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NEAS REFERENCE: WCP/EIA/0000957/2021
DATE: 25 APRIL 2022

The Board of Directors
Promptvest Fifteen (Pty) Ltd & President Park (Pty) Ltd
P. O. Box 70
BELLVILLE
7535

Attention: Mr. Theo Andrag

Cell.: 082 566 7199
E-mail: Theo.andrag@gmail.com

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 ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF PORTION 2, REMAINDER OF PORTION 7, A PORTION OF THE REMAINDER OF PORTION 9, A PORTION OF THE REMAINDER OF PORTION 10 AND A PORTION OF THE REMAINDER OF PORTION 32 OF FARM NO. 311, LANGEBERG, DURBANVILLE (GLENGARRY).

1. With reference to the above application, this 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 Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Mr. G. Nel and Mr. C. Williams (GNEC)
(2) Mr. M. Theron (City of Cape Town)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED: PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF PORTION 2, REMAINDER OF PORTION 7, A PORTION OF THE REMAINDER OF PORTION 9, A PORTION OF THE REMAINDER OF PORTION 10 AND A PORTION OF THE REMAINDER OF PORTION 32 OF FARM NO. 311, LANGEBERG, DURBANVILLE (GLENGARRY).

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 Activity Alternative, described in the Final Basic Assessment Report ("BAR"), dated 13 December 2021.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Promptvest Fifteen (Pty) Ltd & President Park (Pty) Ltd
c/o Mr. Theo Andrag
P. O. Box 70
BELLVILLE
7535

Cell.: 082 566 7199
E-mail: Theo.andrag@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: “The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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.</p>	<p>Structures and infrastructure will be constructed in and within 32 metres of a watercourse and associated wetlands.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 19 Activity Description: “The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling,</p>	<p>More than 10 cubic metres of material will be moved from and into the Kuils River and associated wetlands system.</p>

<p>depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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>	
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 27 Activity Description: “The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan”.</p>	<p>More than 1 hectare, but less than 20ha of indigenous vegetation will be cleared.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 28 Activity Description: “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:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The mixed-use development measuring approximately 74.08ha will take place on land zoned and used for agricultural purposes after 01 April 1998.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 Activity Description: “The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 300 square metres of critically endangered vegetation will be cleared.</p>

<p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister”.</p>	
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The abovementioned list is hereinafter referred to as “the listed activities”.

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

A mixed-use development comprising the following development pockets:

- Non-Residential which includes -
 - Business Premises, flats with an approximate footprint of 12.92ha;
 - Crèche with an approximate footprint of 0.37ha; and
 - Place of Worship with an approximate footprint of 0.43ha.
- Higher Density Residential which includes -
 - Flats with an approximate footprint of 13.24ha.
- Medium Density Areas (Sub-divisional Area) -
 - Group Housing with an approximate footprint of 26.19ha.
- Single Residential Erven which includes -
 - Approximately 88 single residential erven ranging from 400 m² to 800 m² in size.
- Development of the area west of the R300 which includes -
 - Associated services and infrastructure constructed in the river.

The associated infrastructure will include inter alia:

- new watermains and links;

- alterations to the existing water reticulation network;
- connections to existing municipal sewer mains;
- installation of new mains and the registration of servitudes;
- refuse rooms with refuse truck embayments;
- electrical reticulation and Medium Voltage ("MV") cable networks;
- miniature substations;
- underground Low Voltage ("LV") cable networks including earth conductors;
- street front kiosks;
- servicing cables;
- street lighting;
- associated stormwater infrastructure, including a stormwater conveyance system with a series of ponds, gabion weir walls, biological filter beds, box culverts, concrete base forebays, outlet structures and spillways and stilling basins;
- sidewalks along the public internal roads;
- public transport embayments;
- associated parking areas and facilities; and
- associated noise barriers as also detailed in the Environmental Noise Management Plan dated April 2019.

The associated traffic related and road upgrades includes:

- widening of the northern approach to the development and constructing a separate southbound left-turn lane along Brackenfell Boulevard;
- widening the southern approach to the development and constructing a separate northbound left-turn lane along Brackenfell Boulevard;
- upgrading the existing single circulation roundabout to a double circulation lane roundabout with additional dedicated south-and northbound right-turn lanes and an additional westbound left-turn lane;
- constructing a dedicated westbound left- turn along De Bron Road;
- constructing an additional southbound right-turn line along Verdi Boulevard and provide protected right-turn phases for the Vredeloof Road and Verdi Boulevard approaches;
- widening the N1 off-ramp to provide a separate left-turn lane and a shared through and right-turn eastbound along the off ramp; and
- dualling the Brackenfell Boulevard between De Bron Road and Tritonia Drive.

The access road network infrastructure includes:

- constructing Verdi Boulevard, Sterling Road and Aberdeen Road and Charles Way; and
- constructing single circulation roundabouts at Verdi Boulevard/Sterling Road, Sterling Road and the access to Portion 31, Sterling Road /Aberdeen Road and the access to Portion 1 off Aberdeen.

The associated open space system and landscaping will be implemented in accordance with an approved landscaping plan.

The total development footprint amounts to approximately 74.08ha.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on a Portion of the Remainder of Portion 2, Remainder of Portion 7, a Portion of the Remainder of Portion 9, a Portion of the Remainder of Portion 10 and Portion of the Remainder of Portion 32 of Farm No. 311, Langeberg, Durbanville, which is located between Fairtrees Road and Brackenfell Boulevard.

