

COMMENTS AND RESPONSES REPORT 1

PROJECT ANNOUNCEMENT TO SUBMISSION OF DRAFT SCOPING REPORT

(7 SEPTEMBER 2016 – 20 OCTOBER 2016)

PROPOSED MARINE TELECOMMUNICATIONS SYSTEM (ACE CABLE SYSTEM) TO BE LANDED AT VAN RIEBEECKSTRAND ON THE WEST COAST OF SOUTH AFRICA

Comments have been received from the following stakeholders during the project announcement phase

	Name	Organisation
1	Prins Radebe	Openserve (Telkom)
2	Mrs. Smokie La Grange	Chairperson of Melkbosstrand Ratepayers Association
3	Adri La Meyer	Department of Environmental Affairs and Development Planning - Western Cape Government
4	Pat Titmuss	City of Cape Town – Environment & Heritage Management
5	Ms M. Schippers	Department of Environmental Affairs and Development Planning - Western Cape Government
6	Mr C Roos	Ministry of Transport and Public Works, Western Cape Government
7	Mr Franz Visser	Van Riebeeckstrand Primary School (Principal)
8	Lesla la Grange	South African Heritage Resources Agency
9	Mr. J Slabbert	
10	Deon Jeannes	Eskom Koeberg Operating Unit
11	Garth Mortimer	Project Area Expansion Manager -CapeNature

No	Date	Name and Organisation	Comment	Response
1	7 Sept 2016	- Prins Radebe Openserve (Telkom)	<p>Telkom is a telecommunications operator with diverse submarine cable landings on the west coast of Africa and has become aware of the notice of the proposed ACE cable landing by MTN.</p> <p>We would like to register as an Interested and Affected Party and request that any information of relevance concerning the project be availed for our review.</p>	Confirmed receipt of comment and registration as an I&AP
2	13 Sept 2016	Mrs. Smokie La Grange – Chairperson of Melkbosstrand Ratepayers Association	We have been aware that the various underwater communication cables such as SATi and SATii have been coming ashore at 14 th Avenue, Melkbosstrand. We have no objection at the moment and request to be kept informed.	Confirmed receipt of comment and registration as an I&AP
3	14 Sept 2016	Adri La Meyer - Department of Environmental Affairs and Development Planning Western Cape Government	<p>I received notification of the BID from Taryn Dreyer at our EIA section.</p> <p>Please register the Department of Environmental Affairs and Development Planning as a state Department having an interest in the application. Kindly note that the Directorate: Development Facilitation (“DDF”) of the Department coordinates comments from the various directorates on</p>	Thank you for your comments regarding the proposed development and please take note that your department has been registered on our project database. We will make sure that one hard copy and three CD copies of the Scoping Report and any subsequent documentation is made available to you (marked for your attention).

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			<p>applications where DEA and/or DMR is the competent authority. I would therefore appreciate it if you could make 1 hard copy and 3 CDs of the Scoping Report and any subsequent documentation available (marked for my attention), which will then be distributed internally within the Department for comment. The DDF will then collate the comments and provide you with a uniform set of comments.</p> <p>I note from the BID (Section 2.2) that the applicable listed activity is identified as Activity 1(m) of GN No. R. 386 of 21 April 2006. I assume you refer to Activity 10 of GN No. R. 984 of 4 December 2014, being “The development of facilities or infrastructure for marine telecommunication”?</p> <p>From the proposed PPP schedule, I note that a pre-application Scoping Report will be made available to registered and potential I&APs. You further indicate that the Final Scoping Report (“FSR”) will be submitted to DEA within 44 days after submission of the Application Form. It would be a good idea if the process flow diagram be amended to indicate that another round of public participation (for at least 30 days) will commence after the submission of the Application Form, whereby registered I&APs are afforded an opportunity to comment on the Draft Scoping Report prior to the submission of the FSR to DEA. In this regard, I refer you to regulation 40(3) of the 2014 EIA Regulations, which state: “Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in sub regulation (1) prior to submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the competent authority.”</p>	<p>In terms of the listed activity quoted, you are correct and the correct listed activity including others which could potentially be triggered will be included in the Draft Scoping Report and all correspondence going forward.</p> <p>In terms of the proposed PPP schedule there appears to be some misunderstanding of the proposed process ACER will be following. At present we are in the project announcement phase of the project and the registration of I&APs. Once we have finalised the Draft Scoping Report (including comments from I&APs to date) and the application for authorisation, these documents will be submitted to the DEA. At the same time that the application is submitted to the DEA, I&APs and other commenting authorities will be afforded an opportunity to comment on the Draft Scoping Report. Only once this 30 day comment period has taken place will the Final Scoping report be submitted to the DEA for consideration.</p> <p>We have confirmed this process with the DEA who stated the following “<i>Regulation 40 (3) says you <u>may</u> provide I&APs an opportunity to comment prior to the submission of the</i></p>

