



**EIA REFERENCE NUMBER:** 16/3/3/1/A1/18/3026/22  
**NEAS REFERENCE NUMBER:** WCP/EIA/0001108/2022  
**ENQUIRIES:** Mr. R. Chambeau  
**DATE OF ISSUE:** 06 January 2023

The Director  
Little Swift Investment 92 (Pty) Ltd.  
P.O. Box 6030  
**WELGEMOED**  
7538

**For Attention: Mr. E. Simons**

Cell: (083) 296 8039  
Email: [nicholas@trilogy.bz](mailto:nicholas@trilogy.bz)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERVEN 222 AND 223, MILNERTON.**

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

Yours faithfully

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

Copies to: (1) Ms. H. Groenewald (Guillaume Nel Environmental Consultants)  
(2) Ms. S. Warnich Stemmet (City of Cape Town: ERM)

Email: [hdp@gnec.co.za](mailto:hdp@gnec.co.za) / [carina@gnec.co.za](mailto:carina@gnec.co.za)  
Email: [Sonja.warnichstemmet@capetown.gov.za](mailto:Sonja.warnichstemmet@capetown.gov.za)

EIA REFERENCE NUMBER: 16/3/3/1/A1/18/3026/22

## 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 ERVEN 222 AND 223, MILNERTON.

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

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated 05 September 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 Director  
c/o Mr. E. Simons  
Little Swift Investment 92 (Pty) Ltd.  
P.O. Box 6030  
**WELGEMOED**  
7538

Cell: (083) 296 8039  
Email: [nicholas@trilogy.bz](mailto:nicholas@trilogy.bz)

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

## B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number 19A Activity Description:</p> <p><i>“The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i></p> <p><i>(i) the seashore;</i></p> <p><i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</i></p> <p><i>(iii) the sea; —</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(f) will occur behind a development setback;</i></p> <p><i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”</i></p>	<p>The proposed development will entail the infilling or depositing of material within 100 meters from the Diep River Estuary.</p>

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

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

The authorised development entails the establishment of a residential development and associated infrastructure on Erven 222 and 223, Milnerton.

Erf 222, Milnerton is currently vacant and an existing house located on Erf 223, Milnerton will be demolished.

The residential development (i.e. an apartment complex) will consist of 75 apartments, varying in unit sizes. The ground floor will consist of a mixture of duplex and simplex residential units, a small shop area and parking bays. Floors 1 – 5 will comprise of a similar floor layout for all floors. The proposed

development will be approximately 20 metres in height (excluding the infilling of the site). Off-street parking bays will also be provided for.

The proposed site is approximately 20m from the Diep River Estuary. A portion of the proposed development falls within the defined Estuary Functional Zone below the 5m-contour line and partially within the 1:100 year floodline. A portion of the proposed site will therefore have to be infilled. The volume of infill required will be approximately 239m<sup>3</sup> across an area of 1 399m<sup>2</sup>. The average height of infill is approximately 0,17m.

The northern corner of the property will be provided with scour protection where the infill will be placed. This will be accomplished by the construction of a concrete ramp with a supporting wall along the boundary with the adjacent erf to the north. The wall will be a conventional 230mm masonry wall with concrete frame supports, which rises from 0m to 5.7m above the existing ground level over the first 30m of the site (from Esplanade Road), 5.7m high for the following 5m, and then a normal 2.5m boundary wall for the remaining 53m of the northern boundary.

Services will be provided by the Local Authority. Sewerage discharge will not be permitted into the existing sewage network prior to the completion of the Potsdam Wastewater Treatment Works in 2026. A new water connection will be required, however, potable water supply has been confirmed. A miniature substation will be installed on the proposed site in order for electrical supply to be made available. Access to the site will be from Weir Road, which is located adjacent and to the south of the proposed site.

The total development footprint will be approximately 1942m<sup>2</sup>.

### C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erven 222 and 223, Milnerton. Access to the site will be gained off Weir Road and Esplanade Street, Milnerton.

The 21-digit Surveyor General codes for the proposed site are:

Erf 222	C01600340000022200000
Erf 223	C01600340000022300000

Site co-ordinates for the proposed site is:

Middle point	33° 53' 20.03" South	18° 29' 14.52" East
--------------	----------------------	---------------------

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

Guillaume Nel Environmental Consultants cc  
c/o Ms. H. Groenewald & Ms. C. Becker  
P.O. Box 2632

**PAARL**  
7646

Tel.: (021) 870 1874

Email: [guillaume@gnec.co.za](mailto:guillaume@gnec.co.za) / [hdp@gnec.co.za](mailto:hdp@gnec.co.za)

### E. CONDITIONS OF AUTHORISATION

#### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated 05 September 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 and 11.

