



REFERENCE: 16/3/3/2/A4/5/3027/19
NEAS REFERENCE: WCP/EIA/0000641/2019
ENQUIRIES: MS. K. ADRIAANSE
DATE OF ISSUE: 25 AUGUST 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 CLEARANCE OF INDIGENOUS VEGETATION FOR THE BLUEBERRY HILL HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 1901 (WHICH INCLUDES UNREGISTERED ERVEN 5015, 5424, 7635, THE REMAINDER OF ERF 7636, ERVEN 18065 – 18093, 18097, 18112-18123, 18128 – 18151, THE REMAINDER OF ERF 18152 AND ERVEN 18153-18201), BLUE DOWNS.

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 the Layout Alternative 5, described in the Environmental Impact Assessment Report ("EIAR"), dated January 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

The Municipal Manager
c/o Mr. A. van Niekerk / Ms. S. van Jaarsveld
City of Cape Town
Housing Implementation
Somerset West Municipal Building
Corner Victoria Street and Andries Pretorius Street
SOMERSET WEST
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Tel: (021) 444 4678

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

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B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 2 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 15 Activity Description:</p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development entails the clearance of more than 20ha of indigenous vegetation for the proposed Blueberry hill housing development.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p><i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p><i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	<p>The proposed development entails the clearance of more than 300m² of endangered vegetation for the proposed Blueberry Hill housing development.</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 as it relates to the proposed development:

The proposed development entails the clearance of more than 20ha of indigenous vegetation for the Blueberry Hill housing development and associated infrastructure on Erf 1901 (which includes unregistered erven 5015, 5424, 7635, the remainder of erf 7636, erven 18065 – 18093, 18097, 18112-18123, 18128 – 18151, the remainder of erf 18152 and erven 18153-18201), Blue Downs.

The proposed development will comprise:

- Approximately 4150 residential units, which will include housing opportunities consisting of Finance Linked Individual Subsidy Programme subsidized, Breaking New Ground and Incremental Housing;
- Erven zoned for community facilities, which will include three schools, places of worship, creches and a community centre;
- Erven zoned for business facilities;
- Erven zoned for open space, which will include a community park and public open space;
- Four Stormwater ponds and associated infrastructure;
- Internal roads; and
- Associated infrastructure.

The proposed development will connect to the following existing municipal services:

- Potable water supply;
- Sewage treatment capacity; and
- Solid waste removal.

The gravity sewer collector will be upgraded by the applicant. Electricity supply will be provided by Eskom. Access to the site will be gained off Eersriv Way, Forest Drive and Blue Downs Way.

The total development footprint will be approximately 78.9ha in extent.

Approximately 20.69ha of Cape Flats Dune Strandveld vegetation, which is classified as an Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011, will be cleared as a result of the proposed development. Due to the loss of indigenous vegetation, a biodiversity offset has been calculated in accordance with the DEA&DP 2015 Western Cape Guideline on Biodiversity Offsets. Erf 1210-0-2, Strandfontein has been reserved and secured as the biodiversity offset site. The management of Erf 1210-0-2, Strandfontein will be undertaken by the City of Cape Town's Biodiversity Management Branch and will be declared as a Nature Reserve in terms of the National Environmental Management: Protected Areas Act, 2003 (Act. No. 57 of 2003).

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Erf 1901 (which includes unregistered erven 5015, 5424, 7635, the remainder of erf 7636, erven 18065 – 18093, 18097, 18112-18123, 18128 – 18151, the remainder of erf 18152 and erven 18153-18201), Blue Downs which is bordered by Eersriv Way, Forest Drive and Blue Downs Way and has the following co-ordinates:

Point	Latitude	Longitude
Middle	34°00'08.34" South	18°42'04.40" East

Refer to: Annexure 1: The SG 21-digit codes.
Annexure 2: Locality Map
Annexure 3: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Sillito Environmental Consulting (Pty) Ltd.

