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NEAS REFERENCE NUMBER: WCP/EIA/0000836/2020
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 18 October 2021

The Municipal Manager
City of Cape Town
Directorate: Human Settlements
P.O. Box 19
SOMERSET WEST
7129

For Attention: Mr. A. van Niekerk

Tel: (021) 444 4676
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 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM NO. 919, A PORTION OF THE REMAINDER OF THE FARM NO. 920, PORTION 2 OF FARM NO. 920, PORTIONS 2 AND 4 OF FARM NO. 921 AND THE REMAINDER OF FARM NO. 925, SIR LOWRY'S PASS VILLAGE, SOMERSET WEST.

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

Yours faithfully

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

Copies to: (1) Ms. A. Küsspert (The Environmental Partnership)
(2) Ms. C. du Toit (The Environmental Partnership)
(3) Ms. A. van Wyk (City of Cape Town: ERM)

E-mail: alma@enviropart.co.za
E-mail: info@enviropart.co.za / carmen@enviropart.co.za
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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 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM NO. 919, A PORTION OF THE REMAINDER OF THE FARM NO. 920, PORTION 2 OF FARM NO. 920, PORTIONS 2 AND 4 OF FARM NO. 921 AND THE REMAINDER OF FARM NO. 925, SIR LOWRY'S PASS VILLAGE, SOMERSET WEST.

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 Layout Alternative 1 (i.e. the Preferred Alternative), described in the Basic Assessment Report ("BAR") dated June 2021.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section F below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
City of Cape Town
Directorate: Human Settlements
c/o Mr André van Niekerk
P.O. Box 19
SOMERSET WEST
7129

Tel: (021) 444 4676
Email: Andre.VanNiekerk@capetown.gov.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 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, road reserve 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>The proposed development includes the development of infrastructure with a physical footprint greater than 100 square metres within 32m of a watercourse.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 19 Activity Description:</p>	<p>The proposed development includes the rehabilitation of the area below the 1:100 year floodline which will result in the infilling of</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><i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies."</i></p>	<p>material in excess of 10 cubic metres from a watercourse.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 28 Activity Description:</p> <p><i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agricultural, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(i) Will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <i>(ii) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."</i></p>	<p>The proposed site is zoned Rural, used for some agricultural purposes and is located outside an urban area, where the total land to be developed and is approximately 9.75ha in extent.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 48 Activity Description:</p> <p><i>"The expansion of—</i></p> <p><i>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</i> <i>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface</i></p>	<p>The development of the taxi embayment along Old Sir Lowry's Pass Road will entail the expansion of the existing road infrastructure by more than 100 square metres within 32 metres of the watercourse located north of Old Sir Lowry's Pass Road.</p>

<p>area, is expanded by 100 square metres or more;</p> <p>Where such expansions occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding-</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(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;</p> <p>(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;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, or road reserves or railway line reserves.”</p>	
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p>“The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.”</p>	<p>The development of the internal road network will include a road wider than 4m with a reserve of less than 13.5m outside an urban area.</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 authorised development:

The authorised development entails the proposed housing development and associated infrastructure on the Remainder of Farm No. 919, a portion of the Remainder of Farm No. 920, Portion 2 of Farm No. 920, Portions 2 and 4 of Farm No. 921 and the Remainder of Farm No. 925, Sir Lowry's Pass Village, Somerset West. Approximately 538 residential erven will be developed. The development will consist of a mixture of serviced erven with top structures and serviced erven only, where beneficiaries will be able to build their own top structures.

The development will occur on the northern portion of the Remainder of Farm No. 920, Sir Lowry's Pass Village with the remainder of the property (i.e. the southern portion) being set aside as public open space and with the portion adjacent to the Sir Lowry's Pass River being conserved for its wetland status. No development will occur below the 1:100 year floodline of the Sir Lowry's Pass River except for the proposed access road (which will be raised above the 1:50 year floodline) and some municipal service infrastructure. A pathway will be developed along the 1:100 year floodline to delineate the floodline area and to separate the development from the southern portion of the site to be rehabilitated. An existing dam located in the centre of the proposed site will be rehabilitated for improved wetland function and the conveyance of dissipated water into the downstream wetlands.

