

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

~~Central Circle, Fish Hoek 7975~~

Web: <https://www.fhvrta.org.za/> Facebook: www.facebook.com/FHVRRA/

Heritage Western Cape: Conservation Body

TO: GROENBERGENVIRO (PTY) LTD, MISCHÉ MOLIFE
mische@groenbergenviro.co.za

SUBJECT: COMMENTS ON DRAFT BASIC ASSESSMENT REPORT (dBAR) ON
DEVELOPMENT OF ERF 17336 FISH HOEK AKA 24 CARLTON ROAD ¹
NOI REFERENCE NUMBER: 16/3/3/6/7/1/A6/97/2006/22

DUE: 11 APRIL 2022

As a civic organisation, the Fish Hoek Ratepayers and Residents Association (FHVRRA) has many groups interested in this development. The main categories are environmentalists, safety and security, and nearby neighbours.

Please note that Fish Hoek 11825 Trust has submitted this erf 17336 several times over many years to the City and recently, 14 June 2021, lost again on appeal from 13 objections to obtain a zoning determination as part of the Fish Hoek Northern By-pass Substitution Scheme. This scheme was not approved by the Western Cape Government. Previous use rights have lapsed in terms Section 14(4)(b) of the LUPO and the property has not been serviced. Also, the City never adopted the structure plan. The neighbours will most likely object to any rezoning again and we will support them. They will also most likely object to the proposed departures on P436 and P437. We will support their objections to them as well. In our experience it takes the City's Planning Tribunal about six months to hear new cases, this will delay the project by those six months. If the "Trust" appeals, it also takes the Mayor roughly six months before attending to appeals, further delaying the completion of this project. Stating that they will be requesting departures from good urban planning as contained in the City's Municipal Planning By-Law shows the total disdain for such by-laws by this developer.

A condition of the Substitution Scheme was that it had to have an aesthetically appealing form. We submit that two-storey clustered housing is not an aesthetically appealing form in the floodplain of a wetland. It also required flood control measures with an appointment of a specialised engineering hydrologist recommended by the City Engineer and indemnify the City from any legal claims due to flooding. See the elevation of the "Study Area" in relation to the elevation of the "Wetland" on P269. This is important as this development will be on stilts, back-filled, bridged or bermed. Historically, due to the fibre optic cables installed on the eastern boundary of Erf 11825, now Erf 17334, the Trust had to exchange the affected portion with Erf 7000 (now Erf 17335) owned by the City into Erf 17336.

Recommendations

Page 65 Section 4

We would like to see the requirement that all labour pay level temporary jobs go only to those from either Masiphumelele or Ocean View.

1 <http://www.groenbergenviro.co.za/projects/?mdocs-cat=mdocs-cat-4&mdocs-att=null>

P65 S1 (4.2) & P219 S3.5 & P221 S4.2

Before the project begins, we'd like to see an agreement between the City and the developer as to who will be responsible for addressing, "Pedestrian facilities along Carlton Road are inadequate for the proposed development". Currently, nearby dog walkers walk along the berm on the north side of Carlton Road. Will the proposed 1.5m pedestrian path be sufficient.

The dBAR talks about internal parking, but no mention is made of the current external parking at the mouth of the wooden bridge (called "pipe bridge" locally due to the municipal pipes crossing from Clovelly to Fish Hoek that lie underneath the bridge) at the start of wetlands walk. This informal parking is on the left (West) side of the Winkle Way towards the wetlands, which is a favourite parking spot for dog walkers and local residents bringing their children for a stroll. We would like to see that this dirt road parking lot is preserved.

Environmentalists

It should be noted that at the time of the City sale, our local ward Councillor, FOSNA and SANPARKS all opposed the sale as it enabled the encroachment of private land into the wetlands.

Due to the Silvermine River Estuary and Wetlands being a protected area and breeding home to the endangered Western Leopard Toad, *Amietophrynus pantherinus*, nearby neighbours were required to make access holes in their walls for these toads. This must apply to this gated "community" as well. All site crews must be educated to recognise this toad. A low shade cloth fence must be erected from October to January on the wetlands side to lower the toadlet (baby toads) count going through the construction site. The site should be checked daily for toads and toadlets, especially in tyre ruts, trenches and pits.

