



REFERENCE: 16/3/3/1/A4/43/3013/23
NEAS REFERENCE: WCP/EIA/0001242/2023
DATE OF ISSUE: 08 August 2023

The Municipal Manager
City of Cape Town
Directorate: Human Settlements
13th floor, Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8001

Attention: Ms. Riana Pretorius

E-mail: riana.pretorius@capetown.gov.za

Dear Madam

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): PROPOSED ESTABLISHMENT OF THE MFULENI EMERGENCY HOUSING DEVELOPMENT (BOSASA LINK) ON A PORTION OF PORTION 3 OF ERF NO. 952, A PORTION OF REMAINDER ERF NO. 1, AND A PORTION OF REMAINDER ERF NO. 987 (UNREGISTERED ERF NO. 10263), MFULENI.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Carmen du Toit (The Environmental Partnership)
(2) Mr. André Oosthuizen (DEA&DP: DDF)
(3) Ms. Azanne van Wyk (City of Cape Town)

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



REFERENCE: 16/3/3/1/A4/43/3013/23
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ENVIRONMENTAL AUTHORISATION

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 (AS AMENDED): PROPOSED ESTABLISHMENT OF THE MFULENI EMERGENCY HOUSING DEVELOPMENT (BOSASA LINK) ON A PORTION OF PORTION 3 OF ERF NO. 952, A PORTION OF REMAINDER ERF NO. 1, AND A PORTION OF REMAINDER ERF NO. 987 (UNREGISTERED ERF NO. 10263), MFULENI.

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

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated April 2023.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

City of Cape Town
Directorate: Human Settlements
c/o Ms. Riana Pretorius
13th floor, Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8001

Tel.: (021) 400 4585
E-mail: riana.pretorius@capetown.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <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>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m³ from a watercourse.</p>
<p>Activity 27: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -</i></p> <ul style="list-style-type: none"> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i> 	<p>More than 1ha of indigenous vegetation will be cleared.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the</i> 	<p>More than 300m² of endangered vegetation will be cleared.</p>

<p><i>publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <ul style="list-style-type: none"> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> <i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</i> 	
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The abovementioned list is hereinafter referred to as "the listed activities".

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

The proposed development entails the establishment of the Mfuleni emergency housing development (also known as the Bosasa Link development) on a portion of Portion 3 of Erf No. 952, a portion of Remainder Erf No. 1, and a portion of Remainder Erf No. 987 (Unregistered Erf No. 10263), Mfuleni. The proposed development will provide for approximately 756 serviced sites and will serve as an informal settlement upgrade as follows:

- Approximately 756 residential serviced sites;
- 1 community facility erf;
- 24 local business erven;
- An open space area;
- Storm water attenuation infrastructure along the southwestern portion of the site; and
- Construction of associated internal roads and all necessary bulk services.

Storm water on the eastern portion of the site will drain towards the central road running in an approximate south-westerly/north-easterly direction and will discharge into a detention facility located just to the north of the Old Faure Road. A small area will be located to the north of Old Faure Road and Lhobohobo Street. The detention pond will also receive discharge from some of the other sites forming part of the greater Mfuleni housing development project.

Services such as water supply, solid waste removal and sewage disposal will be supplied by the City of Cape Town and electricity will be supplied by Eskom. Access to the site will be gained via existing roads in the surrounding area.

Approximately 8.7ha of high sensitivity, semi-intact Cape Flats Dune Strandveld will be cleared. To offset the loss of indigenous vegetation, the City of Cape Town will secure,

and through the provision of the necessary resources, ensure the formal protection and effective ecological management of 11.97ha of Cape Flats Dune Strandveld in the Macassar Dunes East Conservation LandBank ("MDECLB") for conservation in perpetuity.

Approximately 7.85ha of Portion 50 of Farm No. 559, Rooi Els, comprising Southwest Fynbos un-channelled valley bottom wetlands and associated buffer areas will be used to offset the loss of wetlands on the proposed site.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on a portion of Portion 3 of Erf No. 952, a portion of Remainder Erf No. 1, and a portion of Remainder Erf No. 987 (Unregistered Erf No. 10263), Mfuleni (the Bosasa Link development).

The erven loosely border each other and largely fall west of Eerste River Way and north of Old Faure Road.

The SG 21-digit codes are:

Erf Number	SG 21 digit code
A portion of Portion 3 of Erf No. 952	C06700000000095200003
A portion of Remainder Erf No. 1	C06700260000000100000
A portion of Remainder Erf No. 987 (Unregistered Erf No. 10263)	C06700260000098700000

Co-ordinates:

Latitude: 34° 00' 40" S

Longitude: 18° 41' 16" E

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

hereinafter referred to as "the site".

Botanical Offset Location:

The botanical offset site is located on the MDECLB.

The SG 21-digit codes are:

C06700150000113700000; C06700150000070800000; C06700150000106200000;
 C06700150000106300000; C06700150000070700000; C06700080000072100000;
 C06700080000070300000; C06700150000070200000; C06700150000119500000;
 C06700150000119600000

Co-ordinates:

Latitude: 34° 04' 18.59" S

Longitude: 18° 45' 20.44" E

Refer to Annexure 3: Locality Plan

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

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

Tel.: (021) 422 0999
Fax: (021) 422 0998
E-mail: carmen@enviropart.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated April 2023 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of ten (**10**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.
4. The activities that have 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 ("I&APs") 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 I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs 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 I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

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

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 11 and 15.

