



COMMENTS AND RESPONSE TABLE

AMENDMENT APPLICATION

RESIDENTIAL DEVELOPMENT ON A PORTION OF THE FARM VAALE VALLEY 219, MOSSEL BAY (HARTENBOS LANDGOED PHASE II)

ENVIRONMENTAL AUTHORISATION REF: EG12/2/1-AM18-FARM VAALEVALLEY 219/B, MOSSEL BAY

(REF: 16/3/3/5/D6/29/0008/22)

COMMENT	ORGANIZATION/NAME/DATE	RESPONSE
<p>CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet <i>et.al.</i> 2017) the farm does not have Critical Biodiversity Areas and Ecological Support Areas although natural CBA borders along the eastern boundary and Other Natural Areas are also scattered towards the east. The farm does not have any freshwater features however a Freshwater Ecosystem Priority Areas (NFEPA) wetland which borders on the eastern boundary.</p> <p>According to Mucina and Rutherford (2006), the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet <i>et.al.</i> 2017), and the National Biodiversity Assessment (Skowno <i>et al.</i> 2018) the vegetation present is:</p> <ol style="list-style-type: none">1. Canca Limestone Fynbos (Least Concerned);	<p>CapeNature Megan Simons 1 December 2022</p>	<p>This is correct, thank you for providing your comments.</p>



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<p>2. Groot Brak Dune Strandveld (Critically Endangered); 3. Hartenbos Dune Thicket (Endangered) and; 4. Mossel Bay Shale Renosterveld (Critically Endangered). The threat statuses are listed in terms of the Revised National List of Ecosystems that are Threatened and in need of protection (NEMBA, 2022).</p>		
<p>The site has protected tree species and in terms of section 15(1) of the National Forests Act, no person may cut, disturb, damage, or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree except under a license granted by the Minister. Therefore, CapeNature reminds the applicant to obtain comments from the Department of Forestry, Fisheries and Environment if any indigenous protected tree species will be impacted. Prior to construction carefully mark the indigenous trees to ensure that they are not disturbed during the construction phase.</p>		<p>The appointed ECO will ensure that the National Forest Act is complied with and that any necessary permits be obtained, if required.</p>
<p>The removal of invasive alien plant species is of high priority and CapeNature supports the continual removal of these species. Alien plant species that occur outside of the</p>		<p>We agree and this forms part of the management of the open spaces in the OEMPr.</p>



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<p>development footprint must be cleared during the alien clearing phase. In this way, more alien plant species can be removed.</p>		
<p>The topsoil used in the rehabilitation phase should not be contaminated. We recommend that all topsoil stockpiles be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil for rehabilitation purpose.</p>		<p>This is included into the EMP for the management of topsoil. It must also be noted that due to the footprint of the development it is likely that some of the topsoil will be used for fill material and/or spoil material as once fully developed here will be less areas to topsoil than the amount of topsoil stripped for the development.</p>
<p>The Aquatic Specialist confirmed the watercourse present has low sensitivity and CapeNature accepts the findings of the report. The recommended mitigation measure of the Botanical Statement is supported by CapeNature.</p>		<p>Thank you indicating your support of the Botanical Statement</p>
<p>The Environmental Control Officer (ECO) must ensure the recommended mitigation is implemented, monitor the construction and operational phases.</p>		<p>This is and will remain a condition of Environmental Authorisation.</p>
<p>In conclusion, the ecological functioning of the CBAs must not be negatively compromised, and undisturbed areas should remain intact, especially the indigenous dune thicket. The highly sensitive Milkwood Thicket must be demarcated as No-Go areas and illustrated on a map which must be included in the EMP.</p>		<p>The outer boundary (footprint) of the development will not change with the amendment of the Layout, currently the areas outside of the development footprint are regarded as no-go areas for construction. Activities which will take place within these areas will be undertaken in accordance with the Amended OEMP.</p>



