



EIA REFERENCE NUMBER: 16/3/3/1/A8/13/3052/22
NEAS REFERENCE NUMBER: WCP/EIA/0001171/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: **26 APRIL 2023**

The Municipal Manager
City of Cape Town: Human Settlements Directorate
Private Bag X9181
CAPE TOWN
8000

For Attention: Mr. D. Norman

Tel: (021) 444 6295

Email: douglas.norman@capetown.gov.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 INFILL HOUSING DEVELOPMENT ON ERF 27661, BELHAR.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation below.

Yours faithfully

MS. MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. B. Edwards/Mr. R. Jonas (JG Afrika)
(2) Mr. L. Mbandazayo (City of Cape Town: ERM)
(3) Mr. A. Oosthuizen (DEA&DP: Development Facilitation)

Email: edwardsb@jgafrika.com/JonasR@jgafrika.com

Email: Lungelo.mbandazayo@capetown.gov.za

Email: Andre.Oosthuizen@westerncape.gov.za

EIA REFERENCE NUMBER: 16/3/3/1/A8/13/3052/22

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 INFILL HOUSING DEVELOPMENT ON ERF 27661, BELHAR.

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 activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated December 2022.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
c/o Mr. D. Norman
City of Cape Town: Human Settlements Directorate
Private Bag X9181
CAPE TOWN
8000

Tel: (021) 444 6295
Email: douglas.norman@capetown.gov.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number 19 Activity Description:</p> <p><i>“The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”</i></p>	<p>The proposed development will entail the infilling or depositing of material into two wetlands located on Erf 27661, Belhar.</p> <p>The proposed offsite wetland offset located on Remainder Erf 14791 and Remainder Erf 20880, Bellville will require maintenance and management.</p>

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

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

The authorised development entails the infilling of wetlands for the development of infill housing and associated infrastructure on Erf 27661, Belhar.

The development will include the following:

- Approximately 452 residential erven and associated infrastructure;
- A detention pond;
- A community facility;
- Open spaces;
- Internal roads (varying in width from 3m to 6.4m);
- Public Roads; and
- Associated services, including electrical substations.

The proposed development will be accessed from Arundel Drive and Prospect Link, Belhar. The total development footprint on Erf 27661, Bellville will be approximately 7,12ha.

An offsite wetland offset of approximately 0.65ha in extent will be created at the decommissioned and closed Bellville South Waste site on the Remainder Erf 14791 and the Remainder Erf 20880, Bellville. The wetland offset will be incorporated into the existing and extensive stormwater wetlands, which will treat and attenuate stormwater runoff from the closed landfill site.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erf 27661, Belhar. Access to Erf 27661, Belhar will be gained Arundel Drive and Prospect Link, Bellville.

The 21-digit Surveyor General code for the proposed site is:

Erf 27661	C0160002000276610000
-----------	----------------------

Site co-ordinates for the site is:

Middle point	33° 56' 54.78" South	18° 39' 23.20" East
--------------	----------------------	---------------------

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

The said section of land (i.e. Erf 27661, Belhar) is hereinafter referred to as "**the site**".

The details of the offsite wetland offset are as follows:

The offsite wetland offset will be created and maintained on the Remainder Erf 14791 and the Remainder Erf 20880, Bellville (Bellville South Landfill site).

The 21-digit Surveyor General codes for the offsite wetland offset are:

Remainder Erf 14791	C0160002000147910000
Remainder Erf 20880	C016000200020880000

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

JG Afrika (Pty) Ltd.
c/o Ms. Bonté Edwards
14 Central Square
PINELANDS
7430

Tel.: (021) 530 1800
Email: edwardsb@jgafrika.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR December 2022 on the site described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring 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.
5. Any changes to, or deviations from the scope of the alternatives described in section B above must be approved in writing by the Competent Authority, before such changes or deviations

may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing must be given to the Competent Authority before commencement of land clearing activities.

6.1. The notice must make clear reference to the site details and EIA Reference number given above.

6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

7.1. Notify all registered Interested and Affected Parties ("I&APs") of –

7.1.1. the outcome of the application;

7.1.2. the reasons for the decision as included in Annexure 3;

7.1.3. the date of the decision; and

7.1.4. the date when the decision was issued.

7.2. 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) detailed in Section G below;

7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;

7.4. Provide the registered I&APs with:

7.4.1. name of the holder (entity) of this Environmental Authorisation,

7.4.2. name of the responsible person for this Environmental Authorisation,

7.4.3. postal address of the holder,

7.4.4. telephonic and fax details of the holder,

7.4.5. e-mail address, if any, of the holder,

7.4.6. 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).

