

## Comments and Responses Received for the Proposed Kingsburgh Ext 9 Housing Developments 2018 - 2023

### Comments from Initial Public Participation Process July/August 2018

Communication	Received from	Comment	Response
Email dated 29 August 2018	Jeff van Belkum Kingsburgh Resident	<p>Enterprise Registration number</p> <p>Name/address and contact numbers of the applicant</p> <p>A due diligence assessment of the applicant/s and the project proposal</p> <p>What is the expected duration of the project? Provide anticipated start to finish dates</p> <p>Given the location of the sites, will the access roads be upgraded?</p> <p>What steps will be taken to negate hazardous road traffic conditions which are sure to arise?</p> <p>Given the topography and location of the sites, what steps will be taken to protect lower lying areas, homes and infrastructure from stormwater?</p> <p>The proposed development would appear to pose an environmental threat to the Little Amanzimtoti River, along its length, including the estuary and public beach area. I assume this aspect will be fully covered by your study?</p> <p>Does the existing sewerage plant located between Longacres Drive and the Little Amanzimtoti River have the capacity to cope with the high density developments envisaged or future developments? If not, the sewerage plant would surely have to be upgraded or expended, prior to any further development taking place</p>	<p>N/A</p> <p>These details will be contained in the Application Form which will form part of the Final BAR.</p> <p>The need and desirability for the project are presented in Section 1.2 of the Basic Assessment Report (BAR). A due diligence on the applicant is beyond the scope of the requirements of the Environmental Authorisation Process.</p> <p>The project commencement dates cannot be predicted, as this is dependent upon all the relevant authorisations being in place. The duration of construction is estimated to be 10 to 12 months for each property.</p> <p>The traffic surveys state that the current road infrastructure is adequate to support the additional traffic (the number of dwellings has been significantly reduced from the original proposal).</p> <p>The traffic survey does not identify any significant issues related to the proposed development.</p> <p>The developments occupy the high lying plateaus on each of the Erven. There is therefore no risk of flooding.</p> <p>This has been addressed in the Aquatic Ecology Report in Appendix E of the BAR.</p> <p>It has been confirmed that the City does not have capacity at the Kingsburgh Wastewater treatment Works. Therefore an onsite treatment and disposal plant is proposed for the properties as agreed to with eThekweni waste water. Detail of the proposed plant has been discussed in Section 4.3 of the Draft BAR.</p>
Letter dated 22 August 2018 via email	Department of Agriculture, Forestry and Fisheries,	The Department requests that a Vegetation Specialist Report (VSR) should be compiled for the area. The study should include the type and condition of the vegetation and species found within the site as well and the extent to which they may be impacted.	A Vegetation Specialist Report has been undertaken for the site (See Appendix E of the BAR).

Communication	Received from	Comment	Response
		Further comments will be issued upon receipt and review of the Environmental Impact Assessment report inclusive of the VSR.	
Fax received 28 <sup>th</sup> August 2018	Angela Odendaal Neighbour	The road in front of our house (46Longacres Drive) often floods due to the inadequate drainage. Our concern is about the stormwater run off from the large area which will be above us.	This will be examined in the detailed stormwater planning for the site.
Email received 7 <sup>th</sup> September 2018	Selwyn Miller Neighbour	It will not be possible to have the amount of vehicles for 288 parking bays to have access via 4 Vaughan Goodwin Road. This is a narrow road and is congested with traffic in the morning during the school run. Our driveway is situated in Vaughan Goodwin and the amount of traffic that would need to utilise that road would not be possible. As well as the chaos this would cause with the existing pre primary school across the road. This would also be a huge problem during the clearing of the area and during the construction process.	The number of units has been reduced to 112, with 179 parking bays. This will significantly reduce the traffic pressure associated with the proposed development.
Letter dated 5 <sup>th</sup> September 2018	Ethekwini Municipality	<p><b>eThekwini Electricity Department.</b> Please note that HV Operations has no objections to the following application However a separate approval must be obtained from MV/LV Operations</p> <ol style="list-style-type: none"> <li>1. The applicant must consult eThekwini Electricity's mains records (held in the drawing office at eThekwini Electricity Headquarters, 1 Jelf Taylor Crescent, for the presence of underground electrical services. In addition should any overhead line and/or servitude be affected, the specific permission of the Head: Electricity must be sought regarding the proposed development.</li> <li>2. The relocation of MV/LV electrical services, if required in order to accommodate the proposed development, will be carried out at the expense of the applicant.</li> </ol> <p><b>Environmental Planning and Climate Protection Department.</b> This Department has met directly with the applicant's EAP and detailed our concerns and requirements. We will continue to engage further as part of the review of the draft Basic Assessment Report.</p> <p><b>Land Use Management Branch</b> The following sites located in Kingsburgh, viz, erven 2954 and 2955 are zoned General Residential 5 and Erf 2956 is zoned General Residential 1. Flats are permitted on these erven.</p>	<p>This will be undertaken as part of the project planning process. A power enquiry was lodged based on the preliminary layout and a response was received from the acting chief engineer Ethekwini Electricity confirming as per the comments.</p> <p>Issues raised by the Department through the process have been taken into consideration for the report.</p> <p>Cognisance has been taken of the sensitivity of the site. Vegetation and ecological specialists have been engaged, and communication with the EPCPD is ongoing in this regard.</p>

Communication	Received from	Comment	Response
		<p>Your attention is drawn to the fact that these sites are within the DMOSS (Durban Metropolitan Open Space system) layer which indicates that the land is environmentally sensitive.</p>	
		<p><b>Strategic Spatial Planning Branch.</b></p> <p>1 In terms of the Spatial Development Framework (SDF 2018-2019), the proposal is in alignment to the principles of the SDF which is to provide basic service infrastructure to all residents with an emphasis placed on affordable housing to meet the demands of housing.</p> <p>2 The proposed development is further aligned with the restructuring zones in the SDF as it is located within an urban area and prime investment corridor.</p> <p>3 It is noted that space for social facilities should be determined using the space planner requirement in terms of the "Accessibility Mapping and Optimisation of Community Social Services in eThekweni 2008", CSIR, Report No.: CSIR/BE/PSS/ER/2008/0055/B, an abstract of which will be forwarded on request.</p> <p>The application is supported, however subject to the following conditions;</p> <ul style="list-style-type: none"> <li>• This branch's comment is subject to the applicant meeting all sector department requirements.</li> <li>• This support should not be deemed to be an approval of the eThekweni Municipality.</li> <li>• This branch reserves the right to comment further should the need arise.</li> </ul> <p><b>Coastal, Stormwater and Catchment Management.</b></p> <p>We require a stormwater management plan for the proposal.</p> <p><b>Parks, Leisure and Cemeteries.</b></p> <p>No comment received from this Department</p> <p><b>Pavement and Geotechnical Engineering.</b></p>	<p>Noted.</p> <p>Noted.</p> <p>No social facilities have been provided.</p> <p>Noted.</p> <p>This will be undertaken along with the plan submission to the Municipality. A stormwater management will need to be informed by the number of units as well as the layout that will be approved in terms of this application. However, a guideline document on the management of soil erosion and stormwater has been prepared by the engineer and is contained in Appendix E.</p> <p>Noted.</p> <p>This has been undertaken, the full report is contained in Appendix E.</p>

Communication	Received from	Comment	Response
		<p>This proposed housing development has been going around the feasibility- and planning mountain for more than 8 years now under various guises.</p>	
		<p>P&amp;GE has no objection in principal to the development BUT trusts that a comprehensive geotechnical field investigation has been carried out this time, by a <u>qualified, trained .registered &amp; suitably experienced</u> engineering geological specialist.</p> <p><b>eThekwini Transport Authority.</b> Please note that Traffic Impact Assessment (TIA) would be required for the proposed developments.</p> <p><b>Environmental Health Department.</b> This Department supports the proposed housing project. However, it is recommended that the development be conducted within the following parameters:</p> <ol style="list-style-type: none"> <li>1. The provision of adequate water supply.</li> <li>2. Building plan to be submitted to this Department for scrutiny.</li> <li>3. Provision of adequate refuse removal system.</li> <li>4. Control measures to suppress dust must be in place</li> <li>5. Construction to be accordance with the National Building Regulations and any other applicable Bylaws and Regulations.</li> <li>6. Waste generated during and after construction to be disposed off at an approved landfill site (record to be kept).</li> <li>7. Water and ablution facilities to be made available during the construction.</li> </ol>	<p>A traffic impact assessment has been undertaken and is included as Appendix E to the Draft Basic Assessment Report.</p> <p>These issues have all been addressed in the Environmental Management Programme for the proposed development. Detail with regard to specifics will be submitted along with the formal plan submission to the Municipality.</p>

Communication	Received from	Comment	Response
		<p>This Department reserves the right to call for additional requirements should any health nuisance arises.</p>	
		<p><b>eThekwini Water and Sanitation Department.</b></p> <p>Comments from EWS Sanitation Planning and EWS Wastewater Design Branch are as follows:</p> <p>As this topography is steeper than 1 in 3 it is logical to assume that the land was excluded when determining the pipe size required to convey the wastewater from this suburb. We would recommend that a sewer impact assessment be undertaken to check if the existing sewer reticulation can convey the peak flow.</p> <ol style="list-style-type: none"> <li>1. The sewer impact report should also include the total flows anticipated from the development as an addition to the receiving treatment works (as per point 5. Below).</li> <li>2. The high density of development is of concern to us as the existing housing density in the area is in the order of 25 units per 4.7 hectares.</li> <li>3. Sewer pipes that fall outside the cadastral boundary will need to be registered in a servitude in favour of eThekwini municipality for maintenance purposes.</li> <li>4. The daily wastewater flow should be based on 750 litres per unit.</li> <li>5. Sewers taken over by the municipality are to be 160 mm diameter solid wall heavy duty uPVC pipes constructed to EWS standards and specifications, and approved by Network Operation inspectors.</li> </ol>	<p>A Bulk Sewerage Services Report has been undertaken and is attached as Appendix E8 of the BAR.</p> <p>The density has been significantly reduced since the first proposal. This will reduce the potential impacts. A package treatment is now being proposed.</p> <p>Noted</p> <p>N/A.</p>
		<p><b>Durban Solid Waste.</b></p> <p>DSW's standard response will be applicable as follows:</p> <ol style="list-style-type: none"> <li>1. The development must ensure that the designs of the roads are suitable for refuse trucks with a poor tuning circle and a 10,2 ton legal axle load.</li> <li>2. Suitable refuse storage areas to be provided if flat type units</li> <li>3. A suitable refuse storage area must be constructed close to the entrance and such that the collection crew have easy</li> </ol>	<p>The roads have been carefully designed and are looped to ensure that this will not be a problem.</p> <p>These are not flat type units, they will all have space for a refuse bin.</p> <p>Each unit will have its own refuse area, the trucks will be able to enter the premises to collect the bins.</p>

Communication	Received from	Comment	Response
		<p>access and such that the collection vehicle does not impede the free flow of traffic on a public road.</p> <ol style="list-style-type: none"> <li>4. If the project includes homes that are not on vehicle roads (footpath access) then no home can be more than 150m from a road which a refuse compactor can gain access</li> <li>5. Given the extent of the development DSW would require additional resources to be able to service this area and therefore need a financial year advanced notice to be able to motivate for funds to acquire these additional resources.</li> <li>6. Consideration to recycling of waste in the development to be allowed for- objective is to minimize waste sent to landfill.</li> </ol> <p><b>Disaster Management.</b></p> <p>No comment from disaster Management.</p> <p><b>Fire Safety.</b></p> <ol style="list-style-type: none"> <li>1. Building plans being submitted to this department for scrutiny and approval.</li> <li>2. The construction site complying with the Interim Code Relating to Fire Prevention and Flammable liquids and Substances.</li> <li>3. Full compliance with the road closure procedures and requirements to allow emergency services to respond in cases of emergency .</li> <li>4. Full compliance with other applicable Legislative requirements.</li> </ol>	<p>All units will have vehicle access.</p> <p>Noted.</p> <p>This recommendation has been included in the Environmental Management Programme for the site.</p> <p>Noted.</p> <p>The Fire Safety Plans will be submitted with the detailed building plans for the site.</p>

**Comments and Responses Received from the circulation of the Draft Basic Assessment Report (June 2020).**

Communication	Received from	Comment	Response
Letter dated 03 September 2020 via email	Ezemvelo KZN Wildlife Conservation Planning IEM Section - Nerissa Pillay	<p><b><u>Indigenous Forest Habitat</u></b></p> <p>Ezemvelo, in principle, cannot support the potential direct and indirect loss of the indigenous forest habitat in the application area, as a result of the proposed development. The forest biome in South Africa has the highest diversity of plant species per unit area and thus makes a significant contribution towards reaching national biodiversity conservation targets. Natural forests also play significant roles in providing ecosystem goods and services such as habitat provision for significant faunal and floral species, functioning of water catchments, and erosion control. Furthermore, the National Forests Act of 1998 provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. The principles of the Act in Section 3 highlight that natural forests may not be destroyed except in exceptional circumstances that can be proven. In addition, Ezemvelo has a Memorandum of Understanding (MOU) with the Department of Fisheries and Forestry, and the Department of Economic Development Tourism and Environmental Affairs with regards to continued loss of forest habitat. This MOU requires that the signatories meet to discuss the potential loss of forest within the Province, and come to some agreement about whether there will be condonation granted for the loss of forest on the proposed area, or whether this constitutes a fatal flaw. It is submitted that the basic premise for the loss of any forest is only considered in exceptional circumstances.</p> <p>In the absence of sufficient evidence and rationale which would render this application as an exceptional circumstance, the loss of coastal forest, irrespective of its current condition, is not supported.</p> <p>Given the above, Ezemvelo is highly concerned that majority of the proposed site is unsuitable for development.</p> <p>This is demonstrated on page 16 of the Vegetation Assessment, whereby Erf 2956 in particular is deemed unsuitable for development. Furthermore, should the development be restricted</p>	<p>In the specialist vegetation report, David Styles states: “Study of aerial photography shows that between 1937 and 1968 the vegetation overwhelmingly comprised grassland. While a very small amount of woody vegetation had begun to appear by 1968, by 1996 it had converted to mosaic of grassland and woody vegetation. By 2017 the emergent woody vegetation had closed up, with only a small 0.16 ha instance of grassland remaining.</p> <p>All or nearly all of the woody vegetation is of recent origin and this is reflected in its species composition. However, a distinction is made between older forest (that is estimated to have included trees that established 30 years ago), and younger successional forest and thicket (where trees appear to have been emergent or absent 30 years ago). This is mapped in the vegetation report contained in Appendix E.</p> <p>The developer has made every effort to avoid the older forest, having sacrificed large ‘potentially developable’ areas as a result.</p> <p>The report goes on to state: “In order to minimize impacts on forests and the concern of DAFF, it is recommended that development avoid older, better-developed forest and minimize loss of early successional forest and thicket. In my opinion, it is possible to mitigate the loss of early successional forest and thicket, providing undeveloped parts of the properties are zoned to conservation (as the EPCPD will likely require) and a long-term rehabilitation and management plan is implemented in the conservation zones. The main component of the plan will be control of alien vegetation. This plan should be approved of by EPCPD and DAFF, and the implementation mechanism and funding resolved to their satisfaction. Development of such a plan, and its implementation and funding, should become the subject to consultation and negotiation between the developer,</p>

