

REFERENCE: 16/3/3/5/A3/16/2046/22 (A)
NEAS REFERENCE: WCP/EIA/AMEND/0000664/2022
DATE: 11 MAY 2023

The Board of Directors
Janigenix (Pty) Ltd
P. O. Box 1879
BELLVILLE
7535

For Attention: Mr. J. P. Theron

Cell.: 087 802 9003
E-mail: johannest@mspd.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ORIGINAL ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 20 JULY 2015 (REFERENCED: 16/3/1/1/A3/16/2134/13), READ TOGETHER WITH SUBSEQUENT AMENDED EA ISSUED ON 1 DECEMBER 2017 (REFERENCED: 16/3/3/5/A3/16/2027/17), AND THE AMENDED EA ISSUED ON 22 JULY 2020 (REFERENCED: 16/3/3/5/A3/16/2020/20) FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERVEN 1761, 1713 AND 2147, SITARI ("ACORN CREEK")

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

Yours faithfully

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

Copied to:

- (1) Mr. Mamo Gerber (Balwin Properties Ltd.)
- (2) Ms. Adél Groenewald
- (3) Doug Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd.)
- (4) Ms. Azanne van Wyk (City of Cape Town)

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REFERENCE: 16/3/3/5/A3/16/2046/22 (A)
NEAS REFERENCE: WCP/EIA/AMEND/0000664/2022
DATE: 11 MAY 2023

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ORIGINAL ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 20 JULY 2015 (REFERENCED: 16/3/1/1/A3/16/2134/13), READ TOGETHER WITH SUBSEQUENT AMENDED EA ISSUED ON 1 DECEMBER 2017 (REFERENCED: 16/3/3/5/A3/16/2027/17) AND THE AMENDED EA ISSUED ON 22 JULY 2020 (REFERENCED: 16/3/3/5/A3/16/2020/20) FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERVEN 1761, 1713 AND 2147, SITARI ("ACORN CREEK")

With reference to your application for the abovementioned, find below the Part 2 amendment to the original EA issued on 20 July 2015 (Referenced: 16/3/1/1/A3/16/2134/13), the amended EA issued on 1 December 2017 (Referenced: 16/3/3/5/A3/16/2027/17) and the amended EA issued on 22 July 2020 (Referenced: 16/3/3/5/A3/16/2020/20) with respect to this amendment application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), this Department herewith **grants** the applicant an amendment- and replacement of the original EA issued on 20 July 2015 (Referenced: 16/3/1/1/A3/16/2134/13), the amended EA issued on 1 December 2017 (Referenced: 16/3/3/5/A3/16/2027/17), and the amended EA issued on 22 July 2020 (Referenced: 16/3/3/5/A3/16/2020/20).

The granting of this amended Environmental Authorisation is subject to Janigenix (Pty) Ltd complying with the conditions set out in section E below.

A. DETAILS OF THE HOLDER FOR THIS AMENDED ENVIRONMENTAL AUTHORISATION

Janigenix (Pty) Ltd
C/O Mr. J. P. Theron
P. O. Box 1879
BELLVILLE
7535

Cell.: 087 802 9003
E-mail: johannest@mspd.co.za

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

B. LISTED ACTIVITIES AUTHORISED

The following Listed Activities have been authorised in the original EA (Referenced: 16/3/1/1/A3/16/2134/13) in terms of the (now repealed) NEMA EIA Regulations, 2010:

Listed Activity	Activity/Project Description
<p>Government Notice No. R544 of the EIA Regulations, 2010 –</p> <p>Activity Number: 9 Activity Description: <i>“The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water –</i> <i>(i) with an internal diameter of 0,36 metres or more; or</i> <i>(ii) with a peak throughput of 120 litres per second or more,</i></p> <p><i>excluding where:</i> <i>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</i> <i>b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.”</i></p>	<p>The proposed development will result in the construction of facilities and infrastructure exceeding 1000m in length for the bulk transportation of water, sewerage or stormwater within 32m of the Moddergatspruit River.</p>
<p>Government Notice No. R544 of the EIA Regulations, 2010 –</p> <p>Activity Number: 11 Activity Description: <i>“The construction of:</i> <i>(i) canals;</i> <i>(ii) channels;</i> <i>(iii) bridges;</i> <i>(iv) dams;</i> <i>(v) weirs;</i> <i>(vi) bulk storm water outlet structures;</i> <i>(vii) marinas;</i> <i>(viii) jetties exceeding 50 square metres in size;</i> <i>(ix) slipways exceeding 50 square metres in size;</i> <i>(x) buildings exceeding 50 square metres in size; or</i> <i>(xi) infrastructure or structures covering 50 square metres or more</i> <i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.”</i></p>	<p>The proposed development will result in the construction of buildings and associated infrastructure exceeding 50m² in extent within 32m of the Moddergatspruit River.</p>
<p>Government Notice No. R544 of the EIA Regulations, 2010 –</p> <p>Activity Number: 18 Activity Description: <i>“The infilling or depositing of any material of more than</i></p>	<p>More than 5 cubic metres of material will be infilled, deposited, removed, moved, dredged, excavated from the Moddergatspruit River.</p>

<p>5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</p> <p>(i) a watercourse;</p> <p>(ii) the sea;</p> <p>(iii) the seashore;</p> <p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <p>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>(b) occurs behind the development setback line."</p>	
<p>Government Notice No. R546 of the EIA Regulations, 2010 –</p> <p>Activity Number: 4</p> <p>Activity Description:</p> <p>"The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>(d) In Western Cape:</p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space within urban areas; and</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose."</p>	<p>The proposed development includes the construction of a road wider than 4m and with a road reserve less than 13.5m.</p>

The following Listed Activities have been authorised in the original EA (Referenced: 16/3/1/1/A3/16/2134/13) in terms of the EIA Regulations, 2014 (as amended):

Listed Activity	Activity/Project Description
<p>Government Notice No. R983 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 9</p> <p>Activity Description:</p> <p>"The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water—</p> <p>(i) with an internal diameter of 0,36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where—</p> <p>(a) such infrastructure is for bulk transportation</p>	<p>The proposed development will result in the construction of facilities and infrastructure exceeding 1000m in length for the bulk transportation of water, sewerage or stormwater within 32m of the Moddergat River.</p>

