



REFERENCE: 16/3/3/1/A8/74/3017/20
NEAS REFERENCE: WCP/EIA/0000749/2020
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 09 March 2021

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 CLEARANCE OF INDIGENOUS VEGETATION AND INFILLING OF WETLANDS ASSOCIATED WITH THE PROPOSED EXTENSION OF SAXDOWNS ROAD, KUILS RIVER.

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 30 October 2020.

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

City of Cape Town
c/o Mr. Mark Pinder
Private Bag X9181
CAPE TOWN
8000
Tel.: (021) 400 4918
E-mail: mark.pinder@capetown.gov.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 19: <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> <ul style="list-style-type: none"> <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>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m³ from wetlands.</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> <ul style="list-style-type: none"> <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> | <p>More than 300m² of critically endangered vegetation will be cleared.</p> |

| | |
|--|--|
| <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</p> | |
|--|--|

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 proposed project entails the clearance of indigenous vegetation and the infilling of wetlands associated with the extension of Saxdowns Road in Kuils River. The proposed Saxdowns Road extension will also result in the clearance of less than 0.5ha of indigenous vegetation. Furthermore, the proposed development will also result in the loss of a 3057.2m² storm water attenuation feature/artificial wetland of low ecological value.

C. LOCATION AND SITE DESCRIPTION

Saxdowns Road currently runs through Kuils River from the M23 (Bottelary Road) until Langverwacht Road. Saxdowns Road will be extended further south-southwest towards the M12, from Langverwacht Road south-southwest through Jagtershof. It will then cross the R102 (Van Riebeeck Road) and end in Highbury next to Zirconia Crescent where it will eventually connect with the future planned Belhar Main Road.

The SG 21-digit codes are:

| Property number | SG 21-digit code | Zoning |
|-----------------|-----------------------|----------------------------------|
| 20968 | C06700130002096800000 | TR2: Road Reserve |
| ST235-0 | C06700130000023500000 | Agricultural: Special Open Space |
| 1376-RE | C06700130000137600000 | TR2: Road Reserve |
| 9934 | C06700130000993400000 | TR2: Road Reserve |
| 25533 | C06700130002553300000 | TR1: Transport Use |
| ST-1286-0-RE | C06700130000128600000 | Agricultural |
| 25534 | C06700130002553400000 | TR2: Road Reserve |
| 8907-RE | C06700130000890700000 | TR2: Road Reserve |
| 8693-RE | C06700130000869300000 | TR2: Road Reserve |
| 1372 | C06700130000137200000 | General Industrial |
| 1336-RE | C06700130000133600000 | TR2: Road Reserve |
| 5926-RE | C06700130000592600000 | General Industrial |

Co-ordinates:

Starting point:

Latitude: 33° 56' 07.04" S

Longitude: 18° 41' 55.30" E

Middle point:

Latitude: 33° 56' 34.38" S

Longitude: 18° 41' 43.30" E

End point:

Latitude: 33° 56' 53.55" S

Longitude: 18° 41' 02.23" E

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

hereinafter referred to as "the route".

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

Enviro-EAP (Pty) Ltd.
c/o Ms. Johmandie Pienaar
2 School Street
AGULHAS
7287
Cell: 072 240 3092
Fax: (086) 435 4391
E-mail: johmandie@enviro-eap.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 30 October 2020 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 for the construction phase, 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 and 23.4.

Management of activity

10. The draft Environmental Management Programme (“EMPr”) dated October 2020 (as compiled by Enviro-EAP (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation is 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;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalized; and
- 14.6 conduct monthly site inspections during the construction phase.

