



REFERENCE: 16/3/3/1/A3/54/2009/23
NEAS REFERENCE: WCP/EIA/0001258/2023
DATE: 16 October 2023

The Board of Directors
Dream World Investments 401 (Pty) Ltd.
116 Dummer Street
SOMERSET WEST
7130

For Attention: Mr. Donovan van der Vyver

Cell.: 084 330 0888
Email: donvyver@mweb.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED MODIFICATION OF THE GEELSLOOT STREAM ASSOCIATED WITH THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 496 AND ERF NO. 528, PAREL VALLEI, SOMERSET WEST.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copied to:

- 1) Mr. D. Jeffery (Doug Jeffery Environmental Consultants)
- 2) Ms. A. van Wyk (City of Cape Town: ERM)

E-mail: doug@dougjeff.co.za

E-mail: azanne.vanwyk@capetown.gov.za



REFERENCE: 16/3/3/1/A3/54/2009/23
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED MODIFICATION OF THE GEELSLOOT STREAM ASSOCIATED WITH THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 496 AND ERF NO. 528, PAREL VALLEI, SOMERSET WEST.

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 final Basic Assessment Report ("BAR"), dated June 2023.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Dream World Investments 401 (Pty) Ltd.
% Mr. Donovan van der Vyver
The Board of Directors
116 Dummer Street
SOMERSET WEST
7130

Cell.: 084 330 0888

Email: donvyver@mweb.co.za

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

B. AUTHORISED ACTIVITY

Listed activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19</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> <ul style="list-style-type: none"> <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) (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>The proposal entails the infilling or depositing of material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of more than 10 cubic metres from the Geelsloot Stream to accommodate the establishment of a residential development on Erf No. 496, Somerset West. The proposed development requires the following activities within the Geelsloot stream:</p> <ul style="list-style-type: none"> • construction of a low-level bridge by way of culverts at the proposed right-of-way access road off Kalden Avenue; • construction of two sewer lines and two water lines across the Geelsloot stream; • construction of six drop structures within the stream; • reshaping the stream to a trapezoidal cross-section and lining the base of the stream with Armorflex or gabion mattresses; • overland escape of stormwater as runoff entering the Geelsloot stream during major flood events

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

The holder is herein authorised to undertake the following alternative that relates to the listed activity:

The proposed development entails the subdivision of the Remainder of Erf No. 496 into two portions – a northern portion and a southern portion. The southern portion is the remainder of Remainder of Erf No. 496. The northern portion will be subdivided into six new erven to be sold for residential development to individuals. The six additional single residential erven will range between 728m² and 1 307m² in extent. The Geelsloot stream, a tributary of the Lourens River, runs along the eastern boundary of the Remainder of Erf 496. The 1:50-year and 1:100-year floodlines extend into the Remainder of Erf 496, where three of the new erven are proposed.

The proposed development includes the modification of the Geelsloot Stream to accommodate the establishment of the residential erven on Erf No. 496, Somerset West. To restrict the flow capacity to 14 m³/s and to accommodate the floodlines within the 12 m servitude, the following works within the Geelsloot Stream are proposed:

- A low-level culvert bridge at the right-of-way access off Kalden Avenue is designed for 1:5 year flows. In the event of major floods, the bridge allows the water to flow over it and not cause obstruction. The low-level bridge consists of two 900mm (h) x 1500mm (w) culverts.
- A permanent tarred surface is proposed for the access bridge. The proposed servitude and access route will remain a public area and will function and resemble a normal residential driveway. This bridge is the proposed access for three of the six new erven proposed through the subdivision of Remainder of Erf 496. The bridge crosses Erf 528 which is owned by the City of Cape Town.

- A series of six drop structures constructed with gabion baskets within the Geelsloot Stream. Drops 1, 2, and 5 will be 2 m in height, and Drops 4 and 6 will be 1 m in height. These structures will assist with erosion resistance within the stream.
- The channel cross-section will be reshaped to trapezoidal with grass sides with a 3:1 slope. The base of the channel is three meters wide and will be lined with Armorflex or 230 mm thick gabion mattresses which would provide additional erosion protection and a defined base for maintenance purposes.
- The proposed stormwater management is a stone filtration trench on each of the six new erven. The trench size is 2.7 m x 6 m x 0.6 m with an inlet chamber of 1 m x 1 m x 0.8 m. The total storage capacity of the trench is approximately 4.688 m³. This storage attenuation capacity will be sufficient for the required 3.872 m³ attenuation storage volume. In the event of a 1:100-year flood, the trenches will be completely filled. It is therefore proposed that the excess water as a result of a flooding event will be diverted to the eastern border of Remainder of Erf 496 as runoff by means of shaped grass channels in the servitude area and into the Geelsloot stream.

