

EIA REFERENCE NUMBER: 16/3/3/1/A4/74/3006/21
NEAS REFERENCE NUMBER: WCP/EIA/0000873/2021
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 13 September 2021

The Director
Western Cape Government Department of Human Settlements
27 Wale Street
CAPE TOWN
8001

Attention: Mr. G. de Villiers / Ms. J. Samson

Tel: (021) 483 8145
Email: greg.devilliers@westerncape.gov.za /
jacqueline.samson@westerncape.gov.za

Dear Sir / Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED WIDENING OF SPINE ROAD BETWEEN THE N2 AND OLD FAURE ROAD, BLUE DOWNS.

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

Yours faithfully

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

Copies to: (1) Ms. T. Heydenrych (JG Afrika (Pty) Ltd.)
(2) Ms. A. van Wyk (City of Cape Town)

Email: tamryn@jgafrika.com
Email: azanne.vanwyk@capetown.gov.za

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED WIDENING OF SPINE ROAD BETWEEN THE N2 AND OLD FAURE ROAD, BLUE DOWNS.

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 Preferred Alternative, described in the Basic Assessment Report ("BAR") dated May 2021.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Western Cape Government Department of Human Settlements
c/o Mr Greg de Villiers / Ms. Jaqueline Samson
27 Wale Street
CAPE TOWN
8001

Tel: (021) 483 8145

Email: greg.devilliers@westerncape.gov.za / jaqueline.samson@westerncape.gov.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>“The development of-</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i></p> <p><i>excluding-</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p><i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserve or railway line reserves; or</i></p> <p><i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.”</i></p>	<p>The proposed development of infrastructure with a physical footprint of more than 100m² will occur within a watercourse on a portion of the site that occurs outside an urban area.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 19 Activity Description:</p>	<p>The proposed widening of Spine Road will involve the infilling or depositing of any material of more than 10 cubic metres from a watercourse (i.e. the secondary channel of the</p>

<p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies."</i></p>	<p>Kuilsriver located on the southern extent of the site and the surrounding wetlands).</p>
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>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> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>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;</i> <i>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</i></p>	<p>The proposed widening of Spine Road would involve the clearance of an area of more than 300 square metres of endangered Cape Flats Dune Strandveld vegetation.</p>

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 alternative that includes the listed activities relating to the authorised development:

The authorised development entails the proposed widening of a section of Spine Road between the N2 and Old Faure Road, Blue Downs. Currently, this section of Spine Road is a single carriageway with one lane in each direction. The proposed widening of Spine Road will entail the widening to a dual carriageway with two lanes in each direction and will comprise of the following:

- The proposed road width of approximately 31m with two 3.7m lanes and a 2.4m shoulder in each direction;
- The length of the proposed widening will be approximately 1 000m; and
- The expansion of an existing culvert, which will entail an extension of the current invert and the alignment of an existing pipe. The anticipated development footprint will be approximately 40 m² (approximately 20 m² on each side) in extent.

The stormwater pipe collection system on Spine Road will include the installation of 375mm and 450mm diameter concrete pipes that link a system of stormwater catchpits and manholes. The pipeline is proposed to be located in the eastern carriageway shoulder where stormwater will be collected in catchpits and piped from both the eastern and western carriageways to the pipe and manhole conveyance system. The collection of the stormwater flows will allow conveyance to a central discharge point where a single litter catchment 'basket' is proposed on the eastern embankment and will discharge in the direction of flow. This discharge point will include a headwall, associated erosion protection measures (i.e. gabion basket and reno mattress) and silt / litter trap. The anticipated development footprint will be approximately 70m² in extent. A single litter trap avoids numerous chutes at each catchpit (that would discharge to the adjacent land) and focuses the collection of litter and management thereof. The low point where the litter trap is located is approximately 200 m from the N2 offramp and coincides with the approximate position of the current road low point.

Access to the proposed project is from the N2 and from Old Faure Road.

The total development footprint will be approximately 44 000 m² in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on a section of Spine Road between the N2 and Old Faure Road, Blue Downs.

