



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

EIA REFERENCE NUMBER: 16/3/3/1/A7/32/3046/19
NEAS REFERENCE: WCP/EIA/0000703/2019
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 2020 -03- 0 5

The Director
Western Cape Government: Transport and Public Works
Private Bag X9185
CAPE TOWN
8000

Attention: Ms. M. Hofmeyr

Tel: (021) 483 5713

Fax: (021) 483 2205

Dear Madam

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED INFILLING OF WATERCOURSES FOR THE RE-ROUTING OF ELECTRICAL CABLES ADJACENT TO THE N1 BETWEEN TABLE BAY BOULEVARD AND ACACIA SUBSTATION EAST OF THE WINGFIELD INTERCHANGE.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the 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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

ZAAIR TOEFY

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copies to: (1) Ms. C du Toit (The Environmental Partnership)
(2) Mr. D. Georgeades (City of Cape Town)
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ENVIRONMENTAL AUTHORISATION

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED INFILLING OF WATERCOURSES FOR THE RE-ROUTING OF ELECTRICAL CABLES ADJACENT TO THE N1 BETWEEN TABLE BAY BOULEVARD AND ACACIA SUBSTATION EAST OF THE WINGFIELD INTERCHANGE.

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) and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("NEMA EIA Regulations, 2014") the Competent Authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative described in the Basic Assessment Report ("BAR") dated December 2019.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Western Cape Government: Transport and Public Works
c/o Ms. M. Hofmeyr
Private Bag X9185
CAPE TOWN
8000

Tel: (021) 483 5713
Fax: (021) 483 2205

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

B. LISTED ACTIVITIES AUTHORISED

The listed activities in terms of the NEMA EIA Regulations as amended on 07 April 2017.

Listed activities	Activity/Project description
<p>Listing Notice 1</p> <p>Activity Number: 19 Activity Description:</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></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><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>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></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or</i></p>	<p>The proposed development will result in the infilling of watercourses.</p> <p>The proposed development will result in the clearance of indigenous vegetation classified as a critically endangered ecosystem.</p>

<p><i>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> <p><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><i>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.</i></p>	
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The abovementioned is hereinafter referred to as "the listed activities".

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

The proposed activity entails the placement of overhead electrical cables underground and the re-routing of electrical cables adjacent to the N1 between Table Bay boulevard and the Acacia substation east of the Wingfield Interchange. The placement of electrical cables underground and the re-routing of underground electrical cables will result in the infilling of watercourses and the clearance of indigenous vegetation. The cables will follow route alternative 1 (attached as Annexure 1).

C. PROPERTY DESCRIPTION AND LOCATION

The proposed placement of overhead electrical cables underground and the re-routing of electrical cables will take place on Erven 178062, 178071, 178073, 19770, 178061-RE and the remainder of Portion 7 of Farm No. 245, Cape Town.

Co-ordinates:

Erf 178062

33° 53' 11.34" South
18° 32' 03.97" East

Erf 178071

33° 53' 14.85" South
18° 31' 36.01" East

Erf 178061-RE

33° 53' 37.29" South
18° 31' 10.71" East

Erf 178073

33° 54' 09.47" South
18° 30' 50.75" East

Erf 178073

33° 54' 09.47" South
18° 30' 50.75" East

Remainder of Portion 7 of Farm 245

33° 54' 34.99" South
18° 29' 56.67" East

Erf 19770

33° 53' 21.69" South
18° 32' 0.46" East

ERF NUMBER	SG 21 DIGIT CODE
178062	C01600070017806200000
178071	C01600070017807100000
178061-RE	C01600070017806100000
178073	C01600070017807300000
RE-Portion 7 of Farm No. 245	C0160000000024500007
19770	C016000700019770000000

Refer to Annexure 1: Map of the Route

hereinafter referred to as "the route".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Environmental Partnership
c/o Ms. C. Du Toit
P. O. Box 945
CAPE TOWN
8000

Tel: (021) 422 0999
Fax: (021) 422 0998

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 December 2019.
2. The holder must commence with 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.
3. This Environmental Authorisation is:
 - 3.1. Granted for a period of **five (5) years**, from the date of issue, during which period the holder must commence with the authorised listed activities.