Management of activity

10. The draft EMPr dated April 2023 (as compiled by The Environmental Partnership) and submitted as part of the application for Environmental Authorisation is hereby approved on condition that the following amendments are made and implemented:
 - 10.1 The following recommendations contained in the Traffic Impact Assessment Report dated July 2021, as compiled by Mowana Engineers (Pty) Ltd., and the Addendum Report dated 15 December 2022, as compiled by Gibb (Pty) Ltd., must be included in the EMPr:
 - 10.1.1 The intersection of Faure Klipfontein Road/Eersriv Way be signalised with the following geometric improvements:
 - An additional left-turn lane be added on Faure Klipfontein Road (west approach).
 - 10.1.2 The intersection of Old Faure Road/Inqilo Road be signalised with the following geometric improvements:
 - An additional right-turn lane on Old Faure Road (east approach);
 - An additional left-turn lane on Old Faure Road (west approach); and
 - An additional left-turn lane on Inqilo Road (north approach).
 - 10.2 The following recommendations contained in the Faunal Screening Report dated September 2022, as compiled by Biodiversity Africa must be included in the EMPr:
 - 10.2.1 The development must be designed to allow free movement of faunal species. e.g., trenches with sloped side to allow faunal species to exit.
 - 10.2.2 Should any faunal species of conservation concern be encountered during construction, these must be recorded (*i.e.*, be photographed, GPS co-ordinates taken) and placed on iNaturalist.
 - 10.2.3 The removal of vegetation may only be done outside of the breeding season of raptors when birds are not nesting and rearing young.
 - 10.2.4 The site must be regularly checked for bird species of conservation concern nests, and nests without eggs must be cleared to prevent birds from laying eggs.
 - 10.2.5 Should a nest with eggs or chicks be found it must be declared a no-go and must not be impacted on.
 - 10.2.6 An ornithologist must be appointed to relocate the nest and chicks if necessary.
11. The amended EMPr must be submitted to the competent authority before the commencement of construction activities.
12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.

13. The EMPr, must be included in all contract documentation for all phases of implementation.
14. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

15. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 15.1 be appointed prior to commencement of any construction activities commencing;
- 15.2 ensure compliance with the EMPr and the conditions contained herein;
- 15.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 15.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 15.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 15.6 conduct two weekly site inspections during the construction phase.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 16.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
 - 16.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 16.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

- 17.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and

- (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 17.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.3 evaluate the effectiveness of the EMPr;
 - 17.4 identify shortcomings in the EMPr;
 - 17.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.7 include a photographic record of the site applicable to the audit; and
 - 17.8 be informed by the ECO reports.
18. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

19. 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.
20. 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.
21. 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.
22. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
23. Based on the Botanical Biodiversity Offset Agreement dated 05 May 2023, the following must be implemented:
- 23.1 The holder must secure, and through the provision of the necessary resources, ensure the formal protection and effective ecological

- management of 11.97ha of Cape Flats Dune Strandveld in the Macassar Dunes East Conservation Land Bank. The offset area must be managed as a conservation area, in perpetuity.
- 23.2 Proof of submission of the application for Nature Reserve status under the National Environmental Management: Protected Areas Act, 2003 (Act. No 57 of 2003) (including title deed restrictions and rezoning) must be provided to the competent authority within 24 months of the date of this Environmental Authorisation.
 - 23.3 Compliance with the formal agreement signed between the City of Cape Town Directorate: Human Settlements (represented by the Department: Informal Settlements) together with the City of Cape Town's Environmental Management Department [represented by the Biodiversity Management Branch ("BMB")], must be audited on an annual basis and every three years thereafter, whilst the Nature Reserve declaration is still pending, to check both the ecological performance of the offset site and the adequacy of provision of the necessary resources to deliver the required offset outcomes; identify any corrective or adaptive measures which must be taken to ensure that the intended offset outcomes (as stated in the Management Plan for the Macassar Dunes East Nature Reserve) are achieved to ensure that the 11.97ha offset area is managed to the required ecological state.
24. Based on the Aquatic Biodiversity Offset Agreement dated 05 May 2023, the following must be implemented:
 - 24.1 The holder must secure, and through the provision of the necessary resources, ensure the formal protection and effective ecological management of 7.85ha of Portion 50 of Farm No. 559 Rooi Els in perpetuity.
 - 24.2 Proof of submission of the application for Nature Reserve status under the National Environmental Management: Protected Areas Act, 2003 (Act. No 57 of 2003) (including title deed restrictions and rezoning) must be provided to the competent authority within 24 months of the date of this Environmental Authorisation.
 25. The Method Statement for the translocation of the Cape Dwarf Chameleon (*Bradypodion pumilum*) dated April 2023 (as compiled by Biodiversity Africa) as included in the EMPr, must be implemented.

General matters

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

Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr 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 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>.

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

DATE OF DECISION: 08 AUGUST 2023

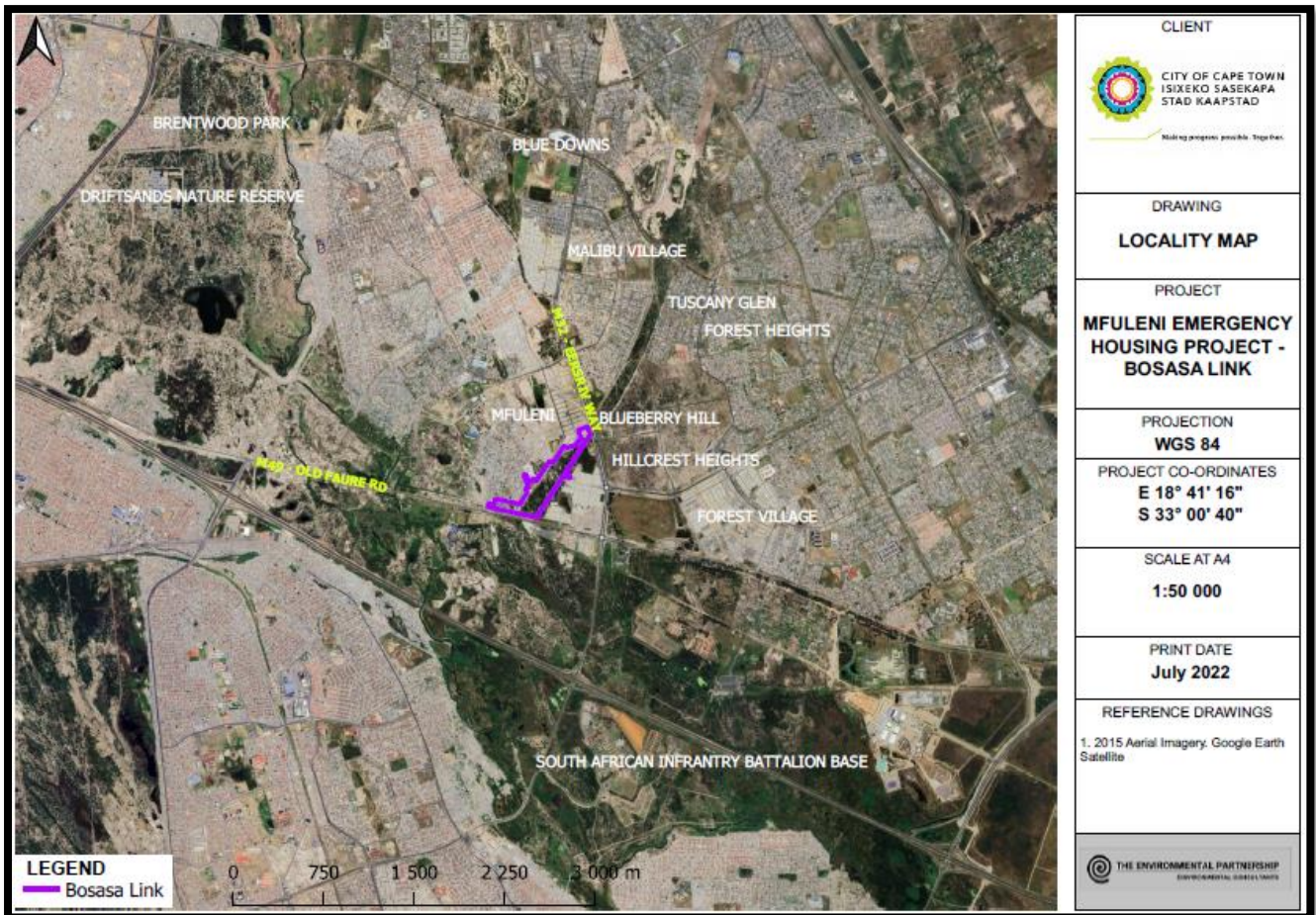
CC: (1) Ms. Carmen du Toit (The Environmental Partnership)
(2) Mr. André Oosthuizen (DEA&DP: DDF)
(3) Ms. Azanne van Wyk (City of Cape Town)

