



**OBJECTION TO ENVIRONMENTAL APPLICATION FOR CONSTRUCTION OF  
HOUMOED AVENUE EXTENSION, NOORDHOEK AND DRAFT BASIC  
ASSESSMENT REPORT.**

DEA&DP Reference No.: 16/3/3/6/7/1/F1/45/2016/17

Prepared for:

**LYNN HANGER AND 50 OTHER RESIDENTS/ PARTIES, NOORDHOEK .**

Prepared by:

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# **OBJECTION TO ENVIRONMENTAL APPLICATION FOR CONSTRUCTION OF HOUMOED ROAD EXTENSION, NOORDHOEK AND DRAFT BASIC ASSESSMENT REPORT.**

## **Acronyms used in this appeal**

EIA	Environmental Impact Assessment
EIA Regulations	NEMA EIA Regulations (2014) of GN No. R. 982
DBAR	Draft Basic Assessment Report
I&AP	Interested and Affected Party
TIA	Traffic Impact Assessment
EAP	Environmental Assessment Practitioner
DEADP	The Department of Environmental Affairs & Development Planning (also called the Competent Authority i.t.o. the application)
EA	Environmental Authorisation
NEMA	The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
HAE	Houmoed Avenue Extension (the proposed activity)

## **Introduction and context of this objection**

1. This appeal is submitted by AVDS Environmental Consultants on behalf of 51 residents of Milkwood Park, Sunnydale, and other parties who are collectively our clients.
2. Appendix A is a list of the objectors on behalf of whom this objection and comment is submitted.
3. The objection is prepared by Andre van der Spuy of AVDS Environmental Consultants. The author is suitably qualified and experienced to comment on the substance of the application (i.e. the author's role and mandate extends beyond merely being a representative of its clients) and the contents of this document must be regarded accordingly.
4. The interests and concerns of our clients, the objectors in this submission, share a common bond in that they seek to prevent the environmental and social degradation of the area and surrounds and that would naturally arise as a direct consequence of the proposed Houmoed Avenue Extension (HAE) activity.

5. Our clients furthermore align themselves in support of the submission of the ToadNUTs which concerns essentially the potential significant negative impact on the Endangered Western Leopard Toad (*Sclerophrys Pantherina*).
6. This objection must not be presumed to necessarily constitute the full range of our clients' concerns with the HAE application and our clients reserve their rights to table any further matters that may come to their attention going forward.
7. Our clients should be recorded individually as Registered I&APs and as being each strongly opposed to the environmental application for the proposed HAE for the reasons set out in this submission of objection. Our clients strongly favour the so-called "No go" development option as the only genuinely sustainable development option presented in the application.
8. The route(s) of the proposed HAE; several abutting and affected properties; and the surrounding wetland environment were visited and inspected by the author on 17 August 2017 in the company of Mrs. Lynn Hanger (local resident and objector), Mrs. Alison Faraday (ToadNUTs member and objector) and Mrs. Suzie J'Kul (ToadNUTs member and objector). Discussions were held with several of the affected residents, including Mr. James Large of Erf 5/944 (affected property owner and objector).

### **GROUND'S OF OBJECTION**

9. This objection is centered on the fundamental concerns that our clients have with the two HAE development options presented in the DBAR, and as referred to as:
  - Alternative 1 (The Applicant's preferred development option and recommended by the EAP).
  - Alternative 2.

Both development options considered are considered to be unacceptable on environmental and socio-economic grounds.

10. Accordingly, our clients strongly favour the "no go" development alternative.

11. Consequently, on account of the fundamental basis of this objection (i.e. to the presented HAE development options themselves), this objection does not concentrate on the associated management plan that has been drafted and it must be recorded that it is, by default, objected to on the basis that it is concerned with the management of a fundamentally unacceptable and unsustainable development proposal, Alternative 1.
12. The reasons for our clients' objection are set out hereunder.

## **PROCEDURAL ISSUES**

### **Applicant-favoured bias of the EAP and DBAR.**

13. It is averred that the DBAR and EP are fundamentally biased in favour of the Applicant's interests and preferred Alternative 1. Therefore the legislated rights of I&APs to have their own interests upheld on an equal basis, and without compromise, by the EAP has not been honoured by the EAP.
14. Evidence of the subjective and Applicant-favoured bias of the EAP and DBRA is tabled throughout this objection where such is identified.
15. EIA Regulation 13(1)(a),(b), (c) and (d), which requires that the EAP conduct him/ herself in an independent, objective and expert manner while ensuring uncompromised compliance with the EIA Regulations, have accordingly be violated by the EAP (being those parties listed as jointly being the appointed EAP). XX has consequently not been complied with.

### **Misrepresentation of the Draft "Basic Assessment Report".**

16. It is submitted that the DBAR, "Basic Assessment Environmental Process for the Proposed Phase 1 Extension of Houmoed Avenue, Sunnydale: Draft Basic Assessment Report" (dated July 2017 and with DEA&DP Ref. 16/3/3/6/7/1/F1/45/2016/17), as presented now for comment, is a misuse of the term as it does not meet the fundamental requirements for "Basic Assessment Report" (in any form) and is therefore a significant misrepresentation. Furthermore, the presentation of the current report as a DBAR is a procedural flaw in terms of the EIA Regulations.

17. The DBAR states on page 8 that the, *“Impacts on fauna (over and above those identified and discussed under freshwater aspects above) are currently being investigated by a faunal specialist. The findings of this study will be included in the final BAR.”* On page 47 of the DBRA it is stated that *“...the impacts on fauna are currently being studied by a faunal specialist, the findings of which will be incorporated into the final BAR.”* The DBAR therefore excludes the determination of the potential faunal impact and which is a significant potential impact (having been identified in several previous I&AP comments (see Appendix H of the DBAR) and as anyway determined by the sensitive environmental character of the receiving environment).
18. Under Section 1 of Appendix 1 of the EIA Regulations it is stated that; *“The environmental outcomes , impacts and residual risks of the proposed activity must be set out in the basic assessment report”* (underlining added).
19. Under Section 1 of Appendix 1 of the EIA Regulations it is stated that; *“The objective of the basic assessment process is to, through a consultative process... through the undertaking of an impact and risk assessment process inclusive of cumulative impacts which focused on determining the geographical, physical, biological, social, economic, heritage , and cultural sensitivity of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on the these aspects to determine ... (i) the nature, significance, consequence, extent, duration, and probability of the impacts occurring to...”* (Underlining supplied).
20. It is therefore clear that the determination and assessment of “impacts” is a fundamental objective of a (draft) BAR and the omission thereof disqualifies a report from being termed, in any sense, a (draft) BAR. The impact assessments must be presented in the (draft) BAR so as to justify the reasoned findings of the report and opinion of the EAP. The subject DBAR fails in this respect.
21. It is therefore misleading and improper of the EAP to term it a Draft “Basic Assessment Report” as the report has excluded a significant and fundamental potential faunal impact and which is a key concern of I&APs and other parties having an interest in this application.
22. Correct procedure by the EAP required that the faunal impact study first be completed, plus any other outstanding fundamental information obtained, and that such information be included in the DBAR before its public release. The importance of having completed and included the potential impact assessment ratings (including, in this case, the faunal

