



REFERENCE: 16/3/3/5/A3/54/2021/23
NEAS REFERENCE: WCP/EIA/AMEND/0000739/2023
DATE OF ISSUE: 03 July 2023

The Municipal Manager
City of Cape Town
Directorate: Environmental and Heritage Resource Management
P. O. Box 3
STRAND
7129

Attention: Ms. Azanne van Wyk

Tel.: 021 850 4094
E-mail: azanne.vanwyk@capetown.gov.za

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 9 APRIL 2021 (REFERENCE: 16/3/3/1/A3/54/2051/20) FOR THE APPROVED DEVELOPMENT OF THE ASANDA VILLAGE WETLAND PARK ON ERF NO. 29865 AND ERF NO. 32680, STRAND.

1. With reference to the above application, this Department hereby notifies you of its Decision to **grant** an amended 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 amended 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 summarised in the attached amended Environmental Authorisation.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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

Copied to:
(1) Nadine Duncan/Carmen du Toit (The Environmental Partnership)
(2) Stephanie Coetzee (City of Cape Town)

E-mail: carmen@enviropart.co.za
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REFERENCE: 16/3/3/5/A3/54/2021/23
NEAS REFERENCE: WCP/EIA/AMEND/0000739/2023
DATE OF ISSUE: 03 July 2023

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 9 APRIL 2021 (REFERENCE: 16/3/3/1/A3/54/2051/20) FOR THE APPROVED DEVELOPMENT OF THE ASANDA VILLAGE WETLAND PARK ON ERF NO. 29865 AND ERF NO. 32680, STRAND.

With reference to your application for the abovementioned, find below the amendment to the original Environmental Authorisation with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation was issued by this Department on 9 April 2021 (Referenced: 16/3/3/1/A3/54/2051/20) for the development of the Asanda Village Wetland Park on Erf No. 29865 and Erf No. 32680, Strand.
2. An application for amendment of the Environmental Authorisation issued on 9 April 2021 in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 3 June 2023. The application is for an amendment of Condition 10.3. of the Environmental Authorisation.

B. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the amendment of the Environmental Authorisation issued on 9 April 2021.

The Environmental Authorisation (Reference No: 16/3/3/1/A3/54/2051/20) is amended as set out below:

Condition 10.3. of Section E (conditions of authorisation) of the EA reads as follows:

10.3.: "A Maintenance Management Plan ("MMP") must be developed to address the long-term maintenance of the wetland and stormwater infrastructure. The MMP must be submitted to the Department at least 2 months prior to the completion of the construction activities, for information purposes. The MMP must be included as an Appendix to the EMPr."

Condition 10.3. of Section E (conditions of authorisation) of the EA is amended to read as follows:

10.3. "A Maintenance Management Plan ("MMP") must be developed to address the long-term maintenance of the wetland and stormwater infrastructure. The MMP must be submitted to the Department within 3 (three) months after the completion of the construction activities, for information purposes. The MMP must be included as an Appendix to the EMPr".

C. REASONS FOR THE DECISION

In reaching its Decision, the Competent Authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application for amendment dated and received by this Department via electronic correspondence on 3 June 2023.
- (b) The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the original Environmental Authorisation issued on 9 April 2021 (Referenced: 16/3/3/1/A3/54/2051/20).
- (c) The construction activities are on-going. The appointed freshwater specialist has recommended that the MMP be compiled after the completion of construction activities, to gain a better understanding of how the stormwater infrastructure system will work, as this will inform the maintenance activities required.
- (d) The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.
- (e) All other conditions contained in the Environmental Authorisation issued on 9 April 2021 (Attached as Annexure A), remain unchanged and in force.

D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this Decision–
 - 1.1. notify all registered I&APs of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the Decision as included in Section B;
 - 1.1.3. the date of the Decision; and
 - 1.1.4. the date when the Decision was issued.
 - 1.2. 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 D below;
 - 1.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the Decision; and
 - 1.4. provide the registered I&APs with:
 - 1.4.1. the name of the holder (entity) of this amended EA;
 - 1.4.2. name of the responsible person for this amended EA;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;
 - 1.4.5. e-mail address, if any, of the holder; and
 - 1.4.6. 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).
2. The remaining conditions contained in the EA issued on 9 April 2021 (Referenced: 16/3/3/1/A3/54/2051/20) remain unchanged and in force.