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E-mail: Andre.Oosthuizen@westerncape.gov.za
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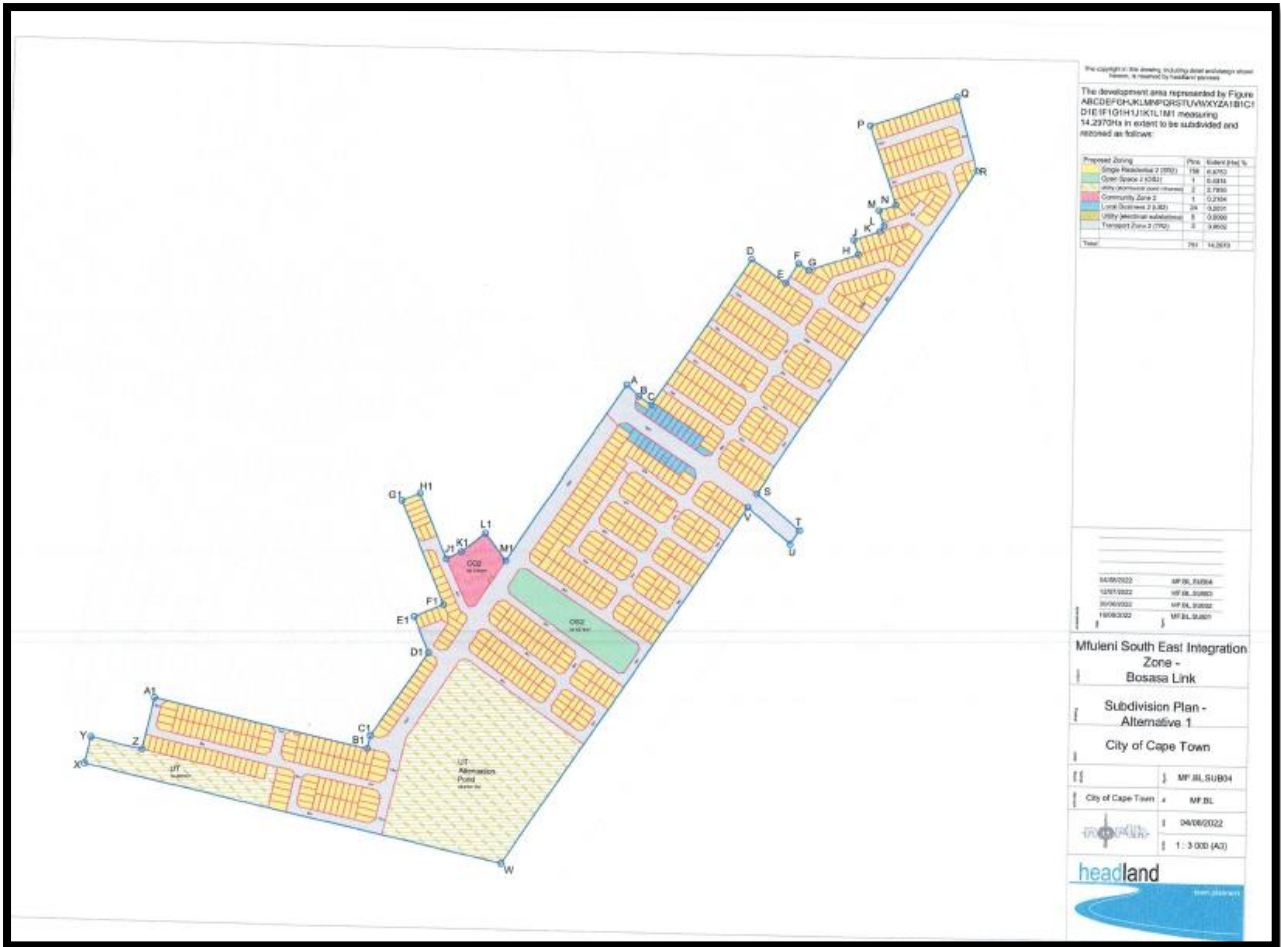
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EIA REFERENCE NUMBER: 16/3/3/1/A4/43/3013/23
NEAS EIA REFERENCE NUMBER: WCP/EIA/0001242/2023

