



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management (Region 1)

**REFERENCE:** 16/3/3/2/A5/40/2034/18  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 2019 -03- 28

The Municipal Manager  
City of Cape Town  
PO Box 19  
SOMERSET WEST  
7129

**Attention: Ms San-Marie van Jaarsveld**

Tel.: (021) 850 4338  
E-mail: [Susanna.vanjaarsveld@capetown.gov.za](mailto:Susanna.vanjaarsveld@capetown.gov.za)

Dear Madam

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:**

**PROPOSED ESTABLISHMENT OF THE MAROELA NORTH HOUSING DEVELOPMENT ON ERVEN 37260, 29042 AND PORTION 18 OF PAARL ERF NO. 732, KRAAIFONTEIN**

1. With reference to the above application, the competent authority 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 EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Ms Kozette Myburgh (Ecosense cc)

Fax: (086) 547 4221



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E-mail: [Susanna.vanjaarsveld@capetown.gov.za](mailto:Susanna.vanjaarsveld@capetown.gov.za)

Dear Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:**

**PROPOSED ESTABLISHMENT OF THE MAROELA NORTH HOUSING DEVELOPMENT ON ERVEN 37260, 29042 AND PORTION 18 OF PAARL ERF NO. 732, KRAAIFONTEIN**

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 NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the EIA Report dated 22 November 2018.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

**A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION**

City of Cape Town  
 c/o Ms San-Marie van Jaarsveld  
 PO Box 19  
 SOMERSET WEST  
 7129  
 Tel.: (021) 850 4338  
 E-mail: [Susanna.vanjaarsveld@capetown.gov.za](mailto:Susanna.vanjaarsveld@capetown.gov.za)

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

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p><b>Activity 19:</b>  <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <li><i>(a) will occur behind a development setback;</i></li> <li><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></li> <li><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></li> <li><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></li> <li><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> </li></ul>	<p>Infilling and/or depositing of material of more than 10m<sup>3</sup> into the watercourse will be undertaken.</p>
<p><b>Activity 28:</b>  <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <ul style="list-style-type: none"> <li><i>(i) will occur inside an urban area, where the</i></li> </ul>	<p>Development will take place on land that has previously been used for agriculture within the urban area and will be bigger than 5ha in size.</p>

<p>total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</p>	
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Government Notice No. R. 984 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p><b>Activity 15:</b>  <i>"The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for -</i>  <i>(i) the undertaking of a linear activity; or</i>  <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>More than 20ha of indigenous vegetation will be cleared.</p>

Government Notice No. R. 985 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p><b>Activity 12:</b>  <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>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>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</i></p>	<p>More than 300m<sup>2</sup> of critically endangered vegetation will be cleared.</p>

<p style="text-align: center;"><i>behind the development setback line on erven in urban areas;</i></p> <p>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></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister”.</i></p>	
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The abovementioned list is hereinafter referred to as “the listed activities”.

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

The proposed project entails the Maroela North housing development on Erven 37260, 29042 and Portion 18 of Paarl Erf No. 732, Kraaifontein. Approximately 1717 erven will be established and will be utilised for Breaking New Ground (“BNG”) single residential, gap housing, mixed use commercial, community facilities, recreational, public open space, public street, and utility purposes. The mixed use blocks will be situated within the 200m buffer zone of the Kraaifontein Integrated Waste Management Facility (“IWMF”) and will cater for varying types of uses such as light industry, business park and selected commercial activities.

A storm water detention facility will be established in the north western corner of the site. The facility will also function, in part, as a constructed wetland, thereby reinstating and formalizing the current wetland that is located in the north western corner of the site.

