

REFERENCE: 16/3/3/1/A4/37/3049/20
NEAS REFERENCE: WCP/EIA/0000845/2020
DATE OF ISSUE: 26 July 2021

The Head of Department
Western Cape Department of Human Settlements
Private Bag X9083
CAPE TOWN
8000

Attention: Ms. J. Samson

Tel.: 021 483 2869

E-mail: Jacqueline.Samson@westerncape.gov.za

Dear Madam

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): PROPOSED UPGRADE OF THE TAIWAN INFORMAL SETTLEMENT ON ERVEN 67151 AND 67152 AND A PORTION OF ERF 40791, KHAYELITSHA.

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

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to:

1. G. Watson (Mabune Consulting)
2. A. van Wyk (City of Cape Town: ERM)
3. A. Human (City of Cape Town)
4. A. Oosthuizen (DE&DP: DDF)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED UPGRADE OF THE TAIWAN INFORMAL SETTLEMENT ON ERVEN 67151, 67152 AND A PORTION OF ERF 40791, KHAYELITSHA.

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 activities specified in section B below with respect to the Preferred Layout Alternative, described in the Basic Assessment Report ("BAR"), dated April 2021.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Western Cape Department of Human Settlements
% MS. Jacqueline Samson
Private Bag X9083
CAPE TOWN
8000

Tel.: 021 483 2869
E-mail: jacqueline.samson@westerncape.gov.za

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 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19</p> <p>Activity Description: <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving –</i> <i>(a) will occur behind a development setback</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the activity 21 in this Notice, in which case that activity applies.</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 of Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed development entails the reconstruction of the wetland and the construction of an internal road network which will traverse the wetland in areas to allow access to the residents.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 4</p> <p>Activity Description: <i>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</i> <i>i. Western Cape</i> <i>i. Areas zoned for use as public open space or equivalent zoning</i></p>	<p>The proposed development may entail the construction of a road wider than 4 m with a reserve less 13.5m in area zoned as open space.</p>

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

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

The proposed development entails the upgrade of the Taiwan Informal Settlement on Erven 67151, 67152 and a portion of Erf 40791, Khayelitsha.

The proposed development comprises the following components:

- Approximately 4500 residential units;
- Community facilities;
- Open spaces;
- Internal road network;
- Stormwater infrastructure; and
- Internal pipelines for bulk service infrastructure viz. sewerage and water supply.

In order to offset the loss of wetlands, approximately 5.1 ha has been set aside for the wetland area. Of this, approximately 1.2 ha will comprise retained wetland and an additional 3.9 ha will be created. The 3.9 ha of wetland area that will be created will be earmarked as open space.

The footprint of the proposed development will be approximately 25.4ha.

C. SITE DESCRIPTION AND LOCATION

The proposed project area is currently occupied by dense informal settlement. The proposed development is situated within the Khayelitsha area, Wards 18 and 87 of the City of Cape Town Metropolitan Municipality. Erven 67151, 67152 and a portion of Erf 40791 of the Khayelitsha Township make up the project area which has a total extent of approximately 25.4 hectares. The project area forms a strip of land between Idada Avenue with the Ikwezi Park residential suburb to the south, the N2 road reserve fence to the north, the Mew Way (M44) road reserve to the east and a portion of the M9 to the south east.

Site co-ordinates

Latitude (S)	34°	0'	36.36"
Longitude (E)	18°	39'	1.8"

The SG digit codes:

Portion of Erf 40791, Khayelitsha	C01600630004079100000
Erf 67151, Khayelitsha	C01600630006715100000
Erf 67151, Khayelitsha	C01600630006715200000

Refer to Annexure 1: Locality Plan

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Mabune Consulting
% Mr. Gert Watson/ Ms. Prisantha Govender
P. O. Box 3731
TYGER VALLEY
7536

Tel.: 031 764 6743)
Cell: 082 776 0881
Email: gertwatson@gmail.com/ govenderprisantha@gmail.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated April 2021 on the site as described in Section C above.
2. Authorisation for the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any

person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that has been authorised 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 activities, 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 activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 10.2, 14, 21 and 22.

