



REFERENCE: 16/3/3/5/A3/54/2008/23
NEAS REFERENCE: WCP/EIA/AMEND/0000721/2023
DATE OF ISSUE: 29 September 2023

The Board of Directors
Annandale Road Properties (Pty) Ltd.
P.O. Box 2479
SOMERSET WEST
7129

Attention: Mr. Nicholas Horwood

E-mail: njehorwood@mweb.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 04 MAY 2018 (REFERENCED: 16/3/3/1/A3/54/2046/17): PROPOSED ESTABLISHMENT OF THE SOMER FOREST RESIDENTIAL ESTATE AND ASSOCIATED INFRASTRUCTURE ON ERF 7075, REMAINDER OF ERF NO. 7078 AND ERVEN 7079, 7083, 7725 AND 10536, SOMERSET WEST.

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) Mr. Doug Jeffery (Doug Jeffery Environmental Consultants)
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: doug@dougjeff.co.za
E-mail: azanne.vanwyk@capetown.gov.za



REFERENCE: 16/3/3/5/A3/54/2008/23
NEAS REFERENCE: WCP/EIA/AMEND/0000721/2023
DATE OF ISSUE: 29 September 2023

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 04 MAY 2018 (REFERENCED: 16/3/3/1/A3/54/2046/17): PROPOSED ESTABLISHMENT OF THE SOMER FOREST RESIDENTIAL ESTATE AND ASSOCIATED INFRASTRUCTURE ON ERF 7075, REMAINDER OF ERF NO. 7078 AND ERVEN 7079, 7083, 7725 AND 10536, SOMERSET WEST.

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 Environmental Authorisation issued on 04 May 2018 (Reference No.: 16/3/3/1/A3/54/2046/17). The Environmental Authorisation (Reference No.: 16/3/3/1/A3/54/2046/17) (attached as Appendix A) is amended as set out below:

1. **Condition 3 under Section E of the Environmental Authorisation issued on 04 May 2018, reads as follows:**

"The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

(a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and

(b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded".

This is herewith replaced with the following:

The holder must commence with the listed activity on site by 03 May 2028 or the Environmental Authorisation shall lapse. A new application for Environmental Authorisation must be made for the activity to be undertaken if the holder of the Environmental Authorisation does not commence by the aforementioned date.

The authorised listed activity for the construction phase, must be concluded within a period of ten (10) years from the date the holder commenced with an authorised listed activity.

2. The details of the holder that are provided in the Environmental Authorisation issued on 04 May 2018 reads as follows:

*"Kiam Properties (Pty) Ltd.
c/o Mr. Stefan Bothma
Postnet Suite 367
Private Bag X15
SOMERSET WEST
7129
Tel.: (021) 851 5268
Fax: (021) 905 5639"*

This is herewith replaced with the following:

Annandale Road Properties (Pty) Ltd.
c/o Mr. Nicholas Horwood
P.O. Box 2479
SOMERSET WEST
7129

Cell.: 082 550 6300
E-mail: njehorwood@mweb.co.za

3. The activity description under Section B of the Environmental Authorisation issued on 04 May 2018 reads as follows:

"The proposed project entails the establishment of a security residential development of approximately 27 residential erven and a private open space on Erf No. 7075, Somerset West.

The large stumps that remained in the water course after the Red River Gums were felled, will be mechanically removed and the watercourse rehabilitated to form a gently sloping channeled valley-bottom wetland which will be planted with suitable indigenous plants. After removal of the stumps the river banks will also be shaped and stabilized. Raised wooden boardwalks will be constructed around the edge of the rehabilitated wetland on either side of the stream, and will be located above the 1:100-year flood line. Swales will be constructed under the raised boardwalks and will be designed to hold storm water and spread the overflow evenly and at a slow rate, over the swale walls into the rehabilitated wetland. Open storm water channels will collect water from the upper portions of the site and the roads and will discharge it directly into the wetland at two points, both just upstream of the southern boundary of the site and into the swales.

Two vehicular bridges will link the western and eastern sections of the proposed development. Water from the rehabilitated wetland will exit the site via an existing pipe in the southern berm. The exit pipe is in poor condition and will be replaced. The proposed development also includes the construction of a section of external sewer line of approximately 170m across the Remainder of Erf No. 15482. Access to the development will be obtained along a servitude road from Parel Valley Road”.