<p>of water or storm water or storm water drainage inside a road reserve; or (b) where such development will occur within an urban area.”</p>	
<p>Government Notice No. R983 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 12 Activity Description: “The development of—</p> <ul style="list-style-type: none"> (i) canals exceeding 100 square metres in size; (ii) channels exceeding 100 square metres in size; (iii) bridges exceeding 100 square metres in size; (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size; (vi) bulk storm water outlet structures exceeding 100 square metres in size; (vii) marinas exceeding 100 square metres in size; (viii) jetties exceeding 100 square metres in size; (ix) slipways exceeding 100 square metres in size; (x) buildings exceeding 100 square metres in size; (xi) boardwalks exceeding 100 square metres in size; or (xii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; or (ee) where such development occurs within 	<p>The proposed development will result in the construction of building and associated infrastructure exceeding 100m² within 32m of the Moddergat River.</p>

<p>existing roads or road reserves.”</p>	
<p>Government Notice No. R983 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 19 Activity Description: “The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”</p>	<p>More than 10 cubic metres of material will be moved from and into the Moddergatspruit River.</p>
<p>Government Notice No. R983 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 24 Activity Description: “The development of— (i) a road 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; or (ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding— (a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or (b) roads where the entire road falls within an urban area.”</p>	<p>The proposed development will result in the construction of a road.</p>
<p>Government Notice No. R983 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 27 Activity Description: “The clearance of an area of 1 hectares or</p>	<p>The proposed development will result in the clearance of more than 1ha of indigenous vegetation.</p>

<p>more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</p>	
<p>Government Notice No. R985 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 4 Activity Description: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>(f) In Western Cape:</p> <p>i. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>ii. In urban areas:</p> <p>(cc) Areas zoned for conservation use; or</p> <p>(dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</p>	<p>The proposed development will result in the construction of a road wider than 4m.</p>
<p>Government Notice No. R985 of the EIA Regulations, 2014 (as amended) —</p> <p>Activity Number: 14 Activity Description: "The development of—</p> <p>(i) canals exceeding 10 square metres in size ;</p> <p>(ii) channels exceeding 10 square metres in size;</p> <p>(iii) bridges exceeding 10 square metres in size;</p> <p>(iv) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres in size;</p> <p>(v) weirs, where the weir, including infrastructure and water surface area exceeds 10 square metres in size;</p> <p>(vi) bulk storm water outlet structures exceeding 10 square metres in size;</p> <p>(vii) marinas exceeding 10 square metres in size;</p> <p>(viii) jetties exceeding 10 square metres in size;</p>	<p>The proposed development will result in the construction of buildings and associated infrastructure exceeding 10m² within 32m of a watercourse.</p>

- (ix) slipways exceeding 10 square metres in size;
- (x) buildings exceeding 10 square metres in size;
- (xi) boardwalks exceeding 10 square metres in size; or
- (xii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

(f) In Western Cape:

- i. Outside urban areas, in:
 - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
 - (bb) National Protected Area Expansion Strategy Focus areas;
 - (cc) World Heritage Sites;
 - (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
 - (ee) Sites or areas listed in terms of an International Convention;
 - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
 - (gg) Core areas in biosphere reserves; or
 - (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined."

The abovementioned list is hereinafter referred to as "**the Listed Activities**".

The holder is herein authorised to undertake the following alternative that includes the Listed Activities related to the development:

The proposed development entails the construction of the Acorn Creek development on Erven 1761, 1713 and 2147, Sitari, which comprises of the following:

- Approximately 202 Single Title, Group Housing units;
- Approximately 210 Apartment units;
- A multipurpose institutional facility;
- A clubhouse, estate lifestyle centre, management offices and sales office; and
- Associated private open space areas, canal areas, a public road and internal private roads network.

The total development footprint will amount to approximately 9.39ha.

C. LOCATION AND SITE DESCRIPTION

The Listed Activities will take place on Erven 1761, 1713 and 2147, Sitari.

The SG 21-digit codes are -

Property	SG 21-digit Code
Erf 1761, Sitari	C06700360000176100000
Erf 1713, Sitari	C06700360000171300000
Erf 2147, Sitari	C06700360000214700000

The co-ordinates are -

Property	Latitude (S)	Longitude (E)
Erf 1761, Sitari	34° 3' 14.38" South	18° 46' 47.66" East
Erf 1713, Sitari	34° 3' 28.22" South	18° 46' 35.94" East
Erf 2147, Sitari	34° 3' 6.05" South	18° 46' 52.06" East

Refer to **Annexure 1**: Locality Map.

Refer to **Annexure 2**: Site Development Plan.

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

Doug Jeffery Environmental Consultants (Pty) Ltd
 C/O Mr. Doug Jeffery / Ms. Adél Groenewald
 P. O. Box 44
KLAPMUTS
 7625

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E. CONDITIONS OF THIS AMENDED AUTHORISATION

Scope of this Authorisation

1. The holder is authorised to undertake the Listed Activities specified in Section B above in accordance with and restricted to the authorised and amended development proposal described in Section B above.

2. The holder must conclude, the Listed Activities within the stipulated validity period, which this amended EA is granted for, or this amended EA shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority. This amended EA is granted for –
 - (a) A period of five (**5**) years, from the date of issue of this amended EA, during which period the holder must commence with the authorised Listed Activities.
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the authorised development described in section B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order 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.

Written Notice to the Competent Authority

5. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work associated with the amended development proposal described in Section B above can be commenced with.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6 and 12.
6. The holder must in writing, within fourteen (14) calendar days of the date of this amended decision –
 - 6.1. notify all registered Interested and Affected Parties (“I&APs”) of –
 - 6.1.1. the decision reached on this amendment application;
 - 6.1.2. the reasons for the amendment decision as included in Annexure 3;
 - 6.1.3. the date of this amendment decision; and
 - 6.1.4. the date when the amendment decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the amendment decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the amendment decision;
 - 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the holder (entity) of this amended EA;
 - 6.4.2. name of the responsible person for this amended EA;
 - 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, of the holder; and

- 6.4.6. 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 Appeals Regulations, 2014 (as amended).

