



REFERENCE: 16/3/3/1/A5/11/2067/18
ENQUIRIES: RONDINE ISAACS
DATE: 2019-09-20

The Board of Directors
Intebe Landscaping (Pty) Ltd
14 Brommaert Avenue
CONSTANTIA
7806

Attention: Mr G Khan

Tel.: (021) 979 4984
E-mail: gaff@intebe.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT ("BAR") FOR THE PROPOSED ESTABLISHMENT OF THE EIKEZICHT RESIDENTIAL DEVELOPMENT ON PORTION 12 OF THE FARM GROENLAND NO. 214, BRACKENFELL

1. The final BAR and letter that were received by this Department on 13 September 2019, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. This Department will consider the BAR within the prescribed time period and advise you accordingly.
4. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted in terms of this prohibition is liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years, or to both such fine and imprisonment.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

Yours faithfully

**HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms Olivia Braaf (Braaf Environmental Practitioners SA (Pty) Ltd)

Fax: (086) 658 7676



EIA REFERENCE NUMBER: 16/3/3/1/A5/11/2067/18
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2020-01-06

The Board of Directors
Intebe Landscaping (Pty) Ltd
14 Brommaert Avenue
CONSTANTIA
7806

Attention: Mr G Khan

Tel.: (021) 979 4984
E-mail: gaff@intebe.co.za

Dear Sir

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 EIKEZICHT RESIDENTIAL DEVELOPMENT ON PORTION 12 OF THE FARM GROENLAND NO. 214, BRACKENFELL

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 Olivia Braaf (Braaf Environmental Practitioners SA (Pty) Ltd)

Fax: (086) 658 7676



REFERENCE: 16/3/3/1/A5/11/2067/18
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2020 -01- 0 6

The Board of Directors
Intebe Landscaping (Pty) Ltd
14 Brommaert Avenue
CONSTANTIA
7806

Attention: Mr G Khan

Tel.: (021) 979 4984
E-mail: gaff@intebe.co.za

Dear Sir

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 EIKEZICHT RESIDENTIAL DEVELOPMENT ON PORTION 12 OF THE FARM GROENLAND NO. 214, BRACKENFELL

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 Basic Assessment Report ("BAR") dated August 2019.

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

Intebe Landscaping (Pty) Ltd
 c/o Mr G Khan
 14 Brommaert Avenue
 CONSTANTIA
 7806
 Tel.: (021) 979 4984
 E-mail: gaff@intebe.co.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>Activity 19: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</i> 	<p>The excavation from and infilling of material into the watercourse will be required for the proposed development.</p>
<p>Activity 26: <i>"Residential, retail, recreational, tourism, commercial or institutional developments of 1 000 square metres or more, on land previously used for mining or heavy industrial purposes; —</i></p> <p><i>excluding –</i></p> <ul style="list-style-type: none"> <i>(i) where such land has been remediated in terms of part 8 of the National Environmental Management: Waste Act,</i> 	<p>A portion of the site was illegally mined during the 2008-2011 period.</p>

<p>2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; or</p> <p>(ii) where an environmental authorisation has been obtained for the decommissioning of such a mine or industry in terms of this Notice or any previous NEMA notice; or</p> <p>(iii) where a closure certificate has been issued in terms of section 43 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) for such land".</p>	
<p>Activity 27: "The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>

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

<p>Activity 4: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</p>	<p>Indigenous vegetation will be cleared for the construction of internal roads outside the urban area.</p>
<p>Activity 12: "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</p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p>purposes undertaken in accordance with a maintenance management plan.</p> <ol style="list-style-type: none"> i. Western Cape 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; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister". 	
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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 establishment of a high-density residential development comprising approximately 400 units made up of a range of four storey apartment blocks within a security estate on Portion 12 of the Farm Groenland No. 214, Brackenfell.

A section of the site which lies adjacent to the Bracken Nature Reserve: Perdekop Section (BNR:PS) will be set aside as a conservation area. The proposed conservation area will be subdivided from the site and rezoned and be included as part of the Bracken Nature Reserve. The proposed conservation area, which makes up approximately 26.53% of the site, will be approximately 14521m² in size. The conservation area will include the following:

- Clear Vu fencing along the perimeter;
- A 5m fire break buffer zone planted with low growing succulents will be established on either side of the site boundary line;
- The northern spine road will run along the landscaped buffer and will include a running track which will circle the inner perimeter; and

- The storm water management channel will be installed along the conservation area.

