



**EIA REFERENCE NUMBER:** 16/3/3/5/A1/1/3016/18  
**ENQUIRIES:** Ms. M. Schippers  
**DATE OF ISSUE:** 2018 -06- 05

The Municipal Manager  
City of Cape Town  
P. O. Box 35  
**MILNERTON**  
7435

**Attention: Mr. D. Gumede**

Tel: (021) 444 5779  
Fax: (086) 576 1384

Dear Sir

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") FOR THE PROPOSED KANONKOP PHASE 2 AND 3 HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE, ERVEN 6267, 6268, 7711-7714, 7716, 7717, 7719-7724, 7726, 7766-7768, 7741- 7745, 7739, 7739, 7747, 7753 7749, 7761, 7693, 7695, 7696 AND 7686, EXTENSION 12, ATLANTIS.**

With reference to your application and the correspondence received on 04 June 2018, find below the amended environmental authorisation in respect of this application.

**AMENDED ENVIRONMENTAL AUTHORISATION**

**A. BACKGROUND**

1. The EA issued on 06 January 2014 indicated that the proposed development will be located on Erf 6268 only.
2. The amendment application form indicates that Erf 6267 must be included in the EA as the proposed development will also be located on Erf 6267.
3. Correspondence received on 04 June 2018, confirms that the parent erven for the Kanonkop phase 2 and 3 housing development are Erven 6267 and 6268.
4. Both erven were assessed as part of the Environmental Impact Assessment process.
5. It is accepted that the parent erven will be further subdivided into residential erven.

## B. DECISION

The Department in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations (as amended on 07 April 2017), hereby amends the EA issued on 06 January 2014 (Reference Number: 16/3/1/1/A1/1/3040/12) as follows:

1. All reference in the EA to "Erf 6268" is herewith amended to read as Erven 6267 and 6268 in the EA.
2. The following in Section C (property description and location) of the EA, which reads

"The SG 21 digit for is: C0100600000626800000"

Is herewith amended as follows:

SG 21 digit codes:

Erf 6267	C0100600000626700000
Erf 6268	C0100600000626800000

3. The following condition of section E (conditions of authorisation) of the EA, which reads:

Condition 1: *"This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension"*.

Is herewith amended as follows:

This environmental authorisation is valid for a period of **ten (10) years** from the date of issue. If the holder does not commence with the listed activities within the aforementioned period, the authorisation will lapse and a new application for environmental authorisation must be submitted to the competent authority.

4. Please find herewith attached a copy of the EA issued on 06 January 2014 (Ref. No. 16/3/1/1/A1/1/3040/12 (attached as Appendix 1).

## C. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The information contained in the application for the amendment dated 23 April 2018 and received by this Department on 24 April 2018.
2. The fact that there is no change in the scope of the development.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.

4. The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended):

Listing Notice 1

Activity Number:

Activity Description: 15

*The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—*

- (i) the undertaking of a linear activity; or*
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.*

Listing Notice 3

Activity Number: 12

Activity Description:

*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. Western Cape**

- 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;*
- ii. Within critical biodiversity areas identified in bioregional plans;*
- 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 or even in urban areas;*
- 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*
- 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.*

Activity Number: 15

Activity Description:

*The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.*

**f. Western Cape**

- i. Outside urban areas, or*
- ii. Inside urban areas:*
  - (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;*
  - (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or*
  - (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.*

5. The remaining conditions of the EA issued on 06 January 2014 will remain relevant.

6. All information presented to the Department was taken into account in the Department's consideration of the application.

#### **D. APPEAL:**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant must –

- 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
- 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
- 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.

