



Comments and Responses Report: Public Participation on Draft EIA Report

Proposed Granger Bay
Precinct Development at
the V&A Waterfront

DEA&DP REF: 16/3/3/2/A7/4/3051/25

DATE: 16 July 2026

PREPARED FOR
V&A Waterfront Holdings Pty (Ltd)



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DOCUMENT DETAILS

PROPOSED GRANGER BAY PRECINCT DEVELOPMENT AT THE V&A WATERFRONT | COMMENTS AND RESPONSES REPORT: PUBLIC PARTICIPATION ON DRAFT EIA REPORT

APPLICANT

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Report purpose

This Comments and Responses is prepared in accordance with the NEMA EIA Regulations (Regulation 41). The purpose of the Comments and Responses Report is to:

- Capture comments/ concerns raised by registered I&APs and Organs of State
- Respond to the comments submitted
- To facilitate informed decision-making

Authors

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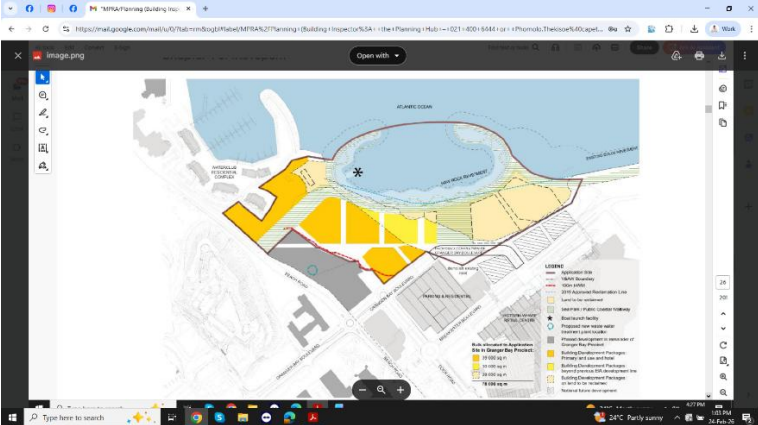
VERSION HISTORY

Date	Version
28 April 2026	Draft for Heritage Western Cape submission
16 July 2026	Updated for Amended EIA Report distribution

COMMENTS RECEIVED BETWEEN 01 JANUARY 2026 – 18 MARCH 2026 (BEFORE THE COMMENTING PERIOD ON THE DRAFT EIA)

Date	Method	Name	Interest	Comment / Query	Response
19/01/2026	Email	Stuart Burnett on behalf of The Built Environment Committee of the Green Point Residents and Ratepayers Association		Good day, I see your Final Scoping Report. Our only interest in this proposed development is protection of the Arc of Fire. I am not prepared to wade through a 200 page report just to ensure this protection is in place. Please give me that assurance so that we no longer need to be involved.	The Arc of Fire is addressed in detail in the Visual and Heritage Impact Assessments, which are now available with the draft Environmental Impact Assessment Report for public comment until Wednesday, 22 April 2026. The reports can be accessed at the following link: www.infinityenv.co.za/grangerbay We can confirm that the Arc of Fire was a key informant in the design of the proposed development.
16/02/2026	Email	Christopher Flack	Business	Good evening Trust you are well Unfortunately, I was unable to attend tonight as I'm currently away. Please could you share the outcome of the meeting tonight as this directly impacts my sole business of Jetski charters in granger bay. Will there still be a slipway to launch from to ensure the longevity of my company? Kind regards Chris Cape jetski experiences	Please note that the meeting materials from the stakeholder engagement meeting were distributed at the following link: 2026-03-19 Ocean Users Meeting Notes and Presentation. We can confirm that a new slipway is included as part of the development proposal. This is detailed in Chapter 2 of the EIA, which is now available for public comment until Wednesday, 22 April 2026, at the following link: www.infinityenv.co.za/grangerbay
24/02/2026	Email	Jane Meyer on behalf of The Mouille Point Ratepayers' Association		We are the Mouille Point Ratepayers' Association and we are registered as an I&AP. We are keen to get an idea of the timelines of the various builds planned for the V&A Development. We are particularly interested in the Granger Bay section of the V&A development plan, the area adjacent to The Waterclub and Oceana Power Boat Club - see screenshot below.	Thank you for your email. Prior to any construction commencing, various approvals are required. The project is currently undergoing an application process for environmental authorisation, which is currently anticipated to be concluded by early 2027. Should environmental authorisation be granted by the provincial Department

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					of Environmental Affairs and Development Planning, final approval will be required from the Minister for the reclamation of land, which is currently anticipated to be completed in 2027. Furthermore, a separate land use application process will also need to be completed. We hope the outline of the above procedures provides further clarity on the timing of the project; however, at this stage, it is not possible to provide exact construction timeframes.

COMMENTS ON THE DRAFT EIA REPORT RECEIVED BETWEEN 19 MARCH 2026 – 22 APRIL 2026

Date	Method	Name	Interest	Comment / Query	Response (interim and may be subject to change)
19/03/2026	Website	Jason Hunter	Business	I am writing to formally raise a concern regarding the planned development in the Granger Bay area and its potential impact on my business operations. My company has been operating out of the Oceana Power Boat Club since 2012. Over this period, we have established a fully functioning training and operational base in this location. I personally own two storage units in Granger Bay, situated behind the Oceana Power Boat Club, which are integral to our daily operations. Our business relies heavily on direct access to this specific area for the launching, retrieval, and storage of vessels and equipment. Any disruption to this access will have a significant and immediate impact on our ability to operate, resulting in substantial financial loss. Over the years, I have made considerable capital investments—amounting to hundreds of thousands of rands—into boats, jet skis, and associated equipment that are specifically utilised within this environment. In addition, I have recruited and trained multiple staff members to deliver accredited instructor-level courses based in Granger Bay, further reinforcing our long-term operational commitment to this location. Given the above, I kindly request clear assurance that appropriate measures will be put in place to ensure uninterrupted access and operational continuity throughout the duration of the development. It is essential that we are able to continue launching, retrieving, and storing our equipment from our current location without restriction. I would appreciate your urgent feedback on how this will be managed and what provisions are being made to support existing operators during this period. I look forward to your response.	The V&A Waterfront is the owner of the properties within the site footprint, with areas below the highwater mark previously leased from Transnet National Ports Authority (TNPA). Any lease agreements or management arrangements currently in place will be reviewed with tenants prior to the implementation of final management arrangements. A new slipway within the new bay will be constructed to replace the existing slipway at OPBC, and construction plans will provide for continuous access to a functioning slipway throughout construction. Functional requirements of the marine economy have also been considered, and space has been allocated at the ground floor level near the proposed new slipway for rentals, meeting facilities, equipment storage and other facilities. Slipway access and parking requirements have informed the design, specifically regarding space allocation for trailer parking. Slipway access has been specifically considered in the EIA (Section 6.2.14) The mitigation measures proposed include the complete construction, commissioning, and testing of the new slipway to a standard of full equivalent functionality (including launch and retrieval capability, approach, lighting, and associated facilities) and confirming this with a joint inspection before any restriction or closure of the existing slipway is implemented.

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19/03/2026	Email	Josh Sarembock	Business	I, unfortunately, am out of town and unable to attend the meeting on Monday. I was hoping to just get in touch regarding potential opportunities for hospitality space.	No specific areas for rental have yet been determined. Business opportunities and spaces to rent are being assessed by the V&A Waterfront, and parties who have expressed interest, including yourself, will be contacted in due course.
20/03/2026	Website	Peter Ridgway	Personal	I have launched and sailed my home built 5.75m wooden sailing lugger Julia from OPBC slipway 128x in last 5 years. Having cheap and easy access to Table Bay for local recreational users in a family friendly environment is paramount. For a club fee of R2070 (2025/6) per annum I get unlimited access to launching and parking my vehicle and trailer at the club. THERE IS NO OTHER RECREATIONAL ACCESS POINT INTO TABLE BAY for normal people like me who enjoy sailing a small dinghy. The RCYC is not an option for my vessel. 3 anchor bay trailer launch is not allowed. What is happening to the Slipway during construction and will there be access?	Slipway access has been specifically considered in the EIA (Section 6.2.14) The mitigation measures proposed includes the complete construction, commissioning, and testing of the new slipway to a standard of full equivalent functionality (including launch and retrieval capability, approach, lighting, and associated facilities) and confirming this with a joint inspection before any restriction or closure of the existing slipway is implemented.
				What is happening to the safe secure parking and the cost? It sounds as if the family friendly nature of OPBC and its members are being sidelined.	The design provides for parking in the podium levels of buildings closest to the new slipway. In terms of cost of access for the slipway, this will be determined in conjunction with the City of Cape Town when the operational management plan is reviewed and, if required, amended.
				Nobody appears to give us any answers and the destruction of the relatively safe dolphin friendly anchorage is going to be lost forever.	The marine mammal specialist has a higher confidence in the dolphins' return to the project site over time once construction has stopped, as previous studies provide evidence of this behaviour (See Appendix B4 – Marine Mammal Impact Assessment and Section 6.3.5 of the EIA). The impact is unavoidable due to the nature of the project. A Marine Mammal Monitoring Programme is included in the EMPr (Appendix D), which involves observing the dolphins' movement in the bay and adapting construction activities if necessary.
				I am not in favour of the proposal as it does not address the local social aspect of a family friendly club. My overseas sailor visitors love the basic simple family friendly environment. I have hosted 1 MGR580 sailor and another round the world sailor of 5 occasions in	Institutional considerations regarding the management of the new slipway have not yet been confirmed. Please see above response regarding parking considerations.

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				December 2025 who love the simplicity of OPBC vs the awful noisy commercialised Waterfront moorings they rented from 1 Dec 2025 to 7 Jan 2026. The combination of commercialised shopping centre with basic friendly local club made them smile they have not seen this happy coexistence anywhere in the world. Please keep us unique. Tell us how OPBC will be accommodated. Tell us where we will park. Tell us what it will cost. Tell us what you will do to maintain the friendly social family access please. 	The entire coastal walkway and coastal park is intended to serve as public amenity space for social and recreational activities. Careful consideration will be given to the land uses and activities along the edge of building packages, but these are anticipated to provide positive public interfaces indicated in the development concept (See Figures 2-10 & 2-11 in Draft EIA Report) and as assessed in the Visual impact Assessment (Appendix B8).
20/03/2026	Website	Tara Heeger	None declared	As a resident of Noordhoek I welcome any developments that can promote work and tourism in the area. I also hope for opportunities for my agency www.heegerdesigns.co.za as we support many tourism companies	Your support for the project is noted.
20/03/2026	Email	Iaan van Heerden		How much, from where and how do the developers propose to move the fill required to site.	Please refer to Section 2.2.1 on page 62 of the draft EIA report for information on the construction of the breakwaters.

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					Construction and reclamation will generate sustained heavy-vehicle movements associated with the importation of approximately 351 000 t (≈ 125 000 m³) of rock material to the site over a two-year period. Based on input from the project civil engineers (Nadeson, September 2025), this equates to about 16 700 truckloads, averaging 35 loaded trips per day, or 4–6 trucks per hour during active daytime haulage. Most material is expected to be hauled from Dorstberg and other quarries via Contermans Kloof → N7 → N1 → Buitengracht (M62) → Helen Suzman Blvd (M6) → Granger Bay Boulevard. Construction activity will likely be confined to standard daytime hours, with deliveries restricted during commuter peaks. A detailed Traffic Management Plan (TMP) will prescribe specific controls for scheduling, haul-route maintenance, signage and coordination with the MyCiTi Operations team and the City's Urban Mobility Directorate. The final haul routes will be confirmed as part of the TMP process, which will include engagement with the relevant City departments and affected stakeholders in accordance with the City's procedures for managing temporary road closures and traffic impacts. Please see the updated Transport Impact Assessment (TIA) (Appendix B9) for more information.
21/03/2026	Website	Frans Van der Walt		Please share all available documents	All documents published as part of the commenting period on the draft EIA Report are available on our website at www.infinityenv.co.za/public/grangerbay .
22/03/2026	Email	Abdullah Saleem	Business	I have been trying to get hold on leasing management to apply for a retail store, unit or kiosk space. Please advise.	No specific areas for rental have yet been determined. Business opportunities and spaces to rent are being assessed by the V&A, and parties who have expressed interest, including yourself, will be contacted in future.
28/03/2026	Email	Abdullah Saleem	Business	Good day, How do I approach the leasing management for a retail unit/kiosk to let?	

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23/03/2026	Email	Emily-Jane Vowles On behalf of Heritage Western Cape		Good Day Thank you for providing notice of the Draft Environmental Impact Assessment Report. In response to the Section 38(8) Notification of Intent to Develop (NID) submitted for the proposed V&A Granger Bay development, Heritage Western Cape (HWC) issued a comment on 25 June 2025 under case number HWC25061214SJ0612 that a Heritage Impact Assessment is required. Further action in terms of the National Heritage Resources Act is therefore required before HWC can issue a final comment. Please liaise with the heritage practitioner undertaking the HIA to ensure it is submitted timeously and in accordance with HWC standards in order to receive our final comment.	The Heritage Impact Assessment (HIA) inclusive of the Visual Impact Assessment (VIA) and Archaeological Impact Assessment (AIA) has been circulated for comment with the EIA report for the 30-day commenting period. The draft EIA report has been submitted to HWC along with the Comments and Responses Report. The final comment from HWC is included as Appendix C2. The final comment endorsed the findings of the HIA, stipulating that the recommended mitigation measures must be included for implementation in the EMPr (see Appendix D).
25/03/2026	Email	Luis Alberto Benassi		Hope this email finds you well. We are currently developing CoPlaza, a placemaking concept designed to activate urban spaces through a multifunctional community hub focused on movement, family, creativity, and community activation. The idea is to create a welcoming neighbourhood destination that adds value to the community. I came across the Grangerbay redevelopment and would love to better understand whether there may be opportunities, now or in future phases, for community-focused uses or pilot activations within the broader vision for the site. I share a short overview of the concept. I would greatly appreciate being pointed to the appropriate person to speak with.	Thank you for your concept overview. Detailed uses of building packages are not considered as part of the EIA process, but this has been passed on to the applicant for their consideration.
30/03/2026	Website	Christine van Zyl		Good morning,	This has been considered in the Functional Requirements report (Appendix G1 of the EIA Report), under "Section 2.2 Materials". The report states that:

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				I wanted to ask about design considerations and sustainability options that the project will be looking into during actual construction. For example, using indigenous Cape Rock Wild Oyster, Black Mussel and other shells from restaurants to build new reefs that also serve as natural breakwaters. There are case studies such as on the Gulf coast in America with programmes to recycle oyster shells to repair areas that were overharvested. I think the V&A Waterfront is uniquely situated to do something similar with the waste management system already in place and all the restaurants that serve seafood. It may be worthwhile to consider how the breakwall can be built with structures in place for reefs to grow on.	<i>"To try and limit the impact the use of concrete on the environment consideration will be given to more sustainable ways of using concrete, such as:</i> <i>Using locally available aggregates, cement, and cement extenders wherever possible.</i> <i>Using low embodied carbon cement extenders, such as fly ash and calcined clay (metakaolin), wherever possible.</i> <i>Using recycled aggregates, wherever possible.</i> <i>Introducing specialised admixtures and element shapes to encourage growth of marine life and the formation of biodiverse marine habitats, wherever possible". – page 8.</i> These design considerations will be included in the amended EMPr (Appendix D) as part of the Pre-Construction Phase mitigation measures. Regardless, the Marine Impact Assessment (Appendix B3) anticipates a low positive impact in terms of habitat creation for the West Coast rock lobsters that currently inhabit a similar artificial dolosse environment.
30/03/2026	Open House	Karen Watkins		This development should not be allowed until CofCT makes a plan to deal with refuse entering the oceans/MPA. CT is surrounded by ocean and it is a windy city. We cannot continue to allow rubbish to enter the sea.	The applicant is the V&A Waterfront, and solid waste control measures have been included in the EMPr (Appendix D of the EIA) for the construction phase, as well as Stormwater Quality Monitoring and Coastal Water Quality Monitoring during the post-construction phase of the development. It is anticipated that more detailed designs for waste management infrastructure (bins, recycling facilities, signage, etc.) will be addressed at the Site Development Plan stage prior to construction. Broader solid waste management in the metropolitan area remains the mandate and responsibility of the City of Cape Town.
30/03/2026	Open House	Liesel van Niekerk		Very exciting. I'm most impressed with the coastal engineers!	Your support for the project is noted.

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30/03/2026	Open House	Steven Saunders		Please go ahead as soon as possible – a catalytic project for the City.	Your support for the project is noted.
10/04/2026	Email	Shane Watkins		Subject: Formal Objection to the Proposed Granger Bay Precinct Development and Associated Land Reclamation I write to you in my capacity as a resident and owner at The Waterclub in Granger Bay. I hereby submit my formal objection to the proposed development of the Granger Bay Precinct by the V&A Waterfront, including the construction of coastal protection infrastructure, namely two breakwaters, and the reclamation of land from the marine environment. This objection is lodged in terms of the public participation process under the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended). My concerns relate to (i) significant and potentially irreversible impacts on the marine environment, and (ii) the implications of the proposed reclamation for public trust resources and equitable access. 1. Marine Environmental Impacts The proposed activities entail substantial physical modification of the coastal and marine environment. Such interventions trigger well-established risks, including but not limited to: - Alteration of hydrodynamic regimes (wave action, currents, and sediment transport processes), with consequential impacts on shoreline stability and adjacent coastal systems; - Direct loss and/or degradation of benthic habitats and associated marine biodiversity within the footprint of the proposed reclamation and breakwater structures;	Your objection is noted. Responses to comments are outlined below. The PRDW modelling reports (Appendix G) and the Oceanography Impact Assessment (Appendix B5) assess the possible changes to wave dynamics in detail in their specialist reports. The Marine Impact Assessment (Appendix B3) assesses effects of the proposed development on various marine habitat types, and the Marine Mammal Impact Assessment (Appendix B4) assesses effects on marine mammal species specifically. The Marine Impact Assessment confirms that it is unlikely that the development will result in significance, long term changes to ecological processes of Table Bay or surrounds. Residual circulation within the development modelled by PRDW indicates a twin-eddy pattern that promotes internal flushing. Circulation is stronger

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				- Increased risk of eutrophication and declining water quality within the proposed sheltered basin, arising from reduced flushing and circulation; - Cumulative ecological impacts within the broader Table Bay system, which may not be adequately captured in a site-specific assessment. In terms of section 2 of NEMA, particularly the precautionary principle and the requirement that negative impacts on the environment be anticipated and prevented, or where they cannot be altogether prevented, minimised and remedied, it is not evident that the proposed development sufficiently demonstrates avoidance or minimisation of harm. The potential for irreversible ecological degradation is of particular concern.	in summer due to prevailing south-easterly winds. No significant changes in current patterns are predicted beyond approximately 300 m from the development footprint. Water quality monitoring during construction is proposed in EMPr (Appendix D) and cumulative impact ratings are provided for each ecological impact, with a specific discussion in the EIA report (Section 5.6.3). The principles of NEMA are discussed in Section 4.3.6 of the EIA. The iterative design of the development was informed by wave modelling studies done to ensure the breakwaters can function optimally while not significantly impacting on neighbouring developments such as the Waterclub Marina. Previous heritage studies and planning approvals for adjoining sites have informed the heights, massing as well as view corridors of the development, actively avoiding negative impacts on visual resources. Loss of soft sediment marine habitat is unavoidable given the nature of the proposed development; however various mitigation measures have been provided in the EMPr (Appendix D) to minimise and manage further ecological degradation from post-construction activities.
				2. Public Trust Doctrine and Coastal Access The proposed reclamation of land from the sea raises substantive concerns regarding the alienation or effective privatisation of coastal public property. In terms of the Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), coastal public property, including the seashore and seabed, is held in trust by the State for the benefit of all citizens. While the proposal references increased public access, it is unclear to what extent such access will be meaningful, enforceable, and protected in the long term. Mixed-use developments of this nature frequently	Access along the breakwaters will need to be controlled to ensure public safety during unsafe weather conditions. It is anticipated that public access provisions will be determined through the Site Development Plan approval process with the City of Cape Town; through the environmental audits required should Environmental Authorisation be granted under NEMA; as well as conditions imposed by the Minister should approval be ratified by Parliament for land reclamation.

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				result in de facto exclusivity, notwithstanding nominal public access provisions. The transformation of marine space into commercially driven, privately controlled land uses risks undermining the State's custodial obligations and setting an undesirable precedent in respect of the utilisation of coastal public property.	
				3. Adequacy of the Environmental Impact Assessment Process Given the scale, complexity, and permanence of the proposed works, I have concerns regarding the adequacy of the Environmental Impact Assessment process, specifically: • Whether sufficient consideration has been given to feasible and less environmentally damaging alternatives, including the "no-go" option; • The extent to which cumulative and long-term impacts have been robustly assessed; • Whether independent specialist inputs have been sufficiently rigorous and subject to peer review. In accordance with NEMA, decision-making must be informed by transparent, comprehensive, and scientifically defensible information. It is not clear that this threshold has been met.	The impact assessment in Chapter 6 of the EIA report has considered the "no-go" alternative as well as cumulative impacts, with a section dedicated to significant cumulative impacts (Section 5.6.3). Specialist assessments have been reviewed and incorporated by the EAP. Peer review is not a requirement of the EIA Regulations, however previous engagement has served as key inputs into specialist reports. It is the opinion of the EAP that the information provided to the Competent Authority meets the information requirements as set out in NEMA (Section 1.11.1 of the EIA) and that this information is sufficient to facilitate informed decision making, notwithstanding that the Organs of State and Competent Authority can request additional information should they deem this necessary.
				4. Conclusion In light of the above, I submit that the proposed development poses unacceptable environmental risks and raises significant legal and public interest concerns. The anticipated benefits do not outweigh the potential for irreversible harm to marine ecosystems and the erosion of public rights in respect of coastal resources. I therefore respectfully request that the competent authority refuse environmental authorisation for the proposed activities. Alternatively, the application should be remitted for further investigation, with a particular	The specialist studies undertaken, particularly the Marine Impact Assessment and Oceanography Impact Assessment, have not identified any marine impacts that would pose an unacceptable risk to the environment.

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				focus on environmental avoidance, minimisation of impacts, and the protection of coastal public property.	
15/04/2026	Email	Ruth Howard		Granger Bay is home to a resident pod of Heaviside's dolphin. These dolphins are a significant natural asset and a major attraction enjoyed by thousands of people each year from boats, SUPs, and kayaks. Increased marina development, vessel traffic, and associated construction pose a direct risk to this sensitive marine environment and the wellbeing of this resident population.	Of the anticipated responses from the dolphins, the marine mammal specialist has a higher confidence in the dolphins' return to the project site over time once construction has stopped (medium confidence) than in their complete abandonment of the site (low confidence), as previous studies provide evidence of this behaviour (See Appendix B4 – Marine Mammal Impact Assessment and Section 6.3.5 of the EIA report). The impact is unavoidable due to the nature of the project. A Marine Mammal Monitoring Programme is included in the EMPr (Appendix D), which involves observing the dolphins' movement in the bay and adapting construction activities if necessary.
15/04/2026	Telephone call	Lauren Strimes		Telephone call from Ms Lauren Strimes on 15 April 2026 at 11h15: Ms Strimes expressed concern about the feral cat population in the project area and the potential impact on the cats of the proposed construction. She suggested that the cats would need to be trapped and sterilised by an appropriate welfare organisation, and requested registration to receive notice of the construction timeframes.	This matter will be investigated closer to the time of construction and appropriate measures implemented to avoid harm to feral cats.
17/04/2026	Website	Meagan Nell		Good Day As a local resident and fan of the V&A waterfront: I hereby formally submit my comments against the further development of Granger Bay. Traffic Congestion: residents and locals have expressed their concerns that the development of the V&A will cause a further traffic "nightmare". Dock Road is already notorious for the amount of traffic congestion it experiences on the daily basis, furthering the V&A will result in road closers and fenced of sites for construction. Not to mention the in and outs of the heavy machinery needed for the project. This will have a major impact on the flow of traffic for locals relying on that road to reach important destinations as work and schools, as well as	Your objection is noted. The updated TIA (Appendix B9) indicates that with various improvements to non-motorised transport (NMT) facilities and public transport, there is sufficient capacity in the external road network to accommodate the development proposal. The TIA specifically assessed the impacts of the construction phase activities on the road network, particularly vehicle congestion and wear and tear on roads and pavements.

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				the added stress on the infrastructure on the physical road itself. SA already has a pothole problem and a trend of neglecting an area that has been developed or maintained, building rubble and damage in those areas are seldomly removed or repaired.	
				Marine Impact: I proudly speak for the rights of our Marine life. SA has a strong conservation culture and appreciation for our wildlife. Our coastlines attract thousands of species for breeding and is an important space for the life cycle of many marine animals (southern Wright whales, African Penguins, Cape Fur Seals and many more) this development site will chase away those very important mammals as well as other marine life that are vital for balancing the natural environment of the rockpools and coral found in that area. Even 3.2 hectares of ocean land isn't worth the lives and habitat of our very protected animals. We have some of the most progressive environmental laws in the world (NEMA, EAls, ICM, NEMBA) and this fact should not be forgotten when proposals are presented.	The Marine Impact Assessment (Appendix B3) as well as the Marine Mammal Impact Assessment (Appendix B4) have assessed the anticipated impacts on marine animals specifically. Proposed mitigation measures to avoid harming marine animals have been included in the EMPr (Appendix D), as well as a Marine Mammal Monitoring Programme to track the marine mammals' response as construction progresses. No unacceptable environmental risks have been identified by the specialists.
				Public Access: Every South Africa citizen has the right to access our beaches. This development is a commercialized project for personal profit and has absolutely no benefits for the local people. Privatizing land along our coast is a direct attack to our rights as citizens. We should not have to pay or even ask permission from a private land owner to access spaces previously open to the public.	Provision is made for public amenities within the design of the proposal along the coastal walkway, the breakwaters, as well as a public coastal park. As set out in the EIA Report, the proposal is that public access will be possible on the same basis as the remainder of the V&A Waterfront, and facilitating public access to the coastline is a key part of the proposal. Coastal public property (land below the high water mark) remains the property of the state, and it is the applicant's intention to apply for a coastal lease or coastal lease permit to provide for management of the proposed breakwaters and coastal infrastructure. Access along the breakwaters may need to be controlled during extreme weather conditions to ensure public safety.
				Coastal Protection: Last but not least the process of installing breakwaters and revetments will negatively	Existing coastal protection for this part of the coastline requires maintenance and upgrades and has

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				affects wave heights and erosion in that area, we are already struggling with crumbling infrastructure as is why add to that list? Not to mention our wet season leading to flooding in the flatter areas. No point in having promenades to walk on if their covered in water or crumbling away which of course will lead to more construction to fix those problems. It's an on going cycle of interfering with the natural environment and the lives of locals whom would be subjected to constant traffic congestion, loud and disruptive noises through the course of the day and unwanted amounts of increased tourists loitering around. Thank you	diminished in effectiveness since implemented some 30 years ago. Permanent coastal protection is required and the proposed development would provide coastal protection infrastructure for this vulnerable section of coastline, as well as provide coastal and public amenities within the eastern breakwater. In the absence of the proposed coastal protection, the site will continue to be impacted and this piece of coastline will remain vulnerable to storm surges, as described in the Climate Change Impact Assessment (Appendix B1 to the EIA Report). Please refer also to the Noise Impact Assessment for the construction phase (Appendix B10) which addresses the noise nuisance concerns, and the Transport Impact Assessment in Appendix B9.
21/04/2026	Website	Donnet Dumas	None declared	To Whom it May Concern, Please find my comments on the draft Environmental Impact Assessment report put together by yourselves. I find it curious, and an oversight, that the environmental impact assessment report can rate the impact (with mitigation) on marine mammals as 'low negative' when it also states that long term and proper assessment of the population of the resident Heaviside dolphins has not been conducted, or looked into. Additionally, the EIA also claims that they cannot predict how the dolphins will react to any phase of the proposed development. Add to this that there is no specific assessment on the near threatened Heaviside dolphin population as there is with the rock lobster population in the area - further assessment and feedback for this population needs to be conducted and shared with the public. For instance, it is important to understand if the population uses the area as a nursery for their young, which could help improve their near threatened status. This is especially important because the species is endemic to the Benguela Ecosystem. I would also like to know, if Heaviside dolphin is a species that is listed as near threatened, and little research is	The impact assessment included in the EIA Report is a summary of the Marine Impact Assessment by Anchor Environmental and the Marine Mammals specialist study by Dr Simon Elwen of Sea Search, both of which are appended to the EIA Report (Appendices B3 and B4 respectively). It is therefore not accurate to suggest that assessment has not been conducted. Pages 15 to 17 of the specialist study describe previous population studies and behaviours and activities recorded in the site area and surrounds. The rating of low negative may seem low but these are broad categories standardised across all aspects of the impact assessment and in this case is affected by the highly localised nature of project impact in comparison to the typical range of individual Heaviside's dolphins (~ 20-30km along shore and out to 100m depth, Elwen et al. 2006) and the species as a whole species (e.g. Elwen et 2008 PhD and Elwen et al. 2009). It is also the rating when partial abandonment followed by complete return is assessed. Abandonment and incomplete return are assessed separately and rated as medium accordingly as this is the more severe impact.

