report, including the comments received on the draft Amendment Report and the responses thereto; • A complete list of registered I&APs; and • All comments received from I&APs. <p>2.6.2 Please ensure that paragraphs 4, 5 and 6 on page 50 are completed upon completion of the PPP on the draft Amendment Report. The summary and proof of the public participation undertaken as part of the amendment application, must be included in the updated BAR.</p> <p>2.6.3 Comments must be obtained from the City of Cape Town regarding the findings of the Traffic Impact Assessment.</p> <p>2.6.4 Please ensure that all comments are adequately addressed prior to the submission of the final BAR.</p>				<p>2.6.2. The relevant paragraphs have been completed. Proof of the public participation action undertaken as part of both this amendment application and the Basic Assessment application have been included in Appendix F.</p> <p>2.6.3. The City of Cape Town's will be requested to comment on the findings of the Traffic Impact Assessment.</p> <p>2.6.4. Noted.</p>
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Comments and Response Table:

070845- PROPOSED BRIDGE UPGRADE AND PROPOSED AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 2958, RE OF ERF 8343, AND A PORTION OF RE OF ERF 2224, HOUT BAY.

	<p>2.7 Declarations by the applicant, Environmental Assessment Practitioner ("EAP") and specialists: 2.7.1 You are hereby reminded to include the signed declarations from the applicant, EAP, and specialists in the final BAR.</p> <p>3. This Directorate awaits the request for the withdrawal of the current amendment application and revised application form and BAR for the bridge on Erf 2224, which incorporates the proposed amendments.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.</p> <p>The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.</p>				<p>2.7. Noted.</p> <p>3. Noted.</p> <p>4. Noted.</p> <p>Noted.</p>
	<p>SUBSTANTIVE APPLICATION AND DRAFT SUBSTANTIVE AMENDMENT</p>	<p>21 September 2024</p>	<p>Megan Taplin</p>	<p>SANParks</p>	

Comments and Response Table:

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<p>IMPACT REPORT OAKHURST LIFESTYLE ESTATE (PTY) LTD.</p> <p>DEADP Ref: E12/2/4/1-A5/235/2058/10</p> <p>Your email dated 21 August 2024 and referenced SEC Project No: 070845 regarding the above matter refers.</p> <p>SANParks has no direct interest in the amendment applied for, but notes that the application states that “The development will cover +-21ha (the remaining +-57ha being “rural” designation for conservation (a portion of which is currently being managed by SANParks, with the remainder, also proposed for SANParks management once the development has been established)”. (Section 4.4, Pg. 19 of the ‘Post-Application Draft Substantive Amendment Impact Report’ dated August 2024).</p> <p>The upper portion of the property (originally Erf 2224 Hout Bay) is acknowledged in the application as “An approximately 48.28ha area adjacent to the Table Mountain</p>				<p>This is correct.</p>
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Comments and Response Table:

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<p>National Park, which is currently being managed by SANParks in terms of the National Environmental Management: Protected Areas Act. The area is being managed in accordance with a long-term management agreement between the landowner and SANParks". (Section 4.4, Pg. 19).</p> <p>We note that in Section A of the application the Executive Summary, it is stated that: "The remaining section of RE of Erf 2224 will remain as per the current Amended EA (Amended EA Ref: 14/3/1/1/A6/36/0535/21)".</p> <p>We understand this to be the Appeal EA granted on the 19 September 2016 and that in terms of that authorisation, the following conditions remain applicable:</p> <p><i>"The residential erven will range in size but will not exceed the minimum permissible extent. The remainder of the site will comprise of the following:</i></p> <ul style="list-style-type: none"> • <i>An open space area of approximately 9ha just south of the development footprint,</i> 				<p>This is correct.</p>
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Comments and Response Table:

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	<p><i>which is too steep and ecologically sensitive to develop; and-</i></p> <ul style="list-style-type: none"> • <i>An area of approximately 48.28ha adjacent to the Table Mountain National Park which is currently managed by the South African National Parks (SANParks). The area is being managed in accordance with a long term agreement between the landowner and SANParks.</i> • <i>The 9ha open space area will be included into the contracted area managed by SANParks."</i> <p>SANParks would appreciate confirmation thereof and clarity as to the specific area i.e. '...the remainder which is also proposed for SANParks Management once the development has been established.</p>				<p>The Applicant confirms that the section of the Appeal EA of 2016 referred to in the comments remains applicable and will be implemented. The areas have been identified in the maps identifying the project area.</p>
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Comments and Response Table:

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Comments received on the Post-Application Basic Assessment Report for the Proposed Bridge Upgrade (Second Round)					
Nr	Comment Received	Date Received	I&AP	Company	Response
1	<p>COMMENT ON THE REVISED DRAFT BASIC ASSESSMENT REPORT (“BAR”) FOR THE PROPOSED UPGRADE OF THE OAKHURST BRIDGE AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 2224, HOUT BAY.</p> <p>1. The abovementioned document as received by this Department via electronic mail correspondence on 21 August 2024, and this Department's acknowledgement of receipt letter dated 26 August 2024, respectively, refer.</p> <p>2. This Directorate has considered the revised draft BAR and has the following comments:</p> <p>2.1 This Directorate previously commented on the draft BAR referenced “16/3/3/1/A6/36/2027/24”, as well as the pre-application BAR</p>	20 September 2024	Taryn Dreyer	Western Cape Department of Environmenta l Affairs and Development Planning	<p>1. Noted.</p> <p>2.1-2.2. Noted, all comments received on the pre-application and post-application BAR has been</p>

Comments and Response Table:

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<p>referenced "16/3/3/6/7/1/A6/36/2027/22".</p> <p>2.2 Be advised that the comments on the revised draft BAR must be adequately addressed in the final BAR. Failure to address all the Directorate's comments in the final BAR would mean the BAR does not fulfil the requirements of Appendix 1 of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended).</p> <p><u>2.3 Public Participation Process:</u> 2.3.1 Please ensure that a detailed summary of the public participation process completed to date, is provided in Section F, paragraph 2 of the final BAR in chronological order (including dates of notices placed, notification to interested and affected parties ("I&APs") requesting comment, the date of the commenting period for the pre-application, draft and revised draft BAR, etc.</p> <p>2.3.2 The Directorate's comments on the pre-application BAR advised that proof of the Public Participation Process</p>				<p>included in this Comments and Response report.</p> <p>2.3.1. A summary of the Public participation undertaken to date has been included in Section F Paragraph 2.</p>
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Comments and Response Table:

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	<p>conducted during the pre-application stage, must be included in the draft BAR. This included, <i>inter alia</i>, proof of fixing a notice board at the site where the activities will take place, giving written notice to I&APs and placing an advertisement in the local newspaper.</p> <p>2.3.3 It is noted that proof that an advertisement was placed in the “Sentinel” newspaper; and notices were placed on site, was provided. However, proof was not provided that adjacent landowners, the ward councillor and the relevant State Departments/organs of state were notified.</p> <p>2.3.4 Page 25 of the BAR states “<i>due to the Protection of Personal Information Act (POPIA), Act No. 4 of 2013, correspondence containing contact details of the relevant I&APs will not be included in the PPP documentation. All relevant correspondence has been recorded in the Comments and Response Report, which is included as Appendix F5</i>”.</p>				<p>2.3.2-2.3.3. Proof of notification of the relevant stakeholders are included in Appendix F.</p> <p>2.3.4. Noted. All comments received during the pre-application and post-application phases have been included in this Comments and Response report. A completed</p>
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Comments and Response Table:

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	<p>2.3.4.1 Although it is noted that as per the Protection of Personal Information Act, 2013, you have not included the full details of I&APs in the revised draft BAR, a complete register must be included in the final BAR, in accordance with the requirements of Regulation 42 of the EIA Regulations, 2014 (as amended), which states:</p> <p><i>“42. A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of—</i></p> <p><i>(a) all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;</i></p> <p><i>(b) all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and</i></p> <p><i>(c) all organs of which have jurisdiction in respect of the activity to which the application relates.”</i></p>				<p>database of IAPs, including contact details, will be included in the final BAR.</p>
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Comments and Response Table:

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	<p>2.3.5 As such, please ensure that all comments from I&APs on the respective pre-application, draft and revised draft BARs, and a complete list of registered I&APs, are provided in the final BAR.</p> <p>2.3.6 The Comments and Responses Table (Appendix F5) is inadequate since it is incomplete and does not incorporate all the comments received from registered I&APs on the respective pre-application and draft BARs, as well as the responses thereto. Please ensure that the Comments and Responses Table is updated accordingly and included in the final BAR.</p> <p>2.3.6.1 The responses to the comments raised by I&APs, refer the reader to responses to comment numbers above, but no responses were included to these comments referred to in the comments and responses table report. The Environmental Assessment Practitioner is therefore advised to ensure each comment is responded to in the comments and responses.</p>				<p>2.3.6. The responses to the relevant comments have been amended.</p>
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Comments and Response Table:

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<p>2.3.7 The responses raised regarding the site camp establishment, indicated that the location of the site camp will be finalised in the town planning approval stage. Be advised that the site camp may only be placed with the approved development site (if an authorisation is obtained). Meetings with I&APs should be undertaken as part of the EIA process with further engagements during the town planning stage (if required).</p> <p>2.3.8 Regarding comments raised in relation to the Part 2 amendment process not being possible and the requirement to conduct a basic assessment process since listed activities are triggered, please ensure the summary of the Public Participation Process adequately reflects the outcome of the pre-application process and need for the subsequent basic assessment process. It is noted that the executive summary of the draft BAR adequately reflects this.</p> <p>2.3.9 Please ensure that proof of the pre-application Public Participation</p>				<p>2.3.8. All comments received for the withdrawn Part 2 Amendment Application has been included in this Comments and Response Report.</p>
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Comments and Response Table:

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	<p>Process conducted in terms of Regulation 41 of the EIA Regulations, 2014 (as amended) is provided in the final BAR, i.e.:</p> <ul style="list-style-type: none"> • Proof that the occupiers of the site (where applicable), adjacent landowners, ward councillor, municipality and relevant State Departments/organs of state were notified via e-mail; and • Proof that the pre-application BAR was made available to registered I&APs. <p>2.3.10 You are also required to submit proof of the Public Participation Process being conducted for the draft BAR circulated as part of the application phase. This will include (but is not limited to):</p> <ul style="list-style-type: none"> • Proof that the draft BAR was made available to registered I&APs. <p>2.3.11 You are further required to submit proof of the Public Participation Process being conducted for the revised draft BAR. This will include (but is not limited to):</p> <p>2.3.12 Please ensure that all</p>				<p>2.3.9.-2.3.11. The proof requested is included in Appendix F.</p>
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Comments and Response Table:

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<p>comments are adequately addressed prior to the submission of the final BAR.</p> <ul style="list-style-type: none"> • Proof that the revised draft BAR was made available to registered I&APs. <p>2.4 Freshwater and groundwater impacts:</p> <p>2.4.1 It is acknowledged that CapeNature and the Department of Water and Sanitation are included in the list of State Departments/Organs of State that have been afforded an opportunity to comment on the revised draft BAR.</p> <p>2.4.2 Considering the potential freshwater and groundwater impacts of the development proposal, please ensure that comments are obtained from the aforementioned State Department/Organ of State to confirm the findings of the respective botanical and freshwater reports.</p> <p>2.5 Environmental Management Programme ("EMPr") / Maintenance Management Plan ("MMP"):</p>				<p>2.4.1.-2.4.2. CapeNature and Department of Water and Sanitation have specifically been requested to provide comment on the Basic Assessment and the Part 2 Amendment applications (prior to withdrawal). However, no comments have been received to date. Comments from these stakeholders have been requested during this public participation process, and will be included in the final report.</p>
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	<p>2.5.1 This Directorate's comment on the pre-application BAR dated 18 October 2022 confirmed that Activity 23 of Listing Notice 3 is not applicable as the site is located inside an urban area.</p> <p>2.5.2 As such, please ensure that Activity 23 of Listing Notice 3 is removed from page 8 of the EMPr.</p> <p>2.5.3 Please ensure that the MMP is appended to the final EMPr.</p> <p>2.5.4 Please also ensure that page 7 of the MMP (declaration) is duly dated and signed by the applicant.</p> <p>2.6 Listed activities: 2.6.1 Please ensure that Activity 23 of Listing Notice 3 is removed from page 20 of the final BAR, as it is not triggered by the proposal.</p> <p>2.7 Departmental forms: 2.7.1 The following departmental forms have been updated for immediate implementation within the Western Cape:</p>				<p>2.5.1-2.5.2. Activity 23 of Listing Notice 3 has been removed from the application and the EMPr.</p> <p>2.5.3-2.5.4. The MMP has been appended to the EMPr and all outstanding details have been included.</p> <p>2.6.1. Activity 23 of Listing Notice 23 has been removed form the application.</p>
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	<ul style="list-style-type: none"> • Basic Assessment Report; • Application form for Environmental Authorisation; • Application form for an Amendment of an Environmental Authorisation; • Notice of Intent form; • Request for a Section 30A Emergency Directive; • Request for the adoption of a Maintenance Management Plan; • Request for the adoption of a development setback; • Applicability checklist; • Request for the registration in terms of the Norms for the development and expansion of solar facilities; and • Request for the re-registration in terms of the Norms for the development and expansion of solar facilities. <p>2.7.2 The transitional arrangements with respect to the new forms will be as follows:</p> <ul style="list-style-type: none"> • The 2019 forms will be accepted for applications that are currently in process. • The 2019 forms will be accepted where a pre-application process has commenced or is completed. 				<p>2.7.1-2.7.2. The updated departmental forms are noted. Since this application was already underway when the forms were updated, this application will make use of the BAR that was compiled for the Post-Application phase.</p>
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<ul style="list-style-type: none"> • Once the pre-application process is completed, the new April 2024 application form must be used. • However, the BAR that was compiled as part of the post-application phase may be used. <p>2.8. Declarations by applicant, EAP and specialists: You are hereby reminded to include the signed declarations from the applicant, EAP and specialist in the final BAR.</p> <p>3. Your attention is drawn to Appendix 1 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the '<i>Content of basic assessment reports</i>'. Please ensure that you fulfil these requirements. Failure to meet such requirements may result in the refusal of your application.</p> <p>4. In accordance with this Directorate's letter dated 19 July 2024, the final BAR must be submitted on or before 15 November 2024. However, considering that the BAR will need to be amended to include the proposed</p>				<p>2.8. Noted.</p> <p>3. Noted.</p>
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<p>amendments of the original Environmental Authorisation, an extension request may be warranted.</p> <p>4.1 Further note, in terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the competent authority will deem the application as having lapsed, if the applicant fails to meet the timeframe prescribed above.</p> <p>5. It is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted in terms of this prohibition is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.</p> <p>6. Kindly quote the abovementioned reference number in</p>				<p>4. Noted. A request for a timeframe extension was submitted on 23 September 2024 when the Part 2 Amendment Application was withdrawn.</p> <p>5. Noted.</p>
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	any future correspondence in respect of this application.				6. Noted.
	<p>OBJECTIONS TO AND COMMENTS ON THE POST APPLICATION DRAFT BASSIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF THE OAKHURST BRIDGE ON REMAINDER ERF 2224, HOUT BAY</p> <p>1. The above matter and your public participation process notification, dated 21 August 2024, refers.</p> <p>2. I confirm that I am a property owner of ERF4756 which borders directly onto the proposed development, and directly onto the Old dairy farm road as accessed from Main Road, Hout Bay. My full address and particulars are specified hereinabove.</p> <p>3. My interests stand to be directly and adversely affected by the</p>	18-23 September 2024	<p>All the IAPs below submitted the same comments:</p> <p>Sandy Dobrin Yan Dabbidy H. Bischoff Paolo Bellomusto Chantel Meulenbroeks Paul Miros Cindy Rodkin Jozefien Keppens M Wiswedel V. Loles Jennifer Heynecke Suzanne Powel Elke Wiswedel Peter Earl</p>	Surrounding Landowners	1-5. Noted.

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	<p>proposed substantive amendment and I record my objections to and comments on the application for your attention.</p> <p>4. I am registered as an “<i>interested and affected party</i>” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.</p> <p>5. I strongly object to the unacceptable and intolerable use of Main Road for access during the construction of the proposed Oakhurst Bridge needed to cross the river to link the proposed estate to Dorman Way, and I also strongly object to Main Road being used for the construction phase of the Oakhurst Estate itself.</p> <p>6. The entrance from Main Road is on a blind order and even with left in-left out rule. It remains a dangerous intersection, particularly for large construction trucks needing space to turn. It will not be possible for</p>		<p>Tobias Keller Kate Whitehorn Bianca Hagelberg Dave Mills Thomas Thring Kevin Stocks Rene Hartegers Emma King Sean Altern Lisa Krohn Gavin Liddle Helen Meintjies Suzan Metzler Ralf Huettmann Fiona Heath Diane Gasciogne Sam Kelly Deam Preston Deon Durholtz Robert Burgess Hadi Ertinger Ian Adams Chris Smythe Lynton Edmunds</p>		<p>6-16. Please note that the point of access along Hout Bay Main Road, as well as the internal route to access the construction site, has not yet been determined. However, the Applicant</p>
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Comments and Response Table:

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	<p>drivers to see what is coming, giving them only 2-3 seconds to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.</p> <p>7. Nowhere in the document is it clarified where the trucks will go on entering the Main Road and thus it is assumed that they will follow the Old Dairy Farm Road, which runs along the border of Blue Valley homes. This Old Dairy Road access from Main Road is a completely UNACCEPTABLE and INTOLERABLE solution for the community.</p> <p>8. This road runs far too close to the Blue Valley homes particularly on the border and also in short stub streets, making noise and nuisance of completely UNBEARABLE levels.</p> <p>9. On my boundary, the road itself starts no more than 20cm away from the boundary walls with no verge whatsoever. One of my</p>		<p>Glynis Edmunds Ingrid Kington Chris Sparks Linda Sparks Roger Coyles Graham Will Peter Smith Adele Pretorius Mary Smith Beverly Nelson Elaine Mills Kathy Lockett Chris Brown Shaynee van den Heever Anette Budinger Annette White Leonie Mervis Tamsyn Dixon Erica Brown Alex Dreiks Michael van den Heever Paul Steenkamp Greg Walton</p>		<p>has consulted the surrounding IAPs and is committed to ensuring that the access point on Hout Bay Main Road is safe for all road users, and will include measures such as appropriate warning signs and flagmen. In addition, the Applicant also commits to ensuring that the route to the construction site does not impede on the 5m development setback. The access point will only be used for the bridge upgrade. Once the bridge upgrade is completed, access for further construction will be obtained from Dorman Way and will remain the main access point for the development during the operational phase.</p>
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Comments and Response Table:

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	<p>bedrooms is set back a mere 50 cm from the wall of the property making the space between my bedroom wall/window and road itself a mere 2,5 metres. My neighbours house has a boundary wall and the wall of the garage continuous with one another, which border directly onto this Old Dairy Road.</p> <p>The likelihood of SEVERE DAMAGE to my property is high, including the likes of unsettling foundations, damaging boundary walls, garages and the like.</p> <p>10. This would lead to complaints and claims against the developer and council.</p> <p>11. This road is a thin gravel, badly maintained road of approximately 3.5m wide often washes away during storms causing landslide. It is in a VERY BAD state of repair and not in any condition to carry heavy construction vehicles, even for a very short period of time.</p>		<p>Nikki Shepherd Tracy Phillips Katie Cartwright Rudi van Rooyen Helene Scott Jenny McNulty</p>		
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Comments and Response Table:

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	<p>12. The steep incline of terrain makes it very unsuitable for trucks.</p> <p>13. There are no studies shown as to the traffic or any other social or other impacts of the use of this road, nor on its suitability for this purpose. A site visit and assessment of this road needs to be done by the council to establish whether it meets any of the council's by-laws for roads which will be used by construction vehicles, particularly pertaining to the distance from residential boundary walls and house foundations.</p> <p>14. There are currently storm water pipes running not far under the surface of this road. The collapse of these pipes will cause stormwater issues in the stub roads and related homes, which the council has not properly addressed.</p> <p>15. The road is 3,5 m for the most part and 5,5 m from boundary walls/fences on either side at its</p>				
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Comments and Response Table:

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	<p>widest, including verges. This is not sufficient for passenger vehicle use, let alone heavy construction vehicles. As the road stands at the moment, it is not really possible to drive a passenger vehicle up this road, let alone multiple construction vehicles.</p> <p>16. There is no indication for how long this Main Road entrance will be used, but given the emails in the documentation, it looks like it could be as long as two years, with the option to extend. It also appears that the Main Road entrance may be used for the construction of the Estate itself. This is a completely unacceptable solution.</p> <p>17. We are of the view that the new circle should be built on Main Road and access for the building of the bridge gained only via Dorman Way and the roads currently under construction in the new estate. As shown visually, these roads are in a far better location away from</p>				<p>17-19. As per the Traffic Impact Assessment, the construction site for the bridge upgrade cannot be accessed from Dorman Way. Once the bridge</p>
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Comments and Response Table:

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	<p>homes, and when they are ready, they will be far more suitable.</p> <p>18. The developer should not be allowed to use completely inappropriate access, because the main entrance from Dorman Way that the developer proposed for the Oakhurst Lifestyle Estate or more acceptable access to the bridge is not yet in place. No construction should begin pertaining to development of this land until there is adequate proof that Dorman Way access is possible and until this access is ready to use.</p> <p>19. I oppose the Application for the upgrade of "Oakhurst" Bridge with access to the site via Hout Bay Main Road and the "Old Dairy" road for the reasons contained hereinabove.</p>				<p>upgrade has been completed, the site will be accessed from Dorman Way for the remainder of the construction phase as well as the operational phase.</p>
	<p>COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF THE OAKHURST BRIDGE AND ASSOCIATED</p>	<p>20 September 2024</p>	<p>Andrew Greenwood</p>	<p>City of Cape Town Municipality</p>	

Comments and Response Table:

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<p>INFRASTRUCTURE ON REMAINDER OF ERF 2224, HOUT BAY</p> <p>The abovementioned post application draft Basic Assessment Report (DBAR), dated August 2024, has reference.</p> <p>The DBAR was distributed to several City departments for comment and responses were received from the Air Quality Management Unit and the Catchment, Stormwater and River Management Branch. There were no objections to the proposal and a summary of their feedback is provided below.</p> <p>1. Air Quality Management – Meroline Ockhuis The Air Quality Unit is satisfied that the Comments and Responses Report addresses the comments made during the consultation period for the Draft Basic Assessment Report.</p> <p>2. Catchment, Stormwater and River Management – Gavin Martin The Catchment, Stormwater and River Branch stated that proposal complies</p>				<p>1. Noted.</p> <p>2. Noted.</p>
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Comments and Response Table:

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	<p>with both the Management of Urban Stormwater Impacts Policy, 2009 and the Floodplain and River Corridor Management Policy, 2009.</p> <p>The City reserves the right to revise its comment based on new information received.</p>				<p>Noted.</p>
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Comments and Response Table:

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Comments received on the Post-Application Basic Assessment Report for the Proposed Bridge Upgrade (First Round)					
Nr	Comment Received	Date Received	I&AP	Company	Response
1	<p>Please note that the proposed bridge is linked to the lifestyle development proposal and the objections to and comments on the 2 proposals should be linked.</p> <p>I am one of the 49 neighbours in Blue Valley Ave, Bokkemankloof, on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and Birch Lane for access during building. Birch is a minor</p>	12 June 2024	Samantha Kelly	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval</p>

Comments and Response Table:

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	road not designed to carry heavy construction vehicles and the use of Blue Valley and Birch will disrupt the residential traffic, the other roads like Pine, Conifer & Gumtree are even worse. The steep incline of Blue Valley Avenue makes it very unsuitable for trucks. We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.				from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.
2	The proposed Bridge is clearly linked to the lifestyle development proposal and the objections to and comments from interested and affected parties should be linked.	13 June 2024	Nikki Shepherd	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p>

Comments and Response Table:

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<p>As a homeowner in Pine Street and one of the 49 neighbours in Blue Valley, Bokkemanskloof, on whom behalf C & A Friedlander is acting, we object to Blue Valley Avenue, as well as the smaller roads currently cul-de-sacs being Birch, Pine, Conifer and Gumtree roads being used as access or exits during any part of the construction phase.</p> <p>These roads are minor roads not designed to carry construction vehicles. Most of these roads do not have pavements or curbs and residence make use of the streets for parking of second vehicles as the properties are under 500 square meters and most do not accommodate parking for two cars on the property.</p> <p>Please note that I am not opposed to the building of the bridge, I am opposed to making use of the smaller roads in Blue Valley for construction vehicles. The newly proposed circle from main street and up Dorman way should be approved and completed first, providing access and exit for the</p>					<p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
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Comments and Response Table:

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	<p>building phases of both the bridge and lifestyle development.</p> <p>Blue Valley Road is a steep incline and a busy road for all residence living in both Blue Valley and Bokkemanskloof estate and the building phase and use of heavy-duty trucks will be hugely disruptive for residence as well as dangerous given the difficulty of getting in and out of Blue Valley onto main road.</p>				
3	<p>Please note that the proposed bridge is linked to the lifestyle development proposal and the objections to and comments on the 2 proposals should be linked.</p>	13 June 2024	Ingrid Kingon	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p>

Comments and Response Table:

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	<p>I am one of the 49 neighbours in Blue Valley Ave, Bokkemankloof, on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and Birch Street for access during building. Birch is a minor road not designed to carry heavy construction vehicles and the use of Blue Valley and Birch will disrupt the residential traffic, the other roads like Pine, Conifer & Gumtree are even worse. The steep incline of Blue Valley Avenue makes it very unsuitable for trucks.</p> <p>We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.</p>				<p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
4	<p>We are one of the 49 neighbours in the Blue Valley / Bokkemanskooft Estate, on whose behalf C&A Friedlander is acting.</p>	14 June 2024	Paige Will and Graham Will	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved.</p>

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	<p>We do not object to the re-building for the bridge, but the lifestyle village development and the building of the bridge are inextricably linked and should be linked together and not dealt with separately.</p> <p>We do object to the proposed use of Blue Valley Avenue, Birch Lane and any of the other minor roads off Bleu Valley Avenue for construction purposes of both the lifestyle estate and the bridge. Birch Road is a minor road and completely unsuitable for use by any construction vehicle and large volumes of traffic, either during or post construction. The same applies to the other minor roads off Blue Valley Avenue (e.g. Pine, Conifer, etc.). Additionally, the steep incline of Blue</p>				<p>This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
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	<p>Valley Avenue makes it inherently unsuitable for heavy construction vehicles.</p> <p>We do agree with the council's view that the new circle at Main Road/Dorman Way provides the route for access to the estate via Dorman Way, the roads currently under construction and the bridge. The bridge construction should also take place via the new circle, Dorman Way, and the new estate roads.</p>				
5	<p>I wish to place on record that the proposed bridge is linked to the lifestyle development proposal and the objections to, and comments on, the two proposals should be linked.</p>	13 June 2024	Ian Adams	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p>

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	<p>I am one of the 49 neighbours off Blue Valley Ave, Bokkemanskloof, on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the building of the bridge per se, we do object to the use of Blue Valley Avenue, Birch Lane and any other stub road running off Blue Valley Avenue, for access during the building process.</p> <p>Birch, and the other stub roads, are minor roads that are not designed to carry heavy construction vehicles. The use of Blue Valley Avenue, Birch and any of the other stub roads will disrupt the residential traffic. The steep incline of Blue Valley Avenue makes it very unsuitable for trucks.</p> <p>We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.</p>				<p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
6	<p>Please note that the proposed bridge is linked to the lifestyle estate and the objections to and comments on the 2 proposals should be linked.</p>	13 June 2024	Fiona Heath	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an</p>

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	<p>I am one of the 49 neighbours in Blue Valley Avenue, Bokkemankloof, on whose behalf C&A Friedlander is acting. While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and Birch Lane for access during building.</p> <p>Birch is a minor road not designed to carry heavy construction vehicles and the use of Blue valley and Birch will disrupt the residential traffic, the other roads like Pine, Conifer and Gumtree are even worse. The steep incline of Blue Valley Avenue makes it very unsuitable for trucks.</p>				<p>existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and</p>
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	We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.				Blue Valley Avenue will no longer be required.
7	<p>Please note that the proposed bridge is linked to the lifestyle development proposal and the objections to and comments on the 2 proposals should be linked. I am one of the 49 neighbours in Blue Valley Ave, Bokkemankloof, on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and Birch Lane for access during building. Birch Lane is a minor road not designed to carry heavy construction vehicles and the use of Blue Valley Avenue and Birch lane will disrupt the residential traffic, the other</p>	14 June 2024	John Cooper	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p>

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	<p>roads like Pine, Conifer & Gumtree are even worse.</p> <p>The steep incline of Blue Valley Avenue makes it very unsuitable for trucks. We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.</p>				<p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
8	<p>Please note that the proposed bridge is linked to the lifestyle development proposal and the objections to and comments on the 2 proposals should be linked.</p>	13 June 2024	Paola Bellomusto	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p>

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	<p>I am one of the 49 neighbours on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the bridge per se, we do object to the use of Blue Valley Avenue and Birch Lane for access during building.</p> <p>Birch is a minor road not designed to carry heavy construction vehicles and the use of Blue Valley and Birch will be most disruptive to all the residential traffic in the area.</p> <p>We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate prior to the building the bridge and lifestyle centre.</p>				<p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
9	<p>My partner and I are residents on Blue Valley Avenue and will be overwhelmingly negatively affected by this project if it goes ahead as planned. We do not object to the development of a bridge or the estate bordering Blue Valley but strongly object to the use of Blue Valley Avenue as a construction</p>	13 June 2024	Micky Wiswedel and Vikki Loles	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only</p>

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	<p>highway for the foreseeable future when perfectly viable alternatives exist that do not use quiet residential roads.</p> <p>Us, like many of the residents, invested in the area for its peace and quiet, and community atmosphere. We walk our dogs on these roads, meet with neighbours and kids ride their bikes. We have a strong sense of community, connection to nature and enjoy the piece and quiet. Using Blue Valley Avenue as a construction highway will ruin all of this.</p> <p>The noise of heavy trucks for years passing by our bedroom or home office windows, the added danger of numerous daily heavy vehicles on roads unsuitable for this type of traffic is unthinkable. People often park on the road. It unfortunately seems that City of Cape Town is pushing for the destruction of communities for profit and greed, and a total disregard for</p>				<p>deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
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	<p>people while always bowing to unscrupulous developers.</p> <p>This while there is a perfectly viable alternative option that has access via an area where currently no people can live. Why not use access that does not destroy communities and people's enjoyment of their homes.</p> <p>We object wholeheartedly and will be actively fighting against this at all costs. The enjoyment of our homes and community depends on it.</p>				
10	<p>Please note that the proposed bridge is linked to the lifestyle development proposal and the objections to and comments on the 2 proposals should be linked.</p>	12 June 2024	Michelle van den Berg	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p>

