



REFERENCE: 16/3/3/1/A8/30/3012/20
NEAS REFERENCE: WCP/EIA/0000744/2020
DATE OF ISSUE: 22 FEBRUARY 2021

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR 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): THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR A HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 109533, CHARLESVILLE.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated February 2021.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Western Cape Government: Department of Human Settlements
% F. Mudimu
Private Bag X9083
CAPE TOWN
8000

Tel.: 021 483 3911
Email: fungaimudimu@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27</p> <p>Activity Description: <i>“The clearance of an area of 1 hectare (ha) or more, but less than 20 ha of indigenous vegetation”</i></p>	<p>The proposed development of the residential units and associated infrastructure will result in the clearance of more than 1ha of indigenous vegetation.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)-</p> <p>Activity Number: 12</p> <p>Activity Description: <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><u>i. Western Cape</u></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> ii. <i>Within critical biodiversity areas identified in bioregional plans;</i> iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.”</i> 	<p>The proposed development will entail the clearance of remnant Cape Flats Sand Fynbos.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

The proposed development entails the clearance of more than 1ha of indigenous vegetation associated with the proposed establishment of a residential development and associated infrastructure on Erf 109533, Charlesville. The proposed residential development will include:

- Approximately 358 housing units comprising of a combination of General Residential Units (e.g. apartment blocks; each with a maximum of four storeys, with between 12 and 24 units each) and Single Residential Buildings (e.g. semi-detached and / or detached units limited to two storeys each);
- One Utility Service /Authority Use erf for a Communal Refuse Area;
- Open Space distributed at various locations within the development;
- Internal roads;
- At least one parking bay per Single Residential unit on erven and 1.25 parking bays per General Residential unit, inclusive of visitor bays;
- A new miniature substation (located on the proposed development site) looped into the existing David Atkins Street – Sonny Leon Road 11kV feeder;
- Stormwater management infrastructure; and
- sidewalk at least 1.5 m wide along the extent of the development on John Jansen Road and Michael Hendricks Street.

Access to the proposed site will be gained off John Jansen Road, Charlesville. Single residential units will have access points off John Jansen Road and Michael Hendricks Street. The proposal includes the upgrade of Robert Sobukwe Road/ Valhalla Drive intersection and the Valhalla Drive/ Charles Calvert Road/ Downing Street intersection.

The development footprint is approximately 21 022m² in extent. Roads, housing/building units and parking would occupy approximately 84% of the site (2.1 ha) and the remainder of the site will be retained as Open Space and /or landscaped (0.39 ha, including a north-western portion and along the eastern boundary).

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf no. 109533, Charlesville. Michael Hendricks Street, John Jansen Road and Valhalla Drive constitute the western, southern and eastern site boundaries respectively. The site is surrounded by residential erven with a shopping centre located southeast of the site, and Robert Sobukwe Road (M10).

Coordinates of Erf no. 109533, Charlesville:

33° 57' 34.87" South, 18° 33' 59.48" East

The SG digit code:

Erf No. 109533, Charlesville	C01600070010953300000
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Refer to Annexure 1: Locality Plan

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SRK Environmental Consulting (South Africa) Pty Ltd
% K. Armstrong/ M. Law
The Administrative Building
Albion Spring
183 Main Rd
RONDEBOSCH

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 February 2021 on the site as described in Section C above.
2. Authorisation for 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 the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request 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 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 Interested and Affected Parties 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 Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4. provide the registered Interested and Affected Parties 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 Interested and Affected Parties 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 Interested and Affected Parties 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 written notice of seven calendar days' notice 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, 10.1.1, 10.3, 14 and 22.

