



REFERENCE: 16/3/3/1/A4/17/3038/22
NEAS REFERENCE: WCP/EIA/0001126/2022
DATE OF ISSUE: 10 May 2023

The Board of Directors
South African Dutch Development (Pty) Ltd.
7 Aska House
Link Road
PARKLANDS
7441

Attention: Mr. Caes Welleman

E-mail: caeswelleman1@gmail.com

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON A PORTION OF ERF NO. 8819, EERSTE RIVER.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties 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 procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Nick Steytler (KHULA Environmental Consultants)
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: nick@khulaec.co.za
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REFERENCE: 16/3/3/1/A4/17/3038/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON A PORTION OF ERF NO. 8819, EERSTE RIVER.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated October 2022.

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

South African Dutch Development (Pty) Ltd.
c/o Mr. Caes Welleman
7 Aska House
Link Road
PARKLANDS
7441

E-mail: caeswelleman1@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 4: <i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <i>i. Areas zoned for use as public open space or equivalent zoning;</i> <i>ii. Areas outside urban areas;</i> <ul style="list-style-type: none"> <i>(aa) Areas containing indigenous vegetation;</i> <i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i> <i>iii. Inside urban areas:</i> <ul style="list-style-type: none"> <i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</i> 	<p>Roads with varying widths will be constructed on a site that is zoned Private Open Space and equivalently zoned for conservation use.</p>
<p>Activity 12: <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> <i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the</i> 	<p>More than 300m² of critically endangered vegetation will be cleared on a site that is zoned Private Open Space and equivalently zoned for conservation use.</p>

<p><i>prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister”.</i></p>	
<p>Activity 15: <i>“The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</i></p> <p>f. Western Cape</p> <p>i. <i>Outside urban areas, or</i></p> <p>ii. <i>Inside urban areas:</i></p> <p>(aa) <i>Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</i></p> <p>(bb) <i>A protected area identified in terms of NEMPAA, excluding conservancies; or</i></p> <p>(cc) <i>Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority”.</i></p>	<p>A residential development exceeding 1000m² in size will be established on a site zoned Private Open Space.</p>

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

The holder is herein authorised to undertake the following related to the listed activities:

The proposed development entails the establishment of a residential development on a portion of Erf No. 8819, Eerste River. The proposed residential development will comprise of the following:

- 58 double storey, row duplex flats;
- Roads and parking;
- A refuse room; and
- Associated infrastructure, including storm water detention ponds. All other services will be provided via connections to the existing municipal bulk services.

A buffer of 15m will be established between the proposed development and the wetland. Access will be obtained via an existing entrance off Basil Road. A new entrance and internal circulation roads will be constructed. The development footprint will be approximately 2220m².

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on a portion of Erf No. 8819, Eerste River.

The site is located north of Baden Powell Drive, east of Van Riebeeck Road and west of Old Faure Road. The site is bounded by a storm water canal to the west, a delineated wetland to the east and residential erven to the north.

The SG 21-digit code is: C06700060008819000000

Co-ordinates:
Latitude: 34° 01' 16.85" S
Longitude: 18° 44' 19.01" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

KHULA Environmental Consultants
c/o Mr. Nick Steytler
P.O. Box 22761
SCARBOROUGH
7975

Tel.: (021) 783 4565
E-mail: nick@khulaec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated October 2022 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of five (**5**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the

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

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") 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 I&APs 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 I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs 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 I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs 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 activity

10. The draft EMPr dated October 2022 (as compiled by KHULA Environmental Consultants (Pty) Ltd.) is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct weekly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;

- 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

- 16.1 provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 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 and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

- 18. Surface or 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.
- 19. 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.
- 20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial

ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 22.1 Dual-flush toilet systems.
 - 22.2 All taps must be fitted with water saving devices (*i.e.*, tap aerators, flow restrictors and low flow shower heads).
 - 22.3 Water-wise landscaping must be established.
23. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 23.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 23.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
 - 23.3 All geysers must be covered with geyser "blankets".
 - 23.4 The installation of solar water heaters and solar panels must be considered for all buildings.

General matters

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, 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.

