



REFERENCE: 16/3/3/1/A1/16/3005/20
NEAS REFERENCE: WCP/EIA/0000729/2020
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 22 OCTOBER 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 ESTABLISHMENT OF A RESIDENTIAL APARTMENT BLOCK / MIXED USE DEVELOPMENT ON ERVEN 326 AND 327, MELKBOSSTRAND.

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 activity specified in section B below with respect to Alternative 3 (i.e. the Preferred Alternative), described in the Basic Assessment Report ("BAR"), dated June 2020.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Suppliers to All (Pty) Ltd.
2 Boland Way
Stonehurst Mountain Estate
DURBANVILLE
7530

Tel: (083) 449 1266
E-mail: Pieter@mcape.co.za

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

B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 19A Activity Description:</p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i></p> <p>(i) <i>the seashore;</i> (ii) <i>the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater;</i> (iii) <i>the sea; -</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal of moving-</i></p> <p>(f) <i>will occur behind a development setback;</i> (g) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> (h) <i>falls within the ambit of activity 21 in this Notice, in which case the activity applies;</i> (i) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>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 development on Erven 326 and 327, Melkbosstrand will result in the infilling or depositing of material of more than 5m³ of soil, sand, shells, shell grit within 100m inland of the highwater mark of the sea.</p>

The abovementioned list is hereinafter referred to as **“the listed activity”**.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The proposed development entails the development of a four storey apartment block/mixed use development on Erven 326 and 327, Melkbosstrand within 100m inland of the high-water mark of the sea.

The proposed development will comprise of:

- fifteen (15) residential units;
- 4 business units;
- twenty (20) onsite parking bays at ground level of the proposed development; and
- associated infrastructure.

Access to the site will be gained off 10th Avenue, Melkbosstrand. The proposed development will connect to the municipal service infrastructure.

The total development footprint will be approximately 800m² in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erven 326 and 327, Melkbosstrand.

The SG digit codes for Erven 326 and 327, Melkbosstrand are:

Erf 326	C01600330000032600000
Erf 327	C01600330000032700000

Co-ordinates for Erven 326 and 327, Melkbosstrand are:

Erf 326	33° 43' 38.68" South	18° 26' 27.73" East
Erf 327	33° 43' 38.35" South	18° 26' 28.06" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plans.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ecosense CC
c/o Ms. Kozette Myburgh
P.O. Box 1426
KNYSNA
6570

Tel: (044) 384 0849
Email: kozette@ecosense.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Alternative 3 (i.e. the Preferred Alternative) described in the BAR dated June 2020 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation,
3. The development must be **concluded** within **10 (ten)** years from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring 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.
5. Any changes to, or deviations from the scope of the alternative described in section B 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 information in order 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.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (dated June 2020) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO") before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr, and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority upon completion of the environmental audit.
 - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority within 1 (one) month after the completion of the development/construction activities.
 - 14.3. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. 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 landfill licensed in terms of the applicable legislation
17. The following mitigation measures, as recommended in the Integrated Heritage Impact Assessment (compiled by Bridget O'Donoghue and dated 11 February 2020), must be implemented:

- 17.1. Indoor or outdoor shutters must be included on all doors and windows to prevent light pollution to the surrounding properties;
 - 17.2. Indigenous vegetation must be included on the ground level in order to contribute to the streetscapes; and
 - 17.3. Non-tinted glass on all façades must be implemented.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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.
4. The holder must submit an application for amendment of the Environmental Authorisation 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.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant must –
 - 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 I&APs, 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 I&APs–

- 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 I&AP, 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 I&AP 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 form/s must be submitted by means of one of the following methods:
 - 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. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the holder, 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: 22 OCTOBER 2020

Copies to: (1) Ms. P. Titmuss (City of Cape Town: ERM)
(2) Ms. K. Myburgh (Ecosense)

