

COMMENTS AND RESPONSE REPORT

PROPOSED AMENDMENT OF THE ADDENDUM ENVIRONMENTAL AUTHORISATION (REF: EG12/2/4/6/D6/35/0011/11) FOR THE PROPOSED EAGLESCREEK RESIDENTIAL DEVELOPMENT ON PORTIONS 187 AND 188 AND THE REMAINDER OF PORTION 47 OF THE FARM VYF BRAKKENFONTEIN 220, MOSSEL BAY.

COMMENT	NAME/ORGANISATION	RESPONSE	#
1. The abovementioned Draft Environmental Impact Report ("DEIR") compiled by the registered Environmental Assessment Practitioner ("EAP"), Mr. Michael Bennett (EAPASA No: 2021/3163) of Sharples Environmental Services ("SES") and assisted by Candidate Environmental Assessment Practitioner ("Candidate EAP") Ms. Lu-anne de Waal (EAPASA No: 2024/7962), which document was received by this Department on 14 March 2025 for comment until 17 April 2025, refers.	Department of Environmental Affairs and Development Planning Dorien Werth 17 April 2025		1
2. This Directorate has reviewed the document and provides the following comment: 2.1. The EIR does not fully comply with all the regulatory requirements set out in Regulation 32(1)(a) of the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) ("EIA Regulations, 2014").		A Teams meeting was held on the 27 th of May 2025 to discuss comments received by the DEA&DP.	2
2.2. It is noted that the approved Environmental Authorisation entailed the establishment of 111 group housing units and that the proposed amendment is to reduce the total number of group housing units to a total number of 103. The impact report does not contain a clear comparative assessment between what is approved and the change that are proposed. Regulation 32(i)(a)(i) requires that you to clearly demonstrate what the change in impact will be and how it compares with what is approved. In this regard an assessment with the total number of units vs. the amended layout with 103 group housing units should be provided. Together with this requirement, the advantages and disadvantages associated with the proposed change must be described.		Page 9 of the EIR contains a table comparing the Aquatic Impacts of the current approved development and the proposed amended development. Due to a wetland being found after the first round of PP, the amendment is now to reduce the total number of group housing units from 111 to 89. The change in impact is demonstrated in the above-mentioned table. However, additional tables have been added. It must be understood that the EA was authorised before the one environmental system came into effect. Therefore, no freshwater assessment was undertaken. As explained in the Impact Report, a WULA is required for the proposal and in terms of current NWA requirement, the development must be set back further from the river	3

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		then what is approved in the EA. Therefore, this amendment application is being undertaken to reduce the footprint in order to obtain water use rights in terms of the current NWA. By reducing the footprint all impacts associated with the approved development will be reduced, including the positive socio-economic impacts.	
2.3. Further to the above, considering the changes to the layout and the roads, specific attention must be given to the changes to the storm water infrastructure designs, even though storm water will be channelled into natural drainages according to the approved engineering drawings, it is expected that the previous layout will need to be changed.		The stormwater designs are attached to the Impact Report as Appendix C.	4
2.4. The report must also clearly detail any changes to the EMPr.		As mentioned in the EIR, the EMPr must still be compiled in terms of condition 6 of the EA and will be submitted for approval after the amendment of the EA.	5
3. In accordance with Regulation 32, the Department hereby stipulates that the report must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department. If however, significant changes have been made, or significant new information has been added to the report, the applicant/Environmental Assessment Practitioner must notify the Department that an additional 50 days (i.e. 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.		An extension was applied for on the 27 th of May 2025. Therefore, the Final EIR will be submitted 140 days from the date of receipt of the application by the Department.	6
The report must contain the information as prescribed by Regulation 32 of EIA Regulations, 2014.			

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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 Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to continue, a new Application Form must be submitted and the prescribed application fee paid.			
4. Please note that the proposed amendment may not be implemented prior to the granting of this application for amendment by this Directorate.		This is noted.	7
5. This Directorate awaits the submission of the final EIR for decision-making purposes.			8
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.			9
COMMENT	NAME/ORGANISATION	RESPONSE	#
I, as a permanent resident of Vogelsang in my private and personal capacity, hereby appeal that the approval of above development not be granted for the following reasons.	Mathys Leonard Spies 17 April 2025	The proposed development has already been approved in 2009. This application is to amend the approved layout from 111 group houses to 89 group houses.	10


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<p>The access road connecting the eastern and western parts of the development is a major concern and will put the whole environmental area at unnecessary risk.</p> <ul style="list-style-type: none"> - This is the only part of the construction plan that still falls inside the important 15m buffer, which was introduced to make the impact of the construction less. Erwen or plots that fell in the 15m buffer was moved out, but why not the road? Surely if it is this important, the road should also be moved out of the buffer zone. - The buffer should be viewed as a valuable green space, supporting local biodiversity and only low impact recreational activities (e.g. walking or bird watching) are permitted. Building a road in the buffer area is totally contradictory. 		<p>The road connecting the western and eastern sections of the development will run within the buffer, directly adjacent to the watercourse as no alternative option for this access is possible. The road is already approved. This application is for the amendment of the approved layout to exclude 22 group housing units. However, additional mitigation measures have been applied to the road that is still within the aquatic buffer as recommended by the Aquatic Report compiled by Dr. James Dabrowski.</p> <p>The buffer was determined by the Aquatic Specialist using current methodologies</p>	11
<ul style="list-style-type: none"> - Given the close proximity of the road to the watercourse and the steepness of the banks, fill will most likely extend into the channel of the watercourse which would require that the channel be diverted further to the north. The impact of this will have negative consequences to the surrounding fragile environment and wetlands downstream and is not a good option as stated in the Freshwater Assessment. - The other option given in the report is the stabilization of the river-bank using gabions or a concrete retaining wall. This will result in a hardened surface along that section of the river bank. This results in a localized change in flow hydrodynamics (e.g. deflection of energy, increased flow speed during high flow events) which can result in unanticipated scouring and erosion of the unprotected opposite banks. 		<p>As stated in Appendix D, the Aquatic Assessment Report: "Given the close proximity of the road to the edge of the very steep embankment, infilling along the embankment or an engineered retaining wall will be required, which will most likely extend into the banks and bed of the watercourse – possibly requiring a partial diversion of the channel of the watercourse. This activity represents a Medium risk to the watercourse, prompting the need for a WULA."</p> <p>A near vertical gabion wall or concrete retaining wall is recommended over fill as this would minimise the encroachment into the watercourse and could potentially avoid the need for diversion of the channel.</p>	12

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<p>Both of the above mentioned options holds an unnecessary risk for the river, wildlife and the greenbelt area as a whole.</p>			
<p>- A road alongside the watercourse with steep retaining walls eliminates access for animals like bushbuck, tortoises, porcupines, monkeys, mongoose ect. to the rest of the wetland via the southern bank and narrows an already very narrow greenbelt even further (see attached photo of bushbuck where road is intended). With the resulting narrowing of the greenbelt, along with the multiple houses that is planned, these animals will be totally lost to the eastern area of Vogelsang.</p>  <p>- Assimilative capabilities of the wetland are fairly limited, thus any pollutants or waste from construction of a road or nearby houses will have a detrimental effect on the environment.</p>		<p>Please refer to pages 22-28 pf the Aquatic Assessment, or page 9 of the Draft Environmental Impact Report for a comparison of impacts of the current approved layout (Alternative A in the aquatic report) vs the new proposed layout (Alternative B in the aquatic report).</p> <p>Please also note that this has been assessed during the initial scoping and assessment phase for this project in 2005. This application is to amend the approved layout from 111 group houses to 89 group houses. Due to a new wetland being found after the first round of PP, an additional 14 houses will be removed, now resulting in a total of 22 houses being removed from the approved layout.</p>	13

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		An EMPr will be compiled after the completion of the amendment application which will manage and mitigate this potential impact.	
<p>- The Freshwater Assessment report states that there is no other alternate option for access to the western section of the development, but there is.</p> <p>Windswael str can easily be used as an alternate access road (as marked in red on attached photo - see figure 11).</p> <p>This will eliminate all of the above mentioned issues and dangers to the environment.</p>		<p>Apart from the servitude road access up till that point, the rest of the Erf is private property and access over that area is not permitted.</p>	14

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Figure 11: Proposed stormwater layout (Alternative 1)

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<p>The sole reason I bought my property in Vogelsang was to enjoy the peace and tranquility it has to offer through the beauty of nature and to raise my children in such a great environment. Not to mention the loss of privacy we will suffer from the daily commute of countless cars past my peaceful property in a day. My family and mostly all other residents of Vogelsang, Island View and Twee Kuilen, across the N2, does not want to see this be lost, as many other natural areas in Mossel Bay has been.</p> <p>I hope that, for a change, the correct decision will be made in favor of our dwindling environment.</p>		<p>The areas highlighted in green in the image below, is private property owned by the applicant. The applicant followed the NEMA process and obtained an EA in 2009 when this development first got approved and therefore has the right to develop on his property. Please refer to Appendix A, which is all the previous approvals related to this project. Reasons for approval is also listed in the approvals. The current Environmental Impact Report is not a new application; this is the amendment of the already approved development.</p> 	15
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>As a permanent resident of Vogelsang, in Mossel Bay, I am writing to formally object the proposed development in Vogelsang, Mossel</p>	<p>Simone Gauche</p>	<p>The proposal was authorised in 2009, refer to Appendix A.</p>	16

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Bay, due to its significant potential impact on the adjacent watercourse and wetland and the environmental impact thereof.	16 April 2025		
To quote James Dabroski from Confluent Environmental Pty (Ltd) : The proposed Eagle Creek development is bordered by a perennial stream and channelled valley bottom wetland along its northern boundary. The Present Ecological State (PES) of the wetland is Moderately Modified (C). The watercourse is confined by a very steep embankment which is vulnerable to disturbance typically associated with urban developments (e.g. stormwater runoff and erosion, clearing of natural vegetation for lawns which reduced bank stability, establishment of alien invasive plant species etc.).			17
Based on the provided report, my grounds for objection are as follows: 1. The Impact Assessment on the watercourse and Wetland seems inadequate: The report mentions that the development will take place within the regulated area of a wetland and triggers Section 21(c) and (i) water uses. The initial building plans sent to the municipality and approved in 2021 did not include this access road connecting the eastern and western part of the development. The housing has been moved out of the 15 m buffer zone but this road will still be in this buffer zone.		The Aquatic Biodiversity Assessment report (Appendix D) complies with the Protocol for the Specialist Assessment and minimum report content requirements for Environmental Impacts on Aquatic Biodiversity, published in Government Notice No. 320, 20 March 2020. The access road was included the initial development plans in 2009 and was approved by the Department of Environmental Affairs and Development Planning. Please refer to response #11.	18
2. Regarding the proposed mitigation measures they seem insufficient (Table 4). I would like to argue that they are not robust enough to adequately protect the watercourse and wetland. The measures for controlling erosion and sedimentation during construction are not detailed or stringent enough. Both options mentioned will still cause significant erosion and sedimentation and increase the risk of flooding in an already sensitive ecosystem as well as disrupt the delicate ecosystem and biodiversity supported by the perennial stream.		Table 4 in Appendix E, the WULA Summary, is a summary the impacts and mitigation measures. Please refer to Appendix D, the Aquatic Biodiversity Assessment. As mentioned in the Environmental Impact Report, an Environmental Management Plan Report (EMPr) will be compiled and submitted for approval after this amendment of the Environmental Authorisations. The EMPr will contain comprehensive mitigation measures to	19