Communication	Received from	Comment	Response
		<p>to the smaller nodes as depicted in Figure 7, page 33 of the DBAR, the proposed development would still result in severe habitat fragmentation. This would result in a severe disruption to local flora and faunal populations, food chains, and overall functioning of ecological goods and services provided by the forest habitat.</p> <p><b><u>Freshwater Ecosystems</u></b></p> <p>Ezemvelo is concerned that the proposed development has the potential to result in significant negative impacts to the hydrological integrity and ecosystem services provided by the watercourses, in and around the proposed site. The proposed development may result in excessive pollution impacts, alien invasive species infestations, sedimentation, and increased storm water runoff.</p>	<p>EPCPD and DAFF as soon as possible".            In cognisance of this, DAFF are being engaged through this process and EPCPD have been engaged from the commencement of this development plan. They have identified potentially suitable areas which avoid the old forest areas and the development plan takes cognisance of these areas. The Draft Forest Conservation and Management Plan has been included in Appendix E.</p> <p>This is not correct, the report states:            "General coverage of the property by forest does not commend it as suitable for any kind of extensive development. This is so even though much of the forest is diffuse, of more recent origin and conspicuous in containing pioneer indigenous trees. It is not possible to develop this property to any more than very minor extent without impacting on some of this forest. However, if confined to the eThekwini supported development area it will have lower impact than if situated elsewhere."</p> <p>The small potential development areas do not, in fact, fragment the old forest areas or the majority of forest linkages on the site. They merely extend the current development areas marginally into the open space. The protected portion of the catchment of the Little Amanzimtoti River would be significantly increased should the development proceed and rehabilitation and management take place in the open space associated with the development.</p> <p>A detailed specialist assessment of the freshwater ecosystems was undertaken as part of the Basic Assessment Process. The findings were as follows:            "The findings of the baseline aquatic assessment showed that, owing to a range of existing impacts, all three stream units (R01, R02 and R03) were in a 'largely modified' ('D' PES class) state with a 'Moderately-Low' to 'Low' EIS rating."</p>

Communication	Received from	Comment	Response
		<p>Furthermore, the development of hardened surfaces and increased density during the operational phase, may result in disruption to the natural ecological processes of these watercourses, and subsequent downstream impacts to the Little Amanzimtoti River.</p> <p><b><u>Stability and Erosion</u></b></p> <p>Given the topography of the proposed site, Ezemvelo is highly concerned that the proposed development would result in detrimental impacts to the stability of the receiving embankments and slopes. The construction phase in particular is of concern as the required earthworks, construction camps, and stockpile areas would increase the impact-footprint. These activities have the potential to result in severe erosion impacts and subsequent sedimentation of the watercourses traversing the site, and the Little Amanzimtoti River bordering the southern portion of the application area.</p> <p>Furthermore, the DBAR does not provide site specific and adequate mitigation measures for these impacts and thus requires substantial amendment in this regard.</p> <p><b><u>Durban Metropolitan Open Space System</u></b></p> <p>Ezemvelo is highly concerned that the proposed site is located within the Durban Metropolitan Open Space System (DMOSS). The aims and objectives of the DMOSS are to conserve local biodiversity and ensure the continued supply and functioning of ecosystem services to the eThekweni areas. The DMOSS is also significant in terms of providing open space corridors and ecosystem-linkages.</p>	<p>“Based on the impact significance assessment undertaken by Eco-Pulse, there are no potential ‘fatal flaws’ associated with the proposed development project from an aquatic ecosystems perspective and the proposed development is generally considered acceptable, granted that the impact mitigation and management measures (provided in Chapter 6) are applied to best-practice standards and in accordance with the recommendations made by the aquatic ecologists from Eco-Pulse.”</p> <p>It is recognised in the Basic Assessment Report that the potential for sedimentation and erosion are high, given the topography of the site. The number of units and potentially affected areas have been significantly reduced in order to limit the potential impacts.</p> <p>These issues are addressed in Section 10 of the Drennen Maud Geotechnical report (Appendix E) and are included in the EMPr.</p> <p>Significant interaction has been undertaken with EPCPD throughout this development planning process. Whilst the majority of the site is shown as DMOSS, this delimitation was not based on detailed studies of the area. EPCPD have presented areas which they consider to be suitable for development within the site and the development has been based around these.</p>

Communication	Received from	Comment	Response
		<p>In the absence of site-specific mitigations and rehabilitation measures, Ezemvelo is concerned that the proposed development would result in severe disruption to the DMOSS and subsequent breaks in the ecosystem linkages, and ecological infrastructure. This would result in a great loss of associated services provided to the proposed site and surrounding area such as stability and erosion control.</p> <p><b><u>Recommendations in terms of a way of a forward</u></b></p> <p>In lieu of the above, Ezemvelo is concerned that the application as currently proposed, has the potential to result in severe negative impacts to biodiversity and environmental features of conservation significance. Ezemvelo cannot support the direct loss of indigenous forest habitat, habitat fragmentation and severe disruption to freshwater habitats, and the DMOSS in and around the proposed site. Ezemvelo therefore recommends that an alternative site is investigated for the proposed development. However, should the applicant wish to pursue with the development as currently proposed, Ezemvelo recommends that:</p> <ol style="list-style-type: none"> <li>1. The recommendations highlighted by the Vegetation Specialist are implemented to protect and conserve as much forest habitat as possible;</li> <li>2. The recommendations highlighted in the Aquatic Assessment Report must be implemented and adhered to;</li> <li>3. A revised layout of the proposed development taking into account the recommended buffers, no-go areas and any additional sensitive areas identified by the vegetation and aquatic specialists, must be included in the Final Basic Assessment Report for further assessment;</li> </ol>	<p>The site is zoned for development and the issues around prevention of development as a result of DMOSS are fraught with challenges.</p> <p>It is also argued that the Municipality does not have the funds to manage additional open space areas and the degradation due to disturbance and alien vegetation infestation will increase the longer the site is left unmanaged. The development of the sites would result in the property owner(s) being responsible for the overseeing the management of the forest habitats and buffer zones on the relevant properties.</p> <p>A detailed Forest Conservation Management Plan has been developed (See Appendix E).</p> <p>The developer has been attempting to obtain approvals for development on this site for a significant time period and has invested a large amount of funding into the area as he believes that a development in the area is viable.</p> <p>The development in this area will have socio-economic and environmental benefits, in terms of the securing and management of this area.</p> <p>The recommendations have been incorporated into the Forest Conservation Management Plan (Appendix E). It is recommended that this is made a condition of the Environmental Authorisation.</p> <p>This has been undertaken. The amended layouts form the basis of this revised BAR. Please refer to Appendix H for the drawings.</p>

Communication	Received from	Comment	Response
		<p>4. A site-specific erosion and sedimentation plan must be compiled for the proposed site. This must take into consideration the activities associated with the construction phase and the operational phase of the application;</p> <p>5. A layout depicting the proposed earthworks, construction camp and stockpile areas must be included in the FBAR for further review and comment;</p> <p>6. The Environmental Management Programme must be amended to include the specialist recommendations and site-specific mitigations for the sensitivities highlighted above; and</p> <p>7. eThekweni's Environmental, Planning and Climate Protection Department must be consulted throughout the entire project life-span. This is imperative, given the necessary approvals required for any potential development within DMOSS.</p>	<p>This is covered in the Development recommendations (Section 10) of the Drennan Maud geotechnical report and will be taken into account when undertaking the detailed project design.</p> <p>Noted, once detail design is undertaken as part of the submission the proposed site camp will be indicated. In doing the bulk earthworks design the engineer will balance the cut and fill so no surplus material is remaining and little need for temporary stock piles.</p> <p>Comment noted and the EMPr has been revised, please refer to Appendix F.</p> <p>EPCPD have been consulted extensively throughout this process and potentially developable areas have been identified through this process. The development is based on these agreed areas.</p>
<p>Letter dated 08 September 2020 via email</p>	<p>DEFF - Forestry Regulations &amp; Support Ms. N. Sontangane</p>	<p>With reference to the document and the several site inspections conducted in the past, majority of the vegetation on the properties is in its natural condition. The proposed site comprise of core areas of closed woody vegetation which are mainly confined to slopes of more south-facing aspect, where ground is particularly rocky, and along watercourses which runs in the valley bottom, as well as protected tree species in terms of the NFA such as <i>Pittosporum viridiflorum</i> and <i>Sideroxyloninerme</i>. This close woody vegetation of which plus two hectares will be heavily impacted upon by the development constitutes natural/indigenous forests (coastal, riverine and secondary forests).</p> <p>KZN Coastal Forest are endangered therefore, listed as threatened ecosystems in terms of the National Environmental Management Biodiversity Act.</p> <p>In addition all natural/indigenous forests are protected in terms of NFA provisions. Such as, section 3(3)(a) of the NFA states that: natural forests must not be destroyed save in exceptional</p>	<p>As noted previously, the majority of the forest on the site is relatively recent. However 'older forest' and a 30m buffer has been avoided in the development planning.</p> <p>This is understood, however, the potentially affected forests, whilst fitting the legal definition of forest, are of recent origin and in many cases highly infested with alien plants and trees.</p> <p>The area is zoned for development and only very small portions are proposed for development. The development of these areas will have socio-economic benefits in the area</p>

Communication	Received from	Comment	Response
		<p>circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits. The term “exceptional circumstance” indicates situation that are unusual or rare. In this case it refers to capital projects of national and provincial strategic importance. Where forests are affected by such projects, it must first be proven beyond doubt that these are in the strategic national or provincial interest, and secondly that no feasible alternative is available.</p> <p>If unavoidable, an off-set agreement must be reached to compensate for the loss, and all feasible mitigation measures must be taken to minimize the impact (Policy Principles and Guidelines for Control of Development Affecting Natural Forests).</p> <p>The proposed development and associated infrastructure will have a detrimental impact on the indigenous forests as well as protected tree species. South African Coastal and Indigenous forests are decreasing at a rapid rate, thus, the natural fragmentation and isolated nature of these forest types make them vulnerable to high degree of anthropogenic pressure, therefore, it is of great importance that these biomes are conserved.</p> <p>Should the development be approved, the conditions outlined below must be adhered to and incorporated into the Environmental Authorization as well as the Environmental Management Programme:</p> <p>a) The indigenous forests which are mainly confined to the slopes and along the watercourses as well as those that fall outside of the development footprint should be excluded from the development. These forests should not be disturbed under any circumstances unless for rehabilitation purposes.</p> <p>b) The natural/indigenous forests occurring within the property but outside of the development footprint should be retained, strictly conserved and managed as a conservation areas and ecological corridor.</p>	<p>and to the City, as well as benefits relating to long term management of the areas. The landowner would commit to a rehabilitation and management plan for the undeveloped portions of the property. This would involve alien plant management etc.</p> <p>The Basic Assessment Process is recognised as the start of a dialogue with DAFF with regard to permitting requirements. This communication has been taken up with the Department.</p> <p>A protected Plant Rescue and Relocation Report has been completed by Eco-pulse (17 November 2021), see Appendix E.</p> <p>Noted – see comments above.</p> <p>To be included in the Environmental Authorisation.</p> <p>See attached Forest Conservation Management Plan in Appendix E</p>

Communication	Received from	Comment	Response
		<p>Furthermore, the condition of these forests should be improved by eradication of alien invasive plants/vegetation and planting of indigenous species.</p> <p>c) The maintenance and conservation of the indigenous forest ought to be a continuous process which must be incorporated in the relative documentation should the property ownership change.</p> <p>d) These forest/close woody vegetation must be excluded from any further/future development and may not be utilized for any activities other than passive recreation which will not negatively impact on the natural forest.</p> <p>e) A rehabilitation plan must be developed and submitted to the department for the areas regarded as degraded by the specialist as well as the entire area which will not be developed within the property.</p> <p>f) An ecologist together with the architect should identify large/healthy indigenous and protected trees which will be retained within the selected areas for development, to avoid clearing all the indigenous trees and the house structures ought to be incorporated amongst these trees, those would actually add value to the development landscape. Appropriate distance should be maintained between the indigenous trees and houses to secure the wellbeing of the trees.</p> <p>g) Indigenous vegetation must be rescued as much as possible and all transplantable trees ought to be transplanted to a suitable location within the property.</p> <p>All activities pertaining to search and rescue as well as transplanting of tree species and site rehabilitation should be conducted under the guidance of a suitably qualified personnel.</p>	<p>Noted – to be incorporated into the Environmental Authorisation.</p> <p>This issue is discussed in the specialist vegetation report, included in the EMPr and the Forest Conservation Management Plan.</p> <p>This will be undertaken once detailed planning is underway (included in the EMPr).</p> <p>This is included in the EMPr and will therefore be a legally binding condition in the Environmental Authorisation.</p>