#### **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1. the outcome of the application;
    - 7.1.2. the reasons for the decision as included in Annexure 3;
    - 7.1.3. the date of the decision; and
    - 7.1.4. the date when the decision was issued.
  - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
  - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4. Provide the registered I&APs with:
    - 7.4.1. name of the holder (entity) of this Environmental Authorisation,
    - 7.4.2. name of the responsible person for this Environmental Authorisation,
    - 7.4.3. postal address of the holder,
    - 7.4.4. telephonic and fax details of the holder,

- 7.4.5. e-mail address, if any, of the holder,
  - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided, i.e., the listed activity, including site preparation, must not be commenced with until the appeal is decided.

### **Management of activity**

- 9. The Environmental Management Programme ("EMPr") (dated 05 September 2022 and compiled by Guillaume Nel Environmental Consultants) submitted as part of the application for Environmental Authorisation is hereby approved.
- 10. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before commencing with construction activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
- 12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the office of the EA holder of the authorised listed activity and must be made available to any authorised person on request.
- 13. Access to the site referred to in Section C above must be granted and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

- 14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
  - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority within one (1) month of completion of the environmental audit.
  - 14.2. Thereafter, an Environmental Audit Report must be submitted to the Competent Authority every two (2) years during the construction phase.
  - 14.3. A final Environmental Audit Report must be submitted to the Competent Authority within one (1) month of the completion of the construction phase.
  - 14.4. The holder must, within 7 (seven) days of the submission of the Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

## Specific conditions

15. Any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. A copy of the final landscape plan to be implemented must be submitted to the Competent Authority within one (1) month of its approval for record-keeping purposes.
17. The occupation of units must occur once the upgrade of the Potsdam Waste Water Treatment Works has been completed. Proof of the completion of the upgrade must be provided to the Competent Authority within one (1) month of the occupation of units for record-keeping purposes.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

## F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period specified in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

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

## G. APPEALS

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

1. An appellant must –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

By hand:     Attention: Mr. M. Venter (Tel: 021 483 3721)  
                  Room 809  
                  8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto: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: 06 January 2023**

Copies to: (1) Ms. H. Groenewald (Guillaume Nel Environmental Consultants)  
(2) Ms. S. Warnich Stemmet (City of Cape Town: ERM)

Email: [hdp@gnec.co.za](mailto:hdp@gnec.co.za) / [carina@gnec.co.za](mailto:carina@gnec.co.za)  
Email: [Sonja.warnichstemmet@capetown.gov.za](mailto:Sonja.warnichstemmet@capetown.gov.za)