Portion 49 of Cape Farm No. 29 (Driefonteinen), hereinafter referred to as the “Woodlands site” has been identified as an offset site to meet the offset target for ecosystem conservation. Rehabilitation activities at the Woodlands site will entail the following:

- Alien removal from the wetland and its buffer area (*i.e.*, from the entire site including the river corridor) using methods appropriate to the proximity of wetlands and a river. Root boles from large alien trees which intrude into the river channel and are likely to cause bank or bed erosion, will be removed;
- Ongoing alien clearing and follow ups, subsequent to initial alien vegetation removal;
- Removal of waste from and preventing any future dumping of waste into the wetland or its buffer and restoring the affected areas to its natural condition;
- Large vehicles (e.g. excavators) may not be used in the wetland without express permission from an official of the City of Cape Town’s Biodiversity Management Branch;
- In the event that erosion of the wetland or its buffer areas occurs, the erosion will be addressed timeously by regrading/reshaping the eroded areas or areas that are likely to erode or cause erosion;

- In the event where areas are considered steep and erosion-prone, banks will be reshaped to slopes flatter than 1:5 and replanted with appropriate locally indigenous plant species; and
- Where reshaping activities are required along the river bed or banks, machinery may be used to achieve effective slopes, provided the vehicles do not pass through wetland areas other than along existing roads.

### **C. LOCATION AND SITE DESCRIPTION**

The listed activities will take place on Erven 37260, 29042 and Portion 18 of Paarl Erf No. 732, Kraaifontein.

The erven are located north and south of Old Paarl Road and east of Maroela Road near Bloekombos, Kraaifontein. The Kraaifontein IWMF (Oostenberg Refuse Transfer Station) is situated to the north of the site. A railway line is situated to the north with residential developments to the east and west.

The SG 21-digit codes are:

Erf No. 37260: C05500050000000037260

Erf No. 29042: C05500050000000029042

Portion 18 of Paarl Erf No. 732: C05500050000073200018

Co-ordinates:

Latitude: 30° 50' 17.55" S

Longitude: 18° 43' 47.19" E

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

hereinafter referred to as "the site".

#### **Offset Location:**

The offset site is located on Portion 49 of Cape Farm No. 29 (Driefonteinen) and is also known as the 'Woodlands site'. This site is located approximately 7.5km northwest of the town of Philadelphia, off Brakkefontein Road.

The SG 21-digit code is: C0160000000002900049

Co-ordinates:

Latitude: 33° 37' 58.59" S

Longitude: 18° 30' 18.77" E

Refer to Annexure 3: Locality Plan

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

Ecosense cc  
 c/o Ms Kozette Myburgh  
 PO Box 1426  
 KNYSNA  
 6570  
 Tel.: (021) 161 0258

Fax: (086) 547 4221

## **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 EIA Report dated 22 November 2018 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority. This Environmental Authorisation is granted for–
  - (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "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 accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### **Notification of authorisation and right to appeal**

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1 notify all registered Interested and Affected Parties 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 Appeals Regulation, 2014;
- 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 Appeals Regulations 2014.

### **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. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 14.

### **Management of activity**

- 10. The draft EMPr and Maintenance Management Plan submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 if any amendments are to be made to the outcomes of the EMPr, and these may



only be implemented once the amended EMPr has been authorised by the competent authority.

12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Monitoring**

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction 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;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO; and
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.

### **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 six months after commencement of the construction phase and another audit report six months after completion of the construction period; and
  - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
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.

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–

- (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
  - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
  - 16.3 evaluate the effectiveness of the EMPr;
  - 16.4 identify shortcomings in the EMPr;
  - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 16.7 include a photographic record of the site applicable to the audit; and
  - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered 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.

### **Specific conditions**

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. An auditing schedule must be undertaken every six months to ensure that the full requirements of the biodiversity offset are met and CapeNature must be included in the auditing schedule. The following must be reported on in the audit:
  - 21.1 The concise site or reach specific Maintenance Management Plan and Method Statement as required for each work area as and when work is required must be submitted to the Department of Water and Sanitation for confirmation that the works comprise low risk water uses in terms of Section 21(c) & (i) of the National Water Act, 1998 (Act No. 36 of 1998).
  - 21.2 Restoration through an ongoing focused alien clearing programme as specified in the EMPr.
  - 21.3 Declaration of the Woodlands site as a Section 23 Nature Reserve.
  - 21.4 The management authority assigned in terms of Section 38(1) or (2) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) must, within 12 months of the assignment, submit a management plan for the protected area to the Minister or MEC for approval.
  - 21.5 That management of the Nature Reserve be defined in the final Reserve Management Plan.

Once the offset is secured in full, the auditing requirements must revert to that required in terms of protected areas management plans.

