



**REFERENCE:** 16/3/3/1/A2/40/3043/21  
**NEAS REFERENCE:** WCP/EIA/0000966/2021  
**DATE:** 29 March 2022

The Municipal Manager  
City of Cape Town: Road Infrastructure Planning & Development  
17<sup>th</sup> Floor, 4-Bay Side Civic Centre  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

**Attention: Mr. Neil Slingers**

Tel: 021 400 4733

E-mail: neil.slingers@capetown.gov.za

Dear Sir

**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) FOR THE PROPOSED INFILLING OF PORTIONS OF WETLANDS ON ERF NO. 1028 AND ERF NO. 1449, OTTERY ASSOCIATED WITH THE INTEGRATED RAPID TRANSIT SYSTEM ALONG OTTERY ROAD BETWEEN STRANDFONTEIN ROAD AND KROMBOOM PARKWAY ("M5"), OTTERY.**

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to:

- (1) A. Peirson (The Environmental Partnership)
- (2) A. Greenwood (City of Cape Town: ERM)

E-mail: alma@enviropart.co.za/carmen@enviropart.co.za  
E-mail: andrew.greenwood@capetown.gov.za



## 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) FOR THE PROPOSED INFILLING OF PORTIONS OF WETLANDS ON ERF NO. 1028 AND ERF NO. 1449, OTTERY ASSOCIATED WITH THE INTEGRATED RAPID TRANSIT SYSTEM ALONG OTTERY ROAD BETWEEN STRANDFONTEIN ROAD AND KROMBOOM PARKWAY ("M5"), OTTERY.**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Layout Alternative, described in the Basic Assessment Report ("BAR"), dated November 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

### A. DETAILS OF THE HOLDER OF this Environmental Authorisation

City of Cape Town: Road Infrastructure Planning & Development  
c/o Mr. Neil Slingers  
17<sup>th</sup> Floor, 4-Bay Side Civic Centre  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

Tel: 021 400 4733

E-mail: neil.slingers@capetown.gov.za

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

## B. AUTHORISED ACTIVITIES

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback.</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed development entails the widening of a road that will result in the infilling and depositing of material within a seasonal wetlands on Erf No. 1028 and wetlands on Erf No. 1449 located along the route.</p>

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

The holder is herein authorised to undertake the following alternative that relates the listed activity:

The City of Cape Town is in the process of implementing the Integrated Rapid Transit (“IRT”) system across Cape Town. The proposed development entails the establishment of the IRT System along Ottery Road between Strandfontein Road and Kromboom Parkway (M5). The roadway will be widened on either side of the existing road to make provision for Non-Motorised Transport (“NMT”) lanes.

The proposed establishment of the IRT along Ottery Road will require the infilling of portions of seasonal wetlands on Erf 1028 and portions of the Bamboesvlei wetlands on Erf 1449, Ottery.

The additional road widening is comprised of the following:

- Widening of Ottery Road north with an encroachment of approximately 18 to 26m into Youngsfield Military Base (between M5 and Torrens Road).
- Reduction in widening south of Ottery Road by approximately 2.5m.
- Widening of Ottery Road north (east of Shawcamp Road) onto vacant public open space to provide the businesses along the south with access.
- A NMT facility south of Ottery Road between Ferness and Humby Roads which will affect a parking area/access road.
- An additional approximate 12m widening north of Ottery Road between Ferness and Greyland Road. This will affect the Engen service station, car repair shop to the east of the Engen, and an additional plot located adjacent to the service station.

- Directly east of Crescent Road (north of Ottery Road), an additional approximate 12m widening of the road to ensure that the section of Ottery Road east of Crescent Road lines up with the section of Ottery Road west of Crescent Road (where the Engen will be affected).
- Additional approximate 2m widening south of Ottery Road and east of Lodge Road. Commercial properties will not be affected.
- Additional widening east of De Wet Road and south of Ottery Road which will affect a portion of the parking area at the Ahlul Bait Mosque Complex.
- Between De Wet and Link Road, additional widening will occur north of Ottery Road by 4.5m to 15m onto open land to allow for the development of bi-directional bus lanes further to the east of Ottery Road.
- Between Link Road and Ottery/New Ottery Road intersection there is widening along the south of Ottery Road which will partially affect Erf No. 2260 and Erf No.1064. This is due to the extension and of the bi-directional bus land and the improved lane configuration at the Ottery/New Ottery Road intersection.
- To the east of Woodlands Road, the block of houses (8 houses) will be partially affected by widening of approximately 1.3 to 4.3m due to the improved lane configuration, at Woodlands Road intersection. The widening along this section of the road is a result of a proposed bus embayment.
- An additional widening of approximately 1.8m directly east of the block of houses located east of Woodlands Road.
- An additional widening of the road south of Ottery Road which will affect the commercial building east of Halfway Toyota. The widening will also affect Erf No. 3509, a portion of the parking at SASOL, the KFC drive through, and the service road at China Town. This is due to the improved lane configuration at Ottery/New Ottery Road intersection and a passing bus lane at the Woodlands Left-Aligned Median Stop. The new area affected will be approximately 1650m<sup>2</sup> on Erf No. 3509.
- The northern abutment at the M5 over Ottery Road bridge will be demolished. This is to allow eastbound general traffic to travel between the northern abutment and existing northern piers and for buses to utilise the existing eastbound carriageway lanes in order for the westbound carriageway will remain in the same position.

### C. SITE DESCRIPTION AND LOCATION

The proposed development is located along Ottery Road between Strandfontein Road and Kromboom Parkway (M5).