impact study) as basic information in the DBAR is critical in order that this information can inform and justify the recommendations and “reasoned opinion” of the EAP in the DBAR.

23. Consequently, the DBAR currently released for public review is not a draft) Basic Assessment Report and it is misleading to present it as such. Furthermore, its release is premature as the report lacks fundamental specialist information which is not necessarily dependant upon I&AP feedback but which is rather required to be subjected to public review and, importantly, is required to inform the reasoned decision-making of the EAP (but which it has not done in the case of the DBAR currently available for review).
24. Notwithstanding the reasons for the objection tabled here, this document of objection will continue to refer to the current report, dated July 2017 and now available for public comment, as the “DBAR” for the sake of consistency and identity.
25. It is also recorded that the failure of the DBAR to properly assess various other potential impacts tabled by I&APs previously is further evidence of its failure to meet the requirements of a proper (draft) BAR. Such omitted potential impact assessments include those on property value, visual aspects, noise, avifauna (specifically), herpetology and various socio-economic issues.

### **Procedural flaws in the Basic Assessment process.**

26. The Basic Assessment “environmental process”, as set out on page 47 of the DBAR, is flawed as it provides only a single and final opportunity for I&APs to review the EAP’s interpretation and response to new and un-assessed<sup>1</sup> substantive issues that will have their first formal airing, and address, only in the intended final version of the BAR (i.e. that version of August 2017). According to the outlined process, the EAP’s subsequent response to any I&AP criticisms on such new issues will remain unknown to I&APs despite the EAP’s final responses being intended for submission as critical information to the decision-making process.
27. For example, it is advised that the faunal impact assessment will be made available in the final BAR and which will be subjected to a last I&AP comment period (DBAR, Page 42). In other words, the faunal impact study will be made available only once to I&APs and the responses by the EAP to any comments made thereon will not be shared with I&APs. This is approach assumes (incorrectly) that I&APs comments will have no material impact

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<sup>1</sup> Such as the faunal impact assessment which is incomplete at this time and for which no further details are provided in the DBAR.

on the faunal study and its findings and the approach is inconsistent with the principles of sustainable development under NEMA where provision is made for the inclusion of local knowledge to ensure informed findings and which will in turn ensure that the “*best practical environmental option*” is arrived at. The Houmoed Road Extension DBAR and its associated environmental process fails to meet these requirements.

28. This ground of objection to a fundamental procedural flaw is strengthened by the fact that it applies also to any dismissed potential impacts which may be challenged now by I&APs and which will have their one and only formal airing during the next (final) BAR and in which any necessary response and/ or action by the EAP should be presented for the first time. I&APs will then, according to the advised process (DBAR, page 42), have their first and only opportunity of review of the EAP’s response but the effects of their review will remain unknown to them (since the final responses of the EAP will be submitted without being aired publically). This matter applies practically in the context of this document of objection since it raises unaddressed (but previous recorded) issues which deserve a proper professional, independent and, in some instances, a specialist response of action.
29. In support of the above grounds of objection EIA Regulation 40(2)(d) requires that, “*The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with... all potential, or, where relevant, registered interested and affected parties.*”. I&APs must therefore be provided with an opportunity to review the responses to their comments on the final BAR as it is clearly intended that such responses will “*have the potential to influence ... (the) decision*”.
30. Also in support of the above grounds of objection EIA Regulation 41(6)(d) requires that, “*When complying with this regulation, the person conducting the public participation process must ensure that-*

*(a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties;*

*and*

*(b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are*

*provided with a reasonable opportunity to comment on the application or proposed application..”.*

The EAP is therefore required to ensure its intended responses to future comments on the final BAR (being “*information containing relevant facts*”) be “*made available to potential interested and affected parties*” for review and for “*reasonable opportunity to comment*”.

31. It is therefore quite clear that the environmental process set out on page 42 of the DBAR is non-compliant and fails to afford I&APs their rightful degree of review and comment. This is, it would appear, partly as a result of failure of the EAP to correctly understand the EIA Regulations and NEMA principles properly and partly due to the fact that the DBAR itself is materially incomplete and lacking in substantial information which information is required to be in a completed form rather than simply recorded and described as an issue (but thereafter dismissed, left unconcluded, or otherwise improperly addressed). This procedural flaw is entirely the responsibility of the EAP and who consequently appears not to meet with the degree of expertise required under EIA Regulation 13.

### **Unjustified and pre-determined opinion of authorization by the EAP and which is in the interests of the Applicant.**

32. Under Appendix 1 of the EIA Regulations, Section 3(1)(p) it is stated that:

*“A basic assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include- a reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation;”*

*(Underlining added)*

33. The EAP, under Section H of the DBAR, presents the EAP’s “*reasoned opinion*” that the activity applied for by the Applicant should be authorized by the Competent Authority. Under the same section H the EAP states that there is sufficient information in the application form and associated documentation (i.e. the DBAR) to make a decision in respect of the activity applied for.
34. These opinions of the EAP are strongly contested here on the grounds that they are unreasonable, and therefore incorrect opinions, as that there is insufficient information

available in the DBAR to enable a reasonable opinion of authorization to be formulated. Instead, that limited information which is available in the DBAR, properly and correctly interpreted, and read with the necessary “*risk averse and cautious approach*” advocated under Section 2(4)(a)(vii) of NEMA, dictates that **the activity being applied for should correctly be refused.**

35. A further serious and fundamental flaw is evidenced in the approach taken by the EAP in this application. In providing its reasoned opinion for authorisation to be granted (see Section H of the DBAR), even where diverse and critical information is known to be absent (such as, for example, the faunal impact assessment findings), the EAP has revealed a significant Applicant-favoured bias and which is unfair and illegal as regards the rights of I&APs (including our clients) and the environment itself. Furthermore, in its Applicant-favoured opinion the EAP has even neglected to qualify its stated opinion (not that doing so would have exonerated the EAP’s lack of independence anyway). The EAP is therefore clearly not independent and is non-compliant with EIA Regulation 13(1)(a) which requires that “*(a)n EAP... appointed in terms of regulation 12(1) or 12(2), must ... be independent;*”.

