
REFERENCE: 16/3/3/1/A5/11/2039/21
NEAS REFERENCE: WCP/EIA/0000952/2021
DATE OF ISSUE: 21 February 2022

The Board of Directors
Cape Estates Properties Peninsula (Pty) Ltd.
P.O. Box 12486
GEORGE
6529

Attention: Mr. Henrie Jonck

E-mail: henrie@capestates.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A RESIDENTIAL AND STORAGE UNIT DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 49 OF FARM HAASENDAL NO. 222, THE REMAINDER OF PORTION 5 OF FARM GROENLAND NO. 214, AND THE REMAINDER OF PORTION 12 OF FARM HAASENDAL NO. 222, BRACKENFELL.

1. With reference to the above application, the competent authority 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 EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties 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 procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Heloise Groenewald (Guillaume Nel Environmental Consultants (Pty) Ltd.)
(2) Mr. Morné Theron (City of Cape Town)

E-mail: hdp@gnec.co.za
E-mail: Morne.Theron@capetown.gov.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A RESIDENTIAL AND STORAGE UNIT DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 49 OF FARM HAASENDAL NO. 222, THE REMAINDER OF PORTION 5 OF FARM GROENLAND NO. 214, AND THE REMAINDER OF PORTION 12 OF FARM HAASENDAL NO. 222, BRACKENFELL.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated 13 October 2021.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Cape Estates Properties Peninsula (Pty) Ltd.
c/o Mr. Henrie Jonck
P.O. Box 12486
GEORGE
6529

Tel.: (021) 204 7942
E-mail: henrie@capeestates.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 28: <i>“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i> or (ii) <i>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 was zoned for agricultural use on or after 01 April 1998 and is located outside an urban area.</p>
<p>Activity 56: <i>“The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre -</i></p> <p>(i) <i>where the existing reserve is wider than 13,5 meters; or</i></p> <p>(ii) <i>where no reserve exists, where the existing road is wider than 8 metres;</i></p> <p><i>excluding where widening or lengthening occur inside urban areas”.</i></p>	<p>Kruin Street will be widened by more than 6m.</p>
Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p>i. <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;</i></p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<ul style="list-style-type: none"> ii. <i>Within critical biodiversity areas identified in bioregional plans;</i> iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</i> iv. <i>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</i> v. <i>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".</i> 	
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The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

The proposal entails the establishment of a residential and storage unit development and associated infrastructure on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The proposed development will consist of three sections as follows:

Site A:

A section of Site A will be located on the Remainder of Portion 12 of Farm Haasendal No. 222. Site A will consist of 21 apartment blocks with a total number of 269 units. A clubhouse will be located along the north-eastern boundary of the property. Site A will be approximately 3.9ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided. A gate house will be located at the entrance to the site.

Site B:

Site B will consist of 19 apartment blocks with a total number of 234 units. Site B will be approximately 3.3ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided.

Site C:

Site C will be approximately 0.84ha in size and be retained for storage units.

A total number of 503 residential units will be developed. An electrical mini substation will be established along the southwestern boundary of Site B and a larger substation will be provided along the southwestern corner of Site A, with both substations being located inside the erf boundary.

The proposed development will result in the loss of approximately 0.35ha semi-intact indigenous vegetation and approximately 140m² degraded and transformed

indigenous vegetation. The wild olive patch on the southwest corner of Portion 49 of Erf No. 222 will be excluded from the development footprint and as many as possible of the wild olive trees on the remainder of the site will also be retained.

Access to Site A is proposed off Ronelle Street Extension, whereas access to Sites B and C is proposed off Kruin Street Extension.

Kruin Street will be extended southwards and Ronelle Street will be extended along the common erf boundary line that runs from the street's current termination point towards the Kruin Street extension.