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				available on the population - on what basis can the EIA list the impact on this species as 'low negative' (after mitigation) when there is no evidence to show this in the report?	It is agreed that there is no current scientific assessment of this population of animals in terms of density, numbers, individual residency etc, but available data (e.g. Behrman MSc thesis 2011, Sea Search data for Table Bay, several other studies on the species from other areas) suggest there are likely to be several hundred individuals using the area. It is recommended within the EMP the directed monitoring is conducted to address some of these knowledge gaps. Ideally conducted as a properly set up before-after-control-impact study design. In terms of impact – there are several mitigating factors that support the evaluation of medium and low 'significance'. 1) The entire area is already artificial showing that dolphins have (re)inhabited the area after the initial constructure of the harbour walls etc (dolphin presence prior to this is actually unknown but assumed), 2) there are several international studies of similar large scale harbour/bridge construction projects which have shown a pattern of 'move away but return', 3) Heaviside's dolphins in particular have very high frequency hearing and communication sounds (>80 kHz) while their low frequency hearing (e.g. boat engines, construction noises) is fairly poor, so noise related impacts are likely to be lower than one assumes based on a human perspective. The uncertainties reported in the EIA Report relate to the behavioural responses by the Heaviside's dolphin – it is of course not possible to predict with full certainty how any animal will respond to change, and this uncertainty is reflected in the impact assessments by the specialist which consider both outcomes.
				In 3.3.7.1.1 you state: “with vagrant dolphins periodically observed in the port”, citing Wright et al., 2025. However, you then also provide contradictory evidence to this in	It is important to distinguish between the Port of Cape Town where dolphins are only periodically observed, and the Granger Bay study area, where they are

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				'Table 3-5' where you also cite Elwen (2025) where you show that Heaviside's dolphins and African dusky dolphins are observed on a daily basis - not periodically. This contradiction needs clarification or rectification.	more commonly observed on a daily basis. Please refer to the specialist studies in Appendices B3 and B4 to the EIA Report for further details. The marine mammal specialist confirms that dusky dolphins do visit Granger Bay regularly based on available visual/survey and acoustic survey, but it is not published. A short-term study over New Year 2024/2025 looking at the soundscape of Granger Bay (as part of a study investigating the potential impacts of fireworks on animals in the area) showed that in 33 recording days, Heaviside's were acoustically detected on 26 days (mainly in the early hours of the morning till noon) and dusky dolphins on 15 of 33 days with sightings tending to cluster in a bout of a few days. This is supported by previous acoustic work in the area (Combes MSc thesis, 2017) -- see Marine Mammal Impact Assessment by Simon Elwen, 2025 (Appendix B4). The marine specialist report (Appendix B3) has been updated to remove any ambiguity regarding to residence times for both species.
				A Wikipedia search will bring up the following relevant information on the Heaviside dolphin: "Geographic range <i>The species is strongly associated with the cool waters of the Benguela Ecosystem. Although the southern limit of the range is defined as Cape Point, the real southern limit beyond which sightings are extremely rare is Hout Bay, some 40 km (25 mi) to the north (a considerable distance for a species which shows very high site fidelity to quite small spatial scales when nearshore). The species occurs more or less continuously for 2,500 km (1,600 mi) to the north of this along the South African coast, through Namibia and into southern Angola where the northern boundary for the species remains poorly defined. Several dolphins have been sighted or accidentally caught by fishing vessels north of the Angola-Namibia border.^{[12][13][14][15]} but no sightings were reported during a series of coastal scientific surveys at Tombua which is</i>	Cetacean expert Dr Simon Elwen prepared the marine mammals impact assessment included in the EIA Report and has referred to the relevant literature on Heaviside's Dolphins.

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				approximately 170 km into Angola but well south of the defined northern boundary of the Benguela Ecosystem. The northern boundary of the Benguela current shifts north and south seasonally and as Heaviside's dolphins appear closely linked to its cool waters, their northern range limit may shift along with water conditions.^{[4][5]} Systematic surveys have dedicated effort to describing the distribution in southern South Africa ^[10] and current research efforts focus on local populations in Walvis Bay and Lüderitz, Namibia. ^[16] These locations are also popular hotspots for watching these dolphins in addition to Table Bay (Cape Town) and Britannia Bay, South Africa. Sightings are common from land and there are several dolphin watching tour companies by which Heaviside's dolphins can be seen by boat. ... Home range and site fidelity Heaviside's have small home ranges of 50–80 km (31–50 mi) as measured using satellite telemetry over 2–3 months and photographic resightings over up to 3 years. ^[24] Some individuals have been resighted at the same location for up to 10 years. ^{[24][25]} ... Threats Heaviside's dolphins are exposed to a variety of threats given their limited range in coastal shallow waters which are subject to a range of anthropogenic activities. ... Climate change Heaviside's dolphins are listed amongst the cetacean species most vulnerable to climate change ^[34] as they are limited to a distribution range that includes both suitable shelf habitat and cool water temperatures (Best, 2007). The Benguela Current is the only eastern-boundary current bordered by warm-water currents at both its northern and southern limits. Consequently, small increases in water temperature could result in all shelf waters in this area becoming too warm for both species,	

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				and populations are expected to decline rather than shift poleward due to a lack of shelf habitat. ... Boat interactions Heaviside's dolphins may be exposed to increase in the marine eco-tourism business in Namibia, which has grown without regulation in Walvis Bay (Leeney, 2014). Negative effects have been demonstrated for other coastal cetacean species, for example the impact of tour boats on bottlenose dolphin behaviour in Walvis Bay includes a reduction in resting behaviour and an increase in socialising behaviour in the presence of tour boats (indurkyhua). One Heaviside's dolphin was documented in 2010 with evidence of a propeller strike along its flank. As individuals have small home ranges, they may be vulnerable to localised threats." (my highlights) Based on the extracts above, I fail to see how with just this small bit of information, which is publicly accessible (including links to many research papers), the area where this population of dolphins can be seen as being impacted in a 'low negative' way. The EIA either needs to share more detailed information on how they came to their assessment conclusion category listing, or include further available research paper and re-assess this category listing to a higher impact listing.	See responses above. The low negative rating is consistent with the impact assessment methodology and associated definitions/statements. It should be noted that partial abandonment followed by complete return is assessed separately from complete abandonment alone. The latter is clearly more severe and is therefore rated as medium accordingly. Partial abandonment is considered the more likely scenario, and a return to pre-construction levels is expected; therefore, it does not warrant a medium rating in this instance. The EIA Report is a summary of the specialist studies on this matter, which provide more detailed assessment and reasoning for the impact assessments. Impacts are reported for the higher-confidence scenario in which dolphins return to the site after completion of construction activities, as well as for the scenario deemed less likely, in which dolphins avoid the area after completion.

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				Further Comments: <u>Chapter 4</u> 4.5 - Marine Living Resources Act (Act 18 of 1998, as amended) - Clearly states that the area for proposed development is situated in a 'closed area' for marine rock lobster 4.7.2 - References the National Environmental Management: Biodiversity Act Threatened or Protected Species Regulations: <i>"NEM: BA enables the Minister to prohibit activities that may impact the survival of species in the wild, and to regulate activities to ensure sustainable use of indigenous biological resources. There are likely to be threatened or protected species present in the site area, including the Near Threatened Heaviside dolphin identified in the Marine Impact Assessment (Appendix B3) ..."</i> <i>"In term of these regulations, no person may carry out a restricted activity (which includes "harassment", defined as behaviour or conduct that "threatens, disturbs or torments a live specimen of a listed threatened or protected marine species, and includes—... (b) in the case of a whale, approaching a whale with a vessel or aircraft closer than 300 metres..." unless the Minister has exempted him/her from carrying out of such restricted activity in terms of section 57(4) of the Act. As such, no vessel or aircraft may approach closer than 300 m to any whale, and a vessel should move to a minimum distance of 300 m from any whale if a whale surfaces closer than 300 m from a vessel or aircraft.</i> <i>Three species of whale and three species of dolphin are known to occur in Table Bay at various times of the year, all of which may come within a few kilometres of, or into, Granger Bay."</i>	Harassment is a very broad definition and includes anything from 'changing behaviour' to physical harm – including things like fireworks. - see this paper for some relevant discussion on the issue: https://www.researchgate.net/publication/398338769 Assessing the short-term impacts of in-air firework sounds on marine species in Cape Town South Africa. The paper states on page 10 "Similarly, in South Africa, TOPMSR40 defines harassment as behaviour or conduct that threatens, disturbs, or torments a listed threatened or protected marine species. Hartlaub's gulls and Cape fur seals, along with many other species found at the V&A and Robben Island, are protected or vulnerable as per the TOPMSR, which prohibits the harassment of all listed species, unless for scientific, conservation, or management purposes, in which event a permit is required" (Probert, Elwen & Gridley, 2025). The proclamation of the Table Bay Rock Lobster Sanctuary was intended to support the recovery of over-exploited species such as West Coast rock lobster and abalone, primarily through the restriction of extractive activities. While the proposed development falls within this sanctuary area, the project does not involve any extractive use of rock lobster (i.e. no harvesting, collecting, or fishing). The sanctuary regulations are aimed at prohibiting such extractive activities, rather than all forms of coastal infrastructure development. The potential for temporary disturbance to rock lobster habitat during dolosse removal has been explicitly assessed and is addressed through targeted mitigation measures and allows for recolonisation following installation of new or reconfigured dolosse. There is no spatial overlap with any formally declared MPA.

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				"The proclamation of this MPA was also aimed at facilitating species management and supporting stock recovery of over-exploited species such as West Coast rock lobster <i>Jasus lalandi</i> and abalone <i>Haliotis midae</i> stocks. The entirety of Table Bay falls within a rock lobster sanctuary, and no West Coast rock lobster (<i>J. lalandi</i>) may be caught, either recreationally or commercially. The relevant regulations state "(13) No person shall, in any manner or for any purpose, engage in fishing, collecting or disturbing west coast rock lobster within...The area within 12 nautical miles seaward of the high-water mark between, as northern limit, a line (270° true bearing) drawn through a beacon marked MBI and situated at Melkbos Point, and as southern limit, a line (270° true bearing) drawn from a beacon marked HD1 at "Die Josie" situated near Chapman's Peak south of Hout Bay" (Figure 3-11)." The area of the proposed development falls within this 'closed area' and intersects with the MPA and therefore would be in direct violation of these regulations.	
				4.15.5 Claims that: "The proposed development at Granger Bay aligns closely with the objectives of the Table Bay District Spatial Development Framework (DSDF). It promotes land use compatibility through a blend of residential, commercial, and public spaces in a high-value, economically strategic area. Its location within the V&A Waterfront supports the DSDF's emphasis on accessibility and transit-oriented development, while also reinforcing the V&A Waterfront's role in Cape Town's visitor economy. By fostering job creation and enabling diverse commercial activity, the project advances the DSDF's economic development goals. Furthermore, it supports spatial integration by enhancing the existing urban fabric without contributing to urban sprawl." However, the proposed development is proposing to reclaim land from the ocean. Development in the V&A Waterfront area can still align with the above objectives of the DSDF by adjusting their proposed development to not include reclamation of any ocean land. There is no	The applicant has put forward multiple motivations for the reclamation. As confirmed in the Climate Change Impact Assessment (Appendix B1), extreme weather events in combination with sea-level rise are anticipated to increase the strain on existing coastal protection infrastructure. This section of shoreline is already degraded, consisting of a rocky beach with remnants of previous fill material. The site experiences significant overtopping during winter storms. Current access to the shoreline exists in the form of the timber walkways and existing slipway at the Oceana Power Boat Club (OPBC). The current proposal aims to meet the need for improved coastal protection infrastructure, which would unlock the underutilised coastal site to be further developed within an existing strategic urban node and increase its use as a major public amenity for metropolitan Cape Town and visitors to the city. The design includes new public coastal amenities,

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				sufficient proof that there is a <u>need</u> to reclaim and develop further into the ocean in order to enhance the area in lieu of upgrading the existing land.	providing improved public access to the coastline as envisaged in the Integrated Coastal Management Act. The EIA Report responds to the requirements of the EIA Regulations to consider need and desirability, including the level of fit with local spatial planning frameworks. That the project is consistent with planning frameworks is not the only motivation for the proposed development.
				Regarding 4.15.6 "The National Coastal and Marine Spatial Biodiversity Plan (NCMSBP) presents Critical Biodiversity Areas (CBAs) as sites that have been identified as being of high conservation priority by the marine biodiversity science community, using the global best practice of Systematic Conservation Planning to integrate the best available knowledge of marine and coastal biodiversity whilst striving for spatial efficiency and conflict avoidance where possible. Ecological Support Areas (ESAs) are often associated with CBAs. The ESAs include all portions of Ecological or Biological Support Areas that are not already within MPAs or CBAs, and a 5 km buffer area around all MPAs (where these areas are not already CBAs or ESAs). Within ESAs, negative impacts of human activities on key biodiversity features are managed and minimised to maintain the features in at least a functional, semi-natural state and/or to allow the area to improve in ecological condition. The proposed Granger Bay area overlaps with an ESA at the western edge (at the Oceana Power Boat Club) but otherwise falls entirely outside of any CBA delineated areas." As the proposed development overlaps within an ESA the development and any land reclamation should not be approved here. And therefore, any land reclamation into this area should be listed as a 'high negative' category.	The proposed site for the Granger Bay development overlaps minimally with an ESA area (eastern part of development). Within ESA areas, according to the Sea Use Guidelines Harris et al. 2022, coastal development is restricted within ESAs, subject to a robust site-specific, context-specific assessment to determine the activity compatibility depending on the biodiversity features for which the site was selected. The impact assessment presented takes this into account. The area of concern does not contain irreplaceable features. Indeed, this area has already previously been developed for the existing Granger Bay harbour, including existing dolosse revetment. The reclamation will be minimal in this area, and the anticipated impact is considered to be low with mitigations in place. Indeed, the reinstallation of dolosse (and potentially marginally expanding the amount of dolosse in this area) would likely result in a net positive benefit on marine resources due to the introduction of potential rock lobster habitat. The bulk of the proposed footprint is not selected as either a critical biodiversity area or an ecological support area (ESA). A small area of the proposed western breakwater is within an ESA. The management objectives for an ESA are to manage and maintain biodiversity features in a functional, semi-natural state or better. As assessed in the marine impact assessment, the proposed development is

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					not anticipated to have unacceptable negative impacts on marine ecosystem function.
				<u>Chapter 6</u> Regarding point 6.2.2 “The proposed harbour development at Granger Bay will involve the removal and alteration of existing dolosse to accommodate new infrastructure. This activity is expected to result in the displacement, injury, or mortality of any West Coast Rock Lobsters that currently inhabit the dolosse. The impact will be intense, highly localised, and concentrated ...” This clearly states that the proposed development will again be in breach of the Marine Living Resources Act (Act 18 of 1998, as amended) and National Environmental Management: Biodiversity Act Threatened or Protected Species Regulations by causing harm to the rock lobsters that currently inhabit the proposed development area. Any disturbance of the rock lobster habitat and its nursery areas should immediately be categorised as a ‘negative high’ category.	The mitigation measures proposed in respect of rock lobster impacts include the relocation of these organisms from the work area before work commences, in line with a permit to be applied for. Both the MLRA and the NEM:BA provide for permitting of the required mitigation measures. While the impact on West Coast rock lobster associated with dolosse removal is acknowledged, the marine specialists do not agree that the activity necessarily constitutes a ‘negative high’ impact or an unavoidable breach of the MLRA. The assessment explicitly recognises the risk of displacement or harm; however, this impact is highly localised, temporary, and can be effectively mitigated. In particular, the following measures are proposed: - Phased work to avoid large-scale, simultaneous habitat loss - Pre-removal surveys to identify high-density lobster aggregations - Active translocation of individuals from high-density zones to suitable adjacent habitat. These mitigation measures are designed to minimise direct mortality, maintain local population structure, and avoid the loss of key nursery areas. Importantly, the phased approach allows for progressive recolonisation as new or repositioned dolosse are installed. Given the species’ mobility and demonstrated capacity to recolonise artificial reef structures, the reinstatement and expansion of dolosse infrastructure is expected to facilitate relatively rapid habitat recovery. As such, the long-term outcome may include stabilisation or even localised enhancement of habitat availability, potentially resulting in a neutral or net positive effect over time.

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				<u>CHAPTER 8</u> 8.3.7 Brings attention to Coastal Public Property and Exceptional Circumstances and states "As the proposal involves land reclamation, it must meet the threshold of "exceptional circumstances" under the Integrated Coastal Management Act. The motivation includes: • Location dependency within an already transformed urban coastal precinct; • Absence of reasonable land-based alternatives; • Improved public access to the coastline; • Enhanced coastal protection and risk management; and • Comprehensive environmental assessment and mitigation." <u>In response to the motivations above:</u> <u>Point 2</u> - There could be numerous alternatives to develop existing land without reclamation. There are swathes of parking lots that are underutilised in this area that, with creative thinking and planning, could turn the existing land into something that has better potential for commercial interest as well as public access. Because there is land to develop here this does not constitute an exceptional circumstance or high motivation factor. <u>Point 3</u> - The proposed development does not improve access to the coastline - it only creates more coastline that it will then grant access to. This does not warrant an exceptional circumstance - more coastline is not needed. However access to the existing coastline could be upgraded. And this should be the focus. Therefore this is not a motivational factor. <u>Point 4</u> - As with point 3, the current state of the existing coastline should be protected and upgraded. There are insufficient alternatives to upgrade the existing landscape in its current state given by the developer.	The competent authority for the proposed reclamation is the DFFE national Minister, who is expected to apply his mind to determine whether the applicant's proposal meets the exceptional circumstances requirement. Similarly, the provincial department is expected to apply itself to the environmental impacts and the need and desirability of the project proposal in its decision whether to grant or refuse environmental authorisation. The EIA Report describes the applicant's motivation and the potential benefits arising from the proposal, and considers these against the negative impacts associated with the proposals. The proposals would increase access to the coastline, by developing a wide public promenade and a stepped revetment as well as a new slipway. The proposals do include coastal protection upgrades. A previous authorisation held by the applicant for a 'straight-line' revetment provided for coastal protection, but would not have allowed as much public coastal access as currently proposed. Refer to the approved Scoping Report for further details.

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				Point 5 - Although an environmental impact assessment was conducted it clearly points out that marine fauna and flora will be affected by the proposed development, in construction phase as well as after the proposed development and land reclamation. Given that <i>"There are likely to be threatened or protected species present in the site area, including the Near Threatened Heaviside dolphin identified in the Marine Impact Assessment (Appendix B3) ..."</i> The proposed development cannot be given a pass on exceptional circumstances. Two protected marine species (the rock lobster and Heaviside's dolphin) live and breed in the area that will be affected by the proposed land reclamation and development.	The impacts on the receiving environment must, in any environmental impact assessment, be weighed against the potential benefits. The assessment in the EIA is that the anticipated impacts are within acceptable limits, and that the benefits outweigh the potential harms. The competent authority will determine the outcome of this application.
21/04/2026	Email	Stuart Hofmeyr		1. INTRODUCTION This submission objects to the proposed Granger Bay development on the basis of its marine environmental impacts and its reliance on the Green Point Marine Outfall. The objection is based on the City's infrastructure confirmation and the relevant marine specialist studies.	Thank you for this comment. Detailed responses to the submission are provided below.
				2. KEY ISSUE: SEWAGE DISCHARGE INTO THE MARINE ENVIRONMENT The City confirms that the development will generate approximately 211 kL/day of wastewater, which will be discharged via the marine outfall, and that there is sufficient capacity in the system. However, this assessment relates only to engineering capacity, not environmental impact. The outfall releases largely untreated sewage into the ocean. Increasing flows will add to: • Nutrient pollution • Bacterial contamination • Microplastics and chemical pollutants There is no clear evidence that the marine environment can absorb additional discharge without harm. The fact that capacity exists should not be taken to mean that further loading is acceptable.	The comment regarding wastewater discharge via the Green Point Marine Outfall is noted. The City of Cape Town Water and Sanitation Directorate has confirmed that there is sufficient unallocated capacity in the reticulation system to accommodate the proposed development, and sufficient unallocated capacity in the marine outfall. The outfall is existing licensed municipal infrastructure managed by the City of Cape Town. The environmental acceptability of increased loading to this system is the subject of intensive monitoring by the City, such as that at https://resource.capetown.gov.za/documentcentre/Documents/City%20research%20reports%20and%20review/Marine-Outfalls-Annual-Report-2024-25.pdf . The most recent annual report found the outfall to be operating within the assimilative capacity of the receiving environment.

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					In the longer term, the applicant intends to construct a wastewater treatment works to treat all effluent produced onsite.
				3. CUMULATIVE IMPACTS The marine environment in Table Bay is already under pressure. The specialist studies note existing impacts from: • Pollution, including faecal contamination and microplastics • Port and urban activity • Ongoing coastal development Adding further sewage discharge and extending the footprint into the sea must be considered cumulatively, not in isolation.	Cumulative impacts on the marine environment of Table Bay, including existing pressures from pollution, port activity and coastal development, are acknowledged and are assessed in the specialist marine impact assessment forming part of the EIA Report. The cumulative impact assessment addresses the combined effects of the proposed development with existing and reasonably foreseeable activities in the area.
				4. SENSITIVITY OF THE AFFECTED AREA Granger Bay is an ecologically important area with: • Kelp forests and rocky habitats • High biodiversity • Regular presence of dolphins and whales It is not a degraded or insignificant system. Impacts here carry real ecological consequences.	The ecological sensitivity of Granger Bay is acknowledged. The specialist marine impact assessment and marine mammal impact assessment, both included in the EIA Report, describe the ecological character of the area in detail, including the presence of kelp forests, rocky reef habitats, and marine mammals. Impact significance ratings have been assigned accordingly, and mitigation measures are proposed where impacts are identified as significant.
				5. IMPACTS OF LAND RECLAMATION The proposed reclamation will result in permanent loss of marine habitat through burial of the seabed. This includes: • Loss of rocky shore ecosystems • Destruction of benthic habitats • Long-term changes to ecological functioning The specialist studies confirm that some of these impacts cannot be mitigated. There is also a risk of displacement of marine species, including possible long-term avoidance of the area by marine mammals.	The permanent loss of benthic and rocky shore habitat as a result of reclamation is assessed in the specialist marine impact assessment. It is acknowledged that certain impacts, including direct habitat loss through reclamation, cannot be fully mitigated. The marine mammal impact assessment considers the potential for displacement and long-term avoidance of the area by marine mammals, and mitigation measures are proposed to reduce disturbance during construction.

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				6. INADEQUATE MITIGATION While impacts are acknowledged, mitigation is limited. Before any reclamation takes place, the developer should be required to: • Undertake a detailed marine ecological survey • Implement a Marine Rescue and Relocation Plan where feasible • Appoint a Marine Environmental Control Officer Monitor impacts during and after construction. It is accepted that not all marine life can be relocated and that some loss is irreversible. This makes it even more important to limit the extent of impact upfront.	The mitigation measures proposed for the marine environment are detailed in the specialist marine impact assessment and the Environmental Management Programme. These include, among others, pre-construction ecological surveys, the appointment of an Environmental Control Officer, and a Marine Mammal Monitoring Plan. The EAP acknowledges that some habitat loss is irreversible and that this consideration informs the significance ratings assigned in the EIA Report.
				7. POLICY CONSIDERATIONS The proposal raises concerns in terms of: • National Environmental Management Act – which requires avoidance of environmental harm • Integrated Coastal Management Act – which limits land reclamation to exceptional cases A precautionary approach is required where impacts are uncertain but potentially significant.	The legal and policy framework applicable to the proposed development, including NEMA and the ICM Act, is addressed in the EIA Report. The application for reclamation is a separate submission to the national DFFE Minister in terms of the ICM Act. The precautionary principle, as required under NEMA, has been applied in the assessment of uncertain or potentially significant impacts.
				8. RECOMMENDATIONS The following is requested: • Moratorium: No further large developments should increase loading to the Green Point Marine Outfall until proper treatment upgrades are in place • On-site treatment: The development should investigate decentralised wastewater treatment to reduce discharge • Cumulative assessment: A broader assessment of total impacts on Table Bay is required • Environmental controls: Mandatory ecological surveys, relocation measures, and monitoring • Infrastructure link: Future development should be tied to upgrading the outfall to acceptable treatment standards 9. CONCLUSION The issue is not whether the system can take more sewage, but whether it should.	The recommendation regarding on-site wastewater treatment is being separately progressed by the applicant but does not form part of this application. A moratorium on development pending infrastructure upgrades to the marine outfall falls outside the scope of this EIA process, which assesses the specific impacts of the proposed development. The need for a cumulative assessment of total impacts on Table Bay is noted and is addressed, to the extent feasible, within the specialist studies forming part of the EIA Report.

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				The combination of: - Increased discharge of untreated sewage - Permanent loss of marine habitat - Impacts on a sensitive coastal environment makes the proposal environmentally premature. A more cautious approach is needed to prevent long-term damage to the marine environment.	
21/04/2026	Email	Michael J. Durie	Owner and Resident, Waterclub	1. INTRODUCTION I hereby submit a formal objection to the application by V&A Waterfront Holdings (Pty) Ltd for pre-approval of reclamation of coastal waters in Granger Bay, Cape Town. This objection is grounded in legal, procedural, and substantive deficiencies in the application, specifically relating to: - The requirements of the National Environmental Management: Integrated Coastal Management Act ("ICM Act") - The National Environmental Management Act ("NEMA") - The applicable Environmental Impact Assessment Regulations	Thank you for this comment. Detailed responses to the submission are provided below.
				2. NATURE OF THE OBJECTION This objection is not based on general opposition to development, but rather on the failure of the application to meet the legal thresholds required for reclamation of coastal waters, which is an exceptional and highly regulated activity under South African law.	The requirement for exceptional circumstances under section 7C of the ICM Act is acknowledged. The motivation for reclamation, including the justification for why reclamation is necessary and an assessment of reasonable alternatives, is set out in the EIA Report and in the separate pre-approval application submitted to the national Minister of Forestry, Fisheries & the Environment. The EAP is of the view that the documentation submitted provides sufficient motivation at this stage of the process for the competent authority to evaluate the application. The Minister will make an independent determination on whether the section 7C threshold has been met.
				3. FAILURE TO DEMONSTRATE "EXCEPTIONAL CIRCUMSTANCES" 3.1 Legal Requirement Section 7C of the ICM Act requires that reclamation of coastal waters be justified by exceptional circumstances, not merely economic desirability. 3.2 Deficiency in Application The application relies heavily on:	

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				- Economic benefits (GDP contribution, job creation) - Urban development expansion - Generalised coastal protection motivations These do not constitute “exceptional circumstances” in law. 3.3 Core Issue The application explicitly includes: - Approximately 1.54 hectares of land for commercial mixed-use development This demonstrates that the reclamation is development-driven, rather than strictly necessary for coastal protection. 3.4 Legal Conclusion The applicant has failed to demonstrate that: - Reclamation is necessary, rather than convenient - Less invasive alternatives (e.g. shoreline reinforcement without reclamation) are not viable 4. UNLAWFUL OR UNJUSTIFIED ALIENATION OF PUBLIC COASTAL PROPERTY 4.1 Legal Principle Coastal waters constitute public coastal property, held in trust by the State for the benefit of all South Africans. 4.2 Concern The proposal: - Converts public coastal waters into reclaimed land - To be leased for up to 99 years for private/commercial use 4.3 Legal Issue This represents: - A de facto privatisation of public coastal property - Without sufficient demonstration of overriding public benefit 4.4 Conclusion The application fails to adequately justify: - Why public coastal property should be converted into long-term private commercial assets - How this aligns with the State's fiduciary duty under the ICM Act	Unlawful alienation of coastal public property is not proposed – an application has been made for reclamation in terms of the prevailing legislation, and the national Minister is expected to make a determination in this regard.