8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided, i.e., the listed activity, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (dated November 2022, compiled by JG Afrika (Pty) Ltd.) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before commencing with construction activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the office of the EA holder of the authorised listed activity and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority within one (1) month of completion of the environmental audit.
 - 14.2. Thereafter, an Environmental Audit Report must be submitted to the Competent Authority every two (2) years during the construction phase.
 - 14.3. A final Environmental Audit Report must be submitted to the Competent Authority within one (1) month of the completion of the construction phase. The final Environmental Audit Report must include a detailed report on the offsite wetland offset.
 - 14.4. The holder must, within 7 (seven) 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.

Specific conditions

15. Any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. The recommendations of the Phase One Geotechnical Site Investigation (compiled by Core Geotechnical Consultants, dated August 2020), as included in the EMPr, must be implemented. This includes, *inter alia*, the following:
 - 16.1. Excavation and earthworks must occur during the dry summer months as far as practically possible.
 - 16.2. Should extensive dewatering be required, temporary wall points around the perimeter of the excavation area must be installed during the excavation and/or earthwork activities.
 - 16.3. A Phase 2 Geotechnical Site Investigation must be undertaken once the excavation and/or earthwork activities have been concluded to confirm the ground improvement achieved and the design precautions necessary for structures and roads. A Phase 2 Geotechnical Site Investigation must be submitted to the Competent Authority within three (3) months of the completion of the Phase 2 Geotechnical Site Investigation for record purposes.
17. The recommendations of the Specialist Aquatic Ecosystems Input with Risk Assessment and Offset Recommendations (compiled by Liz Day Consulting, dated September 2022), as included in the EMPr, must be implemented. This includes, *inter alia*, the following:
 - 17.1. An offsite wetland offset must be established on the Remainder of Erf 14791 and the Remainder of Erf 20880, Bellville prior to the completion of the construction activities associated with the housing development.
 - 17.2. An area of approximately 0.65ha as stipulated by the freshwater specialist must be used to create a seasonally inundated to saturated wetland depression.
 - 17.3. The recommended mitigation measures of the freshwater specialist must be implemented during all phases of the implementation of the offsite wetland offset.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period specified in Condition 2, this Environmental Authorisation shall lapse for that 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.
4. An application for amendment of the Environmental Authorisation must be submitted 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.

5. The manner and frequency for updating the EMPr is as follows:

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.

G. APPEALS

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

1. An appellant must –
 - 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 form/s must be submitted by means of one of the following methods:

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

5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of 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 holder, 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 greatly appreciated.

Yours faithfully

MS. MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 26 APRIL 2023

Copies to: (1) Ms. B. Edwards (JG Afrika)
(2) Mr. L. Mbandazayo (City of Cape Town: ERM)
(3) Mr. A. Oosthuizen (DEA&DP: Development Facilitation)

Email: edwardsb@jgafrika.com
Email: Lungelo.mbandazayo@capetown.gov.za
Email: Andre.Oosthuizen@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP

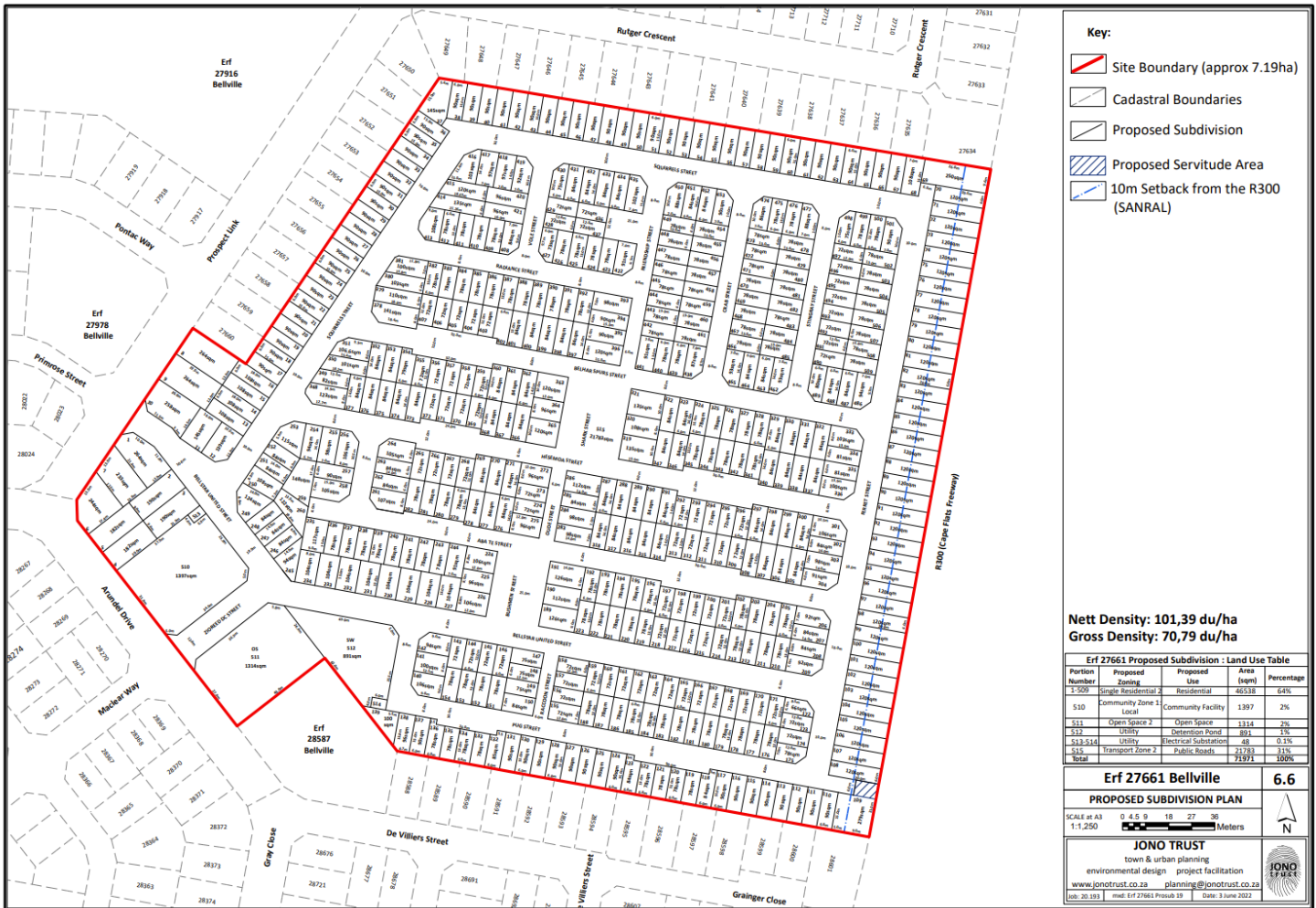
The proposed site (Erf 27661, Belhar) demarcated in yellow below.



Locality map of Erf 27661 (Google Earth Imagery, 2022).

ANNEXURE 2: SITE PLAN

Site plan for the proposed development.



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 dated 20 September 2022 and received by the competent authority on 28 September 2022, the BAR dated December 2022 and received by the competent authority on 21 December 2022 and the EMPr (dated November 2022) submitted together with the BAR;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated December 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 ("PPP") was undertaken for the application process and entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity is to be undertaken on 20 July 2022;
- Giving written notice to the occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 20 July 2022 and 28 September 2022;
- The placing of a newspaper advertisement in the "Tygerburger" on 20 July 2022;
- Making a pre-application draft BAR available to I&APs for comment from 20 July 2022 to 22 August 2022;
- A copy of the pre-application BAR was placed at the Belhar Public Library (Blackberry Crescent, Belhar) (on 20 July 2022) during the 30-day public commenting period.
- Making the draft BAR available to I&APs for comment from 28 September 2022 to 28 October 2022;
- A copy of the Draft BAR was placed at the Belhar Public Library (Blackberry Crescent, Belhar) and Huguenot Square Library (corner of Belhar Drive & Huguenot Road, Belhar) during the 30-day public commenting period.
- The draft BAR was made available on the EAP's company website (<https://www.jgafrika.com/public-participation/>) for commenting purposes during the public participation periods.

Concerns related to, *inter alia*, limited recreational facilities, an increase in crime and various social ills and the fact that the site was earmarked for a school, were highlighted by interested and affected parties. The proposed development will include an area set aside for a community facility. The EAP further indicated that a planning exercise undertaken in 2019 revealed an oversupply of schools and an under supply of sporting facilities occurring in the area. In addition, the Western Cape Department

of Education supports the housing initiative in principle and further school sites are being explored in the area.