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			<p>Your e-mail dated 7 September 2016 further states that “It is also envisaged that a Water Use Licence will be required from the Department of Water and Sanitation in terms of Chapter 4 of the National Water Act, 1998 (Act No 36 of 1998), in particular, Section 40(4).” Kindly be advised that unless the proposed development triggers any of the S21 water use activities and impacts on a water resource (i.e. a watercourse, surface water, estuary, or aquifer), a water use licence would not be required. Watercourse mean a river or spring; a natural channel in which water flows regularly or intermittently; a wetland, lake or dam into which, or from which, water flows (as per NWA). The sea is not regarded as a watercourse.</p>	<p><i>application to the Competent Authority (CA). The PPP undertaken prior to the submission of the application form is optional. As such, legally you can submit your draft Scoping Report and application form at the same time and this is not a pre-submission. The submitted draft SR must be made available to the I&APs at the same time the SR and application is submitted to the DEA. The review and commenting timeframes must run concurrently.”</i></p> <p>In terms of the requirement of a Water Use Licence we agree that the sea is not regarded as a watercourse but there is a possibility that the dune slack behind the beach of Van Riebeeckstrand is a wetland. As such, the crossing of this wetland will require a water use licence.</p>
	15 Sept 2016	Adri La Meyer - Department of Environmental Affairs and Development Planning Western Cape Government	Many thanks for your e-mail and the clarification. I understand that you will not have a pre-application SR made available and will make the DSR available after submission of the Application Form to DEA. Thank you for clarification about the wetland. I assume you have contacted Derril Daniels and Warren Dreyer at DWS (Bellville). Can you also confirm that you have contacted CapeNature for their input? Contact person is Rhett Smart (details attached).	We have not contacted the people you have mentioned yet but will do so now. Thanks for your help on this and we look forward to your further engagement once the DSR has been submitted for review.
4	22	Pat Titmuss	By Email:	

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	Aug 2016	City of Cape Town – Environmental & Heritage Management	Further to your emails and the information, the City's Transport for Cape Town department and my dept ERMD, met with Renier Nel of MTN on 1 July 2016. I presume you got the feedback. If you are preparing a Background Information Document you can send this to me and it will be circulated to all relevant City departments to provide initial comment.	Thanks for the mail. I have not received much feedback from the meeting you had so I hope there were no major issues raised. Please see attached the BID for the project for your records and distribution internally.
	23 Aug 2016	Pat Titmuss City of Cape Town – Environmental & Heritage Management	By Email: Thanks for the official BID. My office will circulate and collate City comment and send it to you by the due date.	No comment provided
	30 Sep 2016	Pat Titmuss Regional Manager Environmental & Heritage Management: Northern Region (Blaauwberg District) – email received from Morne Theron	<p>The abovementioned Background Information (BID), submitted under cover letter, dated 7 September 2016, refers.</p> <p>Kindly register the Environmental Management Department: Blaauwberg District as the official City at Cape Town entry point for comment on the aforementioned EIA.</p> <p>1. Be advised that the Environmental Resource Management Department (ERMD) is the duly mandated department to provide co-ordinated City Comment on EIAs conducted within the municipality's jurisdiction. As Van Riebeeckstrand, Melkbos falls within the Blaauwberg District of the City of Cape Town Scoping Report must be submitted to this office for comment.</p> <p>It is noticed that you also dispatched the BID to a number of other internal city departments. For the reason explained above you therefore do not need to circulate multiple scoping reports to other City departments</p>	<p>Thank you for your comments provided.</p> <p>Please note that your department has been registered as the point of entry for the City of Cape Town and all correspondence will be submitted to you for further circulation within the city departments.</p> <p>Noted and this condition will be abided by.</p> <p>The initial circulation of documents took place before we had received feedback from your department and how documents should be submitted going forward.</p>

