



**REFERENCE:** 16/3/3/1/A4/5/3023/20  
**NEAS REFERENCE:** WCP/EIA/0000765/2020  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 12 April 2021

## **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 INFILLING OF WETLANDS ON REMAINDER OF ERF NO. 1895 AND REMAINDER OF FARM NO. 996 FOR THE DEVELOPMENT OF A STORM WATER PIPELINE AND ASSOCIATED INFRASTRUCTURE ALONG OLD FAURE ROAD, BLUE DOWNS.**

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 December 2020.

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**

Department of Human Settlements  
c/o Ms. Jacqueline Samson  
Private Bag X9083  
**CAPE TOWN**  
8000  
Tel.: (021) 483 4197  
Fax: (021) (021) 483 5433  
E-mail: [Jacqueline.samson@westerncape.gov.za](mailto:Jacqueline.samson@westerncape.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><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 12:</b>  <i>"The development of-</i>  <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i>  <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i>  <i>(a) within a watercourse;</i>  <i>(b) in front of a development setback; or</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i></p> <p><i>excluding-</i>  <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>  <i>(bb) where such development activities are related to the development of a port or harb</i>  <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>  <i>(dd) where such development occurs within an urban area;</i>  <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i>  <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></p>	<p>Infrastructure/structures of more than 100m<sup>2</sup> will be constructed within 32m from the edge of a watercourse.</p>
<p><b>Activity 19:</b>  <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>  <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></p>	<p>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m<sup>3</sup> from wetlands.</p>

<p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</p>	
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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 infilling of wetlands on the Remainder Erf No. 1895 and Remainder of Farm No. 996 for the development of a storm water pipeline and associated infrastructure along Old Faure Road, Blue Downs.

The storm water outfall will be installed within the Old Faure Road reserve and will start at the boundary of the Forest Village housing development. The outfall will cross the Old Faure Road to the south and remain within the road reserve along the boundary of the adjacent properties, until it reaches the Ithemba Property (Farm No. 996). From here, the outfall will turn at 90 degrees, between the Ithemba property and the Ithemba Labs, and follow the edge of the Eskom servitude to the south of the Ithemba property, where it will discharge into the open wetland area. The first portion of the outfall is not considered to trigger a listed activity, i.e., up to the point of the Ithemba property.

The outfall will consist of the following:

- 500m of 1.8m X 1.2m culverts;
- An open trapezoidal channel with a length of 130m and bottom width of 1m; and
- A stilling basin and gabion mattress outlet.

Where the outfall turns right at the Ithemba property, and follows along the Eskom servitude, wetlands were identified. The outfall continues along the servitude and will then discharge into the southern portion of the Ithemba property, into an open wetland area. A berm is proposed along the southern boundary of the Ithemba Labs property, in order to prevent storm water from flowing onto the site.

**C. LOCATION AND SITE DESCRIPTION**

The study area is located in the suburb of Blue Downs between Old Faure Road and the N2 highway with Ithemba Labs on its eastern border. The affected properties are Remainder Erf No. 1895 and Remainder Farm No. 996.

There are existing informal structures on Farm No. 996, and the outfall will be installed primarily within the Old Faure Road Reserve.

The SG 21-digit codes are:

Property number	SG 21-digit code
Remainder Erf No. 1895	C06700000000189500000
Remainder Farm No. 996	C06700000000099600000

Co-ordinates:

Starting point:

Latitude: 34° 01' 02.65" S

Longitude: 18° 42' 09.61" E

Middle point:

Latitude: 34° 01' 02.65" S

Longitude: 18° 42' 50.44" E

End point:

Latitude: 34° 01' 34.64" S

Longitude: 18° 42' 42.44" E

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

hereinafter referred to as "the route".

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

Lukhozi Consulting Engineers (Pty) Ltd.

c/o Ms. Natalie Ritsch

P.O. Box 23725

**CLAREMONT**

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#### **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 December 2020 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 for the construction phase, 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 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 and 14.

### **Management of activity**

10. The draft Environmental Management Programme ("EMPr") dated November 2019 (as compiled by Lukhozi Consulting Engineers (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (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 finalized; and
- 14.6 conduct monthly site inspections during the construction phase.