c/o Ms. C. Müller

P.O. Box 30134

TOKAI

7966

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Email: info@environmentalconsultants.co.za / chantel@environmentalconsultants.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 Layout Alternative 5 described in the EIAR dated January 2020 on the site as described in Section C above.
2. The holder must commence with the listed activities 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: 6, 7 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; and
- 7.4. Provide the registered I&APs with:
 - 7.4.1. the 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; and
 - 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 activities, 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 draft Environmental Management Programme ("EMPr") dated January 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"), or site agent where appropriate, before the commencement of 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 where the listed activities will be undertaken and must be made available to any authorised official 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 Reports 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. An Environmental Audit must be undertaken 1 (one) year after the issue date of this Environmental Authorisation. The Environmental Audit Report must include *inter alia*, compliance with the conditions of the authorisation and the management plan for the offset site. The audit must check both the ecological performance of the offset site and the adequacy of financial provision and identify any corrective or adaptive measures which must be taken to ensure that the intended offset outcomes (as stated in the biodiversity offset management plan) are achieved.
- 14.2. The holder must undertake an environmental audit within 6 (six) months of the commencement of the development/construction activities and submit an Environmental Audit Report to the Competent Authority upon the completion of the environmental audit.
- 14.3. Environmental Audits must be undertaken every 2 (two) years thereafter for the duration of the construction phase. The Environmental Audit Reports must include *inter alia*, compliance with the conditions of the authorisation and the management plan for the offset site. The audit must check both the ecological performance of the offset site and the adequacy of financial provision and identify any corrective or adaptive measures which must be taken to ensure that the intended offset outcomes (as stated in the biodiversity offset management plan) are achieved.
- 14.4. The final Environmental Audit Report must be submitted to the Competent Authority 6 (six) month after the completion of the development/construction activities.
- 14.5. The holder must, within 7 (seven) calendar days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to an authorised person 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. 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. In accordance with the recommendations of the Biodiversity Offset Study (compiled by de Villiers Brownlie Associates and dated 23 July 2019), the following must be implemented:
 - 17.1. The offset site must be formally declared as a Section 23 Nature Reserve in terms of the National Environmental Management Protected Areas Act, 2003 (Act No. 57 of 2003) together with the Vesuvius Way Offset in order to consolidate and manage the Cape Flats Dune Strandveld area as one reserve. Proof of submission of the application for Nature Reserve status under the NEM: PAA must be provided to the Directorate within 24 months of the date of this environmental authorisation.

- 17.2. An offset management plan must be compiled for the offset area. The following measures must be included in the management plan:
 - 17.2.1. The initial clearing of rubble on the site, scraping the 'highly degraded' and 'degraded' areas to remove wastes, and the collection of seeds and propagation of plants to use in restoring these areas over the next 2 years;
 - 17.2.2. The prevention of illegal settlement, dumping of rubbish and starting of fires on the sites;
 - 17.2.3. The clearing of invasive alien vegetation such as Rooikrans (*Acacia cyclops*) and Port Jackson (*Acacia saligna*). Ineffective clearing of invasive alien plants will increase fuel loads and increase the intensity of any burns, presenting an added risk to the survival of indigenous seed banks.
 - 17.2.3.1. Clearing should be carried out during the growing season for three to four years to prevent re-infestation within cleared areas. Burning of invasive alien plant material should be prohibited; this material should be disposed of at a registered waste site or made available to local communities for use as firewood.
 - 17.2.4. The clearing of any agricultural weeds and alien invasive grasses on the site, and limiting their spread to adjacent natural areas;
 - 17.2.5. The rehabilitation/ restoration of ecologically degraded and disturbed areas. Locally occurring species of Cape Flats Dune Strandveld vegetation should be re-introduced prior to the growing season, with advice from a suitable qualified botanist;
 - 17.2.6. Cape Flats Dune Strandveld vegetation does not require fire, but could be negatively affected by frequent burns and thus needs some protection for fires; and
 - 17.2.7. The adaptive or corrective management of the offset site should be informed by annual monitoring of veld condition and species composition, and any emerging threats to the diversity and quality of Cape Flats Dune Strandveld vegetation.
18. The holder of the environmental authorisation must upgrade the gravity sewer collector prior to the occupation of residential dwellings.
19. The residential dwellings must only be occupied once the Zandvliet Waste Water Treatment Works is able to receive sewage.
20. The holder of the environmental authorisation must implement the recommendations of the Traffic Impact Assessment (conducted by Sturgeon Consulting and dated May 2019) prior to the occupation of residential dwellings.

