



**REFERENCE:** 16/3/3/1/A8/48/3035/20  
**NEAS REFERENCE:** WCP/EIA/0000781/2020  
**DATE OF ISSUE:** 29 MARCH 2021

## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ELSIES RIVER INFILL HOUSING PROJECT- SITES 1 (ERVEN 25591 AND 25592) AND 4 (ERVEN 12777, 12778, 2780-2783, 2792, 14117-14120, 15894, 15895, 16093-16096, 16530-16539 AND 16540-16541), ELSIES 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 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 November 2020.

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

City of Cape Town Metropolitan Municipality  
% Mr. Neil Williams  
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112 Edward Street  
**BELLVILLE**  
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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 Number: 15</p> <p>Activity Description:  <i>"The transformation of land bigger than 1000 m2 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><b>f. Western Cape</b></p> <p>i. Outside urban areas, or</p> <p>ii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</p> <p>(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</p>	<p>The proposed development entails the rezoning and subsequent development of Sites 1 and 4 from Open Space 2 to Sub-divisional Area with underlying zones for Single Residential Zone 2, Transport and Open Space 2.</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 development:

The proposed development for each site is to develop housing units and associated infrastructure on various erven located in Elsie's River. The sites will be comprised of the following:

Site 1 (Clarke's Estate):

- 156 Single Residential Zone 2 units;
- 2 Public Open Spaces;
- Road surface area;
- A substation; and
- The development of a pedestrian walkway from Old Street into the eastern side of the site.

Site 4 (Eureka):

- 303 Single Residential Zone 2 units;
- 2 Public Open Spaces; and
- Road surface area.

The development of the sites will include the provision of the required civil services and infrastructure as follows:

- Internal roads, with a width of approximately ten (10) metres will be established. Internal roads would be an extension (lengthening) of existing roads in all cases, none being lengthened with more than 1km.
- Installation of bulk services - the water, sewage and electricity networks surrounding the properties will be expanded to accommodate the proposed infill housing development.

- Double storey houses (Single Residential 2) will be developed on each site, with some allowing for universal access. Both sites are located directly off Old Stellenbosch Road (Site 1) and 42<sup>nd</sup> Avenue in Elsie's River.
- The development footprint for the proposed development and associated infrastructure is approximately 26 000m<sup>2</sup> and 56 294m<sup>2</sup> for Site 1 and Site 4, respectively.

### C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Sites 1 (Erven 25591 and 25592) and Site 4 (Erven 12777, 12778, 2780-2783, 2792, 14117-14120, 15894, 15895, 16093-16096, 16530-16539 and 16540-1654) in Elsie's River. Both sites are accessible directly off the existing municipal streets. The streets bordering the sites are in order north, east, south and west:

- Site 1: Old Stellenbosch Road (north-east), Greenwood Street (west) and Melton Road (south); and
- Site 4: 42<sup>nd</sup> Avenue (north), Connaught Road (east) and the M12 (west).

Coordinates of Site 1 (Clarke's Estate): 33° 56' 30.18" South, 18° 35' 20.25" East

Coordinates of Site 4 (Eureka Estate): 33° 56' 26.51" South, 18° 35' 31.12" East

The SG digit codes:

Site 1	C01600190002559100000 C01600190002559200000
Site 4	C01600190001277700000 C01600190001277800000 C01600190001278000000 C01600190001278100000 C01600190001278200000 C01600190001278300000 C01600190001279200000 C01600190001411700000 C01600190001411800000 C01600190001411900000 C01600190001412000000 C01600190001589400000 C01600190001589500000 C01600190001609300000 C01600190001609400000 C01600190001609500000 C01600190001609600000 C01600190001653000000 C01600190001653100000 C01600190001653200000 C01600190001653300000 C01600190001653400000 C01600190001653500000 C01600190001653600000 C01600190001653700000 C01600190001653800000 C01600190001653900000 C01600190001654000000 C01600190001654100000

Refer to Annexure 1: Locality Plan

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cornerstone Environmental Consultants (Pty) Ltd.  
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Die Boord  
**STELLENBOSCH**  
7530

Tel.: 021 887 9099  
Email: [anel@cornerstoneenviro.co.za](mailto:anel@cornerstoneenviro.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 November 2020 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The authorised activity must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### Notification of authorisation and right to appeal

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

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

### **Commencement**

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

### **Written notice to the competent authority**

9. A written notice of seven calendar days' notice 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, 10.1.1, 14 and 19.