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	<p>I am one of the 49 neighbours in Blue Valley Ave, Bokkemannkloof, on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and Birch Lane for access during building. Birch is a minor road not designed to carry heavy construction vehicles and the use of Blue Valley and Birch will disrupt the residential traffic, the other roads like Pine, Conifer & Gumtree are even worse. The steep incline of Blue Valley Avenue makes it very unsuitable for trucks. We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.</p>				<p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
11	<p>I am the owner of 7 Ash Lane, overlooking the plot below which is to be developed. I strongly object to the development of the bridge for the project number above which will cause an inordinate amount of noise and traffic and be detrimental to the peace and quiet for the residents as</p>	13 June 2024	Annette White	N/A	<p>Please refer to the EMP (Appendix H) for details on the measures to mitigate and manage the impact of noise and traffic on the surrounding residents, as well as the impact on the biodiversity within the development footprint.</p>

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	well as the beautiful natural environment and rich biodiverse area.				
12	<p>I am one of the 49 interested and affected parties on whose behalf C&A Friedlander are acting in respect of the rezoning for the lifestyle village development to which this application for the re-building of the bridge is linked. Note that these proposed developments should not be dealt with piecemeal but linked with one another.</p> <p>While I do not object to the re-building of the bridge per se, I object to the proposed use of Blue Valley Avenue and Birch Lane during the construction period.</p> <p>Birch Lane is a 5.4m thinly tarred, minor road with no curbs, no pavement, no space for parking, and incomplete gutters on one side. It is completely unsuitable for use by large construction vehicles and by any large volume of</p>	13 June 2024	Jenny McNulty	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and</p>

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	<p>traffic either during or post-construction.</p> <p>Blue Valley Avenue is the main access road between the Blue Valley township and the Bokkemenskloof Estate and is a busy road where there are already frequent hold-ups at the point where Blue Valley Avenue meets the Main Road.</p> <p>We agree with the council's contention that the main access to the lifestyle village development should be via a newly built circle on Main Road, Dorman Way, the roads currently under construction in the new development, and the proposed new bridge. Construction of the new bridge should take place via that circle, Dorman Way and the roads in the new estate.</p>				Blue Valley Avenue will no longer be required.
13	<p>To whom it may concern I am a resident in Blue Valley Avenue, Bokkemenskloof, Hout Bay on whose behalf C&A Friedlander are acting in respect of the rezoning for the lifestyle village development - to which this application for the rebuilding of the Oakhurst bridge is linked. I wish to</p>	13 June 2024	Tracey Phillips	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only</p>

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	<p>request that the proposed bridge construction should not be viewed in isolation but should be considered together with the lifestyle development proposal, as well as the Bokkemanskloof community's objections and comments in this regard.</p> <p>Myself and other members of the community do not object to the construction of the bridge, to which the above project number refers. However, we are concerned about the use of Blue Valley Avenue and Birch Lane as access points during the construction of the lifestyle development and abovementioned bridge.</p> <p>Blue Valley Avenue has a steep incline, making it unsuitable for trucks and other, similar heavy-duty vehicles. In addition, Birch Lane is a narrow, minor road, with limited space to accommodate residents' vehicles and no pavements or curbs. Using it as a thoroughfare for large construction vehicles is simply not feasible. The</p>				<p>deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
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	<p>same applies to many of the other lanes leading off Blue Valley Avenue (such as Pine, Conifer and Gumtree). A number of these are narrow, gravel or thinly tarred roads that were not built to withstand constant traffic, particularly not the kind associated with construction. In addition, Blue Valley Avenue is the main access road to the Blue Valley township and Bokkemenskloof Estate. As such, it already experiences a significant amount of traffic and congestion, particularly at the intersection with Main Road.</p> <p>With this in mind, we believe that it would be best for Main Road and Dorman Way to be used as access points for the construction of the bridge. Similarly, Main Road and Dorman Way should be used as access points for construction of the new lifestyle estate.</p>				
14	I am one of the 49 neighbours on whose behalf C&A Friedlander is acting.	13 June 2024	Erika Brown	N/A	<p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle</p>

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	<p>While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and the side roads off Blue Valley Avenue for access during building. The side roads off Blue Valley Avenue:</p> <ul style="list-style-type: none"> Gumtree Pine Street Conifer Road Birch Street <p>are minor roads not designed to carry heavy construction vehicles.</p> <p>Birch Street particular is 5.4m wide, a single lane, thinly tared minor road, no curb, no pavement and not sufficient space for parking.</p> <p>We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.</p> <p>We agree with the council's contention that the main access to the lifestyle development should be via a newly constructed traffic circle on Main Road, Dorman Way, the roads</p>				<p>Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.</p>
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	currently under construction in the new development and the proposed new bridge.				
15	<p>Please note that the proposed bridge is linked to the lifestyle development proposal and the objections to and comments on the 2 proposals should be linked.</p> <p>I am one of the 49 neighbours in Blue Valley Ave, Bokkemankloof, on whose behalf C&A Friedlander is acting.</p> <p>While we do not object to the bridge per se, we object to the use of Blue Valley Avenue and Birch Lane for access during building. Birch is a minor road not designed to carry heavy construction vehicles and the use of Blue Valley and Birch will disrupt the</p>	13 June 2024	Tobias Keller	N/A	<p>Please note that the reason the two proposals are separated is because this application applies for an activity that has not been approved by an existing Environmental Authorisation, and therefore needs to be approved. This Basic Assessment Process only deals with the proposed bridge upgrade, and any comments on the lifestyle development proposal would fall outside the scope of this assessment.</p> <p>Noted.</p> <p>As per the Traffic Impact Assessment undertaken for the Oakbridge Lifestyle Estate, access to the site is not possible via Dorman Way at this stage. However, the Applicant has received approval from the City of Cape Town for alternative access via Hout Bay Main</p>

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	residential traffic, the other roads like Pine, Conifer & Gumtree are even worse. The steep incline of Blue Valley Avenue makes it very unsuitable for trucks. We would like to see the new circle built on Main Road and access for the building of the bridge gained via Dorman Way and the roads currently under construction in the new estate.				Road (Left-In-Left-Out access). Access to and from the site via Birch Road and Blue Valley Avenue will no longer be required.
16	<p>COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT (“BAR”) FOR THE PROPOSED UPGRADE OF THE OAKHURST BRIDGE AND ASSOCIATED INFRASTRUCTURE ON REMAINDER OF ERF NO. 2224, HOUT BAY.</p> <p>1. The draft BAR dated and received by this Department via electronic correspondence on 13 May 2024 and this Department's acknowledgement thereof dated 23 May 2024, refer.</p> <p>2. The Directorate's comments on the draft BAR are as follows:</p> <p>2.1. Activity Description</p> <p>2.1.1. The proposal entails the upgrade of an existing bridge on the Remainder of Erf No. 2224, Hout Bay, which crosses the Bokkemanskloof Stream and its associated wetland. Further, the</p>	Rondine Isaacs/ Taryn Dreyer	14 June 2024	Department of Environmental Affairs and Development Planning	<p>1. Noted.</p> <p>2.1.1 Noted</p>

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	<p>proposed bridge relates to the authorised Oakhurst Residential Development (Original Environmental Authorisation ("EA")- Reference No: E12/2/4/1-A5/235-2058/10 and Amended EA- Reference No: 14/3/1/1/A6/36/0535/21).</p> <p>2.1.2. Please ensure that the executive summary of the BAR clearly stipulates a separate EIA application is required for the upgrade of bridge, given that the proposed bridge triggers listed activities and as such an amendment of the EA is not possible for the bridge upgrade. However, the remaining proposed amendments on the larger residential development will be subject to a separate amendment process.</p> <p>2.2. Water Use License Application ("WULA")</p> <p>2.2.1. The proposed development entails construction works within a watercourse and triggers Section 21 (c) and (i) of the National Water Act (Act 36 of 1998).</p> <p>2.2.2. The National Department of Water and Sanitation ("DWS") must be included, as part of the list of key authorities invited to form part of the</p>				<p>2.1.2 Noted, the executive summary will make clear the reason for the application and that the amendment application related to the lifestyle estate development will be a separate application.</p> <p>2.2.1 Noted</p>
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	<p>pending Public Participation Processes. Further, your attention is drawn to the following:</p> <p>2.2.2.1. In terms of the Agreement for the One Environmental System (Section 50A of the NEMA and Sections 41(5) and 163A of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the WULA Regulations of 2017.</p> <p>2.2.2.2. The required water use license application and request for comment must be submitted to the National DWS. Proof of the submission of the WULA to the National DWS must be included in the final BAR.</p> <p>2.2.3. Comment regarding the proposed development and the applicability of Section 21 (c) and (i), as stated above, must be obtained from the Department of Water and</p>				<p>2.2.2.1 Noted.</p> <p>2.2.2.2 Noted, water use license application and request for comment will be submitted to the National DWS.</p> <p>2.2.3 Noted, comments will be included into the final bar.</p>
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<p>Sanitation and included in the final BAR.</p> <p>2.3. Heritage Impacts 2.3.1. It is indicated that the development proposal triggers Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA").</p> <p>2.3.2. Further, a Notice of Intent to Develop ("NID") was submitted to Heritage Western Cape terms of Section 38(8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). A copy of the NID is included in the draft BAR, and it is noted that the comment provided by Heritage Western Cape dated 24 May 2022 refers to the proposed residential development on Erven 2224 and 2958 and does not relate to the proposed upgrade of Oakhurst Bridge. Therefore, please ensure that a revised duly completed NID is submitted to Heritage Western Cape and ensure that an updated comment is received from Heritage Western Cape before the submission of the Final BAR.</p>				<p>2.3.1 Noted.</p> <p>2.3.2 Please note that the Background Report submitted with the NID (reference number 22040812) identifies the bridge upgrade as one of the changes to the SDP applicable to this NID. Please see Appendix G4.3. Therefore, Heritage Western Cape's comments on the NID does relate to the bridge upgrade. The latest comments on the NID and the Draft BAR from Heritage Western Cape is included as Appendix E1, G 4.2 and in this Comments and Response Report.</p>
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	<p>2.3.3. It is understood that a Heritage Impact Assessment was undertaken for the proposed Consolidation and Subdivision of Erf 8343 and Erf 2224, Hout Bay dated June 2005. This assessment is not specific to the proposed development of the Oakhurst Bridge and associated infrastructure on Erf No. 2224, Hout Bay. Whilst reference to this document is relevant to the heritage resources in the broader site, the impact assessment does not assess the heritage impacts associated with the newly proposed upgrade of the Oakhurst Bridge. Should Heritage Western Cape request a new HIA to be undertaken, this must be done and included in a revised draft BAR along with their final comment.</p> <p>2.4. Screening Tool Report, Site Sensitivity Verification Report and Protocols</p> <p>2.4.1. This Directorate notes the submission of the Screening Tool Report dated 28 May 2024 which has identified a number of specialist studies</p>				<p>2.3.3 Noted. No request for an updated Heritage Impact Assessment has been made by Heritage Western Cape to date.</p> <p>2.4.1 Noted</p>
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<p>to be conducted. A motivation, as to why certain specialist studies highlighted in the Screening Report will/will not be conducted, has been provided in the Site Sensitivity Verification Report dated September 2022 and the Directorate has previously confirmed the specialist assessments required, as part of the pre-application process.</p> <p>2.4.2. According to SSV Report, the following specialist assessments have been undertaken and included in the draft BAR:</p> <p>2.4.2.1. Botanical Compliance Statement was prepared by Stuart Hall, from Capensis Botanical Services;</p> <p>2.4.2.2. A Freshwater Assessment Report was prepared by an Antonia Belcher in August 2022; and</p> <p>2.4.2.3. A Herpetofauna Assessment was prepared by M. Adams and A. Husted, from The Biodiversity Company.</p> <p>2.4.3. The Screening Tool Report (dated 28 May 2024) notes a Very High sensitivity rating associated with the</p>		<p>2.4.2 Noted, the following Specialist Assessments have been undertaken and included in the draft BAR:</p> <ul style="list-style-type: none"> • Botanical Compliance • A Freshwater Assessment • A Herpetofauna Assessment <p>2.4.3 Updated comments on the development have been obtained from Heritage Western Cape and are</p>
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<p>archaeological and cultural heritage theme. In light of this and as stated in Paragraph 2.32. of this correspondence, an updated comment regarding the newly proposed development must obtained from Heritage Western Cape.</p> <p>2.4.4. Please note that should any authority that has jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.</p> <p>2.4.5. Furthermore, should you determine during the Basic Assessment processes that certain specialist studies would indeed be required, then the applicable requirements in terms of the Protocols and/or Appendix 6 of the EIA Regulations, 2014 (as amended) must be met.</p> <p>2.5. Stormwater Impacts 2.5.1. Details regarding the stormwater infrastructure required for the</p>				<p>included in Appendix E1, G4.2, and in this Comments and Response Report.</p> <p>2.4.4 Noted.</p> <p>2.4.5 Noted.</p>
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	<p>proposed development have not been included in the draft BAR. The information referenced on Page 44 of the draft BAR relating to mitigation measures recommended by the aquatic specialist, a stormwater management plan must be compiled to address the impact management actions required for the management of stormwater required for the proposed development.</p> <p>2.5.2. It is further indicated on page 44 of the draft BAR, "With the creation of the stormwater management and wetland areas, consideration should be given to discouraging the nuisance growth of bulrushes that would require ongoing management. A maintenance management plan should be compiled to guide long-term maintenance works in the river." Therefore, please ensure that a detailed description of the proposed stormwater infrastructure is included in the activity description of the final BAR and within the relevant sections of the Environmental Management Programme ("EMPr"). Comment</p>				<p>2.5.1 Noted. A Stormwater Management Plan is included in Appendix G4.4.</p> <p>2.5.2 Noted. The Stormwater Management Plan has been included in Appendix G4.4, and a Maintenance Management Plan for the developments has been drafted. and should be conducted to guide long-term maintenance works in the river. Stormwater management plan is to be submitted to the City of Cape Town with the final BAR.</p>
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	<p>regarding the stormwater management plan from the relevant department within the City of Cape Town must be submitted with the final BAR.</p> <p>2.6. EMPr 2.6.1. Please ensure that the draft EMPr contains recommendations and mitigation measures based on the feedback from the organs of state and specialist assessments through all phases of development.</p> <p>2.6.2. As per this Directorate's comments on the pre-application BAR, you are advised to include a Maintenance Management Plan ("MMP") to guide long-term maintenance works in the river. Although the response in the comments and responses states that a MMP will be prepared for the larger residential development, the maintenance management measures for the bridge and affected wetlands and river, must be included in the EMPr.</p>				<p>2.6.1 Noted. Mitigation and mitigation measures described in the EMPr are based on feedback from the Organ states and Specialist assessments through all phases of the development.</p> <p>2.6.2 Noted. A Maintenance Management Plan has been drafted for the development, and the measures applicable to the bridge, wetlands and the river are included in the EMPr (Appendix H).</p>
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	<p>2.6.3. Kindly note that should a MMP form part of the proposal, this must be incorporated in the EMPr and must be included in a revised draft BAR for commenting purposes.</p> <p>2.6.4. Please amend the EMPr to include the requirement of environmental audit reports (to be completed by an independent external auditor), in accordance with the requirements of Regulation 34 of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). Further, the duties of the Auditor must be outlined in the EMPr.</p> <p>2.6.5. Paragraph 3 in the table on page 30 of the EMPr is incomplete.</p> <p>2.6.6. Please ensure that the application reference no is included in the title page of the EMPr and the BAR.</p> <p>2.7. Public Participation 2.7.1. Comment from the Department of Water and Sanitation and the City of Cape Town's Directorate</p>				<p>2.6.3 Noted. The Maintenance Management Plan is included as part of the EMPr.</p> <p>2.6.4 Noted. This requirement has been included in the EMPr.</p> <p>2.6.5 Noted</p> <p>2.6.6 Noted</p>
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	<p>Environment and Heritage Resource Management has not been included in the draft BAR. Final comment from the relevant organs of state must be obtained and included in the Final BAR.</p> <p>2.7.2. The following State Departments/Organs of State must be consulted during the pre-application and formal EIA application processes:</p> <p>2.7.2.1. Department of Water and Sanitation, 2.7.2.2. Heritage Western Cape; 2.7.2.3. CapeNature; and 2.7.2.4. The City of Cape Town.</p> <p>2.7.3. You are required to submit proof of the Public Participation Process being conducted for the pre-application BAR. This will include (but is not limited to):</p> <ul style="list-style-type: none"> • Proof that notices were placed on site; • A cut-out of the advertisement, displaying the date and the name of the newspaper, as placed in the local newspaper; 				<p>2.7.1 Noted. Comments from the Department of Water and Sanitation and City of Cape Town's Directorate Environment and Heritage Resource Management have been included in the Comments and Response Report and Appendix E3 (DWS) and Appendix E15 (CCT environment and Heritage Resource Management Directorate).</p> <p>2.7.2 Noted. No comments were received from the Department of Water and Sanitation or CapeNature, but comments will be obtained from these stakeholders during the next round of public participation.</p> <p>2.7.3 Please note that due to the Protection of Personal Information Act, proof of notification of I&APs via email, distribution of the Draft BAR, and the I&AP register will ONLY be included in the Final BAR submitted to DEADP for decision making purposes.</p>
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	<ul style="list-style-type: none"> • Proof that adjacent landowners, ward councillor, local municipality and State Departments/organs of state were notified via e-mail; • Proof that the pre-application BAR was made available to registered interested and affected parties ("I&APs"); • All comments received from I&APs; • A Comments and Responses Report, indicating all the comments received from I&APs on the pre-application BAR and the responses thereto; and • A complete list of registered I&APs. <p>2.7.4. All comments must be adequately addressed prior to the submission of the final BAR.</p> <p>2.8. Need and Desirability 2.8.1. The Final BAR must provide further detail regarding the address of the Need and Desirability aspect of the proposed development.</p>				<p>2.7.4 All comments received to date have been addressed, and all additional comments will be adequately addressed prior to the submission of the final BAR.</p> <p>2.8.1 Noted. Further details have been provided in the Needs and Desirability section of the BAR.</p>
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	<p>2.8.2. A detailed motivation as to how the proposed development is aligned with the relevant spatial planning instruments of the City of Cape Town. In addition, please ensure detailed reasons as to why the preferred alternative is deemed as preferred and the discarded alternatives, are not considered as preferred, are included in the final BAR.</p> <p>2.9. Traffic Impacts Given the traffic impacts associated with the proposed development, it is recommended that a traffic management plan is compiled, prior to the commencement of construction activities. Please ensure that the EMPr refers to the impact management actions required for each affected road as a result of the proposed development.</p> <p>2.10. Dust and Noise Management The EMPr includes dust suppression techniques using non-potable water for short-term dust stabilisation. However, it is recommended that waterless methods for dust suppression</p>				<p>2.8.2 Noted. Additional motivation has been included in the relevant sections of the BAR.</p> <p>2.9 Noted. Traffic impact mitigation and management measures have been included in the EMPr.</p> <p>2.10 Noted, the EMPr is to include dust suppression techniques using non</p>
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	<p>are also included in the EMPr, as a dust suppression (where possible).</p> <p>2.11. This Department awaits the submission of the final BAR for decision-making, as prescribed by Regulation 19 of the EIA Regulations, 2014 (as amended). In accordance with Regulation 19 of the EIA Regulations, 2014 (as amended), this Department hereby stipulates that the final BAR for decision-making must be submitted to this Department within ninety (90) days from the date of receipt of the Application Form for Environmental Authorisation by this Department, calculated from 13 May 2024. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/ Environmental Assessment Practitioner ("EAP") must notify this Department that an additional 50 days (i.e., 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a</p>				<p>potable water for short term dust stabilization.</p> <p>2.11 Noted.</p>
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	<p>minimum commenting period of 30 days to allow registered Interested and Affected Parties to comment on the revised report/additional information.</p> <p>2.12. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>2.13. It is prohibited in terms of Section 24F of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Non-compliance in terms of the prohibition must be referred to this Department's Directorate: Environmental Law Enforcement for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment. This Directorate reserves the right to revise or withdraw its comments and</p>				<p>2.12 Noted,</p> <p>2.13 Noted.</p>
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	request further information based on any information received. Your interest in the future of the environment is greatly appreciated.				
17	<p>REQUEST FOR COMMENT: RE: DBAR - PROPOSED UPGRADE OF OAKHURTS BRIDGE RE OF ERF 2224 HOUT BAY-16/3/3/6/7/1/A6/36/2027/22</p> <p>The Air Quality Management Unit has reviewed the referenced documents and provide the following comments. It is noted the proposal development entails the upgrade of the existing Oakhurts bridge on Remainder Erf 2224, Hout Bay.</p> <p>A. Construction Activities</p> <p>1. No dust nuisances are to be created during the construction operations and provision must be made for sufficient dust mitigation measures to be implemented. The Dust control mitigation measures must be documented in the DBAR.</p> <p>2. It is noted, an Environmental Management Programme (EMPr) has not been included. Should an EMPr be developed, the dust control mitigation</p>	6 June 2024	Meroline Ockhuis	City of Cape Town COMMUNITY SERVICES AND HEALTH SPECIALISED ENVIRONMENTAL HEALTH AIR QUALITY MANAGEMENT UNIT	<p>1. Noted, dust mitigation measures are to be documented in the DBAR.</p> <p>2. Noted.</p>

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<p>measures must be documented in the EMPr, as well.</p> <p>3. The use of waterless methods or non-potable water is encouraged for dust suppression during construction activities.</p> <p>4. Should any excessive dust emissions be created during decommissioning of the existing bridge, excavation and construction, it is recommended that dust-screening measures be employed to minimize the potential dust emissions. The materials used should be capable of reducing the quantity of dust being blown off site.</p> <p>5. It is noted that Ready-mixed concrete will be brought to the site for construction.</p> <p>6. Compliance with Section 4: Duty of care (Reasonable measures to prevent air pollution), during Construction activities.</p> <p>7. Compliance with Section 26: Dust Emissions:</p>				<p>3. Noted.</p> <p>4. Noted. Mitigation measures related to dust have been included in the EMPr.</p> <p>5. Noted, ready mix concrete will be brought to the site for construction during the development.</p> <p>6. Noted.</p> <p>7.1. Noted.</p>
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<p>1) Any person who conducts any activity or omits to conduct any activity which causes or permits dust emissions into the atmosphere that may be harmful to public health and wellbeing or is likely to cause a nuisance to persons residing or present in the vicinity of such land, activity or premises shall adopt the best practical environmental. option to the satisfaction of the authorised official, to prevent and abate dust emissions.</p> <p>2) An authorised official may require any person suspected of causing a dust nuisance to submit a dust management plan within the time period specified in the written notice.</p> <p>3) The dust management plan contemplated in subsection (2) must:</p> <p>(a) identify all possible sources of dust within the affected site;</p> <p>(b) detail the best practicable measures to be undertaken to mitigate dust emissions;</p> <p>(c) detail an implementation schedule;</p> <p>(d) identify the person responsible for implementation of the measures;</p>					<p>7.2. Noted.</p> <p>7.3. Noted. These requirements will be complied with if an authorised official requires it.</p>
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	<p>(e) incorporate a dust fall monitoring plan; and</p> <p>(f) establish a register for recording all complaints received by the person regarding dust fall, and for recording follow up actions and responses to the complaints.</p> <p>4) The authorised official may require additional measures to be detailed in the dust management plan.</p> <p>5) The dust management plan must be implemented within a time period specified by the authorised official in a written notice.</p> <p>6) Failure to comply with the provisions of this section constitutes an offence.</p> <p>All rights are reserved by the City of Cape Town Head: Specialised Environmental Health Services / Air Quality Officer to call for any further requirements in terms of the legislative provisions governing air quality matters, should the need arise once the project has commenced.</p>				<p>7.4. Noted</p> <p>7.5. Noted</p> <p>7.6. Noted</p>
18	COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF THE OAKHURST BRIDGE AND ASSOCIATED	12 June 2024	Rashaad Samaai	City of Cape Town: SPATIAL PLANNING	

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	<p>INFRASTRUCTURE ON REMAINDER OF ERF 2224, HOUT BAY</p> <p>The abovementioned draft Basic Assessment Report (DBAR), dated May 2024, has reference.</p> <p>The draft BAR was distributed to various City departments for comment and responses were received from Air Quality Management, Water and Sanitation: Sewer Infrastructure, and Transport Impact Assessment & Development Control. There were no objections to the proposal and a summary of their feedback is included below.</p> <p>1. Air Quality Management – Meroline Ockhuis This branch outlined several requirements for dust emissions resulting from onsite construction activities.</p> <p>2. Reticulation (Sewer Infrastructure) – Fauldine Ishmail The Sewer Reticulation branch has no objection to the proposal as it has no direct impact on existing sewer infrastructure.</p>			<p>AND ENVIRONMENT</p>	<p>1. Noted,</p> <p>2. Noted</p> <p>3. Noted</p>
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	<p>3. Transport Impact Assessment & Development Control – Marlyn Botha This branch has no objection to the proposed bridge, which would serve as the primary access to the retirement village development after Oakhurst Avenue is extended.</p> <p>4. Environment & Heritage – Rashaad Samaai (Environmental Section) As previously stated, because the site is largely transformed and the assessment findings indicate that the impact on environmental resources is low, the Environmental Management Section has no objection to the proposal as long as the specialists' recommendations are adhered to. The City reserves the right to revise its comment based on new information received.</p>				4. Noted
19	APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION, DEPARTURES, TO PERMIT A RETIREMENT VILLAGE, ASSISTED LIVING AND CLUBHOUSE ON ERF 8343, HOUT BAY:	22 April 2024	Marlyn Botha	City of Cape Town- Transport Impact Assessment	It is noted that these comments relate to the rezoning, subdivision, and consolidation application associated with the larger Oakhurst Lifestyle Estate Project. As such, not all the comments

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	<p>URBAN MOBILITY - TRANSPORT PLANNING COMMENT-CASE ID – 1500006079</p> <p>With reference to your application for rezoning, subdivision, consolidation, departures, to permit a retirement village, assisted living and clubhouse on Erf 8343, Hout Bay, this department comments as follows:-</p> <p>As part of the by-law application a full Transport Impact Assessment (TIA) was submitted by ITS - INNOVATIVE TRANSPORT SOLUTIONS (PTY) LTD. The aim of this report was to determine the expected transport related impacts of the proposed development and to propose mitigation measures (if and where required).</p> <p>Based on the information provided this branch offers no objection to this application from a transport perspective, subject to the following conditions: -</p> <p>1. The scale of the proposed development must be limited to the following: -</p>			<p>& Developme nt Control Urban Mobility Directorate</p>	<p>are relevant to the proposed bridge upgrade.</p> <p>1. Not applicable to the proposed bridge upgrade.</p>
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	<p>- Retirement village – 74 1-storey detached dwelling houses, 24 2-storey apartments</p> <p>- Care Centre/Assisted living quarters - 28 rooms (deemed 14 units)</p> <p>- Clubhouse (conversion of existing dairy building)</p> <p>2. On-site parking must be provided in accordance with the by-law requirements and must be designed and built to the City's minimum standards.</p> <p>3. The temporary short term access must be via Birch Street and the final access arrangement will be via Oakhurst Avenue once the bridge constructed and that the Oakhurst Avenue is extended.</p> <p>Note: Once the bridge and the Oakhurst Avenue extension are constructed, access onto Birch Street for the residents must be closed off and only maintenance engineering services, the refuse removal truck will be permitted to make use of the access.</p> <p>4. The access off Birch Street must allow for two entrance lanes and one exit lane, also the access control gate</p>				<p>2. Not applicable to the proposed bridge upgrade.</p> <p>3. Noted. Once the bridge has been upgraded, access to the site will only be via Dorman Way.</p> <p>4. Noted.</p> <p>5. Noted.</p>
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	<p>must be set back a minimum of 12.0m from the property boundary in order to allow for adequate stacking space.</p> <p>5. The access must allow for a turning shunt at the end of Birch Street in order to allow for a tuning point at the end of Birch Street. The required right-of-way servitude must be registered over this portion of land and must be registered in favour of the general public.</p> <p>6. The following external works must be implemented at the developers cost:-</p> <ul style="list-style-type: none"> - The Oakhurst Avenue road link must be extended and the bridge must be constructed in order to allow for the primary access to the site. - The Hout Bay Main Road/Dorman Way intersection must be upgrade to a single lane roundabout. This upgrade will significantly improve operations and road safety at this intersection. <p>NOTE: The use of Development Contribution (DC's) payable for external road works will not be conditioned as per the recommendation in the TIA, as this will be a separate negotiation or discussion with our Road Infrastructure</p>				<p>6. Not applicable to the proposed bridge upgrade.</p> <p>7. Not applicable to the proposed bridge upgrade.</p> <p>8. Not applicable to the proposed bridge upgrade.</p>
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<p>and Management Branch. Therefore, according to the conditions above, the developer will be liable for the total cost of all external road works stated above.</p> <p>7. A formal comment must be obtained from Conceptual Design and Project Planning Branch due to the proposed intersection upgrade (single lane roundabout) at Hout Bay Main Road/Dorman Way intersection.</p> <p>8. Refuse collection must be done on-site by a private contractor and the necessary provisions must be made on-site to accommodate this vehicle.</p> <p>9. Any work proposed within the road reserve must be designed and built to the design standards prescribed by the TD: Road Infrastructure and Management Branch. Should any fixtures (light poles, drainage systems, trees or fire hydrants) within the road reserve need to be removed or relocated, an approval must be obtained by the relevant City Branch prior to commencement of works.</p> <p>10. Detailed civil plans must be submitted for all external roads, and this must be done prior to the</p>				<p>9. Not applicable to the proposed bridge upgrade.</p> <p>10. Not applicable to the proposed bridge upgrade.</p> <p>11. Noted</p>
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	<p>submission of any building plans. All external road works must be completed prior to final occupancy certificate been issued or an alternate agreement is reached with the TD: Transport Planning and Road Infrastructure and Management Branches.</p> <p>- Note: All external road works are subject to final design plan scrutiny and will be implemented in accordance with acceptable geometric standards.</p> <p>11. Due to the context of the subject property and the fact that the proposal has a direct impact on a Provincial Main Road (PMR 134, Hout Bay Main Road (M63), Hout Bay), this branches approval is subject to an approval from the Provincial Roads Engineer.</p> <p>For any further information please contact Marlyn Botha from the Transport Department.</p>				
20	<p>The Property is affected by a midblock sewer on the northern side. This sewer services the properties north of the subject i.e. Bokkemanskloof Estate. This has no impact on the bridge</p>	1 June 2024	Moegamat Ishmail	City of Cape Town – Sanitation Division	Noted.