22. The shortfall in terms of the offset ratio must be secured within a period of five years from the date of this Environmental Authorisation and proof thereof must be submitted to the competent authority for record purposes.
23. The holder of this Environmental Authorisation must implement the following recommendations of the Traffic Impact Assessment (dated October 2016):
  - 23.1 Upgrade the left-turn slip lane with storage length of approximately 30 meters on both the southbound and eastbound approaches for the Maroela Road/ Old Paarl Road / Voortrekker Road intersection;
  - 23.2 Install traffic signals at the Voortrekker Road/ Lincoln Street/ Van der Bijl street intersection;
  - 23.3 Provide transport embayments along Old Paarl Road;
  - 23.4 Provide sidewalks at Central Avenue and Lincoln Street;
  - 23.5 Implement a pedestrian mid-block crossing at 150m to the north of Maroela Road/ Old Paarl Road / Voortrekker Road roundabout.
24. The holder of this Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
25. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities
26. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the

validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

27. 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 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.

28. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
29. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution

#### **F. APPEALS**

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
  - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2 Submit a copy of the appeal to any registered 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: 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 (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

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

**G. DISCLAIMER**

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

Your interest in the future of our environment is appreciated.

Yours faithfully



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

DATE OF DECISION: 28/03/2019  
CC: (1) Ms Kozette Myburgh (Ecosense cc)

