APPENDIX G2 – COMMENTS AND RESPONSE REPORT

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COMMENTS & RESPONSE REPORT

SECTION 24G APPLICATION FOR THE DENSIFICATION OF THE APPROVED RESIDENTIAL DEVELOPMENT ON ERF 3733, MANDALAY

Opened 15 September 2026 at PHS Consulting Offices

No.	Name & Presenting Unit	COMMENT	RESPONSE
Section 24G Application Circulated from 26 August 2026 up to and inclusive of 28 September 2026			
1	Linah Maqashu	Email dated 26 August 2026: I hope you are well. Thank you for the notice, is there a template that I need to complete to register my interest/ comments on the proposed application?	Email response provided dated 26 August 2026: Thank you for your enquiry. There is no specific template that needs to be completed. You are welcome to register you interest and lodge any comments, queries or concerns regarding the proposed application via email on or before 28 September 2026. Should you have any questions, please feel free to reach out.
		Email dated 18 September 2026: I would like to be registered as an I&AP, attached is my submission for consideration.	EAP Response: This communication is noted. Linah Maqashu has been registered as an IAP for this NEMA process and the comments submited are included and responded to below.
		Letter received via email dated 18 September 2026: I, Linah Maqashu am making the following submission as a homeowner and resident who will be directly and indirectly affected by the proposed densification of the approved social housing development on Erf 3733,	This comment is noted. All relevant impacts have been assessed as part of this application process and necessary mitigation has been outlined, where

		Mandalay. While I recognize the importance of affordable and social housing, the Section 24G application seeks to regularize activities that have allegedly commenced without the required environmental authorization. As such I am concerned that the report understates cumulative impacts. I therefore submit that the application be subjected to rigorous scrutiny and that approval should not be granted unless all environmental, social, traffic, infrastructure and cumulative impacts are fully assessed and appropriately mitigated.	applicable to ensure all impacts are avoided, mitigated and managed as required.
		Below are concerns for consideration before final decisions are made regarding the S24G application: 1. Concern regarding increased density The proposed densification substantially increases the intensity of land use within an existing residential environment. The approved development consisted of approximately 521 units, while the revised proposal includes 770 units, a density increase of approximately 47.8%. The cumulative impacts of increasing density by nearly 48% are not comprehensively assessed as the reports repeatedly state impacts will not differ materially from the already approved development. However, increased density changes traffic, utility demand and neighbourhood character.	The concern regarding the increased density and its potential implications for traffic, utility demand and the character of the surrounding area is noted. The relevant impacts associated with the proposed density increase, including traffic, service provision and social considerations, have been assessed in Section F of the NEMA Section 24G Assessment Report. The original 2011 EA authorised approximately 650 apartment units across the original site, based on the densification policies applicable at the time. Following the 2022 amendment, the units originally allocated to Erven 3300 and 3573 were exchanged for single residential units, while 521 apartment units were allocated to Erven 3303 and 3304 on a pro rata basis in accordance with the 2011 densification approach. Approximately 15 years have passed since the original EA, during which housing needs and applicable densification policies have evolved. The proposed 770 units are aligned with the City of Cape Town's current densification, housing and socio-economic policies and have been approved through the City's SDP

			process. The approved SDP complies with the applicable planning requirements for building type, building lines, floor factor, coverage, height and parking. The number of residential units is a town-planning matter and does not constitute a NEMA-listed activity in itself. The environmental implications associated with the proposed development have nevertheless been assessed as part of the S24G process. Service provider confirmations in Appendix M to the Section 24G application confirm sufficient capacity for the proposed 770 units. The 2023 Traffic Impact Assessment assessed the additional units within the context of the existing and previously approved development and determined that the proposed density increase would have a low to medium impact on the surrounding road network. Mitigation measures were identified at the Swartklip Road/Hillcrest Road and Montclair Drive/Hillcrest Road intersections and will be implemented. The development also incorporates stormwater management facilities, parks, landscaped areas, braai areas, playgrounds and other communal facilities. The proposed 770-unit SDP, including the associated retail and crèche facilities, was subject to the City's planning approval and public participation processes and was subsequently approved. Accordingly, the relevant environmental implications of the increased density, including traffic, service provision and other applicable impacts, have been assessed as part of the S24G process, and appropriate mitigation measures have been identified where required.