ANNEXURE 1: LOCALITY PLAN

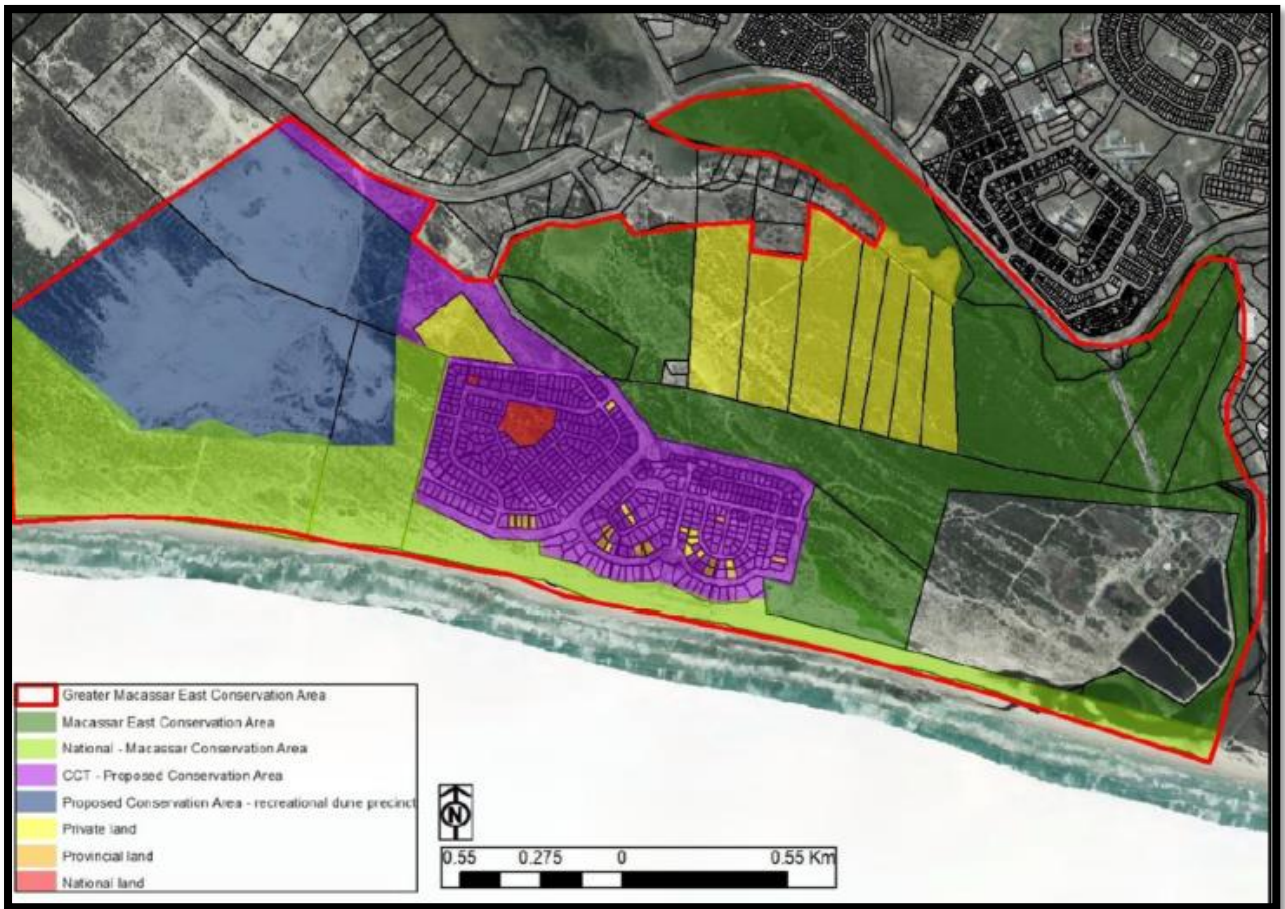


ANNEXURE 2: SITE PLAN



ANNEXURE 3: LOCALITY PLAN OF OFFSET SITE

The proposed offset site is the MDECLB.



ANNEXURE 4: REASONS FOR THE DECISION

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

- a) The information contained in the application form received by the competent authority via electronic mail correspondence on 06 March 2023; the BAR dated April 2023, as received by the competent authority via electronic mail correspondence on 12 May 2023; and the EMPr submitted together with the BAR.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated April 2023.
- 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:

- An advertisement was placed in the “City Vision” newspaper on 15 September 2022;
- Notices were placed on site on 19 September 2022;
- E-mails were sent on 19 September 2022 to organs of State/State Departments to announce the availability of the pre-application BAR;
- Information Sheets were distributed by the ward councillors and other leaders by hand and e-mail on 20 September 2022;
- The Information Sheet was made available via e-mail on 22 September 2022;
- The pre-application BAR was placed at the Mfuleni Library and on the EAPs website for the duration of the commenting period;
- The pre-application BAR was made available from 19 September 2022 until 20 October 2022;
- E-mails were sent on 03 March 2023 to announce the availability of the draft BAR;
- E-mails were sent on 15 March 2023 to indicate the commenting period on the draft BAR has been extended until 06 April 2023; and
- The draft BAR was made available from 06 March 2023 until 06 April 2023.

Authorities consulted

The authorities consulted included the following:

- Department of Environmental Affairs and Development Planning (“DEA&DP”) Directorate: Pollution and Chemicals Management;
- DEA&DP Directorate: Waste Management;
- Western Cape Department of Education;
- Heritage Western Cape;
- City of Cape Town;
- Department of Water and Sanitation; and
- CapeNature.

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

2. Alternatives

The following layout alternatives were considered:

Layout Alternative 1 (preferred alternative – herewith authorised):

The preferred alternative entails the establishment of the Mfuleni emergency housing development (the Bosasa Link development) on a portion of Portion 3 of Erf No. 952, a portion of Remainder Erf No. 1, and a portion of Remainder Erf No. 987 (Unregistered Erf No. 10263), Mfuleni. The proposed development will provide for approximately 756 serviced sites and will serve as an informal settlement upgrade as follows:

- Approximately 756 residential serviced sites;
- 1 community facility erf;
- 24 local business erven;
- An open space area;
- Storm water attenuation infrastructure along the southwestern portion of the site; and
- Construction of associated internal roads and all necessary bulk services.

