

REFERENCE: 16/3/3/1/A5/40/2001/19

ENQUIRIES: Natasha Bieding

DATE OF ISSUE:

2019 -07- 15

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF THE LA VIGNIA RESIDENTIAL ESTATE AND ASSOCIATED INFRASTRUCTURE ON ERF 37121, KRAAIFONTEIN

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative Layout 2, described in the Basic Assessment Report ("BAR"), dated 5 April 2019.

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

Frazzo Development Company (Pty) Ltd
c/o Gaetano Grasso
P O Box 185
PAROW
7500

Tel.: (021) 981 2771

Fax: (021) 982 7682

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 983 of 4 December 2014 - Activity Number: 27</p> <p>Activity Description: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <ul style="list-style-type: none"> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i> 	<p>More than 1-hectare of indigenous vegetation will be cleared as a result of the construction activities.</p>
<p>Government Notice No. R. 985 of 4 December 2014 - Activity Number: 12</p> <p>Activity Description: <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <ul style="list-style-type: none"> <i>i. Western Cape</i> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;</i> <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> <i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</i> 	<p>More than 300 square metres of Critically Endangered vegetation will be cleared as a result of the construction activities.</p>

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

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

The construction of 142 group housing units, comprising of 106 duplex residential units, 36 larger semi-detached duplex residential units and a total of 284 onsite parking bays (which includes garages and open parking bays).

The 106 duplex units will be concentrated on three larger portions of the site located on the eastern side of the subject property which abuts Darwin Road.

These duplex units will be divided into three clusters of 31 group housing units, 37 group housing units and 38 group housing units, respectively. These units will each have 2 on-site parking bays.

The 36 larger semi-detached group housing units will be constructed on three portions of the site.

Two of these portions, with 14 group housing units each (28 group housing units in total), will be placed along the western boundary of the site, stretching from the northern boundary of the conservation area towards the northern site boundary.

The remaining 8 group housing units will be constructed along the southern side near the main entrance to the site.

Each of the semi-detached units will have a garage plus an on-site parking bay.

A conservation area measuring approximately 1278m² will be established along the western boundary of the site extending from the semi-detached group housing towards the entrance and exit roads and security gate house.

Private Open Space measuring approximately 2767m² will form part of the residential development.

A Stormwater Management Plan will be implemented and a storm water retention pond will be established in the proposed open space area on the southern side of the site to mitigate storm water runoff from the development.

Access to the development will be from Mostert Street (to be constructed) about 80m from the Mostert Street/Darwin Road intersection.

The total development footprint will measure approximately 34479m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 37121, which is located on the Corner of Darwin Road and Mostert Street Kraaifontein.

Coordinates of the proposed site:
33° 49' 46.33" South 18° 42' 55.39" East

The SG digit code for Erf 37121 is:

C05500050003712100000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Johan Neethling Environmental Services cc
c/o Johan Neethling
P O Box 16594
VLAEBERG
8018

Tel.: (021) 461 4386
Fax: (086) 544 4868

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 5 April 2019 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
This Environmental Authorisation is granted for–
 - (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014 (as amended);
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4 provide the registered Interested and Affected Parties with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,

- 6.4.3 postal address of the holder,
- 6.4.4 telephonic and fax details of the holder,
- 6.4.5 e-mail address, if any;
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

- 9. A written notice of seven calendar days must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

- 10. The EMPr submitted, as dated 18 December 2018 is hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

- 14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

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

16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

17. The holder must, within seven days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. The following mitigation measures adapted from the BAR dated 5 April 2019 compiled by Johan Neethling of Johan Neethling Environmental Services cc must be implemented:
 - 18.1. A conservation area of approximately 1278m² to protect the critically endangered plant species must be established, attached hereto as Appendix A.
 - 18.2. Options to reduce waste, water use and electricity consumption must be implemented.