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		be followed during construction as recommended by the Aquatic Impact Assessment.	
3. With regards to the 15m Buffer Zone: The report heavily relies on the 15m buffer zone for protection. But this buffer is not adequate to protect the ecological functioning of the watercourse and wetland, especially considering the scale of the development and the potential for edge effects. Also it should be noted that as recently as 1994 the area which the proposed development will be built has flooded. Why was a development of this size and scale been approved at all in a protected wetland area?		<p>Please refer to Appendix D, the Aquatic Biodiversity Assessment, for more clarification on the 15m buffer.</p> <p>The wetland is not within a protected area. Please refer to Appendix A, which is all the previous approvals related to this project. Reasons for approval is also listed in the approvals.</p>	20
4. Potential for Erosion and Pollution from the proposed stormwater management: The development proposes to discharge stormwater into the watercourse. The wetland is very sensitive to waste and pollution and this will have a detrimental effect on the environment, especially given the scale of the proposed plans.		<p>The watercourse currently receives stormwater input from the access road into the Vakansieplaas Estate as well as from residential developments to the north.</p> <p>The stormwater outlets that will discharge stormwater from the main access road, will do so overland towards the direction of the wetland and are not considered as natural wetland areas.</p> <p>Please also refer to pages 22-28 of the Aquatic Assessment for all the potential impacts and their mitigation measures.</p>	21
5. Discharge onto Steep Slopes: The report mentions that stormwater must not be discharged directly onto the steep slopes of the southern embankment. But how this will be guaranteed and what measures will be in place to prevent it? Who will be accountable to monitor this and mitigate the effects if it should occur?		As mentioned in the Environmental Impact Report, an Environmental Management Plan Report (EMPr) will be compiled and submitted for approval after this amendment of the Environmental Authorisations. The EMPr will contain comprehensive mitigation measures to be followed during construction. This will include all mitigation measure recommended by Dr James Dabrowski. The stormwater outlet has been designed by the engineers to be energy dissipating. The construction	22

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		phase will be monitored by an ECO to ensure compliance with the EMP, as required by the EA.	
6. The construction phase will significantly impact and disturb the natural habitat of multiple animals. The report acknowledges the potential for loss of instream and riparian habitat during construction. I would like to argue that the measures to minimize this disturbance are insufficient. The wetland is classified as "sensitive" and sustains antelope, tortoises, turtles, mongoose, several types of birds and indigenous flora, including milkwood trees. The area was re-zoned from agricultural to housing which will destroy the green belt as well as disrupt the delicate ecosystem and biodiversity supported by the perennial stream. According to the municipal Spatial Development Framework, the area should be conserved, not developed.		<p>The aquatic report only focuses on aquatic impacts. All other necessary assessments were compiled during the initial scoping and assessment of this project in 2005.</p> <p>Further, please also refer to Impact 4 of Appendix D, the Aquatic Assessment, which states that with mitigation the impact of loss of aquatic habitat due to construction activities is "very low" after mitigation and "low" before mitigation.</p> <p>Please also note that the current (2023) municipal Spatial Development Plan is not applicable to the development as it was approved in 2009.</p>	23
7. Sedimentation of the watercourse during construction is a significant risk. It is impossible to know whether the proposed measures to control sedimentation, such as silt fences and check dams, are adequate.		Please refer to response #22.	24
8. Construction activities should not be permitted within the buffer zone especially given the fact that there is a existing road which can and should rather be used that will not have such a significant impact on the environment and increase the flood risk. Implementation of an adequately sized buffer is therefore considered important for the long-term protection of the watercourse. The access road connecting the eastern and western portion of the development however remains in the buffer. Given the close proximity of the road to the edge of the very steep embankment, infilling along the embankment or an engineered retaining wall will be required, which will most likely extend into the		Please refer to response #14. Please refer to Impact 4 and its mitigation measures in Appendix D.	25

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<p>banks and bed of the watercourse – possibly requiring a partial diversion of the channel of the watercourse. This activity represents a Medium risk to the watercourse, prompting the need for Modification to instream habitat and channel morphology caused by construction of a section of the access road connecting the western and eastern portion of the development.</p> <p>Some infrastructure – or part thereof - (sewage pipeline, stormwater outlets, and road crossing) falls within or immediately adjacent to the 1:100 year floodline of the river.</p>			
<p>9. Adequacy of Rehabilitation plan: The plan is too vague or does not provide sufficient detail on how the disturbed areas will be effectively rehabilitated and monitored once this road and storm water drainage system has been built and who will take responsibility for this monitoring. The municipality has made it clear that they do not take any responsibility in this regard. If so, who will be held responsible?</p>		<p>Please refer to response #22.</p> <p>Please note that the WULA process conducted by Dr James Dabrowski and the Environmental Impact Assessment conducted by Sharples Environmental Services are two different processes which will be reviewed by two different departments.</p> <p>The WULA summary, was compiled by Dr James Dabroski in accordance with current regulations.</p>	26
<p>10. The report mentions the presence of invasive species. This is true but there is also endangered species and indigenous flora present in the area. There is no detailed and long-term plan for the control and removal of these species. I would like to argue that we cannot simply strip the good with the bad.</p>		<p>All necessary assessments were conducted during the initial scoping and assessment process in 2005. This application is to change the approved layout from 111 group houses to 89 group houses. Due to a new wetland being found after the first round of PP, an additional 14 houses will be removed, now resulting in a total of 22 houses being removed from the approved layout. Additional as per condition 7 of the EA, Alien clearing and conservation plan has been compiled and will form part of the EMpr.</p> <p>Please also refer to response #22.</p>	27

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11. The design of the culvert bridge is critical to ensure that it does not impede flow or cause flooding. But there does not appear to be any option that does not cause sedimentation, increased erosion and unpredictability in flow of the river.		As stated in the Aquatic Assessment (Appendix D):" The use of box culverts for the bridge represents is an acceptable design and is unlikely to result in a significant modification to the flow dynamics".	28
		The design of the culverts will have minor significance of the features of the wetland.	
2. The construction of the road connecting the western and eastern sections is a major concern, as it is planned to be adjacent to the watercourse and in the buffer zone. The report seems to allege that there is a lack of alternative options, but this is not the case. On the original plans this new access road was not mentioned and an existing road, Windswael street, was used. This new access road will put the whole environmental area at unnecessary risk. it is unclear why it has become a "necessary" disruption to this ecosystem as the original town planning application that was approved by the municipality did not include this new road. There is no transparency as to why a new access road and changes to the flow of the river is necessary. As part of the said application processes, investigations were conducted on the entire terrain to determine its environmental sensitivity. This discrepancy raises serious concerns about the accuracy and completeness of the environmental impact assessment, especially given the significant changes to the original plans.		Please refer to response #11, #14, #18 and Appendix A which is all the previous approvals related to this project. Reasons for approval is also listed in the approvals.	29
		The investigations you are referring to in this comment was completed in accordance with NEMA regulation in 2005 and was approved in 2009. Please refer to the Introduction and Section 6 and 8 of the Environmental Impact Report, which states the reason for the Aquatic Assessment for this application which is only an amendment of the approved layout. The only changes to the approved development plan, is the decrease in group housing units of 111 to 89. Due to a new wetland being found after the first round of PP, an additional 14 houses will be removed, now resulting in a total of 22 houses being removed from the approved layout.	
13. Degradation of watercourses as a result of increased edge effects, including water quality changes, litter, erosion, dumping and alien invasion associated with localised increase in the residential population.		Please refer to page 27 of Appendix D, where it states that this impact can be mitigated to a negligible significance after mitigation. Before mitigation this impact has a minor significance.	30
This proposed road in the buffer zone is also adjacent to our property. On the plan it is not clear whether the legal requirement of space adjacent to our erf will be left open. This will mean more		This has been assessed during the initial scoping and assessment phase for this project in 2005.	31

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infilling of the enbankment and I am not certain that this has been taken into account.			
We purchased property in Vogelsang due to the beautiful environment and enjoy the wildlife in this beautiful green belt. The area once known as Vakansieplaas is of significant historical significance to the Mossel Bay area.		Please refer to response # 15	32
The residents of Vogelsang, Island View and Twee Kuilen, including myself, are deeply concerned about the lack of transparency and public participation in this process. In light of significant changes to the original plans we want this process to be reinitiated and reconsidered. We urge you to thoroughly address these objections and to prioritize the protection of the sensitive ecosystem in this area. The only reason for a development of this size in a sensitive wetland is for financial gain of the parties involved. It is not in the best interest of the environment or the residents of Mossel Bay. Removing only eight units from the proposed development plans will unfortunately not be enough to protect this wetland and the animals and plantlife it sustains.		This development was assessed and approved in 2009 by the Department of Environmental Affairs and Development Planning in accordance with NEMA and EIA Regulations. This 2025 application is being applied for in terms of Part 2 of Chapter 5 of the amended Environmental Impact Assessment Regulations (2014).	33
We hope that our objections will be addressed.		The NEMA EIA chapter 6 public participation regulations were complied with in 2009 when the development was approved. Those regulations are being complied with now during this application as well in terms of the current regulations.	
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Homeowners and residents of Vogelsang Estate, adjacent to the wetland where the proposed development is due to take place, hereby wish to express our concerns and disapproval of the project on account of the issues set out below. We recognise that the current amendment of the EA improves the outlook for the development but we believe that in the light of critical issues and irregularities highlighted below the EA in principle must once again be carefully considered.	Hugo Esterhuizen 14 April 2025	Please refer to response #22.	34

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While care was taken to limit impact on the most sensitive parts of the wetland, impact on the environment remains significant, with limited rehabilitation and a range of complex mitigation measures as the only means of protecting the watercourse. And it remains to be seen to what extent these measures will be successfully implemented.			
<p>Concerns regarding the proposed development:</p> <ul style="list-style-type: none"> The east-west access road within the 15m buffer zone contravenes the National Water Act (1998) and the EIA Regulations (2014); removing 8 housing units – while allowing the access road – amounts to inconsistent application of the law. The access road can therefore not be allowed. 		<p>No activity may take place within a watercourse unless it is authorised by the Department of Water and Sanitation (DWS). According to Section 21 (c) and (i) of the National Water Act, a Water Use License (WUL) is required for any activities that impede or divert the flow of water in a watercourse or alter the bed, banks, course or characteristics of a watercourse. Therefore, regulations are being followed by applying for a Water Use License which is issued by the DWS.</p> <p>This development was assessed and approved in 2009 by the Department of Environmental Affairs and Development Planning in accordance with NEMA and EIA Regulations. This application is being applied for in terms of Part 2 of Chapter 5 of the amended Environmental Impact Assessment Regulations (2014).</p>	35
<ul style="list-style-type: none"> The development will violate NEMA (1998), the National Environmental Management Biodiversity Act (2004) and the Ramsar Convention by allowing construction which will "extend into the banks and bed of the watercourse," posing a threat to one of Mossel Bay's rare natural resources which has been declared a Freshwater Ecosystem Priority Area (FEPA); 		<p>This development was approved in 2009 in accordance with NEMA and EIA regulations. All other regulations and guidelines listed form part of the NEMA process and was considered in the original development proposal in 2005.</p>	36
<ul style="list-style-type: none"> The development will result in "diversion and unanticipated scouring and erosion of the unprotected northern bank, posing a Medium/Moderate risk to the watercourse"; 		<p>The activities that represent a medium risk to the watercourse has prompted the need for a WULA, which is being applied for by Dr James Dabrowski.</p>	37

