



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT  
REGION 1**

**EIA REFERENCE NUMBER:** 16/3/1/1/A2/30/3067/14  
**ENQUIRIES:** Mr. S. Abrahams  
**DATE OF ISSUE:** 2018 -06- 27

The Municipal Manager  
City of Cape Town  
21<sup>st</sup> Floor, Civic Centre  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

**For attention: Mr. J. Kuhn**

Tel: (021) 400 2300  
Fax: (086) 693 2802

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED ESTABLISHMENT OF A HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 10509 AND THE REMAINDER OF FARM CA 597, PHILIPPI.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### **ENVIRONMENTAL AUTHORISATION**

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") and the NEMA EIA Regulations, 2014 as amended on 07 April 2017, 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 April 2018.

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**

The Municipal Manager  
c/o Mr. J. Kuhn  
City of Cape Town  
21<sup>st</sup> Floor, Civic Centre  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

Tel: (021) 400 2300  
Fax: (021) 693 3802

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

**B. LISTED ACTIVITIES AUTHORISED**

The proposed development was previously listed in terms of the NEMA EIA Regulations, 2010 as follows:

Government Notice No. R.544 of 18 June 2010–

Activity Number: 9  
Activity Description:

*The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water –*

- (i) with an internal diameter of 0,36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more,*

*excluding where:*

- (a) such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or*
- (b) where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.*

Activity Number: 11  
Activity Description:

*The construction of:*

- (i) canals;*
- (ii) channels;*
- (iii) bridges;*
- (iv) dams;*
- (v) weirs;*
- (vi) bulk storm water outlet structures;*
- (vii) marinas;*
- (viii) jetties exceeding 50m square metres in size;*
- (ix) slipways exceeding 50m square metres in size;*
- (x) buildings exceeding 50 square metres in size; or*
- (xi) infrastructure or structures covering 50 square metres or more*

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity Number: 18

Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;
  - (ii) the sea;
  - (iii) the seashore;
  - (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater – but excluding where such infilling, depositing, dredging, excavation, removal or moving;
- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or occurs behind the development setback line.

Activity number: 23

Activity Description:

The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -

except where such transformation takes place –

- (i) for linear activities; or
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.

On 04 December 2014, the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations 2014 (Government Notice No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014). Please note that these regulations came into effect on 08 December 2014 and was amended on 07 April 2017. The activities listed below are the similarly listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

The activities listed below are the similarly listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

*Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):*

Activity Number: 27

Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

In terms of GN No. R 324 (Listing Notice 3) of 07 April 2017:

Activity number: 15  
Activity Description:

The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.

**f. Western Cape**

- i. Outside urban areas, or
- ii. Inside urban areas:

- (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;
- (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.

The abovementioned is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The proposed development entails the clearance of indigenous vegetation for the establishment of a low cost residential development and associated infrastructure on Erf 10509 and the remainder of farm CA 597, Philippi.

Approximately 409 dwellings will be developed which include single and double storey structures. Each plot will accommodate dwellings on a plot size of approximately 75m<sup>2</sup>.

The associated infrastructure will include *inter alia* the following:

- A storm water detention pond will be developed on the south western corner of the site;
- The development of reticulation pipelines;
- Open space areas; and
- Internal roads.

The proposed development will utilise the following existing municipal services:

- Solid waste management;
- Sewage treatment; and
- Water supply.

Electricity services will be provided by Eskom. Access to the site will be obtained via Sheffield Road. The total development footprint of the development will be approximately 5.5 ha.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Erf 10509 and the remainder of farm CA 597, Philippi.

Access to the site will be obtained via Sheffield Road.

The SG 21 digit code is: C01600450001050900000

Co-ordinates:                    34°    00'    17.07" South  
   18°    37'    21.12" East

hereinafter referred to as "the site".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants.

c/o Mr. G. Nel

P.O. Box 2632

**PAARL**

7620

Tel: (021) 870 1874

Fax: (021) 870 1873

### 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 April 2018 on the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 5 (five) 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 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 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 13.