Management of activities

10. The draft EMPr submitted (dated April 2021) submitted as part of the application for Environmental Authorisation must be amended to include the following:
 - 10.1 A Management Plan that addresses the maintenance of the detention ponds must be incorporated in the Stormwater Management Plan. The Stormwater Management Plan must be submitted to the City of Cape Town: Water and Sanitation: Catchment, Stormwater and Management Branch for approval. A copy of the approved Stormwater Management Plan must be included in the amended EMPr; and
 - 10.2 A copy of the amended EMPr must be submitted to the Department prior to the commencement of construction activities.
11. The EMPr must be included in all contract documentation for all phases of implementation.
12. 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.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must 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 during the construction phase. The holder must submit the first 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; and
 - 15.3. submit an environmental audit report every five (5) years after the commencement of the operational phase and 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. identify and assess any new impacts and risks as a result of undertaking the activities;
 - 16.3. evaluate the effectiveness of the EMPr;
 - 16.4. identify shortcomings in the EMPr;
 - 16.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7. include a photographic record of the site applicable to the audit; and
 - 16.8. be informed by the ECO reports.
17. The holder must, within 7 (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. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western

Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

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

21. A comprehensive landscape plan must be submitted to the City of Cape Town: Parks and Recreation Department for consideration and approval with the subdivision and rezoning application. The final landscape plan as accepted by the City of Cape Town: Parks and Recreation along with the letter of comment from the City of Cape Town must be submitted to the Department, prior to the commencement of construction activities.
22. The Wetland Offset, Rehabilitation and Management Plan must be updated to include a calculated budget component to assist the landowner in securing adequate funding for the rehabilitation phase of the proposed development and must be implemented. The revised Wetland Offset, Rehabilitation and Management Plan must be submitted to the City of Cape Town: Environmental and Heritage Management Branch for comment. The revised Wetland Offset, Rehabilitation and Management Plan and comment from the City of Cape Town must be submitted to this Department, prior to the commencement of construction activities.

GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
 - 3.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

RECOMMENDATIONS

1. The following recommendations and mitigation measures made by the City of Cape Town's Noise Control Administration Unit in the letter dated 13 April 2021, should be implemented:
 - 1.1 Two rows of residential buildings closest to the N2 boundary must be aligned parallel with the N2, and with their end as close as possible to the adjacent building, to minimise the "leaking" of noise between the buildings.
 - 1.2 The access to each residence as well as bathrooms, kitchens and toilets should be along the façade facing the N2 with all living rooms, bedrooms and balconies facing away from the road.
 - 1.3 The access corridors to each dwelling unit should comprise a noise barrier similar to the example in Figure 5 of the Noise Impact Assessment. The access stairwell openings for fresh air ventilation should face away from the road.

F. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered 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

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

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

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

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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

DATE OF DECISION: 26 JULY 2021

Copied to:

1. G. Watson (Mabune Consulting)
2. A. van Wyk (City of Cape Town: ERM)
3. A. Human (City of Cape Town)
4. A. Oosthuizen (DE&DP: DDF)

