



EIA REFERENCE NUMBER: 16/3/3/1/A2/26/3013/22
NEAS REFERENCE NUMBER: WCP/EIA/0001078/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: **28 SEPTEMBER 2022**

The Trustees
Arc Timbers CC
c/o The War Family Trust.
17 Steenbras Road

PHILIPPI
7764

For Attention: Mr. R. Colemim and Mr. A. Adam

Tel: (021) 631 2911

Email: rorycolemim@gmail.com
adam@arctimbers.co.za

Dear Sir(s)

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 AND ASSOCIATED INFRASTRUCTURE ON ERF 511, WETTON.

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

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

Copies to: (1) Ms. C. Müller / Mr. A. Mader (Sillito Environmental Consulting) Email: chantel@environmentalconsultants.co.za / anthony@environmentalconsultants.co.za
(2) Mr. R. Samaai (City of Cape Town) Email: Rashaad.samaai@capetown.gov.za

EIA REFERENCE NUMBER: 16/3/3/1/A2/26/3013/22

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 AND ASSOCIATED INFRASTRUCTURE ON ERF 511, WETTON.

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 Layout Alternative A (i.e. the Preferred Alternative), described in the Basic Assessment Report ("BAR") dated 10 June 2022.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Trustees
Arc Timbers CC
c/o The War Family Trust.
Mr. R. Colemim and Mr. A. Adam
17 Steenbras Road
PHILIPPI
7764

Tel: (021) 631 2911
Email: rorycolemim@gmail.com / adam@arctimbers.co.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number 19 Activity Description:</p> <p><i>“The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”</i></p>	<p>The proposed residential development will entail the partial infilling of wetlands of more than 10m³ of material within a wetland.</p>

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

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

The authorised development entails the partial infilling of wetlands for the establishment of nineteen (19) residential units and associated infrastructure on Erf 511, Wetton.

A seasonal wetland is located in the centre of the proposed site. Wetland areas, associated with a channel located in the north-eastern corner of the site, are located adjacent to the seasonal wetland, in the north-eastern corner of the site and along the eastern boundary of the site. The total area of wetlands on site is approximately 1039m² in extent.

The seasonal wetland, adjacent wetlands and wetlands located along the eastern boundary of the site will be partially infilled for the development of residential units and associated parking areas. The development footprint of the proposed development will be approximately 1613m² in extent.

The remainder of the seasonal wetland and all remaining wetland areas associated with the channel will be rehabilitated to function for stormwater purposes. In addition, additional wetland areas will be created around the remaining wetlands to create a consolidated wetland area of approximately 1080m² in extent.

No hard infrastructure (including stormwater infrastructure) will be located within the consolidated wetland area other than the infrastructure required for the development of a sewer pipeline along the northern boundary of the site.

In order to provide adequate drainage of sewer effluent, the site will be infilled to a maximum of approximately $\pm 0.5\text{m}$ along the northern boundary and $\pm 1.0\text{m}$ along the southern boundary. An existing 50mm diameter pipe for the transportation of water is located in Bloemhof Avenue, Wetton and will be upgraded to a 100mm diameter pipe in order to service the proposed development. The upgrade to the water pipeline does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

An existing access point to the site will be formalised. The existing access point is off Bloemhof Avenue, Wetton.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erf 511, Wetton.

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

Erf 511, Wetton	C01600610000051100000
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Site co-ordinates for the proposed site is:

Middle point	34° 0'16.91" South	18°31'5.75" East
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Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

The said section of land is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Sillito Environmental Consulting
c/o Mr. Anthony Madder / Ms. Chantel Muller
Suite 105, Block B2, Tokai Village Centre, Vans Road
TOKAI
7966

Cell.: (071) 313 4193

Email: chantel@environmentalconsultants.co.za / anthony@environmentalconsultants.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 Layout Alternative A (i.e. the Preferred Alternative) described in the BAR dated 10 June 2022 on the site described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

5. Any changes to, or deviations from the scope of the alternatives described in section B above must be approved in writing by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing must be given to the Competent Authority before commencement of land clearing activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10, 11, 12, 18.1 and 19.