E. 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 twenty (20) 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 twenty (20) 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 twenty (20) 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: 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 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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 noncompliance 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 03 JULY 2023

Copied to:

(1) Nadine Duncan/Carmen du Toit (The Environmental Partnership)
(2) Stephanie Coetzee (City of Cape Town)

E-mail: carmen@enviropart.co.za
E-mail: stephanie.coetzee.capetown.gov.za

Annexure A

Copy of the original EA issued 9 April 2021



Department of Environmental Affairs and Development Planning
Saa-rah Adams
Development Management
saa-rah.adams@westerncape.gov.za | Tel.: 021 483 0773/3185

REFERENCE: 16/3/3/1/A3/54/2051/20
NEAS REFERENCE: WCP/EIA/0000820/2020
DATE OF ISSUE: 09 April 2021

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): THE PROPOSED DEVELOPMENT OF THE ASANDA VILLAGE WETLAND PARK ON ERF NO. 29865 AND ERF NO. 32680, STRAND.

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 Alternative 1, described in the Basic Assessment Report ("BAR"), dated November 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 City of Cape Town
Directorate: Environmental and Heritage Resource Management
% Ms. Azanne van Wyk
P. O. Box 3
STRAND
7129

Tel.: 021 850 4094
E-mail: azanne.varwyk@capetown.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)-</p> <p>Activity Number: 19</p> <p>Activity Description: "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—</p> <p>a) will occur behind a development setback.</p> <p>b) is for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p> <p>d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>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."</p>	<p>The proposed development of Asanda Village Wetland Park will result in excavation and infilling in the wetland area.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)-</p> <p>Activity Number: 12</p> <p>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.</p> <p><u>i. Western Cape</u></p> <p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>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,</p>	<p>The proposed development will result in the clearance of more than 300m² of indigenous vegetation including species of conservation concern on a site zoned as open space.</p>

<p>excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>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</p> <p>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."</p>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

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

The proposed development entails the establishment of a wetland park around the Asanda Wetland by rehabilitating the wetland and developing community amenities including a walkway and recreational area.

The proposal is comprised of the following components:

- i. a community vegetable garden: 340m²;
- ii. an amphitheatre: 318.75m²;
- iii. a "kick-about" area / Mini soccer field: 502.3m²;
- iv. a pedestrian crossing across the wetland: 262.5m²; and
- v. a pedestrian pathway linking from N2 Highway: 1677.2m².

The stormwater management interventions will include *inter alia*, the following components:

- i. a sediment trap: 500mm deep downstream of the N2 (also known as the T2) highway at the outlet from the eastern culvert 64.5m;
- ii. a stormwater channel: excavation of a 67.5m long stormwater channel through the eastern part of the channel from the N2 highway in a north-south direction. Amorflex will be used to line the base and the lower side slopes of the excavated channel with the base of the channel being 680mm wide;
- iii. gentle shallowing of the channel to a point where it coincides with the ground level to guide the dissipation of flow into the surrounding wetland;
- iv. the construction of a 2m wide gabion weir comprising of 0.5m gabion baskets set at various levels, across the larger width of the wetland.
- v. The capacity of the existing seasonal pool in the southeastern corner of the wetland would be increased to allow for up to 24-hour retention of the 1:50 year flood – this would be enabled by:
 - Repair of the outlet system within the wetland, by demolishing and removing the existing headwall; clearing out waste from the outlet; and construction of a sediment/litter trap above the inlet structure, using concrete instead of the previous gabion walls.
 - Construction of a 0.5 m high berm around the southern and eastern sides of the seasonal pool. The berm will be shaped to a 1:3 slope and covered with biojute or similar.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 29865 and Erf 32680, Strand. The site is bound to the north by the N2 (T2) highway, to the west by the ASLA Office Park, and to the east by a pedestrian route and grounds of the Christmas Tinto Primary School. An Eskom servitude crosses the site in an east to west direction. The south and southwestern portions of the site are abutted by the informal settlements of Asanda Village.