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 months after commencement of the construction phase to the relevant competent authority; and
 - 15.3 thereafter 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 road reserve footprint must be contained within the proposed 40m wide strip and a buffer zone must be clearly demarcated to prevent degradation of the remaining wetlands.
23. The following recommendations provided in the Freshwater Ecological Assessment and DWS Risk Assessment Report dated September 2020 and compiled by Scientific Aquatic Services, as included in the EMPr, must be implemented:
 - 23.1 Contractor laydown areas and stockpiles must be established outside of the identified features and not within 32m thereof.
 - 23.2 Vehicles must be serviced at the contractor laydown area and all re-fueling must take place outside of the identified features, not within 32m thereof.
 - 23.3 Only existing roads must be used to gain access to the construction site.
 - 23.4 Features 1, 3 and 6 and their associated 32m buffer area must be clearly demarcated with danger tape by the ECO before commencement of construction activities and must be regarded as 'no-go' areas where no construction activities may take place.
 - 23.5 All construction works must be undertaken during the drier periods to minimise impacts on the storm water flow from the surrounding urbanised area into the identified features.
 - 23.6 All alien and invasive vegetation species, debris and litter must be removed from the construction site.
 - 23.7 Removed materials must be stockpiled outside the delineated extent of the identified features and must be disposed of at a registered disposal facility.
 - 23.8 Should culverts be used; these must be wide enough to minimise opportunities for ponding upgradient of the crossing and erosion during high flows.
 - 23.9 Each culvert (if applicable) must have erosion protection at the inlet and outlet, use energy dissipaters and/or stone pitched or similar, to assist with water dispersal and to reduce water velocities prior to entering the features.
 - 23.10 The construction footprint must be limited to the proposed road reserve and an additional 5m construction area (to allow for the stockpiling and movement of personnel) and must be rehabilitated after the completion of the construction phase, including the revegetation thereof with indigenous vegetation.
 - 23.11 Any sediment or silt removed from the features may be temporarily stockpiled in the development footprint, but outside the features, for periods of clearing activities.
 - 23.12 The stockpiles may not exceed 2m in height, and their footprint must be kept to a minimum.
 - 23.13 Stockpiling of removed materials may only be temporary (may only be stockpiled during the period of construction) and must be disposed of at a registered waste disposal facility.
 - 23.14 All exposed soil must be protected for the duration of the construction phase with a suitable geotextile to prevent erosion and sedimentation of the features.
24. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

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 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.
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)

DATE OF DECISION: 09 MARCH 2021

CC: (1) Ms. J. Pienaar (Enviro-EAP)
(2) Mr. D. Georgeades (City of Cape Town)
(3) Ms. K. Rughoobee (DEA&DP: DDF)
(4) Mr. D. Daniels (DWS)

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ANNEXURE 2: SITE 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 12 June 2020; the BAR dated 30 October 2020; the EMPr submitted together with the BAR; the comment received from the Western Cape Department of Agriculture on 05 February 2021; and the additional information received on 18 February 2021;
- 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 30 October 2020;
- 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:

- Notices were placed on site on 07 March 2018;
- A copy of the pre-application BAR was placed at the Belhar and Kuils River Public Libraries on 08 March 2018, respectively;
- Letters were posted via registered mail on 12 March 2018 to the adjacent landowners;
- E-mails were sent on 12 and 19 March 2018 to announce that a public open day will be held on 27 March 2018;
- An advertisement was placed in the "Tygerburger" newspaper on 14 March 2018;
- Copies of the pre-application BAR were posted via registered mail on 20 and 23 March 2018;
- Copies of the pre-application BAR were hand delivered to state departments on 23 March 2018;
- A public open day was held on 27 March 2018 at the Van Riebeeck Hall in Kuils River;
- E-mails were sent on 29 March 2018 to announce the availability of the pre-application BAR;
- The pre-application BAR was made available from 23 March 2018 until 26 April 2018;
- E-mails were sent on 26 June 2020 to advise registered I&APs about the availability of the post-application draft BAR;
- The post-application draft BAR was made available for download on the website of Enviro-EAP (Pty) Ltd on 26 June 2020;
- Copies of the post-application draft BAR were posted/couriered to I&APs on 29 June 2020;
- The post-application draft BAR was made available from 26 June 2020 until 29 July 2020;
- E-mails were sent on 30 September 2020 to advise registered I&APs about the availability of the amended draft BAR;
- Copies of the amended draft BAR were couriered to I&APs on 30 September 2020; and
- The amended draft BAR was made available from 30 September 2020 until 30 October 2020.

Authorities consulted

The authorities consulted included the following:

- Various departments within the City of Cape Town;

- Directorate: Pollution & Chemicals Management of the Department of Environmental Affairs and Development Planning ("DEA&DP");
- Directorate: Waste Management of the DEA&DP;
- Western Cape Department of Agriculture;
- Department of Agriculture, Forestry and Fisheries;
- CapeNature;
- Western Cape Department of Transport and Public Works;
- Department of Water and Sanitation ("DWS"); and
- Heritage Western Cape.

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 included in the BAR.

2. Alternatives

Saxdowns Road must link with existing road infrastructure along existing road reserves as far as possible to alleviate traffic congestion within the Kuils River area, therefore no other feasible or reasonable location, layout and activity alternatives exist. Further, due to limited availability of road development areas within an urban area and the location of the road reserve erven, only one layout alternative and the no-go alternative has been assessed.

Preferred alternative – herewith authorised:

The proposed project entails the clearance of indigenous vegetation and the infilling of wetlands associated with the extension of Saxdowns Road in Kuils River. The proposed Saxdowns Road extension will also result in the clearance of less than 0.5ha of indigenous vegetation. Furthermore, the proposed development will also result in the loss of a 3057.2m² storm water attenuation feature/artificial wetland of low ecological value.