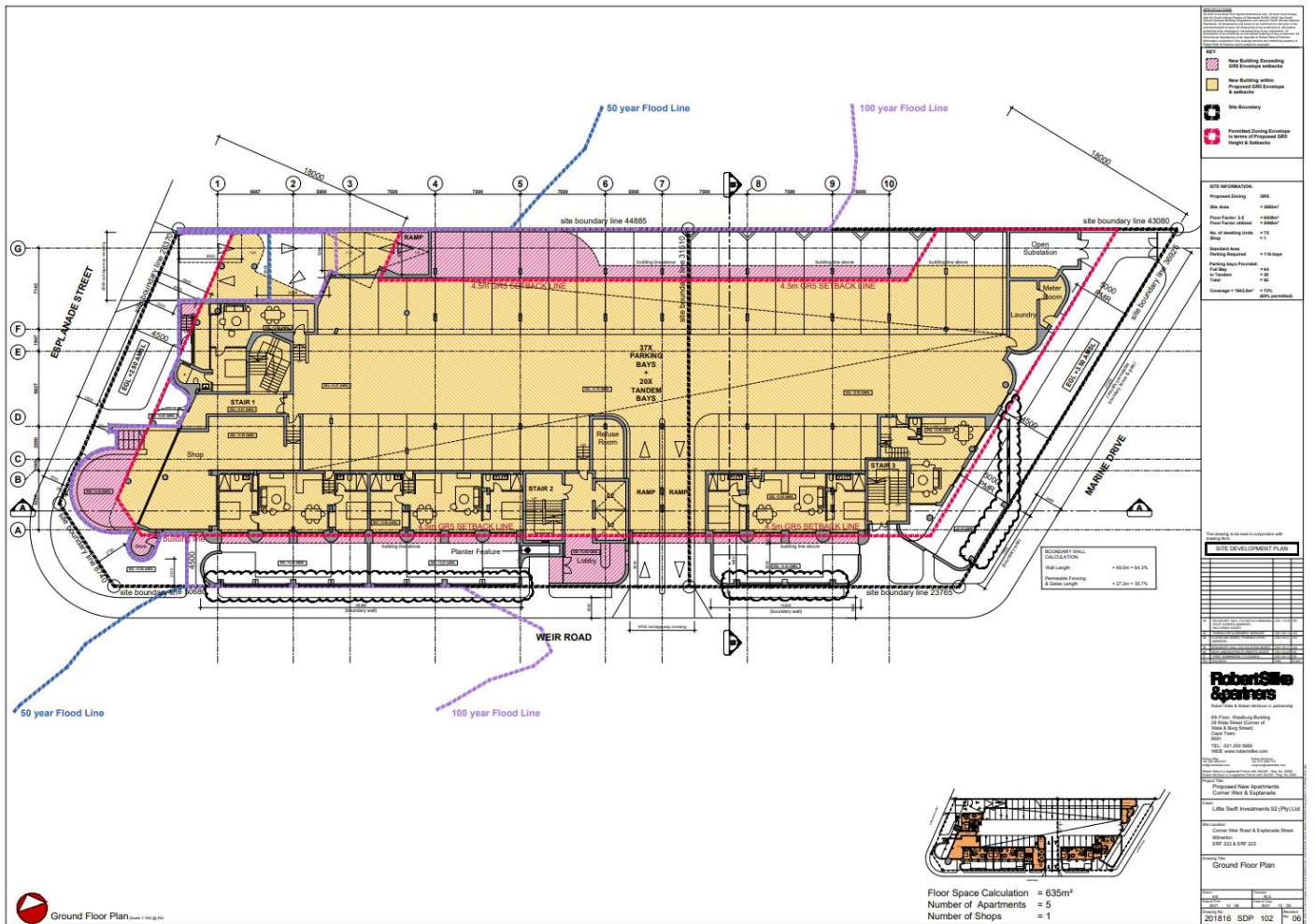
## ANNEXURE 1: LOCALITY MAP

The proposed site is demarcated in red below.



## ANNEXURE 2: SITE PLAN

Site plan for the proposed development (ground floor).



### 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 01 June 2022 and received by the competent authority on 03 June 2022, the BAR dated and received by the competent authority on 05 September 2022 and the EMPr (dated 05 September 2022) submitted together with the BAR;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 05 September 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site visit was conducted by officials of this Department on 30 September 2022. The competent authority had sufficient information before it to make an informed decision.

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 application process and entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity is to be undertaken on 07 April 2022;
- 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 April 2021, 21 April 2022 and 18 July 2022;
- The placing of a newspaper advertisement in the "Tygerburger" on 07 April 2021;
- Making a pre-application draft BAR available to I&APs for comment from 17 April 2021 to 14 May 2021;
- Making a pre-application revised draft BAR available to I&APs for comment from 21 February 2022 to 24 March 2022;
- Making the draft BAR available to I&APs for comment from 18 July 2022 to 18 August 2022;
- The draft BARs were made available on the EAP's company website [www.gnec.co.za](http://www.gnec.co.za) for commenting purposes during the public participation periods.

Upon request from I&APs, a public meeting was held on 18 August 2022 to discuss the proposed development. Upon agreement at the public meeting, I&APs were afforded additional time to provide comment on the draft BAR, which concluded on 26 August 2022. Concerns related to the potential visual impact, sense of place, traffic and need and desirability were raised by I&APs. The proposed development has responded accordingly in terms of design and height.

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

No site or property alternatives were identified and assessed since the proposed site is owned by the holder. No technology alternatives in terms of energy saving and water saving technology will be incorporated into the design of the proposed development. Initially, the proposed development entailed the development of an eight (8)-storey apartment complex. However, due to concerns raised by I&APs, the proposed development has been refined in order to respond to the concerns raised. Therefore, the Preferred Alternative and the "No-Go" alternative were identified and assessed as follows:

### The Preferred Alternative - herewith authorised:

The authorised development entails the establishment of a residential development and associated infrastructure on Erven 222 and 223, Milnerton.

Erf 222, Milnerton is currently vacant and an existing house located on Erf 223, Milnerton will be demolished.