### **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 at least two environmental audit reports to the relevant competent authority during the construction phase, that is, the first environmental audit report three months after commencement of the construction phase to the relevant competent authority and another audit report within six (6) months after completion of the construction period; and
  - 15.3 thereafter 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 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. 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.
22. The following recommendations provided in the Revised Freshwater Risk Assessment Report dated March 2019 and compiled by BlueScience, as included in the EMPr, must be implemented:
  - 22.1 Construction works adjacent to the wetlands must be limited and must remain within the delineated construction footprint.
  - 22.2 The construction activities must take place during the dry period (November to April).
  - 22.3 Access to the construction area must be via existing access roads.
  - 22.4 Rehabilitation of the disturbed area adjacent to the seasonal wetlands must be undertaken and must comprise the reshaping of the area to resemble that of the surrounding area.
  - 22.5 Revegetating of disturbed areas must be done using local indigenous plants.
  - 22.6 The stilling basin and gabion mattress must be planted with wetland plants such as *Carex clavata*, *Cyperus textilis*, *Juncus kraussii* and *Scirpoides nodosus*.
  - 22.7 Exotic grasses may not be planted in this area, only an indigenous water tolerant grass such as *Cynodon dactylon*.
  - 22.8 Litter, sediment and nuisance reed growth must be removed, where required, from the storm water infrastructure.
23. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

### **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 activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the



Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

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

[www.westerncape.gov.za](http://www.westerncape.gov.za)

Department of Environmental Affairs and Development Planning

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

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

**DATE OF DECISION: 12 APRIL 2021**

CC: (1) Ms. Natalie Ritsch (Lukhozi Consulting Engineers (Pty) Ltd.)  
(2) Ms. Keshni Rughoobee (DEA&DP: DDF)  
(3) Mr. D. Daniels (DWS)

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### **FOR OFFICIAL USE ONLY:**

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# ANNEXURE 1: LOCALITY PLAN





# ANNEXURE 2: SITE PLAN



## **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form received by the competent authority on 15 July 2020; the BAR dated December 2020; 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 December 2020;
- 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:

- Site notices were placed along Old Faure Road, as well as the Eskom servitude running along the Ithemba informal area;
- An advertisement was placed in the "Tygerburger" newspaper on 13 November 2019;
- E-mails were sent on 14 November 2019 to advise I&APs about the availability of the pre-application BAR;
- A copy of the pre-application BAR was placed at the Eerste River Public Library 14 November 2019;
- The pre-application BAR was made available from 14 November 2019 until 14 December 2019;
- E-mails were sent on 09 February 2020 to advise registered I&APs about the availability of the post-application draft BAR;
- A meeting and site walk were held with Ithemba Labs and the Cape Town Film Studios 16 January 2020;
- The post-application draft BAR was made available for download on the website of Lukhozi Consulting Engineers on 02 September 2020;
- The post-application draft BAR was made available from 02 September 2020 to 02 October 2020;
- E-mails were sent on 03 November 2020 to advise registered I&APs about the availability of the amended draft BAR; and
- The amended draft BAR was made available from 03 November 2020 until 02 December 2020.

### **Authorities consulted**

The authorities consulted included the following:

- Various departments within the City of Cape Town;
- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution & Chemicals Management;
- DEA&DP Directorate: Waste management;
- Western Cape Department of Agriculture;
- CapeNature;

- Western Cape Department of Transport and Public Works;
- Department of Water and Sanitation; and
- Heritage Western Cape.

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 included in the BAR.

## 2. Alternatives

The following layout alternatives have been investigated:

### Alternative 1:

The outfall will start north of Old Faure Road and cross to the south, where it will follow a straight path within the Old Faure Road Reserve, and finally discharge in the Kleinvlei Canal.

This alternative was discarded due to the flat gradient of the route to the Kleinvlei Canal, which does not provide sufficient self-cleaning velocity within the outfall. It will thus be difficult to construct the storm water culverts accurately at such a flat grade. This will result in low-lying areas/localised low points and silt will accumulate on the low lying or localised areas, causing blockages. Furthermore, the culvert will have to connect or tie in to the river bed of the Kuils River and as such, the culvert will always contain storm water. This will result in future maintenance complications and was therefore not supported. Alternative 1 also does not comply with the Oostenberg Storm Water Master Plan.

### Alternative 2 (Preferred layout alternative – herewith authorised):

The proposed development entails the infilling of wetlands on Remainder Erf No. 1895 and Remainder of Farm No. 996 for the development of a storm water pipeline and associated infrastructure along Old Faure Road, Blue Downs.