36. In light of the above serious issues two courses of action (at least) are required in order to restore due process on these counts:

- (i) The lack of independence of the EAP must be properly addressed according to the prevailing legislation; and
- (ii) A scoping and full EIA process must be employed (in the reasoned professional opinion of the author) given the diverse nature of the significant issues around the proposed activity (and which have not be properly dealt with); the clear level of local community interest/ opposition; and, the obvious environmental sensitivity of the receiving environment which is not properly conveyed in the DBAR.

### **Other reasonable alternatives not considered.**

37. Under Appendix 1 of the EIA Regulations, Section 2(b) it is stated that:

*“The objective of the basic assessment process is to, through a consultative process ... identify the alternatives considered, including the activity, location, and technology alternatives”.*

(Underling added)

38. It is therefore necessary that the identification of alternatives be meaningfully informed “*through a consultative process*” with I&APs, who, in this subject application, are composed in large portion of the affected local community and who will be the parties likely to be burdened with the real environmental and socio-economic costs of the proposed HAE.
39. However, review of the DBAR reveals that insufficient consultation with I&APs as regards specifically alternatives has been conducted. Also insufficient honest consideration has been given to the numerous alternatives previously proposed by I&APs (including some of our clients) and these table alternatives have all been rejected by the EAP and traffic engineers (as revealed by the responses in Appendix H(viii)) in what appears to be a predetermined HAE route that suits the purposes of the Applicant. The proposed development Alternative 2 appears to be a meaningless design where its only difference with Alternative 1 would negatively affect mainly the owner of Erf 5/955, Mr. James Large a signatory to this objection (although Alternative 1 would also have a significantly negative and unacceptable impact on the interests of Mr. Large – pers. com.). It would appear therefore that Alternative 2 has simply been included as a theoretical alternative that is designed to present Alternative 1 as the more favoured alternative from a socio-economic and environmental perspective (and to the advantage of the Applicant’s interests who prefers Alternative 1).
40. It is submitted, with objection, that the DBRA, having adopted a pre-determined approach and outcome, has made no real effort to identify and consider the many other real and feasible alternatives that exist. Several of our clients’ have other alternatives in mind but which are not included in the DBAR and which they are willing and eager to place on record for discussion and consideration in a proper and full EIA process (some having been tabled previously already but since dismissed by the EAP). Mr. James Large, who stands to be materially impacted by either of the proposed development alternatives has himself a suggested route alternative which would have a materially more favourable outcome on his own interests.
41. The response provided by the EAP under Section E(1)(b) of the DBAR simply dismisses the proven benefits of efficient public transport systems in alleviating traffic flows and volumes based on an unsubstantiated opinion that the other road upgrades in the area

which will allow for “*significant public transport infrastructure*” are not sufficient to negate the need for the proposed HAE. This assertion is strongly contested and rejected as the existing transport corridors (currently being upgraded) offer substantial space and opportunity (and specifically with reference to public transportation) to achieve an efficient transport system, which links all the necessary sources and destinations, without addition of the proposed HAE.

42. It is submitted that a logical projection of urban development and population growth in the “South Peninsula” areas serviced by the subject road transport network, combined with the present and future need for less polluting alternatives and other social and environmental sustainability objectives, dictates no other reasonable choice to the Applicant (and local community) than an extensive and much improved, safe and efficient public transport service which is designed to serve all sectors of the local community and which uses the already developed transport corridors (but which will need to be adapted no doubt). It would appear that the Traffic Impact Assessment has used significantly unambitious public transport factors in its conceptual analysis (see 2<sup>nd</sup> bullet point on page 3 of the TIA) and which therefore does not reflect the real need for a proper and improved public transport system. It would appear then that the real benefits of a proper integrated public transport system in terms of alleviating present and future traffic problems, and thus the alleged need for the HAE, have not been fairly and equally assessed by the TIA and in the DBAR (perhaps so as to discredit public transport alternatives not being feasible and reasonable alternatives to the HAE).
43. For reason set out above and elsewhere in this objection, and under the circumstances presented by the very limited scenarios presented in the DBA, our clients strongly favour the “No go” development alternative and reject both of the HAE development Alternatives 1 and 2.
44. Consequently, the “no go” alternative is correctly considered to be a reasonable and feasible alternative (which effectively constitutes a refusal of the environmental application) and is not merely a technical inclusion in the EIA process for purposes of a baseline scenario.

## **Flawed methodology of DBAR reliant upon compromised EAP.**

45. The methodology employed in the DBAR in order to arrive at its findings, and the EAP’s “reasoned opinion” of authorization of Alternative 1, is flawed. As revealed elsewhere in

this objection the independence and reasoned objectivity of the EAP is lacking and thus the EAP cannot be relied upon to make objective decisions or apply its mind reasonably. The DBAR, in its methodology, however relies significantly upon the judgment and opinion of the EAP (for example, DBAR, Section G; “deemed acceptable”) and which therefore compromises the DBAR beyond repair.

46. Accordingly, the findings of the DBAR cannot be relied upon to be accurate.

## **SUBSTANTIVE ISSUES**

### **Wetland impacts.**

47. The Pick n Pay reedbed wetland is rated as medium-to-high conservation importance by the freshwater specialist (Freshwater study, section 5.2). The freshwater study finds that both permanent and seasonal wetland loss (respectively, 1ha and 0.1 - 0.2ha) would occur due to the proposed development Alternatives (the difference between which the freshwater specialist regards as insignificant) and which would amount to a accumulated loss in extent of approximately 2 – 3% of the Pick ‘n Pay reedbed wetland and approximately 0.5% of the greater Noordhoek Wetland System.

