



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management (Region 1)

**REFERENCE:** 16/3/3/1/F5/20/2013/19  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 2019 -05- 17

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
MALMESBURY  
7299

**Attention: Mr Alwyn Zaayman**

Tel.: (022) 487 9400  
Fax: (022) 487 9440

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 RIEBEEK KASTEEL HOUSING PROJECT ON PORTION 11 OF THE FARM BOTMASKLOOF NO. 661, RIEBEEK KASTEEL**

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 Nandi Odendal (OKEVA cc)

E-mail: [nandi@okeva.co.za](mailto:nandi@okeva.co.za)



**REFERENCE:** 16/3/3/1/F5/20/2013/19  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 2019 -05- 17

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
MALMESBURY  
7299

**Attention: Mr Alwyn Zaayman**

Tel.: (022) 487 9400  
Fax: (022) 487 9440

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 RIEBEEK KASTEEL HOUSING PROJECT ON PORTION 11 OF THE FARM BOTMASKLOOF NO. 661, RIEBEEK KASTEEL**

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 15 May 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**

Swartland Municipality  
 c/o Mr Alwyn Zaayman  
 Private Bag X52  
 MALMESBURY  
 7299  
 Tel.: (022) 487 9400  
 Fax: (022) 487 9440

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 12:</b>  <i>"The development of-</i>            (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i>            (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i>            (a) <i>within a watercourse;</i>            (b) <i>in front of a development setback; or</i>            (c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i></p> <p><i>excluding-</i>            (aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i>            (bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i>            (cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i>            (dd) <i>where such development occurs within an urban area;</i>            (ee) <i>where such development occurs within existing roads, road reserves or railway line reserves; or</i>            (ff) <i>the development of temporary infrastructure or structures where such</i></p>	<p>Infrastructure/structures will be developed which will exceed 100m<sup>2</sup> in size.</p>

<p>infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".</p>	
<p><b>Activity 19:</b>  "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;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <ul style="list-style-type: none"> <li>(a) will occur behind a development setback;</li> <li>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>(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".</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 27:</b>  "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> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</li> </ul>	<p>More than 1ha of indigenous vegetation will be cleared.</p>
<p><b>Activity 28:</b>  "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:</p> <ul style="list-style-type: none"> <li>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</li> <li>(ii) will occur outside an urban area, where</li> </ul>	<p>Development will take place on land that has previously been used for agriculture outside the urban area and will be bigger than 1ha in size.</p>

<p style="text-align: center;"><i>the total land to be developed is bigger than 1 hectare;</i></p> <p style="text-align: center;"><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</i></p>	
--	--

Government Notice No. R. 984 of 4 December 2014 –

<b>Listed Activity</b>	<b>Activity/Project Description</b>
<p><b>Activity 4:</b>  <i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <ul style="list-style-type: none"> <li><i>i. Western Cape</i></li> <li><i>i. Areas zoned for use as public open space or equivalent zoning;</i></li> <li><i>ii. Areas outside urban areas;</i> <ul style="list-style-type: none"> <li><i>(aa) Areas containing indigenous vegetation;</i></li> <li><i>(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</i></li> </ul> </li> <li><i>iii. Inside urban areas:</i> <ul style="list-style-type: none"> <li><i>(aa) Areas zoned for conservation use; or</i></li> <li><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</i></li> </ul> </li> </ul>	<p>A road wider than 4m will be developed for which indigenous vegetation will be cleared.</p>

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 subdivision and rezoning of Portion 11 of the Farm Botmaskloof No. 661, Riebeek Kasteel to establish serviced erven for residential development.

Portion 11 of Farm No. 661, Riebeek Kasteel will be subdivided into a Portion 1 and a Remainder. Portion 1 will be further subdivided to establish approximately 435 residential erven, as well as open spaces, erven zoned for community and business uses and roads.

Access will be obtained via an extension of Lelie Street. The access road will be less than 60m in length.

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

The listed activities will take place on Portion 11 of the Farm Botmaskloof No. 661, Riebeek Kasteel.

To the north is a medium density residential neighbourhood and to the west is agricultural land. The Riebeek Kasteel Waste Water Treatment Works is located to the south and to the east is the newly authorised cemetery.

The SG 21-digit code is: C04600000000066100011

Co-ordinates:

Latitude: 33° 23' 18.70" S

Longitude: 18° 55' 28.03" 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")**

OKEVA cc  
c/o Ms Nandi Odendal  
1<sup>st</sup> Floor Willowbridge Centre  
Carl Cronje Drive  
TYGER VALLEY  
7530  
Cell: 082 839 1910  
E-mail: [nandi@okeva.co.za](mailto:nandi@okeva.co.za)

### **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 15 May 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 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 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 at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three 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. 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: 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: 17/05/2019

CC: (1) Ms Nandi Odendal (OKEVA cc)

E-mail: [nandi@okeva.co.za](mailto:nandi@okeva.co.za)