Storm water on the eastern portion of the site will drain towards the central road running in an approximate south-westerly/north-easterly direction and will discharge into a detention facility located just to the north of the Old Faure Road. A small area will be located to the north of Old Faure Road and Lhobohobo Street. The detention pond will also receive discharge from some of the other sites forming part of the greater Mfuleni housing development project.

Services such as water supply, solid waste removal and sewage disposal will be supplied by the City of Cape Town and electricity will be supplied by Eskom. Access to the site will be gained via existing roads in the surrounding area.

Approximately 8.7ha of high sensitivity, semi-intact Cape Flats Dune Strandveld will be cleared. To offset the loss of indigenous vegetation, the City of Cape Town will secure, and through the provision of the necessary resources, ensure the formal protection and effective ecological management of 11.97ha of Cape Flats Dune Strandveld in the MDECLB for conservation in perpetuity.

Approximately 7.85 ha of Portion 50 of Farm No. 559, Rooi Els, comprising Southwest Fynbos unchanneled valley bottom wetlands and associated buffer areas will be used to offset the loss of wetlands on the proposed site.

This is the preferred alternative as it provides for approximately forty more residential units, thereby addressing the housing backlog more effectively.

Layout Alternative 2:

Layout Alternative 2 proposes the construction of 713 residential units, more open spaces, and less erven for the development of serviced sites. Layout Alternative 2 is similar to the preferred alternative in terms of access roads, community spaces, open spaces and connection to services. This alternative was discarded as it provides for less residential units.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed Mfuleni emergency housing development will not be established. This alternative was not deemed as preferred, as the proposed development will provide for much needed housing, augment the

economic activities and the benefits to the holder and creation of jobs would not be realised. The “no-go” alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed Bosasa Link development will contribute towards alleviating the need for low-cost housing in the Mfuleni area. The serviced sites will be largely allocated to eligible beneficiaries on the City of Cape Town housing application list in the Mfuleni area. Since the proposed development will create formal housing opportunities, it will serve as an informal settlement upgrade. The proposed development will promote high levels of accessibility and mobility between the site and the surrounding area to ensure integration.

In terms of the City of Cape Town's Integrated Development Plan (“IDP”), new urban densification housing projects are encouraged to address the current housing issue within the City of Cape Town. It is specifically encouraged to invest in the development of affordable, high-density housing, in transport corridors and priority nodes. Furthermore, the proposed development will provide an opportunity for embodying spatial transformation through utilising City owned land to create residential opportunities in an area that is currently lacking such opportunities.

The proposed development is aligned with Strategy 1 of the City of Cape Town Municipal Spatial Development Framework (“MSDF”) dated January 2023 as it addresses current imbalances in the distribution of different types of housing and will provide improved housing conditions in the form of serviced sites. The proposed development aligns with the objective of Policy 3: “*Transform the apartheid city*”. Policy 3 aims to redress existing socio-economic imbalances post-apartheid and the proposed development responds to the critical house backlog. Policy 10 of the MSDF specifies the importance of proactively supporting public-led land reform. The proposed development will enable surrounding community members with access to a serviced plot, and the opportunity to build their own homes.

3.2 Botanical impacts

A Botanical Impact Assessment Report dated September 2022 and a Botanical Offset Report dated November 2022 were compiled by Capensis, to assess the potential botanical impacts associated with the proposed development.

According to the Botanical Impact Assessment Report, the vegetation type occurring on the site is classified as Cape Flats Dune Strandveld, which is listed as endangered in the National List of Ecosystems that are Threatened and in Need of Protection, dated 2022. Cape Flats Dune Strandveld has been further divided into two sub-types *i.e.*, False Bay and West Coast Cape Flats Dune Strandveld. The Bosasa link site falls within the False Bay sub-type.

The site is classified as a Critical Biodiversity Area (“CBA”) 1b and Other Natural Area in the City of Cape Town's Biodiversity Network (“BioNet”). CBA1b sites are considered to be 100% irreplaceable according to the BioNet. The vegetation condition on the site has been described according to habitat categories and the habitats mapped on the site are as follows:

Transformed areas:

The transformed areas occur mainly along the northern and eastern boundaries forming a band adjacent to the existing developments outside the site. The transformed areas have been cleared of all indigenous vegetation and kept clear. A large canal and associated banks form part of this area.

Highly degraded areas:

A few parts of the site have been completely cleared of natural vegetation in the past, but have not yet been developed. The largest area occurs in the west and the habitat has been degraded through human activities such as foot paths, dumping, littering and recreational activities. Invasive species such as Port Jackson willow and the castor oil plant occur scattered within the habitat. The species are typical of disturbed Strandveld and consist of shrubs such as taibos and ground covers such as sour fig and klimopkinkelbossie. Species diversity and cover is very low. Other species noted are blombos, skilpadbessie, *Hellmuthia membranacea*, *Trachyandra divaricata* and the exotic grass brome.

Semi-intact areas:

The semi-intact areas contain a diverse mix of habitats with dunes, dune slacks and wetlands forming a complex mosaic. The dunes and dune slack areas are not mapped separately as they form an intricate mosaic that cannot be easily mapped. The vegetation in this habitat is dominated by large shrubs known as thicket vegetation. The dominant species are typical of Cape Flats Dune Strandveld thicket communities and include sea gwarrie, blue kunirhus, waxy currant, dune currant, bluefruit curranthrus and dune olive. Invasive rooikrans occurs within the thicket patches.

Wetlands:

The wetlands are mostly natural and occur in the low areas between the dunes. The wetland species *Typha capensis* is dominant in the larger, more permanent wetlands. The smaller wetlands that do not remain in deep water for long are dominated by cogon grass.

The transformed habitat is of very low sensitivity for the following reasons:

- This area is not representative of the original vegetation; and
- Rehabilitation potential is very low.

The highly degraded habitats are of low sensitivity for the following reasons:

- Almost all of the indigenous vegetation has been lost and is not representative of the original vegetation type; and
- Rehabilitation potential is low.

The semi-intact habitat and the wetlands in the southern part of the site are of high sensitivity for the following reasons:

- Species diversity is highest compared with the remainder of the site and the associated ecological processes are relatively intact;
- The vegetation is representative of the original vegetation type;
- This habitat falls within a CBA1b site; and
- Due to the good condition no rehabilitation will be required.