The site co-ordinates:

Starting point			
Latitude (S)	34°	0	48.18"
Longitude (E)	18°	29'	3.18"
Middle Point			
Latitude (S)	34°	0'	46.98"
Longitude (E)	18°	29'	57.14"
End Point			
Latitude (S)	34°	1'	0.79"
Longitude (E)	18°	31'	9.03"

The SG digit codes for the erven where the listed activity will occur:

Bamboesvlei Wetlands north of Ottery Road on Erf 1449	C01600400000144900000
Youngsfield Military Base	C01600070009047900000
Wetlands on Erf 1028 Stormwater channels	C01600400000102800000
	C01600400000101500000

	C01600400000101600000
Lotus River Canal	C01600610000064100000
Woodlands River Canal	C01600000000074100000

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

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

The Environmental Partnership  
c/o Ms. Alma Pierson/Ms. Carmen du Toit  
P. O. Box 945  
**CAPE TOWN**  
8000

Tel.: 021 422 0999

E-mail: alma@enviropart.co.za /carmen@enviropart.co.za

#### E. CONDITIONS OF AUTHORISATION

##### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated November 2021 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

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

## **Notification of authorisation and right to appeal**

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

## **Commencement**

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

## **Written notice to the competent authority**

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

Conditions: 6, 7, 11,15,19.2 and 19.3.

## **Management of activities**

10. The draft EMPr (dated November 2021) submitted as part of the application for Environmental Authorisation must be amended to include the following.
  - 10.1. The Wetland Rehabilitation Plan to be compiled and must be included in the EMPr.

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

### **Monitoring**

15. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.  
The ECO must–
  - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
  - 15.2. ensure compliance with the EMPr and the conditions contained herein; and
  - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

### **Environmental audit reports**

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid-
  - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 16.2. submit at least two environmental audit reports to the competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
  - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

- 17.1. provide verifiable findings, in a structured and systematic manner, on–
  - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
  - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 17.2. identify and assess any new impacts and risks as a result of undertaking the activity;
- 17.3. evaluate the effectiveness of the EMPr;
- 17.4. identify shortcomings in the EMPr;



- 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 17.6. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development;
  - 17.7. include a photographic record of the site applicable to the audit; and
  - 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### Specific conditions

19. As per the recommendations of the Specialist Aquatic Ecologist Report dated August 2021, as compiled by Liz Day Consulting, the following must be implemented:
- 19.1. The offset receptor site must be an on-site offset wetland area which must be located along the broader Bamboesvlei wetland area.
  - 19.2. The City of Cape Town must finalise the wetland offset agreement confirming the future ongoing management of the identified offset area prior to the commencement of construction activities.
  - 19.3. A Wetland Rehabilitation Plan must be compiled by a suitably qualified wetland specialist prior to the commencement of construction activities. The Wetland Rehabilitation Plan must include *inter alia*, the following and must be implemented:
    - 19.3.1. A detailed rehabilitation plan must be compiled, detailing works specifications, and implementation timing. It is recommended that such activities should take place after the proposed widening of the road.
    - 19.3.2. Rehabilitation activities must include, but not necessarily be limited to:
      - Removal of fill, rubble and other waste;
      - Use of machinery to reshape the selected area so as to include expanses of seasonally shallowly inundated wetland habitat, including deeper areas (up to 500 mm standing water) that might supply Western Leopard Toads with suitable breeding habitats that retain water till early December;
      - More extensive wetland "flats" – seasonally shallowly inundated (to maximum of 200 mm depth in the wet season) areas that provide seasonal habitat for insects and other aquatic fauna and foraging areas for wading birds; and
      - Gentle slopes to adjacent terrestrial areas, improving overall habitat quality in this aquatic / terrestrial mosaic.
    - 19.3.3. Propagation and planting of appropriate locally indigenous vegetation for the rehabilitated areas – adequate plants to achieve 80% cover by year two, with adequate species diversity to reflect the allocation of CBA status to the wetlands;
    - 19.3.4. Plant species list to be drawn up by a botanist in collaboration with a wetland specialist; and
    - 19.3.5. Wetland shaping to be overseen on site by a wetland ecologist.
20. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
22. 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 ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

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

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
  - 3.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
  - 4.1. Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## **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 notification of the decision was sent to the holder by the competent authority -
  - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

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

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile:            (021) 483 4174; or

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

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. 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: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 29 MARCH 2022**

Copies to:

- (1) A. Peirson (The Environmental Partnership)
- (2) A. Greenwood (City of Cape Town: ERM)

E-mail: [alma@enviropart.co.za](mailto:alma@enviropart.co.za)/[carmen@enviropart.co.za](mailto:carmen@enviropart.co.za)

E-mail: [andrew.greenwood@capetown.gov.za](mailto:andrew.greenwood@capetown.gov.za)