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

Farm No. 544-RE, Cape Farms	CO1600000000054400000
RE/981, Stellenbosch	CO6700000000098100000

Site co-ordinates for the proposed sites are:

Starting point	34° 01' 32.19" South	18° 41' 24.70" East
Middle point	34° 01' 19.55" South	18° 41' 29.79" East

End point	34° 00' 56.49" South	18° 41' 33.20" East
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Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

JG Afrika (Pty) Ltd.
c/o Ms. Tamryn Heydenrych
14 Central Square
PINELANDS
7430

Tel.: (021) 530 1800
Email: Tamryn@jgafrika.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated May 2021 on the site described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development/construction activities must be **concluded** within **ten (10) years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternatives described in section B above must be approved in writing by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

Conditions: 7, 8 and 11.

Notification and administration of appeal

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

Management of activity

9. The Environmental Management Programme ("EMPr") (dated May 2021) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

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

Auditing

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within 3 (three) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority upon completion of the environmental audit.
 - 14.2. Submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
 - 14.3. An Environmental Audit Report must be submitted to the Competent Authority within 1 (one) month after the completion of the development/construction activities.
 - 14.4. An Environmental Audit Report must be submitted to the Competent Authority after one year after the commencement of the operational phase.
 - 14.5. The holder must, within 7 (seven) days of the submission of the Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. The mitigation measures described in the Botanical Impact Assessment (compiled by Capensis and dated March 2020) and as included in the EMPr and MMP must be implemented.
17. The mitigation measures described in the Freshwater Impact Assessment (compiled by BlueScience and dated April 2020) and as included in the EMPr and MMP must be implemented.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with the listed activities within the period specified in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