The storm water outfall will be installed within the Old Faure Road reserve, and will start at the boundary of the Forest Village housing development. The outfall will cross the Old Faure Road to the south, and remain within the road reserve along the boundary of the adjacent properties, until it reaches the Ithemba Property (Farm No. 996). From here, the outfall will turn at 90 degrees, between the Ithemba property and the Ithemba Labs, and follow the edge of the Eskom servitude to the south of the Ithemba property, where it will discharge into the open wetland area. The first portion of the outfall is not considered to be listed, *i.e.*, up to the point of the Ithemba property.

The outfall will consist of the following:

- 500m of 1.8m X 1.2m culverts;
- An open trapezoidal channel with a length of 130m and bottom width of 1m; and
- A stilling basin and gabion mattress outlet.

Where the outfall turns right at the Ithemba property, and follows along the Eskom servitude, wetlands were identified. The outfall continues along the servitude and will then discharge into the southern portion of the Ithemba property, into an open wetland area. A berm is proposed along the southern boundary of the Ithemba Labs property, in order to prevent storm water from flowing onto the site.

The preferred alternative follows the same route as Alternative 1 up to the point of the Ithemba property, where it turns right (90 degrees) and follows an existing gravel road within the Eskom servitude, and discharges south of this property. This alternative is considered preferred, as it adheres to the Oostenberg Storm Water Master Plan. The preferred alternative is considered a

functional system which the City of Cape Town will be able to manage, and it also avoids the loss of several large trees.

#### "No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed storm water pipeline will not be established. This alternative was not deemed as preferred as storm water management will not be formalised. The long-term negative impacts associated with runoff to Old Faure Road will not be controlled and the communities will be at risk of floods.

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

#### **3.1 Activity Need and Desirability**

The storm water infrastructure is aimed at servicing the Forest Village housing developments and the surrounding areas as there is currently no existing storm water infrastructure in the area.

The proposed outfall forms part of the Forest Village Storm Water Management Plan and includes the construction of eleven detention ponds on the Forest Village site. The sedimentation basins and filter beds will primarily be treated and managed on the Forest Village site, and only the overflow will be piped through the storm water outfall.

The proposed outfall is in line with the service provisions included as conditions in the Land Use Planning and Environmental approvals for the Forest Village housing development.

The Integrated Development Plan (2017-2022) and Spatial Development Framework ("SDF") (2018) of the City of Cape Town highlight the need to invest in storm water infrastructure to improve the quality of life for citizens. Infrastructure maintenance and minor upgrades are required to reduce the flood risk to communities and to accommodate new developments.

The SDF also recognises the importance of improving the ecological value of the watercourses in the City by reducing erosion and ensuring that the water flow, quality and ability of watercourses to support natural flora and fauna are not unduly compromised. The proposed development aims to reduce the risk of flooding to communities whilst maintaining and also improving the ecological value of the watercourses.

The provision and management of the storm water system will reduce flood risks to the Forest Village ponds, and the storm water outfall will connect to a working storm water system. The City of Cape Town will therefore be in a better position to maintain the infrastructure if installed in line with the Oostenberg Storm Water Master Plan.

#### **3.2 Botanical Impacts**

An Ecological Assessment Report dated 10 May 2017 (Updated 28 July 2017 and 02 April 2020) was compiled by Nick Helme Botanical Surveys to assess the potential botanical impacts associated with the proposed development.

According to the Ecological Assessment Report, relatively little high conservation value natural vegetation remains in the immediate vicinity of the site, except to the south, west and southwest. There is thus poor remaining ecological connectivity in most of the area. The primary natural vegetation remnants near the site are the Kuils River wetlands just south and southwest of the site, some of which are within land owned by the Cape Town Film Studios. To the west of the site are poor quality Strandveld remnants within the grounds of the Police Training Academy.



The site is heavily grazed and heavily trampled in places. Extensive illegal dumping has also taken place throughout much of the site, along with significant soil disturbance.

The botanical sensitivity and conservation value are considered to be low throughout most of the site. Indigenous plant species diversity is very low and the few remaining indigenous species are widespread and resilient species such as fynkweek. Common alien species include *Acacia saligna*, Patterson's curse, kikuyu grass, various alien annual grasses etc.

No plant species of conservation concern are likely to persist anywhere within the study area. More than 95% of the study area is considered to be of low botanical sensitivity. The area is not mapped as a Critical Biodiversity Area or Ecological Support Area ("ESA") in the City of Cape Town's Biodiversity Network.