### **Notification and administration of appeal**

7. The holder must in writing, within 12 (twelve) 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, 2010 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. the 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, 2010.
8. The listed activities, including site preparation, must not commence 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 commence until the appeal is decided.

### **Management of activity**

9. The draft Environmental Management Programme report ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved on condition that the following amendments are made to the EMPr and must be implemented.
10. The recommendations of the Noise Impact Assessment Report ("NIA") (compiled by The DDA Environmental Engineers dated October 2017) must be implemented and included in the EMPr:
  - 10.1. The dwellings along Sheffield Road and the north-western section of the proposed development must include:
    - 10.1.1. Double glazing windows;

- 10.1.2. Sound sealed exterior doors;
  - 10.1.3. Acoustic ceilings; and
  - 10.1.4. Ventilation units.
- 10.2. The dwellings further away from Sheffied Road must include:
  - 10.2.1. Single glazing windows;
  - 10.2.2. Acoustic ceilings; and
  - 10.2.3. Ventilation units.
- 11. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
- 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, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
- 14. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activities during the development activities whereafter it must be kept at the office of the applicant, and must be made available to anyone on request.
- 15. 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.
- 16. 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 landfill licensed in terms of the applicable legislation.

### **Auditing**

- 17. In terms of Regulation 69 (8) of the NEMA EIA Regulations, 2010, the holder of this environmental authorisation must undertake an environmental audit (on completion of the clearance activities) and submit the Audit Report to the Competent Authority.
  - 17.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority 1 (one) month after the completion of the listed activities. A final Environmental Audit Report must be submitted to the Competent Authority within 1 (one) year after the proposed development has been completed.

- 17.2. The holder must, within 7 (seven) days of the submission of the 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**

18. 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.
  - 18.1. Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
  - 18.2. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
19. Dust suppression methods must be used to mitigate dust during the development. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods must be implemented instead.
20. 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 a listed activity within the period referred to 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. 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.



## **G. APPEALS**

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations, 2010.

1. An appellant must –
  - 1.1. Submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
    - 1.1.1 if the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—
      - (a) a copy of the notice lodged with the Minister; and
      - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.
    - 1.1.2 if the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
      - (a) a copy of the notice lodged with the Minister; and
      - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
  - 1.2. Submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
  - 1.3 That a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and
  - 1.4 If a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:  
  
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 Jaap de Villiers  
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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).


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

#### H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



**MR. ZAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 27/06/2018

Copy to: (1) Mr. R. Samaai (City of Cape Town)  
(2) Mr. G. Nel / D. de Klerk (Guillaume Nel Environmental Consultants)  
(3) Ms. K. Rughoobee (DEADP: DDF)

Fax: (021) 684 4410  
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**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

**16/3/1/1/A2/30/3067/14**

**NEAS EIA REFERENCE NUMBER:**

**WCP/EIA/0001997/2014**

## **ANNEXURE 1: REASONS FOR THE DECISION**

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

- a) This application was submitted in terms of the NEMA EIA Regulations, 2010, and was pending at the time of the promulgation of the Environmental Impact Assessment Regulations, 2014. Some of the listed activities herein authorised may not have been listed under the previous NEMA EIA Regulations, but is now listed in terms of the Environmental Impact Assessment Regulations, 2014 (as amended) In accordance with Regulation 53(1) of GN No. R. 326, these activities may be authorised as if applied for;
- b) The information contained in the Application Form dated 03 December 2014, the final BAR received by the Competent Authority on 20 April 2018 and the EMPr submitted together with the final BAR on 20 April 2018;
- c) The listed activities applicable in terms of the NEMA EIA Regulations, 2014 (as amended), and the assessment of the activities in the final BAR received by the Department on April 2018;
- d) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (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 I&APs and responses to these, included in the BAR dated April 2018;
- g) The balancing of negative and positive impacts and proposed mitigation measures; and
- h) 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 that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activities are to be undertaken on 26 April 2016;
- 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 26 April 2016;
- the placing of a newspaper advertisement in the 'People's Post' on 26 April 2016; and
- making the BAR available to I&APs for public review for the first round from 26 October 2016 to 28 November 2016 and the second round from 24 October 2017 to 30 November 2017.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## 2. Alternatives

Five design alternatives and the "No-Go" alternative were identified and comparatively assessed:

### Preferred Alternative – Herewith Authorised

The proposed development entails the clearance of indigenous vegetation for the establishment of a low cost residential development and associated infrastructure on Erf 10509 and the remainder of farm CA 597, Philippi.