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 activities.
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 activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those 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.
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 NEMA 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 (if the holder of the decision) must, within 20 (twenty) calendar days from the date the 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 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: 25 AUGUST 2020

Copies to: (1) Ms. C. Müller (Sillito Environmental Consulting)
(2) Ms. A. van Wyk (City of Cape Town: ERM)
(3) Mr. A. Oosthuizen (DEA&DP: DDF)

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Email: azanne.vanwyk@capetown.gov.za
Email: andre.oosthuizen@westerncape.gov.za

ANNEXURE 1: THE SG 21-DIGIT CODES ARE:

Erf 5015	C06700240000501500000
Erf 1901	C06700240000190100000
Erf 18065	C06700240001806500000
Erf 18066	C06700240001806600000
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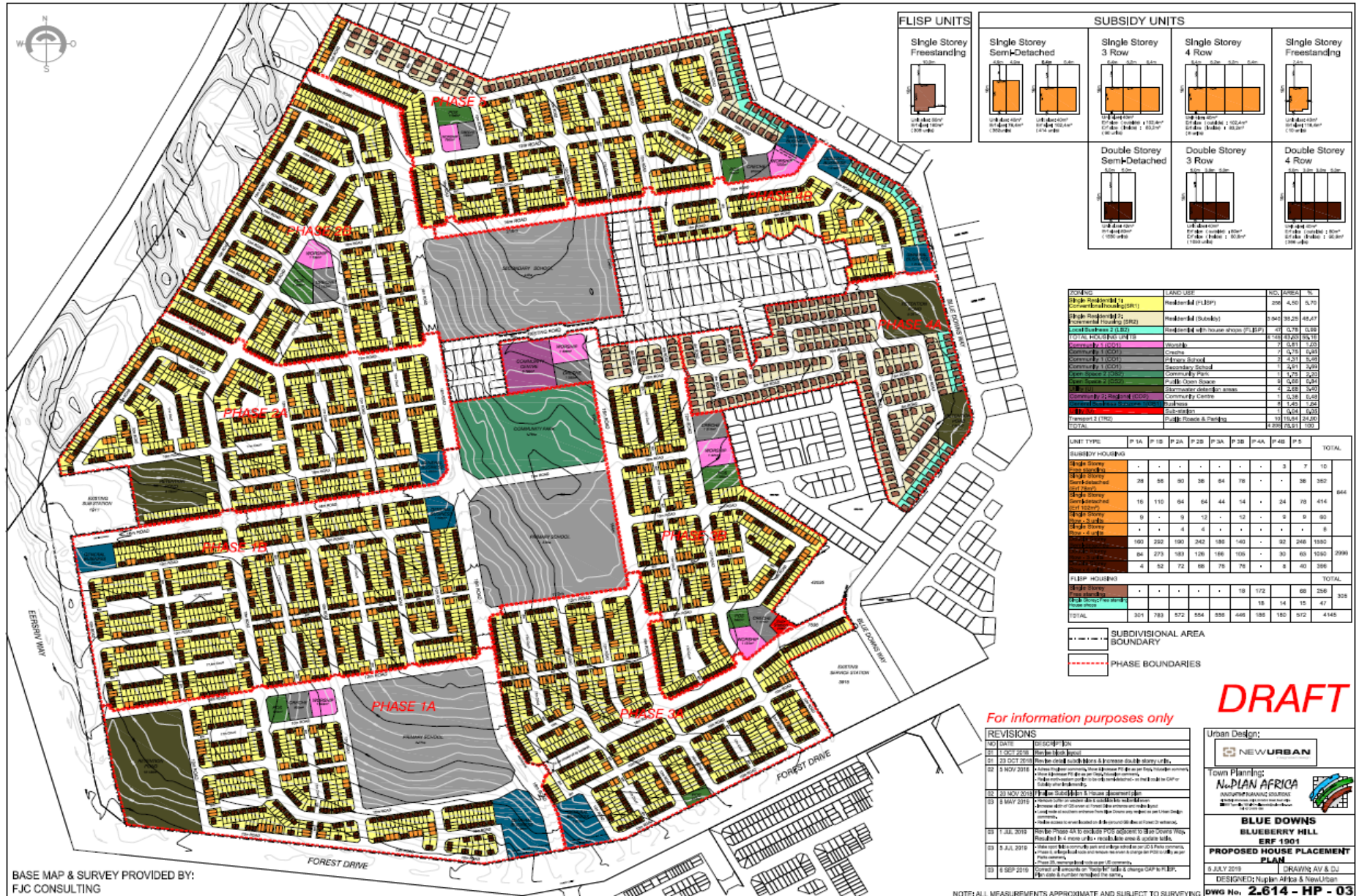
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ANNEXURE 2: LOCALITY MAP



