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NEAS REFERENCE NUMBER: WCP/EIA/0000989/2021
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: **19 May 2022**

The Director
Buffdaxco 10 (Pty) Ltd.
89 Dorp Street
STELLENBOSCH
7600

For Attention: Mr. C. S. Möller

Tel: (082) 378 7587

Email: mwcmoll@mweb.co.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) FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 117 OF FARM SAXENBURG NO. 419 AND THE REMAINING EXTENT OF PORTIONS 10, 11, 12, 62 AND 82 OF THE FARM SAXENBURG NO. 419, KUILS RIVER (GLETWYN GARDENS).

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

Yours faithfully

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

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)
(2) Mr. J. Neethling (Johan Neethling Environmental Services CC)

Email: Maurietta.Stewart@capetown.gov.za
Email: info@jnes.co.za

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 RESIDENTIAL DEVELOPMENT ON PORTION 117 OF FARM SAXENBURG NO. 419 AND THE REMAINING EXTENT OF PORTIONS 10, 11, 12, 62 AND 82 OF THE FARM SAXENBURG NO. 419, KUILS RIVER (GLETWYN GARDENS).

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 January 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
% Mr. Christiaan Stephanus Möller
Buffdaxco 10 (Pty) Ltd.
89 Dorp Street
STELLENBOSCH
7600

Tel: (082) 378 7587
Email: mwcmoll@mweb.co.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p><i>excluding—</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p><i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, [or] road reserves or railway line reserves; or</i></p> <p><i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i></p> <p>Activity Number: 19 Activity Description:</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>The proposed development includes the development of infrastructure with a physical footprint of 100m² or more within or within 32m of a watercourse (i.e. the re-aligned ephemeral drainage line) outside an urban area.</p> <p>The proposed development includes the infilling and excavation of more than 10m³ of soil or sand from a watercourse where the existing ephemeral drainage line will be re-aligned and placed within the existing powerline servitude.</p>

<p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) 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. 	<p>A culvert crossing will be developed within the new re-aligned drainage line.</p>
<p>Activity Number: 24 Activity Description:</p> <p><i>The development of a road—</i></p> <ul style="list-style-type: none"> (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; <p><i>but excluding a road—</i></p> <ul style="list-style-type: none"> (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter. 	<p>The proposed development entails the development of roads and associated infrastructure outside an urban area.</p>
<p>Activity Number: 28 Activity Description:</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposed development entails a residential development and associated infrastructure on land used for agricultural purposes after 01 April 1998 and where the proposed development will occur outside an urban area, where the total development footprint will be approximately 11.68ha in extent.</p>

<p>Activity Number: 46 Activity Description:</p> <p><i>The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—</i></p> <p>(i) <i>has an internal diameter of 0,36 metres or more; or</i></p> <p>(ii) <i>has a peak throughput of 120 litres per second or more; and</i></p> <p style="padding-left: 40px;">(a) <i>where the facility or infrastructure is expanded by more than 1 000 metres in length; or</i></p> <p style="padding-left: 40px;">(b) <i>where the throughput capacity of the facility or infrastructure will be increased by 10% or more;</i></p> <p><i>excluding where such expansion—</i></p> <p>(aa) <i>relates to the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes within a road reserve or railway line reserve; or</i></p> <p>(bb) <i>will occur within an urban area.</i></p>	<p>The proposed development entails the upgrading i.e. expansion of sewage transportation infrastructure to accommodate the proposed developments' on-site sewage services as part of the Wastewater Treatment Package Plant, emergency overflow and upgrades to the sewage infrastructure required.</p>
<p>Activity Number: 56 Activity Description:</p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</i></p> <p>(i) <i>where the existing reserve is wider than 13,5 meters; or</i></p> <p>(ii) <i>where no reserve exists, where the existing road is wider than 8 metres;</i></p> <p><i>excluding where widening or lengthening occur inside urban areas.</i></p>	<p>The proposed development entails the upgrading of roads in the vicinity i.e. widening / lengthening of existing roads.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The authorised development entails the residential development and associated infrastructure on Portion 117 of Farm Saxenburg No. 419, and the Remaining Extent of Portions 10, 11, 12, 62 and 82 of the Farm Saxenburg No. 419, Kuils River. The residential development will comprise the following:

- Approximately 875 apartments in 61 four storey buildings;
- Approximately 1384 parking bays;
- Upgrades to public roads and intersections;
- Internal private roads;
- A gatehouse, central-refuse facility and electrical substations;
- A lifestyle centre with various amenities; and

- Associated infrastructure.