Email: pat.titmuss@capetown.gov.za
Email: kozette@ecosense.co.za

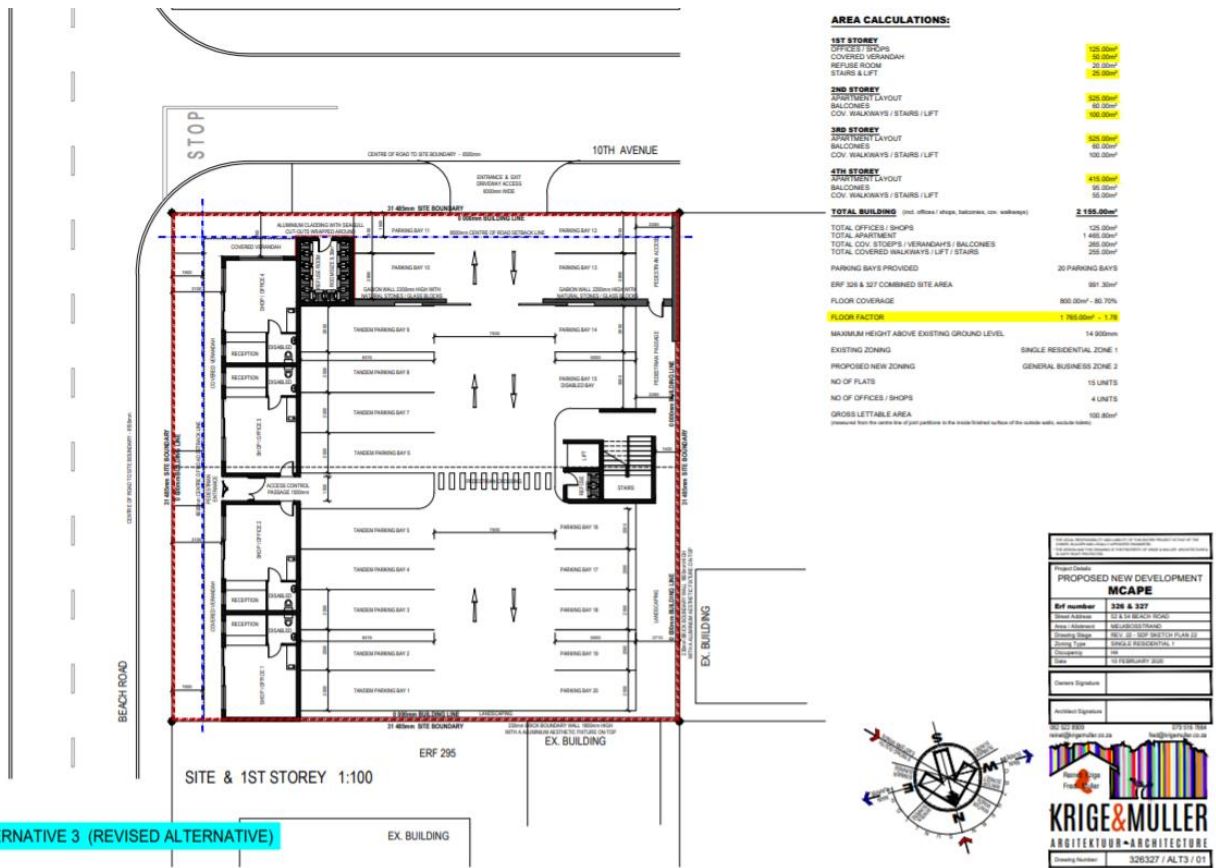
ANNEXURE 1: LOCALITY MAP

Erven 326 and 327, Melkbosstrand (outlined in red below).

