



EIA REFERENCE NUMBER: 16/3/3/1/A1/18/3054/22
NEAS REFERENCE NUMBER: WCP/EIA/0001178/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: **24 May 2023**

The Director
Vinn Developments (Pty) Ltd.
21 Granula Place
SUNSET BEACH
7441

For Attention: Mr. B. Vinnicombe

Cell: (082) 458 0449
Email: brentvin@gmail.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 35106 (CONSOLIDATED ERVEN 6156 AND 12202), MILNERTON.

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. H. Groenewald / Ms. C. Becker (GNEC)
(2) Mr. M. Theron (City of Cape Town: ERM)
(3) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)

Email: hdp@gnec.co.za / carina@gnec.co.za
Email: Morne.Theron@capetown.gov.za
Email: Sonja.warnichstemmet@capetown.gov.za

EIA REFERENCE NUMBER: 16/3/3/1/A1/18/3054/22

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 35106 (CONSOLIDATED ERVEN 6156 AND 12202), MILNERTON.

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 03 February 2023.

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 Director
c/o Mr. B. Vinnicombe
Vinn Developments (Pty) Ltd.
21 Granula Place
SUNSET BEACH
7441

Cell: (082) 458 0449
Email: brentvin@gmail.com

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 19A Activity Description:</p> <p><i>“The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i></p> <p><i>(i) the seashore;</i></p> <p><i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</i></p> <p><i>(iii) the sea; —</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(f) will occur behind a development setback;</i></p> <p><i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or 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 of more than 5m³ within 100 meters from the Diep River Estuary.</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 proposed development entails the establishment of a residential development and associated infrastructure on Erf 35106 (consolidated Erven 6156 and 12202), Milnerton. The residential development (i.e. apartment complex) will consist of 31 apartments, varying in unit sizes. The ground floor will be used for parking purposes. Floors 1 – 4 will comprise of the residential units. The development will not exceed the 15-meter height restriction applicable to the proposed site.

A buffer area of approximately 900m² will be established between the proposed development toward the Diep River Estuary. The buffer area will include the 1:100 year and 1:50 year floodlines and an existing pipeline servitude located along the western boundary of the proposed site.

A sheetpile wall will be developed within the buffer area along the western boundary of the proposed site, which will act as a protective barrier during extreme storm events. The top of the sheetpile wall will be covered by a concrete capping structure, which will be at a level of +3.0m mean sea level. The sheetpile wall will be approximately 800mm wide and 2m deep, with weepholes being included in its design to allow for groundwater movement. The sheetpile wall will tie into the existing sheetpile wall (associated with the existing pipeline) in the north-western corner of the site.

The proposed development will connect to a gravity main sewer point in Zonnekus Road and will require the development of a short pipeline in Zonnekus Road to connect to the sewer main. The proposed development will connect to the catchpit located in Esplanade Street for stormwater purposes and will require the development of a pipeline of approximately 90 meters in length along Esplanade Street. A boundary wall will be developed adjacent to and east of the pipeline servitude area.

Access to the site will be gained from Zonnekus Road, Milnerton.

The total development footprint will be approximately 2000m².

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erf 35106 (consolidated Erven 6156 and 12202), Milnerton. Access to the site will be gained from Zonnekus Road, Milnerton.

The 26-digit Surveyor General code for the proposed site is:

Erf 35106	C0160034000351060000000000
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Site co-ordinates for the proposed site is:

Middle point	33° 53'23.36" South	18° 29'10.49" East
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Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants (Pty) Ltd.
c/o Ms. H. Groenewald & Ms. C. Becker
P.O. Box 2632
PAARL
7646