Open space areas, which will include spaces for recreational purposes, stormwater infrastructure and associated infrastructure will be developed. A series of bioretention ponds will be developed throughout the site in accordance with the Stormwater Management Plan (dated September 2020). An existing ephemeral drainage line will be infilled and realigned in accordance with the Freshwater Ecological Assessment (dated February 2021) and will be located within the Eskom servitude area.

Upgrades to the sewerage infrastructure within the road reserve of Stellenbosch Arterial Road and surrounds. Since capacity at the Zandvliet Wastewater Treatment Works will only be made available once the upgrades have been completed in 2024, an on-site sewerage treatment package plant with a capacity of approximately 400kl/day will be developed and will entail the following:

- The development of a pump station;
- The installation of containerised Membrane Bioreactors (MBR);
- Drying beds for sludge and disposal thereof by contractual agreement;
- Emergency power supply in the event of power failures or scheduled power intermissions;
- Emergency overflow into the existing municipal network; and
- A Temporary storage dam with a capacity of approximately 900m³ for treated effluent prior to irrigation use.

Potable water will be supplied by the local authority. A 150mm diameter pipeline will be installed within the road reserve of Zevenwacht Link Road from the site, which will link into the existing 150mm main line near Palomina Road. The full water demand of the proposed development will be provided once the relevant infrastructure has been developed by the local authority. It is anticipated that the full water demand will only be required in 2025. Electricity has been confirmed and will be provided by the local authority.

The proposed residential development will be an enclosed development with a combination of permeable fencing and brick walls. Access to the site will be gained off Zevenhof Road and emergency access is proposed off Skilpaddam Road.

The total development footprint will be approximately 11.68ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 117 of Farm Saxenburg No. 419, and the Remaining Extent of Portions 10, 11, 12, 62 and 82 of the Farm Saxenburg No. 419, Kuils River.

The 21-digit Surveyor General codes are:

Remaining Extent of Portions 10 of the Farm Saxenburg No. 419, Kuils River	C06700000000041900010
Remaining Extent of Portions 11 of the Farm Saxenburg No. 419, Kuils River	C06700000000041900011
Remaining Extent of Portions 12 of the Farm Saxenburg No. 419, Kuils River	C06700000000041900012
Remaining Extent of Portions 62 of the Farm Saxenburg No. 419, Kuils River	C06700000000041900062
Remaining Extent of Portions 82 of the Farm Saxenburg No. 419, Kuils River	C06700000000041900082
Portion 117 of Farm Saxenburg No. 419, Kuils River	C06700000000041900117

The central co-ordinates for the proposed site are:

Middle point	33° 56' 49.82" South	18° 42' 20.22" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan and Landscape Master Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Johan Neethling Environmental Consultants
% Mr. Johan Neethling
13 Bridle Road, Oranjezicht
CAPE TOWN
8018

Cell: (083) 449 3920
Email: info@jnes.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated January 2022 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development/construction activities must be concluded within **ten (10) years** from the date the commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 8, 11 and 18.2.

Notification and administration of appeal

7. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Section H;