Communication	Received from	Comment	Response
		<p>h) A forest / biodiversity conservation/management plan should be compiled inclusive of rehabilitation plan and plant rescue plan.</p> <p>i) The construction area must be clearly demarcated and cordoned off to prevent unauthorized access.</p> <p>j) Post construction, the regulations of the estate body cooperate or managing body must include strict conservation measures as well as the prohibition of natural forest disturbance by residence and any other persons.</p> <p>k) Should there be a need to disturb indigenous trees in a natural forest and/ or protected tree species in terms of the NFA provisions, a licence application form must be submitted to DAFF office in Pietermaritzburg prior any activity commencement</p>	<p>A Forest Conservation Management Plan and Plant Rescue and Translocation Plan have been prepared (see Appendix E9 and E10).</p> <p>This is included in the EMPr.</p> <p>This is included in the EMPr.</p> <p>This is noted, a permit has been obtained for the disturbance of the one protected plant on site. The forest removal permit cannot be applied for until the Environmental Authorisation has been issued.</p>
Letter dated 16 July 2020 via email	Department: Water and Sanitation Ms N Govender	<p>This Department has the following comments with regard to the proposed project:</p> <p><b>(1) Water Use Authorisations and Water Resources</b></p> <p>(1.1) The application to construct residential developments is noted.</p> <p>(1.2) Page 6 of the DBAR report states that construction activities include "burying the pipe, encased in concrete, under the river channel".</p> <p>Page 35 of the Aquatic Assessment Report states that there will be pipeline crossing over streams. Kindly clarify this point.</p> <p>(1.3) Please note that any activity (road, structure, pipe, etc.) within a 500m radius from the boundary of a wetland constitutes Section 21 (c) and/or Section 21 (i) water uses, i.e. "impeding or diverting the flow of water in a watercourse" and "altering the bed, banks, course or</p>	<p>This was a reference to a sewer pipe and is therefore no longer applicable as an onsite sewage treatment facility is now proposed.</p> <p>Noted –Requirement for a Water Use Licence to be a condition of the Environmental Authorisation if deemed necessary.</p>

Communication	Received from	Comment	Response
		characteristics of a watercourse" respectively and must be authorised under the provisions of the National Water Act, 1998 (Act No. 36 of 1998) (NWA).	
		<p>(1.4) Page 30 of the DBAR report states that there are no wetlands identified within 500m of the development. This is noted. However the watercourses that have been identified and delineated must be approached with caution.</p> <p>Any temporary or permanent stream diversion or alteration will constitute a Section 21 (c) and (i) water use of the NWA and must be authorised by this Department.</p> <p>The river, stream and associated buffers must be treated as sensitive environment areas.</p>	<p>Noted, as above.</p> <p>There will be no disturbance in the drainage lines or buffers.</p>
		<p>(1.5) The DBAR Report states that water will be sourced from the Municipality. This Office requests that a confirmation indicating the availability of municipal supply water for the proposed project is forwarded to this Office. Should the Applicant decide to use water from the water resource; an authorisation in terms of Section 21 (a) of the NWA will be required. No water should be abstracted from the River without prior authorisation. This includes abstracting for use as dust suppressant, cleaning, and operational purposes or for irrigation.</p>	<p>Water will be sourced from the Municipal supply.</p>
		<p>(1.6) No processing area or waste piles may be established within 100m of the edge of the watercourse. Please note that no activity is permitted within the 1:100 yearfloodline and as such this constitutes a Section 21 (c) and (i) in terms of NWA.</p>	<p>Noted. This has been included in the EMPr.</p>
		<p>(1.7) This Department would like to reiterate that it is the responsibility of the Applicant to identify all water uses applicable to the activity in terms of Section 21 of the NWA and ensure that all applicable water uses are authorised as such.</p> <p>(1.8) The Applicant must consult with this Department if clarity is required with regard to water uses and water use authorisations.</p>	<p>Noted – as stated previously, the applicant is aware of the possible need for a Water Use Licence and this must be a condition of the Environmental Authorisation.</p>

Communication	Received from	Comment	Response
		(1.9) Please note that no person may use water otherwise as permitted under the NWA, 1998. Should you engage in any water use without the necessary water use authorisation it will be regarded as an unlawful water use and are guilty of an offence and liable for a fine or imprisonment as stipulated in Section 151 of the NWA.	Noted.
		(1.10) A pre-Water Use Licence Application meeting is recommended, the Applicant may contact Ms Zama Hadebe of the Water Use Authorisation Unit on 031 336 2767/2700 for any water use authorisation queries and guidance.	Noted.
		(1.11) If the proposed development/project engages or proposes to engage in one or more water uses that require a water use licence in terms of the NWA, then by default all other water use activities taking place on that property, irrespective if it would be regulated by a General Authorisation would require to apply for a water use licence. This is part of the integrated water use licencing process.	Noted.
		(1.12) The onus is on the Applicant to submit a complete Water Use Licence Application to this Department for water uses under Section 21 of the NWA that will be exercised in time to avoid unnecessary delays.	Noted.
		<b>(2) Solid Waste Management</b>	Municipal waste will be removed by DSW.
		(2.1) Please note that Waste Management is seen as an integral aspect and must be part of the Environmental Management Plan. A Service Level Agreement (SLA) between the Applicant and a registered/licensed disposal facility must be kept on record.	Construction waste will be removed by a waste removal contractor and an SLA will be kept on record (recommendation included in the EMPr).
		(2.2) All waste material generated must be disposed of at a permitted landfill site that is authorised to accept such waste.	As stated previously, general waste will be removed by the Municipality and disposed of at one of their licenced sites.
		Safe disposal certificates must be kept on record and made available on request for review.	Construction waste will be removed by a contractor and Safe Disposal Certificates will be kept on file.

Communication	Received from	Comment	Response
		(2.3) Contaminated soil or other hazardous material must be disposed of at a permitted hazardous landfill site that is authorised to accept the said material.	Any hazardous waste generated during construction will be disposed of appropriately and records kept.
		(2.4) Should private contractors be used, all solid waste must be disposed of at a permitted landfill site, and proof of this must be made available to this Department when required.	As above.
		(2.5) Such waste must be placed in skips stored in a designated storage/collection area prior to being safely disposed of and must not cause any surface and groundwater pollution or pose any health hazards.	Requirements for waste management during all phases of the project have been discussed in the EMPr.
		<b>(3) Sewage and Wastewater Management</b>	Sewage and wastewater will be treated by on site package plants (See Appendix E8).
		(3.1) Page 6 of the Report states that the Project Engineers received a letter from The Water and Sanitation Unit of eThekweni Municipality stating that the Kingsburgh Wastewater Treatment Plant has sufficient capacity to accept the predicted wastewater from the development. Kindly forward this letter to this Office for review.  Please note that any disposal to a sewage facility requires a Service Level Agreement to be made. This must be included in the submission to the Department.	
		(3.2) Washing, refuelling, maintaining of vehicles or the transfer of hazardous substances must be conducted within a bunded area.  All drainage arising from the bunded area must be treated as a water containing waste and disposed of safely.	Noted, recommendation included in the EMPr.
		(3.3) Should the Applicant choose to use chemical toilets during the proposed activity, the following must be considered: <ul style="list-style-type: none"> <li>▪ The use of mobile, chemical toilet facilities during this proposed activity must not cause any pollution to any water resources as well as pose a health hazard,</li> </ul>	Noted, recommendation included in the EMPr.

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>▪ The chemical toilet must be situated out of the 1:100 year flood line of any watercourse,</li> <li>▪ A maintenance plan for the service of these toilets must be drawn up and strictly adhered to in order to prevent malfunctioning and neglect, and</li> <li>▪ The chemical toilet must be in a bunded area, away from public view and access.</li> </ul>	Noted
		<p>(3.4) The following is applicable should small volumes of wastewater be generated during the construction phase:</p> <ul style="list-style-type: none"> <li>▪ Water containing waste must not be discharged into the natural environment.</li> <li>▪ Measures to contain the water containing waste and safely dispose of it must be implemented.</li> </ul>	Noted
		<p><b>(4) Stormwater Management</b></p>	
		<p>(4.1) It is noted that a Stormwater Management Plan will be developed. Please ensure that this is prepared in accordance with best practice guidelines. A copy of the Stormwater Management Plan must be submitted to the Municipality for approval and must form part of the authorisation application to this Department for review.</p>	Conceptual stormwater management principles are discussed in Appendix E12
		<p>(4.2) An Engineer or Contractor must ensure that only clean Stormwater runoff enters the environment.</p>	Comment noted and included in EMPr
		<p>(4.3) Drainage must be controlled to ensure that runoff on site does not culminate in off-site pollution, flooding or result in any damage to properties downstream of any storm water discharge.</p>	Noted – this is discussed in the engineering report.
		<p><b>(5) Erosion Control</b></p>	
		<p>(5.1) Soil erosion onsite must be prevented at all times i.e. pre-, during- and post- construction activities. Erosion control measures must be implemented in areas sensitive to erosion such as near water supply points, edges of slopes, etc. These measures could include the use of sand bags, retention or replacement of vegetation.</p>	Noted, detailed requirements have been included in the EMPr.

Communication	Received from	Comment	Response
		<p>(5.2) Stockpiled areas must be effectively contained so as to prevent further erosion and potentially altering the quality of the resource.</p> <p><b>(6) Spillages Management</b></p> <p>(6.1) The Applicant must submit a Spill Contingency Plan which must indicate the following steps:</p> <ul style="list-style-type: none"> <li>(i) Stop the source of the spill;</li> <li>(ii) Contain the spill;</li> <li>(iii) All significant spills must be reported to this Department and other relevant authorities;</li> <li>(iv) Remove the spilled product for treatment or authorised disposal;</li> <li>(v) Determine if there is any soil, groundwater or other environmental impact;</li> <li>(vi) If necessary, remedial action must be taken in consultation with this Department and the Department of Economic Development, Tourism and Environmental Affairs; and</li> <li>(vii) Incident must be documented.</li> </ul> <p><b>(7) General</b></p> <p>(7.1) There must be no unacceptable impact on the quality of both surface and groundwater in the area. If pollution of any surface or groundwater occurs, it must be immediately reported to this Department and the appropriate mitigation measures must be employed. In addition, should the proposed activity impact on any groundwater and/or surface water users, then water of equal quality and quantity must be provided to the affected users.</p>	<p>Comment noted and included in EMPr.</p> <p>Spill management procedures have been discussed in the Draft EMPr. A site specific plan is included in the EMPr.</p> <p>Noted and included in EMPr.</p>

Communication	Received from	Comment	Response
		<p>(7.2) No form of secondary pollution should arise from the disposal of sewage and refuse. The contractor must be clearly briefed on the method of disposal of such waste and compliance must be ensured/monitored. Any pollution problems arising from the above project is to be addressed immediately by the Applicant.</p> <p>(7.3) Please take note of the contents mentioned in the report titled ' Kingsburgh Residential Estate Portions of Erven 2954, 2955, 2957 eThekwini Municipality, KwaZulu-Natal Aquatic Assessment Report' dated, 20 July 2018, and adhere to all recommendations and mitigation measures provided.</p> <p>(7.4) Please take note of the contents mentioned in the document titled ' Proposed Kingsburgh X9 Residential Development Environmental Management Programme' dated, March 2020, and adhere to all recommendations provided.</p> <p>(7.5) Notwithstanding the above, the responsibility rests with the Applicant to identify any source or potential source of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act (Act 36 of 1998) could lead to legal action being instituted against the Applicant.</p>	<p>It should be noted that there is significant pollution occurring in the drainage channel below the sites currently due to poorly maintained Municipal Sewage infrastructure.</p> <p>Waste management is discussed in detail in the EMPr.</p> <p>These have been included in the EMPr.</p> <p>Noted – compliance to be made a condition of the Environmental Authorisation.</p> <p>Noted.</p>
Letter dated 18 August 2020 via email	Directorate: Environmental Services: eThekwini District Ms. Natasha Brijlal Control Environmental Officer (EIA)	<p>1) The Draft Basic Assessment Report (BAR) dated March 2020 as received by the Department on 10 July 2020 for the above-mentioned activity refers.</p> <p>2) Following a review of the draft BAR, the Department hereby brings your attention to the following:</p>	

Communication	Received from	Comment	Response
		<p>2.1 The public participation process for the proposed development was conducted in July-August 2018 which is over two years. The Department requests that a new public participation process be undertaken. A Public Participation Plan must be drafted and submitted to the Department for approval prior to commencing with the process.</p> <p>2.2 In the 'Executive Summary' of the report, it is stated that "it should be noted that the number and mix of units may change when the final layouts are developed" suggesting that the project planning is not yet at its final phase. You are advised to remove this statement as the preliminary layout details in the report must articulate to the scope of the development.</p> <p>Should there be changes post EA, the necessary process can be followed to expedite this change.</p> <p>2.3 Similarly in the Comments and Response table, eThekweni Municipality's Water and Sanitation Department requested for a Sewer Impact Assessment and the response was "a sewer impact report will be undertaken when the final project planning is completed". As such, this Department cannot make an informed decision until the project planning has been finalised and all the requirements of the stakeholders and registered I&amp;APs have been met. Should you wish to continue with the development, you run a risk of obtaining a negative Environmental Authorisation.</p>	<p>The Public Participation Process was repeated in September 2020. The proposed plan was approved by EDTEA (Siyabonga Sikhakhane) via email on the 31 August 2020.</p> <p>Newspaper adverts were placed in the Isolezwe in Zulu on the 20<sup>th</sup> September and in the South Coast Sun in English on the 25<sup>th</sup> September 2020.</p> <p>Site posters (in English and Zulu) were erected around the sites on the 17<sup>th</sup> September 2020.</p> <p>An email was sent to all previously registered I&amp;APs on the 17<sup>th</sup> September 2020.</p> <p>Proof of the process is included in Appendix D.</p> <p>Noted – the report has been amended.</p> <p>The Bulk Sewerage Services Report is attached in Appendix E8.</p>