		2. Wetland 7 Reclassification A major pillar of the application is the argument that: "Wetland 7 was not actually a natural wetland but an anthropogenic stormwater channel." The concern regarding the argument is that the original 2008 assessment identified Wetland 7 as a wetland. Also, the 2015 offset report explicitly recognises Wetland 7 as a wetland with moderate conservation importance. Now, after the unauthorized piping occurred, a 2026 assessment concludes it was never really a wetland. If the feature has been piped and altered for years, then current ecological conditions cannot necessarily be used as proof of historical conditions. Therefore, the contradiction between the 2008 assessment, 2015 offset report and 2026 findings deserves detailed scrutiny before a final decision is made.	The concern regarding the classification of Wetland 7 is noted. However, it should be noted that the historical assessments do not indicate that Wetland 7 was considered a natural wetland. The original freshwater assessment undertaken in 2008 described Feature 7 as an "artificial wetland/watercourse" formed as a result of the stormwater canal running across the site. It classified the feature as an artificial valley-bottom system with a channel and specifically stated that a habitat integrity assessment was not undertaken because it was an artificial system. The assessment further noted that the feature provided goods and services primarily through its contribution to stormwater management. The 2015 offset report similarly described Wetland 7 as a "largely artificial wetland area associated with stormwater discharge within a channel". Accordingly, the reference to Wetland 7 as a "wetland" in these earlier reports does not establish that the feature was a natural wetland. The legislative context is also relevant. At the time of the 2008 freshwater assessment, the 2006 NEMA Listing Notices were applicable. The revised NEMA EIA Regulations and Listing Notices, which came into effect in August 2010, subsequently introduced the definitions of "watercourse" and "wetland" applicable within the NEMA regulatory framework. By the time the application for environmental authorisation was undertaken in 2011, the artificial stormwater feature would not have constituted a natural wetland or watercourse for purposes of triggering the relevant NEMA listed activities. However, the freshwater assessment informing the application had been

			undertaken in 2008, before these definitions were introduced. The assessment therefore referred to the feature as an “artificial wetland/watercourse” without distinguishing between features that constituted NEMA-regulated wetlands or watercourses and those that did not. This historical terminology has contributed to the current uncertainty regarding the regulatory status of Feature 7 and associated compliance concerns. Following a request from DEA&DP in April 2026 for an updated freshwater assessment, FEN Consulting was appointed to undertake a specialist assessment of the site. This assessment included a site visit on 10 June 2026, a review of the previous specialist reports and analysis of historical satellite imagery. The assessment concluded that Feature 7 was erroneously identified as a wetland, noting that the feature was specifically described as a stormwater channel in the 2008 assessment. The assessment further found no indication of hydromorphy, hydromorphic soil characteristics or hydrophytes within the portions that had been piped concluding that this area thus most likely was never a true watercourse, but the stormwater channel functioned as a waterway and thus a water resource. The 2026 assessment therefore does not rely solely on the current condition of the piped feature to determine its historical status. It considers the historical specialist assessments and imagery, current site conditions and the applicable regulatory framework. The assessment concludes that Feature 7 was an artificial stormwater channel that functioned as a waterway and water resource, rather than a natural wetland or natural watercourse. While the