The proposed development also includes functional open spaces and landscaped areas, including a clubhouse with community facilities. The inner section will comprise of a green spine just off the primary access. This section will serve as a functional open space which will be tree lined and lawned.

The storm water system will comprise of a channel system and detention ponds. The channel system will act as an attenuation facility with a weir outlet structure and subsoil drainage outlet into a lower lying pond. Sheet flow from the conservation area will be intercepted by means of a stone filled concrete u-channel. The channel will be placed approximately 1.5m from the conservation area. A 5m wide succulent planted firebreak will border the storm water channel, thereby creating a clear fire protection line. A pedestrian path will link the storm water management system.

A new sewer line will be constructed from the south east corner of the site through the Crammix site. The sewer line will then run past the existing Normandi pump station, down a private farm access road, through Farms 222/49 and 222/50 up to the municipal main located in Ronelle Street. The total length of the pipeline is approximately 1650m.

The primary access road will be off Kruin Street and directly across Baronne Street. The access will be security controlled with two ingress and one egress lane. A secondary, emergency access, will be provided off Kruin Street, close to the southern boundary of the site. The secondary access will be gated and locked and only used for emergency purposes.

C. LOCATION AND SITE DESCRIPTION

The listed activities will take place on Portion 12 of the Farm Groenland No. 214, Brackenfell.

The farm is bounded by Kruin Street to the west and the Bracken Nature Reserve: Perdekop Section (BNR:PS) to the north. To the east and south is undeveloped land.

The SG 21-digit code is: C06700000000021400012

Co-ordinates:

Latitude: 33° 53' 10.38" S

Longitude: 18° 43' 14.13" E

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

hereinafter referred to as "the site".

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

Braaf Environmental Practitioners SA (Pty) Ltd
c/o Ms Olivia Braaf
PO Box 692
KUILS RIVER
7579
Tel.: (086) 011 1382
Fax: (086) 658 7676

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 August 2019 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 eight (**8**) 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 activities, 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, 14, 21, 22 and 23.

Management of activity

10. The draft EMPr submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 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;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid—
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report to the relevant competent authority during the construction phase. The holder must submit the first audit report six months after commencement of the construction phase and a second audit report twelve months after the first audit report; and

- 15.3 submit an environmental audit report every five (5) years thereafter 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 holder and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. A search and rescue operation of all geophytes and ephemeral plant species must be undertaken by a suitably qualified specialist during the optimal season and before the commencement of construction activities. The plant species must be translocated to the Bracken Nature Reserve: Perdekop Section (BNR:PS).
22. The proposed conservation area must be surveyed and fenced off before commencement of construction activities.
23. The proposed ClearVu fencing around the conservation area must be erected before the commencement of construction activities to avoid any accidental degradation of the conservation area.
24. A 5m firebreak must be established once the conservation area has been demarcated and must be vegetated with succulents.
25. The apartment blocks may not be higher than 4 storeys.
26. The holder must conduct the construction phase activities as far as possible during the dry season.
27. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 27.1 A dual-flush toilet system.
 - 27.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 27.3 Water-wise landscaping must be done.
 - 27.3.1 Indigenous plants and/or plants that require little water must be used.
 - 27.3.2 The use of kikuyu grass must be prohibited in all landscaped areas. Non-invasive, low-water use grass must be used for any lawns on site.
28. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 28.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed and replacement bulbs must also be of the low energy consumption type.
 - 28.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Street lights must be switched off during the day.
 - 28.3 All geysers must be covered with geyser 'blankets'.

29. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.

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 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

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

F. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered 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 M. Venter (Tel.: (021) 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 20/12/2019

CC: (1) Ms Olivia Braaf (Braaf Environmental Practitioners SA (Pty) Ltd)

Fax: (086) 658 7676

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A5/11/2067/18

NEAS EIA REFERENCE NUMBER: WCP/EIA/0000533/2018

ANNEXURE 1: LOCALITY PLAN

The approximate location of Portion 12 of the Farm Groenland No. 214, Brackenfell.