In terms of the services for the new residential erven on the northern portion of Remainder of Erf 496, the proposed sewer and water lines will cross the Geelsloot stream.

There are currently two vehicle access points off Dummer Street with no access off Kalden Avenue. However, individual private access is proposed off Dummer Street for Portions 1, 5 and 6. Portions 2, 3 and 4 will gain access off Kalden Avenue through a servitude right of way. For the proposed right of way, a proposed servitude will be registered over Erf 528. Since this access is over an existing drainage channel, culverts with a low-level bridge over them will be constructed. It is not proposed to size the waterway opening for major floods, but rather to provide flow capacity for the 1:5 year flow and design the bridge to not cause an obstruction, but to rather be 'overtopped' during major floods. The proposed servitude and access route will remain a public area and will function and resemble a normal residential driveway. A permanent tarred surface is proposed for the access bridge.

C. SITE DESCRIPTION AND LOCATION

The proposed modification of the Geelsloot stream will take place on the Remainder of Erf No. 496 and Erf No. 528, Parel Vallei, Somerset West. The Geelsloot stream, a tributary of the Lourens River, runs along the western edge of Kalden Avenue before traversing the eastern boundary of the Remainder of Erf No. 496 and again southeast of the site. The 1:50 and 1:100 year flood lines extend onto the proposed development area.

The site co-ordinates:

Remainder of Erf No. 496, Somerset West			
Latitude (S)	34°	3'	34.44"
Longitude (E)	18°	51'	8.03"
Erf No. 528, Somerset West			
Latitude (S)	34°	3'	33.48"
Longitude (E)	18°	51'	10.52"

The SG digit codes:

Remainder of Erf No. 496, Somerset West	C06700160000049600000
Erf No. 528, Somerset West	C06700160000052800000

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants (Pty) Ltd
% Mr. Doug Jeffery
P. O. Box 44
KLAPMUTS
7625

Cell.: 021 875 5272
E-mail: doug@dougjeff.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 final BAR dated June 2023 on the site as described in Section C above.
2. Authorisation for the activity 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 activity 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 activity; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity must be concluded.
4. The authorised activity must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and

- 6.1.4. the date of issue of the decision;
- 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
- 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
- 6.4. provide the registered Interested and Affected Parties with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any;
 - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

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

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction 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 activities

10. The draft EMPr (dated June 2023) submitted as part of the application for Environmental Authorisation is herewith 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 activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

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

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit an audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

19. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.
20. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any archaeological material of significance in accordance with the requirements of the relevant authority.
21. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
22. 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.
23. Water must be used wisely during all phases of the development. Non-potable water must be used as far as possible for construction related activities during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.
24. The development must incorporate energy saving measures which include, inter alia, the following:
 - 24.1 Use of energy efficient lamps and light fittings. Replacement bulbs must also be of the low energy consumptions type.

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. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is

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

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

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

4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. APPEALS

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

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

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

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

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

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

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

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 3721)
Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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

DATE OF DECISION: 16 OCTOBER 2023

Copies to:

- 1) Ms. T. Solomon (Infinity Environmental (Pty) Ltd.)
- 2) Mr. A. Greenwood (City of Cape Town)