			feature was therefore subject to protection as a water resource under the National Water Act, 1998 (Act 36 of 1998), this does not establish that it constituted a natural wetland or watercourse for purposes of the NEMA regulatory framework applicable at the time. Accordingly, the available specialist information does not support the assertion that Wetland 7 was previously established as a natural wetland and was subsequently reclassified solely because it was unlawfully piped. The 2026 specialist assessment provides an updated interpretation based on the historical information, applicable legislation and site-specific evidence.
		3. Lack of Updated Independent Specialist Reports The following key specialists' reports are missing/ need to be updated from the application: a) A comprehensive social impact assessment based on the full development. • The planning report concludes that the development will provide social housing opportunities and employment benefits but does not contain a detailed assessment of how surrounding residents may be affected by the increased density. b) An updated Wetland Offset report is required. c) An updated Botanical Assessment report is required – the area is classified as Cape Flats Dune Strandveld, an endangered vegetation type.	<u>Social Impact Assessment:</u> The request for a comprehensive Social Impact Assessment is noted. The social implications of the proposed development have been considered through the applicable planning framework and City of Cape Town SDP approval process. The site was already approved for high-density residential development in 2011, and surrounding property owners purchased properties in an area where such development was approved and anticipated. The proposed densification is consistent with the City's densification and spatial planning policies, which consider housing need, land use and development desirability. The proposed development will provide approximately 770 affordable residential units, together with neighbourhood retail and a crèche, contributing to the significant need for affordable, well-located housing. These broader socio-economic benefits must be considered alongside concerns raised by

		d) Climate Resilience Assessment including flood modelling is required: • Seeing that groundwater was encountered at shallow depths on the site and stormwater facilities are expected to attenuate large events. • Also, the development area experienced flooding in May 2026 which spilled over into the neighbouring community.	existing residents regarding increased density and changes to neighbourhood character. Given that the need and desirability of the proposed development have been considered through the City's planning and approval processes, a separate Social Impact Assessment is not considered necessary. <u>Wetland Offset report:</u> An updated Wetland Offset Report is not considered necessary. The 2015 wetland offset assessment and associated calculations were undertaken by a suitably qualified specialist, in accordance with current industry standards and remain relevant and accurate for the proposed development. <u>Botanical Assessment:</u> An updated Botanical Assessment is not considered necessary. A Botanical Assessment of the original Erf 776 was undertaken in 2008 as part of the initial application. The assessment found that the site was already highly disturbed and dominated by alien and disturbance-associated vegetation, including Kikuyu grass (Pennisetum clandestinum) and Port Jackson (Acacia saligna). The entire area now comprising Erf 3733 was subsequently approved for development. Except for designated no-go areas, the entirety of Erf 776, including the area now comprising Erf 3733, was cleared of vegetation by 2013. Importantly, the area comprising Erf 3733 is already approved for development irrespective of the proposed increase in residential density. The proposed density does not change the fundamental development status or approved land

			use of the site. In this context, an updated Botanical Assessment would not provide information that would materially alter the development rights or environmental considerations applicable to the site and is therefore not considered to add value to the assessment. <u>Climate Resilience Assessment:</u> A separate Climate Resilience Assessment is not considered necessary. A detailed Stormwater Management Plan has been prepared for the site, which considers flood and overland flow as well as relevant geotechnical conditions. A key objective of the Stormwater Management Plan is to protect downstream properties against frequent nuisance flooding. Accordingly, the relevant specialist requirements have been considered, and additional specialist assessments are not considered necessary. Sufficient service capacities were also confirmed, therefore the service provision is within the framework of the CoCT strategic policies.
		4. Heavy reliance of the application on offset-based justification The application argues that wetland impacts were compensated through a wetland offset and that the offset will generate a net positive ecological outcome. Since the report was generated in 2015, was there any monitoring done till now and are reports available for review? If not, is there an updated wetland offset report?	This comment is noted. The wetland offset as outlined in the 2015 report was implemented and monitoring was undertaken in line with the requirements of the Water Use Licence. The offset calculation included the ecosystem services provided by Wetland Feature 7. The 2008 freshwater assessment, the 2015 offset report and the most recent freshwater assessment confirm that Feature 7 is an artificial stormwater feature rather than a natural wetland or watercourse. The offset