- 3.2. The development must be concluded within 10 years from the date of commencement of the first listed activity.
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 preferred alternative described in section B 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 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 seven calendar days notice, in writing, must be given to the Competent Authority before commencement of the development phase.
 - 6.1. The notice must make clear reference to the details of the route and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 13 and 18.

Notification and administration of appeal

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
 - 7.1. Notify all registered interested and affected parties 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 of issue of the decision;
 - 7.2. Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 detailed in section F below;
 - 7.3. Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
 - 7.4. Provide the registered Interested and Affected Parties with-
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2. the name of the responsible person for this Environmental Authorisation;
 - 7.4.3. the postal address of the holder;
 - 7.4.4. the telephonic and fax details of the holder;
 - 7.4.5. the e-mail address if any; and
 - 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 2014 National Appeals Regulations.

Commencement

8. The listed activities, including preparation of the route, must not be commenced within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
9. 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.

Management of activity

10. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for an amendment to the outcomes EMPr must be submitted to the Competent Authority if any amendments are to be made to the EMPr other than those required by this Environmental Authorisation, and this 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.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site office and must be made available to anyone on request.
15. Access to the route 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 along the route.

Auditing

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct an environmental audit to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit the environmental audit report to the Competent Authority.
 - 16.1. The audit report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended);
 - 16.2. An audit report must be submitted to the Competent Authority within three (3) months of the development phase commencing;
 - 16.3. A final audit report must be submitted to the Competent Authority within three (3) months of completion of the development;

- 16.4. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
- 16.5. The holder must, within 7 days of the submission of an audit report to the Competent Authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
- 16.6. If the audit report is not submitted, the Competent Authority may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

Specific conditions

17. Should any heritage remains be exposed during excavations or any actions along the route, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.
18. The route where the cables will be placed must be clearly demarcated and all areas outside the designated route must be demarcated as "no-go" areas prior to the commencement of the proposed development.
19. The recommendations as included in the Freshwater Impact Assessment Report (dated October 2019 and compiled by Liz Day Consulting) must be implemented (herewith attached as Appendix A).
20. The following recommendations as included in the Botanical Impact Assessment Report (dated September 2017 and compiled by Bergwind Botanical Surveys and Tours) must be implemented:
 - 20.1. Minimise disturbance as far as possible in the north-west, south-east and south-west quadrants of the Wingfield Interchange; and
 - 20.2. Translocate species of conservation concern to the Fort iKapa Military Base.
21. Employment opportunities must be afforded to the local community (as far as possible).
22. All noise and sounds generated during the proposed development must comply with the relevant SANS codes and standards and the relevant noise regulations.
23. Dust suppression methods must be used to mitigate dust during the development phase. No potable water must be used for dust suppression. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must be implemented instead.
24. The use of all generators along the route must include the use of drip trays.
25. The following conditions regarding the temporary storage of fuel along the route during development phase must be complied with:
 - 25.1. No fuel must be stored within 32m of a watercourse;

- 25.2. The combined capacity of the temporary fuel storage tanks must not exceed 30m³;
- 25.3. Temporary fuel storage tanks bigger than 1 000L must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground; and
- 25.4. Temporary fuel storage tanks must be designed and installed in accordance with relevant SANS codes. The tanks must be constructed to conform to the requirements of all relevant legislation.

F. GENERAL MATTERS

1. The holder is 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.
2. Any changes to, or deviations from the scope of the description set out in section B 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 as it deems necessary 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.
3. The applicant must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
4. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) of the Environmental Authorisation to the Competent Authority where any detail or scope with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.
5. 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.
6. Non-compliance with a condition of this Environmental Authorisation or EMPr may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder) must –
 - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision.
2. An appellant (if NOT the holder) must –
 - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, any Organ of State

with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of the decision.