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:
Amendments to the EMPr, other than those mentioned above, must be done 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 a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 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 and the responding statement must be submitted to the address listed below:

By post: Attention: Mr. 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 also 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 Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 10 MAY 2023

CC: (1) Mr. Nick Steytler (KHULA Environmental Consultants)
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: nick@khulaec.co.za
E-mail: Azanne.vanwyk@capetown.gov.za

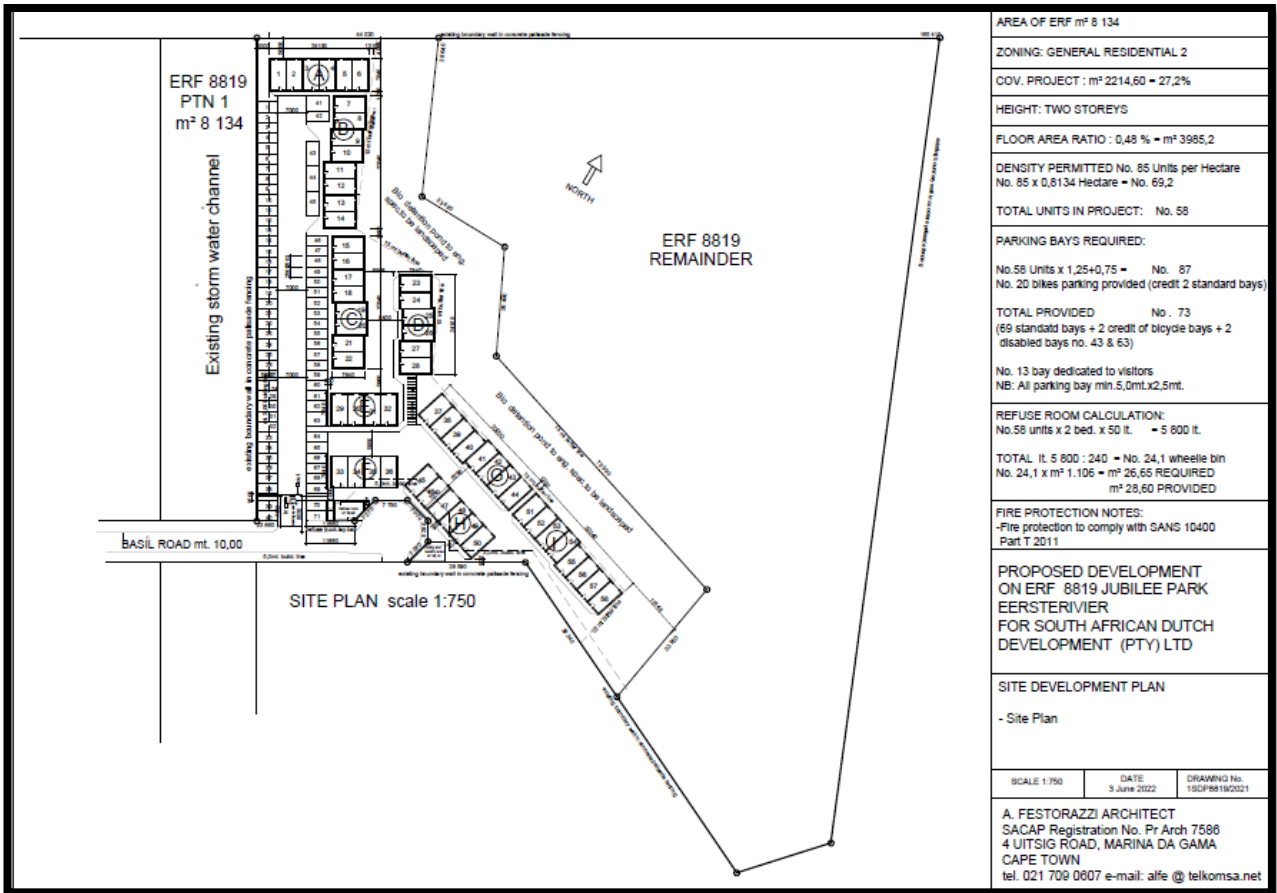
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ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form received by the competent authority via electronic mail correspondence 14 July 2022; the request for an extension of time in terms of Regulation 3(7) of the EIA Regulations, 2014 (as amended), as received by the competent authority via electronic mail correspondence on 14 October 2022; the additional information received by the competent authority via electronic mail correspondence on 25 October 2022; the letter from the competent authority dated 26 October 2022, granting the R3(7) extension; the BAR dated October 2022, as received by the competent authority via electronic mail correspondence on 25 January 2023; the EMPr submitted together with the BAR; and the additional information received by the competent authority via electronic mail correspondence on 07 February 2023, 18 April 2023, 19 April 2023 and 21 April 2023, respectively.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated October 2022.
- d) The pre-application consultation meeting held on 12 July 2022:

Attended by: Mr. Eldon van Boom and Ms. Rondine Isaacs of the Department of Environmental Affairs and Development Planning; and Mr. Nick Steytler of KHULA Environmental Consultants.
- e) 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 comprised of the following:

- An advertisement was placed in the "Bolander" newspaper on 03 August 2022;
- Notices were hand delivered to adjacent neighbours on 04 August 2022;
- A notice was placed on site on 04 August 2022;
- E-mails were sent to the ward councillor, local municipality and State Departments/organs of state on 04 August 2022 to announce the availability of the draft BAR;
- The draft BAR was placed on the EAP's website for the duration of the commenting period; and
- The draft BAR was made available from 04 August 2022 until 05 September 2022.

Authorities consulted

The authorities consulted included the following:

- Heritage Western Cape;
- City of Cape Town;
- Department of Water and Sanitation;
- Western Cape Department of Transport and Public Works; and

- CapeNature.

I&APs have raised concerns regarding *inter alia*, storm water management, dust, and services confirmation. The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

Preferred alternative – herewith authorised:

The preferred alternative entails the establishment of a residential development on a portion of Erf No. 8819, Eerste River. The proposed residential development will comprise of the following:

- 58 double storey, row duplex flats;
- Roads and parking;
- A refuse room; and
- Associated infrastructure, including storm water detention ponds. All other services will be provided via connections to the existing municipal bulk services.

A buffer of 15m will be established between the proposed development and the wetland. Access will be obtained via an existing entrance off Basil Road. A new entrance and internal circulation roads will be constructed. The development footprint will be approximately 2220m².

This is the preferred alternative for the following reasons:

- The residential development will be developed on the degraded terrestrial part of the site;
- There is sufficient space between the wetland and the site as the proposed development makes provision for an ecological buffer; and
- A 15m wide buffer will be established between the site's edge and the wetland to reduce impacts on the wetland.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed residential development will not be established. This alternative was not deemed as preferred, as the proposed development will augment the economic activities, provide for much needed housing and the benefits to the holder and creation of jobs would not be realised. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

Erf No. 8819 forms part of a residential development which received an Environmental Authorisation in 2008. This resulted in Erf No. 8819 being zoned as Private Open Space. Since the site is zoned Private Open Space, the proposed development is not aligned with the current zoning. As such, the site must be rezoned to permit the proposed development.

The holder has identified the opportunity to develop a portion of Erf No. 8819, Eerste River for affordable housing. The freshwater specialist who undertook the original freshwater ecological specialist studies was approached to determine whether any part of the site was developable, since Erf No. 8819, Eerste River was set-aside as a Private Open Space due it containing a seasonal saltmarsh wetland of high conservation importance. The specialist updated the wetland delineation in 2014 and recommended a buffer of 15m and the site was deemed suitable from a terrestrial biodiversity perspective.

The aquatic specialist provided recommendations relating to project planning/design as follows:

- The incorporation of a 15m ecological buffer between the development edge and the wetland, to limit negative effects to the wetland, brought about by the proximity of human activity during both the construction and the operational phases;
- A management buffer of at least 10m is required along the edge of the storm water channel, in terms of the City of Cape Town's (2009) Floodplain and River Corridor Management Policy, which stipulates 10m minimum maintenance buffers along even concrete canals; and
- The incorporation of the following aspects (or other equally effective ones) designed to reduce impacts to the wetlands:
 - Houses should not back onto the wetland buffer, but should be separated from the buffer by a road;
 - To manage dumping, the buffer edge (*i.e.*, the road/ buffer interface) should be walled or fenced off from the development, ideally using low walls or palisade type walls that prevent the wetland area from being perceived as abandoned wasteland; and
 - Storm water must be managed such that it passes into the storm water channel and not into the wetland.

The above project planning/design recommendations have been accommodated and will be further upheld through the implementation of the EMPr, which includes mitigation measures recommended by the freshwater specialist.

The site is located within an area earmarked for urban development, incremental growth and consolidation. As such, the proposed development is aligned with the Municipal Spatial Development Framework (2018). The Khayelitsha/Mitchells Plain and Greater Blue Downs District Plan identifies the site as falling within an area designated for urban development.