### **Management of activity**

10. The EMPr dated November 2020 is hereby approved on condition that the following amendments are made and must be implemented.
  - 10.1. A detailed Stormwater Management Plan ("SMP") and a Master Landscaping Plan ("MLP") that complies with the City of Cape Town's requirements, as detailed in their correspondence dated 14 September 2020, must be compiled and included in the EMPr. The Final SMP and MLP must be submitted for comment to the City of Cape Town and the letter of comment from the City of Cape Town must be submitted to this Department for information purposes.
    - 10.1.1 The City of Cape Town's comment and updated EMPr, which includes the SMP and MLP, must be submitted to this Directorate, for information purposes prior to the commencement of construction activities.
  - 10.2. The updated EMPr must be submitted to the competent authority prior to the commencement of any construction activities.

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

### **Monitoring**

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

The ECO must–

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

### **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
  - 15.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2. submit at least two environmental audit reports to the relevant competent authority. The holder must submit one audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period.
  - 15.3. Submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

- 16.1. provide verifiable findings, in a structured and systematic manner, on–
  - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
  - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2. evaluate the effectiveness of the EMPr;
- 16.3. identify shortcomings in the EMPr;
- 16.4. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

- 16.5. 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;
  - 16.6. include a photographic record of the site applicable to the audit; and
  - 16.7. be informed by the ECO reports.
17. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### Specific conditions

- 18. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 19. The wetland area located on Site 4, beyond the southern boundary of the site, is considered a no-go area. A temporary fence must be erected along the southern edge of the site (south of Site 4) prior to the commencement of any construction activities. The fence must be maintained throughout the construction phase.
- 20. 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.
- 21. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.  
  
A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
- 23. Water is a valuable resource and must be used wisely during all phases of the development. No potable water must be used as far as possible for construction related activity during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.
- 24. The development must incorporate energy saving measures which include, *inter alia*, the following:
  - 24.1 Use of energy efficient lamps and light fittings. Replacement bulbs must also be of the low energy consumptions type
  - 24.1 Street lights must be switched off during the day.
  - 24.3 All geysers must be covered with a geyser 'blanket'.

### F. GENERAL MATTERS

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



Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
  - 3.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
  - 4.1. Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -  
  
Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and  
  
Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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



