



REFERENCE: 16/3/3/1/A3/54/2004/20
ENQUIRIES: Natasha Bieding
DATE OF ISSUE: 23 November 2020

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 35 OF THE FARM NO. 918, SOMERSET WEST

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 1, described in the Basic Assessment Report ("BAR"), dated August 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

ASRIN Property Developers
c/o Mr. Shiraaz Hassan
382 Main Road
TOKAI
7945

Tel.: (021) 713 3012
Email: hassans@asrin.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 10 Activity Description: <i>"The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –</i> (i) <i>with an internal diameter of 0,36 metres or more;</i> <i>or</i> (ii) <i>with a peak throughput of 120 litres per second or more;</i> <i>excluding where—</i> (a) <i>such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or</i> (b) <i>where such development will occur within an urban area"</i>.</p>	<p>The proposed development includes a sewage package plant which includes the development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage and effluent.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: <i>"The development of—</i> (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs—</i> (a) <i>within a watercourse;</i> (b) <i>in front of a development setback; or</i> (c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <i>excluding—</i> (aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> (bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> (cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> (dd) <i>where such development occurs within an urban area;</i> (ee) <i>where such development occurs within existing roads, road reserves or railway line reserves; or</i></p>	<p>The proposed development will entail the development of infrastructure within 32 metres of an unchannelled valley bottom wetland and will occur outside an urban area.</p>

<p>(ff) <i>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".</i></p>	
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 19 Activity Description: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i> <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</i></p>	<p>The proposed activity will result in the infilling of a portion of the existing wetland and artificial seep with material of more than 10 cubic metres.</p>

The abovementioned list is hereinafter referred to as **"the listed activities"**.

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development.

The development of a mixed-use development comprising:

- approximately 32 residential block housing units ranging in height from three to four storeys which will collectively amount to approximately 384 residential units;
- approximately 102 freestanding erven;
- approximately 48 commercial units located at the ground floor of the four-storey apartments;
- gatehouses;
- an underground sewage package plant; and
- associated infrastructure (including stormwater infrastructure such as a weir), palisade fencing, roads, open spaces and parking facilities.

A temporary underground sewage package plant will be constructed and operated initially, while upgrades to the municipality's sewer infrastructure are underway. The proposed development will connect to the municipal sewerage infrastructure, once upgrades at the Macassar Waste Water Treatment Works are completed. Effluent from the package plant will be treated to the prescribed standards before being used for on-site irrigation.

A 4m high berm will be constructed directly adjacent to the N2 Road to serve as a noise barrier.

Three pedestrian gates will be constructed along the western boundary of the site to provide access to the wetland area and its associated buffer.

A new access road will be constructed. During the construction phase, access will be taken from Onverwacht Road into the development area. The same access will be formalised and constructed as the main access into the development. A roundabout into the development area is proposed from which access to the three development sections will be possible

The total development footprint will measure approximately 64 000 m² in total.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 35 of the Farm No. 918, Somerset West. The N2 is located southeast of the site and Onverwacht Road northwest of the site. Southwest of the site (diagonally across from the site) is Nomzamo High School. The Chris Nissen Village residential area is located west of the site and a railway line bounds the northeastern boundary of the site.

The Surveyor General (SG) 21-digit code for the proposed site is C0670000000091800035.

The site co-ordinates are:

34° 6' 45.83" South
18° 52' 25.06" East

Refer to Annexure 1: Locality Map and Annexure 2 for the Preferred Alternative

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Environmental Partnership
c/o Carmen du Toit – Principal Environmental Assessment Practitioner
P. O. Box 945
CAPE TOWN
8000

Tel.: (021) 422 0999

Email: info@enviropart.co.za / carmen@enviropart.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated August 2020 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
This Environmental Authorisation is granted for–
 - (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and

- (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved in writing by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
- 6.1 notify all registered Interested and Affected Parties of –
- 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
- 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
- 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
- 6.4 provide the registered Interested and Affected Parties with:
- 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any; and
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14 and 18.

Management of activity

10. The EMPr submitted, as dated August 2020 is hereby approved and must be implemented.
11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must–
 - 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
 - 14.2 ensure compliance with the EMPr and the conditions contained herein; and
 - 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction period; and

- 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).
- In addition to the above, the environmental audit report, must -
- 16.1 provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, place on a publicly accessible website.