The residential development (i.e. an apartment complex) will consist of 75 apartments, varying in unit sizes. The ground floor will consist of a mixture of duplex and simplex residential units, a small shop area and parking bays. Floors 1 – 5 will comprise of a similar floor layout for all floors. The proposed development will be approximately 20 metres in height (excluding the infilling of the site). Off-street parking bays will also be provided for.

The proposed site is approximately 20m from the Diep River Estuary. A portion of the proposed development falls within the defined Estuary Functional Zone below the 5m-contour line and partially within the 1:100 year floodline. A portion of the proposed site will therefore have to be infilled. The volume of infill required will be approximately 239m<sup>3</sup> across an area of 1 399m<sup>2</sup>. The average height of infill is approximately 0,17m.

The northern corner of the property will be provided with scour protection where the infill will be placed. This will be accomplished by the construction of a concrete ramp with a supporting wall along the boundary with the adjacent erf to the north. The wall will be a conventional 230mm masonry wall with concrete frame supports, which rises from 0m to 5.7m above the existing ground level over the first 30m of the site (from Esplanade Road), 5.7m high for the following 5m, and then a normal 2.5m boundary wall for the remaining 53m of the northern boundary.

Services will be provided by the Local Authority. Sewerage discharge will not be permitted into the existing sewage network prior to the completion of the Potsdam Wastewater Treatment Works in 2026. A new water connection will be required, however, potable water supply has been confirmed. A miniature substation will be installed on the proposed site in order for electrical supply to be made available. Access to the site will be from Weir Road, which is located adjacent and to the south of the proposed site.

The total development footprint will be approximately 1942m<sup>2</sup>.

The Preferred Alternative takes cognisance of the comments and recommendations made by I&APs in terms of the proposed height, potential visual impacts, potential wind impacts and potential shadow effect of the proposed development.

### "No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo" of the existing properties in their current state. Since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

### 3. Impact Assessment and Mitigation measures

#### 3.1. Activity Need and Desirability

The Erven 222 and 223, Milnerton are currently zoned Single Residential 1. The proposed development will require a consolidation and rezoning application in terms of the relevant planning legislation. It is proposed that a zoning to General Residential 5 be applied for to allow for the proposed floor space, but to retain a height (i.e. 20m) allowed for under the General Residential 3 zoning.

The proposed site is situated within the Milnerton area adjacent to Marine Drive, which is one of the major connector routes that connects the greater north-western area of the City to the Central Business District and City Bowl areas. This specific area contains a mix of residential built forms, with lower density (mostly dwelling houses) located to the north and medium to higher density (higher order land uses) located to the south along Boundary Road and Marine Drive.

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

The subject property is located within an area identified as the urban inner core in terms of the Cape Town Spatial Development Framework, 2012 ("CTSDF"), where investment is spatially targeted in order to spatially transform and integrate the City. This will ensure inward growth and connectivity, as well as diversification and densification in line with the City's Transit-Oriented Development ("TOD") Strategy, 2016.

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

The City of Cape Town's Densification Policy recognises the need for appropriate densification across the City to promote longer-term sustainability of Cape Town's natural, urban and rural environments. The Densification Policy was approved in Feb 2012 to specifically, amongst others, guide decision-making with regards to density related applications. The Densification Policy identifies various Density Priority Zones, with the subject property being located within such a zone.

In addition, the development will also create a number of new employment opportunities during the construction phase. The job opportunities created will result in positive economic and social spill over effects for the local area. The proposal will result in a small commercial opportunity, as well as additional residential opportunities being made available within the area, which will have a positive socio-economic impact.

### 3.2. Ecological Impacts

According to the Screening Tool Report generated and developed by Department of Environment, Forestry and Fisheries, the proposed development site is mapped as having a "Medium sensitivity" Animal Theme rating. The Screening Tool Report indicated the potential presence of Peringuey's Meadow Katydid (*Conocephalus peringueyi*) and the Bladder Grasshopper (*Bullacris obliqua*).

Scientific Terrestrial Services compiled a Terrestrial Ecological Impact Statement (dated 09 March 2021). The report indicated that Erf 223, Milnerton has historically been developed for residential use and therefore the transformation of this section of the site does not provide suitable habitat for the two above-mentioned species.

Signs of all fauna were limited to species capable of surviving in human modified habitats. Mammals were limited to rodent holes and scrubhare droppings. Signs of reptiles and amphibians were largely absent. Invertebrates observed during the field investigation were common, ubiquitous species (timing of the survey did not support high invertebrate richness or abundance). Due to the alien invasive plant proliferation and habitat degradation the vegetation/area does not align with the findings reported in the national web based screening tool. The vegetation observed is not characteristic of the vegetation or landscape in which Peringuey's Meadow Katydid (*Conocephalus peringueyi*) or Bladder Grasshopper (*Bullacris obliqua*) occur.