Commencement

7. The Listed Activities, including preparation of the route, must not commence within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Authority, the effect of this amended EA is suspended until the appeal is decided.

Management of Activity

9. The approved draft Environmental Management Programme ("EMPr") dated October 2014, submitted as part of the original application for Environmental Authorisation must be implemented.
10. This amended EA and approved EMPr must be included in all contract documentation for all phases of implementation.
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 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the Competent Authority.

Monitoring

12. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the approved EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
13. A copy of this amended EA, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the approved EMPr. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).

16. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
 - 16.1. An audit report must be submitted to the Competent Authority within **six (6)** months of the commencement of the construction phase associated with the amended development proposal described in Section B above; and
 - 16.2. A final audit report must be submitted within **three (3)** months of the development being completed.
 - 16.3. The holder must submit an environmental audit report **every five (5)** years while this amended EA remains valid.
17. The audit report must indicate compliance status with the conditions of this amended EA, and the approved EMPr and make recommendations for improved environmental management.
18. The holder must, within seven (7) calendar days of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

Specific Conditions

19. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
20. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
21. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
22. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
23. The development proposal herein authorised must not be commenced with, which includes any land clearing or construction work, prior to the completion of the realignment works on the Moddergat River in terms of the RoD issued on 15 November 1999.
24. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption.
25. The mitigation measures, as recommended in the Geotechnical Report (dated 02 September 2014), must be implemented.

26. The mitigation measures, as recommended in the Traffic Impact Study (dated September 2014), the Addendum to the Traffic Impact Study (dated 05 December 2014), and the addendum to the Traffic Impact Study (dated 28 February 2017), must be adhered to.
27. The mitigation measures recommended in the Preliminary Civil Services Design Report (dated September 2014) and the updated Civil Services Report (dated February 2016), must be adhered to.
28. The mitigation measures, as recommended in the Electrical Services Report (dated 03 September 2014), must be adhered to.
29. The applicable general conditions stipulated in the letter containing the consolidated comment by the City of Cape Town (dated 26 November 2014), must be adhered to.
30. The following recommendations contained in the letter from the City of Cape Town: Water and Sanitation Department (dated 22 February 2017), must be implemented:
 - 30.1. The development contributions are payable, as per the Development Contribution Policy and will be quantified by the Reticulation District Head. The amount payable escalates annually and will be the value determined at the time of payment;
 - 30.2. The developer must install all the required water and sewer infrastructure and connections, as per the standards of the City of Cape Town's Water and Sanitation Department, before transfer of Erven will be allowed; and
 - 30.3. The developer is required to comply with the water supply arrangements.

F. GENERAL MATTERS

1. Notwithstanding this amended EA, the holder must comply with any other statutory requirements that may be applicable when undertaking the Listed Activities.
2. Non-compliance with any Condition of this amended EA or approved EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 2, this amended EA shall lapse. If the holder wishes to extend the validity period of the amended EA, an application for amendment in this regard must be lodged with 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.
4. An application for amendment of the amended Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to this amended Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
5. Please note that an amendment of this amended Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be, as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this amended EA shall not be responsible for any damages or losses suffered by the holder, developer or his 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 greatly appreciated.

Yours faithfully

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

DATE OF DECISION: 11 MAY 2023

Copied to:

- (1) Mr. Marno Gerber (Balwin Properties Ltd.)
- (2) Ms. Adél Groenewald
- (3) Doug Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd.)
- (4) Ms. Azanne van Wyk (City of Cape Town)

E-mail: marnog@balwin.co.za

E-mail: adel@dougjeff.co.za

E-mail: doug@dougjeff.co.za

E-mail: Azanne.vanWyk@capetown.gov.za

FOR OFFICIAL USE ONLY:

REFERENCE: 16/3/3/5/A3/16/2046/22 (A)