3.2 Botanical impacts

A Botanical Screening Report dated 01 October 2021 was compiled by Capensis Ecological Consulting (Pty) Ltd., t/a Capensis to assess the potential botanical impacts associated with the proposed development.

A portion of the site was historically impacted during the construction of the storm water canal which forms the western boundary of the site. In 2021, a site office was established on top of the infilled/cleared area. The site office had a concrete fence around it and infill seems to have been placed just short of the northern fence boundary. The site office infill falls within the historical (2014) infill footprint. The recently established site office has not caused any loss of indigenous vegetation since the clearance was done as part of the original Environmental Authorisation for the existing residential development.

The vegetation habitats that were mapped by Helme in 2008 include the following:

- Sarcocornia Salt Marsh;
- Secondary salt marsh vegetation; and
- *Erepsia ramosa* plants scattered along the southwestern portion.

At the time of Helme's 2008 survey, apart from the abovementioned habitats, the site contained almost no indigenous vegetation cover and was covered in dense Port Jackson willow. The Sarcocornia marsh would have constituted indigenous vegetation.

The terrestrial areas support ruderal weeds such as annual *Rapistrum rugosum*, Paterson's curse, Cape weed, *Cynodon dactylon* and Port Jackson willow. Indigenous species are occasional and include coast ragwort, rain daisy, brass buttons and *Trachyandra* sp. Clumps of the water Capestar occur within the flooded area. This species is a wetland obligate.

While the historical extent of indigenous vegetation is estimated to be 0.78ha, minimal indigenous vegetation cover was found at the site. This is partly due to the fact that most of the site was flooded at the time of the survey and partly due to disturbance following Helme's original study.

The development of approximately 0.6ha will entail the clearance of at least 300m² of indigenous vegetation. None of the terrestrial indigenous vegetation likely to occur on the site are of concern from a conservation perspective. The proposed residential development can be regarded as being of low botanical sensitivity.

3.3 Freshwater impacts:

A Specialist Aquatic Ecosystems Addendum Report and Risk Assessment Report dated June 2021, and revised Specialist Aquatic Ecosystems Addendum Environmental Assessment Report and Risk Assessment dated September 2022, were compiled by Liz Day Consulting (Pty) Ltd., to assess the potential freshwater impacts associated with the proposed development.

The seasonal wetland that was mapped in 2008 and delineated in February 2014 by Dr Liz Day comprises an expanse of seasonal wetland, dominated by *Sarcocornia natalensis*, that extends across the site on the eastern side of a trapezoidal north-south running storm water channel. It is likely that this wetland once extended north of the site.

Stands of *Bolboschoenus maritimus* occur in places on the site. This species is indicative of (usually seasonally) shallowly inundated wetlands, often in areas with alkaline soils. During the wet season, much of the wetland is shallowly inundated and supports wading birds. Seasonally inundated wetlands that dry out completely during summer are likely to support communities of aquatic invertebrates that include taxa with high levels of endemism.

The wetland dries out completely in summer, with mainly *Sarcocornia natalensis* visible in the wetland as patches, surrounded by bare clayey soils. The lower (southeastern) part of the wetland along the road reserve is wetter, possibly as an artefact of increased storm water and the excavation of drainage channels. This area supports stands of *Typha capensis* and *Bolboschoenus maritimus* in places, of which the former is indicative of fresh, permanently saturated to inundated conditions.

The freshwater assessment report (dated 2008) noted that the site could well support populations of the Cape Dainty Frog, *Cacosternum capense* and the site may still support populations of this, and possibly other, frog species. The wetland may also support invertebrate communities typical of seasonal wetlands in this area, including several taxa that are endemic to the Cape Flats and/or (south) Western Cape seasonal wetlands. Wetland importance in terms of conservation of wetland biodiversity is thus regarded as extremely high. Wetlands such as these are considered highly threatened habitat types in the context of the Cape Flats, and any systems that do remain have high conservation status.

The wetland condition has been impacted by disturbance (trampling and periodic vehicle passage) in the northern part; increased storm water flows and associated changes in vegetation in the southern part of the wetland abutting Baden Powell Drive; limited dumping; limited invasion by weedy and/or alien plant species including *Acacia saligna*; and fragmentation from other wetlands and natural terrestrial vegetation as a result of urban development including Baden Powell Drive. The wetland is thus considered moderately modified from its natural condition.