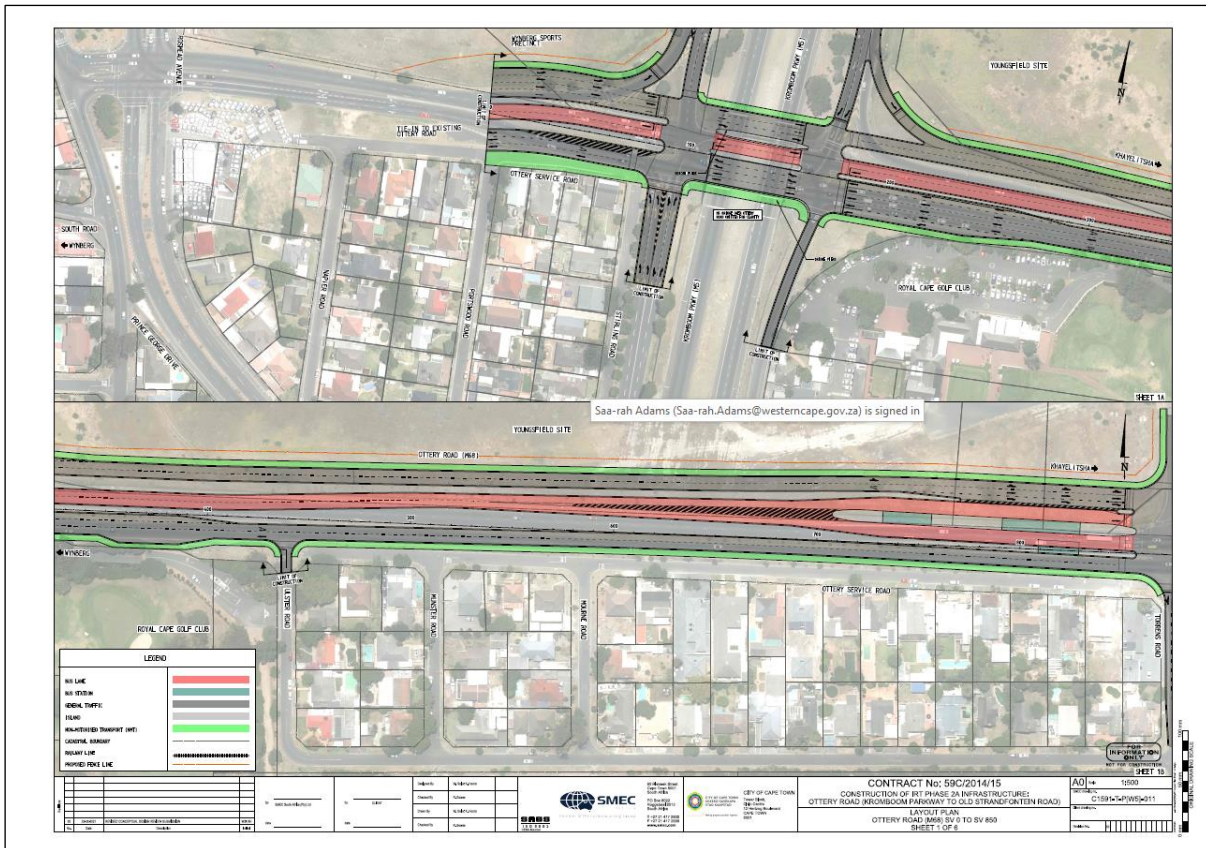
# ANNEXURE 1: LOCALITY MAP



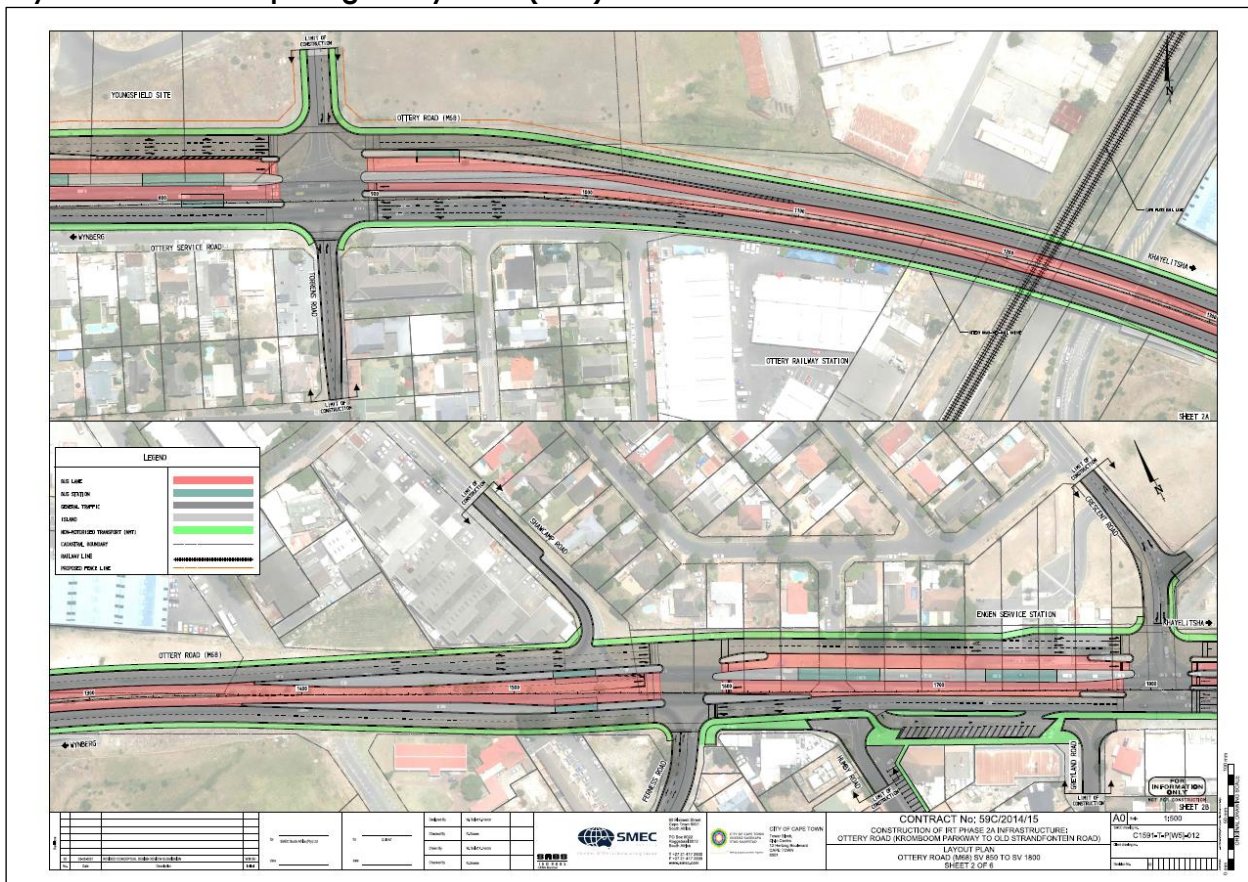
<p>CLIENT</p>  <p>CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD</p> <p><i>Making progress possible. Together.</i></p>
<p>DRAWING</p> <p><b>LOCALITY MAP</b></p>
<p>PROJECT</p> <p><b>PROPOSED IRT SYSTEM ALONG OTTERY ROAD FROM STRANDFONTEIN ROAD TO KROMBOOM PARKWAY (M5)</b></p>
<p>PROJECTION</p> <p><b>WGS 84</b></p> <p>PROJECT CO-ORDINATES</p> <p><b>34° 0'48.88"S 18°30'7.20"E</b></p>
<p>SCALE AT A4</p> <p><b>1:17,000</b></p>
<p>PRINT DATE</p> <p><b>August 2021</b></p>
<p>REFERENCE DRAWINGS</p> <p>1. 2015 Aerial Imagery.</p>
 <p>THE ENVIRONMENTAL PARTNERSHIP ENVIRONMENTAL CONSULTANTS</p>



