



REFERENCE: 16/3/3/1/A4/5/3023/22
NEAS REFERENCE: WCP/EIA/0001104/2022
DATE: 07 November 2022

The Trustees
EFH Trading Trust
P. O. Box 17
POMEROY
3020

Attention: Mr. Ebrahim Hattia

Tel: 034 662 1029

E-mail: shukrun@webbiz.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 268, BLUE DOWNS.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the 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 ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to:

- (1) Cahlan Williams/Euonell Visagie (Guillaume Nel Environmental Consultants)
- (2) Azanne van Wyk (City of Cape Town)

E-mail: cahlan@gnec.co.za/eg@gnec.co.za
Email: azanne.vanwyk@capetown.gov.za



REFERENCE: 16/3/3/1/A4/5/3023/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 268, 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated July 2022.

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

EFH Trading Trust
% Mr. Ebrahim Hattia
P. O. Box 17
POMEROY
3020

Tel: 034 662 1029
E-mail: shukrun@webbiz.co.za

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

B. AUTHORISED ACTIVITIES

Listed activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 14</p> <p><i>“The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.”</i></p>	<p>The proposal includes the construction of a filling station which will require the underground storage of fuel of more than 80m³, but less than 500m³.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 28</p> <p>Activity Description:</p> <p><i>“Residential, mixed, retail, commercial, industrial, or institutional development where such land was used for agriculture, game farming, equestrian purposes, or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>i. will occur inside an urban area, where the total land developed will be bigger than 5 hectares; or</i></p> <p><i>ii. will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</i></p> <p><i>excluding where such land has already been developed for residential mixed, retail, commercial, industrial, or institutional purposes.”</i></p>	<p>The proposal entails the transformation of undeveloped land zoned Agriculture for a mixed -use development comprised of residential, commercial, and business components.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

The proposal entails the establishment of a mixed use development and associated infrastructure on the Remainder of Erf No. 268, Blue Downs.

The proposal has a development footprint of approximately 1.72807ha and is comprised of the following components:

- Group Housing Units (approximately 7164 m²);
- Apartment Units (approximately 2287 m²);
- Business node (approximately 5121 m²);
- Commercial node (approximately 2710 m²) consisting of a filling station;
- Stormwater infrastructure;
- Internal roads; and
- Open Space located in the north western corner of the site (approximately 635 m²).

Access to the proposed development is currently obtained off Hindle Road approximately 90m from the Hindle Road/ O Nqubelani Street intersection. The proposal includes the closure of this access point and the development of an access point located 220m from the intersection which would serve as primary access via a parallel access road.

C. SITE DESCRIPTION AND LOCATION

The proposed mixed-use development will take place on the Remainder of Erf No. 268, Blue Downs. The site is located on the corner of Hindle Road and the future Saxdowns Road extension.

The site co-ordinates:

Latitude (S)	33°	58'	46.64"
Longitude (E)	18°	40'	10.54"

The SG digit codes:

Remainder of Erf 268, Blue Downs,	C06700240000026800000
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The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants
 % Mr. Cahlan Williams/ Ms. Euronell Visagie
 P. O. Box 2632
PAARL
 7430

Tel.: (021) 870 1874
 E-mail: cahlan@gnec.co.za/ eg@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated July 2022 on the site as described in Section C above.
2. Authorisation for 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 activities, during which period the authorised listed activity for the construction phase, must be concluded.

4. The authorised activities must only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;
 - 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4. provide the registered Interested and Affected Parties with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any;
 - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National 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 Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the 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 activity. 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 and 14.

Management of activity

10. The draft Environmental Management Programme ("EMPr") (dated July 2022) submitted as part of the application for Environmental Authorisation must be amended to include the following:
 - 10.1. The recommendations and mitigation measures made by the traffic engineers in the Traffic Impact Assessment dated 17 March 2020 compiled DECA Engineers; and
 - 10.2. The recommendations and mitigation measures made by the freshwater specialist's, FEN Consulting in the revised opinion statement, dated 1 November 2022.
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 be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.
15. The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein;
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
 - 15.5. provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid-

- 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit at least two environmental audit reports to the competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

Specific conditions

19. No development may occur within or within 32m of any watercourse.
20. All construction activities must be undertaken during the drier summer months to reduce impacts to the floodplain wetland and reduce possible sedimentation of the Kuils River.
21. The Groundwater Monitoring Plan as included in the EMPr, must be implemented.
22. Surface and 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.
23. 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.
24. Water must be used wisely during all phases of the development. Non-potable water must be used as far as possible for construction related activities during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.