The high sensitivity area along the southern part of the site is large, continuous and contains multiple niche habitats such as dunes, dune slacks and wetlands. In addition, a number of seasonally wet sites occur that are dominated by cogon grass, which is the host and food plant for two critically endangered *Kedestes* butterfly species

(*Kedestes barberae bunta* and *Kedestes lenis lenis*), which are endemic to the Western Cape. Both butterfly species utilise just one host plant, *Imperata cylindrica*. The species fly just once a year with *Kedestes barberae bunta* flying in September and *Kedestes lenis lenis* flying in November. Therefore, the ecological functionality of the high sensitivity area is of high conservation importance since few habitats remain on the Cape Flats.

All indigenous terrestrial vegetation (semi-intact) will be lost from within the development footprint (8.7ha). The semi-intact vegetation is of high sensitivity and the impacts will be of high negative significance before mitigation. Since avoidance, minimisation or rehabilitation is not possible as the entire site will be developed, offset mitigation is therefore required.

The overall operational phase impacts relate to the possible disturbance of vegetation within the adjacent area. These disturbances relate to dumping/littering, fires and edge effects related to the proposed development. The impacts are expected to be medium negative before mitigation. Management of the adjacent vegetation is not likely to occur and therefore no mitigation will be implemented that can reduce the impact.

Botanical offset:

The residual impact of the proposed development is a direct loss of 8.7ha of high sensitivity, semi-intact Cape Flats Dune Strandveld. Over and above the direct loss of vegetation and flora, the indirect (edge) effects of the proposed development must also be considered, particularly during the operational phase, which will result in additional impacts on adjacent high sensitivity vegetated areas. As such, a 50m-wide buffer along the edge of the development into the high sensitivity areas must be included to measure the residual negative impacts. The additional semi-intact habitat that falls within the 50m buffer is approximately 3.27ha, resulting in an area of 11.97ha to be offset.

The proposed offset site is the MDECLB. The MDECLB is currently classified as a CBA1b site and the greater part of the MDECLB is mapped to contain the False Bay ecotype of the Cape Flats Dune Strandveld ecosystem. This LandBank is therefore a like for like match, and suitable as an offset area for the Bosasa Link site. No species of conservation concern were found on the Bosasa site, and there is no need to ensure that particular species of conservation concern are represented in the MDECLB. Furthermore, CapeNature supports the recommendation to utilise 11.97ha of the proactively secured MDECLB to mitigate the loss of terrestrial vegetation, at an offset ratio of 1:1. An offset specialist, Susie Brownlie (deVilliers Brownlie Associates) was appointed to review the Biodiversity Offset Report compiled by Capensis.

The Offset Specialist Report recommended that the holder ensures the formal protection and effective ecological management of 11.97ha of Cape Flats Dune Strandveld in the MDECLB for a minimum 30-year period. A formal agreement has been concluded between the holder and the City of Cape Town's Environmental Management Department ("EMD") (representing the BMB) who will ensure the effective implementation offset on its behalf.

In correspondence from the City's EMD dated 05 May 2023, it was confirmed that the EMD is supportive of using a portion of the MDECLB to mitigate for the loss of 11.97ha of Cape Flats Dune Strandveld. The City of Cape Town will ensure that an application for proclamation of the MDECLB as a Nature Reserve in terms of Section 23 of the Protected

Areas Act, 2003 (Act No. 57 of 2003) (including title deed restrictions and rezoning) is submitted accordingly. The BMB with the support of the holder will pursue the standard municipal budget request processes to obtain the required operational and capital budgets.

Conclusion:

The botanical impacts were identified as high negative prior to and post mitigation, due to the loss of semi-intact and degraded Cape Flats Dune Strandveld vegetation. The holder has confirmed their commitment to implement the Offset Specialist Report recommendations and to secure the offset area for management in perpetuity. The City of Cape Town's BMB has confirmed their commitment to manage the offset area as a Nature Reserve in perpetuity. The Offset Specialist's recommendations have been included in the conditions of this Environmental Authorisation.

3.3 Freshwater impacts

A Specialist Aquatic Ecosystems Impact Assessment Report dated 09 November 2022 was compiled by Liz Day Consulting (Pty) Ltd., to assess the potential freshwater impacts associated with the proposed development.

Nine natural wetlands occur on or immediately border the site, with five occurring entirely on the site (B3, B6, B7, B8, and B9). The largest wetland (B1) extends across most of the width of the site and southeast outside of the site. Delineated wetlands B4 and B2 occur outside of the site's boundaries and wetland B5 straddles the western boundary. All the wetlands have been classified as depression wetlands.

Wetland B1 is characterised by extensive stands of bulrush, suggesting permanent shallow inundation or at least saturation of soils. The bulrush stands give way to wetland plant communities typical of seasonal dune slack wetlands in the area, dominated by *Senecio halimifolius* shrubs, patches of *Carex clavata*, seasonal *Zantedeschia aethiopica* and other plants.

Wetlands B6, B7, B8 and B9 all occur west/southwest of wetland B1 and comprise disturbed, seasonally inundated to saturated depression wetlands.

Wetlands B2, B3, B4 and B5 occur north/northeast of wetland B2. The wetlands were described by Ollis (2021) as in relatively good ecological condition and surrounded by relatively intact terrestrial buffer areas. The wetlands are seasonally inundated dune slack depressions, inundated in the wet season and contain relatively shallow standing water and are generally surrounded by a seasonally saturated zone and reasonably extensive terrestrial buffer area. Plant species observed include the sedge *Hellmuthia membranacea*, arum lilies, sword grass and *Senecio halimifolius*.

The Kuils River flows to the south of the site, with its channel being approximately 485m from the southern site boundary. The hydrological regime of the Kuils River will therefore not be affected.

The small dune slack wetlands are in good condition (B2, B3, B4 and B5) and are of very high sensitivity, while the remaining wetlands are of medium to high sensitivity.

The wetlands on and associated with the site have biodiversity value through the provision of an endangered habitat type that supports indigenous wetland plants and fauna, including invertebrates, birdlife, small mammals and amphibians.