The SG digit codes are:

C0160000000311000002
 C0160000000311000009
 C0160000000311000032

C01600000000311000010
C01600000000311000007

The site co-ordinates are:

33° 51' 10.46" South; 18° 40' 28.10" East

The co-ordinates for the linear components:

Bulk Water:

Proposed Andrag water pipeline:

Start: 33° 51' 28.95" South; 18° 40' 44.31" East
Middle: 33° 51' 11.50" South; 18° 40' 34.26" East
End: 33° 51' 21.82" South; 18° 40' 21.50" East

Proposed Spes Bona water pipeline:

Start: 33° 51' 22.55" South; 18° 40' 53.31" East
Middle: 33° 51' 10.47" South; 18° 40' 36.17" East
End: 33° 51' 0.70" South; 18° 40' 43.05" East

Bulk Sewer:

Portion East of the R300 Road Reserve

Portions 11, 14, 133-135, 139-140, 144-145, 150, 156, 157, 161, 164, 169, 170, 171 and 177:

Start: 33° 51' 13.80" South; 18° 40' 50.37" East
Middle: 33° 51' 15.71" South; 18° 40' 32.72" East
End: 33° 51' 12.44" South; 18° 40' 15.12" East

Portions 9 and 177:

Start: 33° 51' 28.29" South; 18° 40' 11.45" East
Middle: 33° 51' 29.27" South; 18° 40' 24.90" East
End: 33° 51' 28.74" South; 18° 40' 35.79" East

Portion 4, 5 and 11:

Start: 33° 51' 18.25" South; 18° 40' 52.90" East
Middle: 33° 51' 20.04" South; 18° 40' 51.73" East
End: 33° 51' 19.33" South; 18° 40' 47.57" East

Portion 19:

Start: 33° 51' 7.90" South; 18° 40' 43.51" East
Middle: 33° 51' 9.36" South; 18° 40' 45.88" East
End: 33° 51' 9.40" South; 18° 40' 49.36" East

Portions 26, 29, 31, 35-89, 91-115 and 121-129:

Start: 33° 51' 3.66" South; 18° 40' 34.13" East
Middle: 33° 51' 0.10" South; 18° 40' 26.42" East
End: 33° 50' 59.66" South; 18° 40' 18.59" East

Proposed Roads:

Verdi Boulevard:

Start: 33° 51' 22.36" South; 18° 40' 21.92" East
Middle: 33° 51' 7.89" South; 18° 40' 30.23" East
End: 33° 50' 59.28" South; 18° 40' 33.82" East

Berwick Road:
Start: 33° 51' 12.77" South; 18° 40' 53.72" East
Middle: 33° 51' 9.28" South; 18° 40' 33.70" East
End: 33° 51' 4.68" South; 18° 40' 22.09" East

Preston Street:
Start: 33° 51' 20.39" South; 18° 40' 21.60" East
Middle: 33° 51' 11.04" South; 18° 40' 19.49" East
End: 33° 51' 0.18" South; 18° 40' 24.11" East

Charles Way:
Start: 33° 51' 1.08" South; 18° 40' 42.87" East
Middle: 33° 51' 0.57" South; 18° 40' 38.44" East
End: 33° 51' 0.31" South; 18° 40' 34.51" East

Moray Street:
Start: 33° 51' 0.12" South; 18° 40' 33.11" East
Middle: 33° 50' 59.71" South; 18° 40' 26.71" East
End: 33° 50' 59.57" South; 18° 40' 18.76" East

Refer to Annexure 1: Locality Plan.

Refer to Annexure 2: Layout Plan.

The above-mentioned properties are hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants (GNEC)
c/o Guillaume Nel & Euonell Visagie
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PAARL
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Tel.: (021) 870 1874
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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 Activity Alternative described in the Final BAR, dated 13 December 2021 on the site as described in Section C above.
2. Authorisation of the activities are subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.

- (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any; and
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

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

Written notice to the competent authority

9. A minimum of seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.

- 9.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 14, 19.2, 20.1 and 21.

Management of activity

10. The EMPr submitted, as dated January 2022 is hereby approved and must be implemented.
11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase and site rehabilitation phases of implementation.
The ECO must–
 - 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
 - 14.2 ensure compliance with the EMPr and the conditions contained herein; and
 - 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
 - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction phase; and
 - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).
In addition to the above, the environmental audit report, must –
 - 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;

- 16.2 identify and assess any new impacts and risks as a result of undertaking the activities;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 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 and, where the holder has such a facility, place on a publicly accessible website.

Specific conditions

18. The following measures adapted from the Rehabilitation Report dated January 2021, as compiled by GNEC, must be implemented:
- 18.1 Alien clearing must be implemented throughout the project lifecycle and must focus on the removal of, *inter alia*, *Pennisetum clandestinum*, *Acacia saligna*, *Typha capensis*, *Salix babylonica*, *Canna sp.* and *Melianthus major*.
 - 18.2 Alien trees must be appropriately cut and removed in order to prevent regrowth, contamination and/or posing as fire hazards.
 - 18.3 Alien clearing via manual removal must as far as possible be implemented.
 - 18.4 Clearing operations must as far as possible be implemented from January to June.
 - 18.5 Any isolated open reed beds must be retained to promote bird breeding.
 - 18.6 Management of invasive plant growth with fire must as far as possible be implemented from January to end of April.
 - 18.7 If emergency clearing must be conducted between July and December and a site visit must be conducted to confirm if there are any active breeding birds. If any breeding activity is noted or suspected, the City of Cape Town's Biodiversity Management Branch must be contacted to offer further advice.
 - 18.8 Excessive quantities of sand and silt must not enter the wetland habitat as a result of the soil profiling and alien clearing activities.
 - 18.9 Areas outside the alien clearing, rehabilitation and planting footprint must be treated and demarcated as no-go areas.
 - 18.10 Potential pollutants must be kept away from the wetland habitat.
 - 18.11 No spoil material must be placed in close proximity to the wetland/watercourse habitat, dumped within the wetland, spread out around trees, used to fill hollows and other irregularities in the wetland, or be used for erosion control, but must be removed to approved dumping sites.
 - 18.12 Sediment traps must be installed within the wetland/watercourse, until basal vegetation cover has been established.
 - 18.13 Locally indigenous vegetation naturally occurring on site and surrounding areas must be used as part of site rehabilitation, as far as possible.
 - 18.14 Rehabilitation must be done by a qualified Horticulturist/Botanist/Rehabilitation Specialist, with a well-trained team.
 - 18.15 Once the rehabilitation has been completed, periodic maintenance must be undertaken, which must include:

- 18.15.1 Manual sediment removal after heavy rainfall where sediment has washed into the rehabilitated area.
 - 18.15.2 Monitoring of indigenous vegetation growth, erosion and alien and invasive vegetation proliferation and implementing the appropriate rectification measures.
19. The following measure detailed in the correspondence dated 4 November 2021 from the City of Cape Town, must be implemented:
 - 19.1. The established Wild Olive tree grove must be treated as a "No-Go area" and must be preserved and marked off during the construction to ensure no damage to trees occur.
 - 19.2. The Wild Olive tree grove must be demarcated as a "No-Go area", prior to the commencement of construction activities.
20. The following measures detailed in the Botanical Impact Assessment dated November 2020 compiled by Capensis, must be implemented:
 - 20.1. Public open spaces within the development footprint east of the R300 extension must be aligned with areas identified as having some botanical value (Medium sensitivity Swartland Shale Renosterveld or Low sensitivity Cape Flats Sand Fynbos)

All land demarcated as open space must have minimal disturbance during and after construction. These sites must be fenced off prior to construction and the ECO must be present for the construction phase of the development to ensure that no unnecessary damage to sensitive vegetation occurs.
 - 20.2. After translocation of Species of Conservation Concern and geophytes into the open space west of the R300 extension, further active rehabilitation of the terrestrial habitat must be conducted in order to increase the structural integrity of the vegetation and conservation value of the site, using species typical of Swartland Shale Renosterveld sourced from local sites (within 8km). This work must be undertaken by a suitably qualified restoration ecologist with experience working with renosterveld.
 - 20.3. Follow-up visits must be undertaken to monitor the rehabilitation area to determine establishment success of translocated species, vegetation recovery following active restoration, and invasive species abundance. Monitoring must be undertaken annually for five years, and further interventions applied where necessary e.g., follow-up alien clearing.
21. The following measures detailed in the Freshwater Impact Assessment dated July 2020 compiled by K. Marais of FEN Consulting (Pty) Ltd, must be implemented prior to site access and commencement of construction activities adjacent to the Channelled Valley Bottom Wetland:
 - 21.1. A 32 m zone must be utilised as a conservation buffer from the delineated edge of the Channelled Valley Bottom Wetland. This area must be demarcated a no-go area and no unauthorised activities are allowed within the delineated extent of the wetland. If a more permanent fencing is desired, a pole and electric wire fence must be used as the suitable option.
 - 21.2. Contractor laydown areas and equipment storage must remain outside of the 32 m conservation buffer associated with the Channelled Valley Bottom Wetland.
22. The following measures with regards to the stormwater infrastructure as detailed in the Freshwater Impact Assessment dated July 2020 compiled by K. Marais of FEN Consulting (Pty) Ltd, must be implemented:
 - 22.1. Sustainable Drainage Systems ("SuDs") must be implemented to manage for the mixed use development.
 - 22.2. All SuDs and attenuation facilities must be constructed through excavation of *the in-situ* material, sloped to a ratio not steeper than 3:1 and lined with rocks and cobbles to assist

with energy dissipation and prevent sedimentation and erosion as well as improve the aesthetic appeal of the SuDs.

- 22.3. SuDs must be vegetated with indigenous obligate and facultative species suitable for seasonal saturation.
 - 22.4. Wooden boardwalks must be developed over the swales for pedestrian walkways, should the need arise to do so.
 - 22.5. The design of the stormwater outlet facility must incorporate energy dissipating structures such as reno mattresses or rip rap.
 - 22.6. Cobbles must be placed on the concrete apron, in front of the outlet pipe and below the reno mattress to further assist with energy dissipation.
 - 22.7. At no point must erosion or gully formation be allowed as this will have impact on the water dispersal.
 - 22.8. All soils compacted within the Channelled Valley Bottom Wetland as a result of construction equipment must be loosened prior to revegetation with suitable indigenous species.
 - 22.9. No indiscriminate movement of vehicles or personnel is allowed within the Channelled Valley Bottom Wetland or the 32 m conservation buffer where no activities are proposed.
 - 22.10. Careful planning of all construction equipment must be undertaken beforehand to ensure that the minimum impact on the Channelled Valley Bottom Wetland.
 - 22.11. Litter traps must be installed at all the inspection chambers to prevent any litter from entering into the Channelled Valley Bottom Wetland.
 - 22.12. All attenuation ponds must have a slope ratio not greater than 3:1 and must be lined with rocks/cobbles to assist with energy dissipation and prevent sedimentation and erosion.
 - 22.13. Attenuation ponds must be vegetated with indigenous obligate and facultative species suitable for seasonal saturation.
23. The following measures with regards to the trenching of pipes as detailed in the Freshwater Impact Assessment dated July 2020 compiled by K. Marais of FEN Consulting (Pty) Ltd, must be implemented with regard:
- 23.1. During construction / excavation, activities must only be excavated for a distance that does not exceed 500 m at any time so that excessive sediment loss does not occur.
 - 23.2. Stockpiles may not exceed 1 m in height and all trenches must be backfilled as soon as feasibly possible.
 - 23.3. The trenched section that is within the proposed open space areas must revegetated as soon as possible.
 - 23.4. Proliferation of alien vegetation must be monitored and controlled.
 - 23.5. Unused excavated soil/sediment must be utilised as part of the open space areas or be removed from site to a registered landfill.
24. The following measures as detailed in the Visual Impact Assessment dated July 2020 compiled by S. Erwee of FEN Consulting (Pty) Ltd, must be implemented:
- 24.1. Site offices and temporary structures (contractors camp) must be limited to single storey and situated at such a location to reduce significantly high visual intrusion.
 - 24.2. It must be ensured that the proposed buildings fit in with the surroundings through the appropriate use of colour such as greens, tans, and a light grey.