Runoff from the site into downstream areas is derived both from direct precipitation onto the site and from storm water runoff generated in the developments upstream. The runoff passes into an artificial, permanently inundated detention facility on the downstream side of Baden Powell Drive. Downstream of the detention pond, runoff is channeled along a broad, shallow, artificially excavated channel, towards Vergenoegd Wine Estate.

The wetland mapped on the site is not indicated in the National Freshwater Ecosystem Priority Area project wetland dataset, nor is it included in the 2017 Western Cape Biodiversity Spatial Plan. The wetland is, however, mapped as a wetland in the National Wetland Map. The wetland is also included in the City of Cape Town's aquatic biodiversity layer with a conservation status of Critical Ecological Support Area. The wetland is considered particularly sensitive to changes in hydrology and water quality.

Although the existing storm water channel will edge most of the development, a significant section in the southeast will extend beyond the storm water channel, and can be associated with edge impacts onto the wetland. However, the introduction of additional storm water attenuation and water quality treatment ponds offers additional opportunities to treat storm water pollution and to attenuate runoff upstream of important wetlands in the Vergenoegd area downstream.

The biggest risk to the saltmarsh wetland is changes in wetland hydroperiod and increases in surface flows and the retention time of standing water or conditions of soil saturation. Surface flows into the wetland from adjacent hardened surfaces of overflows from the storm water ponds will likely result in:

- Flushing of salts from the wetland, reducing its habitat quality as a salt marsh; and
- Extended wetness, making invasion of saltmarsh habitat by *Typha capensis*, *Phragmites australis* and *Bolboschoenus maritimus* more likely, resulting in a permanent change in habitat, from a locally threatened habitat type to a common, often nuisance reed bed habitat type.

The impact will be most likely if the storm water bio-retention pond frequently overflows into the wetland, either as a result of large rainfall events repeated in quick succession (i.e., before the pond had time to draw down from the last flood) or as a result of blockage of the storm water outlet into the pipe leading to the existing storm water canal. Potential sources of blockage will include litter, other dumped waste, sediment and plant material. To reduce this risk, the holder has allowed for two pumps to be included in the operational management of the storm water system and for the final development management body to be contracted into carrying out adequate pump maintenance.

The freshwater specialist's recommended mitigation measures have been included in the EMPr. With the implementation of the mitigation measures, the impact of the proposed development has been identified as being low negative. The aquatic

specialist concluded that the proposed development is acceptable from an aquatic ecological perspective.

The Department of Water and Sanitation has confirmed that an application for registration of water uses within the ambit of a General Authorisation in terms of the National Water Act, 1998 (Act No. 36 of 1998) may be submitted.

3.4 Traffic impacts:

A Traffic Impact Statement dated June 2022, was compiled by EFG Engineers (Pty) Ltd., to assess the potential traffic impacts associated with the proposed development.

Access to the site will be from the end of Basil Road, which is a cul-de-sac. Vehicular access will be via an access controlled security sliding gate which is setback approximately 8.5m from the road edge and allows stacking for one vehicle in front of the gate waiting to enter the site without impacting on Basil Road. The stacking at the access control is acceptable considering the low traffic volumes along Basil Road.

The proposed development will generate approximately 26 trips during the morning and afternoon peak hours with (6 in/20 out) and (18 in/8 out) during the morning and afternoon peak hours, respectively.

The Urban Mobility: Transport Impact Assessment and Development Control Department of the City of Cape Town indicated in a letter dated 02 September 2022 that they concur with the Traffic Impact Statement prepared by EFG Engineers, which satisfactory addressed all traffic aspects needed to sustain the proposed development.

3.5 Storm water impacts

The storm water management system will be designed such that the runoff from the site will be collected in a detention pond from where the storm water will be pumped to an existing storm water channel, which discharges into a regional storm water detention facility at the junction of Baden Powell Drive and the R102. The internal storm water system will consist of overland flow with channel conduits to the pond.

All storm water runoff will be surface flow in designated channels, to facilitate cleaning, discharging to the pond. A small, raised berm will be constructed on the wetland side of the ponds, running the full length of the buffer to prevent overflow into the wetland. A Storm Water Management Plan, as required by the City of Cape Town for the proposed development, will be compiled in terms of the City's Management of Urban Storm Water Impact Policy (2009) once detailed site designs are completed.

3.6 Dust, noise and visual impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential traffic impacts;
- Potential storm water impacts; and
- Potential impacts on the wetland.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Eerste River area; and
- Contribution to the local economy.

National Environmental Management Act Principles

The National Environmental Management Act 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.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA 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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