NEAS REFERENCE: WCP/EIA/AMEND/0000664/2022

ANNEXURE 1: LOCALITY MAP



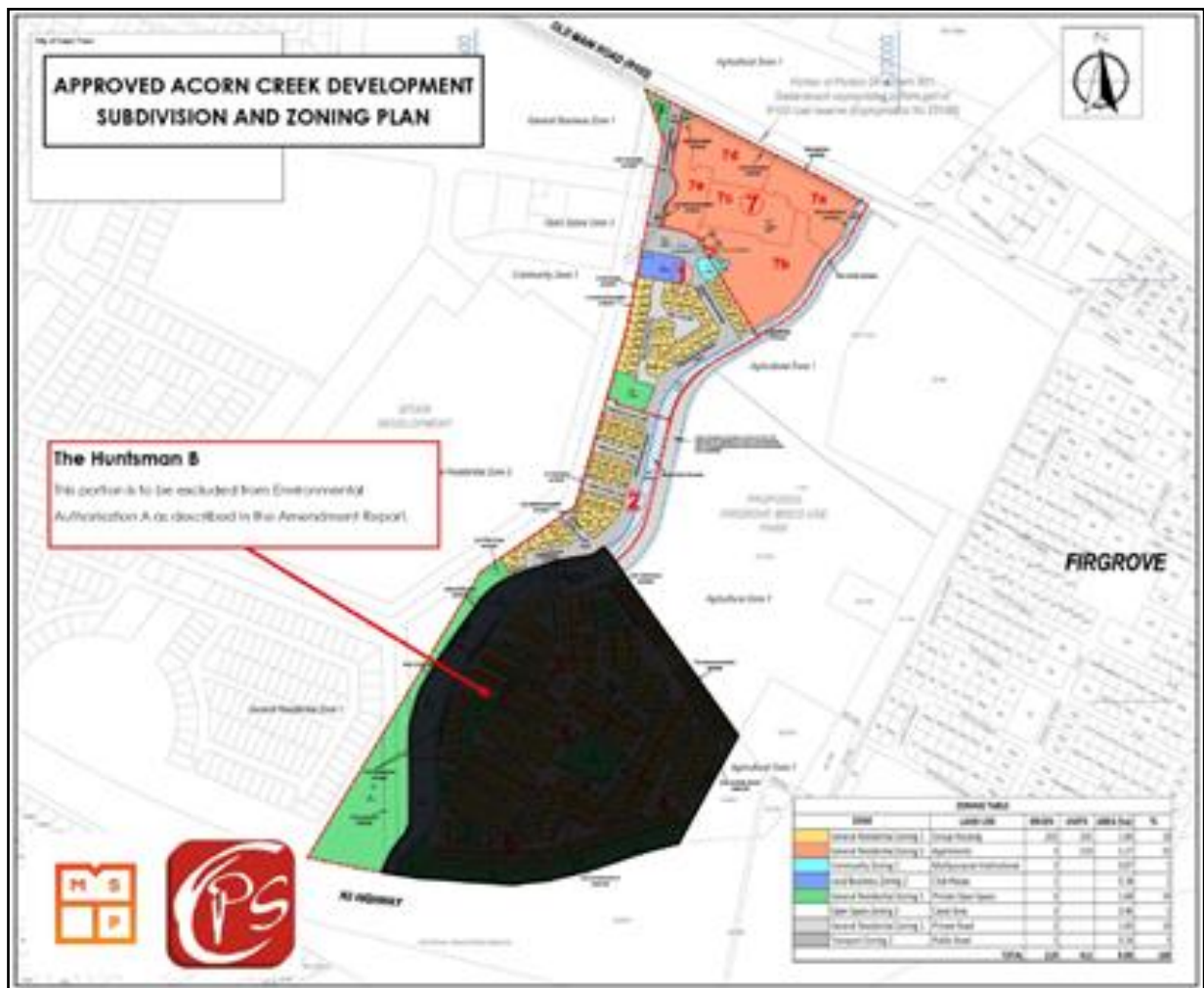
ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE AMENDED ENVIRONMENTAL AUTHORISATION

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

- a) The information contained in the amendment Application Form (dated 12 September 2022), the final Amendment Report dated and received by this Department on 12 January 2023, and the additional information received on 17 April 2023.
- b) The application is for the Part 2 amendment of the original EA issued on 20 July 2015 (Referenced: 16/3/1/1/A3/16/2134/13), read together with the subsequent amended EA issued on 1 December 2017 (Referenced: 16/3/3/5/A3/16/2027/17), and the amended EA issued on 22 July 2020 (Referenced: 16/3/3/5/A3/16/2020/20).
- c) The proposed amendment to the originally authorised Acorn Creek development is required in order to transfer the rights and obligations and subsequently change the ownership to the new entity for the development of their newly acquired portion of the site. The shaded area below, spatially illustrates the portion of the original Acorn Creek development, authorised in terms of the original EA and subsequent amended EAs, being transferred to the new entity:



- d) The environment and the rights and interests of Interested and Affected Parties ("I&APs") are not likely to be affected by the proposed amendment.
- e) No new Listed Activities are triggered by the proposed amendment.
- f) The conditions, as per Sections E and F of this amended EA has been adapted from the original EA issued on 20 July 2015 (Referenced: 16/3/1/1/A3/16/2134/13), the amended EA issued on 1 December 2017 (Referenced: 16/3/3/5/A3/16/2027/17) and the amended EA issued on 22 July 2020 (Referenced: 16/3/3/5/A3/16/2020/20), which are in force and must be complied with.

- g) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013) were taken into account.
- h) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA were taken into account.
- i) The comments received from I&APs and the responses thereto, which were included in the final Amendment Report.
- j) The balancing of negative and positive impacts and proposed mitigation measures.
- k) Although no site visit was conducted for the amendment application, 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 this amendment application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the amendment decision, is set out below.

1. Public Participation

A Public Participation Process was conducted for this amendment application, comprised of the following:

- Potential and registered I&APs and Organs of State were notified of the commenting period on the draft Amendment Report on 21 September 2022;
- The draft Amendment Report (including the executive summary) was made available to registered and potential I&APs and the relevant authorities and Organs of State via Doug Jeffery Environmental Consultants' company website (www.dougjeff.co.za) as well as being distributed to relevant authorities on 21 September 2022 for a commenting period of thirty (30) days;
- Written notifications were sent via email to the owner or person in control of the land, and the occupiers of the site on 21 September 2022;
- Written notifications were sent via email to the municipal ward councillor and relevant organisation of ratepayers that represent the community in the area on 21 September 2022;
- The local municipality, relevant Organs of State and all other relevant parties were notified via email of the proposed development and the availability of the draft Amendment Report on 21 September 2022;
- An advertisement was placed in the 'Distrikspos' Newspaper on 22 September 2022; and
- Notices were placed on site on 21 September 2022.

The Competent Authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made thereto were included in the final Amendment Report.

Specific management and mitigation measures have been considered in this amended Environmental Authorisation to adequately address any significant concerns raised.

2. Alternatives, including Previous Amendments to the Authorised Alternative

The following alternatives formed part of the original application (Referenced: 16/3/1/1/A3/16/2134/13):

Alternative 1

Alternative 1 entails the construction of 202 residential units, Open Space and roads. This Alternative would result in the rezoning of the land from agricultural to residential, open space and transport zones. This Alternative was approved in terms of LUPO in 2010. The proposal included the construction of a bridge over the Moddergat River, which traverses the property.

The residential component would comprise of 70.5%, the Open Space areas would comprise of 12.1% of the site and the roads would make up the remaining 17.4% of the site.

This Alternative provides a very low density at approximately 10 units per hectare and was therefore revised to provide a more appropriate density for the site in accordance with the Helderberg District Spatial Plan, as a layout proposal with a higher density is considered more appropriate to fully utilise the proposed site. The large number of plots bordering the realigned Moddergat River is considered inappropriate in terms of maintenance and access requirements to the channel. This also restricts public access along portions of the Moddergat River and limits potential amenities that the river provides to homeowners. Furthermore, Alternative 1 does not provide a mixed-use node, which results in the loss of the commercial, retail and institutional component that would be beneficial to the growing community.