Ronelle Street extension:

Ronelle Street, which has been surfaced up to approximately 300m east of Kruin Road will be extended. Possible future development is proposed on the property north of the Ronelle Street extension. In order for the proposed site to obtain access from Ronelle Street, the northern property owner has agreed that 10m of the eventual 16m road reserve be transferred to construct a 5.5m-wide road with sidewalk in the 10m section. The 6m required for the eventual road reserve will be provided by the southern landowners at a later stage, when additional properties begin to develop. A small triangle of land will be required from the owner of Portion 51 of Farm No. 2221 to accommodate the 20m-wide Ronelle Street reserve in the west and the initial 10m-wide road reserve in the east.

Kruin Street extension:

The proposed development will result in a section of the Kruin Street extension being constructed. This section will span from the Ronelle Street intersection to the Site C (storage use) access, for a distance of approximately 360m. The landowner of Portion 49 of Farm No. 222 will provide a 10m wide strip of land along the property's eastern boundary and a 10m wide strip will also be provided along the western boundary of the Remainder of Portion 5 of Farm No. 214.

No road reserves have been registered for the Ronelle Street and Kruin Street extensions. The roads will be 5.5m in width.

The proposed residential component including associated infrastructure (Sites A, B and C) is approximately 7.6ha in size. The road infrastructure will occupy an area of approximately 1.6ha with the total development footprint being approximately 9.2ha in size.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The extension of the roads will be undertaken on Portion 51 of Farm No. 222, Portion 48 of Farm No. 222 and the Remainder of Portion 42 of Farm No. 222, Brackenfell.

The properties are located just off Crammix Road. The properties are situated approximately 2km north of Bottelary Road. The properties are surrounded by residential developments to the north and west, with the Hazendal Wine Estate located to the south.

The SG 21 digit codes are:

Portion 49 of Farm No. 222: C06700000000022200049

Remainder of Portion 5 of Farm No. 214: C06700000000021400005

Remainder of Portion 12 of Farm No. 222: C06700000000022200012

Co-ordinates:

Site:

Latitude: 33° 53' 37.08" S

Longitude: 18° 43' 21.07" E

Proposed road extension:

Starting point:

Latitude: 33° 53' 23.06" S

Longitude: 18° 43' 16.01" E

Middle point:

Latitude: 33° 53' 37.08" S

Longitude: 18° 43' 21.07" E

End point:

Latitude: 33° 53' 48.05" S

Longitude: 18° 42' 58.02" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Guillaume Nel Environmental Consultants (Pty) Ltd.

c/o Ms. Heloise Groenewald / Ms. Carina Becker

P.O. Box 2632

PAARL

7646

Tel.: (021) 870 1874

E-mail: hdp@gnec.co.za / carina@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 13 October 2021 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

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

This Environmental Authorisation is granted for–

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

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction 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, 22 and 24.

Management of activity

10. The draft Environmental Management Programme ("EMPr") dated 13 October 2021 (as compiled by Guillaume Nel Environmental Consultants (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation and the draft Environmental Health Management Plan dated September 2020 (as compiled by Monique Sham Environmental Consultants) are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three (3) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 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, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. 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; shipwrecks; and graves or unmarked human burials.

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

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. The wild olive grove must be fenced off before commencement of construction and must remain fenced during the construction phase to ensure that no damage occur to the trees.
23. The wild olive grove must be incorporated into the development footprint.
24. As many as possible of the individual wild olive trees must be retained and must also be demarcated before commencement of construction and must be incorporated in the landscaping plan.
25. The following recommendations provided in the Transport Impact Assessment Report dated February 2020 and compiled by Deca Consulting Engineers, must be implemented:
 - 25.1 A 10m wide strip of land must be provided along the southern boundary of Portion 49 of Farm No. 222 to serve as road reserve for the Ronelle Street extension.