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ANNEXURE 1: LOCALITY MAP



**CITY OF CAPE TOWN:
TAIWAN INFORMAL SETTLEMENT
UPGRADE**

LOCALITY MAP

Scale: 1:18 000 Date: May 2020
 Drawn By: P. Govender Checked By: G. Watson

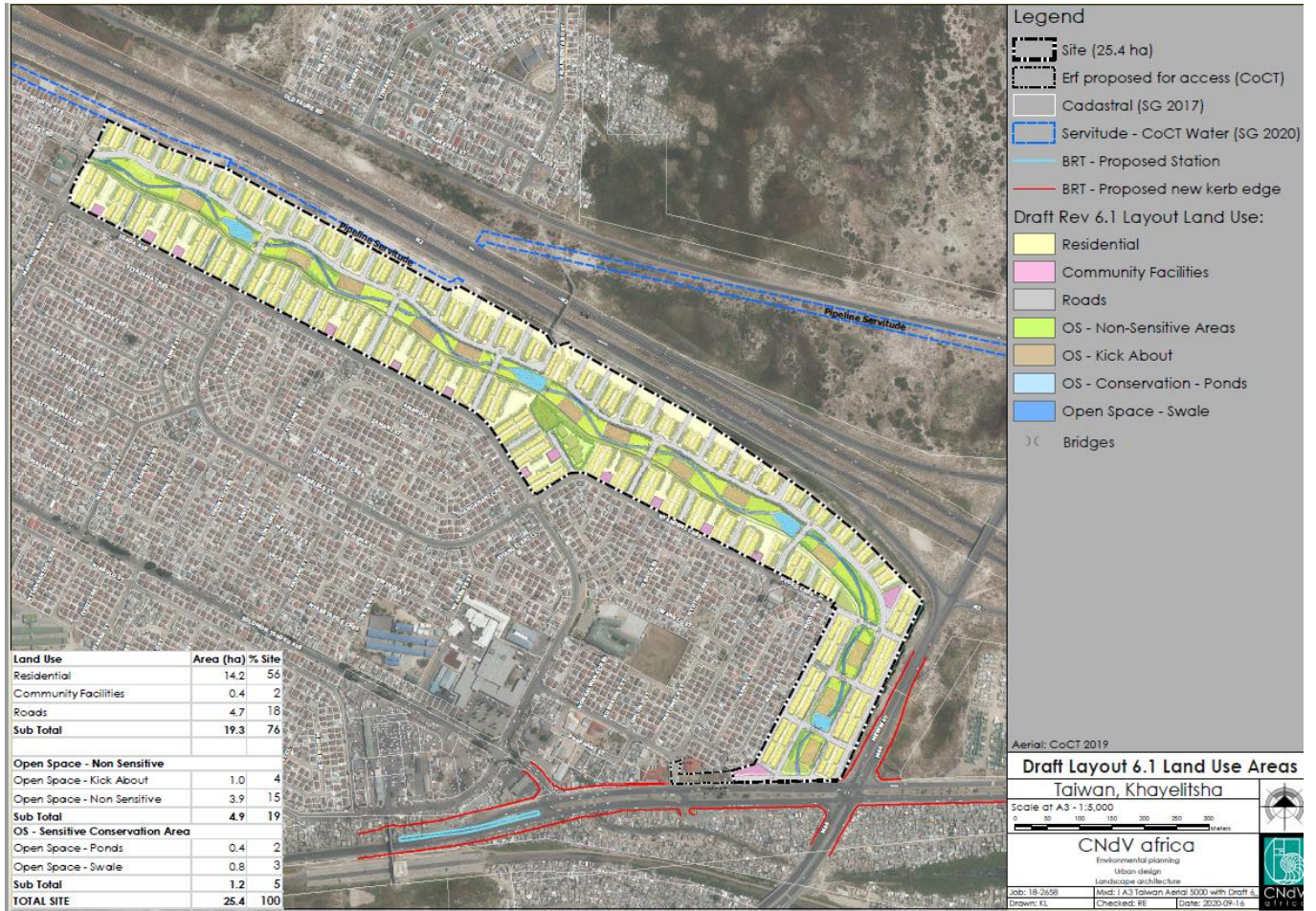
Coordinate System: WGS 84 (Lo 31)

Legend

- Taiwan Project Boundary
- Ward Boundaries



ANNEXURE 2: SITE DEVELOPMENT PLAN



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 30 November 2020, the BAR dated April 2021, the EMPr submitted together with the BAR on 9 April 2021 and the additional information received on 13 May 2021 and 17 May 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 April 2021.

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

1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties ("I&APs");
- fixing notices at the site where the listed activities will be undertaken on 17 September 2020;
- the placing of a newspaper advertisement in the "City Vision" newspaper on 1 October 2020;
- E-mail notifications and telephone calls were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the report with reminders sent to submit comments;
- making the draft BAR and all relevant information available to I&APs for public review and comment on 4 March 2021, respectively; and
- a project steering committee meeting on 20 March 2021.

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 final BAR.

2. Alternatives

An initial development layout was investigated for the proposed project, which is referred to as Alternative Layout 1. Alternative Layout 1 did not make any provisions for the community facilities or the open space non-sensitive and conservation areas. Further to this, this layout did not illustrate the central open space corridor that will be used for stormwater management. As such, this alternative was not deemed as preferred.

Preferred Layout Alternative (herewith authorised)

This alternative entails the upgrading of the existing informal settlement for the construction of the following:

- Three and Four storey residential blocks consisting of approximately 4 500 residential units;
- Community facilities;
- Stormwater management infrastructure; and
- Internal pipelines for the transportation of water supply and waterborne sewage.

This alternative is preferred includes a central green corridor comprised of rehabilitated wetlands which will provide detention capacity for the site's stormwater and sports fields. In addition to this, it includes a wetland offset to ensure that the wetland loss as a result of the proposed development is adequately compensated for.