8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

## H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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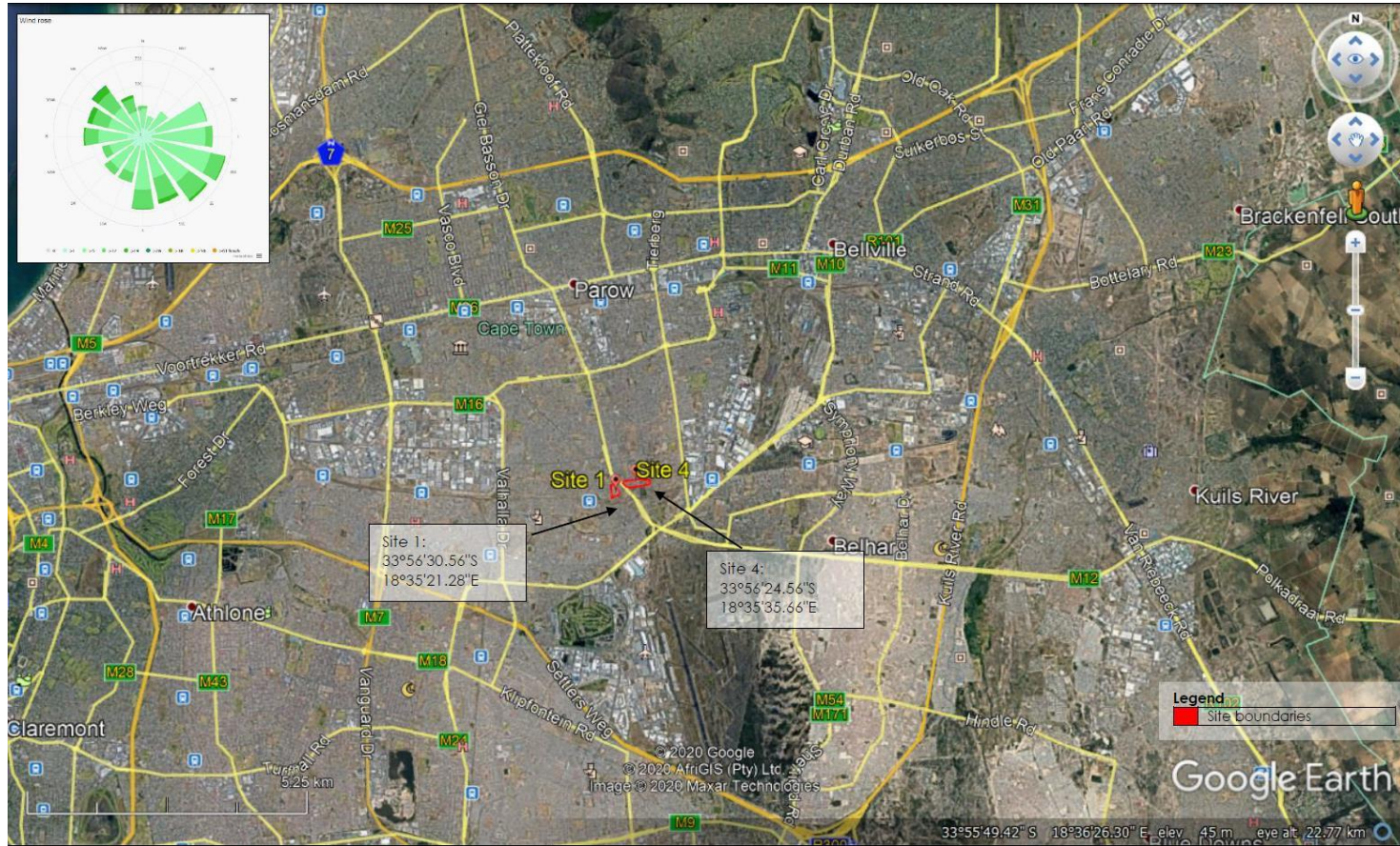
**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 29 MARCH 2021**

CC: (1) A. Dannhauser (Cornerstone Environmental Consultants)  
(2) R. Clarke (City of Cape Town: ERM)  
(3) A. Oosthuizen (DEA&DP: DDF)  
(4) W. Dreyer (DWS)  
(5) W. Dhansay (HWC)

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# ANNEXURE 1: LOCALITY MAP



**Figure 1**  
 Elsie's River Housing Development Sites 1 & 4 Locality Map  
 Scale: As per Google Image (July 2020)



**CORNERSTONE**  
 ENVIRONMENTAL CONSULTANTS

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# ANNEXURE 2: SITE DEVELOPMENT PLANS

## SITE 1 (CLARKE'S ESTATE)



# SITE 4 (EUREKA ESTATE)




Technical Information				
Zoning	Number	Legend	Area in ha	% of total
Single Res 2 (1- 303)	303		3,1803	58,85
POS (304-305)	2		0,4072	7,54
Road (306)	1		1,8158	33,61
<b>Total</b>	<b>306</b>		<b>5,4033</b>	<b>100</b>

**Site 4 Eureka:**  
**Preferred alternative**



**Town & Country**  
Creative Land Solutions  
P.O. Box 1085, Bredasdorp, 7280  
Tel. 028 424 1545, Fax. 028 425 2085  
E-mail: towncountry@vodamall.co.za

	Init.	date
surveyed	FT	NOV 2018
drawn	LT	NOV 2018
checked		
scale	1:1750 (A3)	

**TOWN & COUNTRY**  
Creative Land Solutions  
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E-mail: towncountry@vodamall.co.za

Title	
<b>ELSIES RIVER HOUSING PROJECT ERVEN 12792, 12782, 12783, etc GOODWOOD SITE 4</b>	
dwg.no.	rev.
1867,4	6

## 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 draft BAR dated 25 August 2020, the final BAR dated November 2020 and the EMPr dated November 2020, submitted together with the BAR on 20 November 2020 and the additional information received on 18 January 2021, 21 March 2021 and 25 March 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated November 2020.