Communication	Received from	Comment	Response
		<p>2.4 The above points/concerns/issues must be addressed prior to the submission of the final BAR.</p> <p>3) You are advised to consult with the Department should you require clarity on the above points/requirements.</p> <p>4) No activities may commence on site prior to a positive Environmental Authorisation being issued by this Department.</p> <p>5) The Department reserves the right to withdraw, revise or request further information based on any new information received.</p> <p>6) The Department reserves the right to inspect the property in question at any time and reserves its rights in terms of Section 28(4) of the National Environmental Management Act, 1998 to ensure that reasonable measures are taken to prevent, minimise or rectify pollution or degradation to the environment.</p> <p>7) It is the responsibility of the applicant to determine the necessary requirements from relevant Departments.</p> <p>The application for environmental authorisation does not exclude you from compliance with any other relevant and applicable legislation and local bylaws.</p>	<p>This has been undertaken.</p> <p>Noted – discussions were undertaken with Mr Sikhakhane.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
4th October 2020 via email	Jeff van Belkum	<p>Thank you for the opportunity to comment further.</p> <p>I note the responses to my questions posed in my letter dated 28 August 2018. Thank for the opportunity to comment further:</p> <p>1. Having read the various expert assessments including aquatic and geotech reports, it seems the land is not ideal for the high density construction proposed, even if reduced in extent.</p>	<p>The project engineers deem the site to be suitable for development based on the geotechnical report findings.</p>

Communication	Received from	Comment	Response
		<p>2. On the question of the ownership of the land, the applicant is Dan Spares cc, which appears to be an unregistered company. Given the stated scope and objectives of the EMPr, surely a due diligence assessment of the proposer, prior to approval, is essential? Does this company have the means? After all, it is not unheard of to have large scale earthworks abandoned and left to the elements for years.</p> <p>The report makes numerous references to "mitigation" or "management" of negatives aspects but who will do the monitoring?</p> <p>As a concerned resident of many years standing, I would appreciate some form of reassurance that the proposer has the wherewithal to complete the project, in good time and with minimal disturbance to the amenity.</p> <p>3. With regard to the capacity of Kingsburgh Wastewater Treatment Works, has the local authority taken into account the impact of proposed sizeable developments on Lots 970 and 974 in nearby Almond Road and the KZN Automotive Park, Illovo?</p> <p>4. Finally, I again raise the matter of the Little Amanzimtoti River and estuary and the Wastewater Works, all in close proximity. Failed development on Lots 2954/5/6 may give rise to an environmental disaster. I am no environmental expert, but you might find it useful to peruse the Ethekewini Municipality's Climate Risk Assessment guidelines, published on the internet.</p>	<p>The abandonment of partially completed earthworks is a valid concern.</p> <p>In this situation, should the developer fail to complete the mitigation, the State can intervene and undertake the mitigation works and recover the costs from the developer/landowner (National Environmental Management Act Provisions).</p> <p>Sewage will be treated on site (Appendix E8).</p> <p>Noted, relevant mitigation measures have been included in the EMPr in order to avoid any negative impact to the water resources in the proximity of the site.</p>
Letter dated 30 October 2020 via email	M.K. Lotz Regional Coordinator: Biodiversity Impact	<p><b>Cleansing and Solid Waste (CSW)</b></p> <ul style="list-style-type: none"> <li>The development must ensure that the designs of the roads are suitable for refuse trucks with a poor tuning circle and a 10,2-ton legal axle load.</li> </ul>	The design of the development has taken these requirements into account.

Communication	Received from	Comment	Response
	Assessment Branch Environmental Planning and Climate Protection Department	<ul style="list-style-type: none"> <li>• Suitable refuse storage areas to be provided if the units are flat type.</li> <li>• A suitable refuse storage area must be constructed close to the entrance so that the collection crew have easy access and such that the collection vehicle does not impede the free flow of traffic on a public road.</li> <li>• If the project includes homes that are not on vehicle roads (footpath access) then no home can be more than 150m from a road which a refuse compactor can gain access.</li> <li>• Given the extent of the development DSW would require additional resources to be able to service this area and therefore need a financial year advanced notice to be able to motivate for funds to acquire these additional resources.</li> <li>• The consideration of recycling of waste in the development should be allowed for - objective is to minimize waste sent to landfill.</li> </ul> <p><b>Coastal Policy</b></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p><b>Coastal Stormwater and Catchment Management (CSCM)</b></p> <ul style="list-style-type: none"> <li>• The development does not have a stormwater management plan. The department is concerned that there is no mitigation being provided for the increased runoff that will come off this development at the top of the hillside with highly erodible soils.</li> </ul> <p><b>Disaster Management</b></p> <ul style="list-style-type: none"> <li>• From a Disaster Management perspective, the proposed development does not indicate an increase of risk to the area. However, given the loss of natural vegetation, biodiversity and 'green-lung' open space, the Environmental Branch opinion is key in addressing any relative concerns. Hence, we subject our comment to their opinion.</li> </ul>	<p>Noted. Developer to ensure that the Municipality is given adequate notice.</p> <p>This has been included in the EMPr.</p> <p>Conceptual stormwater management principles are discussed in Appendix E12.</p> <p>Noted.</p>

Communication	Received from	Comment	Response
		<p><b>Environmental Health</b></p> <p>This department supports the proposed housing project. However, it is recommended that the development be conducted within the following parameters:</p> <ul style="list-style-type: none"> <li>• The provision of adequate water supply.</li> <li>• Building plan to be submitted to this Department for scrutiny.</li> <li>• Provision of adequate refuse removal system.</li> <li>• Control measures to suppress dust must be in place.</li> <li>• Construction to be in accordance with the National Building Regulations and any other applicable Bylaws and Regulations.</li> <li>• Waste generated during and after construction to be disposed of at an approved landfill site (records to be kept).</li> <li>• Water and ablution facilities to be made available during the construction phase.</li> <li>• This department reserves the right to call for additional requirements should any health nuisance arises.</li> </ul> <p><b>Environmental Planning and Climate Protection Department (EPCPD)</b></p> <p>The Draft Basic Assessment Report (dBAR) submitted to this Department for review has reference.</p> <p>The comment presented below pertains to the detail provided in the report and associated appendices. Comment is also based on discussions with the Environmental Assessment Practitioner (EAP) and on previous comment provided on this application.</p> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• As previously stated, the entire site has been included in the Durban Metropolitan Open Space System (D'MOSS) due to the high biodiversity and important ecological infrastructure present on the site.</li> <li>• The site is also noted as being characterised by steep topography and very shallow soils.</li> </ul>	<p>These provisions are noted and included in the EMPr where applicable.</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• This Department has on numerous occasions previously highlighted the above issues and required that any development planned on the site take these aspects fully into account when proposing layouts and infrastructure.</li> <li>• This Department has also provided the applicant with three footprints across the properties within which development should be focused to limit impacts. These footprints were to accommodate all development impacts and requirements regarding protection of adjacent biodiversity.</li> <li>• This Department notes with concern that in some cases the development footprint proposed significantly exceeds the areas detailed above.</li> <li>• Furthermore, none of the development sites have included forest buffers as part of the development layouts. Buffering of forest habitat is essential to reduce and mitigate the impacts of development on sensitive ecological functioning of these wooded areas. Buffers to the forest must be incorporated into the layouts.</li> <li>• Buffer widths must be 40m, with the outer 20m, closest to the forest being considered a no-go area, the 20m portion of the buffer closest to the development may be used for recreational aspects, such as walking paths and leisure areas.</li> <li>• The development layouts must be amended to align with the footprints provided and buffers must be included as part of the layout.</li> </ul> <p><u>Infrastructure</u></p> <ul style="list-style-type: none"> <li>• This Department requires that the developer confirm the availability of sewage capacity at Kingsburgh WWTW. It is this Department's understanding that available capacity at the aforementioned waste treatment works has been fully allocated. Confirmation of sewage capacity allocation to this development must thus be provided.</li> </ul>	<p>This issue has been resolved, with EPCPD agreeing to 30m buffers and the development proposal being revised to accommodate these.</p> <p>Sewage will be treated on site (See Appendix E8).</p> <p><u>Stormwater</u> Final development proposals for this site should, as far as</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• It is also a concern of this Department that the reticulation lines that the development plans to tie into are inadequately sized and cannot accept the additional effluent. The specialist aquatic assessment reports (EcoPulse, 2018) included in the DBAR showed a number of photos of surcharging manholes and pollution of the watercourses draining through the site, suggesting infrastructure that is already under capacity and strained. More detail must be provided with regards to the ability of the sewage infrastructure to accommodate the additional planned inputs.</li> <li>• Linked with the above, this Department has concern over the proposed reticulation routes from the development nodes to the existing sewer line. The layout shows direct pipe routes down the notably steep and heavily wooded slopes. These routes pose a direct erosion risk which does not appear to have been assessed or addressed in the DBAR. In addition, the construction of these pipelines is likely to require heavy earth-working machinery. The access paths and working corridors needed for the plant to access the pipeline have not been indicated or assessed. In addition, these routes will also cause significant additional damage to the forest core, which is not accepted.</li> <li>• Stormwater management remains a significant issue that has still not been fully appreciated or addressed. The proposed layout shows discharge points at various positions around the development areas. These structures are located at the top of the steep slopes and are likely to result in significant erosion and damage to the forest areas into which they propose to discharge.</li> <li>• The DBAR documentation did not include any Stormwater Management Plans or Engineering Reports for assessment.</li> </ul> <p><u>Erf 2954</u></p> <ul style="list-style-type: none"> <li>• Development on this site lies largely within the agreed footprint. However, the layout does show earthworks outside of the footprint and has not included any buffer to the forest.</li> </ul>	<p>possible, exclude the accumulation of storm water and concentrated discharge into the valley line. Our current proposal shows this as being necessary only for runoff from paved roads.</p> <p>Run-off from roofs should as far as practicable be diverted to storage tanks for rain-water harvesting and subsequent utilisation for garden irrigation. The shale sub-soils preclude the use of soakaways. Discharge from gutters/downpipes could also be collected and discharged over an extended distance (along the contour) below units, through slotted or perforated pipes.</p> <p>The very steep nature of the site makes the provision of attenuation ponds very impractical and they could, whilst full, introduce excessive water into the sub-soil. Such provision is, therefore, not recommended.</p> <p>Final storm water management proposals have been approved by G Mullins (EPCPD).</p> <p>See Appendix E12 and layouts in Appendix H.</p> <p>This has been resolved.</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• Stormwater management and the sewer connection remain an issue that needs resolution, as detailed above.</li> <li>• Development of this portion is not acceptable until the above issues are satisfactorily addressed.</li> </ul> <p><u>Erf 2955</u></p> <ul style="list-style-type: none"> <li>• Development of this portion proposes to significantly encroach into the identified old-growth forest portions to the south of the provided footprint. This increased development area will cause significant additional damage and forest loss that is not supported.</li> <li>• As above, the earth works must be reduced and a buffer to the forest must be provided.</li> <li>• Stormwater management and the sewer connection remain an issue that needs resolution, as detailed above.</li> </ul> <p><u>Erf 2956</u></p> <ul style="list-style-type: none"> <li>• Development on this site lies largely within the agreed footprint. However, the layout does show earthworks outside of the footprint and has not included any buffer to the forest. Earthworks and fill in the old-growth forest portions to the south must be removed.</li> <li>• The proposed infilling of the head of the drainage line between the entrance to the development and the units on the southern portion of the footprint is not accepted. The forest loss and impacts to the watercourse have not been quantified and will result in degradation to the downstream receiving environments that do not appear to have been identified or assessed and mitigated.</li> <li>• Stormwater management and the sewer connection remain an issue that needs resolution, as detailed above.</li> <li>• Development of this portion is not acceptable until the above issues are satisfactorily addressed.</li> </ul>	<p>There is no longer any development proposed on Erf 2955.</p> <p>The new layout does not show any cut or fill going outside the buffer.</p> <p>The revised layout has considered development on EPCPD suggested areas and the agreed forest buffer zone will now allow for the protection of forest</p> <p>This will be resolved when detailed design is done.</p>