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				5. INADEQUATE AND INCOMPLETE ENVIRONMENTAL ASSESSMENT 5.1 Reliance on Future Studies A recurring issue throughout the documentation is the deferral of key impact assessments to future stages of the EIA process. Critical impacts are described as: • “To be assessed” • “In progress” • “Will be addressed in the EIA” This is procedurally inadequate for pre-approval. 5.2 Coastal and Oceanographic Uncertainty The application relies on modelling which: • Assumes impacts dissipate beyond ±500 metres • Acknowledges wave reflection and resonance effects within the development area However: No binding guarantees are provided regarding: Sediment transport changes Increased silting Impact on the existing Granger Bay marina Legal Issue: The absence of certainty in relation to these impacts is incompatible with: • The precautionary principle under NEMA 5.3 Failure to Assess Microclimatic Wind Impacts The proposed development includes: • Significant new built structures along a coastal edge • In a region dominated by strong South-Easterly winds Despite this:	The EIA Report provides detailed specialist assessments covering oceanographic and hydrodynamic impacts, marine biodiversity, heritage, traffic, noise, air quality, socioeconomic impacts, and visual impacts, among others. Where certain matters were deferred to the EIA phase from the Scoping Report, this is consistent with the two-phase EIA process prescribed under NEMA. However, it should be pointed out that not one of the phrases ‘quoted’ here occurs at all in the EIA Report. Construction-phase impacts, including sediment transport and sedimentation, are addressed in the EIA Report and the Environmental Management Programme. Sediment transport concerns have been responded to previously, noting the prevailing rocky reef conditions along this section of coastline and the limited extent of proposed reclamation. The PRDW wave and hydrodynamic modelling report provides quantified predictions of sediment dynamics within the site under both baseline and development scenarios, with specific reference to the Granger Bay Marina / Waterclub and these findings are reported in the EIA Report. Where wind and microclimate considerations are relevant to individual building parcels, it is anticipated these would be conducted in future, detailed design stages. No impacts on adjacent properties are anticipated. It should be noted that wind studies are generally associated with tall buildings, in excess of 25m to 30 m in height. Most of the buildings proposed on the western portion of Granger Bay are restricted in height due to the “arc of fire” height restriction of 21.5 MSL,

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				- No comprehensive wind or microclimate study has been provided Yet specialist documentation acknowledges: - The potential for wind funneling and microclimatic effects Legal Conclusion: This constitutes a material omission in the environmental assessment process.	
				6. FAILURE TO PROTECT EXISTING RIGHTS AND USES 6.1 Maritime Use Granger Bay currently functions as: - A safe and accessible refuge for small craft - A publicly utilised maritime access point The proposal: - Fundamentally alters this environment - Replaces it with a controlled and reconfigured space Concern: There is: - No guarantee of equivalent access - No clarity on future management or accessibility 6.2 Impact on Adjacent Properties The development will: - Obstruct existing views - Alter the character of the coastal interface - Potentially introduce wind and environmental effects These impacts have been acknowledged in specialist reports as: - Potentially medium to high in significance	The applicant has confirmed that full public access to coastal walkways, squares, parks and other facilities will be maintained on the same basis as the existing V&A Waterfront. The public slipway will be relocated and maintained as a publicly accessible facility. The impacts of the development on adjacent properties, including possible view loss and changes to the coastal interface, are assessed in the visual impact assessment forming part of the EIA Report. Mitigation measures are proposed where impacts are identified as significant.
				7. PROCEDURAL FAIRNESS AND PUBLIC PARTICIPATION 7.1 Deficiency The public participation process reveals that:	The public participation process has been conducted in accordance with the requirements of the NEMA EIA Regulations. Comments received during the Draft EIA public participation period are

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				- Many concerns have been deferred rather than addressed - Key technical issues remain unresolved 7.2 Legal Issue This undermines: - Meaningful public participation - Informed decision-making	being addressed in this comments and responses report. Matters deferred from the Scoping phase to the EIA phase are consistent with the regulatory process and do not constitute a procedural deficiency.
				8. CONCLUSION In its current form, the application: - Fails to meet the threshold of exceptional circumstances - Relies on incomplete and deferred environmental assessments - Risks unjustified conversion of public coastal property - Does not adequately address material environmental and coastal risks	These aspects are responded to in detail above.
				9. RELIEF SOUGHT I respectfully request that: 1. The application for pre-approval in terms of Section 7C of the ICM Act be refused in its current form Alternatively, that: The application be suspended pending: Completion of all outstanding specialist studies Independent verification of oceanographic and sediment impacts A comprehensive wind and microclimate assessment Clear, enforceable guarantees regarding marina and coastal impacts	The comment was submitted to the EAP in respect of the environmental impact assessment, which is a separate process from the land reclamation application in terms of the ICM Act. See responses to these comments above
				10. FINAL REMARK The reclamation of coastal waters is an extraordinary intervention. It must be justified by necessity, not opportunity.	These submissions are noted, and it is anticipated that the responsible authority will apply its mind in determining whether the legal standards are met.

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				This application, as currently presented, does not meet that standard.	
22/04/2026	Email	City of Cape Town: Environmental & Heritage Management S. Hustwick / Varsha Rajkumar		1. Background and Introduction V&A Waterfront Holdings (Pty) Ltd. proposes to reclaim approximately 3.2 hectares of land from Table Bay for a new mixed-use residential and commercial development, west of Beach Road and north of Granger Bay Boulevard in Cape Town. The public commenting period for the draft scoping report was between 10 November 2025 and 10 December 2025. All the comments that were received were collated and responded to within the Comments and Responses Report (Appendix M2).	Explanatory note: The City of Cape Town's comments are presented in the form of a table of responses to the EAP's previous responses, alongside the City's original comments on the Scoping Report. For ease of interpretation, only new comments are included here . Where required, context is provided in square brackets [].
				[In relation to the City of Cape Town's previous comment outlining the need for land use approvals in terms of the Municipal Planning By-Law]  With reference to Figure E1, in order to clarify the development rights of the project site, please shade the portion with existing development rights to be rezoned and the portion of reclaimed area without development rights that will require a future development rights application.	The figure 4-2 has been added in the amended EIA Report to show area with existing development rights (that is, areas already zoned for Mixed Use). The area shaded in red and beyond the existing cadastral boundaries of the V&AW will require an application for development rights.

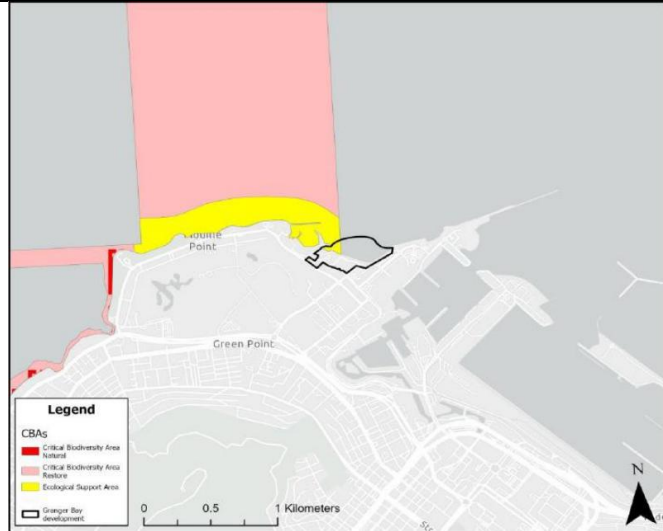
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				<i>[Referencing previous CCT comment related to the proposed new slipway and ancillary facilities]</i> Additional information is required regarding the proposed design: a. Slipway parking facilities and size b. Location of parking facilities in relation to the slipway c. Anticipated carrying capacity of parking facilities, including parking facilities for trailers.	Designs cannot yet be prepared to the level of detail requested here, but it has been confirmed (chapter 2 of the EIA Report) where the proposed parking facilities would be located. Refer specifically to Figures 2-10 and 2-11 of the draft EIA Report.
				<i>[In relation to the previous CCT comment with reference to the availability of individual buildings detailed design and need for a land use management application]</i> Noted. This is addressed in the 2026 HIA and will also be addressed in a LUM application in terms of the MPBL.	No further response is required.
				<i>[Relating to the City of Cape Town's previous comment referencing the ICMA requirements and movement routes, parks and amenities in layout plans in the Scoping Report.]</i> Please provide plans showing the full extent of public pedestrian access to the newly reclaimed areas and the connections of this public pedestrian coastal access to the adjacent coastal pedestrian walkways extending from Mouille Point (next to The Water Club, Granger Bay, and the rest of the V&A Waterfront pedestrian network.) Water's edge access must be prioritised for the general public.	Movement routes and accessible parks and amenities are shown in the site layout plans included in the Draft EIA Report (Appendix B6 pp 30-31) and have been added to Chapter 2 of the amended EIA Report for ease of reference.
				<i>[Referencing the City of Cape Town's comment stating that newly reclaimed land will be subject to a land use management application and that land use mix will take into account the existing waterfront property]</i> Given the offering of 10% affordable housing applicable to the existing bulk rezoning application for the area within the existing cadastral boundaries of the V&A Waterfront, it is advisable that this be extended to the additional bulk for the land reclamation portion. In the absence of a City wide policy, this could become a condition of Environmental Authorisation.	Conditions of environmental authorisation are typically imposed in response to specific impacts. It is suggested that the future land use application for the site in question will be a better mechanism to determine any possible affordable housing requirements rather than that they be included in an environmental authorisation.

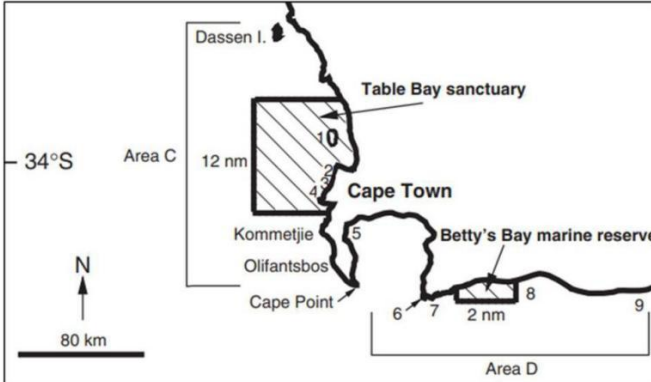
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					All newly reclaimed land will be the subject of a future land use management application process in which details of the proposed land use mix will be provided to and assessed by the Municipality. The land use mix will take into account the existing Waterfront property, where there is provision for affordable housing,
				<i>[In relation to the City of Cape Town's comment requesting mitigation measures and sea bird habitats (as the specialist assessment does not identify this as a significant concern)]</i> One would expect that the loss of a portion of the Cape Kelp Forest within the study area would justify the need for an environmental offset, but the actual impact has not been discussed in the Marine Impact Assessment (neither the original or revised report). As such the mitigation of an offset was not put forward. The V&A Waterfront already has a similar initiative i.e. The Marine Wildlife Walk with one stop already in the Granger Bay Precinct. Can this programme be expanded upon to include more viewing points for bird life along the new permanent revetment where seabirds tend to roost and forage? This would only cost the applicant the construction of a bird hide and some interpretive signage re the coastal birdlife and their habitats which would in turn increase foot traffic within the area by attracting bird watchers and tourists to the area.	The original comment, and the response regarding offsets, related to seabird habitat, not to kelp forest. The Marine Impact Assessment describes and assesses the anticipated loss of habitat within the reclamation footprint, and proposes the mitigation measures relevant to the assessment. Offsets are not required in response to the assessed impacts. It is not clear that the proposals made here for bird hides bear any relation to the assessed impacts, nor is there any indication that the site would be expected to provide any extraordinary birdwatching opportunities. Interpretive signage merits careful consideration during the planning process; nevertheless, any proposals must explicitly account for the distinctive characteristics and the harshness of the coastal environment, which may make structures such as bird hides less suitable.
				<i>[In relation to the City of Cape Town's comment stating Marine Impact Assessment will be reviewed in the EIA phase and updated if required – referencing the lack of information on the Cape Kelp ecosystem]</i> While the Cape Kelp Forest Ecosystem is now mentioned in the revised 'Ecology and Habitat' sub-section, it is not	All significant impacts on marine habitat are assessed in the marine impact assessment. The specialist study has been updated to more specifically refer to kelp, but this does not change the assessment findings.

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				mentioned in the 'Potential Impacts' section. The loss of this habitat must be addressed in the final EIA report.  Figure 3-13: Critical Biodiversity Areas and Ecological Support Areas Please update the legend on this diagram showing the Robben Island Marine Protected Area and the TMNP Marine Protected Area which border the “Critical Biodiversity Area Restore” sites. This is important because the area of reclamation includes a small portion of an Ecological Support Area and also is located within the rock lobster sanctuary, and the construction impacts may affect these areas.	The diagram correctly reflects the National Coastal and Marine Spatial Biodiversity Plan categories for the site and surrounds – it is not clear what update is being requested. Separate figures in the EIA Report show the extents of the Marine Protected Area and the rock lobster sanctuary, respectively. The intersection of the proposed reclamation with these areas is described and assessed in the EIA Report.

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				 Figure 3-11: The extent of the Table Bay rock lobster sanctuary (Mayfield et al., 2005) As a minimum in CBA Restore sites, further deterioration in ecological condition must be avoided, and options for future restoration must be maintained. <u>Biodiversity offsets:</u> Given the impacts on the rock lobster sanctuary and kelp forest, please advise if a biodiversity offset will be considered, through restoration activities, or otherwise. <i>[In relation to the City of Cape Town's earlier comment stipulating that the design of the proposed new slipway and ancillary facilities will be included in the EIA Report (Oceana Power Boat Club and boat access)]</i> Additional information is required regarding the proposed design of the Ocean Power Boat Club and the slipway and boat trailer parking areas: - Details of the dimensions of the slipway. - Details of any other ancillary structures i.e. public ablutions - Details and dimensions of the parking area for vehicles with trailers and club members (is it the equivalent of what's currently available to the fishermen?). - Oceana Club house building location and dimensions.	The site does not include any CBAs, as confirmed in the EIA Report. Biodiversity offsets are neither required nor proposed. The Marine Impact Assessment finds that additional habitat will be provided by the breakwaters, which would form additional artificial habitat for the rock lobsters. This is assessed to have a low positive impact on the rock lobster population in the long term. Designs cannot be prepared to the level of detail requested here at this stage, but it has been confirmed (chapter 2 of the EIA Report) where the proposed parking facilities would be located. Available design information on the slipway has been included in Section 3.2.4 of the EIA Report. The proposed slipway is 10m wide and has a 1:8 slope over most of its length, levelling off to 1:12 near the top. The new slipway will extend further than the existing slipway. The proposed trailer parking area has not been designed to greater detail than indicated (as a ground-floor use in the podium levels of buildings closest to the slipway) and its design and capacity are included as a proposed condition of authorisation for that reason. It is envisaged that at a

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				 The Draft EIA states that a proposed condition must be imposed such that "Designs of the boating launching area and slipway must provide for, at minimum, an equivalent number of trailer parking bays to that currently available at the existing slipway, at a distance of no more than 150m from the launch site. This needs further detailing. Note that the proposed 'distance of not more than 150m from the launch site' removes the boat trailers and vehicles from the launch site and Granger Bay as far away as Beach Road. See lines shown on the aerial photograph below. The current distances of the boats and trailer parking areas from the slipway are between 40 to 50m away from the slipway. See illustration in row below:	minimum, it will provide a similar area for parking as is currently available at the OPBC. It is not the intention at this stage of the application to design a club house facility – the applicant proposes to accommodate facilities of this nature within the proposed building parcels. 150 metres is the indicative distance of the proposed trailer parking from the top of the slipway. The primary trailer parking would be provided in the podium level of the buildings closest to the slipway, with overflow (as is already the case) to Beach Road. This distance is not excessive in comparison either to the existing situation, or to comparable launch sites in Cape Town. For instance, trailer parking at Miller's Point is between 150m and 300m from the top of the slipway. Closer parking would not be possible without replacing public promenade and open space with trailer parking.

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				 The details of how the current tradition of fishing boat access for the fishing community is managed by the proposed new development must be resolved and clearly outlined in the EIA, as required by the 2015 HWC ROD requirements (see excerpt below). 5. Public access to the water's edge via the 30m view corridor must not be impaired in any way. This includes access for fishing boats under the management control of the licensee for the Oceana Boat Club slipway (see DEA&DP permit of 23/10/2014), to ensure that traditional patterns of access for the fishing community are ensured.	The proposed development accommodates this access, in the form of the proposed new slipway and public launch site.

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				Please provide design details to ensure that there is no adverse socio-economic impact on the fishing community resulting from impaired / restricted / decreased access to the coast, including having a fishing community club house in this coastal location.	Pages 64-69 of the Draft EIA Report respond to these questions in detail. The new slipway will be constructed prior to decommissioning of the old slipway ensuring no interruption. Storage and parking will be made available in the podium levels of the adjacent buildings. The operational management of the slipway and the bay will allow for a similar level of access to the slipway as currently available. Space will be provided for various users of the bay. Details are also contained on page 85 of the HIA.
22/04/2026	Email	City of Cape Town: Heritage Management Branch S. Hustwick / Varsha Rajkumar		<i>[Related to the City of Cape Town's previous comment referencing Heritage Management's absence of further comment at this stage of the EIA process]</i>	This endorsement by HWC is noted. HWC has subsequently endorsed the HIA in terms of section 38 of the Act.
				As a section 38(4) HIA application was approved on 28 October 2024 for the entire V&A Waterfront for additional bulk rights and rezoning of the site to Mixed Use 3(MU3), E&HM (Heritage) won't be submitting a further comment with respect to the current EIA. The previous HWC endorsement related to most of the parcels in the current study area and included the endorsement of identified heritage significance and indicators.	
				<u>Omission of 2 conditions:</u> It is noted that the HWC Committee's support for the 2015 HIA was subject to certain amendments; and that the conditions in the consultant's recommendations in the HIA report (2015 HWC approval dated 15 July 2015 referred to as Option 2) were endorsed, of which the last two of the 10 conditions are not included in the 2026 HIA. <u>Mitigation measures:</u> Ensure that the full list of mitigation measures referred to by HWC in the 2015 ROD Case No: 15050401FT0527M, are itemised and included from the 2015 HIA, in the 2026 HIA and in the EIA's mitigation measures. HWC notes that the "The essential mitigation measures and the optional mitigation measures must all be considered essential mitigation measures."	It is correct that the two mitigation measures relating to archaeology were not included on page 68 and this has now been amended. However, with reference to the recommendation that all previous conditions relating to the 2015 approval (including the two above mentioned) be included in the mitigation measures of this report: As the HIA states the mitigations and conditions included in said Final Comment 2015 have in the main now been included in the UDG and Granger Bay Phase 2 Development Controls. This includes, with reference to the extracts below: Mitigation 2: p4 of the Development Controls:

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					- The height of buildings is limited to 21.5m above mean sea level [MSL] to maintain key views within the arc of fire - Ground floors of buildings edging the 30m view corridor, and the coastal walkway to be treated sensitively in relation to the public realm - Buildings edging the Water Club Residential Complex should be of a similar height, scale and massing - Buildings along Beach Road to include interface conditions on the lower levels that create a positive walking experience along Beach Road Conditions 1 – 3; 6 & 7: p2, 3 and 4 of the Development Controls - A visual corridor of 30m wide from Fort Wynyard to the coast is provided to allow for a visual connection between the historic Fort Wynyard and the ocean. - Buildings to cascade down towards the ocean, in order to create a) opportunities for views of the coast b) a positive interface with the public coastal walkway - The massing and form within a development parcel shall be articulated in order to reduce the overall scale of the buildings. This can be achieved by differentiating the upper level of a building from other levels by a set back and / or the use of transparent/ visually permeable materials. - The use of balconies, pergola's, screens and or roof over hangs should be promoted to articulate building facades Condition 4: Whilst certain inferences can be extrapolated from the UDG and DC regarding the public coastal walkway and public spaces, aside from the 9m wide

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					walkway itself, all other details are notional and the setbacks from buildings not explicitly detailed. Condition 5: The Notional Precinct Plan includes provision for the slipway but no details. Since approval of the UDG and Granger Bay Phase 2 Development Controls formed part of the HIA conditions as endorsed by HWC, it would be moot to restate these conditions. Moreover, this development is entirely different and must be considered on its own merits. The concerns expressed previously by HWC were incorporated, in principle and where relevant to the current proposal, in the heritage indicators. The proposals were assessed against them, and 15 project specific mitigations provided, including archaeological mitigations. These are considered more appropriate to the proposal under consideration; the development package proposed to be approved; and the assessment of impacts thereof. The mitigation measures in this Report and proposed conditions of approval stand.
22/04/2026	Email	City of Cape Town: Water and Sanitation Department		<i>[In relation to the City of Cape Town's previous comment stating that the land use mix is reflected in the Final Scoping Report and an updated capacity letter will accompany the EIA report]</i> Background Nadeson Consulting Engineers has been appointed determine civil engineering services requirements and to apply for the necessary capacities for the further development on Erf 149294-RE Cape Town. The proposal is to develop 78 000m² of bulk, upon approximately 7 ha of land currently within the V&A Waterfronts existing available bulk rights. Water and sewer reticulation networks within the V&A Waterfront is not managed or maintained by the City of Cape Town, the City only	These updated confirmations of service capacity are noted as consistent with the EIA Report, and will be included in the EIA Report when submitted for decision.

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				provides connection to the water and sewer from a bulk services perspective. This letter provides an overview of the existing water and sewer infrastructure near the development, the capacity of both complete systems to service it as well as associated conditions that would apply. The information provided is based on City of Cape Town master plan model as well as comments from relevant branches of the department. Water Reticulation Distribution zone The proposed development falls within the Molteno water distribution zone. Present situation The proposed development will be supplied by a 305 mmØ water main along Beach Road, which has a peak flow and velocity of 12.8 l/s and 0.1 m/s respectively. The peak and static pressure in the area ranges between 80-85m and 85-90m respectively. The abovementioned water main has sufficient capacity and residual pressure to supply the proposed estimated flow from this development. The developer is to provide evidence of water saving initiatives that will be incorporated in the development. It should also be noted that the City does not guarantee flow and pressure and therefore the relevant official in the Water Inspectorate official may need to confirm the need for onsite storage to meet fire requirements based on the nature of the development. Bulk Water No infrastructure under the control of the City of Cape Town's Bulk Water Branch exists in the immediate vicinity of the proposed development shown in the application. The City of Cape Town's bulk supply system has sufficient water resource, treatment, bulk storage and conveyance capacity to supply the estimated annual average daily demand of 222 kℓ/d of the proposed development.	

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				Sewer Reticulation Drainage area The proposed development falls in the catchment of Green Point Outfall. Present situation In Beach Road is a 300 mmØ and a 500 mmØ sewer main which gravitates to the Green Point Marine Outfall. The Waterfront Main pump station (private) pumps into the 500 mmØ main. There is sufficient relative spare capacity in the existing mains and subsequent downstream sewer network to accommodate the proposed development. Wastewater treatment The anticipated wastewater flow from the proposed development has been calculated to be 211 kℓ/d. This proposed development is situated within the catchment of the Green Point Marine Outfall. This outfall works has sufficient unallocated capacity to accommodate additional development. Conclusion The existing water distribution and sewer conveyance network has sufficient capacity to accommodate the development. Conditions The Water and Sanitation Department supports the proposed application provided the following conditions implemented: 1. The developer at his cost provides all internal and all external link civil engineering services required, to the satisfaction of Council prior to construction of the development. 2. Detailed Civil Engineering Services plans to be submitted to the Engineer for approval. All services to comply with the "Minimum Standards of Civil Engineering Services in Townships (as amended) document". 3. Before commencement of construction, all way leave applications should be in place and approved.	

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				4. All new services and connections to be constructed and inspected by Council on completion before and occupation certificate will be issued. 5. The developer be responsible for the payment of the development contributions for bulk civil engineering services, if any, as determined annually by Council. 6. All internal services are private and will not be taken over by The City of Cape Town. 7. The developer will have to show evidence of water saving measure in the development. 8. Any upgrades/ deviations/ extensions of the sewer connection/ reticulation will be for the cost of the developer. 9. The existing sewer connection is to remain and be utilised. 10. If a new sewer connection is required, an application including a detailed design for the connection must be submitted to SewConn.AthloneR4@capetown.gov.za 11. No structures will be permitted over the sewer boundary chamber. 12. No stormwater to sewer ingress will be permitted. Technical Requirements 1. The water and sewer capacities allocated according to this document shall not be reserved if not taken up before the lesser of 5 years or the approved development period. 2. Water and Sanitation municipal service designs to be designed according to Departmental Service Standards and be approved prior to construction. These standards can be obtained on the City of Cape Town Website. General/ Disclaimer Information provided is based on best available data. The infrastructure as-built information referred to and used in the hydraulic models are based on the GIS asset records, while modelled pressures, flows, velocities, capacities and volumes are based on hydraulic models of current land use and demands. Where appropriate, future land use and demands are considered and the	

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				impact of a development compared to that currently planned for the same land and surroundings.	
22/04/2026	Email	City of Cape Town: Electricity Generation and Distribution Department		<i>[Related to the City of Cape Town's earlier comment stating that the standard conditions are noted and are to be the subject of future design of electrical services.]</i> This Department have no objection to the proposed application provided the following conditions are met: 1. Any alterations or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost. 2. Electrical infrastructure exists on the property and in its vicinity. A wayleave shall be obtained from the Electricity Generation and Distribution Department before any excavation work may commence. In this regard, please contact the Wayleave Centre to sign-up and submit a Wayleave applications on https://wayleave.capetown.gov.za 3. The City's HV electrical infrastructure has sufficient spare capacity for the proposed development. The 11kV infrastructure needs to be augmented, including substations and points of metering.	These updated confirmations of service capacity are noted as consistent with the EIA Report, and will be included in the EIA Report when submitted for decision.
22/04/2026	Email	City of Cape Town: Coastal Management Branch		<i>[In relation to earlier comment from the City of Cape Town on Slipway Design Detail, Operational Management, and Wave/Surge Conditions Public slipway]</i> Public slipway a. The CMB acknowledges the commitment to provide further detail on slipway design in the EIA report. The CMB requires that this includes aspects such as: i. Slipway parking facilities and size ii. Location of parking facilities in relation to the slipway iii. Details of the slipway, including width, and any other ancillary structures i.e. public ablutions iv. Anticipated carrying capacity of parking facilities, including parking facilities for trailers. <i>[Referencing the City of Cape Town's earlier comment on the post-EIA development of detailed designs,</i>	Designs cannot yet be prepared to the level of detail requested here, but it has been confirmed (chapter 2 of the EIA Report) where the proposed parking facilities would be located. Further details on the operational management and governance of the tidal pools have been

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				<i>permitting requirements, and the proposed response to potential sewage or hydrocarbon pollution events, including water quality monitoring arrangements, the following response is provided.]</i> Tidal pools and water quality a. The CMB requires confirmation that governance surrounding tidal pools and water quality (from a recreational use perspective) within the proposed Granger Bay precinct is addressed. Specifically, the CMB requires confirmation that the following will be addressed: i. ongoing maintenance of tidal pools and their ancillary structures. ii. day to day operational management of tidal pools i.e. removal of algae to ensure non-slip surfaces (and how this will be done), removal of urchins if required etc. iii. water quality sampling and the provision of detailed method statements of the water quality sampling regime iv. communicating water quality results to the public, and the details surrounding how this communication will be undertaken v. issuing public advisories as it relates to pollution incidents or poor water quality results, and the detail of how these advisories will be communicated to the public.	incorporated into the Environmental Management Programme, addressing these requirements.
				<i>[In relation to the basis for sediment transport conclusions, including the use of bed shear stress modelling, expert judgement on longshore transport, and the assessment and mitigation of construction-phase sedimentation impacts during reclamation works]</i> The response to this comment is not deemed as sufficient as the CMB are not convinced that due care has been taken to understand the existing sediment dynamics and contribution of the area proposed for development to the sediment budget in this area is. There was no dedicated sediment transport study completed; hence it is difficult to understand that the effect of the proposal,	This has been addressed in detail in PRDW's updated report (Appendix G2). The site is sheltered by Mouille Point and the Waterclub breakwater. The direction from the end of the Waterclub breakwater to OPBC entrance is 340°. For sand to move alongshore from the site towards the Waterclub breakwater would require a wave direction east of 70° (340°+90°). Hindcast wave data covering a period of 41 years has been included in the updated PRDW report. Offshore wave directions of more than 350° are rare and associated with significant wave heights of less than 1 m and peak

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				which will “lock in” a reasonable volume of sand in an already sand poor area, can be well understood nor what the impact could be. Every small pocket beach or sandy area in the City is important to its beach users and coastal environment. This comment is not intended to prohibit the development, as it is fundamentally supported, but seeks to clearly define a possible impact in order for a suitable mitigation and/or management measure to be included if needed. the response above doesn't satisfy that sediment dynamics have been satisfactorily been understood. The effect on longshore sediment transport cannot just be measured by considering possible changes in the wave height as it doesn't capture the status quo of sediment dynamics in the area under normal or storm conditions. It is well known that the seabed in the area is sandy and that waves in large storm conditions have sufficient energy to suspend bed sediment that is then subject to transport. When the bay is reclaimed and enclosed, the sediment budget decreases and area sheltered, reducing the sediment that would have been transported elsewhere.	wave periods of less than 5 s. The same is true for the inshore rose where the majority of wave directions are narrowly concentrated on a direction of 335°. From this information it is clear that no longshore sand transport is possible in a direction towards the Waterclub. The expected direction of longshore transport is towards the Table Bay breakwater. However, the available sand within Granger Bay is limited to levels below approximately -4 m MSL. The sandy bottom is backed by a rock/gravel beach and by dolos structures towards the end of the Table Bay breakwater. The end of the breakwater is located in a depth of approximately -18 m MSL with a 450 m wide port entrance channel at approximately -16.8 m MSL. If longshore transport of sand entered the channel area, maintenance dredging would be required, which is not the case. It can be concluded that longshore transport of material away from Granger Bay is insignificant and that the development will only have a limited local effect on sediment transport.
22/04/2026	Email	DEA&DP Joy Leaner		COMMENT: DRAFT ENVIRONMENTAL IMPACT REPORT ON PROPOSED DEVELOPMENT OF THE GRANGER BAY PRECINCT & RECLAMATION OF LAND AT THE V&A WATERFRONT, WITHIN THE CITY OF CAPE TOWN MUNICIPALITY, WESTERN CAPE The Directorate: Air Quality Management (hereafter 'the D: AQM') has reviewed the above-mentioned documentation (hereafter 'the Report') dated March 2026 and as received by the D: AQM on 19 March 2026. The D: AQM has the following comments on the Report in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) (NEM: AQA): 1. APPLICABILITY OF NEM: AQA 1.1. In respect of section 4, page 132 of the Report, it is noted that the Report does not take cognisance of the applicability of the NEM: AQA in the proposed development. Although the proposed development	The comment that the Draft EIA Report does not adequately address the applicability of the National Environmental Management: Air Quality Act, 2004 (NEM:AQA) is noted. The EIA Report has been updated to include reference to the NEM:AQA and