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") (compiled by Sillito Environmental Consulting and dated June 2022) on condition that the following amendments are made and must be implemented:
 - 9.1. The activity description must be amended to reflect the activity description as authorised; and
 - 9.2. All reference to stormwater infrastructure within the wetlands must be removed.
10. A copy of the amended EMPr must be submitted to this Directorate prior to the commencement of construction activities for record purposes.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before commencing with land clearing activities/development phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
13. 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.
14. 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

15. 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).
 - 15.1. 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.
 - 15.2. Thereafter, the holder must submit an Environmental Audit Report to the Competent Authority every two (2) years during the construction phase of the development.
 - 15.3. A final Environmental Audit Report must be submitted to the Competent Authority within one (1) year after the completion of the development phase.
 - 15.4. 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

16. Should 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.
17. 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.
18. In accordance with the Terrestrial Animal (amphibian) Species Compliance Statement (compiled by The Biodiversity Company and dated June 2021), the following mitigation measures must be implemented:
 - 18.1. A search for the presence of any amphibians must be undertaken by suitably experience person prior to the commencement of land clearing activities. All amphibia rescued must be placed within the demarcated wetland areas to be rehabilitated.
 - 18.2. Proof of the search and rescue process must be kept for record keeping purposes.
19. The wetland areas to be rehabilitated and recreated must be clearly demarcated as a "no-go" area prior to the commencement of development activities. Proof of the demarcated area must be submitted to the Competent Authority at least seven (7) days prior to the commencement of development activities.
 - 19.1. No equipment, vehicles or construction related activities must be undertaken within the "no-go" area at any given time.
 - 19.2. No hard infrastructure (including stormwater infrastructure) must be located within the consolidated wetland area other than the infrastructure required for the development of a sewer pipeline along the northern boundary of the site.
20. In accordance with the Addendum to the Freshwater Assessment (compiled by BlueScience and dated February 2020), the following mitigation measures must be implemented:
 - 20.1. The recreation and rehabilitation of the wetland area must be undertaken by a suitably qualified horticulturalist / rehabilitation specialist with input from an aquatic ecologist.
 - 20.2. Proof of the appointment of the relevant specialists must be submitted to the Competent Authority at least seven (7) days prior to the commencement of the recreation and rehabilitation of the wetland area.
 - 20.3. The wetland area must not be mowed at any given time.
21. A Maintenance Management Plan for the maintenance activities within the wetland area must be submitted to the Competent Authority for approval prior to the completion of the construction phase.
22. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

Recommendations

23. In accordance with the Terrestrial Animal (amphibian) Species Compliance Statement (compiled by The Biodiversity Company and dated June 2021), the following mitigation measures are recommended to be implemented:
 - 23.1. All stormwater drains should be covered by a mesh cover with a diameter of less than 3cms in order to prevent frogs from falling in to these drains.
 - 23.2. If a new wall is to be constructed on the eastern boundary of the project area, it should be constructed in such a way as to be as 'frog-friendly' as possible. Ideally the fence / wall should be made of palisade fencing. If this is not possible, then rectangular holes of approximately 10 cm (high) by 15 cm (length) should be made at ground level in the wall / fence, in order to facilitate the movement of amphibians to the adjacent wetland.
 - 23.3. Rehabilitation of the wetland area should ideally be conducted from January to June, to avoid the primary breeding season of most amphibian species.
24. In accordance with the Addendum to the Freshwater Assessment (compiled by BlueScience and dated February 2020), it is recommended that development activities take place in the drier summer seasons to reduce potential runoff into the adjacent wetland areas.
25. Water saving mechanisms (e.g. use of low-flow taps, low volume toilet cisterns, etc) and energy saving mechanisms (e.g. the use of energy saving light bulbs, etc) should be used in all components of the 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

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

DATE OF DECISION: 28 SEPTEMBER 2022

Copies to: (1) Ms. C. Müller / Mr. A. Mader (Sillito Environmental Consulting) Email: chantel@environmentalconsultants.co.za /
anthony@environmentalconsultants.co.za
(2) Mr. R. Samaai (City of Cape Town) Email: Rashaad.samaai@capetown.gov.za

ANNEXURE 1: LOCALITY MAP

The subject property is demarcated in red below.