- 24.3. Pure whites and bright colours must be avoided.
 - 24.4. Roadside vegetation and use of tall trees must be incorporated into landscaping plans.
 - 24.5. Minimal fencing must be implemented.
 - 24.6. Outdoor lighting must be strictly controlled.
 - 24.7. All lights used for illumination (except for lighting associated with security) must be faced inwards and shielded to avoid light escaping above the horizon.
 - 24.8. Motion detectors on security lighting must be used, as far as possible.
 - 24.9. Security lighting must use minimum lumen or wattage in light fixtures, as far as possible.
 - 24.10. High light masts and high pole top security lighting must be avoided along the periphery of the buildings.
 - 24.11. Any high lighting masts must be covered to reduce sky glow.
25. The Environmental Noise Management Plan dated April 2019 compiled by A.W.D. Jongens of Jongens Keet Associates Acoustical Engineering Consultants must be implemented.
 26. A stormwater management plan must be approved by the City of Cape Town. A copy of the letter of approval and the approved stormwater management plan must be submitted to this Department for record purposes.
 27. A landscape plan must be approved by the City of Cape Town. A copy of the letter of approval and the approved landscape plan must be submitted to this Department for record purposes.
 28. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
 29. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
 30. Water saving mechanisms and/or water recycling systems must be installed to reduce water consumption that include *inter alia*, the following:
 - 30.1. Dual-flush toilet systems.
 - 30.2. All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 30.3. Water-wise landscaping must be done.
 31. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 31.1. Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 31.2. Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Streetlights must be switched off during the day.

- 31.3. All geysers must be covered with geyser "blankets".
- 31.4. The installation of solar water heaters and solar panels must be considered for all buildings.

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 the listed activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA 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 notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding

statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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

DATE OF DECISION: 25 APRIL 2022

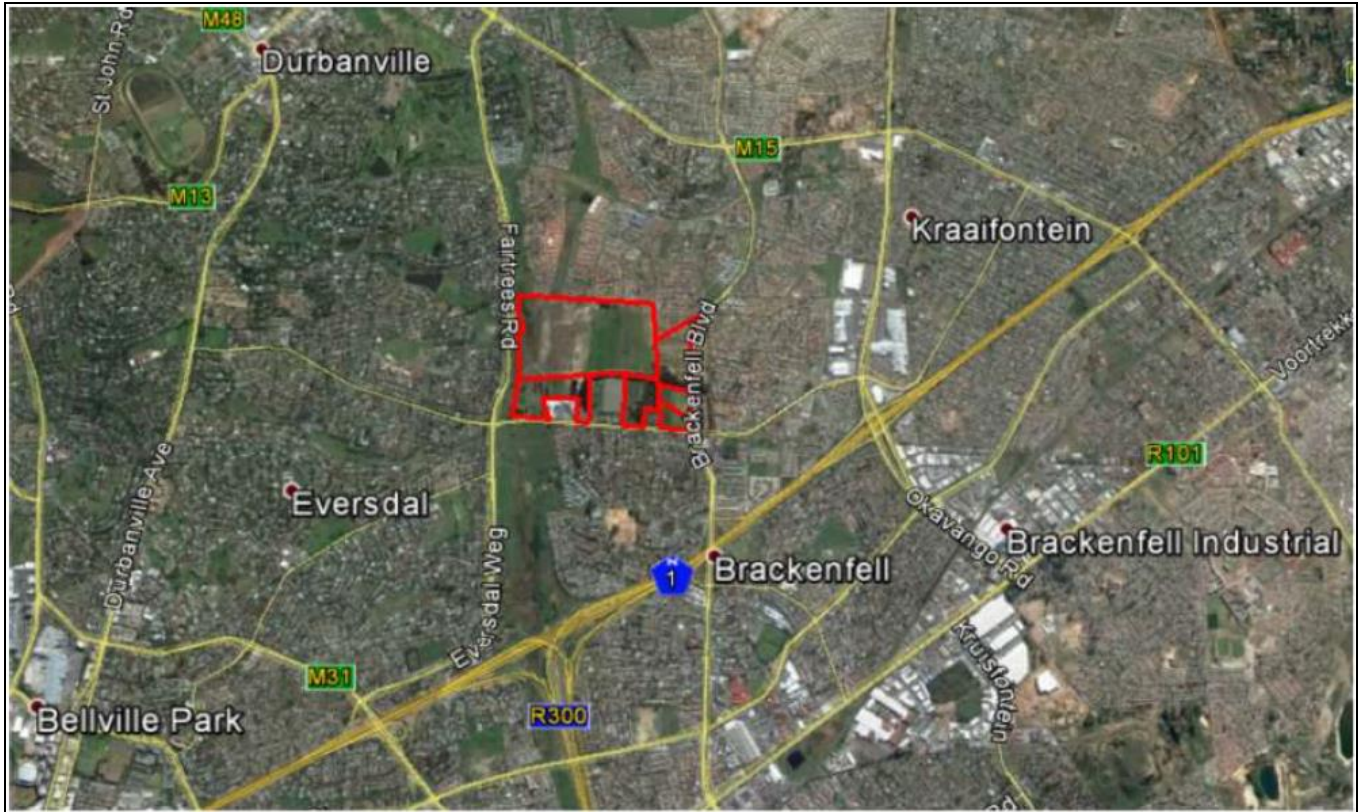
Copied to: (1) Mr. G. Nel and Mr. C. Williams (GNEC)
(2) Mr. M. Theron (City of Cape Town)

E-mail: gn@gnec.co.za / cahlan@gnec.co.za / eg@gnec.co.za
E-mail: Morne.Theron@capetown.gov.za

FOR OFFICIAL USE ONLY:

REFERENCE: 16/3/3/1/A5/11/2042/21
NEAS REFERENCE: WCP/EIA/0000957/2021

ANNEXURE 1: LOCALITY MAP



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 27 January 2021, the Final BAR dated 13 December 2021, the EMPr as dated December 2021 and the additional information received on 15 December 2021, 24 January 2022, 24 March 2022, 4 April 2022 and 6 April 2022.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from I&APs and responses to these, included in the Final BAR.