19. The mitigation measure adapted from the Botanical Impact Assessment dated May 2017 compiled by Dr David J. McDonald of Bergwind Botanical Surveys & Tours CC must be implemented:
 - 19.1. The *Aspalathus retroflexa sub.bicolor* plants located on the site (excluding the conservation area) must be searched for and rescued and propagated *via* seed or cuttings by a qualified horticulturalist. The said plants must be translocated to a suitable receptor site within the Cape Flats Sand Fynbos area of occurrence either within a reserve that currently contains the plant or a site which is likely to have historically contained the species. Comment from the City of Cape Town Environmental Resource Management Department and CapeNature must be obtained regarding a receptor site deemed suitable.
20. The measure adapted from the correspondence from CapeNature dated 18 February 2019 must be implemented:
 - 20.1. The *Aspalathus retroflexa sub.bicolor* population within conservation area must be managed as part of the remaining metapopulation of the species. An audit report must be compiled to document the management activities. Copies of all audit reports must be submitted to this Department, the City of Cape Town: Biodiversity Management Branch, South African National Biodiversity Institute and CapeNature.
21. The Conservation Management Plan dated April 2019, compiled by Greg Nicolson must be implemented.
22. Surface and groundwater must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
23. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
24. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
25. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
26. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
27. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is

proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

28. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 (as amended) or any relevant legislation that may be applicable at the time.
29. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the competent authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -

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 Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the competent authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any

supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 2659, E-mail Marius.Venter@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR ZAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 15/07/2019

Copied to: (1) J Neethling (Johan Neethling Environmental Services cc) Fax: (086) 544 4868
(2) C Fransman (City of Cape Town) Fax: (021) 980 6175

ANNEXURE 1: LOCALITY MAP




PJ Le Roux
BEKANNTE ERFBEDRIJFERS
VERKOPERS, VERPLANNERS
 Hoofstraat 262 Main Road, Paarl
 (t) 021-8722400 (f) 086 825 8431
 (e) info@pjleroux.co.za

Project: Application for
Rezoning &
Subdivision: Erf
37121
Kraaifontein

Description:
Locality Plan

MOTIFPROPS 3	
Blad: T.250 000	Adres: H 10-107
Maas: A/LR	Datum: JULY 2017
Maas: A/LR	Bladsyfer: 2

ANNEXURE 2: SITE PLAN

BOUNDARY WALL TYPE "A" (N.T.S.)

BOUNDARY WALL TYPE "B" (N.T.S.)

SITE DEVELOPMENT PLAN 1 : 500

PHASING PLAN 1 : 500

GENERAL NOTES
 SHOW AMENDMENTS CAPS
 MADE TO EXIST DEVELOPMENT
 PLAN, INCLUDING HEIGHT, LOCATION,
 SHALL BE LINE WITH THE
 ARCHITECTURAL STYLE.

UNIT TYPES A
 PLOT NO 11 - 3

UNIT TYPES B
 PLOTS 14 - 6

P.O.S.
 PLOT NO 17

SCHEDULE OF AREAS:

SITE AREA:	34.415 apts
PUBLIC OPEN SPACE:	2507 sqm 73%
CONSERVATION OPEN SPACE:	1500 sqm 43%
SECURITY SYSTEMS:	42 units
# BUSES:	7
TOTAL UNITS:	342
Approved prepared @ 21/07/2017	204

LA VIGNIA ESTATE
 SITE DEVELOPMENT PLAN

ARCHITECT: *J. Grassie* GENERAL: 062-451 2919
 G. ORLANDO Pt. Arch. 2002

FRANZO DEVELOPMENT COMPANY
 100 DUNE DRIVE, PORT OF SPAIN, TRINIDAD AND TOBAGO

KRAAIPOORTER
 REF 5750

Date: 20/07/2017 Drawn by:
 Scale: 1:500 Drawing No. 107-2-001-2-17

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 7 January 2019, the EMPr submitted together with the BAR on 8 April 2019 and the additional information received on 21 May 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated 5 April 2019.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process included:

- identification of and engagement with Interested and Affected Parties ;
- fixing a notice board at the site where the listed activities are to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- the placing of a newspaper advertisement in the "Tyger Burger" of 28 February 2018; and
- making the BAR and all relevant information available to Interested and Affected Parties for public review and comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

2. Alternatives

Alternative Layout 1 (Rejected Alternative)

This alternative entails the construction of 142 group housing units, comprising of 106 duplex residential units, 36 larger semi-detached duplex residential units and a total of 284 onsite parking bays (which includes garages and open parking bays).