- 25.2 A 10m wide strip of land must be provided along the eastern boundary of Portion 49 of Farm No. 222 to serve as a road reserve for the Kruin Street extension.
 - 25.3 A 10m wide strip of land must be provided along the western boundary of the Remainder of Portion 5 of Farm No. 214 to serve as road reserve for the Kruin Street extension.
 - 25.4 The Ronelle Street extension/Kruin Street junction must be constructed in such a way that access is still available via the gravel road to properties further south.
 - 25.5 Stop control must be provided on Ronelle Street only.
 - 25.6 A sidewalk must be provided along the northern side of Ronelle Street where it borders Portion 49 of Farm No. 222 and on the sides of Kruin Street bordering Portion 49 of Farm No. 222 and the Remainder of Portion 5 of Farm No. 214.
 - 25.7 Refuse truck embayments must be provided on both sides of Kruin Street near the Site A and Site B collection points.
 - 25.8 Access gates to the residential components must have two inbound lanes and sufficient stacking space (minimum 20m per lane).
 - 25.9 Parking provision must comply with the latest City of Cape Town requirements.
 - 25.10 The Bottelary Road/Kruis Road intersection must be upgraded as per Diagram 1 contained in the Transport Impact Assessment Report.
26. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
- 26.1 Dual-flush toilet systems.
 - 26.2 All taps must be fitted with water saving devices (i.e., tap aerators, flow restrictors and low flow shower heads).
 - 26.3 Water-wise landscaping must be established.
27. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
- 27.1 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.
 - 27.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
 - 27.3 All geysers must be covered with geyser "blankets".
 - 27.4 The installation of solar water heaters and solar panels must be considered for all buildings.

General matters

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this

regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

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

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

By post: Attention: Mr. 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 also 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 Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