- 7.1.3. the date of the decision; and
- 7.1.4. the date when the decision was issued.
- 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section F below;
- 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4. Provide the registered I&APs with:
 - 7.4.1. The name of the holder (entity) of this amended Environmental Authorisation;
 - 7.4.2. The name of the responsible person for this amended Environmental Authorisation;
 - 7.4.3. The postal address of the holder;
 - 7.4.4. The telephonic and fax details of the holder;
 - 7.4.5. The e-mail address, if any, of the holder; and
 - 7.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
- 8. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 9. The Environmental Management Programme ("EMPr") (compiled by Johan Neethling Environmental Services CC and dated January 2022) and submitted as part of the application for Environmental Authorisation, is approved on condition that the following amendments are implemented:
 - 9.1. The authorised listed activities must be included in the EMPr.
 - 9.2. A copy of the approved Landscape Plan must be provided to this Department for record-keeping within three months of the approval of the Landscape Plan by the relevant authority.
 - 9.3. A copy of the approved Stormwater Management Plan must be provided to this Department for record-keeping purposes within three months of the approval of the Stormwater Management Plan by the relevant authority.
 - 9.4. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and / or straw stabilization, etc.) must be investigated and implemented instead.
- 10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

- 11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activities during the development activities thereafter it must be kept at the office of the holder, and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of undertaking the environmental audit.
 - 14.2. Thereafter, the holder must undertake an environmental audit every two (2) years during the construction period and submit the Environmental Audit Reports to the Competent Authority one (1) month after the completion of undertaking each of the environmental audits.
 - 14.3. An Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
 - 14.4. Thereafter, an Environmental Audit Report must be submitted to the Competent Authority every five (5) years after the commencement of the operational phase. The Environmental Audit Reports must, *inter alia*, report on the following:
 - 14.4.1. The maintenance of the re-aligned ephemeral drainage line;
 - 14.4.2. The maintenance of the stormwater infrastructure; and
 - 14.4.3. The maintenance of the landscaped areas.
 - 14.5. The holder must, within seven (7) days of the submission of the reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any I&APs upon request.

Specific Conditions

15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated building rubble generated on the premises can be used as back-filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited in the recreated wetland area.
17. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. The following mitigation measures, as recommended in the Freshwater Ecological Assessment (compiled by Scientific Aquatic Services and dated February 2021) and as included in the EMPr, must be implemented:
 - 18.1. The proposed realignment for the ephemeral drainage line must be undertaken in the dry summer season and in a phased manner (as far as practically possible).
 - 18.2. A minimum buffer of approximately 10 m along the length of the existing drainage line must be implemented prior to the commencement of the installation of services in order to mitigate edge effects around the existing drainage line during the installation of services.
19. The recommendations provided in the Visual Impact Assessment (compiled by Megan Anderson Landscape Architect and dated September 2021) and as included in the EMPr must be implemented.
20. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

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

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

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

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

G. APPEALS

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

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

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 M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za
5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za 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 Addendum to the 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: 19 MAY 2022

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)
(2) Mr. J. Neethling (Johan Neethling Environmental Services CC)

Email: Maurietta.Stewart@capetown.gov.za
Email: info@jnes.co.za

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated and received by the Competent Authority on 08 October 2021, the BAR dated January 2022 submitted together with the Environmental Management Programme ("EMPr") received by the Competent Authority on 31 January 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated January 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted, the Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the property boundary where the listed activities are to be undertaken in October 2020;
- the placing of a newspaper advertisement in the 'Tygerburger' on 07 October 2020;
- Making the pre-application draft BAR available to I&APs for public review from 08 October 2020 to 07 December 2020;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 08 October 2020 and 17 October 2021;
- Making the draft BAR available to I&APs for public review from 17 October 2021 to 18 November 2021; and
- Reports were made available electronically via a dropbox link;
- The PPP undertaken was in accordance with the approved Public Participation Plan (dated 19 August 2020).

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

initially, two layout alternatives and the "No-Go" alternative were identified. The first layout alternative considered retaining the existing ephemeral drainage line, which is located across the site. However, due to the spatial constraints and associated buffer required for the drainage line, the developable land was significantly reduced. The first layout alternative to retain the drainage line was therefore not deemed reasonable or feasible. The Preferred Alternative and the "No-Go" alternative was therefore assessed as follows:

The Preferred Alternative - herewith authorised

The Preferred Alternative entails the residential development and associated infrastructure on Portion 117 of Farm Saxenburg No. 419, and the Remaining Extent of Portions 10, 11, 12, 62 and 82 of the Farm Saxenburg No. 419, Kuils River. The residential development will comprise the following:

- Approximately 875 apartments in 61 four storey buildings;
- Approximately 1384 parking bays;
- Upgrades to public roads and intersections;
- Internal private roads;
- A gatehouse, central-refuse facility and electrical substations;
- A lifestyle centre with various amenities; and
- Associated infrastructure.

