



**REFERENCE:** 16/3/3/1/A6/97/2013/22  
**NEAS REFERENCE:** WCP/EIA/0001057/2022  
**DATE OF ISSUE:** 11 November 2022

The Board of Directors  
Fish Hoek 11825 Trust  
P.O. Box 44235  
**CLAREMONT**  
7735

**Attention: Mr. A. McPherson**

E-mail: [AndyM@stbb.co.za](mailto:AndyM@stbb.co.za)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A GATED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 17336, FISH HOEK.**

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. Misché Molife (GroenbergEnviro (Pty) Ltd.)  
(2) Mr. Andrew Greenwood (City of Cape Town)

E-mail: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
E-mail: [Andrew.Greenwood@capetown.gov.za](mailto:Andrew.Greenwood@capetown.gov.za)



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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 A GATED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 17336, FISH HOEK.**

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 **part of the preferred alternative** as included in the Basic Assessment Report (“BAR”) dated July 2022.

**The development of Units 1 to 5 and 12 to 14 are not approved in this decision.**

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

### A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Fish Hoek 11825 Trust  
c/o Mr. A. McPherson  
P.O. Box 44235  
**CLAREMONT**  
7735

Tel.: (021) 673 4794  
E-mail: [AndyM@stbb.co.za](mailto:AndyM@stbb.co.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><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 12:</b>  <i>"The development of-</i></p> <ul style="list-style-type: none"> <li><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></li> <li><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></li> </ul> <p><i>where such development occurs-</i></p> <ul style="list-style-type: none"> <li><i>(a) within a watercourse;</i></li> <li><i>(b) in front of a development setback; or</i></li> <li><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i></li> </ul> <p><i>excluding-</i></p> <ul style="list-style-type: none"> <li><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></li> <li><i>(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;</i></li> <li><i>(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;</i></li> <li><i>(dd) where such development occurs within an urban area;</i></li> <li><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></li> <li><i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".</i></li> </ul>	<p>The proposed site is located outside an urban area and infrastructure/structures of more than 100m<sup>2</sup> will be constructed within 32m from the edge of a watercourse.</p>

Listed Activity	Activity/Project Description
<p><b>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 12:</b>  <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>More than 300m<sup>2</sup> of endangered vegetation will be cleared.</p>

<p><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></li> <li>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></li> <li>iii. <i>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></li> <li>iv. <i>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></li> <li>v. <i>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></li> </ul>	
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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 a gated residential development on Erf No. 17336, Fish Hoek. The proposed development will include the following:

- 15 Residential erven;
- Parking bays, which include on-site visitors parking bays;
- Access will be obtained from Carlton Road;
- A new two-way, two-lane 8m wide access road will be provided approximately 95m northwest of the Carlton Road roundabout;
- A new two-way internal access road will be provided in an east to west direction and will vary in width from 3.3m (to the west) to 4m (to the east); and
- Associated bulk water, storm water, electrical and sewage infrastructure.

The proposed development will require the clearance of approximately 0.75ha of indigenous vegetation and will be located within 32m of a wetland.

A 20m conservation buffer, to accommodate a fire break, will be established between the proposed development and the adjacent floodplain wetland. A fence will be constructed along the site boundary which will traverse through the 20m conservation buffer. The fence will be permeable to allow for the movement of toads through the proposed development and will have ground level gaps of 10cm X 10cm at 10m intervals. The gaps will be kept free of obstructions, including plant growth and debris.

### C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Erf No. 17336, Fish Hoek.

The site is located along Carlton Road, Fish Hoek. The site is surrounded by residential developments to the east, south and west. The wetland is located to the northeast, with the golf course located to the north.