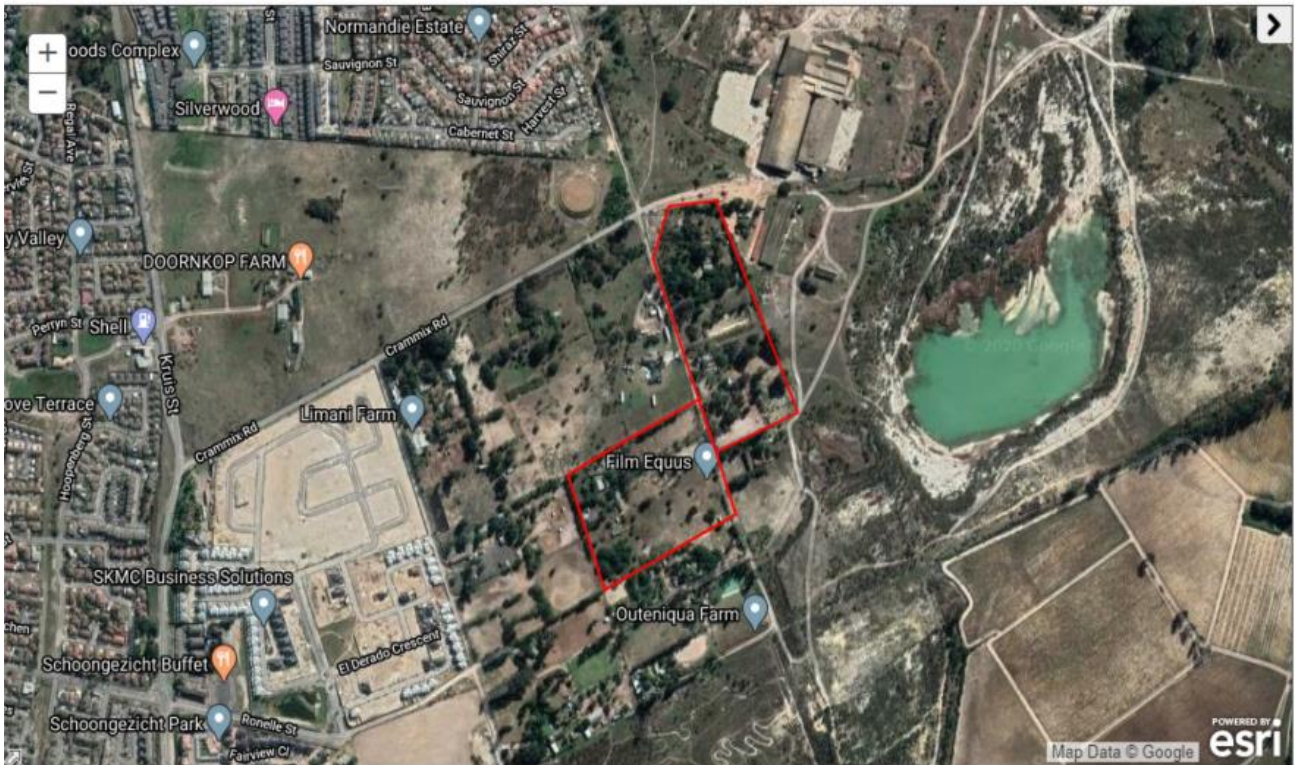
DATE OF DECISION: 21 FEBRUARY 2022

CC: (1) Ms. Heloise Groenewald (Guillaume Nel Environmental Consultants (Pty) Ltd.) E-mail: hdp@gnec.co.za
(2) Mr. Morné Theron (City of Cape Town) E-mail: Morne.Theron@capetown.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A5/11/2039/21
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000952/2021

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form received by the competent authority on 19 July 2021; the BAR dated 13 October 2021; and the EMPr submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 13 October 2021;
- d) 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 comprised of the following:

- Notice boards were placed on site on 25 March 2020;
- Background Information Documents were hand delivered on 25 March 2020 to adjacent landowners;
- Notification letters were sent via e-mail on 25 March 2020 to neighbouring landowners, State Departments, Non-Governmental Organisations and organs of state;
- Notification letters were sent via email on 26 March 2020;
- An advertisement was placed in the "Tygerburger" newspaper on 25 March 2020;
- The pre-application BAR was placed at the Brackenfell Public Library;
- The pre-application BAR was placed on the website of Guillaume Nel Environmental Consultants for the duration of the commenting period;
- The pre-application BAR was made available from 25 March 2020 until 27 July 2020;
- E-mails were sent on 22 July 2021 to announce the availability of the draft BAR; and
- The draft BAR was made available from 22 July 2021 until 23 August 2021.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- Department of Environmental Affairs and Development Planning Directorate: Waste Management;
- City of Cape Town;
- Western Cape Department of Transport and Public Works;
- Heritage Western Cape;
- South African National Roads Agency Limited; and
- Western Cape Department of Agriculture.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following layout alternatives have been investigated:

Alternative layout:

The alternative layout will result in Site C also being developed into apartments. This alternative was discarded as the surrounding area is currently or will be developed into high density residential components. The holder therefore intends to set aside a section of the proposed development for storage units for rent since the surrounding area does not provide for self-storage units.

Preferred layout alternative – herewith authorised:

The preferred alternative entails the establishment of a residential and storage unit development and associated infrastructure on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The proposed development will consist of three sections as follows:

Site A:

A section of Site A will be located on the Remainder of Portion 12 of Farm Haasendal No. 222. Site A will consist of 21 apartment blocks with a total number of 269 units. A clubhouse will be located along the northeastern boundary of the property. Site A will be 3.9ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided. A gate house will be located at the entrance to the site.

Site B:

Site B will consist of 19 apartment blocks with a total number of 234 units. Site B will be 3.3ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided.

Site C:

Site C will be approximately 0.84ha in size and be retained for storage units.

A total number of 503 residential units will be developed. An electrical mini substation will be established along the southwestern boundary of Site B and a larger substation will be provided along the southwestern corner of Site A, with both substations being located inside the erf boundary.

The proposed development will result in the loss of semi-intact (0.35ha), degraded (140m²) and transformed vegetation, which make up the greater part of the site. The wild olive patch on the southwest corner of Portion 49 of Erf No. 222 will be excluded from the development footprint and as many as possible of the wild olive trees on the remainder of the site will also be retained.

Kruin Street will be extended southwards and Ronelle Street will be extended along the common erf boundary line that runs from the street's current termination point towards the Kruin Street extension.

Ronelle Street extension:

Ronelle Street, which has been surfaced up to approximately 300m east of Kruin Road will be extended. The landowner situated to the north of Ronelle Street extension wishes to develop their land in the near future. In order for the proposed site to obtain access from Ronelle Street, the northern property owner has agreed that 10m of the eventual 16m road reserve be

transferred to construct a 5.5m-wide road with sidewalk in the 10m section. The 6m required for the eventual road reserve will be provided by the southern landowners at a later stage when additional properties begin to develop. A small triangle of land will be required from the owner of Portion 51 of Farm No. 2221 to accommodate the 20m-wide Ronell Street reserve in the west and the initial 10m-wide road reserve in the east.