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	reconstruction. There are other municipal sewers on south western side. These are not in the proximity of the proposed construction. The Oakbridge Private Estate are the only private sewer system closest but well out of range. In conclusion the proposal has no direct influence and can be supported from the Sanitation Division.				
21	Please not Heritage Western Cape's comment as dated 24 May 2022 is still applicable.	25 June 2024	Waseefa Dhansay	Heritage Western Cape	Noted

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Comments received on the Pre-Application Basic Assessment Report for the Proposed Bridge Upgrade					
Nr	Comment Received	Date Received	I&AP	Company	Response
1	<p>Please can you register me as an interested party regarding the development of the bridge. We have been given numerous documents to read regarding a new bridge with very little time to absorb and digest this information.</p> <p>I object to the site camp being located near my property.</p> <p>I object to Blue Valley being used as an entrance to this site camp.</p> <p>I would like to suggest a question-and-answer session with regard to the proposed development.</p>	18 October 2022	Ingrid Kingon	Houtbay Resident	<p>The site camp location will be finalised at final planning approval stage.</p> <p>Developer: Hosting meetings with smaller groups of surrounding neighbours and estates will be considered once the town planning application public participation process has been concluded, in order to deal with environmental and town planning queries at the same time.</p>
2	<p>RE: OBJECTIONS TO AND COMMENTS ON: THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224 AND ERF 2958, HOUT BAY AND THE BASIC ASSESSMENT PROCESS AND WATER USE APPLICATION: PROPOSED UPGRADE OF OAKHURST BRIDGE AND ASSOCIATED INFRASTRUCTURE ON</p>	18 October 2022	Jonathan Williams	C&A Friedlander	

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<p>REMAINDER OF ERF 2224, HOUT BAY, WESTERN CAPE</p> <p>The above matter and your public participation process notifications, dated 16 September 2022, bear reference.</p> <p>We confirm that we act on behalf of 45 (forty-five) households ("our clients") situate within the vicinity of the proposed development, whose full particulars are detailed in an annexure hereto marked "A".</p> <p>Our instructions are to advise and place on record as follows:</p> <p>INTRODUCTION</p> <p>1. Our clients are registered owners and/or lawful occupants of various erven located adjacent to the proposed development, whose interests stand to be adversely affected by the proposed substantive amendment and upgrade of Oakhurst bridge and associated infrastructure.</p>				<p>1 – 19: SEC: Noted.</p>
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Comments and Response Table:

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<p>2. Our clients have accordingly instructed us to consider the proposed amendment and upgrade of Oakhurst bridge, along with our clients various concerns, and record certain objections and comments for your attention.</p> <p>3. For the avoidance of doubt, we record that that our clients, as depicted in Annexure A, are registered, alternatively hereby request to be registered by way of this correspondence, as "interested and affected parties", all of whom may be contacted via our offices.</p> <p>BACKGROUND TO PRESENT APPLICATIONS</p> <p>4. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("the Competent Authority") on 5 October 2015.</p> <p>5. The Environmental Authorisation ("EA") was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various</p>				
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<p>residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes and Hout Bay.</p> <p>6. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("the initial application"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.</p> <p>7. During 2021, a non-substantive amendment to the initial application was applied for ("the non-substantive amendment application"), in respect of the following: 7.1. an extension of the period of the validity of the EA;</p> <p>7.2. the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd ("the Applicant").</p> <p>8. The non-substantive amendment application was granted on 21 October 2021.</p> <p>9. The Applicant now seeks to apply for a further amendment to the EA, which is</p>				
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<p>substantive in nature (the “Amendment Application”). The Amendment Application purports to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay (“the amended development”).</p> <p>10. The Applicant has since published a Pre-Application Draft Impact Report (the “Draft Report”) for comment as part of the public participation process. It is relevant to highlight from the outset that upon close inspection of the Draft Report, it is misleading in many respects, which shall be further dealt with below. More specifically, we note that the amendments being applied for contain material and extensive divergences from the initial environmental application which was granted.</p> <p>11. The Applicant has further published notification of the Basic Assessment (“BA”) process and Water Use Application (“WUA”) in respect of a proposed upgrade of Oakhurst Bridge and associated infrastructure on remainder of erf 2224, Hout Bay, (“the Bridge Application”) with Department of Environmental Affairs and</p>				
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<p>Development Planning Reference 16/3/3/6/7/1/A6/36/2027/22. Ostensibly the submission of the Bridge Application is to address the substantial opposition by stakeholders to the proposed access route to the proposed development.</p> <p>AMENDMENT APPLICATION</p> <p>12. The Applicant proposes to amend the existing EA and Environmental Management Programme ("EMPr") in order to establish and operate a retirement residential accommodation facility for individuals in the age group of 50 (fifty) years and older. The Applicant submits that the housing opportunities will include dwelling-houses and apartments for independent functioning residents, to care units for assisted living and residents in need of full-time frail care.</p> <p>13. The proposed amended development will comprise of:</p> <p>13.1. 29 (twenty-nine) dwelling houses ranging from two to three bedrooms;</p>				
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<p>13.2. 76 (seventy-six) two-bedroom apartments;</p> <p>13.3. 34 (thirty-four) suites within the care facility;</p> <p>13.4. a care centre including a dining hall, kitchen, staff room, ablutions, and other amenities; and</p> <p>13.5. a clubhouse, including recreational facilities, administrative offices, a swimming pool, bowling green, amongst other facilities.</p> <p>14. It is envisaged that the total residences will amount to 139 (one hundred and thirty-nine), consisting of 34 (thirty-four) assisted living suites in addition to 105 (one hundred and five) dwellings and apartments.</p> <p>GOVERNING LEGISLATION</p> <p>15. The National Environmental Management Act, 1998, ("the Act") and the Environmental Impact Assessment Regulations ("the Regulations"), as amended, protect the constitutionally</p>				
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<p>enshrined right to an environment which is not harmful to one's health or well-being.</p> <p>16. The purpose of the Act and Regulations are to maintain everyone's right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures which:</p> <p>16.1. Prevent pollution and ecological degradation;</p> <p>16.2. Promote conservation; and</p> <p>16.3. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.</p> <p>17. The Act and Regulations provide a framework for integrating good environmental management into development activities, as well as facilitate and promote public participation in environmental affairs.</p>				
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<p>18. The Applicant is reminded that it is required by section 23 (1)(a) and section 44 of the Regulations to include our clients' objections and comments to the amended development in its submissions to the Competent Authority.</p> <p>GROUPS OF OBJECTION</p> <p>19. Having considered the Draft Report, the concerns of various residents in the area and the views of our clients, we raise the below initial objections to the Amendment Application and Bridge Application (collectively referred to as "the Applications").</p> <p>Departures from the initial application</p> <p>20. In terms of section 31 of the Regulations, an amendment to an EA may be applied for when the change does not, on its own, constitute a listed or specified activity. Therefore, for an amendment to be considered the listed activity should be somewhat similar to the initial application. We submit that the proposed amended development contained in the</p>		<p>20. SEC: Please note that a Part 2 Amendment will result in a change to the scope of a valid Environmental Authorisation where such change will result in an increased level or change in the nature of impact where such level or change was not considered in the valid Environmental Authorisation. In line with this statement, the proposed Amendment to</p>
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	<p>Amendment Application differs substantially in scope, density, nature and extent from the initial application and bears no likelihood thereto. Accordingly, an amendment to the EA is inappropriate in the circumstances.</p> <p>21. The impact of the amendment is so substantial that a new full impact assessment is necessary and an amendment as contemplated by the Applicant is impermissible and is intended to circumvent the protective measures of the Act and Regulations.</p>				<p>the existing EA will not trigger any additional listed activities. Therefore, this application is in line with the auspices of a Part 2 Amendment Application.</p> <p>21. SEC: As per the response above, a new application will only be required should a new listed activity be triggered. As per the EIA Regulations, 2017 (as amended), section 31 states: <i>An environmental authorisation may be amended by following the process prescribed in this Part -</i></p> <p><i>if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not -</i></p> <p><i>(a) assessed and included in the initial application for environmental authorisation; or</i></p> <p><i>(b) taken into consideration in the initial environmental authorisation;</i></p> <p>and the change does not, on its own, constitute a listed or specified activity. The</p>
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	<p>22. We highlight that the initial application pertained to a development proposing 65 (sixty-five) single residential erven and 1 (one) special erven comprising of 8 (eight) units, the total number of homes or units amounting to 73 (seventy-three). The amended development contemplates a substantial increase to 139 residences, as detailed hereinabove at paragraphs 12 and 13.</p>				<p>proposed amended will not constitute a listed activity or specified activity that was not previously authorized.</p> <p>22. <u>Town Planner:</u> Community Zoning 2: Regional: since a retirement village may not be established lawfully on a property zoned Single Residential: Conventional Housing (SR1) or on an Agricultural Zoning (AG), it follows that it had to be rezoned to the following appropriate zoning: Community Zoning 2: Regional ("CO2").</p> <p>The following primary use-rights accrue to a CO2 zoning in terms of the City of Cape Town Development Management Scheme ("DMS"): Institution, Hospital, Place of instruction, Place of worship, Place of assembly, Rooftop base telecommunication station, Minor freestanding base telecommunication station, Minor rooftop base telecommunication station, Filming, and Open space.</p> <p>Of importance here is the definition in the DMS for "institution" which reads as follows;</p>
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Comments and Response Table:

070845- PROPOSED BRIDGE UPGRADE AND PROPOSED AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 2958, RE OF ERF 8343, AND A PORTION OF RE OF ERF 2224, HOUT BAY.

				<p>“... means a property used as a welfare facility such as a home for the aged, retired, indigent or handicapped; or a social facility such as a counselling centre, orphanages or reformatory, and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or prison;”</p> <p>The parallel land development application thus has as its sole purpose the procuring of the use-rights for the establishment and operating of a residential facility for the retired of the nature and extent alluded to above, and as allowed for under the definition of Institution. This will be controlled/regulated by a site development plan materially in accordance with the Draft Site Plan (“DSP”) submitted with the application. The latter was formulated by a multi-disciplinary team of appropriately qualified professionals over an extended period of time with due cognisance to inter alia the contextual environment and blending/harmonising with surrounding neighbourhoods.</p> <p>23. Please refer to responses 20 – 21 above. The proposed Amendment Application</p>
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	<p>23. The amended development contemplates the development of facilities such as a care centre, club house, administrative facilities and a sporting ground, none of which were included in the initial application.</p> <p>24. While the initial application contemplated erven that were single dwellings, the zoning of the land being Single Residential Zoning 1: Conventional Housing ("SR1"), the amended development cannot be described as a development consisting of single dwellings. The amended development is in fact deemed to be a retirement village or home for the aged. This land use is described as an "institution" in the Development Management Scheme ("DMS"), which are the zoning regulations that form part of the Cape Town Municipal Planning By-law.</p> <p>25. The DMS defines an institution as follows: "Institution' means a property used as a welfare facility such as a home for the aged, retired, indigent or handicapped; or a social facility such as a counselling</p>				<p>does not constitute a new listed activity in terms of the NEMA Legislation.</p> <p>24 - 30. <u>Town Planner</u>: Please refer to the Town Planner's response (Point 22).</p>
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<p>centre, orphanages or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or prison". (own emphasis added)</p> <p>26. An institution is not a permitted use in an SR1 zone, but may be permitted with the consent of the Council, which is an application in terms of section 24 of the Municipal Planning By-law. The Applicant ought to apply for the re-zoning of the subject erven to Community Zone CO2, where an institution (retirement complex) is a primary land use. The increase in density and type of dwelling permitted in SR1 compared to Community Zone CO2 being applied for in the Amendment Application constitutes a drastic departure from the initial application.</p> <p>27. The initial application contemplated single residential erven in compliance with the Minimum Erf Size Map for Hout Bay, which states that this area of Hout Bay is limited to erven of not less than 650m² in extent. The density of the amended development is approximately double the</p>				
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<p>density originally applied for. The reduction in erven size and increase in density contemplated by the Applicant in the Amendment Application represents a substantial departure not only from the initial application but also from the Hout Bay Local Area Overlay Zone LOA/11.</p> <p>28. Item 181 Specific provisions of Hout Bay Local Area Overlay Zone (LOA/11) reads as follows:</p> <p>(1) The area depicted on Plan LOA/11 is subject to the provisions in this item;</p> <p>(2) No subdivision of land that is zoned Single Residential shall be permitted with an erf size of less than the minimum erf size specified in Plan LOA/11;</p> <p>29. The amended development does not contemplate the subdivision of the individual dwellings, however, the density of the overall development must be considered against the Hout Bay Local Area Overlay Zone.</p> <p>30. The initial application contemplated erven with a minimum erf size of 650m² in extent. Given that the subject erven of the</p>				
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<p>development amount to some seven hectares in extent, the density of the initial application could be described as 9.3 dwellings per hectare. The amended development contemplates 139 residences, which can be described as 19.9 dwellings per hectare. The density of the amended development is accordingly double that which is promoted by the Hout Bay Local Area Overlay Zone.</p> <p>31. The increase in the number of residences as well as the change in the type of dwelling contemplated is a material change to the density and nature from the initial development. When considering the decision made by the Competent Authority in respect of the initial EA granted on 4 January 2016, it is noted that a variety of factors were considered in respect of certain layout alternatives proposed by the Applicant in respect of the development.</p> <p>32. Areas of concern pertained to the sensitivity of the Bokkemanskloof River Corridor, the visual character of the site in the surrounding rural mountainside and vegetation rehabilitation along the</p>		<p>31. SEC: Please refer to responses to comments 20 – 21 above. This application is in line with the auspices of a Part 2 Amendment Application.</p> <p>32. <u>Visual Impact Specialist:</u> Noted - the visual character of the site will change, as it did in the previous development.</p>
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	<p>interface of the development, with the natural areas abutting the Table Mountain National Park on the south side of the development.</p> <p>33. Each alternative proposed by the Applicant was ultimately rejected by the Competent Authority because of either the impact of the development on the river corridor and buffer areas, the impact the proposal would have on the “look and feel” of the Hout Bay mountainside character, or as a result of concerns relating to erosion and slope instability of erven located on the southern slopes.</p> <p>34. Despite the attempts made by the Applicant to increase the size of the proposed development, only 65 (sixty-five) single residential erven were finally authorised together with one special erven.</p> <p>35. We submit that the amended development is a material and vast departure from the initial application and will have severe additional environmental implications when compared to the initial application that was granted.</p>				<p>33. <u>Visual Impact Specialist</u>: The previous SDP was approved and this SDP is being compared to the approved development</p> <p>34. Noted.</p> <p>35. SEC: please refer to responses to comments 20 – 21 above.</p>
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	<p>36. Whilst our clients do not object to the development of the land per se, the amended development contemplated in the Amendment Application is objected to in its entirety.</p> <p>37. As discussed hereinabove, should the amended development succeed the Applicant shall be required to apply for re-zoning of the subject erven. The current zoning for erf 2224 and 2958, Hout Bay is SR1 and Transport 2: Public Road and Public Parking.</p> <p>38. The amended development comprises of multiple dwellings, including apartments, and facilities such as a clinic and clubhouse which shall include a restaurant and administrative offices. Therefore the current zoning is inadequate to accommodate the Applicant's proposal. The Applicant would have to apply for re-zoning several levels above its current permitted uses to Community Zone CO2.</p> <p>39. Our clients strongly oppose the development of a retirement village, which</p>				<p>36. SEC: please refer to responses to comments 20 – 21 above.</p> <p>37 - 40. <u>Town Planner</u>: Please refer to the Town Planner's response (Point 22).</p>
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<p>would require re-zoning of the subject erven i.e. the development of apartments or flats, a clubhouse, and clinic and the amenities ancillary thereto.</p> <p>40. The surrounding area of the amended development consists of SR1, rural or agricultural zoning only. The level of development proposed by the Applicant is therefore not in keeping with the area and is strongly opposed by our clients.</p> <p>Relationship to adjacent sites – access, overshadowing and scale.</p> <p>41. The issue of access has a long history in this matter which has been extensively ventilated. The initial application proposed Blue Valley Avenue as the primary access route. Various affected parties opposed the use of Blue Valley Avenue. However, the Competent Authority on appeal determined that Blue Valley Avenue was an acceptable access route.</p> <p>42. Alternative access routes were considered and rejected, including Dorman Way due to considerations such as levels of service currently being</p>				<p>41 - 44. <u>Traffic Engineer</u>: Noted. It is now proposed to use Blue Valley Avenue for temporary access until the bridge has been constructed. Once the bridge is constructed the development will have access via Dorman Way and the Birch Street access will remain as a service/emergency access.</p> <p>With the previous development proposal, the property to the west of Erf 2224 was not part of the proposed development</p>
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	<p>experienced, intersection geometry, the alignment of Dorman Way and shoulder sight distances.</p> <p>43. The amended development again proposes Blue Valley Avenue as the development access route, and provides that thereafter Dorman Way shall be the primary access route once the Oakhurst bridge is upgraded. The Bridge Application and Amendment Application are therefore intricately linked. One cannot succeed without the approval of the other.</p> <p>44. Our clients are of the opinion that whether or not the bridge is upgraded, such upgrade will not adequately address our clients' concerns regarding access as Dorman Way and Blue Valley Avenue are inadequately equipped to handle the volume of anticipated motor vehicle traffic created by the proposed development, as will be illustrated hereinbelow.</p> <p>44.1 Trip Generation Rates 44.1.1 The trip generation rates are incorrect and/or require revision. The amended development comprises of a</p>				<p>complex. Access via Dorman Way was not possible with the previous proposal. The property to the west is now part of the development proposal, which makes it possible to take access via Dorman Way.</p> <p>The bridge is part of the development proposal.</p> <p>Based on the findings in the TIA, the surrounding road network can accommodate the trips associated with the proposed development.</p>
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	<p>significant increase in units as well as facilities resulting in an increase of residents, visitors, employees of the amended development as well as staff of the residents. The draft Transport Impact Assessment, marked as appendix G6.1 ("the draft Transport Impact Assessment") to the amended development application takes into account the number of residential units only, and not the additional motor vehicle traffic generated by virtue of the fact that the amended development is a retirement village which creates high trip densities due to the significant amount of motor vehicles which will be required to enter and exit the development throughout the day, including during peak hour traffic, in order to make deliveries, transport the vast number of staff, service providers and visitors, which are all in addition to the residents.</p> <p>44.1.2 When considering the initial application, and in the response to the interested and affected parties previous concerns raised, we note that Birch Street (off Blue Valley Avenue) was considered a preferred access route because:</p>				<p>44.1.1 – 44.1.4: <u>Traffic Engineer</u>: The trip generation estimate in the TIA is based on the South African Trip Data Manual (TMH17).</p>
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	<p>44.1.3 The amended development proposes a significant increase in the number of units and residents as well as the various proposed facilities, all of which require full-time staff including but not limited to medical staff, carers, cooks, cleaners, gardening staff, administrators and security personnel, as alluded to hereinabove.</p> <p>44.1.4 We submit that the above statement, which influenced the granting of the appeal of the EA, no longer applies to the amended development. The amended development does not comprise of "only a few residential units". In addition, the actual increase to the trip generation as a result of the proposed enterprises by the amended development have not been taken into account by the draft Transport Impact Assessment. The trip generation rate of a retirement village of this nature is substantial and therefore the proposed use of Birch Street is wholly unacceptable.</p> <p>44.2 Levels of Service</p>				<p>44.1.4. <u>Traffic Engineer</u>: In our opinion and based on accepted design standards the Birch Street road reserve width can accommodate the access as proposed. The Birch Street access is only temporary until the bridge is constructed. Once the bridge is constructed the development will take access via Dorman Way as discussed in the TIA. Once the bridge is constructed the Birch Street access will remain as a service/emergency access.</p>
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	<p>44.2.1 The draft Transport Impact Assessment states that the current levels of service of Blue Valley Avenue operate acceptably. Our clients aver that the traffic congestion currently experienced on Blue Valley Avenue cause extensive delays especially to safely merge into the lane travelling north.</p> <p>44.2.2 By their own admission the assessors in the draft Transport Impact Assessment state that in 2027 northbound road users are expected to continue to struggle to find gaps and shall experience long delays, and that unless a roundabout is installed the level of service for intersection 1 is an "F". Our clients aver that the level of "the registered road reserve width for Birch Street of 9.45 metres is sufficient for a low volume access road, with a 1.8m to 2m sidewalk along one side. The road will not be busy since it will only serve 22 erven which at most generate 30 trips per hour, i.e. a vehicle every 2 minutes. A narrow road in a residential environment with a sidewalk is ideally suited for low traffic volumes serving only a few residential units." (own emphasis added) service</p>				<p>44.2.1 – 44.2.3. <u>Traffic Engineer</u>: The TIA is based on recent traffic counts. Based on the findings in the TIA the surrounding road network can accommodate the additional trips.</p> <p><u>Traffic Engineer</u>: Based on the results of the intersection analysis in the May 2022 TIA, the Main Road/Blue Valley Avenue intersection will operate at a level-of-service LOS=C during the a.m. peak hour and LOS=D during the p.m. peak hour, which is acceptable. This is without the bridge and with all development trips via Blue Valley Avenue. Main</p> <p><u>Traffic Engineer</u>: In our opinion and based on accepted design standards the Birch Street road reserve width can accommodate the access as proposed.</p>
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	<p>currently experienced is not acceptable, let alone with the increase in vehicles generated by the amended development.</p> <p>44.2.3 It is our submission that the placement of such a roundabout will further frustrate the flow of traffic in an already over congested road during peak hours of traffic, as well as impact the roads which feed into this Road, as this is the only means to enter and exit the Hout Bay area to the Southern Suburbs.</p> <p>44.3 Shoulder Sight Distance 44.3.1 In the initial application, the Dorman Way access via the gravel road was found by the City's Transport Planning Department to be unacceptable due to the fact that it crosses private land to which the Applicant had no right of access before it would meet with the western boundary of Erf 2224 and the access via the gravel road was unfeasible due to insufficient shoulder sight distance to the east along Main Road, Hout Bay.</p> <p>44.3.2 The Applicant has failed to address the abovementioned issues in their entirety</p>				<p>44.2.3. <u>Traffic Engineer</u>: The roundabout proposed at the Main Road/Dorman Way intersection will significantly improve operations and road safety at this intersection.</p> <p>44.3.1. <u>Traffic Engineer</u>: Correct</p>
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	<p>in the draft Transport Impact Assessment which now proposes Dorman Way as the primary long-term access route.</p> <p>44.4 Pedestrian safety 44.4.1 The aspect of pedestrian safety has not been adequately addressed by the Applicant. It has repeatedly been stated that the existing roads in the area do not have pavements and that the addition of a pavement is unnecessary as it would “lead to nowhere”, as stated in the initial and draft Transport Impact Assessment marked Appendix G6.2.</p> <p>44.4.2 Our clients aver that the lack of pavements and alleged lack of destination does not negate the fact there is significant pedestrian traffic in the area and that pedestrians walk on the road or bare shoulder thereof.</p> <p>44.4.3 The increase in motorised traffic generated by the amended development will pose a risk to the current pedestrian</p>				<p>44.3.2. <u>Traffic Engineer</u>: Access via Dorman Way with the proposed roundabout will significantly improve operations and road safety. The roundabout also creates the opportunity for access to the gravel servitude road to the north of Main Road.</p> <p>44.4.1. <u>Traffic Engineer</u>: It is not expected that the proposed development will generate a significant number of pedestrians.</p> <p>44.4.2. <u>Traffic Engineer</u>: No significant pedestrian activity was observed during site visits. Operational speeds in the area are low and pedestrians can use the road.</p>
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	<p>traffic. The creation of a pavement along the roads intended for use by the amended development is not an unreasonable request by the interested and affected parties. Furthermore, not only will the amended development create an increase in motorised traffic, it will result in an increase of pedestrian traffic as well.</p> <p>44.5 Road surface of Blue Valley Avenue 44.5.1 The aspect of the road surface quality of Blue Valley Avenue was previously addressed by the Applicant's traffic engineers, who stated that development levies will cater for infrastructure maintenance and where applicable upgrading, which will be levied by the City on the developer.</p> <p>44.5.2 Our clients aver that such a statement does not absolve the Applicant from its responsibility to consider the impact the amended development shall have on the road surface of Blue Valley Avenue and further pre-emptively cater for the increase of heavy motor vehicles which the Applicant proposes shall make use of the road.</p>				<p>44.4.3. <u>Traffic Engineer</u>: Observed pedestrian volumes are low and it is not expected the proposed development will generate a significant number of pedestrians.</p> <p>44.5. <u>Traffic Engineer</u>: Correct</p> <p>44.5.2. <u>Traffic Engineer</u>: Road infrastructure will be designed to municipal standards. Any damage to public roads during the</p>
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	<p>45. The Site Development Plan ("SDP") has been amended and updated and is annexed to the Amendment Application marked as Appendix B.1 in support thereof. The SDP stipulates a guard house and other ancillary buildings be constructed at the Birch Lane access Point, although it is marked as a "Second Entrance" to the amended development. Our clients aver that the allegation that Dorman Way is the primary Entrance to the amended development is disingenuous as the SDP shows no such gate house or similar facilities at the ostensible main entrance to the development. Furthermore, the Applicant makes no submissions as to who will be responsible for constructing the portion of this access route which crosses over private land and which is currently undeveloped.</p> <p>46 Blue Valley Avenue is equally unsuitable as an access route to the development. The initial portion of Blue Valley Avenue is particularly unsafe due to the steep incline and angle of the road which results in road users having limited visibility. The proposal that elderly persons must navigate such a</p>				<p>construction period should be repaired by the developer. This will be detailed in an Engineering Services Agreement between the City of Cape Town and the developer.</p> <p>45. <u>Architect</u>: Entrance Gate - The secondary entrance note at the Birch Road Entrance</p>
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	<p>road is entirely unreasonable and poses a danger to the elderly residents of the proposed development as well as other road users.</p> <p>47 In addition to the establishment of pedestrian pavements, the interested and affected parties suggest that the creation of a minibus layby is necessary in the area. Presently, minibuses and buses stop at the intersection of Blue Valley Avenue and Main Road which frustrates the flow of traffic and pose a risk to road users and pedestrians. It is not unreasonable to require that the Applicant construct a minibus layby to cater for this need which need will be further increased by the traffic generated by the proposed development.</p> <p>Bridge upgrade</p> <p>48 In order to upgrade the bridge as proposed by the Applicant heavy machinery will be required to access and work on the site. Our clients are opposed to construction activities carried out by such heavy machinery due to the nuisance such machinery pose to near-by residents as well as the traffic which will be caused by such</p>				<p>46. <u>Traffic Engineer</u>: Blue Valley Avenue currently serves many properties without any issues related to the geometry of the road. It can also accommodate the development traffic as illustrated in the TIA.</p> <p>47. <u>Traffic Engineer</u>: Public Transport bays are recommended along Main Road.</p> <p>48. SEC: Please note that as the proposed upgrade to the existing bridge constitutes</p>
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	<p>heavy construction vehicles on wholly inadequate roads (Blue Valley Road) and the damage they will cause to the road surface quality.</p> <p>49 The mitigation measures proposed by the Botanical Compliance Statement (appendix G1) and the Updated Freshwater Assessment Opinion (Appendix G2) are insufficient to counter the drastic impact the construction phase of the bridge upgrade will have on the already deeply eroded river channel and highly sensitive watercourse. Therefore, our clients submit that construction of this magnitude should not be carried out in an area as ecologically important and sensitive as the site.</p>				<p>an additional listed activity (not previously authorised), a basic assessment process is being followed. Impacts associated with the proposed bridge upgrade have been identified and assessed in the pre-application DBAR. Mitigation measures were proposed and incorporated into the EMPr.</p> <p>49. <u>Botanical Specialist</u>: the river is already in a degraded state and eroded from previous disturbance and the current dominance of alien vegetation along much of the river course on the property, and removal of the alien vegetation (as is the responsibility of the landowner to do) would have a more positive impact on the river course than the negative impact of building a single bridge over the river (there is already the bridge present there). Perhaps more intensive active restoration of appropriate riparian species should be considered.</p> <p><u>Freshwater Specialist</u>: The Freshwater Specialist agrees with the Botanical</p>
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	<p>Density</p> <p>50 The amended development, as alluded to hereinabove, is a material divergence from the approved development. Notably, there is a material deviation in the volume and the type of dwellings from homes on single erven to apartment style units and suites within the care facility.</p> <p>51 The amended development proposes a substantial increase in density as a result of not only the proposed increase in units, but also the development of the built facilities, including the club house, kitchen,</p>				<p>Specialist's response and adds the following:</p> <p>Erosion of the watercourse is largely a result of the invasive alien vegetation occurring in the riparian zones and in the surrounding area. This will be addressed as part of the development approvals.</p> <p>The river corridor is excluded from the proposed development footprint. The entire river corridor, including the instream wetland habitat and riparian zones as well as a 15m buffer will not be disturbed during construction apart from where there are specific works such as the bridge that need to be upgraded. The 15m buffer recommended was determined using Dept Water and Sanitation methods to determine the width so the development setback needed to provide protection to the river.</p> <p>50 – 52. <u>Town Planner</u>: Please refer to the Town Planner's response (Point 22).</p>
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	<p>recreational facilities, care centre, administration etc. The proposed facilities are commercial in nature and are therefore a further departure from the initial development which was purely residential for all intents and purposes.</p> <p>52 The amended development constitutes "urban creep", namely the increase in density of development, due to the extension of roads and buildings in an area that is predominantly rural and residential.</p> <p>Biodiversity 53 Due to the increase in intended development contemplated in the amendment, the available space for the existing flora and fauna species to continue to live is greatly reduced.</p> <p>54 Although there is a "buffer" created along the river, we submit that the increase in development fails to adequately protect the already sensitive and endangered species which exist in the area.</p>				<p>SEC: As per the City of Cape Town's Densification Policy, densification reduces the consumption of valuable non-renewable resources, makes the CoCT more equitable, facilitates socio-economic opportunities, promotes service provision, and improves safety. This proposal is therefore in line with the CoCT's Densification Policy.</p> <p>53. SEC: Please note that a Landscape Plan has been prepared accordingly.</p>
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	<p>55 Of particular importance is the presence of the Western Leopard Toad. In terms of the Herpetofauna Assessment annexed to the Draft Report, it is specifically noted that "project area" has been transformed from its original state, and is host to several reptile and amphibian species, including the Western Leopard Toad. It is strongly recommended in the report that additional management outcomes and mitigation measures are strictly necessary in order to mitigate the impact stemming from the proposed development and bridge upgrade.</p>				<p>54. <u>Freshwater Specialist</u>: The Freshwater Specialist agrees with the Botanical Specialist's response and adds the following:</p> <p>Erosion of the watercourse is largely a result of the invasive alien vegetation occurring in the riparian zones and in the surrounding area. This will be addressed as part of the development approvals.</p> <p>The river corridor is excluded from the proposed development footprint. The entire river corridor, including the instream wetland habitat and riparian zones as well as a 15m buffer will not be disturbed during construction apart from where there are specific works such as the bridge that need to be upgraded. The recommended 15m buffer was determined using Dept Water and Sanitation methods to determine the width so the development setback needed to provide protection to the river.</p> <p>55. <u>Herpetofauna Specialist</u>: Noted. The specialist opinion stated that the management outcomes and mitigation measures be adhered to in order to mitigate any impact that might stem from the development. Additional mitigation measures that have been recommended</p>
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Comments and Response Table:

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	<p>56 The recommendations impose mitigation measures that will be extremely hard if not impossible to enforce, given the size of the development and the volume of contractors which are required to have access during the development process.</p> <p>Strain on resources</p> <p>57 The Hout Bay area currently suffers water shortages as a result of an inability to meet the current demand thereon and the water infrastructure is already under severe pressure.</p> <p>58 The Applicant has averred that the City of Cape Town has confirmed that it has sufficient capacity to meet the demands of</p>				<p>refer to 'Review of Freshwater Assessment - Upper Bokkemanskloof River on Erf 2224, Hout Bay'. The report further stated recommendations and mitigation measures be read in conjunction with the measures as described in the 'Western Leopard Toad Habitat Assessment for the Proposed Development of Erf 2224, Hout Bay (NCC, 2014)' report as well as in conjunction with the guidelines developed by the Biodiversity Management Plan of the WLT, namely:</p> <ul style="list-style-type: none"> •The Construction Phase Environmental Management Guideline and Construction Checklist. •The Western Leopard Toad Development Design Guidelines. <p>56. SEC: Please note that proposed mitigation measures, as incorporated into the EMPr, must be complied with should the development be authorised. These mitigation measures are considered feasible in order to mitigate impacts on the receiving environment.</p>
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<p>the development in respect of electricity and waste removal, although such capacity is unreserved. However, the ability of the City to meet the increase in demand on the supply of water, as a result of the development, is called seriously called into question. No proof of the applicant's contention is provided.</p> <p>Character of the area</p> <p>59 The vicinity of the amended development is predominantly rural and residential with the mountain range and scenic route of chapman's peak. It is therefore imperative that the amended development maintains the character and "look and feel" of the area.</p> <p>60 The Applicant has made submissions regarding mitigating measures it intends to take to maintain the character of the area, including the use of indigenous plants, and preventative measures in respect of light pollution. However, the Applicant has not</p>		<p>57. <u>Civil Engineer</u>: We have had no indication in our discussions with the City that there is capacity issued in both the water and sewer systems. This matter will be addressed in the services capacity confirmation from the city.</p> <p>58. <u>Civil Engineer</u>: We have had no indication in our discussions with the City that there is capacity issued in both the water and sewer systems. This matter will be addressed in the services capacity confirmation from the city.</p> <p>59. <u>Visual Impact Specialist</u>: The scenic mountain backdrop is retained. There are very few glimpses of the proposed development from Hout Bay Main Road Scenic Route as existing development and roadside vegetation for the most part screens the proposed development. The proposed development is predominantly residential and the look and feel are similar</p>
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	<p>provided sufficient detail and particularity in respect of how the development, amended or otherwise, will be in keeping with the look and feel of the area such as by providing a 3D illustration of the development, for example.</p> <p>61 The Development Management Scheme provides for buildings to be setback from the street and common boundaries and the general philosophy is that the setbacks increase with the size of the property. By way of an example SR1 even larger than 2000 m² must be setback at least six meters from the common and street boundaries. Buildings on erven between 650 – 1000 m² must be setback three meters from common boundaries and 3,5m (three and a half meters) from street boundaries.</p> <p>62 In a Community Zone where an institution is permitted as the primary use, building lines must be at least five meters.</p> <p>63 The proposed SDP indicates a five meter building boundary along the southern boundary of the development, however, it</p>				<p>to the previously approved proposal - the rural character is partially lost as it was in the previous proposal.</p> <p>60. <u>Architect</u>: The "look and feel" or character of the development ties in with the design, style, and character of the Oakhurst, Oakwood and future Oakbridge developments adjacent to it</p> <p>61 – 64: <u>Town Planner</u>: Please refer to the Town Planner's response (Point 22).</p> <p><u>Civil Engineer</u>: The development will be gated which means that traffic volumes will be low. Vehicles will be limited to single-unit passenger car vehicles so noise and pollution levels will be negligible.</p>
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	<p>is not continued along the eastern boundary. The existing dwelling houses situated along this eastern boundary of the proposed development have a legitimate expectation of a reasonable distance between their properties and the proposed development. The current zoning of SR1 requires that no dwelling may be constructed closer than six meters from the eastern boundary. It would be reasonable for a six meter building line to be a condition of approval of the Amendment Application and further that this six meter zone be effectively landscaped.</p> <p>64 We refer to the lower portion of the SDP wherein an internal road is proposed along the eastern boundary. The proposed road is situated along a boundary which is immediately adjacent to existing dwellings and it is therefore extremely insensitive to place the road as proposed. Vehicles traveling along the proposed road will cause excessive noise pollution as well as exhaust pollution to the adjacent dwellings. The Applicant must amend the layout in order to re-align the position of the internal road and place it away from the existing</p>				
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<p>dwelling along the eastern boundary of the proposed development.</p> <p>Layout of amended development</p> <p>65 The layout of the amended development as proposed will result in residents walking from their residences to the amenities such as the care centre, club house, and restaurant. It is critical that a retirement village be placed on property which is relatively flat, not least by virtue of the fact that residents are elderly and often frail.</p> <p>66 The gradient of the existing ground levels of the property are considered far too steep for elderly persons to negotiate from their dwellings to the clubhouse and the associated amenities.</p> <p>67 The eastern boundary of the amended development is some 400 (four hundred) meters long, and the bottom of the site is at approximately 52 (fifty-two) meters above mean sea level, whereas the upper portion is 101 (one hundred and one) meters above mean sea level. This means that the average slope of the land is 1: 7,6. Such a</p>				<p>65 – 71: SEC: Noted, thank you for the information. Please note that slopes have been considered in the design and placement of proposed units.</p> <p><u>Architect</u>: We do not however have a 3D of the developed site as we need to do this in conjunction with the civil engineer's road design. This scope normally forms part of our Workstage 3 (Design Development) work and is done after our SDP and Environmental approvals.</p> <p><u>Town Planner</u>: Please refer to the Town Planner's response (Point 22).</p>
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<p>slope is entirely unsuitable for a retirement village and constitutes a severe risk to residents.</p> <p>68 By way of comparison, the following retirement villages have the following gradients: 68.1 Tokai Retirement Village : average gradient of 1 :72;</p> <p>68.2 Herzlia in Kendal road (approved one month ago): average gradient of 1: 55;</p> <p>68.3 Constantia Place on Southern Cross Road: average gradient of 1: 28;</p> <p>68.4 Alphenvale on Parish Road: average gradient of 1: 26;</p> <p>69 The abovementioned retirement villages consist of gradients substantially lower or flatter than 1:7,6.</p> <p>70 Given the gradient of the property, our client avers that the layout prepared by Frankenfeld & King Architects, is totally impracticable. The layout as presented in the Amendment Application assumes that the land is flat. The slope of the site means</p>				
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<p>that in order to construct the proposed buildings, building platforms or terraces which require substantial cut-and-fill to enable these platforms. The layout does not make provision for cut-and-fill to construct the required series of terraces for the proposed buildings.</p> <p>71 The layout as presented by the Applicant is not possible to be achieved and a proper design of the terraces to accommodate the dwellings will impact severely on the proposal.</p> <p>Health hazard of construction of this volume 72 A development of this nature, scale and density will take an extended period to complete than the initial application. The nature of the amended development requires intense construction in order to develop the clubhouse and basement level thereof, for example. Our clients strongly oppose the increase in construction intensity due to the nuisance and health hazard it poses to them.</p> <p>73 It is unreasonable to expect our clients to endure the heavy construction required to</p>				
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<p>create such a development over the extended period of time frame, which is not in keeping with construction which one may expect to be subjected to.</p> <p>74 The Applicant has been vague in addressing the health hazards posed by the construction required by the Amendment Application. Shade cloth and "noise protection" does not adequately address the concerns of our clients, which include but are not limited to noise, material pollution and the effect on their quality of life.</p> <p>75 Quality of life will be negatively impacted due to intensity of construction and duration in order to complete the proposed amended development</p> <p>Omissions in the Amendment Application 76 We note that there are certain omissions in the Draft Report including:</p> <p>76.1 Three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings;</p>				<p>72 – 75: <u>Town Planner</u>: Please refer to the Town Planner's response (Point 22).</p> <p><u>Developer / Project Manager</u>: The majority of these comments have already been addressed in the EMPr, it should also be noted that the OHS Act must be strictly adhered to.</p> <p><u>Architect</u>: Preliminary-level design is not developed to the extent that a useful 3D can be rendered to assist with the query at hand. We can provide road levels at that point that the architect could use for a 3D rendering.</p>
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	<p>76.2 All items marked with an "X" in the Appendix to the Draft Report.</p> <p>77 Our clients hereby request that full and further details thereof are provided in due course.</p> <p>Conclusion Our clients accordingly strongly object to the Applications based on their submissions contained hereinabove.</p>				<p>76.1. <u>Architect</u>: Preliminary-level design is not developed to the extent that a useful 3D can be rendered to assist with the query at hand. We can provide road levels at that point that the architect could possibly use for a 3D rendering.</p> <p>76.2. Please see the response above.</p> <p>77. SEC: Noted.</p> <p>SEC: Thank you for providing comment on the Part 2 Amendment Application, it is</p>
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ANNEXURE "A"		
NO.	NAME	ADDRESS
1.	Bas Jansen	8 Ash Lane, Hout Bay
2.	Annette White	7 Ash Lane, Hout Bay
3.	Tobias Keller	24 Blue Valley Avenue, Hout Bay
4.	Ben Jansen van Vuuren and Joanne Walter	18 Oakwood Lane, Hout Bay
5.	Janene and Paul Steenkamp	6 Ash Lane, Hout Bay
6.	Paul Volker	26 Blue Valley Avenue, Hout Bay
7.	Fiona Heath	1 Ash Lane, Hout Bay
8.	Bronnie Le Roux Moulman	4 Ruschia Lane, Blue Valley, Hout Bay
9.	Sam Kelly	2 Restio Road, Hout Bay
10.	Nikki Shepherd and Gavin Dettmer	1 Pine Street, Hout Bay
11.	Mike and Shaynee van den Heever	22 Blue Valley Avenue, Hout Bay
12.	Sandy Dobrin	9 Pine Street, Hout Bay
13.	Erika Brown	2 Saffron Road, Hout Bay
14.	Jenna and Justin da Silva Pinto	4 Saffron Road, Hout Bay
15.	Elke Wiswedel	3 Myrica Road, Hout Bay
16.	Kritya and Jaco Snyman	6 Gumtree Lane, Hout Bay
17.	Ian and Carlyn Adams	5 Ruschia Lane, Blue Valley, Hout Bay
18.	Guy Everett	22 Bokkemanskloof Road, Hout Bay
19.	Carol Anema	12 Fynbos Close, Hout Bay
20.	Mark Rickard	5c Gumtree Lane, Hout Bay
21.	Ralf Huettmann	8 Bokkemans Close, Hout Bay
22.	Michelle van den Berg	6 Birch Lane, Hout Bay
23.	John and Ellen Cooper	10 Fynbos Close, Bokkemanskloof, Hout Bay
24.	Ingrid and Alexander Dierks	15 Blue Valley Avenue, Hout Bay
25.	Andrew and Clare Travis	10 Blue Valley Avenue, Hout Bay
26.	Pete and Clare Colson	70 Bokkemans Road, Hout Bay
27.	Tracy Phillips	20 Blue Valley Avenue, Hout Bay
28.	Jenny and Andrew Mc Nulty	5 Ash Lane, Hout Bay
29.	Paige and Graham Will	38 Bokkemans Road, Hout Bay
30.	Iain Carr and Brigitte Dirck	11 Oakwood Lane, Hout Bay
31.	Jeff & Candice Cawcutt	8 Fynbos Close, Bokkemanskloof, Hout Bay
32.	Lisa and Wernich Krohn	9 Blue Valley Avenue, Hout Bay
33.	Phil Levitt and Cindy Rodkin	45 Bokkemans Road, Hout Bay
34.	Paola Bellamusto	5 Restio Road, Hout Bay
35.	Ingrid Kingon	7 Birch Street, Hout Bay
36.	Anthony and Katie Cartwright	2 Bokkemanskloof Road, Hout Bay
37.	Brian and Debbie Magid	6 Fynbos Close, Bokkemanskloof, Hout Bay
38.	Mark and Mary Jakins	28 Bokkemans Road, Hout Bay
39.	Greg Nelson and Susan Habermann	68 Bokkemanskloof Road, Hout Bay
40.	Adele and Johann Pretorius	42 Bokkemanskloof Road, Hout Bay
41.	Elle Loukarn	4 Birch Street, Hout Bay
42.	Rod and Jules Hunter	Purchasers of 70 Bokkemanskloof Road, Hout Bay
43.	Leonie Mervis	21 Bokkemanskloof Road, Hout Bay
44.	Hadi Ertinger	7 Pine Street, Hout Bay
45.	Nicolette Schreuder	1 Restio Road, Hout Bay

appreciated. Please refer to the responses above that address comments raised.

Comments and Response Table:

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3	<p>1. The abovementioned document that was received by this Department via electronic mail correspondence on 16 September 2022, and this Department's acknowledgement of receipt letter dated 20 September 2022, refer.</p> <p>2. This Department has considered the pre-application BAR and has the following comments:</p> <p>2.1. <u>Section 24h Requirements of the National Environmental Management Act (Act No. 107 of 1998) as amended ("NEMA"):</u></p> <p>2.1.1. The Section 24H Registration Authority Regulations, 2016 amendments were gazetted for implementation on 26 July 2022. The amended Regulations now specify tasks for Environmental Impact Assessments, Section 24G of the NEMA, and Waste Management Licenses that may only be conducted by an Environmental Assessment Practitioner (EAP) that is registered with the relevant authority.</p> <p>2.1.2. Based on the pre-application BAR, it appears that the EAP (Mr. Anthony Mader) is not</p>	<p>18th October 2022</p>	<p>Ms Isaacs</p>	<p>Rondine</p>	<p>Department of Environment al Affairs and Developme nt Planning</p>	<p>2.1.1 – 2.1.4. Mr. Anhtony Mader has been replaced by Ms. Chantel Muller, who is a registered EAP with EAPASA.</p>
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Comments and Response Table:

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	<p>registered. If Mr. Anthony Mader is a candidate EAP, he may only assist the registered EAP and work under the supervision of a registered EAP (Regulation 14(6) in the Regulations).</p> <p>2.1.3. Therefore, the registered EAP (Ms. Chantel Muller) who signed as a Review EAP will need to sign off the pre-application BAR and future reports.</p> <p>2.1.4. If the registration status of the candidate changes from candidate to registered EAP, he may then conduct the full scope of tasks of a registered EAP from the date of their appointment as a registered EAP.</p> <p>2.2. <u>Public Participation Process</u></p> <p>2.2.1. You are required to submit proof of the Public Participation Process being conducted for the pre-application BAR. This will include (but is not limited to):</p> <ul style="list-style-type: none"> - Proof that notices were placed on site; 				<p>2.2.1.- Noted. All details of the Public Participation Process undertaken to date are included in Appendix F of this report.</p>
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	<ul style="list-style-type: none"> - A cut-out of the advertisement, displaying the date and the name of the newspaper, as placed in the local newspaper; - Proof that adjacent landowners, ward councillor, local municipality and State Departments/organs of state were notified via e-mail; - Proof that the pre-application BAR was made available to registered interested and affected parties ("I&APs"); - All comments received from I&APs; - A Comments and Responses Report, indicating all the comments received from I&APs on the pre-application BAR and the responses thereto; and - A complete list of registered I&APs. 				
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	<p>2.3. <u>Environmental Management Programme (EMPr):</u></p> <p>2.3.1. Please amend the EMPr to include the requirement of environmental audit reports (to be completed by an independent external auditor), in accordance with the requirements of Regulation 34 of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended).</p> <p>2.3.2. Paragraph 7.6(a) on page 30 must be amended to indicate that the Environmental Authorisation and other relevant permits/authorisations must also be kept on site.</p> <p>2.3.3. Paragraph 7.6(d) on page 31 refers to a service station and retail centre, which is incorrect. Please correct this error.</p> <p>2.4. <u>Applicable listed activities</u> This Directorate confirms that Activity 23 of Listing Notice 3 is not applicable as the site is located inside an urban area.</p>				<p>2.3.1 – 2.3.3. Comments are noted, the required amendments to the EMPr have been made.</p> <p>2.4. Noted, this activity will be removed from the application and the BAR.</p>
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	<p>2.5. <u>Maintenance Management Plan (MMP)</u></p> <p>2.5.1. It is indicated that a MMP should be compiled to guide long-term maintenance works in the river.</p> <p>2.5.2. Kindly note that should a MMP form part of the proposal, this must be incorporated in the EMPr and must be included in the draft BAR for commenting purposes.</p> <p>2.6. <u>Declaration by applicant and EAP</u> You are hereby reminded to include the signed declarations from the applicant and the EAP in the final BAR.</p> <p>3. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted in terms of this prohibition is liable to a fine not exceeding R10 million</p>				<p>2.5.1-2.5.2. A MMP will be developed for the whole Oakhurst development, and will be inclusive of maintenance on the upgraded bridge.</p> <p>2.6. The declarations have been included in the post-application BAR and will be included in the submission of the final BAR.</p> <p>3. Noted.</p>
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	<p>or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.</p> <p>The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.</p>				<p>4. Noted.</p>
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Comments received on the Pre-Application Part 2 Amendment Report for the Oakhurst Lifestyle Estate					
Nr	Comment Received	Date Received	I&AP	Company	Response
1	<p>Do you perhaps have 3D renderings on the abovementioned development?</p> <p>My client, Mr and Mrs Jansen would like to see what the high implications are going to be on their property, nr 8 Ash lane</p> <p>Looking forward to your prompt reply</p>	<p>19 September 2022</p>	<p>Friedel McLachlan</p>	<p>Greff Christie's International Real Estate</p>	<p>Engineer: preliminary-level design is not developed to the extent that a useful 3D can be rendered to assist with the query at hand. We can provide road levels at that point that the architect could use for a 3D rendering.</p> <p>Please refer to Appendix F2 (Peter's email dated 11 October 2022).</p>
2	<p>ACKNOWLEDGEMENT OF RECEIPT OF THE PRE-APPLICATION AMENDMENT REPORT IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE ESTABLISHMENT OF A RESIDENTIAL ESTATE ON PORTION OF RE OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.</p> <p>1. The abovementioned document as received by this Department via electronic mail correspondence on 16 September 2022, refers.</p> <p>2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.</p>	<p>20 September 2022</p>	<p>Taryn Dreyer</p>	<p>DEA & DP</p>	<p>Thank you for confirming receipt of the Pre-Application Part 2 Amendment Application.</p>

Comments and Response Table:

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	<p>3. This Department will provide comment on the pre-application amendment report within the prescribed time period and advise you accordingly.</p> <p>4. It is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted in terms of this prohibition is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence in respect of this pre-application.</p>				
3	<p>COMMENT ON THE PRE-APPLICATION AMENDMENT REPORT IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE ESTABLISHMENT OF A RESIDENTIAL ESTATE ON PORTION OF RE OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.</p>	<p>21 September 2022</p>	<p>Taryn Dreyer</p>	<p>DEA & DP</p>	

Comments and Response Table:

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	<p>1. The abovementioned document as received by this Department via electronic mail correspondence on 16 September 2022, and this Department's acknowledgement of receipt letter dated 20 September 2022, refer.</p> <p>2.1 Section 24H Requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended ("NEMA"):</p> <p>2.1.1 The Section 24H Registration Authority Regulations, 2016 amendments were gazetted for implementation on 26 July 2022. The amended Regulations now specify tasks for Environmental Impact Assessments, Section 24G of the NEMA, and Waste Management Licenses that may only be conducted by an Environmental Assessment Practitioner ("EAP") that is registered with the relevant Registration Authority.</p> <p>2.1.2 Based on the pre-application Amendment Report, it appears that the EAP (Mr. Anthony Mader) is not registered. If Mr. Anthony Mader is a candidate EAP, he may only assist the registered EAP and work under the supervision of a registered EAP (Regulation 14(6) in the Regulations).</p>				<p>1. Noted.</p> <p>2.1. Noted.</p> <p>2.1.1 – 2.1.4. Noted. Ms Muller (2019/1362) will sign off on the relevant documents going forward.</p>
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	<p>2.1.3 Therefore, the registered EAP (Ms. Chantel Muller) who signed as a Review EAP will need to sign off the pre-application Amendment Report and future reports.</p> <p>2.1.4 If the registration status of the candidate changes from candidate to registered EAP, he may then conduct the full scope of tasks of a registered EAP from the date of their appointment as a registered EAP.</p> <p>2. This Department has considered the pre-application Amendment Report and has the following comments.</p> <p>2.2 Proposed Amendment:</p> <p>2.2.1 It is understood that the proposed amendment entails the change in the development layout and to include an additional portion (i.e. Erf 2958). The scope of the proposed amendment pertains to portions of the RE of Erf 2224 and Erf 2958. The remaining section of RE of Erf 2224 will remain as per the current EA.</p> <p>2.2.2 The applicant (Oakhurst Lifestyle Estate) proposes to establish and operate a retirement residential accommodation</p>	<p>21 September 2022</p>			<p>2. Noted.</p> <p>2.2.1. In addition to the change of the development layout and the inclusion of the RE of Erf 2958, the RE of Erf 8343 is also included in the amendment application. The remaining section for the Remainder of Erf 2224 is to be amended as per the revised sub-division layout from Paul van Wyk Urban Economists and Planners cc.</p> <p>2.2.2. The number of Dwelling houses has decreased to 28, after one unit had to be</p>
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	<p>facility for individuals/families in the age group of 50 years and older. Housing opportunities will range from dwelling-houses and apartments for independent functioning residents, to care units for assisted living and residents in need of full-time frail care. The proposed amendment will comprise:</p> <ul style="list-style-type: none"> • 29 Dwelling houses: ranging from two-to-three bedrooms (~0.64ha); • 76 two-bedroom apartments (conventional housing component) (~1.21ha); • One centralized care centre comprised of 34 suites/rooms (~0.12m2). • The care centre will also accommodate a reception/waiting area, lobby and lift, consulting/examining room, matron's office, administrative office, assisted shower and bath bathrooms, dining hall, kitchen, staff room and ablutions, storerooms (various), laundry, and basement parking; • The existing "Old Dairy" building will be renovated and converted into a clubhouse facility comprised of recreation activities (including billiards, card games, gymnasium, yoga studio, sauna, Amendment Application/lounge, function dining areas, outside dining terrace, and dressing rooms & ablutions) and offices for management functions. A swimming pool is proposed north of the clubhouse building 				<p>removed to accommodate a cul-de-sac that would provide a turning opportunity for a fire truck, as part of the firefighting requirements of the development.</p>
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<p>whereas a bowling green and associated terraced seating are also proposed;</p> <ul style="list-style-type: none"> • Private roads (~1.16ha); • Formal walkways along internal roads; • Six stormwater attenuation ponds and two existing dams will serve as stormwater attenuation and retention functions. This will also be landscaped with indigenous vegetation endemic to the area to promote biodiversity; • Bokkemenskloof River and associated delineated wetland (~1.81ha); • An approximately 9ha open space area just south of the development footprint, which is too steep and too ecologically sensitive to develop; and • An approximately 48.28ha area adjacent to the Table Mountain National Park, which is currently being managed by SANParks in terms of the National Environmental Management: Protected Areas Act. The area is being managed in accordance with a long-term management agreement between the landowner and SANParks. 2.3 The Directorate notes that Heritage Western Cape, has confirmed in their final comment dated 24 May 2022, that since there is no reason to believe that the <p>2.2.3 No new listed activities are triggered by the proposed amendment and a</p>				
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	<p>separate Basic Assessment application will be submitted for the proposed upgrade to the Oakhurst estate bridge.</p> <p>2.3. The Directorate notes that Heritage Western Cape, has confirmed in their final comment dated 24 May 2022, that since there is no reason to believe that the proposed residential development on Erf 2224 and 2958, Hout Bay, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p> <p><i>“However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay. Fossil finds procedure to be included in environmental authorization.”</i></p> <p>Please ensure that this requirement is included in the Environmental Management Programme (“EMPr”).</p> <p>2.4 Specialist Assessments, Screening Tool and Protocols:</p>				<p>2.2.3. Confirmed.</p> <p>2.3. It is noted that HWC has confirmed that no further action, in terms of the National Heritage Resource Act, is required.</p> <p>Please note that condition has been included in the EMPr.</p>
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	<p>2.4.1.1. Landscape/Visual Impact Assessment</p> <p>2.4.1.2. Archaeological and Cultural Heritage Impact Assessment</p> <p>2.4.1.3. Paleontological Impact Assessment</p> <p>2.4.1.4. Terrestrial Biodiversity Impact Assessment</p> <p>2.4.1.5. Aquatic Biodiversity Assessment</p> <p>2.4.1.6. Socio-economic Assessment</p> <p>2.4.1.7. Plant Species Assessment</p> <p>2.4.1.8. Animal Species Assessment</p> <p>2.4.2 The following specialist assessments have been undertaken;</p> <p>2.4.2.1. Botanical Compliance Statement</p> <p>2.4.2.2. Freshwater Opinion Update</p> <p>2.4.2.3. Herpetofauna Assessment</p> <p>2.4.2.4. Revised Visual Impact Assessment</p> <p>2.4.2.5. Updated Traffic Impact Assessment</p> <p>2.4.3. The Directorate agrees with the EAP's motivation contained in the Site Sensitivity Verification Report dated September 2022 as included in Appendix I2 of the Amendment Report.</p> <p>2.4.4 Should any of the commenting authorities request any of the specialist studies identified in the Screening Tool and/or additional specialist studies, these will need to be undertaken.</p>				<p>2.4.1.1 – 2.4.1.8. Confirmed.</p> <p>2.4.2. Please note that a Freshwater Opinion Update, as well as a Freshwater Assessment (August 2022), was undertaken.</p> <p>2.4.3. It is noted that the DEA&DP agree with the motivations provided.</p> <p>2.4.4. Noted. No additional studies have been requested.</p>
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	<p>2.4.5 Where an assessment protocol is prescribed for one of the environmental themes included in the Protocol (in this instance agriculture, aquatic biodiversity, archaeological and cultural heritage and terrestrial biodiversity), the specialist assessment must comply with the Protocol.</p> <p>2.4.6 Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed and/or specialist assessments have been initiated prior to 09 May 2020, the level of assessment must be based on the findings of the site verification and must comply with Appendix 6 of the EIA Regulations, 2014 (as amended).</p> <p>2.4.7. According to the Botanical Statement dated 4 May 2022 as compiled by Capensis, the proposed amendments would not result in an increased level or change in the nature of impacts relative to the original botanical assessment.</p> <p>2.4.8 Section B of the pre-application Amendment Report indicates, "<i>Based on the Traffic Engineer's investigation, the</i></p>				<p>2.4.5. Noted.</p> <p>2.4.6. Noted.</p> <p>2.4.7. Noted.</p> <p>2.4.8. Noted. Comments were received from CoCT: Transport Impact &</p>
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	<p><i>potential traffic-related impacts of the proposed development on the external road network will be insignificant. Furthermore, it was recommended that from a traffic perspective, the proposed development be considered for approval."</i></p> <p>Please ensure that comments are obtained from the City of Cape Town: Transport Department in this regard.</p> <p>2.4.9 The pre-application Amendment Report further indicates, it is envisaged that the proposed amendment to the development layout and addition of a portion of Erf 2958 will not significantly increase the impact on construction-related visual impacts. The significance rating of impact after mitigation remains "Very Low". In terms of operational impacts, mitigation measures have been recommended in the Updated Visual Impact Assessment Report.</p> <p>2.5 Service Confirmation: 2.5.1 The Amendment Report further indicates that based on the findings of the Engineering Services Report, the engineers concluded that sufficient civil engineering services are available within the vicinity of the proposed amended development and confirmation for capacity by the City of Cape Town has been requested for the</p>				<p>Development Control (contact: Ms Volante Bruintjies) whereby the branch "is satisfied that the traffic considerations were adequately addressed".</p> <p>2.4.9. Noted.</p> <p>2.5. Noted. The engineer has followed up with the CoCT regarding the confirmation of services.</p>
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<p>I&APs on the pre-application Amendment Report and the responses thereto; and</p> <ul style="list-style-type: none"> • A complete list of registered I&APs. <p>2.8 EMPr:</p> <p>2.8.1 Please amend the EMPr to include the requirement of environmental audit reports (to be completed by an independent external auditor), in accordance with the requirements of Regulation 34 of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended).</p> <p>2.8.2 Paragraph 10.2(a) on page 59 must be amended to indicate that the Environmental Authorisation and other relevant permits/authorisations must also be kept on site.</p> <p>2.8.3 Paragraph 10.2(d) on page 60 refers to a service station and retail centre, which is incorrect. Please correct this error.</p> <p>2.9 Maintenance Management Plan ("MMP"):</p> <p>2.9.1 According to the Amendment Report, the freshwater specialist recommended that a MMP should be compiled to guide long-term maintenance works in the river.</p> <p>2.9.2 Kindly note that should a MMP form part of the proposal, this must be incorporated in the EMPr and must be</p>				<p>2.8.1. This has been amended accordingly.</p> <p>2.8.2. Noted. This has been amended accordingly.</p> <p>2.8.3. Noted. This has been amended accordingly.</p> <p>2.9. Noted.</p>
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	<p>included in the draft Amendment Report for commenting purposes.</p> <p>2.10 Declarations by applicant and EAP: You are hereby reminded to include the signed declarations from the applicant and the EAP in the final Amendment Report.</p> <p>3. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted in terms of this prohibition is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.</p> <p>4. The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.</p>				<p>2.10. Noted.</p> <p>3. Noted. The Developer has been made aware of this condition.</p> <p>4. Noted.</p>
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4	<p>Please note that the HWC correspondence as dated 24 May 2022 is applicable.</p> <p>No further action in terms of the NHRA is required, however, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay. Fossil finds procedure to be included in environmental authorization.</p>	16 September 2022	Waseefa Dhansay	Heritage Resource Management Services	<p>It is noted that no further action is required in terms of the NHRA. This measure has been included in the EMPr.</p>
5	<p>This letter serves to provide comment and objections to the extent of the mentioned proposed retirement development in Hout Bay. I live in 7 Birch Street, which borders directly on this proposed development.</p> <p>I would like to make mention that I am not opposed to a residential development with residential zoning on this piece of land in Hout Bay. I would support the original site development plan for 66 residential homes, but I am opposed to the following:</p> <p>1. Rezoning from a Single Residential Zoning/rural zoning to a Community 2 Regional Zoning</p>	18 October 2022	Ingrid Kingon	Houtbay Resident	<p><u>Town Planner:</u> Community Zoning 2: Regional: since a retirement village may not be established lawfully on a property zoned</p>