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				does not trigger a section 21 Listed Activity in terms of the NEM: AQA, the applicant is to note that dust and noise impacts may be applicable, which legislatively relates to air quality management. The D: AQM recommends that the applicant updates the Report, in relation to NEM: AQA. 2. DUST CONTROL MANAGEMENT 2.1. Dust generated from all phases of the proposed development must comply with the NEM: AQA and the National Dust Control Regulations (GN No. R. 7335) of 31 March 2026. These regulations prohibit a person from conducting any activity in such a way as to give rise to dust in such quantities and concentrations that the dust, or dust fallout, has a detrimental effect on the environment, including human health; these regulations must be complied with. 2.2. The Report indicates that the proposed development will generate significant fugitive dust emissions during both marine and land-based construction phases, which include handling and placement of quarried rocks, haulage of materials along the major transport routes, stockpiling and wind erosion as well as demolition, excavation and earthworks activities. 2.3. In respect of dust control management, the D: AQM recommends the following, pending the outcome of the application: 2.3.1. Consideration be given to develop a detailed Dust Management Plan for inclusion in the Environmental Management Programme (EMPr); 2.3.2. Consideration be given to undertaking dust monitoring along the site boundary and along the designated haul routes. 3. NOISE CONTROL MANAGEMENT 3.1. Noise generated on site from all the proposed activities must comply with the Western Cape Noise Control Regulations Provincial Notice 200/2013. 3.2. The D: AQM notes following from the Report:	its relevance to dust and noise impacts associated with the proposed development. It should be noted that these aspects were assessed in the Draft EIA Report, notwithstanding a lack of specific reference to the legislation. The recommendation to develop a detailed Dust Management Plan for inclusion in the Environmental Management Programme at a future stage pending the outcome of the application is noted. The EMPr already includes dust management measures and provides for the preparation of more detailed plans and method statements closer to the time of construction. The recommendations regarding noise management are noted. The EMPr already included provisions requiring compliance with the Western Cape Noise Control Regulations, restricting construction activities to permissible working hours, and establishing procedures for managing noise

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				3.2.1. Noise mitigation measures have been recommended to reduce the potential noise impacts associated with the proposed development. 3.2.2. A baseline ambient noise survey will be undertaken prior to the commencement of the construction phase. 3.2.3. Noise impacts may arise during the construction phase, particularly from construction machinery, excavation activities and the movement of heavy vehicles transporting materials to and from the site. 3.3. The D: AQM recommends the following, pending the outcome of the application: 3.3.1. Consideration be given that the baseline ambient noise survey be made available to the relevant Air Quality Officer(s), where requested. 3.3.2. Consideration be given to restrict the construction activities to permissible working hours, as prescribed in the EMPr. 3.3.3. Consideration be given to implement appropriate noise management procedures in the event that complaints are received from the surrounding landowners or communities.	complaints from surrounding landowners or communities, along with baseline ambient noise surveys. The Noise Impact Assessment (Appendix B10) specifies the mitigation required for the construction phase, and the additional measures have been added to the EMPr. The baseline noise survey is included in the specialist study.
				4. AIR EMISSION IMPACT MANAGEMENT 4.1. Potential air emissions associated with the proposed development may include, inter alia, fugitive dust emissions, vehicle and machinery exhaust emissions, as well as indirect air quality impacts associated with construction activities. 4.2. The D: AQM recommends the following, pending the outcome of the application: 4.2.1. Consideration be given to monitor and effectively mitigate all potential air pollutants where applicable, should emissions results in nuisance conditions.	The recommendation to monitor and mitigate pollutants, in the event that these result in nuisance conditions, is accepted and will be incorporated into the EMPr.
				5. GENERAL 5.1. Kindly be advised to engage the Air Quality Officer for the City of Cape Town Municipality (Mr. Ian Gildenhuys) regarding the proposed activity, given its location within the City of Cape Town's jurisdictional	The recommendation to engage the Air Quality Officer for the City of Cape Town is noted, with comments having been sought from the City of Cape Town through this public participation process. The Department's reservation of the right to revise its comments is acknowledged.

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				area. Mr. Gildenhuys can be reached on 021 444 8364 or lan.Gildenhuys@capetown.gov.za. 5.2. Please note that the above-mentioned recommendations do not pre-empt the outcome of the application. 5.3. No information provided, views expressed and/or comments made by the DEA&DP, D: AQM should in any way be seen as an indication or confirmation: 5.3.1. that additional information or documents will not be requested; or 5.3.2. of the outcome of any application submitted to the authorities. 5.4. The Department would like to draw your attention to Section 28 of the National Environmental Management Act No. 107 of 1998 (NEMA), i.e. "Duty of Care" which states that: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment." 5.5. Kindly be informed that the D: AQM reserves the right to review the above-mentioned comments, should additional information come to light.	
22/04/2026	Email	Department of Forestry, Fisheries and the Environment Ryan Peter		The Department of Forestry, Fisheries, and the Environment (DFFE); Branch Oceans & Coasts (O&C) appreciates the opportunity to provide comments and recommendations on the draft environmental impact report for the proposed development of the Granger Bay Precinct and reclamation of land at V&A Waterfront. This Branch will provide comments based on the provisions of the National Environmental Management Act 107 of 1998 ("NEMA") and the National Environmental Management: Integrated Coastal Management Act 24 of 2008 ("ICM Act"). The Branch O&C has the mandate to ensure the holistic management of the coast, estuarine areas and	These submissions are acknowledged and responded to below.

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				maintenance of the coastal landscapes and seascapes to realise that the development and use of natural resources are sustainable. The Branch further ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of the coastal zone are maintained to protect people, properties, and economic activities against the impacts of dynamic coastal processes. Based on the submitted Draft EIA report, the Branch O&C would like to submit the following comments for your consideration:	
				1. Firstly, most of the comments were discussed during the meeting and site visit on 13 April 2026. Such comments would not be repeated here unless more context and more information is provided.	The reference to comments discussed at the site visit and meeting on 13 April 2026 is noted. Minutes of this meeting are included in the Public Participation Report.
				2. As discussed in the meeting on 13 April 2026, there should be an alignment between the pre-approval application and EIA application in aspects of the new proposed development, e.g. we discussed the size of the proposed reclamation land i.e. 3.81 in the pre-approval application vs 3.2 in the EIA report must be reconciled and final size footprint be confirmed. In the pre-approval application, there is a commitment to provide affordable housing, but in the EIA report, it is reported that the City of Cape Town Municipality requested 10% of the proposed reclaimed land to accommodate affordable and inclusionary housing. The response to this is not affirmative, firm and optimistic, as it is in the pre-approval application. It is, however, noted that on pages 253-254, inclusionary housing is listed as a mitigation measure post-construction for increased traffic flow in the area. This should not be a post-construction mitigation measure but rather a commitment like in the pre-approval application. The way in which this mitigation is proposed doesn't even make it to the EMPr, but it is a key mitigation measure on the Transport Specialist Study. The Transport Specialist Study on page 29 indicates that once occupied, the development will add	The discrepancy in reclamation area between the pre-approval application (3.81 ha) and the EIA Report (3.2 ha) is due to the EIA Report measuring this area from the low water mark, while the reclamation application measured from the cadastral boundary. The proposed reclamation footprint is confirmed in the amended EIA Report. The comment regarding affordable and inclusionary housing is noted. The EIA Report has been updated to better align with the pre-approval application. The rezoning approval is not, it should be noted, applicable to the proposed reclaimed land. The future development of the Waterfront at Granger Bay is largely residential in nature. The applicant also intends to broaden the range of households that have access to residential accommodation by offering a greater variety of accommodation types. To this end, a proportion of new floor space* (development bulk) approved for the entire existing V&AW property will be allocated for inclusionary housing, which falls under the umbrella of affordable housing, as defined in the

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				approximately 830 inbound vehicles during AM peak hours and 740 during PM peak across the Beach Road, Granger Bay Boulevard and Dock Road. It seems thereof, that the inclusionary affordable housing within the precinct will indeed be a key mitigation measure.	2023 Cape Town Municipal Spatial Development Framework (MSDF). The land use mix for the reclaimed land will be determined in a land use application to the City of Cape Town. Categories of residential development in this application will need to consider all residential development, including inclusionary housing, in the broader Granger Bay area. The Transport Impact Assessment identifies inclusionary housing within the precinct as a meaningful measure to reduce vehicle trip generation.
				3. It must be reiterated that DFFE endorses the way in which coastal access has been addressed in the report. From the onset, project overview, page 3, that "Access to the coastline is a key principle of the development, as envisaged in the Integrated Coastal Management Act". This emanates from the objects of the ICM Act and many other sections of the ICM Act. The Minister of Forestry, Fisheries and the Environment ensured that public access is frequently enforced by other measures through the promulgation of the Control of Use of Vehicles in the Coastal Area [published in Government Notice No. R496 in Government Gazette No. 37761 of 27 June 2014 (ORV Regulations)], and Public Launch Site Regulations [Government Notice No. R497 in Government Gazette No. 37761 of 27 June 2014 (PLS Regulations)] hence an emphasis on public launch sites in South Africa. With the history detailed in the last paragraph of page 10, paragraph 4 of page 54 in the EIA report, these commitments are endorsed. Consultation with the City of Cape Town (as the designated Management Body in terms of the PLS Regulations) is required. The City remains responsible for monitoring, compliance and enforcement of the Oceana PLS operational plan, including enforcement of fees charged at the launch site in compliance with Regulation 2(8) of the PLS Regulations..	The Branch's endorsement of the approach taken to coastal access and the public launch site is noted with appreciation. The requirement for consultation with the City of Cape Town as the designated management body in terms of the Public Launch Site Regulations is confirmed, and such engagement will continue. The City's responsibility for monitoring, compliance and enforcement of the operational management plan is acknowledged.

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				4. The impact on Heaviside's dolphins, Cape fur seals and whales and the uncertainty on their long-term response is a concern. The Marine Mammal Specialist Study, please see from page 15- Heaviside dolphins, reports that the hearing of these mammals is reported to be biased to higher frequency sounds, but this has not been measured. Construction activities are notably of lower frequency than that of vessels, which makes Heaviside dolphins more susceptible to danger during the construction phase as they move up to the dolos (inshore) during the day. It also seems as a mitigation measure that it may not be possible for major construction activities to be undertaken at night while the dolphins are offshore feeding. With whales notably increasing their presence in winter (August) through summer (February), presence a timing in which major construction activities should be planned, e.g. major construction after March to July. This still however present challenges for the Southern right whales. The Mammal Spotters to be appointed to monitor and advise on suitable times for major construction activities, especially to safeguard vulnerable killer whales and Heaviside dolphins is supported in accordance with the Marine Mammal Monitoring Plan. The buffers recommended in the Marine Specialist Study and Marine Mammal Specialist studies are supported too. The indication that no mitigation measures are possible for the impact on these mammals still needs to be further explored.	The concerns regarding impacts on Heaviside's dolphins, Cape fur seals and whales are noted. The Marine Mammal Specialist Study addresses the susceptibility of Heaviside's dolphins to lower-frequency construction noise and the timing constraints associated with whale presence. The recommendation to plan major construction activities around periods of peak marine mammal presence, including avoiding the August to February period where feasible, is noted, but is not expected to be feasible given the risks associated with in-water construction during the winter months. The appointment of Mammal Observers is supported and is included as a mitigation measure in the EMP. The comment that the indication of no available mitigation for certain impacts requires further exploration is noted.
				5. DFFE does not object to this proposed development; however, in line with the mandate, it ought to ensure that the development and use of natural resources within the coastal zone are socially, economically justifiable and ecologically sustainable. In the same vein, we are reminded of the Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others 1 at para 44, where it stated that	The Branch's position on sustainable development and the need to balance ecological, social and economic considerations is noted. The socioeconomic benefits of the development are described in the relevant specialist study. The suggestion to engage further with marine mammal specialists to identify additional mitigation measures to address the potential long-term displacement of Heaviside's dolphins is noted and will be explored.

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				<i>"The Constitution recognizes the interrelationship between the environment and development; indeed it recognizes the need for the protection of the environment while at the same time it recognizes the need for social development and economic development. It contemplates the integration of environmental protection and socio-economic development. It envisages the environmental considerations will be balanced with socio-economic considerations through the ideal of sustainable development. This apparent from s24(b)(iii) which provides that the environment will be protected by securing 'ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.' Sustainable development and sustainable use and exploitation of natural resources are at the core of protection of the environment"</i> It suffices, therefore, to state that the socio-economic activities inter alia stated in pages 17-18 and depicted in figure 11 of the Marine Mammal Specialist Study in relation to tourism should mostly be considered. The applicant can find some measures through interaction with marine mammal specialists to mitigate the permanent extinction of the Heaviside dolphins in this area.	
				6. The Climate Change study on page 19 indicates that wave heights were modelled for 1 year, but for one month in summer and winter for return periods of storms. It doesn't come clear what the return period was, 5 years, 10 years? 1 year was for modelling, could this be a return period too when indicated 1 year storm? Due to time constraints, we couldn't go through the PRDW report. With the acquired information on the reports, the 1m wave height in summer is a bit concerning for boaters in the proposed development, and this could reach 2m near the dolos revetment. The concern is that these are summer figures; the month modelled is not known at the stage of writing these comments. These results must be discussed with Oceana PLS	Wave heights were modelled for 1 year to an offshore point (depth of 20m). For offshore conditions a simplified model can be used so that a full year's conditions could be modelled. To model waves inshore a much more complex model is required, allowing only a few cases to be modelled. From the offshore point model results 3 conditions were therefore extracted to be run with the complex model. These conditions provide good estimates for: ▪ 1 month return period summer (1.9 m wave height offshore) ▪ 1 month return period winter (4.4 m wave height offshore) ▪ 1 year return period (5.6 m wave height offshore)

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				users. The current PLS has dolos revetment added at the entrance of the slipway, kind of enclosing the area of the slipway. This is not proposed to be replicated in the new proposed slipway; the only submission is that the east breakwater will provide such protection.	Inshore wave heights for OPBC and the new slipway based on Figures 3-10 to 3-12 are estimated as follows (wave heights in m): <table><tr><th>Return Period</th><th>Oceana</th><th>New Slipway</th></tr><tr><td>1 month Summer</td><td>0.25</td><td>0.25</td></tr><tr><td>1 month Winter</td><td>0.25 to 1.0</td><td>0.50 to 1.0</td></tr><tr><td>1 year</td><td>0.25 to 1.25</td><td>0.50 to 1.25</td></tr></table> These are significant wave heights, including both short and long waves as well as waves reflected off the shore. Waves heights vary a lot over the area in which slipways are located which is why a range of heights are provided. The new slipway will have very similar wave heights compared to those at OPBC. A benefit of the new location is that waves are more aligned (head-on) compared to OPBC.	Return Period	Oceana	New Slipway	1 month Summer	0.25	0.25	1 month Winter	0.25 to 1.0	0.50 to 1.0	1 year	0.25 to 1.25	0.50 to 1.25
Return Period	Oceana	New Slipway															
1 month Summer	0.25	0.25															
1 month Winter	0.25 to 1.0	0.50 to 1.0															
1 year	0.25 to 1.25	0.50 to 1.25															
				7. The report seems to accommodate the Oceana PLS with more size dimensions than it does. This is a welcome move. The proposal for a separate kayak space for launching, storage spaces, etc., is also a much-welcome move.	The Branch's positive acknowledgement of the proposed slipway dimensions and the dedicated kayak launch and storage provision is noted.												
				8. With a projected increase in the number of storm surges between 2021 and 2050, perhaps it would be important to have mobile structures on the seaside rather than hard structures like residential or hotels. The current designs, however, seem to align with this. Already, some parts of the Western Cape, including Gordon's Bay and some parts of the Blouberg area, have experienced coastal flooding. It therefore seems that the probability of overtopping is a reality to be lived with for the proposed reclaimed land. With the projected increases of storm surges in the near future, how high will the seawalls be, and who will be developing such walls? At pages 45-46, it seems the Climate Change study doesn't consider how the operational phase of the reclaimed land will be impacted by storm surges, but only considers the current land setup that will be protected by the extension of new land. It is, however, noted that the conclusion and recommendation of the study are	The concern regarding projected increases in storm surge frequency and the implications for hard structures on the reclaimed land is noted. The Climate Change Impact Assessment assesses the operational phase impacts of storm surge on the reclaimed land and confirms that appropriate mitigation measures or design responses are proposed. The extreme condition considered for the design has a return period of 475 years and allows for storm surge of 1.0 m and sea level rise of 0.43 m. The design information available from both numerical and physical modelling will enable appropriate design of any landside infrastructure.												

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				alive to the possibility of coastal flooding, storm surge and drought and no tangible mitigation measures for coastal flooding except the dolos, no recommendation of a seawall, etc., yet the study suggests action to counter high sea level rise in the long run. 9. During the overlay of the Coastal Climate Change Vulnerability (CoVu) Assessment dataset, there were indeed signs of coastal flooding https://ocims.environment.gov.za/coastalviewer/?page=Page&views=Map-Layers ; therefore, measures must be taken to mitigate this. 10. Recommendations to counter freshwater scarcity and drought are highly acceptable. In this regard, the Department of Water and Sanitation's comments would be valuable. 11. As discussed in the meeting on 13 April 2026, the impact on West Coast Rock lobster within Granger Bay must be discussed with the Fisheries Branch of this Department. The Acting Deputy Director General provided details. The phased approach for dolos removal recommendation is supported. 12. It should be further noted that should the project proponent see a need to protect its movable property from the risks of sea level rise/ or general coastal dynamic processes, section 15 of the ICM Act would be applicable. Kindly note that the Branch Oceans and Coasts reserves the right to revise its comments based on new or additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via email to OCEIA@dfre.gov.za / or Physical Address: Department of Forestry, Fisheries & the Environment (DFRE), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.	The reference to the Coastal Climate Change Vulnerability Assessment dataset and the indication of coastal flooding risk in the area is noted. The proposed development incorporates shore protection measures including the western breakwater and the new revetment. The acceptance of recommendations relating to freshwater scarcity and drought is noted. Comments from the Department of Water and Sanitation will be incorporated if received. The recommendation to engage the Fisheries Branch of DFRE regarding impacts on West Coast Rock lobster within Granger Bay is noted. The EAP will initiate engagement with the Fisheries Branch as directed. The support for the phased approach to dolos removal is noted. The reference to section 15 of the ICM Act in relation to protection of movable property from coastal dynamic risks is noted and will be brought to the attention of the applicant.
22/04/2026	Email	SANParks		RE: ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED GRANGER BAY PRECINCT DEVELOPMENT AT THE V&A WATERFRONT	

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		Megan Taplin		DEA&DP Ref No.: 16/3/3/2/A7/4/3051/25 1. SANParks notes that the Draft Environmental Impact Report ("EIR"), Environmental Management Programme ("EMPr") and various specialist assessments have been made available for comment as part of the environmental authorisation process for the above-mentioned development. 2. SANParks hereby provides the following comments, read together with its comments submitted on the Pre-Application Draft Scoping Report. 3. SANParks notes that a number of requirements raised during the scoping phase have not been adequately addressed in the EIR and EMPr, or have been deferred to a post-authorisation stage. 4. SANParks previously required that a marine mammal monitoring programme be developed during the EIA phase, submitted for review, and incorporated into the EMPr 5. SANParks further required that the monitoring programme include both visual monitoring and passive acoustic monitoring, in order to assess displacement and return of Heaviside's dolphins. 6. While the EIR indicates that a Marine Mammal Monitoring Plan will be implemented, the EMPr does not include this programme and instead lists it as a method statement to be developed subsequent to environmental authorisation. 7. No details are provided regarding monitoring methodology, spatial and temporal coverage, thresholds for management response, or reporting requirements. 8. Visual monitoring and passive acoustic monitoring have not been included in the EMPr. This approach is not supported.	Some aspects of these requirements require a level of detail in design and construction methods that is not yet available. Where this is the case, the EMPr includes specific requirements for the preparation, review, and incorporation of such methods into the EMPr. Please refer to Chapter 8 of the EMPr, which included the detailed Marine Mammal Monitoring Programme requested by SANParks, incorporating visual monitoring, passive acoustic monitoring, defined monitoring frequency and duration, and reporting requirements.

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Date	Method	Name	Interest	Comment / Query	Response (interim and may be subject to change)
				9. SANParks requests that a detailed Marine Mammal Monitoring Programme be compiled as part of the EIA process and incorporated into the EMPr, including: • Visual monitoring; Passive acoustic monitoring, where feasible; • Defined monitoring frequency and duration; • Thresholds for management intervention; and • Reporting requirements.	
				10. SANParks previously required that a detailed underwater noise management protocol be developed during the impact assessment phase, incorporated into the EMPr, and made available for review.	The concern raised by SANParks regarding the importance of underwater noise as a key impact pathway is acknowledged and agreed with. Underwater noise associated with marine construction activities, particularly large-scale rock placement, was identified and assessed in the EIA as a potentially significant impact (rated Medium to High pre-mitigation), with mitigation measures including soft-start procedures, marine mammal observation, and the implementation of an Underwater Noise Management Plan resulting in a reduced post-mitigation significance.
				11. The response to SANParks' comments indicated that such a protocol would be developed and included in the EMPr.	
				12. The EMPr does not include a detailed Underwater Noise Management Plan and instead lists it as a method statement to be developed subsequent to environmental authorisation. This approach is not supported.	
				13. Given that underwater noise is a key impact pathway affecting a variety of marine animals, including marine mammals and seabirds (notably African penguins), the absence of a detailed and assessed noise management plan prevents meaningful evaluation of the adequacy of the proposed mitigation.	
				14. SANParks requests that a detailed Underwater Noise Management Plan be developed as part of the impact assessment process and incorporated into the EMPr, including: • Defined exclusion zones; • Soft-start/ramp-up procedures; • Temporal restrictions, where applicable; • Real-time monitoring and shutdown procedures; and	

COMMENTS ON THE DRAFT EIA REPORT RECEIVED BETWEEN 19 MARCH 2026 – 22 APRIL 2026

Date	Method	Name	Interest	Comment / Query	Response (interim and may be subject to change)
				Clear implementation and compliance requirements..	which allows for refinement of management measures as the project progresses. Notwithstanding the above, the EMPr explicitly requires the development of an Underwater Noise Management Plan prior to construction, which will be subject to review and approval by the Engineer and Environmental Control Officer (ECO) before implementation. It is confirmed that the Underwater Noise Management Plan to be developed pre-construction will include, at a minimum, the elements requested by SANParks, namely: - defined exclusion (shutdown) zones based on species-specific thresholds; - Soft-start / ramp-up procedures for piling or other high-noise activities; - Temporal restrictions informed by seasonal sensitivity (where applicable); - Real-time monitoring by suitably qualified Marine Mammal Observers (MMOs); - Shutdown procedures triggered by fauna observations within defined thresholds; and - Clear roles, responsibilities, and compliance monitoring requirements. These measures will align with and expand upon existing EMPr provisions, including the Marine Mammal Monitoring Plan and other marine management controls already included in the EMPr. To address SANParks' concern regarding review, it is proposed that the draft Underwater Noise Management Plan be made available to SANParks for comment prior to finalisation.
				15. SANParks requires that these comments be formally addressed in the revised EIR and EMPr.	These comments are acknowledged, and where relevant and possible are included in the EIA Report and EMPr.

COMMENTS ON THE DRAFT EIA RECEIVED AFTER 23 APRIL 2026 (I.E., AFTER THE 30-DAY COMMENTING PERIOD)

Date	Method	Name	Interest	Comment / Query	Response
28/04/2026	Email	Nicholas Smith		1. I act for The Waterclub Residents Homeowners Association ("WRHOA"), Antigua Body Corporate, Biscay Body Corporate, Calais Body Corporate, Dover Body Corporate, Elstree Body Corporate, and the Granger Bay Berth Holders Association ("GBBHA"). I refer to the residents of the residential apartments in the apartment blocks comprising Antigua, Biscay, Calais, Dover and Elstree and to the WRHOA's members and the GBBHA's members herein collectively as "my client". 2. Attached please find the substantive review prepared by Holland and Associates Environmental Consultants of the Draft EIA Report for and on behalf of my client. We transmit that review to you today in compliance with the agreement we reached (by email exchange on Monday 13 April 2026) in respect of the provision of my client's comments on your Draft EIA Report by or before the end of today. 3. We look forward to hearing from you in due course.	Your submission on behalf of the parties listed is noted. Please see responses to the matters raised below.
28/04/2026	Email	Ross Holland		REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT FOR THE PROPOSED DEVELOPMENT OF THE GRANGER BAY PRECINCT AND RECLAMATION OF LAND, V&A WATERFRONT, CAPE TOWN, WESTERN CAPE. DEA&DP Ref: 16/3/3/2/A7/4/3051/25 28 April 2026 Prepared on behalf of: The Waterclub collectively comprising the Waterclub Residents Homeowners Association; the Antigua Body Corporate; the Biscay Body Corporate; the Calais Body Corporate; the Dover Body Corporate; the Elstree Body Corporate; and the Granger Bay Berth Holders' Association 1. INTRODUCTION Holland & Associates Environmental Consultants has been appointed by The Waterclub (collectively comprising the Waterclub Residents Homeowners Association; the Antigua Body Corporate; the Biscay Body Corporate; the Calais Body Corporate; the Dover Body Corporate; the Elstree Body	Your submission on behalf of the parties listed is noted. Please see responses to the matters raised below.

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				Corporate; and the Granger Bay Berth Holders' Association) (collectively referred to herein as "The Waterclub"), to assist in the latter's review of the Draft Environmental Impact Assessment (EIA) Report in respect of the NEMA¹-listed activities that comprise and/or form part of the proposed Development of the Granger Bay Precinct and Reclamation of Land at the V&A Waterfront in Cape Town, Western Cape. We refer herein to the development and reclamation-related activities as the "proposed project". The applicant for environmental authorisation ("EA") is V&A Waterfront Holdings (Pty) Ltd. We refer herein to the latter entity as "the applicant". The comments set out below are based on a review of the Draft EIA Report (dated 19 March 2026) and its annexures, as downloaded from the website of the Environmental Assessment Practitioner (EAP), viz., Mr. Jeremy Rose of Infinity Environmental Consultants (www.infinityenv.co.za) on 27 March 2026. The review process has revealed a number of material omissions and deficiencies in the Draft EIA Report, which give rise to concerns regarding potentially significant negative impacts on The Waterclub and more particularly, the residents of The Waterclub, as a result of the applicant's proposed activities. The primary concerns are set out in the proceeding section below. 2. WAVE REFLECTIONS INTO THE WATERCLUB'S GRANGER BAY MARINA The assessment of wave reflection impacts in the Draft EIA Report, relies upon the outcomes of the Oceanographic specialist study prepared by Messrs WML Coast Consulting Engineers (Appendix B5 to the Draft EIA Report). The Oceanographic specialist study in turn appears to rely heavily on Wave and Hydrodynamic Modelling Studies undertaken by Messrs PRDW Consulting Port and Coastal Engineers. Three distinct wave impacts on the Granger Bay Marina are assessed in the Draft EIA Report, and can be summarised as follows: Short-wave reflections from the proposed west breakwater will arrive perpendicularly to boats entering or exiting the marina, creating low-height side waves that may influence navigation. Rated Low Negative (with limited mitigation options available).	
					The description of the specialist reporting and its authorship is accurate. WML Coast (Pty) Ltd was appointed to conduct an independent Oceanographic Impact Assessment (Appendix B5 of the EIA) to assess the impacts on wave dynamics, drawing on, and reviewing the methods for, detailed wave modelling assessments conducted by PRDW Coastal Engineers (Appendix G to the EIA). Note that both reports have been updated with information to address the concerns raised herein. Responses to specific matters raised are provided in the following sections.