Management of activity

- 10. The EMPr dated February 2021 is hereby approved on condition that the following amendments are made and must be implemented.
 - 10.1. A detailed Stormwater Management Plan ("SMP") that complies with the with the City of Cape Town's requirements as detailed on their correspondence dated 8 July 2020, must be compiled and included in the EMPr. The Final SMP must be submitted for comment to the SMP and the letter of comment from the City of Cape Town must be submitted to this Department for information purposes.
 - 10.1.1 The City of Cape Town's comment and updated EMPr, which includes the SMP, must be submitted to this Directorate, for information purposes prior to the commencement of construction activities.
 - 10.2. Dust generation
 - 10.2.1. During the Construction phase of the proposed development, dust screening measures should be installed on the boundary of the site, and at areas of high dust generation;
 - 10.2.2. Materials used for screening should be capable of reducing the quantity of dust being blown off site to below nuisance levels; and
 - 10.2.3. Site screening should be provided at a suitable but safe height to contain dust emissions caused by activities on site, especially at the residential premises abutting the development in Michael Hendricks Street and John Jansen Road.

- 10.3. The updated EMPr must be submitted to the competent authority prior to the commencement of any construction activities.
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 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 and rehabilitation phases of implementation.

The ECO must–

- 14.1. be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2. ensure compliance with the EMPr and the conditions contained herein; and
- 14.3. keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO.

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 at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period.
16. The environmental audit report 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 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties 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.
 - 18. The generators must be maintained on a regular basis to ensure that generators are working optimally.

Specific conditions

- 19. Surface and 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.
- 20. 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.
- 21. 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 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.

- 22. The following must be undertaken as recommended by the City of Cape Town: Environmental and Heritage Management Department and as included in the EMPr dated February 2021:
 - 22.1. A suitably qualified botanical specialist must be appointed to conduct Search and Rescue of the 10 x *Gnidia spicata* species (~1000 cuttings) located on the site, prior to the commencement of construction. Search and rescue must be undertaken at the end of Spring, as far as possible.
 - 22.2. The cuttings must be given to the City of Cape Town: Biodiversity Management for replanting at a nearby Nature Reserve, with a suitable receiving habitat.

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. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
 - 3.1. 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:
 - 4.1. Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. 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 -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

Submit a copy of the appeal to any registered Interested and Affected Parties, 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 Interested and Affected Parties -

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 Interested and Affected Party, 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 Interested and Affected Party 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: 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 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 the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the 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

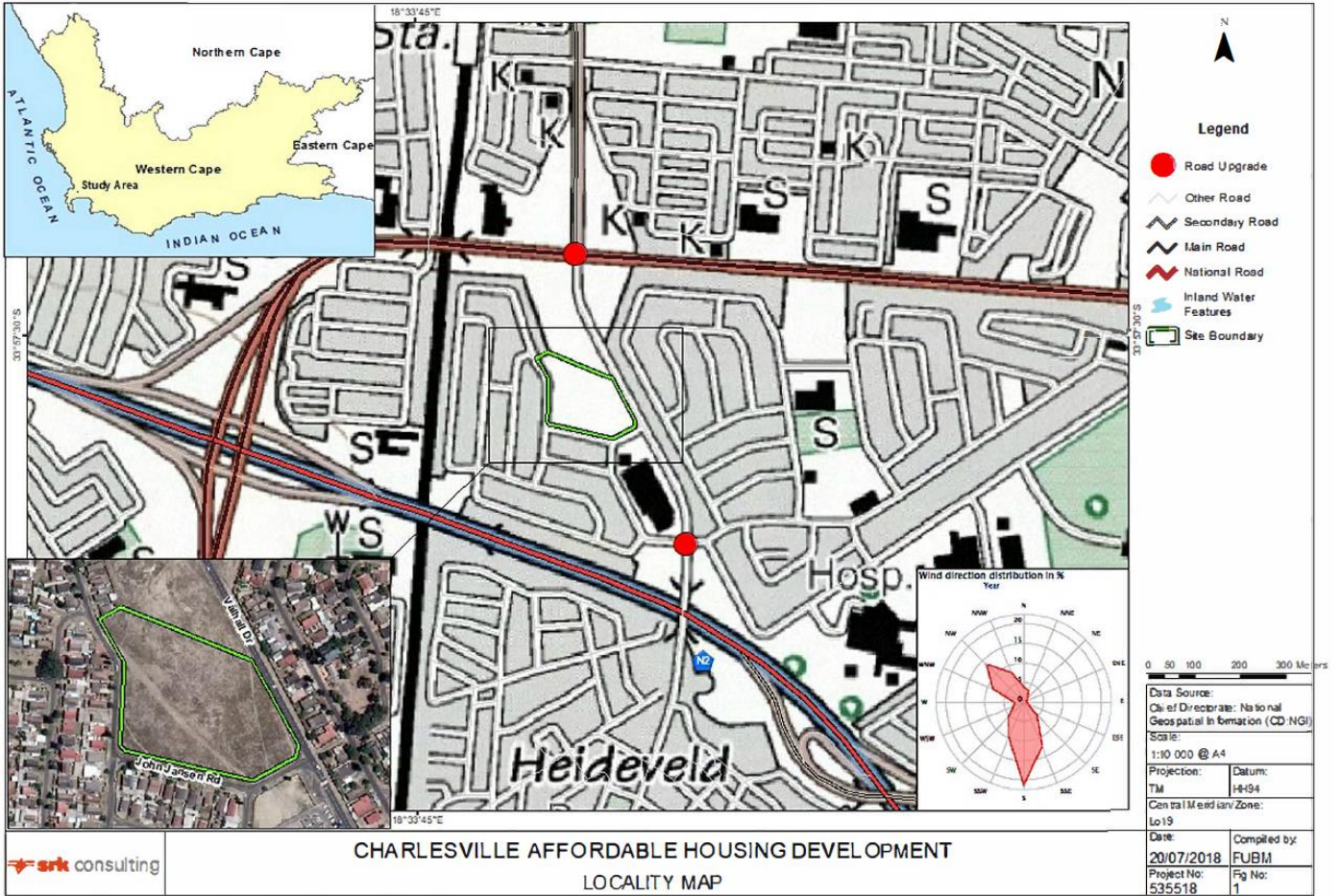
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 22 FEBRUARY 2021