This is herewith replaced with the following:

The proposed project entails the establishment of the Somer Forest Residential Estate and associated infrastructure on Erf 7075, the Remainder of Erf No. 7078 and Erven 7079, 7083, 7725 and 10536, Somerset West.

The large stumps that remained in the water course after the Red River Gums were felled, will be mechanically removed and the watercourse rehabilitated to form a gently sloping channeled valley-bottom wetland which will be planted with suitable indigenous plants. After removal of the stumps the river banks will also be shaped and stabilized.

Raised wooden boardwalks will be constructed around the edge of the rehabilitated wetland on either side of the stream, and will be located above the 1:100-year flood line. Swales will be constructed under the raised boardwalks and will be designed to hold storm water and spread the overflow evenly and at a slow rate, over the swale walls into the rehabilitated wetland. Open storm water channels will collect water from the upper portions of the site and the roads and will discharge it directly into the wetland at two points, both just upstream of the southern boundary of the site and into the swales.

A vehicular bridge will link the western and eastern sections of the proposed development.

The water servitude will cross the Remainder of Erf No. 7078 and Erven 7079 and 10536 and connect to a water supply connection on the Somer Forest development on Erf No. 7075. The sewer servitude will cross Erven 7083, 7725 and 10536 and connect to a sewer connection supply on Erf No. 7075. The electrical supply will be from an existing mini substation located on Stella Road on Erf No. 7083. The servitude will then continue along Stella Road northwards traversing Erf No. 10536 and connect to the development point of supply.

Access to the proposed development will be obtained off Stella Road from the west across Erf No. 10536.

4. The location and description of the site under Section C of the Environmental Authorisation issued on 04 May 2018 reads as follows:

“The listed activity will take place on Erf No. 7075, Somerset West.

The property is situated on Larc en Ciel Road off Parel Valley Road in the Helderrant residential suburb in Somerset West. The property abuts the new Featherbrooke and Cedar Hill gated residential estates to the east and north. To the north and west are also single residential properties and towards the southwest are agricultural zoned land. Directly towards the south is a Public Open Space and some single residential properties.

The SG 21-digit codes are:
 Erf No. 7075: C06700210000707500000
 Remainder of Erf No. 15482 (external sewer line): C06700210001548200REM

Co-ordinates:

Erf No. 7075:

Latitude: 34° 03' 40.25" S
 Longitude: 18° 51' 29.08" E

Remainder of Erf No. 15482 (external sewer line):

Starting point:

Latitude: 34° 03' 42.67" S
 Longitude: 18° 51' 27.68" E

Middle point:

Latitude: 34° 03' 45.98" S
 Longitude: 18° 51' 26.85" E

End point:

Latitude: 34° 03' 48.32" S
 Longitude: 18° 51' 26.76" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

This is herewith replaced with the following:

The listed activity will take place on Erf 7075, Remainder of Erf No. 7078 and Erven 7079, 7083, 7725 and 10536, Somerset West.

The site is situated between Adam Tas Road to the east and Parel Vallei Road to the west. The properties are surrounded by residential developments and the Parel Vallei High School is located approximately 540m south of the site. A portion of the Geelsloot Stream flows through Erf No. 7075 in a north-south direction along the western boundary, and along the western boundary of Erven 10536 and 7725.

Co-ordinates and SG 21 digit codes:

Erf No.	SG 21 digit code	Co-ordinates
7075	C06700210000707500000	Latitude: 34° 03' 39.27" S
		Longitude: 18° 51' 28.81" E
7725	C06700210000772500000	Latitude: 34° 03' 50.01" S
		Longitude: 18° 51' 24.76" E
10536	C06700210001053600000	Latitude: 34° 03' 42.38" S
		Longitude: 18° 51' 24.77" E
7083	C06700210000708300000	Latitude: 34° 03' 46.82" S
		Longitude: 18° 51' 27.70" E
7079	C06700210000707900000	Latitude: 34° 03' 46.82" S
		Longitude: 18° 51' 27.70" E
Remainder 7078	C06700210000707800000	Latitude: 34° 03' 46.82" S
		Longitude: 18° 51' 27.70" E

External sewer line (Erven 7083, 7725 and 10536):

Starting point:

Latitude: 34° 03' 56.23" S

Longitude: 18° 51' 21.63" E

Middle point:

Latitude: 34° 03' 44.84" S

Longitude: 18° 51' 23.98" E

End point:

Latitude: 34° 03' 37.89" S

Longitude: 18° 51' 27.42" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

5. **Condition 10 of the Environmental Authorisation issued on 04 May 2018 reads as follows:**

"The draft EMPr and River Maintenance Management Plan submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented".