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

G. APPEALS

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

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

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

By facsimile: (021) 483 4174; or

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

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

H. DISCLAIMER

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

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

Yours faithfully

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

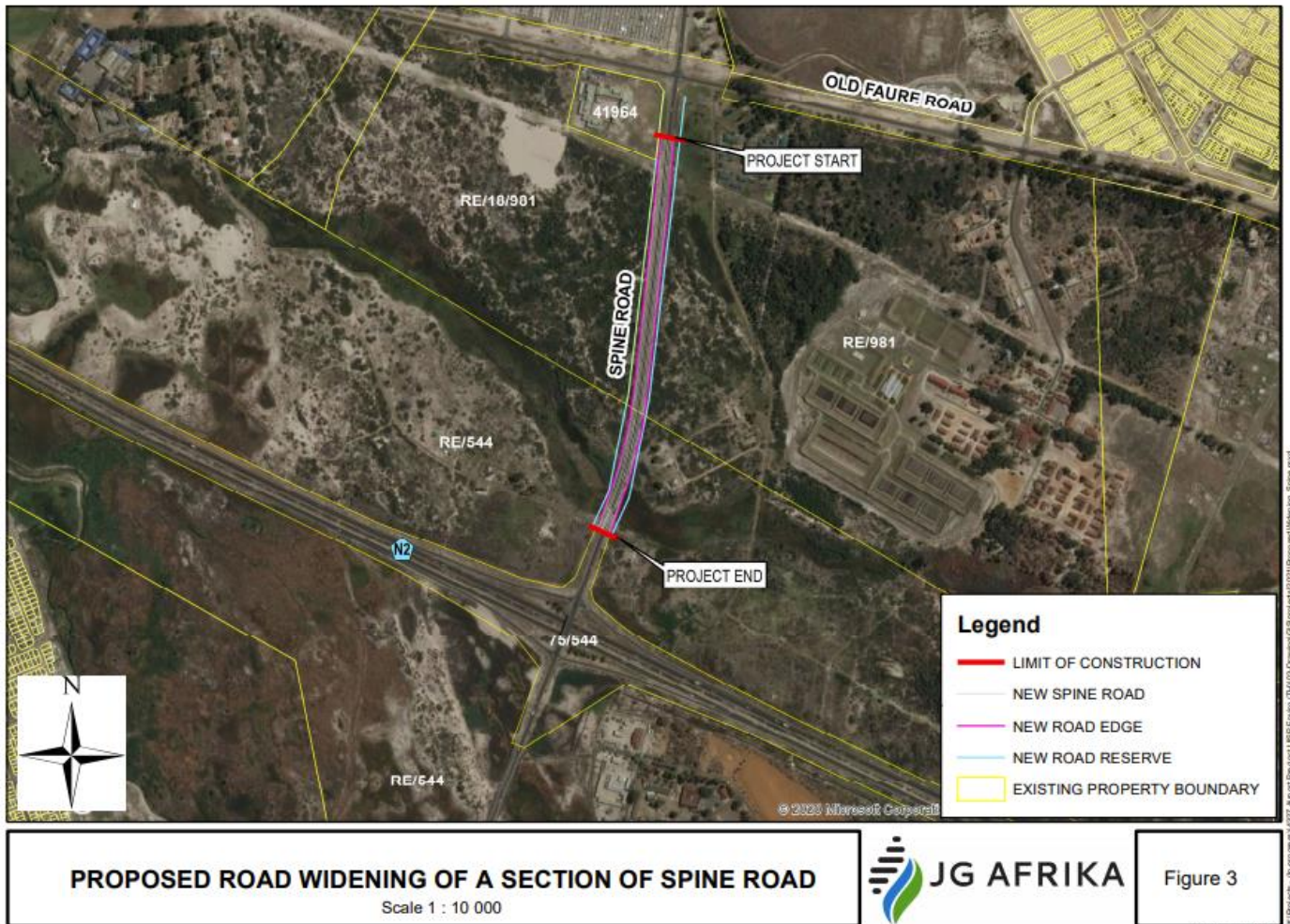
DATE OF DECISION: 13 SEPTEMBER 2021

Copies to: (1) Ms. T. Heydenrych (JG Afrika (Pty) Ltd.)
(2) Ms. A. van Wyk (City of Cape Town)

