



REFERENCE: 16/3/3/5/A5/20/2012/22
NEAS REFERENCE: WCP/EIA/AMEND/0000596/2022
DATE OF ISSUE: 29 September 2022

The Board of Directors
Balwin Properties Limited
Paardevelei Rising, 1st Floor
12 Gardner Williams Avenue
Paardevelei
SOMERSET WEST
7130

Attention: Mr. Renier Schoeman

E-mail: reniers@balwin.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 2 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 03 JANUARY 2012 (REFERENCED: E12/2/3/2-A6/126-0416/07), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 03 JUNE 2016 (REFERENCED: 16/3/3/5/A5/20/2019/16-B), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 31 MARCH 2017 (REFERENCED: 16/3/3/5/A5/20/2096/16) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 19 APRIL 2021 (REFERENCED: 16/3/3/5/A5/20/2008/21-B): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERVEN 71 AND 81; REMAINDER OF ERF 1, BURGUNDY; PORTION 3 OF FARM NO. 205 AND PORTION 14 OF FARM NO. 205 (FORMERLY AREAS G AND H ON A PORTION OF ERF 1, ATLANTIC HILLS), DURBANVILLE.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties 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 procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. Kim Williams (Doug Jeffery Environmental Consultants (Pty) Ltd.)
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town)

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REFERENCE: 16/3/3/5/A5/20/2012/22
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AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 2 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 03 JANUARY 2012 (REFERENCED: E12/2/3/2-A6/126-0416/07), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 03 JUNE 2016 (REFERENCED: 16/3/3/5/A5/20/2019/16-B), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 31 MARCH 2017 (REFERENCED: 16/3/3/5/A5/20/2096/16) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 19 APRIL 2021 (REFERENCED: 16/3/3/5/A5/20/2008/21-B) FOR THE PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERVEN 71 AND 81; REMAINDER OF ERF 1, BURGUNDY; PORTION 3 OF FARM NO. 205 AND PORTION 14 OF FARM NO. 205 (FORMERLY AREAS G AND H ON A PORTION OF ERF 1, ATLANTIC HILLS), DURBANVILLE.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the amended Environmental Authorisation issued on 19 April 2021 (EIA Reference Number: 16/3/3/5/A5/20/2008/21-B).

AMENDMENT BACKGROUND

In 2012, an Environmental Authorisation (EIA Reference Number: E12/2/3/2-A6/125-0416/07) was granted for a mixed-use development on Portion of the Remainder of Farm Lelievalei No. 22 and a Portion of Farm Mellish No. 205, Durbanville. Through a series of three subsequent amendments (2016, 2017 and 2021) and their associated Environmental Authorisations, the Environmental Authorisation was split into two portions with two applicants as follows:

- Abland (Pty) Ltd., will remain the Environmental Authorisation Holder. No changes to the development approved in Areas A to F were applied for. The only change to this Environmental Authorisation was the description to accommodate the removal of Areas G and H from the Environmental Authorisation.
- Through the 2021 Amendment process, Balwin Properties Limited became the authorisation holder for these portions, and changed the approved land use of

commercial and retail to mixed use (which includes residential). This allowed for the development of 415 residential units and associated lifestyle centre on areas G and H.

The development description under Section A of the amended Environmental Authorisation issued on 19 April 2021 reads as follows:

"The proposed development entails the establishment of a residential precinct of 415 residential units and associated lifestyle centre of approximately 6.3477ha on Areas G and H on a Portion of Erf 1 Atlantic Hills, Durbanville.

A plan labelled "Site Plan of Environmental Authorisation for a portion of the property formally known as Erf 1 Atlantic Hills, Durbanville" depicts the proposed residential precinct on Areas G and H on a Portion of Erf 1 Atlantic Hills, Durbanville".

**Site Plan of Environmental Authorisation
for a portion of the property formally known as Erf 1 Atlantic Hills, Durbanville
(residential development)**



Co-ordinates:
33°49'16.71"S
18°33'11.48"E

Legend
Extent of EA 2

0 100 200 m



This is herewith replaced with the following:

The proposed development entails the establishment of a mixed-use development on Erven 71 (previously known as Portion 1 of Farm No. 211) and 81 (previously known as Remainder of Farm No. 211); Remainder of Erf 1, Burgundy; Portion 3 of Farm No. 205 and Portion 14 of Farm No. 205 (formerly Areas G and H on a Portion of Erf 1, Atlantic Hills), Durbanville, as follows:

- Approximately 1354 residential units, a lifestyle centre and Montessori School; and
- An area of approximately 0.26ha of very high botanical sensitivity (located on Portion 3 of Farm No. 205) which will be included as part of the adjacent Welbeloond Conservation Area.