Alternative 2

Alternative 2 entails a revised development proposal, which comprises of 332 group housing units, a mixed-use commercial node containing retail, office and institutional development; private and public roads and open space areas. Group Housing will be incorporated on 36% of the site with the Mixed-use Commercial node being incorporated on 8% of the site. The remainder of the site will comprise of 23% of Open Space areas, 29% private and public roads. A bridge across the Moddergat River was also proposed in terms of this Alternative. This Alternative involves a higher density of residential units than Alternative 1, which is more in line with the relevant planning policies. Additionally, this alternative includes the addition of a small commercial node to the development proposal that would provide various economic benefits and opportunities to the surrounding community.

However, Alternative 2 allows for residential units to be constructed in the southern-most corner to the west of the Moddergat River. This will result in a lengthy road being proposed along the western boundary to serve only a few Erven. This results in a large cost implication to the project that is not considered economically viable.

Alternative 3 (Preferred Layout – Originally Authorised)

This Alternative, as described in the final BAR, entails the development of a lifestyle estate of approximately 18.74 hectares in extent on Portions 9 and 17 of the Farm No. 681, Firgrove. The development proposal will consist of two main components, *namely*; the Acorn Creek Estate and a future mixed-use node. The realigned Moddergat River will split the Acorn Creek development into two areas east and west of the channel. The development proposal will also involve the construction of a bridge over the Moddergat River.

The Acorn Creek Estate will include, *inter alia*, the following:

- Approximately 325 Single Title, Group Housing units (approximately 6.57 hectares), which will range between 180m² and 230m² and accommodate detached and semi-detached units with a zoning of General Residential Zone 1. Of the approximately 325 Single Title, Group Housing units, one row is proposed to be situated adjacent to the southern and north-eastern boundaries to serve as an interface and visual screening mechanism between the N2 National Road to the south and the Firgrove Mixed-use Park to the east and will range between approximately 130m² and 150m²;
- Approximately 22 Private Open Space areas (approximately 5.24 hectares in extent), which include the upgraded Moddergat River (as authorised in the Record of Decision ("RoD") with Reference No.: AN 596/25/4 Moddergat River Improvement Scheme issued on 15 November 1999), the area between Sitari Country Estate, which borders the site and the canal towards the south of the site, which will remain undeveloped but landscaped areas. Six functional Private Open Space areas are proposed for functional recreational use;
- A sewer pump station will be constructed west of the realigned Moddergat River;
- A Public Road (approximately 0.34 hectares); and
- Private (Internal) Roads (approximately 4.95 hectares).

The future mixed-use node, situated to the north of the site adjacent to the R102 Regional Road and east from the proposed access off the R102 Regional Road, will be approximately 1.64 hectares in extent. The proposed future mixed-use node will accommodate commercial, retail, office and/or general residential land uses with a specific provision made for institutional uses.

The development proposal will make use of water supply, solid waste and wastewater disposal services provided by the City of Cape Town and the electricity supply provided by Eskom.

A public access road will be constructed off the R102 Regional Road, will not be included in the security estate and will be Zoned Transport Zone 2. The access road will be a one-way entrance from the R102 Regional Road to the traffic circle within the site. The main internal access route in the secure group housing development is a 16m road with smaller streets, which are accessed from this route varying in width between 10 – 13m. On-site parking provision for all residential units is at a minimum of 2 bays per unit, as required by the City of Cape Town Zoning Scheme Regulations. An additional entrance/exit from the residential development will be via a public link road through the adjacent Sitari Country Estate, which will function as a two-way access road.

This Alternative achieves a gross density of 17.5 du/ha that allows access to the middle-income group. This Alternative also allows for a mixed-use component and therefore allows for the benefits associated with having the nearby retail, office and institutional aspect of the development. Alternative 3 further removes the residential component in the southern corner of the site and thereby reduces the infrastructural cost of the development and at the same time opens up the open space area along the Moddergat River. Improved access to this channel is achieved through the reduced number of units facing directly onto the river through the more frequent use of roads along the Moddergat River.

“No-Go” Alternative

The “No-go” Alternative will result in the status-quo being maintained. This Alternative therefore entails discarding the Acorn Creek development proposal. This will result in the loss of the opportunity to increase the number of permanent employees that will benefit from the construction and operational phase of the development proposal. Agricultural Zoning includes activities and buildings that are reasonably connected with the main farming activities being or to be undertaken. The site is currently unused, and the banks of the river are invaded by alien species. The site has been earmarked for “Potential Low-Density Development”, as part of the District Plan, thereby confirming support for the appropriate development of this site. Allowing the land to remain *in-situ* would therefore be inconsistent with the planning policies for the area. The existing situation is associated with a negative impact on the surrounding community, with the open land attracting unwelcomed social activity.

The following alternatives formed part of the amendment application (Referenced: 16/3/3/5/A3/16/2027/17):

Alternatives 1 and 2 remained the same as the original application (Referenced: 16/3/1/1/A3/16/2134/13), since the amendment application (Referenced: 16/3/3/5/A3/16/2027/17) only necessitated the following amendments to the description of the authorised alternative (see Alternative 3 below):

- The inclusion of the Remainder of Portion 9 and 17 of the Farm No. 681, Firgrove, situated directly adjacent to the authorised mixed-use component (Phase 7) into the authorised development;
- The change of the mixed-use component (Phase 7) to a residential component, which will increase the development footprint by approximately 1.71ha; and
- Other additions include a multi-purpose facility of approximately 0.07ha, a club house of approximately 0.16ha and canal area of approximately 1.04ha.

Alternative 3 (Preferred Layout - Previously Authorised)

This Alternative, as described in the final BAR read together with the amendment environmental report received by this Department on 16 August 2017, entails the development of a lifestyle estate of approximately 20.45 hectares in extent on Portions 9 and 17 of the Farm No. 681, Firgrove. The development proposal consists of two main components, namely; the general residential component and the apartment component. The realigned Moddergat River will divide the Acorn Creek development into an area east and another area west of the channel. The development proposal involves the construction of a bridge over the Moddergat River.