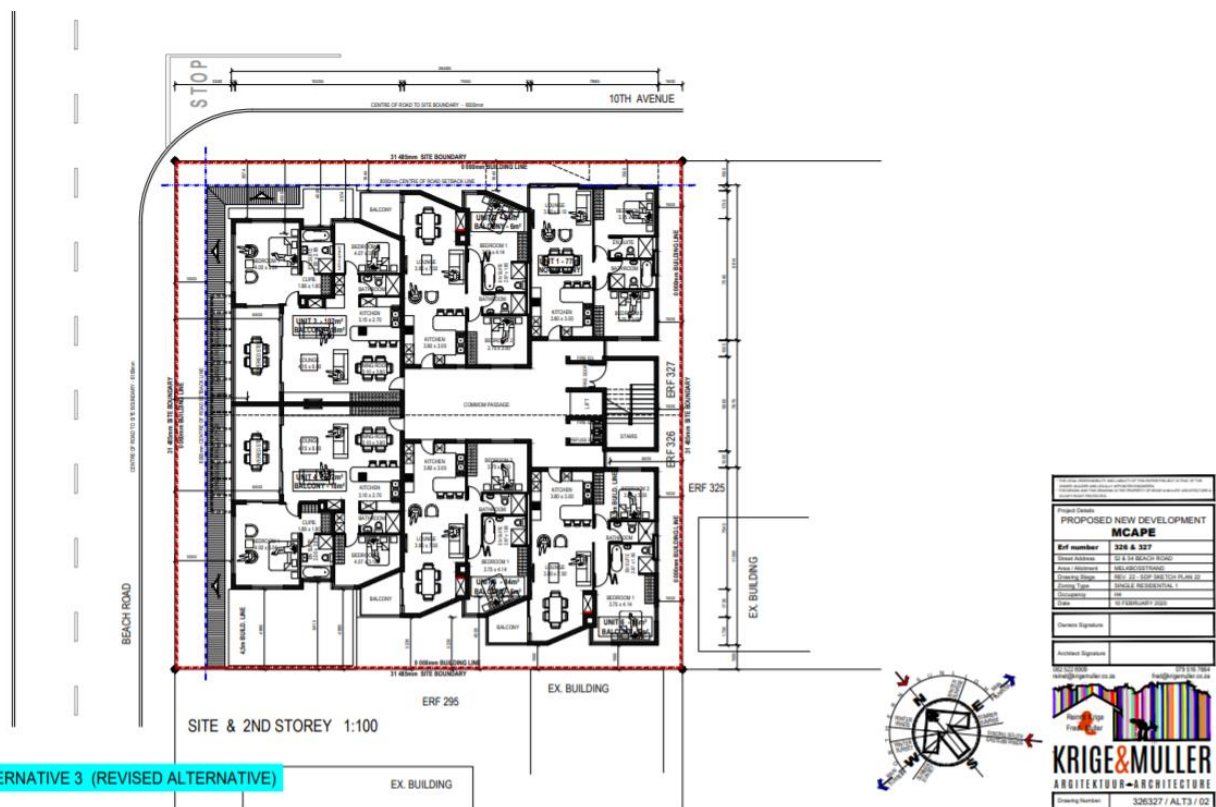


ANNEXURE 2: SITE PLANS

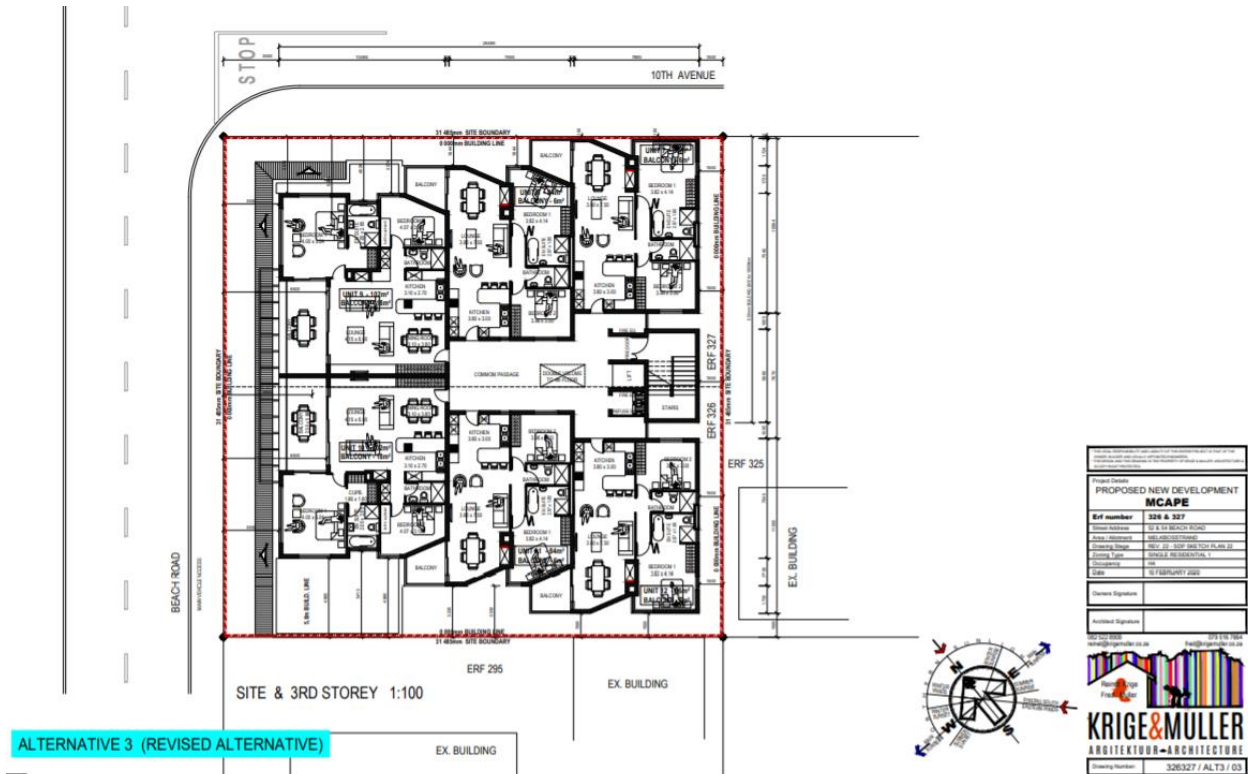
Proposed development on Erven 326 and 327, Melkbosstrand - 1st storey