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			<p>2. In order for the City to meet the statutory commenting deadline (s) you are required to timeously submit 1 x CD and 1 x hard copy of the various Environmental Impact Assessment reports to this office before ERMD can circulate the draft scoping report to all our affected line departments. The public participation commenting period will be calculated from the date that this office receives the CD and hard copy. As such please ensure that the CD and necessary documentation is delivered to our physical address as stated below.</p> <p>3. In the interim the following comment is provided based on the information provided in the BID</p> <p>a. Please reflect the DEA reference number in all future correspondence.</p> <p>b. Section 2.2 Applicable Environmental Legislation of the BID lists the outdated Activity 1 (m) of Listing Notice GN 386 of 2006 regulations. Please list <u>all</u> the listed activities in terms of the current NEMA 2014 regulations for which environmental authorisation are required.</p> <p>c. Section 22 also incorrectly cites the National Environmental Management Act as (Act 107 of <u>2014</u>). The correct citation is NEMA (Act 107 Of 1998)</p> <p>d. Ensure that the Desirability and Need of the proposed activity is motivated in terms of provisions of the approved</p>	<p>Noted, an electronic copy (CD) and hard copy (X1) of all reports will be submitted to your department for further distribution amongst the affected line departments.</p> <p>The DEA reference number will be obtained when we submit the application for authorisation to the Department of Environmental Affairs. This is expected to take place when the Draft Scoping Report is submitted for public and authority comment. As such, the project reference number will only be incorporated in the Final Scoping Report and all documents thereafter.</p> <p>Noted and apologies. The correct listed activities and legislation is outlined in the Draft Scoping Report in Table 2.</p> <p>Noted this has been corrected as reflected in the Draft Scoping report.</p> <p>The proposed development is aimed at improving the telecommunications infrastructure in South</p>

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			<p>Cape Town Spatial Development Framework (2012) (CTSDF) and the Blaauwberg District Plan (2012) (BDP).</p> <p>e. Both proposed cable route alternatives will dissect sections of Critical Biodiversity Areas (CBA). Figure 1 below illustrates the location of the CBA as identified by the City of Cape Town: Biodiversity Network Map (2016). In this regard the following should be given early consideration:</p> <ul style="list-style-type: none"> <li data-bbox="667 667 1357 730"><i>i.</i> A botanical impact assessment must be included as a specialist study <li data-bbox="667 770 1357 938"><i>ii.</i> Directional drilling must be considered as a construction method alternative in order to ensure the presentation of both the primary dune's stability and the indigenous vegetation that dune supports (refer to position A in Figure 1) <li data-bbox="667 978 1357 1074"><i>iii.</i> Alternative A's alignment over Erf 3132 might impact on the CBA 1b priority remnant and must be avoided. <p>f. Both proposed landfall site alternatives A and B are situated between the 1-5km Precautionary Action Zone (PAZ) boundary of the Koeberg Nuclear Power Station (KNPS). Figure2 indicates the location of Alternatives A and B in relation to the P.A.Z. The Disaster Risk Management Centre (DRMC) is the custodian (on behalf of the City of Cape Town) for the execution of the</p>	<p>Africa and facilitating more affordable and effective transport of voice, data, internet and television services. This is in line with the Cape Town Spatial Development Framework (Key Strategy 1, Policy 2) which includes supporting the rollout of broadband technology and the use thereof.</p> <p>Noted</p> <p>Noted and this study will be commissioned during the impact assessment phase of the EIA.</p> <p>The use of directional drilling will be considered and the impacts associated with this method investigated during the impact assessment phase of the EIA.</p> <p>Noted, initial observations on site show that this area can be avoided but further investigations will be carried out in the impact assessment phase of the EIA.</p> <p>Noted, the Disaster Risk Management Centre (DRMC) has been contacted and the project proponent is currently busy with the formulation and drafting of the required documents including a risk assessment and emergency / evacuation management plan.</p>