The Acorn Creek Estate will include, *inter alia*, the following:

- 320 Single Title, Group Housing units (approximately 6.50 hectares), which will range between 180m² and 230m² and accommodate detached and semi-detached units of General Residential Zone 1. Of the 320 Single Title, Group Housing units, one row will be situated adjacent to the southern and north-eastern boundaries to serve as an interface and visual screening mechanism between the N2 National Road to the south and the Firgrove Mixed Use Park to the east. These units will range between 130m² and 150m²;
- 195 Apartment units (approximately 3.17 hectares) of General Residential Zone 2;
- A multipurpose institutional facility (approximately 0.07 hectares) of Community Zoning 1;
- A Clubhouse, estate lifestyle centre, Home Owners Association ("HoA") management offices and sales office (approximately 0.16 hectares) of Local Business Zoning 2;
- A Public Road (approximately 0.26 hectares);
- Private Open Space areas of approximately 5.40 hectares, which include the upgraded Moddergat River (as authorised in the Record of Decision ("RoD") of Reference No.: AN 596/25/4 Moddergat River Improvement Scheme, which was issued on 15 November 1999), the area between Sitari Country Estate which borders the site and the canal towards the south of the site, which will remain undeveloped but landscaped. Six functional Private Open Space areas are proposed for functional recreational use;
- A sewer pump station of approximately 5m x 3.5m will be constructed west of the realigned Moddergat River; and
- Private (Internal) Roads (approximately 4.95 hectares).

The Apartment component, situated to the north of the site, adjacent to the R102 Regional Road and east from the proposed access off the R102 Regional Road will be approximately 3.17 hectares in extent. The proposed apartment component will accommodate 195 apartment units and will include a multi-purpose facility of approximately 0.07ha, a club house of approximately 0.16ha and canal area of approximately 1.04ha.

The development proposal will make use of water supply, solid waste and wastewater disposal services provided by the City of Cape Town and the electricity supply provided by Eskom.

A public access road will be constructed off the R102 Regional Road and will be zoned Transport Zone 2. This public access road will not be included as part of the security estate. The access road will be a one-way entrance from the R102 Regional Road to the traffic circle within the site. The main internal access route in the secure group housing development is an approximately 16m long road with smaller streets varying in width between 10m – 13m. On-site parking provision for all residential units is at a minimum of 1.87 bays per unit as required by the City of Cape Town. An additional entrance/exit from the residential development will be via a public link road through the adjacent Sitari Country Estate, which will function as a two-way access road.

This Alternative achieves a gross density that allows access to the middle-income group. This Alternative will also help to ensure that the market demand for sectional title apartment units is met. Alternative 3 further removes the residential component in the southern corner of the site and thereby reduces the infrastructural cost of the development and at the same time opens the open space area alongside the Moddergat River. Improved access to this channel is achieved through a reduced number of units facing directly onto the river with more frequent use of roads alongside the Moddergat River.

"No-Go" Alternative

The "No-go" Alternative will result in the status-quo being maintained. This Alternative therefore entails discarding the amended Acorn Creek development proposal. This will result in the loss of the opportunity to increase the number of permanent employees that will benefit from the construction and operational phase of Phase 7 of the development proposal. Phases one of six of the authorised Acorn Creek Development has been commenced with. The re-alignment of the Moddergat River in accordance with the Environmental Approval issued on 15 November 1999 has been completed. The site has been earmarked for "Potential Low-Density Development", as part of the District Plan, thereby confirming support for this kind of development proposed on this site.

The amendment to the original description of the preferred alternative, as authorised under Alternative 3 of the amended EA (Referenced: 16/3/3/5/A3/16/2027/17), was further amended and authorised in a subsequent amended EA issued on 22 July 2020 (Referenced: 16/3/3/5/A3/16/2020/20), which reads as follows:

The proposed development entails the development of a lifestyle estate of approximately 20.45 hectares on Portions 9 and 17 of the Farm No. 681, Firgrove. The Development proposal consists of two main components, *namely*; the general residential component and the apartment component. The realigned Moddergat River will divide the Acorn Creek development into an area east and another area west of this channel. The development proposal includes the construction of a bridge over the Moddergat River.

The Acorn Creek Estate will include, *inter alia*, the following:

- 320 Single Title, Group Housing units (approximately 6.50 hectares), with a zoning of General Residential Zone 1.
- 210 Apartment units, approximately 3.17 hectares in extent with a zoning of General Residential Zone 2.
- A multipurpose institutional facility approximately 0.07 hectares in extent with a zoning of Community Zoning 1.
- Clubhouse, estate lifestyle centre, HOA management offices and sales office comprising of approximately 0.16 hectares, zoned: Local Business Zoning 2.
- 3.36 hectares of private open space.
- A canal area of 2.04 hectares.
- A Public Road (approximately 0.26 hectares); and
- Private (Internal) Roads (approximately 4.89 hectares).

The Apartment component, situated to the north of the site, adjacent to the R102 Regional Road and east from the proposed access off the R102 Regional Road will be approximately 3.17 hectares in extent. The proposed apartment component will accommodate 210 apartment units and will include a multi-purpose facility of approximately 0.07ha, a club house of approximately 0.16ha and canal area of approximately 1.04ha.

The development proposal will make use of water supply, solid waste and wastewater disposal services provided by the City of Cape Town and the electricity supply provided by Eskom.

A public access road will be constructed off the R102 Regional Road and will be zoned Transport Zone 2. This public access road will not be included as part of the security estate. The access road will be a one-way entrance from the R102 Regional Road to the traffic circle within the site. The main internal access route in the secure group housing development is an approximately 16m long road with smaller streets varying in width between 10 – 13m. On-site parking provision for all residential units is at a minimum of 1.74 bays/unit (*i.e.*, 366 bays), while 54 bays will be converted to tandem bays. An additional entrance/exit from the residential development will be via a public link road through the adjacent Sitari Country Estate, which will function as a two-way access road.