CC: (1) K. Armstrong (SRK Consulting)
(2) R. Clarke (City of Cape Town: Cape Flats District)
(3) M. Wheeler (CapeNature)
(4) A. Oosthuizen (DEA&DP: DDF)
(5) W. Dreyer (DWS)
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ANNEXURE 1: LOCALITY MAP



Path: G:\New Proj\535518_Charlesville Low Cost Housing\GIS\G6PROJ\MXD\2020\535518_Fig1_Charlesville_LocalityMap_A4L_20200612.mxd

ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 12 June 2020, the draft BAR dated October 2020, the EMPr submitted together with the BAR on 15 October 2020, the meeting held between this Department, the applicant, City of Cape Town officials and the applicant on 8 February 2021, the revised Final BAR dated February 2021 submitted with the revised EMPr and appendices on 17 February 2021 and the City of Cape Town's letter confirming sufficient water supply and sewage treatment received on 22 February 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated October 2020 and the additional comments received from the City of Cape Town on 22 January 2021 and 16 February 2021, respectively.

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 Interested and Affected Parties;
- fixing notices at the site where the listed activities are to be undertaken;
- the placing of a newspaper advertisement in the "Tygerburger" on 29 July 2020;
- distribution of written notices to Interested and Affected Parties;
- 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 councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities; and
- making BAR and all relevant information available to Interested and Affected Parties for public review and comment from 18 June 2020 to 22 July 2020 and an extended commenting period from 28 July 2020 to 28 August 2020.

The comments and objections raised during the Public Participation Process (to which the EAP provided the responses thereto) related to the following key aspects:

Need for and desirability, Public Open Space and loss of Community Zoned Erf:

I&APs raised concerns regarding the need for the development and expressed concerns regarding the loss of available land for community facilities and associated open space. The proposed development is intended to provide additional affordable housing opportunities to address housing needs. The provision of green, open space has been included in the EMPr as a landscape design requirement. A meeting was held between City of Cape Town officials, the applicant, consultant, and this Department on 8 February 2021, and a revised site development plan was submitted that incorporates Public Open Space areas into the design of the proposed development. Furthermore, the BAR indicates the following (zoned) Public Open Spaces within approximately 1km of the site: Netreg Park; Charles Calvert Park, Asmara Road Park, Michael Hendricks Street Park, Skool Street Park, Valhalla Skatepark and various other open, undeveloped areas of land. It is anticipated that residents of Charlesville will also use these areas.