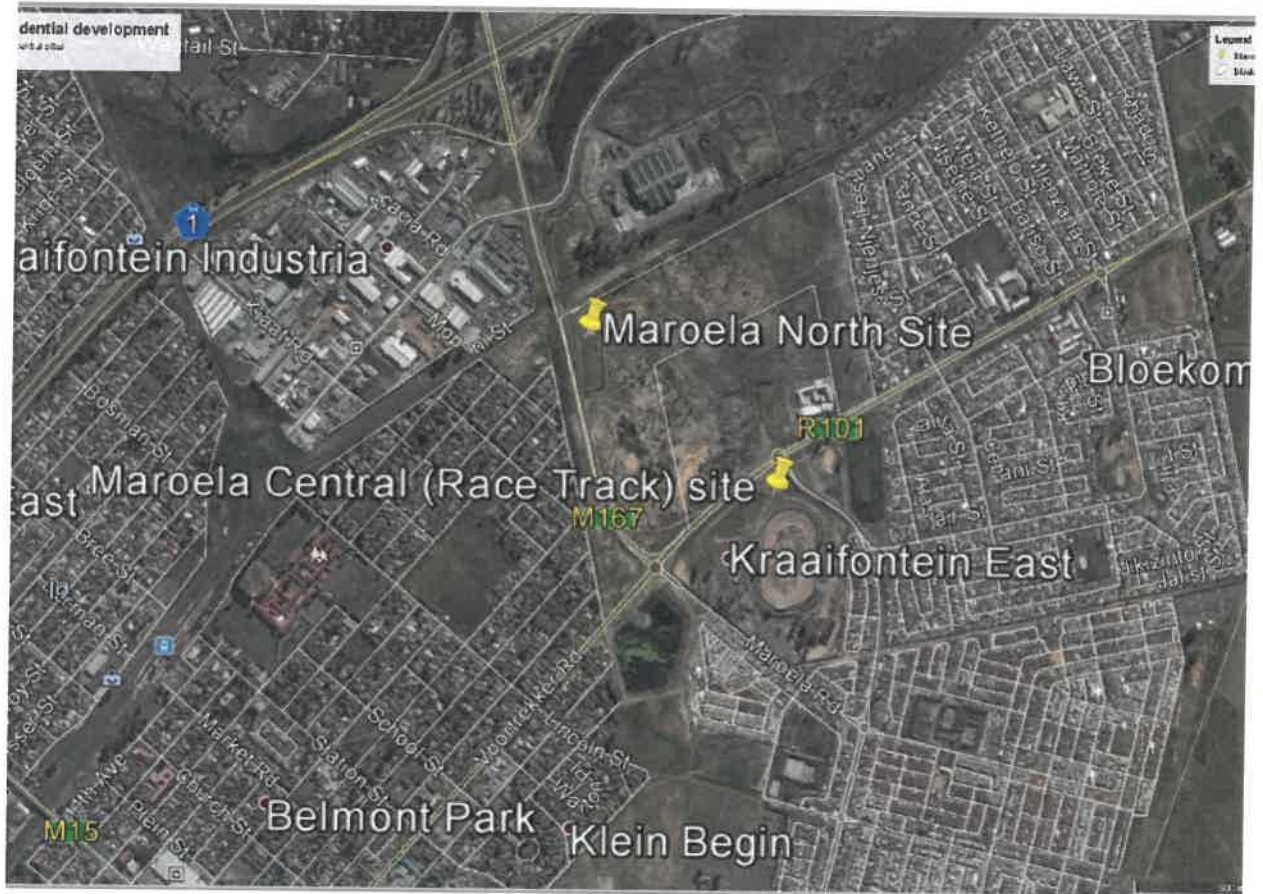
Fax: (086) 547 4221

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/2/A5/40/2034/18**  
**NEAS EIA REFERENCE NUMBER: WCP/EIA/0000426/2018**