All of the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

No site or property alternatives were identified and assessed since the proposed site is owned by the holder. No technology alternatives in terms of energy saving and water saving technology will be incorporated into the design of the proposed development. Various layout options were developed, which varied slightly in the configuration of the site, however, in all instances, the full site would be developed. Therefore, the Preferred Alternative and the "No-Go" alternative were identified and assessed as follows:

The Preferred Alternative - herewith authorised:

The Preferred Alternative entails the infilling of wetlands for the development of infill housing and associated infrastructure on Erf 27661, Belhar.

- Approximately 452 residential erven and associated infrastructure;
- A detention pond;
- A community facility;
- Open spaces;
- Internal roads (varying in width from 3m to 6.4m);
- Public Roads; and
- Associated services, including electrical substations.

The proposed development will be accessed from Arundel Drive and Prospect Link, Belhar. The total development footprint on Erf 27661, Bellville will be approximately 7,12ha.

An offsite wetland offset of approximately 0.65ha in extent will be created at the decommissioned and closed Bellville South Waste site on the Remainder Erf 14791 and the Remainder Erf 20880, Bellville. The wetland offset will be incorporated into the existing and extensive stormwater wetlands, which will treat and attenuate stormwater runoff from the closed landfill site.

All services have been confirmed as sufficient, spare and unallocated by the Local Authority. Stormwater infrastructure will be developed within the road reserve of the R300 and within an urban area, which does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

The Preferred Alternative takes cognisance of the fact that the erf is vacant and was identified as suitable to provide housing opportunities while connecting residents to public transport nodes and routes, community facilities, social amenities as well as economic opportunities. In addition, the site is not deemed sensitive from a botanical perspective, and is suitable for development from a geotechnical and freshwater perspective.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo" of the existing property. Since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

Erf 27661, Belhar is a vacant site and is currently zoned as Community 1: Local. A Rezoning and Land Use Application in terms of the relevant planning legislation is underway for rezoning the property to Community Zoning 2 (CO2), which will permit the development of a residential township.

The proposed development is in line with the Western Cape Provincial Spatial Development Framework, 2014 ("PSDF"), which strongly focuses on developing integrated and sustainable settlements, by providing housing on appropriate infill sites with increased densities and which will connect residents with public transport nodes and routes, health facilities and social amenities. The proposed development will provide housing opportunities and will include social amenities and access to public transport routes. The proposed development is located within an urban residential area and is thus in keeping with surrounding land uses. This will also enable the beneficiaries of the development to form part of an existing community.

In terms of the Tygerberg District Spatial Development Framework, the site was designated for a potential school. However, a planning exercise was undertaken in 2019 by the proponent to identify developable sites for housing purposes. The exercise revealed that there is an oversupply of schools in the area and an under supply of sporting facilities in the surrounding Belhar area. The Western Cape Department of Education indicated (in their correspondence dated 21 October 2020) that the Department supports the housing initiative in principle, on the basis that alternative sites are provided for education purposes. Although the City of Cape Town and the Western Cape Department of Education are engaging further on this aspect, it falls outside of the scope of this EIA application and will be dealt with separately.

The City of Cape Town Spatial Development Framework, 2018, states that focus on infill housing opportunities on state-owned land in support of economic and transit-oriented opportunities, should be implemented. The proposed project is on state-owned land and will provide infill housing opportunities within an existing residential area, which also aims to improve economic and social opportunities for beneficiaries.

In addition, the development will also create a number of new employment opportunities during the construction and operational phase, which will have a positive economic impact on the surrounding communities.

3.2. Aquatic impacts

A Specialist Aquatic Ecosystems Input With Risk Assessment And Offset Recommendations (conducted by Liz Day Consulting, dated September 2022) was undertaken to determine the potential freshwater impacts associated with the proposed development and to investigate the potential for wetland offsets as a result of the proposed development.

The specialist ground-truthed and identified two seasonal depression wetlands on the site. The specialist indicated that Wetland A (located in the south of the site) and Wetland B (located in the north-eastern corner of the site) are small, fragmented and mainly groundwater fed. The wetlands play a more important role from an ecological perspective than from a functional perspective. Approximately 3 572m² of wetlands will be lost as a result of the proposed development. The specialist considered potentially excluding the wetlands from the development area. However, this may not have ensured adequate protection of the wetlands in the long term and was therefore not recommended. The specialist further considered potentially incorporating the wetlands into the design of the development for stormwater purposes, however, this option would not have adequately offset the loss of wetlands. The loss of wetlands has been rated as having medium negative significance with no mitigation measures possible.