Kruin Street extension:

The proposed development will result in a section of the Kruin Street extension being constructed. This section will span from the Ronelle Street intersection to the Site C (storage use) access, for a distance of approximately 360m. The landowner of Portion 49 of Farm No. 222 will provide a 10m wide strip of land along the property's eastern boundary and a 10m wide strip will also be provided along the western boundary of the Remainder of Portion 5 of Farm No. 214.

No road reserves have been registered for the Ronelle Street and Kruin Street extensions. The roads will be 5.5m in width.

The proposed residential component including associated infrastructure (Sites A, B and C) is approximately 7.6ha in size. The road infrastructure will occupy an area of approximately 1.6ha with the total development footprint being approximately 9.2ha in size.

This is the preferred alternative since as much as possible of the natural vegetation will be incorporated within the landscaping plan. This alternative is also aimed at providing the most beneficial socio-economic outcome, whilst ensuring that natural vegetation within the site is retained.

The following operational alternatives were investigated:

An operational alternative entails the access being controlled by a gate instead of an onsite security service. This alternative was discarded as an onsite security service will provide a safer living environment for the residents as well as for the surrounding community.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the apartment buildings and a storage unit component will not be established. This alternative was not deemed as preferred as the proposed development will augment the economic activities, and the benefits to the holder and creation of jobs would not be realised. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed development is in line with the surrounding residential developments in the area. The proposed development supports the principles of "quality and liveability", through the development of a safe and sustainable housing and working environment. The development is therefore in line with the core principles of the Provincial Spatial Development Framework ("PSDF") (2014).

The site falls within the consolidated area of Brackenfell and will provide much needed housing in the area. The site is demarcated for urban infill in the City of Cape Town's Northern District Plan. The proposed development will connect to the surrounding residential developments through infilling of the consolidated area, thereby preventing

urban sprawl. The proposed development is therefore in line with the Spatial Development Framework of the City of Cape Town (dated 2018).

2.2 Botanical impacts

A Botanical Assessment Report dated March 2020 was compiled by Capensis Ecological Consulting (Pty) Ltd., to assess the botanical impacts associated with the proposed development.

Vegetation on the site is mapped to have historically supported Swartland Granite Renosterveld and Cape Flats Sand Fynbos. Both Swartland Granite Renosterveld and Cape Flats Sand Fynbos are classified as a Critically Endangered vegetation type in terms of the National Environmental Management: Biodiversity Act List of Ecosystems that are Threatened and in Need of Protection, 2011.

Portion 49 of Farm No. 222:

The majority of this portion of the site has been transformed due to historical agricultural activities. The site is currently used as a small holding with associated buildings and livestock. The landscape is characterised by paddocks that are planted with grasses such as kikuyu (*Pennisetum clandestinum*) and kweek (*Cynodon dactylon*).

Trees have been planted at a low density throughout the site and include food trees such as mulberry, pomegranate and pear and ornamental trees such as karee. Listed invasive trees include black wattle, rooikrans, beefwood, seringa and Brazilian pepper. Other exotic trees include gum and pine.

A small portion of thicket associated with Swartland Granite Renosterveld occurs on the site. This area is dominated by very old wild olive trees, with other individual wild olive trees scattered throughout the site. Many of these are mature and likely to be remnants of the original vegetation type.

Remainder of Portion 5 of Farm No. 214:

This property is currently used as a residential dwelling with commercial paddock operations located on the premises. Numerous invasive trees are present, with a very small area of original vegetation still occurring on the property.

A grove of mature wild olives is scattered around the property, which are remnants of the original vegetation type. Some scattered individuals of typical renosterveld species occur in the vicinity of the artificial dam.