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

### 1. Public Participation

The public participation process included:

#### Pre- application Phase

- identification of and engagement with Interested and Affected Parties and key organs of state;
- the placing of a newspaper advertisement (in Afrikaans and English) in the "Tygerburger" on 5 June 2019; and
- A2 Notice boards (site notices) were fixed at publicly accessible areas around each of the application site.

#### Application Phase

- A notification letter was sent to inform all registered I&APs and the various organs of state who have jurisdiction in respect of any aspect of the listed activity of the availability of the application phase draft BAR on 26 August 2020.
- A 30-day commenting period on the application phase draft BAR was afforded to registered I&APs from 27 August 2020 to 28 September 2020.

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

### 2. Alternatives

#### Site alternative (Preferred and herewith authorised)

Eight sites have been identified for the proposed infill housing development in the greater Elsie's River area. Two of these sites include Sites 1 and 4, which require a rezoning from Open Space to Sub-divisional Area with underlying zones for Single Residential Zone 2, Transport and Public Open Space 2. Both sites are currently underutilised brownfield sites and have been chosen based on their size and location, which will determine the number and type of houses that can be developed.

#### Layout Alternative (Preferred and herewith authorised)

The following layout alternatives were considered for each site:

##### Site 1 (Clarke's Estate)

Only one alternative layout has been proposed for this site which comprises the following components:

- 156 Single Residential Zone 2 units;
- Two Public Open Spaces; and
- Internal roads and services including a pedestrian walkway from Old Street into the eastern side of the site.

Site 4 (Eureka)The preferred layout alternative is comprised of the following components:

- 303 Single Residential Zone 2 units;
- Two Public Open Spaces; and
- Internal roads and services.

To maximise the available development space, the types of houses to be developed on each site includes a mix of single and double storey units, as well as units with disability access and clustered units with shared walls vs alone standing units. Units will mainly be constructed as semi-detached and/or row houses. The City of Cape Town: Recreation and Parks has confirmed that the preferred layout alternatives provide sufficient functional Open Space within the development. Therefore, these layouts are considered the preferred development layout alternative.

#### Site 4 - Layout Alternative 2

This layout alternative entailed the development of a reduced number of housing units and an underutilised portion of the site would remain undeveloped. This layout alternative was not deemed preferred as it is not considered viable and would not provide a sufficient number of housing units.

#### "No-Go" Alternative

The "no-go" alternative implies that the "status quo" would remain and the land will remain vacant. This alternative is not supported as the development of up to 459 number of units will not take place in an area that requires and can accommodate affordable housing. The "no-go" alternative is therefore not preferred.

### **3. Impact Assessment and Mitigation measures**

#### 3.1 Activity need and desirability

The proposed development forms part of the City of Cape Town's proposal to develop eight (8) vacant land parcels within the greater Elsie's River area, which aims to provide approximately 920 Breaking New Ground (subsidized housing units). The proposed affordable housing development will assist the City of Cape Town in addressing the need for affordable housing. This is noted as a priority in the Western Cape Provincial Spatial Development Framework ("WCPSDF"), 2014. The Cape Town Metropolitan Spatial Development Framework ("CTMSDF") 2018 strives to promote integrated settlement patterns by encouraging developments that provide a range of housing options to different housing markets.

The need for affordable housing in the Tygerberg District, including Elsie's River, is intended to be addressed through this project. There are a number of back-yard dwellers and informal settlements in Elsie's River and the intention is to provide affordable housing for qualifying grant recipients to address housing needs. The current zoning of the sites includes Open Space 2, in light of this, the proposed housing development includes the development of functional recreational areas to address the social development needs of the community.

Although the site is currently zoned as Open Space 2, it is located within a residential area with a high demand for affordable formal housing according to the Tygerberg District Plan, 2012. The Housing Programme guideline outlined in the IDP (2017 – 2022) has been compiled in order to assist in increasing the number of affordable homes within the City. The site is located within the Urban Inner Core in terms of the CTMSDF (2018 - 2023) and is earmarked for urban development in terms of the District Plan (2012-2017). The proposed development is therefore in line with all of the applicable spatial planning policies.

