

COMMENTS & RESPONSE REPORT

Amendment of the Authorised
Development on Erf RE/65238, Cape
Town, Kenilworth Racecourse

August 2024

In terms of the National Environmental Management Act,
1998 (Act No. 107 of 1998), as amended and the
Environmental Impact Assessment Regulations, 2014
(as amended).

Prepared for:
Kenilworth Racing (Pty) Ltd t/a
Cape Racing

Departmental Reference:
16/3/3/5/A6/41/2044/24

DJEC Project Number:
1998/12

Author:
Jamie Cloete
admin@dougjeff.co.za



DOUGJEFFERY
ENVIRONMENTAL CONSULTANTS

High Acres Farm, Simondium Road, Klapmuts
P.O. Box 44, Klapmuts 7625
021 875 5272
dougjeff.co.za

REPORT DETAILS

Project Title:	The Amendment of the Authorised Development on Erf RE/65238, Cape Town, Kenilworth Racecourse
Process:	Final Submission of Part 2 Amendment
Report Date:	05 August 2024
Applicant:	Kenilworth Racing (Pty) Ltd t/a Cape Racing
Environmental Assessment Practitioner (EAP):	Doug Jeffery Environmental Consultants
DEA&DP References:	ROD Reference: AN 354/25/4 Kenilworth Racecourse Amended ROD Reference: 16/3/3/5/A6/41/2044/23 Part 2 Amendment Reference: 16/3/3/5/A6/41/2044/24
DJEC Reference:	1998/12

Authored by:	Jamie Cloete
Qualifications:	BSocSci [UCT]; BA (Hons) [SU]
Experience:	Jamie has experience in undertaking Environmental Processes for developments within the Western Cape.
Professional Registrations & Affiliations:	Cand. EAP (EAPASA) 2022/5418 Member of IAIAAsa.

Reviewed by:	Doug Jeffery
Qualifications:	BSc; BSc (Hons); MSc [UCT].
Experience:	Doug has over 30 years of experience in undertaking Environmental Assessments.
Professional Registrations & Affiliations:	Reg. EAP (EAPASA) 2019/1746 Professional Natural Scientist (SACNASP) 159/90 Member of IAIAAsa.

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1. INTRODUCTION

This Comments and Response Report provides the comments received during the Public Participation Process (PPP) undertaken as part of the Amendment process and the responses from the Environmental Assessment Practitioner (EAP) and Project Team.

2. PUBLIC PARTICIPATION PROCESS

As outlined in Appendix F of the Amendment Report, a comprehensive public participation process (PPP) was conducted.

Prior to submitting the formal application for environmental authorisation, the Draft Amendment Report was made available for public review and comment. The 30-day comment period was conducted from **05 July 2024 until 05 August 2024**. This allowed interested and affected parties (I&APs) and relevant authorities to register and provide comment on the Amendment Report.

All comments received were included in this Comments and Response Report and the final Amendment Report. The final Amendment Report is being submitted to the competent authority, the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP), with all comments received and the responses thereto, for their consideration and decision-making process.

3. Comments and Responses

3.1. Draft Amendment

3.1.1. Comments from State Departments and Organs of the State

The table below summarises all comments received from State Departments and Organs of the State on the draft Amendment.

Item	Date Received	Comments	Organ of State	Responses	Respondent
1.	26 July 2024	<p>COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PART 2 AMENDMENT APPLICATION FOR THE PROPOSED EXPANSION OF THE AUTHORISED KENILWORTH RACECOURSE ON ERF RE/65238, CAPE TOWN</p> <p>1. This correspondence serves as an acknowledgement of receipt and comment on the abovementioned proposed development's documentation dated July 2024 and received electronically by the Department of Environmental Affairs and Development Planning, Sub-Directorate: Waste Management Licensing (referred to as "the Department") on 4 July 2024.</p>	<p>Minenhle Mpitimpiti</p> <p>Department of Environmental Affairs and Development Planning (DEA&DP), Sub-directorate Waste Management Licensing</p>	<p>Noted, thank you for comment.</p>	<p>Doug Jeffery Environmental Consultants (DJEC)</p>
2.		<p>2. Pertaining to the storage and handling of waste, please note the below:</p> <p>2.1 According to the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), any person who stores waste must at least take steps, unless otherwise provided by this Act, to ensure that- (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste; (b) adequate measures are taken to prevent accidental spillage or leaking; (c) the waste cannot be blown away; (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and (e) pollution of the environment and harm to health are prevented.</p>		<p>A dedicated waste storage area will be set up at the site during the construction phase. This waste management area will be clearly demarcated with appropriate signage, be covered, be weather and scavenger-proof and include separation of waste types (recyclable waste, general waste, construction rubble and hazardous waste).</p>	<p>DJEC</p>

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3.		2.2 The proponent must adhere to the provisions of NEM:WA "National Norms and Standards for the Storage of Waste", published as Government Notice No. 926 of 29 November 2013, should the Facility have the capacity to store more than 100m ³ of general waste and/or more than 80m ³ of hazardous waste at any one time for longer than 90 days.		<p>There will be no storage of waste on site and it is highly unlikely that 100m³ of waste will be stored on site during construction or operation of the proposed facilities. If waste is to be stored on site this will be temporary and located in a designated area approved by the ECO prior to collection and disposal.</p> <p>As mentioned in the CEMP, any of the solid waste must be removed as often as required or as instructed by the ECO to a licensed waste disposal site. Recyclable waste must be recycled if at all possible.</p>	DJEC
4.		3. The Department notes that the waste generated by the development may be both general and hazardous in nature. The two waste streams must under no circumstance be mixed. Should this occur, the entire volume of waste will be classified as hazardous.		There shall be no hazardous waste produced by the development. However should any unforeseen hazardous waste occur, this will not be mixed with general waste.	DJEC
5.		3.1 The EMPr must contain specific provisions for the separation of waste streams generated for the purposes of recycling.		A waste storage area will be set up at the site and include separation of waste types (i.e. recyclable waste, general waste, construction rubble and hazardous waste). Refer to the CEMP.	DJEC
6.		4. It is the recommendation of the Department to have a list of waste that is expected to be resultant from the proposed development within the EMPr, and to ensure that this list forms part of the contractor training in order		Provision will be made for a waste storage area on site which includes the separation of waste types i.e. recyclable waste, general waste,	DJEC

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		to facilitate an efficient "separation at source" approach.		<p>construction rubble and hazardous waste.</p> <p>Construction rubble or fill contaminated with rubble, premix or similar will be disposed of at a site approved by the ECO. On site rubble will be separated and contained separately to general waste such as plastics, papers, glass, old containers and similar waste.</p>	
7.		5. Any significant event resulting in the spill or leak of hydrocarbons (e.g. petrol, diesel or oil) or any other hazardous solvents into the ground and/or water courses must be reported to all relevant authorities, including the Directorate: Pollution and Chemicals Management, within 14 (fourteen) days. This requirement is in terms of section 30 (10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended (NEMA), that pertains to the control of emergency incidents and should include the reporting, containment and clean-up procedure of such incident and the remediation of the affected area. All necessary documentation must be completed and submitted within the prescribed timeframes. Containment, clean-up and remediation must commence immediately in the case of NEMA section 30 incidents.		It is noted that in the event of a spill or leak of any hazardous solvent, the requirements in terms of Section 30 (10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended (NEMA), must be followed.	DJEC
8.		6. The on-site emergency plans must be regularly reviewed, and training provided to onsite contractors.		The Emergency Procedure Plan will be reviewed regularly. The Environmental Awareness Training	DJEC

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				will include procedure plans for emergencies.	
9.		7. It is the responsibility of the proponent to provide documentation of evidence related to the safe disposal of contaminated waste that has been generated during the operations.		The proposed development is not expected to produce contaminated waste. However, this responsibility is noted.	DJEC
10		8. The Department reserves the right to revise initial comments and request further information based on the information received		Noted.	DJEC
11	05 August 2024	<p>COMMENTS ON THE DRAFT AMENDMENT REPORT SUBMITTED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE AMENDMENT OF THE ORIGINAL RECORD OF DECISION ("ROD") ISSUED ON 20 OCTOBER 1999 (REFERENCED: AN 345/25/4 KENILWORTH RACECOURSE), THE AMENDED ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 13 DECEMBER 2023 (REFERENCED: 16/3/3/5/A6/41/2044/23) AND THE APPEAL DECISION ISSUED ON 2 APRIL 2024 (14/3/1/A6/41/0632/24) FOR THE DEVELOPMENT ON ERF 65238, KENILWORTH RACECOURSE</p> <p>1. The draft Part 2 Amendment Report (dated July 2024), and the supporting documentation, received by this Directorate via electronic correspondence on 4 July 2024, and this Directorate's correspondence acknowledging receipt thereof (dated 15 July 2024), refer.</p>	<p>Natasha Bieding</p> <p>Department of Environmental Affairs and Development Planning (DEA&DP)</p>	Thank you for providing comment.	DJEC