The SG 21-digit code is: C01600170001733600000

Co-ordinates:

Site:

Latitude: 34° 07' 44.34" S

Longitude: 18° 25' 46.14" E

New road:

Starting point:

Latitude: 34° 07' 43.70" S

Longitude: 18° 25' 44.39" E

Middle point:

Latitude: 34° 07' 44.41" S

Longitude: 18° 25' 46.03" E

End point:

Latitude: 34° 07' 45.16" S

Longitude: 18° 25' 47.42" E

Refer to Annexure 1: Locality Plan.

hereinafter referred to as "the site".

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

GroenbergEnviro (Pty) Ltd.

c/o Ms. Misché Molife

P.O. Box 1058

**WELLINGTON**

7654

Fax: (086) 476 7134

E-mail: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.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 part of the preferred alternative, described in the BAR dated July 2022 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 five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with 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 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, 10.2, 14 and 21.

### **Management of activity**

10. The draft EMPr dated June 2022 (as compiled by GroenbergEnviro (Pty) Ltd.) must be amended to include a revised Site Development Plan, which includes the approved residential erven and which includes a 20m conservation buffer.
- 10.1 The impact management actions relating to the conservation buffer must be amended to reflect the 20m conservation buffer, as authorised.
  - 10.2 The amended EMPr must be submitted to the competent authority for approval prior to the commencement of any construction activities.
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.

12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed 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**

14. 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–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised;
- 14.6 conduct monthly site inspections during the construction phase; and
- 14.7 monitor fences and trenches for Western Leopard Toads and report on any issues regarding Western Leopard Toads to the Western Leopard Toad Conservation Committee.

### **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
  - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
  - 15.3 submit an environmental audit report three (3) months after completion of the construction phase to the relevant competent authority; and
  - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. 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 -

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

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

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

21. A revised site layout plan must be prepared and submitted to the competent authority, prior to the commencement of any construction activities.

22. As far as possible, construction activities must be undertaken during the low flow season.
23. The sewage trenches must be temporarily closed at night to prevent the death of wetland fauna.
24. Trenches may not be dug during the Western Leopard Toad breeding season (July to December) as well as during the dispersal of juveniles.
25. A litter trap must be installed in addition to a sediment trap to prevent litter from being washed down the storm water system into the river at the Lower Silvermine Wetlands.
26. Indigenous vegetation must be retained within the 20m conservation buffer along the northeastern boundary of the site.
27. No buildings/hard infrastructure may be developed within the 20m conservation buffer.
28. The fence in the 20m conservation buffer may not have active live wires at ground level during both the construction and operational phase, as it will have a high impact on nocturnal fauna, including the Western Leopard Toad.
29. The 20m conservation buffer must be rehabilitated after construction activities are completed and must be revegetated with suitable indigenous vegetation species.
30. 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.
31. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
  - 31.1 Dual-flush toilet systems.
  - 31.2 All taps must be fitted with water saving devices (i.e., tap aerators, flow restrictors and low flow shower heads).
  - 31.3 Water-wise landscaping must be established.
32. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
  - 32.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
  - 32.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
  - 32.3 All geysers must be covered with geyser "blankets".
  - 32.4 The installation of solar water heaters and solar panels must be considered for all buildings.

### **Recommendation:**

1. Employment opportunities should be afforded to local people, as far as possible.

### **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  
8<sup>th</sup> 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](mailto: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](mailto: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

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

**DATE OF DECISION: 11 NOVEMBER 2022**

CC: (1) Ms. Misché Molife (GroenbergEnviro (Pty) Ltd.)  
(2) Mr. Andrew Greenwood (City of Cape Town)

E-mail: [mische@groenbergenviro.co.za](mailto:mische@groenbergenviro.co.za)  
E-mail: [Andrew.Greenwood@capetown.gov.za](mailto:Andrew.Greenwood@capetown.gov.za)

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**EIA REFERENCE NUMBER: 16/3/3/1/A6/97/2013/22**  
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# ANNEXURE 1: LOCALITY PLAN