			therefore provides an ecological benefit beyond the legislative requirements currently applicable to this feature. Improved monitoring and management of the offset area in terms of NEMA will also be undertaken as part of the S24G process. The Maintenance Management Plan required in terms of the original environmental assessment has been drafted and will be implemented. The Plan will provide for the ongoing management and maintenance of the wetland offset area and Wetland 3 in accordance with the applicable requirements.
		5. Property Value Impacts and Neighbourhood Character The scale of the development is likely to alter the existing character of the surrounding neighbourhood, which currently consists predominantly of lower-density single residential dwellings and a comparatively low-intensity suburban environment. Also, the increased yield intensifies the built form significantly beyond what I had reasonably anticipated when purchasing and investing in my property, as such I am concerned that the proposed densification may negatively influence market perceptions of the area. While I note that property values are outside the scope of environmental authorisation, I submit that the broader social and economic consequences of the proposed densification should nevertheless be considered when assessing social impacts and desirability.	This comment is noted. The site was previously approved for high-density residential development, and the surrounding property owners purchased their properties in an area where this development was approved and anticipated to be developed. The proposed increase in density remains within the applicable General Residential 2 zoning parameters, including the permitted coverage, height and floor factor. The current SDP provides for a site coverage of only approximately 20%. The development will also not comprise a continuous built-up apartment area. The SDP incorporates landscaped areas, play areas, braai areas and other communal spaces, which will contribute to the overall residential environment and amenity of the development. The proposed development is also aligned with the City's spatial planning objectives. The 2012 Khayelitsha, Mitchells Plain and Greater Blue Downs District Plan identifies the site as suitable for medium-density residential infill

			and mixed-use development, while the 2023 District Plan identifies a portion of the site for potential commercial and high-density residential development. On completion, the development is anticipated to make a positive contribution to the local socio-economic environment through the provision of approximately 770 affordable residential units, together with a neighbourhood retail component and crèche. The development will contribute to addressing the demand for affordable housing in a well-located urban area with access to existing services, public transport and community facilities. The proposal also constitutes a social housing project as contemplated in the Social Housing Act, 2008 (Act 16 of 2008), and is being implemented in consultation with the Social Housing Regulatory Authority and the City of Cape Town. Accordingly, while the proposed density will change the built form of the site, the development remains within the applicable planning framework and the site was already approved for high density residential development. The proposal also incorporates substantial communal and landscaped areas and is expected to provide broader long-term socio-economic benefits through the provision of affordable, well-located housing.
		6. Traffic concerns The Traffic Impact Assessment conducted only evaluated the potential traffic impacts of the additional 252 flats on the surrounding road network. The report indicates that a single vehicular access in Stinkwood Road is proposed for the development. Since the entire community of Phase 5 commutes	This comment is noted. The 2023 Traffic Impact Assessment specifically assessed the additional units associated with the increased density, within the context of the previously approved development and associated traffic generation. The assessment therefore considered the cumulative traffic impact

		via Stinkwood Road, the Traffic Impact Assessment report needs to be revised to include the full impact of the 770 flats on the surrounding neighbourhoods.	of the proposed development rather than assessing the additional units in isolation. The assessment estimated that the additional units would generate approximately 126 additional vehicle trips during the weekday AM and PM peak hours. When assessed in the 2028 traffic scenario, the development was expected to have a low to medium impact on the surrounding road network. The assessment identified mitigation measures at the Swartklip Road/Hillcrest Road and Montclair Drive/Hillcrest Road intersections to maintain acceptable traffic operations. These mitigation measures will be implemented. Accordingly, a further Traffic Impact Assessment is not considered necessary, as the increased density was assessed within the context of the existing and previously approved developments and their associated traffic generation. The assessment therefore considered the additional traffic generated by the proposed increase in density within the broader existing and approved traffic environment, with appropriate mitigation measures identified.
		Requests and Conditions As homeowner and resident, I respectfully request that the Competent Authority not approve the application until all outstanding environmental, and social concerns have been comprehensively assessed and independently verified. In particular, my request is that updated specialist studies be commissioned to evaluate the cumulative effects of the proposed densification from approximately 521 to 770 flats, including its	This comment is noted. The potential environmental, traffic and social implications of the increased density have been assessed through the NEMA Section 24G process and the relevant planning and specialist assessments. The increase from 521 to 770 units has been assessed within the context of the existing and previously approved development. Traffic impacts were assessed through the 2023 Traffic Impact Assessment, including the additional traffic