Open space areas, which will include spaces for recreational purposes, stormwater infrastructure and associated infrastructure will be developed. A series of bioretention ponds will be developed throughout the site in accordance with the Stormwater Management Plan (dated September 2020). An existing ephemeral drainage line will be infilled and realigned in accordance with the Freshwater Ecological Assessment (dated February 2021) and will be located within the Eskom servitude area.

Upgrades to the sewerage infrastructure within the road reserve of Stellenbosch Arterial Road and surrounds. Since capacity at the Zandvliet Wastewater Treatment Works will only be made available once the upgrades have been completed in 2024, an on-site sewerage treatment package plant with a capacity of approximately 400kl/day will be developed and will entail the following:

- The development of a pump station;
- The installation of containerised Membrane Bioreactors (MBR);
- Drying beds for sludge and disposal thereof by contractual agreement;
- Emergency power supply in the event of power failures or schedule power intermissions;
- Emergency overflow into the existing municipal network; and
- A Temporary storage dam with a capacity of approximately 900m³ for treated effluent prior to irrigation use.

Potable water will be supplied by the local authority. A 150mm diameter pipeline will be installed within the road reserve of Zevenwacht Link Road from the site, which will link into the existing 150mm main line near Palomina Road. The full water demand of the proposed development will be provided once the relevant infrastructure has been developed by the local authority. It is anticipated that the full water demand will only be required in 2025. Electricity has been confirmed and will be provided by the local authority.

The proposed residential development will be an enclosed development with a combination of permeable fencing and brick walls. Access to the site will be gained off Zevenhof Road and emergency access is proposed off Skilpaddam Road.

The total development footprint will be approximately 11.68ha in extent.

The Preferred Alternative takes cognisance of the recommendations of the various specialist studies undertaken during this EIA process. The recommendations of the traffic engineers, visual specialist, freshwater specialist have been incorporated into the design of the proposed development. In addition, the re-alignment of the ephemeral drainage line allows for the optimal use of the land for maximum development.

"No-Go" Alternative

The "No-Go" alternative entails the "status quo", i.e. not developing the proposed site for residential purposes. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The proposed site is a brownfield site that has been completely transformed by agricultural activities (i.e. vegetable production). The proposed site has since been rezoned for general residential, general business, utility services and public road purposes. Therefore, the proposed development will be in accordance with its' existing development rights. The nature of development is consistent with the principles and policies of the Provincial and Municipal Spatial Development Frameworks. The proposed development is in keeping with the surrounding land uses. Therefore, the proposed development is deemed to be aligned with the planning policies applicable to the area. The development activities associated with the proposed development are expected to alleviate unemployment within the area on a short-term basis, but the provision of approximately 6 000 temporary jobs and periodic contractual maintenance is envisaged.

3.2. Socio-Economic Impacts

A Socio-Economic Impact Assessment (compiled by Tony Barbour Environmental Consulting and Research and dated July 2021) was undertaken to determine the potential socio-economic impacts associated with the proposed development. The specialist considered the relevant planning policies applicable to the area and identified that the proposed development is aligned with key spatial planning principles that underpin the Provincial Spatial Development Framework. In addition, the proposed site falls within an area earmarked for incremental growth and consolidation area in terms of the Municipal Spatial Development Framework. In terms of the Tygerberg District Plan, the proposed site is located within a 'New Development Area' that is suitable for medium density residential development.

In terms of employment opportunities, the specialist indicated that based on information from similar developments, most of the employment opportunities will be associated with the construction phase. It is anticipated that approximately 6000 employment opportunities over a 6-year construction period will be generated during the construction phase. In addition, other business opportunities within the building sector are anticipated. During the operational phase it is anticipated that approximately 400 employment opportunities will be created.