This is herewith replaced with the following:

The draft EMPr and River Maintenance Management Plan dated 09 June 2023 (as amended by Doug Jeffery Environmental Consultants) and submitted as part of the application for amendment are hereby approved and must be implemented.

6. Annexure 1: Locality Plan of the Environmental Authorisation issued on 04 May 2018 is as follows:

“ANNEXURE 1: LOCALITY PLAN



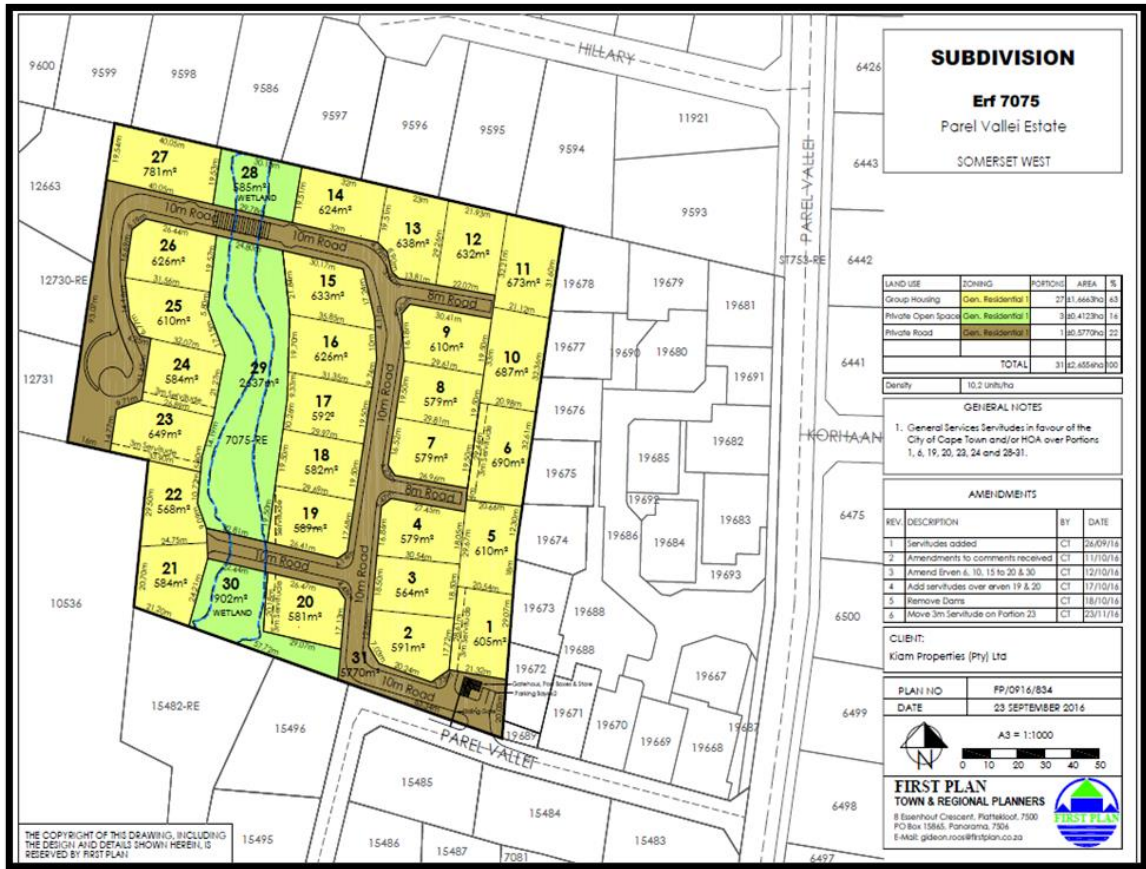
This is herewith replaced with the following:

ANNEXURE 2: LOCALITY PLAN



7. Annexure 2: Site Plan of the Environmental Authorisation issued on 04 May 2018 is as follows:

“ANNEXURE 2: SITE PLAN



This is herewith replaced with the following:

ANNEXURE 2: SITE PLAN



8. **The description of the preferred alternative under Annexure 3: Reasons for the Decision of the Environmental Authorisation issued on 04 May 2018 reads as follows:**

“Alternative 3 (preferred alternative – herewith authorised):

The preferred alternative entails the establishment of a residential development of approximately 27 residential erven and a private open space. The watercourse will be rehabilitated to form a gently sloping channelled valley-bottom wetland. Raised wooden boardwalks will be constructed around the edge of the rehabilitated wetland and will be located above the 1:100-year flood line. Two vehicular bridges will link the western and eastern sections of the proposed development.