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<p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>		
<p>The Western Cape Department of Agriculture: Land use management has no objections towards the above application on condition that the amended Site Development Plan is in line with the densification policy of the Local Municipality.</p>	<p>Western Cape Department of Agriculture: Land use management Cor van der Walt 10 November 2022</p>	<p>Thank you for your comment</p>
<p>1 Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA). Thank you for giving Forestry this opportunity to comment on above application.</p> <p>2 Forestry studied the supporting documents for the above mentioned application and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable</p> <p>a. According to the report and information provided: "proposing</p>	<p>Department of Forestry, Fisheries and the environment Melanie Koen 11 November 2022</p>	<p>1. Thank you for providing your comments</p> <p>2. a. Yes, this is correct</p>



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<p>amending the ROD/Amended EA (significant amendment process) to change the project description to include the scope of the amended layout; the proposed development consists of a total of 2318 units made up of single residential erven (Zoned Residential I), 88 general residential, a 0.88ha Business Zone (including +- 0.31ha Business zone IV (Offices) and +- 0.57ha Business zone III (Neighbourhood shop)), +- 3.22ha Community Zone (consisting of a place of instruction and 2.39ha sports field) and an Open Space of 235.08ha (excluding the combined +-4.86ha formal internal Open Spaces of Phases A and C), which will be managed as a nature reserve, a road network and associated infrastructure services will be accommodated on the footprint, as indicated on the layout plan HB/G/206-3 by Nel & de Kock dated May 2022”</p>		
<p>b. Forestry object to any development in the areas as described as “dune thicket”/ coastal forest- and request that all areas with/ containing coastal forest be demarcated as no-go areas. Forestry object to OS5 being transformed into a sports field- and request that this area along with all the</p>		<p>b. The areas outside of the development footprint will only see alien clearing and other activities in accordance with the Amended OEMPr.</p> <p>OS5 has a grassed area near the N2 which was earmarked for a community park and institution building, OS5 then has a thin strip linking it to the section with Dune Thicket, it is proposed to retain</p>


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<p>other areas consisting of Coastal Forest be protected and incorporated into the developmental area as no-go areas.</p>		<p>that dune thicket vegetation and only develop the pock of OS5 near the N2. Please refer to the Figure below to highlight the above.</p>  <p style="text-align: center;">Figure 6: Change in Open Spaces (black is approved, white is proposed)</p>
<p>c. Forestry request that a 15-30m buffer be allowed between the indigenous forest/ vegetation ecotones and any developmental proposal- and that proposed units be reduced in order accommodate previous said</p>		<p>It must be noted that this requirement/request did not for part of the initial EA and approved footprint of the development, as the development footprint is not being altered only the internal arrangements of the erven. It is not likely that this request can be accommodated as it will decrease the development footprint which is already being implemented.</p>
<p>d. That indigenous forest patches/ as well as protected/ indigenous trees be incorporated (through detailed</p>		<p>This will be undertaken as far as practically possible however those trees located within the development footprint are proposed to be removed for development.</p>



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AMENDMENT APPLICATION

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<p>surveying) into any developmental proposal/ design- and be retained/ protected and indicated as no-go areas. That indigenous forest patches/ as well as protected/ indigenous trees be GPS'd and their exact position be incorporated within the development design footprint as no-go areas in order to ensure protection.</p>		<p>The necessary NFA licence will be sort if required by the appointed ECO.</p>
<p>2. This Directorate has reviewed the draft Amendment Report and has the following comment: 2.1. Details of the Holder / transfer of rights and obligations Clarity is required regarding the details of the proponent and those of the Holder of the Appeal Environmental Authorisation. It noted that the proponent "Hartland Lifestyle Estate (Pty) Ltd." is listed as the proponent; however, it is mentioned that this company is trading as "K2011133641 (South Africa) (Pty) Ltd.". Notwithstanding the latter, the juristic relationship must be clarified as no company registration number has been provided.</p> <p>It is noted that the details of the "contact person"; "postal address"; "e-mail address" and "telephone / mobile</p>	<p>Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 3</p> <p>Jessica Christie</p> <p>29 November 2022</p>	<p>Thank you for highlighting that aspect, the logistics being the company registrations and ownerships will be clarified in the final submission of the impact report, additional a revised Application form will also be submitted.</p>