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12		<p>2. Based on a review of the abovementioned draft Part 2 Amendment Report, the following comments must be noted:</p> <p>2.1. Associated Applications</p> <p>It is detailed that certain planning related applications are underway regarding the proposed amendments. You are therefore requested to include the input/responses from the relevant Competent Authorities, such as City of Cape Town regarding these applications in the final Part 2 Amendment Report.</p>		<p>The City of Cape Town comment has been included in the final submission of the Part 2 Amendment Report.</p>	DJEC
13		<p>2.2. Proposed Amendments</p> <p>2.2.1. It is requested that spatial information, including a map is provided to indicate where the additional components will be located in the context of the environmental sensitivities on the site. In this regard, it is requested that the additional components as far as possible be restricted to the 'non/least environmental sensitivities' on the site.</p>		<p>A map showing the conservation precinct in relation to precinct 3 where the "sportainment" facilities are located was provided in Appendix C3 of the application. However the specific location of the "sportainment" facilities in the context of the environmental sensitivities has been appended to the Amendment Report as Appendix B5.</p>	DJEC
14		<p>2.2.2. Further, please ensure that the Spatial Layout/Development Plan, which is to be submitted together with the final Part 2 Amendment Report incorporates and responds to all the relevant requirements, as per the relevant specialist study(s) (most notably the locations/placements of buildings so as to avoid visual impacts as per the Heritage Impact Assessment Report (dated June 2024).</p>		<p>The specialists did not identify any sensitivities on the site where the proposed development of the "sportainment" facilities are to be located. The site is a disturbed and unused space.</p>	DJEC
15		<p>2.2.3. Please ensure that a detailed explanation of the amended description of the development (<i>i.e.</i>, inclusive of the original as well as additional components) be included in the final Part 2 Amendment Report. This must</p>		<p>A detailed explanation of the proposed development is included in the Final Amendment Report.</p>	DJEC

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		include all associated infrastructure and internal roads required. This information will be reflected in the amended description of your entire development proposal, which will form part of the pending amendment decision.			
16		<p>2.3. Need and Desirability</p> <p>It is requested that the Need and Desirability context be suitably updated to detail information on whether the proposed amendments are consistent with the relevant forward planning policies or not. In instances where inconsistencies with the relevant forward planning policies are applicable, suitable motivations must be provided on why deviations from the requirements of the relevant forward planning policies would be permissible.</p>		The proposed development is consistent with the relevant forward planning policies. Comment from the City of Cape Town has confirmed this. The need and desirability section of the Final Amendment Report reflects this.	DJEC
17		<p>2.4. Service Requirements</p> <p>You must confirm in the final Part 2 Amendment Report if additional services such water supply, electricity, effluent and solid waste removal will be required from any service providers, such as City of Cape Town. Should you confirm so, then all required confirmation letters from the selected service providers such as, <i>inter alia</i>, the City of Cape Town must be provided and included in the final Part 2 Amendment Report.</p>		The City of Cape Town has confirmed that additional services are not required. Refer to the Appendices attached to the Final Amendment Report.	DJEC
18		<p>2.5. Specialist Input</p> <p>2.5.1. On page 8 to 9 of the Part 2 Amendment Report, your suggested environmental sensitive ratings are provided, which were all rated as 'Low'. Please be advised that as per the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management</p>		The impacts on Agriculture and Aquatic Biodiversity are very low and therefore no compliance statement will be required. This has been corrected in the report.	DJEC

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		<p><i>Act, 1998, when applying for Environmental Authorisation</i>" ("the Protocols"), when certain ratings are 'Low', a Compliance Statement is required. Hence, your suggested 'Low' ratings for the following themes requires a Compliance Statement:</p> <p>2.5.1.1. Agriculture; and</p> <p>2.5.1.2. Aquatic Biodiversity.</p> <p>2.5.2. In light of the above, please ensure that the Agricultural Compliance Statement and Aquatic Biodiversity Compliance Statement, which each meets the requirements of the applicable Protocol and associated environmental theme are provided. These Compliance Statements will further be considered as new information that must be circulated to all registered Interested and Affected Parties ("I&APs") as well as commenting authorities (including this Directorate) for a minimum commenting period of thirty (30) days. Proof of having met these requirements must be submitted together with the final Part 2 Amendment Report. Further, please bear in mind that the pending information, as per the abovementioned Compliance Statements might alter initial findings regarding the impacts of the proposed amendments. Should this be the case the updated/revised draft Part 2 Amendment Report will also need to be circulated to all registered I&APs as well as commenting authorities (including this Directorate) for a minimum commenting period of thirty (30) days.</p> <p>2.5.3. Alternatively, should you update your suggested 'Low' ratings for the Agriculture and Aquatic Biodiversity themes to be of a Very Low' or 'Insignificant' rating and provide detailed reasons thereto, the Agricultural</p>			

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		Compliance Statement and Aquatic Biodiversity Compliance Statement will not be required.			
19		2.5.4. The Heritage Impact Assessment Report (dated June 2024) must be updated to comply with Section 1a(ii) of Appendix 6 of the EIA Regulations, 2014 (as amended).		The Curriculum Vitae of the Heritage Specialist has been appended to the HIA.	DJEC
20		<p>2.6. Public Participation Process ("PPP")</p> <p>2.6.1. All proof of the PPP as detailed on page 17 to 18 - Section 12 must be provided together with the final Part 2 Amendment Report. The proof must include the notification letters that were sent to:</p> <p>2.6.2. The owner or person in control of the site;</p> <p>2.6.3. The occupiers of the site;</p> <p>2.6.4. The Municipal Ward Councillor; and</p> <p>2.6.5. Ratepayer's organisation that represents the community in the area of the proposed activity.</p> <p>2.6.6. Further to the above, the following must also be provided:</p> <p>2.6.6.1. All comments received from I&APs and Key Authorities;</p> <p>2.6.6.2. A Comments and Responses Report, including the comments received and the detailed responses thereto; and</p> <p>2.6.6.3. A complete list of registered I&APs.</p>		Refer to the Public Participation documents attached as appendices to the Final Amendment Report.	DJEC
21		Environmental Management Programme ("EMPr")		The existing relevant Kenilworth Racecourse Environmental Management Programme (EMPr)	DJEC

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		<p>2.7.1. It is requested that the EMPr contains all of the relevant recommendations and mitigation measures, as proposed throughout the relevant specialist study(s) and/or inputs, the Part 2 amendment report and elsewhere (e.g., as recommended by commenting authorities or I&APs).</p> <p>2.7.2. It is understood that the Construction EMPr (dated July 2024) covers the management aspects relevant to the proposed amendments. However, since the proposed amendments will form part of the overall development originally authorised by this Department, it is requested that the information contained in the abovementioned Construction EMPr be included in the original EMPr currently applicable to the existing development. In this manner one (1) enforceable EMPr will exist for the entire development (including the proposed amendments).</p> <p>2.7.3. In light of the above, it is understood that no change(s) to the original management outcomes, as per the existing EMPr is required. Should this not be the case, then a Part 4 amendment to the existing EMPr is applicable, for which the following requirements must be met –</p> <p>2.7.3.1. An updated amendment application form must be submitted to this Directorate in order to apply for Parts 2 and 4 amendment processes;</p> <p>2.7.3.2. All registered I&APs as well as relevant stakeholders must be informed of the fact that an amendment to the originally approved EMPr is being applied for as well as information on where the amended EMPr can be accessed by I&APs for a</p>		<p>will not be amended as part of this application and therefore no application to amend the EMPr is envisaged.</p> <p>A Construction Phase EMPr (CEMPr) has been included in this application.</p> <p>No changes to the outcomes of the existing EMPr are envisaged for this application. If necessary, the CEMPr that is specific to this application can be appended to the existing EMPr.</p> <p>It is recommended that the four EMPrs that exist for the different precincts at Kenilworth Racecourse be revised in the future.</p>	

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		<p>minimum commenting period of thirty (30) days. If applicable, proof of having met these requirements.</p> <p>2.7.4. Further, an amended EMPr (if applicable) must meet the requirements of Appendix 4 of the EIA Regulations, 2014 (as amended).</p>			
22		<p>2.8. Authorities' Comments</p> <p>As per this Directorate's previous correspondence (dated 15 July 2024), please ensure that all comments required from specified Key Authorities are provided, including the detailed responses thereto.</p>		The comments received from Authorities are included in this Comments and Response Report.	DJEC
23		<p>2.9. General</p> <p>2.9.1. The final Part 2 Amendment Report must fulfil the content requirements of Regulation 32(1)(a)(i)(ii)(iii) and (iv) of the EIA Regulations, 2014 (as amended).</p> <p>2.9.2. Please be reminded that the final Part 2 Amendment Report must be submitted within ninety (90) days of receipt of the application by the Competent Authority, as calculated from 4 July 2024.</p>		<p>The Final Part 2 Amendment Report fulfils the content requirements of Regulations 32(1)(a)(i)(ii)(iii) and (iv) of the EIA Regulations, 2014 (as amended).</p> <p>It is noted that the Final must be submitted within 90 days of receipt by the Competent Authority.</p>	DJEC
24		<p>3. You are reminded that it is an offence in terms of Section 49A of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of this amendment application.</p>		This is noted.	DJEC

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		5. The Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.			
25	06 August 2024	<p>THE AMENDMENT OF THE AUTHORISED DEVELOPMENT ON ERF RE/65238, CAPE TOWN, KENILWORTH RACECOURSE</p> <p>Reference is made to the above-mentioned document dated July 2024 with DEA&DP Reference: 16/3/3/5/A6/41/2044/23.</p> <p>This Department has perused the submitted application and has the following comments:</p> <p>1. No abstraction of surface or groundwater may be done, or storage of water be created without prior authorisation from this Department, unless it is Schedule 1 or Existing Lawful use as described in the National Water Act 1998 (Act No. 36 of 1998).</p> <p>2. Please note that no activity must take place within the 1:00 year flood line or within 500m from the boundary of any wetland. Should this be unavoidable, an authorization must be obtained from this Department before commencement of the activity.</p>	<p>Nelisa Ndobeni</p> <p>Department of Water and Sanitation</p>	<p>There will be no abstraction of surface or groundwater or storage of water. We take note that no activity may take place within the 1:00 year flood line or within 500m from the boundary of any wetland.</p>	DJEC
26		<p>3. No surface, ground or storm water may be polluted as a result of activities on the site. In the event that pollution does occur, this Department must be informed immediately.</p> <p>4. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.</p>		<p>It is not expected that the proposed development will result in pollution.</p>	DJEC
27		<p>5. The comments issued shall not be construed as exempting the applicant from compliance with the</p>		<p>It is noted that this comment does not exempt the applicant from compliance with the any other</p>	DJEC