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

1. Public Participation

The public participation process included:

- notification letters were sent by registered post to landowners and commenting authorities on 20 July 2018 announcing the availability of the pre-application Draft BAR;
- where no postal information was available, e-mails were sent to the I&APs;
- an advertisement was placed in The Tygerburger on 19 July 2018 announcing the availability of the pre-application Draft BAR;
- six (6) notices were placed on site and at visible and accessible locations on 20 July 2018 to notify the public of the availability of the pre-application Draft BAR;
- Background Information Documents were hand delivered on 20 July 2018 to land owners and residents of the affected properties, and to land owners on adjacent properties;
- copies of the pre-application Draft BAR were placed in the Brackenfell Public Library for review by the public on 20 July 2018;
- a copy of the pre-application Draft BAR was made available on EAPs website on 20 July 2018 at www.gnec.co.za;
- soft copies were made available and hard copies of the pre-application Draft BAR were hand delivered to relevant commenting authorities on 20 July 2018;
- the pre-application Draft BAR was made available for comment from 20 July 2018 to 22 August 2018;
- all registered I&APs and commenting authorities were informed of the revised pre-application Draft BAR available for comment from 24 August 2020 to 24 September 2020; and
- all registered I&APs and commenting authorities were informed of the Draft BAR (submitted following the submission of the application form for Environmental Authorisation) available for comment from 11 October 2021 to 11 November 2021.

At the end of the Public Participation Processes, comments were obtained from members of the public and commenting authorities.

The comments received from I&APs related to:

- the impacts of the proposed development on the local traffic and road network;
- objections against the development due to traffic impacts;
- noise impacts;
- negative impact on existing properties in terms of value;
- negative visual impacts;
- other areas in Durbanville must be considered that will have less impact on the existing and established residents and commercial establishments;
- negative impact on wildlife; and
- increase in crime levels.

In response to the above, it was indicated that:

- certain traffic upgrades are required to facilitate a smoother traffic flow;
- a Traffic Impact Assessment was compiled to assess traffic impacts associated with the development;
- the Noise Impact Assessment confirmed that the development will be in line with the legislated allowed decibels for a residential neighbourhood and should not negatively impact the surrounding community;
- a Visual Impact Assessment and Landscaping Plan was compiled to address the visual concerns. The project will include landscaping to mitigate potential negative visual impacts. The three avenues of existing trees located on the site will be retained;
- since medium to higher income housing opportunities will be provided in the form of pockets being sold off, and the necessary planning processes will be followed for the proposed development and it is not expected for existing property values to decrease;
- the school will have a positive impact on existing property prices due to the high demand for such facilities;
- a Faunal Impact Assessment was conducted to assess the impacts on fauna, which concluded; and
- the development will be a security estate with private security contracted to ensure safety of the future residents in the area and an increase in surveillance in the area.

The overall comments from the relevant authorities:

- no significant biophysical impacts are expected due to the transformed nature of the site caused by previous agricultural activities;
- the Kuils River floodplain is degraded, however, it is still of high ecological importance and rehabilitation is required;
- a Freshwater Assessment must be undertaken;
- the preferred alternative is endorsed from an urban design perspective;
- detailed landscape plans are required;
- the necessary land use planning requirements must be met;
- dust management requirements must be met;
- compliance with the Western Cape Noise Regulations is required;
- stormwater management requirements must be met; and
- bulk infrastructure and service requirements must be met.

In response to the above, it was indicated that:

- rehabilitation will be done where the civil infrastructure traverses the Kuils River.
- a Freshwater Impact Assessment was conducted; and
- confirmed that all necessary municipal related requirements will be met and adhered to.

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

2. Alternatives

One site alternative, an activity alternative, 5 layout alternatives and the no-go alternative were assessed.

The application is for the establishment of a mixed residential development consisting of various smaller estates on the proposed site. The development includes a commercial / business zone, a Primary School, Creche and Place of Worship. The total extent of the development will be managed by an overarching Property Owner's Association.

Site Alternative (preferred by the applicant)

The preferred site alternative is for the mixed used development to take place on a Portion of the Remainder of Portion 2, Remainder of Portion 7, a Portion of the Remainder of Portion 9, a Portion of the Remainder of Portion 10 and a Portion of the Remainder of Portion 32 of Farm No. 311, Langeberg, Durbanville.

This is the only and preferred site alternative as the site is not deemed sensitive from an biophysical environmental perspective while any negative impacts can be adequately mitigated.

Preferred Activity Alternative (preferred by the applicant and herewith authorised)

The preferred activity alternative entails the construction of a mixed used development comprising the following development pockets:

- Non-Residential which includes -
 - Business Premises, flats with an approximate footprint of 12.92ha;
 - Crèche with an approximate footprint of 0.37ha; and
 - Place of Worship with an approximate footprint of 0.43ha.
- Higher Density Residential which includes -
 - Flats with an approximate footprint of 13.24ha.
- Medium Density Areas (Sub-divisional Area) -
 - Group Housing with an approximate footprint of 26.19ha.
- Single Residential Erven which includes -
 - Approximately 88 single residential erven ranging from 400 m² to 800 m² in size.
- Development of the area west of the R300 which includes -
 - Associated services and infrastructure constructed in the river.

The associated infrastructure will include inter alia:

- new watermains and links;
- alterations to the existing water reticulation network;
- connections to existing municipal sewer mains;
- installation of new mains and the registration of servitudes;
- refuse rooms with refuse truck embayments;
- electrical reticulation and MV cable networks;
- miniature substations;
- underground Low Voltage LV cable networks including earth conductors;
- street front kiosks;
- servicing cables;
- street lighting;
- associated stormwater infrastructure, including a stormwater conveyance system with a series of ponds, gabion weir walls, biological filter beds, box culverts, concrete base forebays, outlet structures and spillways and stilling basins;
- sidewalks along the public internal roads;
- public transport embayments;
- associated parking areas and facilities; and
- associated noise barriers as also detailed in the Environmental Noise Management Plan dated April 2019.

The associated traffic related and road upgrades includes:

- widening of the northern approach to the development and constructing a separate southbound left-turn lane along Brackenfell Boulevard;
- widening the southern approach to the development and constructing a separate northbound left-turn lane along Brackenfell Boulevard;
- upgrading the existing single circulation roundabout to a double circulation lane roundabout with additional dedicated south-and northbound right-turn lanes and an additional westbound left-turn lane;
- constructing a dedicated westbound left- turn along De Bron Road;
- constructing an additional southbound right-turn line along Verdi Boulevard and provide protected right-turn phases for the Vredelokloof Road and Verdi Boulevard approaches;
- widening the N1 off-ramp to provide a separate left-turn lane and a shared through and right-turn eastbound along the off ramp; and

- dualling the Brackenfell Boulevard between De Bron Road and Tritonia Drive.