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<ul style="list-style-type: none"> Allowing a housing development on a protected wetland and a critical biodiversity area (CBA1) will be inconsistent with the objective of Policy S1 of the WC Provincial SDF to "contain urban sprawl"; 		<p>The wetland is not within a protected area.</p> <p>This development was approved in 2009 in accordance with NEMA regulations.</p>	38
<ul style="list-style-type: none"> Development of the area will destroy 27 hectares of natural habitat which forms part of a delicate ecosystem supporting a range of wildlife species, and will therefore be in direct conflict with the WC Provincial SDF (2014) emphasising "preventative interventions to protect scenic landscapes; preserve and safeguard the resources of the province." 		<p>This development was approved in 2009 in accordance with NEMA regulations.</p> <p>This application is to change the approved layout from 111 group houses to 89 group houses.</p>	39
<ul style="list-style-type: none"> The proposal contradicts the Eden SDF of 2017 stating that: "Land should only be developed in areas that are suitable for urban development" – the proposed area is protected by law and given the known risk factors, the land is not suitable for housing; the Eden Tribunal's decision to grant approval for rezoning of the area to "sub-divisional area" is inconsistent with laws and policies protecting wetlands and sets a legal precedent; claiming the land is "ideal for housing" is contradictory 		<p>Please refer to response #39</p>	40
<ul style="list-style-type: none"> The lives and properties of residents will be at risk due to the potential for flooding which is acknowledged by the Mossel Bay Municipality and confirmed by a flood in 1998; therefore the 1:100 year flood line determined for this proposal is questionable and a new flood line must be determined to protect potential buyers; the increase in extreme and unusual weather events along the Garden Route poses a risk to any development in an area prone to flooding; In December 2022 flash floods inundated roads and shops in Mossel Bay and in June 2024 the Garden Route was struck by an extreme weather event causing severe flood damage in many areas; 		<p>The development will not increase the risk of flooding. Please refer to pages 22-28 of Appendix D, the Aquatic Assessment, for all the aquatic impacts and mitigation measures.</p>	41

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<ul style="list-style-type: none"> Vogelsang residents will be adversely affected by the development; destroying the scenic green belt next to the road and replacing it with a dense housing complex, will diminish the quality of life they bought into and decrease the value of their investments; 		Please refer to response #15.	42
<ul style="list-style-type: none"> Increased traffic on the main access road which is located within Vogelsang will place a burden on Vogelsang residents and will cause congestion at the entrance which only allows one vehicle at a time, especially in the event of an emergency; the 2005 traffic impact assessment is no longer valid and a new assessment must be carried out; 		A new traffic assessment is not needed as this is only an amendment not a new proposal.	43
<ul style="list-style-type: none"> Ultimately the development will contravene the principles of democracy, the right to safety and protection of property and the environment embedded in the Constitution. Having laws but failing to apply them is no better than not having laws at all. In this instance it will not be citizens violating the law – but Government itself. Given the odds, the development will be a risky undertaking at best. 		All regulations were followed during the initial scoping and assessment phase of this project in 2005 when it got approved in 2009. Please refer to Appendix A, which is all the previous approvals related to this project. Reasons for approval is also listed in the approvals.	44
<p>A History of the Area</p> <p>As the name Vyf Brakke Fonteynen indicates, the historic farm dates back to the Dutch colonial era. "Vakansieplaas" began when the owner built thatched Cape-Dutch cottages for holiday makers on the farm, many of which still exist. The popular holiday destination attracted visitors from afar due to the scenic environment and animals roaming around. Over time portions of the land were sold off and Vogelsang was established in 1981. The developer prudently excluded the portions classified as wetland. The area still retains much of its original rural character and scenic beauty.</p> <p>Emphasising the benefit of more housing and jobs, while sacrificing nature, destroying precious heritage and having a negative impact</p>		Please refer to response #15.	45

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on Vogelsang – will be a loss for Mossel Bay and the local community. It cannot be called "sustainable development."			
<p>B Construction of a Housing Development on a Wetland</p> <p>The National Freshwater Ecosystem Priority Areas project (NFEPA) classified the land proposed for the development as a Wetland and Freshwater Ecosystem Priority Area. (Refer to figure 1, 2, 3, 4 of the Aquatic Biodiversity Assessment by James Dabrowski, Oct 2024.)</p> <p>According to the NWA (Act No. 36 of 1998, a wetland is defined as: "Land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil".</p> <p>"The watercourse is confined by a very steep embankment to the south which is vulnerable to disturbance typically associated with urban developments. The access road connecting the eastern and western portion of the development (215m) will however remain in the 15m buffer. Given the close proximity of the road to the edge of the very steep embankment, infilling along the embankment or an engineered retaining wall will be required, which will most likely extend into the banks and bed of the watercourse – possibly causing a partial diversion of the channel of the watercourse." (Aquatic Biodiversity Assessment, James Dabrowski, Oct 2024.) The development will therefore have a direct negative impact on the watercourse and poses the risk of further degradation in future.</p>		<p>Please refer to pages 22-28 of Appendix D, the Aquatic Assessment, for all the aquatic impacts and mitigation measures. All aquatic design phase impacts can be mitigated to minor and moderate significance, all construction phase aquatic impacts can be mitigated to minor and negligible significance, all operational aquatic impacts can be mitigated to negligible significance.</p>	46
"Stabilisation of the river-bank using gabions or a concrete retaining wall will result in a hardened surface along that section of the river			47

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bank. This will cause a localised change in flow hydrodynamics (e.g. deflection of energy, increased flow speed during high flow events) which can result in unanticipated scouring and erosion of the unprotected opposite bank. This activity represents a Medium/Moderate risk to the watercourse." (Aquatic Biodiversity Assessment, James Dabrowski, Oct 2024.)			
<p>The regulated area of a watercourse for section 21(c) or (i) of the National Water Act means:</p> <p>b) In the absence of a 1:100-year flood line, the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench; or</p> <p>c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.</p> <p>While a 1:100-year flood line was determined as part of this assessment, the above indicates the level of protection given to a wetland/watercourse under the National Water Act. A mere 15m buffer zone is therefore inadequate and construction which extends into the banks and bed of the watercourse will be a violation of the Act and must not be allowed.</p>		<p>The buffer was determined by the aquatic specialist in terms of current guidelines and methodologies.</p>	48
<p>The area proposed for development was flooded in 1998, therefore the 1:100-year flood line determined during the assessment is questionable and must be independently verified. (Refer to Annexure A, figure 1.)</p> <p>In addition, four active springs in Vogelsang drain into the wetland year round, contributing to the moisture levels in the soil proposed for development. Therefore the stability of the soil is questionable and poses a risk to the structural integrity of foundations, infrastructure and houses built along the steep bank of this watercourse due to the high underground water table and the potential for landslides and subsidence.</p>		<p>The Aquatic Biodiversity Assessment report (Appendix D) complies with the Protocol for the Specialist Assessment and minimum report content requirements for Environmental Impacts on Aquatic Biodiversity, published in Government Notice No. 320, 20 March 2020.</p> <p>This aspect was assessed during the initial scoping and assessment phase of this project in 2005 and was approved in 2009.</p>	49

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<p style="text-align: center;">ANNEXURE A</p>  <p style="text-align: center;">Figure 1 - The flood on 1 May 1998 the morning after heavy rains washed away a part of the road between Hartenbos and Mossel Bay. (Courtesy of Mossel Bay Advertiser)</p>			
<p>C Ecological Status of the Area Proposed for Development</p> <p>"A channelled valley bottom wetland is mapped to occur along the northern boundary of the proposed development. Channelled valley bottom wetlands associated with this vegetation type are not protected and their ecosystem threat status is Critically Endangered." (Aquatic Biodiversity Assessment, James Dabrowski, Oct 2024.)</p> <p>"The properties fall within a sub-quaternary catchment (SQC) that has been designated as a Freshwater Ecosystem Priority Area (FEPA)." (Aquatic Biodiversity Assessment, James Dabrowski, Oct 2024.)</p>		<p>Only the road is currently medium risk, designs are being refined in accordance with the freshwater specialist's recommendations to ensure the lowest possible impact results from its construction.</p>	50

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<p>"According to the Western Cape Biodiversity Spatial Plan (WCBSP), the wetland is mapped as an aquatic CBA1 (Critical Biodiversity Area) and is therefore considered important for meeting provincial biodiversity targets. Management objectives require minimal, low impact development so that the natural state of the watercourse is maintained. Only low-impact, biodiversity-sensitive land-uses are appropriate. The activity represents a Medium/Moderate risk to the watercourse." (Aquatic Biodiversity Assessment, James Dabrowski, Oct 2024.) The proposed development will violate this requirement of the WCBSP.</p>			
<p>The Mossel Bay Spatial Development Framework (SDF) of 2017 reserves the wetland for Conservation and therefore the proposed housing development is in conflict with the Mossel Bay Municipality's SDF.</p> <p>The National Environmental Management Act (NEMA), (Act No. 107 of 1998), protects the country's wetlands and ecosystems and given the "Medium/Moderate Risk" established by Dr Dabrowski, the development will violate the provisions of the Act.</p>		<p>Please refer to response #39.</p>	51
<p>The proposed development will destroy 27 hectares of vegetation along the southern bank of the watercourse which forms part of a delicate wetland ecosystem, driving away the wildlife it supports, for good. Wild animals do not live in close proximity to human settlements. (Refer to Annexure A, figure 2.)</p>		<p>All the necessary assessments were compiled during the initial scoping and assessment of this project in 2005.</p> <p>Please refer to response #39.</p>	52

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Figure 2 - Free-roaming antelope grazing in a field within the proposed development area

The WC Provincial SDF (2014) emphasises "preventative interventions; creation of high quality public spaces; proactive management of environmental resources to protect scenic landscapes; preserve and safeguard the resources of the province. The proposed development violates each of these objectives.

The Eden SDF of 2017 states: "Land should only be developed in areas that are suitable for urban development – the area earmarked for development borders a WATERCOURSE situated within a WETLAND both of which are protected by law. Going ahead with the development will be a violation of this vision.

The Department's conclusion that "the development will not have a significant impact on the environment" does not appear to address

Please refer to response #35, #36, #38 and #44.

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all the above legal issues or risks involved and must be re-considered.			
<p>D Increased Risk of Flooding</p> <ul style="list-style-type: none"> • "The mean annual precipitation for the catchment area is between 300 and 700 mm per year and occurs all year-round". (WULA Summary Report, James Dabrowski, Jan 2024.) In the light of the relatively large catchment area and the high rainfall, a flood of the magnitude seen in May 1998 is not surprising. The entire area proposed for development was inundated and should such a flood occur again, housing units within this high-risk area will likely be flooded. (Refer to Annexure A, figure 1.) • From this image it is clear that the flood exceeded the 1:100 year flood line established as part of the assessment and the risk of a flood is greater than anticipated. • The area falls within Rainfall Intensity Zone 4 where precipitation is greater than 8mm per hour. This is the highest category. Such intense rain causes flash floods. Construction of the N2 across the water course after 1998, with insufficient provision for water to pass through, created a dam and contributes to flooding given the low altitude of the area proposed for development. (Refer to Annexure A, figure3.) 		Please refer to response #41.	54

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The northern parts of the application are the lowest points of the area; thus, the water will drain towards the northern boundary of the property, exiting toward the north-east corner of the property. The northern part of the application area forms part of a wetland that drain towards the north-eastern corner of the property.