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		provisions of any other applicable Act, Ordinance, Regulation or By-law.		applicable act, ordinance, regulation or by-law.	
28		6. All the requirements of the National Water Act, 1998 (Act 36 of 1998) regarding water use and pollution prevention must be adhered to at all times.		It is noted that the requirements of the National Water Act, 1998 (Act 36 of 1998) must be adhered to.	DJEC
29		7. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received. Please do not hesitate to contact the above office should there be any queries.		Noted.	DJEC
30	08 August 2024	NOTIFICATION OF A PUBLIC PARTICIPATION PROCESS ON THE PART 2 AMENDMENT APPLICATION FOR THE AMENDMENT OF THE AUTHORISED DEVELOPMENT ON ERF RE/65238, CAPE TOWN, KENILWORTH RACECOURSE. 1. Your unreferenced letter to this Branch dated 4 July 2024 refers. 2. The proposal affects Main Road 129 (Rosmead Avenue) and Main Road 122 (Wetton Road) for which the City of Cape Town is the Road Authority. 3. This Branch offers no objection to the Environmental Authorisation.	Vanessa Stoffels Department of Infrastructure	We note that this directorate has no objection.	DJEC
31	15 August 2024	APPLICATION DRAFT AMENDMENT REPORT: APPLICATION FOR PART 2 AMENDMENTS FOR ERF 65238-RE, KENILWORTH RACECOURSE, KENILWORTH DEA&DP REFERENCES: ROD: AN 354/25/4 Amended ROD: 16/3/3/5A6/41/2044/23 DJEC REFERENCE: 1998/12	Andrew Greenwood City of Cape Town (CoCT): Southern Region	We note the comments provided in terms of the specified City of Cape Town delegations.	DJEC

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		<p>The abovementioned application refers.</p> <p>The City of Cape Town has delegated certain powers to the Executive Director and Director, Spatial Planning & Environment, to make comments, objections and representation in a basic assessment, full scoping or other environmental impact assessment processes, and on an advertised report or submission, including applications for exemption from any provision of the National Environmental Management Act or specific Environmental Management Act. The comments below are given in terms of these delegations (dated 20 June 2023 and 25 July 2024 and sub-delegations of 09 August 2024).</p>			
32		<p>This application circulated to the following internal departments and branches for comment:</p> <ul style="list-style-type: none"> • Urban Mobility: Roads, Infrastructure & Management – Brendon Fortuin • Urban Mobility: Impact Assessment & Development Control – Marlyn Botha • Spatial Planning & Environment: Urban Integration Department – Kier Hennessy • Spatial Planning & Environment: Development Management – Pierre Hoffa • Spatial Planning & Environment: EMD: Environment & Heritage Management Philip Smith & Crispin Barrett • Spatial Planning & Environment: EMD: Biodiversity Management Branch • Catchment, Stormwater & River Management – Abdulla Parker • Informal Settlements: Water & Sanitation – • Waste Water: Distribution Services • Informal Settlements: Solid Waste Management • Energy: Electrical Generation & Distribution – Susan Nel • Fire & Rescue Services: Fire Safety South 		<p>We note the departments/branches that have provided comment.</p>	DJEC

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		<p>The following departments/branches provided comment:</p> <ul style="list-style-type: none"> • Spatial Planning & Environment: Urban Integration Department – Guillaume Nell • Spatial Planning & Environment: EMD: Biodiversity Management Branch – Charmaine Oxtoby • Spatial Planning & Environment: Development Management – Pierre Evard • Spatial Planning & Environment: EMD: Environment & Heritage Management – Philip Smith • Spatial Planning & Environment: EMD: Environment & Heritage Management – Crispin Barrett 			
33		<p>1. Introduction</p> <p>1.1 Site Characteristics:</p> <p>The Kenilworth racecourse is located west of the M5 and east of Rosmead Avenue in Kenilworth, and bounded to the north by Doncaster Road and to the south by Wetton Road. The proposed site is located in the southwest corner of Erf RE/65238, adjacent to the intersection of Rosmead Avenue and Wetton Road. The site can be accessed from either the existing signalised access of Rosmead Avenue or via Wetton Road. The surrounding land uses include residential areas, shopping centres, schools, restaurants, a golf driving range and sports grounds.</p> <p>1.2 Land Use Rights:</p> <p>The site is zoned as CO1 in terms of the Development Management Scheme (DMS).</p> <p>1.3 Application:</p>	<p>Guillaume Nell</p> <p>CoCT - Spatial Planning & Environment: Urban Integration Department (Spatial Development)</p>	<p>Noted.</p>	<p>DJEC</p>

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		<p>The application is to amend the ROD conditions to permit the additional development of "sportainment" facilities, which includes three padel courts and two 5-a-side soccer courts on unused space as well as the operation of a fitness/yoga facility in an existing structure on the south western corner of Erf RE/65238, Kenilworth.</p>			
34		<p>2. Applicable Spatial Planning Policy Guidelines and Frameworks</p> <p>2.1 The Municipal Spatial Development Framework (MSDF, 2023):</p> <p>In terms of the MSDF the site is designated as 'as 'Urban Inner Core' and is located within a 'Development Route'(map 5d). The site is also located within the Kenilworth / Claremont Metropolitan Node. The Biodiversity Network Map (Map 5b) designate the site as 'Other Ecological Support Areas'.</p> <p>The MSDF includes the following policies that have relevance to this application:</p> <p>i. P11: Identify, conserve and manage heritage resources and cultural landscapes</p> <p>a. P11.1 The assessment of land development proposals and decision-making that affects proclaimed heritage resources as relevant considerations to decision making:</p> <ul style="list-style-type: none"> • Promote the conservation of heritage resources (including structures, townscapes, streetscapes and landscapes) in an authentic state as far as possible, in order to retain their heritage significance. • Carefully consider new development in historical precincts, or cultural landscapes, in relation to scale, form, placement and 		<p>It is noted that the application is consistent with the MSDF (2023).</p>	DJEC

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		<p>architectural 'language' (massing, articulation, colour and texture) so as not to detract from the significance of the precinct or landscape.</p> <p>ii. P17: Discourage further urban growth in risk areas - includes fire, flooding, heat exposure, poor air quality and noise pollution.</p> <p>a. P17.1 Direct urban growth away from climate risk areas where possible. Where this is not possible, special attention should be given to the inclusion of risk mitigation and climate adaptation design interventions in both new development, redevelopment, or changes to existing land uses</p> <p>b. P17.2 Decision making should take into consideration appropriate mitigating conditions of approval to address risks associated with climate hazards and other risks, including, but not limited to the following:</p> <ul style="list-style-type: none"> • at the urban/ natural interface implement removal of invasive alien plant species, provision of fire breaks, and the use of fire resistant building materials and methods, in order to reduce fire risk. • Discourage additional densification and infill land development in areas known to be flood prone unless additional flood management infrastructure is in place to accommodate the additional densities and cumulative impacts on storm water management and reticulation networks. <p>iii. P18: Increase efforts to protect and enhance natural resources such as biodiversity networks and agricultural</p>			

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		<p>/ rural land at all levels of government in partnership with the public and the private sector.</p> <p>a. P18.3 Land development proposals and decision-making to consider biodiversity connectivity, and protection and reinforcement of existing critical natural assets and biodiversity linkages, where possible.</p> <p>iv. P23: Support the integrated intensification and diversification of land uses in identified areas, supportive of inward spatial growth, economically and incrementally.</p> <p>a. P23.2 Ensure urban growth towards a more integrated and accessible city by supporting appropriate urban development and land use intensification within ... incremental growth areas.</p> <p>v. P24: Ensure land development contributes to the safety and healthy wellbeing for all:</p> <p>a. P24.3 Ensure land development contributes to place making by applying principles and guidelines of the City's Urban Design Policy and the Design and Management Guidelines for a Safer City as relevant considerations to decision-making.</p> <p>b. P24.4 Support and encourage land development that makes provision for multi-functional use of social facilities, places for cultural practices, recreational spaces and public institutions. This contributes towards increased efforts to ensure accessible and equitable distribution of social facilities.</p> <p>This application is consistent with the MSDF (2023).</p>			

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35		<p>Southern District Plan (2023):</p> <p>The Southern District Plan designates the site as 'Mixed Use Intensification' (NDA). The GIN and Conservation Biodiversity map identifies this site as 'Other ecological support area' (Buffer 2). The proposed fitness/yoga centre is to be located in an existing structure which is regarded as a valuable heritage resource. The Southern District Plan includes the following broad district-wide development guidance relevant to this application:</p> <ul style="list-style-type: none"> i. S3.1.1.a.13: Perimeter fencing must be visually permeable from ground level and not adversely affect the free flow of water and movement of aquatic fauna, small wildlife or birds. ii. S3.1.1.b.1: Ensure heritage resources are conserved in their authentic state as far as practically possible to reflect their historic and cultural value and avoid loss of significant historic fabric and attributes. iii. S3.1.1.b.2: Evaluate heritage resources in their broader contexts when making conservation- related decisions. iv. S3.1.1.b.3: Ensure a place's character is protected and enhanced, considering the streetscape, precinct and setting, rather than just protecting individual sites. v. S3.1.1.b.15: Encourage mitigation of heritage and visual impacts by means of landscaping, which could include, inter alia, tree planting, screening elements or surface changes. vi. S3.1.1.e.19: Low-impact activities may be appropriate. vii. S3.1.1.e.20: Development (e.g. structures) in support of both tourism and biodiversity conservation in core 		<p>It is noted that the application is consistent with the Southern District Plan (2023).</p>	<p>DJEC</p>