Potential impacts such as safety and security associated with the presence of construction workers, noise and dust during the construction phase were identified and assessed by the specialist. The specialist indicated that the potential impacts will be of low negative significance post mitigation. The recommended mitigation measures have been included in the EMPr.

3.3. Agricultural Impacts

According to the Screening Report (dated 30 September 2021), the proposed site is deemed to be located within a high sensitivity area from an agricultural perspective. An Agricultural Compliance Statement (compiled by Johann Lanz and dated 14 August 2020) has disputed the sensitivity of the proposed site and has concluded that the site is within low agricultural sensitivity area. This is based on the fact that the proposed site is designated for urban development. Therefore, the proposed development is not considered to have an unacceptable negative impact on agricultural production capability of the site. The Western Cape Department of Agriculture has indicated (in their comment dated 14 January 2022) that they do not object to the proposed development.

3.4. Freshwater Impacts

According to the Screening Report (dated 30 September 2021), the proposed site is deemed to be located within a low sensitivity area from an aquatic biodiversity perspective and has been confirmed as such in the site sensitivity verification report. However, since there is an existing ephemeral drainage line that traverses the proposed site, a Freshwater Ecological Assessment (compiled by Scientific Aquatic Services and dated February 2021) was undertaken to determine the potential freshwater impacts associated with the proposed development. Two ephemeral drainage lines were identified with the study area assessed by the specialist. However, the ephemeral drainage line ("EDL") located within the north-western portion of the study area labelled as 'EDL 2' occurs within the proposed site. From an ecological perspective, the specialist indicated that the drainage line does not conform to the definition of a watercourse, which supports aquatic ecosystems with an associated riparian zone. The specialist indicated that the EDL 2 is recharged by surface water runoff from the upgradient catchment area and drains into the existing dam located in the northern corner of the study area. The Present Ecological Status of the EDL 2 has been classified as category E indicating that it is severely modified. The existing EDL 2, proposed to be re-aligned, will be located within the Eskom servitude area and will consist of gabion drop structures and vegetated earth channels. The specialist advised that the proposed development be constructed in a phased manner in order to avoid construction activities within the existing EDL 2 or once the system has been re-aligned. Mitigation measures to ensure that construction activities are avoided have been recommended by the specialist and have been included in the EMPr.

Since the proposed on-site waste water treatment plant will be located a minimum distance of approximately 140m away from the ephemeral drainage line, no direct impacts from the development of the waste water treatment plant are anticipated. However, mitigation measures have been provided by the specialist and have been included as conditions set in this Environmental Authorisation and in the EMPr.

In light of the above and the activities associated with the proposed development, the Department of Water and Sanitation (in their correspondence dated 23 November 2020) have indicated that the proposed development entails activities listed in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998) and that a Water Use License is required. Proof of commencement of this process has been provided as part of the application for environmental authorisation.

3.5. Terrestrial Biodiversity and Terrestrial Animal Species Impacts

According to the Screening Report (dated 30 September 2021), the proposed site is deemed to be located within a very high sensitivity area from a terrestrial biodiversity perspective and a medium sensitivity area from an animal species perspective. The respective sensitivities have been disputed to negligible and low to insignificant, respectively by the EAP. This is based on the fact that the proposed site is currently cultivated with no naturally occurring indigenous vegetation present.

A Terrestrial Biodiversity Compliance Statement (compiled by Dave Edge and Associates and dated 29 November 2020) was undertaken. The specialist undertook a desktop assessment and a field survey of the proposed site to determine if any host plants for species of conservation concern were present. Based on the existing agricultural activities, no indigenous vegetation was present on the proposed site. No host plants for *Aloeides egerides* and *Kedestes lenis lenis* (i.e. two butterfly species) were noted by the specialist. The specialist therefore concluded that there is no possibility that the proposed site could support a population of either of the endangered species of conservation concern.

Five species of conservation concern were listed in the Screening Report. The likelihood of the presence of the identified species of conservation concern was determined by a specialist. A Terrestrial Animal Species Compliance Statement (compiled by Terrestrial Ecologist and Invertebrate Surveys and dated 14 February 2021) was therefore undertaken. The specialist indicated that based on the fact that the proposed site is currently cultivated with no naturally occurring indigenous vegetation present, there is likely no possibility that the proposed site could support a population of any of the species of conservation concern.