The development footprint will be approximately 15.94ha. The proposed development will be as follows:

Residential component:

The proposed residential component will comprise of approximately 1354 residential opportunities. 95 blocks will be established, each comprising of 14 units with an additional 24 residential units in the lifestyle centre.

Lifestyle centre and school:

The lifestyle centre will include a Montessori School, which will be situated on the lower ground level of the lifestyle centre. The lifestyle centre will include a restaurant, spa and gym. Provision will also be made for a playground area for children and a soccer field.

Parking:

Approximately 2252 parking bays will be provided, which includes approximately 23 designated disabled parking bays.

Access and roadways:

The main access to the site will be a left-in, left-out access off Giel Basson Drive. Access from Giel Basson Drive has already been constructed as the main access to the site. Boom access will be via a gatehouse. Three entrance lanes and two exit lanes will be constructed and a pedestrian gate will be located adjacent to the gatehouse.

The secondary access will be a north-south roadway which will meet the primary access road. The secondary access will be from Welbeloond Road adjacent to the petrol station site and will be for residents only. This will also be the emergency exit. Two entrance lanes and one exit lane will also be provided. A guardhouse will be located at the secondary access. The refuse collection area will be adjacent to the northern access and a 24.6m turning circulation space will be provided for refuse trucks.

Civil services:

- 734 units will connect directly to the existing sewer system via the Atlantic Hills Pump Station situated adjacent to the N7.
- A 150 kilolitre per day black water treatment plant will be established for the remaining 620 units.
- Some of the treated effluent will be used for the flushing of toilets, some for use in the drip irrigation system for the landscaped areas, and the remaining treated effluent will be discharged into the storm water system on the site.
- During the summer, 20 kilolitres or more of the treated effluent will be recirculated for drip irrigation than in winter.

The on-site Waste Water Treatment Works ("WWTW") will allow for the development of the additional 939 units prior to the upgrade of the Potsdam WWTW being completed. The on-site plant will remain operational even when the upgrades to the Potsdam WWTW are completed. Only emergency overflow will connect to the existing infrastructure.

Electricity will be supplied from Eskom's Sycamore switching station via the Atlantic Hills Ring D 11kV network located along Giel Basson Drive. A substation will be established along Giel Basson Drive's erf boundary which will house the Eskom 11kV bulk supply equipment. An internal 11kV underground cable network will be established from the substation. The internal reticulation will be installed in the road reserve. The operation and maintenance of the internal (private) reticulation services will be the responsibility of the Home Owners Association.

Storm water management:

- A maximum volume of 3589m³ will be required to attenuate the 1:50 year storm event for the entire development, with the post development discharge not exceeding 676 litres per second.
- The authorised 415 units require a total attenuation capacity of 1406m³. This will be via the existing storm water network within the Atlantic Hills storm water attenuation system.
- The additional 939 units will require a total attenuation capacity of 2184m³. To accommodate the storage requirement, two retention ponds will be established south of the site. According to the Storm Water Management Plan, attenuation zone 1 will have a volume of 1195m³, and attenuation zone 2 will have a volume of 1325m³. The combined volume of the two retention ponds will be 2520m³ which will provide sufficient attenuation capabilities for the additional units.
- The discharge will be via a controlled outlet structure before being discharged at the pre-development rate of 676 litres per second or less into the existing storm water system.
- The internal storm water reticulation system will provide for all landscaped areas and landscaped gardens to act as additional sustainable urban drainage systems. This will further assist with storm water management, which will reduce the impact of storm water discharge into the municipal system and the entire Atlantic Hills development.

The WWTW will be connected to a back-up generator, with an emergency connection to the municipal infrastructure. Pumps will be installed which will continue to operate in the event of a malfunction. Furthermore, a warning system will be installed within the plant to alert in the event of a blockage. In the event of an overflow, the sewage will connect to the City of Cape Town's sewer network. However, this will only be during an emergency situation.

Open spaces and landscaping:

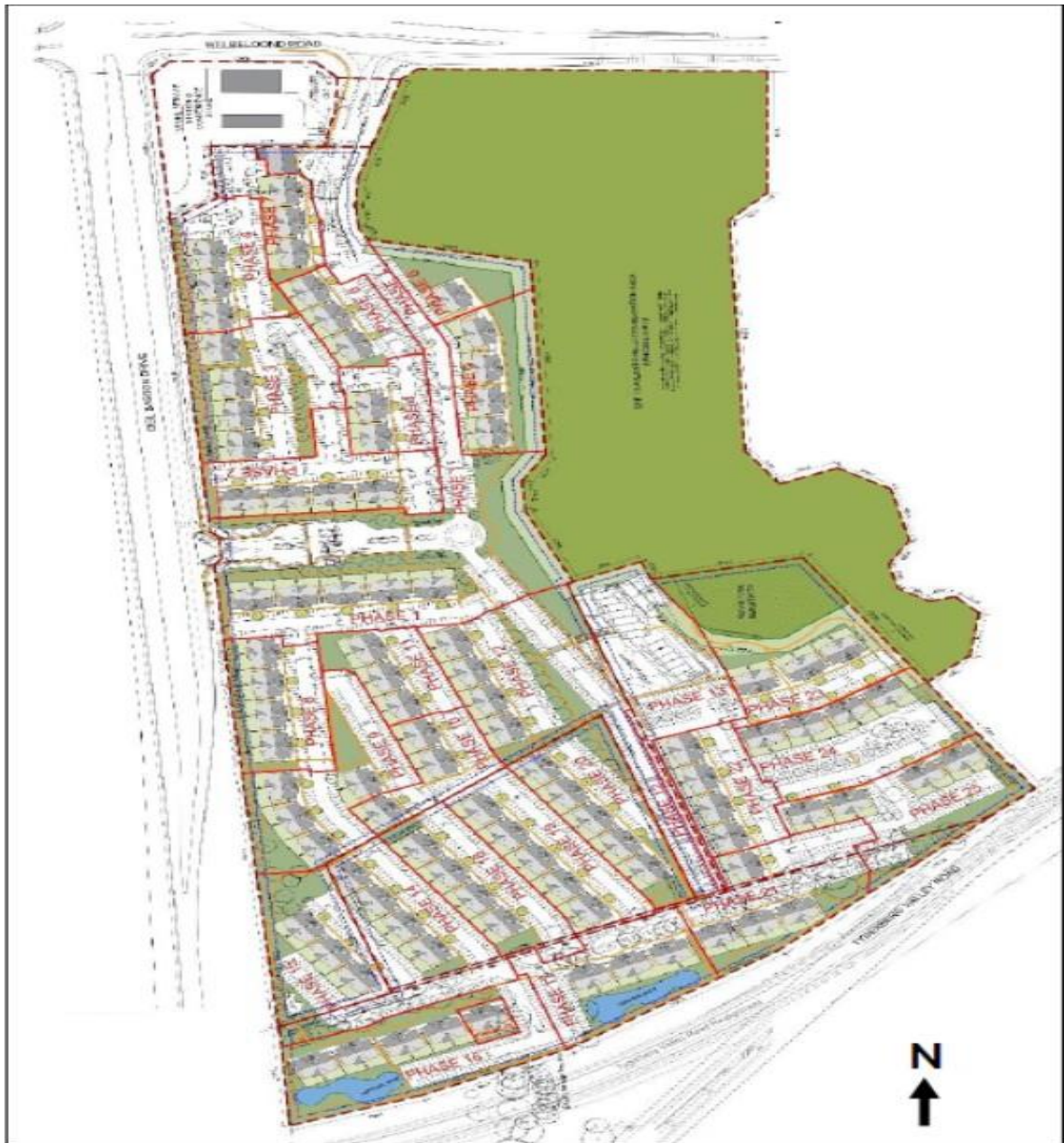
The open space network will include tree lined streets, pedestrian connecting routes and pocket parks. The streets will be designed to incorporate open spaces not just for vehicular movement and parking. Any area that will not developed will be included into the open space network and will be landscaped with trees and/or plants. Two attenuation ponds will be included in the open space network, located along the southern boundary of the site.

The existing *Eucalyptus* tree lane at the southern extent of the site will be retained. The landscape plan also considers the Atlantic Hills Business Park Master Landscaping Plan which requires exterior trees to be planted at 10m spacing. The *Eucalyptus* trees on the southern portion of the site along the existing Morris Shell Drive and Donald's Drive will be

retained. Several primary pedestrian routes will connect the main components of the open space network with one another.

A sports field will be established adjacent to the lifestyle centre within the 10m environmental buffer between the development and the Welbeloond Conservation Area. The buffer area does not contain sensitive vegetation and the botanical specialist has confirmed that the soccer field within the 10m buffer area is acceptable. Walkways will also be established in the buffer area, but not in the Conservation Area. A clearvu fence will be established along the boundary of the Welbeloond Conservation Area. Any fire risk with respect to damage to the soccer field will be the responsibility of the holder.

Proposed site development plan:



Paragraph 6 (project location) under Section A of the amended Environmental Authorisation issued on 19 April 2021 reads as follows:

"The holder of this amended Environmental Authorisation is authorised to undertake the proposed residential precinct on Areas G and H on a Portion of Erf 1 Atlantic Hills, Durbanville.