Wetland offset:

The proposed development will result in the loss of wetlands B3, B6, B7, B8 and B9; the loss of the core area of wetland B1 (0.8ha/63% of the total wetland which will be completely lost), while most of the remaining portion of the wetland comprises the overflow area along the Old Faure Road verge); and the partial loss of wetland B5 (0.1ha/55 % of the total wetland area). The definite loss of wetlands has been rated as of high negative significance.

Since wetland loss cannot be avoided, minimised, feasibly mitigated or rehabilitated, the proposed Bosasa Link development must be offset or compensated for by obtaining an appropriate, measurable permanent wetland conservation outcome elsewhere.

The City of Cape Town has proactively purchased a number of potential receptor sites, within and outside of the City's boundary. The intention is to use these areas as offset receptor (or receiving) areas, to facilitate development of City-owned land requiring offsets. The City of Cape Town's BMB also purchased a number of erven outside of the City's boundaries, in the Rooi Els/Pringle Bay area.

The wetlands on Portion 50 of Farm No. 559, Rooi Els have been classified as Southwest Fynbos floodplain wetlands, with a threat status of critically endangered. A site visit, however, indicated that the wetlands in fact comprise primarily un-channelled valley bottom wetlands. Southwest Fynbos un-channelled valley bottom wetlands have a threat status of critically endangered. Although the wetlands occur in a different vegetation type and bioregion and are of a different wetland ecosystem type, the wetlands on Portion 50 of Farm No. 559, Rooi Els will be acceptable as a wetland offset receptor site.

Summary:

Nine seasonal depression wetlands occur on and immediately adjacent to the site. At least 57% of the wetlands will be destroyed and there is a high probability that the remaining wetlands will be significantly disturbed and/or destroyed during construction. None of the wetlands, including wetland B2, is expected to be retained in the long term as a result of development creep, sand mining and wetland infilling around the site.

The option of excluding the wetlands from development will not ensure their protection and has therefore not been recommended. The Aquatic Ecosystems Impact Assessment Report found that both layout alternatives will be associated with unavoidable, un-mitigatable and unmanageable wetland loss and recommended a wetland offset.

The wetland on the wetland offset site (Portion 50 of Farm No. 559, Rooi Els) has the same threat status as the impacted wetlands (i.e., critically endangered), and is in a better condition (PES Category B) than most of the wetlands on and associated with the proposed development. The wetland is also considered to be far less vulnerable to future loss as a result of land invasion/settlement and will complement existing adjacent conserved areas (the CapeNature owned Kogelberg Nature Reserve). The wetland on Portion 50 is thus considered acceptable as a wetland biodiversity offset receptor site.

The complete loss of wetlands on and in the vicinity of the site is associated with a medium level of risk, which cannot be mitigated. The operational phase storm water contamination will be a low risk activity, with the implementation of mitigation measures. The results of the Risk Assessment indicate that a Water Use License

Application is required in terms of the National Water Act, 1998 (Act No. 36 of 1998). The freshwater specialist's recommended mitigation measures have been included in the EMPr for implementation.

3.4 Traffic impacts:

A Traffic Impact Assessment ("TIA") Report dated July 2021 was compiled by Mowana Engineers (Pty) Ltd., and an Addendum Report dated 15 December 2022 was compiled by Gibb (Pty) Ltd., to assess the potential traffic impacts associated with the proposed development.

Traffic will mainly be accommodated for by the existing roads around the Bosasa Link site.

The 2021 TIA assessed the transport impact and proposed upgrades to mitigate the impacts for all the Mfuleni development sites combined. The sites will, however, be implemented in a phased manner and the proposed upgrades related to each sequential site development had to be identified.

The purpose of the 2022 study was to investigate the transport impact of the phased implementation of the respective Mfuleni housing developments and recommend upgrades, where required. The 2022 TIA also updated the recommended upgrades based on the latest development sizes, while using the background traffic and growth, trip generation and assignment assumptions from the 2021 TIA.

As part of the 2021 TIA, traffic counts were undertaken during 2020. The 2020 traffic volumes were adjusted and balanced, where required, with the following background growth percentages applied to estimate a future 2026 background traffic scenario:

- Side roads serving well developed areas: 0.5% annual growth; and
- Major routes and other side roads: 2.5% annual growth.

Some latent development trips were also added to the 2026 background traffic volumes and included:

- Mfuleni Extension 2 (construction of top structures still to commence);
- Blueberry Hill (construction still to commence); and
- Forest Village (completed but assumed as 70% developed in the 2021 TIA).

The 2022 TIA recommended the following for the proposed development:

- The intersection of Klipfontein Road/Eersriv Way be signalised with the following geometric improvements:
 - An additional left-turn lane on the western approach.
- The intersection of Old Faure Road/Inqilo Road be signalised with the following geometric improvements:
 - An additional right-turn lane on Old Faure Road (east approach);
 - An additional left-turn lane on Old Faure Road (west approach); and
 - An additional left-turn lane on Inqilo Road (north approach).

The recommended mitigation measures have been included as conditions of this Environmental Authorisation. The potential traffic impacts were assessed as low-medium negative significance prior to mitigation and low negative post mitigation.

3.5 Groundwater impacts

A Phase 1 Geotechnical Investigation Report dated October 2021 was compiled by SRK Consulting, to assess the potential groundwater impacts associated with the proposed development.

Groundwater seepage was encountered within most of the test pits excavated on the site at a depth of between 1m and 2.2m below surface. The depth to the water table below surface depends largely on the topography where the test pits were excavated.

Although the site is situated above the Cape Flats Aquifer, it does not fall within any Strategic Water Source Area, but lies very close to it. Since contamination of the aquifer is a serious concern, the current absence of formal development in many parts of Mfuleni contributes significantly to local ground water contamination as a result of the passage on untreated effluent. The proposed planned serviced sites are therefore considered the better management option to address this risk.

3.6 Faunal impacts

A Faunal Screening Report dated September 2022 was compiled by Biodiversity Africa, and a Butterfly Surveys and Terrestrial Biodiversity Compliance Statement dated 15 November 2022 was compiled by Dave Edge and Associates, to assess the potential faunal impacts associated with the proposed development.