# ANNEXURE 2: SITE DEVELOPMENT PLAN

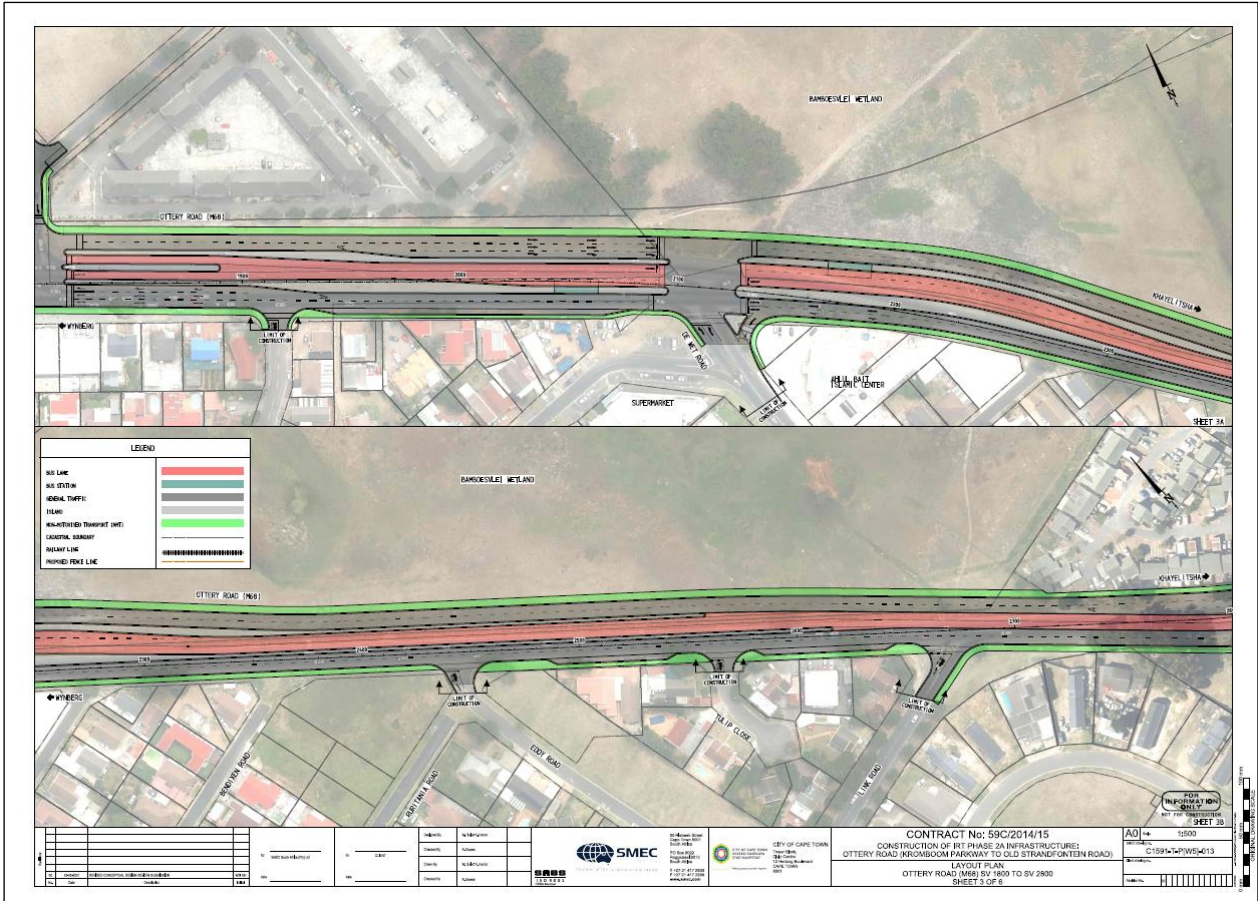


Site Layout Plan 1 of 6 depicting Ottery Road (M68) from SV0 until SV850.



Site Layout Plan 2 of 6 depicting Ottery Road (M68) from SV850 until SV1800.





Site Layout Plan 3 of 6 depicting Ottery Road (M68) from SV1800 until SV2800.