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					<p>Single Residential: Conventional Housing (SR1) or on an Agricultural Zoning (AG), it follows that it had to be rezoned to the following appropriate zoning: Community Zoning 2: Regional ("CO2").</p> <p>The following primary use-rights accrue to a CO2 zoning in terms of the City of Cape Town Development Management Scheme ("DMS"): Institution, Hospital, Place of instruction, Place of worship, Place of assembly, Rooftop base telecommunication station, Minor freestanding base telecommunication station, Minor rooftop base telecommunication station, Filming, and Open space.</p> <p>Of importance here is the definition in the DMS for "institution" which reads as follows; "... means a property used as a welfare facility such as a home for the aged, retired, indigent or handicapped; or a social facility such as a counselling centre, orphanages or reformatory, and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or prison;"</p>
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					<p>The parallel land development application thus has as its sole purpose the procuring of the use-rights for the establishment and operating of a residential facility for the retired of the nature and extent alluded to above, and as allowed for under the definition of Institution. This will be controlled/regulated by a site development plan materially in accordance with the Draft Site Plan ("DSP") submitted with the application. The latter was formulated by a multi-disciplinary team of appropriately qualified professionals over an extended period of time with due cognisance to inter alia the contextual environment and blending/harmonising with surrounding neighbourhoods.</p> <p>Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information.</p> <p>2 – 4. <u>Traffic Engineer</u>: The development will have an impact. However, based on the</p>
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	<p>2. Using Birch Street as the access road, my house is the last house on the left in Birch Street and I am going to be the most badly affected. It will take a couple of years to build a development of the proposed magnitude. We are going to be impacted in all kinds of ways, access to our driveway will be compromised extensively. Noise pollution is going to impact myself and my children. Working on a Saturday is going to impact our ability to relax over the weekend.</p> <p>3. Over and above using Birch Street as the access road, Blue Valley is also not a viable option, it is already difficult to get out of Blue Valley Avenue.</p> <p>4. In 2015 the initial proposal was passed, and the building was supposed to be built by 2021. At this time, we got a traffic engineer to come and evaluate Birch Street and see if it would be viable to use Birch Street as an access road. The traffic engineer said it would not be viable or safe to use our street as an access point. We don't have a pavement for pedestrians to use. We cannot fit two cars going in the opposite direction through at the same time. I have no idea how you are proposing to fit building trucks through this road as well as giving the residents access to our own properties. In the last proposal the engineer specified that the developers would need</p>				<p>findings in the TIA the road network and intersection will operate at acceptable levels-of-service during the typical weekday peak hours.</p> <p>The road and intersection will be constructed to municipal standards in terms of road safety and operations. In our opinion and based on accepted design standards the Birch Street Road reserve width can accommodate the access as proposed.</p> <p>The expected peak hour trip generation for the proposed development is low and based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA.</p>
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	<p>to reclaim some of our property to make Birch Street a viable access point.</p> <p>5. The extent of the increased number of houses and possible apartments, hospitals, frail care, homes – this is going to be too dense and will impact the environment from both an aesthetic perspective and the damage to the various ecosystems.</p> <p>6. Value of my property decreasing with the new overpopulated development</p> <p>I would like to suggest a question-and-answer session to find the best way forward for both developers and residents.</p>				<p>5. SEC: As per the City of Cape Town's Densification Policy, densification reduces the consumption of valuable non-renewable resources, makes the CoCT more equitable, facilitates socio-economic opportunities, promotes service provision, improves safety. This proposal is therefore in line with the CoCT's Densification Policy.</p> <p>6. <u>Developer / Project Manager</u>: as property devaluation has been raised by different I&APs, the undertaking of a property valuation study may need to be considered. This can be addressed based on comments raised during the town planning process.</p>
6	<p>Thank you for taking my call. As discussed, I would like to know more about the Oakhurst development. My husband and myself have lived in Overkloof the adjoining area to Bokkemanskloof for twelve years and are looking to scale down for our retirement - - please could you confirm the location of the entrance to the new estate? (would it be behind Oakhurst spar centre)</p>	<p>27 September 2022</p>	<p>Caron Pienaar</p>	<p>I&AP</p>	<p>Developer / SEC: Please note that all information requested is included in the Part 2 Amendment Report as submitted. Commencement of the development is dependent on the timing of the approvals being granted and completion will be dependent on the sales once marketing commences.</p>

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	<p>- please could you confirm the location of this development? Is it where the old/ original clay café building is?</p> <p>- please advise minimum size of erven?</p> <p>- please advise size of apartments and dwellings and what is the difference and design between the building options?</p> <p>- please advise prices?</p> <p>-please confirm expected commencement of development as well as expected completion date for occupation?</p> <p>- please advise who will be marketing contact for this estate?</p> <p>Looking forward to relevant info -</p>				
7	<p>Thank you for the notification and opportunity to comment on the abovementioned application. Please be advised that the Directorate: Pollution and Chemicals Management will not be providing comment on this application.</p>	<p>27 September 2022</p>	<p>Arabel McClelland</p>	<p>DEA/ Pollution and Chemicals Management</p>	<p>SEC: It is noted that the Pollution and Chemicals Management Directorate will not be providing comment on this application.</p>
8	<p>I am writing re the above plans. I am on the outside edge of the proposed development for the above in Hout Bay and am very concerned to be directly affected by the two story plans adjacent to my bedroom window. Not only does this involve wrecking my beautiful mountain and tree view (an obvious objection) but more seriously the proposed development is cluster, no gardens visible, and so close indeed to me that it would take my light,</p>	<p>30 September 2022</p>	<p>Annette White</p>	<p>Houtbay Resident</p>	<p>SEC: Please note that a granted environmental authorisation is in place to develop the site. Potential impacts have been identified and assessed accordingly. Mitigation measures have been proposed that should this proposal be granted, must be complied with.</p>

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	<p>affect noise, artificial light both to me and my neighbours and also disrupt the leopard toads and buzzards who use it as their habitat and bring us much joy. Not to mention felling trees which is going on already.</p> <p>I do not object to the one storey development. One must sadly go with the times, but this extra cluster building plan that is so going to impact us is very distressing. I hope that the developers will have a change of heart. I look forward to your response.</p>				
9	<p>Please register SANParks as a statutory authority with a direct conservation interest in the application as the upper portion of Erf 2224 Hout Bay has been contracted to SANParks long-term management as part of the Table Mountain National Park.</p> <p>Regards Mike Slayen, Manager: Planning TMNP, Ph 021 741 2307</p>	06 October 2022	Mike Slayen	SANParks	SEC: Noted.
10	<p>We have received the following request from the members of Mount Oakhurst Estate HOA as per below".</p> <p>With regard to information relating to the proposed retirement development next to Oakwood Estate, mentioned above, I request that The Developer be engaged to prepare an AV presentation for MOEHOA</p>	07 October 2022	Liaan Koen	Sandak-Lewin Trust	<u>Developer</u> : Hosting meetings with smaller groups of surrounding neighbours and estates will be considered once the town planning application public participation process has been concluded.

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	members to understand what impact the development will have on Oakwood Estate's security, property values, etc. Kindly advise if the request can be arranged.				
11	<p>I wish to be considered an interested and affected party (I&AP) in the matter of the development of the Oakhurst Lifestyle Estate SEC Project 70845.</p> <p>As a house owner in Blue Valley Avenue, my interest in the matter is the traffic impact to Blue Valley Avenue due to heavy construction vehicles during the development of the project and the further likely indefinite increase in general traffic volumes. The Birch Lane entrance to the Oakhurst Lifestyle Estate will likely continue to be used by all traffic indefinitely, even after construction, because access to the proposed Oakhurst Avenue Main Entrance is not secured, depending as it is on the developer of the new proposed Oakbridge Estate to extend the road as a private road, (where access to the Oakhurst Lifestyle Estate is not guaranteed) and the provision of a bridge over the river, which the developer of the Oakhurst Lifestyle estate also cannot guarantee. I therefore have an objection to the application and this email records that objection. Address: 6 Blue</p>	09 October 2022	Chris Smythe	Houtbay Resident	<p>SEC: Please note that you were registered as an I&AP.</p> <p><u>Traffic Engineer:</u> The Birch Street access is only temporary until the bridge is constructed. Once the bridge is constructed the development will have access via Dorman Way. The Birch Street access will only remain for services vehicles and as an emergency access.</p>

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	Valley Avenue, Bokkemanskloof Estate. Hout Bay 7806				
12	<p>Re: SEC Project Number: 070845 – registration as an interested/affected party</p> <p>We would like to register as an interested/affected party w.r.t. SEC Project Number: 070845; the proposed retirement development on Erfs 2224 and 2958 in the Blue Valley Avenue, Bokkemanskloof and Oakhurst Area of Hout Bay.</p> <p>It appears that the current application deviates significantly from the original application and as residents of the area we have serious concerns regarding the scale and scope of the current application. Most salient at this stage is the lack of clarity regarding the primary and secondary access points to the proposed development and the conditions set therein with respect to the proposed construction of the new bridge, and the impact on traffic, services, security etc.</p> <p>Please confirm receipt of my email by return and advise what more is required to be considered as formal registration as an interested/affected party.</p>	<p>09 October 2022</p>	<p>Jeff Cawcutt</p>	<p>I&AP</p>	<p>SEC: Please note that you were registered as an I&AP.</p> <p><u>Traffic Engineer:</u> The Birch Street access is only temporary until the bridge is constructed. Once the bridge is constructed the development will have access via Dorman Way. The Birch Street access will only remain for services vehicles and as an emergency access.</p>

Comments and Response Table:

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13	<p>I would like to register as an IAP for this development. I would also like to formally submit my opposition to parts of the newly submitted development plans for Oakhurst Estate, SEC Project Number: 070845.</p> <p>I am not opposing any development at all on the land but favour the previously approved plans for single residential stand-alone homes, with major access issues involved. We oppose the vast departure from an already approved plan for 30-60 stand-alone homes to a much larger development. We oppose the rezoning of the land to Community 2 Zoning which allows various types of institutional buildings, heights of up to 18 m, apartment style house, antenna and telecommunications rights, and 60 percent land coverage amongst other items.</p> <p>Amongst numerous other concerns, Blue Valley Ave cannot accommodate this level of increased traffic and construction access, we strongly oppose Blue Valley Road being used as the main thoroughfare for construction, and as a main entrance point for the estate after construction. We specifically oppose Birch Lane, or any other access point through Blue Valley Road,</p>	<p>10 October 2022</p>	<p>Guy Everitt</p>	<p>I&AP</p>	<p>SEC: Please note that you were registered as an I&AP.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p><u>Traffic Engineer:</u> Based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA. In our opinion and based on accepted design standards the Birch Street Road reserve width can accommodate the access as proposed.</p>
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	<p>from becoming an entry point to the proposed development.</p> <p>May I ask when the relevant project team member will address my objections?</p> <p>Could you please confirm for me exactly how many units the developer is planning in the new plans? All of the available information is misleading and unclear on this. Do you have any renders of what the estate will look like?</p>				<p>SEC: Objections have been addressed by the relevant project team members.</p> <p>SEC: Please refer to the Part 2 Amendment Application for detailed information which addresses your comment.</p>
14	<p>I herewith inform you of my registration as an Interested and Affected Party to the above Projects.</p> <p>This letter serves to provide comment, questions, and objection to the extent of the mentioned proposed retirement development in Hout Bay. I live on ERF 5389 at no 8 Ash Lane which borders directly on this proposed development. Therefore, I'm personally and financially impacted by the proposed development.</p> <p>SUMMARY</p> <p>Developing a new piece of land comes with an enormous responsibility to leave behind a permanent built environment that fits in harmoniously with its natural surroundings. The proposed piece of land is</p>	11 October 2022	Bas Jansen / Chantal Jansen-Meulenbroeks / Paul Steenkamp	Houtbay Resident	<p>SEC: Please note that you were registered as an I&AP.</p> <p>SEC: As stated in the Part 2 Amendment report, an environmental authorisation has been previously granted to develop this site. This Amendment Application has identified potential impacts, assessed the severity of these impacts and proposed</p>

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	<p>of particular is of particular importance as it backs onto the Table Mountain reserve and is part of the popular tourist red bus route. The area is surrounded by single residential stand-alone homes and housing estates on both sides, all with sizable natural gardens and green spaces. The resident population values the importance of living close to and in harmony with nature. This is an area of Hout Bay that does not currently have any apartment blocks or Community 2 zoning-type buildings, the latter being described by Council as having a primary use of institution, hospital, place of instruction /worship/ assembly and rooftop-based telecommunications station.</p> <p>I would like to state that I am not in opposition to a residential development with a residential zoning on this piece of land in Hout Bay and would support the original site development plan for 66 residential homes on approximately 20 hectare of land, which I understand was submitted in 2015 and had been approved to be built by 2021. A time extension has been put in motion. However, I strongly oppose the vast departure of this single residential plan to a large-scale retirement</p>				<p>applicable mitigation measures. These mitigation measures have been included in the EMPr. Should this Amendment Application be granted, these mitigation measures must be complied with.</p> <p>Town Planner: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: Please refer to the response above.</p>
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	<p>development of the size and density now newly proposed which will require the rezoning of ERF R2224 from a Single Residential Zoning/Rural Zoning to a Community 2 Regional (CO2) Zoning. This will result in a number of years of heavy construction with noise levels proven to be damaging to hearing and health and will result in a densely developed piece of land, with apartment style blocks, including 16 units right next to my property. I am also opposed to any historical decisions based on a residential proposal for this land, to be used as the basis for a now Commercial 2 proposal.</p> <p>To provide more detail to my concerns, I have divided my comments into the following key areas:</p> <p>A. PROJECT SCOPE AND SIZE,</p> <p>The previously authorised site development on erven A/8343 combined with erven R2224 (subdivisional area approx. 20 hectares) constituted 66 single residential erven, 2 rural erven, public open space, 1 special residential erven and 1 undetermined 1.8 hectare piece of land,</p>				<p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This</p>
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	<p>and related road structures. Accordingly, the zoning for this remained residential /rural. See attached diagrams 1 below.</p> <p>Of these 66 residential properties in the currently approved plan, I count 30 on the piece of land now newly and proposed for the development of the Oakhurst retirement estate. See below diagrams 2 and 3.</p> <p>There is now a new proposal which is a vast departure of the currently approved residential development. Instead of 30 single residential homes on this part of erf R2224, the new retirement estate is proposed to comprise 105 apartments and homes, 35 frail Care suites in a three-storey building, various clubhouses, administrative facilities, consulting rooms, staff quarters, parking, dining halls, a bowling green as well as a guest house. See attached diagrams 4 and 5 below, noting that it is misleading in terms of number of units, as in just one example, four yellow/orange blocks next to Pine Street appear that read as 4 units actually encompasses 16 homes. For a project of this scale, it is proposed that</p>				<p>memorandum addresses this comment in more detail.</p> <p>Please refer to the response above.</p> <p>Please refer to the response above.</p>
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	<p>the land is rezoned to a Community 2 Zoning (see detail in point B).</p> <p>Questions:</p> <p>1. Please can you provide who the owners and developers of this project/land will be, as well as names of any previous developments they have been involved in.</p> <p>2. Please can you provide a 3D render of the building style and aesthetics that more accurately show how this development will look aesthetically and how it will fit into its surroundings</p> <p>3. Please can you clarify how I&AP input process works, how input is considered in such a proposal, how decisions are made on rezoning and what rights we have to</p>				<p>1. SEC: This has been provided in the Pre-Application Amendment Report.</p> <p>2. <u>Architect</u>: We do have updated design drawings of the units which are also in 3D. We do not however have a 3D of the developed site as we need to do this in conjunction with the civil engineer's road design. This scope normally forms part of our Workstage 3 (Design Development) work and is done after our SDP and Environmental approvals.</p> <p><u>Civil Engineer</u>: We can provide road levels at that point that the architect could possibly use for a 3D rendering.</p> <p>3. SEC: Please note that the Public Participation Plan (PPP) involves the notification of all potential and registered</p>
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	<p>protecting ourselves from the large-scale construction proposed on our doorstep.</p>				<p>I&APs of the availability of the Pre-Application Draft Impact Report for comment.</p> <p>A Pre-Application Public Participation Process (PPP) is conducted (this report). Potential and Previously Registered I&APs are notified of the availability of the Pre-Application Substantive Amendment Impact Report for comment (a minimum of a 30-day legislated comment period). This PPP includes the following:</p> <p>Previously registered Interested and Affected Parties (I&APs) have been contacted to confirm that their email addresses are still valid.</p> <p>Previously Registered I&APs are notified via: Email notifications of the availability of the Pre-Application Impact Report Postage: notification letters are posted to Registered I&APs where email addresses are unavailable. An advertisement will be published in a local newspaper to bring the Pre-Application Impact Report to the attention of potential/ new I&APs.</p>
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	<p>Objection: I would support a tasteful residentially zoned development on this kind but strongly oppose vast departure from the previously approved site development that is too dense and out of keeping with the other developments in the area, and in particular I strongly oppose a Community 2 rezoning of the land in question.</p>				<p>Site notices will be placed around the study area to bring the Substantive Amendment Application to the attention of Potential and previously Registered I&APs. Surrounding landowners are notified of the availability of the Pre-Application Substantive Amendment Impact Report for comment.</p> <p>Comments received during the Pre-Application PPP will be addressed and where applicable, incorporated into the Post-Application Draft Substantive Amendment Impact Report.</p> <p>The Pre-Application Draft Substantive Amendment Impact Report will be made available to Registered I&APs for comment. Comments received after the minimum of a 30-day comment period, will be addressed and incorporated into the Final Substantive Amendment Impact Report (to be submitted to the competent authority).</p> <p>Please note that due to the Protection of Personal Information Act (POPIA), Act No. 4 of 2013, contact details were blanked to protect the information of authorities.</p>
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	<p>B. MAJOR ZONING CHANGE TO COMMERCIAL 2 ZONING, I understand that the previously approved residential and urban zonings allowed only one dwelling per erf, each taking up no more than 40% of the land, excluding the rural land and public open spaces. Homes had a height restriction on 9- 11m. Erfs in this</p>				<p>Please note that email addresses of Potential and Registered I&APs, as well as authorities, will be blanked in accordance with the POPIA (https://www.gov.za/sites/default/files/gcis_document/201409/3706726-11act4of2013protectionofpersonalinforcorrect.pdf).</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: Please refer to the response above. Visual Impact Specialist: Development is denser in this revised and preferred SDP as per the city policy of densification. The homes in this proposed development are all less the 11 meters in height. The care facility exceeds this height, but it is 'stepped' and will be visually screened by buildings Infront. We do agree that more tree planting must</p>
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<p>development were proposed of at least 650 square metres each.</p>			<p>take place to offset the denser development, and have stated this as a mitigation measure, this will need to take place along road verges.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: Please note that a town planning application, that provides an opportunity for I&APs to raise their comments, has been conducted.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
<p>I read that the new zoning now be applied for will be a Community 2 zoning. I understand that this includes the likes of institutions/ hospitals and as sporting facilities and residential apartments. In understand that land coverage can be up to 60% of land, with heights of up 18m high. It also allows the erection of rooftop telecommunication stations with antennae of 25m high.</p>			

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<p>Should the zoning be changed as newly proposed, there is also no protection for surrounding residents that the Community 2 Zoning will not in future include further changed plans from what is now newly proposed.</p> <p>I read in documents that Council may refuse an application in terms of the zoning scheme or planning law if, among other criteria :</p> <ul style="list-style-type: none"> - an evasion of the intent of this zoning scheme or any of its provisions. - The relationship of the development to the quality, safety and amenity of surrounding public environment (this will be see section C on Construction health hazards) - relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale (see points raised in sections on Access and Project Scale) - illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings (this has not been submitted). 				
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<p>As illustration pictures of my boundary towards the new proposed development, showing how close the new development will be against my property.</p> <p>Questions</p> <p>1. If I have misunderstood the zoning implications, please can you explain exactly what was previously allowed according the City Council, and what the new zoning can potentially permit, particularly right on my boundary wall.</p> <p>2. Please can you clarify how far from my boundary wall, the buildings including roads can be built, as well as well as the type of building that is permissible right on my boundary edge.</p> <p>3. Please can you advise whether there is a communications antennae proposed. The residents of Blue Valley recently legally successfully objected to an antennae in the region because of the health hazards.</p> <p>4. Please provide density comparisons, showing how the density/massing of the new plan, compares with the approved plan.</p>					<p>1. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>2. Please refer to the SDP appended to the Part 2 Amendment Application.</p> <p>3. <u>Developer / Project Manager</u>: No antennae or telecommunications have been proposed.</p> <p>4. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>5. Please can you advise how we will be protected from future community zoning activities happening not in the current proposal, should the new zoning go ahead.</p> <p>Objection:</p> <p>I strongly object to a Community 2 Zoning, as I believe a residential zoning and related estate being better suited to this area as per the original proposal.</p> <p>I object to any zoning that allows a future antennae or telecommunications station on the property on ERF.</p> <p>C. DEPARTURE FROM ORIGINAL PROPOSAL TO LOCAL AUTHORITIES</p> <p>From the documentation provided, my understanding is that proposal was put into motion in 2015, comprising subdivision of the 78 hectares of land including ERF R2224</p>				<p>SEC: Please note that a comparison has been provided in the Part 2 Amendment Application.</p> <p>5. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: Please refer to the response above.</p> <p><u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>in into 66 residential units remaining in residential /rural zoning creating a similar residential environment to those in the immediate surrounds. I understand that this proposal was challenged based on access issues from Blue Valley Avenue. I understand that this was successfully appealed in 2016 and that this required the development to go ahead within 5 years of the appeal (September 2021). I understand that there has now been an extension on this time. However, the whole proposal has now changed to something around 5 times the no of units, and a completely different zoning. In my layman understanding, the notice by Sillito at the stop street at the end of Pine Street says that legislation states that for an Environmental Authorisation amendment to be considered, the listed activity should be similar to the original proposal. . Surely a proposal as vastly different in is scale density, zoning, and building massing including than 150 units, (76 apartments), a three-story frail care centre, guest house, clubhouse, administrative, sporting, cleaning and other amenities, as well as a vastly different zoning departures requires a whole new</p>				<p>Please refer to the Traffic Impact Assessment that addresses this comment.</p>
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	<p>application as it is a completely different project with a vastly different impact on the surrounding neighbours and natural ecology. It seems I from the documentation provided that this vastly changed project (no longer purely residential) is riding on the back of a very different residential development application with a very different level of activity. It should be a new application. Please clarify.</p> <p>It is not clear from the material provided, how the land will be subdivided for future resale, how ownership of the new land will change hands in future, the height and excavation requirements for the new development, nor are there any details of what an apartment block might look like aesthetically.</p> <p>The material says say no new triggers are planned from the residential proposal, except for bridge which is now in its own proposal. Correct me if I have misunderstood, but I STRONGLY disagree that the bridge is the only new trigger. Every aspect of the new proposal is a new trigger as a three-storey frail care centre among</p>				<p>SEC: Please note that this information is incorporated into the zoning application.</p> <p>SEC: This has been confirmed by the competent authority (DEA&DP). Please note that a basic assessment process was required based on the triggering of a new listed activity. Please note that "triggers" mentioned are as per activities listed in the NEMA legislation.</p> <p>SEC: Please refer to Appendices B3.1 – 3.4 which illustrate unit designs.</p>
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	<p>numerous other administrative and community-based buildings, a completely different land ownership structure, telecommunication rights, the introduction of apartment-style buildings and the like simply cannot be compared to a well-spaced single residential housing plan. And the construction intensity and related health hazards of building on such scale and intensity cannot be compared to that of a residential development. This, quite simply, is trying to fit a round peg in a square hole. It's impact on the environment and the neighbouring residences is absolutely not comparable.</p> <p>Objections</p> <p>I object to this new Community 2 project riding on the back of previous residential development approvals/studies, as the project is of a completely different nature and negative health, energy, and visual impact to the surrounding residents.</p> <p>D. PRIVACY IMPACT</p>				<p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: Please note that the positioning of the proposed units is in line with the CoCT By-</p>
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	<p>The construction is very much impacting my privacy in my house in general, living rooms and bedrooms. Especially as in the proposed development the high double story or other high development are next to my Erf and property. The future residence will have directly views on my living room and bedrooms, which is un-avoidable with the design how it's understood by myself. Therefore, no high rise buildings should be developed next to my property and a reasonable amount of distance between the new development houses and my property should be maintained.</p> <p>As illustration a picture form my down-stairs bedroom (for my daughter). I do not want my daughter to feel uncomfortable in the house, knowing that neighbours will have access view into her room.</p> <p>Objections:</p> <p>I object against any development of high-rise buildings (2 story or higher) next to my Erf and property, impacting severely my privacy and that of the family. I object against any development close to my Erf and property and request a reasonable amount of space to be considered</p>				<p>Laws. The screening will also be implemented accordingly during the construction and operational phases.</p> <p>Architect: the dwelling constraints are all within the requirements of the City of Cape Town's Zoning scheme. Most of the dwellings are single-storey with some double stories. There are no 3-storey dwellings as is permissible with the aforementioned zoning scheme.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>between my House and the future to be developed houses/properties.</p> <p>E. CONSTRUCTION IMPACT</p> <p>The construction of such a large-scale project will have a significant detrimental impact on neighbours, including irreversible health hazards, stress, sever lifestyle deterioration for an extended period and an impact on property value and the ability to sell ones property during this period.</p> <p>The proposed working hours of the project are from 7am to 6pm on weekdays and from 7.30 to 1pm on Saturday, with Council being able to approve extended hours. This is completely unreasonable and gives residents absolutely no chance to recharge at home and escape the hearing and other hazards discussed below. This will SEVERLY impact lifestyle and health</p>				<p>E</p> <p><u>Architect</u>: the dwelling constraints are all within the requirements of the City of Cape Town's Zoning scheme. Most of the dwellings are single-storey with some double stories. There are no 3-storey dwellings as is permissible with the aforementioned zoning scheme.</p> <p><u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p><u>SEC</u>: Please note that mitigation measures have been included in the EMPr that address noise and other construction-related impacts. Should this Amendment Application be granted, these mitigation measures must be complied with. A complaint register will be made available at the site during the construction phase.</p>
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	<p>According to the CDC (Centre for Disease Control) and it's National Centre for Environmental Health Plans (NCEH), noise above 70 decibels over a prolonged period can start to damage hearing. Loud noise above 120 decibels can cause immediate harm to hearing. Researchers in the field have concluded that exposure to sounds above 85 decibels for periods exceeding 8 hours is likely to cause hearing damage and even complete hearing loss.</p> <p>The diagrams 6-10 are just a few that show impact of a construction site and related machinery (drilling, jack hammers, power tools, etc) on hearing loss placing residents in a 'extremely dangerous' zone. This is supported by the Centre for Disease Control's quotes included. This is an irreversible health hazard, along with the dust and potential harmful material pollution, which have not been quantified or the risk properly communicated to neighbouring residents. The mitigation suggestions state that hearing protection will to supplied but does not clarify if this is to workers or residents. It also says that</p>				<p>SEC: Please note that noise mitigation measures have been included in the amendment report and the environmental management programme (EMPr). Should this proposal be approved by the competent authority (DEA&DP), conditions stipulated in the EMPr must be complied with.</p> <p>The recommended working hours (to be made a condition of the Environmental Authorisation) will enable expedite the construction process thereby reducing the period of time that receptors will be exposed to potential, identified construction-related impacts. Please note that noise mitigation measures have been included in the amendment report and the environmental management programme (EMPr). Should this proposal be approved by the competent authority (DEA&DP), conditions stipulated in the EMPr must be complied with.</p>
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	<p>shade cloth will be erected. This is a very negligent brush off of a serious health hazard.</p> <p>There are many Blue Valley residents who work from home and will be facing this noise health hazard, probably for years. I think it's unrealistic and completely unfeasible to suggest that residents in close proximity should have to wear such protective hearing equipment to live at home, and endure this health hazard and extreme lifestyle deterioration for years while a project as of such as large scale goes ahead in a residential area, where residents have chosen a lifestyle in close to nature.</p>				<p><u>Architect:</u> The impact of noise on the site can be reduced substantially by introducing the following site management controls:</p> <ul style="list-style-type: none"> i) Materials such as roof sheeting and roof trusses to be ordered manufactured or pre-cut at the factory, ii) Noisy actions such as the cutting of floor and wall tiles to be done within the unit garages and for larger items, a yard enclosure away from the neighbouring residences screened to reduce noise, iii) Conduiting, where possible, to be built into walls (e.g. cavities) to reduce noise from chasing, iv) control of staff interaction - no shouting allowed on site. Internal walls will \have to be chased. <p>SEC: Please note that noise mitigation measures have been included in the amendment report and the environmental management programme (EMPr). Should</p>
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	<p>Questions:</p> <p>1. Please can you give a proposed building timeline that outlines how long each construction phase will be and how long we will be living with intense construction on this piece of land. Please can you quantify health risk.</p> <p>2. Please can you provide information on the expected period of using machinery above 85 decibels which will require resident to protect their hearing, and what the mitigation proposal entails.</p>				<p>this proposal be approved by the competent authority (DEA&DP), conditions stipulated in the EMPr must be complied with.</p> <p><u>Developer / Project Manager:</u> The construction timeframe will be completely dependent on the sales success of the development.</p> <p>2. SEC: equipment/machinery is to be used throughout the construction phase. Appropriate mitigation measures to be implemented are as follows:</p> <ul style="list-style-type: none"> • The Contractor will issue ear protection for any noise activities with a noise output of 85 dB or more. • The Contractor must notify all adjacent property owners/occupants of the proposed development and that noise impacts above 85 dB may occur as a result of the above. • No noise-generating work is to be conducted outside of approved working hours unless in consultation with the local
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	<p>3. Please can you quantify other health risks to neighbouring resident risks including dust and hazardous material pollution.</p> <p>4. If there is enough greenery, natural vegetation remaining on this scenic piece of land, why is permeable paving required in the are adjoining my home, and why does this need to be built last?</p>				<p>authority and advised to the adjacent property owners/occupants.</p> <ul style="list-style-type: none"> • A complaints register will be opened and kept on site. All comments must be addressed accordingly. <p>3. SEC: Please note that potential impacts relating to dust and hazardous material pollution (e.g. spillages, leakages, dust generation, empty cement bag litter, etc) have been addressed in the Amendment Application.</p> <p>4. SEC: <u>Civil Engineer</u>: Permeable paving is the treatment and stormwater detention mechanism employed in the stormwater management design, to purify stormwater and detain stormwater runoff to pre-development levels before exiting the development.</p> <p>The permeable paving is required at the lower end of the property for stormwater collection purposes. It must be built last to prevent contamination of the filtration layers below the paving during the development construction.</p>
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	<p>5. Has there been any investigations with estate agents on viability of selling property in Blue Valley during an extended large-scale construction next door.</p> <p>Objections:</p> <p>1. I object to any development that will cause negatively and or permanently affect the hearing and health of neighbouring residents, or that will require them to wear protective gear during the construction phase to avoid such health impact.</p> <p>2. I also object to a development that will have a notable impact on the value of property or ability to sell as a result of a large-scale commercial development on the adjoining land.</p> <p>3. I object to a large-scale development that significantly affects the quality of life of surrounding residents.</p>				<p>5. <u>Developer / Project Manager</u>: as property devaluation has been raised by different I&APs, the undertaking of a property valuation study may need to be considered. This can be addressed based on comments raised during the town planning process.</p> <p>1 – 2. SEC: Please refer to the responses above.</p> <p>3. SEC: As stated in the Part 2 Amendment report, an environmental authorisation has been previously granted to develop this site. This Amendment Application has identified potential impacts, assessed the severity of these impacts and proposed applicable mitigation measures. These</p>
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	<p>4. Again my objection to Community 2 zoning with a large-scale project such as this STRONGLY expressed as a result of the health hazard. The residential development originally planned wit 30 residences in the comparable space is far more tolerable to quality of life and health the neighbours during the construction phase. A residential estate of 30 homes has a level of construction and staggered timeframes that cannot even be compared with the life altering and materially different health and lifestyle dangers associated with ongoing Community 2 construction with that proposed.</p> <p>5. The material provided says that Council may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. I believe that the proposed retirement development should not go</p>				<p>mitigation measures have been included in the EMPr. Should this Amendment Application be granted, these mitigation measures must be complied with.</p> <p>4. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p><u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>5. SEC: Please note that these impacts have been addressed in the Amendment Application that was made available for comment.</p>
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	<p>ahead (if at all) until the health, safety and lifestyle impact of the neighbouring residents is better understood and alternative residential options meaningfully considered.</p> <p>F. ACCESS</p> <p>As a resident living in the area, I am well aware of the length of time it already takes to turn right out of Blue Valley, I do not think that Blue Valley is a suitable entry point. Besides the Hout Bay main road access, there seems to be an access point via Birch Lane. The roads on Blue Valley are very narrow and not build for heavy traffic or residence entering the new development area. The same narrow street designs are there for Ash Lane, Conifer Road, Pine Street and Gum Tree lane. With only one car parked next to these small roads, the road and flow of traffic will be blocked. I don't not see a structural change can be made to the road design as houses and erfs are directly next to the road. As illustration a picture of Birch Lane, which the proposed development is designed to use as entry point to the development area. And</p>				<p><u>Traffic Engineer:</u> Based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA. In our opinion and based on accepted design standards the Birch Street Road reserve width can accommodate the access as proposed.</p>
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	<p>illustration a picture of Ash Lane, as example that all mentioned roads in Blue Valley are off the same design.</p> <p>Questions:</p> <p>1. Has the plan for a roundabout at the Spar been assessed by traffic authorities? This is also a difficult area to get out of, especially when turning right along a road on which there are no gaps in peak hour. Placing any kind of slowing of this steady stream of traffic is also likely to result in a substantial build-up of traffic along this road which is already subject to periods when it is often completely blocked owing the single-lane traffic on a route that is the only way out of Hout Bay to the southern suburbs. When the robot was placed at International School further down in the village, this substantially affected the traffic build up in in the area. A study needs to be done to see how the roundabout would affect traffic flow in busy times, particularly very the busy tourist season in December/January.</p> <p>2. Has a study been done that the proposed Birch Lane can handle the traffic as entry road towards the proposed development. In a way that it remains a safe environment for the residence on Birch</p>				<p>1. <u>Traffic Engineer</u>: The roundabout has been proposed as mitigation to improve traffic operations at the Main Road/Dorman Way intersection. The intersection can also be signalised. However, the roundabout is the preferred option because it has a lower impact on all road users throughout the day.</p>
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	<p>Lane and wider Blue Valley community/Bokkemanskloof is maintained. Including noise levels, especially during the building of the proposed development.</p> <p>Objections: I object against any access towards the proposed development via Blue Valley using the proposed Birch Lane. But also, against any other access via this road and via Ash Lane, Conifer Road, Pine street and Gum Tree lane.</p> <p>G. PROPERTY VALUE IMPACT</p> <p>The proposed development will have a severe impact on the value of my property. I have bought the property in 2021 for a value of 4.3 mln Rand. According to my real-estate agent the value may drop with 25 – 40% based on proposed development. I was aware at the time of purchase of the property of development of the area, but not to the extend now in the latest proposal. Therefore, I'm severely negatively impacted by this plan financially. I would estimate the additional value drop of my</p>				<p>2. <u>Traffic Engineer</u>: In our opinion and based on accepted design standards the Birch Street Road reserve width can accommodate the access as proposed.</p> <p>SEC: Noted. Please see the responses to the objections above.</p> <p><u>Developer/ Project Manager</u>: property devaluation has been raised on more than one occasion, so it may be worthwhile undertaking a property evaluation study. This can be determined based on</p>
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<p>property to be around 30%, equal to 1.3mln Rand.</p> <p>Question: Within the process of development, will there be any 'right' of compensation for the residence next to the new development, if the new development is massively impacting the Value of their existing property, versus what could be anticipated at purchase of the property in 2021? What process should or can I follow when I would like to get a compensation for my value drop of property?</p> <p>Objection: Based on the value impact of this new proposed development, versus the previously authorised site development "erven A/8343 combined with erven R2224 (subdivisional area approx. 20 hectares) constituted 66 single residential erven, 2 rural erven, public open space, 1 special residential erven and 1 undetermined 1.8 hectare piece of land, and related road structures".</p> <p>H. PLANT AND ANIMAL LIFE:</p>				<p>comments received on the town planning application.</p> <p><u>Developer/ Project Manager:</u> property devaluation has been raised on more than one occasion, so it may be worthwhile undertaking a property evaluation study. This can be determined based on comments received on the town planning application.</p>
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	<p>According to herpetofauna assessment by The Biodiversity Company, The National Web-based Environmental Screening Tool has characterised the animal species sensitivity theme for the project area as “high” and “medium”, the aquatic biodiversity sensitivity theme as “very high” and the plant species sensitivity theme as “low”. According to the screening tool, the relative terrestrial biodiversity theme is rated as having a “very high sensitivity”.</p> <p>I think that the botanical consultants have addressed this as a development by focussing on keeping the river section buffered. It is not clear whether they been working of the new or old plans for the development.</p> <p>There are sections of the new development, including next to where my home is that will have virtually no greenery and apartment style homes which will severely impact on surrounds around where I live. This would not be the case if the proposal remained as previously zoned with each of the 30 plots having ample garden space as in the type of residential zoning</p>				<p>SEC: Noted. Please refer to the Site Sensitivity Verification Report (SSVR – Appendix I). As per the SSVR, e proposed development amended footprint was classified as highly disturbed and transformed with a low ecological value. The site did not contain any important plant species (i.e. species of conservation concern – SCC) or habitats whereby no vegetation representative of Cape Peninsula Granite Fynbos (Critically Endangered vegetation type associated with the site] was present. Alien vegetation was present within the development footprint. Based on previous disturbances and the presence of alien plant species, the restoration potential of the area is very low. The DEA Screening Tool classified the proposed amendment footprint as “High” Animal Species Sensitivity based on the likely occurrence of SCC in the area. A Western Leopard Toad (Amietophrynus pantherinus) habitat assessment was</p>
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	<p>and homes typical to this area, encouraging a lot more plant and animal life to remain.</p>				<p>previously conducted by NCC in 2014. According to the findings of this study, Western Leopard Toads were present in certain areas. As per the report, the site is extensively transformed from its natural state being directly modified by surrounding developments and the alien invasive plant species encroachment (namely Port Jackson - <i>Acacia saligna</i>, <i>Lantana camara</i>, and <i>Eucalyptus</i> spp.). Direct impacts are typically associated with developments resulting in land cover changes (and consequent loss of natural areas) and edge effects, whereas indirect impacts include impacts associated with the generation of waste and its management by surrounding developments (McDonald et al., 2020)¹. Edge effects have diverse impacts on biodiversity and ecological functioning (Razafindratsima et al., 2018)², which may have contributed to the level of disturbance identified by NCC during their study. The presence of the previously</p>
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¹ McDonald, R.I., Mansur, A.V., Ascensão, F., Crossman, K., Elmqvist, T., Gonzalez, A., Güneralp, B., Haase, D., Hamann, M., Hillel, O. and Huang, K., 2020. Research gaps in knowledge of the impact of urban growth on biodiversity. *Nature Sustainability*, 3(1), pp.16-24.