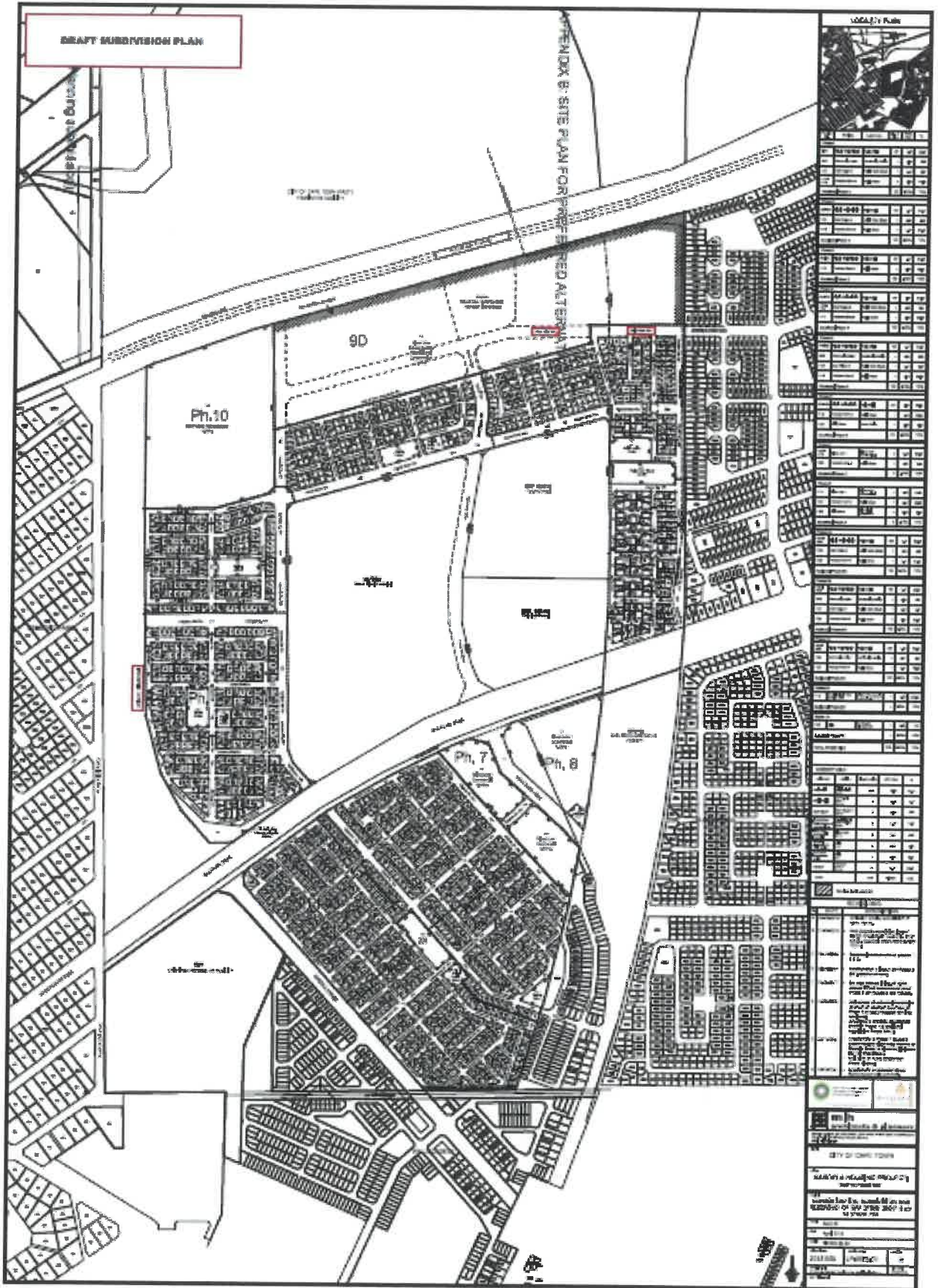
## ANNEXURE 1: LOCALITY PLAN

The approximate location of Erven 37260, 29042 and Portion 18 of Paarl Erf No. 732, Kraaifontein





ANNEXURE 2: SITE PLAN





### ANNEXURE 3: LOCALITY PLAN OF OFFSET SITE

The offset site is located on Portion 49 of Cape Farm No. 29 (Driefonteinen) and is also known as the 'Woodlands site'. The corner co-ordinates of the offset site are:

- A - 33°37'53.91"S and 18°30'9.75" E
- B - 33°37'51.57"S and 18°30'26.30"E
- C - 33°38'6.18"S and 18°30'16.07"E
- D - 33°38'3.84"S and 18°30'29.67"E



## ANNEXURE 4: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the Application Form dated 13 June 2018, as received by the competent authority on 14 June 2018; the Scoping Report and Plan of Study for EIA dated 26 July 2018, as accepted by the competent authority on 12 September 2018, the EIA Report dated 22 November 2018, as received by the competent authority on 23 November 2018; the EMPr submitted together with the EIA Report; and the information received by the competent authority on 9 November 2018;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the EIA Report dated 22 November 2018;
- d) The meetings held on:

Date: 28 March 2017

Attended by Mr Eldon van Boom and Ms Rondine Isaacs of the Department of Environmental Affairs and Development Planning ("DEA&DP") and Ms Kozette Myburgh of Ecosense.

Date: 12 May 2017

Attended by: Ms San-Marie van Jaarsveld, Ms Pat Titmuss, Ms Janet Bodenstein and Ms Erika Foot of the City of Cape Town; Ms Kozette Myburgh of Ecosense; Ms Liz Day of The Freshwater Consulting Group; Mr Warren Dreyer and Ms Shaddai Daniel of the Department of Water and Sanitation; Mr Rhett Smart of CapeNature; Mr Nick Helme of Nick Helme Botanical Surveys; Mr Eldon van Boom and Ms Rondine Isaacs of the DEA&DP; Ms Natasha van de Haar of EnviroSwift; and Mr Glenn Honeyman and Mr Ross Singleton of Bergstan SA.

Date: 26 September 2017

Attended by: Ms Kozette Myburgh and Mr Erik Botha of Ecosense; Mr Keith Wiseman and Ms San-Marie van Jaarsveld of the City of Cape Town; Mr Estienne Schreuder and Mr Glenn Honeyman of Bergstan SA, Mr Warren Dreyer and Ms Shaddai Daniel of the Department of Water and Sanitation; Mr Rhett Smart of CapeNature; and Mr Eldon van Boom of the DEA&DP.

Date: 19 April 2018

Attended by: Ms Kozette Myburgh and Mr Erik Botha of Ecosense; Mr Jacques van der Merwe and Ms San-Marie van Jaarsveld of the City of Cape Town; Ms Liz Day of The Freshwater Consulting Group; Mr Glenn Honeyman of Bergstan SA; Mr Warren Dreyer and Ms Shaddai Daniel of the Department of Water and Sanitation; Mr Rhett Smart of CapeNature; and Ms Rondine Isaacs of the DEA&DP.