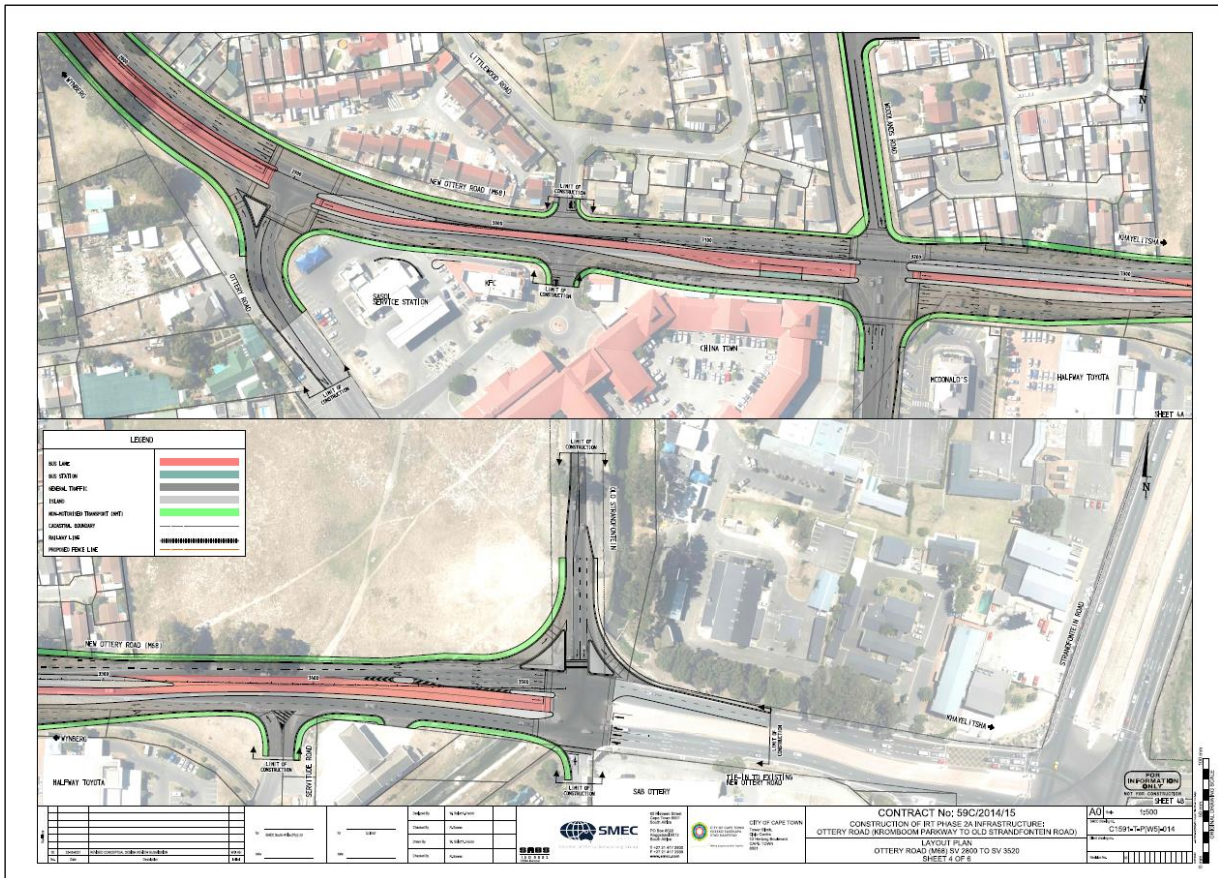
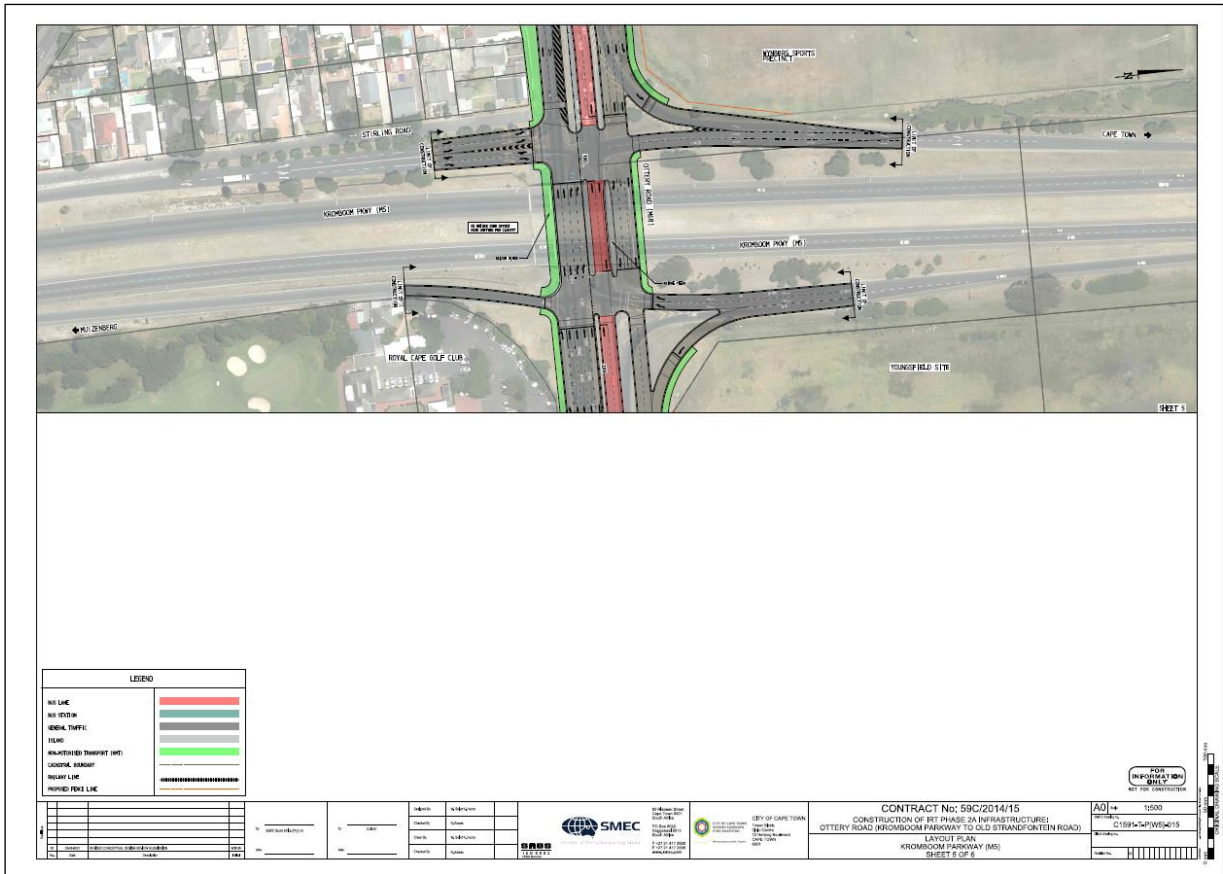
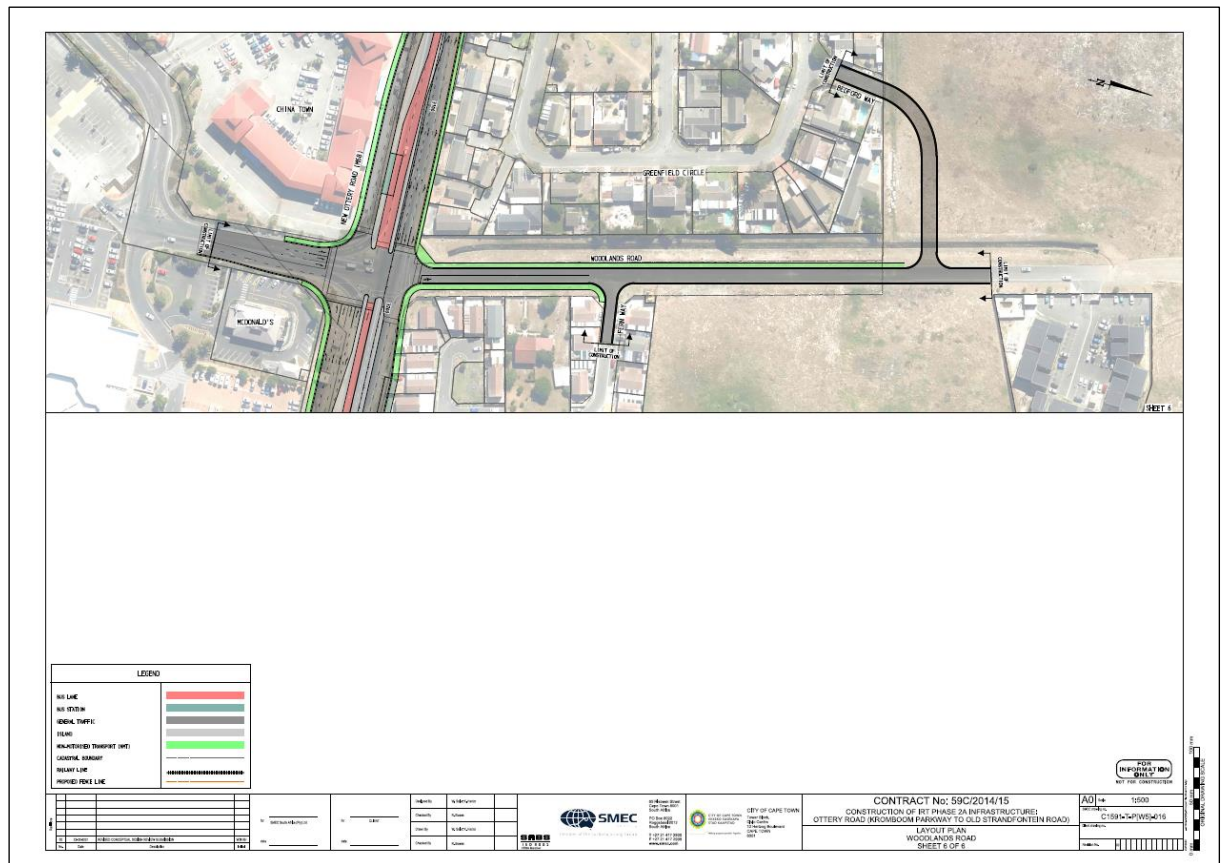