3. The holder (if not the appellant), the decision-maker, I&AP and 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. This appeal and responding statement must be submitted to the address listed below:

By post: 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: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where development or operation subsequent to development 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 TOOLEY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 05/03/2020

Copies to: (1) Ms. C du Toit (The Environmental Partnership)
(2) Mr. D. Georgeades (City of Cape Town)
(3) Adri La Meyer (DEA&DP: DDF)

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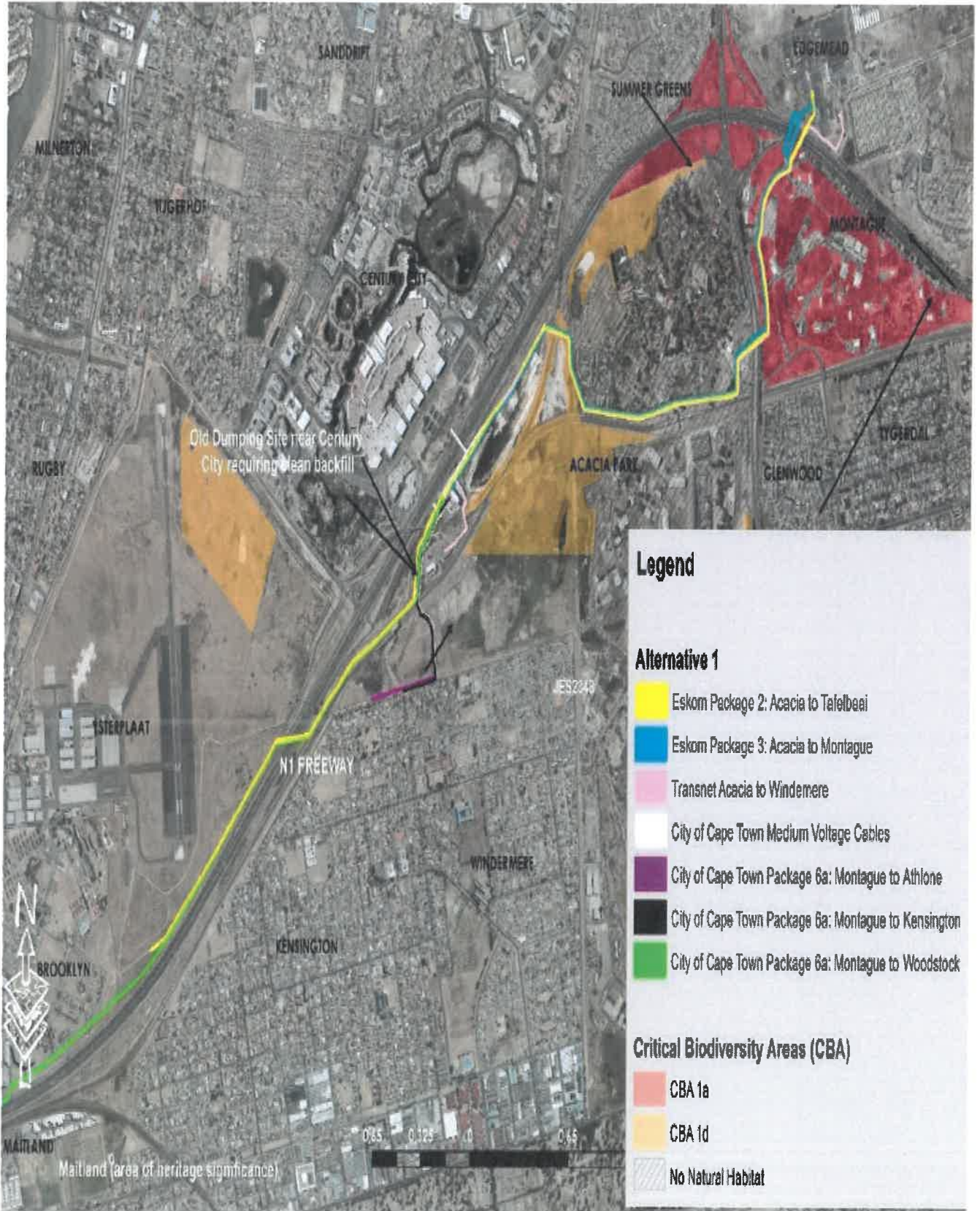
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ANNEXURE 1: PLAN OF THE ROUTE