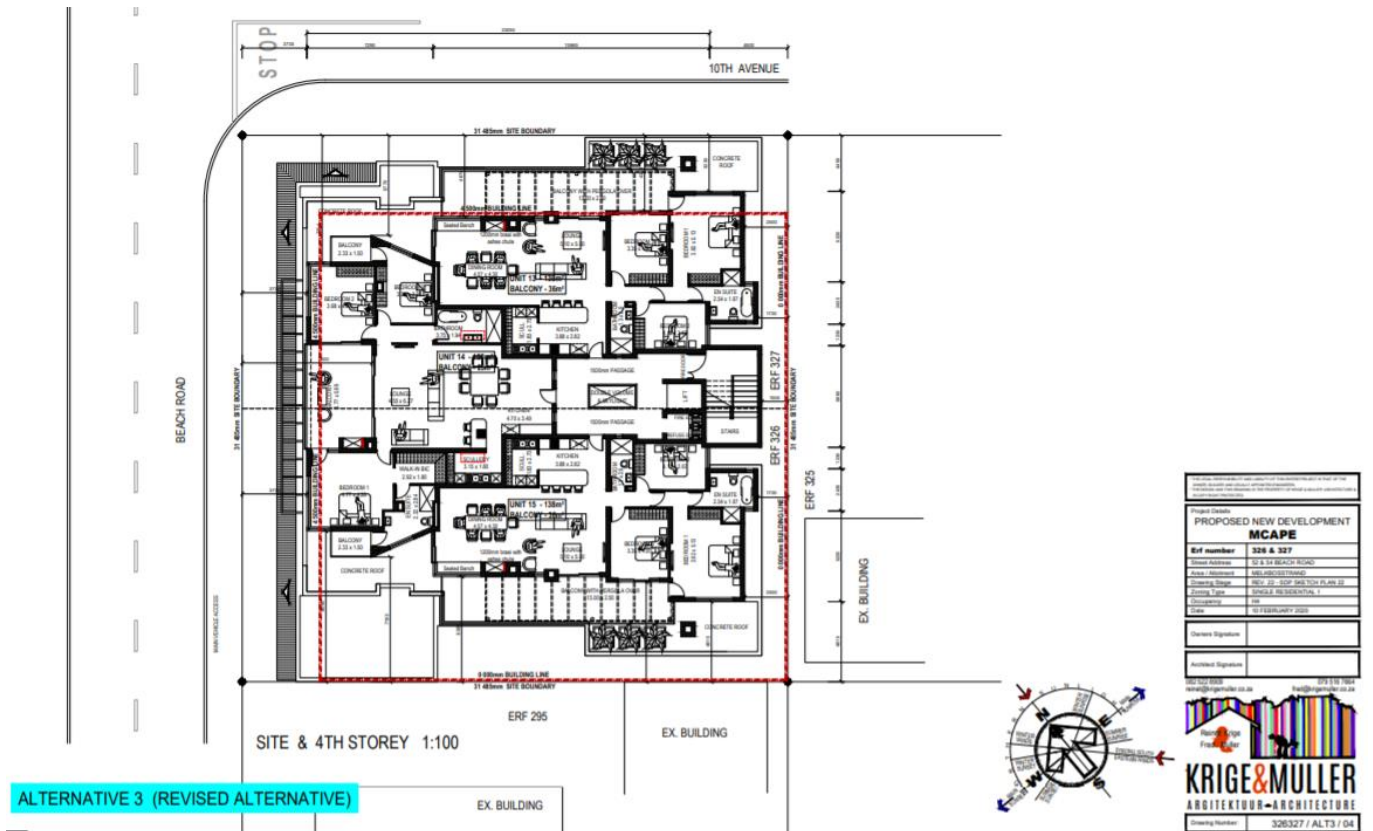
Proposed development on Erven 326 and 327, Melkbosstrand - 2nd storey



Proposed development on Erven 326 and 327, Melkbosstrand – 3rd storey



Proposed development on Erven 326 and 327, Melkbosstrand – 4th storey



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 13 February 2020 and received by the competent authority on 14 February 2020, the BAR dated June 2020 and received by the competent authority on 08 July 2020, the EMPr submitted together with the BAR and the additional information received by the competent authority on 02 and 05 October 2020;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated June 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site visit was conducted by an official from this Department, municipal officials and the EAP on 14 June 2019.