Figure 5: Site Layout Plan 4 of 6 depicting Ottery Road (M68) from SV2800 until SV3520.





Site Layout Plan 5 of 6 depicting Kromboom Parkway (M5).



Site Layout Plan 6 of 6 depicting Woodlands Road.



## ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 27 August 2021, the final BAR dated November 2021 and received on 25 November 2021, the EMPr submitted together with the final BAR on 25 November 2021 and the additional information received on 25 March 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated November 2021.

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 Interested and Affected Parties ("I&APs");
- fixing notices along the site boundary as well as other strategic locations where the listed activity will be undertaken;
- The City of Cape Town, the applicant, hosted a focus meeting on 4 September 2020 and an open house meeting on 03 October 2020;
- the placing of a newspaper advertisement in the "*The People's Post (Grassy Park)*" newspaper on 11 November 2020;
- the pre-application draft BAR was made available for public review from 17 November 2020 until 7 January 2021;
- the distribution of information sheets to adjacent property owners, e-mail notifications were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the report with reminders sent to submit comments;
- the application phase draft BAR was made available to I&APs for public review and comment from 27 August 2021 until 1 October 2021.

### 2. Alternatives

No other site alternatives were investigated and considered for the proposed widening of Ottery Road for the establishment of the City of Cape Town IRT System along Ottery Road (M68) between Strandfontein Road and Kromboom Parkway (M5).

This is based on the following reason:

- The proposed development is the widening of an existing road for the establishment of the City of Cape Town's IRT system which objective is in aid of relief of traffic congestion along this route.

The alternatives considered were Layout Alternatives, i.e., route and alignment alternatives and the "No-go" Alternative.

### Activity Alternative (herewith authorised)

The proposed development entails the establishment of the IRT System along Ottery Road between Strandfontein Road and Kromboom Parkway (M5). The roadway will be widened on either side of the existing road to make provision for NMT lanes.