Access to the site will be off Bloubos Road (approved but not yet constructed) from the southern side of the site. The development's internal roads (for both layout options) will form part of the public road system. Road reserve widths of 8 metres, 10 metres and 12/13 metres are proposed. The development will connect to the existing sewer network across the Sir Lowry's Pass River floodplain. Sewer lines from the site will connect into the existing 200 mm sewer line that runs along the river. Further municipal services are available to service the proposed development. Electricity supply will be provided by Eskom. A stormwater detention pond will be developed west of the proposed access road and will be enclosed by a fence for safety purposes.

The proposed housing development will further include the development of a taxi embayment, bulk water pipeline and overhead pipeline, which will occur within the existing road reserve as far as practically possible. The development of the taxi embayment, bulk water pipeline and overhead pipeline will be developed along the Remainder of Farm No. 919, Portion 2 of Farm No. 920, Portions 2 and 4 of Farm No. 921 and the Remainder of Farm No. 925, Sir Lowry's Pass. The new taxi embayment will be developed along Old Sir Lowry's Pass Road opposite the turn-off to William Sergeant Road and will have a development footprint of approximately 140 m² in extent. The new bulk water pipeline and new overhead powerline will be installed from Old Sir Lowry's Pass Road and along William Sergeant Road to the Remainder of Farm No. 920, Sir Lowry's Pass. The new bulk water pipeline and new overhead powerline will be approximately 90m in length.

The total development footprint will be approximately 97 500 m² in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on the Remainder of Farm No. 919, a portion of the Remainder of the Farm No. 920, Portion 2 of Farm No. 920, Portions 2 and 4 of Farm No. 921 and the Remainder of Farm No. 925, Sir Lowry's Pass Village, Somerset West.

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

The Remainder of Farm No. 919	C06700000000091900000
The Remainder of Farm No. 920	C06700000000092000000
Portion 2 of Farm No. 920	C06700000000092000002
Portion 2 of Farm No. 921	C06700000000092100002
Portion 4 of Farm No. 921	C06700000000092100004
The Remainder of Farm 925	C06700000000092500000

The co-ordinates for the proposed residential development on the Remainder of Farm No. 920, Sir Lowry's Pass, Somerset West:

Middle point	34° 07' 11.586" South	18° 53' 53.307" East
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The co-ordinates for the route of the proposed new bulk water pipeline and overhead powerline:

Starting point	34° 07' 01.93" South	18° 54' 06.66" East
Middle point	34° 07' 00.26" South	18° 54' 06.67" East
End point	34° 06' 58.65" South	18° 54' 06.43" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan.

The said section of land is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Environmental Partnership
c/o Ms. Carmen du Toit / Ms. Alma Küsspert
P.O. Box 945
CAPE TOWN
8000

Tel.: (021) 422 0999

Email: carmen@enviropart.co.za / info@enviropart.co.za / alma@enviropart.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 Layout Alternative 1 (i.e. the Preferred Alternative) described in the BAR dated June 2021 on the site described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **ten (10) 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 of 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 alternatives described in section B above must be approved in writing by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing must be given to the Competent Authority before commencement of 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: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activities, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided, i.e., the listed activities, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (dated June 2021), the Maintenance Management Plan ("MMP") and the Wetland Rehabilitation Plan both compiled by The Environmental Partnership and dated June 2021 submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr, MMP and Wetland Rehabilitation Plan must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before commencing with 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 on the site of the authorised listed activities during the development phase and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

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

Specific conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. The mitigation measures described in the Geotechnical Investigation Report (Compiled by John Yates and Mathew Jones and dated September 2014) and the updated Geotechnical Statement (compiled by Eugene Laubscher and dated 05 November 2020) and as included in the EMPr and MMP must be implemented.
17. The mitigation measures described in the Freshwater Impact Assessment (compiled by Dr. Liz Day and dated April 2020) and the addendum letter dated 29 June 2021, as included in the EMPr and MMP must be implemented.
18. No material, substance or vehicles must be stored within 32m of the watercourses at any given time in order to prevent potential pollution impacts.