25. The development must incorporate energy saving measures which include, *inter alia*, the following:
 - 24.1. Use of energy efficient lamps and light fittings. Replacement bulbs must also be of the low energy consumptions type.
 - 24.2. Street lights must be switched off during the day.
 - 24.3. All geysers must be covered with a geysers 'blanket'.
25. 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 ("HWC"). 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 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.

F. 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.
 - 3.1. 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:
 - 4.1. Amendments to the EMPr, must be made 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 any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. APPEALS

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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)

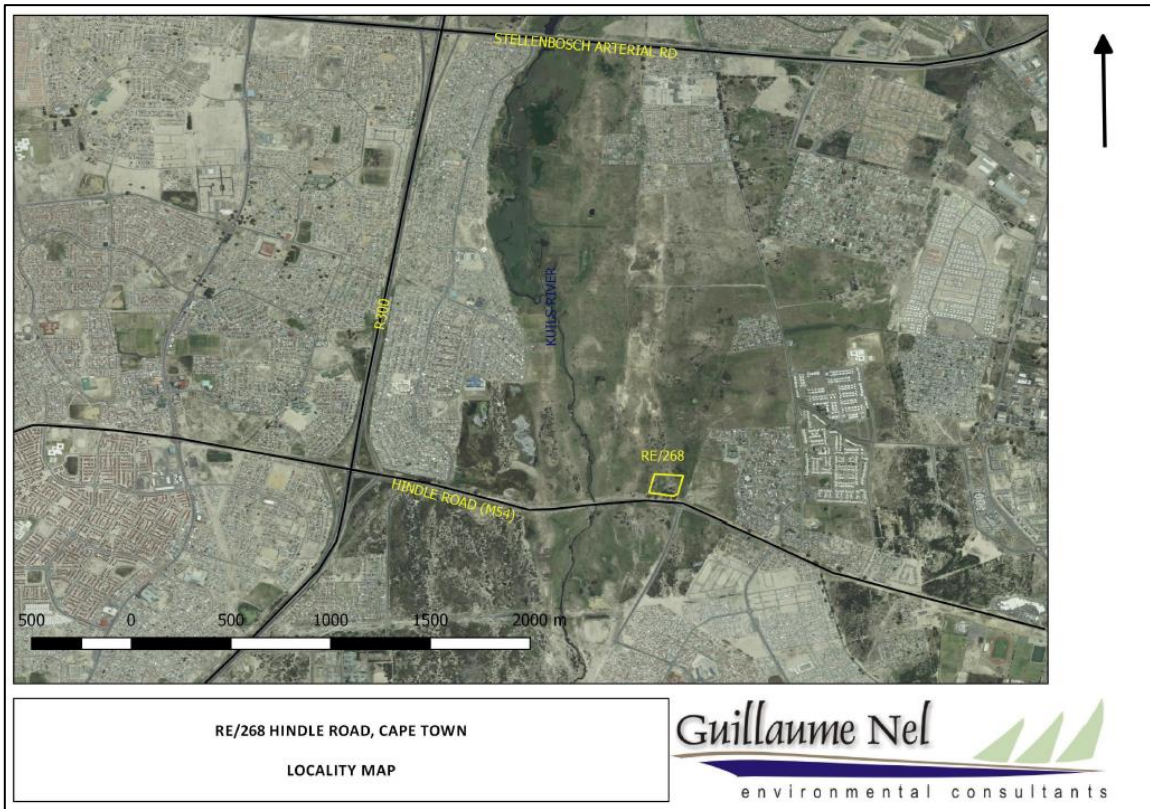
DATE OF DECISION: 07 NOVEMBER 2022