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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") included:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity is to be undertaken on 18 February 2020;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 17 February 2020;
- The placing of a newspaper advertisement in the "Die Burger" on 19 February 2020;
- A copy of the draft BAR sent to Koeberg Library on 19 February 2020 for public review; and
- Making the BAR available to I&APs for public review from 19 February 2020 to 20 March 2020.

Due to the nature and scale of the proposed development, a pre-application public participation process was undertaken prior to the submission of the application for environmental authorisation.

The pre-application process entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity is to be undertaken 28 August 2019;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 28 August 2019; and
- The placing of a newspaper advertisement for the pre-application draft BAR in the "TableTalk" on 04 September 2019;
- A copy of the draft BAR sent to Koeberg Library on 29 August 2019 for public review; and
- Making a pre-application BAR available to I&APs for public review from 02 September 2019 to 03 October 2019.

Concerns regarding the potential visual impacts and sense of place related to the proposed development were highlighted by I&APs. In order to address the concerns raised by I&APs, the recommendations of the various specialists reports submitted along with the BAR (dated June 2020) were incorporated into the design of Alternative 3 (i.e. the Preferred Alternative).

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMP to adequately address significant concerns raised.

2. Alternatives

Three design alternatives and the “no-go” alternative were identified and assessed as follows:

Alternative 1

Alternative 1 (which was the applicant’s initial preferred alternative) entailed the development of a 15m high four storey apartment block and associated infrastructure on Erven 326 and 327, Melkbosstrand.

The proposed development would include:

- 15 residential units;
- Semi-basement parking within the building; and
- Associated infrastructure.

Alternative 1 was not deemed the preferred alternative due to the fact that Alternative 1 was not deemed the preferred alternative from a geotechnical perspective. Given that the water table is approximately 0.9m below the existing ground level and the potential risk of flooding due to storm surges, the City of Cape Town and this Department’s Directorate: Biodiversity and Coastal Management do not support Alternative 1. The design and scale of Alternative 1 is not in keeping with the sense of place. Further, Alternative 1 does not accommodate business units on the street front and therefore, is not supported from an urban design and spatial planning perspective.

Alternative 2

Alternative 2 entailed the development of a 16.5m high four storey apartment block and associated infrastructure on Erven 326 and 327, Melkbosstrand.

The proposed development would include:

- 15 residential units;
- 4 business units on the ground floor;
- Ground floor parking within the building; and
- Associated infrastructure.

Alternative 2 was not deemed the preferred alternative due to the fact that the design and scale is anticipated to have a significant impact on the sense of place from a visual perspective, due to height of the proposed development (16.5m). According to the Visual Impact Assessment (dated February 2020 and compiled by Karen Hansen) there are a few buildings approaching 15m in height on, or close to Beach Road, but none as high as 16.5m and therefore, there would be concerns resulting from the height of Alternative 2.

Alternative 3 (the preferred alternative - herewith authorised)

Alternative 3 entails the development of a 14.9m high four storey apartment block and associated infrastructure on Erven 326 and 327, Melkbosstrand.

The proposed development will comprise of:

- fifteen (15) residential units;
- 4 business units;
- twenty (20) onsite parking bays at ground level of the proposed development; and
- associated infrastructure.

Access to the site will be gained off 10th Avenue, Melkbosstrand. The proposed development will connect to the municipal service infrastructure.

The total development footprint will be approximately 800m² in extent.

Alternative 3 is deemed the preferred alternative as the concerns raised by interested and affected parties have been incorporated into the design of the proposed development. From a geotechnical perspective the exclusion of basement parking is considered favourable, considering the likely occurrence of flooding due to the shallow water table. Alternative 3 is in line with the relevant planning policies applicable to the area. The height of the proposed building has been reduced to 14.9m to help address the visual impact concerns raised by the I&APs during the public participation process. From a visual perspective, Alternative 3 is supported from both the heritage and visual specialists in terms of having an appropriate design and in scale with some apartment blocks found locally and within the townscape. Further, the shadow line specialist concluded that the proposed building design will have no negative impact on the beach area and surrounding properties even on a height of 15m above the natural ground level the beach area will have very little shadow encroachments.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned single residential 1, which allows for single residential land use rights, will now require a rezoning application in terms of the relevant planning legislation to allow for additional residential units. The proposed site is located within the urban area within 100m of the high-water mark of the sea.