ANNEXURE 3: SITE PLAN



ANNEXURE 4: 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 29 July 2019, the Scoping Report received by the Competent Authority on 19 September 2019, the EIAR received by the Competent Authority on 10 February 2020, the EMPr submitted together with the EIAR, as received by the Competent Authority on 10 February 2020 and the additional information received by the Competent Authority on 25 June 2020, 03 August 2020, 04 August 2020 and 07 August 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (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 EIAR dated January 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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:

- identification of and engagement with I&APs;
- fixing a notice board on the site where the listed activities are to be undertaken on 07 August 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 07 August 2019;
- the placing of a newspaper advertisement in the 'Tygerburger' on 07 August 2019; and
- making the EIAR available to I&APs for public review from 25 November 2019 to 20 January 2020.

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 and responses report thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

Five Layout Alternatives and the "No-Go" Alternative were identified and assessed as follows:

Layout Alternative 1

Layout Alternative 1 entailed the clearance of more than 20ha of indigenous vegetation for the Blueberry Hill housing development and associated infrastructure on Erf 1901, Blue Downs. This alternative was the initial concept block layout plan, which proposed the development of the entire property without considering any environmentally sensitive areas.

Layout Alternative 1 entailed the development of approximately 3533 residential units, one stormwater pond and accommodated community erven, business erven, open space and roads.

Layout Alternative 1 was not deemed the preferred layout since the maximum number of residential units could not be accommodated. In addition, Layout Alternative 1 does not accommodate the number of stormwater ponds required for the proposed development.

Layout Alternative 2

Layout Alternative 2 entailed the clearance of more than 20ha of indigenous vegetation for the Blueberry Hill housing development and associated infrastructure on Erf 1901, Blue Downs. This alternative was the initial concept block layout plan, which proposed the development of the entire property excluding the botanically sensitive area as recommended by the botanical specialist.

Layout Alternative 2 entailed the development of approximately 3079 residential units, one stormwater pond and accommodated community erven, business erven, open space and roads.

Although Layout Alternative 2 included the recommendations of the botanical specialist, Layout Alternative 2 was not deemed the preferred layout since the maximum number of residential units could not be accommodated. In addition, Layout Alternative 2 does not accommodate the number of stormwater ponds required for the proposed development.

Layout Alternative 3

Layout Alternative 3 entailed the clearance of more than 20ha of indigenous vegetation for the Blueberry Hill housing development and associated infrastructure on Erf 1901, Blue Downs. This alternative was the first detailed subdivisional layout plan, which proposed the development of the entire property without excluding the botanically sensitive area as identified by the botanical specialist.

Layout Alternative 3 entailed the development of approximately 4272 residential units, four stormwater ponds and accommodated community erven, business erven, open space and roads.

Although Layout Alternative 3 would result in the maximum number of residential units, Layout Alternative 3 was not deemed the preferred layout since this layout was not deemed the preferred from a botanical perspective.

Layout Alternative 4

Layout Alternative 4 entailed the clearance of more than 20ha of indigenous vegetation for the Blueberry Hill housing development and associated infrastructure on Erf 1901, Blue Downs. This alternative was the second detailed subdivisional layout plan, which proposed the development of the entire property and includes the provision of a 40m "no-go" buffer area along the existing Eskom servitude located along the north-western boundary of the site.

Layout Alternative 4 entailed the development of approximately 3932 residential units, four stormwater ponds and accommodated community erven, business erven, open space and roads.

Although Layout Alternative 4 included the provision of a “no-go” buffer area, the botanical specialist indicated that the “no-go” buffer area would not be sustainable without the long-term protection of the Eskom servitude. Layout Alternative 4 was therefore not deemed the preferred alternative.