Legend

Map Center: Lon: 18°31'1.2"E
Lat: 34°0'19.8"S
Scale: 1:9 028
Date created: September 1, 2022



ANNEXURE 2: SITE PLAN

Site plan for the proposed development.



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated 08 March 2022 and received by the competent authority on 15 March 2022, the BAR dated and received by the competent authority on 10 June 2022, the EMPr (dated June 2022) submitted together with the BAR and the additional information received by the competent authority on 02 September 2022, 08 September 2022 and 27 September 2022;
- 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 10 June 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") was undertaken for the pre-application process and in accordance with an approved Public Participation Plan (approved on 09 March 2021, Ref. No. 16/3/3/6/7/1/A2/45/3064/21) and entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity are to be undertaken on 17 August 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 12 August 2021 and 14 March 2022;
- The placing of a newspaper advertisement in the "People's Post" on 17 August 2021;
- Making the pre-application draft BAR available to I&APs for comment from 17 August 2021 to 15 September 2021 on the EAP's company website <https://www.environmentalconsultants.co.za/>;
- Making the draft BAR available to I&APs for comment from 14 March 2022 to 14 April 2022.

All of the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all 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

The proposed development is for residential purposes. No other activity alternatives were therefore identified and assessed. The proposed site is owned by the applicant and therefore no site alternatives were identified and assessed. Technology alternatives with respect to water and energy saving will be incorporated into the proposed development. Two layout alternatives and the “No-Go” alternative were identified and assessed as follows:

Layout Alternative A (the Preferred Alternative - herewith authorised):

Layout Alternative A (i.e. the Preferred Alternative) entails the partial infilling of wetlands for the establishment of nineteen (19) residential units and associated infrastructure on Erf 511, Wetton.

A seasonal wetland is located in the centre of the proposed site. Wetland areas, associated with a channel located in the north-eastern corner of the site, are located adjacent to the seasonal wetland, in the north-eastern corner of the site and along the eastern boundary of the site. The total area of wetlands on site is approximately 1039m² in extent.

The seasonal wetland, adjacent wetlands and wetlands located along the eastern boundary of the site will be partially infilled for the development of residential units and associated parking areas. The development footprint of the proposed development will be approximately 1613m² in extent.

The remainder of the seasonal wetland and all remaining wetland areas associated with the channel will be rehabilitated to function for stormwater purposes. In addition, additional wetland areas will be created around the remaining wetlands to create a consolidated wetland area of approximately 1080m² in extent.

No hard infrastructure (including stormwater infrastructure) will be located within the consolidated wetland area other than the infrastructure required for the development of a sewer pipeline along the northern boundary of the site. In order to provide adequate drainage of sewer effluent, the site will be infilled to a maximum of approximately $\pm 0.5\text{m}$ along the northern boundary and $\pm 1.0\text{m}$ along the southern boundary. An existing 50mm diameter pipe for the transportation of water is located in Bloemhof Avenue, Wetton and will be upgraded to a 100mm diameter pipe in order to service the proposed development intended for construction on Erf 511. The upgrade to the water pipeline does not trigger any listed activities activity in terms of the NEMA EIA Regulations, 2014 (as amended).

An existing access point to the site will be formalised. The existing access point will be off Bloemhof Avenue, Wetton.

Layout Alternative A (i.e. the Preferred Alternative) takes cognisance of the recommendations made by the freshwater specialist, which allows for the rehabilitation of existing wetland areas and the recreation of wetland areas. In addition, the recommendations of the faunal specialist have also been incorporated into the development design to allow for faunal movement into the adjacent wetland located on Erf 509, Wetton. Layout Alternative A therefore largely avoids the wetlands on the site and mitigates against the loss of wetlands by recreating wetlands on the site. Layout Alternative A was therefore deemed the Preferred Alternative.