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				Long-wave reflections from the west breakwater may enter the marina and potentially cause seiches or water level surges. The report notes the old Granger Bay harbour was historically prone to resonance in the 1970s, and it is possible (though assessed as improbable) that the new breakwaters and the existing marina breakwater could form a "wave guide" causing resonance. The predicted environmental impacts are rated Low Negative pre-mitigation, reducing to Very Low if monitoring and wave mitigation measures are implemented should resonance occur. Wave reflections onto the marina breakwater itself could increase wave heights at the breakwater during storm conditions, potentially exceeding its design criteria. The impact of wave reflections of this nature is rated as Very Low Negative, with monitoring and rehabilitation proposed as mitigation. At face value, the Draft EIA Report and Oceanographic Impact Assessment findings that pertain to The Waterclub's Granger Bay Marina, in respect of the potential impact of wave reflections are relatively benign, with all assessed impacts rated between Very Low and Low significance. As set out below however, closer scrutiny of these findings gives rise to significant concerns that impact significance ratings are likely to have been underestimated in the circumstances.	
				2.1 Concerns related to Long Wave Reflection and Harbour Resonance 2.1.1 Concerns regarding underestimation of Impact Probability & Significance We note that the Oceanographic Impact Assessment (Appendix B5 to the Draft EIA Report) specifically acknowledges long wave resonance in the Granger Bay Marina as one of the identified environmental impacts associated with the proposed project. The report's statement (Section 2.2.3, on page 10) is therefore of concern: <i>"[I]t would also have been interesting [sic] to investigate if a longer simulation time would have affected the long waves since these kinds of waves generally require a fair duration of simulation to be characterised"</i>	In respect of the simulation time for the model used, the draft WML report stated: <i>"Similarly, it would also have been interesting to investigate if a longer simulation time would have affected the long waves since these kinds of waves generally require a fair duration of simulation to be characterised. However, the model setup, scenarios and results are still considered to be robust, and the conclusions are deemed acceptable and may be used in additional analyses for the Environmental Impact Assessment" (Page 10, emphasis added).</i>

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				It is submitted that such an investigation would be more than "interesting", and that its omission has significance. We note that if the simulation time on which the findings, and rating and significance of the environmental impacts in the Oceanographic Impact Assessment are predicated was too short to fully characterise long wave behaviour, the probability and magnitude of resonance effects could be underestimated. The PRDW report (Rev C, November 2025) confirms that each wave model run consisted of only 60 minutes of simulation per sea state (plus 5 minutes of spin-up) (page 17, Section 2.2.2.2 of the PRDW report - Rev C, November 2025). Infragravity waves are surface ocean waves with periods between 25 and 300 seconds. This is relevant because a 60-minute simulation contains only 12 full cycles of a 300-second (5-minute) infragravity wave which as the Oceanographic Impact Assessment implicitly acknowledges, is a marginal number from which to characterise the full resonance spectrum and consequent environmental impacts.	The simulation period for the model was regarded by the independent specialist as sufficient for the purposes of this process. The opinion in respect of the interest in additional simulations does not affect this assessment, nor the level of confidence in it expressed by the specialist in assessing the significance of the potential impacts.
				It is further noted that the Oceanographic Impact Assessment reviewed PRDW's modelling of 1-month and 1-year return period storms for its impact assessment; however, it does not appear to have considered the longer return period storm events modelled in the PRDW 2025 Wave Modelling Report, appended as Appendix G3 of the Draft EIA Report. We note that the 2025 Wave Modelling Report modelled 14 cases up to the 475-year return period, with offshore significant wave heights reaching 10.49 m (Case 8) and still water levels of 2.15 m MSL including 0.43 m of sea level rise. These far more energetic conditions would generate substantially stronger wave reflections off the east and west breakwaters than anything that the Oceanographic Impact Assessment appears to have considered. This gives rise to substantial concerns that the amount of reflected wave energy reaching The Waterclub's Marina over the course of the design life of the proposed development is likely to be significantly greater than the results of the Oceanographic Impact Assessment suggest or predict.	The WML Report has since been updated following revisions made to the PRDW report, which includes the findings of a sensitivity test on the simulation period for long-waves, confirming no significant changes to results when the simulation period was extended. See Appendix G2 of the EIA Report for more detailed information. Consideration of extreme events, such as the 1: 475-year return interval event discussed here, is reported on in the context of the performance of the proposed breakwaters and is an engineering assessment rather than an assessment of impact. For the avoidance of doubt, however, the descriptions of the extreme scenarios in Chapter 2 of the EIA Report have been updated to include modelled significant wave heights for the 1: 475-year storm case at the Waterclub as well, for the baseline and development case. In terms of reflected wave energy onto the existing Waterclub Marina breakwaters, it was found that there is an insignificant increase to the perpendicular wave action on the main breakwater adjacent to the Radisson

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					Hotel, while a significant increase was found in the wave action in front of the lee breakwater adjacent to the existing OPBC entrance – however these waves travel parallel to the lee breakwater, and so a significant impact on the lee breakwater is not anticipated. However, monitoring of the lee breakwater has been included in the EMPr (Appendix D), with required remedial action to be taken in consultation with the Waterclub Marina should damage to the lee breakwater become evident.
				The Oceanographic Impact Assessment acknowledges that historical records show that the Granger Bay harbour was prone to resonance in the 1970s. In addition, the report also identifies a plausible mechanism by which this phenomenon could recur, via the new West breakwater and the existing marina breakwater forming a "wave guide" for long waves. Further to this, in the course of discussing mud accumulation at The Waterclub, the PRDW report (Rev C, November 2025 – Appendix G2 of the Draft EIA Report), notes that the existing scour holes at The Waterclub entrance and near the non-floating quay wall are caused by strong currents due to harbour resonance. This is a direct acknowledgement that harbour resonance is an active and ongoing physical process in The Waterclub that already causes scour damage. It is therefore of significant concern that in spite of the historical record, an acknowledged "wave guide" mechanism, as well as the current findings of the PRDW report in terms of present day resonance, that the Oceanographic Impact Assessment (the findings of which are carried through into the Draft EIA Report) rates the probability of the new development causing resonance in The Waterclub as "improbable," (which in turn drives the overall significance rating down to "Low"). This is notwithstanding that the PRDW report's own baseline analysis confirms that resonance is already occurring and is causing measurable seabed effects.	It is important to distinguish between the existing harbour resonance present as part of the baseline conditions of the existing Waterclub Marina, and any additional resonance caused by the proposed new breakwaters. In terms of the existing harbour resonance, it is correct that this has been identified as a pre-existing condition for the Waterclub Marina. The EIA aimed to determine if the breakwaters proposed would significantly alter the existing baseline conditions, finding that this is not a likely outcome. The possibility of the new breakwaters forming a wave guide is identified as a potential effect of the proposed development in the OIA, but the impact of this phenomenon must be contextualised with the likelihood of its occurrence – i.e., its probability. It is possible that a wave guide could form with the combination of the existing and proposed breakwaters and that this might result in increased wave heights within the Waterclub Marina, and it is

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					important that an EIA identifies this possible risk. However, the modelling indicates that wave heights within the Marina are not expected to change significantly, and that wave heights are in fact reduced slightly with the development under modelled conditions.
				We note that the rating of Harbour Resonance as "improbable" appears to rely on the 2018 modelling results, yet the 2023 scheme pertaining to the proposed project is materially different to the 2018 scheme, since it creates a more geometrically complex environment, with two breakwaters rather than one. If the probability were rated as "possible" rather than "improbable," it follows that the significance rating of the impact would likely increase. The concerns regarding the probability rating of the impact, coupled with the aforementioned concerns regarding the adequacy of the wave simulation model to fully characterise long wave behaviour, as well as the fact that the Oceanographic Impact Assessment appears to have limited its consideration to storm events no larger than a one-year return period, give rise to substantive concerns regarding the underestimation of potential wave reflection impacts on The Waterclub, that could have significant adverse impacts on safe nautical operations within the Marina.	PRDW's various reports (Appendices G1, G2 and G3) and the Oceanographic Impact Assessment (OIA) have all been compiled for the latest 2023 scheme. All findings and impact ratings presented in the EIA report and Appendix G are based on the new bay layout. The OIA references 2018 data for baseline conditions. As explained above, existing harbour resonance is not anticipated to be exacerbated by the development.
				In light of the above, it is requested that the failure to conduct a longer simulation time investigation be remedied and the Oceanographic Impact Assessment (and by extension the Draft EIA Report) be updated to take full and proper account of the concerns raised above, as well as to properly incorporate the findings of the 2025 PRDW Wave Modelling Report (Appendix G3 of the Draft EIA Report), such that the potential impacts on The Waterclub are assessed for the same return period storm events and sea level rise scenario's that have been assessed for the proposed new breakwaters. In this regard, we submit that if the 2025 PRDW Wave Modelling Report report's findings were fully incorporated into the Oceanographic Impact Assessment, particularly the more extreme wave conditions, long-wave basin amplification, overtopping volumes, and climate change projections, some of the impact ratings for the Granger Bay Marina are likely to warrant reconsideration, particularly Impact	See above responses.

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				2b (berthing and mooring effects from long-wave reflections) and Impact 2c (effects on the marina breakwater design parameters). It is further submitted that the present probability rating of "Improbable" for these impacts is likely to be optimistic and significantly understated, given the 2025 PRDW Wave Modelling Report's demonstration of significant long-wave energy generation within the proposed development during extreme events. It is emphasised that these shortcomings require to be remedied prior to any EIA finalisation.	
				2.1.2 Inadequate Mitigation Measures Set against the substantive concerns laid out in section 2.1.1 above, it is of significant concern that the entirety of the proposed mitigation put forward to address the potential impact of accentuated long wave action is limited to the following inadequate statement (at pages 237-238 of the Draft EIA Report): <i>"Should accentuated long wave action present in the Granger Bay Marina, wave mitigation measures should be investigated and implemented."</i> On the basis of this review, it appears that no further detail is provided anywhere in the 320-page Draft EIA Report (nor in the draft EMPr for the project). Of particular concern, there is no specification provided for what those wave mitigation measures might entail; no costing for the (entirely unspecified) mitigation measures is provided; no feasibility analysis is put forward; there is no assignment of responsibility; no timeframes; and no thresholds for what level of long-wave action would even trigger the investigation. In respect to the above we note that to the extent that this one-line statement can even be considered to constitute a mitigation measure, it is a purely reactive suggestion that only applies after resonance has already manifested. By the time accentuated long-wave action is observed in the marina, the proposed breakwaters causing it will be permanent rock structures respectively extending 90m and 140m into Table Bay. The Draft EIA Report itself acknowledges the impact has "Low reversibility"	Based on the updated wave modelling report by PRDW (Appendix G2), it has been confirmed that no significant impacts are anticipated in terms of changes to existing wave dynamics within the Waterclub Marina, nor are significant negative impacts anticipated on the existing breakwaters. Accordingly, the Oceanographic Impact Assessment (Appendix B5) has been updated to reflect these findings, noting that no mitigation measures are required in this regard. However, as a precautionary measure, mitigation measures have been included for the existing lee breakwater specifically.

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				and that "no decommissioning phase has been envisaged." In other words, if resonance does occur, the cause is essentially irreversible. In our understanding the practical options for mitigating harbour resonance after the fact are extremely limited and typically very expensive. Common approaches to mitigation would include interventions such as installing wave screens or baffles at the marina entrance, modifying the marina breakwater geometry, adding floating breakwaters, or installing wave-absorbing structures (such as perforated caissons or rubble slopes) along the inner walls of the breakwaters. Each of these measures would be a significant marine engineering intervention in an existing, operational marina with berthed vessels. Retrofitting wave attenuation measures into a confined marina basin is therefore likely to be far more difficult and costly than designing it into a new structure from the outset. We note with concern that the Draft EIA Report as well as the draft EMPr for the proposed project are silent on who bears the cost and responsibility, in the event that the (likely significant) impact eventuates. If resonance occurs and damages vessels, disrupts berthing, or necessitates expensive engineering remediation within The Waterclub Marina, the EIA does not definitively establish that the applicant would be responsible for investigating, funding, or implementing the mitigation. Further to the concerns regarding the lack of clarity regarding the full and proper allocation and apportionment of cost and responsibility, we note that there is no monitoring programme specified for detecting the onset of resonance. There also appears to be no requirement for baseline wave measurements within The Waterclub Marina before construction, nor for post-construction wave monitoring against defined thresholds. We note that in the absence of baseline data, it would be very difficult to demonstrate that any observed resonance was caused by the new breakwaters rather than being a pre-existing condition. The current and entirely inadequate treatment and assessment of this potential impact in the EIA reporting gives rise to legitimate concerns that in the event that the potential impact was to eventuate, that The Waterclub's body corporate or marina	

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				operator could find themselves in the invidious position of a protracted dispute about causation and liability, which is unacceptable in the circumstances. We therefore request that, (1) the current vague and inadequate one-line statement on mitigation be made significantly more specific, (2) responsibility and cost allocation be clarified, and (3) baseline monitoring within The Waterclub Marina be required as a condition of approval with detailed baseline monitoring to be undertaken for at least a 12-month period, and before any marine construction commences. Given that the production of the additional information required to address the concerns raised within section 2.1.1 and 2.1.2 will by definition constitute new and material information (and are fundamentally relevant considerations that are not yet in the public domain) the EAP (and more particularly, the applicant) is legally obliged to circulate an updated draft of the Draft EIA Report and the relevant annexures thereto (including the outcome of inter alia the additional modelling, reporting and proposed baseline monitoring, for a further 30-day public participation process ("PPP")).	
				Appended to this review marked "A" is a copy of a letter addressed by The Waterclub's attorney of record to the Deputy Director-General in the Department of Forestry, Fisheries and the Environment's Branch: Oceans and Coasts. In that letter, The Waterclub's attorney sets out The Waterclub's substantive concerns regarding the "Application for pre-approval for the reclamation of land from coastal waters in terms of section 7C(4)(a) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) and Regulations 2 and 4 of the Reclamation of Land from Coastal Waters Regulations, 2018: Granger Bay, V&A Waterfront, Cape Town, Western Cape" and more particularly, the contents and legal effect of the Minister of Forestry, Fisheries and Environment's publication of GN 7122 in Government Gazette 54123 dated 13 February 2026. In short, the application for pre-approval is shown by the content of annexure "A" to be vitiated and the Ministerial publication consequently irregular in the respects identified. The contents of annexure "A" to this review should be read as incorporated herein.	The I&AP's submission to the DFFE in respect of a separate public participation process under the ICMA is noted. The responsibility for responding to these comments lies with the DFFE, but to the extent that the matters raised are relevant to the EIA, brief responses are provided in the following pages.

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				2.2 Concerns relating to wave reflections on to The Waterclub's Marina breakwater 2.2.1 Concerns regarding underestimation of Impact Probability & Significance The Draft EIA Report notes the following in respect of the impact assessment of wave reflection impacts on to The Waterclub's Marina breakwater (page 238 of the Draft EIA Report): "Short and long wave reflections onto the Granger Bay Marina breakwater <i>The waves that reflect onto the Granger Bay Marina breakwater (mostly from the 'West' breakwater) can lead to increased wave heights at the breakwater. During storm conditions, the increased wave heights may exceed the design criteria of the breakwater or cause increased damage to the breakwater. Mitigation can include regular monitoring of the condition of the breakwater with rehabilitation when necessary. The impact is considered of Very Low significance and there are mitigation methods available.</i> Mitigation Measures <i>Mitigation can include regular monitoring of the condition of the breakwater with rehabilitation when necessary."</i>	Further analysis of the Waterclub Marina during extreme events confirms that no significant negative impacts are anticipated on the existing breakwaters. This is detailed in Section 2.3.6 of the EIA Report as well as Appendix G2.

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				PRDW's hydrodynamic modelling that assessed wave conditions within and around the Granger Bay Marina used only three storm scenarios, as described in Section 2.3.1 (page 70 of the Draft EIA Report): A 1-month return period storm in summer; a 1-month return period storm in winter; and a 1-year return period storm. The wave height results for the marina area (Figures 2-18 and 2-19 on page 74) are presented for the 1-year return period only. It is on the basis of these limited modelling outputs that the impact assessment at Section 6.3.1 and Table 6-38 (page 238 of the Draft EIA Report) concludes that wave reflections onto the marina breakwater are of "Very Low" significance. We note with concern that by contrast, the design of the proposed new breakwaters and coastal infrastructure was assessed against far more extreme conditions. The new structures have a 50-year design life, which corresponds to a 475-year return period (based on a 10% probability of exceedance) as stated on page 62 of the Draft EIA Report. The design wave parameters table (Table 2-2, page 76) presents scenarios for return periods of 5, 50, and 475 years, with significant wave heights reaching up to 9.03 metres at the -20m MSL contour. These are based on 42 years of storm data and include climate change projections for sea level rise to 2074.	Consideration of extreme events, such as the 1: 475-year return interval event discussed here, is reported on in the context of the performance of the proposed development breakwaters, and is an engineering assessment rather than an assessment of impact. For the avoidance of doubt, however, the descriptions of the extreme scenarios in Chapter 2 of the EIA Report have been updated to include modelled significant wave heights for the 1: 475-year storm case at the Waterclub as well, for the baseline and development case. As is evident from the results detailed in Section 2.3.6 of the amended EIA, the proposed development does not make a significant difference to the reflected wave energy experienced within the Waterclub Marina and in perpendicular wave action on the breakwaters.

			The impact being assessed to the effect that wave reflections could "exceed the design criteria of the breakwater or cause increased damage" during storm conditions, is by definition an impact that would manifest during extreme storm events, not during routine one-year storms. The question of whether reflected waves from the new west breakwater could push wave heights at the marina breakwater past its design threshold is therefore a question that turns on what happens during rare, severe storms, precisely the events that were not modelled for the marina area. The one-year return period storm that was modelled represents conditions that occur, on average, once per year, in other words, essentially routine winter storm conditions. It is therefore entirely unsurprising that the modelling shows benign results for The Waterclub's Marina under such conditions. We note that the impact description in the Draft EIA Report explicitly contemplates storm conditions severe enough to exceed the marina breakwater's design criteria, which would involve return periods of decades, not months. These longer return period events are however not accounted for in the existing impact assessment as they have not been modelled (alternatively the results have not been presented in the Draft EIA Report). To further elaborate on the concern raised above, the proposed new breakwaters were designed against a 475-year return period with significant wave heights of up to 9.03m at the offshore contour. When waves of that magnitude reflect off the West breakwater toward The Waterclub's Granger Bay Marina, the wave heights arriving at the marina breakwater are likely to be materially different from those arriving during a one-year storm. The current impact assessment however provides no modelling of this scenario, which we consider to be a fatal flaw in that assessment. We furthermore note that a credible assessment of potential impacts on the Granger Bay Marina breakwater would require several other critical pieces of information that are currently entirely absent from the Draft EIA Report. In this regard we note that the design criteria of the existing Granger Bay Marina breakwater (what return period it was designed for, what wave heights it was designed to withstand) are not stated. The wave heights that would arrive at the marina breakwater from reflections off the new west breakwater during extreme events (e.g., 50-year or 100-year storms) have not been modelled, or at	Please see above responses. It is outside the scope of the current project to determine the design limitations or residual structural capacity of the existing breakwaters of the Waterclub Marina. The EIA aims to determine if the proposed new breakwaters at Granger Bay would significantly alter the existing baseline conditions of the wave dynamics within the immediate vicinity of the proposed reclamation. Specific cases were therefore modelled in comparison to baseline conditions. This has been clarified in the amended EIA report. The Waterclub and its breakwaters were however included in the model domain for these extreme events and reporting on this has been added to the EIA Report in Section 2.3.6 and the relevant specialist reports. As is evident, the proposed development does not make a significant difference to the reflected wave energy experienced in the Waterclub Marina, nor on the perpendicular wave action on the existing breakwaters during extreme events. However, monitoring of the lee breakwater has been included in the EMPr (Appendix D) as a precautionary measure.
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				least, the results are not presented. The residual structural capacity of the existing marina breakwater is also not assessed. We submit that without this information, the statement in the impact assessment that the probability of exceeding the marina breakwater's design criteria is "Improbable" is not objectively credible and cannot be verified. The confidence rating of "High" for this assessment, stated as being because "the wave transformation model used and wave conditions assessed are considered robust", refers to the robustness of the model itself, not the adequacy of the storm scenarios chosen for the marina. We point out in this regard that a model can be perfectly robust and still produce misleading results if it is run for insufficiently extreme storm conditions, as appears to be the case in this instance. In relation to the above, we note that concerns over modelling gaps were raised earlier in the environmental authorisation process, during the scoping phase. The Comments and Responses table (page 294 of the Draft EIA Report) records that when questions were raised about modelling gaps, the response was that the specialist "confirmed both long and short waves were modelled and that extreme storm conditions were used." We note that this response is technically accurate in the context of the new breakwater design (which was assessed to 475-year return periods) but is arguably misleading in the context of impacts on the Granger Bay Marina, which were assessed using only one-month and one-year storms, and not the more extreme scenarios modelled for the proposed new structures. In summary, the proposed project's own coastal infrastructure is designed to a 475-year return period, reflecting the recognised need to plan for (and mitigate the environmental impacts of) extreme events over the 50-year design life of the proposed facility. In spite of this, the impact of that proposed (and significant) coastal infrastructure on the adjacent existing marina breakwater has been assessed using only a one-year storm, a return period that bears no relationship to the extreme conditions under which damage would actually occur. We submit that this mismatch in modelling scenarios is not defensible and gives rise to substantive concerns regarding the understating of the significance of potential impacts on the Granger Bay Marina breakwater.	
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				In order to address the concerns outlined above, and on behalf of The Waterclub, we request that the wave reflection modelling of impacts on the Granger Bay Marina breakwater be re-run for the same return period scenarios that have been modelled for the proposed new breakwaters, and that all the impact assessment reporting be updated accordingly, in order to provide a credible assessment of potential impacts on the Granger Bay Marina. Given that the production of this information will constitute new and material information that is not yet in the public domain, the applicant is legally enjoined to ensure that the EAP circulates an updated draft of the Draft EIA Report and the relevant and supplemented (and new) annexures thereto for a further 30-day PPP.	
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				2.2.2 Inadequate Mitigation Measures Set against the significant concerns laid out in section 2.2.1 above, it is of concern that the entirety of the proposed mitigation put forward to address the potential impact of short and long wave reflections onto the Granger Bay Marina breakwater, is limited to the following vague statement (page 238 & Table 6-38 of the Draft EIA Report): <i>"Mitigation can include regular monitoring of the condition of the breakwater with rehabilitation when necessary."</i> Of further concern, we note that the vague and unsubstantiated (and therefore objectively insupportable) statement above is merely repeated in the draft EMPr (in the summary impact table in Section 1.5.2) and not further elaborated on. We note that Section 1.5.2 amounts to descriptive statements in the impact summary and does not relate to management actions, monitoring requirements, or the assignment of responsibilities. We note that this mitigation measure follows the same pattern as the long-wave resonance mitigation analysed in Section 2.1. The impact is assessed as low probability or low significance (refer to Section 2.2.1 above, which casts significant doubt on the plausibility of this assessment). The mitigation of this entirely understated impact is described in the vaguest possible terms with no specifics on methodology, frequency, responsibility, or cost. The practical effect is that the EIA can claim mitigation has been proposed; however, The Waterclub is left with no enforceable commitment, no baseline against which to measure change, and no clearly identified party responsible for remediation if damage occurs. We submit that this situation is clearly unacceptable in the circumstances and gives rise to concerns about the potential externalisation of costs that ought rightly to be borne by the applicant. We note that the draft EMPr is structured around three implementation phases (Design/Pre-Planning in Section 4, Construction in Section 5, Post-Construction in Section 6), each with detailed management action tables. Against this backdrop of detailed, specified, and assigned management actions for other impacts, the draft EMPr is entirely silent on any pre-construction baseline condition survey of the Granger Bay Marina	It has been confirmed in the updated Oceanography Impact Assessment that the impacts on the Waterclub Marina's existing breakwaters are anticipated to be insignificant (Appendix B5). However, as a precautionary measure, monitoring of the lee breakwater has been included in the EMPr (Appendix D). A pre-construction survey of the existing lee breakwater will be conducted prior to the construction phase commencing. This has been included in the amended EMPr (Appendix D).

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				breakwater. The pre-construction phase (Tables 4-1 to 4-3) covers inter alia rock lobster translocation permits, hydrodynamic design requirements, ocean access, slipway management, and maritime archaeology, but nothing is included there about documenting the existing condition of the marina breakwater before construction alters the wave regime acting upon it.	
				The draft EMPr does not include provisions for a post-construction monitoring programme for the marina breakwater condition. The post-construction plan (Table 6-1 to 6-3) ends after water quality, stormwater, and marine habitat provisions. There is no action described or adequately detailed for breakwater monitoring, no methodology for that action is specified, no frequency is defined, no trigger thresholds are provided, and no responsible party is identified.	A monitoring plan for the existing Waterclub Marina lee breakwater has been included in the amended draft EMPr (Appendix D).
				In addition, the draft EMPr is also silent on any wave or resonance monitoring programme for the marina. Despite the EIA identifying short-wave reflections, long-wave resonance potential, and wave loading on the breakwater as assessed impacts, none of these have monitoring provisions in the draft EMPr.	Not all assessed impacts are the subject of proactive monitoring, unless the level of uncertainty or risk are such as to require it.
				The draft EMPr also does not allocate any responsibility or cost mechanism for breakwater rehabilitation. The proposed holder of the EA (i.e. the applicant) is explicitly identified as responsible for (e.g.) water quality monitoring, stormwater management, and marine habitat management in the post-construction tables. By contrast, no such assignment of responsibility exists for identified impacts on The Waterclub's Marina breakwater.	The applicant, the V&A Waterfront Holdings (Pty) Ltd is responsible for the implementation of the mitigation measures specified in the EMPr.
				The practical implication of the omissions noted above is that the mitigation statement in the Draft EIA Report in respect of "monitoring and rehabilitation of the breakwater, when necessary" is not carried through into the draft EMPr as an implementable management action. The statement exists only as text in the impact assessment table and the summary with no corresponding provisions to give it practical effect. The same is true for the long-wave resonance mitigation, discussed previously under Section 2.1 of this submission.	The concerns raised have been addressed in the amended EIA Report and EMPr, where required.
				We note that the identified omissions stand in stark contrast to the approach applied to other impacts. The EIA's commitment to water quality monitoring, for instance, is translated into the draft EMPr as a specific, detailed, implementable action with defined methodology, frequency, responsibility, and reporting. In contrast, the marina breakwater "mitigation" does not currently	

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				reflect an equivalent level of detail, and is therefore, in practical terms, unimplementable as currently drafted. We submit that the draft EMPr demonstrates that the EAP is capable of drafting specific, enforceable monitoring provisions, as is evident from the content of the water quality and marine mammal sections contained in the draft EMPr. It is therefore of concern that a similar level of detail has not been applied to the marina breakwater and wave dynamics impacts. We submit that the omission represents a substantive gap between the mitigation claimed in the Draft EIA Report and the corresponding management actions that would give that mitigation practical effect, and that should correctly have been included in the draft EMPr. In light of the above, we request that the draft EMPr be amended to include, at minimum, a pre-construction breakwater condition survey, a post-construction monitoring programme with defined frequency and methodology, defined trigger thresholds for when rehabilitation is required, and explicit assignment of responsibility and cost to the applicant, should an EA ultimately be approved by the competent authority. It follows that these requested amendments to address the current omissions in the draft EMPr should all follow the same level of specificity that the draft EMPr already applies to (for example) water quality and marine mammal monitoring. 2.3 Concerns regarding marina sedimentation / maintenance-dredging burden The PRDW report (Appendix G2, in Section 3.4 of that report) concludes that "the development has no significant impact on the bed shear stresses in The Waterclub, thus no additional mud accumulation and no additional volume of maintenance dredging is predicted." We note that this conclusion rests on the same modelling discussed in detail under sections 2.1 and 2.2 above (i.e. limited to 1-year return-period storms and 60-minute simulations). As previously stated, this modelling does not account for the same return period events as modelled for the proposed new breakwaters and therefore may result in misleading conclusions. If the wave climate in The Waterclub Marina is in fact altered by the new breakwaters (as can reasonably be expected in the circumstances), and particularly if long-wave dynamics and sediment dynamics change, the maintenance-dredging	
					The 1:475-year case represents an extreme storm event with waves above average height and energy. Contrastingly, sedimentation occurs when low energy waves exhibiting low bed shear stress deposit fine sediments in the silt and mud particle size ranges. Thus, the 1: 1-year case is the most accurate (and more conservative) representation of long-term operational impacts within the Marina, as this would include the stormy winter months where fines are resuspended, as well as the calmer summer months where fines are deposited, illustrating the net result of gain/loss of fines. The 1:1-year case

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				burden on The Waterclub Body Corporate could change materially, which is a substantial economic concern.	modelled shows no significant change in the existing sedimentation of the Marina. It is emphasised again that the results from the 1:475-year case would not be meaningful in understanding the long-term sedimentation expectations for the Waterclub.
				In light of the above, we respectfully reiterate our earlier request that the wave reflection modelling of impacts on the Granger Bay Marina breakwater must be re-run for the same return period scenarios that have been modelled for the proposed new breakwaters, and that all the impact assessment reporting be updated accordingly, in order to provide a credible assessment of potential impacts on the Granger Bay Marina.	Please refer to responses above and see Appendix G2 for PRDW's updated wave modelling report.
				Given that the production of this information will constitute new, material and relevant considerations that have not yet been placed in the public domain, the applicant is legally obliged to ensure that its EAP circulates an updated draft of the Draft EIA Report and the relevant annexures thereto for a further 30-day PPP.	The amended EIA report has been distributed for another 30-day commenting period, as suggested.
				One the basis of our discussions with The Waterclubs' legal representatives, what will also be required in the circumstances is the provision, by the applicant, of a suitably detailed indemnity that identifies any and all indemnified events and which the applicant must be obliged to conclude with The Waterclub and in respect of environmental impacts that could or will arise as a consequence of long-period waves that reflect towards the Granger Bay Marina; actual and potential impacts on berthing and mooring conditions as well as marina infrastructure in the Granger Bay Marina including increased or accelerated siltation in the Marina all and any damage that increased wave heights may cause during storm conditions and which exceed the design criteria of the Granger Bay Marina breakwater or cause any increased damage thereto; and an indemnity by the applicant in favour of The Waterclub pertaining to any future cause or result regarding potential destruction of or damage to craft entering, exiting or moored in the Granger Bay Marina; potential personal injury, loss of life or immovable or movable property damage or third-party claims arising from any such event; and indemnity by the applicant in favour of The Waterclub pertaining to adverse effects arising from construction and post-construction related	The applicant's legal advisor for the IMCA process has the following response: The proposed indemnity falls outside the ambit of NEMA, and it would be <i>ultra vires</i> for the competent authority to impose as a condition of EA or even to compel the parties to conclude such an indemnity. An EA is an administrative instrument, not a contract and an environmental authority cannot compel a private party to enter a contractual relationship with a neighbour unless empowered by legislation to do so.