Layout Alternative 5 (the preferred alternative – herewith authorised)

The proposed development entails the clearance of more than 20ha of indigenous vegetation for the Blueberry Hill housing development and associated infrastructure on Erf 1901 (which includes unregistered erven 5015, 5424, 7635, the remainder of erf 7636, erven 18065 – 18093, 18097, 18112-18123, 18128 – 18151, the remainder of erf 18152 and erven 18153-18201), Blue Downs.

The proposed development will comprise:

- Approximately 4150 residential units, which will include housing opportunities consisting of Finance Linked Individual Subsidy Programme subsidized erven, Breaking New Ground and Incremental Housing;
- Erven zoned for community facilities, which will include three schools, places of worship, creches and a community centre;
- Erven zoned for business facilities;
- Erven zoned for open space, which will include a community park and public open space;
- Four Stormwater ponds and associated infrastructure;
- Internal roads; and
- Associated infrastructure.

The proposed development will connect to the following existing municipal services:

- Potable water supply;
- Sewage treatment capacity; and
- Solid waste removal.

The gravity sewer collector will be upgraded by the applicant. Electricity supply will be provided by Eskom. Access to the site will be gained off Eersriv Way, Forest Drive and Blue Downs Way.

The total development footprint will be approximately 78.9ha in extent.

Approximately 20.69ha of Cape Flats Dune Strandveld vegetation, which is classified as an Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011, will be lost as a result of the proposed development. Due to the loss of indigenous vegetation, a biodiversity offset has been calculated in accordance with the DEA&DP 2015 Western Cape Guideline on Biodiversity Offsets. Erf 1210-0-2, Strandfontein has been reserved and secured as the biodiversity offset site. The management of Erf 1210-0-2, Strandfontein will be undertaken by the City of Cape Town's Biodiversity Management Branch and will be declared as a Nature Reserve in terms of the National Environmental Management: Protected Areas Act, 2003 (Act. No. 57 of 2003).

Although Layout Alternative 5 does not make provision for the “no-go” buffer area, the loss of an Endangered ecosystem will be compensated for in securing Erf 1210-0-2, Strandfontein as the biodiversity offset site. In addition, Layout Alternative 5 will yield the maximum number of residential units and incorporates the stormwater infrastructure required for the development.

“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

Unregistered Erf 5015, the Remainder of Erf 7635 and Erf 1901, Blue Downs are zoned Limited Use, Unregistered Erf 7636 is zoned Transport 2, Unregistered Erf 5424, Erven 18065-18093, Erven 18112-18123, Erven 18128-18151, the Remainder of Erf 1852 and Erven 18153 – 18201 are zoned General Residential 1 and Erf 10897 is zoned Community 1 in terms of the City of Cape Town's Municipal Planning Bylaw, 2015 and is located inside an urban area. The proposed development addresses the need for housing within the City of Cape Town and is in line with the Provincial Spatial Development Framework's (2014) priority of socio-economic integrated development. Further, the proposed development is in line with the City of Cape Town's Integrated Development Plan (2017-2022) of providing a housing market for which a specific need exists that has been previously neglected. The proposed development will provide housing opportunities linked to the Finance Linked Individual Subsidy Programme, which is one of the national housing programmes administered by the Western Cape Government Department of Human Settlements. The programme is geared to create affordable housing opportunities.

3.2. Botanical Impacts

A Botanical Site Scan (compiled by Bergwind Botanical Surveys and Tours and dated August 2018) was undertaken to determine the potential botanical impacts associated with the proposed development. The specialist indicated that the site would have historically supported Cape Flats Dune Strandveld and Swartland Shale Renosterveld vegetation types, which are classified as Endangered and Critically Endangered in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011, respectively. However, only Cape Flats Dune Strandveld vegetation is present on the proposed site. The proposed site is not mapped on the City of Cape Town's Biodiversity Network, 2017 as containing sensitive botanical areas.

Areas of high, medium and low sensitivity were mapped by the specialist. Areas of high and medium sensitivity were mapped along the north-western and northern-central sections of the site, respectively. An Eskom servitude, located along the north-western boundary of the site, has been identified as having high conservation value due to its functioning and ecological link. The specialist indicated that the most important area that was identified in terms of being the least desirable for development was the north-western portion of the site.