“No-Go” Alternative (Rejected)

The “no-go” alternative implies that the “status quo” would remain. This alternative is not preferred as the remaining vacant areas (which predominantly lie within the wetland area) will remain unformalized which will lead to a continuation of the environmental degradation on site.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is densely occupied by informal dwellings, which has encroached on the sensitive wetland habitat and freshwater ecosystem in the area. The proposed development entails the formalisation of the informal settlement. As a result, the degraded wetlands will be rehabilitated which will lead to the overall improvement of environmental conditions on site. The formalisation of the informal settlement will improve the living conditions of the residents and with the inclusion of community facilities and recreational areas, it will contribute positively to the social impact of the community of Khayelitsha.

Although the property is zoned as Open Space 2: Public Open Space, in terms of the City of Cape Town's Municipal Spatial Development Framework, dated 2018, the property is earmarked as part of the “urban inner core”. Open spaces and community facilities have been incorporated in the preferred layout and as such, the proposed development is in accordance with the relevant planning policies.

3.2 Freshwater Impacts

Based on the findings of the Freshwater Assessment Report dated September 2020 and compiled by EnviroSwift, it is noted that the potential impacts associated with the proposed development include wetland habitat loss and the disturbance, alteration of flow regime, increased sedimentation, water quality impairment and loss of biota within the surrounding freshwater ecosystem. However, currently, the condition of the wetlands on site is severely modified because of the informal settlement and ongoing mismanagement of the wetlands on site. The proposed development entails the formalisation of the informal settlement and with the implementation of the mitigation measures and recommendations outlined in the Freshwater Assessment Report (included in the EMPr to be approved as per Condition 10 of this EA), the impact significance rating can be reduced to Very Low during construction phase of the development.

Furthermore, it is noted that the proposed development will result in a wetland loss of approximately 3ha. However, the conversion from the current informal sanitary system to a formal system will contribute to the overall improvement in water quality that would prevent the need to discharge greywater and raw sewage into the wetland system. With the implementation of the mitigation measures and Wetland Offset, Rehabilitation and Management Plan compiled by EnviroSwift (as per Condition 22 of this EA), the potential benefits of the proposed development can be enhanced if the long-term protection of the rehabilitated wetland area is prioritised. The City of Cape Town: Water and Sanitation Department confirmed that the rehabilitated wetland area will be managed by the City of Cape Town, as part of the maintenance management programme. A Management Plan that addresses the maintenance of the detention ponds will be incorporated in the Stormwater Management Plan. The Stormwater Management Plan will be submitted to the City of Cape Town: Water and Sanitation: Catchment, Stormwater and Management Branch for approval, prior to the commencement of construction activities. The potential freshwater impacts have been assessed as low negative significance post mitigation.

3.3 Public Open Space and recreational areas

The preferred layout alternative has considered the inclusion of Public Open Space and recreation areas that would be beneficial to the community. The City of Cape Town's Recreation and Parks unit has supported the proposed development on condition that a comprehensive Landscape Plan be submitted to them for approval prior to the commencement of construction activities (included as Condition 21 of this EA).

3.4 Heritage

A Notice of Intent to Develop was submitted to Heritage Western Cape on 9 July 2020. Heritage Western Cape confirmed in correspondence dated 17 July 2020, that there is no reason to believe the development will impact on any heritage resources and that no further action under Section 38 of the National Heritage Resource Management Act (Act 25 of 1999) is required. As such, no heritage impacts are anticipated.

3.5 Dust, Noise and emissions

Construction activities (mainly site clearing and soil excavation) will generate noise and associated volumes of dust during weekly construction hours. Noise impacts associated with the operation phase were assessed in a Noise Impact Assessment undertaken by Keet Associates Acoustical Engineering Consultants, dated September 2020. The EMPr includes dust and noise control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Loss of wetlands on site; and
- Noise, dust, and traffic and visual impact during the construction phase of the development.

Positive impacts:

- The rehabilitation of existing wetlands on site;
- The removal of informal structures and provision of formal housing units;
- Increase in service delivery through the improvement and upgrade of service infrastructure for the community;
- Employment opportunities during the construction phase; and
- Waterborne sanitation will prevent leaking of effluent into the wetland areas (as per the current status quo).

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 activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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

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