Therefore, the specialists concluded that there are no limitations, from a biodiversity resource management point of view, for the development to not be authorised.

### 3.3. Flood line impacts

A floodline study compiled by Graeme McGill Consulting and dated 09 December 2020 was undertaken to confirm the location of the 1:50 and 1:100 year floodlines and to determine what effect, if any, would result on these floodlines as a result of implementing the proposed development.

The original Diep River Flood Warning System and Floodline Study report compiled by SRK Consulting (undertaken in 2001) was used as the basis for examining the potential impact of the proposed development on the floodlines.

According to the floodline results obtained from SRK Consulting, the peak 1:50 and 1:100 year floodline are shown to encroach onto the proposed development site. The development site elevation is 2.5m mean sea level ("msl") at Esplanade Street rising to 3.5m msl at Marine Drive.

An HEC-RAS model was rerun with the downstream sea level set to 2.10m msl. It was found that at river station 490.7, the 1:50 and 1:100 year energy grade levels rose by 30mm and 10mm, respectively. At river station 387.9, the 1:50 and 1:100 year energy grade levels rose by 40mm and 10mm, respectively.

Flow conditions after taking into consideration the proposed apartment block development on the site, were found to result in a negligible change in water levels.

The net loss of ponding volume was found to be small and that this would also be insignificant. Furthermore, it is considered that the small loss of ponding volume is insignificant because of the proximity of the development to the sea.

The Floodplain and River Corridor Management Policy of the City of Cape Town permits residential development above the 1:50 year flood level, and also smoothing of the floodlines by providing compensatory excavation. This can be achieved by lowering the elevation of the landscaped area on the Esplanade Road side. The net flood ponding volume lost would therefore be eliminated.

The specialist concluded that the site may be developed as described above without negative impacts on other properties in the vicinity.

#### 3.4. Coastal Impacts

A Coastal Study compiled by WML Coast Pty (Ltd) and dated April 2021 was undertaken to assess the potential impacts the proposed development would have on the coastal environment.

The proposed site is located within the Estuary Functional Zone below the 5m contour and within the 1:100 year floodline of the Diep River. The Diep River Estuary forms part of the Table Bay Nature Reserve. The specialist indicated that the floodline study (compiled by Graeme McGill Consulting and dated August 2020) confirmed that the proposed site is partially located within both the 1:50 and 1:100-year floodlines. It is therefore proposed that the proposed site be filled to ensure that the proposed residential development is located above both floodlines. It is shown in the Floodline assessment that the proposed works will have no impact on flood water levels. The proposed development will therefore not have any impacts on the neighbouring properties in the event of flooding.

The Coastal Study takes into consideration the behaviour of the ocean and river during storm events, as well as the existing floodlines and future scenarios in terms of sea-level rise and storm surges. Flow conditions after Infill on the site were found to be negligible. Furthermore, it is considered that the small loss of ponding volume is insignificant because of the proximity to the sea.

The site is considered to be at relatively low risk of flooding and damage. It should, however, be noted that if open mouth conditions with low sandbar and dune heights combine with extreme sea levels should occur, then some wave run-up at the site is deemed possible. For this level to be reached low sandbar and dune levels must coincide with an extreme high sea level, which may be considered unlikely but not impossible.

Section 63 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) was considered. The proposed site is located landward of the coastal management line. Due to the transformed nature of the proposed site and that the proposed site is separated from the coastal environment by a road, it is anticipated that the proposed development will have a negligible impact on the coastal environment.

#### 3.5. Estuarine Impacts

An Estuarine Impact Assessment (compiled by Anchor Research & Monitoring (Pty) Ltd and dated June 2021) was undertaken to assess the potential impacts the proposed development will have on the environment and ecological function of the Diep Estuary, with results of a "Shadow Effect" study used to inform the assessment.

The Diep Estuary is located at the point where the Diep River enters Table Bay. Upstream flows from the Diep River are directed along the eastern shore of Rietvlei (a large vlei, declared a Protected Natural Environment in 1989, and considered of particular ecological importance in terms of its birdlife). The Diep Estuary itself has been declared a Protected Natural Environment and is recognised as one of 37 Core Flora Sites on the Cape Flats. The Diep Estuary is also included in the Table Bay Nature Reserve, which has been submitted for proclamation under the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

Since the proposed site is separated from the estuary by a road, very low to insignificant impacts are anticipated from an ecological perspective. Due to the height of the proposed development, artificial shading has been highlighted as an important human disturbance in estuaries since it has been shown to affect productivity and community organisation within estuarine systems.