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AMENDMENT APPLICATION

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(REF: 16/3/3/5/D6/29/0008/22)

<p>number” in the application form differ from the those listed in the Appeal Environmental Authorisation as amended on 18 December 2012. This must be clarified. It is important that current details are contained in the environmental authorisation.</p> <p>Please note that if any detail of the Environmental Authorisation needs to be changed, this must be included in the application form and Amendment Report so that the necessary changes can be considered in the application for the amendment of the Appeal Environmental Authorisation.</p>		
<p>2.2. It is noted that the project name, previously known as “Hartenbos Landgoed Phase II” is now referenced as “Hartland Lifestyle Estate”. Clarity is required whether this is detail which should be changed in the Environmental Authorisation.</p>		<p>Thank you, this aspect will also be clarified in the final submission and within the revised Application form.</p>
<p>2.3. Environmental Management Programme (EMPr) It is noted that an updated EMPr has been appended to the Draft Amendment Report, as requested in the Directorate’s correspondence of 27 October 2022. The updated EMPr does not clearly address all the</p>		<p>The approved OEMP has been Amended to reflect the proposed amendments to the EA and has been attached to the Amended EMPr</p> <p>The Environmental Audit Report has been attached to the Impact Report as Appendix O. Changes were made</p>



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<p>requirements/conditions set out in the Environmental Authorisation.</p> <p>The operational aspects detailed in the Appeal Environmental Authorisation have not been clearly addressed in the updated EMPr.</p> <p>It is noted that an independent Environmental Audit of the Environmental Authorisation and EMPr has not yet been undertaken. It is therefore difficult to advise what other changes to the EMPr should be considered. This step should be undertaken as soon as possible so that any further changes are incorporated as soon as possible.</p>		<p>to the proposed amended EMPr in accordance with the recommendations of the Audit Report.</p>
<p>2.4. EMPr: Environmental Monitoring Condition 25 of the Appeal Environmental Authorisation places a requirement on the Holder (at own cost) to establish and maintain an Environmental Liaison Committee (ELC). It is unclear how the Holder has complied with this condition and how this condition will be complied with.</p> <p>In addition to the above, the application and EMPr does not address this requirement in Condition 25.</p>		<p>The Environmental Audit Report recommended that the requirement for an ELC be replaced with regular NEMA Auditing.</p>



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<p>2.5. Social Housing Node</p> <p>It is written throughout the report that the social housing node is to be removed from the Site Development Plan (SDP) as the beneficiaries who reside in Power Town do not wish to relocate. Those who have relocated, reside in Sonskynvallei. It is further written as a motivation in the report that the Mossel Bay Municipality reached a new agreement and is being implemented in line with the Municipal Densification Policy. However, no detail has been given to indicate with whom this agreement has been made and what the exact details are in this agreement.</p> <p>There are environmental authorisations for the development of low-income housing and the Sonskynvallei Phase 3 was developed to also relocate the residents of Power Town. Although this was unsuccessful as many residents refused to relocate as indicated in the report, it would be important to indicate what the Mossel Bay Municipality is planning with the remaining residents and the newer residents of Power Town. Furthermore, detail must be given to ensure the residents of Power Town are all relocated since this area is below the 1:50-year floodline of the Klein Brak</p>		<p>Please refer to the attached agreements reached between the Mossel Bay municipality and the developer.</p>
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<p>River / Estuary and the contingency plan for those who do not.</p> <p>This is vital information that must be addressed since the application for amendment of the authorisation is to remove the social housing node from the SDP</p>		
<p>Dear Messrs</p> <p>Our NPO objects the amendment of current layout (HB/C/204/10) of the development .</p> <p>Reasons are as follows :</p> <ol style="list-style-type: none"> 1.This development have been an island alienating local built environment professions & artisans from the township of KwaNonqaba. 2.Preference has been granted to contractors and Subcontractors from other Provinces . 3.The Directors and Management of the Project are not transparent in terms of empowerment. 4.Security Services , Construction of Roads ,Pipe laying , Landscaping are not shared with black built environment professionals that are from KwaNonqaba Township. 	<p>Johnson Mpumela Chairperson Garden Route Stakeholders of Built Environment Chairperson Kwantu Qawula Matyathanga Initiative NPO 177-877</p> <p style="text-align: center;">28 November 2022</p>	<p>This Environmental Impact Assessment process is not the mechanism for objections but rather to provide comments on the content of the Impact report.</p> <p>However According to the Applicant: “90% of the subcontractors are local companies and 99% of their workers are from local townships. We have few specialised contractors that are from other provinces but most of their work force also comes from the local townships. We are therefore not in agreement with his statement.”</p>