The proposed development is comprised of the following:

- Widening of Ottery Road north with an encroachment of approximately 18 to 26m into Youngsfield Military Base (between M5 and Torrens Road).
- Reduction in widening south of Ottery Road by 2.5m.
- Widening of Ottery Road north (east of Shawcamp Road) onto vacant public open space to provide the businesses along the south with access.
- A NMT facility south of Ottery Road between Ferness and Humby Roads which will affect a parking area/access road.
- An additional 12m widening north of Ottery Road between Ferness and Greyland Road. This will affect the Engen service station, car repair shop to the east of the Engen, and an additional plot located adjacent to the service station.
- Directly east of Crescent Road (north of Ottery Road), an additional 12m widening of the road to ensure that the section of Ottery Road east of Crescent Road lines up with the section of Ottery Road west of Crescent Road (where the Engen will be affected).
- Additional 2m widening south of Ottery Road and east of Lodge Road. Commercial properties will not be affected.
- Additional widening east of De Wet Road and south of Ottery Road which will affect a parking area at the Ahlul Bait Mosque Complex.
- Between De Wet and Link Road, additional widening will occur north of Ottery Road by 4.5m to 15m onto open land to allow for the development of bi-directional bus lanes further to the east of Ottery Road.
- Between Link Road and Ottery/New Ottery Road intersection there is widening along the south of Ottery Road which will partially affect Erf No. 2260 and Erf No.1064. This is due to the extension and of the bi-directional bus land and the improved lane configuration at the Ottery/New Ottery Road intersection.
- To the east of Woodlands Road, the block of houses (8 houses) will be partially affected by widening of approximately 1.3 to 4.3m due to the improved lane configuration, at Woodlands Road intersection. The widening along this section of the road is a result of a proposed bus embayment.
- An additional widening of approximately 1.8m directly east of the block of houses located east of Woodlands Road.
- An additional widening of the road south of Ottery Road which will affect the commercial building east of Halfway Toyota. The widening will also affect Erf No. 3509, a portion of the parking at SASOL, the KFC drive through, and the service road at China Town. This is due to the improved lane configuration at Ottery/New Ottery Road intersection and a passing bus lane at the Woodlands Left-Aligned Median Stop. The new area affected will be approximately 1650m<sup>2</sup> on Erf No. 3509.
- The northern abutment at the M5 over Ottery Road bridge will be demolished. This is to allow eastbound general traffic to travel between the northern abutment and existing northern piers and for buses to utilise the existing eastbound carriageway lanes in order for the westbound carriageway will remain in the same position.

### Layout Alternatives

Several route alignment alternatives were investigated for the proposed widening of Ottery Road between Strandfontein Road and Kromboom Parkway (M5), Ottery. The options considered were in relation to the development of Signalised Full Interchanges ("SFI"). The feasibility of these options was determined based on the safe right-turn access onto Ottery Road which would be beneficial for bus operations and vehicle access.

### Shawcamp Road and Ferness Road SFI

This alternative investigated the proposed re-alignment of Shawcamp Road to create a SFI at Ferness Road interchange with Ottery Road. Although this alternative creates a right-turn access for the eastbound traffic and allows for the placement of bus stations in closest proximity to Ottery Railway

Station, this alternative is not preferred as it would result in significant negative impacts on the warehouses located along Shawcamp Road and would result in high levels of traffic congestion along this section of the route.

#### Humby Road and Hendrik Road SFI

This option entailed extending Hendrik Road to intersect Ottery Road. This will result in an SFI at Hendrik Road and Humby Road. Although this alternative allows for the safe right-turn access of eastbound traffic, this alternative is not preferred as it will impact on the traffic along the residential streets located north of Hendrik Road which may result in the need for road upgrades to accommodate the increase in vehicle volumes.

#### Crescent Road and Greyland Road SFI

This alternative entailed the proposed re-alignment of both Crescent Road and Greyland Road to create a SFI. Although this alternative creates a safe right-turn access for the eastbound traffic, this alternative is not preferred as it would result in the need for an upgrade of Greyland Road which is attributed as a residential street and does not have the capacity to accommodate high vehicle volumes and traffic congestion. In addition to this, this alternative would require the construction of a signalised mid-block pedestrian crossing to allow pedestrians access to the bus stations.

#### Humby Road and Crescent Road intersections

This alternative entailed the proposed construction of staggered intersections at Crescent Road and Humby Road. However, this alternative was not preferred as the distance between Crescent Road and Humby Road intersections does not allow for the establishment of a bus station between the two intersections as the distance is too short.

#### Ferness and Crescent Road intersections (preferred and herewith authorised)

This alternative entails the proposed construction of staggered intersections between Crescent Road and Ferness Road. This alternative is preferred as the increased distance between the two intersections, allows for a bus station to be established. The establishment of the bus station allows for traffic signals on either side of the bus station which creates two safe access points for pedestrians to access the bus station. To mitigate the impacts that the proposed alignment may have on the local businesses located on the southern side of Ottery Road and to ensure that the vacant land along the north of Ottery Road is used instead, the proposed alignment of this option was shifted to the north. As a result, the Engen Service Station will be impacted. However the impacts on the service station will be mitigated to an acceptable level with the implementation of the recommended mitigation measures.

#### "No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain and issues related to traffic congestion and safety of pedestrians will not be addressed. This alternative is not preferred as the current operation of the road is insufficient for the future development of the surrounding area and the surrounding community.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Need and Desirability**

The proposed development forms a component of the phased implementation of the City of Cape Town's city wide IRT system. The IRT system is the City of Cape Town's solution to alleviate traffic congestion and upgrade transport routes to create safe public access to reliable public transport. The IRT system includes the establishment of NMT routes which facilitates the public with transport options cognisant of the carbon footprint and the public's contribution to the global warming phenomenon. The proposed development will support economic enterprise within the city by increasing the availability and accessibility of safe public transport routes, therefore, contributing to the overall improved social stability and will complement local and national job creation.