Initially, the specialist recommended a large "no-go" area. However, this would have resulted in the loss of 600 to 800 residential opportunities. The specialist therefore recommended that a 40m "no-go" buffer area be established along the north-western boundary of the site to protect the Eskom servitude from disturbance edge effects. However, the specialist indicated that the "no-go" buffer area would not be sustainable without the long-term protection of the Eskom servitude since the intention of the "no-go" buffer is to buffer the existing ecological link formed by the servitude. The potential botanical impacts were deemed to be of high negative significance prior to the implementation of the recommended mitigation measures and medium negative significance post mitigation.

3.3. Biodiversity Offset

Given that the long-term protection of the Eskom servitude was not deemed feasible, a biodiversity offset was proposed. A Biodiversity Offset Study (compiled by Ms. S. Brownlie and Ms. A. von Hase of deVilliers Brownlie Associates and dated 23 July 2019) was undertaken to determine the most appropriate biodiversity offset required for the proposed development.

Based on the information contained in the Botanical Site Scan (dated August 2018), the specialist determined that the site contained approximately 15.31ha of low-medium botanically sensitive vegetation, approximately 4.28ha of medium botanically sensitive vegetation and approximately 1.10ha of high botanically sensitive vegetation.

In accordance with the DEA&DP 2015 Western Cape Guideline on Biodiversity Offsets, the basic offset ratio for residual negative impacts of high and medium significance is set on a 1:1 ratio and the basic offset ratio for residual negative impacts of low-medium significance is set on a 0.5:1 ratio. The specialist calculated that approximately 13.04ha of Cape Flats Dune Strandveld vegetation would be required to be secured for conservation purposes in perpetuity and managed effectively. The City of Cape Town's Conservation Implementation Plan ("CIP") for Strandveld in the Cape Metro South East was considered in identifying potential offset sites. The CIP identifies a subset of Critical Biodiversity Areas, which are required to be formerly conserved to allow for additional development opportunities. Eight possible offset options were identified. Offset sites were selected on the basis that they were mapped as Critical Biodiversity Areas. Other selection criteria included site location in proximity to existing conservation areas, land owned by the City of Cape Town and land owned by other entities. Five potential "like for like" offset options targeting Cape Flats Dune Strandveld vegetation and three potential "trading-up" offset opportunities targeting higher priority vegetation than Cape Flats Dune Strandveld were identified and considered. Erf 1201-0-2, Strandfontein was determined as the preferred "like for like" biodiversity offset site. Erf 1201-0-2, Strandfontein is approximately 36ha in extent, is owned by the City of Cape Town and is located adjacent to the Vesuvius Way Conservation Area. Approximately 23.38ha of Erf 1201-0-2, Strandfontein is available for conservation. Although 13.04ha of Cape Flats Dune Strandveld vegetation will be required for the biodiversity offset, the specialist recommended that the entire Erf 1201-0-2 (i.e. 23.38ha) be secured for conservation due to the potential negative impacts that may occur on the ecosystem should the whole Erf not be secured.

The City of Cape Town's Biodiversity Management Branch indicated (in their correspondence dated 24 January 2020) that the portions of Erf 1201-0-2 comprising of 23.56ha have been reserved for the Biodiversity Management Branch for conservation purposes. The City of Cape Town's Biodiversity Management Branch further indicated that the 23.56ha area will be managed holistically with the adjoining Vesuvius Way Conservation Area. It is noted that the applicant has secured the necessary funding to address the recommendations provided in the offset specialist study regarding restoration and fencing, which will be made available to the City of Cape Town's Biodiversity Management Branch. In addition, the City of Cape Town's Biodiversity Management Branch indicated that the process to declare the properties as a Nature Reserve in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) ("NEM: PAA") may commence. A process commenced for the formal reservation of Erf 1210-0-2 for conservation purposes by the City's Environmental Resource Management Department. A diagram was prepared by the land surveyor depicting the exact areas of the nature reserve. These diagrams will also be used when the site is proclaimed as a Section 23 Nature Reserve in terms of the NEM: PAA. The reservation of the land process was concluded and approved on 11 December 2019.

CapeNature indicated (in their comment dated 11 February 2020) that they are satisfied that the proposed biodiversity offset is compliant with the relevant policies and guidelines and that the offset is the preferred outcome for biodiversity.