Co-ordinates:

Property	Latitude	Longitude
Erf No. 29865, Strand	34° 6' 25.52" S	18° 51' 20.376" E
Erf No. 32680, Strand	34° 6' 29.1564" S	18° 51' 18.2124" E

Pedestrian crossing over the wetland	start	34° 6' 24.78" S	18° 51' 15.92" E
	middle	34° 6' 27.95" S	18° 51' 18.01" E
	end	34° 6' 29.09" S	18° 51' 19.74" E
Pedestrian pathway from N2 highway	start	34° 6' 22.17" S	18° 51' 25.78" E
	middle	34° 6' 23.88" S	18° 51' 24.21" E
	end	34° 6' 26.30" S	18° 51' 21.95" E
Stormwater channel	start	34° 6' 21.30" S	18° 51' 24.89" E
	middle	34° 6' 22.06" S	18° 51' 24.12" E
	end	34° 6' 22.79" S	18° 51' 23.27" E

The SG digit codes:

Erf No. 29865, Strand	C06700230002986500000
Erf No. 32680, Strand	C06700230003268000000

Refer to Annexure 1: Locality Plan

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Environmental Partnership
% K. Munamati/ C. du Toit
P. O. Box 945
CAPE TOWN
8000

Tel.: 021 422 0999
Email: kakale@enviropart.co.za



E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated November 2020 on the site as described in Section C above.
2. Authorisation for the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
This Environmental Authorisation is granted for–
 - (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, must be concluded.
4. The activities that have been authorised must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A written notice of seven calendar days' notice 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, 10.1., 10.2., 10.3., 14 and 22.

Management of activity

10. The EMPr submitted (dated October 2020) is hereby approved on condition that the following amendments are made and must be implemented.
- 10.1. The Stormwater Management Plan ("SMP") included in Appendix K of the BAR dated November 2020, must be amended in order to comply with the City of Cape Town's Catchment, Stormwater and River Management Department's requirements.
- 10.2. The Final SMP must be submitted for comment to the City of Cape Town's Catchment, Stormwater and River Management Department and the letter of comment from the City of Cape Town must be submitted to this Department for information purposes.
- 10.2.1. Should any amendments to the Stormwater Management Plan be requested in the City of Cape Town's comment, the SMP must be amended and the updated SMP must be included as an appendix to the EMPr.
- 10.3. A Maintenance Management Plan ("MMP") must be developed to address the long-term maintenance of the wetland and stormwater infrastructure. The MMP must be submitted to the Department at least 2 months prior to the completion of the construction activities, for information purposes. The MMP must be included as an Appendix to the EMPr.
- 10.4. 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.
11. The EMPr must be included in all contract documentation for all phases of implementation.



12. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see 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

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

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit 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
 - 15.3 submit an environmental audit report every five (5) years after the commencement of the operational phase and while the EA remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

- 16.1 provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 (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.

18. The generators must be maintained on a regular basis to ensure that generators are working optimally.

Specific conditions

21. 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.
22. A botanist must be appointed prior to the commencement of the construction activities to confirm or dispute the presence of *Isoetes capensis* in the southern section of the site. The in-situ protection of the *Isoetes capensis* fern, should it be observed in the southern section of the site by demarcating it as a no-go area.
23. The recommendations indicated in the freshwater specialist report dated March 2020 and compiled by Dr Liz Day from Liz Day Consulting, as included in the EMP, must be implemented.
24. 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.
25. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

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

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation 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 EMP 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 -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -

- 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

- 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

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

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

By facsimile: (021) 483 4174; or

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

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

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



www.westerncape.gov.za

Department of Environmental Affairs and Development Planning

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

**Zaahir
Toefy** Digitally signed
by Zaahir Toefy
Date: 2021.04.09
11:38:40 +02'00'

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 09 APRIL 2021

CC: (1) K. Munamati (The Environmental Partnership)
(2) S. Coetzee (City of Cape Town: ERM)
(3) M. Wheeler (CapeNature)
(4) W. Dreyer (DWS)

E-mail: kakale@enviropart.co.za
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

Eliminate unsafe routes
Existing unsafe alternate maintenance route to be closed off to the public.

Facilitate pedestrian access to the park - Eliminate Vehicular Access
Access from minor routes should be paved to highlight the park extent. These minor entrances will also have barriers installed, to limit vehicular access to dumping in the wetland. Heavy seating would be used as barriers for vehicles.

Route through wetlands
Access across the wetland would be accommodated using stepping slabs that would also accommodate universal access and allow water to flow through.