The faunal specialist found that the current/surrounding land use of the site is not expected to host a high faunal diversity due to the available habitat condition and habitat connectivity. However, the Bosasa Link site likely hosts the highest diversity out of the four sites forming part of the greater Mfuleni housing development. The southern portion of the site likely hosts the highest faunal diversity and is anticipated to hosts rodents, shrews, small carnivores such as mongoose, a few frog species, lizards, snakes and small birds.

The Screening Tool identified the site as having a high animal species sensitivity due to the potential occurrence of the African Marsh Harrier, the Black Harrier and Southern Black Korhaan. The specialist's findings concluded that the African Marsh Harrier and the Black Harrier have a moderate likelihood of occurrence in the area and the Southern Black Korhaan a low likelihood of occurrence. This is due to a lack of appropriate breeding habitat in the area, but the birds may use the site for foraging. The faunal specialist indicated that the land surrounding the site offers ample foraging areas and potential breeding sites and the loss of this habitat is not expected to impact the viability of the species.

In terms of faunal species of conservation concern, the site hosts no known amphibian species of conservation concern, but falls within the distribution of one reptile species of conservation concern, namely the Cape Dwarf Chameleon (*Bradypodium pumilum*), which is listed as near threatened.

The Cape Dwarf Chameleon has a high likelihood of occurrence due to the ecological importance of the Bosasa Link wetland fringe. The loss of the site may impact the viability of a fragmented peri-urban subpopulation, but will not impact on the viability of the species as a whole since a sufficient percentage of its distribution range occurs within protected areas. The impact of the proposed development on *Bradypodium pumilum* is therefore considered to be low even though the site ecological importance is rated as high.

The specialist is of the view that the development can proceed from a faunal perspective, provided the relevant vegetation and wetland offsets provide faunal habitat and a translocation plan for Cape Dwarf Chameleon is implemented.

Butterflies:

The Bosasa Link site contains cogon grass (*Imperata cylindrica*), which is the host and food plant for two critically endangered *Kedestes* butterfly species (*Kedestes barberae bunta* and *Kedestes lenis lenis*), which are endemic to the Western Cape.

Several healthy patches of *Imperata cylindrica* were located on the Bosasa Link site, as well as many nectaring plants for adult butterflies to feed on. A large amount of invasive *Acacia cyclops* was also found on the site. Furthermore, grazing and dumping, particularly along the site's boundary, resulted in the loss of some *Imperata cylindrica* plants. It was concluded that there is a fairly high probability (more than 30%) that one or both *Kedestes* species still occur on the site.

The butterfly specialist undertook a butterfly survey on the site on 27 September 2022 and confirmed that *Kedestes barberae bunta* were not found during its flight period in September. In addition, recent fires have opened up the vegetation and more pathways have been made. There is also more dumping occurring at the site.

A follow-up survey was undertaken on 10 November 2022. The critically endangered butterfly *Kedestes barberae bunta* was not found during its flight period in September.

The butterfly specialist concluded that the critically endangered butterfly *Kedestes barberae bunta* was not found during its flight period in September, and it can be assumed that it does not occur at any of the Mfuleni sites. Despite the presence of substantial areas of semi-intact Cape Dune Flats Strandveld and large areas containing healthy larval host plant of *Kedestes lenis lenis* and many good nectar plants for the adults to feed on, the endangered butterfly *Kedestes lenis lenis* was not recorded.

According to the specialist assessment report, observations were of sufficient duration and the surveys were conducted during good weather when butterflies are known to be flying. The absence of the species of conservation concern butterflies confirmed that the proposed development will not have any impact on a butterfly species of conservation concern.

The faunal impacts were assessed as high negative prior to mitigation and low negative post mitigation. All of the specialists recommended mitigation measures have been incorporated in the EMPr for implementation.

3.7 Heritage impacts:

Heritage Western Cape confirmed in a correspondence dated 19 June 2020, that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Potential heritage impacts are therefore deemed negligible.

3.8 Storm water impacts:

Storm water will be managed in accordance with the Storm Water Management Plan dated 29 August 2022, as compiled by Gibb (Pty) Ltd.

The Storm Water Management Plan complies with the requirements of the City of Cape Town's Storm Water Management Guidelines and Policies, viz.:

- Storm Water Management Planning and Design Guidelines for New Developments, 2002; and
- Management of Urban Storm Water Impacts Policy, 2009.

A major storm water drainage network will be provided which will comprise of the road network, supported by the minor underground system consisting of underground storm water pipes. Volumetric control of runoff will be controlled by detention facilities. A box outlet structure (where required) will serve the proposed detention ponds.

For the proposed Bosasa Link development, the proposed detention pond to be located within the existing wetland area will act as a regional facility since it will be receiving all upstream runoff.

A berm runs along Old Faure Road and therefore, the likelihood of any existing runoff discharging downstream is unlikely. There is therefore a risk of both flooding and erosion at Old Faure Road due to future releases from the proposed regional detention facility. A cemetery is located directly south of Old Faure Road and the Kuils River, with limited infrastructure. The additional peak flows entering the Kuils River will be negligible in terms of flood levels and associated flood lines.

To protect Faure Main Road, a channel will be constructed between the outlet and Faure Main Road. In addition, culverts will be constructed under Faure Main Road and discharged in the veld to the west of the cemetery which will protect the cemetery from flood inundation and flood damage.

3.9 Services:

The City of Cape Town's Water, Sanitation and Stormwater Management Department confirmed that the proposed development can be accommodated through a phasing approach, provided that first flush from the first completed phase occurs after January 2024, after the Zandvliet Waste Water Treatment Works has been upgraded. A phasing plan will be presented to the respective waste water officials at the Water, Sanitation and Stormwater Management Department.

Since the water distribution zone is under pressure management, on-site pressure and flow tests must be conducted prior to any internal network designs. Electricity will be obtained via Eskom and all other services by the City of Cape Town.

3.10 Dust, noise and visual impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Aquatic and terrestrial biodiversity impacts;
- Potential impacts on faunal species; and
- Potential traffic impacts.

Positive impacts:

- Provision of serviced erven for low-income households currently residing in the community;
- Access to affordable housing for low-income households;
- Optimal use of available vacant land;
- Employment opportunities will be created during the construction and operational phases of the development; and
- Contribution to the local economy.

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 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 listed activities can be mitigated to acceptable levels.

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

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