Specific conditions

- 18. A Stormwater Management Plan must be approved by the City of Cape Town. A copy of the approved Stormwater Management Plan and letter of approval must be submitted to this Department prior to the commencement of construction activities.
- 19. The Wetland Rehabilitation and Management Plan dated August 2019, as compiled by Water Use Licence Associates must be implemented.
- 20. The Dust Management Plan dated August 2020, as compiled The Environmental Partnership must be implemented.
- 21. Water saving mechanisms (e.g. the use of low-flow taps, low volume toilet cisterns, the installation of rainwater collecting gutters) and energy saving mechanisms (e.g. the use of energy saving light bulbs, solar water geysers or solar photovoltaic panels for the generation of electricity for some components of the proposed development) must be used in all components of the development.
- 22. The following measures adapted from the Freshwater Resource Ecological Assessment dated October 2016 (as amended August 2019) compiled by Scientific Aquatic Services must be implemented:
 - 22.1 Pre-cast concrete must be used whenever possible.
 - 22.2 The floor slab/apron must be installed to the same level or buried just below the predevelopment bed level within the artificial seep to minimise or prevent the need for bed or bank reinforcement or bridge weirs or aprons.
 - 22.3 Excavated soils removed must not be stockpiled within the on-site riparian zones.

- 22.4 No mixed concrete/tar may be deposited outside of the designated road reserve.
 - 22.5 The artificial seep wetland and the associated buffer area must be immediately revegetated with indigenous terrestrial and freshwater vegetation to prevent erosion and increase the habitat provisioning of the watercourse.
 - 22.6 The appointed ECO must consult a suitably qualified freshwater specialist during the construction phase to obtain advice on matters relating to the unchannelled valley bottom wetland.
 - 22.7 The freshwater specialist must sign off on rehabilitation activities prior to final completion of construction on site. A copy of the final sign off must be submitted to this Department as part of the audit report to be submitted within 6 months of completion of the construction activities.
 - 22.8 No treated effluent must be released directly into the unchannelled valley bottom wetland.
23. The following measures, adapted from the Visual Impact Comment letter dated 24 July 2019 and compiled by Ms. Belinda Gebhardt, must be implemented:
- 23.1 The ground level at the site boundary must remain at the existing natural ground level.
 - 23.2 Any construction offices/temporary ablutions and related facilities must be sensitively placed on the site where it will be least visible from key viewpoints and the N2.
 - 23.3 Low level, unobtrusive and contextually appropriate signage must be used.
 - 23.4 Outdoor lighting must be fitted with reflectors to minimise light spillage and motion sensor or self-dimming lights must be used, where possible.
 - 23.5 Lighting poles and mounting height must be high enough to ensure light is well directed with as little light spill as possible.
 - 23.6 The site perimeter, i.e. building zone must be clearly demarcated.
24. The following conditions regarding the temporary storage of fuel on site during construction, must be implemented:
- 24.1 The combined capacity of the fuel storage tanks may not exceed 30m³.
 - 24.2 Only temporary fuel storage is allowed and all tanks must be located within a lined bund (110% of the proposed tank's capacity) in order to contain potential spills or leaks;
 - 24.3 All fuel temporarily stored on site must be confined to specific, secured, and banded area as prescribed by the ECO;
 - 24.4 Drip trays must be provided for all vehicles and construction equipment that may require re-fuelling on site to avoid the possible spillage of fuel/oil; and
 - 24.5 No re-fuelling of vehicles is allowed outside of the demarcated area.
25. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
26. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

27. A suitably qualified waste removal service provider must be appointed to render waste removal services for the construction and operational phases of the development.
28. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. RECOMMENDATIONS:

This Directorate recommends that the holder implement the following:

- The following recommendations in the Noise Impact Investigation dated 31 July 2019 compiled by A.W.D. Jongens should be implemented:
 - The access to each residence and bathrooms, kitchens and toilets should be along the southern facades facing the N2 with all living rooms, bedrooms and balconies facing away from the road.
 - The access corridors to each dwelling unit should be enclosed by sealed glass windows.

G. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation must be submitted to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render

H. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

I. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 23 NOVEMBER 2020

Copied to: (1) Ms. Kakale Munamati (The Environmental Partnership)
(2) Ms. Carmen du Toit (The Environmental Partnership)
(3) Ms Azanne van Wyk (City of Cape Town)

Email: kakale@enviropart.co.za
Email: carmen@enviropart.co.za
Email: Azanne.vanWyk@capetown.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A3/54/2004/20

ANNEXURE 1: LOCALITY MAP



PROPOSED HOUSING DEVELOPMENT ON PORTION 35 OF FARM 918, SOMERSET WEST

LOCALITY MAP

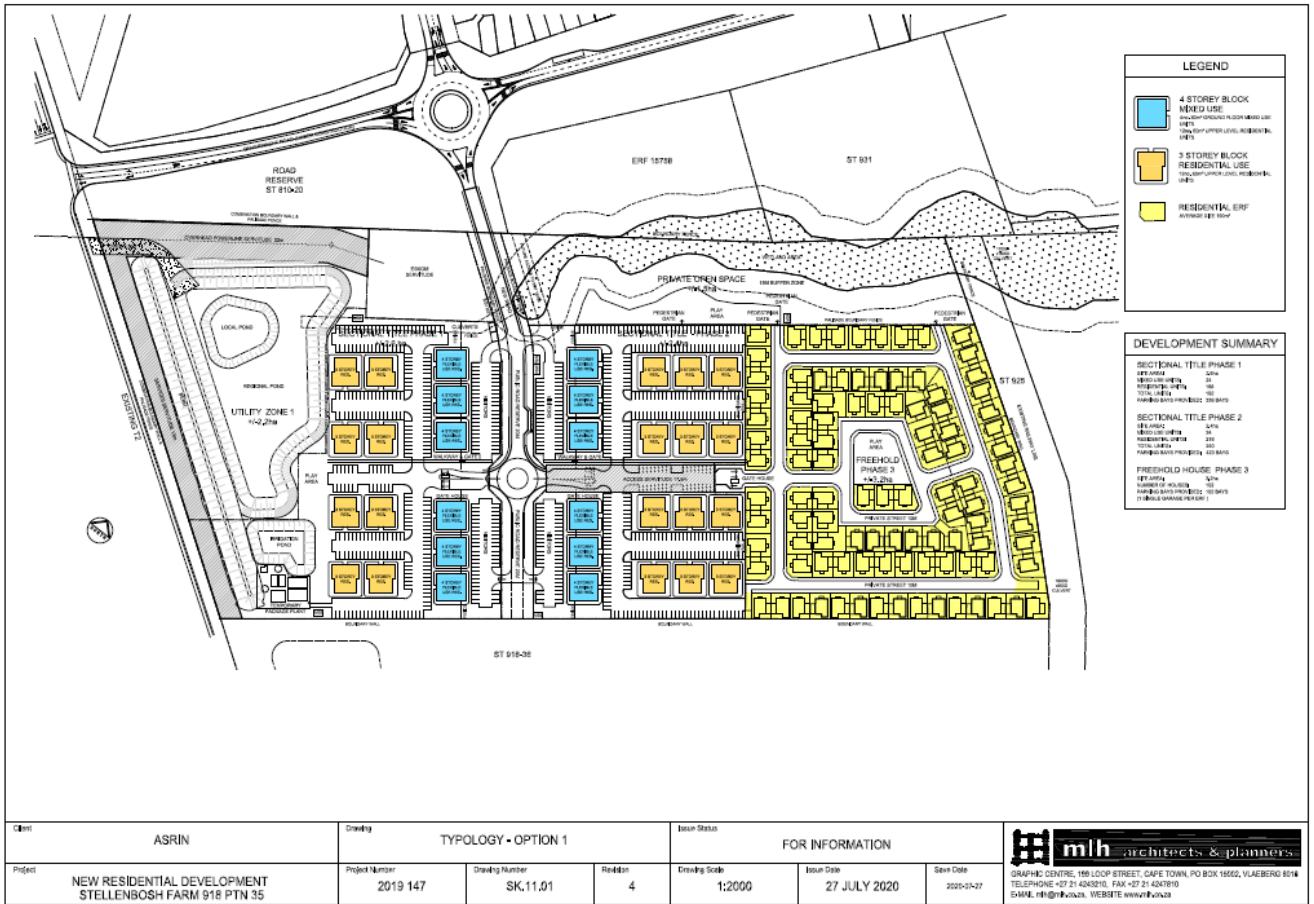
PROJECT CO-ORDINATES
 34°54.98"S 18°52'24.49"E
 PRINT DATE
 MAY 2019