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				direct or indirect damages that could or will be caused by the activities collectively comprising the proposed project. The indemnity by the applicant and in favour of The Waterclub must indemnify and hold harmless the homeowners association, bodies corporate and berth holders' association that collectively form part of The Waterclub against any and all effects, harm, damage and latent, indirect, consequential and cumulative damages attributable to the activities proposed and assessed in the application for EA, the proposed reclamation, the revetment and all construction activities on the applicant's property, the Revetment area and the Reclamation area which cause damage to any of the indemnified parties and/or related parties. The indemnity must extend to indemnified events detailed in a written indemnification to be concluded between the applicant's duly authorised representative and The Waterclub; further indemnified events; and any costs of any nature whatsoever that would otherwise be borne by The Waterclub.	
				3. CONCERNS RELATING TO VISUAL IMPACTS OF THE PROPOSED PROJECT ON THE WATERCLUB'S RESIDENTS We note that visual intrusion impact is rated as one of the most significant negative impacts in the Draft EIA Report and on The Waterclub, and more particularly the hundreds of people who reside there. It is to be inferred that, for purposes of costing and planning the development, at least provisional plans and designs must have been prepared by or for the V&A. In our understanding, in the public consultative phase preceding the submission of the draft EIA, the V&A and its environmental consultants have been asked to share these, in the interests of transparency and to allay concerns. Significantly they have declined to do so.	Design information relevant to the level of detail required for an EIA process has been provided in the Appendices to the draft EIA Report and in the Visual Impact Assessment. More detailed designs will be developed subject to the outcomes of the current application and are not available at this time.
				It is our understanding that new buildings in Packages 1 and 2 are proposed to be constructed immediately north and northeast of The Waterclub's Dover Apartment building ("Dover"), and in very close proximity to the latter apartment building. The Visual Impact Assessment (VIA) (included as Appendix B6v and Appendix B8 of the Draft EIA Report) notes that The Waterclub is a "highly sensitive receptor" (the most sensitive category) due to its residential nature. Dover in particular is acknowledged to have, in its design, "carefully curated views". The Draft EIA Report rates the impact as High Negative pre-mitigation, reducing to Medium Negative	Correct.

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				post-mitigation for the Preferred Alternative. The impact is rated both as permanent and irreversible.	
				The proposed mitigation put forward on behalf of the applicant is to articulate the proposed buildings with cascading heights and gaps in order to preserve some views from Dover's upper floors over the new buildings, and some views between buildings from lower floors. However, the report acknowledges that even with mitigation, the visual impact remains significant. The VIA specialist also flagged that the northernmost building in Package 6 may need refinement to avoid blocking curated view corridors.	Correct.
				In spite of the acknowledged "high sensitivity" of The Waterclub as a receptor, as well as the "High Negative" pre-mitigation impact significance rating, we note with concern the lack of specific detail (despite the aforesaid requests) available to undertake a robust assessment of visual impacts. In particular, we note that the reporting does not provide: - The number of storeys proposed for each individual building in Packages 1, 2, or 6. - The specific heights in metres of the proposed buildings nearest the Dover. - The separation distances between the new buildings and the Dover's façade. - The building footprint dimensions or plot coverage ratios. - Any shadow analysis or daylight study showing how the proposed buildings would affect sunlight penetration to the Dover apartments or the marina.	Please see the updated VIA Report (Appendix B8) and Section 6.4.7 of the amended EIA Report.
				The Draft EIA Report explicitly acknowledges this information gap. On page 248, the mitigation measure for building design states that "no detailed indication of building forms and finishes was available at this stage of the EIA process" and that these must be the subject of approved architectural guidelines incorporated into Site Development Plans (SDPs) submitted to the City of Cape Town. The confidence level for the visual intrusion impact is accordingly rated only as "Medium" — specifically "due to the absence of detailed information".	
				In addition to the above, we note (that the VIA repeatedly acknowledges) that only building envelopes were provided. No architectural elevations, no finishes, and no detail on the spaces between buildings was available to the assessor. The assessor rates her own confidence as only "medium" on the "Visual	

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				Intrusion on Sense of Place (and views)" impact yet still arrives at a post-mitigation rating of "medium" significance. We note with concern that this appears to be circular logic: mitigation is assumed to work, however the details needed to verify this aren't presently available. We submit that it is not credible to downgrade an impact significance rating on the strength of mitigation measures the effectiveness of which has neither been provided nor demonstrated.	
				We note that the view analysis for Dover is qualitative, not quantified. The VIA states that buildings are "lower in height when to the north of Dover and narrower in width to allow for some views," and that upper floors will have views "over" while lower floors will have views "between" buildings. There are however no shadow studies, no measured view-cone diagrams from specific Dover apartment units, and no before-and-after visual simulations from Dover's actual vantage points. For a Level 4 VIA, which the VIA report itself says should include 3D modelling and visual simulations, this is a notable and concerning omission in the present reporting. The 3D models provided appear to be from the developer's chosen viewpoints, rather than from the receptors that are most affected by the proposed project.	Please see the updated VIA Report (Appendix B8) and Section 6.4.7 of the amended EIA Report showing before and after 3D simulations of the proposed development block in front of the Dover apartments. Viewpoints have been generated at the request of the visual and heritage specialists. It is anticipated that assessments of finer details such a shadow study would be done at the precinct level SDP stage, if required.
				We also note with concern that Package 6 is flagged as a potential issue but not resolved in any meaningful way. The VIA identifies that the northernmost building in Package 6 "may need to be refined so as not to obscure these carefully curated views" from Dover. Although a potential problem has been identified, it appears simply to be postponed to a later design stage. We submit that the Visual Impact Assessment in respect to impacts on The Waterclub is therefore incomplete, on a point that directly and adversely affects the residents who live there. We note that there is no guarantee that the refinement will happen, since it is framed as a recommendation rather than a binding condition.	The VIA report provides the level of information required for an EIA process.
				We note further that the "similar height, scale and massing" requirement is vague. We note that the development controls state that buildings edging or directly proximate to The Waterclub should match its height, scale and massing, but neither the VIA report nor the HIA interrogates what "similar" means in practice, or whether the proposed envelopes actually achieve this. It should be noted that The Waterclub buildings have quite a specific low-rise character with generous spacing between the apartment blocks that collectively comprise The Waterclub. The block	The height, scale and massing will be subject to the development controls specified in the annexures to the EIA, and it is anticipated that the local authority would ensure their incorporation at the precinct-level site development plan stage.

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				models shown suggest buildings that, while respecting the 21.5m height limit (due to the arc of fire restriction), may potentially have considerably greater bulk and footprint than the existing Waterclub structures.	
				The HIA and VIA reports both characterise the current site as "vacant and derelict," which frames any development as an improvement in scenic terms. We note however that from the Dover apartments, the current condition offers unobstructed ocean views across Table Bay and to Robben Island and to the east to the Stellenbosch mountains. The "derelict" characterisation applies to the ground-level experience of the site, rather than what Dover residents actually see from their windows, which is open sea and sky. We submit that this framing of the "no-go" baseline entirely understates what would be lost, from the perspective of The Waterclub's residents.	The VIA does acknowledge the coastal amenity aspect of the visual resources of the site. It is also important to note that the visual baseline – and what ultimately would constitute the No-Go alternative – considers the overall landscape character from different visual angles, most prominently that of the public realm along the existing pedestrian boardwalk, as this is likely to characterise the majority of users' experiences of the site. The effect of the proposed development on the Dover apartment block is specifically assessed and considered.
				In summary, we note that the visual impact is rated as the single most significant negative impact in the entire Impact Assessment presented in the Draft EIA Report, High Negative pre-mitigation, yet the assessment has been undertaken without detailed architectural plans; without specific height dimensions for the buildings nearest The Waterclub; without shadow or wind studies; and with only selected 3D rendered perspectives rather than dimensioned drawings showing the relationship to Dover. The mitigation of very significant visual impacts is deferred almost entirely to future SDP stages, by which point the EA will already have been granted if the applicant's application for EA is approved by the competent authority. We submit that the EIA cannot properly assess the most significant negative impact it has identified (with particular regard to The Waterclub's many hundreds of residents) when the building designs that drive that impact are not yet defined or even detailed in anything but the vaguest terms. It is therefore requested that the assessment be updated to include the level of detail that is reasonably required in order to undertake a high confidence VIA, in line with what the severity of the assessed impact requires. Given the materiality of such an update, in this respect too a further 30-day PPP is clearly required.	The visual impact assessment has been amended to respond to these concerns and now includes a photomontage of views from the Dover block specifically. The visual impact specialist's findings remain that the impacts are acceptable, and it will be apparent from the conceptual renderings shown that the proposed development is not substantially different to that authorised previously for the site.

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				4. COMMENTS AND CONCERNS REGARDING THE ASSESSMENT OF TRAFFIC IMPACTS 4.1. Reliance on the 2015 microsimulation without an updated model We note that the TIA's central analytical approach is to benchmark the 2023 scheme (i.e the current proposal) against the 2015 GIBB traffic impact assessment ("TIA") rather than conducting fresh intersection-level modelling or microsimulation. In our understanding, the justification for this approach is the suggestion that background traffic growth has been modest and that the development quantum is comparable. In our understanding, we note that the chosen approach means that no intersection capacity analysis specific to the current proposal has been performed at all. In this regard, it is of significant concern that the 2015 model is not only itself more than a decade old, but that it used 2012 data, which is now over 14 years old, and that the land use mix has changed materially (offices removed, residential and leisure added) in the intervening period. By way of further illustration, we note the following specific change factors (not an exhaustive list) that have occurred since 2012, and which the 2012 data could not reasonably have foreseen or projected the effect of: • Oranjezicht City Farm Development (now moved right to the edge of the proposed Granger Bay development), • the 2019 decision (leading to an actual move in 2021) to move Western Province Rugby and the DHL Stormers from the historic Newlands Stadium to the DHL Stadium. This decision has increased the utilization of the DHL Stadium, which has a capacity of up to 55 000 people for sporting events and mass concerts, • the simultaneous application by Growthpoint/Acucap to replace a commercial building, Nautica (erf 1942) with 75 two and three bedroomed apartments, • the staging of the international Formula E in the area, and • the late 2015 decision to relocate the HSBC SVNS (The South African leg of the World Rugby Sevens Series) from Nelson Mandela Bay Stadium to the DHL Stadium in Green Point.	The current proposal is not an application for new development rights over and above the V&A Waterfront's existing approved rights for the Granger Bay precinct. According to the transport engineer, it is therefore not appropriate to assess it as though it introduces an entirely new, unassessed development quantum onto the road network. The relevant transport question is whether the current proposal materially changes the nature and scale of traffic impacts relative to the approved development context. The updated TIA addresses this by reviewing the previous approved-rights assessment, considering the current land-use mix and expected trip generation characteristics, and having regard to more recent traffic information for the surrounding road network. Recent 2024 traffic data (now included in the updated TIA) indicates that there has been little to no growth in inbound and outbound peak-hour traffic volumes over the past five years, with any residual demand being accommodated mainly through peak spreading. This pattern reflects the existing capacity constraints on the N1 and N2 approaches to the CBD, where peak-period road-based growth is already limited by established bottlenecks. Analyses confirm that the key local intersections serving Granger Bay and Beach Road currently operate at acceptable levels of service during the weekday AM and PM peak hours.

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				We submit that updated intersection-level modelling or microsimulation analysis of the key intersections on Granger Bay Boulevard and Beach Road would provide greater certainty regarding the magnitude and significance of potential traffic impacts, particularly for a receptor such as The Waterclub, which would be materially negatively impacted in the event that the significance of the impacts have been underestimated.	• Helen Suzman Boulevard / Granger Bay Boulevard: LOS A in both peaks. • Main Road / Somerset Road / Granger Bay Boulevard: LOS C in both peaks. • Beach Road / Haul Road: LOS A in both peaks, with a very low v/c ratio of 0.04. • Helen Suzman Boulevard / Portwood Road: LOS B in both peaks. An increase in stadium capacity would put the onus on the stadium operator and the City of Cape Town to determine the impact of events on the surrounding road network – not on the applicant. The goal of any TIA for a development is to assess the level of service of the road network under normal peak hour conditions. Special events anticipated to generate additional traffic would be managed with the City of Cape Town in accordance with an agreed upon Traffic Management Plan, as is currently the standard operating practice.
				4.2. Quality of traffic data used for the update The updated traffic counts appear to rely on just a single day's data from the V&A Waterfront parking management system (as derived from parking activity on Tuesday, 5 September 2023). The basis and justification for the selection of this particular date is unclear, and no explanation is provided to explain why this date is considered representative. We point out, with concern, that reliance on a single midweek count does not represent a particularly robust dataset upon which to base the assessment. We further note that the updated traffic data was drawn from the applicant's internal parking management system rather than from independent traffic counts on the public road network. It is therefore of concern that the TIA does not discuss or analyse whether (or how) the parking management system data was	It is standard practice for a Traffic Impact Assessment to use traffic data collected on a representative normal weekday for the assessment of weekday AM and PM peak-hour conditions. Holiday periods, stadium events, concerts and other extraordinary demand periods are not representative of typical development-related traffic and are normally managed through separate event-specific traffic management processes. The assessment does not rely solely on one day of parking management data. The parking data was used as one source of information to understand V&A

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				validated against independent counts, nor whether it captures all through-traffic on the surrounding roads (as opposed only to vehicles entering and exiting V&A Waterfront-controlled access points). The reliance on a single data point means that seasonal fluctuations are not accounted for at all; no weekend analysis has been undertaken; and no account of holiday or event-day traffic appears to have been made. The points outlined above give rise to legitimate concerns that the baseline volumes for that single date and derived only from an internal source used in the comparison with the 2012 data significantly understate the traffic conditions that are actually experienced during busier periods of the year, and could conceivably even understate average conditions. We submit that the consideration of a more robust dataset that takes the aforementioned factors into consideration would significantly increase the confidence in the TIA's findings, and may justify a reconsideration of its current findings and recommendations.	Waterfront access patterns. It has since been supplemented by more recent traffic count data for the surrounding road network. These confirm that the key local intersections serving Granger Bay and Beach Road currently operate at acceptable levels of service during the weekday AM and PM peak hours. Recent traffic data also indicates little to no growth in inbound and outbound peak-hour traffic volumes on the higher-order CBD approach routes over recent years, with residual demand being accommodated mainly through peak spreading. The principal constraints are therefore located on the wider CBD access network, particularly the Foreshore / Buitengracht / Walter Sisulu interface, rather than at the local Granger Bay and Beach Road access intersections. It is also important that the assessment is not viewed only through the lens of private vehicle volumes. The proposed mitigation response is aligned with the urban mixed-use context and supports reduced car dependency through shorter internal trips, shared parking, walking, cycling, micromobility, and public transport access. The replacement of a portion of office use with residential use is also relevant, as residential development within the precinct supports a higher internal trip capture rate and more counter-peak movement than offices.
				4.3. No assessment of DHL Stadium event-day coincidence and other cumulative impacts	Traffic assessments are inherently cumulative to the extent that existing traffic counts reflect the combined effect

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				The TIA does not explicitly assess cumulative impacts. In our understanding the argument posited on the applicant's behalf for this omission is essentially that because the 2023 scheme falls within the development envelope already assessed cumulatively by GIBB in 2015, that no new cumulative analysis is required. We point out that this amounts to an inherited and dated cumulative assessment rather than a fresh one and that, as discussed previously in section 4.1 above, the 2015 study is now over a decade old, based on 2012 traffic data. We submit that this approach is insufficiently robust to reliably inform decision making and should therefore be reconsidered. We note that The Waterclub's residents already experience significant traffic disruption during major events at DHL Stadium, and Granger Bay Boulevard and Beach Road are critical dispersal routes both for the stadium and for the proposed development. The TIA however does not model or discuss any scenario in which development traffic coincides with a major event, nor does it propose any coordination mechanisms between the V&A Waterfront's transport management and the City's event traffic management. We submit that this is a significant omission that must be cured in a further draft of the Draft EIA Report. The Draft EIA Report acknowledges stadium events as part of the cumulative noise environment but does not appear to extend this consideration to cumulative traffic impacts. We request that the assessment and reporting be updated to account for this omission in the consideration of potential cumulative traffic impacts. Given that the production of this contemporaneous information will constitute new, material and relevant information that is not yet in the public domain, the applicant is legally enjoined to ensure that its EAP circulates an updated draft of the Draft EIA Report and the relevant and supplemented annexures thereto (including a contemporaneous TIA) for a further 30-day PPP. Further to the above, we submit that a cumulative assessment of traffic impacts should consider (and not necessarily be limited to) at least the following relevant considerations: concurrent construction of other V&A Waterfront projects; the future drawdown of the applicant's additional 440 000 m² of	of all existing traffic generators using the road network at the time of survey. Future-year assessment then considers background traffic conditions together with the expected contribution of the proposed development. The current proposal falls within the V&A Waterfront's existing approved rights for the Granger Bay precinct and does not constitute a new application for additional bulk beyond that approved development context. The relevant transport question is therefore whether the current proposal materially changes the nature, scale or timing of traffic impacts relative to the approved Granger Bay development scenario. The TIA has nevertheless been updated with data from a 2024 ITS Engineers study for the additional bulk rights that have recently been approved, which confirms that there has been little to no growth in inbound and outbound peak hourly volumes over the last 5 years. As noted above, TIAs do not assess event/special day traffic, but the daily peak hour volumes. Management and accommodation of event traffic is the responsibility of the event organiser to coordinate and manage in partnership with the City.

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				development rights; event-day traffic from DHL Stadium; and any other known planned developments in the Granger Bay or Green Point area that would share the same road network. None of these scenarios appear to have been modelled or assessed whatsoever in the TIA.	
				4.4. Trip Reduction Factors The TIA applies combined trip reduction factors ranging from 19% to 52% across various land uses, drawing on COTO TMH 17 (South African Trip Data Manual) provisions (Table 3.6 of the TIA). We point out however that applying the vehicle ownership reduction factor to a luxury residential development at the V&A Waterfront, where vehicle ownership is very likely to be high, is questionable. The TIA acknowledges this tension (page 22 of the TIA) but argues that residents may choose not to drive daily. The extent to which this assumption holds for 500 proposed residential units (per Table 3.5 of the TIA) with a premium market profile is debatable, and merits further scrutiny and consideration. We submit that the Trip Reduction Factors utilised may well be overly optimistic.	The objection appears to conflate vehicle ownership with peak-hour vehicle trip generation. The reduction factor applied in the TIA relates to lower vehicle usage during the commuter peak period, rather than assuming low vehicle ownership. Higher vehicle ownership does not necessarily translate into daily commuter peak-hour traffic, particularly in a dense, mixed-use precinct such as the V&A Waterfront, where residents have direct access to retail, leisure, employment, public transport, e-hailing, walking and cycling options. The TIA therefore considers trip-making behaviour, rather than vehicle ownership in isolation. The use of reduced residential trip-generation rates for the V&A Waterfront is not a new assumption introduced by the current TIA. Previous V&A Waterfront transport assessments have, for many years, applied calibrated residential peak-hour trip rates materially below generic suburban residential rates. For example, the 2015 GIBB assessment applied a residential rate of 0.5 trips per dwelling unit in both the AM and PM peak hours, compared with the generic standard rate of 1.5 trips per dwelling unit. More recent empirical work undertaken for the 2023 V&A Waterfront TIA, based on analyses of gateway traffic into existing residential components of the precinct, recorded an even lower residential peak-

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					hour trip rate of 0.35 trips per dwelling unit in both the AM and PM peak periods. The updated TIA has been clarified in this regard and is informed by this V&A Waterfront-specific empirical trip-generation work. This is consistent with the V&A Waterfront's mixed-use, centrally located and pedestrian-oriented character, which results in residential trip-making behaviour that is not comparable with a conventional car-dependent suburban apartment development. The inclusion of affordable housing further reinforces this conclusion, as that component is expected to have lower car ownership and lower private vehicle trip generation than the open-market units. The trip reduction factors are therefore considered appropriate and no change to the TIA conclusions is required.
				4.5. Missing traffic management provisions in the draft EMPr We note that the draft EMPr effectively contains no operational-phase traffic management provisions. The TIA recommends continued monitoring of traffic volumes and parking demand post-implementation (See section 4.2 of the TIA); however this recommendation has not been translated into a specific EMPr obligation with defined monitoring methods, frequencies, responsibilities, or trigger levels. The key operational mitigation measures such as the Granger Bay Boulevard dual carriageway, Travel Demand Management (TDM) investment, and cycle/pedestrian-friendly networks, are treated as design commitments rather than enforceable EMPr actions with monitoring provisions. We note that the post-construction section of the draft EMPr (Tables 6-1 to 6-3) does not include a traffic management section. The effect of this omission is that the TIA's recommendations for the post-construction/operational phase	The operational phase mitigation measures form part of the proposed development and are not specified as mitigation measures requiring separate implementation. The City of Cape Town will be primarily responsible for ensuring compliance with the conditions of the various land use approvals and rights held by the applicant, which, depending on the timing of individual development phases, may include transport impact mitigation measures associated with the applicant's additional land use rights. A pre- and post- construction survey of road conditions was included in the draft EMPr, but the wording has been clarified to refer to pre- and post-construction.

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				have simply not been translated into enforceable EMPr commitments. There is also no EMPr requirement for a pre-construction road condition survey of Granger Bay Boulevard (to establish a baseline against which pavement damage can be assessed and repaired), despite the TIA and EIA both identifying pavement wear as a significant impact. In this regard, we note that this requirement is listed in Table 1-1 of the draft EMPr (which contains a summary of key impacts and mitigation measures assessed in the EIA); however, this requirement has not been developed into detailed binding Pre-Construction requirements in Section 4 of the draft EMPr. The draft EMPr should be revised to address this omission. Given the novelty and materiality of the information that must be produced by the EAP and the relevant specialists at the applicant's behest and furthermore that such information has not yet been produced and accordingly is not in the public domain, the applicant is legally obliged to ensure that the EAP circulates an updated draft of the Draft EIA Report and the relevant annexures thereto for a further 30-day PPP.	
				4.6. Absence of a site-level haul routing assessment for the marine works, and potential unassessed construction impacts on The Waterclub The TIA (Appendix B9), the Draft EIA Report (Chapter 2 and Section 6.2.16) and the Draft EMPr (Action 5.15) consistently identify the external haul route for the importation of approximately 351 000 tonnes of quarried rock over a two-year period. That route is stated as Contermans Kloof → N7 → N1 → Buitengracht (M62) → Helen Suzman Blvd (M6) → Granger Bay Boulevard, terminating at the three identified site access points off Beach Road and Granger Bay Boulevard (see Figure 2-28 of the Draft EIA Report, and Section 3.1.1 of the TIA). It is noted with concern however, that none of the documents reviewed provide any comparable analysis of the on-site haul routing with respect to the route the trucks will follow from the site access points to the actual point of rock placement on each of the structures depicted in Figure 2-6 of the Draft EIA Report (the	Specific responses are provided in the following sections.

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				conceptual construction schedule prepared by PRDW). The TIA expressly states that "this study provides only a high-level overview of those traffic effects" and that a detailed Traffic Management Plan, covering inter alia site access and sequencing of works, is to be prepared only "prior to the completion of the detailed design stage" (Section 3.6.1 of the TIA). This approach defers to the post-authorisation period the very routing decisions most likely to give rise to direct construction-phase impacts on The Waterclub. This deferral gives rise to the following specific concerns:	
				First, the first phase of marine construction, as depicted in Figure 2-6 of the Draft EIA Report (Winter, Year 1: "Start the root of outer revetment" and "Widen the Oceana entrance"), is concentrated at the western end of the site, immediately adjacent to The Waterclub. The Draft EMPr, through the mitigation measures intended to preserve ocean access (see Actions 4.16, 5.1, 5.7 and 5.15 of the EMPr, and the mitigation measures specified in section 6.2.14 of the Draft EIA Report, pages 215 - 216), commits the proponent to maintaining continuous operational access to the existing Oceana Powerboat Club slipway and bay area throughout construction. Given these constraints, and the physical configuration of the site, it appears that the only practicable landside corridor for trucks to reach the root of the proposed west breakwater would be across the land situated between the existing Oceana breakwater and The Waterclubs' eastern boundary. This is the area colloquially referred to as "the wedge". It is understood from The Waterclub's legal representatives that ownership of the area is currently in dispute, The Waterclub having (by common cause) openly occupied and developed the Wedge since 1994. Complications posed by that unresolved dispute aside, it is noted that no such corridor is identified, described or assessed anywhere in the Draft EIA Report, the TIA or the Draft EMPr. Consequently, it has not featured in any PPP to date.	Internal haul routing and offloading at the rock placement areas have been reviewed at a concept level using vehicle swept-path simulations (AutoTURN 12 Pro software) superimposed onto scaled, high quality aerial photography in the updated TIA (Appendix B9). Three anticipated offloading positions were tested. A route between the OPBC clubhouse and the property boundary is proposed for access, and has been specified in the TIA.
				Second, whilst The Waterclub is expressly identified within the Draft EIA Report as the closest formal residential receptor to the marine and reclamation construction works, at approximately 125 m northwest of the active area (page 201 of the Draft EIA Report), the impact assessments appear to treat The Waterclub as a distant passive receptor rather than as a party whose eastern boundary may in fact host a primary construction haul corridor, stockpile area and staging operation for a period of	The haul route between the OPBC clubhouse and the property boundary has now been specified in the TIA and is the subject of a detailed noise impact assessment. The construction impact assessments and related mitigation and management measures are based on the use of this haul route.

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				approximately 2 to 2.5 years. In the absence of a site-level haul routing and staging plan, the assessments of construction-phase impacts on The Waterclub arising from dust (Section 6.2.11), noise and vibration (Section 6.2.9 and 6.2.10), visual intrusion (Section 6.2.12) and access disruption cannot, in our view, properly account for the actual source locations, separation distances or durations of exposure that would in fact be experienced at The Waterclub boundary. The impact assessments are, in effect, presently being conducted against an undisclosed construction footprint. It is noted that a construction haul road along The Waterclubs eastern boundary would impact upon The Waterclub as a whole, and on the Dover and Elstree apartment blocks in particular.	
				Third, a haul corridor located along the eastern edge of The Waterclub will produce materially different noise, dust, vibration, visual and security impacts to one located elsewhere on the site. This matter is not adequately addressed by the generic mitigation measures currently contained within the EMPr (site speed limits, wheel-wash bays, tarpaulin covers, end-tipping drop-height controls and the like), which are necessary but are not sufficient in the absence of a spatial assessment of where the activities they seek to manage will actually take place.	The haul route between the OPBC clubhouse and the property boundary has now been specified in the TIA and is the subject of a detailed noise impact assessment. The construction impact assessments and related mitigation and management measures are based on the use of this haul route.
				Fourth, the omission follows the same pattern previously identified in Sections 2.2.2, and 4.5 of this review, namely, that a matter of substantive importance to The Waterclub has been identified in principle within the Draft EIA Report (but in a manner that lacks the level of detail required in order to undertake a proper assessment) and has not been translated into enforceable and spatially-specific commitments within the EMPr, and has instead been deferred to a post-authorisation method statement and the proposed Construction Access and Traffic Management Plan.	Site-level haul routes have been detailed in the amended draft EIA Report at a conceptual level, and included in the revisions to the Transport Impact Assessment and the Noise Impact Assessment (appendices B9 and B10 to the EIA Report).
				It is therefore submitted that the Draft EIA Report, the TIA and the Draft EMPr should be amended, prior to decision-making, to: (a) present, at least at a concept level aligned with the four stages depicted in Figure 2-6 of the Draft EIA Report, the site-level haul routes, temporary access tracks, stockpile locations and staging areas proposed for each phase of the marine and reclamation works;	The construction phase impact assessments presented in the EIA Report and the related management and mitigation measures are based on this assessment, and no separate supplementary assessment is required. A further 30-day commenting period has been allowed for to ensure sufficient time for review of these assessments.