Legend

Alternative 1

- Eskom Package 2: Acacia to Tafelbaai
- Eskom Package 3: Acacia to Montague
- Transnet Acacia to Windermere
- City of Cape Town Medium Voltage Cables
- City of Cape Town Package 6a: Montague to Athlone
- City of Cape Town Package 6a: Montague to Kensington
- City of Cape Town Package 6a: Montague to Woodstock

Critical Biodiversity Areas (CBA)

- CBA 1a
- CBA 1d
- No Natural Habitat

PROPOSED WINDFIELD
RELOCATION OF ELECTRICAL
SERVICES: CABLES OF ESKOM
PACKAGE 2 AND 3 AND CITY OF
CAPE TOWN PACKAGE 6A AND 7

**SENSITIVITY MAP
CRITICAL BIODIVERSITY AREAS
ALTERNATIVE 1**
Eskom Power Lines
City of Cape Town Cable Routes

PROJECT CO-ORDINATES
37°54'31.45" S ; 18°28'37.55" E

PRINT DATE
NOVEMBER 2019

SCALE AT A4 1:6000

REFERENCE DRAWINGS
Eskom Packages (SMEC, 2019)



ANNEXURE 2: REASONS FOR THE DECISION

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

- a) The listed activities applicable in terms of the NEMA EIA Regulations as amended on 07 April 2017.
- b) The information contained in the application form dated and received by the Competent Authority on 13 November 2019, the BAR received by the Competent Authority on 20 December 2019 and the EMPr submitted together with the BAR;
- c) The assessment of the activity in the BAR received by the Competent Authority on 20 December 2019;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- f) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR received by the Department on 20 December 2019; and
- g) No site visits were conducted where the proposed development will be located. The Competent Authority had sufficient information before it to make an informed decision.

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, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board along the route where the listed activities are to be undertaken;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the route where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities; and
- the placing of a newspaper advertisement in the 'People's Post' on 21 May 2019 and 'Tygerburger' on 22 May 2019.

The 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 response report.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Two route alternatives were investigated with respect to the placement of the electrical cables.

Preferred Alternative (herewith authorised)

This alternative entails the placement of overhead electrical cables underground and the re-routing of electrical cables adjacent to the N1 between Table Bay boulevard and the Acacia substation east of the Wingfield Interchange. The placement of electrical cables underground and the re-routing of

underground electrical cables will result in the infilling of watercourses and the clearance of indigenous vegetation. The cables will follow route alternative 1 (attached as Annexure 1).

Alternative 2

This alternative entails the placement of overhead electrical cables underground and the re-routing of electrical cables adjacent to the N1 between Table Bay boulevard and the Acacia substation east of the Wingfield Interchange. This route will entail the infilling of wetland numbers JS2368 and JS2373 which will be avoided with the preferred alternative. This alternative was not preferred as the impact on watercourses would be regarded as high negative significance.

"No-Go" Alternative

The "no-go" alternative will result in the status quo being maintained. The preferred alternative will not result in unacceptable environmental impacts, therefore the "no-go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

There is currently major congestion along the N1 during peak hours. The placement of the electrical cables below ground will provide space to upgrade and develop road infrastructure thereby reducing congestion. The proposed development is therefore required by the applicant to reduce congestion and minimise travel time.