SCALE AT A4 1:8 899

PREPARED FOR



ANNEXURE 2: PREFERRED ALTERNATIVE



Client: ASRIN	Drawing: TYPOLGY - OPTION 1	Issue Status: FOR INFORMATION	<p>GRAPHIC CENTRE, 100 LOOP STREET, CAPE TOWN, PO BOX 18662, VLAERENG 8014 TELEPHONE +27 21 4242910, FAX +27 21 4242790 EMAIL mlh@mlh.co.za, WEBSITE www.mlh.co.za</p>
Project: NEW RESIDENTIAL DEVELOPMENT STELLENBOSH FARM 918 PTN 35	Project Number: 2019 147	Drawing Number: SK.11.01	

CAD File: Location: C:\Users\mlh\Documents\MLH Architects and Planners\MLH - Architecture\2019 147 AsRin - Farm No 918_35 - SDP01 Sheet10 Layout

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 28 January 2020, the Final BAR received on 7 August 2020 and the EMPr submitted together with the Final BAR on 7 August 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated August 2020.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- distribution of Information Sheets to all identified Interested and Affected Parties (I&APs);
- distribution of copies of the BARs to relevant organs of state for comment;
- advertisements placed in the 'DistriksPos' newspaper on 9 May 2019;
- placement of site notices on the boundary of the site;
- placement of a copy of the BARs on The Environmental Partnership's website, www.enviropart.co.za; and
- placement of a copy of the BARs and at the Somerset West Public Library for the duration of the 30-day commenting period.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

2. Alternatives

Two alternatives were proposed, i.e. Alternative 1 and Alternative 2 as well as the no-go alternative, as follows:

Alternative 1 (Preferred and herewith authorised)

This alternative entails the of a mixed-use development comprising:

- approximately 32 residential block housing units ranging in height from three to four storeys which will collectively amount to approximately 384 residential units;
- approximately 102 freestanding erven;
- approximately 48 commercial units located at the ground floor of the four-storey apartments;
- gatehouses;
- an underground sewage package plant;
- associated infrastructure, palisade fencing, roads, public open spaces and parking facilities

A temporary underground sewage package plant will be constructed and operated initially, while upgrades to the municipality's sewer infrastructure are underway. The proposed development will connect to the municipal sewerage infrastructure, once upgrades at the Macassar Waste Water Treatment Works are completed. Effluent from the package plant will be treated to the prescribed standards before being used for on-site irrigation.

A 4m high berm will be constructed directly adjacent to the N2 Road to serve as a noise barrier.

Three pedestrian gates will be constructed along the western boundary of the site to provide access to the wetland area and its associated buffer.

Alternative 2

This alternative entailed the of a mixed-use development comprising:

- approximately 32 residential block housing units ranging in height from three to four storeys which will collectively amount to approximately 432 residential units;
- approximately 102 freestanding erven;
- gatehouses;
- an underground sewage package plant; and
- associated infrastructure, palisade fencing, roads, open spaces and parking facilities.

A temporary underground sewage package plant will be constructed and used. Effluent from the package plant will be treated to the prescribed standards before being used for on-site irrigation.

A 4m high berm will be constructed directly adjacent to the N2 Road to serve as a noise barrier.

Three pedestrian gates will be constructed along the western boundary of the site to provide access to the wetland area and its associated buffer.

Alternative 1 and Alternative 2 have the same development footprint and design layout. However, difference between the two alternatives is that the ground floor of the development blocks will be used for commercial (retail / small businesses) in Alternative 1. Alternative 2 would thus, have more residential units than Alternative 1. Alternative 1 is deemed as preferred as the commercial component renders it more viable by not only providing a mix of landuses on the site, but also increases the employment opportunities for people in the local area.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo", i.e. no construction of the mixed-use development.