## ANNEXURE 2: 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 08 March 2022; the BAR dated July 2022, as received by the competent authority via electronic mail correspondence on 29 July 2022; the EMPr submitted together with the BAR; and the comment from CapeNature received by the competent authority via electronic mail correspondence on 09 November 2022.
- 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 July 2022.
- 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:

- A notice was placed on site on 08 March 2022;
- E-mails were sent to adjacent property owners, the ward councillor, local municipality and relevant organs of state/State Departments on 08 March 2022;
- Letter drops were conducted on 08 March 2022 to adjacent property owners;
- An advertisement was placed in the "Peoples Post" newspaper on 08 March 2022;
- An electronic copy of the draft BAR was placed on the EAPs website on 08 March 2022;
- The draft BAR was made available from 10 March 2022 until 11 April 2022;
- E-mails were sent on 22 June 2022 to announce the availability of the revised draft BAR; and
- The revised draft BAR was made available from 23 June 2022 until 25 July 2022.

### Authorities consulted

The authorities consulted included the following:

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

Concerns and objections were raised by I&APs during the commenting period with concerns relating to *inter alia*, traffic impacts, sense of place, services capacity, faunal impacts, impacts on the wetland, bulk and height of buildings and safety. The concerns relating to fauna, sense of place, services capacity and traffic were adequately addressed as Faunal, Traffic, Freshwater and Botanical Impact Assessments were conducted and the recommendations have been incorporated in the EMPr. The City of Cape Town confirmed that the necessary

municipal services can be provided and the proposed development is not out of character with the surrounding environment.

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

However, the concerns relating to the adequacy of the conservation buffer and required firebreak were not appropriately addressed in the BAR. The comments and responses report did not address the concerns raised by I&APs regarding the width of the buffer and firebreak requirements.

## **2. Alternatives**

The proposed development will link to the existing municipal infrastructure and services, therefore, site or property alternatives are not feasible. The site formed part of an approval obtained during 1996, namely, the "*Fish Hoek Substitution Scheme-Northern Bypass*". The approval was to implement the scheme and to allow the development of properties to the south of the Northern Bypass Road and within the 1:50 year flood line.

### Preferred alternative – herewith partially authorised:

The authorised alternative entails the establishment of a gated residential development on Erf 17336, Fish Hoek. The proposed development will include the following:

- 15 Residential erven;
- Parking bays, which include on-site visitors parking bays;
- Access will be obtained from Carlton Road;
- A new two-way, two-lane 8m wide access road will be provided approximately 95m northwest of the Carlton Road roundabout;
- A new two-way internal access road will be provided in an east to west direction and will vary in width from 3.3m (to the west) to 4m (to the east); and
- Associated bulk water, storm water, electrical and sewage infrastructure.

The proposed development will require the clearance of approximately 0.75ha of indigenous vegetation and will be located within 32m of a wetland.

A 20m conservation buffer, to accommodate a fire break, will be established between the proposed development and the adjacent floodplain wetland. A fence will be constructed along the site boundary which will traverse through the 20m conservation buffer. The fence will be permeable to allow for the movement of toads through the proposed development and will have ground level gaps of 10cm X 10cm at 10m intervals. The gaps will be kept free of obstructions, including plant growth and debris.

This is the preferred alternative for the following reasons:

- The proposed development will be easily accessible via the existing Carlton Road and the traffic impacts will be low;
- The proposed development is not out of character with the surrounding environment;
- The proposed development will make use of the existing infrastructure available and the City of Cape Town confirmed that the necessary services can be provided;
- A 20m conservation buffer will be established between the site and the adjacent floodplain wetland;
- Building infrastructure will not be located within the 20m conservation buffer; and
- The 20m conservation buffer will limit direct and indirect impacts to the wetland and will be rehabilitated after construction activities are completed.



Due to the risk of fire, a 20m conservation area is hereby approved, which is deemed appropriate to accommodate the required firebreak.

“No-Go” Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed residential development will not be established. This alternative was not deemed as preferred, as the proposed development will augment the economic activities, provide additional housing opportunities and the benefits to the holder and creation of employment opportunities would not be realised. The “no-go” alternative is therefore not warranted.