Communication	Received from	Comment	Response
		<p><u>Conservation and Site Management</u></p> <ul style="list-style-type: none"> <li>• Notwithstanding the above specific matters raised, this Department has always required that any development approved on this site must be accompanied with a comprehensive conservation management plan for the mitigation of any forest loss, rehabilitation of the remaining forested areas and the long-term management and maintenance of the open spaces on the development sites.</li> <li>• The DBAR documentation does not include detail as to any of the above conservation requirements, nor does the report provide detail on timing or funding options to address the need to ensure that the remaining open space is retained, managed and protected.</li> <li>• Given that development is proposed in habitat considered to be Critically Endangered, impacts must be fully mitigated to ensure that no residual impact remains. Any residual impact will require the development of an offset plan and will be subject to approval by this Department and EKZN Wildlife before being supported.</li> <li>• This Department cannot support the proposed development until such time as the above aspects pertaining to the construction and operational impacts have been fully addressed. This department remains happy to consult further regarding any aspects relating to this application.</li> </ul> <p><b>EThekwini Electricity</b></p> <p>HV Planning has no objections to the location of the development however this application requires MV/LV Planning's comment on the availability to supply the new housing development.</p> <p><b>EThekwini Transport Authority (ETA)</b></p> <p>With reference to the Draft BAR dated 09 September 2020 and received 22 September 2020 by the Department:</p>	<p>A Forest Conservation Management Plan has been developed (See Appendix E9).</p> <p>There will be no residual impacts and onsite mitigation will be implemented (see Forest Conservation Management Plan).</p> <p>Noted.</p> <p>Noted.</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• The Strategic Transport Planning (STP) Department has reviewed the application and has no objection in principle to the Draft BAR.</li> </ul> <p><b>EThekwini Water and Sanitation (EWS – Water Planning)</b> The Water Planning Department has no objections to the “Proposed Housing Developments on Erven 2954, 2955 and 2956 Kingsburgh Extension 9” taking note of the following:</p> <ul style="list-style-type: none"> <li>• The comment/s should not be deemed to be an approval of the eThekwini Municipality or Water Planning Department.</li> <li>• The departments comment/s are subject to the applicant meeting all water by-laws and unit requirements.</li> <li>• The department reserves the right to comment further should the need arise in the future.</li> </ul> <p><b>EThekwini Water and Sanitation (Wastewater)</b></p> <p>The Water Planning Department has no objections to the BAR for the Proposed Housing Development on Erven 2954, 2955 and 2956 Kingsburgh Extension 9, KwaZulu Natal.</p> <ul style="list-style-type: none"> <li>• It should be noted that this comment is not an approval for any new developments to take place on the above-mentioned sites.</li> <li>• An application must be made to this department to confirm the availability of capacity within the receiving sewer network and wastewater treatment works (Kingsburgh WWTW).</li> </ul> <p><b>Fire Safety</b></p> <p>This department has no objection to the application subject the applicant adheres to the following:</p> <ul style="list-style-type: none"> <li>• The applicant must confirm separation distance between the proposed project and Pipelines.</li> </ul>	<p>Noted.</p> <p>Noted.</p> <p>It has been confirmed that there is no capacity in the Kingsburgh WWTW.</p> <p>Noted.</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• The project must not be close to an MHI site, if there are MHI sites within close proximity the applicant must understand the impact.</li> <li>• The site must comply with the Interim Code Relating to Fire Prevention.</li> <li>• Full compliance with the road closure procedures and requirements to allow emergency services to respond in cases of emergency.</li> <li>• Full compliance with other applicable Legislative requirements.</li> </ul> <p><b>Land Use Management (LUM)</b></p> <ul style="list-style-type: none"> <li>• This office has no objection to the development of Erven 2954, 2955 and 2956 Kingsburgh for residential purposes as these sites are zoned for residential.</li> <li>• Any future proposal must comply with the requirements of the South Scheme and the Planning and Land Use Management Bylaw 2016.</li> </ul> <p><b>Parks, Leisure and Cemeteries</b> No comments to date.</p> <p><b>Pavement and Geotechnical Engineering (PG&amp;E)</b></p> <p>P&amp;GE has previously accepted the Drennan Maud 2017 geotechnical report; no further comment.</p> <p><b>Strategic Spatial Planning (SSP)</b></p> <p>The Strategic Spatial Planning Branch has reviewed the abovementioned Draft BAR and has the following comments.</p> <p>The branch's comment on the Draft BAR dated 24 June 2020, remains unchanged, which was as follows: "The subject site in terms of the Spatial Development Framework (SDF, 2019/2020) and the South Spatial Development Plan (SSDP, 2015), it is broadly identified for Residential purpose.</p>	<p>There are no known MHI sites in close proximity to the developments as the sites are within existing residential areas.</p> <p>These provisions have been included in the EMPr.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

Communication	Received from	Comment	Response
		<p>Also, the proposed development aligns with the eThekweni Densification Strategy (2013), as the proposed density for the Kingsburgh areas is 15-40du/ha.</p> <p>The proposed housing development is unlikely to negatively affect the surrounding area. Therefore, the branch raises no objection to the proposed development”.</p> <p>The support is however subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• This branch’s support is subject the applicant meeting all municipal and provincial sector requirements.</li> <li>• This support should not be deemed to be an approval of the eThekweni Municipality.</li> <li>• This branch reserves the right to comment further should the need arise.</li> <li>• The branch’s support is based on the information provided.</li> </ul> <p><b>Catalytic Projects</b> N/A</p>	Noted.
<b><u>Comments and Responses Received from the circulation of a project update letter on the 31 March 2021</u></b>			
Letter dated 03 May 2021 via email	Dept. Water & Sanitation Ms N Govender / Ms RJ Madibe	<p>Reference is made to a letter stating project update received on 23 April 2021. Further reference is also made to the comment letter issued by this Office dated 16 July 2020.</p> <p>This Department has the following comments:</p> <ol style="list-style-type: none"> <li>1. It is noted that the letter states that the developer proposes to install an on-site sewage treatment facilities as the Municipal infrastructure has no capacity.</li> <li>2. This Office enquires as to whether the final effluent will be discharged into the environment or will be disposing of it offsite. Please note that discharge of treated water into the water resource triggers a water use activity in terms of Section 21 (f) of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) and must be applied for as such.</li> </ol>	The final effluent will not be discharged offsite.

Communication	Received from	Comment	Response
		<p>3. Should the treatment facility be located within a 500m radius from the boundary of a water resource constitutes Section 21 (c) and/or Section 21 (i) water uses, i.e. "impeding or diverting the flow of water in a watercourse" and "altering the bed, banks, course or characteristics of a watercourse" respectively and must be authorised under the provisions of the NWA.</p>	Noted.
		<p>4. All relevant Specialist studies and reports undertaken (including but not limited to the Aquatic Assessment, dated 20 July 2018 and the Environmental Management Plan, dated March 2020) must be updated to include the impacts that the new treatment facility will have on any water resource as defined by NWA.</p>	The Eco-Pulse Report has been updated (see Appendix E4).
		<p>5. The Applicant must note that the proposed facility must be out of 1:100 year flood line.</p>	Noted.
		<p>6. This correspondence does not absolve the Applicant to the requirements stated in the comments letter dated 16 July 2020 issued by this Office.</p>	Noted.
		<p>7. This correspondence does not absolve the Applicant to the requirements stated in the comments letter dated 16 July 2020 issued by this Office.</p>	Noted.
		<p>8. A pre-Water Use Licence Application meeting is recommended, the Applicant may contact Ms Zama Hadebe of the Water Use Authorisation Unit on 031 336 2767/2700 for any water use authorisation queries and guidance.</p>	Noted.
		<p>9. The onus is on the Applicant to submit a complete Water Use Licence Application to this Department for water uses under Section 21 of the NWA that will be exercised in time to avoid unnecessary delays.</p>	Noted.
		<p>10. Notwithstanding the above, the responsibility rests with the Applicant to identify any source or potential source of pollution</p>	Noted.

Communication	Received from	Comment	Response
		<p>from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act (Act 36 of 1998) could lead to legal action being instituted against the Applicant.</p>	
<p>Letter dated 05 May 2021 via email</p>	<p>Ms Bathabile Msomi</p> <p><b>Coastal Stormwater and Catchment Management (CSCM)</b> Please could the</p> <p><b>Environmental Planning and Climate Protection Department (EPCPD)</b></p>	<p>With reference to your letter dated 31 March 2021 the various Municipal Departments have reviewed your concerns and the following responses are submitted for your attention:</p> <p>The reason we need to see at least a concept stormwater management plan is the following:</p> <ul style="list-style-type: none"> <li>• Space will be needed for the mitigation measures, e.g. attenuation ponds or swales, and these may need to encroach into the area where it has been said no development will take place. A detailed design is not required now but the applicant must show how the impacts of increased stormwater runoff will be mitigated.</li> <li>• If the outlet of an attenuation pond is proposed at the top of the hill, then this will cause erosion down the slope through the conservation area. This must be mitigated.</li> <li>• If the outlet is to be at the bottom of the hill, then the pipeline will be installed down the slope through the conservation area which will require an additional authorisation if it is not included now.</li> </ul> <p>This Department's comment on the Draft Basic Assessment Report (dBAR) (30 October 2020) and the subsequent response prepared by Messers Metamorphosis Environmental Consultants (11 March 2021) have reference. This Department has reviewed the detail included in the above letter and presents the following comments:</p> <p><u>General</u></p> <ul style="list-style-type: none"> <li>• This Department has actively engaged on this project over a number of years. During the course of these engagements a</li> </ul>	<p>Proposed stormwater management measures have been included in the Guideline Document contained in Appendix E12.</p> <p>Recommendations on the management of the outlets has been provided in the impact assessment section of the BAR and included in the EMPr.</p>

Communication	Received from	Comment	Response
		variety of potential development layouts and alternatives have been presented.	
		<p>For various reasons, detailed in previous comments, the layouts and proposals have not been supported and have required re-design.</p> <ul style="list-style-type: none"> <li>• Reduced potential development footprints were eventually agreed to circa 2018.</li> </ul> <p>It is important to note that these footprints were areas on which this Department would consider future development to be planned.</p> <p>The footprints were at no point accepted as fully developable and were to be considered as conceptual areas within which any development had to be contained – including buffers, earthworks and other associated infrastructure.</p> <ul style="list-style-type: none"> <li>• The Draft Basic Assessment presented the first development layouts of any detail, which could be actively engaged with and assessed. It is following review of the layouts that the requirement for forest buffers was raised.</li> <li>• Importantly, up till this point no buffers to the forest had been discussed as the development proposals had not reached a point where this Department was satisfied enough to engage further with site development.</li> <li>• The requirement for a 40m buffer (split 20m/20m) is based on previous approved assessments and applications in close proximity to forest.</li> </ul> <p>Impacts such as direct habitat loss, edge-effect impacts, noise and light intrusion have all been found to significantly affect long-term forest habitat integrity.</p> <ul style="list-style-type: none"> <li>• While the specialist report includes aspects to consider when evaluating buffer width, it is important to note that the buffer</li> </ul>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Buffer Zone Recommendations have been prepared and included in Appendix E11.</p> <p>Noted</p> <p>The forest conservation management plan has been compiled to offer management measures that form part of an “action plan” to avoid and mitigate (where applicable) negative impacts to the forest habitats.</p> <p>A detailed Forest Buffer Zone Report has been compiled and included in Appendix E11.</p>

Communication	Received from	Comment	Response
		<p>criteria listed in the specialist assessment are presented from a perspective where the habitat is degraded and thus has a perceived lesser value.</p>	
		<p>This department maintains that this approach is flawed and that the assessment does not consider the additional impacts detailed above and the mitigation offered by wider buffers. Nor does the assessment consider the wider buffers needed as the forest integrity continues to improve with further succession.</p> <p>Lastly, the assessment does not take into consideration the need for an ecotone between the forest and development.</p> <ul style="list-style-type: none"> <li>• It must be pointed out that the specialist report does not actually make any recommendations regarding the final buffer width. The section on buffers (Section 15) mentions that narrower buffers are sometimes considered for development in an urban context, however these sites are not considered urban. Rather, the specialist recommends that the buffers should be suitably sized to what ‘...distance from the edges construction can occur without disturbing the older growth forest...’. This Department contends that these buffer principles must apply to all forest on site, and not just ‘old growth’ areas; and must include consideration of the listed impacts above.</li> <li>• Notwithstanding the above position regarding the buffers, this Department needs to reiterate a point raised in comments on the dBAR.</li> </ul> <p>Regardless of the buffer width applied, the layouts prepared and presented in the dBAR encroach well into the forested areas at a number of points across the site, disregarding the conditions stipulated as part of the resolution of the development footprints and the specialists own buffer recommendations.</p> <p><u>Infrastructure</u></p> <ul style="list-style-type: none"> <li>• The proposal for onsite treatment is not accepted at this point. The potential impacts and risks associated with the operation of three separate wastewater treatment plants have not been fully detailed and assessed in the context of this development, the</li> </ul>	<p>These issues have been resolved and layouts amended.</p>

Communication	Received from	Comment	Response
		<p>site constraints and the potential impacts to the receiving environment.</p>	
		<ul style="list-style-type: none"> <li>• Aspects that require further detail include: <ul style="list-style-type: none"> <li>○ Detail around the management agreements for the plants and future maintenance and operation thereof.</li> <li>○ Running of package treatment works at Special Limit Values requires additional management and constant input and monitoring to ensure effluent quality standards. Detail as to how the development plans to achieve this is required.</li> <li>○ No detail is presented to further expand on where and how the effluent will be disposed of. This Department does not support discharge to any of the watercourses, nor does the specialist aquatic assessment consider these impacts of risks as part of their study presented in the dBAR, as such this alternative has not been full assessed or mitigated.</li> </ul> </li> <li>• This Department has highlighted the underlying geology of the site, the steepness and the erosion risk on each property at numerous points in this application.</li> <li>• This Department does not accept the response given to the Coastal Stormwater and Catchment Management Department regarding the need for a Stormwater Management Plan. Stormwater management has been highlighted as one of the key impacts affecting this development. To not completely show how these potential impacts have been mitigated and addressed is considered a fatal flaw in the consideration of the application. Further detail around stormwater impacts and the management thereof must be provided to resolve these concerns.</li> </ul>	<p>To be finalised in conjunction with the Municipality once final BAR is approved.</p> <p>The water will be stored and used for irrigation.</p> <p>Noted.</p> <p>Final development proposals for this site should, as far as possible, exclude the accumulation of stormwater and concentrated discharge into the valley line. Our current proposal shows this as being necessary only for runoff from paved roads.</p> <p>Run-off from roofs should as far as practicable be diverted to storage tanks for rain-water harvesting and subsequent utilisation for garden irrigation. The shale sub-soils preclude the use of soakaways. Discharge from gutters/downpipes could also be collected and discharged over an extended distance (along the contour) below units, through slotted or perforated pipes.</p> <p>The very steep nature of the site makes the provision of attenuation ponds very impractical and they could, whilst full, introduce excessive water into the sub-soil. Such provision is, therefore, not recommended.</p>