Co-ordinates:

Latitude: 33° 49' 18.95" S

Longitude: 18° 33' 13.00" E"

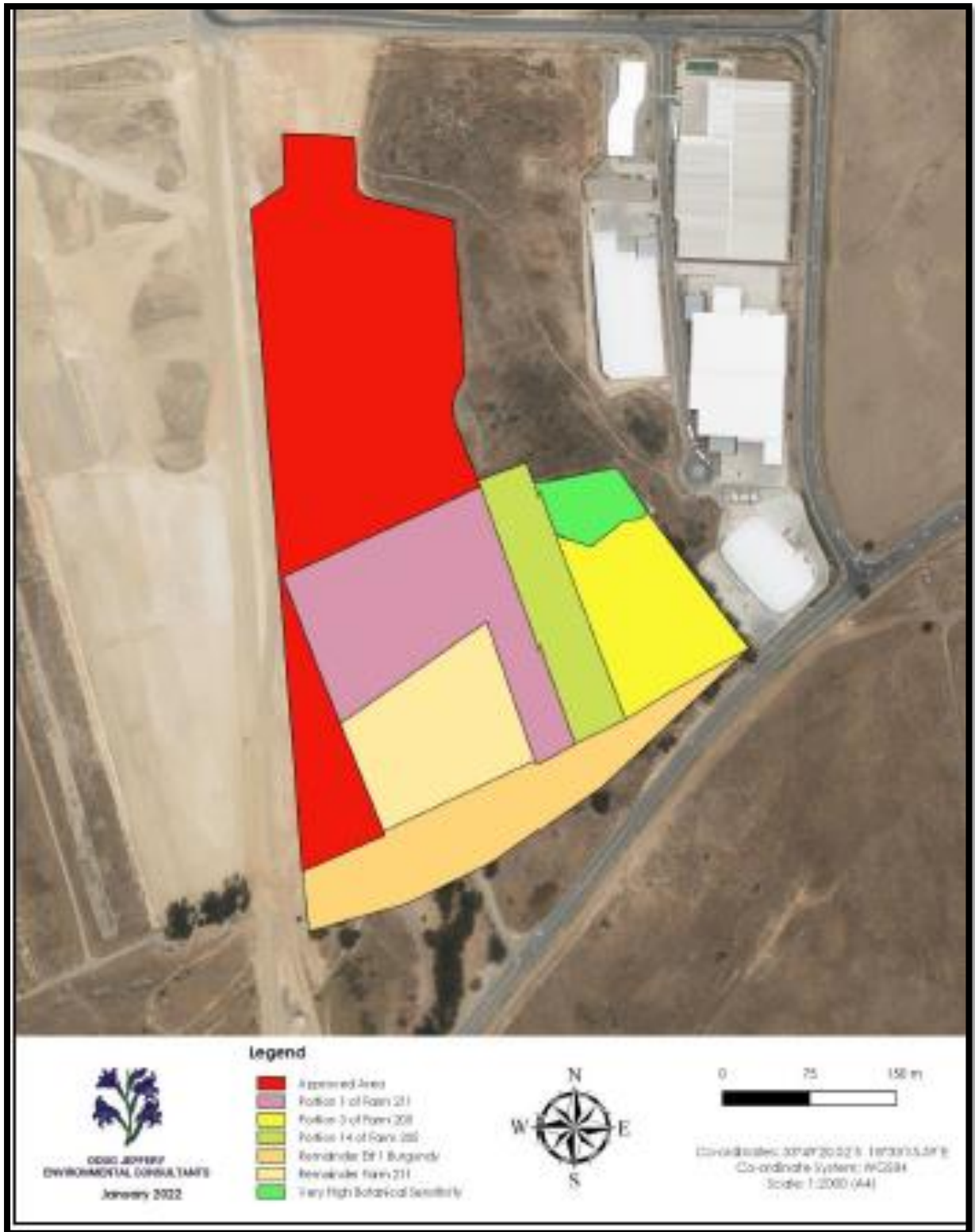
This is herewith replaced with the following:

The proposed mixed-use development will be located on the following properties:

- Erf 71;
- Erf 81;
- Remainder of Erf 1, Burgundy;
- Portion 3 of Farm No. 205; and
- Portion 14 of Farm No. 205.

Property name	Co-ordinates		SG 21 digit code
	Latitude	Longitude	
Erf 71	33° 49' 18.41" S	18° 33' 13.08" E	C01600850000007100000
Erf 81	33° 49' 24.20" S	18° 33' 15.67" E	C01600850000008100000
Portion 3 of Farm No. 205	33° 49' 22.13" S	18° 33' 22.47" E	C01600000000020500003
Portion 14 of Farm No. 205	33° 49' 21.22" S	18° 33' 18.55" E	C01600000000020500014
Remainder of Erf 1, Burgundy	33° 49' 28.66" S	18° 33' 15.17" E	C01600820000000100000

Locality map:



B. 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 the competent authority via electronic mail correspondence on 04 March 2022; and the final Amendment Report dated June 2022, as received by the competent authority via electronic mail correspondence on 17 June 2022.
- (b) The application is for a substantive amendment to the amended Environmental Authorisation issued on 19 April 2021 in terms of the EIA Regulations, 2014 (as amended).
- (c) The following land use changes have been effected:
 - Area G and Area H of portion of Erf 1, Atlantic Hills was subdivided and registered as Erf 41 (Area G) and Erf 42 (Area H), respectively.
 - Erven 41 and 42 and Portion 1 of Cape Farm No. 211 were consolidated and subdivided on 21 August 2020 to become Erf 60, Atlantic Hills.
 - The consolidated Erf 60, Atlantic Hills, was further subdivided to create Unregistered erven 60 to 65.
 - Unregistered Erven 62 and 63 and Portion 1 of Farm 211 were consolidated to form the new Erf 71.
 - Erf 81 was formerly referred to as Remainder of Farm 211.
 - Remainder Erf 1, Burgundy, Portion 3 of Farm No. 205 and Portion 14 of Farm No. 205 remain unchanged.
- (d) No significant negative impacts are expected due to the amendment of the original development proposal. This can be justified as follows:
 - i. The amendment applied for is to amend the development proposal by including additional erven.
 - ii. The proposed development will allow for more residential opportunities.
 - iii. The proposed development will accommodate an inclusive range of housing typologies and levels of affordability, thereby making the units more accessible to a wider range of the market.
 - iv. The total number of dwelling units will therefore increase from 415 to 1354.

Agricultural impacts:

A Site Sensitivity Verification and Agricultural Compliance Statement dated 26 January 2021, was compiled by Johann Lanz to assess the potential agricultural impacts associated with the proposed development. According to the Compliance Statement, the high sensitivity area was last cultivated in 2009, and can therefore no longer be classified as cultivated. The entire site is of low sensitivity for agriculture, due to its designation for urban development. The proposed development will not have an unacceptable negative impact on the agricultural production capability of the site.

Botanical impacts:

A Terrestrial Biodiversity Impact Assessment Report dated 16 February 2021, was compiled by Nick Helme Botanical Surveys, to assess the potential botanical impacts associated with the proposed development.

There are no rocky outcrops on the site, except on Portion 3 of Farm No. 205, where there is some exposed shale. There is also no natural surface water, except for various excavated dams and ponds, particularly on Remainder Farm No. 211 and Portion 3 of Farm No. 205. The northern 40% of the site has been heavily disturbed and flattened by heavy machinery in the last few years, whereas the erven to the east are largely residential, with equestrian and restaurant components.

The City of Cape Town's Biodiversity Network does not indicate any Critical Biodiversity Areas or other priority conservation planning categories on the site.

About 95% of the site is degraded or completely transformed in the form of cleared land, dwellings, carparks, lawns, roads, soil dumps or previously cultivated and now fallow patches of land. These areas are of low botanical conservation value and have a low diversity of indigenous plants, dominated by weedy indigenous and alien species, plus cultivated hedges and avenues and gardens. The recently cleared land in the northern part of the site has no vegetation at all. The fallow areas in the south are dominated by weedy, alien herbs and grasses, such as ribwort plantain, Patterson's curse, ryegrass, riggut brome and oats.

A manmade pond area is located in the south-eastern corner of Portion 3 of Farm No. 205, and a manmade dam on Remainder of Farm No. 211. The dam is surrounded by alien invasive kikuyu grass, but supports indigenous *Typha capensis* in its centre.

The northern part of Portion 3 of Farm No. 205 (approximately 0.26ha) is of very high botanical sensitivity, as it supports intact Swartland Shale Renosterveld. This patch occurs on thin, never cultivated rocky, clay soils, and supports a wide diversity of indigenous species, including at least four plant species of conservation concern. The species of conservation concern include *Muraltia trinervia*, *Lampranthus sociorum*, *Drosanthemum striatum* and *Otholobium bolusii*.

The site fauna is unexceptional, and is largely reflective of the heavily degraded vegetation on most of the site. Various common and widespread birds occur on the site. The total bird diversity likely consists of about 100 species, with only 10-20 being resident.

Frog species likely to be present in both the excavated ponds include the widespread Clicking Stream Frog, and possibly Painted Reed Frog (on reeds), Raucous Toad (on edges) and Cape River Frog. There may be substantial numbers of *Strongylopus* in the large dam.

Reptiles are not likely to be resident, although occasional mole snake and Cape Cobra may cross the site or visit to hunt the rodents and frogs on site. Some fossorial (underground) species may be present, such as Common Burrowing Skinks, but these are only likely to become evident during soil disturbance, when they are excavated.

The only indigenous small mammals likely to be resident are striped field mouse and sand turrets of molerat. Alien rats may be present, especially in and around the horse stables.

The faunal diversity of the site is low, and is typical of a disturbed, remnant habitat on the Cape Flats. No animal species of conservation concern occur and none are

expected to survive in the disturbed area. Faunal sensitivity is low on a regional scale, except in the ponds, which are of medium sensitivity.