Tel.: (021) 870 1874

Email: guillaume@gnec.co.za / hdp@gnec.co.za / carina@gnec.co.za

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 dated 03 February 2023 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 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 03 February 2023 and compiled by Guillaume Nel Environmental Consultants) submitted as part of the application for Environmental Authorisation is hereby approved.
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.
 - 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. A copy of the final landscape plan to be implemented must be submitted to the Competent Authority within one (1) month of its approval for record-keeping purposes.
17. In accordance with the City of Cape Town's correspondence dated 06 December 2022, a sewer discharge of less than 4kl/day or 10 units (whichever is less) must be implemented, if the first flush is before 2027 (i.e. the occupation of no more than 10 units must occur if the first flush is before 2027).
18. The occupation of the remainder of the units may occur once the upgrade of the Potsdam Waste Water Treatment Works has been completed. Proof of the completion of the upgrade must be provided to the Competent Authority within one (1) month of the occupation of the remainder of the units for record-keeping purposes.
19. 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: 24 May 2023

Copies to: (1) Ms. H. Groenewald / Ms. C. Becker (GNEC)
(2) Mr. M. Theron (City of Cape Town: ERM)
(3) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)

Email: hdp@gnec.co.za / carina@gnec.co.za
Email: Morne.Theron@capetown.gov.za
Email: Sonia.warnichstemmet@capetown.gov.za