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		<p>areas should preferably be located in buffer 1 and 2 areas, if logistically feasible.</p> <p>viii. S3.1.1.f.1: Development adjacent to open spaces, or which rationalises these spaces, should be orientated towards the open space to encourage the use and passive surveillance of these areas. Design which compromises this condition (e.g. excessive blank walls and backing of development onto these spaces) should be discouraged.</p> <p>ix. S3.1.1.f.3: Safety and security should be considered in the upgrading, landscaping or development of open spaces.</p> <p>x. S3.1.1.f.5: Where feasible, opportunities for low-impact sustainable use of open spaces by local communities should be considered</p> <p>xi. S3.1.1.f.6: Consider the impact of development on social and cultural uses of open spaces, guided by the GINet.</p> <p>xii. S3.1.1.f.8: Ensure that landscaping in new building projects is appropriate for local conditions and can sustain the impacts of weather events and climate change.</p> <p>xiii. S3.1.1.f.11: These guidelines are for consideration to improve the quality of development and open spaces. In general, development related to the base zoning or existing approvals will not trigger a deviation from the District Plan.</p> <p>xiv. S3.1.1.c.47: Developments in cultural landscapes to consider the visual impacts on the landscape and refer to the City's Cultural and Heritage Management Policy.</p>			

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		<p>xv. S3.1.2.a.1: These areas should be considered for a wide variety of urban uses such as housing development, public open spaces, community facilities, mixed use / business development (where appropriate), but should not include noxious industrial uses.</p> <p>The plan includes particular local sub-district supporting development guidance, which for the 'Mowbray to Muizenberg' sub-district includes the following:</p> <p>i. S4.3.a: The vision for this area is that of a highly diverse city environment that is adaptable to changing social, economic and environmental dynamics, and which offers a wide range of urban forms and opportunities to which an increasing number of people can have access.</p> <p>ii. S4.3.c: A significant increase in the number of dwelling units in the area is envisaged, with most, but not all, of this increase occurring within development corridors (Main Road, Wetton – Lansdowne and Klipfontein).</p> <p>iii. S4.3.d: The area has and shall continue to have subareas of very differing characteristics, from low-density suburbia to intense urban environments</p> <p>iv. S4.3.e: Important to the vision for this area is developing places of distinct character (as opposed to a uniform development pattern). Important to this is the protection and enhancement of its historical sites and precincts which contribute to its special character.</p> <p>v. S4.3.1: Emphasis must be placed on development intensification and densification in urban node areas and between these along development corridors...</p> <p>vi. S4.3.2: Existing and incipient urban nodes should be reinforced with mixed land uses actively supported.</p>			

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		<p>Business development outside of the nodes (i.e. business intrusion into residential areas), unless otherwise stated in council policy, is generally not to be encouraged.</p> <p>vii. S4.3.4: These roads (above) should be quality NMT routes and all redevelopment should where possible assist with enhancing this, including also the urban character (re- retaining or planting trees as far as possible, landscaping, and street furniture).</p> <p>viii. S4.3.5: The extent of the CBDs of urban nodes must generally be contained to protect the exclusively residential areas surrounding them. These residential areas, as well as development corridors linking between them, should be reinforced by increasing their residential densities. However, respect for surrounding character, good design, visual impact and positive interface with the street are critical.</p> <p>ix. S4.3.9: Carefully balance urban intensification and densification with urban conservation of significant conservation-worthy buildings and precincts in urban node and development corridor areas...</p> <p>x. S4.3.12: To manage future flooding events in urban catchment areas of concern, further densification of a site / area should generally not result in simultaneous reduction in impervious surface area of that site / area.</p> <p>xi. S4.3.26: Ensure careful attention is given to maintaining a balance between densification and retaining sense of character. This includes limiting development to minor additional contextually appropriate residential densification (compared to adjacent residential areas) along higher order through (or boundary) roads in the area...</p>			

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		<p>xii. S4.3.27: The progressive redevelopment of the outer parts of the Kenilworth Racecourse and William Herbert - Wynberg sports complex area must consider incorporating linked NMT and associated open space provision associated with a regional open space facility.</p> <p>In terms of the above, the application is consistent with the Southern District Plan (2023)</p>			
36		<p>3. General Considerations from a Spatial Planning Perspective:</p> <p>From a spatial planning perspective other key issues in regards to this application which should be taken into consideration include the following:</p> <p>3.1 Consistency with Policy</p> <p>i. The development proposal is considered to be consistent with all of the applicable policy.</p> <p>ii. It is noted that the GIN and Conservation Biodiversity map of the Southern District identifies this site as 'Other ecological support area'. This determined the 'Buffer 2' area designation in the Southern District Plan.</p>		<p>It is noted that the development proposal is considered to be consistent with all of the applicable policy with respect to spatial planning.</p>	DJEC
37		<p>3.2 The degree to which the proposed development will impact on immediate adjoining properties.</p> <p>i. The site is surrounded entirely by non-residential uses, excepting for the western side where the residential area is separated by Rosmead Avenue inclusive of a substantial road reserve area bounded by mature trees.</p>		<p>Noted.</p>	DJEC
38		<p>ii. The new / additional activities in the proposed redevelopment are not likely to have any undue negative impact on the surrounding residential area (re- noise</p>		<p>Noted.</p>	DJEC

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		etc). The intended use would have a comparatively low impact on immediate and surrounding areas.			
39		iii. It is envisaged that the proposed re-development will enhance the local area and provide an additional attraction to the area.		Noted.	DJEC
40		iv. Adequate parking is provided on site and the additional trips due to the impact of the new uses will have a low and insignificant impact on the surrounding road network.		This is correct. Refer to the Transport Impact Statement, appended to the Amendment report.	DJEC
41		v. The site does contain Bluegum trees on the southern part of the site. These trees were originally planted as a windbreak, and there are also other established and mature trees such as planes, oaks, and Norfolk Pines. Given their significance as spatial elements within the broader racecourse site, it is recommended that these trees be preserved or replaced with suitable alternatives of similar size and shape.		No trees will be removed as a result of the proposed "sportainment" development should this amendment application be approved and the proposed padel courts and 5-a-side soccer courts be constructed.	DJEC
42		3.3 Need and desirability: i. Areas within the city that are suited to development should be considered for such. It is acknowledged that the portion of the site proposed for the development is not considered to be environmentally significant / sensitive and the proposed development would be considered to be in keeping with the surrounding uses of the area (sport and entertainment). ii. The proposed use of the site for padel courts and 5 a side soccer field is considered to be desirable since the location on which it is proposed, is already disturbed and underutilised.		Noted.	DJEC

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		<p>iii. The proposed use will contribute to local employment generation and evidence suggest that these type of facilities are in high demand and will encourage people to partake in sporting activities.</p> <p>iv. The proposed development could potentially harness the secondary potential of the site as a recreational, conservation and sporting destination, to allow the public access to the proposed "sportainment" facilities.</p>			
43		<p>3.4 Other Key Considerations:</p> <p>i. The site should be viewed and developed in the wider context of the large green complex in the area which is a massive amenity opportunity for the city into the future. This area effectively comprises Kenilworth racecourse (and nature reserve area) as well as William Herbert sports area, and the more distant Chukker Road and Youngsfield areas separated by the M5. This should as far as is possible be considered as an integrated primarily green open space area in spite of the various other development uses already thereon or in future as desirable. The development of this portion of the Kenilworth racecourse should therefore be such that the greater and wider public good is supported, and not unreasonably limited, through this development. This should include contributing to the development over time of continuous walkways and cycle-ways around this area, and a measure of public access to it or parts thereof. Somewhat ironically, despite the proximity of this greater green area to immediate surrounding communities, access to any meaningful open space in the vicinity is currently highly constrained / limited. Due to the size of this greater green area within the city, this social and recreational amenity should be for not only the immediate surrounding communities but also for the wider city area. The accessibility of the area re- proximity</p>		Noted.	DJEC

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		to Wynberg station and a mature road network merely underscores this significance.			
44		ii. The re-development of this site will intensify development in a strategically located area in respect of access and opportunities. The proposed use would improve public access to recreational opportunities and provide access to open space area for the public.		Noted.	DJEC
45		iii. Horse-racing has transformed substantially in recent decades due to increased and competing alternative betting options and recreational opportunities. Viability is a critical concern. The proposed multiple use of the application area will not negate the on-going legacy of horse-racing in the area generally, or the few high profile Cape Town races on the calendar. The proposed development will or should result in general upgrade and improvement to the local area, and also contribute to growing the local economy		Noted.	DJEC
46		The proposed Amendment of the authorised development on Erf RE/65238, Cape Town, Kenilworth Racecourse: Part 2 Amendment Report refers. The City of Cape Town Environmental Management Department's Biodiversity Management Branch thanks the applicant and environmental assessment practitioner for the opportunity to comment on this application, and submits the following comments:	Charmaine Oxtoby CoCT - Spatial Planning & Environment: EMD: Biodiversity Management Branch	Noted.	DJEC
47		Amendment Report: 1. Page 5: Given the substantive nature of the proposed development put forward as a "Part 2 Amendment", the applicant should provide written confirmation that no "Part 3 Amendment" is planned to further change the		This application is only for the padel and soccer courts as described in the project proposal. The applicant cannot be prevented from submitting a further application for amendment in the	DJEC