The access road network infrastructure includes:

- constructing Verdi Boulevard, Sterling Road and Aberdeen Road and Charles Way; and
- constructing single circulation roundabouts at Verdi Boulevard/Sterling Road, Sterling Road and the access to Portion 31, Sterling Road /Aberdeen Road and the access to Portion 1 off Aberdeen.

The associated open space system and landscaping will be implemented in accordance with an approved landscaping plan.

The total development footprint amounts to approximately 74.08ha.

This is the preferred activity alternative as the proposed mixed-use development is deemed the most appropriate landuse for the site. In this regard, the mixed-use development will be designed to integrate with the existing urban fabric, while optimally using the site through the mixed-used landuses that it will offer.

Layout Alternative 1 (rejected by the applicant)

Layout Alternative 1 entails the development of the mixed-use development in accordance with a Framework Plan, which focuses on aspect to ensure that the development fitting into the existing and surrounding urban structure while adhering to the constraints and opportunities of the site.

Layout Alternative 1 is also based on acquiring bulk development rights where a primary public internal road structure is created with development pockets / portions for individual land uses. These will be sold and further designed and subdivided to implementation by the end developer. These developers will then have the opportunity to implement detailed planning within each pocket.

Due to the abovementioned concept, only the following estimated yields and densities could be determined:

- a residential component comprises approximately 1628 units, i.e., 111 single residential units, 468 group housing units and 1049 apartments;
- a commercial component comprises approximately 20 500m² gross leasable area ("GLA") for retail and 19 050m² GLA for offices;
- a school to accommodate approximately 650 learners;
- a place of worship component to accommodate approximately 500 people; and
- a crèche to accommodate approximately 200 learners.

The non-residential component will have an approximate total development footprint of approximately 14.31ha.

The residential component will have an approximate total development footprint of approximately 33.8ha and comprises higher density residential, medium density residential and single residential erven.

No development, apart from infrastructure is proposed on the west of the R300.

Layout Alternative 1 is rejected as the layout does not include any provisions aimed at reducing noise impacts on residents. The proposed school was also not deemed as commercially viable.

Layout Alternative 2 (rejected by the applicant)

Layout Alternative 2 entailed the development of the mixed-use development comprising approximately 1 800 residential opportunities with a density ranging from 19.4 units to 25 units per hectare and a total development footprint of approximately 93,01 ha.

Layout Alternative 2 includes the yields and densities:

- a non-residential component comprising business premises, flats, crèche, place of worship and school with an approximate total development footprint of 12.67ha; and

- residential component comprising higher density residential, 62 sub-divisional areas and single residential erven with an approximate total development footprint of 45.02ha.

Private open space will be established along the western border of the proposed site, which will include the hardening of the route of the Kuils river channel and the creation of ponds with indigenous vegetation.

Layout Alternative 2 was rejected as it includes fewer commercial opportunities and therefore less employment opportunities will be created.

Layout Alternative 3 (rejected by the applicant)

Layout Alternative 3 entails the development of the mixed-use development comprising:

- single residential with approximately 135 units to be located along the northern border of the site;
- general residential (flats) with approximately 963 units;
- mixed residential uses (single residential, group housing, flats) with approximately 840 units;
- community facilities (primary school, early childhood development, worship);
- general business zone;
- open space;
- utility zone with a gross area; and
- public roads and public parking).

The development footprint will measure approximately 92,97 ha.

Layout Alternative 3 was rejected as the total number of single residential units is not deemed as viable and does not fully maximise the potential of the underutilised site.

Layout Alternative 4 (rejected by the applicant)

Layout Alternative 4 entails the development of the mixed-use development comprising:

- residential and general residential;
- open space;
- general business zone;
- educational facilities;
- spaces with undetermined use; and
- roads.

The development footprint will measure approximately 93,00 ha.

Layout Alternative 4 was rejected as too many internal roads are required and would not facilitate an easy flow of traffic.

Layout Alternative 5 (rejected by the applicant)

Layout Alternative 5 entails the development of the mixed-use development comprising:

- residential;
- open space;
- mixed use facilities;
- educational facilities; and
- roads.

The development footprint will measure approximately 93.02 ha.

Layout Alternative 5 was rejected based on the following reasons:

- access is planned from the north along Ibis Street, which is not possible, as Ibis Street does not have the capacity to service an additional 54 single residential units;
- the layout also does not allow for the easy flow of a.m. and p.m. traffic along the Brackenfell Boulevard and De Bron Road intersection;

- uncertainty regarding future R300 extensions will make planning for development on the western side of the road unviable; and
- the proposed public open spaces will entail the removal of the existing tree avenues, which will have a negative impact on the sense of place.

No-go alternative (rejected by the applicant)

The no-go alternative entails maintaining the status quo, which was rejected, as the existing use comprising limited agricultural activities and the rest of the site remaining undeveloped, is not regarded as sustainable.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The objective of the proposed development is the provision of residential market related housing as well as the provision of supporting non-residential land uses that is integrated and consistent with the existing urban fabric. The development will therefore complement the existing surrounding urban structure and provide additional urban opportunities and facilities available in the local area and is an infill development. The proposed development is in close proximity to existing employment and commercial opportunities, with the Glengarry Shopping Centre bordering to the South, and Cape Gate located to the East. The proposed development will however create more economic opportunity by the establishment of a commercial node.

3.2 Regional/Planning Context

The site is zoned Agriculture and the necessary planning related applications are required to permit the development. The proposed site is located inside the urban edge in an area earmarked for infill development.

The development comprises mixed-uses of both residential and non-residential as well as social and educational facility(s), which caters to a range of income groups. This is consistent with the strategy of the City of Cape Town's Spatial Development Framework ("SDF") dated 2018 of building an inclusive, integrated, vibrant City. At district level, the site is earmarked for new urban infill in terms of the SDF. The development is therefore consistent with the framework in this regard. The development will therefore also contribute towards greater optimisation of resource utilisation that is normally associated with infill type of developments.