A very low sensitivity rating applies to the site (except for the habitats mapped as 'wild olives', 'semi-intact thicket' and 'degraded thicket') for the following reasons:

- The original vegetation has already been severely impacted and has largely been removed;
- These areas have been excluded from the City of Cape Town's Biodiversity Network ("BioNet");
- No species of conservation concern or special habitats occur or are expected to be present;
- The rehabilitation potential of the transformed areas is very low; and
- The sites are isolated and do not provide any linkages between intact remnants.

A low to medium sensitivity rating applies to the 'wild olives', 'semi-intact thicket' and 'degraded thicket' habitats for the following reasons:

- These habitats contain original vegetation that is now listed as critically endangered;
- These habitats represent the thicket elements within the broader vegetation type matrix and not the typical renosterveld or fynbos species that would have originally dominated the site. The thicket elements are more resilient and do not contain species of conservation concern;
- The wild olive groves are very old and have inherent botanical sensitivity; and
- The sites are excluded from the City of Cape Town's BioNet.

The proposed site has been excluded from the City of Cape Town's BioNet. The proposed development will result in the loss of semi-intact (0.35ha), degraded (140m²) and transformed vegetation, which make up the greater part of the site. The impact of the development of the entire site is rated low to medium negative without mitigation.

The wild olive grove will not be removed and will be incorporated into the development footprint. As many of the individual wild olive trees will be retained and incorporated in the landscaping plan. With this mitigation in place the impact will be low negative.

3.3 Noise impacts

An Environmental Health Impact Assessment Report dated September 2020 was compiled by Monique Sham Environmental Consultants to assess the noise impacts associated with the proposed development.

The area surrounding the site is sparsely populated due to the presence of agricultural small holdings and the brick factory, surrounded by houses on neighbouring agricultural properties, with offices and industry to the east, and higher density residential land-uses north and west of it. The site and its surrounds are characterised by residential and agricultural land uses with relatively low levels of noise. The most significant noise source in the vicinity of the site is that associated with the M23 Bottelary Road, the largest road in the vicinity of the site.

The proposed development entails the demolition of all existing structures on site and the phased construction of the residential apartment units. Earthworks and construction activities are noisy; these noises include those from the following sources:

- Sirens and hooters;
- Amplified music / public announcement systems;
- Construction vehicle engines, exhaust systems and reverse beepers;
- Equipment and tools; and
- Labour/workers.

During construction, elevated noise levels emanating from the site can be expected due to machinery, equipment, workers and related activities. The surrounding area is characterised by agricultural and residential land-use and thus may be sensitive to the elevated noise level. The impact is, however, only temporary thereby offsetting the significance of the potential noise impact.

The receptors to the east of Site A are expected to experience the most significant noise impact from construction activities. Phases 1 and 2 of Site A are located directly adjacent to these receptors, which means they will be most affected during the construction of the early phases on Site A, and thereafter, the apartment buildings can be expected to impede on sound propagation during the latter stages of Site A development.

The residential dwellings to the east, south and west of the site are most impacted by noise on Site A, these immediate adjacent neighbours will experience the most significant noise impact, with more direct rays reaching these receptors.

No significant impact on the residential area to the northwest of the site is predicted, with the highest noise impact likely to be experienced at the agricultural holding south of Site B. This impact will be most considerable during the early phases of the development, with Site B Phases 1 and 2 being adjacent to the southern neighbours. Neighbours to the west of Site B are also vulnerable to noise from the site, especially activities on the western part of Site B (especially Phases 5 and 6 of Site B).

Noise impact on neighbouring equine receptors is lower on Site B, due to the greater distance to identified receptors.

During the construction phase, elevated noise levels emanating from the site can be expected. The impact is, however, only temporary in nature and thereby offsetting the significance of the potential noise impact. No noise impacts are expected during the operational phase.

3.4 Odour control (storm water and grey water impacts)

An Environmental Health Impact Assessment Report dated September 2020 was compiled by Monique Sham Environmental Consultants to assess the odour impacts of the proposed development.

The site development plan includes various storm water attenuation infrastructure including storm water dams on Site A and B. The site's positive water balance, and increased impermeable coverage associated with the development will likely result in standing water in the storm water ponds (especially during the winter rainy season).