The proposed construction footprint is estimated to be 90 600m² (9.06ha) and the final development footprint upon completion of construction is estimated to be 81 200m² (8.12ha).

Saxdowns Road will be extended by approximately 2.12km and will be a dual carriageway with a median that varies in width between 2m and 5m. The dual carriageway will be constructed within a 40m road reserve. It will tie in with Langverwacht Road on the northern end and will tie in with the future planned Belhar Main Road on the southern end.

Saxdowns Road will tie in with new roundabouts at both ends and is planned to have an intersection with Jagtershof Road and Dumas Street. Dumas Street and Jagtershof Road will then form a continuous link between Van Riebeeck Road and Langverwacht Road.

Saxdowns Road will be extended in two phases as follows:

Phase 1:

Phase 1 entails the construction of the southbound carriageway (9.8m kerb to kerb road width) with 2m sidewalks on either side, and the separate 3.5m class 2 cycle-way for the section between Langverwacht Road and Van Riebeeck Road, including a bulk storm water pipeline along Saxdowns Road between Van Riebeeck Road towards Belhar Main Road. The proposed project will accommodate the existing storm water runoff from Van Riebeeck Road as well as the additional runoff from the extended Saxdowns Road. The upgraded storm water system in Van Riebeeck Road will link with the existing Dumas Canal. The upgraded storm water system will be located entirely within the existing road reserve. Once Phase 2 of Saxdowns Road is completed, the upgraded system will function as an overflow system for storm water from Saxdowns Road and will also accommodate the existing water in Van Riebeeck Road. This section of road is approximately 1.36km in length.

Phase 2:

Phase 2 entails the construction of the full dual carriageway to the south of Van Riebeeck Road to Belhar Main Road (approximately 760m in length) and the completion of the second carriageway between Langverwacht Road and Van Riebeeck Road.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed Saxdowns Road will not be extended. This alternative was not deemed as preferred as it will not alleviate traffic congestion in the area, nor result in an expansion of the City's road network.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The majority of the site is located within existing road reserves, but some of the affected properties are not zoned as a road reserve and must therefore be rezoned.

The proposed project will expand the City of Cape Town's road network and thus alleviate traffic congestion. Furthermore, the City of Cape Town is mandated by the Provincial Spatial Development Framework ("PSDF") dated 2014 to provide and maintain road infrastructure and networks. The proposal is therefore in line with the objectives of the PSDF.

The proposed development has been included in the City of Cape Town's Service Delivery Implementation Plan (2017-2018) as demonstrated in the Integrated Development Plan (2017-2022). The proposed activity has been planned to alleviate traffic congestion in the Kuils River area, through the expansion of the road network. This is in line with the strategic objectives of the Municipality.

3.2 Botanical Impacts

A Terrestrial Baseline Ecological Impact Assessment dated 12 September 2017 (Amended September 2020) was compiled by Eco Impact Consulting (Pty) Ltd to assess the potential terrestrial impacts associated with the proposed development. The entire area affected by the proposed road extension is classified as No Natural from a terrestrial perspective on the City of Cape Town's Biodiversity Network, 2017.

No natural vegetation remains along the road alignment route, apart from a few isolated specimens of common, disturbance tolerant species. No significant impact on terrestrial biodiversity is therefore anticipated. CapeNature confirmed the findings of the Ecological Baseline Assessment Report. The potential botanical impacts have been identified as low negative significance.

3.3 Freshwater Impacts

A Freshwater Ecological Verification Assessment and DWS Risk Assessment for the proposed Saxdowns Road Extension dated September 2020 was compiled by Scientific Aquatic Services in order to assess the freshwater impacts associated with the development. According to the Freshwater Assessment Report, the proposed route is located within a sub-quaternary catchment currently not considered important in terms of fish or freshwater resource conservation. According to the National Freshwater Ecosystem Priority Area ("NFEPA") database the proposed development is not associated with any wetland features. However, an artificial valley head seep wetland is situated approximately 30m south of the development. The wetland feature is considered heavily to critically modified.

According to the City of Cape Town Wetlands Database, the proposed development traverses two natural or semi-natural seep wetlands and there are also numerous natural or semi natural and transformed seep wetlands and two depressions (listed as storm water ponds) within a 500m radius. All of the seep wetlands are categorised as a Critical Ecological Support Areas, while the depressions are categorised as Other Ecological Support Areas.

Six freshwater features are located along the proposed road extension route, as follows:

Feature 1:

Feature 1 is an artificially impounded area associated with the nearby industrial operations. The feature receives storm water and/or discharge from the adjacent industrial works.