2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers  
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 J. de Villiers (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

4. A 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: Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

Yours faithfully

  
\_\_\_\_\_  
**ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 05/06/2018

Copies to: (1). Ms. P. Titmuss (City of Cape Town)  
(2). Mr. A. Oosthuizen (DEA&DP: DDF)

Fax: (021) 444 0605  
Fax: (021) 483 8311

**APPENDIX 1**

Copy of the Environmental Authorisation issued on 06 January 2014



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

**DIRECTORATE: LAND MANAGEMENT  
REGION 2**

**EIA REFERENCE NUMBER:** 16/3/1/1/A1/1/3040/12

**ENQUIRIES:** Ms. M. Schippers

**DATE OF ISSUE:** 06 JAN 2014

The Municipal Manager  
City of Cape Town  
PO Box 35  
**MILNERTON**  
7435

**Attention: Mr. D. Gumede**

Tel: (021) 444 0604  
Fax: (086) 576 1380

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED KANONKOP PHASE 2 AND 3 HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE, ERF 6268, EXTENSION 12, ATLANTIS.**

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

#### **ENVIRONMENTAL AUTHORISATION**

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 1 described in the Basic Assessment Report ("BAR") dated 15 August 2013.

The applicant has in terms of Regulation 20(4) applied to the competent authority for permission and was granted permission to apply Basic Assessment instead of S&EIR.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

City of Cape Town  
c/o Mr. D. Gumede  
PO Box 35  
**MILNERTON**  
7435

Tel: (021) 444 0604  
Fax: (086) 576 1380

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R544 of 18 June 2010 –

Activity Number: 24

Activity Description:

*The transformation of land bigger than 1000 square metres in size to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.*

Government Notice No. R545 of 18 June 2010 –

Activity number:15

Activity Description:

*Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;*

*except where such physical alterations takes place for:*

- (i) linear development activities; or*
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply.*

Government Notice No. R546 of 18 June 2010–

Activity Number: 12

Activity Description:

*The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.*

- (a) 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;*

- (b) Within critical biodiversity areas identified in bioregional plans;*
- (c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas.*

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The proposed development entails the transformation of undeveloped land to develop houses and associated infrastructure on Erf 6268, Extension 12, Atlantis.

The proposed development will comprise of semi-detached and free standing residential houses, places of worship, open spaces and associated infrastructure. The proposed development may also include a commercial component.

The total footprint of the proposed development and associated infrastructure will be approximately 41.57ha.

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

- solid waste management;
- treatment and disposal of sewage and effluent;
- water supply; and
- electricity.

Access to the proposed site will be gained via existing roads.

Fuel will be temporarily stored on site during construction.

### **C. PROPERTY DESCRIPTION AND LOCATION**

The listed activities will take place on Erf 6268, Extension 12, Atlantis.

The SG 21 digit code for is: C01600600000626800000

Co-ordinates:        33°    32'    49.24" South  
                             18°    29'    47.99" East

hereinafter referred to as "the site".



#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Terramanzi Environmental Consulting  
c/o Mr. F. Venturi  
Postnet Suite211  
Private Bag X26  
**TOKAI**  
7966

Tel: (021) 701 5228  
Fax: (086) 558 1213

#### E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
  - 3.1 notify all registered interested and affected parties of.–
    - 3.1.1 the outcome of the application;
    - 3.1.2 the reasons for the decision as included in Annexure 1;
    - 3.1.3 the date of the decision; and
    - 3.1.4 the date of issue of the decision.
  - 3.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
  - 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and

- 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
  - 3.4.1 informs all interested and affected parties of the decision;
  - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
  - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3 and 13.
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the competent authority.

The EMP must be included in all contract documentation for all phases of implementation.

9. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken during construction, whereafter it must be kept at the office of the applicant. Access to the site referred to in section C above must be granted and the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
  - 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
  - 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent, where appropriate during the construction phase of the development to ensure compliance with the EMP and the conditions contained herein.

14. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

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

17. Construction areas and access routes must be clearly demarcated before construction commences and any areas outside the construction areas must be marked as 'no-go' areas.
18. A search and rescue programme for plant species that can be relocated must be carried out by a suitably qualified person and must be implemented before the construction activities commence.
19. Landscaping in open spaces must be done with locally occurring indigenous trees/vegetation. Open spaces must be adequately lit for safety and security purposes and sufficient amounts of bins must be provided throughout the open spaces.
20. Electrical cables must be installed underground or concealed appropriately to avoid visual impacts as far as possible and must be tamper proof.
21. The use of all generators on site must include the use of drip trays to contain possible fuel spills.
22. The following conditions regarding the temporary storage of fuel on site during construction must be complied with:
  - 22.1. The combined capacity of the temporary fuel storage tanks must not exceed 30m<sup>3</sup>;

- 22.2. Temporary fuel storage tanks must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground;
- 22.3. Temporary fuel storage tanks must be designed and installed in accordance with relevant Oil Industry standards and SANS codes. The tanks must be constructed to conform to the requirements of all relevant legislation; and
- 22.4. Gas and liquid fuel must not be stored in the same storage area.
23. All noise and sounds generated during the construction phase of the proposed development must comply with the relevant SANS codes and standards.
24. Dust suppression methods must be used to mitigate dust during construction activities. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens) must be implemented instead.
25. A Stormwater Management Plan must be implemented and standards for stormwater as set by the local authority must be adhered to.
26. Employment opportunities must be afforded to the local community (as far as possible) during the construction and operational phase of the proposed development.

## **F. APPEALS**

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

### **1. An appellant must –**

- 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
- 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
  - 1.3.1. a copy of the notice of intention to appeal form; and
  - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the

Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.

2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

By post: 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 J. de Villiers  
Room 809  
8th Floor Utilitas Building (1 Dorp Street, Cape Town, 8001)


5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

**G. DISCLAIMER**

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

Your interest in the future of our environment is appreciated.

Yours faithfully



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**MR. ZAAHIR TOEFY**  
**DIRECTOR: LAND MANAGEMENT (REGION 2)**

DATE OF DECISION: 03/01/2014

Copy to: Mr. F. Venturi (Terramanzi Environmental Consulting)  
Ms. K. Rughoobee (DDF)

Fax: (086) 558 1213  
Fax: (021) 483 8311

**FOR OFFICIAL USE ONLY:**

EIA REFERENCE NUMBER:

16/3/1/1/A1/1/3040/12

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000967/2012

## **ANNEXURE 1: REASONS FOR THE DECISION**

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 29 May 2012 and received by the competent authority on 06 June 2013, the BAR received by the competent authority on 16 August 2013 and the EMP submitted together with the BAR and the amended BAR received by the competent authority on 06 December 2013;
- 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 interested and affected parties and the responses provided thereon, as included in the BAR dated 08 May 2013; and
- e) 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 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, *inter alia* the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activities are to be undertaken;
- 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; and
- the placing of a newspaper advertisement in the 'Weskus' on 25 September 2012.

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**

### Alternatives

The Kanonkop Phase 2 and 3 housing development serves as a continuation of the Phase 1 development.

### Preferred Alternative (herewith authorised)

The proposed development entails the transformation of undeveloped land to develop houses and associated infrastructure on Erf 6268, Extension 12, Atlantis.

The proposed development will comprise of semi-detached and free standing residential houses, places of worship, open spaces and associated infrastructure. The proposed development may also include a commercial component.

The total footprint of the proposed development and associated infrastructure will be approximately 41.57ha.

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

- solid waste management;
- treatment and disposal of sewage and effluent;
- water supply; and
- electricity.

Access to the proposed site will be gained via existing roads.

Fuel will be temporarily stored on site during construction.

This alternative was preferred based on the inputs provided by the specialists who conducted specialist studies.

### "No-Go" Alternative

The "no-go" alternative was not considered appropriate as there is a great need for housing opportunities in the area. The potential impacts associated with the proposed development are regarded as acceptable and, with the implementation of the EMP and the environmental authorisation, will be managed to acceptable levels.