Play and Community
The play area would accommodate equipment for the various user ages. This would be held by a seating wall which would form an edge between the wetland and the community space. The form of the space would allow for additional events and could be used as an amphitheatre. The play area is planned to raise above the ground level and form a beacon in the community, where the child is at the highest point.

Retain agriculture connection
See-through fencing would be retained along the south end of the park to retain a green visual link of the wetland park. A minor pedestrian path would be formalised along the edge to provide alternative routes along the path.



Entrance
Moved route along existing pedestrian dirt path. This would be maintained since it forms the highest walkable area of the park. Entrance would be defined by a gateway sign and paving that extends up to the pavement edge. The pedestrian route would be well lit with street lighting. The entrance may be ramped to further define the entrance and assist with mitigating the existing level change.

Materials
Robust hard wearing materials would be used in the palette as well as natural materials wherever possible. The site is rich in river stone which will be used to build up the play mounds and could be used as a base in the stepping slabs and be inserted in the pedestrian route. We see the pedestrian route material to be concrete and exposed aggregate panels with polished concrete elements used for seating and as a comb.

Market and Environment
Shade trees added along the route. A grassed area is planned for sitting and additional play with trees for shade along the proposed market accommodation area. A mini tick-a-bout area would be defined within the park area.

School entrance
The access from the servitude is the main entrance used by school children and is being used as an urban agriculture farm and used for manufacture of pots/structures by the community. These are planned to be integrated into the design and accommodated in the same area.



ASANDA VILLAGE WETLAND PARK
CONCEPTUAL PLAN OPTION 1

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated October 2020, the BAR dated November 2020, the EMPr submitted together with the BAR on 30 November 2020 and the additional information received on 31 March 2021;
- 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 2020.

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

1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties;
- fixing notices at the site where the listed activities are to be undertaken;
- the placing of a newspaper advertisement in the "Distrikpos" on 27 August 2020;
- distribution of written notices to Interested and Affected Parties;
- 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;
- the open house meeting held by the City of Cape Town, the proponent, on 3 October 2020; and
- making BAR and all relevant information available to Interested and Affected Parties for public review and comment from 2 September 2020 to 5 October 2020.

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

2. Alternatives

Alternative 1 (Preferred and herewith authorised)

The proposed development entails the establishment of a wetland park around the Asanda Wetland by rehabilitating the wetland and developing community amenities including a walkway and recreational area.

The proposal is comprised of the following components:

- i. a community vegetable garden: 340m²;
- ii. an amphitheatre: 318.75m²;
- iii. a "kick-about" area / Mini soccer field: 502.3m²;
- iv. a pedestrian crossing across the wetland: 262.5m²; and
- v. a pedestrian pathway linking from N2 Highway: 1677.2m².

The stormwater management interventions will include *inter alia*, the following components:

- i. a sediment trap: 500mm deep downstream of the N2 (T2) highway at the outlet from the eastern culvert 64.5m; and
- ii. a stormwater channel: excavation of a 67.5m long stormwater channel through the eastern part of the channel from the N2 highway in a north-south direction. Amorflex will be used to line the

base and the lower side slopes of the excavated channel with the base of the channel being 680mm wide;

- iii. gentle shallowing of the channel to a point where it coincides with the ground level to guide the dissipation of flow into the surrounding wetland;
- iv. the construction of a 2m wide gabion weir comprising of 0.5m gabion baskets set at various levels, across the larger width of the wetland.
- v. The capacity of the existing seasonal pool in the southeastern corner of the wetland would be increased to allow for up to 24-hour retention of the 1:50 year flood – this would be enabled by:
 - Repair of the outlet system within the wetland, by demolishing and removing the existing headwall; clearing out waste from the outlet; and construction of a sediment/litter trap above the inlet structure, using concrete instead of the previous gabion walls.
 - Construction of a 0.5 m high berm around the southern and eastern sides of the seasonal pool. The berm will be shaped to a 1:3 slope and covered with biojute or similar.

This alternative is preferred as it incorporates technology alternatives such as lighting along the raised walkway/bridge which has been designed to decrease illumination levels within the wetland area. The type of lighting and the placement will be in a manner that reduces any potential light pollution. For example, where illumination is necessary, concealed lights will be used where possible. At access points such as entrance points, low-level light will be implemented. These will be fitted with reflectors to avoid light spillage onto the wetland and glare will be reduced by using appropriate technology. In addition to this, based on the feedback from I&APs, this alternative incorporates the formalisation of an existing multipurpose court to be developed on the eastern edge of the wetland which does encroach on approximately 438 m² of the wetland. The multi-purpose court will be lined with Astroturf or laterite and edged with seating walls and/or concrete edging.