Email: tamryn@jgafrika.com
Email: azanne.vanwyk@capetown.gov.za

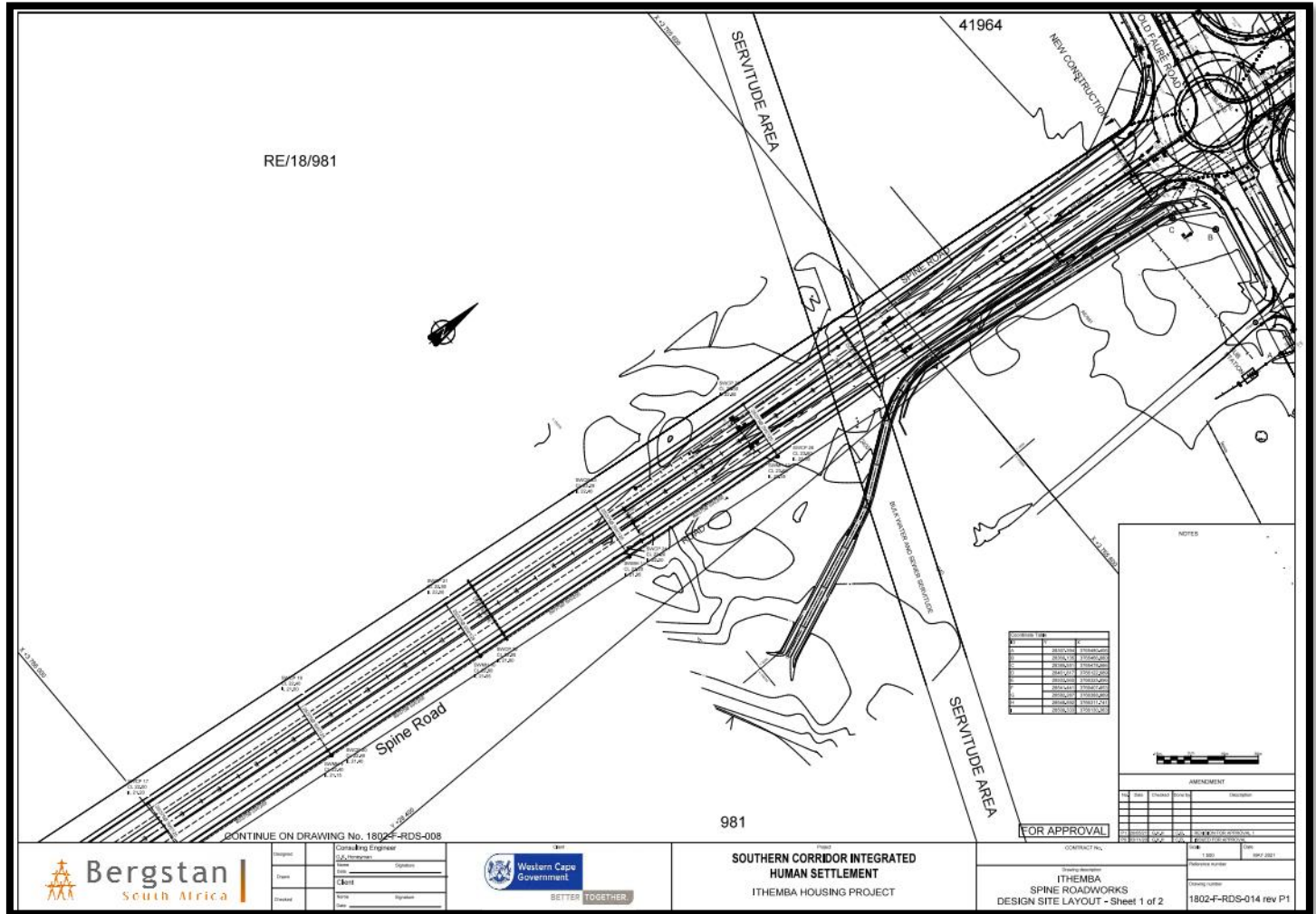
ANNEXURE 1: LOCALITY MAP

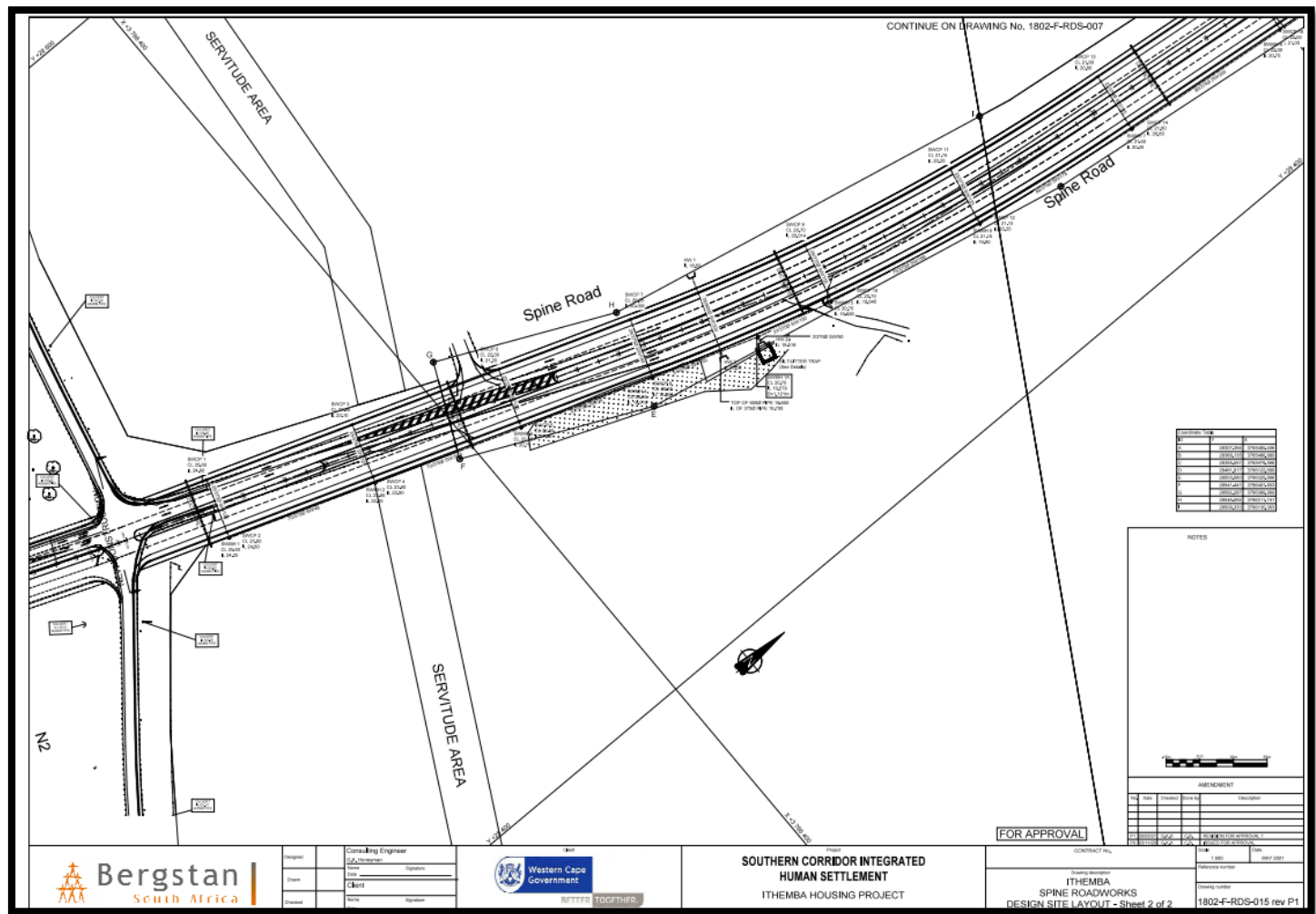
The proposed section of Spine Road to be widened is located between the N2 and Old Faure Road, Blue Downs.