19. 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 specified in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

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

G. APPEALS

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

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

appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal form/s must be submitted by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

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

DATE OF DECISION: 18 OCTOBER 2021

Copies to: (1) Ms. A. Küsspert (The Environmental Partnership)
(2) Ms. C. du Toit (The Environmental Partnership)
(3) Ms. A. van Wyk (City of Cape Town: ERM)

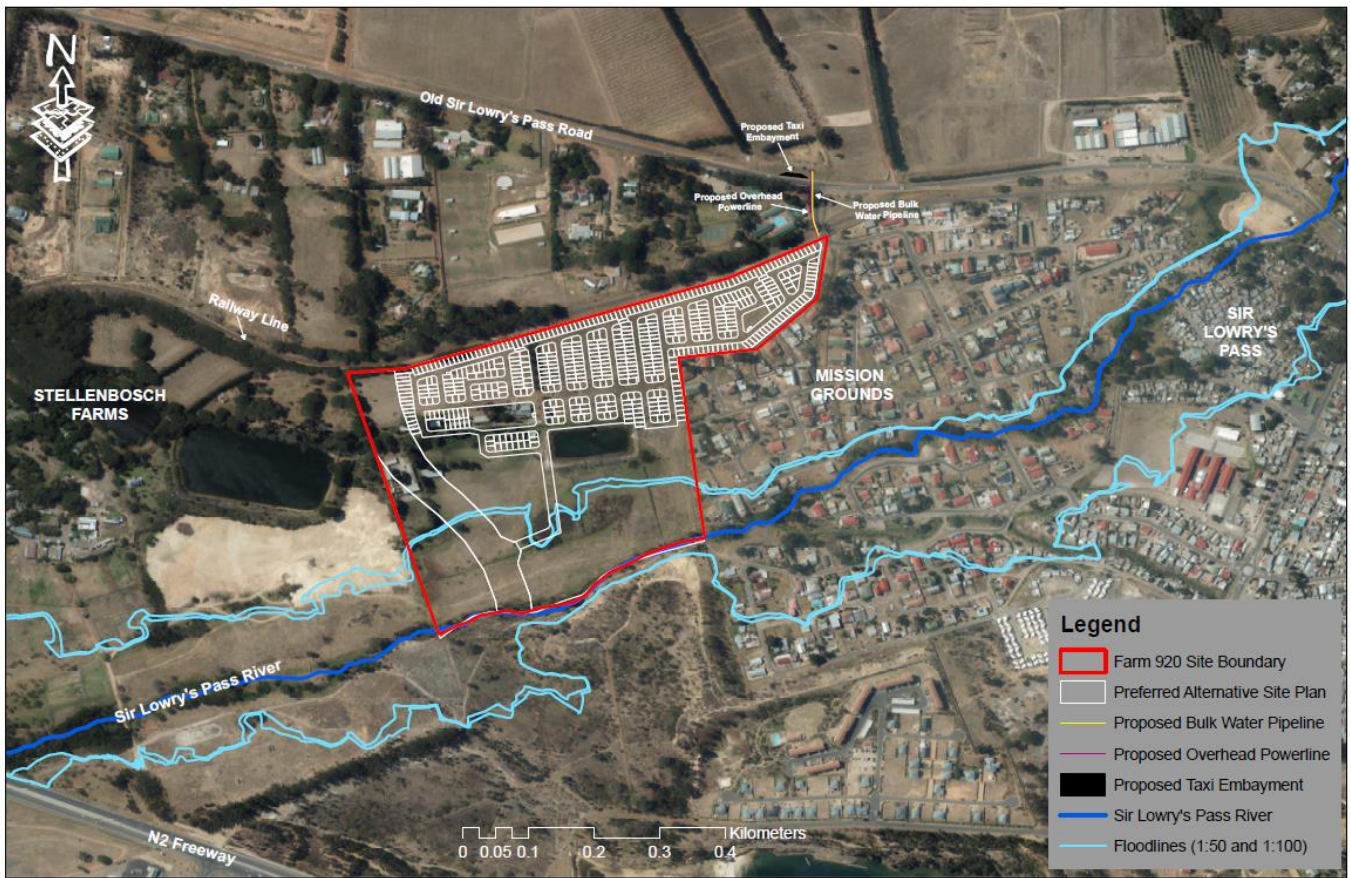
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E-mail: azanne.vanwyk@capetown.gov.za

ANNEXURE 1: LOCALITY MAP

Remainder of Farm No. 920 in Sir Lowry's Pass Village.