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated November 2018, as received by the competent authority on 21 November 2018; the BAR dated August 2019 and the EMPr submitted together with the BAR; and the additional information received by the competent authority on 22 October 2019, respectively;
- 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 BAR dated August 2019;
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The Public Participation Process comprised of the following:

- An advertisement was placed in the "Tygerburger" newspaper on 18 July 2019;
- Background Information Documents were hand delivered to adjacent neighbours;
- Notices were placed on site;
- A copy of the draft BAR was placed at the Brackenfell Public Library;
- The draft BAR was made available from 29 November 2018 until 28 January 2019;
- Letters were posted on 12 June 2019 to announce the availability of the revised draft BAR;
- A copy of the revised draft BAR was placed at the Brackenfell Public Library; and
- The revised draft BAR was made available from 12 June 2019 until 15 July 2019.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- City of Cape Town;
- Department of Mineral Resources;
- Department of Water and Sanitation; and
- Heritage Western Cape.

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

2. Alternatives

The following layout alternatives were investigated:

Layout alternative 1 (preferred alternative – herewith authorised):

The preferred layout consists of a high-density residential development comprising approximately 400 units made up of a range of four storey apartment blocks within a security estate. The proposed conservation area, which makes up approximately 26.53% of the site, will be approximately 14521m² in size.

This is the preferred alternative since it makes provision for a larger conservation area and also takes into consideration the ecological constraints on the site. Furthermore, the visual impacts of the four storey apartment blocks will be mitigated by a substantial berm and planting along Kruijn Street.

Layout alternative 2:

This alternative layout consists of a high-density development comprising approximately 422 units made up of four and five storey apartment blocks. The blocks adjacent to Kruijn Street will be five storeys with the remaining blocks facing eastwards being four storeys. The proposed conservation area, which makes up approximately 17% of the site, will be approximately 9590m² in size.

This alternative was rejected since it has a smaller conservation area. The four and five storey apartments also have a bigger visual impact than the preferred alternative.

Layout alternative 3:

This alternative layout consists of a high-density residential development comprising of four storey apartments within a security estate. The proposed conservation area, which makes up approximately 17% of the site, will be approximately 9590m² in size.

This alternative was rejected since it has a smaller conservation area.

Layout alternative 4:

In this layout the entire site will be developed with no conservation area. The rows of apartment blocks are aligned to the east and are situated on either side of a spine road which links the entrance gateway to the clubhouse and recreation area.

This alternative was rejected since it does not include a conservation area. Furthermore, there is no provision for recreational facilities or vistas to reduce the visual impacts. There are no small storm water ponds and storm water management on the site.

Layout alternative 5:

This alternative layout consists of a high-density development comprising approximately 450 units made up of four storey apartment blocks. Almost the entire site will be developed, with undeveloped portions adjacent to the northern boundary of the Bracken Nature Reserve: Perdekop Section (BNR:PS). The proposed development includes a clubhouse and limited landscaped and recreational activities. The spine road will be short and the undeveloped portions along the eastern boundary will be green spaces, with no conservation area.

This alternative was rejected since it does not include a conservation area. Furthermore, there is no provision for recreational facilities or vistas to reduce the visual impacts. There are no small storm water ponds and storm water management on the site.

"No-Go" Alternative:

This alternative implies that the proposed residential development will not be established. This alternative was rejected as it will not alleviate the shortage of residential land in the area. The land use of the site will also not be in line with that of the surrounding developments in the area.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed development is situated adjacent to existing urban developments, inside the urban edge and in an area identified for medium density development. The proposed development supports the policies of the Provincial Spatial Development Framework's Integrated and Sustainable Settlements theme since it ensures an intensified and high-density development in an area that is earmarked for higher density residential development. Furthermore, the proposed development site is in close proximity to economic and employment opportunities and will contribute to densification.

The proposed development is considered to be consistent with the guiding principles of the City of Cape Town Spatial Development Framework. The Northern District Plan of the City of Cape Town indicates the site as an urban infill area. According to the Sub-District 3 Plan, the site is situated within the area generally referred to as the Crammix site. The vision and contextual analysis of the Crammix site is to optimize the opportunity for redevelopment of the quarry site and to provide for a mix of higher density residential and commercial opportunities and public infrastructure.

3.2 Biophysical Impacts

Impacts on vegetation:

The site falls within the City of Cape Town's Terrestrial Biodiversity Network. The onsite vegetation is mapped as Swartland Granite Renosterveld and Cape Flats Sand Fynbos, which are both considered as critically endangered vegetation. Approximately 50% of the site is delineated as a Critical Biodiversity Area ("CBA") 1.