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		scope of the 25-year-old environmental authorisation ROD.		future. Any future applications should be assessed and considered on their merits	
48		2. Page 5: What do the "ancillary purposes" include and where are they located?		Ancillary purposes refers to everything as indicated on the site development plan related to the application - 5-a-side soccer courts, padel Courts, a clubhouse for each facility and including walkways and associated parking.	DJEC
49		3. Page 8 Parking: Why is it necessary to add parking? If the "sportainment" facilities only accommodate 62 participants at a time, why is it necessary to add 80 parking spaces to have an excess of 196 parking spaces? What is this additional parking intended to be used for?		The parking shown on Appendix B3 caters for ALL parking requirements of ongoing activities at Kenilworth Racecourse as well as the "sportainment" node. Although the parking is intended to be used across the different land uses (multi-use), most of the current available parking are not placed conveniently for some of the specific uses. Hence, parking is required closer to this proposed land use to ensure the financial viability of the proposed use.	ITS
50		4. Page 10-11 mitigation measures: No Stormwater may be directed into the conservation area.		Noted. There is no intention to direct stormwater into the conservation area.	DJEC
51		Appendices: 5. Appendix B1: Why is the proposed additional 80 parking spaces not clearly shown (in colour) on the Site Development Locality Plan?		The parking plan (Appendix B3) shows enough parking to cater for ALL approved activities at Kenilworth Racecourse as well as parking required for this	ITS

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				Application. The parking is intended to be used across the different land uses (multi-use) specifically since many of the activities on the site could have different peak parking demand periods and the multi-use bays will be available for spill over parking during the peak periods. There is therefore no need for the purposes of this amendment application to specifically show specific parking areas as allocated to a specific activity on site.	
52		6. Appendix B1: Why is there a "Prop Convention Centre Footprint" on this diagram? This is not included in the Part 2 Amendment request. A convention centre would be a substantive deviation from the original RoD, and should not be approved in this Amendment, but rather subject to a separate EIA application.		The diagram has been amended to remove this.	DJEC
53		7. Appendix B1: Why is Block E "to follow"? Does this imply a Part 3 Amendment will be applied for in future?		The diagram has been amended to remove this.	DJEC
54		8. Appendix B1: Why is this diagram titled "Temp Departure 2"? What is the intended future use if it is not to remain as parking and "sportainment" areas?		This has been corrected on the diagram.	DJEC
55		9. Appendix B3: Why is there a "Prop Gate House" at the entrance? This is a deviation from what is proposed for this Part 2 Amendment.		The diagram has been amended to remove this.	DJEC
56		10. Appendix B5: Why does the landscape plan include proposed expansions to Block A (Cape Racing Buildings)? This is not included in the Part 2 Amendment proposal.		This amendment application is only to permit padel and 5-a-side soccer courts and directly associated facilities as described in the amendment report and highlighted	DJEC

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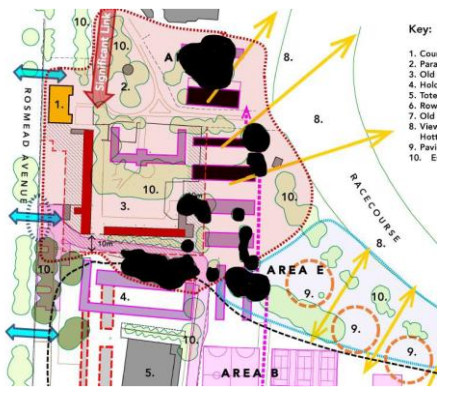
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				in colour in Appendix B2. There are activities shown on the landscape plan that do not require environmental authorisation, e.g. additional stables, and are therefore not included in this application.	
57		11. Appendix B5: Why does the landscape plan include a "hardened running track on existing earth jeep track"? This is not included in the Part 2 Amendment proposal.		The running track as shown does not require environmental authorisation since the majority of the track is on existing sand tracks around the racecourse and any short additions to the track do not trigger any activities in terms of the National Environmental Management Act EIA regulations, 2014 (as amended).	DJEC
58		12. Appendix B5: Why does the landscape plan include "prop holding boxes" and "prop saddle boxes"? These are not included in the Part 2 Amendment proposal.		This amendment application is only to permit padel and 5-a-side soccer courts and directly associated facilities as described in the amendment report and highlighted in colour in Appendix B2. There are activities shown on the landscape plan that do not require environmental authorisation, e.g. additional stables, and are therefore not included in this application.	DJEC
59		The Biodiversity Management Branch is concerned that the changes applied for in terms of rights to use differ from both the ROD and City approved rights under Horse Racing. Furthermore, the discrepancies between what is proposed in the Amendment Report (namely padel		This amendment application is only to permit padel and 5-a-side soccer courts and directly associated facilities as described in the	DJEC

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		<p>courts, soccer fields, yoga studio and parking) and the additional new infrastructure shown on the diagrams in Appendices raises concern as to the real intentions of the applicant. An Amendment should not confer rights for additional businesses or new uses.</p> <p>The Biodiversity Management Branch reserves the right to comment further.</p>		<p>amendment report and highlighted in colour in Appendix B2.</p> <p>The fitness (yoga) facility has been removed from this application.</p>	
60		<p>Remainder Erf 65238 has a long history of approvals. The most recent applications for</p> <p>(1) Subdivision into 11 portions,</p> <p>(2) Rezoning of Portions 1-10 from Community Zone 1 to Mixed Use Subzones MU1, MU2 and MU3,</p> <p>(3) Council's approval to permit parking bays located within 10m of Rosmead Avenue,</p> <p>(4) Council's approval of the street names of Royal Kenilworth Avenue and Metropolitan Avenue, and</p> <p>(5) Departures from the street and various common boundaries, to permit a mixed-use development, approved by the MPT on 2017-04-19, subject to conditions. A delegated official, and the approval still valid, approved an application for the extension of validity for a further 5 years, until 2028-03-07.</p> <p>This approval not yet been acted upon and the property operating on current zone of Community Zone 1, with consent for horse racing related activities only. The current proposal for the sports node will therefore require a land use application to be submitted for consideration.</p>	<p>Pierre Evard</p> <p>CoCT - Spatial Planning & Environment: Development Management</p>	<p>The property is currently zoned Community Zone 1. The padel and 5-a-side soccer courts would be a permitted use in terms of the Community Zone 1 zoning which allows open space as a primary right.</p> <p>Conditions however limit the use of property and it is proposed to amend the applicable condition to accommodate the padel and 5-a-side soccer courts only. The restrictive condition is not being removed entirely and the no far larger impact is anticipated.</p> <p>Any future applications would need to follow a public participation process and would be assessed in terms of the associated impact.</p>	Sibane

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61		<p>Reference made to the Part 2 Amendment application for erf 65238-RE, Kenilworth Racecourse, relating to development areas B, D and E.</p> <p>HRS has no objection to the proposals within development zones B and E.</p> <p>However, HRS has two main concerns within development area D – the development response to trees and new buildings within this zone.</p>	<p>Philip Smith & Crispin Barrett</p> <p>Spatial Planning & Environment: EMD: Environment and Heritage Management (Heritage Resources Section)</p>	<p>Noted.</p>	<p>DJEC</p>
62		<p>1. Development response to trees</p> <p>The phase 1 HIA indicator is: <i>All tree avenues in this area, as well as those linking this area with surrounding development nodes, should be retained and revived if necessary.</i></p> <p>However, many mature trees in this area are indicated to be removed, which does not conform with this indicator. It is not clear whether the significance and health of these trees have been taken into account in determining which are proposed to be removed, or whether it is simply as a result of the location of proposed new buildings.</p> <p>HRS has edited Fig. 19 from the HIA (see on following page), which shows in black the areas that do not comply with the approved heritage indicators to include the trees that will be removed in development area D. It is worth noting that a cluster of gums closest to the grandstand building, in the area of the 'yoga pavilion', were already removed around 2017/2018.</p> <p>It does not appear that the retention of significant mature trees within this zone has been taken particularly</p>		<p>The development proposed in this amendment application is limited in area and no trees will be removed should this amendment application be approved and the proposed padel and 5-a-side soccer courts be constructed.</p> <p>The proposed yoga facility in area D on the plan has been removed from the amendment application. The development proposed in the revised project description is located in Area B of Figure 19 of the HIA.</p>	<p>DJEC</p>

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		<p>seriously as several buildings could be adjusted slightly to retain more of the trees in this area.</p> 			
63		<p>2. New buildings within development area D</p> <p>The Phase 1 HIA recommended no new development in this area, other than small scale development directly related to the racecourse and for existing open spaces and visual links between the historical buildings and the racecourse to be retained.</p> <p>While the new saddle and holding boxes structures are single storey and directly related to the racecourse, the proposal is for many new structures in this area and they definitely would impact the visual and spatial links between the existing buildings and the racecourse. There will be almost completely no visual connection between the racecourse and the historical stables if all of the proposed new holding boxes are constructed in their current positions, which would be unfortunate.</p> <p>The position and shape of the proposed saddle boxes does also severely limit the connection between the historical stables and the parade ring.</p>		<p>The development proposed in this amendment application is limited in area on the Wetton Road and Rosmead Avenue boundary of the property.</p> <p>The proposed fitness (yoga) facility in area D on the plan has been removed from the amendment application. The development proposed in the revised project description is located in Area B of Figure 19 of the HIA.</p> <p>These comments relate to the broader heritage issues on the site that do not affect the development proposed in this amendment application.</p>	<p>Claire Abrahamse</p>