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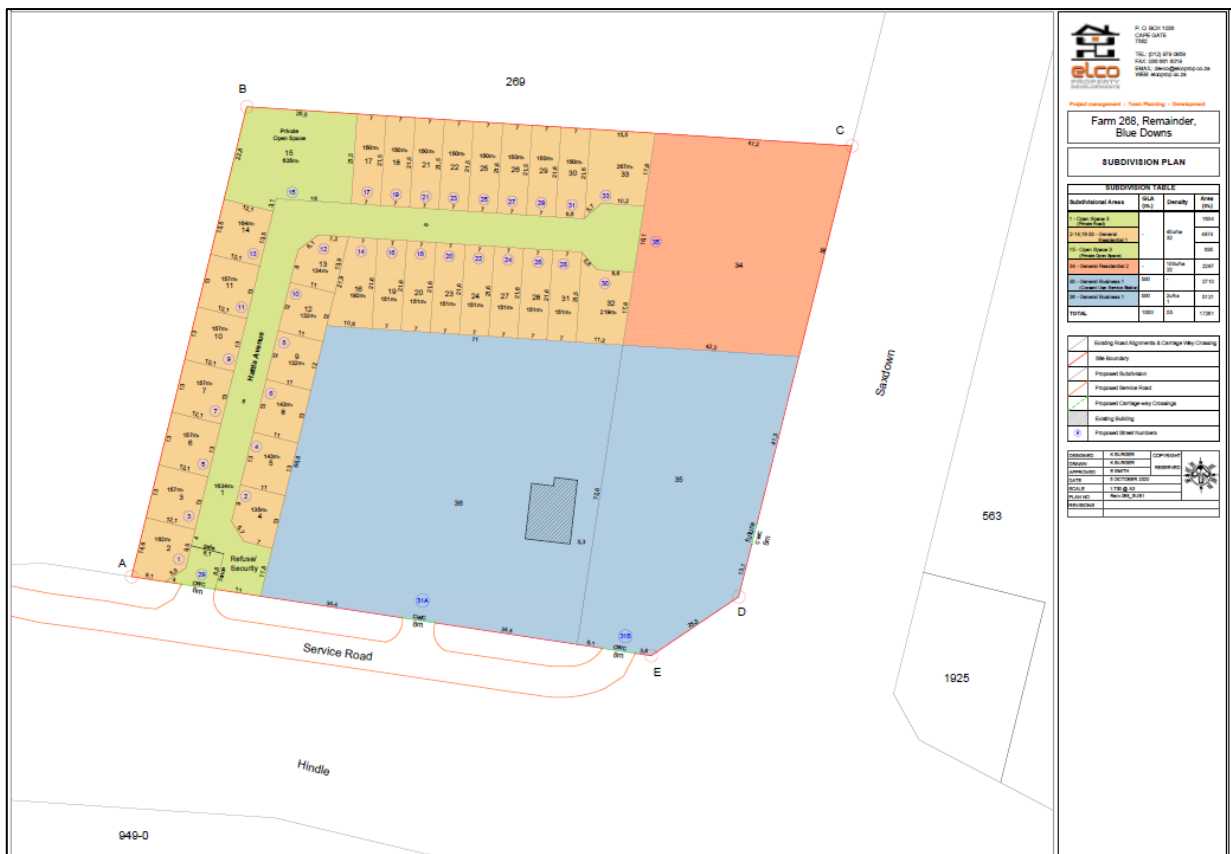
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E-mail: cahlan@gnec.co.za/eg@gnec.co.za
Email: azanne.vanwyk@capetown.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN











 P.O. BOX 1008
 CAPE TOWN
 TEL: 021 979 3676
 FAX: 021 979 3679
 EMAIL: info@elco.co.za
 WEB: www.elco.co.za

Project Management - Town Planning - Development
Farm 269, Remainder, Blue Downs

SUBDIVISION PLAN

SUBDIVISION TABLE		
Subdivisional Area	Area (m ²)	Density
Zone 1 (Green)	15 630m ²	1000
Zone 2 (Orange)	42 000m ²	1000
Zone 3 (Blue)	150 000m ²	1000
Zone 4 (Blue)	400	1000
Zone 5 (Blue)	2 000	1000
Zone 6 (Blue)	1000	1000

-  Building Footprint Alignment & Carriage Way Change
-  Site Boundary
-  Proposed Subdivision
-  Proposed Service Road
-  Proposed Carriage Way Change
-  Existing Building
-  Proposed Other Features

Drawn	Checked	Approved
M. B. B. B.	M. B. B. B.	M. B. B. B.
DATE	DATE	DATE
10/01/2023	10/01/2023	10/01/2023