The 106 duplex units will be concentrated on three larger portions of the site located on the eastern side of the subject property which abuts Darwin Road.

These duplex units will be divided into three clusters of 31 group housing units, 37 group housing units and 38 group housing units, respectively.

The 36 larger semi-detached group housing units will be constructed on three portions of the site.

The 14 group housing units will be constructed along the western boundary of the site.

The 8 group housing units will be constructed along the southern side near the main entrance to the site.

Each of the semi-detached units will have a garage and an on-site parking bay.

A conservation area measuring approximately 1350m² will be established along the western boundary of the site extending to the site's southern boundary which ends at Mostert Street.

Private Open Space measuring approximately 2787m² will form part of the residential development.

An access road will be constructed on a portion of the site located approximately 60m from the Mostert Street/ Darwin Road intersection.

The total development footprint will be approximately 34479m².

Alternative Layout 1 was rejected, as the position of the access road does not meet the requirement of at least an 80m setback from the Darwin Rd/ Mostert Street intersection.

Alternative Layout 2 (Preferred by the applicant and herewith authorised)

This alternative entails the construction of 142 group housing units, comprising of 106 duplex residential units, 36 larger semi-detached duplex residential units and a total of 284 onsite parking bays (which includes garages and open parking bays).

The 106 duplex units will be concentrated on three larger portions of the site located on the eastern side of the subject property which abuts Darwin Road.

These duplex units will be divided into three clusters of 31 group housing units, 37 group housing units and 38 group housing units, respectively. These units will each have 2 on-site parking bays.

The 36 larger semi-detached group housing units will be constructed on three portions of the site.

Two of these portions, with 14 group housing units each (28 group housing units in total), will be placed along the western boundary of the site, stretching from the northern boundary of the conservation area towards the northern site boundary.

The remaining 8 group housing units will be constructed along the southern side near the main entrance to the site.

Each of the semi-detached units will have a garage plus an on-site parking bay.

A conservation area measuring approximately 1278m² will be established along the western boundary of the site extending from the semi-detached group housing towards the entrance and exit roads and security gate house.

Private Open Space measuring approximately 2767m² will form part of the residential development.

Access to the development will be from Mostert Street (to be constructed) about 80m from the Mostert Street/Darwin Road intersection.

The total development footprint will measure approximately 34479m².

Alternative Layout 2 is preferred, as the position of the access road meets the requirement of an at least 80m setback from the Darwin Rd/ Mostert Street intersection. However, placing the access road at the 80m point encroach onto the conservation area proposed in Alternative 1. This impact was mitigated by incorporating the adjacent open space area into the conservation area, thus making the conservation area wider. This will reduce the edge effect by placing the core area of the reserve further away from the boundaries. Even with the reduction in the extent of the conservation area, adequate space still remains to protect the *Aspalathus retroflexa sub.bicolor* plants.

Operational alternatives

Resource demand reducing alternatives that will be considered as part of the development include:

- no use of external house lighting;
- maintenance of geysers at 60° Celsius;
- recycling of waste; and
- borehole and/or grey water use for irrigation purposes.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "*status quo*", i.e. not constructing the residential development and the associated infrastructure.

This alternative was rejected based on the following reasons:

- No capital investment would occur and no opportunities for temporary or permanent employment during the construction and operational phases of development would be created.
- No contribution to the local economy via the payment of rates and taxes would occur.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site was previously for sale and the Western Cape Department of Transport and Public Works showed interest in purchasing the property for the Western Cape Department of Education to develop a school. However, the proposal to purchase the property was cancelled and the current proponent purchased the property with the intention of developing the property for residential purposes.

The subject property lies amongst predominantly residential precincts located to its south, east and west. As such, the local area received much infrastructure investments for road upgrades and bulk servicing. The proposed residential development will therefore be constructed alongside the existing adjacent urban developments which will optimise services upgrades.

Furthermore, the site is in a degraded state with no economic potential unless it is suitably developed, as proposed.

3.2 Regional/ planning context

The site is zoned Agriculture and the necessary planning applications will be made in order to permit the development.