This is the preferred alternative since it will have only one dam structure. The stream will have a gradient of approximately 1:8 which is gentle enough to recreate wetland conditions along the length of the stream. The boardwalk will be retained, but the section in the linking open space and the pedestrian bridge are removed”.

This is herewith replaced with the following:

Preferred alternative – herewith authorised:

The preferred alternative entails the establishment of the Somer Forest Residential Estate on Erf 7075, Remainder of Erf No. 7078 and Erven 7079, 7083, 7725 and 10536, Somerset West.

The large stumps that remained in the water course after the Red River Gums were felled, will be mechanically removed and the watercourse rehabilitated to form a gently sloping channelled valley-bottom wetland which will be planted with suitable indigenous plants. After removal of the stumps the river banks will also be shaped and stabilized.

Raised wooden boardwalks will be constructed around the edge of the rehabilitated wetland on either side of the stream and will be located above the 1:100-year flood line. Swales will be constructed under the raised boardwalks and will be designed to hold storm water and spread the overflow evenly and at a slow rate, over the swale walls into the rehabilitated wetland. Open storm water channels will collect water from the upper portions of the site and the roads and will discharge it directly into the wetland at two points, both just upstream of the southern boundary of the site and into the swales.

A vehicular bridge will link the western and eastern sections of the proposed development.

The water servitude will cross the Remainder of Erf No. 7078 and Erven 7079 and 10536 and connect to a water supply connection on Erf No. 7075. The sewer servitude will cross Erven 7083, 7725 and 10536 and connect to a sewer connection supply on Erf No. 7075. The electrical supply will be from an existing mini substation located on Stella Road on Erf No. 7083. The servitude will then continue along Stella Road northwards traversing Erf No. 10536 and connect to the development point of supply.

Access to the proposed development will be obtained off Stella Road from the west across Erf No. 10536.

This is the preferred alternative since it will have only one dam structure. The stream will have a gradient of approximately 1:8 which is gentle enough to recreate wetland

conditions along the length of the stream. The boardwalk will be retained, but the section in the linking open space and the pedestrian bridge will be removed.

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 as received by the competent authority via electronic mail correspondence on 29 March 2023; the final Amendment Report as received by the competent authority via electronic mail correspondence on 12 June 2023; and the additional information received by the competent authority via electronic mail correspondence on 26 June 2023, respectively.
- (b) The application is for a substantive amendment to the Environmental Authorisation issued on 04 May 2018 in terms of the EIA Regulations, 2014 (as amended).
- (c) No significant negative impacts are expected due to the amendment of the original development proposal. This can be justified as follows:
 - i. The extension of the validity period of the Environmental Authorisation is required, as the holder has been unable to commence with the listed activity within the validity period.
 - ii. The proposed amendment is also to change the holder's name.
 - iii. Traffic impacts:
A Traffic Impact Statement dated 05 November 2021 was compiled by UDS Africa, to assess the potential traffic impacts of the amended proposal.

Access to the site is currently obtained via a right-of-way servitude to Parel Vallei Road, but will now be obtained via a new right-of-way servitude to Stella Road/Aberdeen Road. The section of Stella Road that crosses Erf No. 7725 is currently a right-of-way servitude in favour of the general public, whilst the remaining section of Stella Road that crosses Erf No. 10536 is a right-of-way servitude in favour of the Torwood Heights residents. An application will thus be lodged to allow the proposed development to obtain access across the first section of the road traversing Erf No. 10536 up to the newly proposed access.

The proposed development will generate approximately 23 peak hour trips (6 in; 17 out) during the morning peak hour and (16 in; 7 out) during the afternoon peak hour. The 23 vehicles added to the available volumes are still within the capacity of the bottom section of Stella Road.

The two sections of Stella Road (public street and servitude road) consist of different blacktop widths, however, these sections have sufficient capacity to accommodate the proposed development traffic.