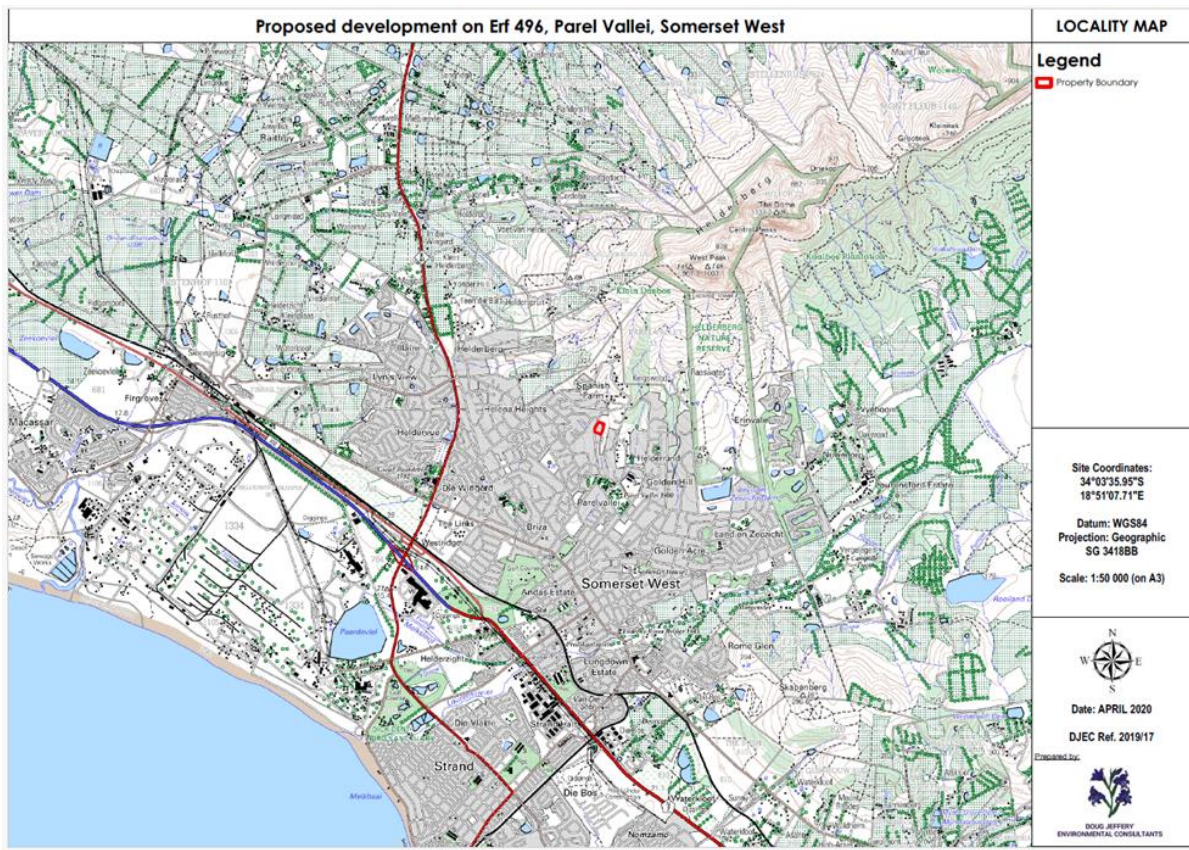
E-mail: tarryn@infinityenv.co.za

E-mail: andrew.greenwood@capetown.gov.za

FOR OFFICIAL USE ONLY:

REFERENCE: 16/3/3/1/A3/54/2009/23
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