Layout Alternative B

Layout Alternative B entailed the infilling of wetlands for the establishment of twenty (20) residential units and associated infrastructure on Erf 511, Wetton. The majority of wetland areas on the proposed site were proposed to be infilled with the development of a stormwater pond measuring 382m² in extent located north-eastern corner of the site.

Although Layout Alternative B was the applicant's initial preferred alternative and was deemed acceptable from a freshwater perspective, Layout Alternative B was not deemed the preferred alternative as the layout could not address the concerns raised by the Department of Water and Sanitation. Layout Alternative B was therefore not deemed as the preferred alternative.

“No-Go” Alternative

The “No-Go” alternative would result in maintaining the “status quo”. The “No-Go” option will result in the status quo of the property being maintained. Should the site not be developed, the proposed site could be vulnerable to anthropogenic impacts and land invasion. However, since the Layout Alternative A (i.e. the Preferred Alternative) will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the “No-Go” alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed is located within an urban area and is zoned Community 1: Local. According to the Cape Flats District Plan, Spatial Development Plan and Environmental Management Framework (2012) it encourages economic development, both formal and informal, in accessible locations in order to ensure that the opportunities they offer can be accessed by a broader range of people. The rezoning proposal is consistent with the City of Cape Town Municipal Spatial Development Framework since it encourages the development of an identified undeveloped portion of land within the Cape Flats District.

The proposed development supports the goals of the Provincial Spatial Development Framework (2014) (“PSDF”). The development will provide additional housing at a market level that is accessible to the medium-income market. The proposed development will also improve the aesthetics of the area with the architectural design complimenting the area. The proposed development is in keeping with the “sense of place” of the area.

The proposed development will amount to significant capital expenditure in terms of new buildings, landscaping, stormwater management and consequent site improvements. This will have positive economic impacts in the region. The increased use of the land will have a positive impact on the objectives of densification for the area in general.

3.2. Freshwater impacts

A Freshwater Impact Assessment Report (compiled by BlueScience and dated October 2016) assessed the initial proposed development for 20 residential units as described in layout alternative B. The specialist identified an isolated sand fynbos depression wetland on the erf and was considered to be largely modified (PES category D) and of low ecological sensitivity and importance. The wetland attenuates flooding and captures sediment, phosphates, nitrates and toxicants to a moderate extent.

The existing wetland areas within the site consist of approximately 860 m² of permanently wet area and 180 m² of seasonally wet area, giving a total wetland area within the site of 1040 m². To offset the existing wetland area it was proposed to create a grassed channel along the boundary at north-eastern corner of the site (about 50 m in length in total). The grassed channel would accommodate storm water from north (upstream) of the site as well as storm water generated on the sites and will then feed into the larger wetland area on the adjacent property on the eastern boundary of the site. A wetland area and storm water attenuation pond was proposed to be created in the north-eastern corner of the site, which would be linked to the grassed channel. The potential loss of wetland area was assessed using the DWS Wetland Offset Calculator to determine the wetland targets that would need to be achieved by the proposed wetland offset.

The specialist identified two alternatives to be considered to offset the potential loss of wetlands associated with the proposed development:

- The development of a smaller on-site wetland offset that is largely associated with the storm water management for the site and meets with the City's policy requirements for a sustainable urban drainage system (SUDS) (preferred); or
- An off-site wetland offset on the adjacent property.

The off-site wetland offset alternative was screened out due to the fact that a large wetland area would have been required in order to mitigate the loss of wetlands.

Therefore, the development of a smaller on-site wetland was further investigated and assessed by the specialist. A wetland area of approximately 500 m² with a stormwater function was proposed. The specialist indicated that although the loss of the wetland will not be completely offset, the loss in habitat is not deemed a significant impact due to the existing wetland's modified state and low ecological importance. The supply of ecosystem services of the wetland will, however, not be reduced by the reduction in the wetland size.