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			<p>Koeberg Nuclear Power Station Radiological Release Hazard Disaster Risk Management (RRR) and is tasked with the responsibility of ensuring that the public safety arrangements are in place in the case of a nuclear emergency and that individual citizens are not endangered with particular emphasis on the population residing and working in the UPZ of the 0-16km area from the KNPS. In light of the aforementioned, the DRMC require the following:</p> <ul style="list-style-type: none"> <li data-bbox="667 528 1346 660">i. That a risk assessment and emergency / evacuation management plan for the marine telecommunications system (during the construction and operational phases be compiled and <li data-bbox="667 667 1346 975">ii. That this application be tested against the Koeberg Nuclear Power Station Traffic Evacuation Model (TEM). In order for the TEM model to be run the anticipated population increase during the construction phase of each alternative must be provided in the (TEM) form 2 (as <u>attached</u>). The duly completed TEM form 2 must be included in the various scoping-and environmental impact assessment reports of this project. <p data-bbox="611 1086 1346 1358">g. The City of Cape Town: Water and Sanitation department indicated that the proposed cable design should ensure that it does not conflict or impact on the Water and Sanitation services along the short onshore cable route alternatives. A wayleave needs to be applied for via the City of Cape Town: Transport for Cape Town to ensure the aforementioned is achieved. Wayleave conditions will be imposed at the time of application.</p>	<p data-bbox="1368 528 1451 555">Noted.</p> <p data-bbox="1368 667 1966 975">The risk assessment and emergency / evacuation management plan will be submitted to the DRMC who will assess the plan in accordance with the Koeberg Nuclear Power Station Traffic Evacuation Model (TEM). The TEM form and approved risk assessment and emergency / evacuation management plan is attached in Appendix 7 of this Draft Scoping Report and will be included in all reports submitted going forward.</p> <p data-bbox="1368 1086 1966 1286">Noted, we are in the process of engaging the City of Cape Town: Water and Sanitation Department and wayleaves will be applied for once the final route alignment has been investigated and authorised by the Department of Environmental Affairs.</p>

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			<p>h. The City of Cape Town: Electricity department indicated that the proposal will be subject to the following conditions all of which pertain exclusively the CLS (Cable Landing Station) and the land based cable between it and the BMH (Beach Manhole):</p> <p><i>i.</i> Electrical services infrastructure exists along both chosen routes. Wayleave and excavation permits must be obtained prior to commencement of the site works.</p> <p><i>ii.</i> Electrical services cross the proposed CLS site. These services and any other services that may be affected by the proposal are to be deviated at the application's expense.</p> <p><i>iii.</i> For any and all electricity supplies required for the construction and operation of the ACE Cable System, the City's standard conditions, policies and tariffs, including Development Capital Contribution (DC) will be applicable</p> <p>i. Both alternatives of the cable system are proposed in an area of high archaeological sensitivity. The proposed cable system triggers Section 38(1) (a) of the National Heritage Resources Act, no. 25 of 1999. In this regard, a Notification of Intent to Develop (ND) must be submitted to Heritage Western Cape (HWC). Prior to submission to HWC the ND must be submitted to the City of Cape Town: Environmental & Heritage Management Branch for written comment to be included in the submission to HWC.</p> <p>j. Finally be advised that the erven (Erf 1084 and Remainder erf 1476) where the cable makes landfall at</p>	<p>Noted, we are in the process of engaging the City of Cape Town: Electricity Department.</p> <p>Noted and this condition will be abided by.</p> <p>Noted and MTN has committed to do so.</p> <p>Noted.</p> <p>Noted, the NID will be submitted to the City of Cape Town: Environmental & Heritage Management Branch for written comment prior to submission to Heritage Western Cape. This will take place once a Heritage Specialist has been appointed to assess the proposed alternatives for the ACE Cable System.</p> <p>Noted.</p>

