TERMS OF REFERENCE FOR SPECIALIST STUDIES

The proponent Velaskar Property Development (Pty) Ltd intends developing a shopping centre on the Portion 16 of the farm Klein Dassenberg No. 20 in Atlantis, which requires environmental authorisation.

The specialists are to confirm the initial site sensitivity as identified in the Screening Report, prepared in accordance with the Environmental Impact Assessment Regulations (EIA) 2014.

The specialist studies are required to follow the published NEMA Protocols for the assessment of Environmental impacts on Terrestrial Biodiversity, Aquatic Biodiversity and Agriculture.

Note that the Protocols require determination of the level of sensitivity, which then determines the level of assessment required, either a full assessment, or a Compliance Statement.

1. BIODIVERSITY

1.1 The assessment must be prepared by a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP) with expertise in the field of terrestrial biodiversity.

1.2 The assessment must be undertaken on the preferred site and within the proposed development footprint.

1.3 The assessment must provide a baseline description of the site which includes, as a minimum, the following aspects:

1.3.1 a description of the ecological drivers or processes of the system and how the proposed development will impact these;

1.3.2 ecological functioning and ecological processes (e.g. fire, migration, pollination, etc.) that operate within the preferred site;

1.3.3 the ecological corridors that the proposed development would impede including migration and movement of flora and fauna;

1.3.4 the description of any significant terrestrial landscape features (including rare or important flora-faunal associations, presence of strategic water source areas (SWSAs) or freshwater ecosystem priority area (FEPA) sub catchments;

1.3.5 a description of terrestrial biodiversity and ecosystems on the preferred site, including:

a) main vegetation types;

b) threatened ecosystems, including listed ecosystems as well as locally important habitat types identified;

c) ecological connectivity, habitat fragmentation, ecological processes and fine-scale habitats; and,

d) species, distribution, important habitats (e.g. feeding grounds, nesting sites, etc.) and movement patterns identified;

1.3.6 the assessment must identify any alternative development footprints within the preferred site which would be of a "low" sensitivity as identified by the screening tool and verified through the site sensitivity verification; and

1.3.7 the assessment must be based on the results of a site inspection undertaken on the preferred site and must identify:

1.3.7.1 terrestrial critical biodiversity areas (CBAs), including:

(a) the reasons why an area has been identified as a CBA;

(b) an indication of whether or not the proposed development is consistent with maintaining the CBA in a natural or near natural state or in achieving the goal of rehabilitation;

(c) the impact on species composition and structure of vegetation with an indication of the extent of clearing activities in proportion to the remaining extent of the ecosystem type(s);

(d) the impact on ecosystem threat status;

(e) the impact on explicit subtypes in the vegetation;

(f) the impact on overall species and ecosystem diversity of the site; and

(g) the impact on any changes to threat status of populations of species of conservation concern in the CBA;

1.3.7.2. terrestrial ecological support areas (ESAs), including:

(a) the impact on the ecological processes that operate within or across the site;

(b) the extent the proposed development will impact on the functionality of the ESA; and

(c) loss of ecological connectivity (on site, and in relation to the broader landscape) due to the degradation and severing of ecological corridors or introducing barriers that impede migration and movement of flora and fauna;

1.3.7.3. protected areas as defined by the National Environmental Management: Protected Areas Act, 2004 including-

(a) an opinion on whether the proposed development aligns with the objectives or purpose of the protected area and the zoning as per the protected area management plan;

1.3.7.4. priority areas for protected area expansion, including-

(a) the way in which in which the proposed development will compromise or contribute to the expansion of the protected area network;

1.3.7.5. SWSAs including:

(a) the impact(s) on the terrestrial habitat of a SWSA; and

(b) the impacts of the proposed development on the SWSA water quality and quantity (e.g. describing potential increased runoff leading to increased sediment load in water courses);

1.3.7.6 FEPA sub catchments, including-

(a) the impacts of the proposed development on habitat condition and species in the FEPA sub catchment;

1.3.7.7 indigenous forests, including:

(a) impact on the ecological integrity of the forest; and

(b) percentage of natural or near natural indigenous forest area lost and a statement on the implications in relation to the remaining areas.