ANNEXURE 2: SITE PLANS

Site plans for the section of Spine Road to be widened.





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 February 2021 and received by the competent authority on 22 February 2021, the BAR and EMPr dated May 2021 and received by the competent authority on 27 May 2021 and the comments from the Department of Water and Sanitation dated and received by the competent authority on 07 June 2021;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated May 2021;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process ("PPP") included:

The post-application process which entailed the following:

- Identification of and engagement with Interested and Affected Parties ("I&APs");
- Fixing a notice board on the site where the listed activities are to be undertaken on 08 April 2021;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 08 April 2021;
- The placing of a newspaper advertisement in the "City Vision" on 08 April 2021;
- Placing the draft BAR on the JG Afrika website for review during the 30-day commenting period. (<https://www.jgafrika.com/public-participation/>)
- Making the draft BAR available to I&APs for comment from 08 April 2021 to 10 May 2021.

Concerns were raised by I&APs regarding the potential botanical and freshwater impacts and the potential consideration of a biodiversity offset. However, due to the fact that the residual botanical and freshwater impacts are not anticipated to be of high or medium significance post mitigation, the need for a biodiversity offset was not warranted.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and responses report. Although the comment from the Department of Water and Sanitation was received on 07 June 2021, the comment was responded to by the EAP on 08 June 2021. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

Due to the nature of the proposed development and given that the proposed development is required as a result of the planning approval granted for the adjacent Ithemba Housing Development, no alternatives were identified and assessed. The preferred alternative and the “no-go” alternatives are therefore as follows:

The Preferred alternative – herewith authorised

The authorised development entails the proposed widening of a section of Spine Road between the N2 and Old Faure Road, Blue Downs. Currently, this section of Spine Road is a single carriageway with one lane in each direction. The proposed widening of Spine Road will entail the widening to a dual carriageway with two lanes in each direction and will comprise of the following:

- The proposed road width of approximately 31 m with two 3.7m lanes and a 2.4m shoulder in each direction;
- The length of the proposed widening will be approximately 1 000m; and
- The expansion of an existing culvert, which will entail an extension of the current invert and the alignment of an existing pipe. The anticipated development footprint will be approximately 40 m² (approximately 20 m² on each side) in extent.

The stormwater pipe collection system on Spine Road will include the installation of 375mm and 450mm diameter concrete pipes that link a system of stormwater catchpits and manholes. The pipeline is proposed to be located in the eastern carriageway shoulder where stormwater will be collected in catchpits and piped from both the eastern and western carriageways to the pipe and manhole conveyance system. The collection of the stormwater flows will allow conveyance to a central discharge point where a single litter catchment ‘basket’ is proposed on the eastern embankment and will discharge in the direction of flow. This discharge point will include a headwall, associated erosion protection measures (i.e., gabion basket and reno mattress) and silt / litter trap. The anticipated development footprint will be approximately 70m² in extent. A single litter trap avoids numerous chutes at each catchpit (that would discharge to the adjacent land) and focuses the collection of litter and management thereof. The low point where the litter trap is located is approximately 200 m from the N2 offramp and coincides with the approximate position of the current road low point.

Access to the proposed project is from the N2 and from Old Faure Road.

The total development footprint will be approximately 44 000 m² in extent.