Scale: 1:1000
 Date: 10/01/2023
 Project: Farm 269, Remainder, Blue Downs

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in, the Application Form received on 23 May 2022, the BAR and the EMPr submitted together with the BAR received on 21 July 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated July 2022.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties;
- hand-delivered notification letters distributed to residents located adjacent to the site;
- notification letters to all potential and registered Interested and Affected Parties including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the draft BAR;
- fixing notices at the site where the listed activities will be undertaken on 3 February 2021;
- the placing of a newspaper advertisement in the "Tygerburger: Eersterivier" on 3 February 2021;
- the distribution of the pre-application draft BAR to Interested and Affected Parties for public review and comment during the first round of public participation from 3 February 2021 until 8 March 2021; and
- the distribution of the draft BAR to Interested and Affected Parties for public review and comment during the second and third round of public participation from 24 November 2021 until 19 January 2022 and 20 May 2022 until 27 June 2022.

During the Public Participation Process the City of Cape Town: Environmental and Heritage Management Branch and Interested and Affected Parties highlighted concerns related to the proposed infilling activities as a result of the proposed development and the impacts associated with groundwater and ecological integrity of the receiving environment. The associated high risks of the proposed development were related to the incorporation of the proposed Kuils River Corridor Plan as a component of the proposed development, which would have resulted in significant loss of wetland areas. A revised freshwater impact assessment was undertaken by the freshwater specialist to assess the impacts associated with the proposed mixed-use development on the Remainder of Erf No. 268, Blue Downs. According to the updated freshwater impact assessment, the impacts associated with the proposed development were identified as being of low negative significance. Furthermore, the proposed development incorporates stormwater infrastructure and attenuation ponds designed to maintain the ecological integrity of the receiving floodplain environment. The potential impacts associated with the proposed development were assessed and sufficient information was provided for the Competent Authority's decision-making.

Concerns were raised by Shoprite Checkers (Pty) Ltd, and the City of Cape Town's Land Use Management Branch related to the traffic impacts and sense of place associated with the proposed development. A Traffic Impact Assessment was commissioned to assess the potential

traffic impacts and comments were obtained from the City of Cape Town's Land Use Management Branch confirming the proposed development is aligned with the relevant spatial and land use planning policies of the City of Cape Town.

Responses to the comments raised during the public participation process were included in the BAR and comments and responses report. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

Site Alternatives

No other site alternatives were considered as the property is transformed with no natural vegetation remaining on site, the site is owned by the applicant and is positioned along major transport routes.

Activity Alternatives

No other activity alternatives were considered as the proposed mixed use development is aligned with the surrounding land uses.

Design/Layout Alternatives

The investigation of layout alternatives was considered, based on the needs of the surrounding community.

Design/Layout Alternative 1 (preferred alternative)

This layout alternative is comprised of a mixed-use development on the Remainder of Erf No. 268, Blue Downs and is comprised of the following components:

- Group Housing Units (approximately 7164 m²);
- Apartment Units (approximately 2287 m²);
- Business node (approximately 5121 m²);
- Commercial node (approximately 2710 m²) consisting of a filling station;
- Stormwater infrastructure;
- Internal roads; and
- Open Space located in the north western corner of the site (approximately 635 m²).

This layout alternative is preferred as it incorporates a residential component in addition to the business and commercial nodes, which addresses the increasing demand for housing for low-middle income residents of the surrounding community.

Design/Layout Alternative 2

This layout alternative entailed the establishment of a mixed-use development on the Remainder of Erf No. 268, Blue Downs and is comprised of the following components:

- 14 Industrial Units (229 m²- 297 m²);
- Apartments (2 956 m²);
- Commercial node comprised of offices and shops (5 019 m²); and
- a Filling Station consisting of 6 pump stations (2 090 m²).

A significant portion of this layout alternative is comprised of an industrial component in addition to residential, and commercial nodes. However, this layout alternative is not preferred as it does not meet the housing needs of the surrounding community.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the site would remain vacant. This alternative is not preferred as it will not address the demand for housing and economic growth opportunities within the greater Blue Downs area. Since the proposed development will not result in any high negative impacts, the "no-go" alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability and Planning Context