A Shadow Effect study was conducted by the architects on the project to assess potential shading impacts of the proposed development on the Diep Estuary. The shadow position cast by the proposed development was modelled at various times throughout the day at various months of the year, including the Summer Solstice (21 December) and Winter Solstice (21 June). The model indicated that the proposed development could cast a shadow on the estuary in the morning (i.e. 6am) on the summer solstice and could no longer present by 9am. No shadow was cast during the day in the winter.

While shading predominantly affects primary producers (i.e. benthic diatoms, water column phytoplankton as riparian vegetation), productivity is linked to solar radiation, which generally starts low in the morning and increases to a peak in line with increasing solar radiation before decreasing again. The early morning shading of a portion of Milnerton Lagoon by the proposed development therefore does not occur at a time of peak productivity, which mitigates the intensity of the impact. In addition, the area of shading represents some 1% of the available lower reach estuarine habitat. The canalised bank across from the development is essentially artificial, with no functional riparian vegetation present (the vegetation towards the estuary from the development boundary is entirely grass). As such, any shadow from the proposed development does not fall on any functional riparian habitat. As such, the risk of shading to the functioning and communities of the estuary is rated as 'very low'.

Construction related mitigation measures have been recommended by the specialist, which has been included in the EMPr.

This Department's Directorate: Biodiversity and Coastal Management indicated (in their correspondence dated 19 August 2022) that in terms of the Estuarine Function Zone, the subject property is an existing residential development with no connectivity to the estuary and as such, is said to have little to no impact on the estuarine function or processes.

### 3.6. Visual Impacts

A Visual Statement (compiled by Square One Landscape Architects cc and dated August 2021) was undertaken to assist in the assessment of potential visual impacts of the proposed development on the R27 scenic route.

The development is located at the start/end point of the R27 scenic route in Milnerton. The site context is characterised by single residential units to the north and south, open space (sports field) to the east, and medium density (four storeys) residential buildings to the south and southeast along Boundary Road. The proposed development will be 6 storeys high and would therefore protrude above the existing surrounding context. As the proposed development is located adjacent to an open space, it will be noticeable to receptors approaching the site in a southerly direction along the R27.

It should be noted that views towards the proposed development will be experienced along a continuum. The development would not be clearly noticeable to receptors at a distance of more than 1km. The proposed development would be most clearly noticeable within approximately 300m from the site. Moving in a southerly direction along the R27 scenic route, the receptor would already have been exposed to tall high rise residential structures at the Loxton Road node, and the scale of the building would therefore not be the first of its typology to become visible to the receptor along the scenic route. The most prominent impacts on the R27 scenic route would be experienced as the proposed development begins to protrude onto views of Lions Head (within a distance of approximately 300m) for approximately 20 seconds, while still maintaining views of Table Mountain.

A vehicle travelling at a speed of 60km/hour would experience a brief visual intrusion from the development for a period of approximately 20-25 seconds over a distance of approximately 300m, while the length of the scenic route (10km) would be experienced over approximately 10 minutes travelling at the same speed. The visual impact would therefore be experienced for a limited period, approximately 4% of the total travel time, as the receptor moves towards the end

of the scenic route. The proposed development have a limited impact on the receptor's overall experience of the route as it briefly protrude onto views of Lions Head.

The City of Cape Town's Tall Building Policy identifies the importance of appropriate scale integration for tall buildings to ensure that they do not protrude significantly above the surrounding context. The proposed development at a height of 6 storeys will be 1 storey lower than the tallest buildings in the immediate surrounding. From a visual perspective, the proposed building should be maintained at 20.63m existing ground level height to avoid further protrusion above the existing context.

In terms of this visual statement, the visual impact associated with the proposed development is likely to be experienced at the Local scale, and likely to have a Medium magnitude, with medium term duration (5+ years). Taking into consideration the 7-storey development, the visual impacts associated with the proposed development would be further reduced and could possibly be lowered to a Low magnitude as it would not be the only tall building in the area. Additional mechanisms to further reduce the anticipated visual impacts associated with the development include greening the building façades and street tree planting along the perimeter of the site and appropriate fencing, and street interface design along the R27.