The proposed development is in line with the City of Cape Town's densification policy (2012) as densification will provide additional living opportunities and avoid expansion of the town beyond its current urban fringe. Locally appropriate mixed-use development is also in line with the provision of the City's densification policy (2012). The proposed development is largely consistent with the City of Cape Town's Urban Design Policy as car parking facilities on site would offer convenient access and would not compromise pedestrian safety and convenience. The proposed development, being within the local area land-use planning objectives, would not deviate from the City of Cape Town Integrated Development Plan (2017-2022) and would be in line with the objectives of densification and transit-oriented development. The Blaauwberg District Plan (2012) indicates that the development of new development areas at higher densities that exist in these locations is supported, but with due regard for appropriate transition to surrounding areas.

The Cape Town Municipal Spatial Development Framework (MSDF), 2018, implies that the City of Cape Town should focus on infill opportunities and increase options for inclusive residential development at the coast, with a focus on emerging coastal nodes. According to the Blaauwberg District Spatial Development Plan (BDSDP), 2014, the subject properties are earmarked for urban development which will allow for buildings and infrastructure with a residential component as well as offices, shops, community facilities and other associated buildings, infrastructure and public open space in order to provide a proper functioning urban area.

Further, the proposed site is located within the 5-16km Urgent Protective Action Planning Zone of the Koeberg Nuclear Power Station. Any development within this zone requires approval in terms of the Koeberg Nuclear Power Station Traffic Evacuation Model ("TEM"). The TEM has been submitted to the relevant authority for consideration and will be considered as part of the relevant planning process to be undertaken.

3.2. Freshwater consideration

A Freshwater Screening Assessment (compiled by Enviroswift and dated April 2019) was undertaken to determine whether the seepage area located on the proposed site is classified as a wetland in terms of the NEMA EIA Regulations, 2014 (as amended).

The specialist indicated that the entire site was found to exhibit mottling, gleying and a high organic content within the surface layer, which is indicative of seasonal/temporary wetland hydrology. The vegetation was limited to two cosmopolitan grass species commonly found within temporary and seasonal wetlands, but also in wetter terrestrial areas.

A test pit was dug with fresh water being found at a depth of 90cm. Given that the site assessment was conducted in summer, it is likely that the water table is within the upper 50cm throughout winter and reaches the surface after significant rainfall. Given the position of the largely levelled site within a hillslope setting, the entire proposed site was classified as a hillslope seep.

Given that there is no indication that a wetland plant community has ever become established within the proposed site, the specialist indicated that the seepage area is most likely artificial and is not classified as a wetland in terms of the NEMA EIA Regulations, 2014 (as amended). No impacts on wetlands/watercourses are therefore anticipated.

3.3. Visual Impact Assessment

A Visual Impact Assessment (compiled by Karen Hansen and dated February 2020) was undertaken to determine the potential visual impacts associated with the proposed development.

The sensitive receptors identified by the specialist are those living and working adjacent to the proposed site, tourists and visitors, and the local roads users. All receptors would see the development in the context of the scale of existing built form. This building would appear as a greater scale, and to some receptors would appear out of context.

The specialist indicated that residential buildings at the same scale of the proposed development would be more noticeable due to the City of Cape Town's densification policy (2012). The specialist noted that there are a few buildings approaching 15m in height on, or close to Beach Road, but none as high as 16.5m which would be of a concern from a height perspective.

The specialist indicated that from a visual perspective, the proposed development (i.e. the preferred alternative) is of an appropriate design, and in scale with some apartment blocks found locally and within the townscape context. With the consideration of these factors the potential visual impacts of the preferred alternative could change from moderate negative to moderate positive significance.

Landscaping elements, as also recommended by the Visual specialist would soften the interface between the public and private realms. A Landscaping plan will be submitted as part of the Land Use Management Application.

3.4. Shadow line impacts

A shadow line report (compiled by Reinet Krige and Fred James Muller and dated 08 July 2019) was undertaken to determine how the proposed development will impact on the surrounding properties during the summer and winter seasons in terms of its shadow and shading. Choosing an average day in summer and winter, the specialists made use of two dates (one in February and one in June) to track not only shadow movements from sunrise to sunset but also the duration on how long a typical summer & winter day sunset will last.

The specialist observed the overall shadow line movement from sunrise to sunset in summer and winter and indicated that the shadow line within the first 2 hours in the morning moves from the beach area to within the area of the subject properties. No shadow line was observed outside the property in the early morning and only moves outside the property after 18:00.

The specialist noted that even on a height of 15m above natural ground level, the beach area will have very little shadow encroachments, as the site view to the beach area is in a direct south eastern direction and due to the sunrise being at 22,5° south of the eastern sunrise.