**PROPOSED HOUSING DEVELOPMENT
ON FARM 920, SIR LOWRY'S PASS
VILLAGE, SOMERSET WEST**

PROJECT CO-ORDINATES
34°7'11.586"S 18°53'53.307"E

LOCALITY MAP
PRINT DATE
JUNE 2021

SCALE AT A4
1:5,000

PREPARED FOR
CITY OF CAPE TOWN
ISIKHO SASAKAPA
SHAD MAAKOSTAD

THE ENVIRONMENTAL PARTNERSHIP
ENVIRONMENTAL CONSULTANTS

ANNEXURE 2: SITE PLANS

Site plan for the proposed development.



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the application form dated 10 November 2020 and received by the competent authority on 12 November 2020, the BAR and EMPr dated June 2021 and received by the competent authority on 30 June 2021;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated June 2021;
- 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 ("PPP") included:

The post-application process for the draft BAR process entailed the following:

- Identification of and engagement with Interested and Affected Parties ("I&APs");
- A total of five site notices were erected on the site where the listed activities are to be undertaken on 21 August 2020;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are 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 21 August 2020;
- The placing of a newspaper advertisement in the "*Helderberg GAZETTER*" on 18 August 2020 and the "*District Mail*" on 20 August 2020;
- Placing the draft BAR on the Environmental Partnership's website for review during the 30-day commenting period. (<https://www.enviropart.co.za>);
- Making the draft BAR available to I&APs for comment from 21 August 2020 to 21 September 2020.

The post-application process for the revised draft BAR process entailed the following:

- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are 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 13 November 2020 and 17 November 2020;
- Placing the revised draft BAR on the Environmental Partnership's website for review during the 30-day commenting period. (<https://www.enviropart.co.za>);
- A poster display was held on 25 November 2020 at the Sir Lowry's Pass Community Hall (located opposite the Sir Lowry's Pass Police Station).
- Making the revised draft BAR available to I&APs for comment from 13 November 2020 to 14 December 2020.

Upon completion of the second PPP, changes to policy criteria for human settlement development were implemented, which allowed for beneficiaries to develop their own top structures. The revised draft BAR was therefore revised again and released for another round of public participation.

The post-application process for a further revised draft BAR process entailed the following:

- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are 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 19 May 2021;
- Making the revised draft BAR available to I&APs for comment from 19 May 2021 to 21 June 2021.
- Placing the revised draft BAR on the Environmental Partnership's website for review during the 30-day commenting period. (<https://www.enviropart.co.za>);
- A physical copy of the revised draft BAR was available for on-site reading at the Sir Lowry's Pass Public Library from 19 May 2021 to 21 June 2021.

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

2. Alternatives

Two layout alternatives and the "no-go" alternative were identified and assessed.

Layout Alternative 1 (The Preferred Alternative – herewith authorised)

Layout Alternative 1 entails the proposed housing development and associated infrastructure on the Remainder of Farm No. 919, a portion of the Remainder of Farm No. 920, Portion 2 of Farm No. 920, Portions 2 and 4 of Farm No. 921 and the Remainder of Farm No. 925, Sir Lowry's Pass Village, Somerset West. Approximately 538 residential erven will be developed. The development will consist of a mixture of serviced erven with top structures and serviced erven only, where beneficiaries will be able to build their own top structures.

The development will occur on the northern portion of the Remainder of Farm No. 920, Sir Lowry's Pass Village with the remainder of the property (i.e. the southern portion) being set aside as public open space and with the portion adjacent to the Sir Lowry's Pass River being conserved for its wetland status. No development will occur below the 1:100 year floodline of the Sir Lowry's Pass River except for the proposed access road (which will be raised above the 1:50 year floodline) and some municipal service infrastructure. A pathway will be developed along the 1:100 year floodline to delineate the floodline area and to separate the development from the southern portion of the site to be rehabilitated. An existing dam located in the centre of the proposed site will be rehabilitated for improved wetland function and the conveyance of dissipated water into the downstream wetlands.

Access to the site will be off Bloubos Road (approved but not yet constructed) from the southern side of the site. The development's internal roads (for both layout options) will form part of the public road system. Road reserve widths of 8 metres, 10 metres and 12/13 metres are proposed. The development will connect to the existing sewer network across the Sir Lowry's Pass River floodplain. Sewer lines from the site will connect into the existing 200 mm sewer line that runs along the river. Further municipal services are available to service the proposed development. Electricity supply will be provided by Eskom. A stormwater detention pond will be developed west of the proposed access road and will be enclosed by a fence for safety purposes.