The Aberdeen Road/Stella Road T-intersection is currently stop-controlled on the side street (Stella Road), with free-flow conditions along Aberdeen Road. Acceptable service levels A are experienced on all movements during the

afternoon peak hour, whilst acceptable service level B is experienced on the Stella Road-approach during the morning peak hour. With the addition of the proposed development traffic, the acceptable service levels will remain, with marginal increase in queuing on the Stella Road-approach. Therefore, no upgrades to the Aberdeen Road/Stella Road intersection are considered necessary to accommodate the proposed development traffic.

The previously approved layout accommodated a security controlled access to the Parel Vallei Heights servitude road (the eastern boundary of the site). With the newly proposed access arrangement, the security controlled access will be moved to the western boundary. The access to Parel Vallei Road will remain as an emergency access in case of a flood, restricting access across the river. Since the newly proposed access route to Stella Road will measure well in excess of 100m between the site boundary and where it will intersect Stella Road, there is sufficient stacking distance between the site boundary and Stella Road and no issues with regard to stacking at the security controlled access are expected. With the future development of Erven 7725 and 10536, the security controls will be incorporated into the larger development.

The Urban Mobility: Transport Impact Assessment and Development Control Department of the City of Cape Town indicated in a letter dated 31 March 2023 that they support the Traffic Impact Statement prepared for the proposed development, as it identifies all the road improvements needed to sustain the proposed development.

iv. Aquatic impacts:

In terms of biophysical sensitivities, a portion of the Geelsloot Stream flows through Erf No. 7075 in a north-south direction and along the eastern boundary of erven 10536 and 7725. No other sensitivities such as Critical Biodiversity Areas or Ecological Support Areas were identified on the site.

The City of Cape Town Biodiversity Network Map notes the presence of a seep wetland on Erf No. 10536, which the proposed servitudes and new access road will traverse. As such, an aquatic specialist, Ms. T. Belcher of BlueScience was appointed to provide a freshwater opinion letter. The aquatic specialist confirmed in the freshwater opinion letter dated 1 April 2022, that there are no wetlands on the site. Therefore, no additional aquatic impacts will result from this proposed amendment.

- v. The sewer line will no longer be situated across the Remainder of Erf No. 15482 since the erf is not owned by the holder and the holder wishes to avoid the construction of infrastructure on land not owned by him. The proposed amendments affect new properties (Remainder Erf No. 7078 and Erven 7079, 7725, 10536 and 7083) which were not included in the original Basic Assessment process. However, the properties which will be crossed by the servitudes and access road, are already transformed from their natural state and no new impacts are anticipated.

- (d) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (e) No new listed activities are triggered by the amended proposal and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels.

- (f) The remaining conditions contained in the Environmental Authorisation issued on 04 May 2018 remain unchanged and in force.
- (g) A Public Participation Process was conducted for the amendment application, which comprised of the following:
- A notice was placed at the boundary of the site on 29 March 2023;
 - An advertisement was placed in the "Distrikspos" newspaper on 29 March 2023;
 - E-mails were sent on 29 March 2023 to registered I&APs to inform them of the availability of the draft Amendment Report;
 - Letter drops were conducted on 29 March 2023 to adjacent neighbours;
 - The ward councillor and/or local community representative(s) or organisations assisted with the distribution of notices via their respective online platforms;
 - The draft Amendment Report was placed on the website of Doug Jeffery Environmental Consultants from 30 March 2023 until 05 May 2023; and
 - The draft Amendment Report was made available for comment from 30 March 2023 until 05 May 2023.

At the end of the commenting period, comments were received. Concerns were raised by I&APs regarding the potential traffic impacts associated with the proposed amended access route. However, these concerns were adequately addressed.

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;
- Western Cape Department of Agriculture;
- Department of Environmental Affairs and Development Planning ("DEAD&DP") Directorate: Waste Management;
- DEA&DP Directorate: Pollution and Chemicals Management;
- Department of Water and Sanitation; and
- City of Cape Town.

C. CONDITION

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).

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 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>.