3.2. Freshwater Impacts

According to both Freshwater Impact Assessments that was conducted by BlueScience and Liz Day Consulting (dated February 2018 and October 2019, respectively), three natural wetlands will be impacted upon as a result of the proposed development. However, the wetlands are moderately modified due to urban development and the development of roads. The overall significance of the potential impacts on the wetlands are therefore expected to be of low negative significance after mitigation. The Freshwater specialist has recommended that certain mitigation measures be implemented to minimise potential impacts on these wetlands which has been included as a condition of the environmental authorisation.

3.3. Botanical Impacts

According to the Botanical Impact Assessment Report (dated September 2017 and compiled by Bergriver Botanical Surveys and Tours) most of the cable route is transformed and is considered to be of low to very low botanical sensitivity and very low conservation worthiness. The area at the Wingfield interchange contains intact Cape Flats Sand Fynbos classified as a critically endangered ecosystem, in terms of the National Environmental Management: Biodiversity Act, (Act No. 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, December 2011 which is of high conservation value. The development footprint must be minimized as far as possible within this areas and translocation of species of conservation concern must be conducted. With the implementation of these mitigation measures the loss of Cape Flats Sand Fynbos is regarded to be of medium to low negative significance by the specialist.

3.4. Heritage/Archaeological Impacts

A Notice of Intent to Develop was received by Heritage Western Cape ("HWC") on 02 August 2019. HWC in their comment (dated 09 September 2019) indicated that there is no reason to believe that the proposed development will impact on heritage resources.

3.5. Noise Impacts

All noise and sounds generated during the development and operational phase of the proposed development will comply with the relevant SANS codes, and standards and the municipal by-laws. Furthermore, noise impacts will be mitigated by the implementation of the conditions in this environmental authorisation and the EMPr.

3.6. Dust Impacts

Potential dust generated during the development phase will be mitigated by the implementation of the conditions of this environmental authorisation and the mitigation measures included in the EMPr. No potable water will be used to mitigate dust nuisance as far as is practically possible. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation) will be implemented instead.

3.7. Impact Assessment and significance rating

- 3.7.1. The loss of indigenous vegetation as a result of the proposed development has been identified in the BAR as being of low to medium negative significance after mitigation. The impacts will be further mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.7.2. The loss of wetland habitat as a result of the proposed development has been identified in the BAR as being of low negative significance after mitigation. The impacts will be further mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.7.3. Potential noise impacts as a result of the proposed development have been identified in the BAR as being of low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.7.4. The generation of dust as a result of the proposed development has been identified in the BAR as being of low negative significance as appropriate dust suppression methods will be implemented. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.

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.

The development will result in both negative and positive impacts.

Negative Impacts Include:

- Loss of indigenous vegetation;
- Loss of wetland habitat; and

- Noise and dust impacts

Positive impacts Include:

- The proposed development will allow for space to expand and develop road infrastructure to alleviate traffic congestion and minimise travel times; and
- Some employment opportunities.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, 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 the 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."*

-END

APPENDIX A

RECOMMENDATIONS OF THE FRESHWATER IMPACT ASSESSMENT REPORT (DATED OCTOBER 2019 AND COMPILED BY LIZ DAY CONSULTING)

3.4 Wetland JES 2365 and JES2366

3.4.1 Description

JES 2365 is a relatively large saltmarsh wetland, assumed to have been part of JES2345 under natural circumstances, but which has since been fragmented by the railway line, which runs between the two as an area of raised fill. The wetland is seasonally inundated, and like most of the salt marshes / pans in this area is assumed to be underlain at least in parts by impervious material, facilitating surface perching of rainwater and runoff from adjacent areas, and the development over time of seasonally saline waterbodies, as a result of long-term evapoconcentration.

JES 2366 is a relatively small mapped wetland that would also have been part of a much more extensive expanse of salt pans and salt marsh under natural conditions. Today it has been fragmented from adjacent wetlands by walls (Acacia Park western boundary wall), the railway line (see map in Table 3.4), an unpaved dirt road providing access to the railway line and to isolated businesses south of the N1 and below the Century City MyCity bus station, and the N1. It probably connects during wet conditions to wetland JES2365 to the south.