There is currently a small pond on Site B, approximately 140m² in extent, which will be removed. The pond is often empty, and any water in the pond is unlikely to pose a risk to surface and groundwater quality, and can safely be removed or handled as per the engineer's requirements. The man-made water ponds on the site will contain debris and organic material which may be unsuitable for use during earthworks and may require off-site disposal.

Furthermore, the French drain systems servicing the dwellings on site may be a source of groundwater pollution during the demolition of existing infrastructure.

The presence of standing water, without intervention, is likely to result in the development of anaerobic conditions, which will result in the development of odour. Stagnant water is furthermore susceptible to stratification, where water with different properties separates and prevents mixing, potentially leading to anoxia (oxygen depletion) and euxinia (waters that contain hydrogen sulphide).

The odours will be localised in nature, affecting residents of the proposed development, and possibly neighbouring residents, but are not expected to pose any direct health impacts. Various indirect health hazards may emerge should surface water not be handled appropriately, such as exposure to pathogens when contacting/ingesting the water, or the proliferation of mosquitos or other pests.

Vectors and pests:

The site is likely home to a vast array of pests as various habitats are present on site including warehouses, stables, houses, dams and various vegetated areas including indigenous bush, invasive grass, fruit orchards etc. Some dilapidated and informal structures and stagnant water bodies are currently present on site. It is expected that the overall condition of the site will be greatly improved after the development is complete, however, during the construction phase there exists the possibility that the current pest levels could increase.

Mitigation measures have been included in the Environmental Health Management Plan. The implementation of the mitigation measures will result in a valuable reduction in the severity of the environmental health impacts.

3.5 Traffic impacts

A Transport Impact Assessment Report dated February 2020 was compiled by Deca Consulting Engineers, to assess the traffic impacts of the proposed development.

There are currently no formal roads located within the immediate vicinity of the site. Kruin Street and Ronelle Street will be the only two roads that provide access to the proposed development in the short to medium term until the proposed Marula Road is constructed. Marula Road will only be constructed once additional developments are constructed in the area.

Ronelle Street will be upgraded and extended up to the intersection with Kruin Street, which will also be upgraded to accommodate the proposed development. As such, access to Site A is proposed off the Ronelle Street extension, whereas access to both Sites B and C are proposed off the Kruin Street extension.

The Traffic Impact Assessment concluded the following:

- The intersections most affected will be the Ronelle Street/Kruis Road and Kruis Road/Bottelary Road intersections.
- Service levels at the Kruis Road/Bottelary Road intersection will deteriorate to unacceptable levels with year 2024 background traffic volumes and the intersection will have to be improved with lane additions.
- Kruis Road and the Ronelle Street intersection will become a signalised intersection.
- The proposed development is expected to generate 384 trips during each of the morning and afternoon peak hours.
- With the additional traffic created by the proposed development, the capacity of the Bottelary Road/Kruis Road intersection will be exceeded. A second right turn lane will have to be added on the northern approach to obtain acceptable service levels.
- The signalised Ronelle Street/Kruis Road intersection will operate at acceptable service levels.
- The upgraded Bottelary Road/Kruis Road intersection and the signalised Ronelle Street/Kruis Road intersection will continue to operate at acceptable service levels with the addition traffic generated by the proposed development.
- The Ronelle Street/Kruin Street intersection will initially be a T-intersection with Ronelle Street forming the western leg, the existing gravel access road to the smallholdings forming the southern leg and a new section of Kruin Street extension forming the northern leg. It is proposed that stop control be provided on the Ronelle Street approach only.