Although the property is currently zoned Agricultural, it is located within an urban setting surrounded by residential developments and major transport routes. The site has not been used for agricultural activities since 1998 and the proposal development is addressed the need for affordable housing through this proposal, which is noted as a priority in the Western Cape Provincial Spatial Development Framework ("WCPSDF"), 2014. The WCPSDF further promotes the development of integrated and sustainable settlements with the provision of housing opportunities on appropriate infill sites which will connect residents with public amenities such as transport routes, health facilities and recreational hubs. Furthermore, the site is located within the Urban Inner Core which according to the City of Cape Town's Spatial Development Framework ("CTMSDF") 2018, represents the priority development and investment focus at a metropolitan scale. The CTMSDF aims to promote integrated settlement patterns by encouraging developments that provide a range of housing options to different housing markets. The property is located along Hindle Road which is defined in the CTMSDF as a "Structuring Corridor". Based on the correspondence from the City of Cape Town's sub- Directorate: Land Use Planning dated 27 June 2022, a "Structuring Corridor" is indicative of the *targeted, prioritised areas earmarked for the largest spectrum of land use mix associated with the highest density of population and employment*. The proposed development is therefore in line with all of the applicable spatial planning policies.

3.2 Biophysical Impacts

The proposed mixed-use development is partially located within the 1:100 year flood line of the Kuils River. According to the Freshwater Ecological Assessment compiled by FEN Consulting dated November 2020 (revised 1 November 2022), the Kuils River and associated floodplain is located approximately 100m west of the proposed development. There are no watercourses located on the site, but it is noted that the site is comprised of a large anthropogenically derived wet response area identified to the north of the site which is largely driven by a leaking sewer pipeline. This area is considered ecologically isolated from the Kuils River floodplain wetland area due to the sloping topography. As a result, the site will be elevated to form a platform for the development.

According to the Stormwater Management Plan dated 23 November 2020, as compiled by Graeme McGill Consulting, earthworks will be required on site to create platforms to raise the development site to the required level. As part of the earthworks, the platform deck will also be sloped above this level to facilitate drainage and ponding. The aforementioned stormwater management plan includes a hydrological and hydraulic investigation under peak 1:50 and 1:100-year flows to assess the associated impacts of the increased hardened surfaces for upstream and downstream users. Based on the calculations of the water surface profiles, it is reported that the proposed development would not result in any impacts upstream. Similarly, the impact significance rating downstream of the site would be low because of the constricting effect of the Hindle Road Bridge over the Kuils River. As per the Stormwater Management Plan, stormwater management for the proposed mixed-use development is planned to meet the City of Cape Town's Management of Urban Stormwater Impacts Policy through the implementation of Sustainable Drainage Systems ("SuDS"). The use of SuDS principles to manage stormwater within close proximity to the floodplain wetland is strongly recommended and supported by the freshwater ecologist, as SuDs will assist in preventing significant impacts on the hydrological functioning of the wetland, reduce the risk of flooding during high flow periods and reduce the risk of increased erosion.

Based on the findings of the freshwater specialist report, it is noted that the proposed infilling activities will not take place within an area considered sensitive in terms of aquatic biodiversity or freshwater ecosystems and with the implementation of the mitigation measures the impact significance rating can be reduced to low.

The preferred layout alternative is designed considering the recommendations and mitigation measures proposed in the Freshwater Ecological Assessment Report (revised version dated 1 November 2022). The development includes the development of stormwater infrastructure which will be utilised as stormwater attenuation areas designed to enhance the ecological integrity of the receiving environment. The EMPr will be updated to include the impact management actions recommended by the freshwater and stormwater specialists for the active long-term management of the proposed development and stormwater infrastructure within the floodplain area (as per condition 10 of this EA).

A Botanical Assessment Report dated January 2021, was compiled by Capensis to assess the botanical impacts associated with the proposed development. According to the Botanical Assessment report, historically, the site is mapped to comprise mostly of Critically Endangered Cape Flats Sand Fynbos vegetation type, Endangered Cape Flats Dune Strandveld and Critically Endangered Swartland Shale Renosterveld in accordance with the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) List of Threatened Ecosystems in Need of Protection, 2011. However, the botanical specialist noted that the Remainder of Erf No. 268, Blue Downs is transformed. The site, particularly above the 1:100 year floodline, no longer represents the original vegetation type, and is dominated by grasses and weeds. No mitigation measures were recommended by the botanist in light of the degraded state of the site.