The offset specialist further indicated that if, as intended, the offset site is to be declared as a Nature Reserve together with the Vesuvius Way offset area, a management plan for this expanded Vesuvius Way offset area would be drawn up to meet legal requirements. The recommendations provided by the offset specialists have been included as conditions of this environmental authorisation.

3.4. Geotechnical considerations

A Phase 1 Geotechnical Investigation Report (compiled by SRK Consulting (South Africa) (Pty) Ltd. and dated June 2018) was conducted to determine the suitability of the proposed site for the proposed development. Twenty-five (25) test pits were excavated across the proposed site.

Fill consisting of Aeolian sand and organic material were encountered in twenty-one (21) test pits and *in situ* Aeolian dune sand was encountered in the remaining test pits. The fill, in all cases, consisted of good quality sand with minor decomposed organics, plastics or pieces of rubble. No water seepage was encountered within any of the test pits. The specialist indicated that it is unlikely that the water table will have an impact on the site development. However, it must be noted that the geotechnical investigation was conducted during a drought period and it is possible that a perched water table could develop within 2m of the surface during normal rain seasons or wet periods. The specialist indicated that the site tends to be covered by a layer of very loose or loose consistency sand fill and/or Aeolian sand, which is considered to be unsuitable as a founding horizon and will require *in situ* compaction. The specialist recommended that some areas on the site require *in situ* compaction and other areas on the site required *in situ* compaction and re-compaction. The recommendations of the specialist have been included in the EMPr.

3.5. Freshwater Impacts

A Freshwater Scan (compiled by Freshwater Consulting Group and dated 22 June 2018) was undertaken to provide freshwater input into the environmental feasibility study, in relation to wetlands. According to the City of Cape Town's Wetlands Map, wetlands are mapped on the eastern portion of the proposed site. However, after ground-truthing the proposed site the specialist indicated that there are no wetlands located on the proposed site.

Dune slack depressions located between the main dune ridges in the Eskom servitude along the north-western boundary of the site were noted by the specialist. The only possible wetland indicator observed in the dune slack areas were swordgrass, which typically occurs in seasonally wet dune slacks.

A Freshwater Scan (compiled by Freshwater Consulting Group and dated 03 October 2018) was therefore undertaken to determine whether any wetlands are present in the dune slack areas. According to the City of Cape Town's Wetlands Map, no wetlands have been mapped within the dune slack areas. The specialist indicated that after the follow-up investigation, there are no wetlands associated with the dune slack areas in the portion of the Eskom servitude and N7 road reserve along the north-western boundary of the proposed site. No further recommendations were provided by the specialist.

3.6. Social Impacts

The potential social impacts associated with the proposed development in terms of the capacity of the existing schools in the area was highlighted by interested and affected parties. The Western Cape Department of Education indicated (in their comment dated 03 February 2020) that based on the number of housing units proposed, 3 school sites will be required in accordance with the Western Education Department's norms and standards for school provisioning. The preferred alternative makes provision for the recommended number of school sites required. The potential social impacts are therefore deemed to be of low positive significance due to the provisioning of school sites.

3.7. Services / Bulk Infrastructure

3.7.1. Water and sewer capacity

The City of Cape Town indicated (in their correspondence dated 11 October 2019) that it is expected that the bulk supply system has sufficient water resources, treatment, and bulk storage and conveyance capacity to supply the estimated annual average of 1244.16kl/d of the proposed development.

The 250mm gravity collector sewer has insufficient capacity to accommodate the development and will have to be upgraded or a parallel collector sewer will have to be constructed up to the 900mm bulk outfall sewer. The applicant will therefore upgrade the gravity sewer collector.

The estimated average wastewater flow from the completed development is approximately 1.24Ml/d, which cannot be accommodated at the Zandvliet Wastewater Treatment Works ("WWTW") at present. The Zandvliet WWTW is being upgraded and the estimated completion date for the capacity upgrade is December 2023 at the earliest. The proposed development will only be allowed to discharge to the municipal sewage system once the upgrade of the Zandvliet WWTW has been completed.

3.7.2. Solid waste

The City of Cape Town indicated (in their correspondence dated 10 May 2018) that sufficient, spare and unallocated capacity for the acceptance, collection and disposal of waste is available.