The proposed housing development will further include the development of a taxi embayment, bulk water pipeline and overhead pipeline, which will occur within the existing road reserve as far as practically possible. The development of the taxi embayment, bulk water pipeline and overhead pipeline will be developed along the Remainder of Farm No. 919, Portion 2 of Farm No. 920, Portions 2 and 4 of Farm No. 921 and the Remainder of Farm No. 925, Sir Lowry's Pass. The new taxi embayment

will be developed along Old Sir Lowry's Pass Road opposite the turn-off to William Sergeant Road and will have a development footprint of approximately 140 m² in extent. The new bulk water pipeline and new overhead powerline will be installed from Old Sir Lowry's Pass Road and along William Sergeant Road to the Remainder of Farm No. 920, Sir Lowry's Pass. The new bulk water pipeline and new overhead powerline will be approximately 90m in length.

The total development footprint will be approximately 97 500 m² in extent.

Although Layout Alternative 1 will result in a reduced number of residential erven, Layout Alternative 1 was deemed the preferred alternative since it does not propose the construction of residential units over the natural spring which feeds the man-made dam currently located at the centre of the site and is preferred from a freshwater perspective.

Layout Alternative 2

Layout Alternative 2 entailed the development of residential units/erven over the area of the man-made dam. This alternative would have resulted in approximately 586 residential units/erven.

Layout Alternative 2, however, was not deemed to be the preferred alternative since the potential impacts to the aquatic and freshwater features in the site would have resulted in unacceptable impacts from a freshwater perspective.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo". Should the no-go alternative be realised, the site will remain as is and will maintain its current compatibility with surrounding land uses. Since the "no-go" alternative will not result in unacceptable environmental impacts, the "no-go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

In terms of the Cape Town Municipal Spatial Development Framework ("MSDF") (2017-2022) and the Western Cape Provincial Spatial Development Framework ("PSDF") (2014), the need to provide housing for low-income households and addressing existing imbalances in the distribution of different types of residential development is highlighted. The PSDF also indicates the importance of developing integrated and sustainable settlements while at the same time opening-up opportunities in the space-economy. In terms of the MSDF, the site lies within the area designated as 'Incremental Growth and Consolidation Areas' ("IGC"), where the City is committed to servicing existing communities and where new development will be subject to infrastructure capacity.

During the construction phase, the proposed development will result in the positive impact of increased job opportunities, which will indirectly improve people's health and well-being by providing them with a source of income. During the operational phase, the positive operational impacts resulting from the development are anticipated to include the socio-economic impact of the provision of housing and services and increased road safety and access to public transport due to improvements to transport infrastructure.

In terms of the City of Cape Town Municipal Spatial Development Framework (2017-2022): new urban densification housing development projects are encouraged in order to address the current housing issue within the City of Cape Town. Specifically, it is encouraged to invest in the development of affordable, high-density housing, in transport corridors and priority nodes. The proposed development will create an enabling environment for housing provision in an area in proximity to a transport corridor (the N2 Freeway) and an urban node (Somerset West).

3.2. Agricultural Impacts

An Agricultural Agro-Ecosystem Specialist Assessment (compiled by Mr. J. Lanz and dated 26 October 2020) was undertaken to determine the potential agricultural impacts associated with the proposed development.

The specialist indicated that the proposed site was last used for agricultural purposes more than 5 years ago and that the soils were deemed suitable for the cultivation of crops. However, due to the fact that the proposed site is not currently used for agricultural purposes and due to the location of size of the area suitable for agricultural production, the specialist indicated that the potential loss of agricultural land will not have an unacceptable negative impact on the agricultural capability of the proposed site. No mitigation measures have been proposed by the specialist and the development of the proposed site is supported from an agricultural perspective.

3.3. Botanical Impacts

A Botanical Impact Statement (compiled by Capensis and dated 13 December 2019) was conducted to determine if the site contains any areas of botanical sensitivity.

The original vegetation type that would have historically occurred on the proposed site is Lourensford Alluvium Fynbos and Swartland Shale Renosterveld. Both vegetation types are listed as critically endangered in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection. The proposed site does not fall within the City of Cape Town's Biodiversity Network.