Figure 3 - The low altitude of the development within the wetland poses a flood risk to homes.
(Courtesy of Marike Vreken 2018)

- The Concrete Culvert Bridge proposed for the new development, with infilling on either side, will further impede the flow of water. Four culverts of 3.6m wide (14.4m in total) will allow limited flow of water in the event of heavy rain, given the fact that the water channel is 20-30m wide in this area. The bridge was designed according to the 1:50-year flood line. During bigger floods, such as the one in 1998, the bridge will be inundated and inaccessible.
- Destroying 27 hectares of dense vegetation along the southern bank of the watercourse which currently traps and absorbs a large amount of rain as well as storm water runoff from Vogelsang, will exacerbate the problem. "An increase in the area of hardened surfaces will result in increased storm water inputs into the watercourse." (Aquatic Biodiversity Assessment,

Please refer to response #39 and #46

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<p>James Dabrowski, Oct 2024.) The exact amount of additional volume of water is unknown however it will contribute to the risk of flooding, putting residents and their homes on both sides at risk.</p> <ul style="list-style-type: none"> • Construction of infrastructure and houses along the southern boundary of the watercourse will reduce the width of the natural floodplain. As a result flood levels may rise, potentially posing a risk of inundation to houses in Island View and Bergendal close to the water course. • In early June 2024 an unprecedented weather event, characterised by strong winds and persistent rain, caused severe flooding across much of the Garden Route. Within days, rivers flooded their banks, dams overflowed and homes were inundated. "Seventy people were evacuated in 55 rescue operations, three lost their lives, four remained missing, roads were inaccessible and in some areas roads were washed away. Widespread flood damage was reported. Damage to Eskom infrastructure caused a regional blackout leaving the Western Cape with a multi-billion Rand shortfall." (Daily Maverick, 5 June 2024.) • Meteorologists at UCT's Climate System Analysis Group explained the factors behind the storms and warned that "Cut-off Low Weather Systems cause severe flooding especially in coastal areas. What makes these extreme weather events particularly dangerous is that they are unpredictable." (Daily Maverick, 5 June 2024.) 			
<p>To allow this development to go ahead despite the known potential for flooding will put infrastructure, properties and human lives at risk and should any damage or loss of life occur, Government may be held responsible.</p>		<p>Please refer to Appendix A, which is all the previous approvals related to this project. Reasons for approvals are also listed in the approvals. The current Environmental Impact Report is not a new application; this is the amendment of the already approved development.</p>	56

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<p>E The Constitution and Human Rights</p> <p>Section 24 of the Constitution provides as follows: Environment Everyone has the right— (a) to an environment that is not harmful to their health or wellbeing; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that— (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure, ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.</p> <p>In view of the undeniable risk of flooding, the safety of residents cannot be guaranteed and therefore going ahead with the development will be a violation of the Constitution and Human Rights.</p> <p>The Mossel Bay Municipality approved the development on condition that "in the event of any ground movement or stormwater damage, they will not be liable." In other words the municipality acknowledges the risk and the threat it poses to residents and their properties. The role of Government is to provide a safe environment and opportunities for a better life – in the event of a flood, national and local government will be responsible for putting people's lives at risk. Allowing the development to go ahead would be unethical. For example, operating heavy construction vehicles on the edge of such a steep embankment will put the operator's life in jeopardy. The distance from the edge down to the river bed is six meters and</p>		<p>Please refer to response #39</p>	57
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given the very steep slope, construction in the area will be unsafe.
(Refer to Annexure A, figure 4 & 5.)

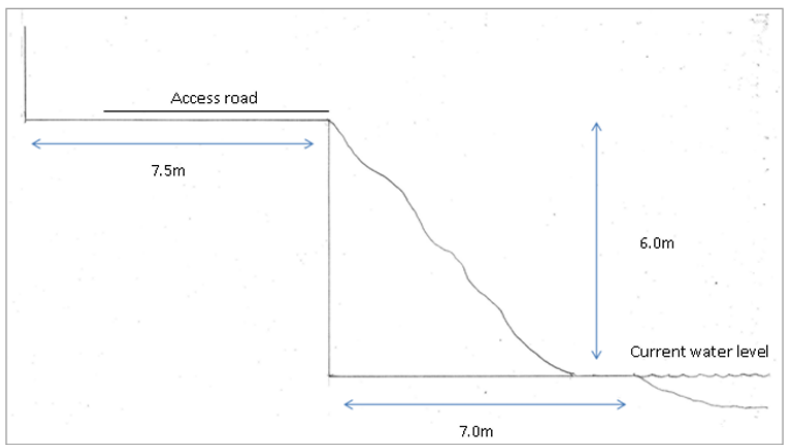


Figure 4

- 7.5m from the boundary to the edge of the steep embankment
- The access road will be 1.5m away from the boundary (left)
- The edge of the embankment is unstable and unsafe – operating trucks and earth-moving equipment in the area will be dangerous

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 <p style="text-align: center;">Figure 5</p> <ul style="list-style-type: none"> • Cross section of the embankment opposite the farm house • The road will be less than 7m from the water course • Infilling and construction will extend into the water course • The development does NOT adhere to the proposed 15m buffer zone or the NWA requiring that construction not be less than 100m from a <p>Should flood damage or death occur, this matter may be challenged in court. Ignoring the risks associated with this development can have serious legal repercussions for government and for the developer.</p>			
<p>F Impact on Vogelsang Residents</p> <p>Development is synonymous with progress and one of the criteria for responsible (sustainable) development is that it must be a win-win for all parties. While the proposed development may potentially benefit job seekers and people from elsewhere who wish to</p>		<p>Please refer to response # 15, #39 and #43.</p> <p>The development was authorised in 2009; any residents present while the EIA was undertaken were provided an opportunity to comment on the proposal. Any residents that moved to Vogelsang after that did not do their due</p>	58

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relocate to Mossel Bay, residents of Vogelsang will be negatively affected.

In a survey participants indicated that they were attracted to Vogelsang by the peaceful, rural atmosphere, open green spaces and the scenic environment. This summarises the character of the area and determines the value of the Estate and individual properties. Small antelope, tortoises, Egyptian Geese and monkeys among others, roaming freely around the estate, is one of the reasons why residents chose to settle here. (Refer to Annexure B – Survey Responses)

The loss of 27 hectares of lush vegetation adjacent to Vogelsang with the wildlife it supports will be a loss to the environment and the residents of Vogelsang. (Refer to Annexure A, figure 6.)



Figure 6 - Vogelsang – 2025

Should the development go ahead, the green belt on the right will be lost and replaced by rows of closely-packed houses. Vogelsang will lose its appeal. The development will negatively affect the value of properties

diligence to see if the surrounding properties were zoned for conservation or if developments were approved.



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<p>Replacing this green belt with a dense housing complex will decrease the value and appeal of Vogelsang properties and will completely change the character and appearance of the area.</p> <p>The proposed Cape Cod/Caribbean architecture is in stark contrast to the stately Cape-Dutch homes of Vogelsang and will further devalue our properties. Some of the erven will be 1 meter away from our properties, encroaching on the privacy of Vogelsang residents. (Refer to the WULA Summary report, James Dabrowski 2024, figure 3.)</p> <p>When the traffic impact assessment was done in 2005 there were 52 houses in Vogelsang. Today there are over 100 homes. Road users from the proposed 103 new homes will double the traffic on the Vogelsang access road. With traffic from Island View this road and the entrance at the N2 will be congested during peak hours and holidays as the tunnel only allows one vehicle at a time.</p> <p>Any emergency will create a bottleneck at the entrance which could prove disastrous or even fatal. A new traffic impact assessment must be carried out to protect present and future residents.</p> <p>The main access road from the N2 falls within Vogelsang Estate and during the 3-5 year construction period Vogelsang road users will have to compete with heavy construction vehicles on a daily basis. The noise, dust and inconvenience will further disrupt the lives of Vogelsang residents during this period.</p> <p>Vogelsang is tucked away in a quiet, scenic area surrounded by evergreen hills and vegetation along the side of the road – away</p>			
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<p>from the hustle and bustle of town. With the new development what you will see as you enter the area, are rows of houses crammed in on either side of the road. Vogelsang will be pushed into the background and will become a secondary development. (Refer to Annexure A, figure 6)</p> <p>Vogelsang owners and residents fled the frenzy of cities and came to retire in this beautiful, quiet area. With the new development, Vogelsang will lose its exclusivity and the peaceful natural environment that people invested in, will be lost.</p>			
<p>G A Test for Democracy</p> <p>Legislation enacted in 2013 "separated" environmental issues from politics. There was provision for public participation – but in the end Government approved the development, regardless of people's objections and despite all the legislation and measures protecting the area.</p> <p>To make the development legal, local government rezoned the proposed area to "Subdivisional Area", calling it "ideal for housing" – despite the risk of flooding and all the policies protecting the area. Building on a wetland cannot be without risk. The question is who will carry that responsibility?</p> <p>Mossel Bay Municipality will earn revenue as a result of the development while the value of Vogelsang properties will be negatively affected. The rights of one person may not negatively affect the rights of another. The Constitution protects people's properties and Government has the duty to protect people's properties as well as the environment.</p>		<p>Please refer to response #33 and #39.</p> <p>Legislation is compiled to ensure fair and equal rights, regardless of the objections, a landowner has the right to apply for development and if the proposal complies with current legislation than authorisation is obtained.</p> <p>The petition is arbitrary and bias, understandably the residents don't want the development to be undertaken, however Vogelsang has no rights over the property. The petition is an attempt to prevent the landowner from exercising his rights to develop his lawfully approved proposal.</p>	59

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<p>This is a test for democracy. Over 400 people have signed a petition to protest against the development and over 700 people opposed it on Facebook. Ignoring the voices of more than 1000 people will be a violation of the constitutional democratic right to be heard and taken seriously. It will be a loss for democracy and a violation of people's rights. The online petition may be viewed here: http://ipt.io/H2GM5 (Refer to Annexure C for the names and comments of petitioners.) Visit this link to the Facebook post: https://www.facebook.com/share/18mH46q7n4/</p>			
<p>H Affordability and Risk</p> <p>Given the price tag of the land proposed for development, the upfront costs of infrastructure, escalating building costs, clearing the site, massive infilling and the challenge of construction on such a steep site, houses in Eagle Creek may well be beyond the reach of the "middle class" it was intended for.</p> <p>Potential buyers may be hesitant to purchase property in the area in the light of the obvious risk of flooding.</p> <p>Ignoring the inherent risks associated with the development could be disastrous and if anything goes wrong it will adversely affect Vogelsang and its residents. Mossel Bay cannot afford another failed development such as the Seemeeu Park disaster in 2016.</p>		<p>Please refer to response #15.</p>	60
<p>CONCLUSION</p> <p>The role of Government is to set an example by adhering to legislation and other measures aimed at protecting the country's environment and natural resources, wetlands and sensitive ecosystems.</p>		<p>Please refer to all responses to your comments above.</p>	61



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<p>National and Local Government imposes strict building regulations on everybody to ensure the safety of citizens. On the contrary, allowing this development will put people's lives and properties at risk.</p> <p>The statement that legislation in 2013 "separated politics from environmental issues" is paradoxical given that the Department of Environmental Affairs issued the EA; the Eden Joint Tribunal approved the rezoning of the land and Mossel Bay Municipality approved the development plan and land use.</p> <p>Public Participation will be a hoax if the voices of over 1000 people opposing the development are ignored.</p> <p>Many people are opposed to the idea of packing as many people into Mossel Bay as possible, changing the once sleepy coastal town into a metropolis, downgrading people's quality of life and destroying a valuable piece of history.</p> <p>The negative impact of the development on the environment, the threat it poses to future residents and the burden it places on Vogelsang residents, far outweigh any possible advantages it may have. It will be a violation of the Constitution and all national and local legislation aimed at protecting valuable and sensitive natural resources, human lives and properties.</p> <p>If this had been an ordinary piece of land that did not involve a wetland or a water course there would likely not have been an issue.</p>			
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PROPOSED AMENDMENT OF THE ADDENDUM ENVIRONMENTAL AUTHORISATION (REF: EG12/2/4/6/D6/35/0011/11) FOR THE PROPOSED EAGLESCREEK RESIDENTIAL DEVELOPMENT ON PORTIONS 187 AND 188 AND THE REMAINDER OF PORTION 47 OF THE FARM VYF BRAKKENFONTEIN 220, MOSSEL BAY.

