



REFERENCE: 16/3/3/1/A8/74/3018/22
NEAS REFERENCE: WCP/EIA/0001079/2022
DATE: 24 October 2022

The Municipal Manager
City of Cape Town
Human Settlements Directorate
Cnr Andries Pretorius & Victoria Street
Somerset West
7130

Attention: Mr. André van Niekerk

Tel.: 021 417 0685

E-mail: andre.vanniekerk@capetown.gov.za

Dear Sir

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 INFILL HOUSING DEVELOPMENT ON THE REMAINDER OF FARM NO. 1169, NOOIENSFONTEIN.

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

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

Copies to:

- | | |
|--|--|
| 1. Ms. Bonte Edwards/ Ms. B. Madonsela (JG Afrika (Pty) Ltd) | E-mail: edwardsb@jgafrika.com/ jacklind@jgafrika.com |
| 2. Ms. Maurietta Stewart(CoCT: ERM) | E-mail: maurietta.stewart@capetown.gov.za |
| 3. Mr. Andre Oosthuizen (DEA&DP: DDF) | E-mail: andre.oosthuizen@westerncape.gov.za |



REFERENCE: 16/3/3/1/A8/74/3018/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INFILL HOUSING DEVELOPMENT ON THE REMAINDER OF FARM NO. 1169, NOOIENSFONTEIN.

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 Alternative, described in the Basic Assessment Report ("BAR"), dated July 2022.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the River Corridor Maintenance Management Plan ("MMP") compiled by Liz Day Consulting for the long-term management of the river, wetlands and floodplains running through and in the vicinity of the site.

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

City of Cape Town
Human Settlements Directorate
c/o Mr. André van Niekerk
Cnr Andries Pretorius & Victoria Street
Somerset West
7130
Tel.: 021 417 0685
E-mail: andre.vanniekerk@capetown.gov.za

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

B. AUTHORISED ACTIVITY

| Listed activities | Activity/Project Description |
|--|--|
| <p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse,</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p>(a) <i>will occur behind a development setback;</i> (b) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> (c) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> (d) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>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 proposal entails the construction of detention ponds, stormwater infrastructure and the rehabilitation of some areas within the floodplain.</p> |
| <p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27</p> <p>Activity Description: <i>“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.”</i></p> | <p>The proposal will result in the clearance of more than 1ha but less than 20ha of indigenous vegetation.</p> |
| <p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> | <p>The proposal will result in the clearance of more than 300m² of endangered Cape Flats Dune Strandveld.</p> |

| | |
|---|--|
| <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of Section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</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 proposal entails the establishment of an infill housing development and associated infrastructure on the Remainder of Farm No. 1169, Nooiensfontein.

The proposal has a development footprint of approximately 32.23ha and is comprised of the following components:

- Approximately 2371 Serviced stands (beneficiaries of serviced stands will construct their own houses);
- Approximately 120 Finance Linked Individual Subsidy Programme (FLISP) Units;
- Approximately 78 Breaking New Ground (BNG) Units;
- Internal roads;
- Stormwater Infrastructure:
 - A detention pond to manage on-site stormwater;
 - Vegetated stormwater swale to manage infiltration and treatment of stormwater;
 - Catchpits along proposed roads with grit traps to limit settleable pollutants from entering the stormwater system;
 - Cut-off drains and culverts;
- A community facility;
- An education facility;
- Open space areas and play parks; and
- A buffer area between the Kuils River and associated floodplain located on the Western Edge of the site. The buffer area is proposed to include a stormwater swale, agricultural band, bicycle lane as well as parks.

The existing Nooiensfontein Road will be utilised to gain access to the site.

A River Corridor MMP has been compiled for the maintenance and management of the river, wetlands and floodplains running through and in the vicinity of the site.

C. SITE DESCRIPTION AND LOCATION

The proposed infill housing development will take place on the Remainder of Farm No. 1169, Nooiensfontein. The site is located between the Stellenbosch Arterial and Hindle Road, close to the N2 and the railway line – adjacent to the Nooiensfontein Road.