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			<p>Van Riebeeckstrand beach, is zoned Open Space (OS 2). In terms of the City of Cape Town Development Management Scheme the following land use right are applicable with the OS 2 zone:</p> <p>(a) Primary uses are public open space and environmental conservation use and</p> <p>(b) Consent uses are environmental facilities tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources and air and underground rights.</p> <p>The cable's proposed end destination being Erf 3619, Duynefontein, is zoned Community (CO1) reserved for a Place of Worship</p> <p>The abovementioned comment must be included in the Scoping Report.</p>	<p>Noted.</p> <p>The proposed development involves the installation of a telecommunications cable and Beach Man Hole which is located underground. As such it is anticipated that the consent uses: utility service and underground rights should apply to this project.</p> <p>Noted. MTN has purchased this property and is currently in the process of having the zonation changed. This process does form part of this environmental authorisation and as such is not included in this Draft Scoping Report.</p> <p>Noted and this has been complied with.</p>
5	21 Sept 2016	Ms M. Schippers Department of Environmental Affairs and Development Planning Western Cape Government	<p>The abovementioned document (BID) dated and received via electronic email by the Directorate on 07 September 2016, refers.</p> <ol style="list-style-type: none"> 1. This letter serves as an acknowledgement of receipt of the aforementioned document by the Directorate. 2. Having considered the information contained in the abovementioned document, it is hereby confirmed that this Directorate will be a commenting authority in the Environmental Impact Assessment process 3. This Directorate thus awaits the Scoping Report with respect to your proposed development. 	Noted

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			This Directorate reserves the right to revise or withdraw comments or request further information based on any information received.	
6	15 Sept 2016	Mr C Roos Ministry of Transport and Public Works, Western Cape Government	By direction of Mr Donald Grant, Provincial Minister of Transport and Public Works, I acknowledge receipt of your correspondence of 7 September 2016, the contents which have been noted. The matter is referred to the Head of Department: Transport and Public Works for attention. Further correspondence will follow.	Noted and thank you for your feedback
7	19 Sept 2016	Franz Visser Van Riebeeckstrand Primary School (Principal)	Please register me as an I&AP	Noted and added to the project database
8	26 Sept 2016	Lesla Grange South African Heritage Resources Agency	<p>Thank you for contacting the Maritime and Underwater Cultural Heritage Unit at SAHRA with regards to the above proposal. Please see the attached IAP registration form. Kindly note that all official comments are now processed electronically via our online platform, SAHRIS, which can be found at http://www.sahra.org.za/sahris/. To ensure a timely response to all correspondence relating to the case, we therefore request that any documents pertaining to your case be uploaded to an application on SAHRIS as they become available.</p> <p>We recommend that survey data be reviewed by an archaeological specialist so that heritage impacts may be assessed in full. Should the proposed development pose a threat to archaeological or palaeontological resources on land, Heritage Western Cape would need to be engaged as the competent authority.</p>	<p>Thank you for the information provided</p> <p>Noted and we will do so</p>
9	2 Oct 2016	Mr. J Slabbert	Please register me as an I&AP for the MTN project at Van Riebeeckstrand for the MTN ACE project.	Thank you for your interest in the MTN ACE Project. We have added you to the project database and will inform you of all documentation