² Razafindratsima, O.H., Brown, K.A., Carvalho, F., Johnson, S.E., Wright, P.C. and Dunham, A.E., 2018. Edge effects on components of diversity and above-ground biomass in a tropical rainforest. *Journal of Applied Ecology*, 55(2), pp.977-985.

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	<p>I. SCENIC ROUTE AND VISUAL IMPACT FROM THE EAST</p>				<p>constructed bridge and other structures (e.g. buildings) also contributes to a disturbance factor. Such effects contribute to a disturbance factor, which is likely to have previously impacted wild animals within the study area. A Freshwater Assessment was previously undertaken by Dr. Barbara Gale of Aqua Catch cc in April 2008, updated by Ms. Toni Belcher in 2010 with addendums in 2014, a wetland delineation was carried out by The Biodiversity Company in 2021, and a Letter of Confirmation of the delineated wetland buffer was compiled by Ms. Toni Belcher in 2021. As per the Freshwater Assessment, the upper to middle reaches of the Bokkenskloof River is deemed to be in a good condition instream whereas the riparian zones were considered to be moderately impacted. The ecological importance and sensitivity of the river were considered to be moderate to high. A Freshwater Impact Assessment (Appendix G2.1) and Herpetology Assessment (Appendix G3.1) were conducted.</p>
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	<p>As the drive over Chapman's Peak is a popular scenic route, please can you provide a 3D render of the building style and aesthetics that more accurately show how this development will look ascetically and how it will fit into its surroundings, compared with the other residential estates on this area of the drive.</p> <p>I also note that the 16 apartments in closest proximity to my home on the Eastern boundary are being built in an area classifies by the documentation as being in a Moderate Visual Sensitive area currently characterised by scenic rural areas including the Eindelik Cottage and associated old oak, olive and Eucalyptus trees and proximity to Historic Homestead.</p> <p>I strongly disagree that a proposed hedge, difficult to find in the plan apart from three tress, between my home and 16 apartment classifies a low negative visual impact, nor that a temporary shade cloth is any near adequate protection during the hazardous construction phase.</p>				<p>Please note that these motivations were agreed upon by the competent authority (DEA&DP).</p> <p>i.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: As per the amended Visual Impact Assessment (VIA), mitigation measures have been proposed to reduce the potential visual impacts associated with the construction and operational phases.</p>
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	<p>I return to the point of the intention of this land being zoned as residential and not zoned for a large-scale retirement development, and that it remains in keeping with the density and scale of the surrounding homes, and of a similar ecological impact to protect the tourist route.</p> <p>I trust that these considerations will be seriously viewed, and that the large-scale Community 2 zoning and related construction with its serious health hazards for the residents, and environment implications will be declined in favour of a more realistic and better-suited residential development for this land in line with the already approved site plan of 2015- 2021.</p>				
16	<p>Please note logical reasons for Objections:</p> <p>- It's the developer's responsibility to create proper access to the development, not via the requested current convenient Blue Valley Ave! (Don't make your problem our problem). Build & damage your road, as opposed to damaging our road, so you have a new one at completion time! Plan properly!</p>	12 October 2022	Mr & Mrs Schaufelbuhl	Houtbay Residents	<p><u>Traffic Engineer:</u> Blue Valley Avenue is a municipal street. The stub roads were designed to allow access to the west in future. Access via Blue Valley Avenue is possible, and the transport impact can be mitigated. The impact is also temporary until the bridge is constructed.</p>

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	<p>- Blue Valley, although a public road, is partially a private road to the Estate for residents i.e. not a public through road for building etc.</p> <p>- currently it has a high volume of residential cars using the access, adding trucks etc is not suitable. Requests for speed bumps have been ignored, and for the residents costs!</p> <p>- The Estate has had numerous burst water pipes on Blue Valley Ave, which will exacerbate the problem, which has a slow turnaround time to repair i.e. we have no water for residents! Trucks will cause more problems, due to the weight etc.</p> <p>- The cars already drive too fast down the hill, inconveniencing us to exit & enter our residents, adding heavy duty trucks etc will impact negatively & a danger to all road users & pedestrians.</p> <p>- It will be a security risk, as this will become another direct access route for job seekers, who already hang around Disa River Rd. We pay for additional security, besides ADT</p>				<p><u>Traffic Engineer:</u> Blue Valley Avenue and Birch Street are municipal roads.</p> <p><u>Traffic Engineer:</u> Based on the findings in the TIA the surrounding road network can accommodate the development trips as illustrated in the TIA.</p> <p><u>Civil Engineer:</u> Burst water mains is normally a result of excessive pressure or ageing infrastructure. This is an issue that the municipality will surely address in the future. We will follow up on this matter with the City of Cape Town for comment.</p> <p><u>Civil Engineer:</u> The heavy-duty trucks will only be temporary during construction and their presence should slow down cars driving too fast in the area.</p> <p><u>Traffic Engineer:</u> The northbound approach (downhill) along Blue Valley Avenue at the Birch Street intersection is stop controlled.</p>
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<p>etc, this will impact the security team with an increased concern of activities.</p> <p>- Trucks carrying heavy loads of bricks, sand etc, who's breaks often fail, will be a fatal risk exiting the Main Rd, manslaughter?</p> <p>- as this is stated as a large scale development, this means large scale teams, equipment, building etc, which will take a very long time to build. This will be an unacceptable road use request!!</p> <p>- Bokkemanskloof is a 'residential area' known for its rural environment. The negative impact of noise pollution, pollution, invasion etc to the residents, children, pets & nature will be unacceptable.</p> <p>All the above objections are valid and completely logical.</p> <p>The audacity of requesting the above is completely selfish & arrogant.</p> <p>We look forward to positive feedback, by respecting the residents objections. Your</p>				<p>Existing speeding issues should be addressed to the City's traffic officials.</p> <p><u>Developer / Project Manager:</u> contractors appointed will be responsible for security to ensure the property is secure with no loitering during the construction phase.</p> <p><u>Traffic Engineer:</u> Most of the loads will be inbound with empty trucks leaving the site. All vehicles using public roads including construction vehicles must be road worthy with proper brakes.</p> <p><u>Developer / Project Manager:</u> as property devaluation has been raised, the undertaking of a property valuation study may need to be considered. This can be addressed based on comments raised during the town planning process.</p> <p>SEC: Please note that noise mitigation measures have been included in the amendment report and the environmental management programme (EMPr). Should this proposal be approved by the</p>
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	planning teams need to plan & focus on your own road, as opposed to abusing other residents' residential roads.				competent authority (DEA&DP), conditions stipulated in the EMPr must be complied with.
17	<p>Please find attached objection letter with reference to the planned new development on the old Clay Café grounds.</p> <p>RE: Objection to the Oakhurst Farm Development</p> <p>I would like to lodge a formal objection against the Proposed Retirement development on ERFs 2224 and 2958 (SEC Project Number 070845). The scale of the development of 105 apartments and 35 frail care suites will put additional traffic on our roads, and use of our communal areas by the influx in residents and staff working at this facility. I am concerned that it will also result in additional crime as the area becomes more of a thoroughfare with additional access points. I do not have any business, financial or personal interest in this application.</p>	13 October 2022	Kathryn and Shaun Mason	Houtbay Residents	<p><u>Developer / Project Manager:</u> Contractors appointed will be responsible for the security of the property and all OH&S legislation will apply. On completion, the estate will have full perimeter electric fencing installed and be continuously monitored by CCTV cameras and guarding.</p>

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18	<p>I live at 6A Blue Valley Road, Hout Bay and strongly object to some of the new proposed developments near my home.</p> <p>Firstly, the construction is seeking access via Blue Valley Road when the property has its own perfectly serviceable access via the Main Road. There is no reason to use Blue Valley Road and disturb residents with the daily sound of heavy construction vehicles and increased traffic. Some of us live very close to Blue Valley Road and this will severely impact our quality of life.</p> <p>We are already battling the persistent noise nuisance created by the Clay Cafe's trampoline park – which was also not in the original plans approved by the Council. We have learned through this experience that it is much more difficult to undo the damage caused by overreaching businesses in our area after building has begun. We have also realised that the plans are now far bigger than originally submitted and this will cause a far greater impact on our neighbourhood. In fact, the scope is now almost double the size of the original plans. Undoubtedly, developers will go beyond even on are approved.</p>	<p>14 October 2022</p>	<p>Micky Wiswedel</p>	<p>Houtbay Resident</p>	<p><u>Traffic Engineer:</u> CoCT has approved temporary left-in only access for construction vehicles to the site from Hout Bay Main Road.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above . Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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Comments and Response Table:

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	It's simply not acceptable that companies submit one set of plans when they fully intend not to abide by those and instead expand considerably. Please help ensure that this process is fair, transparent, and respectful of neighbours. We moved here to live in a quiet community, but this development will further disturb the peace in our area. Please help prevent developers and businesses from ruining our neighbourhoods.				SEC: Please note that the developer has followed the legislated process with regard to amending the previously authorised development. It is due process, as per the relevant legislation (NEMA) to submit an application for an amendment to an existing environmental authorisation.
19	Can you register us as an Interested and Affected Party (IAP). Our interest is both financial, as the Commercial development (not residential as per previous approval) will negatively impact on our property value and personal through the impact on our lives through the increased traffic to/from Blue Valley during the multi-year construction and beyond.	14 October 2022	Paige & Graham Will	Houtbay Residents	SEC: Please note that you have been registered accordingly.
20	Please find attached our request to be registered as I&AP of the abovementioned projects, as well as our initial comments and questions.	16 October 2022	Iain CARR & Brigitte DIRICK	Houtbay Residents	SEC: Please note that you were been registered accordingly. SEC: Please note that potential impacts have been identified and assessed in terms of their severity. Mitigation measures have been proposed and incorporated into the EMPr. Should this Amendment Application


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	<p>We are the registered co-owners and full-time residents of the house located at 11 Oakwood Lane – 7806 Hout Bay (ERF 8695), a property that would be directly adjacent to the proposed retirement estate and very close to the proposed upgraded bridge. The retirement estate would in particular include the building of units just in front of our house. It would therefore potentially have a direct impact on both the quality of our environment (e.g. noise pollution during and after construction) and the value of our property. More generally, we also have concerns on the impact of the proposed development on the traffic in Hout Bay and the reliability of services, in particular water, to the Hout Bay community.</p> <p>We therefore have a direct personal and financial interest in being kept closely informed about these applications and their process.</p> <p>At this stage, we submit the following preliminary comments and questions to be addressed:</p> <p>Overall, we would not be opposed to a residential development of the concerned area, subject to the respect of high environmental and aesthetic standards (similar to those of the Oakwood Estate) and subject to careful consideration of Hout Bay carrying capacity in terms of access and services (water, electricity, etc.). However, we consider that the abovementioned applications describe a project that departs significantly from the currently approved residential estate, in terms of the zoning, type of activities involved, type of buildings, housing density, etc. This project would call for a new zoning process and full environmental and socio-economic impact assessment. <i>2 MB</i></p> <p>In addition, we have the following specific questions on the draft documents notified on 16 September 2022.</p> <ol style="list-style-type: none"> The process We were very surprised that we and the other property owners on the Oakwood Estate did not receive direct notification of the proposed development and bridge upgrade given its importance to us and the whole of Hout Bay. We feel that failure to do so leads to mistrust in respect of the intention of the developers, particularly given that the modifications in question are substantial and contentious. We would ask you to kindly comment on this lack of initial communication and the reasons for it. Biodiversity assessment Botanical, herpetofauna and freshwater assessments have been carried out but, surprisingly, not on avifauna. Please explain why this has not been the case. The area is a potential nesting and hunting zone for raptors and other species. Non-indigenous trees Whilst both indigenous and non-indigenous vegetation has been mentioned in the documents, no specific mention has been made concerning your intended action in relation to non-indigenous trees. Birds are not necessarily selective in the species of tree they use as hunting perches or nesting sites – as a result any attempt to maintain an acceptable level of variety of endemic species should also include a specific reference to specific actions in regard to non-indigenous trees. How do you explain this important omission? 			<p>be granted, all mitigation measures must be complied with. Please refer to the Part 2 Amendment Application (pages 52 – 104) and EMPr (Appendix H) for more information.</p> <p><u>Civil Engineer:</u> CoCT has confirmed the availability of bulk water supply for the development.</p> <ol style="list-style-type: none"> SEC: Please note that all previously registered I&APs and potential I&APs (via notification letter postage, advert, and site notices), were given the opportunity to register and comment on the proposed amendment application. The Public Participation Process was conducted in terms of the applicable EIA Regulations (as amended). SEC: Noted. Please refer to the Landscape Management Plan (Appendix G10) for information on the proposed indigenous trees to be planted on site. This impact will be addressed in the Post-Application Amendment Report. SEC: Noted. Please refer to the Landscape Management Plan (Appendix G10) for information on the proposed
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	<p>4. Traffic volume on Hout Bay Main Road</p> <p>We are extremely surprised by the conclusions reached on the increase of traffic volume along the Hout Bay Main Road as a result of the substantial increase of the number of residences foreseen in the development plan in comparison to the existing residential plan. We feel that the traffic volume needs to be fully reviewed in any future reassessment.</p> <p>5. Water supply</p> <p>The increase in the number of households under the retirement estate plan as against the number on the current residential plan will have an important impact on an already severely strained water supply in Hout Bay. It is difficult to accept that the existing 100 millimeter diameter water main in Grotto Way would be adequate to handle this increase plus the needs of the additional services planned for the retirement estate. We feel that the water supply needs to be fully reviewed in any future reassessment.</p> <p>Sincerely, </p>				<p>indigenous trees to be planted on site. This impact will be addressed in the Post-Application Amendment Report.</p> <p>4. <u>Traffic Engineer</u>: The TIA was prepared in accordance with the South African Traffic Impact and Site Traffic Assessment Manual (TMH16). The TIA took into account historic traffic counts, existing counted traffic volumes and approved developments/latent development rights in the surrounding area.</p> <p>5. CoCT has confirmed the availability of bulk water supply. .</p>
23	<p>This letter serves to apply as an Interested & Affected Party with regards to the above-mentioned proposed retirement development in Hout Bay. We, Kate Rethman-Finck and Ross Finck, live at 43 Bokkemanskloof Road, which borders on this proposed development. This means that I have both a personal (lifestyle and health impact) and a financial (value of my property) interest in what happens regarding the proposed development.</p>	<p>17 October 2022</p>	<p>Kate Rethman-Finck and Ross Finck</p>	<p>Houtbay Residents</p>	<p>SEC: Please note that you were been registered accordingly.</p> <p>Please note that this comment has been addressed in the responses above.</p>

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24	<p>I wish to register as an interested and affected party to the above-mentioned proposal. I live on the Southern border of the future development in Oakwood Estate and object to the size and scale of the development as well as the environmental impact on the land as it is thriving with animal and bird life after standing so dormant for decades. The only decent view from my home is of this land, so having 3 story structures backing up to my property within my view line, will substantially reduce the value of my home.</p>	17 October 2022	Joanne Walter	Houtbay Resident	<p>SEC: Please note that you were been registered accordingly.</p> <p>Please note that this comment has been addressed in the responses above.</p>
25	<p>The above matter and our telephonic discussion this afternoon refer. Please find enclosed herewith the e-mail sent to Anthony earlier today for your perusal and record. Kindly acknowledge receipt hereof. We trust the above to be in order.</p>	18 October 2022	Amber Stucke	C&A Friedlander Attorneys	<p>SEC: Please note that you were been registered accordingly. The comment has been captured and addressed below.</p>
26	<p>This letter serves as a registration as affected parties. As the owners and residents of property 7 Blue Valley Ave, Bokkemenskloof, 7806 Hout Bay we officially are herewith providing comments, questions and objections to the development.</p> <p>Our property borders directly onto Blue Valley Ave and we have both a personal (healthy and safety especially from drastically increased traffic) and financial</p>	14 October 2022	Bianca Hagelberg Fredrik Hagelberg	Houtbay Residents	<p>SEC: Please note that you were been registered accordingly.</p>

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	<p>(value of my property) interest in possible further proceedings of this development.</p> <p>SUMMARY</p> <p>The Hout Bay area, especially bordering the Table Mountain reserve and leading up to Constantia Nek, is surrounded by mostly single residential stand-alone homes and housing estates on both sides of the valley with many indigenous gardens and green spaces. Most of the properties in this area have an erf size of 500 m² upwards and I strongly believe, this was previously done on purpose by council and city planning to ensure densification would be kept at bay and easily / naturally manage access (traffic) in and out of the valley. We would like to state that we are not in opposition to a residential development with a residential zoning on ERF 2224 and ERF 2958 and would support the original site development plan for 66 residential homes on approximately 20 hectares of land, which according to our information was submitted in 2015 and had been approved to be built by 2021. However, we are strongly opposed to the vast departure of this single residential plan to a large-scale retirement development of the size and density now proposed which will require the rezoning of ERF R2224 from a</p>				<p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>Single Residential Zoning/Rural Zoning to a Community 2 Regional (CO2) Zoning.</p> <p>Our understanding is that proposal was put into motion in 2015, comprising subdivision of the 78 hectares of land including ERF R2224 in into 66 residential units remaining in residential /rural zoning creating a similar residential environment to those in the immediate surrounds. This proposal was challenged based on access via Blue Valley Avenue by residents. The challenge was successfully appealed in 2016 and that this required the development to go ahead within 5 years of the appeal (September 2021). We understand that there has now been an extension on this time. However, the whole proposal has now changed to around 5 times the number of units, and a completely different zoning. In our layman's understanding, the notice by Sillito at the stop street at the end of Pine Street says that legislation states that for an Environmental Authorisation amendment to be considered, the listed activity should be similar to the original proposal.</p> <p>Surely a proposal as vastly different in scale, density, zoning, and building mass including more than 150 units, (76 apartments), a three story frail care centre, guest house, clubhouse, administrative, sporting, cleaning and other amenities, as</p>				<p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This</p>
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<p>- Densification and constructions of buildings higher than 9 - 11 m do not fit into the urban environment / surroundings.</p> <p>- Previously approved residential and urban zonings allowed only one dwelling per erf, each taking up no more than 40% of the land, excluding the rural land and public open spaces. Homes had a height restriction on 9- 11m. Erfs in this development were proposed of at least 650 square metres each.</p> <p>- New proposed zoning will be a Community 2 zoning, including the likes of institutions, hospitals, sporting facilities and residential apartments. Land coverage can be up to 60% of land, with heights of up 18m high. It also allows the erection of rooftop telecommunication stations with antennae of 25m high.</p> <p>- This would be completely different to any other bordering and close by developed areas.</p>				<p>As per the City of Cape Town's Densification Policy, densification reduces the consumption of valuable non-renewable resources, makes the CoCT more equitable, facilitates socio-economic opportunities, promotes service provision, and improves safety. This proposal is therefore in line with the CoCT's Densification Policy.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>Please see the comment above.</p> <p>Please see the comment above.</p>
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	<p>- Should the zoning be changed as newly proposed, there is also no protection for surrounding residents that the Community 2 Zoning will not in future include further changed plans from what is now newly proposed.</p> <p>- We strongly object to a Community 2 Zoning, a residential zoning and related estate being better suited to this area.</p> <p>- We object to any zoning that allows a future antennae or telecommunications station on the property on ERF.</p> <p>- Departure or completely different project size and scope compared to the original</p>				<p>Please see the comment above.</p> <p><u>Developer / Project Manager:</u> Please note that no antennae or telecommunication station has been proposed.</p> <p><u>Visual Impact Specialist:</u> The densification of the property is in line with the CoCT policies regarding densification. Most of the buildings are less than 11 m with the exception of the Care Building, which is 3 storeys when seen from the north, but 2 from the south. Limited garden space around some units hence the requirement of additional tree planting in road verges.</p> <p>Town Planner: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>This has been addressed in the Civil Engineering Report.</p>
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	<p>approved plans. In our opinion a completely new application process would be required. A residential development cannot be compared with a Community 2 Zoning, including a three-storey frail care centre among numerous other administrative and community-based buildings, a completely different land ownership structure, telecommunication rights, the introduction of apartment-style buildings and the like simply cannot be compared to a well-spaced single residential housing plan.</p> <p>- The huge additional number of units and therefore additional water supply and sewage will stress the already struggling infrastructure of Hout Bay.</p> <p>- The general impact on the environment. Plenty of green spaces with plenty of indigenous gardens are key for the survival of animals. The new development is too dense.</p>				<p>SEC: Noted. Please refer to the landscape plan which outlines the number of indigenous plant species to be planted (thereby promoting indigenous biodiversity at the site). As per the City of Cape Town's Densification Policy, densification reduces the consumption of valuable non-renewable resources, makes the CoCT more equitable, facilitates socio-economic opportunities, promotes service provision, and improves safety. This proposal is therefore in line with the CoCT's Densification Policy.</p> <p><u>Traffic Engineer:</u> CoCT has approved temporary left-in only access for construction vehicles from Hout Bay Main Road.</p> <p><u>Civil Engineer:</u> CoCT has confirmed the availability of bulk water supply for the proposed development.</p>
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	<p>- Access via Blue Valley Ave based on the new proposed plans would have a massive impact on traffic during the construction phase and for the indefinite future. With the following main concerns:</p> <p>- We walk daily on Blue Valley Ave and traffic rules are regularly not complied with. Clear stop signs and speed limits are disregarded, and we have seen numerous incidents of almost collisions of cars, and accidents with adults, children and animals.</p> <p>- The increased traffic of 5 times more units, workers and visitors will have a huge impact on noise and air pollution, especially during the initial construction phase due from diesel fumes which have a proven impact on health.</p> <p>- Looking at the layout of the plans, the access via Blue Valley Ave rather looks like the main entrance into the estate, which is concerning.</p>				<p><u>Traffic Engineer:</u> Based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA.</p> <p>This is an existing issue and should be reported to the City of Cape Town traffic officials.</p> <p><u>Traffic Engineer:</u> The proposed development will have an impact. However, the impact can be mitigated as shown in the TIA. A construction management plan will also assist in reducing the transport impact during the construction phase.</p> <p><u>Traffic Engineer:</u> The Birch Street access is only temporary until the bridge is constructed. Once the bridge is constructed the development will have access via Dorman Way. The Birch Street access will only remain for services vehicles and as an emergency access.</p>
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	- A detailed traffic analysis study has to be completed and plans have to be done to manage traffic flow and safety on Blue Valley Ave for such a massive new development. We are in favour of a residential development as per original plans as approved site from 2015 - 2021 but are strongly against the newly proposed plans.				Traffic Engineer: Based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA.
27	OBJECTION. Very big is the impact on the environment and pollution emitted. Noise pollution mitigation in the area. One has to be prudent with developers' base line is finance no caring about the environment and all the animals' microorganism. Second the impact on roads, the Impact on Hout bay getting out on the Estate. Is PROBLEMATIC In busy times. My conserve is the OVER Development destroying BK AREA WILDLIFE/fauna flora Destroying the BEAUTY WE HAVE with NOISE AND DEVELOPMENT. Please consider the OBJECTION.	17 October 2022	Jannette Bronchi.	Houtbay Resident	SEC: As outlined in the Part 2 Amendment Application, the nature and severity of potential impacts associated with the proposed amendment to the existing, previously authorised development, have been assessed and mitigation measures have been provided. Moreover, Please note that noise mitigation measures have been included in the amendment report and the environmental management programme (EMPr). Should this proposal be approved by the competent authority (DEA&DP), conditions stipulated in the EMPr must be complied with.
28	This letter serves to provide comment and an objection to the extent of the mentioned proposed retirement development in Hout Bay. Developing a new piece of land comes with an enormous	17 October 2022	Craig Reilly Karen Bosch	Houtbay Residents	SEC: Noted. As outlined in the Part 2 Amendment Application, the nature and severity of potential impacts associated with the proposed amendment to the