The proposed development is also compliant with the City of Cape Town's Transit Orientated Development Strategic Framework (October 2015) since the property is located in an area identified for urban development by SDF and the Northern District Plan. Appropriate densification along major routes is proposed with lower densities in areas with environmental sensitivity. Furthermore, the development promotes non-motorised transport networks by designing an internal private and public road network to include pedestrian and cycle routes. The development also includes various walking and cycling routes throughout, to promote pedestrian movement.

The proposed development aims to create a much needed business node to give the community the opportunity to start and sustain their own businesses and to generate an income for their families. Further, the proposed development will create temporary and permanent job opportunities.

Further, the proposed development is in line with the Western Cape SDF dated 2014 as the additional residential development will contribute to a more optimal utilisation of the existing urban infrastructure.

3.3 Botanical Impacts

The site is a brownfield site, which has been disturbed by previous agricultural activities. These activities have also resulted in the site as being of very low conservation value and restoration potential. The only portion with some level of botanical diversity is found near the bottom of the slope near the Kuils River on the west of the site. A patch of approximately 0.12 hectares was

recorded by the botanist, which is considered to be degraded Swartland Shale Renosterveld, in close proximity to the wetland habitat on the western boundary of the site. A single grove of relatively old and established Wild Olive (*Olea europaea ssp. africana*) was identified on the southern boundary of the site. This is the only remnant element of Swartland Granite Fynbos vegetation persisting within the site, as all other granitic soils on the site have been transformed. The rest of the site can be categorised into habitats that are transformed, highly degraded and/or degraded with areas comprising old established trees and wetland habitat.

During the construction phase, the direct impact is limited to the clearance and loss of approximately 190 000m² of highly degraded and 1200m² of vegetation. During the operational phase, the direct impact is associated with the edge effects of the development on adjacent open land or the on-site open spaces. According to the Botanical Impact Assessment dated November 2020, the botanical impacts will be of low negative significance, post mitigation. These mitigation measures, as included in the EMPr as also per condition 20 of this environmental authorisation includes the translocation of plant species and geophytes, avoiding the western portion of the site (i.e., keeping it free from any physical development), limiting the disturbances to the site during construction and ongoing monitoring of the rehabilitation and alien clearing activities.

Given the transformed nature of the site, which serves no biophysical connectivity qualities, any indirect impacts will be insignificant, while cumulative impacts will be of low negative significance.

3.4 Aquatic Impacts

A degraded portion of the Kuils River and an associated Channelled Valley Bottom Wetland runs along the western border of the site. An artificial wet response area is located with the southern portion of the site, but is artificial in nature, was formed as a result of a historical impoundment alongside the Kuils River. An off-stream artificial impoundment is also located within the central portion of the site with the pumped water stored and used irrigation.

The degraded state of the Kuils River is due to the impacts of human activity such as *inter alia*, historical construction of a dam, infilling and removing of soil from the riverbanks and an outlet structure for the Glengarry Reservoir scouring pipe and a storm water pipe outlet. In order to limit the impact on the Kuils River, the western portion of the site was largely excluded from the development, apart from the sewer, water pipeline and stormwater outlet structures which will be constructed in the river and its associated wetland edge.

One artificial unchanneled valley bottom wetland is situated within the southern portion of the site and two artificial flat wetlands and two unchanneled valley bottom wetland features are situated within the southern portion. These features are in a heavily to critically modified state.

According to the Freshwater Ecological Assessment dated July 2020, the activities associated with the construction and operational phases of the proposed which includes site preparation, excavation of trenches and stormwater outlets poses medium-low to low risks to the Kuils River and the associated wetland. This is due to development largely not being constructed directly within the system, apart from the sewer, water pipeline and stormwater outlet structures, as mentioned above. As such, most potential negative impacts are indirect. These include deteriorating water quality and increased sediment loads potentially entering the aquatic system via the stormwater channels. These impacts can however be mitigated to be of a very low negative significance. These mitigation measures include *inter alia*, maintaining buffers from the edge of the channels, demarcating the wetland system as no-go areas and rehabilitation were included in the EMPr. As per conditions 21, 22 and 23 these also include measures that must be implemented prior to site access and commencement of construction activities, the installation and construction of stormwater infrastructure and the activities associated with the trenching of pipes. Further mitigation measures contained in the Rehabilitation Report dated January 2021, as compiled by GNEC will be implemented to positively contribute to the ecological and biodiversity value of the existing degraded aquatic system. These measures were included as part of the conditions of this environmental authorisation.

3.5 Geotechnical

The trial pits excavated as part of the Geotechnical Study dated 31 October 2018 encountered no groundwater seepage. The Geotechnical Study concluded that the site has no major geological constraints and suitable material could be excavated from the site and used for different components of the development, e.g., gravel found on site is suited for subbase etc.

3.6 Agricultural

According to the Final BAR, the site has become unviable to farm. Historically the site was planted with avenues of trees including oaks and eucalyptus and a mixed tree forest. Avenues of trees, including oaks, eucalyptus and mixed tree forest will be retained and incorporated into the green open spaces of the proposed development. The impact on agricultural resources is of low negative significance.

The Department of Agriculture indicated in the correspondence dated 14 January 2022 that they have no objection against application for the mixed-use development.

3.7 Fauna

According to the Faunal Ecological Assessment dated May 2019, the only Species of Conservation Concern is the Cape Caco (*Cacosternum capense*) (or Cape dainty frog) that may be frequenting the site. This probability was based on the site's freshwater habitat which may be utilised by the Cape Caco for breeding. Further, only common on-site faunal species of low diversity were noted, i.e. Four-Striped Grass Mouse (*Rhabdomys pumilio*) the common Mole-rat (*Cryptomys hottentotus*) and Helmeted Guineafowl (*Numida Meleagris*). Other probabilities of the site supporting faunal habitat is low due to the transformed nature of the site caused by historical and current anthropogenic activities. The Faunal Specialist Letter of Opinion dated 15 September 2021 therefore determined that the site and wider area is of low sensitivity from a faunal perspective.

The potential loss of faunal habitat was assessed as low negative during construction and very low negative during operational phase, with mitigation. Mitigation measures were included in the EMP and include the need to establish no-go area such as the watercourses, using permeable fencing, education regarding the on-site fauna be facilitated with all employees, prohibiting hunting/trapping or collecting of faunal species, retaining the on-site trees, the implementation of SUDs etc.