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				available for public review as and when these documents become available.
10	12 Oct 2016	Deon Jeannes – Eskom Koeberg Operating Unit	Request to be registered as an I&AP.	Noted and added to the project database.
11	15 Oct 2016	Garth Mortimer Project Area Expansion Manager CapeNature	<p>CAPENATURE'S REQUIREMENTS FOR PROVIDING COMMENTS ON AGRICULTURAL, ENVIRONMENTAL, MINING, PLANNING AND WATER-USE RELATED APPLICATIONS</p> <p>CapeNature is the statutory custodian of biodiversity in the Western Cape and commenting authority concerning potential impacts on biodiversity. This letter outlines the minimum requirements for submission of applications to CapeNature for the consideration, investigation and reporting on the biodiversity aspects of proposed changes to land use that may require an official decision.</p> <p>In order to ensure that biodiversity and ecological issues are addressed as early as possible in the development application process and as comprehensively as required, please take note of the following information. This is applicable to any application that requires comment from CapeNature and complying with these recommendations should assist in avoiding unnecessary delays in the process.</p> <p>Minimizing negative impacts on biodiversity</p> <p>1. As part of the commenting process, CapeNature's involvement will relate specifically to the impact of the proposed development activities on the biodiversity and ecological aspects of the receiving environment. CapeNature expects that a precautionary and risk-averse approach be adopted towards those projects which may result in substantial detrimental impacts on biodiversity and ecosystems, especially the irreversible loss of habitat</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted, the alternatives selected for further assessment have the least environmental impact compared to the other alternatives assessed during project screening.</p>

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			<p>and ecological functioning in threatened ecosystems (as identified by the National Biodiversity Assessment, 2011) or designated sensitive areas: i.e. Critical Biodiversity Areas (as identified by systematic conservation plans, Biodiversity Sector Plans or Bioregional Plans) and Freshwater Ecosystem Priority Areas.</p> <p>2. All reports must firmly demonstrate how the proponent intends complying with the principles contained in Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended (NEMA), which, amongst other things, indicates that environmental management should:</p> <ul style="list-style-type: none"> • In order of priority aim to: avoid, minimise or remedy disturbance of ecosystems and loss of biodiversity; • Avoid degradation of the environment; • Avoid jeopardising ecosystem integrity; • Pursue the best practicable environmental option by means of integrated environmental management; • Protect the environment as the people's common heritage; • Control and minimise environmental damage; and • Pay specific attention to management and planning procedures pertaining to sensitive, vulnerable, highly dynamic or stressed ecosystems. <p>These principles serve as guidelines for all decision-making concerning matters that may affect the environment. As such, it is incumbent upon the proponent to show how proposed activities would comply with these principles and thereby contribute towards the achievement of sustainable development as defined by the NEMA.</p>	<p>Noted and these issues are addressed in the Draft Scoping Report.</p> <p>Noted.</p>

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			<p>Guidelines and biodiversity plans</p> <p>3. The Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) has produced a series of guideline documents that provide clear guidance on the EIA process. Specifically, they aim to improve the capacity of environmental assessment practitioners (EAPs) to draft appropriate terms of reference that meet the information requirements for informed environmental decision-making. In addition the Fynbos Forum Ecosystems Guidelines for Environmental Assessment in the Western Cape (see point 3b below) provides appropriate terms of reference for Botanical Assessments. By meeting the requirements for submission of accurate and relevant information, EAP's can support efficient and accountable decision-making.</p> <p>With a view to adequately assessing impacts on biodiversity, we request that your environmental assessment is informed by the following documents. The implementation of relevant recommendations and/or actions as stipulated in these documents should be critically considered, regardless of whether a Basic Assessment, Scoping & EIA or any other authorisation process is to be undertaken.</p> <p>a. Brownlie S (2005) Guideline for involving biodiversity specialists in EIA processes: Edition 1. CSIR Report No ENV-S-C 2005 053 C. Republic of South Africa, Provincial Government Western Cape, Department of Environmental Affairs and Development Planning, Cape Town.</p> <p>b. De Villiers C, Driver A, Clark B, Euston-Brown D, Day L, Job N, Helme N, Holmes P, Brownlie S and Rebelo T (2005) Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape, Fynbos Forum and Botanical Society of South Africa, Kirstenbosch, Cape Town</p>	<p>Noted these guidelines will be consulted when drafting the terms of reference for the botanical assessment.</p> <p>Noted and the recommendations made in these documents will be considered.</p>