Although disturbed and fragmented, the wetland is a remnant of increasingly rare saltmarsh habitat, and like the other salt marshes / pans in the area, is assumed to be at least partially perched, with water from rainfall and local runoff standing over impermeable lenses close to the surface.

The wetland has however been impacted by localized dumping, the fragmentation described above and alien plant invasion. Only the southern portion is reflected in Stanvliet et al (2017) as a CBA.

3.4.2 Conservation importance

Using the methodology outlined in Appendix A, JES2365 is considered of at least MEDIUM to HIGH conservation importance, as a moderately impacted relatively large example of locally threatened saltmarsh / salt pan habitat, with connectivity to pans to the north, south and west

JES2366 is considered of LOW to MEDIUM conservation importance, as a moderately impacted example of locally threatened saltmarsh / salt pan habitat, with connectivity to pans to the south and west.

3.4.3 Impacts as a result of the proposed electric cable interventions

The Current alignment and Alternative 3 follow the same alignment in the area, and both would pass through wetland JES2366. This would result in definite wetland disturbance, possible disruption of impervious near-surface layers that currently result in a perched water table, compaction and damage to wetland plants in an area of at least 15m wide across the wetland, and disturbance as a result of impacts associated with likely dewatering.

Although the wetland is already impacted, it is still considered conservation-worthy and as such, such impacts would be viewed with concern, but are considered mitigable.

Alternative 3 would pass between JES2366 and 2365, within the footprint of the gravel railway maintenance / access road. Although it would not therefore result in direct disturbance as a result of excavation of either wetland, construction in this area could result in the passage of vehicles or placement of laydown material into the wetland, disturbing the sensitive saltmarsh topography.

3.4.4 Recommended mitigation

Selection of Alternative 3 is strongly recommended as effective avoidance mitigation, assuming that additional control measures outlined below are included.

Control measures for Alternative 3:

- i. The edges of wetlands 2366 and 2365, where they lie within 40m or closer to the proposed cable alignment, must be fenced off with temporary fencing (e.g. shade cloth to prevent wind

transported sediment or litter entering the wetlands) - the fenceline should lie at least 10m from the wetland edge, where space permits;

- ii. Vehicle access to this part of the alignment must avoid driving over salt pan areas, and should be restricted to the existing access road;
- iii. Disturbed non-wetland areas could be selected for lay-down requirements – these would need to be confirmed on-site with a wetland ecologist;
- iv. While construction should ideally take place in the dry season – that is, between November and end of April – given the location of the cable alignment along the road and not in the wetland, this requirement is considered best practice but not essential.

Mitigation for the Current Alternative and Alternative 6

In the event that the Current Alternative or Alternative 6 are selected, despite the above recommendation, then avoidance mitigation would not be possible. Mitigation measures would thus aim to minimize disturbance, noting that perforation of the pan subsurface might well still occur. However, assuming mitigation outlined in Section 3.3 is carried out, entailing shifting the cable north, the crossing in this part of the wetland would also be located further north, and thus possibly impact on less of the wetland. It is recommended that:

- i. The cables should be routed as close to the railway line embankment as possible to minimize the extent of wetland disturbance and protect the salt pan area in particular;
- ii. Vehicle access to this part of the alignment must avoid driving over salt pan areas, and should be restricted to the existing access road;
- iii. The wetland edge of the trench on either side should be fenced off using temporary fencing to prevent access into that area – a 5m maximum working area on one side of the trench should be allowed for;
- iv. Disturbed non-wetland areas could be selected for lay-down requirements – these would need to be confirmed on-site with a wetland ecologist;
- v. Construction may only take place in the dry season – that is, between November and end of April. This must be factored into contracting time frames.

is assumed to be permanently inundated on the basis of the fact that it supports dense stands of *Typha capensis* bulrush (Hall 1990).

This wetland (JES2344) is assumed to be a more artificial wetland type, fed by stormwater runoff from the N1.

