

TABLE 15 - COMMENTS AND RESPONSE (C & R) REPORT – MAGEZA MALL

| Organization / Individual (I&APs) | Issues or concerns raised / Comments from I&APs) | EAP response to issues raised | Incorporation / Non-incorporation and reasons thereof |
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| <p>KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA) Contact: Mapule Mdletshe</p> | <p>2</p> <p>2.1 Kindly ensure that the correct property description is cited throughout the document.</p> <p>2.2 A detailed storm water management plan must be compiled by a suitably qualified specialist.</p> <p>2.3 All specialist studies must contain a signed declaration of independence.</p> <p>2.4 Kindly attach the EMF Status report and associated maps.</p> <p>2.5 All specialist appointed in terms of Regulation 12(1) or 12 (2) of the EIA Regulations 2014 (as amended) must meet the general requirements as outlined in Regulation 13(1)(a) of the EIA Regulations 2014 (as amended).</p> <p>2.6 Kindly confirm that there are no compliance matters outstanding in terms of the site.</p> <p>3. Kindly print all images in colour in order to understand the legend.</p> <p>4. Pre-application meeting minutes must be included in the fBAR.</p> | <p>2.</p> <p>2.1 Comment noted.</p> <p>2.2 The Comment has been noted and addressed.</p> <p>2.3 This issue has been addressed through appropriate action.</p> <p>2.4 Umsunduzi Local Municipality was contacted and requested to provide the EMF Status of the site.</p> <p>2.5 Issue noted and dealt with in terms of the Regulations.</p> <p>2.6. There are no compliance issues that the EAP is aware of at this stage. However the WUL application is still underway.</p> <p>3. Noted</p> <p>4. All issues have been addressed.</p> | <p>2.1 Both BAR and EMPr have been amended to reflect: Portion of Erf 10 000 (being Erf 13 066), Pietermaritzburg and Portion 1 of Erf 456 Pietermaritzburg to be consolidated together to be Erf 13067.</p> <p>2.2 A stormwater management plan compiled by a suitably qualified specialist has been attached to the final BAR under Appendix D.</p> <p>2.3 Declaration forms were given to all specialist to sign and have been included in the final BAR.</p> <p>2.4. The EMF has been provided and incorporated into the final BAR.</p> <p>2.5 All specialists appointed were appointed with confidence that they do not only possess the required education but necessary skills and have required accreditation according to their different fields of expertise.</p> <p>2.6 The WUL application is underway.</p> <p>3. The EAP has exercised due care in submission of the final BAR to ensure that all images are printed in colour.</p> <p>4. The Pre-Application meeting minutes have been attached</p> |