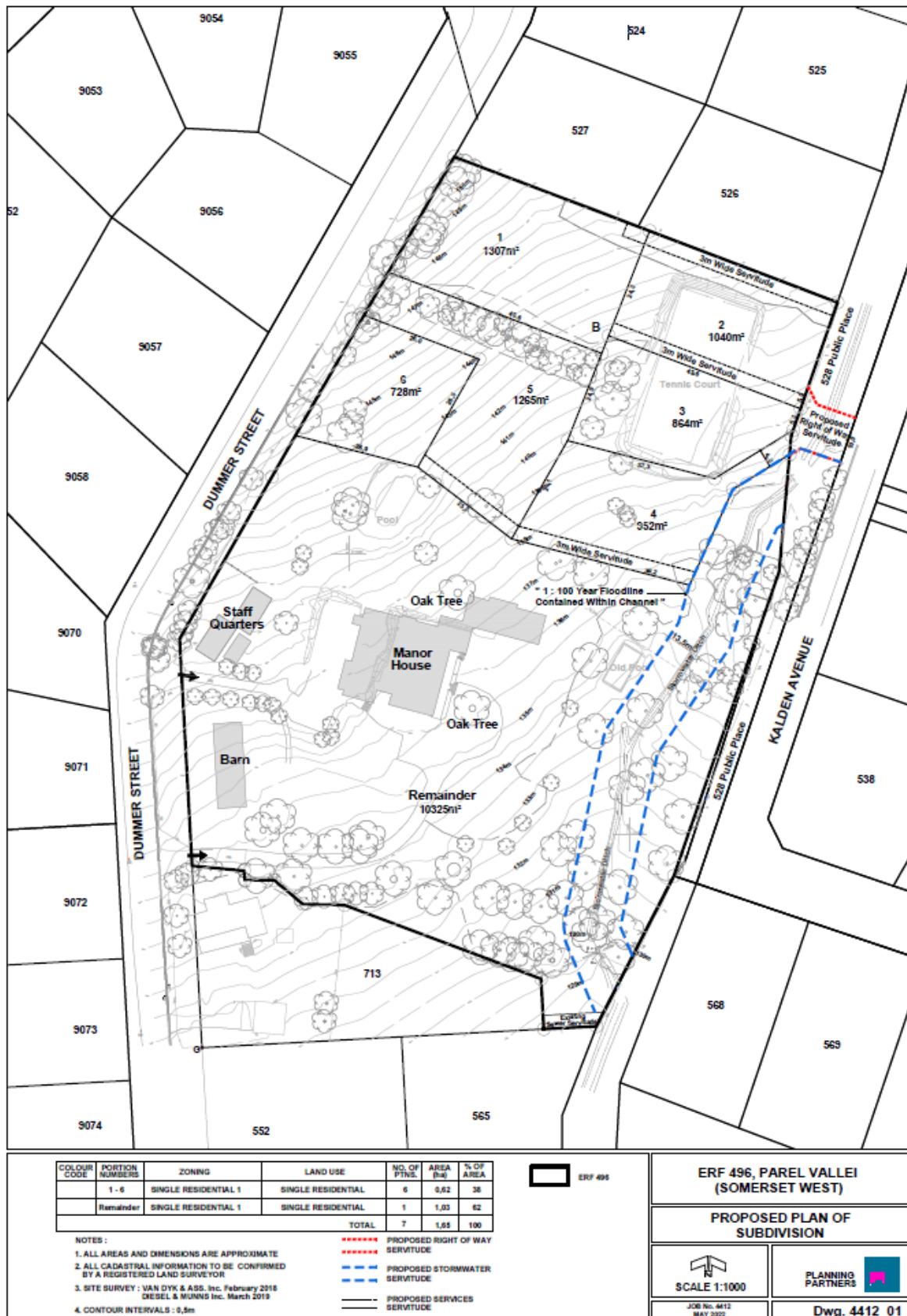


Figure 1: Site development plan of the proposed subdivision of Erf No. 496, Somerset West.

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in, the Application Form received on 4 April 2023, the final BAR and draft EMPr submitted together with the final BAR received on 27 June 2023;
- 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 final BAR dated June 2023.

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;
- notification letters to all potential and registered Interested and Affected Parties including the City of Cape Town, the ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the pre-application draft BAR;
- the placing of the pre-application draft BAR at the Somerset West Library for public review;
- the placing of a newspaper notice in "DistriksPos" on 6 May 2021;
- the distribution of the pre-application draft BAR for public review for a commenting period of 30 days from 6 October 2022 until 7 November 2022;
- fixing notices at the site where the listed activity will be undertaken at the boundary of the site;
- the availability of an electronic copy of the draft BAR on the Doug Jeffery Environmental Consultants website;
- the notification of the availability and distribution of the draft BAR for public review for a 30-day commenting period from 5 April 2023 until 10 May 2023;

Concerns were raised by Interested and Affected Parties regarding the following:

Concerns regarding the access along Kaiden Drive, given the narrow width of the road. The responses provided confirmed that although the road is narrow in some parts, access to the six new erven is equally split between Dummer Street and Kalden Avenue to retain the west-east treed area, improved configuration of erven, less space is required than a central access road which, will result in future complications when it comes to management of the central access. The proposed servitude and access route will remain a public area and will function and resemble a normal residential driveway, similar to the access route to the two adjacent properties to the north. It can also be noted that not the entire 10 m wide servitude will be tarred and hard surfaced.