**Motivation for the exclusion of Units 1 to 5 and 12 to 14:**

The concerns relating to the adequacy of the conservation buffer and required firebreak were not appropriately addressed in the BAR. The comments and responses report did not address the concerns raised by I&APs regarding the width of the buffer and firebreak requirements.

It was recommended during the Public Participation Process that the houses on the northern side of the proposed development be moved inward, which would allow for the existing footpath to be realigned, widened and formalised, serving as a firebreak between the conservation area and the development. This was, however, not addressed in the BAR, as the comments and responses report indicated that fire requirements will be addressed in the planning application and further alternatives were not investigated.

Therefore, Units 1 to 5 and 12 to 14 are excluded from this Environmental Authorisation to accommodate a buffer of 20m. The approved 20m buffer will accommodate the required firebreak.

**3. Impacts, assessment and mitigation measures**

**3.1 Activity Need and Desirability**

The site is zoned Limited Use and Transport Zone 2.

The southern portion of the site has been previously cleared and berms constructed as part of previous activities on the property. The site formed part of an approval obtained during 1996, namely, the “*Fish Hoek Substitution Scheme-Northern Bypass*”. The approval was to implement the scheme and to allow the development of properties to the south of the Northern Bypass Road and within the 1:50 year flood line. To meet these requirements, the properties south of the proposed Northern Bypass Road would need their ground level raised to be above the 1:50 flood line. The clearance of vegetation, raising of the ground level and the construction of berms were conducted as part of the aforementioned approval to protect the property from flooding. The DEA&DP confirmed in a letter dated 15 September 2006 (Referenced: E12/2/1-210-Erf 11825 & Portion 7000, Fish Hoek) that these activities did not trigger a listed activity in terms of the EIA Regulations.

The site is surrounded by residential developments to the east, south and west. An application for rezoning has been submitted to the City of Cape Town to rezone the site from Transport Zone 2 and Limited Use to Subdivisional Area Overlay Zone for residential purposes.

The proposed development is generally in line with the Provincial Spatial Development Framework (“PSDF”) (2014) as it will provide housing on land that is close to social amenities. The PSDF (2014) highlights job creation as a priority and the proposed development will provide socio-economic opportunities through the provision of

temporary employment during construction. The PSDF (2014) also encourages the protection of biodiversity and the site is located adjacent to an environmentally sensitive area (a large floodplain wetland associated with the Silvermine River situated outside and along the northeastern boundary of the site). However, a 20m conservation buffer will be established between the proposed development and the adjacent floodplain wetland.

The site is located within the City of Cape Town's urban edge. As per the City of Cape Town Spatial Development Framework ("SDF") (2018), the site has a dual demarcation, i.e., "Consolidation Areas" and "Critical Natural Assets". In terms of the SDF's Biodiversity Network thematic map, it appears as though the site falls within an area identified as "Other Natural Areas (Buffer 1)".

In terms of the City of Cape Town's Southern District Plan, the site is located within an area identified as a "Buffer 1". A Buffer 1 area is defined as "*rural areas, game and livestock farming areas and other natural vegetation areas that do not form part of the core areas but are recognised as areas that could provide opportunities to establish biodiversity offsets. Essential utility service infrastructure may be located in Buffer 1 areas*".

Since a portion of the site is also located within a "Consolidation Area", the proposed development can be regarded as being partially consistent with the Municipal Spatial Development Framework. A departure from the District Plan and SDF (2018) will be applied for. Since the site is not a Critical Biodiversity Area ("CBA"), Ecological Support Area ("ESA") or protected area, the proposed development is considered appropriate. The proposed development is in line with the City of Cape Town's Densification Policy.

The City of Cape Town indicated that the Natural Interface Study Veldfire Related Planning Guidelines (2004) must be consulted and that the proposed development must incorporate 3m fire breaks. The authorised development with a 20m conservation buffer (which will incorporate a fire break) will therefore meet these requirements.