The site co-ordinates:

| | | | |
|---------------|-----|-----|---------|
| Latitude (S) | 33° | 57' | 59.664" |
| Longitude (E) | 18° | 40' | 17.604" |

The SG digit codes:

| | |
|---|-----------------------|
| Remainder of Farm No. 1169, Nooiensfontein | C06700000000116900000 |
|---|-----------------------|

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

JG Afrika (Pty) Ltd c/o Ms. Boipelo Madonsela/Bonte Edwards
P. O. Box 38561

PINELANDS
7430

Tel.: 021 530 1800

E-mail: madonselab@jgafrika.com/edwardsb@jgafrika.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 July 2022 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 (**15**) years, from the date the holder commenced with an authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The authorised activities 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 activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activity. 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, 14 and 19.

Management of activity

10. The draft Environmental Management Programme ("EMPr") (dated July 2022) and the River Corridor MMP as compiled by Liz Day Consulting (incorporated in the EMPr) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr, including the MMP must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must 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.
15. The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein;
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
 - 15.5. provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid-

- 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit at least two environmental audit reports to the 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
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. 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 –

- 17.1. 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;
 - 17.2. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.3. evaluate the effectiveness of the EMPr;
 - 17.4. identify shortcomings in the EMPr;
 - 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.6. 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;
 - 17.7. include a photographic record of the site applicable to the audit; and
 - 17.8. be informed by the ECO reports.
18. 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

19. The Kuils River floodplain must be clearly demarcated by a suitably qualified freshwater specialist, prior to the commencement of construction activities. The demarcated area must be regarded as a no-go area.
20. A Service Level Agreement ("SLA") must be drawn up between the City of Cape Town's key Departments/Branches allocating responsibility to each Department/Branch in order to ensure effective implementation of the EMPr and MMP. The SLA must be submitted to the Department within 24 months of the date of this Environmental Authorisation.
 - 20.1. The SLA must also include a detailed description and commitment from the Applicant for the coordinated and appropriate management of Public Open Space, Non-motorised Transport lanes, and the agricultural zone.
21. 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.
22. 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.

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.
 - 24.2. Street lights must be switched off during the day.
 - 24.3. All geysers must be covered with a geyser 'blanket'.
25. 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.

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 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 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, 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 -
 - 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 -
 - a) Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - b) 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>.