- e) The pre-application consultation site visit conducted on 8 April 2018

Attended by: Mr Neels du Buisson of the Department of Water and Sanitation; Ms Kozette Myburgh of Ecosense; Ms San-Marie van Jaarsveld of the City of Cape Town; Mr Rhett Smart of CapeNature; Ms Ziyanda Bodlani and Mr Glenn Honeyman of Bergstan SA; Mr Stephen van Staden, Ms Louise Zdanow and Ms Tumisho Nqobela of SAS Environmental; and Mr Maboe Nthejane and Ms Angelique Braaf of the DEA&DP.

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

### 1. Public Participation

The Public Participation Process comprised of the following:

- A pre-application consultation site visit was conducted on 8 April 2015;
- A meeting was held on 21 May 2015;
- A pre-application consultation Scoping Report was made available from 13 November 2015 until 15 December 2015;
- A focus group meeting was held on 11 February 2016;
- A site visit was conducted on 6 May 2016;
- A public meeting was held on 24 May 2016 at the Wallacedene Community Hall;
- A Project Steering Committee meeting was held on 15 September 2016;
- A Project Steering Committee meeting was held on 13 October 2016 at the Kraaifontein Municipal offices;
- E-mails were sent on 1 November 2016 to announce the availability of the second pre-application consultation Scoping Report;
- Advertisements were placed in the "Tygerburger" and "Northern News" newspapers on 2 November 2016, respectively;
- A copy of the second pre-application consultation Scoping Report was placed at the Bloekombos Secondary School and on the EAP's website;
- Site notices were placed at Bloekombos Secondary School, Wallacedene Clinic, Wallacedene Taxi Rank, Maroela Road intersection, Adwe Café, Kraaifontein SAPS, Simonsberg Primary, Eikendal Library, Petunia Primary School, FF Erasmus Hall, Bloekombos Taxi Rank and various other venues in the area;
- Flyers were distributed throughout the community by the Project Steering Committee members;
- Flyers were given to matriculants at Bloekombos Secondary School;
- The second pre-application consultation Scoping Report was made available from 2 November 2016 until 1 December 2016;
- An authorities meeting was held on 19 July 2017 at the City of Cape Town Civic Centre;
- Flyers were distributed by the Project Steering Committee from 18 June 2018 until 22 June 2018;
- Site notices were placed in visible locations along the boundaries of the site on 18 June 2018;
- An advertisement was placed in the "Northern News" newspaper on 20 June 2018;
- An advertisement was placed in the "Tygerburger" newspaper on 27 June 2018;
- Copies of the draft Scoping Report were placed at the Eikendal Library;

- The post-application draft Scoping Report was made available from 20 June 2018 until 20 July 2018;
- Letters were posted on 18 September 2018 to announce the availability of the draft EIA Report;
- E-mails were sent on 21 September 2018 to announce the availability of the draft EIA Report;
- Copies of the draft EIA Report were placed at the Eikendal Library on 21 September 2018;
- The draft EIA Report was made available from 21 September 2018 until 22 October 2018; and
- A site notice was placed at the Woodlands site.

### **Authorities consulted**

The authorities consulted included the following:

- CapeNature;
- Department of Agriculture;
- Directorate: Waste Management of the DEA&DP;
- Department of Water and Sanitation;
- Department of Transport and Public Works;
- Department of Education;
- Various departments within the City of Cape Town; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were included in the BAR.

## **2. Alternatives**

The following layout alternatives were considered:

### Layout alternative 1 (preferred alternative – herewith authorised):

The preferred alternative entails the establishment of approximately 1717 erven and will be utilised for BNG single residential, gap housing, mixed use commercial, community facilities, recreational, public open space, public street, and utility purposes. The mixed use blocks will be situated within the 200m buffer zone of the Kraaifontein IWMF and will cater for varying types of uses such as light industry, business park and selected commercial activities. A constructed wetland in the north western corner of the site will serve as a storm water management facility and onsite offset for hydrological functionality.

This is the preferred alternative since it will have significant positive impacts in terms of housing provision and the creation of employment opportunities in the area. Furthermore, the establishment of the Woodlands offset site will substantially reduce the significance of the negative impacts on the site. In addition, the construction of the storm water detention facility will improve the infrastructure on the site significantly.