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			<p>c. The latest National Biodiversity Assessment (2011) which provides information about ecosystem threat status. More up-to-date ecosystem threat status information is, however, periodically available from CapeNature and posted on SANBI's Biodiversity GIS website.</p> <p>d. Pence, Genevieve Q.K. 2014. Western Cape Biodiversity Framework (2014) Status Update: Critical Biodiversity Areas of the Western Cape. Unpublished CapeNature project report. Cape Town, South Africa. The latest provincial biodiversity framework (conservation plan) which reflects identified Critical Biodiversity Areas; currently this is the Western Cape Biodiversity Framework 2014, available on SANBI's Biodiversity GIS website. The most recent conservation plans and their associated reports and guidelines are available at the SANBI Biodiversity GIS Unit website⁶. The mapping tools can be useful, but please note that while these tools can help to identify potential issues, the use thereof does not constitute a biodiversity assessment.</p> <p>e. Biodiversity Sector Plans for municipalities, where available.</p> <p>f. The Western Cape Provincial Spatial Development Framework (2014) (Department of Environmental Affairs & Development Planning).</p> <p>g. The Department of Water and Sanitation's Guideline: assessment of activities/developments affecting wetlands.</p> <p>Biodiversity 'red flags' in the Western Cape</p> <p>4. The following factors must be taken into account during project planning and assessment:</p> <p>a. CapeNature does not support activities that may negatively impact on the following habitats and their ecological</p>	<p>Noted.</p>

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			<p>functioning:</p> <ul style="list-style-type: none"> i. Rivers, wetlands, groundwater-dependent communities or ecosystems, flood plains and estuaries, tidal flats or salt marshes. ii. Viable and/or connected habitat in Critically Endangered and Endangered ecosystems. iii. Any area that has been identified as a Critical Biodiversity Area or Ecological Support Areas as identified by the most recent systematic conservation planning initiative. iv. Any other special habitats that may contain a unique assemblage of species. This could include inter alia, dolomite outcrops, quartz or ferricrete patches. v. Any habitat that may contain rare, threatened or range-restricted floral or faunal species (species of conservation concern). vi. Natural habitat in an ecological corridor or along a vegetation boundary (including frontal dune systems). vii. Formally declared Mountain Catchment Areas. <p>Appropriate buffers must be determined by a suitably qualified specialist to avoid impacting on these habitats and particular attention should be paid to avoiding the loss of intact habitat, maximizing connectivity at a landscape scale, maximizing habitat heterogeneity and reducing fragmentation at a local and regional scale. Please also note that an infestation by alien plants does not necessarily mean that an area is not important for biodiversity conservation.</p> <ul style="list-style-type: none"> b. The Cape Floristic Region is largely a fire-dependent system and natural fire regimes must be maintained and managed in the landscape. The exclusion of fire from certain habitats will be considered unacceptable as this may ultimately cause the loss of species. Where appropriate, the location of fire-breaks should be indicated and these fire-breaks may be considered part of the 	<p>Noted and buffers have been considered although much of the development footprint falls within an urban area which has been extensively transformed.</p> <p>Noted but not applicable to the proposed development.</p>

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			<p>development footprint. Fire-breaks must be brush-cut and vegetation must not be completely removed.</p> <p>c. Brush-cutting under power lines must occur as infrequently as possible as brush-cutting will lead to loss of species diversity over time. A fire-risk assessment can help inform an appropriate layout for developments adjacent to fire-prone vegetation.</p> <p>d. Water is a limited resource in the Western Cape. Water requirements for proposed activities and the potential impact on broader surface and ground water resources must be rigorously assessed and considered by an aquatic/freshwater specialist and/or ground water specialist, including the cumulative impact if other developments are also taking place in an area. Cumulative impacts on infrastructure such as Waste Water Treatment Works must also be considered.</p> <p>Groundwater use for bulk supply purposes and irrigation must be assessed rigorously with specific reference to the possible groundwater-surface water interfaces. Groundwater use assessments must include the identification of possible groundwater dependent ecosystems and/or possible interfaces with surface resources. Aquifers need to be described in terms of: aquifer type, aquifer characteristics, aquifer condition, as well as aquifer recharge and yield.</p> <p>Specialist assessment(s) should be undertaken if any of the above-mentioned circumstances prevail or if there is any doubt about the biodiversity value of the potentially impacted areas. The opportunities and constraints of the receiving environment should be used to inform the desirability and layout of any development proposal so as to ensure that developments do not compromise the biodiversity value of the area.</p>	<p>Noted but not applicable to the proposed development.</p> <p>Noted, the proposed development will not require water other than for the construction of the Beach Man Hole. As such, the proposed development is not expected to have any significant impacts on any water resources within the project area.</p> <p>Noted but not applicable to the proposed development.</p> <p>Noted, specialist studies will be commissioned to assess the biophysical environment within the development footprint.</p>