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		<p>HRS agrees with the HIA's concerns regarding the 'yoga pavilion', which appears to have already been constructed.</p> 			
64		<p>This application is for Part 2 Amendment to amend the existing ROD conditions to allow for an expansion of a sporting node to cater for a number of Padel courts, 5-a-side soccer courts and a fitness centre (Yoga studio); with other existing activities catered to via approvals under existing ROD remaining unchanged. This amendment to cater to additional activities / services will trigger a town planning application that the municipality will be assessing separately.</p>	<p>Spatial Planning & Environment: EMD: Environment and Heritage Management (Environmental Management Section)</p>	<p>This is correct.</p> <p>A separate town planning application for the amendment of the 1999 Rezoning conditions will be submitted by Sibane Planning and Development (Pty) in order to accommodate the proposed activities.</p>	<p>DJEC</p> <p>Sibane</p>
65		<p>This application is required under Regulation 31 of the EIA Regulations of 2014, as the additional use of these sporting codes will change the scope of the ROD however, these changes do not themselves trigger a listed activity.</p>		<p>Correct.</p>	<p>DJEC</p>
66		<p>While departments raise a number of concerns, above, the environmental section is of the opinion that in principle there is support for the proposal to cater to this expansion of a small sporting node enterprise obviously with a critical mind-set to ensure that both short-term and long-term impact mitigation.</p>		<p>Your in principle support is noted.</p>	<p>DJEC</p>

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67		The concerns raised are those that directly and / or indirectly affect either the conservation area, the landscape or the Heritage intent of the space		Noted.	DJEC
68		The environmental concerns, assessed in the specialist reports, however do remain in the forefront of concern due to fact that this space has never catered to such a prolonged usage in the past. Previous usage of this area would have been informal overflow parking for events that took place periodically. This proposal is for daily usage of the space into the evenings with aspects such as additional hardened surfacing, both the courts setup as well as the additional vehicular parking areas, and floodlights for 'after hours' usage as well as reduction in significantly sized mature exotic trees.		No trees will be removed for the development of the padel and 5-a-side soccer courts.	DJEC
69		<p>Concerns raised by commenting departments / branches relate, to:</p> <ul style="list-style-type: none"> The terminology, unsatisfactorily vague, "ancillary purposes on" and "and ancillary purposes" used, on page 5, when referring to the specific sporting activities envisaged added to the overall activity usage of Kenilworth Racecourse. Define the term ancillary in what activities this would relate to, as the impression garnered is that of any recreation activity and anyway on the greater Erf. This application is for specific additional activities, 5-a-side soccer courts & Padel courts & Yoga studio, within a very specific dedicated space, the underutilised existing impacted space of the gravel overflow parking in the southern corner. 		<p>The "ancillary uses" is related to the permitted horse racing activities and is part of the wording in the current town planning conditions of approval.</p> <p>1999 Condition of approval"</p> <p>2.3.2 Sub Precinct 3B: The remaining area retains its Community Facility Use Zone, for horse racing and ancillary purposes, with the existing consent conditions for Quarantine Stables remaining applicable."</p> <p>Ancillary purposes as it relates to the environmental application refers to everything as indicated on the site development plan related to the application – padel and 5-a-side soccer courts , a clubhouse for</p>	<p>Sibane</p> <p>DJEC</p>

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70		<ul style="list-style-type: none"> Groundwater assessment speaks to the aspect of limiting ground surface availability to recharge due to impact from proposed hardened surface and to mitigate this by ensuring permeable surfacing surrounding the recreational facilities while recommending as an alternative installation of bio-swales. Requirement is that these are not alternatives but rather as additional measures. Combination of bio-swales strategically places with addition of permeable paving where possible surrounding the recreational facilities and allocated parking areas. 		<p>each facility and including walkways and associated parking.</p> <p>Bio-swales and permeable paving are incorporated in design.</p>	DJEC
71		<ul style="list-style-type: none"> Terrestrial assessment speaks to the uniqueness of the dedicated central conservation area, should be defined as core area along with the outlying areas of the south-eastern corner and the north-eastern aspect, in form of flora & fauna. The concern highlighted regarding faunal impacts is that these new recreational facilities will provide consistent access to the dedicated spaces most days of the week for extended hours that differ from the present usage of the space. It is thus extremely difficult to assess what the long-term impact will be from these activities, generating artificial lighting and noise, on the faunal activities such as reproductive cycles and home range changes. Requirement in this aspect is to investigate use of denser vegetation usage in the landscaping aspect between the proposed recreational facilities and the track to absorb as much as 		<p>The distance of the project footprint from the core conservation areas, together with the existing screen of large Eucalyptus trees should limit the impacts from noise and light pollution. However, any additional measures to mitigate light and noise pollution could be considered; landscaping features, where practical, could be used to aid this.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>

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		possible of the noise and lighting generation from this space.			
72		<p>Conclusion</p> <p>The Part 2 Amendment application through the Draft Amendment Report highlights the overall low / reduced impact of proposed development via avenues of mitigation-highlighted from the various specialist reports. However it is assessed that, via concerns from a number of departments including this section, there is a need for additional space specific assessment for more site-specific mitigation measures to cater to sensitivity of the Core Conservation Area and the Hydrology, above ground and below ground, of Kenilworth Racecourse. Moreover, requiring a specific limitation of space usage for recreation facilities to remain limited to those areas in existing use by the general public; a defined space restricted to for example from Wetton gate entrance to Rosmead avenue boundary to the north Pick 'n Pay entrance gate including existing grandstand and space west (outside) of the track.</p>	<p>Andrew Greenwood</p> <p>City of Cape Town (CoCT): Southern Region</p>	<p>The issues raised by the different departments have been considered and addressed above and in the final Amendment Application reporting.</p> <p>In addition the applicant has removed the fitness (yoga) centre from the application and the application is now restricted to the padel and 5-a-side soccer courts only as described in the final amendment report.</p> <p>The proposed amendment of conditions will be linked to a specific set of plans. The amendment of the wording will not allow the property owner to add more sports fields or courts without a further application, and consideration, to the City.</p>	<p>DJEC</p> <p>Sibane</p>

3.1.2. Comments from I&APs

The table below summarises all comments received from Interested and Affected Parties (I&APs) on the draft Amendment.

Item	Date Received	Comments	I&AP Name	Responses	Respondent
1.	21 July 2024	Thank you so much for the availability of the plans for Kenilworth Racecourse and the opportunity to comment as a local resident.	Local Resident ██████████	Thank you for your comment.	DJEC
2.		We went to a presentation at the Waldorf School a while ago about the Racecourse development and the most exciting plan, for us, no longer seems to be there. The off-lead, fenced in, dog park. It was mentioned, 'think Greenpoint park' and that just made us so happy. We are literally waiting to get our rescue dog once we see the plans set in motion.		We have not been involved in any discussions with regards to a Dog Park.	DJEC
3.		I posted about this, this morning on our community whatsapp group and there are many people that would massively benefit from this as there is no large area nearby to have a dog off-lead. I hope they also email you with their comments, I've cc'ed in my partner as he feels the same. Please could you update us about the dog park? Thank you so much and look forward to hearing from you.		Our application pertains solely to the soccer courts and padel courts.	DJEC
4.	21 July 2024	Hi, Just wanted to check if there will be a dog walking area? Many thanks	Local Resident ██████████ ██████████	Thank you for your comment. Please note our application pertains solely to the soccer courts and padel courts.	DJEC

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Item	Date Received	Comments	I&AP Name	Responses	Respondent
5.	24 July 2024	<p>Having carefully read through the Amendment and attachments, I have a few comments.</p> <p>* Included in the Part 2 Amendment should be a revision of the December 2023 Part 1 dealing with the updating of the EMT's name to the Environmental Advisory Committee and that of its member list.</p> <p>This has now been superseded by the new Environment Management Team and the Kenilworth Environment Compliance Committee and their respective member lists. This must be reflected in the proposed Amendment.</p>	<p>██████████</p> <p>Friends of Kenilworth Racecourse Conservation Area</p>	<p>This will not form part of this proposed amendment application. However, this change and amendments to the EMPs for the relevant precincts will be addressed in a future application.</p>	DJEC
6.		<p>The thoroughness of the Screening Report and the Specialists' Assessments is gratifying and comforting, and your company is to be applauded.</p> <p>However, even though stating the obvious, vigilance as to the implementation of the recommendations is paramount. Since my primary interest in Developments on the Kenilworth Racecourse site is the integrity, protection and conservation of the natural environment located within Precinct 4 and the impacts that activities on any of the other Precincts will have upon this critically important area of high biodiversity. To this end, I wish to emphasise certain concerns:</p>		<p>We take note of your support in the interest of the integrity, protection and conservation of the natural environment at Kenilworth Racecourse.</p>	DJEC
7.		<p>* With the expectation of severe weather events in the coming years due to Climate Change, will measures envisaged to obviate groundwater contamination be sufficiently robust to withstand unprecedented rain deluges? It is hoped that all stormwater design will be such to ensure that all channels surrounding all hard surfaces are constructed so as to take extreme runoff away from any possibility of spilling over and entering, and</p>		<p>Stormwater management has been dealt with in the services report in Appendix E6.</p>	DJEC

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Item	Date Received	Comments	I&AP Name	Responses	Respondent
		thus contaminating, the groundwater system - i.e. with more than sufficient carrying capacity to cope with extreme events.			
8.		Similarly, during severe drought events, it is essential that as much use as is possible should be made of permeable paving and bioswales/grass swales in areas of foot or non-motor vehicle traffic. Likewise, as much open ground/garden as possible should be provided. These measures to ensure maximum groundwater filtration into the underlying aquifer.		The footprint of the proposed development is limited and significant areas surrounding the proposed courts are open and will provide for significant infiltration.	DJEC
9.		* It is hoped that all lighting will, as much as is feasible, be directed away and shaded from the Conservation Area. The critically important role that night insects play in the maintenance of an healthy ecosystem and their tendency to be attracted towards light must be taken into account.		This will be implemented as recommended in the Terrestrial Compliance Statement.	DJEC
10.	02 August 2024	<p>Having carefully read through the Amendment and attachments, I have a few comments (the first ones being much the same as those submitted by Margaret Kahle).</p> <p>* Included in the Part 2 Amendment should be a revision of the ROD December 2023 DECISION, section 2, referring to Conditon 5 of the original Record of Decision issued on 20 October 1999 (Referenced: AN 345/25/4 Kenilworth Racecourse). The Section 2 revision changed the Environment Management Team (EMT's) name to the Environmental Advisory Committee (EAC) and changed its member list. This has now been superseded by the creation of the new EMT and the Kenilworth Environment Compliance Committee and their respective member lists. This must be reflected in the proposed Amendment.</p>	<p>██████████</p> <p>Wildlife and Environment Society of South Africa and Committee</p>	This will not form part of this proposed amendment application. However, this change and amendments to the EMPs for the relevant precincts will be addressed in a future application.	DJEC