Integrity of the Public Participation Process

An advertisement serving as a notification of the commencement of public participation period was placed in Athlone News on 17 June 2020. The EAP subsequently became aware that the Athlone News may not be widely distributed in the Charlesville area. Therefore, the EAP re-advertised in the

Tygerburger (Elsies River Edition) on 29 July 2020 and extended the commenting period by an additional 30 days to 28 August 2020.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

2. Alternatives

Site alternative (Preferred and herewith authorised)

Only one site alternative for the proposed development was considered to be undertaken on Erf 109533, Charlesville. This is the preferred site alternative based on the reasons:

- The site is owned by the Provincial Government;
- The site is in a residential area close to major transport routes, public transport nodes (Golden Arrow bus stops opposite the Charlesville Shopping Centre and at the intersection of Robert Sobukwe Road and Valhalla Drive), the Charlesville Shopping Centre (approximately 300m from the proposed development) and other social amenities (such as clinics, schools and places of worship);
- There is a lack of developable land in the ownership of the Provincial Government locally;
- There is high demand for affordable housing locally; and
- The site is large enough to accommodate the proposed development.

A 32m buffer was implemented from the wetland located to the north of the proposed site, as recommended in the freshwater ecology baseline assessment. The initial development proposal planned to accommodate 377 residential units. This layout was amended by removing a General Residential block (e.g. apartment block) and a two Single Residential Units (e.g. semidetached / detached units) from the proposed layout to allow for a stormwater detention facility, reducing the number of units to a maximum of 358. The 32m buffer was thus incorporated into the preferred alternative.

Layout Alternatives investigated:

In response to concerns relating to the allocation of Open Space within the development from the City of Cape Town: Environment and Resource Management, City of Cape Town: Recreation and Parks and the registered I&APs, two alternative layouts were submitted to the City of Cape Town: Recreation and Parks. The layouts include the floor plan for the apartment blocks, illustrating that the apartment units comprise of a veranda on one side and a walkway on the other. Both alternative layouts propose that the verandas overlook the Open Space providing a level of safety and contribute to incorporating the Open Space into the development.

The first layout increases the Open Space and additional landscaped space without forgoing residential units, utility areas and multi-use areas. This layout comprises the linking of the two areas to be zoned Open Space and the allocation of 0.8 ha for landscaped space throughout the development. These areas situated throughout the development provide space for recreational activities, people to relax outside in a green, treed space.

Layout Alternative (Preferred and herewith authorised)

This alternative layout is the second layout option identified.

The preferred layout alternative entails the clearance of more than 1ha of indigenous vegetation associated with the proposed establishment of a residential development and associated infrastructure on Erf 109533, Charlesville. The proposed residential development will include:

- Approximately 358 housing units comprising of a combination of General Residential Units (e.g. apartment blocks; each with a maximum of four storeys, with between 12 and 24 units each) and Single Residential Buildings (e.g. semi-detached and / or detached units limited to two storeys each);
- One Utility Service /Authority Use erf for a Communal Refuse Area;
- Open Space distributed at various locations within the development;
- Internal roads;
- At least one parking bay per Single Residential unit on erven and 1.25 parking bays per General Residential unit, inclusive of visitor bays;
- A new miniature substation (located on the proposed development site) looped into the existing David Atkins Street – Sonny Leon Road 11kV feeder;
- Stormwater management infrastructure; and

- sidewalk at least 1.5 m wide along the extent of the development on John Jansen Road and Michael Hendricks Street.

Access to the proposed site will be gained off John Jansen Road, Charlesville. Single residential units will have access points off John Jansen Road and Michael Hendricks Street. The proposal includes the upgrade of Robert Sobukwe Road/ Valhalla Drive intersection and the Valhalla Drive/ Charles Calvert Road/ Downing Street intersection.

The development footprint is approximately 21 022m² in extent. Roads, housing/building units and parking would occupy approximately 84% of the site (2.1 ha) and the remainder of the site will be retained as Open Space and /or landscaped (0.39 ha, including a north-western portion and along the eastern boundary).