3.7.3. Electricity

An Electrical Reticulation and Street Lighting Installation Preliminary Design and Cost Report (compiled by B2A Consulting Engineers and dated May 2019) was undertaken to determine the electrical requirements associated with the proposed development. An estimated 10.4MVA is required for the proposed development. Eskom have confirmed (in their correspondence dated 30 May 2018) that sufficient, spare and unallocated capacity is available to service the proposed development. Provision for a switching station and associated infrastructure (to be developed by Eskom) has been included in the preferred layout alternative.

3.8. Traffic Impacts

A Traffic Impact Assessment (conducted by Sturgeon Consulting and dated May 2019) was undertaken to determine the potential traffic impacts associated with the proposed development.

In order to analyse access locations, current traffic counts are required. The present traffic demand on the surrounding road network in the vicinity of the proposed site is obtained from traffic counts conducted at various key intersections. The intersections surveyed were Spine Road Ext/Old Faure Road, Spine Road Ext/Forest Drive, Forest Drive/Blue Downs Way, Blue Downs Way/Hindle Road/Mars Street and Eersriv Way/Mfuleni Road/London Way. The existing 2017 traffic capacity analysis indicated that the intersections of Spine Road/Old Faure Road and the Blue Downs Way/Hindle Road were operating at an unacceptable level of service during the AM and PM Peak Hours. All other intersections were operating at acceptable levels of service during both the AM and PM Peak Hours. The Spine Road/Old Faure Road intersection will soon be upgraded as part of the dualling of Spine Road Ext-Eersriv Way between Old Faure Road and Washington Street. The future layout of the intersection will improve the operation and capacity of the intersection and has been taken into consideration under the expected 2023 traffic conditions.

The Blue Downs Way/Hindle Road intersection requires an upgraded in the current scenario. The specialist recommended that the intersection be upgraded to a single lane roundabout to improve the current conditions to an acceptable level of service.

Based on the present traffic (2018), the scenarios analysed were the expected traffic (2023) without the proposed development and the expected traffic (2028) with the proposed development. Taking the dualling of Spine Road Ext-Eersriv Way and the implementation of the specialists' recommendation to upgrade the Blue Downs Way/Hindle Road intersection, the expected traffic (2023) without the proposed development scenario indicated that overall the intersections will operate at an acceptable level of service.

The expected traffic (2028) with the proposed development scenario indicated that all intersections should operate within an acceptable level of service, except the intersection of Forest Drive/Blue Downs Way. The specialist recommended that the roundabout be upgraded to a two-lane roundabout and the approaches on all the legs are widened to accommodate a shared through and left turn lane and a shared through and right turn lane. After the implementation of this improvement, the intersection is expected to operate at an acceptable level of service for both AM and PM Peak Hours.

Public transport was assessed by the specialist. The specialist indicated that the main public transport routes currently occur along Old Faure Road, Forest Drive, Spine Road Ext - Eersriv Way, Blue Downs Way, Hindle Road and Mfuleni Road – London Way with mini bus taxis and buses. The specialist recommended that internal public transport embayments complete with shelters along Stemberry Street and Eersriv Way for the accommodation of picking-up and dropping-off passengers at strategic locations are proposed.

With the implementation of the recommendations of the specialist, the key intersections are expected to operate at an acceptable level of service. The potential traffic impacts are therefore anticipated to be of low negative significance with the implementation of the specialists' recommendations. The recommendations of the specialist have been included in the EMPr and will be implemented.

3.9. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their correspondence dated 22 June 2018) that the proposed development will not impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.10. Dust, Noise and Visual Impacts

No significant dust, noise and visual impacts are anticipated. Potential dust, noise and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of indigenous vegetation;
- Potential traffic impacts; and
- Potential dust, noise and visual impacts during the development phase.

Positive impacts include:

- The alleviation of the housing needs in the Blue Downs area;
- The provision of additional housing opportunities in the Blue Downs area;
- The formal protection of the biodiversity offset site (i.e. portions of Erf 1201-0-2, Strandfontein); and

- Some employment opportunities. Employment opportunities to be allocated to previously disadvantaged individuals in accordance with the municipal guidelines.

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 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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