In the north of the site, adjacent to the Bracken Nature Reserve: Perdekop Section (BNR:PS), is an elevated area with prominent granite outcrops. This area is separated from the Bracken Nature Reserve: Perdekop Section (BNR:PS) by a wire fence. South of the fence, near Kruin Street, a small area has been cleared for a fire belt.

The elevated area contains intact diverse natural vegetation amongst dense to scattered Port Jackson trees with good connectivity with the Bracken Nature Reserve: Perdekop Section (BNR:PS). The sandy lower slopes support low to medium tall shrubs while the rocky outcrops contain a mixture of annuals, climbers, geophytes, restios, succulents, pteridophytes, bryophytes and lichens.

Except for a small portion adjacent to the Bracken Nature Reserve: Perdekop Section (BNR:PS), the once pristine Swartland Granite Renosterveld and Cape Flats Sand Fynbos no longer exist. These vegetation types have been transformed into a weedy flora due to physical disturbances and invasive alien trees.

The vegetation on the flat southern portion of the site is represented by annual weeds and a variety of grass species which are interspersed with young Port Jackson and Guava trees and a few surviving indigenous plants such as *Searsia laevigata*, *Wiborgia obcordata*, *Rafnia angulata* and *Carpobrotus edulis*. A stand of mature *Eucalyptus* trees is found near the southern end of Krui Street while poplar and pine trees are found around the houses.

Five distinctive land cover categories are found on the site and the habitats containing natural vegetation include the following:

- Intact Swartland Granite Renosterveld;
- Semi-intact Swartland Granite Renosterveld;
- Highly degraded Swartland Granite Renosterveld;
- Highly degraded to transformed land; and
- Transformed land.

Intact Swartland Granite Renosterveld:

The northern portion of the site supports mostly intact Swartland Granite Renosterveld. The vegetation has been subjected to heavy disturbance in the past, but has rehabilitated naturally and the overall ecological condition is regarded as intact. The southern boundary of the intact vegetation transitions abruptly from intact to degraded condition. At the north eastern corner, about half of the vegetation was recently burn in a veld fire and the burnt area is heavily infested with invasive Port Jackson willow. The conservation value of the vegetation is regarded as high given that the habitat is ecologically intact and critically endangered.

Semi-intact Swartland Granite Renosterveld:

Two patches of semi-intact vegetation were identified on the site. The patch that occurs in the north eastern corner grades from a degraded habitat into intact vegetation. The vegetation is dominated by *Willdenowia incurvata* and the species is typically associated with fynbos and thus likely to be ecotonal habitat between Swartland Granite Renosterveld and Cape Flats Sand Fynbos. A second patch of remnant vegetation comprises clumps of dune currant and several wild olive trees. This area is substantially disturbed around the edges with a high cover of kikuyu grass. A single plant of the vulnerable *Aspalathus araneosa* was also found.

Highly degraded Swartland Granite Renosterveld:

A small hill with exposed granite supports two remnant species including a mature wild olive and clumps of the bulb *Chasmanthe aethiopica*. The habitat is overrun with alien grasses, invasive Port Jackson willow and grey poplar. The habitat has very low restoration potential.

Highly degraded to transformed land:

The major part of the site is characterised by highly degraded and transformed land. The habitats do not support any remaining natural vegetation and comprise

open fields dominated by kweek, wild oat, lupin, ripwort plantain and sour fig. Scattered exotic trees occur in the fields and around the homesteads.

The extent of the conservation area in the preferred layout adequately ensures that the CBA is protected. The proposed conservation area will be fenced off and a boundary will be created between the proposed development and the conservation area.

Impacts on aquatic features:

The site receives storm water from the Bracken Nature Reserve: Perdekop Section (BNR:PS) granite koppie in the north and from Kruin Street to the west. The central and eastern portions of the site contain small ill-defined sandy landscape depressions which are regarded as artificially induced hillslope seep landscape depressions. A storm water furrow and embankment are also found on the site.

The wetland depressions are largely associated with past landscape transformation such as agriculture, quarrying and remnant structures which impede and modify the hydraulics of the wetlands. The ecological conditions of the wetlands are regarded as significantly degraded.

The preferred layout alternative will result in the loss of wetland habitat and vegetation. The storm water management measures will aid in the creation of water features and improve the storm water management on the site, thereby increasing the site's ecological value. The loss of wetlands on the site is acceptable since the functional and habitat value of the wetlands can be catered for within the storm water management system. The proposed development will thus not impact the site to such a degree that its current aquatic ecological status is negatively affected.