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 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 2023

CC: (1) Mr. Doug Jeffery (Doug Jeffery Environmental Consultants)
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: doug@dougjeff.co.za
E-mail: azanne.vanwyk@capetown.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/5/A3/54/2008/23
NEAS EIA REFERENCE NUMBER: WCP/EIA/AMEND/0000721/2023

-----END-----

APPENDIX A

A copy of the Environmental Authorisation issued on 04 May 2018 (Reference No.: 16/3/3/1/A3/54/2046/17)



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

Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/1/A3/54/2046/17
ENQUIRIES: RONDINE ISAACS
DATE: 2018-05-04

The Board of Directors
Klam Properties (Pty) Ltd
Postnet Suite 367
Private Bag X15
SOMERSET WEST
7129

Attention: Mr Stefan Bothma

Tel.: (021) 851 5268
Fax: (021) 905 5639

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:

PROPOSED DEVELOPMENT OF THE SOMER FOREST RESIDENTIAL ESTATE ON ERF NO. 7075, SOMERSET WEST

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, 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, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


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

Copied to: (1) Mr Johan Neethling Johan Neethling Environmental Services cc)

Fax: (086) 544 4868

7th Floor, 1 Dorp Street, Cape Town, 8001
Tel.: +27 21 483 4098/9185 fax: +27 21 483 4872

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp



REFERENCE: 16/3/3/1/A3/54/2046/17
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2018-05-04

The Board of Directors
Kiam Properties (Pty) Ltd
Postnet Suite 367
Private Bag X15
SOMERSET WEST
7129

Attention: Mr Stefan Bothma

Tel.: (021) 851 5268
Fax: (021) 905 5639

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED DEVELOPMENT OF THE SOMER FOREST RESIDENTIAL ESTATE ON ERF NO. 7075, SOMERSET WEST

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the Basic Assessment Report ("BAR") dated 16 January 2018.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Klam Properties (Pty) Ltd
c/o Mr Stefan Bothma
Postnet Suite 367
Private Bag X15
SOMERSET WEST
7129
Tel: (021) 851 5268
Fax: (021) 905 5639

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p>Activity 19: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"><i>(a) will occur behind a development setback;</i><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</i>	<p>Two bridges will be constructed, a sewer line will cross the stream and infilling and/or depositing of material into the watercourse will be undertaken.</p>

The abovementioned list is hereinafter referred to as "the listed activity".

The holder is herein authorised to undertake the following related to the listed activity:

The proposed project entails the establishment of a security residential development of approximately 27 residential erven and a private open space on Erf No. 7075, Somerset West.

The large stumps that remained in the water course after the Red River Gums were felled, will be mechanically removed and the watercourse rehabilitated to form a gently sloping channelled valley-bottom wetland which will be planted with suitable indigenous plants. After removal of the stumps the river banks will also be shaped and stabilized. Raised wooden boardwalks will be constructed around the edge of the rehabilitated wetland on either side of the stream, and will be located above the 1:100-year flood line. Swales will be constructed under the raised boardwalks and will be designed to hold storm water and spread the overflow evenly and at a slow rate, over the swale walls into the rehabilitated wetland. Open storm water channels will collect water from the upper portions of the site and the roads and will discharge it directly into the wetland at two points, both just upstream of the southern boundary of the site and into the swales.

Two vehicular bridges will link the western and eastern sections of the proposed development. Water from the rehabilitated wetland will exit the site via an existing pipe in the southern berm. The exit pipe is in poor condition and will be replaced. The proposed development also includes the construction of a section of external sewer line of approximately 170m across the Remainder of Erf No. 15482. Access to the development will be obtained along a servitude road from Parel Valley Road.

C. LOCATION AND SITE DESCRIPTION

The listed activity will take place on Erf No. 7075, Somerset West.

The property is situated on Larc en Ciel Road off Parel Valley Road in the Helderant residential suburb in Somerset West. The property abuts the new Featherbrooke and Cedar Hill gated residential estates to the east and north. To the north and west are also single residential properties and towards the southwest are agricultural zoned land. Directly towards the south is a Public Open Space and some single residential properties.

The SG 21-digit codes are:

Erf No. 7075: C06700210000707500000

Remainder of Erf No. 15482 (external sewer line): C06700210001548200REM

Co-ordinates:

Erf No. 7075:

Latitude: 34° 03' 40.25" S

Longitude: 18° 51' 29.08" E

Remainder of Erf No. 15482 (external sewer line):

Starting point:

Latitude: 34° 03' 42.67" S

Longitude: 18° 51' 27.68" E

Middle point:

Latitude: 34° 03' 45.98" S

Longitude: 18° 51' 26.85" E

End point:

Latitude: 34° 03' 48.32" S

Longitude: 18° 51' 26.76" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Johan Neethling Environmental Services

c/o Mr Johan Neethling

PO Box 16594

VLAEBERG

8018

Tel.: (021) 461 4386

Fax: (086) 544 4868

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 16 January 2018 on the site as described in Section C above.
2. Authorisation of the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority. This Environmental Authorisation is granted for–
 - (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - (b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
4. The activity that has been authorised may 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 accepted or approved, in writing, by the competent authority before such changes or deviations may be

implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information 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 Appeals Regulation, 2014;
 - 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 Appeals Regulations 2014.