A departure of the building line on the eastern boundary of 1.8m will also be implemented.

In terms of this amendment application, the amended description of the Acorn Creek development authorised under Alternative 3 of the amended EA issued on 22 July 2020 (Referenced: 16/3/3/5/A3/16/2020/20), is herewith amended for the 'Acorn Creek development' to read, as follows:

The proposed development entails the construction of the Acorn Creek development on Erven 1761, 1713 and 2147, Sitari, which comprises of the following:

- Approximately 202 Single Title, Group Housing units;
- Approximately 210 Apartment units;
- A multipurpose institutional facility;
- A clubhouse, estate lifestyle centre, management offices and sales office; and
- Associated private open space areas, canal areas, a public road and internal private roads network.

The total development footprint will amount to approximately 9.39ha.

3. Impact Assessment and Mitigation Measures

Given the nature of the amendment application, the reduced scale of the amended development will not result in an increased level of impacts, which formed part of the original EIA application (Referenced: 16/3/1/1/A3/16/2134/13), read together with subsequent amendment applications (Referenced: 16/3/3/5/A3/16/2027/17) and (Referenced: 16/3/3/5/A3/16/2020/20), respectively.

In view of the above, the following key factors regarding the impacts, which were considered as part of the abovementioned original application and subsequent amendment applications, largely remain unchanged:

3.1. Activity Need and Desirability

The site is situated within the City of Cape Town's Urban Edge and has been earmarked for urban expansion. Furthermore, the Helderberg District Spatial Plan earmarks the site for "Mixed Use Intensification" and "Potential Low-Density Development". The latter is defined by the District Plan as "a gross density that could average 10 – 25 du/ha". The preferred development proposal has a gross density that adheres to the above density requirement.

The site is located within an area of the N2 National Road corridor where extensive urbanization is currently taking place on either side of the road. The Sitari Lifestyle Estate, Croydon Vineyard and Olive Estates and Kelderhof Country Village are low density residential developments within the higher cost market. Macassar and Firgrove are higher density, lower cost residential areas. The apartment component will help ensure that the market demand for sectional title apartment units is met. The site will play an integrating role between the Sitari development and Firgrove node. In addition, as a result of the proximity of the site to the N2 National Road, the site provides easy access to the Cape Town Central Business District ("CBD") to the west and Somerset West to the east and beyond via the N2 National Road.

3.2. Regional Planning Context and Surrounds

The site is in close proximity to the older Faure and Croydon residential areas to the west, Firgrove to the east and Macassar to the south, across the N2 National Road. The recent developments adjacent to the site are the Sitari Lifestyle Estate, Croydon Vineyard Estate and Croydon Olive Estate to the west and the Kelderhof Country Village to the northwest, opposite the R102 Regional Road. The site forms the transition between the lower density higher income residential developments to the west and the mixed-use developments and lower income residential areas to the east. The development proposal will therefore support the creation of a mixed-income residential node.

The N2 National Road and the R102 Regional Road are situated adjacent to the site along the northern and southern boundaries, respectively. Other existing roads are the Macassar

Road (Main Road) and Kramat Road. The site is located approximately 500m from the Firgrove Station and public transport routes (bus and minibus) operate along Macassar Road. The site is therefore accessible via public and private transport within a regional and local context.

The site has a series of furrows and stormwater channels that feed into the Moddergat River. The existing Moddergat River flows from a culvert beneath the R102 Regional Road, across the site and exits through a culvert beneath the N2 National Road. The Moddergat River enters on the north-eastern corner of the site and flows approximately halfway through the site along the eastern boundary before crossing the site at the western corner. The Moddergat River then flows along the western site boundary and exits the site in the south-western corner of the property.

3.3. Biodiversity / Biophysical Impacts

The site is located in a flat lying area at the foothill of a granite hillock, with a slope of approximately 1% in a southerly direction. The site has a series of furrows and stormwater channels, which extend toward the Moddergat River. The existing Moddergat River flows from a culvert under the R102 Regional Road, across the site and exits through a culvert underneath the N2 National Road.

The site is underlain by alluvial deposits with clayey residual Malmesbury Group soils at shallow depth below surface. The residual soils represent decomposed Malmesbury Group Greywacke and Phyllite (Shale). The regional aquifer directly underlying the majority of the site is classified by the National Department of Water and Sanitation ("DWS"), as an intergranular aquifer. The site has only been used for agricultural purposes in the past and associated infrastructure exists on the land in the form of outbuildings. The existing outbuildings will be demolished to make way for the development.

The activity will not take place within the realigned Moddergat River. The Moddergat River is a tributary of the Eerste River, which falls within the Berg Water Management Area and Quaternary Catchment (G22H). The total catchment area of the Moddergat River is approximately 33.6km², the geology of which is dominated by Cape Granite, Sand and Alluvium, with some Malmesbury Shales. The Moddergat River is a relatively short river that originates in the foothills of the Helderberg.

The ecological status of the middle reaches of the Moddergat River can broadly be described, as being largely modified, as a result of surrounding land-use activities. The ecological importance and sensitivity of the river is therefore deemed to be of low significance.

The heavier winter rains experienced in Cape Town result in the flooding of areas such as Firgrove and Macassar. Both north and south of the N2 National Road, developments have occurred within the 1:50 year floodline. The purpose of the authorised works in the Moddergat River is to ensure that the watercourse can accommodate the 1:100 year floodline. This will result in a significantly drier site on which the Acorn Creek development will be established.

3.4. Bulk Services Infrastructure

Sewage:

All wastewater from the proposed development will be accommodated in a gravity waterborne sewer system. The proposed sewer system will consist of two gravitational systems interlinked across the realigned Moddergat River. It is proposed that the sewage from the Erven to the west of the realigned Moddergat River will gravitate to a central collection point and from there it will cross the realigned Moddergat River to connect to the sewer network east of the realigned Moddergat River. A sewer pump station will be constructed west of the realigned Moddergat River. The pump station will pump the sewage through a pipeline strapped to the culverts crossing the realigned Moddergat River. The rising main will then connect to the gravitational sewer system east of the river by

means of a transition manhole. The internal sewer mains will consist of a combination of 140mm and 200mm diameter pipelines.