The overall ecological significance of the proposed development (excluding the very high sensitivity area and including the translocation of all frogs and fauna in the two medium sensitivity ponds) will be low negative on a regional scale.

The recommended mitigation measures have been included in the Environmental Management Programme ("EMPr") and conditions of this Amended Environmental Authorisation.

Noise impacts:

A Noise Impact Assessment Report dated 18 January 2021 and a revised Noise Impact Assessment Report dated 03 May 2022, were compiled by Mackenzie Hoy Consulting Acoustics Engineers, to assess the potential noise impacts associated with the proposed development.

The site is located on raised land with the N7 to the west at approximately 650m from the site boundary, Giel Basson Drive to the north and west of the site boundary and Welbeloond Road to the north, with traffic noise being audible. Tygerberg Valley Road is situated to the south with traffic noise being audible.

The current residual noise levels do not exceed the night time values of 50dBA and day time value of 60dBA.

Construction noise will be audible during the construction period, but no more than passing vehicular traffic. The predicted noise level as measured on the site boundary, will be equal to the existing residual noise levels once the proposed development is completed.

Noise from the industrial zoned areas in the vicinity of the site may cause the noise levels to exceed the appropriate maximum rating levels for indoor ambient noise as specified in SANS 10103. The maximum allowable indoor ambient noise levels for the proposed development is 40dBA. The industrial developments in the vicinity of the site are considered to be within an "industrial district".

The proposed development will not be a "disturbing noise" in terms of the Western Cape Noise Control Regulations. The proposed development is compliant with the Western Cape Noise Control Regulations insofar as the sound levels inside the residential buildings will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103:2008.

Socio-economic impacts:

A Socio-Economic Assessment Report dated 27 May 2021, was compiled by Urban-Econ Development Economists, to assess the potential socio-economic impacts associated with the proposed development.

The proposed development will cater to the surrounding industrial/commercial nodes through the provision of residential units within proximity to work space. Furthermore, the proposed development will create an inclusive living environment through the provision of different housing typologies and levels of affordability. This will create a positive environment that will contribute to residential units that will meet the housing demand within the City of Cape Town.

The proposed development will create employment opportunities during both the construction and operational phases. Utilisation of the local labour force will alleviate the unemployed and non-economically active population in the area. The utilisation of local labour will improve income levels and standard of living will occur.

The proposed development will cater to the growing population through the provisions of facilities/services. The availability of and access to these facilities will create convenience both within and outside of the site. Moreover, there will be an increased demand for employment opportunities as well as a growing labour force which will be utilised during the construction and operational phases.

The proposed development will impact on production and Gross Domestic Product ("GDP") in a similar manner as the previously authorised development during the construction and operational phases. The proposed development will result in significant levels of production and GDP contribution within local and regional economies as a result of the operation of 1354 residential units and an educational facility.

The proposed development will result in significant levels of employment within local and regional economies. The development of an educational facility will create more skilled sustainable jobs. The proposed development will result in a higher provision of employment opportunities.

Traffic impacts:

A Transport Impact Assessment Report dated September 2021, was compiled by Trafficon, to assess the potential traffic impacts associated with the proposed development.

Access will be via two locations, *i.e.*, the primary access from Giel Basson as a left-in, left-out facility, approximately mid-way between Welbeloond Drive and the future Blauwberg Road extension, and a secondary residential only access from Welbeloond Drive, adjacent to the proposed petrol filling station. The primary gateway will consist of an access controlled facility, with three lanes in and two lanes out. The secondary access offers a two lane entrance with one lane exit.

The main gatehouse on Giel Basson Road has three lanes in and two lanes out and accommodate the anticipated peak throughput for both am and pm peak periods. The access design has a stacking distance of 24m for each of the ingress lanes at the entrance to accommodate any possible micro-peak arrivals.

The northern entrance is exclusively for residents only and will not attract a high demand of traffic. The access has two lanes in and one lane out and accommodate the anticipated peak throughput for both am and pm peak periods. The access design has a 12m stacking space for each of the ingress lanes. The refuse collection area will be located adjacent to the northern access with a right of way servitude registered to the City of Cape Town.

According to the traffic modelling done, there is adequate capacity for both entering and exiting traffic, with no impact on the external road network. The existing scenario indicates excellent peak hour operational performance for all the intersections analysed (average intersection Level of Service D or better). The five-year post development assessment scenario includes the existing traffic scenario with background traffic growth of 3% per annum.

The future scenario indicates acceptable peak hour operational performance for all intersections apart from Giel Basson/Tygervalley Road, which operates at a Level of Service E for the am peak period. With the implementation of mitigation measures, i.e., the localised widening on Giel Basson Road to allow for two through lanes at Giel Basson/Tygervalley Road intersection, an acceptable peak hour operational performance will be achieved with the Level of Service improved from E to D.