The Preferred Alternative incorporates the conditions of approval granted in terms of the relevant planning legislation for the iThemba Housing project. The proposed road widening accounts for the surrounding road network to ensure that it ties into the new circle currently under construction at the Spine Road / Old Faure Road intersection, as well as link to the N2 off- and onramps at the Spine Road / N2 intersection and will ensure that the potential increase in traffic volumes (as a result of the Ithemba Housing project) are accommodated for.

“No-Go” Alternative

The “no-go” alternative entails maintaining the “status quo”. This alternative is not deemed to be a reasonable or feasible alternative given that it would result in negative impacts on the road network in and out of Blue Downs. Spine Road is the main road into the area from the N2 and were this road not widened it would result in reduced traffic mobility through this area, leading to congestion. There are also a number of other roads being upgraded and were this section of Spine Road not upgraded, it would reduce the effectiveness of these other upgrades (e.g. Old Faure / Spine Road intersection is being converted into a large circle which allows for two lanes of traffic to move through the intersection, and Spine Road north of Old Faure is also being upgraded and widened at present.) The “no-go” alternative is therefore not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The need for the proposed widening of Spine Road arose from the building application approval for the iThemba Housing Development. The Ithemba Housing project will result in the development of approximately 2 500 and 3 000 houses on land to the east of Spine Road. As part of the planning approval (Application for rezoning, subdivision and implementation of subdivision in phases in terms of the City of Cape Town Municipal By-Law, 2015: Remainder Stellenbosch Farm 996, 27 Old Faure Road, Faure (Case ID: 70358251)), the applicant is required to widen a section of Spine Road to accommodate for the anticipated increase in pedestrian and vehicular movement. The proposed development will therefore address the direct need to alleviate future traffic congestion in and out of Blue Downs and the surrounding area.

Alleviated traffic congestion on Spine Road is an essential part of facilitating ease of access to work and business opportunities as well as health care and education services for people who reside in the area. In addition, the proposed widening of Spine Road will generate employment opportunities for locals during the construction phase.

The widening of Spine Road is aligned with the Provincial Spatial Development Framework (2014) as the proposed development plans to improve road infrastructure by improving the road capacity in the area and to align with future urban development in the area.

In terms of the City of Cape Town Municipal Spatial Development Framework (2017-2022): The Municipal SDF recognises transport infrastructure as an important structural element of the City to help address various issues, and therefore aims to invest in connective infrastructure, such as roads. The SDF acknowledges that the burden of the apartheid urban form is born primarily by the poor (in the south-eastern fringes of the City) who are forced to travel at great cost to access employment and a range of the other public and private goods. The construction of efficient road infrastructure is an essential part of facilitating movement, access and integration within and around Cape Town for the disadvantaged who reside on the south-eastern fringes of the City.

3.2. Botanical Impacts

A Botanical Impact Assessment (compiled by Capensis and dated March 2020) was conducted to determine the impact of the proposed development on the botanical aspects of the study area.

The proposed site has been mapped as a Critical Biodiversity Area and an Other Ecological Support Area, according to the City of Cape Town's Biodiversity Network. Cape Flats Dune Strandveld vegetation, which is classified as an Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011, is present on the proposed site. The habitats identified on the proposed site range from transformed, highly degraded to semi-intact and wet areas. The specialist indicated that the habitats that were considered to be transformed and highly degraded were considered to be of very low botanical sensitivity and the habits that were considered to be degraded to semi-intact and wet areas were considered to be of medium botanical sensitivity.

Due to the nature of the proposed development, limited opportunity to avoid the loss of indigenous vegetation was prominent. According to the BAR, approximately 8 400 m² or 19.3% of the proposed site will result in the clearance of indigenous vegetation.

The specialist indicated that the direct impacts would occur mostly at the construction stage when vegetation is cleared for development. The development is proposed within vegetation that varies in condition from transformed too semi-intact. The loss of Highly degraded to Semi-

intact (Endangered) vegetation would have a **Medium negative** impact at a local scale in the long term, and if essential mitigation measures are implemented the impact may be reduced to **Low negative**.