48. The loss of permanent wetland is considered to be a negative impact of low-medium significance while the loss of seasonal wetland is considered to be a negative impact of medium significance. The wetland report recommends an offset mitigation for the negative (seasonal) wetland impacts whereby seasonal wetland is restored along the edges of the proposed road and elsewhere within the greater Noordhoek Wetland System. However, while the restoration proposal is anticipated to have a positive impact it has not resulted in a reduction of the presented “with mitigation” potential negative impact ratings for the loss of permanent and seasonal wetland.

49. The freshwater study is noticeably cautious in presenting its wetland impact assessments given the lack of faunal and botanical information. Section 2.2 of the study states;

*“(t)he determination of the conservation importance of the potentially affected wetlands was based largely on desktop-based information, without having site-based data pertaining to the biota associated with these aquatic ecosystems, particularly the presence of rare, endangered or otherwise important (e.g. highly endemic) faunal species (such as invertebrates and frogs). A related limitation was that no botanical specialist*

*study was conducted for the currently proposed project and, as such, no botanical assessment report was available for the proposed road.”*

Notwithstanding the above, the freshwater specialist has deemed there to be sufficient desktop information, in combination with its own local knowledge of the subject wetland environment, to present its impact findings.

50. The above cautionary note by the specialist is indeed warranted and correct and we can confirm that the wetland habitat does indeed constitute suitable and utilized habitat of several endangered species including the Western Leopard Toad habitat (pers. com. ToadNUTs). Under the circumstances we submit that it would have been more appropriate for the freshwater specialist to have awaited the results of the faunal impact assessment (and insisted on at least a preliminary botanical survey) before tabling its results.
51. Given the fact that this objection confirms the presence of Endangered wetland and riparian–habitat fauna (which rely specifically on the available wetland habitat that would be impacted negatively) the EAP must now take a prudent approach in which the wetland impact findings must be reviewed on receipt of the faunal impact assessment results.
52. Given the justifiable reason for review of the specialist’s wetland impact study results, and given the significance of wetland issues in the consideration of this environmental application, the “reasoned opinion” of the EAP, as stated in the DBAR, that the applied for activity be authorized is even more unjustifiable.
53. While the freshwater study takes a necessarily technical and analytical approach to its assessment of the wetland impacts it fails to consider the significant positive impacts under the “no go” development alternative whereby residential properties and residents abutting the HAE road reserve and wetlands are playing an undeniable and clearly significant role in the persistence of various wetland ecological functions and wetland-associated species, including Endangered species. Under the proposed road development scenarios such conservation-worthy attributes (and habitat) would most likely be lost due to the nature of the proposed roadway (traffic noise, road mortalities, ecological fragmentation etc.) which is not compatible with such wetland ecological processes and which roadway will form a significant ecological barrier (irrespective of whatever mitigation efforts may be implemented) between the wetland and the terrestrial/ riparian zone. The negative ecological impact of roads is a well documented issue and the fact that these negative effects would be applied, in this instance, to the interface (and in places, inside edge) of a wetland may be reasonably predicted to result in even

more significant negative ecological impacts than a roadway that is built through the middle of a homogenous habitat.

54. It may be clearly observed (pers. observation) that the Milkwood Park residents whose properties have direct access to the wetlands (over the Houmoed Road Reserve) generally have a pride and appreciation for the ecologically sensitive wetland habitat with which they interface and live, and, that the tolerance and encouragement of natural ecological processes and species is seen as a significant asset to their properties and in their lifestyles. The existing abutting residential land use, in its current form, can clearly be regarded as a compatible land use to the wetland and where the abutting properties tend to have gardens which are prone to frequent and substantial flooding and saturation. These gardens thereby constitute suitable and appropriate buffer zone as they enable many ecological and hydrological processes and functions to freely operate and which is a significant difference to the uncompromising land use scenario posed by the HAE construction.

### **Faunal impacts.**

55. The DBAR states that a faunal impact assessment is presently underway. No faunal impact ratings are therefore presented in the DBAR. Instead, the DBAR simply states in the Table "Impact Summary" under Section 8 that, "*Impacts on fauna (over and above those identified and discussed under freshwater aspects above) are currently being investigated by a faunal specialist. The findings of this study will be included in the final BAR.*"
56. It must be noted that no impacts on fauna are **assessed** in the freshwater study but such impacts are only very briefly alluded to on a few occasions. As stated above, the freshwater study considers the lack of faunal impact assessment to be a limitation to its own findings (Freshwater Study, Section 2.2).
57. The potential impact on fauna is a critical and most common concern (of I&APs and other local conservation organizations, such as the ToadNUTs) in regard to the proposed HAE. It is therefore unjustifiable to release a document purporting to be a Draft BAR when it excludes some of the most critical and fundamental information pertaining to the application. This is especially so when there exists a known Endangered species (the Western Leopard Toad) within the affected environment and which will undoubtedly be negatively impacted by the proposed HAE (pers. com. ToadNUTs).

58. It is noted that the DBAR appears to make a concerted effort to not identify the researcher undertaking the faunal impact assessment and which is suspicious.
59. **This objection desires to, but is unable to, deliver comment on the faunal impact findings of the DBAR and application since there exist none at this point in time.** It is however confirmed that the potential faunal impact of the proposed HAE is a critical and outstanding issue which deserves full investigation by suitable specialists including, at the least, a herpetologist, ornithologist, invertebrate specialist and a mammal specialist. It is important that the different faunal categories be assessed and presented separately.
60. ToadNUTs and long-standing residents have confirmed (pers. com.) the wide-spread presence of the Western Leopard Toad (an Endangered species) on the site and which provides early indication that the proposed HAE would constitute unsustainable development if proceeded with. Based on reliable faunal evidence at our disposal the “no go” development option is the only reasonable and justifiable option and is accordingly favoured.
61. The right to comment fully on the faunal impact assessment findings of this HAE application, once such are released, is hereby reserved.

### **Western Leopard Toad and other herpetological concerns.**

62. The Western Leopard Toad (*Sclerophrys Pantherina*) is an Endangered species which inhabits the environment which will be impacted by the proposed HAE and which will most certainly be significantly negatively impacted by the proposed development (pers. com. ToadNUTs). The proposed HAE will negatively impact directly upon breeding habitat, critical buffer zones and will significantly interrupt the migrations paths and access points to confirmed breeding ponds. The DBAR contains no information about this important species or the potential impact thereon. In consequence of circumstances at this point in time, this glaring omission is a fatal flaw.
63. For the above reason, and being mindful of the required application of the “risk averse and cautious approach”, this objection proposes the “no go” development option as the only justifiable option. The right to comment further on the potential impacts upon this Endangered species is reserved and will be considered on receipt of the faunal impact assessment (and which it is assumed will include the findings of a proper herpetologist).