Concerns regarding the street/treescape because of the removal of trees. The responses provided confirmed that only trees that are absolutely necessary to be removed, shall be removed. It is not intended that the street/treescape will be affected by the proposed development. According to the City's Tree Management Policy, in order to remove any tree on public-owned land, permission will be required from the City's Parks Department. Due process will be followed and the City will provide input into the replacement of any tree that needs to be removed. The owner/developer has a vested interest

in maintaining the streetscape of Kalden Avenue to ensure that the streetscape remain attractive, both for existing and future residents.

Comments were received from the Department of Water and Sanitation and this Department's Land Use Section regarding the construction of the second dwelling over the stream and concern of it becoming more than a home office. Both departments did not support the second dwelling/office. As such, the second dwelling/office has been removed from the proposal.

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

2. Alternatives

The preferred alternative and no-go alternative were assessed.

In the Pre-Application BAR, the following river modifications works were proposed to allow for the development of a second dwelling/office situated over the Geelsloot stream. The proposed works included:

- A feature pond downstream of the second dwelling/home office.
- Three weirs are proposed across the stream ('side weir', 'glass box' weir and 'office' weir) which would provide the foundation for the second dwelling/home office to straddle the stream and to create a pool downstream of the building.
- A bypass channel that would provide an escape route for any debris brought down by the stream that could cause blockage and damage to the building. The bypass channel has a base width of three meters with a depth of 1.5m. A 15m long side weir is proposed on the eastern side of the stream upstream of the second dwelling/home office.
- Five drop structures.
- A low-level culvert bridge.

Based on the concerns raised by the Authorities regarding the construction of a second dwelling within the 1:100 year floodline of the stream, the layout was amended and this alternative was discarded.

Site Alternatives

No other site alternatives were investigated as the applicant is the owner of the Remainder of Erf No. 496, Somerset West. The proposal entails the subdivision of the property into six additional erven for residential development. The site is also within the urban edge and already transformed as a result of the landscaped garden, however, the proposal requires the modification of the Geelsloot stream to accommodate the proposed development.

Layout Alternative 1 - preferred alternative (herewith authorised)

The proposed development entails the subdivision of the Remainder of Erf No. 496 into two portions – a northern portion and a southern portion. The southern portion is the remainder of Remainder of Erf No. 496. The northern portion will be subdivided into six new erven to be sold for residential development to individuals. The six additional single residential erven will range between 728m² and 1 307m² in extent. The Geelsloot stream, a tributary of the Lourens River, runs along the eastern boundary of the Remainder of Erf 496. The 1:50-year and 1:100-year floodlines extend into the Remainder of Erf 496., where three of the new erven are proposed.

The proposed development includes the modification of the Geelsloot Stream to accommodate the establishment of the residential erven on Erf No. 496, Somerset West. To restrict the flow capacity to 14 m³/s and to accommodate the floodlines within the 12 m servitude, the following works within the Geelsloot Stream are proposed:

- A low-level culvert bridge at the right-of-way access off Kalden Avenue is designed for 1:5 year flows. In the event of major floods, the bridge allows the water to flow over it and not cause obstruction. The low-level bridge consists of two 900mm (h) x 1500mm (w) culverts.

- A permanent tarred surface is proposed for the access bridge. The proposed servitude and access route will remain a public area and will function and resemble a normal residential driveway. This bridge is the proposed access for three of the six new erven proposed through the subdivision of Remainder of Erf 496. The bridge crosses Erf 528 which is owned by the City of Cape Town.
- A series of six drop structures constructed with gabion baskets within the Geelsloot Stream. Drops 1, 2, and 5 will be 2 m in height, and Drops 4 and 6 will be 1 m in height. These structures will assist with erosion resistance within the stream.
- The channel cross-section will be reshaped to trapezoidal with grass sides with a 3:1 slope. The base of the channel is three meters wide and will be lined with Armorflex or 230 mm thick gabion mattresses which would provide additional erosion protection and a defined base for maintenance purposes.
- The proposed stormwater management is a stone filtration trench on each of the six new erven. The trench size is 2.7 m x 6 m x 0.6 m with an inlet chamber of 1 m x 1 m x 0.8 m. The total storage capacity of the trench is approximately 4.688 m³. This storage attenuation capacity will be sufficient for the required 3.872 m³ attenuation storage volume. In the event of a 1:100-year flood, the trenches will be completely filled. It is therefore proposed that the excess water as a result of a flooding event will be diverted to the eastern border of Remainder of Erf 496 as runoff by means of shaped grass channels in the servitude area and into the Geelsloot stream.