The specialist indicated that operational phase impacts are associated with the edge effects of the road. The areas adjacent to the road will be disturbed during the operational phase. These areas could become highly degraded and provide a source of seeds for exotic and invasive species to invade the adjacent intact vegetation. Dumping and littering are also potential sources of disturbance. Impacts associated with these edge effects would be **Medium negative** without mitigation. The specialist recommended that there be rehabilitation of the areas along with monitoring done for exotic species. With mitigation in place, the impact would be reduced to **Low negative**.

The specialist recommended that in the context of the small area required for the widening of the road and the Low negative impact with mitigation, the project is acceptable from a botanical perspective. The specialists' recommendations have been included as conditions set in this Environmental Authorisation and in the EMPr.

3.3. Freshwater impacts

A Freshwater Impact Assessment (compiled by Bluescience and dated April 2020) was conducted to assess the aquatic features within the study area, discuss the potential impacts of the proposed works on them and provide recommendations of the mitigation of the identified impacts.

The specialists indicated that in terms of aquatic biodiversity conservation mapping, the City of Cape Town's Biodiversity Network wetland layer has mapped the wetland habitats along the old Kuils River channel as aquatic Critical Biodiversity Areas that should be maintained and rehabilitated where necessary. National Freshwater Ecosystem Priority Areas (FEPA) wetlands were mapped nationally using available data. However, only the larger permanently wetland areas associated with the new channel south of the site were mapped as FEPA wetlands.

The seasonal and permanently inundated floodplain wetlands along Spine Road are in a moderately modified ecological condition and are considered of moderate ecological and functional importance. The specialists recommended that the present ecological condition of these wetlands be maintained.

The road and associated structures are already in existence adjacent to or within the freshwater features and, together with other physical modifications to the freshwater features, has resulted in the current ecological condition of the aquatic features. Therefore, it can be expected that the likely impacts of the proposed upgrade of the road are of a limited extent and of a short-term nature, occurring mostly during the construction phases and during maintenance activities. Limited loss of wetland habitat associated with the proposed works would take place where the wetland areas extend to beyond the existing road reserve. The wetland habitat immediately adjacent to the road comprises only of wetland marginal areas that tend to be more disturbed and are overgrown with alien invasive kikuyu grass. The greater wetland areas in terms of their current ecological condition are thus unlikely to be impacted by the proposed activities, if adequately mitigated.

The specialists considered all of the proposed activities to be of a low risk to the adjacent aquatic habitats for the construction and operation phases and can potentially be authorised by means of the General Authorisation for Section 21 (c) and (i) water uses. Given the findings of the freshwater impact assessment, the specialists concluded that there is no reason why the proposed improvements to Spine Road should not be authorised, provided that mitigation measures are implemented. The specialists' recommendations have been included as conditions set in this Environmental Authorisation and in the EMPr.

3.4. Traffic Impacts

A Transport Impact Assessment (compiled by Innovative Transport Solutions (Pty) Ltd, dated August 2017) was conducted as part of the Basic Assessment Process for the iThemba Housing Development, which is located to the east of the project area. The Impact Assessment included an assessment of Spine Road and Old Faure Road. The study concluded that the section of Spine Road in question would need to be widened in order to accommodate the proposed housing development. As such, the proposed project is as a result of a planning condition for the iThemba Housing Development, based on recommendations made within a Transport Impact Statement, which requires certain upgrades to surrounding roads.

It is anticipated that the local communities (users of Spine Road), will be negatively impacted by traffic congestion and temporary delays due to the disruption to motorists during the construction phase. This will have a **low – very low** significance after mitigation.

3.5. Dust, Noise and Visual Impacts

No significant dust, noise and visual impacts are anticipated. Potential dust noise and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.6. Heritage impacts

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

3.7. Fire, health and safety impacts

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

3.8. Services

The proposed development is for the widening of Spine Road and therefore, no water, electricity, sewage, or solid waste management services are required.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Loss of indigenous vegetation during the construction phase;
- Potential visual, dust and noise impacts during the construction phase;
- Potential traffic impacts during the construction phase;
- Potential disturbance to aquatic feature from stormwater runoff into the adjacent wetlands during the construction phase;
- Potential fire, health and safety impacts during the construction phase.

Positive impacts include:

- The proposed widening of Spine Road will provide some employment opportunities during the construction phase;
- The widening of Spine Road will alleviate traffic within the immediate area; and
- Improved road capacity to support the new iThemba Residential Housing Development and surrounding developments within the area.

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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