CapeNature indicated (in their comment dated 17 November 2021) that the findings contained in the Site Sensitivity Verification Report (dated 28 September 2021) and the specialist findings contained in the Terrestrial Animal Species Compliance Statement (dated 14 February 2021) are supported.

3.6. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape indicated (in their comment dated 21 July 2020) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.7. Visual Impacts

The proposed development is located within a rural-urban setting where it is flanked by residential, urban and commercial development to the west, rural landscape to the east and industrial development to the south. A Visual Impact Assessment (compiled by Megan Anderson Landscape Architect and dated September 2021) was undertaken to determine the potential visual impacts associated with the proposed development. The specialist indicated that the "type of environment" within which the proposed development is located is situated between "areas of high scenic cultural, historic significance" associated with the rural character of the site and "areas of moderate to low scenic, cultural, historical significance" associated with the adjacent urban environment. The specialist further indicated that in terms of the Tygerberg Spatial Development Plan, the proposed site is located within an area identified for urban development and the surrounding area is considered to be a destination place. The specialist deemed the proposed site to have an overall moderate visual sensitivity.

The potential visual impacts associated with the proposed development is considered to be of medium to low impact after mitigation, and that with the maturity of screening vegetation (to assist with the interface with the adjacent rural setting), the development will be moderated from impacting on the rural setting on the eastern side of the proposed development. Mitigation measures proposed in the Visual Impact Assessment (compiled by Megan Anderson Landscape Architect and dated September 2021) have been detailed for the planning, construction and operational phases of the proposed development and relate to landscaping, lighting and signage, fencing and housekeeping aspects.

All recommendations with respect to the mitigation measures for the visual impacts have been included as a condition set in this Environmental Authorisation as included in the EMPr. The Landscape Master Plan (compiled by DHK Architects and dated 18 June 2019), the Zevenwacht Master Plan (compiled by DHK Architects and dated September 2020) and urban design principles of the City of Cape Town will be implemented to reduce the potential visual impacts associated with the proposed development.

3.8. Traffic Impacts

A Traffic Impact Assessment (compiled by ICE Group and dated 11 June 2020) was undertaken to determine the potential traffic impacts associated with the proposed development. Since the impact assessment was conducted in 2020 where a significant change occurred during the national lockdown period under the National State of Disaster declaration, the specialist made use of traffic counts conducted in 2017 and provided a comparison to traffic counts made in 2019.

The specialist based the traffic analysis on the assessment of a five-year forecast and in consideration of variations in development activities in the area between 2017 and 2019. Therefore, an average 3% growth rate was applied to obtain the 2025 background peak hour per traffic / traffic demand. The specialist arrived at an additional average of 799 peak hour trips (morning and afternoon) for the proposed development. The existing levels of service were determined at a number of intersections located within close proximity to the proposed site.

Recommendations have been made by the specialist to make provision for traffic signals and dedicated right-turn lanes on all approaches at the Zevenwacht Link Road / Zevenhof Road intersection and the widening of the access-approach to the Zevenhof Road / Kavalier Street / Access roundabout to accommodate the increase in background traffic. An additional second dedicated right-turn lane was deemed necessary at the Polkadraai / Zevenwacht Link Road intersection and roundabouts at the Zevenhof Road / Sienna Crescent and the Zevenhof Road / Kavalier street intersections with a median island between the two roundabouts. The traffic specialist further recommended that proposed pedestrian crossings be raised as a traffic calming measure and that accommodation be made for construction vehicles during further design stages.

These recommendations have been included in the site development plan of the proposed development. Mitigation measures with respect to the potential traffic impacts during the construction have been included in the EMPr. Further, the Western Cape Department of Transport and Public Works indicated (in their correspondence dated 26 August 2021) that they retract their initial objection made on 07 November 2020 with respect to Portion 117 of Farm Saxenburg No. 419, Kuils River which forms part of the proposed development and are in support of the proposed development in terms of the NEMA.