Approximately 409 dwellings will be developed which include single and double storey structures. Each plot will accommodate dwellings on a plot size of approximately 75m<sup>2</sup>.

The associated infrastructure will include *inter alia* the following:

- A storm water detention pond will be developed on the south western corner of the site;
- The development of reticulation pipelines;
- Open space areas; and
- Internal roads.

The proposed development will utilise the following existing municipal services:

- Solid waste management;
- Sewage treatment; and
- Water supply.

Electricity services will be provided by Eskom. Access to the site will be obtained via Sheffield Road. The total development footprint of the development will be approximately 5.5 ha.

This alternative entails the establishment of single and double storey dwellings. The single storey dwellings will have a width of approximately 8 m and a length of approximately 5 m and will be semi-detached. The double storey dwellings will have a width of approximately 4 m and a length of approximately 5.53 m. Each plot will have an approximate footprint of 75 m<sup>2</sup>. This alternative is deemed as preferred since the proposed dimensions will present the best design aspects. These design aspects include features such as acoustic ceilings, plastered cavity walls, window double glazing, double doors with a sound lobby and sound sealed exterior doors to facilitate in the mitigation of noise impacts.

Further design alternatives for the double storey dwellings included having either a width of 3.6 m or 6 m with a length of 5.53 m. Additionally, the single storey design alternatives included having either a width of 5 m and length of 7 m or having a width of 5.5 m and length of 8 m. These alternatives were not preferred from a design perspective.

### "No-Go" Alternative

The "No-Go" alternative would result in maintaining the "*status quo*". However, since the proposed development will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

### 3. Impacts, assessment and mitigation measures

#### 3.1. Activity Need and Desirability

The proposed development is located in an urban area and is in line with the City of Cape Town's Integrated Development Plan, 2012-2017, the City of Cape Town's Spatial Development Framework ("SDF"), dated 2012 and the amended SDF, dated 2014. The site is earmarked for residential use and will provide for some employment opportunities to locals (as far as possible). The proposed development will tie into the Provincial Spatial Development Framework's primary objectives proposed for the application area, which are to provide basic human needs such as houses and employment opportunities. The proposed development will contribute to the provision of housing in the Philippi area.

#### 3.2. Biophysical Impacts

According to the Botanical Assessment Report, dated December 2015 and compiled by Bergwind Botanical Surveys & Tours, the original indigenous vegetation in the area is mapped as Cape Flats Dune Strandveld which is listed as Endangered in terms of the NEMBA list of threatened ecosystems in need of protection.

The site is largely degraded to transformed but contains some natural vegetation. The conservation value is regarded as low. The overall anticipated botanical impacts are likely to be low negative before and after mitigation for all alternatives.

CapeNature commented in their correspondence dated 13 December 2016 that the development of the site is acceptable.

#### 3.3. Noise Impacts

A Noise Impact Assessment Report ("NIA") (compiled by The DDA Environmental Engineers, dated October 2017) was undertaken to assess the noise levels at the proposed site. The assessment included flights leaving and arriving the Cape Town International Airport ("CTIA") with the existing runway, the proposed realignment of the CTIA as well as vehicular traffic on the main roads surrounding the proposed development. The noise emissions were estimated for the year 2020 until the year 2030.