Although development of the site would be acceptable from an aquatic ecosystems perspective, the residual impacts of medium significance associated with wetland loss was further assessed in terms of an offsite wetland offset.

The specialist calculated the wetland offset using the Wetland Offset Calculator of SANBI & DWS (2016), which resulted in the following offset targets:

- Wetland Functionality Target: 0.2 ha of equivalently functional habitat, PES Category C or better;
- Ecosystem Conservation Target: 0.4 ha of equivalently functional habitat, PES Category C or better.

Potential receptor sites were identified, namely, Erf 1137, Macassar, Remainder of Portion 1 of Farm No. 544 (Driftsands Nature Reserve) and the Remainder of Erf 14791 and the Remainder of Erf 20880, Bellville (Bellville South Landfill Site). Erf 1137, Macassar and the Remainder of Portion 1 of Farm No. 544 (Driftsands Nature Reserve) were not considered feasible since Erf 1137, Macassar contains a different vegetation type and wetland type, and the Driftsands Nature Reserve is proposed to be deproclaimed.

The Remainder of Erf 14791 and the Remainder of Erf 20880, Bellville (Bellville South Landfill Site) was therefore further considered as a suitable offsite wetland offset site. Since the Bellville South Landfill Site is in the process of being decommissioned, will include the existing wetlands into an extensive stormwater system and contains wetlands of similar vegetation type, an area of approximately 0.65ha was identified as a suitable receptor site. In addition, since the receptor site will not be suitable for development, is owned by the local authority and will be managed by the local authority, the maintenance and management of the offsite wetland offset will be incorporated into the maintenance and management of the larger stormwater wetland system contained within the Bellville South Landfill Site.

Although the proposed offsite wetland offset does not meet the functionality target calculated (i.e. 0.1ha instead of the calculated 0.2ha), the wetlands to be lost played a more important role in terms of ecosystem conservation rather than functionality. The proposed off-site wetland offset exceeds the calculated ecosystem conservation target of 0.4ha (i.e. 0.6ha) to ensure its ability to buffer the created wetland. Recommendations with respect to wetland creation and management activities have been provided by the specialist and have been included in the EMP. A memorandum of understanding between the applicant and the City of Cape Town: Solid Waste Management Directorate dated 19 December 2022 has confirmed that the City of Cape Town: Solid Waste Management Directorate will be responsible for the management and maintenance of the proposed offsite wetland offset on the Bellville South Landfill site.

The Department of Water and Sanitation has confirmed (in their comment dated 27 October 2022) that a Water Use Licence Application in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be required. Proof of submission of the relevant application to the water licensing authority has been provided.

The City of Cape Town: Spatial Planning and Environment – Environmental Management Department indicated (in their correspondence dated 22 August 2022) that the specialist's recommendations regarding the offsite wetland offset are supported. CapeNature indicated (in their electronic mail correspondence dated 24 August 2022) that the freshwater assessment, including the recommended wetland offset and proposed receiving area, is supported.

3.3. Botanical Impacts

A Botanical Site Sensitivity Verification and Compliance Statement (compiled by Capensis Ecological Consulting Pty (Ltd), dated November 2020) was undertaken to determine the botanical sensitivity of the site. The site was visited on 07 October 2020 in mid-spring, which is

within the peak flowering season, between August and October. The timing of the survey is therefore regarded as optimal from a botanical perspective.

The site contains some seasonal wetland habitat, with one depression containing standing water at the time of the survey and two others containing wet soil. The site is not mapped as part of the City of Cape Town's BioNet. The wetlands on site have little to no ecological value from a botanical perspective. The site contains less than 300m² of indigenous plant species representative of Endangered Cape Flats Dune Strandveld.

Although no Species of Conservation Concern ("SCC") were identified on the site, some of the geophytes or easily transplanted shrub species of ornamental value present on the site will be translocated into any part of the site to be set aside for public open space, or alternatively planted into existing public open spaces in the surrounding area. The proposed development is therefore supported from a botanical perspective.

In their electronic mail correspondence dated 24 August 2022, CapeNature supported the findings of the botanical compliance statement.

3.4. Ecological Impacts

A Butterfly Site Survey (compiled by Dave Edge and Associates, dated 24 November 2021) was undertaken to evaluate the potential for butterfly Species of Conservation Concern (namely *Kedestes barberae bunta* and *Kedestes lenis lenis*) occurring on the proposed site.