### 3.2 Biophysical impacts

A Botanical Impact Assessment Report dated February 2022, was compiled by Biodiversity Africa, to assess the botanical impacts of the proposed development.

The site contains natural vegetation with berms along the northern and eastern boundaries. A number of footpaths cross the site, with evidence of dumping taking place.

According to historical satellite imagery, vegetation was cleared during 2000 and 2011 and the vegetation re-established between these periods. The clearance of vegetation and the construction of berms protected the site from flooding.

Despite the majority of the site being cleared of vegetation in 2000 and 2011, the vegetation has re-established and is representative of Cape Flats Dune Strandveld, but with low species diversity due to the rehabilitated nature of the site. The vegetation on the site is characterised by scattered shrubs of 1.5m to 2m in height, interspersed with a grass and herb layer. The vegetation in the surrounding area is denser with a higher species diversity. Species recorded in the broader area, that were not recorded on site, include tree species such as *Sideroxylon inerme*. A few species that appear to have escaped from gardens, occur on the site, including scattered saplings of *Acacia saligna*.

Dominant species within the broader area and the site include *Osteospermum moniliferum*, *Metalsia muricata*, *Tetragonia fruticosa*, *Carpobrotus edulis* and *Eriocephalus africanus*. Other species present within the broader area and on the site include *Pelargonium capitatum*, *Morella cordifolia* and *Helichrysum niveum*. Species that occur within the identified vegetation type, but outside of the site include *Tarchonanthus littoralis*, *Sideroxylon inerme*, *Cliffortia longifolia*, *Geranium incanum* and *Lessertia fruticosa*.

Annual flowering species and geophytes are likely to have gone undetected due to the timing of the survey. The open grassland comprises of *Cynadon dactylon*, *Ehrhata villosa* and other grass species that cannot be identified due to the time of year the survey was done. However, based on records from iNaturalist the species are likely to be *Lolium perenne*, *Bromus diandrus* and *Lagurus ovatus*.

The northeastern portion of the site occurs within an area designated as "Other Natural Area" whilst the remainder of the site has not been designated as either a CBA or ESA.

Species diversity within the site is lower than the surrounding vegetation and it is unlikely that the site will contain any threatened plant species present due to the historical disturbance.

The proposed development will impact 0.004695km<sup>2</sup> of Cape Flats Dune Strandveld, which equates to 0.001% of the total extent and 0.002% of the remaining extent of the vegetation type. Since this is less than 0.01% and there are no confirmed or likely species of conservation concern that can occur on the site, the conservation importance has been rated as medium.

Since no species of conservation concern occur on the site and the likelihood of all species listed in the Screening Report were determined to be either moderate or low, the impact of the loss of species of conservation concern is low negative. Although the proposed development will contribute to habitat fragmentation and edge effects, the impact will be low negative since the site is located on the edge of existing residential developments.

The findings and recommended mitigation measures provided in the Botanical Specialist Report have been included in the EMPr and will minimise the potential impacts on the receiving environment.

### 3.3 Freshwater impacts:

A Freshwater Ecological Assessment Report dated November 2021, and Watercourse Verification Assessment Report dated October 2021 were compiled by Freshwater Ecologist Network Consulting (Pty) Ltd., to assess the freshwater impacts of the proposed development.

A large floodplain wetland associated with the Silvermine River is situated outside and along the northeastern boundary of the site. The Silvermine River and associated wetland are classified as a Protected Area proclaimed in perpetuity. The wetland is classified as a CBA1. The floodplain wetland is considered to be in a modified ecological condition due to catchment wide impacts. The wetland is not considered to be sensitive to changes in the landscape due to historical and ongoing impacts.

However, the wetland still provide habitat for vegetation species associated with various wetness zones and plays an important role in maintaining hydrological

functioning and connectivity in the landscape. The wetland can thus be considered to have an ecological importance on a local and regional scale.