3.8 Visual/Sense of place

The site is bordered on all sides by existing urban development, ranging from medium density residential to commercial (shopping centre) and other mixed use commercial nodes. As such, the Visual Impact dated July 2020 determined that with mitigation, the proposed development will have a low negative impact on the local sense of place during the construction and operational phases of the development.

While the development will increase the bulk appearance of buildings in the local area, the site has a high Visual Absorption Capacity due to the already urbanised setting. The development will thus result in a moderate to low level visual intrusion on the surrounding landscape. The development will be visible within a 2km radius of the site as well as motorists traveling along the N1 to the east of the site as well as permanent residents of the surrounding areas. The fact that the development will not be out of character with its surrounds means that it will blend with the local environment and therefore unlikely be of a high negative visual significance to the abovementioned receptors.

In order to mitigate the visual impact, architecture in line with the surrounding areas as well as extensive landscaping will be implemented. The existing green spaces on the site such as tree lines, will also be utilised as far as possible in order to screen the development and function as visual buffers. The development will furthermore incorporate a 'blue system' comprising the stormwater system to compliment the visual quality of the development. Similarly, landscaping measures will also be implemented to compliment the visual appearance of the development. The implementation of these mitigation measures should ensure that the proposed development has a moderately low visual impact on the local landscape character.

3.9 Heritage

No sensitive heritage resources were identified on the site. Heritage Western Cape ("HWC") indicated in its correspondence dated 8 November 2017 that there is no reason to believe that the proposed development will impact on heritage resources.

3.10 Services

Water to the development will be supplied from two distribution and pressure zones, i.e., 'Andrag reservoir zone' and the 'Spes Bona zone'. In this regard the associated infrastructure will include *inter alia*, new watermains and links as well as alterations to the existing water reticulation network.

In terms of sewage, connections to existing municipal sewer mains, installation of new mains and the registration of servitudes will be required. According to the information presented, the required service infrastructure does not trigger any EIA listed activities.

In terms of solid waste, the development will include the provision of refuse rooms with refuse truck embayments.

The required electrical infrastructure will include electrical reticulation and MV cable networks, miniature substations, underground LV cable networks including earth conductors, street front kiosks, servicing cables and street lighting.

A stormwater conveyance system with a series of ponds, wherein stormwater will also be treated and attenuated. The stormwater system will further include the construction gabion weir walls, biological filter beds, box culverts, concrete base forebays, outlet structures and spillways and stilling basins.

The City of Cape Town indicated in its correspondences dated 16 February 2018, 28 January 2022 and 24 February 2022 that sufficient capacity exists to supply electricity, water and sanitation services.

3.11 Traffic

According to the Traffic Impact Assessment dated July 2021, it was estimated that approximately 1 738 trips (i.e., 658 in and 1 080 out) am peak hour trips and approximately 1 283 trips (i.e. 1 283 in and out 994) pm peak hour trips will be generated by the proposed development.

In order to accommodate the development, certain traffic related mitigation measures and road upgrades are required, including *inter alia*:

- widening of the northern approach to the development and constructing a separate southbound left-turn lane along Brackenfell Boulevard;
- widening the southern approach to the development and constructing a separate northbound left-turn lane along Brackenfell Boulevard;
- upgrading the existing single circulation roundabout to a double circulation lane roundabout with additional dedicated south-and northbound right-turn lanes and an additional westbound left- turn lane;
- constructing a dedicated westbound left- turn along De Bron Road;
- constructing an additional southbound right-turn line along Verdi Boulevard and provide protected right-turn phases for the Vredeloof Road and Verdi Boulevard approaches;
- widening the N1 off-ramp to provide a separate left-turn lane and a shared through and right-turn eastbound along the off ramp; and
- dualling the Brackenfell Boulevard between De Bron Road and Tritonia Drive.

The following road network infrastructure is also required for access to the proposed development:

- constructing Verdi Boulevard, Sterling Road and Aberdeen Road and Charles Way; and
- constructing single circulation roundabouts at Verdi Boulevard/Sterling Road, Sterling Road and the access to Portion 31, Sterling Road /Aberdeen Road and the access to Portion 1 off Aberdeen.

In addition to the above, sidewalks along the public internal roads, public transport embayments and associated parking areas and facilities will also be provided. The Traffic Impact Assessment concluded that the expected transport impacts can be mitigated through the necessary road upgrades and network infrastructure. The proposed development was therefore recommended for approval from a transport engineering perspective.

3.12 Noise

The noise impacts associated with the development will be managed in accordance with the relevant provisions of the EMPr.

According to the Noise Impact Assessment dated April 2019, the proposed development will be exposed to noise emanating from road traffic on Brackenfell Boulevard and De Bron and the R300. It was determined that without mitigation measures, the residents of the development would be exposed to noise levels, which exceeds the acceptable levels. The specialist's recommendations were included in the preferred layout by the moving of the residential units away from the R300 and placing the commercial buildings along Brackenfell Boulevard and De Bron. The need to construct a continuous line of commercial buildings located parallel to and near the abovementioned roads to function as noise barriers. Additional mitigation measures include sealed windows for the commercial buildings. The recommended mitigation measures were included in the EMPr and the Noise Management Plan was included as an appendix to the EMPr.

3.13 Socio-economic

The proposed development will result in the provision of employment opportunities during both the construction and operational phases.

The development is based on the 'package plans' town planning concept and approach meaning that detailed considerations regarding the economic impacts will only be made known when certainty is obtained after a portion of land is sold and developed for a specific and intended purpose at a finer scale. It is at this stage where the town planning requirements will focus on the economic related impacts and matters that pertain to the type of non-residential development proposed as part of the portion of land that will be developed.

The development will result in both negative and positive impacts.

Negative Impacts:

- The removal of indigenous vegetation;
- Movement of material from and into the Kuils River and wetland system; and
- Noise impacts.

Positive impacts:

- Provision of employment opportunities during construction and the operational phases;
- Provision of housing opportunities for various income groups and other urban non-residential facilities;
- Contribution to the local economy; and
- Landscaped open spaces and provision of pedestrian and cycle lanes in the open spaces.

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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