Commencement

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, 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. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.

- 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
- 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14 and 21.

Management of activity

10. The draft EMPr and River Maintenance Management Plan submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 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.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must—

- 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;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.

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; and

15.2 submit at least two environmental audit reports to the relevant competent authority. The holder must submit one audit report six months after commencement of the construction phase and another audit report six months after completion of the construction period.

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.

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 days of the submission of the environmental audit report to the competent authority, notify all potential and registered interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or 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.
19. 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.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains

include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

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

21. The 1:100-year flood line of the stream must be clearly demarcated and fenced off before commencement of any construction activities and must be considered as a no-go area during the construction process.
22. The following recommendations as detailed in the Freshwater Report dated January 2017, compiled by The Freshwater Consulting Group, must be adopted and implemented:
 - 22.1 A 15m buffer must be established along the stream measured from the middle of the stream channel, which will establish a 30m wide riverine corridor running through the site.
 - 22.2 All buildings must be located outside of the buffer, with the exception of gardens, walkways and road bridges.
 - 22.3 Road crossings must aim to span the width of the river channel to minimise any obstruction to flow and transformation of the bed and banks of the stream.
 - 22.4 Bridge abutments must be placed outside of the 1:100-year flood line.
 - 22.5 All building materials must be stored outside the 1:100-year flood line.
 - 22.6 Storage areas must be adequately bunded to prevent contaminated runoff from entering the stream.
 - 22.7 Materials must be stored in piles that do not exceed 1.5m in height and must be protected from the wind to prevent the spread of fine materials across and off the site.
 - 22.8 All natural areas that are impacted by the dumping of materials must be ripped and replanted after construction is completed.
 - 22.9 Construction close to the watercourse must take place during the dry season to reduce the risks of contamination through rainfall and runoff.
 - 22.10 New sewer lines must be completed before the decommissioning of the pump station.
 - 22.11 Pathways and access roads must be routed across the stream at one point only.
 - 22.12 All diversion structures must be removed from the watercourse once construction is completed.
23. The holder of the Environmental Authorisation must install water saving mechanisms and/or water recycling systems in order to reduce water consumption that include *inter alia*, the following:
 - 23.1 A dual-flush toilet system.
 - 23.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 23.3 Water-wise landscaping must be done.

- 23.3.1 Indigenous plants and/or plants that require little water must be used.
 - 23.3.2 The use of kikuyu grass must be prohibited in all landscaped areas. Non-invasive, low-water use grass must be used for any lawns on site
24. The holder of the Environmental Authorisation must ensure that the development incorporate energy/electricity saving measures, which include inter alia, the following:
- 24.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed and replacement bulbs must also be of the low energy consumption type.
 - 24.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Street light must be switch off during the day.
 - 24.3 All geysers must be covered with geyser 'blankets'.
25. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
26. If the holder does not commence with the listed activity within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
27. 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 must be submitted.
- Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
28. The manner and frequency for updating the EMPi is as follows:
Amendments to the EMPi, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
29. Non-compliance with a condition of this Environmental Authorisation or EMPi may render the holder liable to criminal prosecution.

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

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

By post: 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 Jaap de Villiers [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 Jaap.DeVilliers@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 Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR ZA AHIR GOFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 03/05/2018

CC: (1) Mr Johan Neeffling Johan Neeffling Environmental Services cc)

Fax: (086) 544 4868

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A3/54/2046/17
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000303/2017

ANNEXURE 1: LOCALITY PLAN

The approximate location of Erf No. 7075, Somerset West.



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 26 September 2017, as received by the competent authority on the same date; the BAR dated 16 January 2018 and the EMPr submitted together with the BAR; the comment from the Department of Agriculture dated 8 January 2018, as received by the competent authority on 26 January 2018;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated 16 January 2018;
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- E-mail notifications were sent to adjacent landowners and the ward councillor on 21 June 2017;
- An advertisement was placed in the local newspaper, the "District Mail" on 22 June 2017;
- A notice was placed on site on 22 June 2017;
- Letters were posted via registered post to adjacent landowners on 22 June 2017;
- The pre-application BAR was placed at the Somerset West Public Library on 22 June 2017;
- A pre-application BAR was made available from 22 June 2017;
- E-mail notifications were sent to registered Interested and Affected Parties on 5 October 2017 to announce the availability of the post-application BAR; and
- The post-application BAR was made available from 5 October 2017.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- Provincial Department of Agriculture;
- Department of Water and Sanitation;
- Heritage Western Cape; and
- Various departments within the City of Cape Town.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the objections, comments and responses that were raised were included in the BAR.