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

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

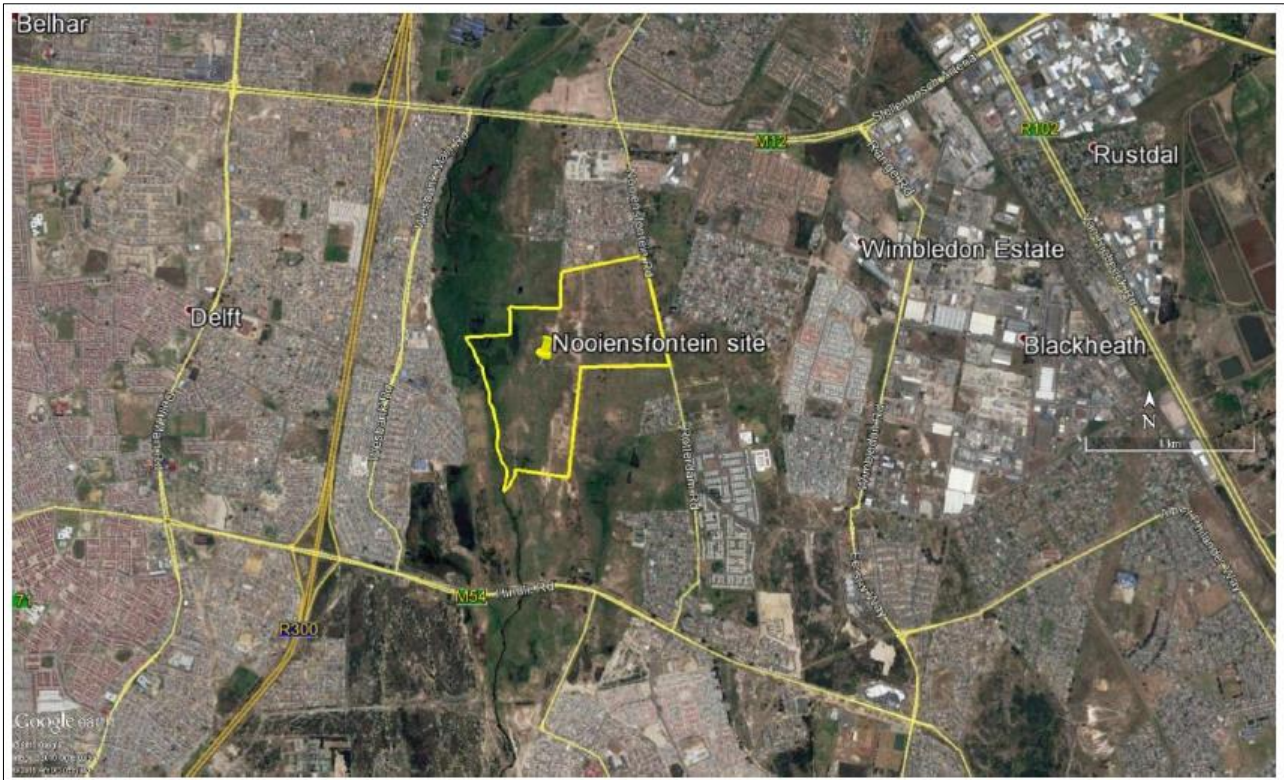
DATE OF DECISION: 24 OCTOBER 2022

Copied to:

1. Ms. Bonte Edwards (JG Afrika (Pty) Ltd)
2. Ms. Maurietta Stewart (CoCT: ERM)
3. Mr. Andre Oosthuizen (DEA&DP: DDF)

E-mail: edwardsb@jgafrika.com
E-mail: jacklind@jgafrika.com
E-mail: maurietta.stewart@capetown.gov.za
E-mail: andre.oosthuizen@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



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 received on 14 April 2022, the BAR and the EMPr submitted together with the BAR on 6 July 2022;
- 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 July 2022.

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;
- notification letters to all potential and registered Interested and Affected Parties 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 draft BAR;
- fixing notices at the site where the listed activities will be undertaken on 12 October 2021;
- the placing of a newspaper advertisement in the "Tygerburger" on 13 October 2021;
- the distribution of the pre-application draft BAR to Interested and Affected Parties for public review and comment during the first round of public participation from 13 October 2021 until 15 November 2021;
- the placement of the draft BAR at the Kuils River Public Library for public review; and
- the distribution of the draft BAR to Interested and Affected Parties for public review and comment during the second round of public participation from 5 May 2022 until 6 June 2022.

2. Alternatives

Site Alternatives

The City of Cape Town has undertaken a pre-feasibility study where the suitability of sites owned by the municipality were assessed across its jurisdiction. The site is underutilised, however, a significant portion is comprised of the Kuils River floodplain. A freshwater specialist was appointed to undertake a feasibility phase assessment of the aquatic ecosystems on site considering the proposed development.

Layout Alternatives

The investigation of layout alternatives was considered, based on the outcomes of the Aquatic Ecosystems Feasibility Study conducted in 2016. The preferred layout alternative had to meet the following criteria:

- No hard, standing development should be allowed below the 1:50 year floodline, and preferably below the 1:100 year floodline.
- A setback of at least 40m from the mapped edge of the wetlands.

The initial layout alternatives included top structures on all sites, however this was amended to serviced stands with the announcement of the rapid land release strategy as per the National Minister of Human Settlements. Furthermore, the site layout has to consider the probability of uncontrolled construction and illegal occupation and dumping opportunities that may encroach on the floodplain.

The proposed development is comprised of the following:

- Approximately 2371 Serviced stands;
- Approximately 120 FLISP Units;
- Approximately 78 BNG Units;
- Internal roads;
- Stormwater Infrastructure:
 - A detention pond to manage on-site stormwater
 - Vegetated stormwater swale to manage infiltration and treatment of stormwater
 - Catchpits along proposed roads with grit traps to limit settleable pollutants from entering the stormwater system
 - Cut-off drains and culverts
- A community facility;
- An education facility;
- Open space areas and play parks;
- A buffer area between the Kuils River and associated floodplain located on the Western Edge of the site. The buffer area is proposed to include a stormwater swale, agricultural band, bicycle lane as well as parks.
- A River Corridor MMP has been compiled for the maintenance and management of the river, wetlands and floodplains running through and in the vicinity of the site.