Following discussions held between the Department of Water and Sanitation and the project team, the initial preferred alternative was revised to incorporate the concerns highlighted by the Department of Water and Sanitation. An Addendum to the Freshwater Assessment (compiled by BlueScience and dated February 2018) was undertaken to inform the water use authorisation process in terms of the National Water Act, 1998 (Act No. 36 of 1998). The specialist indicated that the revised layout (i.e. Layout Alternative A) has largely taken into account the delineated wetland areas within the site and as such now poses a low risk of unacceptably impacting on the aquatic features within the area, both during the construction and operation phases of the project.

On 04 June 2019, a General Authorisation in terms of the National Water Act, 1998 (Act No. 36 of 1998) was issued by the Department of Water and Sanitation for the proposed residential development on Erf 511, Wetton (Ref. No. 27/2/2/G422/6/1).

Due to concerns raised during the public participation process, an additional Addendum to the Freshwater Assessment (dated February 2020) was compiled in response to the concerns raised. The specialist indicated that the intent for the final layout for the proposed development was to avoid loss of wetland habitat and improve and consolidate the existing wetland area. The final layout will result in some infilling of mapped wetland habitat within the site, but allows for more than 1000 m² of open space for the recreation of wetland habitat as well as rehabilitation of the remainder of wetland habitat that is associated with the stormwater channel that passes through the site. The wetland that will be created within the site will thus be of the same or greater extent, will have improved ecological condition and will still be associated with the stormwater channel that feeds water onto the site and then connects with the wetland habitat on the adjacent property. An improvement in wetland habitat and functionality can thus be expected. For this reason, it can also be expected that the potential freshwater impact will be less than that originally assessed for the development layout considered in the October 2016 report. The recommendations of the specialist have been included as conditions set in this Environmental Authorisation and in the EMPr.

3.3. Terrestrial Plant Species Impacts

A Terrestrial Plant Species Compliance Statement (compiled by NCC Environmental Services (Pty) Ltd. and dated 04 May 2021) was undertaken to assess the potential impact the proposed development will have on terrestrial plant species within the development area. The specialist traversed the study area on foot on 22 April 2021, where a total of two site 'areas' (4 363 sqm combined) was investigated across the study area resulting in a sampling density of one sample area per 0.2 ha approximately.

The specialist concluded that due to its transformed habitat along with existing negative influence and lack of positive appropriate vegetation drivers, the study area is deemed to be of a 'low sensitivity' for terrestrial plant species, and furthermore the proposed development will not have any impact on terrestrial plant Species of Conservation Concern ("SCC"). The specialist confirmed (in correspondence dated 15 November 2021) that no indigenous vegetation is located on the Erf 511, Wetton.

3.4. Terrestrial Animal Species Impacts

A Terrestrial Animal Species Compliance Statement (compiled by The Biodiversity Company and dated June 2021) was undertaken to determine the presence or the likely presence of amphibian SCC which may occur within the development area. According to the specialist no amphibian SCC, or evidence of such, were recorded in the project area or in the adjacent wetland (Erf 509) during the field survey undertaken in early June 2021. Based on the results of the field survey, the project area has been heavily transformed due to extensive anthropogenic impacts as well as the impact of alien invasive plant species and has been assigned a low sensitivity and does not represent the "high" relative animal species theme sensitivity (as it relates to amphibian SCC) as per the screening tool.

Based on the above, and the results of the field survey, the likelihood of occurrence of any amphibian SCC occurring within the project area is considered 'unlikely' to 'very unlikely'. The presence of the Micro Frog *Microbatrachella capensis*) and the Cape Platanna (*Xenopus gilli*), both of which have very specific habitat requirements, is considered 'very unlikely' and the presence of the Western Leopard Toad is considered 'unlikely'. The specialist concluded that the project area is still host to several amphibian species, as well as a population of Cape Dwarf Chameleons. Therefore, mitigation measures have been included as conditions set in this Environmental Authorisation and in the EMPr in order to mitigate the potential impacts from the proposed development.

CapeNature indicated (in their correspondence dated 08 September 2021) that conclusions of the faunal compliance statement and the botanical compliance statement are accepted.