2. Alternatives

A number of layout alternatives were considered. The proposal went through a number of iterations with alterations to road widths, erf configurations and open space adjustments.

The following layout alternatives were investigated:

Alternative 1:

This alternative entails the establishment of a residential development whereby the existing residence on a large erf will be retained. The rest of the site will be subdivided into 24 smaller erven, resulting in an estate comprising of 25 residential erven, roads, two bridges across the stream, an open space area along the stream and four ponds in the stream to be used as recreation areas and for storm water retention. Alternative 1 was rejected since the Department of Water and Sanitation was not in favour of the proposed multiple impoundments in the stream.

Alternative 2:

Investigation by the heritage consultant indicated that the existing house on the site may not be of historic value and could therefore be demolished, bringing the total number of residential erven to 27. This alternative therefore entails the establishment of a residential development consisting of 27 erven, four ponds and/or wetlands, two vehicular bridges, a boardwalk around the open space area along the stream with a pedestrian bridge across the stream. An open space will link the eastern road with the open space and boardwalk system. The termination cul-de-sac on the western side was redesigned into a circular turn-around.

Alternative 2 was rejected since the Department of Water and Sanitation was not in favour of the proposed multiple impoundments in the stream.

Alternative 3 (preferred alternative – herewith authorised):

The preferred alternative entails the establishment of a residential development of approximately 27 residential erven and a private open space. The watercourse will be rehabilitated to form a gently sloping channelled valley-bottom wetland. Raised wooden boardwalks will be constructed around the edge of the rehabilitated wetland and will be located above the 1:100-year flood line. Two vehicular bridges will link the western and eastern sections of the proposed development.

This is the preferred alternative since it will have only one dam structure. The stream will have a gradient of approximately 1:8 which is gentle enough to recreate wetland conditions along the length of the stream. The boardwalk will be retained, but the section in the linking open space and the pedestrian bridge are removed.

"No-Go" Alternative:

This alternative implies that the residential development will not be established and that the site will remain vacant. This alternative was rejected as it will not alleviate the shortage of residential land in the area. The land use of the site will also not be in line with that of the surrounding developments in the area.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed development is located within the urban edge and urban area of Somerset West and hence supports the Provincial Spatial Development Frameworks' ("PSDF") policy of infilling to prevent urban sprawl. The proposed residential use is also in line with the densification policy of the PSDF.

The proposed development will create an upmarket higher density residential development within the urban edge which will promote densification that is in line with the local spatial policies for the area. The Helderberg District Plan indicates the area in Parel Valley for urban development. A large green component will be retained which will ensure that the low density character of the area and proposed site is enhanced. The proposed site is surrounded by residential developments and there is a demand for such developments in the area.

3.2 Biophysical Impacts

Impacts on vegetation:

The site has been used as the Parel Valley Nursery and the most prominent features are the substantial number of trees and the river which divides the site into two portions. The area to the west of the river is mostly covered by red gums which are in the process of being removed. The nursery side are covered by a larger variety of trees and shrubs.

The site is classified as No Natural on the Western Cape Biodiversity Spatial Plan and the Biodiversity Network for the City of Cape Town.

Impacts on aquatic environments:

A small ephemeral tributary of the Lourens River flows across the site from north to south. The tributary is classified as an upper foothill river, but it seldom flows. The stream has been heavily impacted by developments, with berms crossing the river in a few places. The stream is also densely invaded by alien tree species.

The stream will be rehabilitated and will comprise reshaping and stabilisation of the bed and banks of the stream and the removal of fill material from the stream channel.

The Present Ecological State of the stream has been assessed as being in a Class C (moderately modified) for instream habitat integrity, and Class D (largely modified) for riparian habitat. The stream is assessed as being of moderate Ecological Importance and Sensitivity.

The preferred alternative allows for a rehabilitated wetland in the stream which will occupy the full length of the private open space on the site.

National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must

guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

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

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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