The preferred layout (layout 2) includes an additional 0.07 ha of Open Space at the entrance and centre of the development. The Open Space at the entrance of the development replaces the initially proposed Mixed Use zoning allocation. This layout provides 0.39 ha of Open Space allocated throughout the development, in addition to 0.75 ha of open, green areas of landscaped space. The City of Cape Town: Recreation and Parks has confirmed that this layout provides sufficient functional Open Space within the development and there would remain sufficient open space and community erven in the surrounding areas in the broader community following the development of the site, as such they support this layout. Therefore, this layout is considered the preferred development layout alternative.

"No-Go" Alternative

The "no-go" alternative implies that the "status quo" would remain and the land will remain vacant. This alternative is not supported as the development of up to 358 number of units will not take place in an area that requires and can accommodate affordable housing. The "no-go" alternative is therefore not warranted.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposal is for a medium density, affordable housing development, which will assist the Western Cape Government in addressing the need for affordable housing. This is noted as a priority in the Western Cape Provincial Spatial Development Framework ("WCPSDF"), 2014. In addition, affordable housing in Charlesville will promote accessibility, which is noted as a major spatial goal in the WCPSDF and is aligned with the objectives of the City of Cape Town's integrated Development Plan. The Cape Town Metropolitan Spatial Development Framework ("CTMSDF") 2018 strives to promote integrated settlement patterns by encouraging developments that provide a range of housing options to different housing markets.

Although the site is currently zoned as Community Zone 1, it is located within a residential area with a high demand for affordable formal housing according to the Tygerberg District Plan, 2012. The Housing Programme guideline outlined in the IDP (2017 – 2022) has been compiled in order to assist in increasing the number of affordable homes within the city. The site is located within the Urban Inner Core in terms of the CTMSDF (2018 - 2023) and is earmarked for urban development in terms of the District Plan (2012-2017). The proposed development is therefore in line with all of the applicable spatial planning policies.

3.2 Biophysical Impacts

Historically, the site is mapped to comprise of the Critically Endangered Cape Flats Sand Fynbos vegetation type. According to National Environmental Management: Biodiversity Act 10 of 2004 (NEM:BA) List of Threatened Ecosystems in Need of Protection, 2011, Cape Flats Sand Fynbos is considered as Critically Endangered due to historical loss of habitat and the high occurrence of plant Species of Conservation Concern ("SCC"). However, according to the Vegetation Survey and Impact Assessment dated September 2019 as compiled by Mr. Greg Nicholson of Capensis, the original habitat at the site has been transformed and no longer represents the original vegetation type, as it is dominated by exotic grasses and weeds. It is noted that the only SCC on the site is the *Gnidia spicate*. A search and rescue operation will be undertaken prior to the commencement of construction activities, as recommended by the City of Cape Town: Environmental and Heritage Management Department. These cuttings will then be given to the City of Cape Town: Biodiversity

Management for replanting at a nearby Nature Reserve with a suitable receiving habitat. This recommendation has been included in the EMPr and a condition of the EA. CapeNature in their comment dated 28 August 2020, indicated they do not object to the proposed development, but also recommended that search and rescue be undertaken. The potential botanical impacts have been assessed as low negative prior to mitigation and very low negative post mitigation.

A freshwater specialist was appointed to assess the potential freshwater impacts. According to the Risk Assessment dated November 2019, as compiled by a freshwater consultant, Geordie Ratcliffe, and reviewed by Dr Elizabeth Day of the Freshwater Consulting Group, there are no freshwater ecosystem features located on site. However, the proposed development is located within 32m from a seasonal wetland located on vacant land north of the site. The freshwater specialist indicated that the proposed development is unlikely to result in any substantial impacts on the wetland adjacent to the site. Furthermore, an application for a General Authorisation in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, for the proposed development. The Department of Water and Sanitation has confirmed receipt of the application. The freshwater specialist has however recommended a buffer of 32m around the wetland. The potential impacts on the wetland have been assessed as very low prior to and post mitigation.