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			<p>Laws Amendment Act No. 3 of 2000:</p> <p>No person shall—</p> <p>a.) uproot the plant in the process of picking the flower of any flora;</p> <p>b.) without a permit—</p> <p> i. pick any endangered or protected flora, or</p> <p> ii. pick any flora on a public road or on the land on either side of such road within a distance of ninety metres from the centre of such road, or</p> <p>c.) pick any protected or indigenous unprotected flora on land of which he or she is not the owner, without the permission of the owner of such land or of any person authorised by such owner to grant such permission</p> <p>If these activities will be involved in the application make sure that you also apply for a CapeNature permit to carry out these activities.</p> <p>Format of reports</p> <p>7. Please help us provide you with a timely response by supplying all information in a readily accessible format:</p> <p>a. The main report must be submitted, and include: locality maps, all alternative layout plans and all biodiversity related specialist reports. All reports longer than 50 pages must be submitted in hardcopy, shorter reports can be submitted on disc. The hardcopy should be accompanied by a digital copy of the complete application on disc.</p> <p>b. Electronic reports must be submitted on cd/dvd – we will not accept reports sent via email or ftp or website links.</p> <p>c. We also encourage you to reduce the amount of paper used by printing both sides of a page.</p> <p>d. Please supply all maps and alternative layouts in colour.</p> <p>e. To facilitate assessment of potential impacts, we request</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Where possible we will do so.</p> <p>Noted.</p> <p>Noted.</p>

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			<p>that maps of proposed development layouts be overlaid with identified environmental features of a site. If provided separately, maps should be produced at the same scale.</p> <p>f. Where available, GIS shape-files of the proposed development footprint, particularly for linear features or for combined applications with numerous sites, would be appreciated.</p> <p>g. If here are no substantive changes, final reports for Scoping and EIA stages may be provided on dvd/cd with a printed cover letter, executive summary and comments and response report.</p> <p>h. Please allow sufficient time for post or courier services to deliver the documents at the beginning of the commenting period. We receive a large number of reports and need to treat applicants and consultants fairly therefore applications will be processed from date of receipt within the required number of days as stipulated by the DEA&DP, the DMR or other competent authority.</p> <p>i. For spatial planning reports or Environmental Management Frameworks however, electronic reports submitted via ftp sites will be accepted.</p> <p>Mining and Prospecting Applications</p> <p>8. Please note that the Department of Mineral Resources no longer sends copies of applications to commenting authorities. It is now the responsibility of the consultant working for the applicant to ensure that all commenting authorities receive the relevant documents. Therefore point 7 above applies to mining and prospecting applications as well.</p> <p>Status of CapeNature's comment</p> <p>9. Please note that CapeNature does not consider verbal discussions regarding any aspect of a proposed</p>	<p>These will be provided as requested.</p> <p>Noted.</p> <p>Noted, and we will do so.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted and we will expect formal comment once review of the Draft Scoping Report has been</p>

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			<p>development as adequate or complete comment. Please ensure that you obtain written comment once all the necessary information is made available for review. We reserve the right to amend our position based on any new information that may be received.</p> <p>10. Applications requiring comment from CapeNature should be sent to the following addresses:</p> <p>City of Cape Town, Theewaterskloof, Overstrand & Stellenbosch Municipalities: CapeNature Scientific Services: Land Use Advice P/Bag X5014 STELLENBOSCH 7599 Attention: Rhett Smart</p> <p>Email: rsmart@capenature.co.za Tel: 021 866 8000 Fax: 021 866 1523 / 086 529 4992</p> <p>(Refer to Figure 1. Map illustrating the officials responsible for each municipality.)</p>	<p>undertaken by CapeNature.</p> <p>Noted.</p>