### Layout alternative 2:

In this alternative Erf No. 29042 and the adjacent section of Erf No. 37260 south of Old Paarl Road (the race course site) will be developed. The alternative entails the establishment of approximately 800 erven of which 780 will be for residential use and the

remainder for social facilities, open spaces, mixed use/commercial erven, storm water and transport facilities. The section north of Old Paarl Road will not be developed.

This alternative was rejected since it makes provision for significantly less units than the preferred alternative.

"No-Go" Alternative:

This alternative implies that the proposed Maroela North development will not be established. This alternative was rejected as it will not alleviate the housing shortage in the area.

### **3. Impacts, assessment and mitigation measures**

#### **3.1 Activity Need and Desirability**

Studies that were conducted as part of the Conceptual Framework Plan indicated that there is considerable demand for low income housing in the Bloekombos/Wallacedene area. This was also reiterated by the local community during surveys and opinion polls that were conducted as part of the Northern District: Kraaifontein area public engagement process. There is a dire need for housing and to accommodate excess backyard households, as well as economic and social development in the Bloekombos/Wallacedene area.

The proposed development is in line with the Provincial Spatial Development Framework since the area has been identified as a high priority for urban development and is in close proximity to industrial nodes. The proposed development is in line with the Integrated Development Plan since the need for improved public facilities, public transport facilities and additional housing in the area will be addressed. Furthermore, the proposed development adheres to the key strategies proposed by the Spatial Development Framework in that employment opportunities will be created and access to economic opportunities be improved. This will be achieved through the development of an industrial and/or commercial area in the northern portion of the site.

The proposed development will therefore form part of a wider development framework for the area to include high density integrated development to optimize the strategic location of the site.

#### **3.2 Biophysical Impacts**

##### **Impacts on vegetation:**

The City of Cape Town's Biodiversity Network indicates that about 80% of the site is mapped as a Critical Biodiversity Area 2 ("CBA2") with approximately 3ha being CBA1 and the remainder not indicating any remaining natural vegetation of importance. The CBA2 category is described as a "restorable irreplaceable site; irreplaceable low condition site; critically endangered vegetation of restorable condition; conserve and restore". The CBA1 category is of a higher ranking than CBA2 and is described as "irreplaceable high and medium condition site; critically endangered vegetation of high and medium quality; local, national and international significance".

Approximately 3.7ha of the site still supports relatively intact Sand Fynbos vegetation that is of very high botanical conservation value. A further 3.9ha is deemed to be of medium botanical conservation value and the remainder (17ha) is deemed to be of low botanical conservation value.

The very high conservation value area still has floristic and structural diversity, which is much higher than in the low conservation value areas. Rehabilitation potential is high. A single plant species of conservation concern was observed entirely within the very high conservation value area. The likelihood of other such species persisting on site in viable populations is deemed to be moderate, although such species are likely to be seasonally evident. None of the species of conservation concern that were previously recorded from the general Kraaifontein area were found on the site.

The medium conservation value areas have a significantly lower structural and floristic diversity than the very high conservation value areas, but has moderate rehabilitation potential.

The majority of the site, approximately 17ha, is deemed to be of low botanical conservation value. No plant species of conservation concern is likely to be present in the highly disturbed area and rehabilitation potential is relatively low. The low conservation value areas support a range of alien and/or invasive plant species.

The primary construction phase impact will be the loss of approximately 22.7ha of natural and partly natural vegetation of a critically endangered vegetation type. Development within these areas will therefore result in the permanent loss of vegetation. The overall construction phase botanical impact is likely to be high negative prior to mitigation. Although the loss of a critically endangered habitat cannot be fully mitigated, the residual negative impact can be partly mitigated with the implementation of a suitable biodiversity offset. In such instance, the impact can potentially be reduced to medium negative.

The Woodlands site, located on Portion 49 of Cape Farm No. 29 (Driefonteinen), was therefore selected as an offset site for ecosystem conservation for both the biodiversity and aquatic/wetland requirements. The impact on the aquatic aspect and the Woodlands offset site will be explained further below.

#### **Impacts on aquatic features:**

A Cape Flats Sand Fynbos wetland and a quarry depression have been identified on the site. The wetland has been impacted and modified as a result of historical earth moving activities and the mining of top soil, livestock grazing, dumping and an increase in alien and invasive species. The wetland has also further been impacted by an increase in storm water runoff and sewage effluent from the surrounding areas.