1.4. The findings of the assessment must be written up in a Terrestrial Biodiversity Specialist Assessment Report.

1.5 Terrestrial Plant Species Specialist Assessment Report

1.5.1 This report must include as a minimum the following information:

1.5.1.1. contact details of the specialist, their SACNASP registration number, their field of expertise and a curriculum vitae;

1.5.1.2. a signed statement of independence by the specialist;

1.5.1.3. a statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;

1.5.1.4. a description of the methodology used to undertake the site verification and impact assessment and site inspection, including equipment and modelling used, where relevant;

1.5.1.5. a description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations;

1.5.1.6. a location of the areas not suitable for development, which are to be avoided during construction and operation (where relevant);

1.5.1.7. additional environmental impacts expected from the proposed development

1.5.1.8. any direct, indirect and cumulative impacts of the proposed development;

1.5.1.9. the degree to which impacts and risks can be mitigated;

1.5.1.10. the degree to which the impacts and risks can be reversed;

1.5.1.11. the degree to which the impacts and risks can cause loss of irreplaceable resources;

1.5.1.12. proposed impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr);

1.5.1.13. a motivation must be provided if there were development footprints identified as per paragraph 2.3.6 above that were identified as having a “low” terrestrial biodiversity sensitivity and that were not considered appropriate;

1.5.1.14. a substantiated statement, based on the findings of the specialist assessment, regarding the acceptability, or not, of the proposed development, if it should receive approval or not; and

1.5.1.15. any conditions to which this statement is subjected..

1.6 The findings of the Terrestrial Biodiversity Specialist Assessment must be incorporated into the Basic Assessment Report or the Environmental Impact Assessment Report, including the mitigation and monitoring measures as identified, which must be incorporated into the EMPr where relevant.

1.7 A signed copy of the assessment must be appended to the Basic Assessment Report or Environmental Impact Assessment Report.

2 AQUATIC

The terms of reference for the Aquatic Biodiversity study was sourced from the "Protocol for the Specialist Assessment and Minimum Report Content Requirements for Environmental Impacts on Aquatic Biodiversity", as published on 20 March 2020, in Government Gazette 43110, Notice Number 320.

2.1. The compliance statement must:
2.1.1 Be applicable to the preferred site and the proposed development footprint;
2.1.2 Confirm that the site is of "low" sensitivity for aquatic biodiversity; and
2.1.3 Indicate whether or not the proposed development will have an impact on the aquatic features.

2.2 The compliance statement must contain, as a minimum, the following information:
2.2.1 Contact details of the specialist, their SACNASP registration number, their field of expertise and a curriculum vitae;
2.2.2. A signed statement of independence by the specialist;
2.2.3. A statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;
2.2.4. A baseline profile description of biodiversity and ecosystems of the site;
2.2.5. The methodology used to verify the sensitivities of the aquatic biodiversity features on the site including the equipment and modelling used where relevant;
2.2.6. In the case of a linear activity, confirmation from the aquatic biodiversity specialist that, in their opinion, based on the mitigation and remedial measures proposed, the land can be returned to the current state within two years of completion of the construction phase;
2.2.7. Where required, proposed impact management outcomes or any monitoring requirements for inclusion in the EMPr;

2.2.8. A description of the assumptions made as well as any uncertainties or gaps in knowledge or data; and

2.2.9. Any conditions to which this statement is subjected.

2.2.10. A signed copy of the compliance statement must be appended to the Basic Assessment Report or Environmental Impact Assessment Report

3 AGRICULTURE

3.1 An applicant intending to undertake an activity identified in the scope of this protocol on a site identified on the screening tool as being of "very high" or "high" sensitivity for agricultural resources must submit an Agricultural Agro- Ecosystem Specialist Assessment.