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				(b) expressly confirm whether any portion of the land between the existing Oceana breakwater and The Water Clubs' eastern boundary ("the wedge") is proposed for use as a haul corridor, stockpile area or staging area, and if so, for what duration and at what intensity of use and with what specific proposed mitigation measures; (c) provide a supplementary assessment, informed by (a) and (b) above, of the specific construction-phase dust, noise, vibration, visual and access-disruption impacts on The Water Club arising from the site-level haul routing; and (d) translate the outcomes of that supplementary assessment into enforceable, dated and assigned management actions within the pre-construction and construction phase tables of the EMPr, at the same level of specificity, enforceability and monitoring rigour presently applied to (for example) water quality monitoring and marine mammal monitoring. Given the novelty and materiality of the information that must be produced by the EAP and the relevant specialists at the applicant's behest and furthermore that such information has not yet been produced and accordingly is not in the public domain, the applicant is legally obliged to ensure that the EAP circulates an updated draft of the Draft EIA Report and the relevant annexures thereto for a further 30-day PPP.	
				4.7. Operational-phase trip generation and Granger Bay Boulevard capacity It is noted that the proposed development incorporates a substantial suite of public recreational uses, including a 750 m coastal promenade, a sea park, tidal pools, a swimming pool, a new slipway, walk-on event mooring, and facilities for kayaking, stand-up paddle-boarding and small-craft launching (refer Chapter 2 of the Draft EIA Report). These uses are integral to the development and are identified as positive amenity benefits elsewhere in the Draft EIA Report. It is however of concern that the TIA does not separately quantify the trip generation	Recreational trips generally fall outside the scope of standard TIA studies, as the TIA's focus is on normal peak hour traffic conditions. The TIA has been amended to clarify this point.

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				associated with any of these uses. Table 3.5 of the TIA enumerates only the Residential, Cultural, Hotel, Retail/Restaurant, and Retail/Light Industrial components, none of which adequately captures the trip generation of a regional-scale coastal recreational amenity attracting visitors from outside the V&A Waterfront precinct. This omission is material, particularly given that recreational trips are likely to peak during weekend, school-holiday and favourable-weather conditions, reinforcing the concerns already raised in Section 4.2 of this review regarding the absence of any weekend or event-day analysis.	
				It is further noted that the Draft EIA Report, at Condition 4 on page 23, expressly requires that the new slipway and launching area provide for at least an equivalent number of trailer parking bays to those at the existing slipway, confirming that the operational development will generate trailer-borne vehicle traffic. Notwithstanding this, the TIA does not address trailer-borne traffic anywhere in its analysis, either in terms of quantification, routing, or the geometric and operational implications for Granger Bay Boulevard (including the consequences for turning movements and the potential for conflict between trailer-borne and general operational traffic). It is submitted that the expanded recreational programme (kayaking, stand-up paddle-boarding) further broadens the range of trailer-borne vehicle movements that may be expected.	Turning circle requirements have been considered in the design of the slipway area. Trailer traffic is an existing feature of the site, given the presence of the slipway, and will therefore be reflected in current traffic counts. The expectation is that the use patterns of the new slipway would remain roughly congruent with the existing conditions.
				A further concern arises in respect of the capacity of Granger Bay Boulevard itself. Although the TIA identifies the proposed Granger Bay Boulevard dual carriageway as an operational mitigation, Granger Bay Boulevard is not one of the four road segments analysed in the link-capacity review presented in Table 3.4 of the TIA (which covers Breakwater Boulevard, Dock Road, Portswood Road and Beach Road). No analysis is accordingly presented to demonstrate that the dual carriageway is sized to accommodate the full two-directional operational flow. The TIA quantifies the aggregate operational traffic addition as approximately 830 AM peak / 740 PM peak inbound vehicles (concerns regarding the accuracy of the trip generation estimate are discussed elsewhere within this review) "across Beach Road, Granger Bay Boulevard, and Dock Road" (TIA page 29), but does not disaggregate this figure by route. A route-assignment analysis is not presented, notwithstanding that geographic logic suggests that a disproportionate share of operational traffic destined for the	Please see earlier responses regarding the focus of the current TIA. A new precinct-wide microsimulation or detailed network capacity analysis is not considered necessary for this assessment. The analysis confirms that the proposed development does not place greater strain on the network than what was already modelled, accepted, and approved under the 2015 scheme.

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				Granger Bay Precinct will approach and depart via Granger Bay Boulevard and Beach Road, rather than via the more distant Buitengracht Street / N1 or Portswood Road entries. It is accordingly requested that the TIA be supplemented by: (a) a disaggregated trip generation analysis that separately addresses the recreational uses of the development; (b) an analysis of trailer-borne traffic associated with the new slipway and recreational facilities, including routing and geometric implications; (c) a link-capacity analysis of Granger Bay Boulevard itself, covering both weekday peak hours and weekend, school-holiday and event-day peaks; and (d) a route-assignment analysis quantifying the proportion of operational traffic likely to use each available access route into and out of the V&A Waterfront precinct.	The Transport Impact Assessment (Appendix B9) has been updated, where necessary.
				5. CONSTRUCTION-PHASE NOISE- AND VIBRATION-RELATED IMPACTS 5.1 Absence of a measured acoustic baseline The Draft EIA Report, at page 201, contains the following statement in respect of mitigation of anticipated environmental impacts in the form of noise emissions: <i>"A baseline ambient noise survey should be conducted prior to construction commencement to quantify the existing noise levels at the Water Club boundary, so that construction noise contributions and PN 200 compliance can be assessed against a measured rather than assumed baseline."</i> Despite the inclusion of the above statement in the Draft EIA Report, we note that the draft EMPr contains no corresponding pre-construction management action requiring such a baseline survey. Our review of Section 4 of the draft EMPr (Planning and Pre-construction Phase, Tables 4-1 to 4-3) confirms that the only pre-construction noise-related action listed is the establishment of a Construction Liaison Committee (Action 4.3.1). No provision is made for the undertaking of a baseline noise survey at The Waterclub boundary, nor for the establishment of the quantitative ambient noise data that the Draft EIA Report itself acknowledges is required in order to assess PN 200 compliance during construction.	In response to these concerns, the EAP commissioned a noise impact assessment of the construction phase, including a pre-construction baseline assessment, modelling of construction noise impacts, and modelling of potential mitigation. This assessment is included in full in Appendix B10 to the amended Draft EIA Report, and summarised in the EIA Report itself. Relevant mitigation measures (including periodic monitoring) are captured in the EMPr. The acoustic baseline requested here has now been defined.

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				We are concerned that this omission follows the same pattern identified in Section 2.2.2 of our review in respect of the marina breakwater baseline condition survey, namely, that an action identified in principle in the Draft EIA Report has not been carried through into the draft EMPr as an implementable and enforceable management action. In the absence of a measured baseline of present noise emissions, it will not be possible to determine with any degree of confidence whether construction-related noise contributions at The Waterclub will exceed the applicable PN 200 thresholds, nor whether the significance ratings presented in Tables 6-10 and 6-11 of the Draft EIA Report are supported by the conditions actually prevailing at the receptors of those emissions. We submit that this omission should be addressed by amending the draft EMPr to include a specific pre-construction action obliging the applicant to appoint a a qualified acoustic specialist to undertake a measured ambient noise survey at The Waterclub boundary, in accordance with SANS 10103 and SANS 10328, with results to be reported to the competent authority and to The Waterclub's executive management prior to the commencement of any construction-related activity.	
				5.2. Concerns regarding the "passive mitigation context" argument We note that the Draft EIA Report, at pages 201, 203 and 206, relies to a material extent on an argument it terms "passive mitigation context" to support the reduction of impact significance ratings at The Waterclub. In substance, this argument asserts that because the existing ambient noise environment at Granger Bay is already elevated by virtue of the use of powerboats, jet skis, vessel traffic, DHL Stadium events, and general urban noise, the incremental contribution of construction noise is correspondingly reduced, and the significance of the impact at residential receptors is "partially offset". The Draft EIA Report accordingly predicts rock placement and haulage operations contributing "approximately 60–70 dB(A)" at The Waterclub (page 203 of the Draft EIA Report, Table 6-10).	The noise impact assessment conducted by Demos Dracoulides of DDA Environmental, now included in the amended draft EIA Report, supports the earlier argument in its findings regarding ambient noise levels at the site, which are elevated by various cumulative background noise sources.

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				Closer scrutiny of this argument gives rise to substantive concerns which we summarise as follows: First, the "passive mitigation" characterisation conflates transient elevated ambient conditions (DHL Stadium event days, peak summer recreational boating) with the continuous daytime construction noise. Recreational powerboat and jet-ski noise is episodic, seasonal, and largely daytime-limited. Construction noise, by contrast, will be continuous, sustained throughout the City-permitted working hours, and will extend across the full 5–7 year construction programme. These two noise regimes are not equivalent and treating elevated episodic ambient levels as though they "offset" sustained construction noise is, in our submission, not an approach supported by South African residential noise standards. Second, no quantitative basis is provided for the predicted 60–70 dB(A) noise emissions' contribution anticipated at The Waterclub (and more particularly, by the residents who live there), nor for the reduction in significance that the passive mitigation argument supports. No noise propagation modelling is presented in the Draft EIA Report, and no atmospheric or topographic attenuation assumptions are stated therein. The 125 m separation between The Waterclub and the active works is notably short in acoustic terms, particularly for impact-piling operations which are predicted to generate 130–150+ dB(A) at 25 m (Table 6-10, page 203). Third, if impact piling is required, in our understanding, a reduction in noise to an acceptable level at 125 m cannot plausibly be achieved through distance attenuation alone. On this point it is of concern that the Draft EIA Report is silent on whether piling is predicted to exceed PN 200 limits at The Waterclub boundary, and if so, what specific mitigation, in addition to soft-start procedures, is proposed to address this. We submit that the "passive mitigation context" argument, as currently presented, is not a sufficiently rigorous or objectively defensible basis upon which to downgrade the significance of construction noise impacts on The Waterclub as a highly sensitive residential receptor. We therefore request that this argument be	Continuous noise monitoring was undertaken on the site to establish an accurate baseline, and the noise impact assessment modelled the expected additions to ambient levels. The assessment finds that the impacts of the proposed construction will not be significantly higher than at present, provided mitigation measures as specified are implemented. Noise propagation modelling undertaken as part of the specialist study found a maximum of 60 dBA is expected before mitigation at the Waterclub, and a maximum of 58 dBA (in a conservative worst-case scenario) after mitigation. Refer to Appendix B10 of the amended draft EIA Report. The EIA Report has been amended to clarify that impact piling is not currently proposed for the development. Refer to section 6.3.9 of the amended draft EIA Report and to Appendix B10.

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				properly substituted with a quantitative noise propagation impact assessment, prepared by a qualified acoustic specialist (in line with inter alia SANS 10103 and SANS 10328), predicting construction noise levels at representative façades of The Waterclub's Dover Apartment building under the range of anticipated construction-related scenarios (rock placement, compaction, impact piling, concurrent operations), and comparing these against the measured baseline and PN 200 thresholds.	
				5.3. Absence of quantified trigger thresholds and escalation procedures The draft EMPr, at Sections 5.4, 5.9 and 5.13 (pages 42–55), provides for noise management during the construction phase. Our review of these provisions reveals that the monitoring methodology prescribed in each instance is identical and may be summarised as follows: <i>"Monitor activities and record and report non-compliance with the management actions. Maintain complaints register on site. If two or more noise complaints are received, the Contractor must indicate whether the noise generated on site exceeds thresholds outlined in the Western Cape Noise Control Regulations."</i> Several substantive concerns arise in respect of the above monitoring regime: First, the regime is entirely reactive. No proactive, continuous or periodic noise monitoring at The Waterclub boundary is required. Compliance verification is triggered only after two or more complaints have been lodged, which places the entire burden of noise monitoring and detection of any disturbing noise entirely upon affected residents, notwithstanding that The Waterclub is expressly acknowledged in the Draft EIA Report as the primary noise-sensitive residential receptor. Second, the "two or more complaints" trigger is arbitrary and is not aligned with standard practice under SANS 10103 SANS 10328, PN 200 or the City of Cape Town's Noise Complaints SOP. None of these instruments contemplate the number of complaints as the operative test of compliance. The operative test is the measured	The EMPr has been amended based on the Noise Impact Assessment, and now specifies quarterly monitoring of noise during construction. Thresholds for escalation would be determined in line with the Western Cape Noise Control Regulations and the municipal by-laws. Implementation of the EMPr is the responsibility of the holder of the environmental authorisation, if granted.

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				noise level at the receptor relative to the applicable permissible level. The EMPr trigger creates the anomalous outcome that a single noisy event or sustained marginal exceedance that residents experience as a continuous nuisance but may not formally complain about, would not trigger any compliance verification. Third, no escalation or response procedure is defined. The draft EMPr does not specify any of the following relevant aspects: what action must follow a verified exceedance, within what time frame a complaint must be registered, at whose cost, to whose satisfaction, and with what consequences for non-compliance. The Contractor is simply required to "indicate whether" thresholds are exceeded. No enforceable stop-work provision, mandatory re-engineering of offending operations, or financial penalty is specified. Fourth, no post-mitigation verification is required. Where mitigation is implemented in response to complaints, there is no requirement that follow-up monitoring confirms the effectiveness of the mitigation, nor that results be reported to the competent authority. We submit that, given the acknowledged sensitivity of The Waterclub (and more particularly, the residents who live there) as a receptor (or receptors) and the extended duration of the construction programme, the current noise monitoring regime in the draft EMPr is not fit for purpose. We request that the draft EMPr be amended to provide for at least the following: (a) continuous or periodic noise monitoring at agreed positions along The Waterclub boundary, using calibrated Type 1 sound level meters, with data logged and reported monthly; (b) quantitative LAeq (aligned with SANS 10103 categories for residential districts) and L_{Amax} trigger levels (derived from BS 5228-1) defined separately for daytime and Saturday working hours, and calibrated against the measured baseline;	

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				(c) defined escalation procedures, with prescribed response times and required mitigation actions, including a stop-work provision in the event of sustained exceedance; (d) explicit assignment of responsibility to the holder of the EA (assuming that one is approved by the competent authority) for the implementation and cost of monitoring and mitigation; and (e) regular written reporting to the competent authority, the City of Cape Town (Environmental & Heritage Management Branch) and The Waterclub Body Corporate on a defined frequency.	
				5.4. Absence of any ground-borne vibration impact assessment at The Waterclub The Draft EIA Report, at pages 200–201, identifies vibro-compaction and dynamic compaction of reclamation fill material as a source of "ground/water-borne vibration", and further identifies impact and vibratory hammering for pile installation as additional vibration sources. Notwithstanding that such activities will be undertaken within approximately 125 m of the Dover Apartment building at The Waterclub, the Draft EIA Report contains no assessment of the likely ground-borne vibration levels at The Waterclub, nor of the potential effects of such vibration upon: (a) the structural fabric of the Dover Apartment or Elstree Apartment buildings (or to other buildings within The Waterclub or to the marina infrastructure) building (including potential for cosmetic cracking to internal finishes, loosening of fixtures, and cumulative fatigue effects over the extended construction duration); (b) sensitive internal equipment and fittings within residential units; (c) residential amenity, including perceptible vibration at habitable rooms (which may be apparent at lower levels than those required to cause structural damage); and	The construction noise impacts have now been modelled in detail, and are reported on in Appendix B10 to the amended draft EIA Report as well as in section 6.3.9 of the report itself. An additional mitigation measure has been incorporated in the EIA Report and the EMPr requiring pre-construction dilapidation surveys of the adjacent property, to establish a baseline against which any concerns regarding construction-related impacts can be measured.

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				(d) the marina infrastructure and berthed vessels within The Waterclub Marina. The attention given to underwater vibration in respect of marine fauna (page 196 and Table 6-7, and Table 6-9, page 200 of the Draft EIA Report) stands in stark contrast to the absence of any comparable assessment of airborne and ground-borne vibration at the residential receptor. It is of concern that none of the above provisions are present either in the Draft EIA Report or in the draft EMPr. In the absence of such provisions, any cosmetic or structural damage to the Dover or Elstree Apartment buildings (or to other buildings within The Waterclub or to the marina infrastructure) that might occur during, or be alleged to have been caused by, the construction works would fall to be determined in the absence of agreed baseline records, with the attendant risk that The Waterclub Body Corporate or individual unit owners could find themselves in a protracted legal dispute regarding causation and liability, as previously flagged in Section 2.1.2 of our review in relation to a different but analogous scenario. In light of the above, we therefore request that the Draft EIA Report and the draft EMPr be amended to include: (a) a quantitative prediction of ground-borne vibration levels at the Dover Apartment façade and within the marina, under the range of anticipated vibration-generating activities; (b) a pre-construction building condition survey of the Dover and Elstree Apartment buildings as well as any other "at-risk" buildings or structures within The Waterclub; (c) continuous vibration monitoring during all vibration-generating operations, with defined cosmetic and structural damage thresholds and separate human-comfort thresholds; and	

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				(d) explicit assignment of responsibility and cost to the Authorisation Holder in the event that damage is recorded. The amended Draft EIA Report and the amended and supplemented draft EMPr must be circulated to all persons or entities with an interest in the ongoing environmental assessment process for their comments on that new and material information, in the course of a further 30-day PPP.	
				5.5. Inadequate treatment of concurrent construction phases The Draft EIA Report notes that land-side construction will follow completion of Phase 0 marine works (page 205) but further acknowledges at page 204 that cumulative noise arising from "combination with marine works (if overlapping), ongoing V&A Waterfront maintenance, road works, and stadium events creates a complex cumulative noise environment" will occur. We note with concern that the potential for overlap between the marine and land-side construction phases, and the resulting compounded and continuous exposure at The Waterclub, is acknowledged in the Draft EIA Report but is not constrained or regulated by the draft EMPr. No provision is made to limit concurrent operations, no "respite period" regime is established, and no cumulative LAeq limit (SANS 10103) is prescribed for the combined construction environment. We submit that a protocol governing concurrent construction phases, including an overall cumulative noise limit at the receptor, should be incorporated in the draft EMPr. The updated draft EMPr must be circulated to all stakeholders for a further 30-day PPP, given that it will include new and material information.	The cumulative noise impacts of existing noise sources (traffic, events, road works, etc) are considered as part of the baseline noise and incorporated in the quantitative noise modelling conducted in response to this comment. Refer to Appendix B10 to the amended draft EIA Report.

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				6. OPERATIONAL-PHASE NOISE 6.1. Absence of any assessment of operational-phase noise impacts on The Waterclub Of principal concern is the observation that the Draft EIA Report contains no assessment whatsoever of operational-phase noise impacts on The Waterclub and more particularly, its residents. Our review of Section 6.3 of the Draft EIA Report (Post-Construction Phase Impacts, pages 233–276) and the associated impact tables (Tables 6-34 to 6-74) confirms that no operational-phase noise impact has been assessed, rated, or mitigated. The draft EMPr similarly excludes any operational-phase noise provisions (Section 6, Tables 6-1 to 6-3, of the draft EMPr are silent on noise). Notably, Table 6-2 of the draft EMPr (page 57) states in respect of post-construction aspects above the high-water mark: "None – all relevant aspects addressed in Table 6-1 above." Table 6-1, in turn, addresses only management of the new bay and slipway, and stormwater, with no reference to noise.	The nature of activities at the proposed reclamation and development is not significantly different to the current activities taking place on the site (e.g., a working slipway used by recreational and commercial fishers, recreational water activities, skis, speed boats, SUPs, heavy vehicle traffic along Haul Road, etc.). As established by the baseline surveys conducted for the noise impact assessment, the environment surrounding the Waterclub has existing ambient noise typical of an urban area.
				It is of significant concern that this omission has occurred despite the fact that the operational development contemplated in the Draft EIA Report includes a range of uses with materially elevated noise-generation potential at close quarters to The Waterclub's residents, including: (a) 500 proposed residential units plus a 125-room hotel, 6 200 m² of retail/restaurant space, 8 500 m² of retail/light industrial space, and 1 200 m² of cultural uses (Table 2-3 of the Draft EIA Report, page 77). Restaurant and retail uses typically generate elevated evening and night-time noise (patrons, servicing, and traffic-related impacts, which are likely to be significant); (b) public quay walls designed to accommodate "food markets, concerts and theatrical performances" (page 180 of the Draft EIA Report). The potential for amplified event noise at a public quay located directly adjacent to The Waterclub and from across the new bay is a material long-term operational concern;	All proposed activities will be required to comply with the relevant by-laws regulating noise generating activities and ensuring these do not exceed specified thresholds. Any uses with a higher potential for noise generation (restaurants, etc.) would be subject to scrutiny by the local authority in a site development plan and subsequent building plan approval process. Should noise impact assessments be necessary for any such uses, they can be conducted only when sufficient design and operational detail is available to permit of assessment.

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				(c) a new public promenade, sea park, tidal pools, swimming pool, and expanded public access (page 179 of the Draft EIA Report), all of which will generate elevated ambient noise levels during peak use periods; (d) increased vessel activity and a new slipway (Section 2 of the Draft EIA Report), bringing powerboat, jet-ski and related noise closer to The Waterclub's residents; (e) building services plant (HVAC, generators, cooling towers, servicing docks) associated with 78 000 m² of mixed-use built form in close proximity; and increased traffic volumes on Granger Bay Boulevard (assessed in the TIA but not translated into an operational-phase traffic-noise assessment at The Waterclub).	Increased vessel activity is not anticipated since the slipway provides for continuation of existing uses; in fact the proposed reclamation in the vicinity of the existing slipway would move these activities further from the Waterclub.
				We submit that the EAP's wholesale failure to assess operational-phase noise impacts upon The Waterclub's residents amounts to a material deficiency in the Draft EIA Report. This deficiency is particularly stark when contrasted with the assessment of construction-phase related noise impacts (however inadequate, as outlined above), given that operational noise impacts will be of permanent duration and irreversible (unlike construction noise, which is acknowledged at page 203 of the Draft EIA Report to be fully reversible on completion). Operational phase noise impacts will be experienced by successive generations of The Waterclub residents, in perpetuity.	The nature of activities at the proposed reclamation and development is not significantly different to the current activities taking place on the site (e.g., working slipway used by recreational and commercial fishers, recreational water activities, skis, speed boats, SUPs etc.). As mentioned above, specific land uses would be required to comply with the relevant noise regulations.
				We furthermore submit that the VIA's observation that buildings edging The Waterclub "should be of a similar height, scale and massing" (as referred to on page 13 of the Visual Impact Assessment) addresses only visual character. The Draft EIA Report does not sufficiently detail (and therefore cannot purport properly to assess) operational-phase noise compatibility between the proposed uses and the existing residential use. Similar character does not imply similar noise generation, and the two considerations are materially distinct and distinctive.	All proposed activities will be required to comply with the relevant by-laws and provincial regulations regulating noise generating activities and ensure these do not exceed specified thresholds.
				6.2 Absence of operational-phase noise management provisions in the draft EMPr Consequent to the absence of any operational-phase noise assessment in the Draft EIA Report, the draft EMPr is also entirely	As noted above, any uses with a higher potential for noise generation

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				silent in respect of operational-phase noise management. There is no requirement presently included in the draft EMPr for: (a) operational-phase noise limits at The Waterclub's façades, duly aligned with SANS 10103 residential district standards; (b) restrictions on the use of amplified sound at the public quay walls and sea park in proximity to The Waterclub; (c) permit and notification requirements for events capable of generating significant noise; (d) noise management plans for restaurants, bars, hotel servicing, and other commercial uses at the interface with The Waterclub; (e) specifications for plant and equipment selection (HVAC, generators, servicing docks) aimed at meeting a defined noise limit at The Waterclub boundary; (f) ongoing compliance monitoring by and/or on behalf of the applicant of operational noise levels; (g) dispute resolution mechanisms for the expeditious and final resolution of operational-phase noise complaints; and (h) assignment of responsibility to the holder of the EA (on the assumption that an EA is granted by the competent authority, which we submit is unlikely at the present time given the paucity of the information set out in the Draft EIA Report and as analysed in this review) for enforcing operational-phase noise compliance obligations by the applicant, its employees, contractors, agents and/or any third party engaged by the applicant as well as successive operators within the proposed built development. We note that the draft EMPr is structured such that post-construction management actions are prescribed "in perpetuity"	(restaurants, etc.) would be subject to scrutiny by the local authority in a site development plan and subsequent building plan approval process. Should noise impact assessments be necessary for any such uses, they can be conducted only when sufficient design and operational detail is available to permit of assessment. All proposed activities will be required to comply with the relevant by-laws and provincial regulations regulating noise generating activities and ensuring these do not exceed specified thresholds, and it is not necessary to repeat this legal requirement in the EMPr. Mechanisms already exist in the local by-law for resolution of complaints and disputes in respect of noise nuisance.

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				and are the responsibility of the holder of the EA (for example, Section 6.1 addressing management of the new bay and slipway). The absence of a parallel operational-phase noise management regime represents an unjustified inconsistency in the treatment of long-term impacts.	
				6.3 Need for an operational-phase noise assessment and management framework We request that the Draft EIA Report and draft EMPr be appropriately amended and supplemented to include at least the following information: (a) a quantitative operational-phase noise assessment, undertaken by a qualified acoustic specialist, predicting noise levels at The Waterclub's Dover Apartment façade arising from the full range of operational uses contemplated within the development, including daytime, evening, and night-time scenarios, and including all likely or foreseeable public event scenarios at the proposed public quay walls; (b) a significance rating of the operational-phase noise impact on The Waterclub's residents, with pre- and post-mitigation ratings in accordance with the established impact-assessment methodology; (c) a defined operational noise management framework, including façade noise limits, event-day restrictions directed at reducing noise emissions to the legally permissible limits, plant selection criteria, and compliance monitoring provisions; (d) incorporation of the above management framework into Sections 6.1 to 6.3 of the draft EMPr, with defined reporting frequency, methodology, responsibility, and reporting provisions to the same level of specificity that the draft EMPr already applies to (for example) water quality monitoring; and (e) express provision for operational-phase noise monitoring, including published compliance reports, and a dispute-	As noted above, any uses with a higher potential for noise generation (restaurants, etc.) would be subject to scrutiny by the local authority in a site development plan and subsequent building plan approval process. Should noise impact assessments be necessary for any such uses, they can be conducted only when sufficient design and operational detail is available to permit of assessment. All proposed activities will be required to comply with the relevant by-laws and provincial regulations regulating noise generating activities and ensuring these do not exceed specified thresholds, and it is not necessary to repeat this legal requirement in the EMPr. Mechanisms already exist in the local by-law for resolution of complaints and disputes in respect of noise nuisance.

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				resolution mechanism accessible to The Waterclub Body Corporate. Given that the amendments that must be made to the Draft EIA Report and the draft EMPr pertaining to an operational-phase noise assessment and management framework will constitute new and material information in those documents, they must be circulated to all parties with an interest in the ongoing environmental assessment application for a 30-day period for those parties to provide their comments.	
				7. CONCLUSION It is our considered opinion that the Draft EIA Report, as circulated to Interested and Affected Parties on 19 March 2026, contains significant material deficiencies and omissions, as detailed in the preceding sections of this review. The specific deficiencies and omissions identified in the preceding sections of this submission can be summarised as follows:	Responses are provided to each of the comments above, and amendments to the EIA Report have been made to incorporate relevant changes as outlined above.
				7.1. Section 2 of this review identifies potentially serious and irreversible consequences for The Waterclub that could or will in all reasonable likelihood arise as a direct consequence of the identified shortcomings in modelling and assessment of potential wave reflection impacts upon The Waterclub's Marina. We have therefore requested that wave reflection modelling of impacts on the Granger Bay Marina be re-run for the same return period scenarios that have been modelled for the proposed project's new breakwaters, and that the impact assessment reporting be updated accordingly. Given the concerns raised in this review, as well as that concerns regarding wave modelling gaps appear to have previously been raised in the Scoping Phase of the application, we submit that in the event that the applicant and the EAP with statutory responsibility for undertaking the present environmental assessment, decline to undertake the requested updated / revised modelling and reporting, as requested in this review, that it behoves the competent authority to oblige an independent peer review of the modelling and assessment of wave reflection impacts on The Waterclub's Marina, as currently contained in the Draft EIA Report and its appendices, which	Please see above responses regarding the modelling done by PRDW, that have already undergone an independent review by WML.