3.3 Geohydrological Impacts

The site is located above the Cape Flats Aquifer which provides groundwater irrigation supply to vegetable farms located south of the proposed development. A Groundwater Impact Assessment dated 6 November 2020 and compiled by GEOSS South Africa (Pty) Ltd was undertaken to assess the groundwater impacts associated with the proposal, particularly, the proposed fuel service station and associated infrastructure. According to the groundwater assessment report, the groundwater level is shallow and the vulnerability to contamination of the aquifer is considered "very high". As such, the specialist indicated that no activities should be allowed that are likely to result in contaminants to enter the subsurface. Mitigation is necessary to prevent any potential contamination and has been recommended. The recommended mitigation includes the installation of at least three groundwater monitoring boreholes in order to detect any potential contamination (locations to be determined from final detailed Site Development Plan of the filling station); the monitoring boreholes will need to be appropriately designed and constructed and a Rapid response plan must be developed should any hydrocarbon spillages or leakages be detected. A Groundwater Monitoring Plan as well as all the recommended mitigation measures has been included in the EMPr, in order to minimise any potential groundwater contamination.

3.4 Heritage impacts

The impact on heritage resources is low, and the likelihood of archeological material being found during earthworks is low. A Notice of Intent to Develop in terms of Section 38 (8) of the National Heritage Resources Act, 1999 was submitted to Heritage Western Cape ("HWC") on 5 August 2020. In HWC's correspondence dated 18 August 2020, it is confirmed that there is no reason to believe the proposed mixed use development on the Remainder of Erf 268, Blue Downs will impact on heritage resources.

3.5 Socio-economic Impacts

A Socio-Economic Impact Assessment dated 13 May 2022 was compiled by Urban-Econ Development Economists (Pty) Ltd to assess the socio-economic impacts of the proposed development. According to the report, the proposed development contributes positively to the economic growth of the surrounding community through the creation of employment opportunities and housing opportunities. The report indicated that there are approximately 21 fuel service stations located within a 5km radius of the proposed development. A meeting was held between Urban-Econ Development Economists (Pty) Ltd and a representative of the Fuel Retailers Association on 11 April 2022. According to Urban Econ, the Fuel Retailers Association of South Africa indicated that the Covid-19 pandemic has permanently altered the fuel industry. A decrease in litreage of filling stations has occurred even with stations primarily within

residential areas and at this point in time fuel pumping volumes have not gone back to what it was pre the Covid-19 pandemic. Based on the outcome of the meeting, it is noted that the need for a fuel service station is dependent on the volume of the current network and the level of future developments proposed within the area. In terms of competition, the radius is not an issue, but is rather focused on location; it was noted that sites have been approved close to one another, but are dependent on the volume of fuel that can be pumped. Service stations are driven primarily by location; however, this is dependent on the location of the filling station in terms of access to surrounding road networks and land uses (residential, commercial, industrial areas, etc.). It was noted that no oil company will invest in a filling station that will pump less than 350,000 litres. Thus, the proposed mixed-use development on the Remainder of Erf 268, Blue Downs and future developments of this nature within this area determines the demand for an additional fuel service station.

3.6 Traffic impacts

Based on the findings of the Traffic Impact Assessment compiled by DECA Engineers, dated 17 March 2020, the existing road network surrounding the proposed development has sufficient capacity to accommodate the proposed development. The existing access point located 90m from the Hindle Road/O Nqubelani Street intersection will be utilised to gain access to the site. However, the proposed development entails the closure of this access point for the development of a new access point located approximately 220m from the aforementioned intersection which will serve as the primary access road that runs parallel to the proposed development.

Further, construction is proposed to be phased east of the site with the extension of Saxdowns Road. The Traffic Impact Assessment notes that the Hindle Road / O Nqubelani Street intersection and Hindle Road / Tourmaline Road intersection will operate at acceptable levels of service with the proposed development. However, due consideration is given to the future dualling upgrades of Hindle Road and the extension of Saxdowns Roads.

The development will have sufficient access to public transport. The draft EMPr will be updated to incorporate the recommendations made by the traffic engineer (as per Condition 10 of this EA). The traffic impacts associated with the proposed development is expected to be of low negative significance.

3.7 Dust, noise and visual impacts

The EMPr includes dust, noise and visual impact management actions that will be implemented in order to minimise potential impacts.

The development will result in negative and positive impacts

Negative impacts:

- Aquatic impacts (degradation of flood plain);
- Groundwater Impacts; and
- Traffic impacts

Positive impacts:

- The proposed development intends to provide housing and commercial opportunities for the local community;
- Positive contribution to the economic growth of the local community; and
- Additional employment opportunities.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation,

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of 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.

5. Conclusion

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