Significance of a Red Data listed “Endangered” species on the valuable site not recognized.

64. The Western Leopard Toad (*Sclerophrys Pantherina*) is listed as “Endangered” under the IUCN Red List of Threatened Species (2017). The main purpose of “*the IUCN Red List is to catalogue and highlight those plants and animals that are facing a higher risk of global extinction (i.e. those listed as **Critically Endangered, Endangered and Vulnerable**)*”. The justification for the listing of the Western Leopard Toad is stated as being:

*“Listed as Endangered because of its extent of occurrence of 3,824 km<sup>2</sup>, its area of occupancy is 405 km<sup>2</sup>, its population considered to be severely fragmented, and there is a continuing decline in the extent and quality of its habitat and area of occupancy due to increased urbanization and agricultural expansion throughout its range”.*

65. In terms of NEMA the presence of an endangered species on a site identified for a proposed (potentially harmful) activity must immediately bring attention to the fact that a so-called “fatal flaw” is likely to be incurred should such harmful development proceed. This is on account of the reasons inherent in the high conservation status listing of the particular species and for which a zero tolerance threshold of negative impact must be considered as the minimum acceptable limit from a conservation perspective. Furthermore, any potential negative impacts upon the endangered species in question should be allocated “**fatal flaw**” status in terms of the development being applied for. In other words, for development to be considered, any impact on the endangered species would have to be positive or, at worst, neutral and no negative impact would be acceptable.

66. It must be noted that any threat posed to the Western Leopard Toad population constitutes a global threat on account of the restricted global range and threatened status of the Western Leopard Toad. Therefore, while occasional reference may sometimes be made to the “local” (Noordhoek) Western Leopard Toad population same would be equally and accurately referred to as the “global” Western Leopard Toad population. The threat posed to the Western Leopard Toad population by the proposed HAE must be considered in this global context.

67. Any negative impact on a particular endangered species from a development, irrespective of the impact’s magnitude or intensity, would immediately render such development as being unsustainable when measured against the principles for sustainable development as they are set out under NEMA Section 2.

68. The presence of the Western Leopard Toad on the proposed HAE site and its affected surrounds, as such constitutes Western Leopard Toad breeding and foraging habitat, is a case in point. The certainty that the proposed HAE, if proceeded with, will have a negative impact on the local Western Leopard Toad (Western Leopard Toad) population (ToadNUTs; pers. com.) indicates therefore that the HAE would constitute unsustainable development. The fact that the EAP provides its “reasoned opinion” in the DBAR that the proposed HAE be authorised is thus irrational and unjustifiable as it ignores the rationale inherent in the allocated Endangered status afforded to the Western Leopard Toad.
69. For the reason stated above; and in the absence of any relevant information on the Western Leopard Toad in the DBAR or application; and having reference to a “*risk averse and cautious approach*” (NEMA, Section 2(4)(a)(vii)), it is the view of this objection that the “no go” development constitutes the only (or most) sustainable option that will ensure the continued persistence of the local Western Leopard Toad population in the affected area.
70. Based upon the author’s, and ToadNUTs knowledge, the cumulative potential and real negative impact on the Noordhoek Western Leopard Toad population is also very significant.

### **Botanical impacts.**

71. The Botanical Impact Assessment essentially condones the loss of Milkwood trees (a protected species under the National Forests Act of 1998) under the Applicant’s preferred Alternative 1. It further acknowledges that the subject Milkwood tree thicket “*is likely to be negatively impacted during the operational phase due to the proximity of the road.*” It nonetheless allocates a Medium Negative impact rating to this impact and which is mitigated down to a Low negative rating. Review of the considered mitigation measures show that same are essentially standard, good practice environmental management measures which would anyway be required at most construction sites. They contribute nothing to the loss of the Milkwood trees that would be sustained and instead focus on the (anyway necessary) protection of surrounding and other environmentally sensitive aspects. In other words the mitigation measures have no relationship to the actual impact (the loss of Milkwood trees) and the reduction in the assessed impact is accordingly unjustified, as is the specialist’s resulting recommendation (of conditional authorization).
72. Accordingly, this objection rejects the findings of the mitigated impact for Alternative 1 as well as the specialist’s recommendation of conditional approval. In consequence of these

disputed findings, the “no go” option is provided with further support and justification. The loss of any portion of these special and ancient trees (especially where they are naturally established) must be entirely rejected.

## **Visual impacts**

73. The DBRA does not include any Visual Impact Assessment for the proposed HAE. This is despite the fact that the DBAR acknowledges (page 81) that *inter alia* visual impacts are of great concern to residents, per:

*“The concerns noted by residents adjacent to the roadway, predominantly relating to safety and security matters and the change in character of the site with the related visual and noise impacts.”* (Underlining added)

74. It is noted that the EAP has taken it upon itself to undertake the impact assessment of the potential visual impact of the proposed HAE. However, having reviewed the EAP’s Curriculum Vitae (DBAR, Appendix A) the EAP (being both parties purporting to be the EAP) appears to have no suitable qualification, or experience, to undertake such a specialist visual impact assessment and is thus unqualified to make important and critical related findings and decisions which rely upon such findings

75. It would appear that the EAP regards the potential visual impacts of the proposed HAE as not being worthy of specialist investigation. This apparent view, unjustified as it is, is strongly opposed and objected to. It is recorded that the potential visual impact is a critical and extremely important concern of our clients and which therefore deserves proper specialist investigation instead of the dismissive approach adopted by the EAP in incorrectly assuming that it has the necessary competence to undertake such an assessment. As revealed elsewhere in this objection, the EAP does not possess the necessary competence, independence nor integrity to undertake a specialist study of any kind since such study will be governed by the EIA Regulations which require that such specialist be independent (whereas the EAP has been shown to be biased in favour of the Applicant’s interests).