The noise for year 2020 were modelled for daytime and night-time noise levels. The study concluded that the houses in the first row adjacent to the roads surrounding the proposed development reached 64 decibels ("dB"), especially outside the first floor window level due to the elevation. The cumulative noise levels for the houses in the first row adjacent to the roads with the inclusion of the existing CTIA runway at capacity is measured at 67 dB. Further, with the realignment of the CTIA runway, the noise levels are measured at 65 dB. The current noise environment with the contribution of the airport will have an overall noise level between 62 dB and 63 dB for areas closer to the center of the proposed development. The recommended South African National Standard ("SANS") Urban guidelines noise levels is 60 dB.

The 2030 modelled noise levels in the area with the influence of vehicles in the first rows closer to the surrounding roads are measured at 63 dB and 57 dB for daytime and night-time respectively. The cumulative noise levels for the first row of houses of the proposed development measured with the inclusion of existing CTIA runway at capacity is 67 dB which will be 7 dB above the recommended SANS Urban guidelines. Should the realignment of the CTIA runway occur, the noise is measured at 68 dB when measured at capacity. Aircraft flyover for the 2030 noise environment will cause the overall noise levels for the proposed development to increase. The future air traffic increase, with or without the proposed realignment of the airport runway may result in further increasing in noise levels above the SANS guidelines.

Mitigation measures have however been incorporated into the EMPr and this environmental authorisation to ensure potential impacts remain minimal.

#### 3.4. Freshwater Impacts

A Freshwater Ecosystems Report (compiled by The Freshwater Consulting Group cc and dated April 2016) was undertaken to assess the freshwater ecosystems at the proposed site. The freshwater assessment indicated that there are no naturally-occurring wetlands or any other freshwater ecosystems of conservation value present on site. The observed wet areas on the site are regarded as artificial depressions created through previous activities. The artificial depressions are highly degraded in terms of their vegetation status. The ecological conservation value of artificially-created depressions on the site is regarded as low.

The Department of Water and Sanitation indicated in correspondence dated 14 December 2016 indicated that the proposed development does not require a Water Use Licence in terms of the National Water Act, 1998 (Act No. 36 of 1998).

#### 3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their comment dated 11 February 2015) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

#### 3.6. Socio-Economic Impacts

The proposed development will result in positive socio-economic impacts. The positive socio-economic impacts include some job creation opportunities to the local community (as far as possible).

#### 3.7. Dust Impacts

Dust impacts are anticipated during development. However, these impacts will be minimised with the implementation of the mitigation measures included as conditions in this environmental authorisation and in the EMPr.

#### 3.8. Services/ Bulk Infrastructure

According to the Civil Engineering Services Report dated October, 2016 the site is included in the City of Cape Town's Philippi East Northern Catchment – Stormwater Master Plan dated June 1998. In addition, stormwater will be accommodated by the construction of the detention pond and will connect into the existing 675 mm diameter bulk stormwater pipeline running in the 8 m service corridor along the southern boundary of the site. Bulk earthworks will be required to shape the site to allow the stormwater to be drained towards the detention pond in the south western corner of the site. The proposed development was approved from a civil engineering perspective,

The City of Cape Town Solid Waste Management Department indicated in their correspondence dated 08 November 2017 that there is sufficient, spare, unallocated capacity to accept, collect and dispose of all types of waste. Furthermore, the municipality confirm the ability to provide sewer and water services to accommodate the needs of the proposed development. Eskom indicated in their correspondence dated 14 April 2018 that they are prepared to provide electricity services to the proposed development.

### 3.9. Impact Assessment and significance rating

- 3.9.1. Potential loss of indigenous vegetation has been identified in the BAR as being of low significance prior to and post mitigation.
- 3.9.2. Potential noise impacts on residents of the proposed development are identified in the BAR as being of high significance prior and medium-low significance post mitigation.
- 3.9.3. Potential socio-economic impacts have been identified in the BAR as being of high positive significance.
- 3.9.4. Potential dust impacts during development are identified in the BAR as being of low significance prior and post mitigation.

### **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:

- The loss of indigenous vegetation;
- Potential noise impacts; and
- Dust impacts associated with development.

Positive impacts Include:

- The proposed development will contribute to provision of housing;
- Optimal use of available land in accordance with the relevant planning documents; 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 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.

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