This alternative was not deemed as preferred, as this means that not result in employment opportunities and additional affordable housing in the Somerset West area.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is required to fulfill the need for a well-located infill housing, which will accommodate a diverse mix of housing opportunities that includes affordable housing. The commercial component will also provide additional economic and employment opportunities by providing a mix of landuses on a site which is situated adjacent to an active transport corridor.

3.2 Regional/ planning context

The proposed site is zoned for agricultural purposes. This impact was found to be negligible as the agricultural potential of the site is low. The Western Cape Department of Agriculture confirmed that densification on the site is supported.

The necessary landuse planning approvals must be obtained in order to permit the proposed development to take place.

The proposed development is largely consistent with the forward planning context whereby it responds to the need for mixed-use development, including affordable housing opportunities in a well-located area. The proposed mixed use development will generally support the goal of intensifying urban development adjacent to the N2, as contained in the approved The Helderberg District Plan.

3.3 Biophysical Impacts

According to specialist botanical comment dated 28 November 2018, the site has no evidence of significant indigenous bulbs other than scattered tijkenks (*Ornithogalum thyrsoides*), and no evidence of indigenous shrubs other than a few klaaslouswobos (*Athansia trifurcate*). This is due to historical extensive cultivation, dumping, and infilling, grazing and other disturbances that have occurred on the site. The botanical sensitivity of the site was therefore regarded as very low, while less than 300m² of indigenous vegetation will be cleared/removed from the site.

Tall (20-25m) Eucalyptus (bluegum) trees exist along the eastern boundary of the site. Approximately 50% of the trees will need to be removed for the development, which may impact on roosting avian species. It is however projected that the rest of the remaining trees will still provide roosting opportunities. The impact is therefore regarded as low.

A Freshwater Assessment dated August 2019 was undertaken by Scientific Aquatic Services to assess the potential freshwater impacts associated with the proposed development. The proposed site is not located within any Critical Biodiversity Areas of Ecological Support Areas and further is not located within the City of Cape Town Biodiversity Network, 2017. There are no wetlands mapped on the proposed site, *however an unchanneled valley bottom wetland was identified in the north western portion of the site by the appointed freshwater specialist.* The wetland does play a role in terms of flood attenuation, streamflow regulation, sediment trapping and nutrient and toxicant assimilation. According to the freshwater assessment report, the local wetland system is heavily dominated by *Typha capensis*, *Pennisetum macrourum* and *Zantededeschia aethiopica* alien vegetation as well as litter. An artificial wetland is found directly adjacent to the north western boundary of the site, which was formed by runoff from the road and hardened surfaces of the development adjacent to the wetland. A portion of the on-site unchanneled valley bottom wetland and the southern reaches of the artificial wetland will be lost (infilled) due to the development of the access road and the weir. The associated freshwater impacts were deemed to range from medium to low significance and mitigation measures will be implemented as recommended by the freshwater specialist. The weir is required to maintain the water levels of the wetland to prevent the draining and drying out of the wetland. Upon completion of the construction phase, the unchanneled valley bottom wetland will be rehabilitated in accordance with the provisions of the approved EMPr as well as the Wetland Rehabilitation and Management Plan, dated August 2019. The said rehabilitation will likely improve the status of the wetland system and prevent further degradation of the on-site wetland system. The rest of the unchanneled valley bottom wetland will also be protected by means of 21m buffer to be implemented during the construction phase and a 15m buffer area to be implemented during the construction phase where no development can occur (these forms part of the provisions of the approved EMPr that must be adhered to).

Since there is a 1:50 year floodline on the property, stormwater management measures will have to be implemented in accordance with a Stormwater Management Plan, as approved by the City of Cape Town.

3.4 Service infrastructure

A temporary underground sewage package plant comprising *inter alia*, settling tanks, bio-filter basins, humus tanks and chlorine contact tanks will be constructed to accommodate the development's sewage requirements. This is due to the current lack of capacity at the Macassar Waste Water Treatment Works ("WWTW"). The proposed development will connect to the WWTW when the upgrades are completed and sufficient service capacity exists to accommodate the development.