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| | <p>5. Proof of contacting identified commenting Departments and organizations (waybill or email) must be included in fBAR.</p> <p>6. Kindly include a summary of the issues raised by interested and affected parties, and address and incorporate in the final BAR, when responding to comments please ensure the responses are detailed in order to avoid appeals even if they are duplicate responses.</p> <p>7. Please ensure that alternatives viz. layouts, site, technology have been explored and reasons why preferred the alternative is ideal; as required by NEMA Appendix 1(h).</p> <p>8. The department does not support developments within wetlands. The identified wetlands in terms of the EMF must be at all times protected and preserved. Consideration must be given to alternatives in order to avoid adverse impacts on sensitive areas.</p> | <p>5. Proof of communication with Departments has been attached under Appendix B.</p> <p>6. Summary of issues included from Page 23 of the BAR. Over and above, the comments received were recorded into the comments and response report.</p> <p>7. Final BAR includes alternative considered and explanation of the reasons for not having alternatives in some cases and motivating for the preferred alternative.</p> <p>8. The Msunduzi Environmental Management Framework showed that the site and project footprint traverses a wetland. However, an onsite assessment by a wetland and aquatic specialist concluded that there is a wetland within the site but this wetland is located about 45m from the project footprint. In this case, since the wetland assessment reached conclusions based on an on ground observation rather than a desktop tool, it can be concluded that the findings of the wetland assessment are more accurate. However, should the competent authority see it necessary, a site assessment/visit can be conducted with the EAP or the issue of the wetland can be confirmed during the site visit</p> | <p>under Appendix F of the final BAR.</p> <p>5. All comments have been incorporated in the final BAR and EMPr.</p> <p>6. All issues raised have been incorporated into the final BAR.</p> <p>7. Final BAR includes alternative considered and explanation of the reasons for not having alternatives in some cases and motivating for the preferred alternative.</p> <p>8. The proposed buffer given by Msunduzi SDF has been given preference in terms of recommendations within the EMPr and BAR. However, the Developer will also be made aware that, should it be necessary; they can apply for a reduction of the buffer area from the relevant competent authority.</p> |
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| | <p>9. Please note that the activities applied for must not commence (including site preparation and other action/s on the site) prior to an environmental authorization being granted by the relevant competent authority.</p> <p>Attached under B4(ii)</p> | <p>to be conducted by EDTEA prior to finalization of the decision of the EA Application for the proposed development.</p> <p>9. This has been communicated to the Developer from the beginning of the process.</p> | <p>9. This has been communicated with the Developer throughout the Basic Assessment Process.</p> |
| <p>Department of Forestry, Fisheries and Environment Contact: Thabisile Xulu 18 February 2022</p> | <p>The Department has no objections towards the proposed development, however, should the project receive environmental authorization, DFFE recommends that the following conditions be incorporated into the environmental authorization and adhered to:</p> <p>(a) Should the small indigenous trees hinder the construction of the development, these trees should be transplanted to suitable locations within the property, if possible. Furthermore, other 100% indigenous vegetation (including indigenous trees) that are endemic to the area should be incorporated in the landscaping phase of the development in order to enhance the diversity of species within the site;</p> <p>(b) All alien invasive plant species ought to be removed and disposed of in a suitable location;</p> <p>(c) Should there be a need to disturb natural indigenous trees that constitute a natural forest, a license application should be forwarded to the Department for review.</p> <p>This letter does not exempt you from considering other legislation.</p> | <p>All comments have been noted and incorporated into the final BAR and EMPr.</p> <p>An application will be lodged for the relocation/transplanting of <i>Aloe Pruinosa</i> that are found within the project footprint if it becomes necessary to disturb them</p> | <p>The recommendations made have been included in the recommendations section of the BAR (Page 65, Recommendations Section) and were incorporated into the applicable sections of the EMPr.</p> |

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| | Should any further information be required, please do not hesitate to contact this office. Attached under B4(iii) | | |
| EKZN Wildlife Contact: Nomonde Ndebele 25 January 2022 | Ezemvelo will not be providing comment on this application, but trust that all significant biodiversity related concerns have been clearly identified and made known in this assessment together with appropriate measures (viz. avoid, mitigate and thereafter ameliorate) to safeguard the ecological integrity of the developable area. Attached under B4(iv) | There were no issues raised. The EAP is of the view that all biodiversity issues have been adequately addressed. | An environmental management programme has been compiled for the proposed development to address potential adverse environmental impacts associated with aspects of the development. The EAP has strived to ensure that all applicable issues are addressed including engaging with specialist and incorporating specialist findings into BAR and EMPR of the proposed development. |
| Msunduzi Municipality: Spatial Planning Contact: Jane Perumal 23 December 2021 | The property for the proposed development is located within Metropolitan Open Space System and River System with a Major Tributary and 40 m Buffer. According to Msunduzi Municipality's SDF, the site is located on/within Land Release Category: Environmental Corridors. This is a zone that provides part of the sustainable open space system, which includes independent or linked open space areas of biodiversity value, micro and macro corridor linkages; and permits only limited and specific developments. The various environmental zones may provide opportunities for conservation management, Stewardship programmes, very low-density development (e.g. for eco-tourism), and in formal reserves/biodiversity hot spot areas, zero development. In terms of 1:100yr floodlines and precautionary 40m buffers from watercourses (i.e streams, rivers, wetlands, dams), no development should be erected below the stipulated floodline/buffer, without the prior approval of the Local Authority & Provincial/National environmental body. Attached under B4(v) | The recommended watercourse buffer has been noted and will be incorporated into the BAR and EMPR. Should the Developer feel the need to reduce the buffer, the required prior approval will be obtained. The specialist wetland and aquatic system study conducted recommended a 15m wetland buffer zone and 20m river buffer zone. | Recommended buffer has been incorporated into the Final BAR and EMPR for the proposed development. |