3.3 Traffic Impacts

The proposed development includes upgrades to existing road infrastructure to accommodate the future traffic growth associated with the proposed construction of the housing development. The Traffic Impact Assessment ("TIA") report dated December 2019, as compiled by Techso Pty (Ltd) notes that the site is within 500m of bus stops located opposite Charlesville Shopping Centre and the intersection of Robert Sobukwe Road and Valhalla Drive served by Golden Arrow buses and mini-bus taxis. The TIA identified that the Valhalla Drive/ Charles Calvert Road/ Downing Street intersection and the Valhalla Drive/ Robert Sobukwe Road intersection both operate at capacity (i.e. the intersections require upgrades whether the development proceeds or not). As such, the recommendations highlighted in the TIA have been incorporated as part of the proposed development and will be implemented. The potential traffic impacts have been assessed as very low negative post mitigation.

3.4 Associated community facilities and open spaces

Following concerns raised by the City of Cape Town and I&APs, the site layout has been revised to incorporate additional public open space areas. In addition to this, the layouts include the floor plan for the apartment blocks, illustrating that the apartment units comprise of a veranda on one side and a walkway on the other. The City of Cape Town: Recreation and Parks has confirmed that this layout (Annexure 2: Site Development Plan) provides sufficient functional Open Space areas within the proposed development and there would remain sufficient open space and community erven in the surrounding areas in the broader community following the development of the site, and supports this layout. Further, one of the spatial priorities identified by the CTMSDF is building an inclusive, integrated, vibrant city. Under this priority, includes the imperative to maintain and create quality, safe open space systems and public spaces. The proposed development situates the Open Space in various areas of the development. These areas are overlooked by the apartment blocks and fenced off from the busy Valhalla Road, ensuring these spaces are kept integrated into the development and providing a level of safety to these areas.

At present, it is estimated that there is at least 3.41 times more Open Space within Charlesville than the City of Cape Town's guideline for the provision of Open Space, 2014. With the proposed development, it is anticipated that the provision of Open Space within Charlesville still remains above the amount as per the City of Cape Town's guideline, 2014 at 1.72 more times the guideline amount. The City of Cape Town: Recreation and Parks consider allocation of Open Space within the development as adequate.

3.5 Heritage Impacts

A Notice of Intent to Develop ("NID") was submitted to the Heritage Western Cape ("HWC") and in the response to the NID dated 25 June 2020, HWC confirmed that there is no reason to believe that the proposed development will impact on heritage resources and as such, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. However, should any heritage resources, including evidence of graves and human burials, archaeological material and

paleontological material be discovered during the execution of the activities above, all construction works must be ceased and HWC must be notified immediately.

3.6 Services and Stormwater management

The proposed development will connect to municipal infrastructure and the City of Cape Town confirmed that sufficient unallocated capacity is available regarding electricity supply, water supply, solid waste disposal and sewage treatment. The proposed development includes stormwater management infrastructure, which includes a grassed depression located within the Open Space area. The water pipeline servitude located on the eastern boundary of the site, will exist primarily as a utility service which will be landscaped, with the permission of the City of Cape Town's Catchment, Stormwater and River Management Department, to optimise the recreational functionality of the area as an open, green space for residents to enjoy.

3.7 Dust and noise

Construction activities (mainly site clearing and soil excavation) will generate noise and associated volumes of dust during weekly construction hours. Furthermore, construction equipment will temporarily alter the residential/ urban sense of place locally, although this is mitigated to a certain extent by the proximity of the site to roads which accommodate high traffic volumes throughout the day. Furthermore, the EMPr will be amended to include dust screening measures that should be installed on the perimeter of the site and at areas of high dust generation. The potential impacts were assessed as very low prior to and post mitigation.

The development will result in both negative and positive impacts.

Negative impacts:

The loss of some indigenous vegetation;
Dust and noise during the construction phase of the development; and
Traffic impacts

Positive impacts:

The proposed development intends to provide affordable housing options, which will result in an increased supply of affordable housing which is in demand across the city;
Employment opportunities during the construction phase;
Utilization of available land to provide affordable housing opportunities.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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