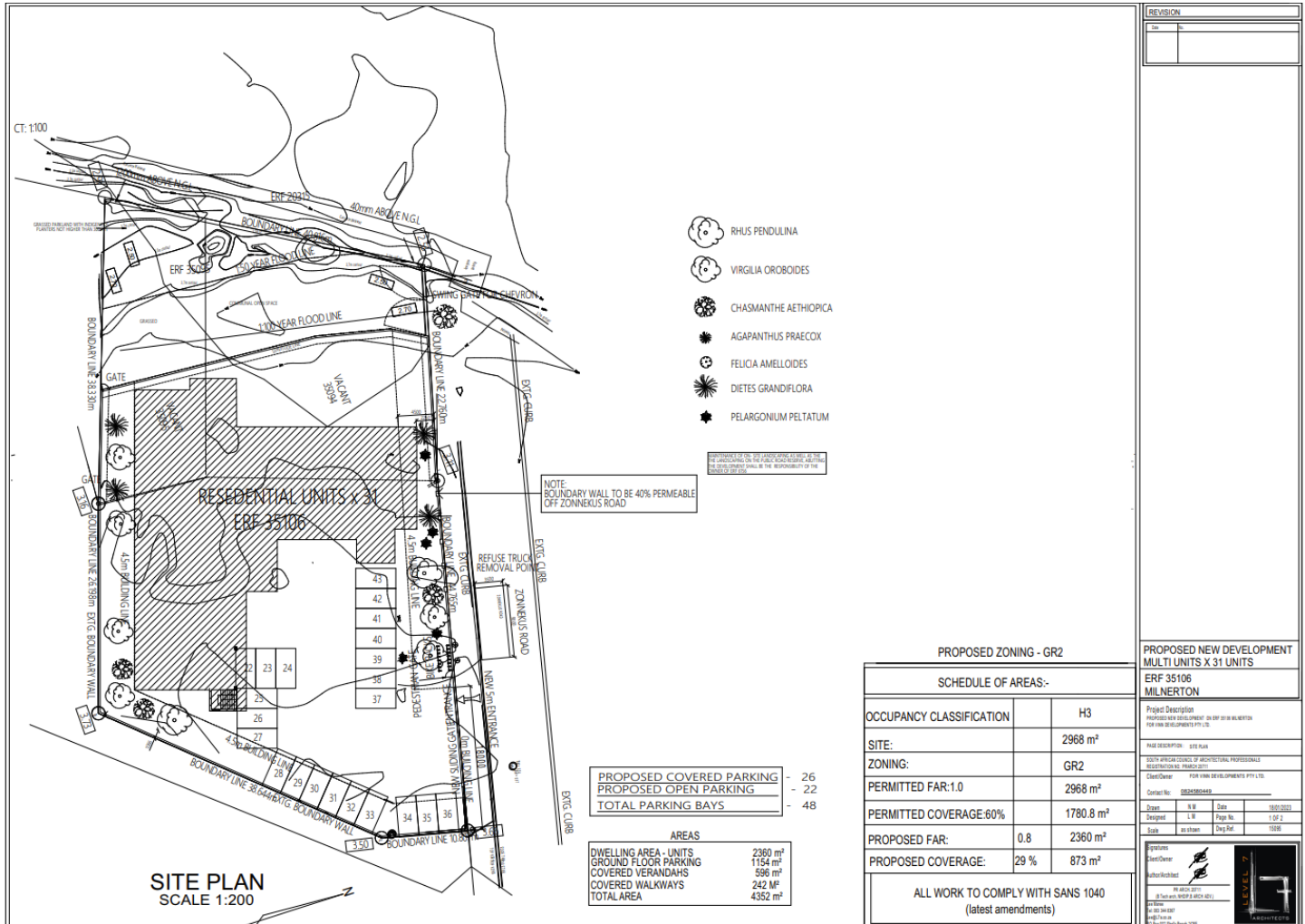
ANNEXURE 1: LOCALITY MAP

The proposed site is demarcated in red below.



ANNEXURE 2: SITE PLAN

Site plan for the proposed development (ground floor).



REVISION	
No.	Description

PROPOSED ZONING - GR2

PROPOSED NEW DEVELOPMENT MULTI UNITS X 31 UNITS

ERF 35106 MILNERTON

Project Description: PROPOSED NEW DEVELOPMENT - MULTI UNITS X 31 UNITS

Client: FOR UNITS DEVELOPMENTS PTY LTD

Contract No: 0024300049

Drawn	R.M.	Date	18/01/2023
Designed	L.W.	Page No.	1 OF 2
Scale	as shown	Drawn Ref.	1588

Architect: L.E. VAN DER MERWE ARCHITECTS

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 12 October 2022 and received by the competent authority on 13 October 2022, the BAR dated and received by the competent authority on 03 February 2023 and the EMPr (dated 03 February 2023) 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 03 February 2023; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted by an official of this Department on 28 November 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 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") that was undertaken for the application process 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 26 October 2021;
- 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 27 October 2021;
- The placing of a newspaper advertisement in the "Tygerburger" on 27 October 2021;
- Making a pre-application draft BAR available to I&APs for comment from 27 October 2021 to 29 November 2021;
- Making the draft BAR available to I&APs for comment from 04 November 2022 to 06 December 2022;
- The draft BARs were made available on the EAP's company website www.gnec.co.za for commenting purposes during the public participation periods.

Concerns related to the potential visual impact, sense of place, traffic, need and desirability and service capacity constraints were raised by I&APs. The proposed development has responded accordingly in terms of design and height.

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 EA holder. An existing *ad hoc* development setback line was approved by this Department on 23 October 2018 for the development of 10 residential units consisting of 2 and 3 storeys. However, in order to maximise the use of the proposed site for residential purposes, alternatives to the approved *ad hoc* development setback line were investigated and assessed.

Initially, the EA holder proposed the development of an apartment block comprising of 40 residential units. However, after initial consultation with the City of Cape Town, adequate onsite parking bay requirements could not be accommodated into the initial proposed development.

Technology alternatives in terms of energy saving and water saving technology will be incorporated into the design of the proposed development. The Preferred Alternative and the "No-Go" alternative were identified and assessed as follows:

The Preferred Alternative - herewith authorised:

The proposed development entails the establishment of a residential development and associated infrastructure on Erf 35106 (consolidated Erven 6156 and 12202), Milnerton. The residential development (i.e. apartment complex) will consist of 31 apartments, varying in unit sizes. The ground floor will be used for parking purposes. Floors 1 – 4 will comprise of the residential units. The development will not exceed the 15-meter height restriction applicable to the proposed site.

A buffer area of approximately 900m² will be established between the proposed development toward the Diep River Estuary. The buffer area will include the 1:100 year and 1:50 year floodlines and an existing pipeline servitude located along the western boundary of the proposed site.