3.5. Geotechnical Impacts

A Geotechnical investigation (compiled by Core Geotechnical Consultants and dated 27 May 2021) was conducted to undertake a geotechnical investigation for a proposed new residential development to be constructed on Erf 511, Wetton.

One test pit on the south-western corner of the site could be dug due to waterlogged conditions encountered. A strong flowing water table was observed at a depth of approximately 1,90 m below ground level. Some dewatering may be required during excavation works. Excavations deeper than 1,50 m (but not in excess of 2,00 m deep) will need to be battered to at least 40° to the horizontal, for safety purposes. The specialist's recommendations have been included in the EMPr.

3.6. Traffic Impacts

A Traffic Impact Statement was undertaken by Sturgeon Consulting and dated June 2021, to assess the potential traffic impacts of the proposed development on the surrounding road network.

The total peak hour trips likely to be generated by the proposed development in the AM and PM peak hours are:

- 19 total AM trips(5 inbound 14 outbound)
- 19 total PM trips(13 inbound 6 outbound)

The trips associated with the proposed group housing development are minimal and will have an insignificant traffic impact on the surrounding road network and intersections.

Based on the capacity analyses, the Old Strandfontein Road (DR1041) / Bloemhof Avenue intersection will continue to operate at good levels of service (LOS) for both the AM and PM peak hours. This intersection will experience minimal delays of 0.3 sec and 0.4 sec during the AM and the PM peak hours respectively. The existing 2021 Old Strandfontein Road / Bloemhof Avenue intersection's total peak hour demand is approximately 1 100 vph and 1 240 vph in the AM and PM peak hours, respectively. With the development, the intersection is expected to continue to operate at good levels of service during both peak hours.

Pedestrian demand on Bloemhof Avenue is low. No additional facilities are proposed, and the area is well serviced by public transport therefore, no further public transport improvements are required.

The specialist concluded that the proposed development can be accommodated by the adjacent transport network, provided the recommendations presented in the Traffic Impact Statement are implemented (which have been included in the EMPr). From a traffic engineering perspective, the proposed development is supported.

3.7. Services

A 100mm diameter watermain is located on the western verge of Old Strandfontein Road, which has a 50mm diameter pipe leading off this main into Bloemhof Avenue. It is proposed that the 50mm diameter pipe be replaced with at least a 100mm diameter pipe in order to service the proposed development intended for construction on Erf 511. The developer is expected to incorporate water saving measures in the development.

The proposed development falls in the catchment of Cape Flats WWTP. There are two (2) sewer connection points, which is located in Old Strandfontein Road and Thistle Road. However, the cover levels of the existing manholes are higher than the average height of Erf 511. In order to provide adequate drainage of sewer effluent, the erf needs to be filled to a maximum of approximately $\pm 0.5\text{m}$ along the northern boundary and $\pm 1.0\text{m}$ along the southern boundary. Furthermore, retaining structures are required along the northern and western boundaries of the erf. The proposed location of the sewer connection is in Sheffield Road, which in turn has an existing connection originating from Doig Road. There is sufficient capacity to accommodate the proposed sewer flow generated as a result of the development.

City of Cape Town has confirmed (in correspondence dated 17 May 2019 and 04 February 2022) that there is sufficient capacity within the existing water and sewer network to accommodate the proposed development, as well as confirmed that there is enough electrical capacity for the proposed development.

City of Cape Town's Solid Waste Management Department has confirmed (in their correspondence dated 26 August 2021) that they have no objection to the proposed development.

3.8. Dust, Noise and Visual Impacts

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

The development will result in both negative and positive impacts.

Negative Impacts include:

- Partial loss of wetlands;
- Potential increase in traffic during the construction phase;
- Potential dust impacts; and
- Potential noise impacts during construction phase.

Positive impacts include:

- Majority of the wetlands on site will be avoided;
- Maximum utilisation of vacant land;
- Improved stormwater management within the area;
- Creation and rehabilitation of artificial wetlands;
- Creation of residential opportunities; and
- The creation of some 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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