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Item	Date Received	Comments	I&AP Name	Responses	Respondent
11.		The Screening Report and the Specialists' Assessments appear to be thorough. However, even though stating the obvious, vigilance as to the implementation of the recommendations is paramount. Since my primary interest in Developments on the Kenilworth Racecourse site is the integrity, protection and conservation of the natural environment located within Precinct 4 and the impacts that activities on any of the other Precincts will have upon this critically important area of high biodiversity.		We take note of your interest in the integrity, protection and conservation of the natural environment located within Precinct 4 and the impacts that activities on any of the other Precincts will have upon the critically important area of high biodiversity.	DJEC
12.		Both the soil and water rely on maintenance of a slightly acidic PH and it is essential that the wetlands fill up seasonally with water that meets this requirement. Certain plants and amphibians found here are Critically Endangered or Extinct in the Wild and Endemic or near-endemic to this site. To this end, I wish to emphasise certain concerns:		Noted.	DJEC
13.		* The surveys of the underlying ground water systems point to a medium to low potential impact as a result of the development. They do NOT suggest there is NO potential impact. With the expectation of severe weather events in the coming years due to Climate Change, will measures envisaged to obviate groundwater contamination be sufficiently robust to withstand unprecedented rain deluges? It is hoped that all stormwater design will be such to ensure that all channels surrounding all hard surfaces are constructed so as to take extreme runoff away from any possibility of spilling over and entering, and thus contaminating, the groundwater system - i.e. with more		The groundwater study indicates that the nature of the development inclusive of mitigation measures will be medium to low. As the commenter states, we cannot state that there will be absolutely no impact. During the design process, measures must be designed to account for foreseeable severe weather conditions (flooding, etc.), both to protect the development,	GEOSS

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		than sufficient carrying capacity to cope with extreme events.		the environment and the surrounding urban users.	
				Stormwater management has been dealt with in the services report in Appendix E6.	DJEC
14.		Similarly, during severe drought events, it is essential that as much use as is possible should be made of permeable paving and bioswales/grass swales in areas of foot or non-motor vehicle traffic. Likewise, as much open ground/garden as possible should be provided. These measures should ensure maximum natural groundwater filtration into the underlying aquifer.		Agreed, implementation of the above-mentioned mitigation measures should ultimately limit the reduction in groundwater recharge that is accompanied with built-up (paved) areas and aim to promote natural groundwater recharge. The footprint of the proposed development is limited and significant areas surrounding the proposed courts are open and will provide for significant infiltration.	GEOSS DJEC
15.		* It is hoped that all lighting will, as much as is feasible, be directed away and shaded from the Conservation Area. The critically important role that night insects play in the maintenance of an healthy ecosystem and their tendency to be attracted towards light must be taken into account.		This will be implemented as recommended in the Terrestrial Compliance Statement.	DJEC
16.		* In addition, I have some concerns that some of the rights, that are being applied for in this development, fall outside of the existing rights of provision for horse racing and associated functions. Any additional rights could allow for a future change in use and subsequent development of existing used space that is not of high nature conservancy value. Change of use through change of rights could see		The property is currently zoned Community Zone 1. padel and 5-a-side soccer courts would be a permitted use in terms of the Community Zone 1 zoning which	Sibane

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		a far larger impact than at first appears in this application. If any of the proposed "sportainment" facilities result in a change in Business Use, we could see further applications that would have a much greater impact on the sensitive pristine remnant of Cape Flats Sand Fynbos found in precinct 4. This is something that we would have to guard against.		allows open space as a primary right. Conditions however limit the use of property, and it is proposed to amend the applicable condition to accommodate the padel and 5-a-side soccer courts only. The restrictive condition is not being removed entirely and the no far larger impact is anticipated. Any future applications would need to follow a public participation process and would be assessed in terms of the associated impact.	
17.	05 August 2024	Dear Doug Jeffery & Associates, The above Process is noted and opportunity for Comment is appreciated! At the outset, I wish to commend the Developers and Consultants for adhering to acceptable IEM Procedure when undertaking their various projects as advocated by myself when the EAC was operational!	Dr Clive McDowell	Thank you for your comment.	DJEC
18.		It is hoped that said Participation Process will continue until an acceptable state of mutual satisfaction is achieved. From the covering letters it is not clear exactly how this Process will operate from the current stage under critique. COMMENTS 1. General		This is noted and the Amendment Public Participation Process is included in the amendment report.	DJEC

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Item	Date Received	Comments	I&AP Name	Responses	Respondent
19.		<p>1.1 As indicated above, it would be helpful if the character and timeline for the participation process be spelled out more clearly for the participants.</p> <p>I provide feedback for certain of the Assessments:</p> <p>2. Terrestrial Compliance Statement Proposed Recreational Development at KR Padel and 5-A-Side Soccer Courts. (Cohen, C., Colville, J. and N. Helme)</p> <p>Fortunately, this Statement is in Draft form (clearly indicated as such) because a significant shortfall in content is apparent. Some tightening up of language required. The track records/ CV's of the authors could, I believe, benefit from abbreviation.</p>		<p>The DRAFT watermark on the terrestrial report has been removed for this submission. No changes to the report were required.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>
20.		<p>The desktop study relating to a review of potential impacts of artificial light & noise at night (ALAN) appears to fit the bill satisfactorily with what appear to be appropriate mitigatory measures. As I see it the main shortfalls in respect of data presented so far, are indicated in subsection below.</p> <p>2.1 Reference to Preceding Site-Specific Studies Required</p> <p>Even with a 'desk top study' or maybe especially because of same it is expected that reference be made on significant site-specific studies produced which address the status of Cape Flats' Sand Fynbos. Most relevant I believe are those with focus on extant racecourse natural habitat, especially that exemplified within KRC. Furthermore, latter focused references indicate related bodies of work also worthy of perusal.</p> <p>The nucleus of such works include the following texts:-</p>		<p>A site visit was undertaken by the specialists and the report relied on both this and a desk-top study.</p> <p>Although of interest, it is not necessary to refer to these specific studies – there are several others - considering that the planned development will occur on a completely transformed piece of land and will potentially have little to no impact on the terrestrial biodiversity of the KRC.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>

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Item	Date Received	Comments	I&AP Name	Responses	Respondent
		<p>BROWN, L. (1990). Sand-Plain Fynbos: the Kenilworth Case Study. (MSc Thesis c/o CR McDowell), Department of Environmental and Geographical Science, UCT..)-</p> <p>GERICKE, J. & MOORE, L. (2018). Preliminary Freshwater Specialist Assessment: Proposed Development at Kenilworth Racecourse (Erven 65238, 65274 and 65275). Ecosense, Cape Town & Knysna.</p> <p>McDOWELL, C. (1989). Conservation & Horse Racing: The Unseen Connection (Part 1: Plant Life). Veld & Flora. 75(3): 36-39.</p> <p>McDOWELL, C. (1989). Conservation & Horse Racing: The Unseen Connection (Part 2: Animal Life). Veld & Flora. 75(4) 79.</p> <p>McDOWELL, C., LOW, B., & B. MCKENZIE (1991). Natural Remnants and Corridors in GreaterCape Town: their Role in Threatened Plant Conservation. In: D.A. Saunders and R.J. Hobbs (eds.) Nature Conservation 2: the Role of Corridors. Surrey Beatty & Sons, Chipping Norton, pp. 27-39. (Proceedings of a Conference held at Busselton, Western Australia.)</p> <p>McDOWELL, C.R. & BALL, J-M (1995). Environmental Survey and Conservation Management Plan for the Fynbos of Milnerton Racecourse. Wildlife Society of Southern Africa and the Cape Turf Club.</p> <p>McDOWELL, C.R., & LOW, A.B. (1990). Conservation Priority Survey of the Cape Flats. Cape Town City Council, Cape Town. University of the Western Cape; Botanical Society of Southern Africa, Cape Town City Council and Western Cape Regional Services Council.</p>			

Item	Date Received	Comments	I&AP Name	Responses	Respondent
		<p>MYBURGH, K. (2018). Facilitation of Specialist Study for Proposed New Developments at Kenilworth Race Course, Cape Town to Determine Potential Impacts on the KRC Conservation Area. Ecosense, Cape Town & Knysna.</p>			
21.		<p>2.2 Shortage of Baseline Data & Uninformed Conclusions</p> <p>Insofar as the local proposed development site area is concerned, the reports states that the “proposed site has lost all presence of natural vegetation....essentially a grass field.(beneath a photo) going on to state further “that the natural habitat is completely transformed and considered of low faunal and botanical sensitivity...proposed development should.. have no faunal or botanical impact at the proposed site”.. (C. Cohen).</p> <p>This observational finding comes across as somewhat trite/ naïve in consideration that zero inventory data exists, for example, no inventory and or/cover abundances of species alien and/or indigenous species represented on site is presented to back up the sweeping assertions. In fact, apart from “grass” and “eucalypts” (no mention even of species names – and there are hundreds of grass & eucalypt spp.) the only scientific references to local biota on the proposed development zone is that of sparrow hawks and two (out of the four) endangered frog records.</p>		<p>Identification of the <i>Eucalyptus</i> species on site is not a botanical priority, as identification of alien species belonging to a massively diverse genus adds no value to this study. Additional trees on site, all exotic, include <i>Platanus x hispanica</i> (London Plane) and <i>Araucaria heterophylla</i> (Norfolk Island pine). Grasses include <i>Cynodon dactylon</i> (fynkweek), and the exotics <i>Lagurus ovatus</i> and <i>Briza minor</i>. The exotic <i>Oxalis corniculata</i> is also present, as is the exotic <i>Plantago lanceolata</i> (ribwort). No indigenous plants of any conservation value are present.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>