A sheetpile wall will be developed within the buffer area along the western boundary of the proposed site, which will act as a protective barrier during extreme storm events. The top of the sheetpile wall will be covered by a concrete capping structure, which will be at a level of +3.0m mean sea level. The sheetpile wall will be approximately 800mm wide and 2m deep, with weepholes being included in its design to allow for groundwater movement. The sheetpile wall will tie into the existing sheetpile wall (associated with the existing pipeline) in the north-western corner of the site.

The proposed development will connect to a gravity main sewer point in Zonnekus Road and will require the development of a short pipeline in Zonnekus Road to connect to the sewer main. The proposed development will connect to the catchpit located in Esplanade Street for stormwater purposes and will require the development of a pipeline of approximately 90 meters in length along Esplanade Street. A boundary wall will be developed adjacent to and east of the pipeline servitude area.

Access to the site will be gained from Zonnekus Road, Milnerton.

The total development footprint will be approximately 2000m².

The Preferred Alternative incorporates the recommendations of the City of Cape Town in terms of the relevant parking requirements associated with the proposed development. In addition, the proposed development has been informed by the various specialist studies undertaken.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo" of the existing properties in their current state. 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 35106, Milnerton is currently zoned General Residential 2. The proposed development is therefore permitted in terms of the current zoning of the site and will not require a rezoning of the subject property in terms of the relevant planning policies applicable to the area.

The surrounding area in which the proposed development site is located, especially around Lagoon Beach, is characterised by mixed use developments consisting of single residential, general residential and local business properties in a variation of densities. The proposed development conforms to the envisioned mixed-use style of the area. The proposed development will create a greater diversity of housing opportunities in the area, which will in turn extend the socio-economic demography of the area.

The proposed development is in line with the Provincial Spatial Development Framework ("PSDF"), which strongly focuses on urban restructuring and identifies various objectives and associated linked strategies to address spatial discrimination and inefficiencies. It will be in line with the extensive residential developments within the area, also supporting other principals such as "quality and liveability", through the development of a safe and sustainable housing and working environment.

The proposed development will result in the infilling and densification of the built-up area which prevents urban sprawl, and aligns with the Cape Town Densification Policy (2012). Furthermore, it aligns with the provisions of the Cape Town Spatial Development Framework (2012), the Blaauwberg District Plan (2012) and the City of Cape Town's Transit-Orientated Development Strategic Framework (2016) in terms of its location and high-density residential development.

The Integrated Development Plan ("IDP") of the City of Cape Town has established 11 priorities as focus areas of the IDP. One of the priorities focuses specifically on dense and transient oriented urban growth and development, stating that the transit-oriented development: "*is about changing, developing and stimulating the built form of the city so that the movement patterns of people and goods are optimised in order to create urban efficiencies and enable social equality and economic development*". The proposed development falls within the urban edge of Milnerton and will provide much needed high-density residential developments within close proximity to the Lagoon Beach MyCiti bus station and the R27 transit route and therefore aims to contribute to the provision of housing opportunities with increased accessibility to public transport and economic opportunities.

In addition, the proposed development will also create a number of new employment opportunities during the construction phase. The job opportunities created will result in positive economic and social spill over effects for the local area.

3.2. Flood Risk Considerations

Given that the 1:50 and 1:100 year floodlines of the Diep River are located on the property and since the proposed site is located within the estuary functional zone of the Diep River, a Storm & Flood Risk Mitigation Assessment (compiled by WML Coastal (Pty) Ltd, dated January 2022) was undertaken to determine the appropriate solutions to mitigate against risk from discreet storm events.

The property is located approximately 250m from the ocean and is separated from the estuary by a sandbar and a sparsely vegetated dune. The specialist report took cognisance of the effects of climate change and the potential risks at the site, which include sea level rise, increased rainfall intensity and increased storm events. The overall effects of climate change are anticipated to result in an increased frequency of extreme events. River discharge, offshore sea states and aerial imagery of the site was used to determine the flood and storm risks associated with the site.