The specialists noted that the sun moves in a northern direction from east to west and this will push the shadow line more into the property and away from the beach area. The proposed development will benefit from being located on the corner of Beach Road & 10th Avenue not only from a northern sunlight perspective, but also from the sea / beach view perspective.

The specialists concluded that the proposed building design will have no negative impact on the beach area and surrounding properties.

3.5. Archaeological impacts

An Archaeological specialist study (compiled by Dr. Jayson Orton and dated 16 January 2020) was undertaken to determine the archaeological sensitivity of the proposed site.

The specialist used various means of available literature to assess the general heritage context into which the development would be set. A detailed foot survey and small shovel test excavations was conducted on the proposed site on 17 November 2015.

The specialist encountered no archaeological or palaeontological material of any sort and the chances of such materials existing on the site are considered to be very low. Any fossils found would likely be water-rolled and undiagnostic, while archaeological materials might consist of rare isolated artefacts or marine shells. In all cases these finds would be considered to be of low cultural significance.

The specialist concluded that the proposed development is considered entirely acceptable and may be authorised in full and that the impacts from the proposed development on archaeology and palaeontology are considered to have no significance (in terms of the impact rating scale used) and no further actions are required aside from the reporting of any chance finds that may be made during development.

3.6. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC requested (in their comment dated 19 December 2020) that a Heritage Impact Assessment

with reference to an archaeological impact assessment (including a workplan for the proposed archaeological testing) was required.

An Integrated Heritage Impact Assessment (compiled by Bridget O'Donoghue and dated 11 February 2020) was therefore undertaken to investigate archaeological impacts in particular, but also incorporates a Heritage screening and visual assessment (not mentioned in this section as it is already indicated in paragraph 3.3. above.).

The proposed site was assessed as a Non-Conservation worthy (NCW) area. An outline of the site's development confirms that there was a building on the site in 1944, which was demolished and replaced with an A frame structure by 2009. This A frame structure was demolished by 2011, leaving the concrete ground floor slabs. Although the age of the site's existing concrete slabs could be more accurately determined, with high resolution aerials photographs of over 60 years old, and/or a Structural Engineer, the recommendation was that these slabs are NCW and can be removed without the loss of a heritage resource.

The late 20th and early 21st century buildings in Melkbosstrand are increasing in scale from the initial single storey scale buildings to three levels. Examples of three level buildings and a few four level buildings are evident that development is densifying and raising in scale. Due to the suburbs prime location in close proximity to the coastline, the continued increase in buildings scale and density is anticipated, especially on sites abutting Beach Road.

The assessment of the built and cultural landscape is low positive as the identified heritage resource (coastline precinct) will not be negatively impacted by the preferred design. The mitigation measures are recommended in order to create a better fit into the local context and if implemented the assessment would be positive. This assessment is due to the following features of the proposed building:

- Fragmented massing and façade treatments;
- Varied roofscape;
- Openings generally set within walls;
- Inclusion of an activated street facing accommodation in commercial units facing Beach Road; and
- Parking to the rear and mid of the ground floor (not facing Beach Road).

This assessment concludes that the chances of any archaeological or palaeontological materials being present on the site are extremely small. If any such materials were found they would in all likelihood be of very low heritage significance. The reasoned opinion of the specialist is that the proposed development is considered entirely acceptable and may be authorised in full. Due to these findings and the assessment, no archaeological workplan for proposed archaeological testing is submitted as required in the Heritage Western Cape's Heritage Impact Assessment requirement.

Heritage Western Cape in their final comment dated 11 June 2020, endorsed the recommendations as per page 78 of the HIA prepared by Bridget O'Donoghue and dated 24 March 2020. The recommendations of the specialist have been included as conditions set in this environmental authorisation and in the EMPr.

3.7. Geotechnical impacts

A Geotechnical investigation (compiled by Kantey and Templer (Pty) Ltd. and dated March 2019) was undertaken to investigate and report on subsoil conditions at the proposed site of the new proposed development for Erven 326 and 327 Melkbosstrand.

The following was requested to be investigated:

- Subsoil Profile;
- Groundwater conditions;

- Foundations conditions;
- Excavation conditions; and
- Materials utilisation potential.

Two 2 trial holes were excavated. The holes were excavated at selected positions and the subsoil conditions were assessed by detailed visual examination of the in-situ materials exposed. From the trial holes the specialist confirmed the presence of both windblown and marinal deposits to the depths investigated with no evidence of either residual soils or bedrock. The windblown sands, typically a fine material which contains isolated subrounded cobbles and boulders of hard rock hornfels was encountered to 1,8/2,4m below existing ground level. The profile was found to be very dense throughout. The specialist found that the upper $\pm 0,7$ m of the sand occurs in reworked form and contains abundant fine roots and pockets of organic matter and that the consistency of the upper 0,6/0,7m is medium dense.