<p>Insurance will not honour claims related to landslides, subsidence or floods because these are known risks and home owners would be left without recourse.</p> <p>Should the development go ahead, and disaster strikes, Government may be held liable for damage to properties and loss of lives. It would therefore be in everybody's best interest to rather prevent disaster and to reconsider the pros and cons of the development based on the facts.</p> <p>The lingering question is what role money play in the conception and approval of this development does – is the development in line with the Nation's priorities as provided for in the Constitution?</p>			
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>We are writing to express our grave concerns regarding the proposed Eagle Creek Development, as detailed in the Environmental Impact Assessment (EIA) report prepared by Sharples Environmental Services.</p> <p>Upon thorough review, it is evident that the development poses substantial and irreversible threats to the integrity of the wetland ecosystem within the project area. Additionally, significant socio economic concerns related to traffic congestion, security, infrastructure strain, and architectural integrity further compound the urgency of this matter. We strongly urge the relevant authorities to reconsider granting approval for this project based on the following critical considerations:</p>	<p>BOARD OF DIRECTORS HOA VOGELSANG ESTATE VYF BRAKKE FONTEINEN TL BOTHA PROPERTIES</p> <p>14 March 2025</p>	<p>Please refer to responses #39 and #46.</p>	<p>62</p>
<p>1. Violation of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998): NEMA establishes the framework for cooperative environmental governance and mandates that development must be socially,</p>		<p>This development was assessed and approved in 2009 by the Western Cape Department of Environmental Affairs and Development Planning in accordance with NEMA and EIA Regulations. This application is being applied for</p>	<p>63</p>

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environmentally, and economically sustainable. The Act emphasizes the need to avoid, minimize, or remedy the disturbance of ecosystems and loss of biodiversity. The proposed development's potential to degrade wetland areas directly contradicts these principles.		in terms of Part 2 of Chapter 5 of the amended Environmental Impact Assessment Regulations (2014). Please refer to Appendix A, which is all the previous approvals related to this project. Reasons for approval is also listed in the approvals. The current Environmental Impact Report is not a new application; this is the amendment of the already approved development.	
2. Contravention of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004): This Act focuses on the management and conservation of South Africa's biodiversity. Wetlands are critical habitats that support a wide array of species, many of which are endemic or threatened. The degradation or loss of these wetlands due to the development would result in significant biodiversity loss, undermining the objectives of this Act.		The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004): forms part of the NEMA process. This means that it was taken into consideration during the initial scoping and assessment phase in 2005 when the development was approved in 2009.	64
3. Inconsistency with the National Water Act, 1998 (Act No. 36 of 1998): The National Water Act emphasizes the protection of water resources, including wetlands, recognizing their importance in maintaining ecological integrity and supporting human needs. The potential alteration or destruction of wetland areas by the proposed development would be in direct conflict with the Act's provisions aimed at safeguarding such vital water resources.		A Water Use License is being applied for. Please also refer to response #35.	65
4. Non-compliance with the Ramsar Convention on Wetlands: South Africa is a signatory to the Ramsar Convention, committing to the conservation and wise use of wetlands. Allowing a development that threatens these ecosystems would be contrary to the country's international obligations under this treaty.		Please refer to response #36.	66
5. Potential Breach of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended): The EIA Regulations require that any potential impacts on the environment, particularly sensitive		Please refer to response #63 regarding the EIA regulations.	67

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areas like wetlands, be thoroughly assessed and mitigated. The current mitigation measures proposed in the EIA report appear insufficient to address the scale of potential impacts on the wetland ecosystem.		<p>The Aquatic Biodiversity Assessment report (Appendix D) complies with the Protocol for the Specialist Assessment and minimum report content requirements for Environmental Impacts on Aquatic Biodiversity, published in Government Notice No. 320, 20 March 2020.</p> <p>Please refer to response #22 regarding the mitigation measures.</p> <p>Please note that the aquatic report only focuses on aquatic impacts. All other environmental assessment were conducted during the initial scoping and assessment of this project in 2005. Please refer to the Introduction and Section 6 and 8 of the Environmental Impact Report, which states the reason for the Aquatic Assessment for this application which is only an amendment of the approved layout. The only changes to the approved development plan, is the decrease in group housing units from 111 to 89.</p>	
6. Impact on Wildlife Dependent on the Pristine Watercourse and Vegetation: The wetland and surrounding vegetation provide essential habitat for a variety of wildlife species, including amphibians, birds, and small mammals. Many of these species rely on the pristine nature of the watercourse for their survival. Any disturbance to this delicate balance could have devastating consequences for the ecological network that depends on this wetland.		Please refer to response #52 and pages 22-28 of the Aquatic Assessment for all the impacts and their mitigation measures.	68
<p>Loss of Biodiversity and Ecological Integrity</p> <p>The area supports a rich variety of wildlife, including birds' breeding grounds, vervet monkeys, mongooses, hares, honey badgers, bushbuck, and tortoises. Many of these species rely on the wetland</p>		Please refer to response #52.	69

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and surrounding vegetation for survival. The proposed development would fragment this habitat, potentially leading to species displacement and long-term ecological damage. Additionally, the dense vegetation in the area plays a vital role in carbon sequestration, contributing to climate change mitigation.			
<p>7. Lack of Comprehensive Hydrological Assessment:</p> <p>A detailed hydrological study is necessary to fully understand the potential impact of this development on groundwater levels, stream flow regulation, and wetland health. Without such an assessment, any conclusions drawn about the project's sustainability are premature and potentially misleading.</p>		<p>A Hydrological Assessment is not needed as this is only an amendment, not a new application. This development was approved in 2009 in accordance with NEMA regulations. This application is to amend the approved layout from 111 group houses to 89 group houses.</p>	70
<p>Hydrological and Flooding Risks:</p> <p>The area earmarked for development is a natural watercourse situated in a valley, bordered by existing houses overlooking it. Years ago, SANRAL constructed the N2 highway through this valley without adequate provision for stormwater throughflow, resulting in a wetland area with a new marsh ecosystem that supports diverse fauna and flora. The developer proposes a 15m buffer zone as flood mitigation, but significant stormwater from Vogelsang Estate flows into the area, which the developer must address.</p> <p>Additionally, the stability of the soil next to a wetland is questionable. We have now identified four underground springs draining from Vogelsang Estate into this wetland area, significantly increasing the water volume. Combined with the additional hard surfaces created by the development, stormwater runoff will dramatically increase. Currently, much of the stormwater is absorbed by the ground and vegetation, but once the area is developed, the volume of water funnelled into the existing drainage system will be overwhelming. The culvert running under the N2 highway already blocks up periodically, causing flooding.</p>		<p>This aspect was assessed during the initial scoping and assessment phase of this project in 2005 and was approved in 2009. Therefore, the stability of the soil and structural integrity of the foundations are not in question.</p> <p>The watercourse currently receives stormwater input from the access road into the Vakansieplaas Estate as well as from residential developments to the north.</p> <p>The stormwater outlets that will discharge stormwater from the main access road, will do so overland towards the direction of the wetland and are not considered as natural wetland areas.</p> <p>Please also refer to pages 22-28 of the Aquatic Assessment for all the impacts and their mitigation measures.</p>	71

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<p>Increased stormwater discharge will exacerbate this issue, potentially leading to severe flooding of the development and surrounding areas.</p> <p>Furthermore, the Mossel Bay Environmental Framework acknowledges the uncertainties surrounding climate change and increasing storm intensities, making it difficult to predict future flooding. The proposed buffer zone aligns with the 50/100-year flood line, but this does not guarantee protection against extreme weather events.</p> <p>There is a real risk to future Eagle Creek residents if flooding exceeds projections. If landslides or subsidence occur, the municipality has already stated that it bears no responsibility; insurance companies will not cover such incidents, and the developer could liquidate the company, leaving homeowners without recourse. This was the unfortunate experience of homeowners in Seemeeu Park, Mossel Bay, in 2016, and it is a risk that cannot be ignored.</p>			
<p>8. Environmental and Wetland Conservation Concerns</p> <p>The Eagle Creek development borders a perennial stream and a channelled valley bottom wetland along its northern boundary. The watercourse is confined by a steep embankment that is highly vulnerable to disturbances typically associated with urban development, such as stormwater runoff, erosion, clearing of natural vegetation (which reduces bank stability), and the establishment of invasive plant species.</p> <p>An adequately sized buffer zone is essential for the long-term protection of the watercourse. While the applicant has modified the Site Development Plan (SDP) to exclude several residential erven from the buffer, the access road connecting the eastern and</p>		<p>This is correct, as stated in Appendix D.</p>	<p>72</p>

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western portions of the development remains within the buffer zone. Given its proximity to the steep embankment, infilling or the construction of a retaining wall will likely extend into the banks and bed of the watercourse, potentially requiring a partial diversion of the channel. This poses a medium risk to the watercourse, necessitating a Water Use License Application (WULA) and a detailed design plan to mitigate potential damage.			
<p>9. Increased Flood Risk and Infrastructure Damage:</p> <p>Wetlands play a crucial role in flood control. Any encroachment on these areas increases the likelihood of flooding, which poses risks to both human settlements and infrastructure in the surrounding areas. Furthermore, the 100- and 50-year flood lines may not be adequate given historical data, as severe flooding occurred in this very section of the river in the late 1990s. This raises significant concerns about the safety of potential residents and the long-term viability of the development in an area prone to extreme hydrological events.</p>		Please refer to response #20, #39 and #41.	73
<p>10. Traffic Congestion and Road Safety:</p> <p>The original traffic assessment report was done in 2005. Traffic in Mossel Bay has increased tenfold since. The proposed development will place additional strain on an already burdened road network.</p> <p>The primary access points for the development connect with existing routes that are already experiencing congestion, particularly during peak hours and holiday seasons. Furthermore, in cases of flooding or fire, the exit roads will not be sufficient to allow for rapid evacuation. The existing culvert under the N2 highway allows only one vehicle through at a time, which will become hugely problematic in an emergency; this would need to be significantly widened.</p>		Refer to response #43	74