For the flooding periods observed, the mouth sandbar and the dune on the property foreshore was present prior to and after the flood. For the storms observed, the mouth sandbar was present prior to and after the flood event, but also experienced visible wave overtopping and resulted in the sandbar washing into the mouth of the estuary. The dune on the property foreshore was present and not flooded prior to and after the flood event. The assessment noted that the risk of damage to the property due to wave run-up is deemed low. This is due to the constant presence of the sandbar and dune being located directly in front of the proposed development site. However, the specialist indicated that the assumption that the sandbar and dune remaining cannot be made.

The City of Cape Town Flood Line study was taken into account and indicated that the 1:100-year floodline for the property as +2.7m mean sea level (MSL). The specialist, however, recommended that an additional allowance of at least 0.3 m is provided above the 1:100-year flood line to account for the possibility of waves coinciding with the design flood. A minimum floor level of +3.0 m is therefore proposed for the development. The specialist further recommended that a sheetpile wall be constructed over the length of the western boundary of the proposed site to mitigate the potential risks associated with extreme storm events. The sheetpile wall was recommended to be developed directly adjacent to the property boundary and offshore of the Caltex/Chevron pipeline servitude. The recommendations of the specialist have been included into the design of the Preferred Alternative in this regard.

To determine the potential flood risk associated with the development of the recommended sheetpile wall, a Bathymetric Survey (compiled by Graeme McGill Consulting, dated 30 September 2022) was undertaken to assess the possible impact of the proposed sheetpile wall with a concrete cap.

Modelling was undertaken to represent conditions with and without the proposed sheetpile wall and was modelled for the 1:50 and 1:100-year flow peaks.

Negligible differences in water surface and energy grade levels were noted by the specialist. The specialist therefore concluded that the sheetpile wall will not increase flood levels for the 1:50 and 1:100-year recurrence intervals, and by deduction also for any lesser floods.

The Department of Forestry, Fisheries and the Environment: Coastal Conservation Strategies Directorate indicated (in their correspondence dated 24 January 2023) that they support the proposed development, subject to their concerns pertaining to, *inter alia*, the sensitivity of the ecological environment, coastal processes, future climate change related risks being addressed. The EAP has responded to the concerns highlighted in this regard.

3.3. Estuarine Impacts

An Estuarine Impact Assessment (compiled by Anchor Environmental Consultants (Pty) Ltd, dated January 2023) was undertaken to assess the potential impacts the proposed development will have on the environment and the ecological function of the Diep Estuary, with results of a "Shadow Effect" study used to inform the assessment.

The specialist noted the importance of the surrounding natural environment citing the Diep Estuary where it enters Table Bay and its upstream flows along the eastern shore of Rietvlei. The specialist noted that the Diep Estuary has been declared a Protected Natural Environment, is recognised as one of 37 Core Flora Sites on the Cape Flats and is included in the Table Bay Nature Reserve. The proposed site is situated within the estuarine functional zone (EFZ) (i.e., the 5 m contour), and within the 1:100-year floodplain of the Diep Estuary. The EFZ includes transformed areas of residential development that contain little or no estuarine vegetation or fauna and are no longer functionally linked to the estuary. As such, the area of proposed development itself is of no conservation importance, with little to no environmental significance to the functioning of the surrounding estuarine system. Although the water quality in the Diep Estuary is highly modified, the system is still a functional estuary.

Disturbance and loss of estuarine habitat, waste generation, spillage of hazardous waste, water quality, noise, vibration, and shading impacts were identified and assessed by the specialist. The potential impacts were rated very low to insignificant after mitigation.