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	<p>responsibility to leave behind a permanently built environment that fits harmoniously within its natural surroundings. The proposed piece of land is of particular importance as it backs onto the Table Mountain reserve and is part of the popular tourist red bus route.</p> <p>The area is surrounded by single residential stand-alone homes and housing estates on both sides, all with sizable natural gardens and green spaces. The resident population values the importance of living close to and in harmony with nature. This is an area of Hout Bay that does not currently have any apartment blocks or Community 2 zoning-type buildings, the latter being described by Council as having a primary use of institution, hospital, place of instruction and worship.</p> <p>We would like to state that we are not in opposition to a residential development with a residential zoning on this piece of land in Hout Bay and would support the original site development plan for 66 residential homes on approximately 20 hectares of land, which we understand was submitted in 2015 and had been approved to be built by 2021. A time extension has</p>				<p>existing, previously authorised development, have been assessed and mitigation measures have been provided. Should this amendment application be granted by the competent authority (DEA&DP), the proposed mitigation measures stipulated in the EMPr must be complied with accordingly.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: Noted.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>been put in motion. However, we strongly oppose the vast departure of this single residential plan to a large-scale retirement development of the size and density now newly proposed which will require the rezoning of ERF R2224 from a Single Residential Zoning/Rural Zoning to a Community 2 Regional (CO2) Zoning. This will result in a number of years of heavy construction with noise levels proven to be damaging to hearing and health and will result in a densely developed piece of land, with apartment style blocks.</p> <p>We would support a tasteful, residentially zoned development, but strongly oppose the vast departure from the previously approved site development that is too dense and out of keeping with the other developments in the area, and in particular we strongly oppose a Community 2 rezoning of the land in question. We understand that the previously approved residential and urban zonings allowed only one dwelling per erf, each taking up no more than 40% of the land, excluding the rural land and public open spaces. Homes had a height restriction on 9-11m. Erfs in this development were proposed of at least 650 square metres each.</p>				<p>Please refer to comment above.</p>
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	<p>2. We read that the new zoning now being applied for, will be a Community 2 zoning. We understand that this includes the likes of institutions/hospitals and as sporting facilities and residential apartments and that land coverage can be up to 60% of land, with heights of up 18m high. It also allows the erection of rooftop telecommunication stations with antennae of 25m high. Should the zoning be changed as newly proposed, there is also no protection for surrounding residents that the Community 2 Zoning will not in future include further changed plans from what is now being proposed. The construction of such a large-scale project over an extended period of time will have a significantly detrimental impact on neighbours, including irreversible health hazards, stress, severe lifestyle deterioration and an impact on property value and the ability to sell ones property during this period. The proposed working hours of the project are from 7am to 6m on weekdays and from 7.30 to 1pm on Saturday, with Council being able to approve extended hours. This is completely unreasonable and gives residents absolutely no chance to recharge at home and escape hearing and other hazards. This will have a severe impact lifestyle and health.</p>				<p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p><u>Developer / Project Manager:</u> The developers have vast experience in retirement estates and the density proposed complies with COCT bylaws and will ensure that the development is a sought-after retirement estate.</p>
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<p>As residents living in the area, we are well aware of the length of time it already takes to turn right out of Blue Valley, especially during peak traffic. We do not think that Blue Valley is a suitable entry point for the proposed retirement development. Placing any kind of slowing methods i.e.. a circle or traffic light, for this steady stream of traffic is likely to result in a substantial build-up of traffic along this road which is already subject to periods when it is often completely blocked, owing to the single-lane traffic on a route that is the only way out of Hout Bay to the southern suburbs. When the traffic light was placed at the International School further down in the village, it substantially affected the traffic build up in in the area.</p> <p>According to the herpetofauna assessment by The Biodiversity Company, The National Web-based Environmental Screening Tool has characterised the animal species sensitivity theme for the project area as “high” and “medium”, the aquatic biodiversity sensitivity theme as “very high” and the plant species sensitivity theme as “low”. According to the screening tool, the relative terrestrial biodiversity theme is rated as having a “very high sensitivity”. There are sections of the new development that will have virtually no greenery, and apartment</p>				<p><u>Traffic Engineer:</u> Similar to previous response. Based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA</p> <p>SEC: Please refer to the Site Sensitivity Verification Report (SSVR – Appendix I). As per the SSVR, e proposed development amended footprint was classified as highly disturbed and transformed with a low ecological value. The site did not contain any important plant species (i.e. species of conservation concern – SCC) or habitats whereby no vegetation representative of Cape Peninsula Granite Fynbos (Critically Endangered vegetation type associated with the site] was present. Alien vegetation</p>
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	<p>style homes will severely impact the natural surroundings. This would not be the case if the proposal remained as previously zoned with each of the 30 plots having ample garden space as in the type of residential zoning and homes typical to this area, encouraging a lot more plant and animal life to remain.</p>				<p>was present within the development footprint. Based on previous disturbances and the presence of alien plant species, the restoration potential of the area is very low. The DEA Screening Tool classified the proposed amendment footprint as “High” Animal Species Sensitivity based on the likely occurrence of SCC in the area. A Western Leopard Toad (<i>Amietophrynus pantherinus</i>) habitat assessment was previously conducted by NCC in 2014. According to the findings of this study, Western Leopard Toads were present in certain areas. As per the report, the site is extensively transformed from its natural state being directly modified by surrounding developments and the alien invasive plant species encroachment (namely Port Jackson - <i>Acacia saligna</i>, <i>Lantana camara</i>, and <i>Eucalyptus</i> spp.). Direct impacts are typically associated with developments resulting in land cover changes (and consequent loss of natural areas) and edge effects, whereas indirect impacts include impacts associated with the generation of waste and its management by surrounding developments (McDonald <i>et al.</i>, 2020)³. Edge effects have diverse impacts on biodiversity and ecological functioning</p>
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³ McDonald, R.I., Mansur, A.V., Ascensão, F., Crossman, K., Elmqvist, T., Gonzalez, A., Güneralp, B., Haase, D., Hamann, M., Hillel, O. and Huang, K., 2020. Research gaps in knowledge of the impact of urban growth on biodiversity. *Nature Sustainability*, 3(1), pp.16-24.

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	<p>In closing, we return to the point of the intention of this land being zoned as</p>				<p>(Razafindratsima <i>et al.</i>, 2018)⁴, which may have contributed to the level of disturbance identified by NCC during their study. The presence of the previously constructed bridge and other structures (e.g. buildings) also contributes to a disturbance factor. Such effects contribute to a disturbance factor, which is likely to have previously impacted wild animals within the study area. A Freshwater Assessment was previously undertaken by Dr. Barbara Gale of Aqua Catch cc in April 2008, updated by Ms. Toni Belcher in 2010 with addendums in 2014, a wetland delineation was carried out by The Biodiversity Company in 2021, and a Letter of Confirmation of the delineated wetland buffer was compiled by Ms. Toni Belcher in 2021. As per the Freshwater Assessment, the upper to middle reaches of the Bokkemanskloof River is deemed to be in a good condition instream whereas the riparian zones were considered to be moderately impacted. The ecological importance and sensitivity of the river were considered to be moderate to high. A Freshwater Impact Assessment (Appendix G2.1) and Herpetology Assessment (Appendix G3.1) were conducted.</p>
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⁴ Razafindratsima, O.H., Brown, K.A., Carvalho, F., Johnson, S.E., Wright, P.C. and Dunham, A.E., 2018. Edge effects on components of diversity and above-ground biomass in a tropical rainforest. *Journal of Applied Ecology*, 55(2), pp.977-985.

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	<p>residential and not zoned for a large-scale retirement development, and that it remains in keeping with the density and scale of the surrounding homes, and of a similar ecological impact to protect the tourist route.</p> <p>We trust that these considerations will be seriously viewed, and that the large-scale Community 2 zoning and related construction with its serious health hazards for the residents, and environment implications will be declined in favour of a more realistic and better-suited residential development for this land in line with the already approved site plan of 2015- 2021.</p>				<p>Please refer to the comments raised above.</p> <p>Please refer to the comments raised above.</p>
29	<p>Kindly register my name as an INTERESTED AND AFFECTED PARTY. Although I am not opposed to progress and development, I STRONGLY object to this new Community 2 project which deviates so dramatically from previous residential development approvals and studies. As you will see from my address, the proposed new development will directly and negatively impact my property, as I believe the main route will pass directly below my property on OAKHURST AVENUE, with the entrance just meters away. But I am more concerned about the immediate and long-term negative impact on the entire Hout Bay community.</p>	<p>17 October 2022</p>	<p>MS L VISSER</p>	<p>Hout bay Resident</p>	<p>SEC: Please note that you were registered as a Registered I&AP.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>

Comments and Response Table:

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	<p>There has been a radical departure of scale regarding the proposed development, and I sincerely believe that the unavoidable increase in traffic will have a catastrophic impact for ALL Hout Bay residents, who are already confronted with daily congestion on Hout Bay Main Road. One single vehicular incident is sufficient to gridlock the entire length of Hout Bay Main Road from Constantia Nek to SAPS circle, sometimes for many hours, paralyzing traffic in both directions and posing an absolute nightmare for First Responders and Emergency vehicles attempting to navigate single lane traffic.</p> <p>I also object to a development that will have significant impact on the value of property or the ability to sell because of a large-scale commercial development on the adjoining land. This land I believe is zoned as residential and is not zoned for a large-scale development, and it ought to remain in keeping with the density and scale of the surrounding homes, and of a similar ecological impact to protect our precious tourist route. Oakhurst homeowners must abide by particularly strict rules and building regulations, yet we have not been provided with any indication as to the aesthetic nature of the</p>				<p>SEC: Please refer to the comment above. Traffic Engineer: Based on the findings in the TIA the surrounding road network can accommodate the additional trips as shown in the TIA.</p> <p><u>Developer/ Project Manager:</u> property devaluation has been raised on more than one occasion, so it may be worthwhile undertaking a property evaluation study. This can be determined based on comments received on the town planning application.</p>
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	<p>development, and we hope that the developers will be forthcoming with images in the very near future.</p> <p>I trust that the objections and observations of affected and concerned residents will be afforded serious consideration, and that the large-scale Community 2 zoning and related construction with its detrimental environmental aspects and ultimately catastrophic traffic implications will be declined in favour of a more realistic and better-suited residential development for this land in line with the already approved site plan of 2015- 2021.</p>				<p>Please refer to the comments raised above.</p>
30	<p>Your letter dated 16 September 2022 SEC Reference: 070845 refers.</p> <p>With regards the Pre-Application Draft Amendment Impact Report dated September 2022, SANParks makes the following comment:</p>	<p>18 October 2022</p>	<p>Mike Slayen</p>	<p>SANParks</p>	<p>SEC: Noted and confirmed.</p>

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	<p>We note that this is an amendment application to the Environmental Authorisation of 4 January 2016 and the subsequent Appeal EA granted on the 19 September 2016. In terms of that authorisation, the following conditions are relevant:</p> <p>The residential erven will range in size, but will not exceed the minimum permissible extent. The remainder of the site will comprise of the following:</p> <ul style="list-style-type: none"> • An open space area of approximately 9ha just south of the developmental footprint, which is too steep and ecologically-sensitive to develop; and - • An area of approximately 48,28ha adjacent to the Table Mountain National Park (TMNP) which is currently being managed by the South African National Parks ("SANParks"). The area is being managed in accordance with a long term management agreement between the landowner and SANParks. • The 9ha open space area will be included into the contracted area managed by SANParks. <p>It is SANPark's understanding that the condition related to the 9-hectare open space area being included in the contract area managed by SANParks remains valid and unchanged. This needs to be clarified in the application.</p>				
31	<p>RE: OBJECTIONS TO AND COMMENTS ON: THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224 AND ERF 2958, HOUT BAY AND THE BASIC ASSESSMENT PROCESS AND WATER USE APPLICATION: PROPOSED UPGRADE OF OAKHURST BRIDGE</p>	<p>18 October 2022</p>	<p>Jonathan Williams</p>	<p>C&A Friedlander</p>	