3.5.2 Conservation importance

Using the methodology outlined in Appendix A, the wetland is considered of MEDIUM to HIGH conservation importance, as a moderately impacted relatively large example of locally threatened saltmarsh / salt pan habitat, with connectivity to pans to the south and west.

3.5.3 Impacts as a result of the proposed electric cable interventions

All three alternatives would follow the same route through most of this section.

Installation of the cable alignments as shown in Table 3.5 indicate that the bulk of the cables would be routed along the edge of the tar road in the north of wetland JES 2345. They in fact are shown as lying just within the northern edge of the wetlands, leaving the tarred access areas largely unaffected. This means that there would be definite excavation into and assumed long-term disturbance of this section of wetland.

A minor cable would also be routed along the southern edge of the wetland, within the railway embankment. This cable would then branch off to the south-west to the substation – rationalizing its location along the southern wetland edge. Alternative 3 would not however include any cabling south of the wetland.

3.5.4 Recommended mitigation measures

- i. The proposed cables must be pulled out of wetland JES2345 – the tarred access road has low levels of traffic and should be suited to the passage of electricity cables beneath its surface, and the cable alignment could moreover be extended towards the northern erf boundary, to the edge of the N1 road reserve. Although parts of this area comprise *Typha capensis* reedbed wetland and swales of *Bolboschoenus maritimus* wetland, these are considered more likely to recover from impact and the consequences of incomplete recovery would be lower.

Following submission of this recommendation, it was however noted by the project engineers that the recommended avoidance measure would not be possible. They could however relocate the Eskom Package 2 cabling out of the wetland completely, while the cables that would cross the wetland for Option 3 and Option 6 would be those associated with Eskom Package 3 and the Transnet Acacia-to-Windermere south of the wetland (email of Kakale Munamati, TEP to Liz Day, on 12/11/2019). Thus:

- There would be unavoidable loss of wetland JES1345 (some 2310 m²) – this would be infilled;
- (Limited) mitigation measures could however include:
 - Minimising the construction disturbance footprint by focusing construction activities (excavations, stockpiles, etc) on the road and not the wetland;
 - Minimising loss of wetland by steepening the edge of the fill platform;
 - Preventing access by machinery to the wetland beyond the restricted construction edge;
- ii. The minor cable routed along the southern edge of the wetland along the railway embankment should ideally be routed with the other cables. However, it is recognised that this would require an additional routing of cable along the western edge of the wetland to

access the requisite substation. Given the relatively narrow width of the cable (Table 3.5), it is quite possible that its impact on the adjacent wetlands could be mitigated within the railway embankment on the southern wetland edge, as follows:

- a. The cable should be aligned as close to the railway embankment as possible and preferably within the embankment;
 - b. The adjacent salt pan wetland may not be used for laydown areas, stockpiling or other activities associated with the project other than where these have been specifically identified and dealt with in this assessment or in the Construction Phase Environmental Management Programme required as part of the essential mitigation measures for the proposed works
- iii. Construction may only take place in the dry season – that is, between November and end of April. This must be factored into contracting time frames.
 - iv. Following construction, sections of the trench that passed within the wetland edge must be filled to pre-disturbance or more ecologically benign levels – this means there may be excess soil which must be disposed of outside of any wetland or other sensitive area – to be approved by the wetland ecologist;
 - v. An environmental control officer (ECO) or similar designation must oversee operations to ensure that construction damage is minimized;
 - vi. If dewatering is required, it must be managed such that sedimentation or erosion of the wetland does not occur.

Table 3.5
Photographic and map illustrations of wetland JES 2345



Photo F
Saltmarsh wetland JES2345 beneath the existing overhead pylons, in the area opposite Century City showing the tar access road with the railway line in the background

Photo G
View west with JES2345 on the left (southern side) and disturbed infilled area giving way to grassy wetland swales and wetland JES 2344 on the right hand (northern) side. Arrow shows area in which pipeline could be located outside of the salt pan.