The effect of shading was considered by the specialist as it has been shown to affect productivity and community organisation within estuarine systems. A Shadow Effects study was conducted by Level 7 Architects to assess the potential shading impacts of the proposed development on the Diep Estuary. The shadow position cast by the proposed development was modelled at various times throughout the day at various months of the year, including the summer solstice (21 December) and the winter solstice (21 June). The models indicated that the proposed development would cast a shadow on the estuary beyond the canalised bank (i.e., the functional area of estuarine habitat) in the morning (6-9 am) of the winter solstice. This shadow is, however, no longer present by 1pm. The models further indicated that a shadow was cast over the estuary at 6am during the summer solstice. It is therefore evident from the modelling study that the morning shadow cast on the estuary is greatest during the morning of the winter months, with no shadow evident at all in the afternoon during both summer and winter. The duration of shaded time was calculated as 12% of daylight hours across the year. Peak productivity in an estuary does not occur in the morning as productivity is linked to solar radiation. Therefore the intensity of the potential shading effects is reduced. In addition, no shadow is cast on any functional riparian habitat and therefore of no significant concern. Cumulative impacts were considered by the specialist. The cumulative impacts included other developments (existing and in planning consideration) and was deemed to be of low intensity, small spatial extent and very low impact by the specialist. Construction related mitigation measures have been recommended by the specialist, which have been included in the EMPr.

This Department's Directorate: Biodiversity and Coastal Management indicated (in their correspondence dated 09 December 2022) that they support the recommended mitigation measures as proposed in the Estuarine Impact Assessment Report for the proposed development (March 2022) as well as the EMPr and does not object to the proposed development provided that all relevant mitigation measures are strictly adhered to. Cape Nature, in their electronic mail correspondence dated 06 December 2022, indicated that the conclusions of the estuarine assessment are accepted and that all mitigation measures need to be implemented, which have been included in the EMPr.

3.4. Visual Impacts

A Visual Impact Assessment (compiled by Square One Landscape Architects cc, dated February 2023) was undertaken to assist in the assessment of potential visual impacts of the proposed development on the R27 scenic route and the Diep River Estuary.

The proposed development is located at the start/end point of the R27 scenic route in Milnerton, approximately 100m north of the Boundary Road and R27 intersection. The site context is characterized by two-storey residential complexes (Zonnekus) and two-storey standalone houses to the south-west, south-east, and north of the site respectively. The Woodbridge Primary School and associated sports fields are located to north-east, and east, and the Diep River Estuary to the immediate west. A range of three to four storey residential apartment blocks are located adjacent to the intersection of Boundary Road and R27, to the south and south-east of the site.

The proposed development will be five-storeys high (ground floor plus four storeys above) and would therefore protrude above the immediate surrounding context. Visual intrusion on local residents within the distance radii of approximately 400-600m is expected to be most pronounced, due to the proximity of the proposed development within these observers' field of view ("FOV"). The specialist noted that views towards the proposed development will be experienced along a continuum. The development would not be clearly noticeable to receptors at a distance of more than 600m. The proposed development would be moderately noticeable within approximately 400m from the site. Moving in a southerly direction along the R27 scenic route, the receptor would already have been exposed to tall high rise residential structures at

the Loxton Road node, and the scale of the building would therefore not be the first of its typology to become visible to the receptor along the scenic route.

The City of Cape Town's Tall Building Policy identifies the importance of appropriate scale integration for tall buildings to ensure that they do not protrude significantly above the surrounding context. Currently, at a height of five-storeys, the proposed development is two storeys lower than the tallest buildings in the immediate surrounding i.e., the approved development currently under construction at Erf 8666, 10 Burmeister Circle, directly opposite the site.

3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC") on 22 June 2021. HWC indicated (in their correspondence dated 08 July 2021) that 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 Statement ("TIA") compiled by Deca Consulting Engineers, dated 11 February 2022, was undertaken to assess the potential impacts the proposed development will have on traffic in the area.

The development will gain access off Zonnekus Road. Only two complexes (Zonnekus and the proposed development) and one single residential property will obtain access from Zonnekus Road, so that the spacing of this road is therefore deemed to be sufficient.