		impact on traffic, environment, neighbourhood character, and residential amenity. The competent authority should also require an independent peer review of all specialist reports, particularly those relating to freshwater ecology, and the reclassification of Wetland 7, to ensure that the conclusions presented by the applicant are scientifically robust, objective, and free from bias.	generated by the additional units, with mitigation measures identified. Service capacity has also been confirmed for the proposed 770 units. The freshwater assessment was updated in 2026. The assessment included a site assessment, review of previous specialist assessments and historical imagery, the historical classification of Wetland 7 and past and current regulatory frameworks. The proposed development has also been assessed through the City of Cape Town's planning and SDP approval processes, including consideration of the applicable densification and spatial planning framework. The specialist assessments were undertaken by suitably qualified, independent specialists with relevant expertise in their respective fields. The assessments were undertaken in accordance with applicable professional standards and are considered to provide objective and scientifically informed findings. Based on the available specialist assessments, planning approvals and NEMA Section 24G assessment, the additional specialist studies and independent peer review requested are not considered necessary.
		Given the reliance on wetland offsets, attenuation ponds, bio-swales, and ongoing environmental rehabilitation measures, my request is for legally enforceable conditions requiring the establishment of a long-term maintenance and monitoring programme, together with clearly identified funding mechanisms and responsible parties. Regular compliance auditing and public reporting should be required to ensure that environmental	This comment is noted. The implementation of the original Environmental Authorisation was independently audited in 2025 at the request of DEA&DP. The audit confirmed that implementation of the development during the construction period was monitored by an Environmental Control Officer (ECO), with ECO monitoring undertaken throughout Phases 1 to 12 of construction between 2013 and 2017.

		mitigation measures continue to function as intended throughout the life of the development. I also request the release of any historical monitoring reports, offset implementation reports, and records demonstrating the success of the wetland rehabilitation and offset measures proposed in earlier approvals.	The audit records confirm that the EMPr requirements were monitored during construction, including site demarcation, stormwater management, environmental awareness training, noise and working hours, dust management and provision of ablution facilities. No significant issues relating to stormwater, noise or dust were identified in the ECO reports reviewed. The 2025 audit did identify that the Maintenance Management Plan required under the original EA had not been prepared. This matter has now been addressed through the preparation of a Maintenance Management Plan, which will be implemented as part of the S24G process and will provide for the ongoing management and maintenance of the wetland offset area and Wetland 3. The audit also identified that Wetland 7 had been piped beyond the extent contemplated in the original approval. This matter is being addressed through the current S24G process. While the applicant does not agree with the characterisation of Wetland 7 as a NEMA-protected watercourse, the matter is nevertheless being addressed through the S24G process in accordance with DEA&DP's position. The wetland offset was implemented and monitoring was undertaken in accordance with the requirements of the Water Use Licence. Improved environmental monitoring and management in terms of NEMA will also be undertaken through implementation of the Maintenance Management Plan and applicable environmental requirements.

		Lastly, my request is that the Competent Authority require further public participation before making a final decision on the application, particularly if additional studies, revised designs, or amended specialist findings become available. All interested and affected parties should be afforded a meaningful opportunity to review and comment on any new information. I submit that approval should only be considered once it has been conclusively demonstrated that the proposed densification will not result in unacceptable environmental impacts, infrastructure constraints, flooding risks, traffic congestion, deterioration in neighbourhood character, or loss of residential amenity for existing communities.	This comment is noted. The proposed development is subject to a formal Public Participation Process, providing the community, Interested and Affected Parties (I&APs) and organs of state with an opportunity to review the application and submit comments. The PPP process was undertaken from 26 August 2026 up to and inclusive of 28 September 2026. Notification has been undertaken through written notification to adjacent landowners, a newspaper advertisement in the Daily Voice, and a site notice placed at the property. The application documentation and supporting specialist reports have also been made available on the PHS website for public review and comment for the duration of the commenting period. All comments received during the process have been recorded and considered in this Comments and Response Report. Where relevant, comments and concerns have been addressed and incorporated into the application. The environmental, traffic, stormwater, infrastructure and social considerations associated with the proposed densification have been considered through the NEMA Section 24G process and supporting assessments, as well as through the City of Cape Town's planning and SDP approval process. Furthermore, the proposed SDP has also been subject to PPP in terms of the land-use application process through which the proposed SDP was subsequently approved by the City of Cape Town. Given that a public participation process has been undertaken in accordance with the relevant regulatory requirements and the matters raised through the