An Addendum (dated 22 August 2022) to the Visual Impact Statement was undertaken to address potential visual impact on the R27 scenic route and associated visual resources, the potential visual impact of the proposed development on surrounding residents and the potential visual impact on the sense of place and character of the area. The following comments and ratings were made by the specialist:

The viewshed area that has been calculated for the proposed development indicates that it will be visible at distances up to 1.25km along the R27. The proposed development is therefore considered to have Low visibility in terms of the viewshed area. The proposed development will be clearly noticeable in close proximity with a 300m radius of the site. The visual exposure to the immediately adjacent residents is therefore considered to be High. Between 300m to 500m from the site, the proposed development would be experienced as having Moderate exposure. The proposed development is not noticeable from a distance of 500m, and is considered to have a Low exposure. The proposed site is situated within an urban setting which helps to visually absorb the proposed development to a certain extent. However, due to the relatively flat topography, as well as limited screening elements such as tall structures, trees and large shrubs to screen the proposed development from sight, the Visual Absorption Capacity ("VAC") is considered to be Low. The proposed site is located in a residential area and adjacent to the R27 scenic route. The R27 provides unique views of Table Bay, Table Mountain, and the Milnerton Lagoon. The visual sensitivity is therefore considered to be High.

The proposed development is located within an urbanised setting with precedent of densification in the surrounding area. The proposed development will be noticeably taller than the surrounding buildings within the residential area and is visible within a distance radius of 300m-500m. Beyond 500m from the subject site, the proposed development is not visible. Visual intrusion is considered to be Medium, and the residents in the immediate surrounding area will be most impacted by these views. With mitigation measures, the visual intrusion can be reduced to Low.

### 3.7. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape in October 2018. Heritage Western Cape indicated (in their correspondence dated 24 October 2018) that there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

A Section 34 of the National Heritage Resources Act (No. 25 of 1999) application process was followed for the demolition of the existing structures that were found to be older than 60 years.

### 3.8. Wind Impacts

A Wind Assessment (compiled by Greenplan consultants and dated 30 August 2022) was undertaken to predict the wind flow patterns expected around the proposed development.

Wind patterns were modelled using computational fluid dynamic simulations for sixteen wind directions and reports on the wind patterns and velocities expected as a result of the proposed development.

The specialist noted that the north-westerly and south-easterly wind direction accounts for more than 75 % of the wind in the area. These wind directions also represent the worst-case scenarios for the proposed development. The report places emphasis on investigating the velocity contours at pedestrian level and the flow around the building.

The simulations indicated that although there are areas around the building that experience some local wind acceleration effects, these increased speeds are in most cases not significantly greater than the prevailing wind conditions, and similar effects can be observed nearby. The most severe impact is the north-westerly wind and the associated acceleration specifically around the southwestern corner of the building.

The report noted that the structure aligns well with the prevailing wind directions. The size, design and orientation of the building structure results in airflow passing above the building, instead of around. This is beneficial as the height of the building deflects the higher velocity airflow over the surrounding structures, shielding the structures immediately downstream from strong winds. No negative impacts on the adjacent Estuary ecosystem could be found by the simulations.

The specialist recommended that vegetation (tall shrubs and trees if possible) around the building and especially near the north-western corner should be used to mitigate the wind speeds near pedestrian level.

The specialist concluded that the proposed building is relatively well oriented with regards to the prevailing wind direction. Its design does impact the local environment, but in general the adverse effects seem to be comparable to those of the existing structures in the modelled domain.

The EAP has proposed the use of vegetation or porous screens to help to reduce the wind speeds near pedestrian level. Vegetation and porous screens induce drag and introduce additional turbulence into the flow, which helps dissipate its kinetic energy (i.e. slows it down). An additional model assessment is recommended before interventions are approved and implemented in order to determine the effectivity of the screens.

### 3.9. Traffic Impacts

A Traffic Impact Statement (compiled by Kantey & Templer (Pty) Ltd and dated September 2021) was undertaken to assess the potential impacts the proposed development will have on traffic in the area.

The proposed development site is surrounded and well serviced by existing road infrastructure. Marine Drive, which is located east of the proposed site is classified as a Class 1 roadway, with Weir Road (south) and Esplanade Street (west) being classified as Class 5 roads.

Access to the proposed site will be gained via Weir Road with a left-in, left-out intersection from Marine Drive when traveling south. A median opening is located at the Marine Drive and Kei Road Intersection approximately 176 metres Northeast of the Weir Road/ Marine Drive intersection. The median acts as a right turn movement in and out of the area, granting access to traffic approaching from the north. Esplanade Street runs parallel to Marine Drive and serves as the link between Weir Road and Kei Road.