3.3 Traffic impacts

The major roads in the vicinity of the site include Kruis Street, Kruin Street, Reservoir Street and Baronne Street. The site currently has informal access off Kruin Street approximately 75m to the north of Baronne Street. Access will be security controlled with two ingress lanes and one egress lane. An emergency access will also be provided onto Kruin Street near the southern boundary. This access will be gated and locked and only be used for emergency purposes.

Three scenarios were evaluated for the total traffic conditions. Scenario 3 investigated the maximum number of units that can be accommodated by the existing road infrastructure, without any significant road upgrades. Scenario 4 assessed the traffic impact of the total development with the completion of all residential units on the existing road network. Scenario 5 included the total development with the closure of Kruin/Kruis Street intersection and the redistribution of trips to Vergenoeg/Kruis Street intersection.

Based on scenario 3 the existing road network can accommodate approximately 75% of the proposed development (approximately 300 units) without requiring major road upgrades. All study intersections will operate at acceptable levels-of-service, except the Kruis/Kruin Street intersection. However, the intersection will be closed for traffic approaching from the east and the western approach will

become a left-in-left-out only intersection. Therefore, no road upgrades are required at the intersection.

Based on scenario 4 all study intersections will operate at acceptable levels-of-service except for the Kruis/Kruin Street intersection and the Kruin/Reservoir Street intersection. No road upgrades are recommended at the Kruis/Kruin Street intersection. The Kruin/Reservoir Street intersection will have insufficient spare capacity to accommodate trips from the full development and must as such be upgraded.

Based on scenario 5 all study intersections will operate at acceptable levels-of-service and, as in the case of scenario 4, it is recommended that the Kruin/Reservoir Street intersection be upgraded.

Once 75% (300 units) have been developed, the Kruin Street/Reservoir Street intersection must be upgraded. The planned upgrade of Kruis Road south of Kruin Street and the closure of the Kruin/Kruis Street intersection will provide access for all traffic to Kruis Street via the Vergenoeg/Kruis Road intersection. All intersection will operate at an acceptable level-of-service for the total development trips with the closure of the Kruin/Kruis Street intersection and the upgrade of the Kruin Street/Reservoir Street intersection.

3.4 Storm water impacts

The storm water system will comprise of a channel system and detention ponds. The channel system will act as an attenuation facility with a weir outlet structure and subsoil drainage outlet into a lower lying pond. Sheet flow from the conservation area will be intercepted by means of a gabion mattress channel or a stone filled concrete u-channel. The channel will be placed approximately 1.5m from the conservation area. A pond will also be established at the end of the channel.

The internal storm water pipe network will consist of a series of pipes connecting to the proposed attenuation facilities at two points. The outflow/overflow storm water from the attenuation facility will form part of catchment area B of the Crammix Bricks Development leading to dam 2. The outflow/overflow from the attenuation facility will disperse evenly onto catchment area B where it will be picked up in grass channels leading to a catch pit fitted with a sediment and litter trap.

A 5m wide succulent planted firebreak will border the storm water channel, thereby creating a clear fire protection line. A pedestrian path will link the storm water management system.

3.5 Visual impacts

A 1:3 sloped landscaped berm will be established along Kruin Street to soften the edge. The berm will have a raised green base and be planted with trees to reduce the visual scale of the buildings along the road. The back of the berm, which faces the buildings, will be terraced and will include a pedestrian path which will link to the general path network. The size of the conservation area reduces the area under buildings and acts as a buffer between the Bracken Nature Reserve: Perdekop Section (BNR:PS) and the proposed development. The conservation area thus enhances the sense of place and allows for more vistas through the development.

The hill slope aids in the minimisation of the overall visual impact. Only the apartment blocks closest to Kruijn Street provide a moderate to high visual impact to local residents and users of the Bracken Nature Reserve.

The local site character will change from unused land to residential apartment blocks, with an increase in visual clutter. The proposed land use is thus considered to have moderate sensitivity due to properties being impacted locally. The visual envelope is extensive due to the proposed height of the apartments and will affect local receptors. However, it will be moderated in the wider landscape by trees and terrain.

The preferred layout offers the most opportunities to address the issues around the building heights and the overall layout of the apartment blocks. Furthermore, the provision of a conservation area and green spaces will better ensure the integration of the proposed development into the local landscape character. The preferred layout alternative and design is visually acceptable with the implementation of mitigation measures which will improve the acceptability of the proposed development.

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 EMP, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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