The site is located within the urban edge and in an area demarcated for "Urban Development" in terms of the Cape Town Spatial Development Framework (2016). In terms of the Northern District Development Plan (2014) the property is earmarked for "New Urban Infill". As such, the proposed development is largely consistent with the forward planning context of the area.

3.3 Biophysical Impacts

Transported soils of colluvial origin are found at surface across the entire site and extend to a depth in excess of 2.50 m below ground level. The colluvium comprises silty sands and clayey silty sands of loose consistency near surface, becoming medium dense with increasing depth. According to the Geotechnical report dated 5 September 2018, the deeper and denser soils will form a suitable founding layer for the proposed development. Suitable drainage design measures should however still be implemented, considering the fairly flat nature of the site. As such, a Stormwater Management Plan will be implemented and a storm water retention pond will be established in the proposed open space area on the western side of the site to mitigate storm water runoff from the development.

The vegetation of the property was originally Cape Flats Sand Fynbos, however the current on-site vegetation has been highly disturbed and has a very low conservation value. The site is also isolated from all other remaining natural vegetation as a result of anthropogenic impacts associated with urban development in the surrounding area.

A portion of the site is classified as 'Critical Biodiversity Area 2', which appears to have potential for restoration. However, the disturbance at the site is such that the indigenous seed bank has likely been lost and renders the likelihood of successful rehabilitation very low.

A portion of the site is classified as 'Critical Biodiversity Area 1b', as a result of the presence of the Critically Endangered *Aspalathus retroflexa sub.bicolor* plants on the eastern edge of the site. The loss of these plants would result in high negative impacts and must be avoided. As such, the portion of the site measuring approximately 1278m² where these plants exist will be set aside for conservation purposes and rehabilitated. A conservation management plan will be implemented to help ensure the conservation of the *Aspalathus retroflexa sub.bicolor* plants and the general rehabilitation of the said portion of the site (refer to Condition 21).

If the portion of the site which contains *Aspalathus retroflexa sub.bicolor* plants is conserved and successfully rehabilitated, the significance of botanical impacts on the site will be reduced to Low Negative.

3.4 Visual / sense of place

During the construction period, construction activities will result in visual impacts. This will however be short-term and will be adequately managed by complying with the EMPr.

The proposed development will not be out of character with the existing character of the surrounding environment, which also comprises of similar residential developments to the south, south-west and east of the site. As such, the visual impact of the proposed development will be low. Some of the surrounding hills provide effective screening of the development, while additional screening of the development from certain receptors will be provided by existing residences. A Landscape Plan will be implemented to further mitigate the visual impact.

3.5 Traffic

Access to and from the site will be obtained from the extension of Mostert Street and a minimum spacing of 80m from Darwin Road will be adhered to. It is estimated that no more than 3 vehicles queues at the proposed access during the peak hour. This was found to be acceptable, as Mostert Street is a Class 4 road.

According to the Traffic Impact Statement dated October 2017, a total of 93 trips will be generated by the proposed development during the AM peak hour (23 trips in and 70 trips out) and PM peak hour (65 trips in and 28 trips out), respectively. In light of this and road upgrades which is to be undertaken in the future (extension of Mostert Street, dualling or local roads, construction of traffic circles), the local and surrounding road network is expected to operate at acceptable levels.

3.6 Services/ bulk infrastructure

The development will be connected to the municipal potable water supply, storm water disposal and sewerage pipeline network, which are available in close proximity to the site.

Storm water attenuation will also take place on site in a manner that complies with the relevant municipal Urban Stormwater Management guidelines.

3.7 Heritage

The proposed development will not change the cultural landscape characteristics of the area, as similar residential developments already exist in the area. It is envisaged that no significant impacts on heritage resources on or within the immediate vicinity of the site will occur. It is stated in the correspondence from Heritage Western Cape dated 26 September 2017 that no impacts on heritage resources are likely to result from the proposed development.

3.8 Socio-economic

The development will add to the economic and social sustainability of Kraaifontein by contributing to employment opportunities and procurement opportunities in the local area.

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.

Negative impacts

The proposal will increase the demands for services made on the resources and infrastructure of the municipality and the provincial road system in the area.