The only portion of medium sensitivity vegetation occurs in the southernmost tip of the site, where the Kuils River flows through the site. This area is mapped as an 'Other ESA' in the City of Cape Town's Biodiversity Network. No areas of high or medium to high botanical sensitivity occur within the study area.

The primary botanical impacts will be loss of an area that previously supported endangered Cape Flats Dune Strandveld, but which is now so degraded that rehabilitation of this vegetation would be very difficult and time consuming. The proposed development will not result in the clearance of any endangered indigenous vegetation and the botanist concluded that no significant negative botanical impacts are expected.

### 3.3 Freshwater Impacts

A Revised Freshwater Risk Assessment Report dated March 2019 was compiled by BlueScience to assess the potential freshwater impacts associated with the proposed development.

The site is located immediately north of the floodplain of the Kuils River. An old/secondary channel of the River flows to the south of the site and there are also permanent and seasonal wetlands associated with the old channel. The permanently inundated wetlands tend to be dominated by bulrushes, while the seasonal wetland areas are more diverse.

The wetland areas within the site have been mapped as part of the City of Cape Town's Biodiversity Network mapping but are not included in the Freshwater Ecosystem Priority Areas mapping.

The surrounding land use activities as well as ongoing disturbance of particularly the seasonal wetlands, resulted in the wetlands being in a largely to seriously modified ecological condition. The *Typha* dominated wetland areas are considered of moderate ecological and functional importance. This is mainly because the reed beds are important as water purification areas and for flood attenuation.

The seasonal wetland areas are generally considered of moderate to high ecological and functional importance, due to the wetlands representing a regionally threatened habitat type that supports red data floral species and may support red data fauna such as the Cape Caco. The wetlands are also likely to support a relatively high diversity of indigenous wetland faunal and floral species, including endemics. The seasonal wetlands within the site have, however, been exposed to a high level of disturbance and are in a very degraded ecological state.

The seasonal wetland immediately adjacent to the site is classified as a floodplain flat wetland that is typically fed water from a raised water table, as well as during flooding of the Kuils River in winter. This results in the wetland being inundated mostly and only in winter.

The seasonal floodplain wetlands of the Kuils River at the site will potentially be impacted by the proposed storm water outlet from Forest Village and the associated discharge to the wetlands during higher rainfall periods. The increase in storm water being discharged to the wetlands may result in them being more permanently inundated with nutrient rich storm water facilitating a nuisance growth of *Typha capensis* bulrush. The Freshwater specialist has therefore recommended a number of mitigation measures to minimise potential impacts on these wetlands. These mitigation measures have been included in the EMPr and conditions of this Environmental Authorisation.

In order to address the concerns raised by the neighbouring Ithemba Labs regarding flooding, solutions were presented to Ithemba Labs. The freshwater specialist was requested to provide comments on the proposed berm. A Freshwater Opinion Letter dated 16 November 2020 was thus provided by Blue Science in this regard and it is confirmed that the proposed works will be at least 15m outside of the mapped aquatic features and largely within the area that would be disturbed by the proposed stormwater infrastructure at the site.

#### 3.4 Heritage impacts

The existing avenues of mature trees along Old Faure Road are a significant local heritage resource, as it contributes to the cultural landscape of the area. Permission was granted by the City's Parks and Recreation and Environmental Management Departments to remove 19 trees to accommodate the proposed development. However, 19 replacement trees were planted in an avenue along a portion of Forest Drive to compensate for the 19 trees that were removed along Old Faure Road.

The existing historical avenue will not be impacted by the proposed storm water outfall. The City of Cape Town confirmed which trees can be felled without impacting on the avenue. Heritage Western Cape confirmed in correspondence dated 13 June 2017 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 (Act No. 25 of 1999) is required.

#### 3.5 Dust, traffic and noise impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential traffic, 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:**

- Disturbance of wetland habitat and potential for water quality impacts.
- Heritage impacts (removal of trees).
- Construction phase impacts (noise and visual impacts during construction).

#### **Positive impacts:**

- Some employment opportunities will be created during the construction phase of the development.
- Improved storm water management in the surrounding area.

- Construction of service infrastructure as there is currently no storm water infrastructure in the surrounding area.
- The visual character of the watercourses will be improved through the removal of litter and debris.
- The rehabilitation of the wetland on the southern side of the Ithemba property.

### **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 EMP, 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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