From the specialist findings, the site is highly modified to the point where all of the original indigenous vegetation has been completely removed in the past and converted to agricultural land. The dominant vegetation consists of alien grasses, agricultural weeds and invasive species. The grasses are taller and denser south and west of the dam where moisture levels are higher than at the northern half of the site.

The specialist concluded that the proposed site is highly modified and contains no areas of high or medium botanical sensitivity. Only a few pioneer and resilient species were found but are not considered to be of high botanical value to warrant protection or being designated as No-Go areas. The total loss of indigenous vegetation would be less than 300 m².

3.4. Freshwater impacts

An Aquatic Ecologist Report (compiled by Dr. Liz Day and dated April 2020) was conducted to provide specialist input into the Basic Assessment Process for the proposed development within the study area, discuss the potential impacts and provide recommendations to mitigate the identified impacts, where possible.

The specialists indicated that from an ecological perspective, the site as a whole is highly degraded, and has been affected by decades of grazing, agriculture, impoundment and diversion of spring flows and limited residential housing. However, large portions of the site comprise wetland seeps, floodplain wetland and the Sir Lowry's Pass River. Of these, the floodplain wetlands and river are the most important systems, with the former seemingly on a possible weak trajectory towards recovery of wetland plant community. The seeps, while grazed, and having lost most of their natural floral diversity, still play important roles in terms of buffering the downslope wetlands from runoff impacts, erosion and potentially water quality impacts.

In the context of the Sir Lowry's Pass River itself, planned (authorised) downstream developments such as the river re-alignment flood control scheme depend for their successful ecological outcome on active improvement in water quality being achieved in the upstream river reaches, as well as management of low flows such that these still pass into these reaches. The proposed

development of housing on the current site poses a potential threat to this requirement. The development of high density housing in close proximity to a seep and river area is also not considered the most desirable land use for this area from an ecological perspective.

The specialist indicated that of the two development layout alternatives, Layout Alternative 1 would be preferred. This is because this layout allows for complete pulling back of the development footprint, to the upper edge of the extant wetland, which would be able to act as a buffer for the more important floodplain and river systems. Layout Alternative 2 by contrast allows for development over an area that has already been identified as the outlet for a spring – and although the spring outlet could be diverted further downstream through engineering interventions, it is this specialist's opinion that development over a known spring area is inappropriate and likely to result in conditions that promote poor water quality, poor housing conditions, and expansion of development related edge impacts further into the wetland.

The specialists considered all of the proposed activities to be of a low to medium risk to the adjacent aquatic habitats for the construction and operation phases after mitigation and that a Water Use License Application (WULA) should be obtained from the relevant authority. Given the findings of the Aquatic Ecologist Report, the specialists concluded that should mitigation measures be adequately implemented for Layout Alternative 1, then the proposed development can be supported from a wetland context. The specialists' recommendations have been included as conditions set in this Environmental Authorisation and in the EMPr.

Subsequent to the conclusion of the specialist's report, the specialist was notified that there had been a change in development approach, driven by changes in government funding. The specialist concluded in the addendum letter dated 29 June 2021, that subject to additional mitigation measures being implemented, with a view of meeting the proposal's objectives of minimising pollution, then the impacts associated with the top structures component of the project, despite its changed approach, would be considered Low to Medium negative significance, as per the original Aquatic Ecologist Report (dated April 2020). The specialist's recommendations have been included as conditions set in this Environmental Authorisation and in the EMPr.

3.5. Traffic Impacts

A Transport Impact Assessment (compiled by GIBB (Pty) Ltd, dated 14 August 2020) was conducted to investigate the traffic impact from the proposed development.

The trip generation of each alternative was estimated. In the case of Layout Alternative 1 the AM Total is estimated at 309 trips and the PM Total at 310 trips. While in the case of Layout Alternative 2 the AM Total is estimated at 344 trips and the PM Total at 343 trips. The addition of approximately 30 trips per peak hour (the "worst-case" scenario) is not expected to significantly increase the traffic impact during the operational phase.

Vehicular access to the site will be provided for via one access road with an internal road network. This access road will be taken from the Bloubos Road (approved but not as yet constructed) from the southwestern boundary of the site. The access road crossing the floodplain will be raised above the 1:50 year flood line in order to protect, as far as possible, this sensitive aquatic ecosystem.