#### 3.2 Biophysical Impacts

Historically, the site is mapped to comprise of the Endangered Cape Flats Dune Strandveld and Critically Endangered Cape Flats Sand Fynbos vegetation type. According to National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) List of Threatened Ecosystems in Need of Protection, 2011, Cape Flats Sand Fynbos is considered as Critically Endangered due to historical loss of habitat and the high occurrence of plant Species of Conservation Concern. However, the site has been transformed and no longer represents the original vegetation type, as it is dominated by kikuyu grass and weeds. The landscaping of the proposed development will be guided through the development of a Master Landscaping Plan that will be compiled by qualified landscape architect



and will be included as part of the amended EMPr (as detailed in Condition 10 of this Environmental Authorisation). Potential biophysical impacts on Site 1 were identified as being of low negative significance prior to and post mitigation, whereas potential biophysical impacts on Site 4 were identified as being of low-medium negative significance prior to mitigation and low negative post mitigation. A wetland area is located south of Site 4 (Erf no. 12792). To avoid potential impacts, all areas outside of the developable area of the site are considered to be no-go areas. The wetland area beyond the southern boundary of the site will be demarcated prior to the commencement of any construction activities and a temporary fence will be installed along the southern boundary of site 4. This mitigation measure has been included as a condition of this Environmental Authorisation and the EMPr.

### 3.3 Traffic Impacts

The proposed development if not anticipated to result in any significant negative traffic impacts. The potential traffic impacts have been assessed as very low negative post mitigation. The EMPr includes mitigation measures to minimise potential traffic impacts during the construction phase.

### 3.4 Associated community facilities and open spaces

Following concerns raised by the City of Cape Town: Environmental and Heritage Management Department and some I&APs during the pre-application phase, the site layout has been revised to incorporate sufficient functional public open space areas. The City of Cape Town: Recreation and Parks has confirmed that the preferred layout alternatives (Annexure 2: Site Development Plans) provide sufficient functional Open Space areas within the proposed development. Further, one of the spatial priorities identified by the CTMSDF is building an inclusive, integrated, vibrant city. Under this priority, includes the imperative to maintain and create quality, safe open space systems and public spaces. The proposed development situates the Open Space in various areas of the development, ensuring these spaces are kept integrated into the development and providing a level of safety to users.

### 3.5 Heritage Impacts

No heritage impacts are anticipated. A Notice of Intent to Develop ("NID") was submitted to the Heritage Western Cape ("HWC") and in their response to the NID dated 9 October 2018, HWC confirmed that there is no reason to believe that the proposed development will impact on heritage resources and as such, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all construction works must be ceased and HWC must be notified immediately.

### 3.6 Services and Stormwater management

The proposed development will connect to existing bulk infrastructure and the City of Cape Town has confirmed that there is sufficient unallocated capacity available regarding water supply, solid waste disposal and sewage treatment. Eskom has confirmed that sufficient unallocated electricity capacity is available to service the proposed development. The City of Cape Town has indicated that the applicant is required to incorporate water saving measures to assist in lowering peak demands on the water reticulation system. Various water reduction installations such as rain harvesting tanks and low flow showerheads and taps will be incorporated in the design of the housing units.

A stormwater management plan will be compiled and submitted to the City of Cape Town for comment. Once the City of Cape Town's Catchment, Stormwater and River Management Department approves the SMP, it will be incorporated in the EMPr. The updated EMPr will need to be submitted to this Department for information purposes prior to the commencement of construction activities (this is included as Condition 10 in this Environmental Authorisation).

### 3.7 Dust and noise

Construction activities (associated with site clearing and soil excavation) will generate noise and dust during construction hours. A Dust Management Plan is included as part of the draft EMPr and mitigation measures related to noise impacts have been included in the EMPr. Dust impacts have been identified as being of low negative significance prior to mitigation and very low negative significance post mitigation. Noise impacts were identified as low-medium negative significance prior to mitigation and low negative post mitigation.



The development will result in both negative and positive impacts.

Negative impacts:

- Loss of open space even; and
- Dust and noise during the construction phase of the development.

Positive impacts:

- The proposed development intends to provide affordable housing, which will result in an increased supply of affordable housing and the reduction in the need for back-yard dwellings and informal settlements;
- Some employment opportunities during the construction phase; and
- Utilization of available underutilised land to provide affordable housing 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.

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

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

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