3.9. Stormwater considerations

A Stormwater Management Report (compiled by Ingeprop and dated September 2020) was undertaken to determine the required management measures for stormwater on the proposed site and provided recommendations for maintenance of the proposed stormwater infrastructure and the inclusion in the Site Development Plan. The Department of Water and Sanitation indicated (in their comment dated 23 November 2020) that a stormwater management plan is required and that various listed activities in terms of the National Water Act 1998, (Act 36 of 1998) will be triggered by the proposed development, therefore an application for water use authorisation is required for the proposed development.

Proof of further consultation (dated 08 July 2021) with the Department of Water and Sanitation with respect to the Water Use License Application process has been provided.

In addition, the City of Cape Town also requested the submission of a Stormwater Management Plan, which will be considered during the planning process applicable to the proposed development.

3.10. Services

An Engineering Services Report (compiled by NEW Consulting Engineers and dated 04 June 2020) was compiled to determine the electrical services required for the proposed development. A Bulk Civil Engineering Services Report (compiled by Ingeprop and dated April 2021) was compiled to determine the services (i.e. water supply and sewerage services) required for the proposed development.

Confirmation of the provision of sufficient electricity supply is available to accommodate the proposed development as indicated by the City of Cape Town (in their correspondence dated 02 February 2021).

Confirmation of the provision of sufficient capacity for solid waste management services is available to accommodate the proposed development as indicated by the local authority (in their correspondence from the City of Cape Town dated 05 March 2021). The local authority has specified requirements for access to the proposed development which has been incorporated into the Site Development Plan (compiled by DHK Architects and dated 18 June 2019).

The City of Cape Town has indicated (in their comment dated 03 May 2021) that bulk water infrastructure for the provision of sufficient potable water supply is not available in the immediate vicinity of the proposed site. The holder has made provision for connections to the nearest water mains indicated by the City of Cape Town. The City of Cape Town has confirmed the provision of sufficient capacity for potable water supply during the phased approach of the proposed development where it is anticipated that the upgrades to the water capacity and security in the area will be available by the completion of the development phase of the proposed development anticipated to be in September 2025.

The City of Cape Town has indicated (in their comment dated 03 May 2021) that the proposed development is located within the catchment of the Zandvliet Waste Water Treatment Works ("WWTW") which does not have the capacity to receive additional effluent from the proposed development at this stage. Therefore, the holder has indicated that an on-site Membrane Bioreaction Wastewater Treatment Package Plant for sewerage services will be developed and maintained as part of the proposed development until such time that the Zandvliet WWTW has been upgraded. Provision for emergency infrastructure and disposal into the municipal system has been made for should plant failure occur.

3.11. Health Impacts

An Electric and Magnetic Field Exposure Assessment (compiled by Hubbard's Electromagnetic Consulting and dated 26 April 2021) was undertaken to determine whether there are any health impacts associated with the proposed development in proximity to the existing powerlines located on the proposed site. Based on the specialists' assessment, the electric magnetic fields predicted are above the International Commission on Non-Ionising Radiation Protection ("ICNIRP") 2010 reference level for the general public within a servitude and below the general public limit outside the servitude. The magnetic fields predicted are below the magnetic field reference level for the general public exposure. The predicted electric and magnetic fields comply with the reference levels and basic restrictions for the general public of the ICNIRP 2010 guidelines, which have also been endorsed by the Department of Health. Mitigation measures have been recommended by the specialist and have been included in the EMPr.

3.12. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.13. Defence

Confirmation from the Department of Defence (dated 25 February 2021) indicated that although the proposed development has been screened to be located within a medium sensitivity area from a defence perspective, the proposed site is not under military control or influence. The proposed development will therefore have no bearing or impact on military activities near the proposed site.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential visual impacts associated with construction and operational phases;
- Potential traffic impacts;
- The loss of agricultural land;
- Potential contamination of surface water; and
- Potential dust and noise impacts during the construction phase.

Positive impacts include:

- The provision of housing opportunities within the area;
- Employment opportunities during construction and operational phases of the proposed development;
- Optimal use of available land for high density development; and
- Economic gain for the applicant.

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.

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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