Ditches / foundations must be monitored daily to make sure no animals have fallen in that may not be able to get out on their own.

All kerbing constructed must be sloping and not right angled to allow for the movement of toadlets, which are too small to negotiate right angled kerbs. P218 S3.2.1

Only indigenous plants must be used for landscaping and in private gardens with a preference for the wetlands flora.

Kikuyu grass must not be allowed on this erf as it is highly invasive near a wetland. Also, *Limonium perezii* (Statice), *Yucca* species and *Acacia saligna* should not be planted as these were recorded as escaping from neighbouring gardens within the project site.

Only natural fertilisers are to be used. No herbicides / weed killers, especially glyphosate, and pesticides are to be used by the landscaper or new residents. P54 & 55 Op Phase

The Source to Sea Trail alongside the wetlands runs through this property as it provides dry land for the trail. We would like to see a suitable, similar quality, 2m wide slightly raised dry replacement path between Erf 17336 and the wetlands to allow hikers to continue using this trail, at the developer's expense.

There must be a sufficient number of temporary, regularly serviced toilets during construction. Previous work done on this property required the neighbours to assist with the provision of their private toilet facilities.

P68 S5 & P493 S7.6 & P499 (City's letter)

The City has required, "improving energy efficiency and reducing consumption of

electricity, as stated by the City on P112 Appendix E16. Where is the proposal for solar power generation like the 100MW that is being proposed at Evergreen Noordhoek Retirement Village in our valley? Appendix E16 continues with the water component being sized for 19 units only and not the 23 requested in the dBAR. Surely, they need to get an update from the City for meeting the 23 units' demand.

There have been 23 sewage spills into the wetlands since 2004. Even with all the amended protocols in place, the system failed to contact the relevant City officials of the latest spill on 10 March 2022. No one has any faith that the City has provided adequate sewage capacity and back-up generators during load-shedding events, especially at the Vallyland sewage pumping station, which overflows into the stormwater system that goes directly to the wetlands. Sewage spills into the wetlands causes fish kills, nutrient loading and stinks. We do not need further load on our sewage system's capacity.

P37 S4.4 (S7.2) & P64 S1 (S7.2)

We support and wish the following to be made mandatory:

It is recommended that the following conditions are included in the Final EMPr as well as the conditions of the Environmental Authorisation (EA), if granted:

- All necessary plant permits must be obtained prior to the commencement of any construction activities;
- A site verification assessment must be done during the flowering season (July to August or August to October (note the disagreement on optimal times within the same field study report), not in February as done by the botanist for the field study) by an experienced botanist to ensure that no populations of restricted range species will be lost. In the unlikely event that there are populations of SCC that will be affected, then a translocation plan that has been approved by Cape Nature will be required;
- A comprehensive Search and Rescue should be conducted prior to vegetation clearance;
- All SCC must be relocated to nearest appropriate habitat; and
- Alien species occurring within and directly adjacent to the site must be removed.

P471 S8.1 & P473 S9.1.2

Where are the water saving and harvesting proposals?

P476 S9.4.2 & P481 "Protect flood plain developments from adverse impacts..."

The overland escape route for the 1:100 year flows will surely cause flooding elsewhere.

Safety and Security

Gated communities must have Clear-Vu type of fencing to allow the person on the safe side to call for assistance when witnessing a crime.

The developers need to continue offering cover for the pedestrian traffic using the wetlands as a highway from the sport field to the bridge area. So, the developers should include security into their planning with effective camera coverage on the wetland side of the complex.

Nearby Neighbours

During construction, dust is usually created. Some neighbours will have difficulty breathing as a result. They want dust collectors on the periphery that will be monitored, such as provided by Dust Watch. FHVRRA wants to see regular reports along with mitigation efforts reported when the dust levels exceed the City's Clean Air By-Law defined threshold.

Mitigation measures could include spraying with safe dust binding chemicals, such as Dustex, and water. P39 S8.4 & P63 S1

This is a peaceful, quiet area bordering the wetlands and thus, well frequented by hikers. Noise will become a concern during construction and will disturb the many bird species and neighbours. They request that construction takes place only from 09:00 to 16:00 and all equipment is properly silenced. They will ask the City's Health Department to assist with monitoring the sound levels.