### 3.2 Planning Context

The site is located within an urban area within the suburb of Ottery located in the greater Cape Town area. The Cape Flats District Plan dated 2012 and the proposed road upgrade forms a component of several planned road projects to be undertaken. According to the City of Cape Town Municipal Spatial Development Framework, congestion of roads and the current public transport networks negatively impacts on all income and racial groups while also impacting on the City of Cape Town's economic efficiency. With the implementation of the IRT system, the upgrade of the roads and increase accessibility to reliable and safe public transport will alleviate traffic congestion which is aligned with the provisions of the City of Cape Town MSDP.

### 3.3 Biophysical impacts

Based on the findings of the Specialist Aquatic Ecologist Report dated August 2021, as compiled by Liz Day, two sections of the road widening along the IRT route will impact on aquatic ecosystems. Parts of the Bamboesvlei wetlands (comprising a mosaic of seasonally inundated depressions) and a degraded wetland on Erf 1028 will be infilled. The impact on the loss of wetlands on Erf 1028 were assessed as low negative significance. Impacts on western leopard toads migrating to and from the Bamboesvlei area for breeding were identified as a potential impact.

The most significant impact likely to be associated with this project would be the permanent loss of a portion of the Bamboesvlei wetlands along the northern edge of the road. It is estimated that approximately 130 m and 180 m running length of the two mapped Critical Biodiversity Area ("CBA")<sup>2</sup> wetlands that abut the road would be impacted, to a width of up to 28 m. Mapping the area of delineated wetland directly impacted by the road footprint shows that this amounts to a total area of 0.4 ha. Although the loss of a degraded temporary and seasonal wetland edge is not of major significance from a biodiversity point of view, the ecological integrity of the wetland ecosystem will be comprised as these wetlands act as buffers to the core wetland area. The encroachment into the Core wetland area is viewed with more concern, both reducing habitat availability and effectively leaving the Core area unbuffered, and thus of significantly reduced habitat quality. The impacts associated with the loss of Bamboesvlei wetland areas on Erf 1449 were assessed as medium negative post mitigation.

The freshwater specialist has recommended an on-site wetland offset of approximately 1.2ha in order to offset the loss of wetland systems of high conservation value as a result of the proposed development. Details regarding the wetland offset which is proposed to be located within the broader Bamboesvlei wetland area has been considered and broad measures to achieve the offset targets has been outlined within the aforementioned report. An agreement between the applicant and the relevant City of Cape Town Department regarding the management of wetland offset must be finalised and submitted to this Department prior to the commencement of construction activities (Condition 19 of this EA). Furthermore, a Wetland Rehabilitation Plan needs to be compiled and herpetologist must be appointed prior to the commencement of construction activities to investigate the presence of Western Cape Leopard Toads within the Bamboesvlei wetlands and the use of the wetland for breeding purposes. These requirements have been incorporated in the EMP.

A Water Use License Application in terms of Section 21(c) and (i) of the National Water Act, 1998, has been submitted to the Department of Water and Sanitation for consideration.

In terms of potential botanical impacts, a Compliance Statement was compiled by Capensis dated June 2021, which confirmed the proposed site is in a highly degraded to transformed state and contains no indigenous vegetation except very small patches at the Youngsfield Military Base. All of the original vegetation cover has been removed within the Youngsfield Military Base and the road verge is regularly mowed. Some remnant species have recolonised within the Youngsfield Military Base. The road reserve is dominated by exotic grasses and weeds. Several indigenous species were recorded, but these are species typically associated with high levels of disturbance. Based on the findings of the Compliance Statement, it was concluded that the proposed development would not result in the clearance of 300m<sup>2</sup> or more Critically Endangered or

Endangered indigenous vegetation. The potential botanical impacts were therefore assessed as low negative significance.

#### 3.4 Defence Impacts

The proposed widening of Ottery Road encroaches on approximately 18 to 26m of the Youngsfield Military Base property located along the route. In the latest correspondence from the South African National Defence Force dated 18 October 2021, it is noted that the proposed development would have a negligible impact on the surrounding environment and military activities currently undertaken on site.

#### 3.5 Heritage Impacts

The potential impacts on heritage resources are low, and the likelihood of archeological material being found during earthworks is low as the proposed construction works will take place within existing transformed properties. A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC confirmed in the correspondence dated 3 September 2021, that there is no reason to believe the development will impact on any heritage resources and that no further action under Section 38 of the National Heritage Resource Management Act, 1999 (Act No. 25 of 1999) is required. As such, no heritage impacts are anticipated.

#### 3.6 Traffic Impacts

The proposed widening of Ottery Road from Strandfontein Road to Kromboom Parkway for the implementation of the IRT system will reduce the pressure on the current public transport system in the surrounding road network. During the construction phase, traffic impacts are expected to occur in the area due to an increase in construction vehicle traffic while materials are transported to and from the site. This is expected to cause traffic congestion due to the reduced road space which decreases the capacity of the road infrastructure. Impact management actions related to traffic during construction phase of the development have been included in the EMPr. Traffic impacts were identified as being of low negative significance post mitigation.

#### 3.7 Dust and Noise impacts

Construction activities (mainly construction vehicles transporting materials to the site) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust and noise control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

##### **Negative impacts:**

- Loss of wetland habitat; and
- Traffic, Dust and Noise impacts during the construction phase.

##### **Positive impacts:**

- Alleviation of traffic congestion through the provision of road infrastructure for the broader community;
- The development will enable residents and commuters in the surrounding area to utilise the IRT system along Ottery Road, which is a more reliable and safer public transport system;
- The development will provide temporary employment opportunities.

## 4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;

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

## 5. Conclusion

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

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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