			process have been addressed, no further public participation is considered necessary.
2	Thabo Mafuna	Email dated 26 August 2026: As community we strongly object on the proposed densification of the approved social housing development on ERF 3733: • Lack community consultation	This objection to the proposed densification of the approval social housing development on Erf 3733 is noted. The proposed development has been subject to a formal Public Participation Process in terms of NEMA, which provides the community and Interested and Affected Parties (I&APs) with an opportunity to review the application and submit comments. The current process is being conducted from 26 August 2026 to 28 September 2026. It needs to be noted that this application was also subjected to a land-use process that entailed its own round of public participation in addition to the NEMA requirement. Notification has been undertaken through written notification to adjacent landowners, a newspaper advertisement in the Daily Voice, and a site notice erected at the property. The application documentation and supporting reports are also available on the PHS website for public review. All comments received during the process have been recorded and considered in this Comments and Response Report. Where relevant, comments and concerns have been addressed and incorporated into the application.

			Furthermore, the proposed SDP has also been subject to PPP in terms of the land-use application process through which the proposed SDP was subsequently approved by the City of Cape Town. Given that a public participation process has been undertaken in accordance with the relevant regulatory requirements and the matters raised through the process have been addressed, no further public participation is considered necessary. It is also important to note that the site was already approved for high-density residential development in 2011, and surrounding property owners purchased properties in an area where such development was approved and anticipated. The current application seeks to increase the density of the approved social housing development and is aligned with the City of Cape Town's densification objectives and guidelines.
		• Inadequate sewer capacity, currently right we have on going drain problems. Ongoing issues in montclair phase 5.	This comment is noted. The City of Cape Town was consulted regarding the availability and capacity of municipal services as part of the application process (refer to Appendix M1). The City confirmed that the Mitchells Plain Wastewater Treatment Works catchment has sufficient capacity to accommodate the proposed development's estimated wastewater contribution of 246.96 kL/day. However, upgrades to the downstream collector and bulk sewer infrastructure will be required to accommodate the additional flow. These upgrades form part of an identified municipal master plan item, which provides for progressive upgrading

			of the downstream system from approximately 315 mm at the development boundary to 600 mm north of the Spine Road Bulk Sewer. The Spine Road Bulk Outfall Sewer is also currently being upgraded, with a significant portion of the installation already completed. The City has therefore confirmed that the water and sanitation infrastructure can accommodate the proposed development, subject to the required downstream bulk sewer upgrades which will be undertaken.
		• Flooding when it rains cause of the wetlands. We are still waiting for the full report from the municipality.	A detailed Stormwater Management Plan has been prepared for the proposed development (Appendix H9.1 & 9.3). The stormwater system has been designed to appropriately manage stormwater generated on and through the site and to minimise the risk of flooding to surrounding properties. The design specifically considers the protection of downstream properties from frequent nuisance flooding, as well as the management of more extreme flood events. In addition, the stormwater attenuation pond associated with the Wetland 7 offset will be managed and maintained as part of the development, ensuring that the required stormwater storage capacity is retained. The proposed stormwater management measures are therefore intended to ensure that the development does not increase flooding impacts on surrounding properties.