76. The DBAR-confirmed (page 65) HIGH negative visual impact that the proposed HAE alternatives would have on the residents (especially abutting residents) is of great concern to them and this objection therefore insists that a proper and full visual impact assessment be undertaken by a suitable and proper visual impact expert. The proposed mitigation and its effectiveness in reducing the HIGH negative visual impact to a MEDIUM

negative impact (as deemed by the unqualified and inexperienced EAP) is simply a manufactured mitigation effort by the EAP which is factually incorrect and unjustified.

77. The mitigation measure proposed by the EAP, and deemed to be significant in reducing the unacceptable High negative visual impact on abutting residents is stated (DBAR, page 65) as follows:

*“Provision of suitable boundary fences for the residents so that unsightly views onto the road may be blocked and to allow for backyard space that is free from intrusion from pedestrians and road users. Boundary fences to be of suitable height and construction that it serves to reduce noise impacts from the adjacent road.*

*Landscaping between the road corridor and the boundary fences must also be provided to screen against noise impacts.”*

78. Contrary to the EAP’s assertion in its proposed mitigation effort the proposed boundary fences will constitute an **insignificant** mitigation for the loss of the existing views of abutting residents towards the wetlands. The fact that the proposed fences may shield the proposed road from view is insignificant mitigation of the abutting residents potential view of the roadway and wetlands and horizon and beyond which may arguably be a more attractive visual aspect than a boundary fence (although a boundary fence/ wall will inevitably be necessary to deal with other negative social impacts due to the HAE, such as security from crime and vagrancy). It can only be reasoned that the EAP is speculating mitigation measures which are of little to zero value (to the abutting residents) and is attaching its own interpretation of the abutting residents opinions of the effectiveness thereof, but which interpretation by the EAP is significantly convenient to the interests of the Applicant (as it seemingly reduces the potential HIGH negative visual impact to a lower order negative impact and thereby makes the proposed HAE look more environmentally acceptable). Accordingly, the revealed manipulations of the EAP are rejected outright here – the proposed mitigation measure (boundary fences) will have insignificant to zero benefit and the HIGH negative potential visual impact will not be mitigated.

79. We are advised by a client of ours who attended a public meeting dealing with traffic issues on 22/8/2017 that the traffic expert informed the meeting that the proposed HAE would be a community orientated scenic drive. This assertion then lends support to the identified failure of the DBAR to not have included an expert visual impact assessment and in which the potential impact of the HAE should have been assessed and

recommendations made for the enhancement of visual attributes associated with proposed HAE development alternatives (scenic drives).

80. The visual impact of street lighting is not assessed or considered in terms of its impacts upon the local community, residents and fauna. Some brief attention and recommendation is given to this aspect in the freshwater study and consequent sections of the DBAR but the impacts of inevitable light pollution on fauna (such as the Western Leopard Toad) have been ignored.

81. Failing the implementation of a proper and genuine expert Visual Impact Assessment, the results of the environmental process will not be a confident and defensible representation of the true potential impacts associated with the proposed HAE.

### **Boundary Treatment (walls and fences).**

82. It must be noted that in an emailed notice, dated 15/8/2017, from the environmental consultants an invitation was extended by the “technical team” to residents of Milkwood Park to discuss the types of boundary treatment options that could be considered.

83. This meeting was however rejected on the basis that the environmental process was still underway and that the outstanding fundamental findings of the process must (also) inform the discussion of such matters. The intended meeting was thus deemed by the residents to be premature.

84. Also, the invitation notice clearly, used as a point of departure, the assumed authorization of the proposed HAE and did not even acknowledge the “no go” option (and which is the favoured option of our clients being the most sustainable, reasonable and feasible option that). The notice clearly provides further evidence of the EAP’s pre-determined intentions (of authorization of the proposed HAE) and Applicant-biased approach.

85. The EAP cancelled the meeting by way of email notice on 18/8/2017.

86. Should the HAE ultimately be constructed then our relevant clients reserve their right to comment on and determine the boundary treatment of their own choice and once they are availed of all relevant information including the findings of all the necessary specialist studies.

### **Noise impacts.**

87. The DBAR does not include any Noise Impact Assessment for the proposed HAE. This is despite the fact that the DBAR acknowledges (page 81) that *inter alia* noise impacts are of great concern to residents, per:

*“The concerns noted by residents adjacent to the roadway, predominantly relating to safety and security matters and the change in character of the site with the related visual and noise impacts;”* (Underlining added)

88. It is noted that the EAP has taken it upon itself to undertake the impact assessment of the potential noise impact of the proposed HAE. However, having reviewed the EAP's Curriculum Vitae (DBAR, Appendix A) the EAP (being both parties purporting to be the EAP) appears to have no suitable qualification, or experience, to undertake such a specialist noise impact assessment and to make important and critical related findings and decisions which rely upon such findings.

89. It would appear that the EAP regards the potential noise impacts of the proposed HAE as not being worthy of investigation by a real expert. This apparent view, unjustified as it is, is strongly opposed and objected to. It is recorded that the potential noise impact is a critical and extremely important concern of our clients and which therefore deserves proper specialist investigation instead of the superficial and dismissive approach adopted by the EAP in purporting that it has the necessary competence to undertake such an assessment. As revealed elsewhere in this objection, the EAP does not possess the necessary competence, independence nor integrity to undertake a specialist study since such study will be governed by the EIA Regulations which require that such specialist be independent and objective (whereas the EAP has been shown to be overtly biased in favour of the Applicant's interests of authorization of the proposed HAE).

90. The DBAR-confirmed (page 65) HIGH negative noise impact that the proposed HAE alternatives would have on the residents (especially abutting residents) is of great concern to them and this objection therefore insists that a proper and full noise impact assessment be undertaken by a suitable and properly qualified noise impact expert. The proposed mitigation and its proclaimed effectiveness in reducing the HIGH negative noise impact to a MEDIUM negative impact (as deemed by the unqualified and inexperienced EAP) is simply a speculative and subjective interpretation by the EAP but which is factually incorrect and unjustified.