3.2 If any part of the proposed development footprint falls within an area of "very high" or "high" sensitivity, the assessment and reporting requirements prescribed for the "very high" or "high" sensitivity apply to the entire footprint, except in the case of low and medium sensitivity in which case an Agricultural Compliance Statement applies. Development footprint in the context of this protocol means the area on which the proposed development will take place and includes any area that will be disturbed.

Following comments received from the City of Cape Town Spatial Planning and Environmental Directorate, an Agro-Ecosystem Assessment should be pursued even though a Agricultural Compliance Statement would suffice based on the Screening Report. As such the following Terms of Reference must be applied.

3.3. In respect of a detailed level Agro-Ecosystem Specialist Assessment

3.3.1 The Agro-Ecosystem Specialist Assessment must be prepared by a soil scientist or agricultural specialist registered with the SACNASP.

3.3.2 The Agro-Ecosystem Specialist Report must contain as a minimum, the following information:

- The assessment must be undertaken based on a site inspection as well as an investigation of the current production figures, where the land is under cultivation or has been within the past 5 years, and must identify:
  - the extent of the impact of the proposed development on the agricultural resources; and

- whether or not the proposed development will have an unacceptable impact on the agricultural production capability of the site, and in the event where it does, whether such a negative impact is outweighed by the positive impact of the proposed development on agricultural resources.

- The status quo of the site must be described, including the following aspects which must be considered as a minimum in the baseline description of the agroecosystem:
  - the soil form/s, soil depth (effective and total soil depth), top and sub -soil clay percentage, terrain unit and slope;
  - where applicable, the vegetation composition, available water sources as well as agro- climatic information;
  - the current productivity of the land based on production figures for all agricultural activities undertaken on the land for the past 5 years, expressed as an annual figure and broken down into production units;
  - the current employment figures (both permanent and casual) for the land E for the past 3 years, expressed as an annual figure; and
  - existing impacts on the site, located on a map (e.g. erosion, alien vegetation, non -agricultural infrastructure, waste, etc.)
  - change in productivity for all agricultural activities based on the figures of the past 5 years, expressed as an annual figure and broken down into production units;
  - change in employment figures (both permanent and casual) for the past 5 years expressed as an annual figure; and
  - any alternative development footprints within the preferred site which would be of "medium" or "low" sensitivity for agricultural resources as identified by the screening tool and verified through the site sensitivity verification.
- This report must contain the findings of the agro- ecosystem specialist assessment and the following information, as a minimum:
  - the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;
  - a description of the methodology used to undertake the on -site assessment inclusive of the equipment and models used, as relevant;
  - a map showing the proposed development footprint (including supporting infrastructure) with a 50m buffered development envelope, overlaid on the agricultural sensitivity map generated by the screening tool;

- an indication of the potential losses in production and employment from the change of the agricultural use of the land as a result of the proposed development;
- an indication of possible long-term benefits that will be generated by the project fr. relation to the benefits of the agricultural activities on the affected land;
- additional environmental impacts expected from the proposed development based on the current status quo of the land including erosion, alien vegetation, waste, etc.;
- information on the current agricultural activities being undertaken on adjacent land parcels;
- an identification of any areas to be avoided, including any buffers;
- a motivation must be provided if there were development footprints identified as having a "medium" or "low" agriculture sensitivity and that were not considered appropriate;
- confirmation from the soil scientist or agricultural specialist that all reasonable measures have been considered in the micro- siting of the proposed development to minimise fragmentation and disturbance of agricultural activities;
- a substantiated statement from the soil scientist or agricultural specialist with regards to agricultural resources on the acceptability or not of the proposed development and a recommendation on the approval or not of the proposed development;
- where identified, proposed impact management outcomes (mitigation) or any monitoring requirements for inclusion in the Environmental Management Programme (EMPr); and
- a description of the assumptions made and any uncertainties or gaps in knowledge or data