In terms of the services for the new residential erven on the northern portion of Remainder of Erf 496, the proposed sewer and water lines will cross the Geelsloot stream.

There are currently two vehicle access points off Dummer Street with no access off Kalden Avenue. However, individual private access is proposed off Dummer Street for Portions 1, 5 and 6. Portions 2, 3 and 4 will gain access off Kalden Avenue through a servitude right of way. For the proposed right of way, a proposed servitude will be registered over Erf 528. Since this access is over an existing drainage channel, culverts with a low-level bridge over them will be constructed. It is not proposed to size the waterway opening for major floods, but rather to provide flow capacity for the 1:5 year flow and design the bridge to not cause an obstruction, but to rather be 'overtopped' during major floods. The proposed servitude and access route will remain a public area and will function and resemble a normal residential driveway. A permanent tarred surface is proposed for the access bridge.

This alternative is deemed as preferred, since the alternative considers and responds to the comments received during the public participation process. The proposed development provides an opportunity for the development of additional housing opportunities and none of the dwellings will encroach the 1:100 year floodline.

“No-Go” Alternative (Rejected)

The “no-go” alternative implies that the status quo would remain. It is the applicant's intention to subdivide existing underutilised land located within an urban context for the development of additional residential erven. The site is in proximity to existing municipal service infrastructure and all identified impacts can be mitigated to an acceptable level. The “no-go” alternative is not preferred.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability and Planning Context

The proposal entails the subdivision of the Remainder of Erf No. 496, Somerset West into six residential erven which requires the modification of the Geelsloot Stream. The proposal includes the subdivision and registration of a servitude over Erf No. 528 (public open space) to provide a right of way access to three of the newly proposed single residential erven. The existing developments on the proposed are comprised of a manor house (± 233 m²), a freestanding garage/outbuilding (± 137 m²), associated staff quarters (± 104 m²), and a tennis court and

swimming pool and an extensive landscaped garden. The property falls within an urban area in the suburb of Parel Vallei, Somerset West.

The City of Cape Town Municipal Spatial Development Framework ("SDF") is the approved structure plan for Cape Town in terms of Section 34 of the Municipal Systems Act (Act No. 32 of 2000) and the 'municipal spatial development framework' in terms of Section 3(2) of the Municipal Planning By-Laws. The MSDF identifies areas suitable for urban development and catalytic interventions to achieve spatial transformation. Policy 19 of the MSDF, promotes appropriate land use intensity and supports the incremental intensification across the city, where appropriate and feasible in terms of infrastructure availability. The proposed development is in compliance with the categorisation of the site by the MSDF as Incremental Growth and Consolidation Area. The proposed subdivision represents appropriate densification within an area that has the required services infrastructure capacity.

According to the Town Planning Application Report dated October 2020 compiled by Planning Partners (Pty) Ltd, the proposed subdivision is compliant with the Helderberg District Plan and represents appropriate densification of compatible land use within an area where service infrastructure has the necessary capacity. The proposed subdivision fits in with the surrounding single residential uses and the core heritage value of the site, within its own context, can be maintained.

The Environmental Management Framework ("EMF") is incorporated into the City of Cape Town Helderberg District Plan. The Helderberg District Plan identifies the Remainder of Erf 496 for urban development. The EMF states that for areas in Flood Risk Area 1 (1:50 flood line), development such as roads, pipelines, and bridges 'may have a significant impact'. For Flood Risk Area 2 (1:100 flood line), residential development, flow diversion structures, and earthworks 'may have a significant impact'. The intention is to modify the Geelsloot stream on the site to ensure that the 1:50 year and 1:100 year floodline is accommodated in the channel within the 12m servitude in favour of the Municipality. This would ensure that the proposed residential units are outside of any flood risk areas.

The City of Cape Town Floodplain and River Corridor Management Policy (2009) aims to ensure sustainable development and associated activities within or adjacent to natural and built stormwater systems, and that there is a balanced consideration of potential flood risk, environmental impacts and socio-economic needs, all developments within these areas shall be planned and designed in accordance with best practice and the requirements and conditions laid down in this policy". The objective of the policy is to reduce the risk of flooding by avoiding hazardous, uneconomic or unwise use of floodplains. In alignment with this policy, the proposal will maintain the drainage channel on one cadastral unit and the proposed modification of the stream aims to improve the stormwater functioning and ecological function of the stream.