91. The mitigation measure proposed by the EAP, and deemed to be significant in reducing the unacceptable High negative visual impact on abutting residents is stated (DBAR, page 65) as follows:

*“Provision of suitable boundary fences for the residents so that unsightly views onto the road may be blocked and to allow for backyard space that is free from intrusion from pedestrians and road users. Boundary fences to be of suitable height and construction that it serves to reduce noise impacts from the adjacent road.*

*Landscaping between the road corridor and the boundary fences must also be provided to screen against noise impacts.”*

92. Contrary to the EAP’s assertion in its proposed mitigation effort the proposed boundary fences will constitute an **insignificant** mitigation against the traffic and other road-activity noise. The fact is that “fences” and “landscaping” are porous and are typically very ineffective insulators against noise. At best some “white” noise could be generated by the landscaping but such is likely to be insignificant and dependant upon prevailing weather conditions (mainly wind). Also, sound has the ability to bend over solid barriers (plus many other parameters also act as significant determinants) and therefore the EAP’s subjective speculation that the simple provision of boundary fences of suitable height will be effective in mitigating the High negative noise impact to a MEDIUM impact is unfounded and speculative and must accordingly be rejected. The EAP is speculating mitigation measures which are likely to be of little to zero value (to the abutting residents as well as those further afield) and is attaching its own interpretation of the effectiveness thereof and which interpretation is significantly convenient to the interests of the Applicant (as it seemingly reduces the potential HIGH negative noise impact to a lower order negative impact and thereby makes the proposed HAE look more environmentally acceptable). Accordingly, the unjustified and unqualified mitigation measures proposed by the EAP are rejected outright here – the HIGH negative potential noise impact will most likely not be mitigated by the proposed measures.
93. Failing the implementation of a proper and genuine expert Noise Impact Assessment, the results of the environmental process will not be a confident and defensible representation of the true potential impacts associated with the proposed HAE.

## **Sense of place impacts**

94. The DBAR finds that the potential impacts on sense of place is HIGH negative (page 65 and 76) and the impact is grouped with that of visual and noise impacts and which are together deemed to be a "Social Aspect". The DBAR acknowledges that *"(t)he proposed road will change the character in the immediate surroundings of the site."* This is not entirely true in its limited application as the change in character will also extend beyond the immediate surrounds although it may be most intense there. This objection, based on its clients' views and the character of the affected environment and the proposal itself, agrees with the HIGH negative impact rating.
95. The EAP thereafter allocates a mitigated negative impact of MEDIUM to this potential impact which appears to be based upon the mitigation efforts intended to reduce visual and noise impacts. As reasoned above, the mitigation efforts proposed to deal with the HIGH visual and noise impacts are over-stated and untrue and therefore, for the same reason, the mitigation of the HIGH sense of place impact will also remain ineffective in reality.
96. As an apparent justification for the proposed HAE the EAP states on *inter alia* page 76 of the DBAR that; *"... residents was or should have been aware of the likelihood of the construction of the roadway, as the properties have always abutted the road reserve. This impact should therefore not be entirely unexpected, and is associated with the loss of enjoyment of a natural area that always had the intensions of being altered for the road"*. The EAP however fails to acknowledge (anywhere in the DBAR) that an environmental application for the same HAE was rejected in 2004 and which indicates that the HAE was, and still is, undesirable and constitutes unsustainable development. **In fact it is noted that the DBAR fails entirely to mention the 2002 environmental application for the proposed HAE.** This is a serious omission and is clearly intentional as that Scoping Report made some significant and relevant findings (several of HIGH negative impact) and which should have informed the current application and DBAR. The Scoping Report and Initial Assessment of October 2002, by DeVilliers Brownlie Associates, recommended then that, *"should the City of Cape Town not commence construction of the Hou Moed Avenue within the next 5 years, a revised and updated assessment should be commissioned..."*, and that *"(t)his Scoping Report and Initial Assessment should be used as a point of departure for any such revised and updated assessment."* The DBAR however fails to even mention the former report let alone use it as a "point of departure", or even reference.
97. Failing the implementation of a proper and genuine expert impact assessment of the potential sense of place impact (preferably by a visual impact expert), the results of the

environmental process will not be a confident and defensible representation of the true potential impacts associated with the proposed HAE.

### **Potential impact of loss in property value and mitigation via compensation.**

98. The loss in property value is a major and real concern of our clients, and others judging by the previous comments received.

99. Despite the importance of this real and inevitable impact (should the activity proceed) the DBAR has failed to assess it and the EAP has effectively dismissed it and instead provided the following explanation (see page 8 of the DBAR);

*“Affected residents have indicated that the road will result in a marked reduction in the property values, however it is submitted that the current property values may be overestimated by not taking account of the adjacent designated road reserve and the City’s published intentions to construct the road. While the road will change the character of the area abutting the corridor (covered in another impact table), it will likely not impact on the prices that an informed buyer would have offered the landowners pre-and post the road construction. “*

The dismissal of this important impact is a fatal flaw and is unjustified.

100. The EAP fails to acknowledge that the 2002 environmental application for the proposed HAE was refused in 2004 on appeal. Therefore, the relevant property market after that date would have justifiably factored in a disqualification of the possible future construction of the proposed HAE and which disqualification would have foresee ably resulted in an elevation in value of potentially affected properties (and which includes not only those directly adjacent to the road reserve).

101. It is submitted that the EAP is not suitably qualified to address this critical and complex issue and potential impact and that a suitable land valuer should have been employed in order to conduct an objective and independent land value impact assessment. The unacceptable and Applicant-biased response of the DBAR to this potential impact is rejected and it will be expected that a proper impact assessment of the issue be conducted failing which the Competent Authority will be unable to make an accountable decision on the application.

102. Once the potential impact on decreased land value has been assessed by a suitable expert it will be necessary to thereafter consider suitable mitigation measures. One of these will have to be compensation for affected property owners.

103. According to “*Social Impact Assessment; Guideline for assessing and managing the social impacts of projects*”, by International Association for Impact Assessment, (p. 88, 2015), mitigation is defined as:

*“Mitigation: the process of devising and implementing processes, procedures and/or changes to a planned intervention in order to avoid, reduce or minimize, or to compensate (offset) for impacts likely to be experienced.”*

Therefore compensation is clearly defined as a mitigation measure for (negative) impacts.

From <http://www.merriam-webster.com/dictionary/compensation> the following two definitions of “compensation” are provided:

*“something that is done or given to make up for damage, trouble, etc.”; and*

*“something good that acts as a balance against something bad or undesirable”.*

Thus compensation is clearly a mitigation measure that can and should be applied to “*make up for*” any negative impacts.