P490 S5.4 & P494 S7.14

Due to the noise and exhaust fumes from generators, we would rather see solar panels and storage batteries.

With 58 parking bays being provided, traffic will increase from Carlton to Main Road. Note that the internal vehicle stacking on P217 was based on 16 units, not the now proposed 23 units impacting Carlton Road. There are many schools along this pathway, at least two primary, one pre-school and one nursery school. The developer must pay for traffic calming measures between their Erf and Main Road to mitigate the potential harm to pedestrians and school children.

In a worst case compromise, housing should be detached, separate buildings at one-storey maximum height with none built on the wetlands border. This would include not building units 1, 2, 13 and 14 as they are within 15m of the conservation buffer.

On page 65 S1 (S4.2) there is a reference to off-street visitor parking, but we presume this will be near the gated entrance, which if not off-street, will be highly objectionable to the neighbours.

P491 S5.5

Light pollution in the wetlands is a concern as some of the fauna are nocturnal. Also, it could disrupt the sleep cycles of diurnal animals. Low level, lower intensity and on demand (passive infra-red activated), solar powered, LED energy efficient lighting should be used.

P491 S5.6

One multi-sleeve with blown lit and unlit fibre and unblown channels should be dug and laid once off.

Discussion

Environmentalists

This is one of three (3) breeding ponds for the Western Leopard Toad, *Amietophrynus pantherinus*, in the country and there has been no regard for this rare environmental area. With construction that will likely be done during the breeding season, this proposes a danger for the future of the species. The construction will also "dump" building rubble and litter in the area making it unsightly and a risk to the flora here. Furthermore, there is generally not a sufficient number of temporary toilets provided for workers on sites like this and we will therefore likely see sewage spill in the wetlands too, as experienced during previous clearings.

P37 S 4.7

Too many hikers have reported fauna in the area for the claim of "no fauna" in the area to go unchallenged. There is a lot of activity around 03:00 and 04:00. Appendix G2:

Watercourse Verification Report P332 S3.2.1.6 refers to this being "considered important resource in the landscape, specifically for the habitat it provides for a variety of faunal and floral species but also acts as a migratory corridor connecting green spaces". In the "Fish

Hoek Bypass Environment Evaluation”, N.G. Palmer identified 18 different mammals in the lower Silvermine Corridor. P.G. Ryan identified 60 species of breeding birds within this area in this same evaluation, out of the 146 bird species that were observed. M.D. Picker reported 19 snake species, one lizard species, three tortoise species and 11 frog species in this area (same report).

Page 9 (repeated in Section 4.4 on P19 & P20 & Section E.1 on P26 & P27)

We object to the clearance of approximately 0.75ha of indigenous vegetation within 32m of a wetland. This is a destruction of natural habitat for flora and fauna. P274 Note that the City of Cape Town's Floodplain and River Corridor Management Policy (2009) requires an ecological buffer of 75 m for wetlands and 500 m for the floodplain of a wetlands.

Pages 24 Section D Activity 12 & 44 S1.8

We object to the construction of structure / infrastructure within 32m of the floodplain wetland and the clearance of greater than 300m² of indigenous vegetation, classified as endangered ecosystems.

Pages 21 S4.4 & 34 S4.3 & 40 S1.1 & 42 S1.3 bottom & P44 S1.8 & P211 S2.1.2

While it is true that the City of Cape Town approved the Northern Bypass, it is significant to note that the Western Cape Government did not. Therefore, the development of properties to the south of the Northern Bypass Road within the 1:50 year flood line level also fell away. That proposal would have essentially canalised the Silvermine River. To canalise this river will require the ground level to be raised substantially to contain the river. Currently, this erf is acting as a low-lying buffer zone to absorb some of the flood. Note that the City has changed its mind and decided to rather make this river into a wetlands and a preserve to flora and fauna.

Page 28 S4.2

We argue that the development is not in line with the City's IDP “Imperatives under this spatial priority are to: (point 3) take into account biodiversity, aquatic resources and networks as well as agricultural areas when planning new development.” The development completely ignores these by wanting to annihilate them.