Alternative 2

This alternative is not preferred as design layout does not incorporate the upgrade of the multipurpose court and the light reducing technology alternatives.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain, the wetland would remain unrehabilitated and the current stormwater problems experienced in the vicinity of the N2 will not be remediated. This alternative is not preferred as it does not allow for optimal use of the wetland on the site. Should the No-Go Alternative be authorised, the dumping and damage to the area that is currently occurring will likely continue.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposal is to develop a wetland park around the Asanda Wetland that will see to enhancement and improvement of the precinct by rehabilitating the wetland and developing community amenities including a walkway and kick-about area. Stormwater interventions will also form part of the proposal. Thus, the impacts on ecological integrity will be twofold as the increased community use of the wetland will pose a threat to ecological integrity while the rehabilitation and management of the wetland area, as recommended by the freshwater specialist, has the potential to positively impact ecological integrity. The proposed development is in line with the City of Cape Town Helderberg District Plan, dated 2012. The District Plan serves as the Environmental Management Framework ("EMF") for the Helderberg District area. The proposed development responds to the objectives of the EMF by increasing and improving the ecological services available to the local community as well as the social and cultural provision of the area.

3.2 Botanical Impacts

Historically, the site is mapped to comprise of the Critically Endangered Lourensford Alluvium Fynbos and Cape Flats Sand Fynbos ecosystems. However, according to the Botanical Statement compiled by Paul Emms from Capensis Botanical Services dated 11 August 2020, the site contains species of conservation concern viz. *Isoetes capensis* and *Pauridia aquatic*. A search and rescue operation will be undertaken by suitably qualified specialist prior to the commencement of construction activities. This requirement has been incorporated in the EMPr. Should *Isoetes capensis* be located on site, the *in situ* protection thereof must be prioritised and the area should be demarcated as a no-go area.

3.3 Freshwater Impacts

The proposed development lies adjacent to an extensive wetland area which forms part of the Soet River catchment. Based on the findings of the specialist aquatic ecologist report dated March 2020 and compiled by Dr Liz Day from Liz Day Consulting, the wetlands have been increasingly impacted upon through infilling, pollution with changes in flow. The impact of wetland degradation, which could affect almost the whole wetland area, is considered of at least medium negative significance. With strict adherence to the required mitigation measures, including meeting the requirements for ongoing auditing, monitoring and response interventions, the potential impacts can be mitigated to achieve a moderate to low impact significance rating. The recommended mitigation measures provided by the freshwater specialist have been included in the EMPr. Furthermore, the rehabilitation of the Asanda Wetland forms a component of a General Authorisation issued by the Department of Water and Sanitation in terms of the National Water Act, 1998 (Act 38 of 1998). A MMP will be compiled prior to completion of construction activities to address the long term maintenance of the wetland and stormwater infrastructure.

3.4 Stormwater management

The proposed development includes the upgrade of stormwater abatement infrastructure to address the poor drainage currently occurring below the N2 (T2) highway. A stormwater management plan has been submitted with the EMPr, which will be submitted for comment to the City of Cape Town's Catchment, Stormwater and River Management Department.

3.5 Dust, Noise and emissions

Construction activities (mainly site clearing and soil excavation) will generate noise and associated volumes of dust during weekly construction hours. Furthermore, construction equipment will temporarily alter the sense of place locally, although this is mitigated to a certain extent by the proximity of the site to roads which accommodate high traffic volumes throughout the day. Furthermore, the EMPr includes dust control measures that should be implemented on the perimeter of the site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Loss of sections of the wetland on the site due to encroachment of aspects of the development;
- Impact on the wetland due to increased foot traffic in the vicinity of the wetland; and
- Temporary dust and noise impacts during the construction phase of the proposed development.

Positive impacts:

- Rehabilitation of the wetland area;
- Improvement in the stormwater management of the area;
- Safer access to the N2 (T2) for the Asanda residents and increased safety for pedestrians; and
- Formalised recreational facilities for community use.

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.”*

—————END—————