Communication	Received from	Comment	Response
	<p data-bbox="398 1050 1059 1080"><b>EThekwini Water and Sanitation (EWS – Wastewater)</b></p>	<p data-bbox="633 359 1059 389"><u>Conservation and Site Management</u></p> <ul data-bbox="633 403 1395 831" style="list-style-type: none"> <li data-bbox="633 403 1395 619">• The comment regarding the need for an offset is incorrect. In the comment provided on the dBAR, the need for an offset was to be determined following an assessment of the potential impacts and the application of the mitigation hierarchy to the identified impacts. Should a residual impact still exist, following application the proposed mitigation, implementation of the Conservation Plan etc., then an offset will still be required.</li> <li data-bbox="633 651 1395 831">• Given the current proposed layouts and the absence of the Conservation Management Plan, it is not possible to make a determination regarding the need for an offset, though given the outstanding or unmitigated impacts, it would appear that a residual impact remains and an offset is likely in the current context.</li> </ul> <p data-bbox="633 866 1395 1018">As stated in this Department's comment on the dBAR, the application in its current form cannot supported as a number of construction and operational impacts have not been fully addressed. This Department remains happy to consult further regarding any aspects relating to this application.</p> <p data-bbox="633 1082 1395 1144">Comments from EWS Sanitation Planning and EWS Wastewater Design Branch are as follows:</p> <ul data-bbox="633 1176 1395 1358" style="list-style-type: none"> <li data-bbox="633 1176 1395 1358">• As this topography is steeper than 1 in 3 it is logical to assume that the land was excluded when determining the pipe size required to convey the wastewater from this suburb. We would recommend that a sewer impact assessment be undertaken to check if the existing sewer reticulation can convey the peak flow.</li> </ul>	<p data-bbox="1429 236 2132 323">Final stormwater management proposals will need to be formalised for approval by the eThekwini once layouts and house typography have been produced.</p> <p data-bbox="1429 387 1496 418">Noted</p> <p data-bbox="1429 651 2132 681">The FCMP has been compiled and included in Appendix E9.</p> <p data-bbox="1429 1176 2132 1327">The developer has proposed an on-site solution to deal with the current capacity challenge at the Kingsburgh Works (See attached report from Civil Consult). This is in line with the Policies and Practices of the eThekwini Municipal Water and Sanitation Unit (15 July 2013).</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• The sewer impact report should also include the total flows anticipated from the development as an addition to the receiving treatment works (as per the fifth bullet point, below).</li> <li>• The high density of development is of concern as the existing housing density in the area is in the order of 25 units per 4.7 hectares.</li> <li>• Sewer pipes that fall outside the cadastral boundary will need to be registered in a servitude in favour of eThekweni municipality for maintenance purposes.</li> <li>• The daily wastewater flow should be based on 750 litres per unit.</li> <li>• Sewers taken over by the municipality are to be 160 mm diameter solid wall heavy duty uPVC pipes constructed to EWS standards and specifications and approved by Network Operation inspectors.</li> </ul>	<p>Included in the report contained in Appendix E8.</p> <p>Noted</p> <p>No longer applicable.</p> <p>Noted</p> <p>Noted</p>
Letter dated 28 June 2021 via email	Greg Mullins	<p>Your most recent correspondence regarding the above application and the supporting report prepared by Messers EcoPulse have reference.</p> <p>This Department has reviewed the study prepared in regard to the buffers between the forest on site and the planned development and presents the following comments:</p> <ul style="list-style-type: none"> <li>• This Department notes both the findings of the report and the motivation to have the required buffers reduced from 40m down to 20m. The rationale presented however is not fully accepted and the motivation to have the buffers reduced to 20m is not accepted.</li> <li>• The motivation for the reduction is largely premised on the opinion that the forests on site are young and poorly developed, and as such of low biodiversity and ecological value.</li> </ul>	Noted

Communication	Received from	Comment	Response
		<p>While this Department agrees that the forest on site ranges from approximately 35 to 40 years in older growth stands, to areas of younger growth of around 25 to 30 years, the relative age of the system cannot be used as motivation for any less protection against construction impacts and disturbance.</p> <ul style="list-style-type: none"> <li>• This Department views the site rather from the perspective of a young but maturing forest that requires the necessary management and space to allow natural succession to take place. It is already evident from the presence of a number of rare and protected species, that succession on the site is progressing well.</li> <li>• Many ecosystems within the eThekweni Municipality are already under significant threat from transformation and are operating well below a natural sustainability threshold.</li> </ul> <p>The opportunity to protect and manage an area of developing biodiversity value is very important.</p> <p>As detailed above, this Department does not view the 20m buffer proposed as sufficient to meeting the long-term forest development and maturation goals necessary for enhancement of the conservation reserve within the City.</p> <p>However, in the interests of finding a development balance and compromise for the site, this Department will accept a buffer of 30m from the areas identified as 'old growth forest'. This buffer is to be excluded entirely from any and all development, earthworks, infrastructure and structures. It is viewed that this buffer width will allow for the further growth and expansion of already rapidly maturing forest, while also cushioning the forest from development related impacts arising from stormwater, erosion, sedimentation, noise, light and anthropogenic intrusion.</p> <p>The outer 10m of the buffer will serve as an ecotone between protected forest and the development.</p>	<p>Noted</p> <p>Noted</p> <p>Noted , the development footprints initially indicated in earlier planning of this development have also been revisited and amendments have been proposed to accommodate the 30m buffers. The required buffers and amended footprints are presented Appendix H.</p>



**Comments on Revised Draft Basic Assessment Report and Draft EMPr circulated in January 2022.**

Communication	Received from	Comment	Response
Email dated: 17 March 2022	Ms Nasreen Asmal EDTEA <a href="mailto:Nasreen.asmal@kznedtea.gov.za">Nasreen.asmal@kznedtea.gov.za</a>	<p>2. The Draft BAR has been reviewed by the Department, and the Department has the following comments with regards to the proposed development:</p> <p>2.1 The Surveyor General Codes must be included;</p> <p>2.2 The listed Activity Table on page 6 of draft BAR must be specific for the description of the project and must include the type of indigenous vegetation present within the CBA that will be impacted upon;</p> <p>2.3 The report must include the EIA Listed Activity triggered in terms of the EIA Regulations dated 2014 as amended which forms the basis for this application. Please include following: a table with the relevant information; Column 1: Listing Notice/Activity Number, Column2: Listed Activity description and Column 3: Component of the project;</p>	<p>Noted</p> <p>This has been done.</p> <p>The Activity table has been updated.</p> <p>The table has been split as requested.</p>
		<p>2.4 The site layout plans must be clear and concise and must include a drawing number, compiler and date compiled;</p> <p>2.5 Reference is made to the proposed on-site sewage package treatment plant:</p> <p>2.5.1 Comments from Department of Water and Sanitation regarding the above must be obtained;</p> <p>2.5.2 Comments from eThekweni Municipality Water and Sanitation must be obtained;</p> <p>2.5.3 How will the final effluent be treated and / or discharged;</p> <p>2.5.4 The layout map must include the location of the on-site sewage package treatment plant; and</p> <p>2.5.5 An operational management plan for the sewage package treatment plant must be compiled;</p>	<p>Figures 2 and 3 plus the drawings in Appendix H show this information. The Figures have also been provided electronically to fulfil this requirement.</p> <p>These have been included in the comments and responses report (next section).</p> <p>These are included in the comments and responses.</p> <p>The discharge water will be used for irrigation. The sewer report presented in Appendix E8 provides this information. Also shown on Fig 2 and 3 of the BAR and in Appendix E8 Sewer report.</p> <p>See Section 7.10 of Sewer Report.</p>

Communication	Received from	Comment	Response
		<p>2.6 Please provide more description of the stormwater infrastructure to be installed on site, as the report mentions that pipework will be taking place;</p> <p>2.7 How will stormwater be managed on site? Please compile a stormwater management plan to address the stormwater management issues on site. This plan must be included in the final BAR;</p> <p>2.8 The section titled "Technology Alternative" indicates that recycling of grey water will be considered. Kindly provide confirmation of this in the final submission of BAR.</p> <p>2.9 Page 52 of the draft BAR reflects that there are protected tree species. Please ensure that relevant permits/licences are obtained from the Department of Forestry Fisheries and Environment (DFFE) and Ezemvelo KZN Wildlife (EKZNW).</p>	<p>See S3.2.10 and Dwg in Appendix H plus Civil Design Report (Appendix E13).</p> <p>S3.2.10 and Appendix E12. It will only be possible to develop a detailed SWMP once the architectural drawings are finalised. A letter from the applicant stating this commitment is included in Appendix H.</p> <p>Treated grey water will be used for irrigation.</p> <p>Only one plant requires a relocation permit. The permit has been received (see Appendix E14). A forest removal permit can only be applied for once EA is received.</p>
		<p>2.10 Comments received from EKZNW states that they do not support the development. Please ensure that the issues raised by EKZNW must be resolved prior to submission of final BAR.</p> <p>2.11 Did eThekweni Municipality grant an approval for a relaxation of the D'MOSS contained on site. Please confirm.</p> <p>2.12 All the specialists' studies undertaken reflect either 2018 or 2019. Kindly note that the specialist studies must not be more than two (2) years old. You are advised to update these studies prior to submission of final BAR.</p> <p>2.13 All specialists recommendations must be included in the EMPr;</p>	<p>Further comments have been received and issues resolved – see below.</p> <p>EPCPD have stated that this will be issued once they approve the BAR.</p> <p>The EcoPulse Aquatic assessment was updated in 2021 and is attached as Appendix E4. Letters have been obtained from all other specialists stating that the studies are still applicable. These are included in Appendix E.</p> <p>Noted.</p>

Communication	Received from	Comment	Response
		<p>2.14 The I&amp;APs comments and objections must be adequately addressed prior to the submission of the final BAR to the Department; and,</p> <p>2.15 The actual comments by I&amp;APs including a Comments and that Response Report with responses to comments must be included in the final BAR</p>	<p>Noted.</p> <p>These will be included in the EDTEA submission. They are not included in the public documentation due to POPI Act restrictions.</p>
<p>Email received dated 21 March 2022</p>	<p>Greg Mullins</p>	<p>This Department has reviewed the updated draft Basic Assessment Report (January 2022) and presents the following comments:</p> <ul style="list-style-type: none"> <li>• The amendments to the development footprint and specifically the exclusion of Erf 2955 from the application are noted.</li> <li>• The accommodation of the requisite forest buffers within the revised development footprint is also noted. This Department reiterates that the reduction of the buffer to 30m metres (down from the previously stipulated 40m buffer) is on condition that no encroachment whatsoever occurs within this zone. This includes but is not limited to earthworks, structures and infrastructure.</li> </ul> <p>This Department thus supports, in principle, the development layouts as presented in the draft Basic Assessment Report, subject to adequate responses or amendments being provided to the following comments:</p> <p><u>General Layout</u></p> <ul style="list-style-type: none"> <li>• The layout presented in the final BAR must include detail on the proposed cut-to-fill embankments and the proximity of these areas to the forest buffers and sensitive habitats. As previously detailed, due to the steepness of the slopes on site there is a concern that fill backs will extend significantly down slope, into areas set aside for conservation.</li> </ul> <p><u>Stormwater</u></p> <ul style="list-style-type: none"> <li>• Stormwater management, control and attenuation remain a significant concern on this site. The steepness of the</li> </ul>	<p>Noted</p> <p>See Appendix H – Design Drawings. These have been amended to accommodate the changes to the stormwater where possible and show the layout of the gabions and renomattresses at the headwalls. The road has been realigned to accommodate the cut and fill banks.</p> <p>This is addressed in the Stormwater Document (Appendix E12).</p>

Communication	Received from	Comment	Response
		<p>properties and the potential for scour and erosion remains a risk that has been adequately addressed.</p> <ul style="list-style-type: none"> <li>• The recent floods in the eThekweni Region further highlight the risk and damage that can be caused by failure to manage runoff from hardened surfaces.</li> <li>• The primary concerns of this Department remain firstly the number of discharge points and secondly the position of this discharge points high up on the surrounding slopes.</li> <li>• The Stormwater Management Plan must therefore be revisited to accommodate a number of smaller discharge points to return lower volumes of water to the environment at multiple points. Secondly, each discharge point needs to be redesigned to include an adequately sized gabion stilling basin to compliment the Reno mattress already included in the design. The intention of the basin is to further increase storage capacity at each discharge point and maximised water velocity reduction.</li> </ul>	
		<ul style="list-style-type: none"> <li>• The operational EMPr must include a section that addresses adaptive management of the stormwater discharge system to ensure that should issues arise, these are addressed rapidly and comprehensively.</li> </ul> <p><u>Sewage</u></p> <ul style="list-style-type: none"> <li>• The proposal to make use of two stand alone treatment plants is noted. As too is the proposal to treat to Special Limit Values and completely recycle effluent generated by the plants within each development.</li> <li>• In principle this Department does not object to the proposed treatment method. Detail is required with regards to contingencies to be put in place for periods where irrigation is not possible or when potential breakdowns result in the five (5) day retention capacity being insufficient.</li> </ul>	<p>See Appendix E12. The stormwater management document is referenced in the EMPr.</p> <p>See Sewer Report Appendix E8.</p>

Communication	Received from	Comment	Response
		<ul style="list-style-type: none"> <li>• This Department does not support direct discharge to the environment and the impact of this has not been assessed in the terrestrial or aquatic assessments.</li> </ul> <p><u>Management Plans</u></p> <ul style="list-style-type: none"> <li>• The recommendations contained in the various Conservation Management plans, Rehabilitation and Rescue plans and the EMPr are supported. Final review and comment on these plans will be provided following submission of the final BAR.</li> </ul>	<p>The revised EcoPulse document addresses this issue.</p> <p>Noted</p>
<p>Email dated: 23 March 2022</p>	<p>Ms N Govender Dept. Water &amp; Sanitation <a href="mailto:govendern1@dws.gov.za">govendern1@dws.gov.za</a></p>	<p>Reference is made to a letter stating project update received by this Office on 21 February 2022. Reference is also made to comment letters issued by this Office dated 16 July 2020 and 03 May 2021.</p> <p>This Department has the following comments:</p>	
		<ol style="list-style-type: none"> <li>1. It is noted that the letter states that the developer proposes to install an on-site sewage treatment facility as the Municipal infrastructure has no capacity.</li> </ol>	<p>The Developer has been made aware of the NWA WUL requirements. This should be made a condition of the EA.</p>
		<p>Please note that this triggers a water use activity in terms of 21 (g) of the National Water Act, 1998 (Act No. 36 of 1998) (NWA), “disposing of waste in a manner which may detrimentally impact on a water resource” and must be applied for as such.</p> <ol style="list-style-type: none"> <li>2. It is still unclear to this Office if any of the final effluent will be discharged into the environment. Please note that discharge of treated water into the water resource triggers a water use activity in terms of Section 21 (f) of the NWA and must be applied for as such.</li> <li>3. Page 14 of the Draft Basic Assessment Report states that “the effluent will be treated to Special limit standards, thereafter used for irrigation of the gardens.” Please note that this triggers a water use in terms of Section 21 (e) “engaging in a controlled activity” of NWA and must be applied for as such.</li> </ol>	<p>The treated water will be used for irrigation. A WUL will be required.</p> <p>Noted – as above.</p>