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Additionally, the uncertainty regarding whether the proposed road connecting Henra Rd to Jan Frederik Rd/Stormswael Rd will remain gated raises concerns about increased traffic flow into Vogelsang.			
<p>11. Crime and Security Concerns:</p> <p>The Eagle Creek development will introduce a high-density residential area adjacent to the relatively low-density Vogelsang Estate. Historically, higher-density developments have been associated with increased crime rates, particularly where inadequate security measures are implemented. The introduction of a large-scale development without adequate crime prevention strategies could undermine security and create additional safety concerns for both new and existing residents. The proposed mini supermarket would attract outsiders from surrounding areas, further increasing security risks.</p>		<p>This is not a new application. The entire development has already been assessed and approved in 2009. This application only focusses on the aquatic impacts relating to the proposed amendment.</p>	75
<p>12. Architectural and Aesthetic Concerns:</p> <p>Vogelsang Estate is characterized by a unique aesthetic that blends seamlessly with the surrounding natural landscape. The introduction of a high-density housing development in close proximity threatens to disrupt the visual harmony of the area. There are concerns that the architectural design and building quality of Eagle Creek may not align with the existing character of the neighbourhood, potentially diminishing property values and compromising privacy and security.</p>		<p>Please refer to response #39.</p>	76
<p>13. Lack of HOA Consultation and Community Dissatisfaction:</p> <p>The Vogelsang HOA of 2017 withdrew its objection to this development, but current residents do not support that decision. Many homeowners purchased property in the area for its natural surroundings, greenery, and peaceful environment, all of which will be permanently altered by the proposed high-density development. The lack of proper consultation with affected homeowners is deeply concerning.</p>		<p>Please refer to response #15 and #33.</p>	77

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<p>14. Strain on Municipal Infrastructure and Services: Increased population density will place greater pressure on water supply, sewage systems, waste collection, and emergency services. Without substantial investment in municipal upgrades, existing residents may experience a decline in service quality, negatively impacting their quality of life.</p>		<p>As this project is already approved, availability municipal services was taken into account and confirmed during the initial scoping and assessment phase of the development.</p> <p>Please also refer to response #75.</p>	78
<p>15. Downstream Impact on Twee Kuilen and Beyond: Any negative impact on the wetland in the Eagle Creek Development area will inevitably extend downstream, affecting the Twee Kuilen wetland and associated ecosystems. This interconnected nature of water systems means that any contamination, sedimentation, or hydrological changes will have far-reaching consequences.</p>		<p>Refer to response #22 and #46.</p>	79
<p>Conclusion: It is interesting to note that the original developers, Entsha Henra (Pty) Ltd, of Vogelsang Estate did not include the land earmarked for Eagle Creek. They may well have had concerns about the potential risk of building on a wetland.</p> <p>Considering the serious environmental threats, legal non-compliance issues, and socio-economic concerns outlined above, we respectfully request that approval for the Eagle Creek Development be withdrawn or, at the very least, suspended pending a comprehensive independent review.</p> <p>Please note that an online petition was begun to protest this development which clearly shows public disapproval thereof. Refer to the attached link address to the online iPetitions link with public reaction: http://ipt.io/H2GM5</p>		<p>Please refer all response to your comments above.</p> <p>This is pure speculation, although not relevant to this proposed amendment, Henra is not the competent authority in terms of NEMA, DEA&DP is in this case. It is far more likely that portions 187, 188 and remainder of portion 47 of the farm Vyf Brakkenfontein 220 were not owned by the developer.</p>	80
COMMENT	NAME/ORGANISATION	RESPONSE	#

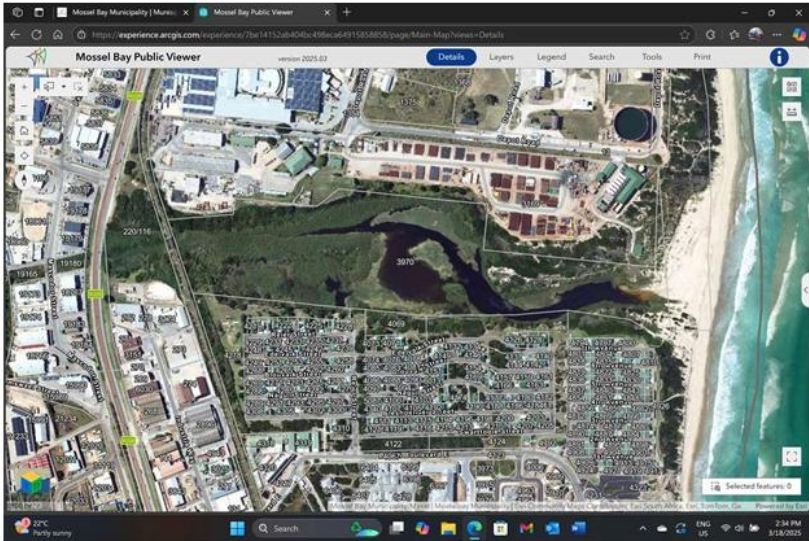
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<p>We refer to the public notice dated 14 March 2025 of the draft environmental impact report on the proposed amendment of the amended EA (Ref: EG12/2/4/6/D6/35/0011/11) dated 26 November 2012 for the above-mentioned proposed development at the Farm, Vyf Brakkenfontein 220, Mosselbay (the Project). We have also noted the WULA application which was launched in connection with the Project, which sought to impede, divert the flow, alter the bed, banks, course or the characteristics of the waterbed.</p>	<p>Johan Jonker</p> <p>Chairman of the HOA Management Committee Manager</p> <p>31 March 2025</p>		81
<p>We, the undersigned, duly represent the Homeowners Association (HOA) of the Twee Kuilen Estate, Beach East Boulevard, Voorbaai, Mosselbay ("Twee Kuilen Estate"), Twee Kuilen Estate is located adjacent (southwest) to the Twee Kuilen wetland as depicted in the GIS capture here below, downstream from Vyf Brakkenfontein stream.</p>			82

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<p>We hereby register as Interested & Affected Parties (I&AP) for the Project and would appreciate to be kept informed of the progress and final outcome of the EIA.</p>		<p>Thank you for registering as I&AP's</p>	<p>83</p>
<p>We are concerned that the proposed new development, and particularly the changes to the watercourse, could create serious, permanent risks and negative impact on the state of the Twee Kuilen. This wetland area is healthy, rich in birdlife and fish and is attracting birdwatches and our homeowners.</p>		<p>Please refer to Appendix D which is the Aquatic Assessment. Please note that all other necessary assessment were compiled during the initial scoping and assessment of this project in 2005.</p>	<p>84</p>
<p>The property values of our homeowners adjacent to the Kuil (in particular, Eldevalk and Reier streets) have increased substantially over the past few years. We reserve the tight to submit further comments, questions and/or objections to further investigate the</p>		<p>Please refer to response #15.</p>	<p>85</p>

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risks of the proposed mitigation measures (if any) considered in the draft environmental report in connection with the Project.			
COMMENT	NAME/ORGANISATION	RESPONSE	#
Please add me to the interested parties for this matter. Thank you 😊	Nina van Rooy 26 March 2025	Thank you for registering as an I&AP.	86
COMMENT	NAME/ORGANISATION	RESPONSE	#
I kindly request that you register us as Interested and Affected Parties for the project and please provide us with the Environmental Impact Assessment Report and documentation available for review. If any additional information is required for our registration, please let me know.	Jana Liebenberg Christiaan Liebenberg 26 March 2025	A link to our website for the Draft Impact Report and Appendices was sent to you on the 26 th of March 2025.	87
COMMENT	NAME/ORGANISATION	RESPONSE	#
I would like to register as an I&AP to this proposed development. Comments:	Richard Smith 18 March 2025	Thank you for registering as an I&AP.	88
I OBJECT against this development for the following reasons: The development is in a wetland area and is against laws that rule Nature Conservation, Protection of Natural Wetlands and Urbanization of rural areas. Vogelsang landgoed is a pristine estate boasting of a small river (Twee Kuilen river) passing through the estate as well as an adjacent wetland and mountain area. The development will have a huge impact on the natural flow of the river as well as the fauna and flora and animals that are found in the river area eg: Cape clawless otter, Terrapin, 2 Kingfisher species (Brown hooded/Pie) Egyptian geese, The scares Moorhen that breeds here, Three species of Cormorant birds, Burchalls Cuckoo, Crabs, small fish species and many other waterinsects that feeds the animals and birds in the area.		Please refer to response #15 and #84.	89

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<p>There are 3 natural springs in Vogelsang langoed, which overflows into the Twee Kuilen river and will be severely affected by this proposed development. We are proud of our nature and surrounding mountains. It hosts a lot of animals eg : Bushbuck,Tortoises,Porcupine,Owls, 19 Bird species,Fynbos, Melkhout,Acacia, Noem Noem shrubs,Protea plants and many more.</p> <p>The development is a real threat of pollution to the river as well as the animals and birds that are found in the proximity of it.</p>			
<p>The entrance to our estate from Sioux street and Louis Fourieweg is not developed to handle heavy traffic and it is foreseen that with the proposed development more traffic will lead to congestion and deterioration of the existing road.It will be a safety hazard to motorists,pedestrians and cyclists using this road.</p> <p>The proposed Henra road connecting the road from Island View to Vogelsang will add to traffic volumes in our complex. It is a known fact that veldfires pose a risk in this area and if the one and only entrance is threatened by a fire or an accident on these roads,the Emergency services could severely be hampered in the execution of their duties and peoples lives could be at risk.</p>		<p>This aspect was assessed during the initial scoping and assessment phase of this project in 2005 and was approved in 2009.</p>	90
<p>Vogelsang estate experiences from time to time a drop in water pressure in our taps and more households will worsen the matter.</p> <p>The proposed sewerage pump station for the new estate is also a threat of spillage and pollution into the river system and the Twee Kuilen complex downstream. It happened before and could happen again.</p> <p>Thank you for the opportunity to participate in this EIA .</p>		<p>Please refer to responses #46 and #78.</p>	91

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COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>In response to the invitation to register as an I & AP to the proposed amendment of the EA for the Proposed Eagle Creek Development on Portions 187 and 188 and the remainder of portion 47 of the farm 5 Brakkenfontein 220, Mossel Bay,</p> <p>I would hereby like to register as an affected party in this matter.</p> <p>I will submit my concerns regarding the proposed development in due course.</p>	<p>Hugo Esterhuizen</p> <p>21 March 2025</p>	<p>Thank you for registering as an I&AP.</p>	92
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>Good day</p> <p>Please can you provide me with HWC reference number for me to provide you with a comment.</p> <p>If there was no NID trigger, please not that HWC cannot comment on matters that do not form part of our mandate.</p>	<p>Stephanie-Anne Barnardt-Delport</p> <p>Specialist Heritage Officer</p> <p>20 March 2025</p>	<p>No NID was submitted to HWC for the above-mentioned Draft Impact Report.</p>	93
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>Objection to: Amendment of the amended Environmental Authorisation for the proposed Eagles Creek Residential Development on Portions 187 and 188 and the remainder of Portion 47 of the farm Vyf Brakkenfontein 220 Mossel Bay.</p>	<p>Paul A de Villiers and Riana de Villiers</p> <p>18 March 2025</p>		94
<p>As a landowner in Island View, adjacent to the proposed new development, I hereby object to the re-zoning of this newly planned development and re-zoning of the environmental sensitive land covered with natural bush, a natural flowing river as well as Renosterbos.</p>		<p>This is not a new application. The entire development has already been assessed and approved in 2009. This application only focusses on the aquatic impacts relating to the decrease in houses from 111 to 89.</p>	95
<p>This new proposed re-zoning and development will increase sewage and wastewater volumes which end up in the sea and</p>		<p>Please refer to response #78</p>	96