A 15m conservation buffer was recommended by the freshwater specialist to be established between the proposed development and the adjacent floodplain wetland. Based on the proposal, small areas associated with four of the erven (portions 1, 2, 13 and 14) along the northeastern boundary of the site encroach onto the 15m conservation buffer. A fence will be constructed along the site boundary which will traverse through the conservation buffer. The fence will be permeable to allow for the movement of toads through the proposed development and will have ground level gaps of 10cm X 10cm at 10m intervals. The gaps will be kept free of obstructions, including plant growth and debris.

The specialist study concluded that the construction activities, including the removal of vegetation, excavation activities, casting of concrete and road surfacing pose a low risk to the overall integrity of the floodplain wetland. The conservation buffer will limit direct and indirect impacts to the wetland and will be rehabilitated after construction activities are completed.

Due to the concerns raised by I&APs during the Public Participation Process, the 15m conservation buffer was not deemed sufficient, as certain units encroached onto the buffer area and a fire break was not accommodated. As such, a 20m conservation buffer is herewith authorised in this Environmental Authorisation.

The findings and recommended mitigation measures provided in the Freshwater Specialist Report have been included in the EMPr and will minimise the potential impacts on the wetland. The applicant will be required to update the site layout plan and EMPr accordingly to reflect the 20m conservation buffer.

#### 3.4 Faunal impacts:

A Faunal Compliance Statement dated June 2022, was compiled by Biodiversity Africa, to assess the faunal impacts of the proposed development.

The specialist conducted a site visit on 27 May 2022 to establish the habitat and condition thereof, as well as the proximity to the Silvermine River. The specialist searched for evidence of faunal use, which involved direct sightings of species, as well as looking for evidence of their occurrence e.g., burrows, scat and spoor. There was no evidence that the site is permanently used by faunal species, however, there was evidence of mammals, birds and amphibians in the wetland bordering the Silvermine River.

Fish Hoek hosts ten amphibian species, eight of which have been recorded in Fish Hoek and two of which have a distribution that includes the area and are expected to occur in Fish Hoek. Amphibians that can occur in the area include the Cape Sand Frog, Clicking Stream Frog, Flat Caco, Cape River Frog, Common Platanna, Painted Reed Frog, Western Leopard Toad, Guttural Toad and Sand Rain Frog. Clicking Stream Frogs were heard calling from the inundated pool near the wooden walkway. No tortoises or terrapins are expected to utilise the site. Snake and lizard use of the site is considered to be minimal, but likely to be high in the area.

One reptile species of conservation concern has a distribution which includes the site, i.e., the Cape Dwarf Chameleon (*Bradypodion pumilum*). *B. pumilum* has a high likelihood of occurring on the site and in the surrounding area. Due to the relatively small size of the site, it is not expected to compromise the viability of the species. The

species may even inhabit gardens within the proposed development during the operational phase.

The proposed development will have a low and negligible impact on the viability of three Western Cape endemic species, the Cape Gerbil, Cape Spiny Mouse and Cape Dune Molerat. Only small mammals are expected to utilise the area such as small carnivores, rodents, shrews, golden moles and small antelope. Fresh porcupine scat was observed along a pathway in the reeds on the opposite side of Silvermine River.

The site does not have suitable habitat to host raptors, aquatic birds or birds linked to aquatic features and these species are not expected to nest in the area. However, raptors and birds linked to aquatic features may occur in the surrounding area and can use the area for foraging and are likely to prefer foraging and may even nest and breed in the Silvermine River ecological corridor. Nesting of birds or evidence of nesting was not observed in the area. Bird activity in the wetland adjacent to the site is considered to be high.

Due to the site's location in relation to known locations of amphibian species of conservation concerns and the lack of available habitat in the area, the Rose's Mountain Toadlet and Cape Peninsula Moss Frog will not occur on the site or the surrounding area. The Flat Caco is unlikely to occur on the site but may occur in the surrounding area.