The property is zoned Single Residential 1: Conventional Housing and the proposed development is aligned with the zoning principles and surrounding land uses. The impacts associated with the proposed subdivision and six additional residential erven are considered to be negligible due to the conventional nature and large plot sizes proposed, which is similar to the erven sizes of the surrounding residential properties. Furthermore, the site can be easily connected to existing municipal bulk infrastructure and is aligned with all the Provincial and Municipal legislative spatial planning frameworks and policies.

3.2 Heritage Impacts

A Notice of Intent to Develop in terms of Section 38 (8) of the National Heritage Resources Act, 1999 was submitted to Heritage Western Cape ("HWC"). In HWC's correspondence on the draft BAR, dated 16 May 2023, it is confirmed that there is no reason to believe the proposed modification of the Geelsloot Stream for the subdivision of residential erven of the Remainder of Erf No. 496 and Erf No. 528, Somerset West will impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.3 Service Capacity

The relevant departments within the City of Cape Town have confirmed that there is sufficient unallocated capacity to accommodate the proposed development. Sewer capacity is not available at present since the Macassar WWTW is currently at capacity and in the process of being upgraded. In the City of Cape Town's correspondence dated 16 April 2021, it is noted that "Macassar WWTW can accommodate the development when the upgrade is completed in December 2025" and the proposed development of the six residential erven is not anticipated to be operational before December 2025.

3.4 Freshwater Impacts

Based on the Aquatic Biodiversity Specialist Assessment Report dated October 2022 as compiled by Ms. Toni Belcher from BlueScience, it is noted that the preferred alternative was revised to confine the 1:50 and 1:100 year floodlines to within the 12m servitude to accommodate the proposed development. This required the modification of the Geelsloot stream in a manner that enhances and promotes the ecological function thereof. The assessment concluded that the Geelsloot stream is degraded, and the habitat integrity is regarded as largely modified. The stream does not hold high sensitivity in terms of aquatic biodiversity.

The 1:50-year and 1:100-year floodlines extend into the Remainder of Erf 496. Prior to the environmental process, the Engineers, Ekcon Engineers, in discussion with the City of Cape Town noted that the floodlines would affect the proposed subdivision of Remainder of Erf 496. The City of Cape Town directed that a 12 m servitude be provided across the property to accommodate the Geelsloot stream. Graeme McGill Consulting was appointed to determine the 1:50-year and 1:100-year floodlines for the Geelsloot stream. A Floodline Report was compiled as a requirement of and conforms to the City of Cape Town's Floodplain and River Corridor Management Policy. Using various software packages, and programmes, the report determines that 1557 m² of developable land is below the 1:100-year flood level. As a result of the investigation and modelling, the 1:50 and 1:100-year floodlines were determined and are not substantially different from each other since they follow the same 'lines'.

As stormwater design forms an integral component of the proposed development, a Stormwater Management Plan dated 19 September 2020 was compiled by Ekcon Engineers and the Project Managers. Based on the findings of the report, the main objective of the proposal is to "reduce the impact of flooding on community livelihoods and regional economies. With the implementation of the proposed stormwater infrastructure and impact management actions proposed, the impacts can be reduced to an acceptable level and enhance the stormwater functioning of the existing system. A comment from the City of Cape Town: Water and Waste: Catchment, Stormwater and River Management Directorate dated 12 May 2023, supports the proposed development.

The freshwater specialist has recommended that the stream is to be maintained to the current ecological state and should not be allowed to degrade further. Furthermore, mitigation measures recommended by the freshwater specialist have been included in the EMPr. With the implementation of these mitigation measures, the impact of the proposed development is very low.

It is noted that the Water Use Application has been submitted to the Department of Water and Sanitation for approval in terms of Section 21 (a) and (c) of the National Water Act, 1998 (Act No. 36 of 1998).

3.5 Dust, traffic and noise impacts

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

The development will result in negative and positive impacts.

Negative impacts:

- Loss and disturbance of aquatic habitat; and
- Construction phase impacts (dust, traffic and noise).

Positive impacts:

- Enhanced and improved water quality and flow dynamics of the Geelsloot stream as a result of the proposed modification; and
- Temporary 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 activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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