The preferred layout alternative is based on the recommendations provided by the freshwater specialist. This layout alternative is preferred based on the following considerations:

- the developable area is limited to 32.23ha while ensuring that the remaining 46.66ha remains undeveloped and conserved;
- The developable area is setback 40m from the wetland area and outside of the 1:50 year floodline and 1:100 year floodline;
- the protection and potential improvement of the Kuils River and its associated wetlands; and
- it includes the type of infrastructure required for edge development that retains its functionality when placed along the boundary between the development and the floodplain that will prevent activities related to the proposed development from encroaching on the floodplain.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the site would remain vacant. This alternative is not preferred as it will not address the demand for housing opportunities within the greater Nooiensfontein and Blue Downs area. Since the proposed development will not result in any high negative impacts, the "no-go" alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability

Although the property is currently zoned Agricultural, it is located within an urban area surrounded by residential development and the proposed development is in line with the surrounding land uses. The proposed site has not been used for agricultural activities since the late 1970s. The City of Cape Town's Directorate: Human Settlements is addressing the need for formalised affordable housing through this proposal which is noted as a priority in the Western Cape Provincial Spatial Development Framework ("WCPSDF"), 2014. The WCPSDF further promotes the development of integrated and sustainable settlements with the provision of housing opportunities on appropriate infill sites which will connect residents with public amenities such as transport routes, health facilities and recreational hubs. Furthermore, the City of Cape Town's 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 proposed development is therefore in line with all of the applicable spatial planning policies.

3.2 Biophysical Impacts

The proposed infill housing development is located within the Kuils River sub catchment of the Eerste River catchment, in the Berg Olifants Water Management Area. The developable area falls

just outside of the 1:50 and 1:100 year floodlines with the implementation of a 40m buffer from the wetland areas, as recommended by the freshwater specialist, Dr. Liz Day in the Specialist Aquatic Biodiversity Assessment Report dated September 2021. According to the Specialist Aquatic Assessment report, most of the Kuils River floodplain in its reaches through the current site has been mapped as a floodplain wetland and rated as "Critical Ecological Support Areas" (CESAs). CESA's are defined as "High ranking artificial wetlands". The mapped CESA wetlands of the Kuils River floodplain link to the important terrestrial Critical Biodiversity Areas immediately southwest of the site and play a role in supporting these remnant areas. A significant portion of the Remainder of Farm No. 1159 falls within the 1: 50 year and 1:100 year floodline of the Kuils River.

The preferred layout alternative is designed considering the recommendations and mitigation measures proposed in the Specialist Aquatic Biodiversity Assessment Report dated September 2021. The development is thus set back from the wetland area and the Kuils River and the layout of the proposed development has excluded the construction of hard infrastructure beyond the 1:50 year floodline, 1:100 year floodline and a 40m setback. A buffer area between the Kuils River and associated floodplain located on the Western Edge of the site has also been included in the proposed site layout. The buffer area is proposed to include a stormwater swale, agricultural band, bicycle lane as well as parks. The form of the proposed agricultural band will be determined at a later stage by the City of Cape Town: Human Settlements Directorate with the assistance of the City of Cape Town: Area Economic Development. However, the facilitation of development (and the associated construction activities) within the floodplain area will be undertaken in accordance with a SLA between key departments/branches of the City of Cape Town. The SLA will also include a detailed description and commitment from the Applicant for the coordinated and appropriate management of Public Open Space Non-Motorised Transport lanes, and the agricultural band. A MMP has been compiled to address the rehabilitation and impact management actions required for the long-term management of the Kuils River and associated wetlands and floodplain within the site of the proposed development. The MMP forms part of the Operational EMP and has been adopted as part of this Environmental Authorisation.

A Botanical Site Sensitivity Verification and Compliance Statement dated January 2021, was compiled by Capensis. According to the Compliance Statement, historically, the site is mapped to comprise mostly of Critically Endangered Cape Flats Sand Fynbos vegetation type, Endangered Cape Flats Dune Strandveld and Critically Endangered Swartland Shale Renosterveld in accordance with the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) List of Threatened Ecosystems in Need of Protection, 2011. However, the site has been transformed, particularly above the 1:100 year floodline, and no longer represents the original vegetation type, as it is dominated by grasses and weeds. A small area located south of the site contains remnants of degraded Cape Flats Dune Strandveld vegetation, however the vegetation will not fall within the proposed development area. No mitigation measures were recommended by the botanist in light of the degraded state of the site.