Feature 2:

Feature 2 is an attenuation pond with an earth berm on its southern side. This area receives storm water from the terrestrial area along the southern boundary of the Saint Dumas residential area. Despite the presence of facultative obligate wetland species such as *Typha capensis*, the system is considered artificial in nature, driven solely by storm water.

Feature 3:

Feature 3 is an artificially excavated area with a distinct square shape, and might be a historical borrow pit, within which runoff from the surrounding areas drains. Although facultative and obligate vegetation species have established in the excavated area, it is considered to be artificial in nature.

Features 4 and 5:

Features 4 and 5 can be regarded as terrestrial areas, and not as wet features or wetlands. The vegetation is more indicative of seasonally moist sandy soil and is not necessarily being inundated. Due to historical excavation activities, the areas are now present as lower lying areas within the landscape into which surface water runoff drains. The areas are highly transformed and dominated by invasive alien Port Jackson willow and exotic terrestrial grasses and can therefore no longer be considered as wetland habitat.

Feature 6:

Feature 6 is an artificial wet response area due to the ingress of storm water into a lower lying area. The feature was created due to the construction of the surrounding road and residential infrastructure and was potentially created as a storm water retention feature as part of the surrounding residential development and is therefore artificial in nature.

Summary of features:

Due to the lack of wetland indicators present in the abovementioned features, the features do not conform to the definition of a watercourse as per the National Water Act, 1998 (Act No. 36 of 1998). However, the Department of Water and Sanitation ("DWS") considers Features 1, 2, 3 and 6 as obligate wetness responses due to the ability of the features to support habitat associated with wetness and are thus classified as legal/legislative wetlands by the DWS. A Water Use License Application has been submitted to the DWS, who have confirmed receipt of the application.

The proposed extension of Saxdowns Road traverses the eastern portion of Feature 2 and is anticipated to result in the loss of 3057.2m² of habitat. This portion is not particularly sensitive as a result of historical and ongoing impacts. The proposed extended road will be within 32m of the remainder of the features (Features 1, 3 and 6).

The freshwater specialist concluded that the proposed activities and the associated risks are site specific, and therefore have a limited spatial extent (*i.e.*, within the road reserve). Most impacts are considered to be easily detectable and mitigation thereof are considered to be easily practicable.

The proposed development is thus expected to have a low risk significance on the identified features. With mitigation, the long-term impact can be considered low. The freshwater specialist's recommended mitigation measures have been included in the EMP and are included as conditions of this environmental authorisation.

3.4 Geotechnical impacts

A Report on the Geotechnical Investigations for the Saxdowns Bridge dated July 2018 was compiled by Kantey & Templer Consulting Engineers, in order to investigate and advise on subsoil conditions at the site of the new bridge structures. According to the Geotechnical Report, the site is characterised by a shallow groundwater system, which is measured between 0.8m to 3.2m below existing ground level. The groundwater drains towards the Kuils River to the west of the proposed bridge site. The groundwater levels are directly influenced by the seasonal periods. Excavation below the water table will require consideration of suitable support and dewatering techniques, depending on the depth of excavation.

No significant problems are anticipated in excavating the fill, reworked, transported materials as well as excavation of the Malmesbury Group. Excavations deeper than 1.5m will require suitable battering or temporary lateral support to ensure safe working conditions.

3.5 Agricultural impacts

Only 2.9ha of the proposed development footprint is located on two properties zoned Agriculture. The agricultural zoned properties are the Remainder of Farm No.1286 and the Remainder of Farm No.235. The Remainder of Farm No.1286 is a narrow undeveloped area in-between a residential erf along Emerald Street and the railway line with no connectivity to any viable agricultural land, whereas the Remainder of Farm No. 235 is transformed with informal storm water retention facilities, as well as Jagter Street and the Kuils River Rugby Club facilities located on it. The property is also not connected to any viable agricultural land.

3.6 Heritage impacts

No areas containing sensitive heritage resources are present on site. Heritage Western Cape indicated in its correspondence dated 6 October 2017 (response to the Notification to Develop) that the proposed development will not impact on heritage resources.

3.7 Dust, traffic and noise impacts

Potential increased traffic impacts on the existing road network, dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential traffic, dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMP.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in the moving of material in and from the existing wetland areas.
- The development will entail the clearance of some indigenous vegetation on the route and surrounds.

- Construction phase impacts (increased traffic, noise and visual impacts during construction).

Positive impacts:

- Some employment opportunities will be created during the construction phase of the development.
- The project entails the expansion and upgrade of existing road infrastructure within the Kuils River area and will alleviate traffic congestion in the road network.

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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