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<p>5. Local Beneficiation is none existent in terms CSOS ombudsman empowerment policy.</p> <p>6. Rates are very low, contractors are complaining.</p> <p>In concluding all the above facts analysis are a violation of the bill of rights towards locals. Negotiated settlement will be solution and Memorandum of Understanding signed between us.</p>		
<p>Good morning Michael/Betsy/Deon</p> <p>It would be appreciated if you can note and forward the under mentioned comments regarding the abovementioned Environmental Authorisation Amendment application, as well as the successive/concurrent Rezoning application</p>	<p>Charl Moller Consulting Engineer 30 December 2022 – one month late</p>	
<p>It is accepted that the closing date for comments/registration as an Interested and Affected party to the Environmental Authorisation Amendment application has expired on 28 November 2022. However, it is placed on record that an advertisement of the application has been placed in an obscure position at the Swans Nursery along the MR344 where it was seen by chance</p>		<p>The PPP complied and went beyond the requirements of the NEMA EIA regulations. A PPP plan was submitted and approved by the DEADP, the competent Authority for this process.</p>



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<p>Please register me as an Interested and Affected Party for the Rezoning application. I am the Consulting Engineer for the Outeniquasbosch development</p>		
<p>It was noted that the traffic counts for the Traffic Impact Assessment (TIA) were done on 28 November 2019 – approximately 3 years ago. The unsigned TIA Report (Revision 3) is dated November 2020. It was also noted in the TIA in Section 3.3. Trip Generation that provision was made for trips from the following land uses: single dwelling units, townhouses, business centre and retirement village. No provision was made in the TIA for future trips generated by the approximately 3.22 ha Community Zone (place of instruction and 2.39 ha sport field). The view is held that the dated TIA Report makes no mention with regards to the objective of the Environmental Authorisation Amendment application (and subsequent Rezoning application) and is thus deemed to be deficient in this regard – as no trips generated by a place of instruction (school) are included in any of the traffic projections. Any Conclusions or Recommendations in the TIA – linked to traffic projections –</p>		<p>The TIA has been revised to address your point raised.</p>



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<p>would thus be invalid and/or not applicable to the application(s) and would probably require a revision and/or amendment of the TIA to include the impact of a place of instruction (school) on any traffic requirements</p>		
<p>Recommendation 12 of the TIA that: <u><i>It is proposed that the developers of Hartland Estate, Hartenbos Lifestyle Village (Incl New Vintage), Outeniquasbosch, Hartenbos Landgoed 1, Monte Christo and Ptn 33 of Farm 217 jointly appoint an economic impact assessment specialist to arrive at a cost apportionment model for the various intersection upgrades required as contained in the approved TIA's of the respective approved developments</i></u> is not supported. The Mossel Bay Municipality has (as the relevant planning authority), to date, included and enforced conditions in the approvals of the abovementioned developments pertaining to accommodation of the traffic requirements. A proposed cost apportionment model is deemed to be impractical, as all the abovementioned conditions have been met, or are in the process of being met. A cost apportionment model would mean a revision of all the current and future</p>		<p>This comment is not relevant to the NEMA Amendment Process as the Mossel Bay Municipality should address your concerns in this regard.</p>



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Service Agreements of all the mentioned developments, which is highly unlikely or even impossible		
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