3.3 Heritage impacts

The impact on heritage resources is low, and the likelihood of archeological material being found during earthworks is low. The Notice of Intent to Develop in terms of Section 38 (8) of the National Heritage Resources Act, 1999 and Heritage Statement dated 26 November 2019 compiled by heritage practitioner Bridge O' Donoghue has been reviewed by Heritage Western Cape ("HWC"). In HWC's correspondence dated 6 November 2019 and 7 December 2021, it is confirmed that a heritage assessment is not required for the proposed development.

3.4 Socio-economic Impacts

The development will contribute positively to the provision of housing opportunities to low-income families and improves accessibility to social amenities. The proposed development will provide much needed infrastructure, which also promotes economic development, since it creates jobs during the construction and operational phases of development. The design of the Public Open Space areas considers the recommendations made by the City of Cape Town's Directorate: Parks and Recreation in correspondence dated 5 January 2022.

3.5 Traffic impacts

Based on the findings of the Traffic Impact Assessment, Ref No. 41C/2017/18, prepared by JG Afrika, dated July 2021, the existing road network surrounding the proposed development has sufficient capacity to accommodate the proposed development. The existing Nooiensfontein Road will be utilised to gain access to the site. However, Nooiensfontein road will not be improved/upgraded as part of this project. According to the Engineering Services Report, the existing road network around the site is also deemed to have sufficient link capacity to accommodate the travel demand at peak times and allow the existing transport system to function adequately (JG Afrika, 2021).

The responses provided to traffic road concerns raised, indicated internal traffic (south of Camelot and northern most section of the site) would still make use of Nooiensfontein Road/Stellenbosch Arterial intersection as it offers a more direct route out of the area. Based on the internal road configuration, it would take longer for this traffic to reach Stellenbosch Arterial were the Saxdown Road/Stellenbosch Arterial intersection used. As such, the traffic engineer confirmed that this intersection is not likely to become the focal point.

Further, construction is proposed to be phased from the north of the site to the south. As such, only the Saxdown Road / Sunbird Drive intersection is included as part of the proposed development. The extension of Saxdown Road to Silversands Road, as well as the portion of Silversands Road to the site are proposed road extensions, by the City of Cape Town. As per the Traffic Impact Assessment, these extensions will be required for access to the southern portion of the site, which is expected to be constructed >5 years from now. It is expected that by the time, the southern (last) phase of the proposed Nooiensfontein Housing development commences, the proposed road extensions will be in place. However, should the proposed road extensions (Saxdown and Silversands) not be in place in time for the construction of the southern portion of the proposed development, the Saxdown and Silversands road extensions will form part of the proposed project. Should any additional authorisations be required for the proposed road extensions, these will be undertaken at a later stage.

The development will have sufficient access to public transport and will not need access to the Wesbank Public Transport Interchange. According to the Traffic Engineer would still make use of the Nooiensfontein Road/Stellenbosch Arterial intersection as it offers a more direct route, i.e., the Nooiensfontein development trips will not be concentrated on the Saxdown Road/Stellenbosch Arterial intersection. Development trips during peak hours would most likely not be to/from Wesbank or Delft, which are residential areas. Development trips would be to/from employment areas such as Blackheath, Kuilsriver and Bellville. The Nooiensfontein site would have access to public transport along Nooiensfontein Road and Saxdown Road. The proposed Blue Downs Rail Link Extension, which includes a public transport interchange at the proposed Blue Downs station and a railway station at Wimbledon, will also improve accessibility to public transport nodes and routes. The traffic impacts associated with the proposed development is expected to be of low negative significance.

3.6 Dust, noise and visual impacts

The EMPr includes dust, noise and visual impact management actions that will be implemented in order to minimise potential impacts.

The development will result in negative and positive impacts

Negative impacts:

- Aquatic impacts (degradation of flood plain and wetlands); and
- Traffic impacts; and
- Dust and Noise impacts during the construction phase.

Positive impacts:

- The proposed development intends to provide affordable housing and the reduction in the need for back-yard dwellings and informal settlements;
- Positive contribution to the local community; and
- Additional 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 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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