The specialist initially encountered groundwater at depths of more than 1,2m, however seepage flow emanated from waterlogged sands at a shallower depth finally indicated the presence of a water table at 0,9m below the existing ground level. The specialist noted that due consideration has to be taken for the presence of groundwater at 0,9m depth when fixing site levels, that is platform levels, depth of trenching, founding levels, etc. The specialist noted that given the non-cohesive nature of the site soils, no significant problems should be experienced in excavating the material to depths of up to 2,9m below existing ground level, with the use of conventional light earthmoving equipment. The specialist concluded that the site is underlain at shallow depth by sandy soils of transported origin and that conditions for the use of conventional spread footings constructed at shallow depth are considered to be favourable.

3.8. Coastal Consideration / climate change considerations

For Environmental Impact Assessments along the coastal, Section 63 of National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 84 of 2008) ("NEM: ICMA") must be considered.

The proposed site falls within the coastal protection zone, which includes any land parcel within 100m of the high watermark of the sea. However, Beach Road separates the proposed site and the beach. Storm surges along this section of the coast has occurred due to high seas, which resulted in some flooding occurring in the area. The Environmental Impact Assessment has considered climate change and its potential impact on the development. The preferred alternative taken cognisance of the potential flooding impacts. Although the proposed site is located within close proximity to the seashore, it is located within a built-up area. The proposed design considers impacts of coastal processes such as storm surges and flooding through additional stormwater retention methods on site and no residential units on the ground floor. As such, the proposed development does not conflict with the objectives of NEM: ICMA.

The National Department of the Environment, Forestry and Fisheries Oceans and Coasts branch indicated in their comment dated 26 March 2020, acknowledged that the proposed development will not restrict or prohibit the general public from accessing the coast during the construction and operational phase of the proposed development, and that no development activities or activities associated with the proposed development will take place within the Coastal Public Property.

3.9. Traffic Impacts

A Traffic Impact Statement ("TIS") (compiled by EFG Engineers (Pty) Ltd and dated December 2019) was undertaken to determine the potential traffic impacts associated with the proposed development.

The proposed combination of apartments and offices is expected to generate 13 trips in both the AM and PM peak periods and the combination of apartments and line shops are expected to generate 15 trips in the AM peak and 36 trips in the PM peak.

Though the line shops are expected to generate more trips than offices, the maximum total trips are still below the threshold of 50 trips as stipulated in the Manual for Traffic Impact Studies of the Department of Transport (1995).

The access to the proposed development is proposed from 10th Avenue. A security gate is proposed at a 9m setback, which allows stacking for 1 vehicle behind the gate. The detail geometric design of the proposed access should be according to the City of Cape Town standards. The specialist recommended that a R1 Stop sign and RTM1 Stop line be implemented. The proposed access was evaluated from a safety perspective and sufficient stop and shoulder sight distance exists on both sides of 10th Avenue from the proposed access, to meet the requirements as stipulated in the Urban Guidelines for Transport (UTG) Vol 1 (1986). The proposed Site Development Plans makes provision for 20 parking bays (9 tandem bays, 6 standard bays, 4 visitor bays and 1 bay for the physically disabled), which are deemed to be sufficient.

Based on calculations, the overall anticipated transport impact is insignificant during all peak hours regardless of the distribution over the local road network. No further evaluations in terms of capacity analysis are deemed necessary. The potential traffic impacts associated with the proposed development have been identified in the BAR as being of medium negative significance prior to mitigation and low negative post mitigation. The recommendations of the specialist have been included in the EMPr.

3.10. Noise and dust impacts

Potential noise and dust impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential noise impacts are anticipated to be of low negative significance post mitigation.

3.11. Services

The City of Cape Town confirmed (in their correspondence dated 27 March 2019) that sufficient, spare and unallocated potable water and sewerage capacity is available to service the proposed development. Further, the City of Cape Town confirmed (in their correspondence dated 02 October 2019) that sufficient, spare and unallocated electricity supply and solid waste disposal is available to service the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential visual impacts during the construction and operational phase;
- Potential heritage impact;
- Potential traffic impacts during the construction and operational phase; and
- Potential impacts on the coast.

Positive impacts include:

- The proposed development will provide some employment opportunities during the construction phase and the operational phase;
- Densification;
- Residential opportunities;
- Some employment opportunities; and
- Economic gain for the applicant.

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 EMPr, the Competent Authority is satisfied that the proposed listed activity 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 activity 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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