- Sufficient space is incorporated at the southeastern corner of Portion 49 of Farm No. 222 for a 43m inscribed diameter roundabout with a 2m sidewalk should such a roundabout be required in future.
- The owners of Portion 49 of Farm No. 222 and the neighbouring Remainder Portion 12 of Farm No. 222 (to the north) have entered into an agreement whereby a 13m wide strip of land along the western boundary of Portion 49 of Farm No. 222 will be transferred to Remainder Portion 12 of Farm No. 222 to serve as future access to that property. In return, an equally sized land parcel will be transferred from Remainder Portion 12 of Farm No. 222 to Portion 49 of Farm No. 222 on the shared boundary.
- The accesses comply with the relevant spacing requirements.
- Sufficient stacking space will be provided in front of access gates.
- The number of parking bays provided by the proposed development exceed the required number. Some bays will be placed specifically along green areas, so that it may be converted to a usable area when no longer required for parking.
- Public transport services in the area are currently restricted to minibus taxis. The public transport modal share is currently about 12% but should increase over time as public transport services and non-motorised transport infrastructure are rolled out in the surrounding area.

The Traffic Impact Assessment concluded that the proposed development will have a moderate traffic impact.

3.6 Storm water impacts

Two ponds are proposed on Site A which will attenuate the storm water runoff from the site. The two ponds on Site A are modelled as one pond as the ponds will be interconnected by means of two 600mm diameter storm water pipes under the proposed entrance. One pond is proposed on Sites B and C, respectively, which will attenuate the storm water runoff on both Sites B and C.

The underground internal storm water pipe network for both sites will be designed to accommodate the 1:5-year flood. All major flood events will be accommodated in the roads. Bulk earthworks will be undertaken to ensure that the residential blocks will drain onto the roads and into the minor storm water system that flows into the ponds.

External runoff into both sites from upstream/higher lying undeveloped sites will be intercepted in cut-off drains and conveyed away from the sites. The storm water management system will convey all post-development storm water to dry attenuation ponds where attenuation will take place. The dry attenuation ponds will also contain bio-retention sections to comply with water quality requirements of lower order storm events.

Each attenuation pond will have an outlet chamber consisting of three round orifices and an emergency spillway. The orifices will be sized to attenuate the peak runoff for the larger recurrence intervals of the 1:10 year to 1:100 years to pre-development flows.

The emergency overflows for the ponds will be trapezoidal and lined with Armorflex blocks. The emergency overflows of the ponds on Site A are directed towards the external road along Site A. The emergency overflow for the pond on Sites B and C is directed in a southerly direction towards the site boundary and will be conveyed in a westerly direction in an Armorflex channel towards the external road along Sites B and C. The ponds will consist of a concrete forebay where after storm water will discharge into a bio-retention area. The sediment forebay is designed to remove incoming sediment from the storm water before the storm water is discharged in the larger pond.

The forebay will act as a litter trap and suspended solids trap. The suspended solids removal rate is expected to be 80%. The anticipated total phosphorus removal for the forebay and bio-retention area treatment is 45%.

To address storm water quality management for Site A, an area of 28.14m² is required, whereas for Sites B and C, an area of 30.86m² is required. The combined bio-retention area for Site A is 56m² (28m² bio-retention area for Pond A1 and 28m² bio-retention area for Pond A2). The bio-retention area for Site B/C is 36m².

The storm water for site A will be directed towards the proposed external road along Site A and will be conveyed in a westerly direction in the proposed new external road up to the proposed access road from Ronelle Street to the Remainder of Farm Haasendal (Farm RE/222). The storm water will be conveyed into the proposed manholes that will tie into the existing 900mm diameter storm water underneath the proposed access road to the Remainder of Farm Haasendal.

The storm water for Sites B and C will be directed in a westerly direction in an Armorflex channel along the site boundary onto the external road along Sites B and C and discharge into an existing excavated storm water channel. An energy dissipation/outlet structure will be constructed for the storm water outflow from this development.

An appropriate fence will be installed around each storm water attenuation and treatment facility to ensure the safety of the owners, staff, tenants and the general public. Safety signage will be installed in the vicinity of each storm water attenuation and treatment facility warning owners, staff, tenants and the general public that water levels will rise rapidly during rainfall events.

3.7 Dust, traffic and noise impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential noise and visual impacts; and
- Loss of indigenous vegetation.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development; and
- Contribution to the local economy.

National Environmental Management Act Principles

The National Environmental Management Act 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.

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 NEMA 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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