## **3. Impacts, assessment and mitigation measures**

### **3.1. Activity Need and Desirability and Socio-Economic aspects**

The provision of housing and services to communities is considered a priority, and is an ongoing issue of national importance. The proposed housing development will assist in alleviating the housing shortage in this area by providing new housing opportunities.

The proposed development falls within the urban edge as approved by the local authority. It is consistent with the City of Cape Town's Spatial Development Framework

and Integrated Development Plan, which to a large degree encourages densification, residential intensification and urban integration.

Furthermore, some temporary employment opportunities will be created during the construction phase of the proposed development. Local people will be employed for all areas of employment as far as possible.

### 3.3. Environment

The surrounding area comprises of a medium and informal residential area and an untransformed area. Although the freshwater Critical Biodiversity Area ("CBA") layer for the City of Cape Town's Biodiversity Network indicates that 4 wetlands, 3 of which are CBA's, are located on the site, no watercourses, including wetlands were observed on or adjacent to the site.

Based on the Botanical Report (dated May 2012 and compiled by Robin Jangle of NCC Group) there are remaining patches of Atlantis Sand Fynbos which is listed as a Critical Endangered Ecosystem in terms of the National Environmental Management: Biodiversity Act (Act no. 10 of 2004) (NEMBA) National list of threatened ecosystems published in December 2011. Most of the site has been transformed through activities such as construction works, frequent fires and informal sand mining which would have been historically covered by Atlantis Sand Fynbos. The remaining vegetation is severely fragmented and in a poor condition. Furthermore, the specialist report indicated that the site supports one species of conservation concern, namely the endangered *Steirodiscus speciosus*. A search and rescue programme will be implemented to relocate the species of conservation concern that may be relocated.

### 3.4. Dust and Noise Impacts

3.4.1. The impacts of dust generated during the construction phase will be mitigated by the implementation of the conditions of this EA and EMP. Alternative dust suppression methods (such as shade netting screens) will be implemented instead, rather than the use of potable water.

3.4.2. All noise and sounds generated during the construction phase of the proposed development will comply with the relevant SANS codes and standards. Furthermore, noise impacts will be mitigated by the implementation of the EMP.

### 3.5. Service/Bulk infrastructure

The City of Cape Town's ("CoCT") Solid Waste Management Collections branch has confirmed in a letter (dated 24 July 2012) that they have sufficient unallocated capacity to collect and dispose of domestic waste to the Vissershok landfill site. The CoCT's Water and Sanitation Department has confirmed in a letter (dated 07 November 2012) that they have sufficient unallocated capacity to supply water and sufficient unallocated capacity at the Westfleur Wastewater Treatment Works to treat effluent. Electricity supply to the proposed development may be implemented in a phased manner.

### 3.6. Impact Assessment and significance

- 3.6.1. The loss of vegetation as a result from the proposed development has been identified in the BAR as being of low significance after mitigation. Construction areas and access routes will be clearly demarcated. Construction activities will be limited to the demarcated areas. A search and rescue programme will be implemented to relocate species of conservation concern where possible. These measures have been included in the EMP and as a condition of this EA.
- 3.6.2. The noise impact resulting from the proposed construction activities has been identified in the BAR as being of low significance as construction activities will take place during working hours only and all noise and sounds generated will comply with the relevant SANS codes and standards. This has been included in the EMP and as a condition of this Environmental Authorisation.
- 3.6.3. The generation of dust as a result of the proposed construction activities has been identified in the BAR as being of low significance as appropriate dust suppression methods will be implemented. Dust suppression measures have been included in the EMP and as a condition of this Environmental Authorisation.

#### **National Environmental Management Act Principles**

The National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative Impacts include:

Loss of natural vegetation as a result of the proposed development, potential noise, and dust creation as a result of construction activities.

The Department is satisfied that the negative impacts of significance will be addressed by the conditions contained in this EA and the mitigation measures contained in the EMP.

Positive impacts include:

The proposed development will provide housing opportunities and temporary employment during construction.

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

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