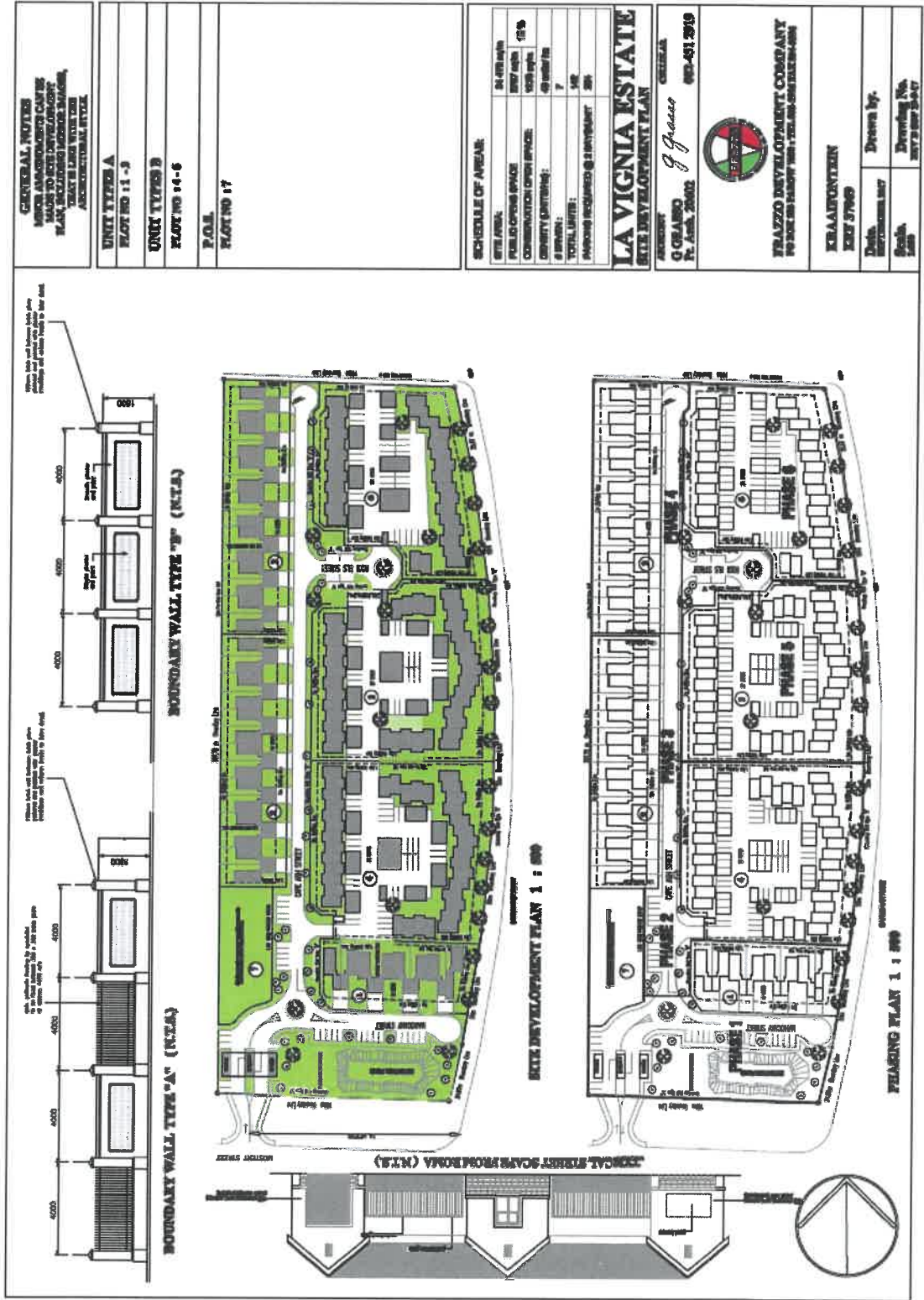
Positive impacts

The proposed residential development will ensure optimum use of land earmarked for such purposes and which will also be within the urban edge and built environment. An area measuring approximately 1278m² will also be conserved to protect the *Aspalathus retroflexa sub.bicolor* plant species.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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Appendix A: Conservation area measuring approximately 1278m² (marked as area no. 7)