Obligate and facultative wetland species are present and the wetland is likely to support common avifaunal and amphibian species. The wetland lies within a critically endangered vegetation type and may play a role as an ecological corridor.



The quarry depression is a historically excavated feature in which water collects during the wet winter months. The habitat associated with the quarry depression is not considered to be a true wetland habitat.

The proposed storm water detention facility will be located within the wetland and will reduce outright wetland loss on the site and allow for a degree of wetland remediation. The loss of the wetland on the site will be offset through a suitable wetland offset receptor site, *i.e.*, the Woodlands site.

#### Woodlands offset site

A number of potential offset sites were investigated, with the only and preferred offset site being the Woodlands site. The Woodlands site can accommodate the required wetland offset for ecosystem conservation targets with rehabilitation. Functionality targets were investigated and functional offset targets will be met on-site by making use of the current wetlands on the site.

With regards to the terrestrial offset, it was determined that given the high numbers of threatened species and the high condition of the natural remnants, most of the Woodlands site can be considered of extremely high conservation value and will be irreplaceable if lost. A botanical scan identified eighty-four species of flowering plants, of which eighteen are considered threatened with extinction and a further eight are of conservation concern.

The Woodlands site not only contain botanically important terrestrial vegetation, but also 3.6ha of Swartland Shale Renosterveld seasonal wetland which supports *inter alia* a population of critically endangered *Babiana blanda*, endangered, vulnerable, near threatened and other indigenous species. The wetland is of extremely high conservation value with many of the species in the wetland not being conserved anywhere else within the boundaries of the City of Cape Town and continue to decline in numbers.

The wetlands within the Woodlands site are, however, currently subject to dense invasion by alien vegetation, mainly *Acacia saligna*. Notwithstanding the effects of alien vegetation, the geomorphology/topography of the wetlands appear to remain relatively intact, mainly due to the flat gradient of the site and the removal of alien vegetation which will restore wetland condition to near natural.

The wetlands on the Woodlands site is of very high ecological importance and sensitivity, which are representative of wetlands that:

- Support key populations of rare or endangered species;
- Have a high level of habitat and species richness;
- Are highly sensitive to changes in hydrology, patterns of inundation, discharge rates, water quality and/or disturbance; and
- Are of extreme importance for conservation.

### 3.3 **Air quality impacts due to the Kraaifontein IWMF:**

An Air Quality Impact Assessment and Buffer Zone Determination and a Noise Impact Assessment for the Kraaifontein IWMF were undertaken by DDA Environmental Engineers. The assessments were undertaken to identify and quantify the air emissions and noise from the Kraaifontein IWMF and to assess the potential health and nuisance impacts on the surrounding areas. The required buffer zone

around the IWMF was determined based on the assessed air quality impacts and inputs obtained from the surrounding communities.

The Directorate: Waste Management of the DEA&DP granted permission to the City of Cape Town in a letter dated 4 June 2018, to declare a buffer zone of 200m around the Kraaifontein IWMF. This was based on the Kraaifontein Integrated Waste Management Facility Air Quality Impact Assessment and Buffer Zone Determination Report dated November 2017, and the Kraaifontein Integrated Waste Management Facility Noise Impact Assessment Report dated January 2018, compiled by DDA Environmental Engineers.

It was concluded that, in order to avoid any future nuisance conditions, a buffer of 200m will be appropriate and will ensure good operating conditions and compliance of the IWMF license conditions. Furthermore, the land use exclusions in the buffer zone will not include light industrial or commercial uses. The referred layout design is therefore based on the buffer zone for residential uses being set at 200m.

#### 3.4 Traffic

The Traffic Impact Study/Assessment, dated October 2016, stated that considering the existing traffic conditions that all existing intersections are operating at acceptable levels-of-service. However, the Traffic Impact Study do recommend upgrades to the Maroela Road/Old Paarl Road/Voortrekker Road and the Voortrekker Road/Lincoln Street/Van der Bijl street intersections. In addition, the Traffic Impact Study also recommended pedestrian and public transport improvements to certain roads. Please refer to condition 23 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.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.