P443 S2.5.1

“Restrict impact of developments on natural and biodiversity resources.”

Page 29 S4.3

Incremental Growth does not include into wetlands. The subject property is situated in a wetlands next to an established residential neighbourhood that is not within the floodplain. The City has other examples of Critical Natural Assets within its urban edge. The included poor quality picture does clearly show that the subject property is actually within a Critical Natural Asset, according to the key, which we believe is included.

Section 6

We'd like another opinion on this not being considered a Ecological Support Area.

P445 City of Cape Town MSDP (2018)

The City has designated this site an a “Critical Natural Asset”... and has protection status in law.

Page 30 S6 & P56 Proposed mitigation

Being within an Other Natural Area, we'd want all internal landscaping to only include a wide variety of the Silvermine River wetlands flora and promote the critically endangered vegetation. No alien vegetation is to be planted here.

In terms of the Biodiversity Network analysis document (2017), we argue that this development blocks the environmental education component as the Source to Sea trail and hikers would have to walk along Carlton Road as there wouldn't be dry land between the property boundary and the wetland.

Periodic clearing has been conducted due to eutrophication, silting and dense reed growth

of the wetlands. Vegetation has re-established itself, but then, it had suitable soil, climate, wetland environment and proximity to seeds. We argue that a hard surface would not allow re-establishment.

Watercourse characteristics can only be studied within the cycles of rain and semi-drought. Section 7 (and page 34 Section 3)

The BAR states “N/A because the site is not near the sea”, but it is just 750m to the False Bay sea at Fish Hoek beach.

P65 S5

The developer should consider the impact of a rising sea level due to climate change. This development could be underwater.

Page 31 Section 9

The surrounding area on the South-West and East are residential, but the North area is wetlands. Thus the statement, “The development will be in line with the surrounding land use, which is residential” is not quite accurate.

P33 S1.2

No groundwater impact? It's in the groundwater. It's a wetlands.

Section 2.3

Four erven encroach the 15m conservation buffer zone. How will a fence in this area help?

P34 S4.3

The Northern by-Pass is on the wetland side of the proposed development. The NB-P is now an out-of-date scheme with horrific impacts along its length.

P37 S4.6

“The proposed area is not located in a protected area, but within an urban area.” should read “but within an ONA (Other Natural Area)”.

S4.7 “No fauna was observed...”

The western cape leopard toad, otter and birdlife fauna have been seen in this area.

Botanists tend to not see fauna and her report (on P144 S1.3) states that her field study “does not include an assessment of faunal species. A faunal specialist must be appointed to assess the site and associated impacts”. Most of her “tracks” appear to be outside of the proposed building site and along the wetlands walking path.

P155 S4.2

She admits that “annual flowering species and geophytes are likely to have gone undetected due to the timing of the survey”.

P157 S4.3

The sighted Aloe aborescens, listed as a Schedule 4 species, will require a permit for its removal prior to construction for replanting adjacent to the site by a horticulturist.

P174 S7.3

“Search and rescue that must take place during the flowering season.”

P179-191 number, status and moderate probability:

- 11 endangered with moderate probability of occurrence;

- 10 vulnerable with moderate probability of occurrence;

- 1 critical with moderate probability of occurrence; and

- 1 rare with moderate probability of occurrence.

Previous to the clearings, this area “adjacent to Carlton Street” was a dune shrubland with stands of *Metalasia muricata* according to the Environmental Baseline Report on the Silvermine Corridor, Fish Hoek, project J19200B, July, 1998, P13 S4.1(e)

P65 S8

We disagree that no restoration or rehabilitation is required or should be required as we think the disturbed vegetation should be restored.

P472 S9

Please note that the City has discovered that water pipes must be placed above sewage pipes. Sewage pipes must NOT be placed above stormwater pipes as they lead back into the wetlands at the culverts and they do leak.