The site was surveyed on 21 September 2021 to observe if any butterfly SCC were present on the site. The specialist indicated that insufficient amounts of larval host plants and good nectar plants for adult *Kedestes barberae bunta* butterflies was present on the site. The site was full of butterfly activity and several other species were seen in good numbers, however, the two potential species of conservation concern were not observed.

The site was surveyed again on 16 November 2021 by the specialist. The specialist indicated that insufficient amounts of larval host plants and good nectar plants for adult *Kedestes lenis lenis* butterflies was observed on the site. This survey was conducted during their peak flight time and while they were present at other sites on the same day, none were observed on the site. Several other butterfly species were present and active at the site.

The specialist concluded that since butterfly SCC were not observed at the site, the environmental sensitivity for the terrestrial animal species (butterflies) has been deemed to be of low sensitivity. Furthermore, there are no impact management actions and outcomes, or any butterfly monitoring requirements to be included in the Environmental Management Programme.

3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape in October 2018. Heritage Western Cape indicated (in their correspondence dated 27 October 2020) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.6. Traffic Impacts

A Traffic Impact Assessment (compiled by JG Afrika (Pty) Ltd, dated March 2021) was undertaken to assess the potential impacts the proposed development will have on traffic in the area.

The site accommodates two access points, connecting to the intersection of Primrose Street/Prospect Link and the intersection of Arundel Drive/Maclear Way. No access spacing

issues are envisaged because the site access points connect to existing intersections and as such, no new intersections are created.

The site has access to a diverse public transport network. There are minibus taxi services on Prospect Link and Arundel Drive located just off the site access points. The Pentech Rail Station is located approximately 1.8km north-west of the site, and a bus route is located on Belhar Drive approximately 0.7km west of the site and on Polkadraai Drive, located approximately 0.6km south of the site. There are five bus bays within the site study area, two (2) of which are equipped with bus shelters. There are formalised sidewalks on the surrounding road network near the site. The sidewalks within the proposed site are recommended to link to the existing sidewalk network in the surrounding area.

The impact on existing intersections is of such a nature that no intersection improvements are recommended. Since no additional road upgrades are required, the proposed development is supported from a traffic engineering perspective, provided that the recommendations made in the Traffic Impact Assessment are adhered to. The recommendations have been included in the EMPr.

3.7. Geotechnical Impacts

A Geotechnical Investigation (compiled by Core Geotechnical Consultants, dated August 2020) was undertaken. The objectives of the assessment were to determine site geology, geotechnical conditions and to provide recommendations for the design of foundations and related geotechnical aspects.

The specialist indicated that a wet, flooded area is located in the northern and north-eastern part of the site and a pond is located in the southern part of the site. The test pits revealed that the proposed site contains a shallow water table with groundwater being detected between approximately 0.4m to 1.2m.

Dynamic Probe Light tests indicated that the sandy soils are highly compressible within the upper 1.0m to 2.0m from surface. Below this depth, soils have a moderate compressibility. The site will require additional earthworks in order to raise elevation levels above the level of the shallow perched water table and to remove any dumped uncontrolled fill material, as encountered in the western area of the site. The specialist indicated that during the wet winter periods, recompaction of the site may be hampered, especially in wet or flooded areas. The specialist indicated that dewatering of the excavation area is expected and that more extensive deep watering may be required. This may include the installation of temporary wall points around the perimeter of the excavation to allow service installation or earthworks to continue. The specialist further indicated that excavation and earthworks should occur during the dry summer months, if possible.

A Phase 2 Geotechnical Investigation will be required once all earthworks are complete, as current founding conditions will have changed and the nature and overall compressibility of the soil profile in areas of earthworks will need to be re-assessed.

The specialist concluded that the Phase 1 Geotechnical Site Investigation indicates that the subject property is broadly suitable for the proposed development, provided that aspects of concern relating to the geotechnical character of the site are addressed.

3.8. Noise and Dust Impacts

Potential noise and dust impacts are anticipated during the construction and development phase. The potential noise and dust impacts are anticipated to have a very low negative, with mitigation, significance rating. Mitigation measures to reduce the potential noise and dust impacts have been included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The proposed development will result in the infilling of wetlands on the subject property;
- Potential traffic impacts during construction and operational phases of the development; and
- Potential construction related impacts in terms of dust and noise impacts.

Positive impacts include:

- The proposed development will provide housing opportunities;
- Enhanced and improved wetlands at the closed and decommissioned Bellville South Landfill Site will be created;
- The proposed development is consistent with the spatial planning policies governing the area; and
- The creation of 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 activity 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 activity 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."*

-----END-----