104. The above definitions and meanings for “compensation” and “mitigation” are noted to be entirely consistent with the criteria and meanings for sustainable development as such are set out under Section 2(4) of NEMA and, in relation to the potential residual high negative impacts associated with the RWEF, especially NEMA Section 2(4)(a)(viii) which states:

*“Sustainable development requires the consideration of all relevant factors including the following ...that negative impacts on the environment and on people’s environmental rights **be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.**”*

**(Bolding added)**

105. The EAP and DBAR have not adhered to proper integrated environmental management whereby mitigation of negative impacts is a necessary and critical aspect in order to ensure that sustainable development is achieved. If the effective mitigation of impacts is not achievable then the subject development is, by definition, unsustainable and the proposed HAE environmental application is no exception. The Section 2(4) NEMA gives effect to the application of the “mitigation hierarchy” tool and which is otherwise represented in the extracted figure below (note that the Figure 12 title from the original document appears to be incorrect but is inconsequential for the purposes of this document), as taken from the “*Social Impact Assessment: Guideline for assessing and managing the social impacts of projects*”; by *International Association for Impact Assessment, (2015)*:



Figure 12: Mountain livestock herder

Source: modified from Jožo, E., Vanclay, F. & den Broeder, L. 2011 Emphasising enhancement in all forms of impact assessment. *Impact Assessment & Project Appraisal* 29(3), 170-180. <http://dx.doi.org/10.3152/146155111X12959673796326>

The principle and application of the “mitigation hierarchy” which is illustrated above is entirely consistent with *inter alia*, NEMA Section 2(4)(a)(viii).

106. In terms of such mitigation hierarchy, negative impacts are to be mitigated through the above-illustrated order of priority and where compensation “*in kind*” or “*by other means*” are considered to be the last mitigation options when negative impacts cannot be avoided, reduced or repaired to acceptable levels. Compensation is therefore applied to deal with residual negative impacts which cannot be avoided or

minimized, such as those residual high negative property value loss impacts that will inevitably result from the proposed activity (but which impacts the DBAR has failed to assess or quantify as a first necessary step).

107. It is to be noted that the principle of compensation as a mitigation measure is well established, and conceded to, in the DBAR via the mechanism of expropriation which the DBAR (and Applicant) acknowledge will be necessary for those property owners that may suffer physical loss of property should the HAE be constructed.

108. In terms of the unmitigated costs that would be delivered by the proposed HAE upon residents, and which the current DBAR clearly deems to be justifiable, such unfairly levied costs are non-compliant with the established legal principle that the “*polluter pays*” and which is encompassed under NEMA Section 2(4)(p). In so far as the Applicant will be “*those responsible for harming the environment*” (where the environment includes the objectors and their interests in this case) it will be necessary for the Applicant to ensure that the costs to the appellants are “*paid*”.

109. It must be noted that the objectors and affected parties do not state that compensation (as mitigation) must necessarily be in the form of a financial payment to them. It must also be noted that they have, and do still favour as the correct course of action, outright refusal of the proposed HAE as the rightful decision that should arise from this environmental process and which would be the ultimate and most effective mitigation measure which would be appropriate to the proposed HAE construction.

110. After finalization of the specialist assessment of the inevitable impact of deduced property values due to the proposed HAE it will then be necessary for a suitable specialist to determine a suitable compensation mechanism with I&APs

### **Impact of security risk increase.**

111. The increased risk to security of residents due to the proposed HAE was a prominent issue raised by I&APs and is here raised again since it has not been assessed properly. The DBAR provides no assessment of the potential impact of an increase in crime. Instead the DBAR discusses the issue of security in various places and explains some of the design issues which have apparently responded to this concern (such as not linking Noordsig and Longboat Roads to the proposed HAE - see DBAR, page 44).

112. Contrary to the real situation, the EAP motivates for the proposed HAE (page 44) on the basis that it would provide improved surveillance and security patrolling of the road reserve and wetlands whereas those of our Milkwood Park clients, who are abutting neighbours to the road reserve, consistently report a high and satisfying level of existing security due to the difficulty of accessibility to, and passage through, the road reserve and wetlands and which is a significant deterrent to criminals. The existing situation is also beneficial to those residents who are not directly abutting neighbours as the entrance and exit options for criminal elements to the suburb are currently significantly constrained but would be significantly compromised by the proposed HAE.

113. A proper socio-economic impact assessment should be undertaken for the proposed HAE and which should include the assessment and rating of the potential impact on current security levels.

## **Conclusion**

114. It is our considered opinion that the DBAR is wholly incomplete and fundamentally non-compliant with the substantive requirements set out in the 2014 EIA Regulations and associated Appendix 1 and is undeserving of the term “Basic Assessment Report” under any qualification. The DBAR has not set out the “*environmental outcomes, impacts and residual risks of the proposed activity*” (EIA Regulations, Appendix 1, Section 1) properly or entirely.

115. Furthermore, the EAP, and DBAR, have displayed obvious bias in favour of the applicant’s interests and the preferred HAE Alternative 1 and have been proactively dismissive of the potential superior benefits offered by more suitable alternatives, such the “No go” development option and others. The content of the DBAR engages a sustained motivation for the proposed HAE and often assumes its approval as a predetermined outcome. The DBAR has been dismissive of the real and unacceptable magnitude of the potential impact posed by the proposed development on the local community and the environment itself. Numerous identified potential impacts have not been assessed but which are likely to be of a high negative significance.

116. In essence, the DBAR has failed to provide substantively relevant information that would be required by the competent authority to ultimately render a decision which accords with the requirements of sustainable development as such are set out under NEMA Section 2. In addition, and as already stated, despite the deficiencies in the DBAR, it is clear from the available information that the proposed HAE is inappropriate

and will have significant high negative residual impacts (but which have not been presented at all, or accurately, in the DBAR). Neither of the proposed HAE Alternatives would constitute the “*best practical environmental option*” (NEMA, Section 2(4)(b)). Of the three Alternatives considered in the application the “No go” development option is the “*best practical environmental option*”.

117. On the basis of the reasons set out in this document an objection is registered against the DBAR, the conduct of the EAP, and the proposed Houmoed Avenue Extension Alternatives 1 and 2, and the “no go” option is favoured.

This objection and comment is submitted by:

A handwritten signature in black ink, appearing to read 'Andre van der Spuy', is written over a light grey rectangular background.

Andre van der Spuy

List of Appendices:

- A. List of clients/ objectors.