In order to avoid potential contamination if the sewage package plant malfunctions, measures have been included as part of this environmental authorisation and will be implemented. Similarly, should the entire plant cease to function, specific measures as included in the approved EMPr will be implemented to avoid pollution and any other negative impacts on the

environment. These measures relate to the shutting-off of systems such as the valves of the package plant. The necessary approval(s) for the adherence to water quality standards and the irrigation of the water derived from the package plant will need to be obtained. The applicant has submitted a Water Use Licence Application to the Department of Water and Sanitation since the proposed development includes the irrigation of treated effluent. Effluent will be treated to meet the Department of Water and Sanitation's General Limit Standards.

Eskom has confirmed that there is sufficient capacity at the Waterkloof Substation to supply the proposed development with 2.9MVA. Water supply will be provided by the City of Cape Town, as confirmed on 15 January 2019. A suitably qualified waste removal service provider will be appointed to render waste removal services for the construction and operational phases.

3.5 Traffic

According to the Traffic Impact Assessment dated 2 December 2019, the proposed development has the potential to generate 560 AM peak hour trips (170 in, 390 out) and 918 PM peak hour trips (556 in, 362 out). To accommodate the traffic increase, additional turning lanes and traffic upgrades must be implemented. One such measure is the class 4-road planned from the Onverwacht Road/Copacabana Boulevard-intersection towards Broadlands Road, which will provide access to the proposed development.

3.6 Nuisance

Noise associated with construction equipment and vehicles, and employees on site will increase during the construction phase. However, this will be short term and will be managed in accordance with the provisions of the EMPr.

According to the Noise Impact Investigation dated 31 July 2019, noise emanating from road traffic on the N2 would have a high noise impact on residential dwellings and surrounding land within the proposed development located close to the southern site boundary. It was determined that the daytime and night-time rating levels of noise would significantly exceed the typical rating levels of noise for an urban district. The main measure to mitigate the noise level was the construction of a noise barrier directly adjacent to the N2 Road, which was therefore included as part of the overall development concept. Recommendations to further mitigate noise were also proposed and included in this environmental authorisation.

The proposed temporary sewage package plant may cause odour nuisance to the neighbouring communities during the operational phase. However, regular maintenance and required monitoring of the system while in operation will be implemented in accordance with the provisions in the EMPr, in order to mitigate any odour issues if they arise.

3.7 Visual / sense of place

During the construction phase, visual impacts are anticipated due to the establishment of a construction area and associated land clearing activities. However, this is temporary and will be managed in accordance with the provisions of the EMPr.

On completion of the construction phase, the overall visual character of the site development will change from being undeveloped to that of a densified property, which was not considered as an impact of high significance, given the existing urban context in which the site is located.

It was estimated that the most sensitive viewers are the motorists driving along the N2 Freeway (for an approximately 3km to 4km stretch) and directly adjacent residents. The local stretch of the N2 in close proximity of the site does however not comprise of visual elements, which are of high value, as it comprises light industrial activities, signage and existing urban landuses such as housing and schools. The proposed development will therefore also not be out of character with its surrounds.

The proposed berm which will be constructed directly adjacent to the N2 Road will significantly reduce visibility of the proposed built structures (residential and business units) from the N2.

Measures which forms part of this environmental authorisation will further mitigate the visual impacts of the proposed development during the construction and operational phases.

3.8 Heritage

It is envisaged that no impacts on heritage resources on or within the immediate vicinity of the site will occur.

Heritage Western Cape indicated in its correspondence dated 1 July 2019 that the proposed development will not impact on heritage resources.

3.9 Socio-economic

It was projected that the proposed development will provide economic growth and opportunities in the surrounding area, given the commercial component of the preferred alternative. The residential component is expected to provide some affordable housing opportunities as well as housing for a niche market, while employment will be created during the construction and operational phases.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in the construction within 32 metres of an unchannelled valley bottom wetland as well as the infilling of a portion of the existing wetland and artificial seep with material of more than 10 cubic metres.
- Potential pollution associated with the irrigation of treated effluent.

Positive impacts:

- The proposed development will provide commercial and housing (including affordable housing) opportunities.
- The proposed development is in keeping with the applicable planning policies.
- The proposed development will create some employment opportunities during the construction and operational phases.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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 authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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