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affect all marine life including fish, seals, whales and sharks. We must stop putting profit and development in front of nature.			
The proposed re-zoning contributes to excessive ribbon development along the coast and contradicts densification policies adopted by Municipalities across South Africa.		This application is for the amendment of the Addendum Environmental Authorisation in accordance with NEMA and EIA Regulations. The rezoning of the property does not form part of this application.	97
Most important however is the fact that the ecological integrity of the land as a unique biome will be compromised and the sensitive natural coastal vegetation with the critically threatened abundance of indigenous plants other plant species as well as various mammal and reptile species seen daily which will directly be affected in contravention of the National Environmental Management Act, Biodiversity Act and Waste Act.		Please refer to response #39	98
<p>The newly planned development will be a potential threat to the vulnerable species of animals which is found in the coastal regions, fynbos and most importantly Milkwood trees and Renosterbos, two of the critically endangered vegetation types in the area where the proposed development in Vyf Brakkenfontein will take place. The few and scarce patches of Renosterveld that remains here are classed as 100% irreplaceable. Undisturbed areas of natural bush, shrubs, Milkwood tree's and Renosterbos are extremely rare and all effort should be made to formally protect them.</p> <p>Another highly endangered plant species, Small-fruit Buchu (<i>Agathosma macrocarpa</i>) is growing in great numbers in the area as indicated on the municipal plan. Dwarf Aloe's are also found in the area. While this plant is not listed as endangered but with the current urban expansion and planned development taking place</p>		All necessary assessments were conducted during the initial scoping and assessment process in 2005. This application is to change the approved layout from 111 group houses to 89 group houses.	99

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<p>in the Vyf Brakkenfontein-area, it is a matter of time before it will also be recognized as a threatened and endangered species. Three different species of tortoises have also been observed and recorded on the proposed land for development.</p> <ul style="list-style-type: none"> • Leopard Tortoise (<i>Stigmochelys Pardalis</i>) • Angulate Tortoise (<i>Chersina Angulata</i>) • Parrot-beaked Tortoise (<i>Homopus Areolatus</i>) • Cape Terrapin (<i>Pelomedusa subrufa</i>) <p>All tortoises are currently a protected species and considered threatened. Tortoises are listed under CITES 1 or 2 categories as well as other forms of provincial legislation such as the Cape Nature Conservation ordinance of 1974 and National Environmental and Biodiversity Act 10 of 2004.</p> <p>The development, destruction and expansion of the tortoises' habitat and breeding area should at all costs, be protected and preserved.</p>			
<p>The proposed development will be seen as undesirable as I believe that there is sufficient evidence that coastal ribbon development in our area has already been destructive to Island View, Vyf Brakkenfontein, Aalwyndal, and Vakansieplaas also known as Vogelsang.</p>		Please refer to response #75	100
<p>In the greater interest of our community and environment, the new proposed development is something that must be halted before we lose every remaining pocket of unique undeveloped areas in Mossel Bay.</p> <p>The unique area is without a doubt a crucial biodiversity and identified areas should be left in its natural state.</p>		Please refer to response #15	101
COMMENT	NAME/ORGANISATION	RESPONSE	#
To the Mossel Bay Municipality and all relevant authorities,	Roseanne Marais		102

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<p>We, the residents and concerned citizens, hereby express our strong objection to the proposed Eagle Creek development in Voorbaai, Mossel Bay. We believe this development poses significant threats to the natural environment, local heritage, and existing infrastructure, and therefore urge its immediate cessation.</p> <p>Our objections are based on the following critical concerns:</p>	17 March 2025		
<p>Wildlife Disruption: The proposed development site is a vital habitat for numerous indigenous wildlife species, including small antelope, mongoose, diverse birdlife, and other fauna. The destruction of this habitat will lead to irreversible ecological damage and displacement of these animals. The area provides a valuable green belt that is essential to the local ecosystem.</p>		Please refer to response #52	103
<p>Architectural Heritage of Vogelsang: The development's proximity to the historically significant Vogelsang area raises concerns about the potential negative impact on the area's unique architectural and cultural heritage. We believe that development should be in keeping with the existing aesthetics of the area.</p>		Please refer to response #15 and #75	104
<p>Wetland and Flood Line Encroachment: The development site includes sensitive wetland areas and encroaches upon the natural flood line. Constructing within these areas poses a significant risk of increased flooding, environmental degradation, and potential damage to surrounding properties. The information that the area is marked as a wetland on maps of the area, is a major concern.</p>		Please refer to the Aquatic Biodiversity Report (Appendix A).	105

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<p>Increased Road Usage and Congestion:</p> <p>The proposed development will substantially increase traffic volume on already congested Voorbaai roads, particularly the single-lane tunnel, creating safety hazards and disrupting the daily lives of residents.</p> <p>An increase of 103 households will drastically increase local road usage.</p>		<p>This aspect was assessed during the initial scoping and assessment phase of this project in 2005 and was approved in 2009.</p> <p>Please also note that due to a wetland being found after the first round of PP, the amendment is now to reduce the total number of group housing units from 111 to 89.</p>	106
<p>Environmental Impact:</p> <p>The destruction of indigenous flora, including protected milkwood trees, is unacceptable.</p> <p>The disruption of the natural watercourse, and the impact of storm water, sewage, and bulk water infrastructure, will damage a delicate ecosystem.</p> <p>Our concerns revolving around the following critical safety issues:</p>		<p>Please refer to responses #78 and #99 and Appendix D, which is the Aquatic Biodiversity Assessment.</p>	107
<p>Increased Traffic Congestion and Pedestrian Safety:</p> <ul style="list-style-type: none"> The proposed development will significantly increase traffic volume on Stormswael street, which are already being used by children walking and residents from Vogelsang.. The current infrastructure lacks sufficient sidewalks, crosswalks, and traffic calming measures to ensure pedestrian safety, particularly for vulnerable populations like children and the elderly. Increased traffic will also lead to faster driving speeds, increasing the risk of accidents. 		<p>Please refer to response #106.</p>	108
<p>Insufficient Emergency Services Access:</p> <ul style="list-style-type: none"> The development's scale and layout raise concerns about the ability of emergency vehicles (police, fire, and ambulance) to access all areas promptly. Increased population density will also strain existing emergency services resources. 		<p>Please refer to response #106.</p> <p>Please also refer to Appendix C, the site development plan, which shows that a new access road will be constructed as part of the development.</p>	109

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<p>Environmental Safety Concerns:</p> <ul style="list-style-type: none"> The potential impact on local waterways and natural habitats poses a risk to the health and safety of residents. Concerns about increased runoff, potential flooding, and the impact on local wildlife need to be addressed. 		Please refer to the Aquatic Biodiversity Assessment (Appendix D)	110
<p>Lack of Adequate Recreational Spaces:</p> <ul style="list-style-type: none"> The proposed plan does not include sufficient recreational spaces for the additional children that will be living in this development. This will force more children to play in the streets, and other unsafe locations. 		Please refer to response #15.	111
<p>Construction Safety:</p> <ul style="list-style-type: none"> During the construction phase, there will be increased heavy machinery traffic, and construction related dangers. This will pose a risk to the children and residents of the surrounding area. As well as the road, that already is not capable of handling all it's traffic, but no adherence from SANRAL, or help to fix such issues. 		Please refer to response #22.	112
<p>We therefore kindly request that the Mossel Bay Municipality:</p> <p>Conduct a thorough and transparent reassessment of the environmental impact assessment, taking into account the concerns raised in this petition.</p> <p>Prioritize the preservation of the natural environment and cultural heritage of Voorbaai.</p> <p>Consider alternative development options that minimize environmental impact and respect the existing character of the area. Including the already planned Aalwyndal developments.</p> <p>That the public participation process is handled in a more transparent way.</p>		Please refer to responses #33, #63 and #75.	113

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We urge you to take our concerns seriously and act in the best interests of the community and the environment.			
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>Ek is 'n belanghebbende by die ontwikkeling aangesien ek 'n inwoner en huiseienaar is by Vogelsang Landgoed, met adres soos bo.</p> <p>Ek wens hiermee formeel beswaar te maak teen die voorgestelde Eagle Creek ontwikkeling, wat die vernietiging of verandering van bestaande vleilande en die konstruksie van 103 nuwe wooneenhede behels. Ek het ernstige bekommernisse oor die omgewings-, veiligheids- en ekologiese impakte van hierdie ontwikkeling, soos hieronder uiteengesit:</p>	<p>Marinda Steyn</p> <p>17 March 2025</p>	<p>Due to a wetland being found after the first round of PP, the amendment is now to reduce the total number of group housing units from 111 to 89.</p>	114
<p>(a) Verhoogde ontruiming risiko's as gevolg van beperkte toegang: Die gebied het tans slegs een enkelvoertuigwydte toegang, wat slegs een voertuig op enige tyd in enige rigting toelaat om te beweeg. Die voorgestelde ontwikkeling sal die aantal inwoners aansienlik verhoog deur 103 nuwe eenhede by te voeg. Gegewe dat die huise aan drie kante omring word deur natuurlike plantegroei en aan die vierde kant begrens word deur vleilande, is veldbrande 'n beduidende risiko in hierdie streek. Die gebied is gedeeltelik ontruim in Desember 2015 as gevolg van 'n veldbrand, en die enkelspoor toegang onder die N2 sal die ontruiming probleem vererger, veral met die bykomende inwoners, wat ontsnapping in geval van toekomstige veldbrande nog uitdagender en gevaarliker sal maak. Hierdie kan 'n lewensbedreigende faktor word, veral gegewe die verhoogde aantal voertuie en die verhoogde gevaar van veldbrande wat geskep word deur die verwydering van die vleilande.</p>		<p>Please refer to response #15.</p> <p>Please also refer to Appendix C, the site development plan, which shows that a new access road will be constructed as part of the development.</p>	115
<p>(b) Verhoogde veldbrand gevaar van vleilande verwydering: Die verwydering van die vleilande sal die gevaar van veldbrande in die</p>		<p>The wetland will not be removed. Please refer to the Aquatic Biodiversity Assessment (Appendix D). Please</p>	116

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<p>gebied aansienlik verhoog. Vleilande dien as natuurlike brandbreke, wat vog behou en brandbare plantegroei verminder, en sodoende veldbrande voorkom of die verspreiding van veldbrande vertraag. Hul uitkakeling sal die omliggende land droog maak, brandbare materiaal voorraad (bv. droë gras en plantegroei) verhoog, en die frekwensie en intensiteit van veldbrande verhoog. Dit word ondersteun deur bewyse uit ekologiese studies en verslae, soos dié van die U.S. Environmental Protection Agency (EPA) en die National Interagency Fire Center (NIFC), wat aandui dat vleilande veldbrand-risiko verminder deur vog te behou en as versperrings op te tree (US EPA, 2019; NIFC, 2025). Verder het die Williams Lake Conservation Company (2023) gevalle in Nova Scotia gedokumenteer waar vleilande veldbrande in 2009 en 2012 gestop het, wat hul kritieke rol in veldbrand beheer demonstreer. Die verwydering van hierdie vleilande sal dus die gebied en nuwe inwoners blootstel aan groter veldbrand risiko, veral in 'n streek wat reeds vatbaar is vir veldbrande.</p>		<p>also refer to Appendix C, the site development plans, to see where the development will be in relation to the wetland.</p>	
<p>(c) Verlies van habitat en biodiversiteit: Die vleilande en voorgestelde ontwikkelingsgebied dien as 'n natuurlike "long" en groen gordel vir die streek, en verskaf 'n noodsaaklike habitat vir talle spesies wilde diere, insluitend ape, klein bokspesies, voëllewe en 'n magdom kleiner wild, insluitend skilpaaie. Die vernietiging van die vleilande sal hierdie ekosistels ontwrig, hierdie spesies verplaas, en hul habitat verwyder, wat lei tot beduidende biodiversiteitsverlies en ekologiese skade.</p>		<p>Please refer to response #99</p>	<p>117</p>
<p>(d) Impak op beskermde plantspesies: Die vleilande bevat beskermde plantspesies, soos melkbome, wat integraal is aan die plaaslike ekosisteem. Hul vernietiging sal omgewingsbeskermingswette skend en die gebied se natuurlike erfenis verder degradeer.</p>		<p>Please refer to the response #63 and #99.</p>	<p>118</p>