Based on habitat availability, it is unlikely that the site is used for breeding of Western Leopard Toad as there are no suitable pools of water present, even in the wet season. However, the site is likely used by individuals when migrating to and from their breeding site as well as for foraging. The site accounts for approximately 1% of available foraging habitat.

The functional integrity of the site is very low thus, the site is considered to offer a low biodiversity importance to the Western Leopard Toad. The Western Leopard Toad is highly likely to return to the site during the operational phase since a residential development with gardens provides suitable foraging sites. The ecological importance of the site to the species will be low. However, if neither access and gardens are provided within the proposed development, then toads will be very unlikely to return and the ecological importance of the site for the species will be medium.

The site is considered to have a low ecological importance to the Western Leopard Toad because, although the site offers 0.75ha of habitat for foraging, there is a large (more than 20ha but less than 100ha) non-breeding habitat surrounding the breeding area, including the Silvermine River wetland, Clovelly Golf Course and existing residential gardens. The site accounts for approximately 1% of available foraging habitat. The loss of potential foraging habitat is unlikely to impact the viability of the population during construction. Furthermore, the garden spaces within the proposed development will continue to offer foraging habitat during the operational phase, with the implementation of mitigation measures.

The loss of Western Leopard Toad site ecological importance foraging and migration habitat area during construction is considered to be of medium significance before the implementation of mitigation measures. The loss of Western Leopard Toad foraging and migration area during the operational phase is also considered to be of medium significance before the implementation of mitigation measures, but this will be reduced to low significance with the implementation of mitigation measures.

The site is located within the urban edge between the developed residential area of Fish Hoek to the west and south and the Silvermine River to the north and east. The site is not considered to have a high species richness or abundance of faunal species and the loss of faunal habitat as a result of vegetation clearing will be of low significance to faunal species.

Given the small footprint and degraded nature of the site, as well as its location directly adjacent to a built-up area, the site is not considered as a significant habitat for the persistence of vertebrate species occurring within the general area. Impacts associated with these species are negligible.

The findings and recommended mitigation measures provided in the Faunal Specialist Report have been included in the EMPr in order to minimise the potential impacts on fauna.

### 3.5 Traffic impacts:

A Traffic Impact Assessment Report dated 26 October 2021, was compiled by Motion Consulting Engineers, to assess the traffic impacts of the proposed development.

The site abuts Carlton Way and Winkle Way, which are both Class Five Local Streets. Winkle Way also serves as an aqueduct/footbridge that crosses the Silvermine River further to the north, ultimately connecting to Hilton Road.

Access to the site will be via Carlton Road to the south of the site and will not affect any planning associated with the future primary arterial.

Minibus taxi services currently operate on Main Road and Beach Road at a walking distance of 770m south of the site. A formal minibus taxi rank facility is also located on the southern side of Beach Road, adjacent to the Fish Hoek Railway Station at a walking distance of 950m from the site. Golden Arrow Bus Services currently operate on Main Road (950m walking distance) and on Protea Avenue (400m walking distance) south of the site. The site is thus relatively well located in terms of access to public transport services.

There is no formal pedestrian infrastructure provided on either side of Carlton Road within the vicinity of the site. A 3m wide unsurfaced verge is located on the southern side of Carlton Road and is considered inadequate for pedestrian use as the potential route is periodically interrupted/obstructed by sloped driveway accesses and vegetation. The northern side of Carlton Road (*i.e.*, along the site boundary) is currently undeveloped and comprises an uneven, grassy surface. The existing verge is therefore considered unsuitable for pedestrian use.

A 3.5m wide verge will be established between Carlton Road and the southern boundary walls along the southern edge of the site. As such, the four individual driveway accesses will have a clear line of sight beyond all boundary walls (southern edge of the site) for vehicles reversing into Carlton Road.