		• Forsee Traffic congestion, as per the report share on the proposed Traffic impact assessment - it is recorded that the Pm peak hours are from 16:15 - 17:15 strongly disagree with the report. We leave office at 17:00 and arrive in montclair at about 18:00. so the times shown on this report are incorrect. Can you the report be redone with suggest PM peak 18:00-19:30.	The Traffic Impact Assessment was prepared by Apex Transport Solutions based on traffic count surveys undertaken at the study intersections during the adopted AM (06:00–09:00) and PM (15:00–18:00) assessment periods. These assessment periods are intended to capture the periods during which a residential development would typically have its greatest interaction with background commuter traffic. The evening peak period after 18:00 is distinct from the PM commuter peak period and is generally more relevant to land uses that generate significant evening traffic activity such as restaurants and hospitals. The peak hour is determined from the highest recorded traffic volumes during the applicable assessment period. The individual peak hours were established from the traffic count data recorded during the three-hour survey period. At the Highlands Drive / Montclair Drive / Samantha Street intersection, the highest recorded traffic volumes were recorded between 16:45 and 17:00, with volumes declining progressively towards 18:00. The traffic specialist has confirmed that the 18:00–19:30 period represents an evening period rather than the PM commuter peak typically assessed for residential developments, and that there is no indication from the traffic count data that traffic volumes were still increasing towards 18:00. The traffic specialist therefore does not consider there to be a technical basis for repeating the traffic counts or reassessing the development for the

			proposed 18:00–19:30 period. The findings and recommendations of the approved TIA remain applicable.
3	Zukisa Dlaku - BOCMA	Email dated 29 September 2026: Kindly find the attached Comments on the Freshwater Impact Assessment for the S24G Rectification Process for the Proposed Mixed-Use Development on Erven 3303 and 3304 (Subdivided from Erf 776), Mandalay, Western Cape.	Noted.
		Letter received via emal dated 29 September 2026: COMMENTS ON THE FRESHWATER IMPACT ASSESSMENT FOR THE S24G RECTIFICATION PROCESS FOR THE PROPOSED MIXED-USE DEVELOPMENT ON ERVEN 3303 AND 3304 (SUBDIVIDED FROM ERF 776), MANDALAY, WESTERN CAPE Your application dated August 2026 has reference. The Breede-Olifants Catchment Management Agency (BOCMA) has evaluated the submitted documents and has the following comments: 1. The Breede-Olifants Catchment Management Agency (BOCMA) acknowledges receipt of the Freshwater Impact Assessment submitted in support of the Section 24G rectification process for the unlawful piping and infilling of portions of “Wetland 7”, as well as the proposed mixed-use housing development and densification on Erven 3303 and 3304, Mandalay, Western Cape.	1. This comment is noted.

		2. Based on the information provided, BOCMA has no objection in principle to the proposed development, subject to compliance with the requirements of the National Water Act, 1998 (Act No. 36 of 1998), and other applicable water resource management requirements. These comments do not constitute approval or authorisation of any water use requiring authorisation in terms of the Act.	2. This comment is noted.
		3. BOCMA notes that a WUL was issued in 2015 for the piping of portions of "Wetland 7" and the establishment of a wetland offset area. The Freshwater Impact Assessment further indicates that piping undertaken during 2017/2018 extended beyond the extent authorised by the existing WUL. The extent of the existing piping and associated activities must therefore be considered against the existing WUL and its conditions.	3. The comment is noted. The 2015 WUL authorised the piping of portions of Wetland 7 and the establishment of a wetland offset. An external environmental audit confirmed that some piping extended beyond the extent authorised in terms of the existing Environmental Authorisation. However, based on the information available, the extent of piping undertaken is consistent with the works assessed and authorised in the existing WULA. The wetland offset was also implemented to address the associated loss of ecological functioning.
		4. Where the piping and infilling activities resulted in the impeding or diversion of flow or the alteration of the bed, banks, course or characteristics of a watercourse, the applicability of Section 21(c) and Section 21(i) of the National Water Act must be considered. Any water use requiring authorisation must be authorised in accordance with the National Water Act before the relevant activity is undertaken or continued.	4. The comment is noted. The piping of Wetland 7 was authorised under the 2015 WUL issued by the Department of Water and Sanitation, and the associated wetland offset was implemented. Based on the information available, the current extent of piping is consistent with the works assessed and authorised under the existing WUL.