The site is located within a standard parking zone area, and will provide a total of 2255 parking bays for the various land uses.

Aside from a future MyCiti Bus Service, there are no public transport services in the area. The road networks surrounding the development have, however, been upgraded to include pedestrian walkways and cycling lanes.

Visual impacts:

A Visual Impact Assessment Report dated January 2022, was compiled by Megan Anderson Landscape Architect, to assess the potential visual impacts associated with the proposed development.

The northern section of the site has been terraced for development, forming large flat areas, elevated above Giel Basson Road. The eastern edge is a high steep cut slope and the southern section is currently small holdings. The southeastern area is now elevated above the northern section of the site due to the extensive earthworks to create platforming. The homesteads are well shaded by large, predominantly exotic trees and are protected behind tall, solid walls. The westernmost property, a restaurant, pub and pre-school, is located at the foot of the hill and is therefore lower lying. The adjacent recently created platforms have been elevated above the existing ground level forming a highly visible barrier to the west of this property.

The Renosterveld Conservation Area borders the site to the east and is for the most part elevated above the northern section of the site. The old avenue of *Eucalyptus* trees south of the small holdings is a significant landscape feature.

The scenic resources of the site and its surrounds can be described as urban, industrial and rural and are rated moderate to high.

The view catchment area of the site is dictated primarily by topography. The site is located on the west facing foothills of the Durbanville Hills and will be seen from areas to the west, southwest and northwest. A koppie and its associated ridgelines to the south will limit the viewshed line to approximately 2.5km. The viewshed is greatest to the north and northwest where it can reach up to 6km. The proposed development will have a high to moderate exposure.

Existing and future industrial developments, landforms and large trees will result in the zone of visual influence being limited to the adjacent areas and a limited section of the rural landscape to the east. From the north, the conservancy ridgeline and newly built industrial building to the northwest will screen the site. From the west, future industrial buildings will screen the proposed development, limiting views to the Giel Basson Extension corridor. From the south, the large trees will screen most of the development, although the southern buildings will be seen from up to 1km, particularly from the southeast elevated hills. From the east, ridgelines, industrial buildings and large trees will reduce the zone of visual influence to less than 1km.

Giel Basson Road, Welbeloond Road, Tygerberg Valley Road and the N7 are the view corridors from which the site will be viewed. The site is currently elevated by approximately 5m above Giel Basson Road. When immediately adjacent to the site, only the embankment, which will be landscaped, will be seen. Landscaping along Giel Basson Road (trees already planted) and along the boundary will screen the views of the proposed development.

Views from Tygerberg Valley Road will be that of the southernmost apartment blocks which are south of the *Eucalyptus* Avenue, therefore the road will not be screened by the trees. The trees will be a backdrop to the apartment blocks and will provide some enclosure. There are some other *Eucalyptus* trees to the south of these trees which, together with proposed landscaping, will partially screen the blocks from this view corridor.

A very short section of Welbeloond Road passes the site to the north. The property on the corner of Welbeloond and Giel Basson Roads will provide some screening from Welbeloond Road. The N7 is located to the west of the site and is 1km at its closest point to the site. The proposed development will be seen for approximately 1km to 2km, but will in time be screened by future industrial development and by the site.

A number of features on the site render the site highly visually sensitive, including:

- The elevated area in the southeastern corner, which is the remnant of a lower lying ridgeline. Development in this area will be highly visible from the surrounding areas;
- The steep cut slopes along the eastern and northeastern areas. Development will require cut and fill activity which will be highly visible;
- The adjacent Atlantic Hills Conservation Area is visually sensitive as it provides a sense of place and the aesthetics are highly prized; and
- The old *Eucalyptus* avenues and windbreaks to the southern portion of the site.

The areas along the eastern boundary of the site (steep slopes and Conservation Area), the elevated southeastern corner that is visible from a scenic route, and the old *Eucalyptus* Avenues and windbreaks, are highly visually sensitive.

The proposed development will have a low to moderate visual intrusion in the landscape. The proposed development will partially fit into the surrounding area, blending in with the southern residential development, but will be noticeable from the adjacent industrial landscape and rural landscape.

Whilst the proposed development will change parts of the site's visual character from a predominantly rural area to a built site, the layout, architectural style and landscaping will result in the direct impacts being reduced.

The scale and extent of the buildings, roads and parking areas as well as green spaces, will ensure that the direct visual impacts are minimised and the high density development being visually positive. With the implementation of mitigation measures the anticipated visual impacts of the proposed development will be kept to within acceptable levels.

- (e) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.