The proposed residential development will have the potential to generate 20 trips in the morning peak hour and 20 trips during the afternoon peak hour. The trips generated by the proposed development were added to the background traffic volumes to determine the expected total number of trips on the affected intersection after completion of the proposed development.

Marine Drive / Weir Road Intersection: The SIDRA analysis with total 2024 traffic volumes indicate that all movements will continue to operate at a level of service B or better during the AM and PM peak hours. Marine Drive / Kei Road Intersection: The SIDRA analysis with total 2024 traffic volumes indicate that all movements will continue to operate at a level of service C or better during the AM and PM peak hours.

The development will provide 1.5 parking bays per unit, which is more than the required ratio. A total of 48 parking bays will be provided.

A MyCiti Bus Lane runs from Cape Town CBD along Marine Drive to Bloubergstrand with a MyCiti stop 225 metres from the proposed development. It is expected that a large number of trips generated by the proposed development will be public transport trips by means of MyCiti. Pedestrians will walk southwards along Marine Drive towards the Lagoon Beach MyCiti Bus station. Marine Drive has adequate walkways along the western and eastern carriageways. No further improvements will be required.

The conducted TIA found that the proposed development will have a low impact on the surrounding road network, which will continue to operate at acceptable levels of service.

3.7. Geotechnical Impacts

A Phase 1 Geotechnical Investigation Report (compiled by GEOSS South Africa (Pty) Ltd, dated 03 February 2023) was undertaken. The objectives of the assessment were to determine site geology and geotechnical conditions and to provide recommendations for the design of foundations and related geotechnical aspects.

The site is covered by a horizon of uncontrolled fill that is variable in composition, particle size, layer thickness and origin. The fill is underlain by slightly silty and sand-dominated transported sediments of the Witzand Formation. The site is characterised by shallow groundwater conditions. The depth at which water was intersected in the trial pits varied between 2.5 and 2.9 mbgl. The depth of the water table is anticipated to rise to or near the ground surface during periods of prolonged or heavy rainfall. The soils encountered on-site are largely free draining. It is likely that groundwater seepage will remain a factor for consideration regardless of the season of construction. Appropriate mitigation measures have been included in the EMPr, with one such condition being that should excavations exceeding 1.5mbgl be required on site, then dewatering should be allowed for by the contractor.

Regarding the founding of the structures, a piled foundation solution is considered the most practical for this structure. The specialist indicated that due to the variable nature of earth materials, each point on the site will present results that differ. For this reason, it is considered of the utmost importance that any excavations required exceeding 1.0 mbgl, and piling operations, be supervised on site by an appropriately qualified professional.

3.8. Services

The proposed development is situated in the Potsdam Waste Water Treatment Works ("WWTW") drainage area, which is over capacity. The WWTW is currently being upgraded and is expected to be completed by January 2027.

The City of Cape Town indicated that for new developments within the Potsdam WWTW catchment, a sewer discharge of less than 4kl/day or 10 units (whichever is less), if the first flush is before 2027, will be allowed. The remaining units can only be accommodated once the upgrade of the Potsdam WWTW has been completed.

The City of Cape Town's bulk supply system and water reticulation system has sufficient water resource, treatment, bulk storage and conveyance capacity to supply the estimated demand of the proposed development. The City of Cape Town (Energy & Climate Change Directorate) in their correspondence dated 16 September 2021, indicated that the City's electricity supply network in the area has sufficient capacity to cater for the requirements of the proposed development. The City of Cape Town (Solid Waste Management: Collections Department) in their correspondence dated 03 May 2022, indicated that they have no objection to the proposed development.

3.9. Noise and Dust Impacts

Potential noise and dust impacts are anticipated during the construction and development phase. These impacts are anticipated to be of low-medium significance with mitigation. 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 have some visual impacts on the surrounding neighbourhood;
- 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 high-density residential developments within close proximity to public transport;

- 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."*

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