It is proposed that the development will not have vehicular access from the adjacent residential area to the east (other than potentially for emergency purposes). However, pedestrian access is proposed at the intersection of William Sergeant Street and Barnabas Shaw Road. The specialist recommended that minibus taxi services operate within the Development in order to provide future residents with access to public transport.

The potential traffic impacts associated with the proposed development have been identified in the BAR as being of low negative significance prior to mitigation and very low negative after being mitigated.

3.6. Geotechnical Impacts

A Geotechnical Investigation Report (Compiled by John Yates and Mathew Jones and dated September 2014) found that the main water table on the proposed site is expected to occur within the fractured shale and granite rock aquifers underlying the site. As such, it is not expected to influence the proposed development directly. However, the shallow perched groundwater found in almost all test pits excavated by the specialists will more significantly influence the proposed development.

According to the specialists, perched groundwater generally occurs from surface to depths of approximately 1.6m across the proposed development site. This is due to the large number of freshwater features located on the site, such as the stream just south of the site and the man-made dam in the central portion of the site. Based on the impact of the site's shallow groundwater characteristics on the proposed housing development, the specialists made recommendations which have influenced the proposed development. These recommendations pertain primarily to the engineering aspects of the development, such as the undertaking of bulk earthworks, the building of foundations and the management of stormwater and drainage on the site to allow for the building of structures.

The geotechnical specialists (Yates and Jones, 2014) found that both Farm No. 849 and Remainder of Farm No. 920 were broadly suitable for the proposed housing development, provided that the recommended measures relating to the geotechnical character of the site were addressed.

The updated statement (Compiled by Eugene Laubscher and dated 05 November 2020) confirms that the findings and recommendations provided in the Phase 1 Geotechnical Report are essentially expected to remain valid. Furthermore, it is deemed necessary that a Phase 2 Geotechnical Investigation be carried out during the installation of site bulk services. This has been included in the EMPr.

3.7. Dust, Noise and Visual Impacts

No significant dust, noise and visual impacts are anticipated. Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the Dust Management Plan dated June 2021 and the mitigation measures included in the EMPr. must be adhered to

The mitigation measures proposed to reduce the potential visual impacts have been included in a landscape plan. The relevant visual mitigation measures have therefore been included in the EMPr.

3.8. Heritage impacts

Heritage Western Cape indicated (in their correspondence dated 01 June 2020) that there is no reason to believe that the proposed development on the site, will impact on heritage resources and therefore no further action under Section 38 of the National Heritage Resources Act (Act No. 25 of 1999) is required.

A permit was issued from Heritage Western Cape on 03 September 2021, for the total demolition of one building older than 60 years on Farm No. 920 (Case Number: 20061207SB0820E).

3.9. Fire, health and safety impacts

Potential fire, health and safety impacts associated with the construction phase of the proposed development have been identified and assessed. Mitigation measures have been included in the EMPr.

3.10. Services

The City of Cape Town confirmed (in their correspondence dated 24 June 2020) that sufficient unallocated potable water and sewerage capacity is available to service the proposed development.

Eskom has confirmed in correspondence dated 23 September 2020 that there is capacity available to service the proposed development. The City of Cape Town also confirmed in correspondence dated 07 August 2020 that a solid waste disposal service will be made available for the fuel service station.

Stormwater will be dealt with in accordance with the stormwater management plan. A detention pond will be developed and will be fenced off for safety and security purposes. The stormwater management plan has been included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential visual, dust and noise impacts during the construction phase;
- Potential traffic impacts during the construction phase;
- Potential disturbance to aquatic feature from stormwater runoff into the adjacent wetlands during the construction phase;
- The loss of a dam;
- Potential soil and groundwater contamination during the construction phase; and
- Potential disturbance to the aquatic habit during the construction phase.

Positive impacts include:

- The proposed development will provide some employment opportunities during the construction phase;
- The dam area will be rehabilitated for improved wetland function and the conveyance of dissipated water from the natural spring into downstream wetlands;
- The provision of access to basic services such as water and electricity;
- Positive socio-economic impacts will be associated with the construction of the housing development; and
- The proposed development will help relieve the housing backlog in the City of Cape Town.

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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