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22.		<p>When it is stated that the “the natural habitat is completely transformed” special homage needs to be paid to the assessment by Gericke & Moore (2018) who produce empiric evidence (admittedly ‘preliminary’) that significant portions of the development zone and vicinity includes wetland submerged by artificial fill.</p> <p>Should such information prove correct in any way, that implies presence of a dormant, potentially restorable wetland extension. This conclusion places a different complexion on the zone which would then class as a wetland extension to the more apparent sectors within Precinct 4.</p>		<p>There seems little value in recording the presence and density of alien plants on a transformed site.</p> <p>The site visit by the specialists did not note any areas of natural vegetation or indigenous plant species of concern. It must be noted that the botanical specialist knows the flora of the KRC exceptionally well, and one of the faunal specialists has undertaken frog survey work in previous years at the KRC.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>
23.		<p>Of relevance it is noted that of the third Red rated amphibian on record (but omitted here) being the Near-Threatened Cape Rain Frog (<i>Breviceps gibbosus</i> could well occur directly on and very near the projected development site being terrestrial, consequently vulnerable to earth works. A fourth Red species – the largely terrestrial Endangered Leopard Toad (<i>Amietophynus pantherinus</i>) has also been confirmed, with a recent sighting noted within the past month (L. Masenyane, pers obs).</p>		<p>None of these species are likely to occur at the specific project site and populations of these species within the KRC are unlikely to be impacted by the proposed development. The one small concern was related to potential road deaths of the Leopard toad, but speed limits and warning signs should mitigate this.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>
24.		<p>2.3 Amendments Recommended</p> <p>It is my belief that for the survey to achieve veracity the survey work should address the issues indicated in</p> <p>2.1, 2.2 above. Needless to say the Summary Conclusion (J. Cloete) which echoes the specialists’ report in stating that; “the natural habitat of the proposed site (was found) to be completely transformed and of very low faunal and botanical sensitivity. The proposed development will have</p>		<p>The site visit by the specialists confirmed that the project site is completely transformed.</p>	<p>Jonathan Colville – Terrestrial Ecologist & Faunal Surveys</p> <p>Callan Cohen – Birding Africa</p> <p>Nick Helme – Nick Helme Botanical Surveys</p>

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		no faunal or botanical impact on the proposed site" is sadly misleading due to the severe lack of both empirical and review inputs at the shaky foundation of the Terrestrial Assessment.			
25.		I cannot personally attest to exactness of above commentary because to fact check content would take a lot more time that has been allocated thereto. But as indicated above at least the content has Draft status which will not preclude necessary revision and supplementation. Fortunately, most of the compilers of the listed productions (S 2.1 above).are available. The most important contributor in terms of sharing site-specific study data would be Joshua Gericke (c/o Ecosense, although I think he has moved).		Correct, Josh Gericke has emigrated.	Jonathan Colville – Terrestrial Ecologist & Faunal Surveys Callan Cohen – Birding Africa Nick Helme – Nick Helme Botanical Surveys
26.		In concluding this Section, I sincerely recommend that the treatise summary as put forward by Myburgh c/o Ecosense (2018) and repeated verbatim in Appendix 1 (at the end of this Commentary) is considered for the production of the Final Assessment.		Myburg's concerns primarily relate to freshwater habitats at the KRC. The proposed development site offers no habitat for the listed frog species. Any impact on these species at the KRC is likely to be only indirectly, related to noise and light pollution – these can be mitigated as stated in the report. Although the freshwater shrimp <i>Paramelita pinnicornis</i> is known from the KRC; it is not restricted to the KRC, having been recorded elsewhere on the Peninsula. However, this is a moot point, as the proposed development site does not offer any suitable habitat for this species.	Jonathan Colville – Terrestrial Ecologist & Faunal Surveys Callan Cohen – Birding Africa Nick Helme – Nick Helme Botanical Surveys

Item	Date Received	Comments	I&AP Name	Responses	Respondent
27.		<p>3. Groundwater Assessment</p> <p>Harilall, Z. & Conrad, J (2024). Groundwater Impact Assessment for the Proposed Recreational Development at KRC, CT. GEOSS.</p> <p>This attestation appears sufficiently thorough to justify its various conclusions and proposed mitigatory measures. However, as a rapid reader I feel that the study could benefit with some simplification in critical parts. Thus it is not quite clear to me exactly the direction/s of underground flow may be. Although that said, the study concludes that underground flow does tend to match surface topography.</p>		<p>Comment is noted. A simple clarification sentence has been added to the end of the last paragraph of section 9.4 Groundwater Flow Direction (page 25 of the report). Additionally, the flow direction arrows indicating the groundwater flow on Map 9 (page 27) has been changed from blue to black for a clearer indication of flow.</p> <p>The Groundwater Assessment is included as Appendix E1 off the amendment report.</p>	GEOSS
28.		<p>It is gratifying to note that this study does in fact make reference to and recognize the work by Gericke & Moore (2018) who adopt a broad concept (based on DWAF, 1988 guidelines) as to what officially constitutes "a wetland". That is (I repeat) the bulk of infield (Precinct D) together with a significant portion of the zone outside the tracks including parts of the proposed development footprint.</p>		<p>The specialists did not identify any wetland on the development site.</p>	DJEC
29.		<p>Also not clear is if/whether the proposed development merits the issuance of the mandatory borehole license (DWAF regulated) although presuming this aspect is also covered elsewhere in the overall motivation? It would be helpful to be informed how this process will proceed being apparently mandatory within a radius of 500 metres from the wetland fringe (Gericke & Moore).</p>		<p>At the time of report writing, it is understood that groundwater will not need to be abstracted for the proposed development. Therefore, no mention has been made regarding a water use licence for the property. The existing boreholes on site should already be licensed/authorised under their current uses.</p>	GEOSS

Item	Date Received	Comments	I&AP Name	Responses	Respondent
30.		Again, I recommend that the treatise summary as put forward by Myburgh c/o Ecosense (2018) and presented verbatim in Appendix 1 (at the end of this Commentary) be integrated into the Final Assessment.		The specialists did not identify any wetland on the development site.	DJEC
31.		<p>4. Heritage Impact Assessment</p> <p>Abrahams, C. (2024). Phase II Heritage Impact Assessment Submitted to Heritage Western Cape ito. The Provisions of S 38(3) of the National Heritage Resource Act, for the Proposed Development of Erven CT, KR 2015. HWC Case Number 15021702..</p> <p>Also, an apparently thorough investigation of this highly relevant aspect of environmental protection. I was especially impressed with the sympathetic treatment of the historic precinct (products of notable architects such as Baker, Kendall etc) right down to mention and recognition of the presence of original electrical fittings within the historic Course Manager's Office, which dates back to the early part of the century. It must be emphasized that historic operational electric fittings and sanitaryware are especially rare, because lacking the status of exterior architectural fixtures and fittings, they frequently fall victim to undesirable modernization (cf. CT City Hall, not that long ago).</p>		Noted and agreed. The retention of the detailed fittings and elements is key to the overall character and authenticity of these structures.	Claire Abrahamse
32.		A notable omission from this study (as far as I could see) was an assessment of the surviving historic teak gates abutting Rosmead Avenue. Some skilled and relatively inexpensive and sympathetic cleaning and application of suitable Marine Varnish would transform these timeless fixtures into functional items of immense beauty.		The current phase of development does not propose any changes to the remaining, fine Teak gates along Rosmead Avenue. Certainly these have been identified as significant in the Phase 1 HIA, supported by previous, detailed Phase 2 studies. The refurbishment	Claire Abrahamse

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				and repair of these gates will be suggested to the landowner.	
33.		By way of contrast, I would advocate that the use of vibracrete (incorrectly spelled vibacrete in the assessment) be minimized, as I believe it lowers the tone of the grandeur prevalent in much of the KR Estate.		Spelling error is noted and has been amended to the final HIA. The current landowners are in agreement, and the new stables will not include Vibracrete walling.	Claire Abrahamse
34.		Another significant criticism that is made by Consultant Abrahams was that the proposed dark asbestos cement tiling on the additional stables be lightened to match the lighter brown of the historic (English) Broseley tiles prevalent on the roofs of the other historic structures in situ. Considering the relatively large numbers required it should surely be possible to commission manufacture of modern matching tiles. And that concludes my Commentary. I look forward to hearing the next step.		Extensive research has been done, and unfortunately salvaged Broseley tiles are usually not available in sufficient quantities for the re-roofing of larger structures. Dreadnought Tiles in the UK can manufacture new Broseleys, but at great comparative expense. However, in the fibre cement tiles proposed for use on the new stables, there are various colour options available. Selection of a more historically-sympathetic colour for the tile will be done with input from the heritage consultant, in due course.	Claire Abrahamse
35.	15 August 2024	Notice of No Objection	Ratepayers Association	We acknowledge your notice of no objection to the proposed development.	DJEC
36.	29 August 2024	Notice of No Objection	Ward Councillor Katherine Christie	We acknowledge your notice of no objection to the proposed development.	DJEC

4. CONCLUSION

All comments received during the Amendment process as provided in this comments and response report were considered and included in the final Amendment where relevant and appropriate.