Communication	Received from	Comment	Response
		<p>4. Should the treatment facility be located within a 500m radius from the boundary of a wetland, it will therefore triggers Section 21 (c) and/or Section 21 (i) water uses, i.e. “impeding or diverting the flow of water in a watercourse” and “altering the bed, banks, course or characteristics of a watercourse” respectively and must be authorised under the provisions of the NWA.</p> <p>5. In this Department’s letter dated 03 May 2021, it was requested that all relevant Specialist studies and reports undertaken (including but not limited to the Aquatic Assessment, dated 20 July 2018 and the Environmental Management Plan, dated March 2020) must be updated to include the impacts that the new treatment facility will have on any water resource as defined by NWA. However, it is noted that the Aquatic Assessment is still dated 20 July 2018. This is in contradiction to the response stated in Appendix D5 (Comments and Response) which states that it has been updated. Kindly clarify.</p>	<p>There are no wetlands within 500m of the development areas.</p> <p>The Aquatic study was updated – unfortunately the original report was appended in error. The updated report can be found in Appendix E4. Letters from the other specialists stating that their reports are still applicable are included in Appendix E.</p>
		<p>6. The Applicant must note that the proposed development including construction structures, that is site offices, stockpile, layover, workshop, etc., must be out of 1:100 year flood line.</p> <p>7. In managing stormwater during the construction phase the Applicant is reminded to prevent excessive amounts of silt and sand from entering any stormwater channels or water resources through good stormwater management practices.</p> <p>8. This correspondence does not absolve the Applicant to comply with the requirements stated in the comments letter dated 16 July 2020 and 20 May 2021 issued by this Office.</p>	<p>Noted.</p> <p>Noted – to be included in the detailed SWMP to be compiled once detailed design drawings have been developed.</p> <p>Noted.</p>

Communication	Received from	Comment	Response
		<p>9. The measures and requirements as recommended by the Specialists consulted must be carefully adhered so as to not pollute the environment and any water resources affected by the proposed development.</p> <p>10. A pre-Water Use Licence Application meeting is recommended, the Applicant may contact Ms Zama Hadebe of the Water Use Authorisation Unit on 031 336 2767/2700 and/or email on hadebez@dws.gov.za for any water use authorisation queries and guidance.</p> <p>11. The onus is on the Applicant to submit a complete Water Use Licence Application to this Department for water uses under Section 21 of the NWA that will be exercised in time to avoid unnecessary delays.</p> <p>Notwithstanding the above, the responsibility rests with the Applicant to identify any source or potential source of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment.</p> <p>Failure to comply with the requirements of the National Water Act (Act 36 of 1998) could lead to legal action being instituted against the Applicant.</p>	<p>Noted. These are included in the EMPr.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
Email dated 26 April 2022	Nandipha Sontangane	<p>The Department of Forestry, Fisheries and the Environment, (DFFE) appreciates the opportunity given to review and comment on the DEAR for the above-mentioned development. DFFE through the sub-directorate Forestry Regulations and Support, is the authority mandated to implement the National Forests Act, (Act No. 84 of 1998) by regulating activities affecting natural forests<sup>1</sup> and protected tree species in terms of the said Act throughout South Africa. The purpose of the Act is to promote sustainable forest management and the development of forests for the benefit of all.</p> <p>With reference to the document and the site inspection conducted, majority of the vegetation on the site is pristine</p>	<p>It is noted that the site comprises indigenous forest. However, as has been pointed out in the</p>

Communication	Received from	Comment	Response
		<p>and in its indigenous/natural condition. The proposed site comprises of core areas of closed woody vegetation which are mainly confined to slopes of more south-facing aspect, where ground is particularly rocky, and along watercourses which runs in the valley bottom, as well as protected tree species in terms of the NF A such as <i>Pittosporum viridiflorum</i> and <i>Sideroxylon inerme</i>. This closed woody vegetation constitutes of natural/indigenous forests (coastal, riverine and secondary forests) and part of it will be heavily impacted upon by the development.</p> <p>All natural/indigenous forests are protected in terms of NF A provisions. Such as, section 3(3)(a) of the NF A states that: natural forests must not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits.</p> <p>KZN Coastal Forest are endangered therefore, listed as threatened ecosystems in terms of the National Environmental Management Biodiversity Act.</p>	<p>specialist studies, much of this is not old growth and much of it is invaded by alien species. No protected trees will be affected and suitable buffer zones will be put in place to protect the older forests. The developer has significantly reduced the proposed development footprint which has had a major effect on the financial viability of the project, in order to reduce the impacts on the vegetation on the site. If this development is approved, there is far less risk of destruction of this forest and management plans will be implemented to ensure ongoing management of alien vegetation, and anthropomorphic impacts. Erf 2957 and Erf 2955 will remain undeveloped in perpetuity, providing ecological linkages and corridors to maintain minimum critical areas for ecological functioning.</p> <p>This development will have significant social and economic benefits. The conservation and management of the undeveloped areas will have a significant long term environmental benefit.</p> <p>Noted.</p>
		<p>Furthermore, the "study area is identified as a region of critical biodiversity importance, as the majority of the site is considered CBA (Irreplaceable), these areas are considered to be in sound ecological condition and are irreplaceable in respect of Provincial biodiversity conservation targets. As such, critical biodiversity areas should be carefully considered in terms of environmental impacts associated with anthropogenic activities".</p>	<p>As above</p>

Communication	Received from	Comment	Response
		<p>The proposed development and associated infrastructure will have a detrimental impact on the indigenous forests as well as protected tree species. South African indigenous forests are decreasing at a rapid rate; thus, the natural fragmentation and isolated nature of these forest types make them vulnerable to high degree of anthropogenic pressure, therefore, it is of great importance that these biomes are conserved.</p> <p>Natural forest will be lost permanently as a direct result of the construction phase of the project.</p> <p>Should the development be considered for approved, the Department requires that the conditions outlined below must be adhered to and incorporated into the updated Environmental Management.</p> <p>Programme and Environmental Authorization:</p> <p>a) The proposed development should be located away from the sensitive/valuable natural vegetation, therefore, approximately 70% of the site should not be developed, however, it must be set aside for conservation purposes.</p> <p>b) The indigenous forests which are mainly confined to the slopes and along the watercourses as well as those that fall outside of the development footprint should be excluded from the development (with an exception for ERF 2955). These forests should not be disturbed under any circumstances unless for rehabilitation purposes.</p>	<p>Of the 3 sites which are zoned for development, only 10% is being developed. An additional 10ha (Erf 2957) is also being maintained for conservation.</p> <p>Noted.</p>
		<p>c) These portions (conservation areas) being approximately 70% of the property should be registered as a Non-User Conservation Servitude by the applicant. This will ensure the long-term preservation of natural forests on the remainder of the property even if the property ownership changes in the future.</p>	<p>Noted – to be a condition of the EA.</p>

Communication	Received from	Comment	Response
		<p>d) A forest/biodiversity conservation/management plan should be compiled inclusive of rehabilitation plan and plant rescue plan.</p> <p>e) The natural/indigenous forests occurring within the property but outside of the development footprint should be retained, strictly conserved, and managed as conservation areas and ecological corridor. Furthermore, the condition of these forests should be improved by eradication of alien invasive plants/vegetation and planting of indigenous species.</p> <p>f) The developer should join forces with willing neighbouring property owners whose properties consist of natural forest such as the developer for Kingsburg extension 7, the municipality and the local council. This will assist in achieving co-operative/joint management of the conservation area and a well-functioning ecological corridor.</p> <p>g) The maintenance and conservation of the indigenous forest ought to be a continuous process which must be incorporated in the relative documentation should the property ownership change.</p> <p>h) These forests/closed woody vegetation must be excluded from any further/future development and may not be utilized for any activities other than passive recreation which will not negatively impact on the natural forest.</p>	<p>See Appendix E9.</p> <p>See Forest Management Plan – Appendix E9.</p> <p>Noted.</p> <p>Noted. Developer to ensure that the conservation servitude is registered.</p> <p>Noted.</p>
		<p>i) Ecologist or qualified personnel together with the architect should identify large/healthy indigenous and protected trees which will be retained within the selected areas for development, to avoid total clearance of all the indigenous trees and the house structures ought to accommodate these indigenous trees which would actually add value to the development landscape. Appropriate distance should be maintained between the</p>	<p>Noted. To be a condition of the EA and undertaken when detailed architectural plans are drawn up.</p>

Communication	Received from	Comment	Response
		<p>indigenous trees and houses to secure the wellbeing of the trees.</p> <p>j) Indigenous vegetation must be rescued as much as possible, and all transplantable trees ought to be transplanted to a suitable location within the property. All activities pertaining to search and rescue as well as transplanting of tree species and site rehabilitation should be conducted under the guidance of a suitably qualified personnel.</p> <p>k) The construction area must be clearly demarcated and cordoned off to prevent unauthorized access.</p>	<p>Noted – this is included in the EMPr.</p> <p>This is noted and included in the EMPr.</p>
		<p>l) Post construction, the regulations of the estate body cooperate or managing body must include strict conservation measures as well as the prohibition of natural forest disturbance by residence and any other persons.</p> <p>m) Should there be a need to disturb indigenous trees in a natural forest and/ or protected tree species in terms of the NF A provisions, a licence application form must be submitted to DAFF office in Pietermaritzburg prior any activity commencement.</p>	<p>Noted – this is included in the EMPr.</p> <p>Noted. This is included in the EMPr.</p>
Letter dated 26 April 2022	Ezemvelo KZN Wildlife Nerissa Pillay	<p>The Draft Basic Assessment Report (DBAR) dated January 2022 for the abovementioned application, has been reviewed by Ezemvelo KZN Wildlife's IEM</p> <p>Planning Committee (Ezemvelo). Ezemvelo acknowledges the efforts undertaken to address the concerns outlined in our previous correspondence dated 03 September 2020 and that some of the recommendations have been taken cognisance of.</p> <p>Thus, in light of the new information provided, Ezemvelo's comments and recommendations in terms of a way forward are as follows:</p>	Noted – the final design will take cognisance of this.

Communication	Received from	Comment	Response
		<p>Ezemvelo reiterates the conservation importance and ecological significance of the indigenous forest habitat in and around the proposed site. Ezemvelo acknowledges and supports the removal of Erf 2955 from the proposed layout. Ezemvelo is still concerned with the proposed buffer zone of 20m for areas of degraded secondary forest/ thicket (pg. 40 of DBAR). Given the sensitivity and significance of forest habitats, and in line with the Policy, Principles and Guidelines for the Control of Development Affecting Natural Forests as outlined in the Forest Conservation Management Plan<sup>1</sup> (FCMP), a buffer of more than 20m would be required to ensure the long-term sustainability. The implementation of 30m in this case, would have to be implemented under strict conditions which are highlighted below.</p>	
		<p>In light of the above, Ezemvelo's recommendations are as follows:</p> <ol style="list-style-type: none"> <li>1. In principle, it would be Ezemvelo's preference that the forest habitats be afforded a buffer size of 40m or greater. However, Ezemvelo would not object to the proposed 30m buffer , provided that: <ol style="list-style-type: none"> <li>1.1 The FMCP and buffer zone management recommendations highlighted in the Preliminary Forest Buffer Zone Recommendations<sup>2</sup>, as well as the recommendations highlighted in the Vegetation Assessments are implemented and strictly adhered to. It is vital that no construction activities and/ or development of infrastructure are to occur within the older better-developed forest areas. These areas must be declared as no-go zones and demarcated as such.</li> </ol> </li> </ol>	Noted
		1.2 A long-term rehabilitation and conservation management plan, particularly for the open space areas and	As Above

Communication	Received from	Comment	Response
		conservation zones, must be developed, implemented, and strictly adhered to.	
		<p>1.3 The applicant is required to mitigate for additional direct and indirect impacts on the natural forest by formally securing the remaining forest as a “conservation area”.</p> <p>1.3.1 As a minimum, rezone the area for conservation purposes according to the eThekweni Municipality Land Use Scheme;</p> <p>1.3.2 Prior to construction commencing, the applicant must register a conservation servitude, or similar legal mechanism, as a condition of title;</p> <p>1.3.3 Prior to construction commencing, the applicant must register a conservation servitude, or similar legal mechanism, as a condition of title;</p>	Noted
		<p>1.4 The proposed development must remain within the Biodiversity Impact Assessment: Environmental Planning &amp; Climate Protection Department (EPCPD) supported development areas, as depicted in fig 2 of the FCMP, as much as possible. EPCPD’s conditions in this regard, as per their comment correspondence must be implemented.</p>	Noted
		<p>2. The relevant permits required for the relocation of the identified floral species, as in the VA, must be obtained from the relevant authorities. The relocation of these species to the potential receiving sites must be guided by the botanical specialist.</p>	Noted
		<p>3. Given the steep topography of the proposed site, the recommendations pertaining to stormwater management highlighted in EPCPD’s correspondence, as well as the stormwater mitigation measures in the Environmental Management Programme (EMPr) are hereby supported and must be implemented.</p>	Noted
		<p>4. The mitigation measures pertaining to erosion control in the EMPr must be implemented and strictly adhered to.</p>	Noted