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(e) Vloed risiko as gevolg van opvanggebied ligging: Die vleilande is geleë aan die onderkant van 'n kloof, wat dien as 'n opvanggebied vir waterafloop. Historiese vloede het in die verlede dele van hierdie gebied weggespoel, wat 'n ernstige risiko inhou vir enige inwoners en wonings wat daar gebou mag word. Die ontwikkeling van hierdie gebied sal die kwesbaarheid vir vloede verhoog, asook lewens en eiendom in gevaar stel.		Please refer to response #39 and #41.	119
(f) Verhoogde verkeersopeenhoping in Sioux, Via Appie and Mascador paaie: Hierdie toegangsroetes dra reeds uitermaate hoë verkeer. Selfs met die verbetering van verkeersvloei op Louis Fourieweg met voltooiing van die hoofroetes, sal bostaande drie paaie erg verhoogde verkeer moet dra indien 'n addisionele 100 plus wonings aan die Westekant van die N2 gebou word.		Please refer to responses #115	120
Om hierdie redes dring ek sterk daarop aan dat u die voorgestelde ontwikkeling heroorweeg en verwerp om die omgewing te beskerm, openbare veiligheid te verseker, en die ekologiese integriteit van hierdie kritieke vleilande-gebied te bewaar. Ek is beskikbaar om hierdie saak verder te bespreek of addisionele inligting te verskaf indien nodig. Dankie vir u aandag aan hierdie dringende saak.		This is not a new application. The entire development has already been assessed and approved in 2009. This application only focusses on the aquatic impacts relating to the decrease in houses from 111 to 89. Once the competent authority has reached their decision on the amendment application, you can appeal their decision that grants or refuses the decrease in group housing units.	121
COMMENT	NAME/ORGANISATION	RESPONSE	#
As an Interested and Affected Party (I&AP), we strongly object to the proposed Eagle Creek Development due to its severe environmental, legal, and socio-economic impacts. The project threatens the integrity of a critical wetland, violating multiple environmental laws, including the National Environmental Management Act (NEMA), the National Water Act, and the Biodiversity Act. The wetland plays a vital role in flood control, water purification, and habitat preservation for various wildlife species,	Homeowners Association representative 17 March 2025	Please refer to responses #15, #22, #35, #36, #78, #67 and #109. Please also refer to the Aquatic Biodiversity Assessment (Appendix D).	122

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<p>and any degradation will have lasting consequences, extending downstream to Twee Kuilen. Beyond environmental concerns, the development will worsen traffic congestion, compromise road safety, increase security risks, and place excessive strain on municipal infrastructure. The proposed high-density housing is incompatible with the surrounding area, potentially reducing property values and disrupting the established community. Additionally, the 100- and 50-year flood lines may be inadequate, as severe flooding occurred in this area in the late 1990s, raising serious concerns for future residents' safety. Notably, the original developers of Vogelsang Estate excluded this land, likely recognizing the risks of building on a wetland. Given these overwhelming concerns, we urge the authorities to withdraw approval for the project or, at the very least, conduct a thorough independent review before proceeding.</p>			
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>Registration details are below:</p> <p>Note:: If you would like to take register as an interested and affected party, please fill in your details in the form below and you will be automatically registered.</p> <p>Name of project: UWC Environmental Management assignment First Name: Anelisa Last Name: Ndzule Email: <input type="text"/> Phone: <input type="text"/> Physical address: <input type="text"/> Are you an adjacent landowner? No</p>	<p>Anelisa Ndzule</p> <p>16 March 2025</p>	<p>Thank you for registering as I&AP's</p>	<p>123</p>

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Do you have any direct business, financial, personal or other interest in the approval or refusal of the application? Yes If Yes to the above, please provide the interest.:			
COMMENT	NAME/ORGANISATION	RESPONSE	#
I used to be an owner from 2004 to 2018. Now I rent a property on Vogelsang. I know experienced how the river can flow.	Ansel Joubert 15 March 2025	Please refer to the Aquatic Biodiversity Assessment (Appendix D).	124
COMMENT	NAME/ORGANISATION	RESPONSE	#
Name of project: EIA for the Eagles Creek residential development on Portion 187 & 188 and the remainder of Portion 47 of the Farm Vyf Brakkefontein No. 220, Mossel BayFirst Name: Hank Last Name: Kalsbeek Email: [REDACTED] Phone: [REDACTED] Physical address: [REDACTED] Are you an adjacent landowner?: Yes Do you have any direct business, financial, personal or other interest in the approval or refusal of the application?: Yes If Yes to the above, please provide the interest.: Personal	Hank Kalsbeek 15 March 2025	Thank you for registering as I&AP's	125
COMMENT	NAME/ORGANISATION	RESPONSE	#
I own property in Vogelsang. We bought here because of the peace and quiet environment. We are extremely concerned about this proposed development, and what it's going to do to the environment. This place is called VOGELSANG. Which means.... there's a rich bird life that's going to be destroyed. What about all the milk wood trees? This is clearly just a money making scheme. No consideration for the current people who's lives are going to be disrupted. The small animal live destroyed.	Renate Oosthuizen 16 March 2025	Please refer to response #15.	126

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Go to kwaNonqaba, see what it looks like there! It's going to look like a squatter camp here. Where have you seen you can build on the banks of a rivine? The flood water is going to flatten everything!!! Be warned, water doesn't ask permission. It takes away whatever is in it's path. But hey, who cares? Definitely not the money wolves!! I sincerely hope that this proposal dies a sudden death!			
COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>Hallo Lu-anne, ek reageer na aanleiding van die berig in die Mosselbaai Adertiser van 14 Maart (sien ook die aanhangsel hierbo) ter inligting.</p> <p>Hieronder my e-pos wat ons gevoelens in Island View aanspreek. Die skrywe is versend na die adres soos in die aanhangsel vermeld.</p> <p>Alhoewel die skrywe nie 'n omgewings-impak insluit nie, het die besware wat hierin ge-opper word wel 'n groot invloed op die onmiddellike omgewing.</p> <p>Water Use License Application: Eagle Creek : Vogelsang</p> <p>Ek is die eienaar/bewoner van 'n woning (erf [REDACTED]) in Island View en ek merk op dat daar 'n voorneme is dat 'n ontwikkeling (Eagle Creek) in Vogelsang (wat aan Island View grens) be-oog word.</p> <p>Ek het egter ernstige beswaar teen sekere aspekte soos in die aansoek vervat sover dit Island View betref wat ek graag met u deel.</p>	<p>Johny Gossen</p> <p>17 March 2025</p>	<p>The I&AP was informed that the Water Use Licence Application and the proposed Amendment of the Environmental Authorisation are two different processes running concurrently.</p>	<p>127</p>

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<p>(Eerstens moet ek verskoning vra indien die paragrawe waarna ek verwys moontlik nie ooreenstem met die wat u ter hand het nie. Verskeie dokumente is gesirkuleer wat hierdie aangeleentheid aanspreek en mag daar dalk verskille tov die paragrawe wees). My besware gaan oor die gedeeltes waar Island View "deel" van die ontwikkeling word.</p>			
<p>ACCESS ROADS/TRAFFIC IMPACT/ALTERING WATERCOURSE</p> <p>(Para 16.3 en 16.4 of 4.3 en 4.4??)</p> <p>1.1 Hier sien ek dat die toegang tot die ontwikkeling vanaf Wassenaarstraat sal wees??? Kan dit waar wees?? Sover my kennis strek is Wassenaarstraat in Seemeeupark geleë.</p> <p>1.2 Voorts sien ek dat daar'n toegangspad tussen Vogelsang en Island View gebou gaan word. Dit sal glo 'n verbinding maak met Henrastraat in Island View. Dit is juis hier waar my grootste beswaar is.</p> <p>'n Toegangspad of laagwaterbruggie oor die Twee Kuilenrivier? sal eerstens tydens groot reënstorms en vloede juis die vrye vloei van water (vanuit die berge in die gebied) belemmer en opdamming veroorsaak in die dan reeds laagliggende gebied.</p> <p>Die aansluitingspunt van die voorgestelde pad/brug tussen die 2 onafhanklike woonbuurte is aan die Island Viewkant laer geleë (wat baie laer is) as aan Vogelsang se kant en mag juis veroorsaak dat laagliggende gebiede sal oorstrom wat voorheen nooit die geval was nie. Die N2 pad loop bo-oor die be-oogde pad/brug en is juis 'n aanduiding hoe hoog dit is om vloede te vermy.</p>		<p>Please refer to Appendix C, which shows that access to the development will be via Stormswael Street and a new access road to be constructed from Henra street.</p> <p>Please also refer to Please refer to pages 22-28 of the Aquatic Assessment for all the impacts and their mitigation measures.</p> <p>Please note that this is not a new application. The entire development has already been assessed and approved in 2009. This application only focusses on the aquatic impacts relating to the decrease in houses from 111 to 89 .</p>	128

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<p>Ek vind dit vreemd dat daar goedkeuring vir die bou van 'n privaat "minderwaardige" oorgang/pad verleen kan word in die tyd waar dieselfde rivier veroorsaak dat 'n brug laer stroomaf (Twee Kuilenbrug in Louis Fourieweg by Toyota) juis tans onder konstruksie (word hoër gemaak) is om groter watervloei vanuit dieselfde rivier te verseker. Die be-oogde "oorgangspad" gaan juis nou weer 'n "obstruksie" ten opsigte van watervloei veroorsaak.</p>			
<p>Boonop word aansoek gebring vir die (1) "diverting of the waterflow" (2) "infilling along the embankment of a watercourse for an access road", (3) "altering the bed, banks, course or characteristics of a watercourse."</p> <p>Al hierdie voornemende aksies is juis aksies wat die onmiddellike omgewing van die pad gaan vernou en verder obstruksies veroorsaak vir watervloei.</p> <p>Om 'n oorpas tussen die 2 woonbuurte (waarvan ek die voorgestelde breedte bevestigteken) aan te bring gaan ook die infrastruktuur van die Island View se paaie verder onder enorme druk plaas. Die paaie/strate in Island View is reeds ver onder standaard en sal nie die druk van nog 'n woonbuurt se verkeer kan dra nie. Verskeie skrywes is reeds aan die Munisipaliteit daaroor gerig en beplanning word daaraan gedoen. Boonop is die aansluiting van Henra- en Henningstrate 'n groot verkeersrisiko en is die opdraand aan die bo-punt van Henrastraat nie geskik vir swaar voertuie nie.</p> <p>In ag genome die besware hierbo (nie moedswillig nie maar die praktiese uitvoerbaarheid daarvan) versoek ek u namens die inwoners van Island View dat die be-oogde verbindingpad tussen die twee buurte gladnie goedgekeur moet word nie.</p>		<p>Please refer to response # 12, # 13 and # 43</p>	<p>129</p>



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Ek merk ook op dat van die dokumente so oud as 2005 (20jaar) is, en kan u verseker dat omstandighede van daardie tyd gladnie meer geld nie. Erken asseblief ontvangs van hierdie skrywe.			
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