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| Msunduzi Municipality: Building Control Contact: Siyabonga Zondi 12 January 2022 | <p>Vacant land: no objection to the submitted application.</p> <p>Attached under B4(vi)</p> | <p>No objection or issues raised, therefore; no response from EAP.</p> | <p>Any and all approvals that are necessary for the mall structure/building will be acquired following the necessary channels.</p> |
| Msunduzi Municipality: Environmental Health Contact: Dhevan Gorvender 21 December 2021 | <p>This unit has no objection to the application.</p> <p>Attached under B4(vii)</p> | <p>The no objection comments have been noted by the EAP.</p> | <p>N/A</p> |
| Msunduzi Municipality: Sustainable Development & City Enterprises Environmental Management Unit Contact: Cherise Harris 24 February 2022 | <p>With reference to the Draft Basic Assessment Report for the above proposal, the following comments are submitted for your information and attention:</p> <ol style="list-style-type: none"> 1. The wetland specialist study contradicts the Msunduzi Environmental Management Framework (EMF), which shows a wetland directly on site. Please investigate this further. | <ol style="list-style-type: none"> 1. The wetland study conducted is in itself verification as the EAP was aware prior to appointment of the specialist that there is a wetland on the site although its extent could not be confirmed. A wetland similar to what is shown through the EMF had also been picked up by the Biodiversity Specialist during desktop assessment conducted. It is against this background that the Wetland Specialist was appointed. The ground truthing showed that the extent of the wetland is not as shown in the EMF and desktop tools. This could be due to the fact that at some point there was such a wetland by surrounding land uses including development of residential and industrial developments changed waterflow patterns in the area in a way that resulted in the shrinking of the wetland and also led to the wetland health being compromised. | <ol style="list-style-type: none"> 1. A recommendation is made in both the BAR and EMPr to have an Environmental Control Officer (ECO) to be appointed prior to the commencement of construction activities. Duties of the ECO will include marking of no-go areas including wetland areas and other sensitive areas that are located within the site. |
| | <ol style="list-style-type: none"> 2. This unit requests that an offset option is investigated to account for the loss of ecosystem goods and | <ol style="list-style-type: none"> 2. The issue of the offset is quiet challenging at the | <ol style="list-style-type: none"> 2. This recommendation is based on the premise that there is a wetland, however the |

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| | <p>services provided by the site.</p> <p>Attached under B4(viii)</p> | <p>moment as there is limited space on the site. It is unclear why the offset will be required as the project footprint is not encroaching on any wetland.</p> | <p>ground truthing has shown a different picture which the EAP is happy to verify with the relevant authorities on site.</p> |
| <p>Eskom Contact: Samantha Naicker 01 February 2022</p> | <p>Eskom has no objection to the proposed application, as there are no Eskom HV&MV infrastructure, i.e., 132-kV, 88-kV, 33-kV, 22-kV and 11-kV lines/underground cables depicted on our system that traverse the areas that are depicted on the KMZ application file reference "Massons Mill Shopping Centre KMZ file".</p> <p>Pietermaritzburg is Msunduzi Municipality's area of supply area. Whilst on the ground, should you detect that there are conductors/underground cables, located on the property, kindly contact the Municipality and you will be advised accordingly.</p> <p>Attached under B4(ii)</p> | <p>The EAP has noted the comments from ESKOM, but also noticed that the relevant electricity authority in the area is the Msunduzi Local Municipality.</p> | <p>The issue of discovery of underground cables while on site has been included in the EMPr and should be highlighted during the induction of the Contractor prior to the commencement of construction activities including site clearing.</p> <p>These cables are municipal ones as opposed to Eskom.</p> |