- (f) No new listed activities are triggered by the proposed development and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels. The listed activities authorised in the Environmental Authorisation (EIA Reference Number: E12/2/3/2-A6/126-0416/07), which was replaced by the amended Environmental Authorisation issued on 03 June 2016 (EIA Reference Number: 16/3/3/5/A5/20/2019/16-B), are similarly listed in terms of the EIA Regulations, 2014 (as amended) as follows:

Listing Notice 1 of the EIA Regulations, 2014 (as amended):

Activity 28:

“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or*
- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;*

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes”.

Listing Notice 2 of the EIA Regulations, 2014 (as amended):

Activity 15:

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

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

Activity 27:

“The development of a road –

- (iii) with a reserve wider than 30 metres; or*
- (iv) catering for more than one lane of traffic in both directions;*

but excluding a road -

- (a) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies;*
- (b) which is 1 kilometre or shorter; or*
- (c) where the entire road falls within an urban area”.*

Listing Notice 3 of the EIA Regulations, 2014 (as amended):

Activity 12:

“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. *Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;*
 - ii. *Within critical biodiversity areas identified in bioregional plans;*
 - iii. *Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;*
 - iv. *On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or*
 - v. *On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".*
- (g) The conditions contained in the amended Environmental Authorisation issued on 03 June 2016 remain unchanged and in force.
- (h) A Public Participation Process was conducted for the amendment application, which comprised of the following:
- Site notices were placed along the boundary and at the entrance to the site;
 - Notices were also placed at the Checkers De Grendel notice board;
 - An advertisement was placed in the "Tygerburger" newspaper on 09 March 2022;
 - E-mails were sent on 08 March 2022 to registered I&APs to inform them of the availability of the draft Amendment Report;
 - The Executive Summary was made available via e-mail on 08 March 2022;
 - The draft Amendment Report was placed on the website of Doug Jeffery Environmental Consultants from 09 March 2022 until 11 April 2022; and
 - The draft Amendment Report was made available for comment from 09 March 2022 until 11 April 2022.

At the end of the commenting period, comments were received. The competent authority is satisfied that the comments that were received were adequately responded to.

Authority Consultation:

The following authorities were consulted:

- CapeNature;
- Heritage Western Cape;
- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Waste Management;
- DEA&DP Directorate: Pollution and Chemicals Management;
- Western Cape Department of Transport and Public Works;
- Department of Water and Sanitation; and
- Various departments within the City of Cape Town.

C. CONDITIONS

1. The applicant 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;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 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);
 - 1.3 draw the attention of all registered I&APs 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 Environmental Authorisation,
 - 1.4.2 name of the responsible person for this Environmental Authorisation,
 - 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,
 - 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 0.26ha mapped area of very high botanical and ecological sensitivity must be formally conserved and managed in perpetuity, as part of the adjacent Welbeloond Conservation Area, with the intervening wall being removed. If the current management of the Welbeloond Conservation Area requires a funding contribution (once off or ongoing) for the management of the Conservation Area, this must be provided by the holder.
3. The area of approximately 0.26ha of very high botanical sensitivity, which will be included as part of the adjacent Welbeloond Conservation Area, must undergo a prescribed burn prior to development of the site, and the burn must be undertaken in autumn (March).
4. A search and rescue of any evident tadpoles, frogs and other evident mammals and reptiles must be undertaken from the two ponds of medium faunal sensitivity, prior to the commencement of construction activities. This must be undertaken at the applicant's expense by an experienced and qualified team, and the specimens must be translocated to a receiving site approved by the City of Cape Town: Environmental Management Department.
5. The following recommendations provided in the Visual Impact Assessment Report dated January 2022, and compiled by Megan Anderson Landscape Architect, as included in the final Amendment Report, must be implemented:
 - 5.1 Light pollution and spillage must be minimised and spotlights are not allowed.

- 5.2 Up-lighting on buildings must be limited to the entrance gates and at the signage.
 - 5.3 Lighting in areas adjacent to the Welbeloond Conservation Area must be minimised not to impact on the sense of place of the Conservation Area.
 - 5.4 The landscape architects and architects must provide the Home Owners Association with an Operational Plan that clearly states their obligations in terms of ongoing maintenance of buildings and landscaping, including the ongoing maintenance of the *Eucalyptus* avenue and windrow, such that the maintenance actions comply with the architectural and landscaping plans provided for in the Visual Impact Assessment.
6. The EMPr dated June 2022 (Addendum to the 2017 approved EMPr), is herewith approved and must be implemented.

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

By post: Attention: Mr. 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 also 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 Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 29 SEPTEMBER 2022

CC: (1) Ms. Kim Williams (Doug Jeffery Environmental Consultants (Pty) Ltd.) E-mail: kim@dougjeff.co.za
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town) E-mail: sonja.warnichstemmet@capetown.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/5/A5/20/2012/22
NEAS EIA REFERENCE NUMBER: WCP/EIA/AMEND/0000596/2022