		5. The Freshwater Impact Assessment identifies "Wetland 7" as a stormwater channel and states that no natural freshwater ecosystems were identified within the study area during the 2026 field assessment. Notwithstanding this finding, the water-resource implications of the piping, infilling and associated stormwater management must still be addressed in terms of the National Water Act.	4. The comment is noted. The piping of Wetland 7 was authorised under the 2015 WUL issued by the Department of Water and Sanitation, and the associated wetland offset was implemented. Based on the information available, the current extent of piping is consistent with the works assessed and authorised under the existing WUL.
		6. Stormwater generated by the proposed development must be appropriately managed on site and may not result in increased erosion, sedimentation, flooding or pollution of surrounding water resources.	6. This comment is noted. A detailed stormwater management plan has been developed for the site (refer Appendix H9.1 & 9.3 to the S24G Application) which will ensure that stormwater generated by the proposed development is suitably managed and does not result in increased erosion, sedimentation, flooding or pollution of surrounding water resources.
		7. The existing stormwater pond identified as part of the wetland offset area must be adequately maintained and managed to ensure that it continues to perform its intended stormwater management and ecological functions. The Freshwater Impact Assessment recommends that a Maintenance Management Plan be implemented for the open-space areas and wetland offset area.	7. This comment is noted. A maintenance management plan that includes the long term maintenance of the stormwater pond associated with the Wetland 7 offset area has been developed (refer Appendix H4 to the S24G application) and will be implemented as a condition of environmental authorisation.
		8. BOCMA notes the recommendations of the Freshwater Impact Assessment regarding the retention of the existing piped status quo and management of the wetland offset area. Such recommendations do not replace or exempt the applicant from complying with the	8. The comment is noted. The piping of Wetland 7 was authorised under the 2015 WUL issued by the Department of Water and Sanitation, and the associated wetland offset was implemented. The conditions of the existing WUL and requirements of the NWA will continue to be complied with.

		conditions of the existing WUL and any applicable requirements of the National Water Act	
		9. All requirements as stipulated in the National Water Act, 1998 (Act No. 36 of 1998) regarding water use must be adhered to.	9. This comment is noted. The requirements as stipulated in the NWA will continue to be adhered to.
		10. These comments do not exempt you from complying with other relevant legislations and requirements of other governmental Departments.	10. This comment is noted.
		11. BOCMA reserves the right to revise initial comments and request further information based on any additional information received.	11. This comment is noted.
4	Vanessa Stoffels – Department of infrastrucutre Roads Branch	Email dated 6 October 2026: Thank you for your application to this Branch. No proclaimed provincial road abuts this development. No further action necessary from this Branch. Kindly remove this Branch from the I&APS distribution list.	This comment is noted. The Roads Branch will be removed from the I&AP distribution list.

Public Participation to date

See proof of public participation conducted Appendix G1:

<u>Public Participation undertaken in line with both and the Section 24G Fine Regulations, 2017 and the Environmental Impact Assessment Regulations, 2014 (as amended):</u>

- A Section 24G Application was circulated for public comment for a 30 day period from 26 August 2026 up to and inclusive of 28 September 2026.
- An advert was published in the Daily Voice on 28 August 2026.
- A site notice was placed at the proposed development site for the duration of the commenting period.

- The Section 24G Application and supporting documentation, plus the draft EMPr was made available for download from the PHS website duration of the commenting period.
- All identified IAPs were notified by email or registered mail as applicable for the proposed project and the availability of documentation for comment.

In-Process Public Participation:

- The Section 24G Application will be circulated for an additional 30 day public participation period from 14 October 2026 up to and inclusive 13 November 2026.
- The Section 24G Application and supporting documentation, plus the EMPr and Comments and Response Report will be made available for download from the PHS website duration of the commenting period.
- All registered IAPs will be notified by email for the proposed project and the availability of documentation for comment.