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<p>AND ASSOCIATED INFRASTRUCTURE ON REMAINDER OF ERF 2224, HOUT BAY, WESTERN CAPE</p> <p>The above matter and your public participation process notifications, dated 16 September 2022, bear reference.</p> <p>We confirm that we act on behalf of 45 (forty-five) households ("<i>our clients</i>") situate within the vicinity of the proposed development, whose full particulars are detailed in an annexure hereto marked "A".</p> <p>Our instructions are to advise and place on record as follows.</p> <p>INTRODUCTION</p> <p>1. Our clients are registered owners and/or lawful occupants of various erven located adjacent to the proposed development, whose interests stand to be adversely affected by the proposed substantive amendment and upgrade of Oakhurst bridge and associated infrastructure.</p> <p>2. Our clients have accordingly instructed us to consider the proposed amendment and upgrade of Oakhurst bridge, along with our client's various concerns, and</p>				<p>1 – 19: SEC: Noted.</p>
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<p>record certain objections and comments for your attention.</p> <p>3. For the avoidance of doubt, we record that that our clients, as depicted in Annexure A, are registered, alternatively hereby request to be registered by way of this correspondence, as "interested and affected parties", all of whom may be contacted via our offices.</p> <p>BACKGROUND TO PRESENT APPLICATIONS</p> <p>4. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("<i>the Competent Authority</i>") on 5 October 2015.</p> <p>5. The Environmental Authorisation ("EA") was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes and Hout Bay.</p> <p>6. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("<i>the initial application</i>"). The initial application was valid for a period</p>				
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<p>of 5 (five) years expiring on 18 September 2021.</p> <p>7. During 2021, a non-substantive amendment to the initial application was applied for (<i>"the non-substantive amendment application"</i>), in respect of the following: 7.1. an extension of the period of the validity of the EA;</p> <p>7.2. the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (<i>"the Applicant"</i>).</p> <p>8. The non-substantive amendment application was granted on 21 October 2021.</p> <p>9. The Applicant now seeks to apply for a further amendment to the EA, which is substantive in nature (the <i>"Amendment Application"</i>). The Amendment Application purports to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay (<i>"the amended development"</i>).</p> <p>10. The Applicant has since published a Pre-Application Draft Impact Report (the <i>"Draft Report"</i>) for comment as part of the public participation process. It is relevant to highlight from the outset that upon close</p>				
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<p>inspection of the Draft Report, it is misleading in many respects, which shall be further dealt with below. More specifically, we note that the amendments being applied for contain material and extensive divergences from the initial environmental application which was granted.</p> <p>11. The Applicant has further published notification of the Basic Assessment ("BA") process and Water Use Application ("WUA") in respect of a proposed upgrade of Oakhurst Bridge and associated infrastructure on remainder of erf 2224, Hout Bay, (<i>"the Bridge Application"</i>) with Department of Environmental Affairs and Development Planning Reference 16/3/3/6/7/1/A6/36/2027/22. Ostensibly the submission of the Bridge Application is to address the substantial opposition by stakeholders to the proposed access route to the proposed development.</p> <p>AMENDMENT APPLICATION</p> <p>12. The Applicant proposes to amend the existing EA and Environmental Management Programme ("EMPr") in order to establish and operate a retirement residential accommodation facility for individuals in the age group of 50 (fifty) years and older. The Applicant submits that the housing opportunities will include</p>				
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<p>dwelling-houses and apartments for independent functioning residents, to care units for assisted living and residents in need of full-time frail care.</p> <p>13. The proposed amended development will comprise of:</p> <p>13.1. 29 (twenty-nine) dwelling houses ranging from two to three bedrooms;</p> <p>13.2. 76 (seventy-six) two-bedroom apartments;</p> <p>13.3. 34 (thirty-four) suites within the care facility;</p> <p>13.4. a care centre including a dining hall, kitchen, staff room, ablutions, and other amenities; and</p> <p>13.5. a clubhouse, including recreational facilities, administrative offices, a swimming pool, bowling green, amongst other facilities.</p> <p>14. It is envisaged that the total residences will amount to 139 (one hundred and thirty-nine), consisting of 34 (thirty-four) assisted living suites in addition to 105 (one hundred and five) dwellings and apartments.</p> <p>GOVERNING LEGISLATION</p> <p>15. The National Environmental Management Act, 1998, ("<i>the Act</i>") and the Environmental Impact Assessment Regulations ("<i>the Regulations</i>"), as</p>				
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<p>amended, protect the constitutionally enshrined right to an environment which is not harmful to one's health or well-being.</p> <p>16. The purpose of the Act and Regulations are to maintain everyone's right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures which:</p> <p>16.1. Prevent pollution and ecological degradation;</p> <p>16.2. Promote conservation; and</p> <p>16.3. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.</p> <p>17. The Act and Regulations provide a framework for integrating good environmental management into development activities, as well as facilitate and promote public participation in environmental affairs.</p> <p>18. The Applicant is reminded that it is required by section 23 (1)(a) and section 44 of the Regulations to include our clients' objections and comments to the amended development in its submissions to the Competent Authority.</p>				
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<p> GROUPS OF OBJECTION 19. Having considered the Draft Report, the concerns of various residents in the area and the views of our clients, we raise the below initial objections to the Amendment Application and Bridge Application (collectively referred to as "<i>the Applications</i>"). </p> <p> Departures from the initial application 20. In terms of section 31 of the Regulations, an amendment to an EA may be applied for when the change does not, on its own, constitute a listed or specified activity. Therefore, for an amendment to be considered the listed activity should be somewhat similar to the initial application. We submit that the proposed amended development contained in the Amendment Application differs substantially in scope, density, nature and extent from the initial application and bears no likeness thereto. Accordingly, an amendment to the EA is inappropriate in the circumstances. </p> <p> 21. The impact of the amendment is so substantial that a new full impact assessment is necessary, and an amendment as contemplated by the Applicant is impermissible and is intended </p>				<p> 20. SEC: Please note that a Part 2 Amendment will result in a change to the scope of a valid Environmental Authorisation where such change will result in an increased level or change in the nature of impact where such level or change was not considered in the valid Environmental Authorisation. In line with this statement, the proposed Amendment to the existing EA will not trigger any additional listed activities. Therefore, this application is in line with the auspices of a Part 2 Amendment Application. </p> <p> 21. SEC: As per the response above, a new application will only be required should a new listed activity be triggered. As per the </p>
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	<p>to circumvent the protective measures of the Act and Regulations.</p> <p>22. We highlight that the initial application pertained to a development proposing 65 (sixty-five) single residential erven and 1 (one) special erven comprising of 8 (eight) units, the total number of homes or units amounting to 73 (seventy-three). The amended development contemplates a substantial increase to 139 residences, as</p>				<p>EIA Regulations, 2017 (as amended), section 31 states: <i>An environmental authorisation may be amended by following the process prescribed in this Part, if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not -</i></p> <p><i>(a) assessed and included in the initial application for environmental authorisation; or</i></p> <p><i>(b) taken into consideration in the initial environmental authorisation;</i></p> <p>and the change does not, on its own, constitute a listed or specified activity. The proposed amended will not constitute a listed activity or specified activity that was not previously authorized.</p> <p>22. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This</p>
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<p>detailed hereinabove at paragraphs 12 and 13.</p> <p>23. The amended development contemplates the development of facilities such as a care centre, club house, administrative facilities and a sporting ground, none of which were included in the initial application.</p> <p>24. While the initial application contemplated erven that were single dwellings, the zoning of the land being Single Residential Zoning 1: Conventional Housing ("SR1"), the amended development cannot be described as a development consisting of single dwellings. The amended development is in fact deemed to be a retirement village or home for the aged. This land use is described as an "institution" in the Development Management Scheme ("DMS"), which are the zoning regulations that form part of the Cape Town Municipal Planning By-law.</p> <p>25. The DMS defines an institution as follows: <i>"'Institution' means a property used as a welfare facility such as a home for the aged, retired, indigent or handicapped; or a social facility such as a counselling centre, orphanages or reformatory; and includes ancillary administrative, health</i></p>					<p>memorandum addresses this comment in more detail.</p> <p>23. Please refer to responses 20 – 21 above. The proposed Amendment Application does not constitute a new listed activity in terms of the NEMA Legislation.</p> <p>24 - 30. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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<p><i>care and support services for these facilities; but does not include a hospital, clinic or prison". (own emphasis added)</i></p> <p>26. An institution is not a permitted use in an SR1 zone, but may be permitted with the consent of the Council, which is an application in terms of section 24 of the Municipal Planning By-law. The Applicant ought to apply for the re-zoning of the subject erven to Community Zone CO2, where an institution (retirement complex) is a primary land use. The increase in density and type of dwelling permitted in SR1 compared to Community Zone CO2 being applied for in the Amendment Application constitutes a drastic departure from the initial application.</p> <p>27. The initial application contemplated single residential erven in compliance with the Minimum Erf Size Map for Hout Bay, which states that this area of Hout Bay is limited to erven of not less than 650m² in extent. The density of the amended development is approximately double the density originally applied for. The reduction in erven size and increase in density contemplated by the Applicant in the Amendment Application represents a substantial departure not only from the initial application but also from the Hout Bay Local Area Overlay Zone LOA/11.</p>				
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<p>28. Item 181 Specific provisions of Hout Bay Local Area Overlay Zone (LOA/11) reads as follows: (1) The area depicted on Plan LOA/11 is subject to the provisions in this item; (2) No subdivision of land that is zoned Single Residential shall be permitted with an erf size of less than the minimum erf size specified in Plan LOA/11;</p> <p>29. The amended development does not contemplate the subdivision of the individual dwellings, however, the density of the overall development must be considered against the Hout Bay Local Area Overlay Zone.</p> <p>30. The initial application contemplated erven with a minimum erf size of 650m² in extent. Given that the subject erven of the development amount to some seven hectares in extent, the density of the initial application could be described as 9.3 dwellings per hectare. The amended development contemplates 139 residences, which can be described as 19.9 dwellings per hectare. The density of the amended development is accordingly double that which is promoted by the Hout Bay Local Area Overlay Zone.</p>					
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<p>31. The increase in the number of residences as well as the change in the type of dwelling contemplated is a material change to the density and nature from the initial development. When considering the decision made by the Competent Authority in respect of the initial EA granted on 4 January 2016, it is noted that a variety of factors were considered in respect of certain layout alternatives proposed by the Applicant in respect of the development.</p> <p>32. Areas of concern pertained to the sensitivity of the Bokkemanskloof River Corridor, the visual character of the site in the surrounding rural mountainside and vegetation rehabilitation along the interface of the development, with the natural areas abutting the Table Mountain National Park on the south side of the development.</p> <p>33. Each alternative proposed by the Applicant was ultimately rejected by the Competent Authority because of either the impact of the development on the river corridor and buffer areas, the impact the proposal would have on the “look and feel” of the Hout Bay mountainside character, or as a result of concerns relating to erosion and slope instability of erven located on the southern slopes.</p>					<p>31. SEC: Please refer to responses to comments 20 – 21 above. This application is in line with the auspices of a Part 2 Amendment Application.</p> <p>32. <u>Visual Impact Specialist</u>: Noted - the visual character of the site will change, as it did in the previous development.</p> <p>33. <u>Visual Impact Specialist</u>: The previous SDP was approved and this SDP is being compared to the approved development</p>
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<p>34. Despite the attempts made by the Applicant to increase the size of the proposed development, only 65 (sixty-five) single residential erven were finally authorised together with one special erven.</p> <p>35. We submit that the amended development is a material and vast departure from the initial application and will have severe additional environmental implications when compared to the initial application that was granted.</p> <p>36. Whilst our clients do not object to the development of the land per se, the amended development contemplated in the Amendment Application is objected to in its entirety.</p> <p>37. As discussed hereinabove, should the amended development succeed, the Applicant shall be required to apply for re-zoning of the subject erven. The current zoning for erf 2224 and 2958, Hout Bay is SR1 and Transport 2: Public Road and Public Parking.</p> <p>38. The amended development comprises of multiple dwellings, including apartments, and facilities such as a clinic and clubhouse which shall include a restaurant and</p>					<p>34. Noted.</p> <p>35. SEC: please refer to responses to comments 20 – 21 above.</p> <p>36. SEC: please refer to responses to comments 20 – 21 above.</p> <p>37 - 40. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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<p>administrative offices. Therefore, the current zoning is inadequate to accommodate the Applicant's proposal. The Applicant would have to apply for re-zoning several levels above its current permitted uses to Community Zone CO2.</p> <p>39. Our clients strongly oppose the development of a retirement village, which would require re-zoning of the subject erven i.e. the development of apartments or flats, a clubhouse, and clinic and the amenities ancillary thereto.</p> <p>40. The surrounding area of the amended development consists of SR1, rural or agricultural zoning only. The level of development proposed by the Applicant is therefore not in keeping with the area and is strongly opposed by our clients.</p> <p>Relationship to adjacent sites – access, overshadowing and scale.</p> <p>41. The issue of access has a long history in this matter which has been extensively ventilated. The initial application proposed Blue Valley Avenue as the primary access route. Various affected parties opposed the use of Blue Valley Avenue. However, the Competent Authority on appeal determined that Blue Valley Avenue was an acceptable access route.</p>				<p>41 - 44. <u>Traffic Engineer</u>: Noted. It is now proposed to use Blue Valley Avenue for temporary access until the bridge has been</p>
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<p>42. Alternative access routes were considered and rejected, including Dorman Way due to considerations such as levels of service currently being experienced, intersection geometry, the alignment of Dorman Way and shoulder sight distances.</p> <p>43. The amended development again proposes Blue Valley Avenue as the development access route and provides that thereafter Dorman Way shall be the primary access route once the Oakhurst bridge is upgraded. The Bridge Application and Amendment Application are therefore intricately linked. One cannot succeed without the approval of the other.</p> <p>44. Our clients are of the opinion that whether or not the bridge is upgraded, such upgrade will not adequately address our clients' concerns regarding access as Dorman Way and Blue Valley Avenue are inadequately equipped to handle the volume of anticipated motor vehicle traffic created by the proposed development, as will be illustrated hereinbelow.</p> <p>44.1 Trip Generation Rates 44.1.1 The trip generation rates are incorrect and/or require revision. The</p>					<p>constructed. Once the bridge is constructed the development will have access via Dorman Way and the Birch Street access will remain as a service/emergency access.</p> <p>With the previous development proposal, the property to the west of Erf 2224 was not part of the application. Access via Dorman Way was not possible with the previous proposal. The property to the west is now part of the development proposal, which makes it possible to take access via Dorman Way.</p> <p>The bridge is part of the development proposal.</p> <p>Based on the findings in the TIA, the surrounding road network can accommodate the trips associated with the proposed development.</p>
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	<p>amended development comprises of a significant increase in units as well as facilities resulting in an increase of residents, visitors, employees of the amended development as well as staff of the residents. The draft Transport Impact Assessment, marked as appendix G6.1 (<i>"the draft Transport Impact Assessment"</i>) to the amended development application takes into account the number of residential units only, and not the additional motor vehicle traffic generated by virtue of the fact that the amended development is a retirement village which creates high trip densities due to the significant amount of motor vehicles which will be required to enter and exit the development throughout the day, including during peak hour traffic, in order to make deliveries, transport the vast number of staff, service providers and visitors, which are all in addition to the residents.</p> <p>44.1.2 When considering the initial application, and in the response to the interested and affected parties previous concerns raised, we note that Birch Street (off Blue Valley Avenue) was considered a preferred access route because:</p> <p>44.1.3 The amended development proposes a significant increase in the number of units and residents as well as the</p>				<p>4.1.1 – 4.1.4: <u>Traffic Engineer</u>: The trip generation estimate in the TIA is based on the South African Trip Data Manual (TMH17).</p>
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	<p>various proposed facilities, all of which require full-time staff including but not limited to medical staff, carers, cooks, cleaners, gardening staff, administrators and security personnel, as alluded to hereinabove.</p> <p>44.1.4 We submit that the above statement, which influenced the granting of the appeal of the EA, no longer applies to the amended development. The amended development does not comprise of "<i>only a few residential units</i>". In addition, the actual increase to the trip generation as a result of the proposed enterprises by the amended development have not been taken into account by the draft Transport Impact Assessment. The trip generation rate of a retirement village of this nature is substantial and therefore the proposed use of Birch Street is wholly unacceptable.</p> <p>44.2 Levels of Service 44.2.1 The draft Transport Impact Assessment states that the current levels of service of Blue Valley Avenue operate acceptably. Our clients aver that the traffic congestion currently experienced on Blue Valley Avenue cause extensive delays especially to safely merge into the lane travelling north.</p>				<p>44.1.4. <u>Traffic Engineer</u>: In our opinion and based on accepted design standards the Birch Street road reserve width can accommodate the access as proposed. The Birch Street access is only temporary until the bridge is constructed. Once the bridge is constructed the development will take access via Dorman Way as discussed in the TIA. Once the bridge is constructed the Birch Street access will remain as a service/emergency access.</p>
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	<p>44.2.2 By their own admission the assessors in the draft Transport Impact Assessment state that in 2027 northbound road users are expected to continue to struggle to find gaps and shall experience long delays, and that unless a roundabout is installed the level of service for intersection 1 is an "F". Our clients aver that the level of <i>"the registered road reserve width for Birch Street of 9.45 metres is sufficient for a low volume access road, with a 1.8m to 2m sidewalk along one side. The road will not be busy since it will only serve 22 erven which at most generate 30 trips per hour, i.e. a vehicle every 2 minutes. A narrow road in a residential environment with a sidewalk is ideally suited for low traffic volumes serving only a few residential units."</i> (own emphasis added) service currently experienced is not acceptable, let alone with the increase in vehicles generated by the amended development.</p> <p>44.2.3 It is our submission that the placement of such a roundabout will further frustrate the flow of traffic in an already over congested road during peak hours of traffic, as well as impact the roads which feed into this Road, as this is the only means to enter and exit the Hout Bay area to the Southern Suburbs.</p>				<p>44.2.1 – 44.2.3. <u>Traffic Engineer</u>: The TIA is based on recent traffic counts. Based on the findings in the TIA the surrounding road network can accommodate the additional trips.</p> <p><u>Traffic Engineer</u>: Based on the results of the intersection analysis in the May 2022 TIA, the Main Road/Blue Valley Avenue intersection will operate at a level-of-service LOS=C during the a.m. peak hour and LOS=D during the p.m. peak hour, which is acceptable. This is without the bridge and with all development trips via Blue Valley Avenue. Main</p> <p><u>Traffic Engineer</u>: In our opinion and based on accepted design standards the Birch Street road reserve width can accommodate the access as proposed.</p>
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	<p>44.3 Shoulder Sight Distance</p> <p>44.3.1 In the initial application, the Dorman Way access via the gravel road was found by the City's Transport Planning Department to be unacceptable due to the fact that it crosses private land to which the Applicant had no right of access before it would meet with the western boundary of Erf 2224 and the access via the gravel road was unfeasible due to insufficient shoulder sight distance to the east along Main Road, Hout Bay.</p> <p>44.3.2 The Applicant has failed to address the abovementioned issues in their entirety in the draft Transport Impact Assessment which now proposes Dorman Way as the primary long-term access route.</p> <p>44.4 Pedestrian safety</p> <p>44.4.1 The aspect of pedestrian safety has not been adequately addressed by the Applicant. It has repeatedly been stated that the existing roads in the area do not have pavements and that the addition of a pavement is unnecessary as it would "lead to nowhere", as stated in the initial and draft Transport Impact Assessment marked Appendix G6.2.</p>				<p>44.2.3. <u>Traffic Engineer</u>: The roundabout proposed at the Main Road/Dorman Way intersection will significantly improve operations and road safety at this intersection.</p> <p>44.3.1. <u>Traffic Engineer</u>: Correct</p> <p>44.3.2. <u>Traffic Engineer</u>: Access via Dorman Way with the proposed roundabout will significantly improve operations and road safety. The roundabout also creates the opportunity for access to the gravel servitude road to the north of Main Road.</p>
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<p>44.4.2 Our clients aver that the lack of pavements and alleged lack of destination does not negate the fact there is significant pedestrian traffic in the area and that pedestrians walk on the road or bare shoulder thereof.</p> <p>44.4.3 The increase in motorised traffic generated by the amended development will pose a risk to the current pedestrian traffic. The creation of a pavement along the roads intended for use by the amended development is not an unreasonable request by the interested and affected parties. Furthermore, not only will the amended development create an increase in motorised traffic, it will result in an increase of pedestrian traffic as well.</p> <p>44.5 Road surface of Blue Valley Avenue 44.5.1 The aspect of the road surface quality of Blue Valley Avenue was previously addressed by the Applicant's traffic engineers, who stated that development levies will cater for infrastructure maintenance and where applicable upgrading, which will be levied by the City on the developer.</p> <p>44.5.2 Our clients aver that such a statement does not absolve the Applicant from its responsibility to consider the impact</p>						<p>44.4.1. <u>Traffic Engineer</u>: It is not expected that the proposed development will generate a significant number of pedestrians.</p> <p>44.4.2. <u>Traffic Engineer</u>: No significant pedestrian activity was observed during site visits. Operational speeds in the area are low and pedestrians can use the road.</p> <p>44.4.3. <u>Traffic Engineer</u>: Observed pedestrian volumes are low and it is not expected the proposed development will generate a significant number of pedestrians.</p> <p>44.5. <u>Traffic Engineer</u>: Correct</p>
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<p>the amended development shall have on the road surface of Blue Valley Avenue and further pre-emptively cater for the increase of heavy motor vehicles which the Applicant proposes shall make use of the road.</p> <p>45. The Site Development Plan ("SDP") has been amended and updated and is annexed to the Amendment Application marked as Appendix B.1 in support thereof. The SDP stipulates a guard house and other ancillary buildings be constructed at the Birch Lane access Point, although it is marked as a "Second Entrance" to the amended development. Our clients aver that the allegation that Dorman Way is the primary Entrance to the amended development is disingenuous as the SDP shows no such gate house or similar facilities at the ostensible main entrance to the development. Furthermore, the Applicant makes no submissions as to who will be responsible for constructing the portion of this access route which crosses over private land and which is currently undeveloped.</p> <p>46 Blue Valley Avenue is equally unsuitable as an access route to the development. The initial portion of Blue Valley Avenue is particularly unsafe due to the steep incline and angle of the road which results in road</p>		<p>44.5.2. <u>Traffic Engineer</u>: Road infrastructure will be designed to municipal standards. Any damage to public roads during the construction period should be repaired by the developer. This will be detailed in an Engineering Services Agreement between the City of Cape Town and the developer.</p> <p>45. <u>Architect</u>: Entrance Gate - The secondary entrance to the site will be at the Birch Road Entrance.</p>
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	<p>users having limited visibility. The proposal that elderly persons must navigate such a road is entirely unreasonable and poses a danger to the elderly residents of the proposed development as well as other road users.</p> <p>47 In addition to the establishment of pedestrian pavements, the interested and affected parties suggest that the creation of a minibus layby is necessary in the area. Presently, minibuses and buses stop at the intersection of Blue Valley Avenue and Main Road which frustrates the flow of traffic and pose a risk to road users and pedestrians. It is not unreasonable to require that the Applicant construct a minibus layby to cater for this need which need will be further increased by the traffic generated by the proposed development.</p> <p>Bridge upgrade 48 In order to upgrade the bridge as proposed by the Applicant heavy machinery will be required to access and work on the site. Our clients are opposed to construction activities carried out by such heavy machinery due to the nuisance such machinery pose to near-by residents as well as the traffic which will be caused by such heavy construction vehicles on wholly inadequate roads (Blue Valley Road) and</p>				<p>46. <u>Traffic Engineer</u>: Blue Valley Avenue currently serves many properties without any issues related to the geometry of the road. It can also accommodate the development traffic as illustrated in the TIA.</p> <p>47. <u>Traffic Engineer</u>: Public Transport bays are recommended along Main Road.</p>
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	<p>the damage they will cause to the road surface quality.</p> <p>49 The mitigation measures proposed by the Botanical Compliance Statement (appendix G1) and the Updated Freshwater Assessment Opinion (Appendix G2) are insufficient to counter the drastic impact the construction phase of the bridge upgrade will have on the already deeply eroded river channel and highly sensitive watercourse. Therefore, our clients submit that construction of this magnitude should not be carried out in an area as ecologically important and sensitive as the site.</p>				<p>48. SEC: Please note that as the proposed upgrade to the existing bridge constitutes an additional listed activity (not previously authorised), a basic assessment process is being followed. Impacts associated with the proposed bridge upgrade have been identified and assessed in the pre-application DBAR. Mitigation measures were proposed and incorporated into the EMPr.</p> <p>49. <u>Botanical Specialist</u>: the river is already in a degraded state and eroded from previous disturbance and the current dominance of alien vegetation along much of the river course on the property, and removal of the alien vegetation (as is the responsibility of the landowner to do) would have a more positive impact on the river course than the negative impact of building a single bridge over the river (there is already the bridge present there). Perhaps more intensive active restoration of appropriate riparian species should be considered.</p> <p><u>Freshwater Specialist</u>: The Freshwater Specialist agrees with the Botanical</p>
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	<p>Density</p> <p>50 The amended development, as alluded to hereinabove, is a material divergence from the approved development. Notably, there is a material deviation in the volume and the type of dwellings from homes on single erven to apartment style units and suites within the care facility.</p> <p>51 The amended development proposes a substantial increase in density as a result of not only the proposed increase in units, but also the development of the built facilities, including the club house, kitchen, recreational facilities, care centre, administration etc. The proposed facilities are commercial in nature and are therefore a further departure from the initial development which was purely residential for all intents and purposes.</p> <p>52 The amended development constitutes "urban creep", namely the increase in</p>			<p>Specialist's response and adds the following: Erosion of the watercourse is largely a result of the invasive alien vegetation occurring in the riparian zones and in the surrounding area. This will be addressed as part of the development approvals. The river corridor is excluded from the proposed development footprint. The entire river corridor, including the instream wetland habitat and riparian zones as well as a 15m buffer will not be disturbed during construction apart from where there are specific works such as the bridge that need to be upgraded. The 15m buffer recommended was determined using Dept Water and Sanitation methods to determine the width so the development setback needed to provide protection to the river.</p> <p>50 – 52. <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail. SEC: As per the City of Cape Town's Densification Policy, densification reduces the consumption of valuable non-renewable resources, makes the CoCT</p>
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	<p>density of development, due to the extension of roads and buildings in an area that is predominantly rural and residential.</p> <p>Biodiversity 53 Due to the increase in intended development contemplated in the amendment, the available space for the existing flora and fauna species to continue to live is greatly reduced.</p> <p>54 Although there is a “buffer” created along the river, we submit that the increase in development fails to adequately protect the already sensitive and endangered species which exist in the area.</p>				<p>more equitable, facilitates socio-economic opportunities, promotes service provision, and improves safety. This proposal is therefore in line with the CoCT's Densification Policy.</p> <p>53. SEC: Please note that a Landscape Plan has been prepared accordingly.</p> <p>54. <u>Freshwater Specialist</u>: The Freshwater Specialist agrees with the Botanical Specialist's response and adds the following: Erosion of the watercourse is largely a result of the invasive alien vegetation occurring in the riparian zones and in the surrounding</p>
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	<p>55 Of particular importance is the presence of the Western Leopard Toad. In terms of the Herpetofauna Assessment annexed to the Draft Report, it is specifically noted that "project area" has been transformed from its original state, and is host to several reptile and amphibian species, including the Western Leopard Toad. It is strongly recommended in the report that additional management outcomes and mitigation measures are strictly necessary in order to mitigate the impact stemming from the proposed development and bridge upgrade.</p>				<p>area. This will be addressed as part of the development approvals. The river corridor is excluded from the proposed development footprint. The entire river corridor, including the instream wetland habitat and riparian zones as well as a 15m buffer will not be disturbed during construction apart from where there are specific works such as the bridge that need to be upgraded. The 15m buffer recommended was determined using Dept Water and Sanitation methods to determine the width so the development setback needed to provide protection to the river.</p> <p>55. <u>Herpetofauna Specialist</u>: Noted. The specialist opinion stated that the management outcomes and mitigation measures be adhered to in order to mitigate any impact that might stem from the development. Additional mitigation measures that have been recommended refer to 'Review of Freshwater Assessment - Upper Bokkenskloof River on Erf 2224, Hout Bay'. The report further stated recommendations and mitigation measures be read in conjunction with the measures as described in the 'Western Leopard Toad Habitat Assessment for the</p>
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<p>56 The recommendations impose mitigation measures that will be extremely hard if not impossible to enforce, given the size of the development and the volume of contractors which are required to have access during the development process.</p> <p>Strain on resources</p> <p>57 The Hout Bay area currently suffers water shortages as a result of an inability to meet the current demand thereon and the water infrastructure is already under severe pressure.</p> <p>58 The Applicant has averred that the City of Cape Town has confirmed that it has sufficient capacity to meet the demands of the development in respect of electricity and waste removal, although such capacity is unreserved. However, the ability of the City to meet the increase in demand on the supply of water, as a result of the development, is called seriously called into question. No proof of the applicant's contention is provided.</p> <p>Character of the area</p> <p>59 The vicinity of the amended development is predominantly rural and residential with the mountain range and</p>				<p>Proposed Development of Erf 2224, Hout Bay (NCC, 2014)' report as well as in conjunction with the guidelines developed by the Biodiversity Management Plan of the WLT, namely:</p> <ul style="list-style-type: none"> •The Construction Phase Environmental Management Guideline and Construction Checklist. •The Western Leopard Toad Development Design Guidelines. <p>56. SEC: Please note that proposed mitigation measures, as incorporated into the EMPr, must be complied with should the development be authorised. These mitigation measures are considered feasible in order to mitigate impacts on the receiving environment.</p> <p>57. <u>Civil Engineer</u>: We have had no indication in our discussions with the City that there is capacity issued in both the water and sewer systems. CoCT has confirmed the availability of bulk services supply for the proposed development.</p> <p>58. <u>Civil Engineer</u>: We have had no indication in our discussions with the City that there is capacity issued in both the</p>
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	<p>scenic route of chapman's peak. It is therefore imperative that the amended development maintains the character and "look and feel" of the area.</p> <p>60 The Applicant has made submissions regarding mitigating measures it intends to take to maintain the character of the area, including the use of indigenous plants, and preventative measures in respect of light pollution. However, the Applicant has not provided sufficient detail and particularity in respect of how the development, amended or otherwise, will be in keeping with the look and feel of the area such as by providing a 3D illustration of the development, for example.</p> <p>61 The Development Management Scheme provides for buildings to be setback from the street and common boundaries and the general philosophy is that the setbacks increase with the size of the property. By way of an example SR1 even larger than 2000 m² must be setback at least six meters from the common and street boundaries. Buildings on even</p>				<p>water and sewer systems. CoCT has confirmed the availability of bulk services supply for the proposed development..</p> <p>59. <u>Visual Impact Specialist</u>: The scenic mountain backdrop is retained. There are very few glimpses of the proposed development from Hout Bay Main Road Scenic Route as existing development and roadside vegetation for the most part screens the proposed development. The proposed development is predominantly residential, and the look and feel are similar to the previously approved proposal - the rural character is partially lost as it was in the previous proposal.</p> <p>60. <u>Architect</u>: The "look and feel" or character of the development ties in with the design, style, and character of the Oakhurst, Oakwood and future Oakbridge developments adjacent to it</p>
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	<p>between 650 – 1000 m² must be setback three meters from common boundaries and 3,5m (three and a half meters) from street boundaries.</p> <p>62 In a Community Zone where an institution is permitted as the primary use, building lines must be at least five meters.</p> <p>63 The proposed SDP indicates a five meter building boundary along the southern boundary of the development, however, it is not continued along the eastern boundary. The existing dwelling houses situated along this eastern boundary of the proposed development have a legitimate expectation of a reasonable distance between their properties and the proposed development. The current zoning of SR1 requires that no dwelling may be constructed closer than six meters from the eastern boundary. It would be reasonable for a six meter building line to be a condition of approval of the Amendment Application and further that this six meter zone be effectively landscaped.</p> <p>64 We refer to the lower portion of the SDP wherein an internal road is proposed along the eastern boundary. The proposed road is situated along a boundary which is immediately adjacent to existing dwellings</p>				<p>61 – 64: <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>and it is therefore extremely insensitive to place the road as proposed. Vehicles traveling along the proposed road will cause excessive noise pollution as well as exhaust pollution to the adjacent dwellings. The Applicant must amend the layout in order to re-align the position of the internal road and place it away from the existing dwellings along the eastern boundary of the proposed development.</p> <p>Layout of amended development</p> <p>65 The layout of the amended development as proposed will result in residents walking from their residences to the amenities such as the care centre, club house, and restaurant. It is critical that a retirement village be placed on property which is relatively flat, not least by virtue of the fact that residents are elderly and often frail.</p> <p>66 The gradient of the existing ground levels of the property are considered far too steep for elderly persons to negotiate from their dwellings to the clubhouse and the associated amenities.</p> <p>67 The eastern boundary of the amended development is some 400 (four hundred) meters long, and the bottom of the site is at approximately 52 (fifty-two) meters above</p>				<p><u>Civil Engineer:</u> The development will be gated which means that traffic volumes will be low. Vehicles will be limited to single-unit passenger car vehicles so noise and pollution levels will be negligible.</p> <p>65 – 71: SEC: Noted, thank you for the information. Please note that slopes have been considered in the design and placement of proposed units.</p> <p>Architect: We do not however have a 3D of the developed site as we need to do this in</p>
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	<p>mean sea level, whereas the upper portion is 101 (one hundred and one) meters above mean sea level. This means that the average slope of the land is 1: 7,6. Such a slope is entirely unsuitable for a retirement village and constitutes a severe risk to residents.</p> <p>68 By way of comparison, the following retirement villages have the following gradients: 68.1 Tokai Retirement Village: average gradient of 1 :72; 68.2 Herzlia in Kendal road (approved one month ago): average gradient of 1: 55; 68.3 Constantia Place on Southern Cross Road: average gradient of 1: 28; 68.4 Alphenvale on Parish Road: average gradient of 1: 26;</p> <p>69 The abovementioned retirement villages consist of gradients substantially lower or flatter than 1:7,6.</p> <p>70 Given the gradient of the property, our client avers that the layout prepared by Frankenfléd & King Architects, is totally impracticable. The layout as presented in the Amendment Application assumes that the land is flat. The slope of the site means that in order to construct the proposed buildings, building platforms or terraces which require substantial cut-and-fill to</p>				<p>conjunction with the civil engineer's road design. This scope normally forms part of our Workstage 3 (Design Development) work and is done after our SDP and Environmental approvals.</p> <p><u>Town Planner:</u> Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>
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	<p>enable these platforms. The layout does not make provision for cut-and-fill to construct the required series of terraces for the proposed buildings.</p> <p>71 The layout as presented by the Applicant is not possible to be achieved and a proper design of the terraces to accommodate the dwellings will impact severely on the proposal.</p> <p>Health hazard of construction of this volume 72 A development of this nature, scale and density will take an extended period to complete than the initial application. The nature of the amended development requires intense construction in order to develop the clubhouse and basement level thereof, for example. Our clients strongly oppose the increase in construction intensity due to the nuisance and health hazard it poses to them.</p> <p>73 It is unreasonable to expect our clients to endure the heavy construction required to create such a development over the extended period of time frame, which is not in keeping with construction which one may expect to be subjected to.</p> <p>74 The Applicant has been vague in addressing the health hazards posed by the</p>				<p>72 – 75: <u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This</p>
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<p>construction required by the Amendment Application. Shade cloth and “noise protection” does not adequately address the concerns of our clients, which include but are not limited to noise, material pollution and the effect on their quality of life.</p> <p>75 Quality of life will be negatively impacted due to intensity of construction and duration in order to complete the proposed amended development.</p> <p>Omissions in the Amendment Application</p> <p>76 We note that there are certain omissions in the Draft Report including:</p> <p>76.1 Three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings;</p> <p>76.2 All items marked with an “X” in the Appendix to the Draft Report.</p> <p>77 Our clients hereby request that full and further details thereof are provided in due course.</p> <p>Conclusion</p>						<p>memorandum addresses this comment in more detail.</p> <p><u>Developer / Project Manager:</u> The majority of these comments have already been addressed in the EMPr, it should also be noted that the OHS Act must be strictly adhered to.</p> <p><u>Architect:</u> Preliminary-level design is not developed to the extent that a useful 3D can be rendered to assist with the query at hand. We can provide road levels at that point that the architect could use for a 3D rendering.</p>
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	<p>Our clients accordingly strongly object to the Applications based on their submissions contained hereinabove.</p>			<p>76.1. <u>Architect</u>: Preliminary-level design is not developed to the extent that a useful 3D can be rendered to assist with the query at hand. We can provide road levels at that point that the architect could possibly use for a 3D rendering.</p> <p>76.2. Please see the response above.</p> <p>77. SEC: Noted.</p> <p>SEC: Thank you for providing comment on the Part 2 Amendment Application, it is appreciated. Please refer to the responses above that address comments raised.</p>
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ANNEXURE "A"		
NO.	NAME	ADDRESS
1.	Bas Jansen	8 Ash Lane, Hout Bay
2.	Annette White	7 Ash Lane, Hout Bay
3.	Tobias Keller	24 Blue Valley Avenue, Hout Bay
4.	Ben Jansen van Vuuren and Joanne Walter	18 Oakwood Lane, Hout Bay
5.	Janene and Paul Steenkamp	6 Ash Lane, Hout Bay
6.	Paul Volker	26 Blue Valley Avenue, Hout Bay
7.	Fiona Heath	1 Ash Lane, Hout Bay
8.	Bronnie Le Roux Moulman	4 Ruschia Lane, Blue Valley, Hout Bay
9.	Sam Kelly	2 Restio Road, Hout Bay
10.	Nikki Shepherd and Gavin Dettmer	1 Pine Street, Hout Bay
11.	Mike and Shaynee van den Heever	22 Blue Valley Avenue, Hout Bay
12.	Sandy Dobrin	9 Pine Street, Hout Bay
13.	Erika Brown	2 Saffron Road, Hout Bay
14.	Jenna and Justin da Silva Pinto	4 Saffron Road, Hout Bay
15.	Elke Wiswedel	3 Myrica Road, Hout Bay
16.	Kritya and Jaco Snyman	6 Gumtree Lane, Hout Bay
17.	Ian and Carlyn Adams	5 Ruschia Lane, Blue Valley, Hout Bay
18.	Guy Everett	22 Bokkemanskloof Road, Hout Bay
19.	Carol Anema	12 Fynbos Close, Hout Bay
20.	Mark Rickard	5c Gumtree Lane, Hout Bay
21.	Ralf Huettmann	8 Bokkemans Close, Hout Bay
22.	Michelle van den Berg	6 Birch Lane, Hout Bay
23.	John and Ellen Cooper	10 Fynbos Close, Bokkemanskloof, Hout Bay
24.	Ingrid and Alexander Dierks	15 Blue Valley Avenue, Hout Bay
25.	Andrew and Clare Travis	10 Blue Valley Avenue, Hout Bay
26.	Pete and Clare Colson	70 Bokkemans Road, Hout Bay
27.	Tracy Phillips	20 Blue Valley Avenue, Hout Bay
28.	Jenny and Andrew Mc Nulty	5 Ash Lane, Hout Bay
29.	Paige and Graham Will	38 Bokkemans Road, Hout Bay
30.	Iain Carr and Brigitte Dirck	11 Oakwood Lane, Hout Bay
31.	Jeff & Candice Cawcutt	8 Fynbos Close, Bokkemanskloof, Hout Bay
32.	Lisa and Wernich Krohn	9 Blue Valley Avenue, Hout Bay
33.	Phil Levitt and Cindy Rodkin	45 Bokkemans Road, Hout Bay
34.	Paola Bellamusto	5 Restio Road, Hout Bay
35.	Ingrid Kingon	7 Birch Street, Hout Bay
36.	Anthony and Katie Cartwright	2 Bokkemanskloof Road, Hout Bay
37.	Brian and Debbie Magid	6 Fynbos Close, Bokkemanskloof, Hout Bay
38.	Mark and Mary Jakins	28 Bokkemans Road, Hout Bay
39.	Greg Nelson and Susan Habermann	68 Bokkemanskloof Road, Hout Bay
40.	Adele and Johann Pretorius	42 Bokkemanskloof Road, Hout Bay
41.	Elle Loukarn	4 Birch Street, Hout Bay
42.	Rod and Jules Hunter	Purchasers of 70 Bokkemanskloof Road, Hout Bay
43.	Leonie Mervis	21 Bokkemanskloof Road, Hout Bay
44.	Hadi Ertinger	7 Pine Street, Hout Bay
45.	Nicolette Schreuder	1 Restio Road, Hout Bay

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32	<p>I wish to register as an I&AP with my wife Samantha Rumbelow (copied) as joint owners of 2 Bokkemans Close, Hout Bay</p> <p>We object the proposal on two grounds: based on the use of a single access point off Blue Valley Ave</p> <p>1) The use of a single access for the Development off Blue Valley Ave is not tenable from a traffic, health & safety perspective. There is already congestion where Blue Valley meets Main Rd at peak times. It is already a dangerous intersection. More vehicles will be dangerous.</p> <p>2) The Proposed 60% density is too high for the sensitive natural area & existing infrastructure, including roads</p> <p>These flaws could be remedied as follows.</p> <p>a) A reduction in the number of residents (proposed number units in the development) to be in line with the density proposed by other I&AP's in the area, especially the collective representatives of Bokkemanskloof Estate & of Blue Valley Avenue</p>	<p>18 October 2022</p>	<p>Julien Rumbelow</p>	<p>Houtbay Resident</p>	<p>1. <u>Traffic Engineer</u>: The Birch Street access off Blue Valley Avenue is temporary access until the bridge is constructed. Once the bridge is constructed the development will have access via Dorman Way. The Birch Street access will remain as a service/emergency access.</p> <p>Please refer to the comments made by the Architect and Civil Engineer above.</p>
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	<p>b) Make the construction of the Project conditional upon implementation of vehicle access from Main Road via the Oakhurst Spar (Farmstall) road. The possibility that this road is not used by the Development for the majority of its traffic is NOT acceptable. Blue Valley Ave should only exist as an emergency alternative route for the new development.</p> <p>We do not accept the "private road" agreement as the same Family effectively benefits from the Development & from excluding access via this much needed road. The wider community should not be disadvantaged by private interests when these interests could choose to enable rational access at a market rate to developers. The traffic, noise, pollution, health, safety & environmental costs to the area are factors motivating these inputs.</p>				
33	<p>We would like to state that we are not in opposition to a residential development with a residential zoning on this piece of land in Hout Bay, however, we strongly oppose the vast departure of this single residential plan to a large scale retirement development of the size and density now newly proposed which will require the rezoning of ERF R2224 from a Single</p>	<p>18 October 2022</p>	<p>Mark and Carolyn Bayne</p>	<p>Houtbay Residents</p>	<p><u>Town Planner</u>: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p>

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	<p>Residential Zoning / Rural Zoning to a Community 2 Regional (CO2) zoning.</p> <p>ACCESS TO THE PROPOSED NEW DEVELOPMENT: As residents of Bokkemanskloof Estate, we STRONGLY object to the use of Blue Valley Avenue for construction vehicles even on a temporary basis. The wear and tear to the infrastructure from Construction vehicles cannot be underestimated. This is a quiet residential neighbourhood yet the number of cars using this road is already significant. Exiting to the right from Blue Valley Road onto Main Road is often hazardous. The speed at which some construction vehicles travel down into Hout Bay from Constantia Nek is terrifying, With taxis, buses stopping and adding to the mayhem - it is already difficult to get out of the road. Children and domestic workers are especially at risk from the greater volume of traffic - changing the neighbourhood.</p>				<p><u>Traffic Engineer</u>: Based on the results of the intersection analysis and the findings in the TIA, the surrounding road network, including Blue Valley Avenue can accommodate the additional trips. Access via Blue Valley Avenue will be temporary until the bridge is constructed.</p>
34	<p>1. It is understood this application regards a substantive amendment to an EA granted for residential development, that entails extending the residential development into the adjacent erf. Based on the botanical statement provided the expansion area site is highly degraded due to alien invasive vegetation and no longer supports vegetation representative of Cape</p>	<p>20 October 2022</p>	<p>Ismat Adams</p>	<p>Cape Nature</p>	<p>1. SEC: Noted</p>

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	<p>Peninsula Granite Fynbos. Furthermore, no botanical species of conservation concern were observed on site. There were, however, several indigenous protected tree species on site as well as Palmiet. The freshwater assessment indicated the presence of three wetland areas on site – artificial dams, valley bottom wetland associated with the Bokkemanskloof river that runs along the western boundary of the site, and a seep wetland running adjacent to the CVB wetland. Both the CVB wetland and seep wetland slightly encroach the site in the south west corner and western boundary of the site. The freshwater assessment has recommended a 15m buffer to be established between these wetland areas and the development, among other mitigation measures. It is understood that no wetland areas will be infilled as part of the development. The herpetological assessment found no species of conservation concern and indicated that there was low probability of species of conservation concern occurring on site, other than Western Leopard Toad which was confirmed as breeding on site by previous assessments. The site is unselected as per BioNET.</p> <p>2. The mitigation measures proposed by the freshwater assessment (particularly</p>				
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	<p>buffering) as well as that of the herpetological assessment are essential to mitigate the impacts to Western Leopard Toad and preserve breeding and foraging areas. The freshwater and herpetological assessments are supported, all mitigation measures and recommendations must be implemented.</p> <p>3. The botanical statement is supported. The site is essentially transformed from a botanical perspective.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>				<p>2. SEC: Noted. These mitigation measures have been incorporated into the EMPr accordingly.</p> <p>3. SEC: It is noted that CapeNature support the Botanical Statement.</p> <p>SEC: Noted.</p>
35	<p>The pre-application draft Basic Assessment Report (BAR), dated September 2022, has reference. The pre-application draft BAR was circulated to various City departments for comment and no responses were received. However, please find below input on the assessment from the City's Environmental & Heritage Management Branch.</p> <p>Environmental & Heritage Management Branch – Mr Rashaad Samaai The site is located in the urban edge and does not form part of the City's Biodiversity Network (BioNet). Botanical, freshwater</p>	25 October 2022	Andrew Goodwood	City of Cape Town	<p>SEC: Noted.</p> <p>SEC: It is noted that the site is located within the Urban Edge and that CoCT: Environmental Management Section has no objection to the proposal provided that</p>

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	<p>and herpetofauna assessments were undertaken to inform the basic assessment process. The botanical study concluded that the site is largely transformed and did not contain the original habitat or any species of conservation concern. The freshwater assessment found that the potential risk to aquatic resources is considered to be low. The herpetofauna assessment showed that the habitat is transformed and only species of least concern were identified on site. Since the site is largely transformed and the findings of the assessment showed that the impact on environmental resources is considered low the Environmental Management Section has no objection to the proposal provided that the recommendations of the specialists are implemented. My Department reserves the right to revise its comment based on new information received.</p>				<p>the recommendations of the specialists are implemented. Please note that mitigation measures have been incorporated into the EMPr accordingly.</p>
36	<p>The draft substantive amendment impact assessment report, dated September 2022, has reference. The draft report was circulated to various City departments for comment. Comments were received from the Electricity Generation & Distribution, Water & Sanitation (Bulk Services), Transport Impact Assessment and Development Control and Urban Planning. No objections were received and a summary of key points</p>		Rashaad Samaai	COCT: SPATIAL PLANNING AND ENVIRONMEN T	<p>SEC: Noted.</p>

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<p>of each Department's comment is provided below.</p> <p>1. Electricity Generation & Distribution – Mr Xavier Rosenberg</p> <p>Electricity Generation & Distribution has no objection to the proposal and states that any new services and infrastructure or changes to existing electricity infrastructure will be for the applicant's expense.</p> <p>2. Transport Impact & Development Control – Ms Volante Brintjies</p> <p>The Transport Impact & Development Control branch is satisfied that the traffic considerations were adequately addressed.</p> <p>3. Water and Sanitation (Bulk Services) – Chaneé Johnson</p> <p>There are existing bulk water and sewer infrastructure on the property or in close proximity to the property and should be accessible to City officials for maintenance/emergency work and protected during the construction phase. Infrastructure capacity data will be sent to the engineering consultant.</p>				<p>Electrical Engineer: Noted. Civil Engineer to apply for wayleaves.</p> <p>Traffic Engineer: Noted. No further comments.</p> <p>Civil Engineer: I have read the full comment. The comment is noted no further comment is required from our side.</p>
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<p>4. Urban Planning and Mechanisms – Mr Guillaume Nel</p> <p>The proposed development is consistent with most of the applicable spatial planning policies except for the Southern District Plan, 2012 with regard to the part of the proposed development west of the Bokkemenskloof River which is designated 'open space' in the District Plan.</p> <p>5. Environmental & Heritage Management Branch – Mr Rashaad Samaai</p> <p>Specialist botanical, freshwater and herpetofauna assessments were done to inform the assessment process. The botanical study concluded that the site is largely transformed with low ecological value. The freshwater assessment found that the potential risk to aquatic resources is considered to be low and specific recommendations were made to protect and restore the riverine corridor and associated wetlands. The herpetofauna assessment determined that even though the habitat on the site is transformed it is host to several common amphibian and reptile species but also the endangered Western Leopard Toad which was confirmed in previous studies. The specialist</p>					<p>Town Planner: Please refer to the Town Planner's response to comment 5 above. Please refer to the memorandum (Appendix F1), formulated by the Town Planner, for more information. This memorandum addresses this comment in more detail.</p> <p>SEC: It is noted that the site is located within the Urban Edge and that CoCT: Environmental Management Section has no objection to the proposal provided that the recommendations of the specialists are implemented. Please note that mitigation measures have been incorporated into the EMPr accordingly.</p>
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	<p>further emphasises the importance of preserving the integrity of the aquatic habitats and implementing the recommended mitigation measures to minimise the impact of the development on amphibian and reptile species.</p> <p>Since the site is largely transformed and the findings of the assessment showed that the impact on environmental resources is considered low the Environmental Management Section has no objection to the proposal provided that the recommended mitigation measures of the specialists are implemented</p>				
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