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				should be undertaken at the applicant's sole expense by a suitably qualified and independent expert. 7.2. The visual impact is rated as the single most significant negative impact in the Impact Assessment presented in the Draft EIA Report with respect to The Waterclub, and is described as being a High Negative impact, pre-mitigation. The VIA has however been undertaken without detailed architectural plans, without specific height dimensions for the buildings nearest The Waterclub, without shadow or wind studies, and with only selected 3D-rendered perspectives rather than accurately dimensioned drawings and appropriately detailed building plans depicting the relationship of the proposed project's residential component to Dover. The mitigation is deferred almost entirely to future SDP stages, by which point the EA will already have been granted by the competent authority and on the assumption that an EA is ultimately granted by the competent authority. We submit that the EIA cannot properly assess the most significant negative impact it has identified (with respect to The Waterclub) when the building designs that drive that impact are not yet defined at all, much less with the degree of particularity obliged of the applicant in the circumstances. It is therefore requested that the assessment be updated to include the level of detail that is reasonably required in order to undertake a high confidence VIA, in line with what the severity of the assessed impact requires.	Please see above responses regarding the updated VIA report.
				7.3. This review identifies substantive concerns regarding the assessment of potential traffic impacts on The Waterclub and its residents. These concerns relate to the TIA's (misplaced) reliance on the (outdated) 2015 GIBB TIA (which itself is predicated on 2012 data) rather than contemporaneous intersection-level modelling, the limited and potentially unrepresentative updated traffic dataset (a single midweek day from the V&A Waterfront's internal parking management system), the absence of any cumulative assessment (including the failure to model concurrence of development traffic with DHL Stadium event-day traffic), the application of potentially optimistic trip reduction factors to a premium residential market, and the absence of enforceable operational-phase traffic management provisions and a pre-construction road condition survey in the draft EMP. It has been requested that the TIA and draft EMP be amended to address these deficiencies.	Please see above responses regarding the updated TIA report.

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				7.4. The Draft EIA Report, TIA and Draft EMPr contain no site-level haul routing assessment for the marine works. Although the external haul route from quarry to site boundary is described in some detail, the on-site route from the identified access points to the actual point of rock placement on each phase of the structures depicted in Figure 2-6 of the Draft EIA Report is neither shown nor assessed. This is of particular concern given that the first phase of marine construction is concentrated at the western end of the site, immediately adjacent to The Waterclub, and that the requirement to maintain continuous operational access to the existing Oceana Powerboat Club slipway implies that the only practicable landside haul corridor to the proposed west breakwater would traverse land directly along The Water Clubs' eastern boundary. Notwithstanding this, no such corridor, stockpile location or staging area is identified, described or assessed within any of the reviewed documents, and the resulting construction-phase dust, noise, vibration, visual and access-disruption impacts on The Waterclub have accordingly not been properly evaluated. It has been requested that the Draft EIA Report, TIA and EMPr be amended to present a site-level haul routing and staging plan, to provide a corresponding supplementary impact assessment for The Waterclub, and to translate the outcomes into enforceable management actions within the EMPr.	Please see responses above.
				7.5. It is further noted that the Transport Impact Assessment does not separately quantify trip generation from the recreational components of the development (sea park, tidal pools, swimming pool, slipway, promenade, kayak and paddle-board launching facilities), does not address trailer-borne vehicle traffic to the new slipway, does not include Granger Bay Boulevard as one of the road segments within its link-capacity analysis, and does not present a disaggregated route-assignment analysis for the 830 AM peak / 740 PM peak inbound vehicle trips (assuming the trip generation estimate is accurate, which is discussed elsewhere within this review). It has accordingly been requested that the TIA be supplemented by a disaggregated trip generation analysis for recreational uses, a specific analysis of trailer-borne traffic, a link-capacity analysis of Granger Bay Boulevard, and a route-assignment analysis.	Please see responses above.
				7.6. The baseline noise survey acknowledged as necessary in the Draft EIA Report has not been obliged as a pre-construction	Please see responses above.

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				action in the draft EMPr. It has accordingly been requested that the EMPr be amended to include a specific pre-construction action for a measured ambient noise survey at The Water Club boundary, undertaken by a qualified acoustic specialist, with results to be reported to the competent authority and The Waterclub prior to the commencement of works.	
				7.7. The "passive mitigation context" argument relied upon to reduce construction noise impact significance ratings is not supported by any objectively verifiable quantitative noise propagation modelling and inappropriately conflates episodic elevated ambient levels with sustained continuous construction noise. It has therefore been requested that this argument be replaced by a quantitative noise propagation assessment, prepared by a qualified acoustic specialist, predicting construction noise levels at representative façades of The Waterclub's Dover Apartment building under the range of anticipated construction scenarios (rock placement, compaction, impact piling, concurrent operations), and comparing these against the measured baseline and PN 200 thresholds.	Please see responses above.
				7.8. The construction-phase noise monitoring regime in the draft EMPr is reactive, complaint-triggered, and lacks defined quantitative trigger levels, defined escalation procedures, continuous monitoring provisions, and post-mitigation verification and as such, is entirely deficient and not fit for purpose. It has accordingly been requested that the EMPr be amended to provide for continuous or periodic noise monitoring at agreed positions along The Water Club boundary, quantitative LAeq and LMax trigger levels, defined escalation procedures including a stop-work provision in the event of sustained exceedance, explicit assignment of responsibility to the holder of the EA for the cost of monitoring and mitigation, and reporting to the competent authority, the City of Cape Town, and The Waterclub on a defined frequency.	Please see responses above.
				7.9. No ground-borne vibration assessment whatsoever has been undertaken for The Waterclub, and no pre-construction building condition survey or vibration monitoring regime is specified in the draft EMPr. It has accordingly been requested that the Draft EIA Report and EMPr be amended to include a quantitative prediction of ground-borne vibration levels at the Dover Apartment façade and within the marina, a pre-construction	Please see responses above.

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				building condition survey of the Dover Apartment building (as well as any other "at-risk" structures within The Waterclub), continuous vibration monitoring during all vibration-generating operations with defined cosmetic and structural damage thresholds, and explicit assignment of responsibility and cost to the holder of the EA in the event that damage is recorded.	
				7.10. The potential for concurrent construction phases to compound noise exposure at The Waterclub and thus impacting significantly and adversely on its residents is acknowledged in the Draft EIA Report but is not dealt with at all, much less appropriately in the draft EMPr. It has accordingly been requested that the EMPr be amended to include a protocol governing concurrent marine and land-side construction phases, incorporating an overall cumulative LAeq limit at the receptor aligned with SANS 10103.	Please see responses above.
				7.11. The Draft EIA Report contains no assessment whatsoever of operational-phase noise impacts on The Waterclub's residents, notwithstanding that the proposed development includes restaurant, retail, hotel, event-capable public quay walls, myriad proposed recreational uses, and increased vessel activity at close quarters to a highly sensitive residential receptor. We point out that unlike construction noise, operation phase noise impacts will be permanent and irreversible, yet inexplicably, have not been assessed.	Please see responses above.
				We submit that the deficiencies outlined above are substantive in nature and require material supplementation of and appropriate amendment both to the Draft EIA Report and draft EMPr as well as certain specialist studies (including the undertaking of certain additional studies), before the Report can reasonably be relied upon for decision-making. It follows that the nature of the required amendments, particularly the required updates to the wave modelling and oceanographic impact assessment as well as the introduction of inter alia an operational-phase noise assessment that is currently entirely absent, will require further public participation to afford Interested and Affected Parties an opportunity to review and comment upon the amended assessment. The requested amendments should, at a minimum, apply to The Waterclub the same level of specificity, enforceability and ongoing monitoring rigour that the draft EMPr currently applies to	Please see responses above.

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				(for example) water quality monitoring and marine mammal monitoring. As outlined in this review, the current treatment of various identified impacts on The Waterclub, fall materially short of that standard. For the sake of completeness, we reiterate that the preparation of new and material information that will form part of the supplemented Draft EIA Report and the supplemented draft EMPr must be circulated to all registered interested and affected parties for a further 30-day PPP.	
28/04/2026	Email	Nicholas Smith		RE: COMMENTS ON THE "APPLICATION FOR PRE-APPROVAL FOR THE RECLAMATION OF LAND FROM COASTAL WATERS IN TERMS OF SECTION 7C(3), 7C(4)(a) AND 53 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO. 24 OF 2008) AND REGULATIONS 2 AND 4 OF THE RECLAMATION OF LAND FROM COASTAL WATERS REGULATIONS, 2018: GRANGER BAY, V&A WATERFRONT, CAPE TOWN, WESTERN CAPE" 1. I act for The Waterclub Residents Homeowners Association ("WRHOA"), the Antigua Body Corporate, the Biscay Body Corporate, the Calais Body Corporate, the Dover Body Corporate, the Elstree Body Corporate and the Granger Bay Berth Holders Association ("GBBHA"). I refer to the residents of the residential apartments in the apartment blocks comprising Antigua, Biscay, Calais, Dover and Elstree and to the WRHOA's members and the GBBHA's members herein collectively as "my client". I was formally instructed by my client's authorised representatives in this matter on 30 March 2026. 2. The purpose of this letter is to provide you with my client's comments on the gazetted notice published on 13 February 2026 by the Minister of Forestry, Fisheries and the Environment ("the Minister") in Government Notice 7122 in Government Gazette 54123 ("the Minister's notice"). 3. Notwithstanding that the period afforded in the Minister's notice for the delivery of comments in response to that notice concluded on 16 March 2026, I request that you nonetheless consider the comments set out in this letter. I submit in this	1. Noted. 2. Noted. 3. Noted. 4. Noted. 5. Noted.

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				regard that there will be no prejudice to any party with an interest in the matter (not least the Minister, the Department's Branch: Oceans and Coasts in the Department of Forestry, Fisheries and the Environment ("DFFE")); you in your official capacity as Deputy Director-General in DFFE's Branch: Oceans and Coasts; or to the applicant for the proposed reclamation of land in the coastal waters adjoining Granger Bay). 4. I submit that there will be no prejudice to any party with an interest in the matter in the context of your consideration of these comments, for two principal reasons: firstly, the 30-day period afforded to the public for to provide their comments on that notice concluded on Monday 16 March 2026 (i.e. just over a month ago); and secondly, that in your official capacity, you are no doubt still in the process of reviewing and considering any and all comments received in response to the Minister's notice. 5. I also point out, given the substantive import of these comments, that you should be inclined as a matter of administrative fairness to consider them.	
				6. Regarding the contents of the Minister's notice, I make the following submissions on my client's behalf: 6.1. Section 2 of the National Environmental Management Act 107 of 1998 ("NEMA") sets out the national integrated environmental management principles that apply throughout the Republic of South Africa (including the territorial waters and the exclusive economic zone) and stipulates inter alia the following: "2. Principles (1) <u>The principles set out in this section apply throughout the Republic to the actions of all organs of state that may significant affect the environment and –</u> a. <u>Shall apply alongside all other appropriate and relevant considerations, including the State's responsibility to respect, protect, promote and fulfil the social and economic rights in Chapter 2 of the</u>	6.1. The principles of NEMA have been considered in Section 4.3.6 of the EIA Report. This comment, which relates to the separate ICM Act pre-approval process, will be considered as part of that process by the relevant authority.

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				<u>Constitution and in particular the basic needs of categories of persons disadvantaged by unfair discrimination;</u> b. ... c. <u>serve as guidelines by reference to which any organ of state must exercise any function when taking any decision in terms of this Act or any statutory provision concerning the protection of the environment;</u> d. ... e. <u>guide the interpretation, administration and implementation of this Act, and any other law concerned with the protection or management of the environment.</u> (2) <u>Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.</u> (3) <u>Development must be socially, environmentally and economically sustainable.</u> (4)(a) <u>Sustainable development requires the consideration of all relevant factors including the following:</u> i. <u>That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;</u> ii. <u>That pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;</u> iii. ... vii. <u>that a risk-averse and cautious approach is applied, which takes into account the limits of current</u>	

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				<u>knowledge about the consequences of decisions and actions; and</u> viii. that <u>negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.</u> (b) <u>Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.</u> (c)... (f) <u>The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.</u> (g) <u>Decisions must take into account the interests, needs and values of all interested and affected parties and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.</u> (h) ... (i) <u>The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.</u> (j) ... (k) <u>Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.</u>	

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				(l) ... (o) <u>The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest</u> and the environment must be protected as the people's common heritage. (p) ... (r) <u>Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure.</u>" (Underlining supplied.) 6.2.The Minister's references in his notice to the "Minister's pre-approval application" which could in all reasonable likelihood culminate in what he describes as "the Minister's pre-approval decision" falls in my submission within the definitions respectively of 'administrative action' and 'decision' as those words are defined in section 1 of the Promotion of Administrative Justice Act, 2 of 2000 ("PAJA").	
				6.3. The words 'administrative action' and 'decision' are defined as follows in section 1 of PAJA: 6.3.1. "Administrative action" means <u>"any decision taken, or any failure to take a decision, by –</u> (a) <u>An organ of state, when –</u> i. <u>exercising a power in terms of the Constitution or a provincial constitution; or</u> ii. <u>exercising a public power or performing a public function in terms of any legislation; or</u> (b) <u>a natural or juristic person, other than an organ of state, when exercising a public power or performing</u>	The PAJA implications of the Minister's pre-approval decision are noted. The legal framework governing the proposed reclamation, including the applicable provisions of the ICM Act, is addressed in Section 4.3.6 of the EIA Report. This comment will be considered as part of the separate ICM Act pre-approval process.

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				<i>a public function in terms of an empowering provision,</i> <i>which adversely affects the rights of any person and which has a <u>direct, external legal effect</u>, but does not include – ... [the exclusions do not find application in this instance]."</i> (Underlining supplied.) 6.3.2. "Decision" is defined in PAJA to mean: "any decision of an administrative nature made, proposed to be made, or required to be made, as the case may be, under an empowering provision, including a decision relating to – a) Making, suspending, revoking or refusing to make an order, award or determination; b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission; c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument; d) imposing a condition or restriction; e) making a declaration, demand or requirement; f) retaining, or refusing to deliver up, an article; or g) doing or refusing to deliver up, an article; or h) doing or refusing to do any other act or thing of an administrative nature, and a reference to a failure to take a decision must be construed accordingly;" (Underlining supplied.) 6.4. As to the adverse effect that any pre-approval decision by the Minister would have on my client's rights and the corollary direct, external legal effect of any such decision, I point out that the substantive submissions below demonstrate that the information that was before the Minister when he gazetted his notice was substantively deficient. The principal document upon which the Minister appears to have relied in publishing his notice is a document prepared by V&A Waterfront Holdings (Pty) Ltd ("the applicant"). The latter document is titled "Application for pre-approval for reclamation in terms of section 7C(3) of the [NEM: ICMA] and regulations 2 and 4 of the Reclamation of Land from Coastal	

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				Waters Regulations, 2018 published in GNR.206 (Regulations)". It is dated 11 July 2025. 6.5. On a contextual, textual and purposive interpretation of the defined words 'administrative action' and 'decision' in section 1 of PAJA and of the contents in the Minister's notice, there can be no objectively reasonable suggestion that the Minister's so-called "pre-approval decision" would not constitute administrative action in the form of a decision and as governed by PAJA.	
				6.6. The Minister's notice refers to his exercise of his statutory functions in terms of sections 7C(3) and 7C(4)(a), and 53, of the National Environmental Management: Integrated Coastal Management Act, 24 of 2008 (the "NEM: ICMA"). 6.7. I point out that the Minister's notice makes no reference to section 7C(1) of the NEM: ICMA. 6.8. Section 7C(1) of the NEM: ICMA provides as follows: <i>"(1) An application for reclamation for purposes other than the development of state infrastructure as contemplated in section 7B will only be considered in exceptional circumstances which are not contrary to the purpose of coastal public property as set out in section 7A." (Bold text and underlining supplied.)</i> 6.9. Section 7A (titled "Purpose of coastal public property") provides as follows: <i>"(1) Coastal public property is established for the following purposes:</i> <i>a) To improve public access to the sea-shore;</i> <i>b) to protect sensitive coastal ecosystems;</i> <i>c) to secure the natural functioning of dynamic coastal processes;</i> <i>d) to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; or</i> <i>e) to facilitate the achievement of any of the objects of this Act." (Bold text and underlining supplied.)</i>	The applicant's motivation for reclamation, including the justification for exceptional circumstances in terms of section 7C(1) of the ICM Act, is addressed in Section 8.3.7 of the EIA Report. This comment, which relates to the separate ICM Act pre-approval process, will be considered as part of that process by the relevant authority.

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				6.10. Section 2 of the NEM: ICMA (titled "Objects of Act") sets out the following: "The objects of this Act are – a. To determine the coastal zone of the Republic; b. to provide, within the framework of the [NEMA], for the co-ordinated and integrated management of the coastal zone by all spheres of government in accordance with the principles of co-operative governance; c. to preserve, protect, extend and enhance the status of coastal public property as being held in trust by the State on behalf of all South Africans, including future generations; d. to secure equitable access to the opportunities and benefits of coastal public properties; - dA. to provide for the establishment, use and management of the coastal protection zone; and e. to give effect to the Republic's obligations in terms of international law regarding coastal management and the marine environment." 6.11. Section 7C(2) of the NEM: ICMA details the information that must accompany an application for reclamation delivered in terms of section 7C of the Act. Any such application must be accompanied inter alia by an assessment of whether there is any alternative land available and why such land cannot be used; information on whether the development is in the interests of the whole community; and any other relevant information. 6.12. In the Minister's notice, he not only makes no reference whatsoever to the provisions of sections 7C(1), 7A and 2 of the NEM: ICMA, but he also fails wholesale to provide any information pertaining to the jurisdictional requirement set out in that provision and pertaining to the exceptional circumstances that must be present in order properly to found an application for reclamation of land from coastal waters by any person other than an organ of state	

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				endeavouring to do so in terms of section 7B of the NEM: ICMA.	
				7. The document prepared by the applicant titled "Application for pre-approval for reclamation in terms of section 7C(3) of the [NEM: ICMA] and regulations 2 and 4 of the Reclamation of Land from Coastal Waters Regulations, 2018 published in GNR.206 (Regulations)" makes scant reference to the exceptional circumstances that must be provided by an applicant for a pre-approval decision delivered in terms of section 7A of the NEM: ICMA. 8. By way of example, I point out that under the heading "Exceptional circumstances that warrant the reclamation of land from coastal waters"³ the applicant states (under the sub-heading "Unique project") the following in its executive summary to the motivation provided to DFFE: <i>"The Victoria and Alfred Waterfront project in Cape Town is a unique urban regeneration project that has over the past thirty years successfully transformed the historic and previously under-utilised part of the Port of Cape Town into the City's premier tourist, retail, entertainment, commercial and rural destination. The V&A Waterfront is an important asset for South Africa, and it makes a significant contribution to the economy. The V&AW has not only changed the face of a degraded port area but has provided opportunities for local citizens to experience the maritime character of the city, as well as creating a new 'City and Tourist destination'. This in turn has provided opportunities for new economic development, inward investment and branding for a revitalised city. These opportunities have included: socio economic regeneration for inner city communities; the development of new visitor markets; job creation; enhanced real estate and property investment returns; environmental enhancements; historic conservation; and city and regional promotions.</i> <i>It is these qualities and character that make the Waterfront a unique place in the country, and which cannot simply be emulated anywhere. The breakwaters</i>	The applicant's motivation for exceptional circumstances, including the five heads of motivation, is set out in detail in Section 8.3.7 of the EIA Report, which addresses the requirements of section 7C(1) read with section 7A of the ICM Act. This comment will be considered as part of the separate ICM Act pre-approval process.

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				<i>and reclamation will further contribute to this setting and provide additional opportunities for Cape Town residents and visitors to reconnect with the water's edge of the city."</i> (Underlining supplied.)	
				9. In sub-paragraph 2 of the applicant's executive summary and under the heading "History of Transnet Rights and Expectation", the applicant summarises the history of Cape Town Harbour.	The history of the V&A Waterfront's rights and agreements with Transnet is described in Chapter 2 of the EIA Report as background context to the proposed development. This comment will be considered as part of the separate ICM Act pre-approval process.
				10. The paragraphs under sub-heading paragraph 3.2 include the applicant's statement to the following effect: <i>"Figure 6 below illustrates the reclamation areas relevant to the past, current and future development of the V&A Waterfront as agreed with Transnet in terms of the Governing Agreement."</i>	The proposed reclamation footprint and its relationship to prior agreements is described in Chapter 2 of the EIA Report. This comment will be considered as part of the separate ICM Act pre-approval process.
				11. I point out on my client's behalf that any so-called "agreed reclamation" is obviously subject to any and all statutory requirements that have been enacted since the applicant concluded the agreements upon which it relies in its motivation delivered to DFFE (and in this instance, with particular reference to the applicable provisions of NEMA and the NEM: ICMA).	The EIA Report acknowledges that all applicable statutory requirements, including those under NEMA and the ICM Act, govern the proposed development regardless of prior agreements. The applicable legal framework is addressed in Section 4.3.6 of the EIA Report. This comment will be considered as part of the separate ICM Act pre-approval process.
				12. Under sub-paragraph 3.3 of the applicant's executive summary (titled "Contribution to V&AW To Coastal Access in the City") the applicant states the following: <i>"In South Africa, most of the coastline is privately owned with only a minor percentage belonging to the state; roughly 70% of coastal land is private and approximately 30% is public. While the coastline abutting the Waterfront is in private ownership, there is unrestricted public access via landscaped pedestrian routes and boardwalks."</i> (Underlining supplied.)	The applicant's approach to public coastal access, including its obligations under the ICM Act, is addressed in Section 8.3.7 of the EIA Report, which discusses the public access provisions of the proposed development. This comment will be considered as part of the separate ICM Act pre-approval process.

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				13. On behalf of my client I submit that the statement regarding the majority of South Africa's coastline being privately owned is incorrect and objectively insupportable. For example, and but for minor exceptions, the whole of South Africa's sea-shore (i.e. the area between the high- and low-water marks of the sea as defined in section 1 of the NEM: ICMA) is held in trust by the State for the use and enjoyment of the public.	The legal status of coastal public property under the ICM Act, including the State's custodial role, is addressed in Section 4.15 of the EIA Report. The comment regarding the characterisation of coastal ownership is noted. This comment will be considered as part of the separate ICM Act pre-approval process.
				14. The applicant includes further detail in the completed section of part B3 of the application form which is titled as follows: <i>"Please explain in full detail the exceptional circumstances that warrant the reclamation of land from the coastal waters (please provide additional motivation if space is limited)."</i> (Underlining supplied.)	The applicant's motivation for exceptional circumstances in terms of section 7C of the ICM Act is addressed in Section 8.3.7 of the EIA Report. The detail of the pre-approval application is a matter for the separate ICM Act process, and this comment will be considered accordingly.
				15. In the applicant's application and with particular reference to the jurisdictional requirements set out respectively in sections 7C and 7A of the NEM: ICMA (and with reference to the requirement incumbent on an applicant in a reclamation application to demonstrate "exceptional circumstances") the applicant makes no mention in the executive summary to exceptional circumstances which are not contrary to the purpose of the five discrete purposes set out in section 7A(1)(a) to (e) of the NEM: ICMA.	Section 8.3.7 of the EIA Report addresses the requirements of section 7C(1) of the ICM Act and provides the applicant's motivation for exceptional circumstances, including matters relevant to the purposes of coastal public property set out in section 7A. This comment will be considered as part of the separate ICM Act pre-approval process.
				16. In the body of its application, the applicant includes information under five heads, being the asserted <i>"Uniqueness of waterfront"</i> ; <i>"History of Transnet rights and expectation"</i> ; <i>"Contribution of V&AW to coastal access in the City"</i> ; <i>"Requirements for coastal protection and safety"</i> ; and <i>"Contribution to the economy and job creation"</i> .	The five heads of motivation for reclamation are addressed in Section 8.3.7 of the EIA Report, which sets out the need and desirability of the proposed development and the applicant's motivation in terms of the ICM Act. This comment will be considered as part of the separate ICM Act pre-approval process.
				17. I point out that nowhere in the applicant's completed application does it make any reference to the statutory purpose of coastal waters referred to in terms in section 7A(1)(c) or (e) of the NEM: ICMA. That is a fundamental and fatal substantive deficiency in the application as presently framed.	The applicant's motivation in relation to the purposes of coastal public property, including those set out in section 7A(1)(c) and (e) of the ICM Act, is addressed in Section 8.3.7 of the EIA Report. Whether the motivation is sufficient to meet the

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					threshold of exceptional circumstances is a matter for the responsible authority in the separate ICM Act pre-approval process.
				18. I submit on my client's behalf that the pre-application decision-making process described in the Minister's notice (and more particularly in the documents included on the website to which the Minister refers in his notice as being sufficiently comprehensive for purposes of the publication of his notice) are substantively deficient. It follows that the applicant's application is incomplete and materially deficient, and that the Minister's publication of his notice was thus premature and is legally indefensible in the circumstances.	The EIA Report, including Section 8.3.7, addresses the need and desirability of the proposed development and the applicant's motivation for reclamation in terms of the ICM Act. The adequacy of the pre-approval application is a matter for the relevant authority to determine as part of the separate ICM Act process.
				<u>Other comments on the contents of the Minister's notice</u> 19. The prematurity of the Minister's publication of his proposed pre-approval process, and the possibility of that process culminating in the "Minister's pre-approval decision" is further illustrated by the contents of the third unnumbered paragraph on page 6 of the notice, where the Minister records the following: <i>"The overall environmental impact of the proposed reclamation project, including but not limited to impacts on fisheries and oceanographic conditions, is said to be low. Specialist studies on fisheries, currents and tides, water quality and oxygen, longshore sediment transport, impacts on biodiversity, etc., can be found at the webpage cited above." (Underlining supplied.)</i> 20. The statement quoted verbatim above amounts both in practical and legal effect to a pre-judgment of the outcome of the on-going environmental assessment process. I submit that it is also objectively insupportable in the circumstances, and that it is a statement that reflects a <i>fait accompli</i> which is presented without objectively verifiable evidence. 21. In the final unnumbered paragraph on page 6 of the Minister's notice, he includes the following statement:	The environmental impacts of the proposed development, including those relevant to the coastal and marine environment, are assessed in Chapter 6 of the EIA Report. The characterisation of the Minister's notice is a matter for the ICM Act pre-approval process, and this comment will be considered as part of that separate process.
					The objects of the ICM Act and their relevance to the proposed development are addressed in Section 4.3.6 of the EIA

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				"As opposed to the EIA Regulations process undertaken in terms of NEMA, the primary purpose of the reclamation authorisations process under the ICM Act is to assess and to provide in-principle approval for the reclamation. <u>In this assessment, the application will be assessed to ensure that the sea, which is his (sic) coastal public property is not [to be] utilised in a manner that undermines the objectives of the ICM Act, which is to ensure integrated and sustainable coastal development and to secure equitable access to the opportunities and benefits of coastal public property.</u>" (Underlining supplied.)	Report. The manner in which the ICM Act pre-approval process is conducted is a matter for the responsible authority, and this comment will be considered as part of that separate process.
				22. Against the backdrop of the submissions above regarding the paucity of information set out in the applicant's completed application form, I submit that the Minister is not in a position at this juncture objectively to assess the merits of the applicant's pre-approval application in a manner that will, as a matter of objective fact, ensure that the coastal waters proximate to Table Bay will not be utilised in a manner that undermines the stated objects set out in section 7A of the NEM: ICMA pertaining to the purpose of coastal waters (or for that matter, the stated objects of the NEM: ICMA as set out in section 2 of the Act).	
				<u>Concluding submissions</u> 23. In the circumstances, and for the reasons set out in these comments, I submit that the Minister would be well-advised not to proceed with the so-called "Ministerial pre-approval" and that under no circumstances should he purport to decide what he describes in his notice as the "Minister's pre-approval decision". 24. If the Minister elects to progress the current pre-application process (and more particularly, to make any "pre-approval decision") then that decision is likely to be susceptible to being set aside in judicial review proceedings by virtue of being procedurally unfair and substantively irrational. Other likely grounds of judicial review include (but are not necessarily limited to) the following: 24.1. The Minister is not currently authorised to make a pre-approval decision by the empowering statutory provisions in the NEM: ICMA;	Please see responses above.

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				24.2.if the Minister purports to make a pre-approval decision then that will have the effect that he has not complied with a mandatory and material procedure or condition prescribed by the empowering statutory provision; 24.3.the Minister's pre-approval decision will be materially influenced by an error of law; 24.4.the Minister failing properly to take account of relevant considerations, alternatively considering irrelevant considerations; 24.5.the Minister's action will amount to an arbitrary exercise of his statutory powers; 24.6.the Minister's decision will not be rationally connected to the purpose for which it was taken, and the information before the Minister; and 24.7.the Minister's administrative action will be otherwise unconstitutional or unlawful. 25. In the circumstances, I submit that the Minister should take the necessary steps to withdraw his notice and to the extent that the application is minded to pursue an application in terms of section 7C of the NEM: ICMA it is obliged to provide full and comprehensive details in substantive motivation thereof, and in compliance with the requirements of sections 2, 7A and 7C of the NEM: ICMA.	