Communication	Received from	Comment	Response
		<p>5. The applicant is further advised to continue liaising with the EPCPD throughout the lifespan of the project.</p> <p><sup>1</sup> Forest Conservation Management Plan-Version 1.0, Draft Plan for Comment - 16 March 2021, Ecopulse</p> <p><sup>2</sup> Preliminary Forest 'Buffer Zone' Recommendations-11 February 2021, Ecopulse</p> <p><sup>3</sup> An assessment of Vegetation on Erven 2954, 2955, 2956 and 2957 Kingsburgh- 13 August 2018, David Styles</p> <p><sup>4</sup> EPCPD's correspondence to Metamorphosis regarding the revised Draft Basic Assessment Report - 21 March 2022, Greg Mullins</p>	Noted
<b><u>Comments Received on FDBAR and EMPr on the 7<sup>th</sup> November 2022.</u></b>			
Email dated 13 December 2022	Dept. Forestry, Fisheries and Environment - Nandipha Sontangane	The Department of Forestry, Fisheries and the Environment (DFFE) reiterates the comments previously issued for the draft BAR (dated 26 April 2022). Furthermore, acknowledges that some of the conditions outlined in those comments have been addressed in the comments and response table. Should there be any amendments which may affect protected trees or natural forests, the Department ought to be informed prior to any activity commencement.	Noted.
Email dated 13 December 2022	Department of Water and Sanitation: KZN Region - Navika Govender	<p>Reference is made to a letter stating the project update received on 07 November 2022. Furthermore, reference is also made to comment letters issued by this Office dated 16 July 2020, 03 May 2021 and 17 March 2022 respectively.</p> <p>This Department has the following comments:</p> <ol style="list-style-type: none"> <li>1. The Applicant is reminded to take note of comments and requirements mentioned in comment letters dated 16 July 2020, 03 May 2021 and 17 March 2022 issued by this Department and ensure that should these activities trigger the respective water use activities, it must be applied for as such.</li> <li>2. In the letter dated 17 March 2022, it was requested that specialist reports are kept up to date and relevant. The Aquatic Assessment Report is noted to have been updated.</li> </ol>	<p>This is acknowledged. A water Use licence will be applied for as required.</p> <p>Noted</p>

Communication	Received from	Comment	Response
		<p>3. The document titled eThekweni Municipality Erven 2954 and 2956 Kingsburgh X9 Sewerage Bulk Services Report dated July 2022 is noted. The Applicant is reminded that management, disposal and quality of the effluent is the responsibility of the Applicant and must ensure that standards are met before discharge.</p> <p>4. This correspondence does not absolve the Applicant to comply with other relevant legislations and applicable bylaws.</p> <p>5. The measures and requirements as recommended in the Final Basic Assessment Report Proposed Housing Developments on Erven 2954 and 2956 Kingsburgh Extension 9, KwaZulu Natal (dated August 2022), Aquatic Assessment Report 'Kingsburgh Residential Estate Portions of Erven 2954 &amp; 2956 eThekweni Municipality, KwaZulu-Natal (dated November 2021) must be carefully adhered to, to prevent pollution of water resource (s) nearby the proposed development.</p> <p>6. A pre-Water Use Licence Application meeting is recommended, the Applicant may contact Ms Zama Hadebe of the Water Use Authorisation Unit on 031 336 2767/2700 and/or email on hadebez@dws.gov.za for any water use authorisation queries and guidance.</p> <p>7. The onus is on the Applicant to submit a complete Water Use Licence Application to this Department for water uses under Section 21 of the NWA that will be exercised in time to avoid unnecessary delays.</p> <p>Notwithstanding the above, the responsibility rests with the Applicant to identify any source or potential source of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act (Act 36 of 1998) could lead to legal action being instituted against the Applicant.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>

Communication	Received from	Comment	Response				
Email dated 12.12.2022	eThekweni Municipality - Environmental Department	<p>This department supports the proposed housing scheme development at the abovementioned location, which is Zoned Special Residential, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Provision of adequate water supply.</li> <li>2. Provision of proper or approved sanitary facilities.</li> <li>3. Effective and efficient storm water drain.</li> <li>4. Provision of adequate of refuse removal system.</li> <li>5. Construction to be in accordance with Occupational Health and Safety Act No. 85 of National Building Regulations and relevant local Public Health Bylaws and its Regulations.</li> <li>6. Waste generated during and after construction to be disposed of in at the approved site (safe disposal certificate or invoice kept for evidence).</li> <li>7. Potable Water and Ablution facilities to be provided for the personnel during cons</li> <li>8. Mitigation of dust through sprinkling as the project proceeds.</li> <li>9. Noise levels not exceeded, especially in sensitive times, after 5pm and before 7am during weekends.</li> </ol>	These issues are noted and included in the EMPr.				
Email dated 13 December 2022	eThekweni Municipality Development Planning, Environment & Management Unit Environmental Planning & Climate Protection - Ms Bathabile Msomi	<p>With reference to the abovementioned Final Basic Assessment Report (BAR) please be advised that various Municipal Departments have had sight of the proposal and the following comments are submitted for your attention:</p> <table border="1" data-bbox="745 1289 1487 1433"> <tr> <td data-bbox="745 1289 1016 1353">Cleansing and Solid Waste (CSW)</td> <td data-bbox="1016 1289 1487 1353">No comment on Final BAR.</td> </tr> <tr> <td data-bbox="745 1382 1016 1433">Coastal Policy</td> <td data-bbox="1016 1382 1487 1433">No comment on Final BAR.</td> </tr> </table>	Cleansing and Solid Waste (CSW)	No comment on Final BAR.	Coastal Policy	No comment on Final BAR.	
Cleansing and Solid Waste (CSW)	No comment on Final BAR.						
Coastal Policy	No comment on Final BAR.						

Communication	Received from	Comment	Response
		Coastal Stormwater and Catchment Management (CSCM)	No comment on Final BAR.
		Disaster Management	No comment on Final BAR.
		Environmental Health	No comment on Final BAR.
		Biodiversity Management Department (BMD, previously EPCPD)	<p>This Department has reviewed the final BAR submitted as part of the environmental authorisation process for the proposed Kingsburgh Ext 9 housing development.</p> <p>The final BAR, together with our letter of 22 April 2022 (incorrectly dated 21 March 2022) have reference. This Department supports the development proposal in principle but requires that the following outstanding comments must be addressed prior to final approvals being granted.</p> <p><u>General Layout</u></p> <ul style="list-style-type: none"> <li>• The amendment to the proposed development and the submission of the preferred layout that accommodated the 30 metre 'no-go' forest buffer is acknowledged.</li> <li>• All layouts must be updated to clearly indicate this buffer. Layouts submitted as part of the fBAR do not clearly indicate the buffers.</li> <li>• The buffers and remaining open space must be registered as Conservation Servitudes. This</li> </ul>
			<p>Noted</p> <p>The drawings have been amended to show the buffer.</p> <p>Noted. EDTEA to include as a condition in the Authorisation.</p>

Communication	Received from	Comment	Response
		<p>Department requires the upfront registration of the Conservation Servitudes to be a condition of the authorisation. No development or site activities may commence until the servitudes are fully registered with the Surveyor General's office and are reflected on the title deeds for the properties.</p> <ul style="list-style-type: none"> <li>As previously stated, (22 April 2022) all earthworks, structures and infrastructure must be located outside of the buffers.</li> </ul> <p><u>Stormwater and Sewage</u></p> <ul style="list-style-type: none"> <li>Our letter of 22 April 2022 clearly highlighted ongoing risk and concern regarding the location and design of the stormwater discharge points. Review of the fBAR found that none of these concerns have been addressed.</li> <li>It remains the contention of this Department that the number of discharge points is too few and will result in concentration of flows.</li> <li>Furthermore, a number of the planned release points are located in very steep slopes (1:3 or greater) and thus present a high risk of erosion potential if a simple 'wingwall/reno mattress' design is applied. As raised on numerous previous occasions, the geotechnical assessment highlighted the erosion risks on site and the poor ability for the site soils to absorb runoff. Those discharge sites on steep areas must be</li> </ul>	<p>Noted and included in the EMPr.</p> <p>The stormwater plans have been amended. A meeting was held with G Mullins on the 22<sup>nd</sup> February 2023 and the proposed changes were agreed to be acceptable. There were minor further amendments made to the drawings which are now finalised and submitted with this application.</p> <p>As above</p> <p>As above</p>

Communication	Received from	Comment	Response
		<p>redesigned to better reduce the risk of erosion from point-source discharge.</p> <ul style="list-style-type: none"> <li>• Similar to the issues raised above that remain unaddressed from the 22 April 2022 correspondence, no detail has been provided in the fBAR with regards to contingencies for storage and disposal of treated sewage effluent should irrigation not be possible due to adverse weather and / or mechanical breakdown in the systems. Failure of the sewage system at any point poses an environmental risk that needs to be clearly mitigated. The fBAR still has not addressed this issue.</li> <li>• The ultimate proposal to tie into the municipal waterborne system is noted. However, the impacts of this proposal and the approvals for such do not form part of this application and are not considered as part of any authorisation issues by the competent authority. At such time that the capacity at the Kingsburgh Waste Water Treatment Works is increased and the development is able to be accommodated, an amendment to the authorisation will need to be undertaken to assess and mitigate the specific impacts associated with these new activities.</li> </ul>	<p>This has been included in the sewage management Report (Appendix E8)</p> <p>7.10 Emergency Measures</p> <ul style="list-style-type: none"> <li>• Backup generator will be installed for power outages</li> <li>• An alarm system will be installed for STF failure</li> <li>• Standby blower will be installed in the event of blower failure</li> <li>• 24h sewage storage will be provided for STF failure</li> <li>• In the event that irrigation cannot take place, the treated effluent will be stored in the irrigation tanks and be collected and carted away to a registered facility.</li> </ul> <p>Noted – to be a condition of the Authorisation.</p>
	eThekwini Electricity	No comment on Final BAR.	
	eThekwini Transport Authority (ETA)	The following documents were considered in the review:	

Communication	Received from	Comment	Response
		<p>Final BAR for Proposed Housing Developments on Erven 2954 And 2956 Kingsburgh Extension 9, KwaZulu Natal. Prepared By Metamorphosis Environmental Consultants.</p> <p>Key factors considered:</p> <ul style="list-style-type: none"> <li>• The size of the study area is 67,596 m<sup>2</sup> (Erf 2954 = 39,738m<sup>2</sup> &amp; Erf 2956 = 27,858m<sup>2</sup>)</li> <li>• Permitted FAR = 14,300m<sup>2</sup> &amp; 12,600m<sup>2</sup> respectively.</li> <li>• The proposed development will consist of 112 units on Erf 2954 and 88 units on Erf 2956.</li> <li>• Access for Erf 2954 would be gained from Vaughan Goodwin Road and Longacress Drive both class 5 with approximately 5.2m and 6.3m road with respectively.</li> <li>• Access for Erf 2956 would be gained from Karridale Drive and Erasmus Smit Place both class 5 with approximately 7.4m and 6.2m road with respectively.</li> <li>• 179 parking bays and 165 parking bays for Erf 2954 and Erf 2956 respectively.</li> </ul> <p>The application is APPROVED.</p> <ul style="list-style-type: none"> <li>• TIA would be required at a planning stage.</li> </ul>	Noted
	eThekwini Water and Sanitation (EWS - Water Planning)	No comment on Final BAR.	
	eThekwini Water and Sanitation (EWS -	No comment on Final BAR.	

Communication	Received from	Comment	Response
	Wastewater Design Branch)		<p data-bbox="1503 368 1576 395">Noted</p> <p data-bbox="1503 711 2085 799">There is no intention to discharge wastewater, if there is too much water for irrigation, the water will be stored in tanks and removed from the site.</p>
	Fire Safety	No comment on Final BAR.	
	Land Use Management (LUM)	General residential 5: Please be advised that the Town Planning Department has no objections to the above proposal. However, it will be necessary for you to liaise with Council's other service providers for their approvals.	
	Parks, Leisure, and Cemeteries	No comment on Final BAR.	
	Pavement and Geotechnical Engineering (PG&E)	<p data-bbox="1032 711 1480 831">P&amp;GE still has no objection to the development in principle, but we also still have a couple of concerns regarding wastewater disposal.</p> <p data-bbox="1032 863 1480 1414">The shallow, primarily clayey subsoils are not suited to wastewater soak-pits so require an alternative means of discharge. Although the subsoils are predominantly cohesive in nature and not considered highly erodible per se, concentrated surface discharge onto steep slopes, as proposed in this application, can cause significant gully erosion in the medium to long term. Eventually, this can cause localised steepening of slopes and disturbance of binding vegetation downslope, exacerbating the situation. In the same vein, how is excess treated sewage water discharged from the top of the slope on the days that irrigation is not</p>	

Communication	Received from	Comment	Response
		<p>possible (such as during regular or prolonged rain common in this region)? If those 66,000 and 81,000 litres (respectively) flow from limited discharge points (per treatment plant), day after day, these too may ultimately cause considerable erosion (especially since that overflow could be occurring simultaneously with ongoing rain).</p> <p>Wastewater discharge points must be more dispersed and designed such that they cause less long-term erosion damage.</p>	
	Strategic Planning Branch (SPB)	<p>The Strategic Planning Branch (SPB) has reviewed the abovementioned Final BAR. The branch's position remains unchanged, and the comment reads as follows:</p> <ul style="list-style-type: none"> <li>• The subject site in terms of the Spatial Development Framework (SDF, 2022/2023) and the South Spatial Development Plan (SSDP, 2015), is broadly identified for Residential purposes. Also, the proposed development aligns with the eThekweni Densification Strategy (2013), as the proposed density for the Kingsburgh areas is 15-40du/ha.</li> <li>• The proposed housing development is unlikely to negatively affect the surrounding area.</li> <li>• Therefore, the branch raises no objection to the proposed development.</li> </ul>	