Access to the proposed development will therefore be gained from both Weir Road and Esplanade Street. Pedestrian access will also be gained from Weir Road and Esplanade Street.

A modal split analysis was conducted to determine the percentage of travellers using a particular type of transportation within the overall transport demand at the focus area of development. The modal split findings are based on medium to high income households. The modal split suggests that on average, 16% of the users would travel by public transport, 82% by private transport and 2% to commute via non-motorised transport for the proposed development.

The proposed development is therefore expected to have an insignificant impact on the traffic operations of the adjacent road network.

### 3.10. Geotechnical Impacts

A Geotechnical Investigation (compiled by Core Geotechnical Consultants and dated 11 March 2021) was undertaken. The objectives of the assessment were to determine site geology and geotechnical conditions and to provide recommendations for the design of foundations and related geotechnical aspects.

The water table was encountered in all five of the test pits. The water table varied from approximately 2.10m to 2.40m below ground level. Water table records for the area indicate that the water table is likely to occur at depths of between 1.50m and 2.50m below ground surface. The depth to the water table can be expected to fluctuate seasonally, with summer-to-winter rainfall recharge variations. The investigation was carried out in March 2021, which is a relatively dry period in Cape Town. Groundwater levels will likely rise during rainy periods and will relate closely to that of the Diep River and Milnerton Lagoon.

No difficulty is anticipated in terms of excavation within the transported sandy soils, except that a high-water table, if present, could affect the stability of side-walls in open excavations. Temporary stabilisation measures will be required if any substantial excavations are contemplated.

### 3.11. Services

The City of Cape Town (Department of Technical Services) in the correspondence dated 17 August 2022, have confirmed the following:

#### Waste water treatment

Due to the proposed development site already being zoned and used for residential use, the proposed site is currently connected to existing waterborne sewerage. There are two existing house connection terminals providing connections to the subject property in Weir Road. It is estimated that the existing pipe will have a capacity of around 40l/s with the proposed apartment building being calculated to have a peak discharge of 0.55l/s.

The Potsdam Waste Water Treatment Works ("WWTW") is currently operating at full capacity and no additional discharge will be permitted into the existing sewage network prior to the completion of the upgrading of the Potsdam WWTW. The capacity for the area is due to be made available in the early portion of 2026.

An existing 150mm diameter sewer main exists to the south of the site running west to east along Weir Road and then connecting into the main sewer that runs south to north in Marine Drive.

The City of Cape Town (Department of Technical Services) in the correspondence dated 17 August 2022, have indicated that the Potsdam WWTW is currently overloaded and there is no unallocated spare capacity until the upgrade is completed in 2025/2026. Therefore, the occupation of units will not be allowed until the upgrade of the Potsdam WWTW is completed.

### Bulk water

The City of Cape Town's bulk supply system has sufficient water resource, treatment, bulk storage and conveyance capacity to supply the estimated average daily demand of 34.08 kl/day of the proposed development.

### Water reticulation

The water network has sufficient capacity to supply the proposed development with 1.6/s estimated water demand.

In conclusion the City of Cape Town have no objection to the proposed development, however, the Potsdam Wastewater Treatment works will only accept additional load after the year 2025. Therefore, sewer discharge from the site will only be allowed after 2025.

The City of Cape Town (Energy & Climate Change Directorate) in their correspondence dated 14 April 2021, indicated that the City's electricity supply network in the area currently does not have sufficient capacity to cater for the requirements of the proposed development. However, capacity can be made available by installing a new substation on the secondary feeder between Lagoon substation and Burnmeister Circle substations on condition that the applicant provides the 5m by 4m substation site. The applicant has confirmed that a substation site will be located north-eastern corner of the site.

The City of Cape Town (Solid Waste Management: Collections Department) in their correspondence dated 04 February 2022, indicated that they have no objection to the proposed development.

### 3.12. Noise and Dust Impacts

Potential noise and dust impacts are anticipated during the construction and development phase. The potential noise and dust impacts are anticipated to be low-medium with mitigation. Mitigation measures to reduce the potential noise and dust impacts have been included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The proposed development will have some visual impacts on the surrounding neighbourhood
- Potential traffic impacts during construction and operational phases of the development; and
- Potential construction related impacts in terms of dust and noise impacts.

Positive impacts include:

- The proposed development will provide high-density residential developments within close proximity to public transport;
- The proposed development is consistent with the spatial planning policies governing the area; and
- The creation of 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.”*

-----END-----