Safety and Security

Please note that electrical fencing in nearby gated communities has not been a sufficient deterrent for criminals in this area. P493 & 4 S7.12

The local Neighbourhood Watches have noticed that this area has been used for anti-social activities for a long time harbouring known criminals with stashed stolen goods (some burgled), rough sleepers, prostitutes and bin-pickers shredding the contents of bags of rubbish all over this area, all adding their own excrement. Review of the cameras covering that area shows a lot of late night traffic in the "berm area". Some are using the berm area for their activities, others are passing by on the wetland side where they are invisible from the roadway.

Nearby Neighbours

Even with the provision of 58 parking bays, the neighbours are concerned for when there isn't sufficient guest parking. Their concern is that additional visitors will try to park along the road creating additional congestion.

The nearby neighbours object to this development due to their loss of view over the wetlands, but also of the Clovelly mountain (Trappieskop) due to these being two storey buildings. There are no other two-storey buildings along the wetlands and this would set a bad precedent. [FHVRRRA will object directly to the City when the rezoning application is available for comment as two-storey buildings will require more cement foundations in this sensitive area. Cement is toxic to fish.]

P9 Project Description (repeated in Section 4.4 on P19 & P20; Section E.1 on P26 & P27) Due to the different zone ratings, it cannot be stated that these units "will be zoned similar to the surroundings". It is incongruous to state that "[t]he development will not change the character of the area". There are nine neighbours zoned single residential SR1 on the South-West side of this general residential GR1 zone application for 23 units that will no longer be able to see the wetlands nor Trappieskop mountain. Therefore, the statement in P68 S2.3 "The proposed development will not have a material impact (i.e. visual) on the surrounds" is false. It will have a negative visual impact of those along Carlton Road in this immediate area as nine residences from 17 to 33 Carlton Road will no longer be able to see the wetlands due to this development. The proposal is for two-storey dwellings blocking their view of Trappieskop. Where is the compensation for this loss?

P44 S1.6

If the project does not proceed, no "permanent jobs will be created"...this is the first and only mention of permanent jobs. Where is the substantiation for this statement? "[N]o improvement in the quality of life will be experienced by the locals." Were these statements copied from another BAR? They are not sufficiently motivated here. "[T]he unemployment rate in the area will remain". There were only temporary jobs being created anyway.

P65 S4

What job security?

P68 S2.1 "Increase permanent job opportunities for locals." Where is the support for this statement?

Missing

Conspicuous by their absence, we have requested the following missing documents from the dBAR:

P98 Appendix E2: Copy of comment from Cape Nature – [Comment requested.](#)

P99 Appendix E3: Final Comment from the DWS – [Comment requested.](#)

P106 Appendix E10: Comment from DEA&DP: Pollution Management – [Comment requested.](#)

P107 Appendix E11: Comment from DEA&DP: Waste Management– [Comment requested.](#)

P111 Appendix E15: Comment from the local authority– [Comment requested.](#)

Note that the missing P101 Appendix E5: Comment from the DAFF – [Comment not required.](#) However, on P274 of Appendix G1 Freshwater Impact Assessment clearly states that as “proposed development intersects both the 32 m ZoR (NEMA) which would necessitate the application for Environmental Authorisation” from the relevant departments. We consider comments from DAFF as mandatory to this report.

P211 2.1.1

We would only use the term “footbridge” and not “aqueduct”.

P448 S2.6

The site design does include two frontages. The southern access to Carlton Road is planned, but not the eastern access onto Winkle Way.

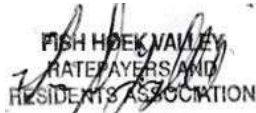
P451 S3.3.1

It should be noted that the height and density require the City granting GR1 zoning. Note that building lines and building restrictions are being contravened.

P463 S5.3.7

We disagree and believe that there will be a negative impact on the biophysical environment. Also, there is a negative impact on natural resources in the Spatial Sustainability Section.

P505 another repeat with forms from here to P718

NAME & SURNAME	<i>Brian Youngblood, Chair: Fish Hoek Valley Residents and Ratepayers Association (FHVRRRA)</i>
CONTACT NUMBER	<i>Cell: 084 3 99 99 33</i>
E-MAIL ADDRESS	<i>FishHoekRRA@gmail.com</i>
SIGNATURE	
DATE	5 April 2022