The proposed development's sewer network will connect to the City of Cape Town's sewer system, which conveys sewage to the existing Macassar Pump Station through a 300mm diameter sewer line, where it will be pumped to the Macassar Waste Water Treatment Works ("WWTW"). All main sewer lines will be situated either within the road reserves or Public Open Space areas. Each Erf will be connected to a main sewer line. The City of Cape Town provided the existing conveyance infrastructure to the Macassar WWTW and confirmed that the existing sewer infrastructure, as well as the Macassar WWTW have sufficient additional capacity to accommodate the development proposal.

Water:

The City of Cape Town has indicated that there are three bulk water pipelines adjacent to the northern boundary of the proposed development and connecting to these three pipelines is prohibited. Permission was therefore obtained from the City of Cape Town to increase the flow to the Sitari Country Estate development and to abstract the Acorn Creek's water from the Sitari water network. A 200mm diameter connection pipe will be used to feed into the internal water reticulation of the proposed Acorn Creek development. The proposed internal reticulation will consist of a 200mm, 160mm, 110mm and 75mm diameter class 12 uPVC pipes. A bulk water meter shall be installed to measure the Acorn Creek development's total water usage from the Sitari water network. Individual units and Erven will also be metered individually. The individual water meters will be linked to a central system for the entire development proposal. The Body Corporate or Home Owners Association will be responsible for metering, billing and collecting of the individual household costs. The City of Cape Town will bill the development on the total water usage only. The City of Cape Town approved the proposed connection to the Sitari water network.

Solid Waste:

The City of Cape Town's Solid Waste Management Department originally indicated that they do not have any objections, in principle, with regard to the collection and disposal of solid waste from the Acorn Creek development.

Electricity:

The final electricity supply requirement is to be confirmed with Eskom during the design approval and supply application process. Electricity supply will be supplied by Eskom. The following general requirements shall be applicable to the development: Secondary MV cables shall be reticulated through the whole development and continue to form a ring through the adjacent industrial site and back to the new substation. 3 x 5m x 3.5m mini-substation sites will be allowed in a Private Open Space. These sites will not be transferred to Eskom, but a service agreement will be signed. mini-substations shall be installed within the development from where the supply to the respective Erven shall be made available. Street lighting will be installed to holder's requirements but must meet SANS standards and specifications. General supply will be provided to allow for auxiliary services, public and street lighting, electrified fencing and sewer pump rooms. Residential sites will be serviced from electrical kiosks with LV feeders. Electrical distribution kiosks will be supplied by low voltage cabling from mini-substations.

Stormwater:

The required stormwater infrastructure includes, *inter alia*, stormwater attenuation pond(s), culvert(s) with inlet structure(s), open/piped channel(s), underground drainage system(s), drainage routes (overland flows) and the associated bulk earthworks. Stormwater discharged on the Sitari site through channel/culvert will also be purified and attenuated through Sitari's stormwater system, as allowed for in Sitari's Stormwater Management Plan. After the process of attenuation and purification, stormwater will drain into the Moddergat River.

3.5. Traffic / Access

A public access road will be constructed off the R102 Regional Road. The said access road will not be included in the security estate and will be zoned Transport Zone 2. The said access road will be a one-way entrance from the R102 Regional Road to the proposed traffic circle within the site. A traffic circle is proposed on this road, providing a link to the Sitari development to the west and the apartment component of the amended Acorn Creek development to the east. The circle will have one approach lane per direction and be able to accommodate heavy vehicles. An approximately 10m wide right of way servitude is proposed south of the traffic circle, along the southern boundary of the apartment component of the amended Acorn Creek development site to provide a future means of access. The general residential component of the amended Acorn Creek development will have access control with sufficient stacking distance.

The urban design of the general residential component of the Acorn Creek development will assist with traffic calming by means of narrow road widths (6m and 5.5m), paving changes and focal point/features at the end of some of the roads. The street layout and intersections incorporate inputs and original comments from the project Traffic Engineer and the City of Cape Town's Department of Transport. On-site parking provision will be provided, as per the City of Cape Town's requirements. An additional entrance/exit from the residential development will be via a public link road through the adjacent Sitari Country Estate, which will function as a two-way access road.

3.6. Heritage / Archaeological / Built Environment

As per the previous correspondences from Heritage Western Cape ("HWC") dated 26 September 2014 and 17 April 2017, respectively, the site has no heritage significance. As per the latest correspondences from HWC (dated 29 September 2022), it was confirmed that there is no reason to believe that heritage resources would be impacted upon and no further input from HWC for the amendment application is required.

Additionally, the holder will comply with Conditions 19 and 20 of this amended Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.7. Socio-economic Aspects

The development will provide employment opportunities in both the construction- and operational phases of the development. The development cannot be considered a societal priority. However, it will have a number of positive benefits for the surrounding community. The proposed development will ensure that the existing urban landscape is improved and will help to attract investment into the local area. The built form of the development will be contemporary, though sensitive to the existing urban form of the area and the creation of public areas will further enhance the quality of the area's public realm.

The development will result in both negative and positive impacts.

Negative Impacts:

- Minimal loss of indigenous vegetation, as a result of the development proposal;
- Potential noise and dust impacts during the construction phase;
- Loss of ecological processes associated with the minimal loss of indigenous vegetation, some ecologically important species and some Species of Conservation Concern;
- Loss of ecological processes associated with the loss of the on-site wetlands; and
- Potential visual impacts during the construction- and operational phases.

This Department is satisfied that the negative impacts of significance specified above can be adequately addressed by adhering to the Conditions contained in this amended EA and implementing the mitigation measures contained in the approved EMP.

Positive Impacts:

- Additional housing and business opportunities in the area;

- Some employment opportunities during the construction- and operational phases of the development;
- Optimal use of available land in the area; and
- Improvement in the living conditions of the surrounding community through the provision of affordable housing for middle income earners.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this amended Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised Listed Activities 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 undertaking of the Listed Activities can be mitigated to acceptable levels.

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