The proposed residential units will be accessed via a new two-way, two-lane 8m wide carriageway crossing located on the northern side of Carlton Road. The width of the carriageway crossing will comply with the City of Cape Town's Municipal Planning By-law (2015, amended 2019) and the City of Cape Town's Parking Standards Document (2016).

Four new carriageway crossings, comprising three shared driveway accesses (*i.e.*, two lanes wide) and one singular driveway access, will be constructed on the northern side of Carlton Road. These driveways will provide access to garages for the individual dwelling units and will be located between the proposed new two-way access and the Carlton Road roundabout.

The individual carriageway crossings will be approximately 3.1m wide, whereas three of the carriageway crossings will be approximately 6.2m wide (*i.e.*, two driveways combined).

The proposed spacing between the Carlton Road roundabout and the main access to the site is measured at 93.5m to the curve of the bell mouth to the main access and 95m to the kerb line of the access. The proposed access spacing is therefore considered acceptable.

Sight distance is currently unobstructed along Carlton Road and will provide a clear view to the Carlton Road roundabout (east of the site) and the southern curvature of Carlton Road (west of the site).

Parking spaces, including off-street parking bays for visitors will be provided on the site in accordance with the requirements of the City of Cape Town's Zoning Scheme Regulations, including a parking bay for the physically disabled.

The Traffic Impact Assessment concluded that the proposed development will have a negligible effect on traffic on the surrounding road network. The Transport Department of the City of Cape Town indicated in a letter dated 26 May 2022 that they have no objection from a transport perspective.

### 3.6 Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape who confirmed in a letter dated 02 December 2021 that no further actions are required in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). The proposed property is located within an urban area surrounded by residential developments and adjacent conservation area. However, no significant impacts on the area's sense of place are expected due to the proposed development. Open spaces have been incorporated in the layout and a 20m conservation buffer area will be established.

### 3.7 Storm water impacts

The proposed development will contain a number of open spaces, roads and parking areas that will be used as storm water facilities for the 50-year storm event. Storm water in excess of the 50-year pre-development flow will be accommodated on site in permeable paved and bio-retention areas before exiting the site. Where required, berms and channels will be installed around the site where storm water flows need to be redirected towards permeable paving and bio-retention areas. A sediment trap will be installed at the inlet to the existing municipal storm water mains since it leads directly to the Silvermine River. Erosion and storm water damage will be minimised and the existing groundwater system will be recharged as such.

The 1:10 year attenuation volume required for the site is approximately 52m<sup>3</sup>. This volume will be attenuated in the stone layer under the road and inside the bio-retention gardens. The 1:50 year attenuation volume required for the site is approximately 72m<sup>3</sup>, which will be attenuated in the stone layer under the road and the bio-retention

garden, while the pre-developed flow will be discharged through the subsoil underdrain. The 1:100 year flows will overflow from the internal roads to Winkle Way which will act as the overland escape route. Furthermore, permeable pavers will be used within the proposed development, which will allow water to easily drain through the cracks and soak into the soil below.

### 3.8 Municipal services

Water supply, solid waste removal, electricity supply and sewerage disposal services will be supplied by the City of Cape Town.

The City of Cape Town confirmed in a letter dated 07 July 2022 that water can be supplied and that capacity is available at the Wildevoëllei Waste Water Treatment Works ("WWTW") for the proposed residential units. The 150mm collector sewer in Carlton Road has sufficient capacity to accommodate the proposed development. The downstream sewer system to the Wildevoëllei WWTW also has sufficient capacity to accommodate the proposed development.

City of Cape Town indicated in letters dated 06 August 2021 that solid waste removal services and electricity supply can be supplied for the proposed residential units.

### 3.9 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:**

- Potential impacts on the watercourses;
- Potential impacts on fauna;
- Potential traffic and botanical impacts; and
- Potential storm water impacts.

#### **Positive impacts:**

- Employment opportunities will be created during the construction phase of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Fish Hoek area; 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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