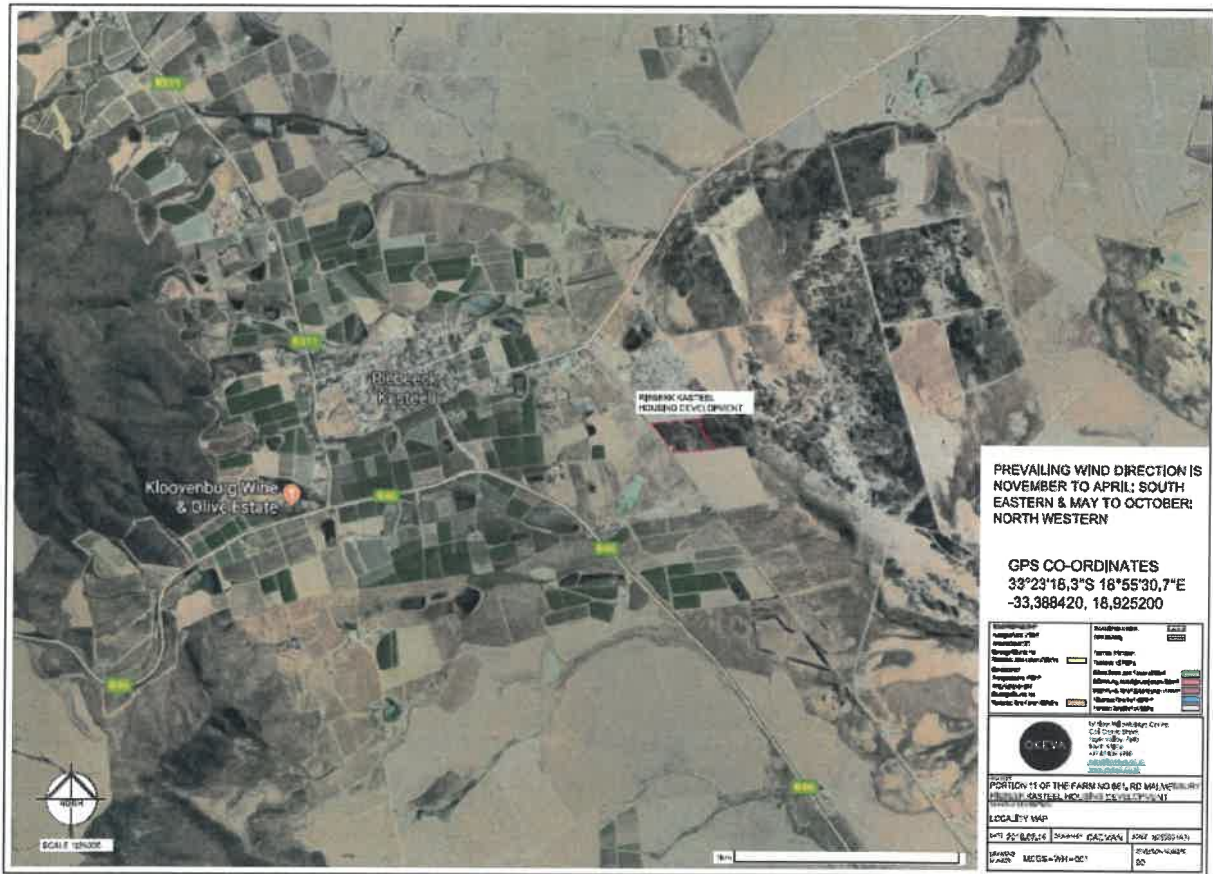
**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/1/F5/20/2013/19**

**NEAS EIA REFERENCE NUMBER: WCP/EIA/0000563/2019**

# ANNEXURE 1: LOCALITY PLAN

The approximate location of Portion 11 of the Farm Botmaskloof No. 661, Riebeeck Kasteel.







### **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 15 February 2019, as received by the competent authority on the same date; the BAR dated 15 May 2019 and the EMPr submitted together with the BAR;
- 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 15 May 2019;
- d) The pre-application site visit/meeting conducted on 27 September 2018

Attended by: Mr Eldon van Boom and Ms Rondine Isaacs of the Department of Environmental Affairs and Development Planning, Ms Nandi Odendal of OKEVA cc, Ms Zanelle Nortjé and Mr Nical Grobbelaar of CK Rumboll & Partners and Ms Anèl Dannhauser of Onyxia.

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:

- Notice boards were placed on site on 13 February 2019;
- E-mails were sent on 13 and 15 February 2019 to Interested and Affected Parties;
- An advertisement was placed in the "Die Courant" newspaper on 13 February 2019;
- Letter drops were conducted on 15 February 2019 to adjacent landowners;
- Copies of the draft BAR were placed at the Riebeeck Kasteel Library;
- Copies of the draft BAR were delivered to State Departments/Organs of State on 15 and 18 February 2019, respectively; and
- The post-application draft BAR was made available from 15 February 2019 until 19 March 2019.

#### **Authorities consulted**

The authorities consulted included the following:

- Department of Agriculture;
- Department of Agriculture, Forestry and Fisheries;
- Department of Transport and Public Works;
- Passenger Rail Agency of South Africa;
- Transnet;
- Department of Human Settlements;
- Department of Water and Sanitation;
- CapeNature;
- Eskom;
- Department of Health;
- West Coast District Municipality; 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 design alternatives were considered:

### Design alternative 1:

This alternative entails the development of smaller erven of approximately 49m<sup>2</sup> in size and has a very dense layout. B-grade services will be installed, including gravel roads of 7m to 10m in width. The storm water management system has not yet been finalised. The layout has mid-block open space areas where services such as water, electricity and pre-cast toilets will be provided.

This alternative was rejected since it made provision for a denser layout with smaller erven. Furthermore, gravel roads would require frequent maintenance due to degradation and pre-cast bathroom stalls would be installed for each erf in the service open space area. The storm water management system was also not yet designed.

### Design alternative 2 (preferred alternative – herewith authorised):

The preferred alternative entails the development of bigger erven of approximately 100m<sup>2</sup> in size and has a less dense layout. A-grade services will be installed and include formal tarred roads, a piped storm water management system and connections from each erf to the water, electricity and sewage systems.

This is the preferred alternative since it can accommodate larger dwellings and allow for better living spaces. The roads will be tarred and will thus not create a dust nuisance. A-grade services will be installed with a formal storm water management system.

The following layout alternatives were considered:

### Layout alternative 1:

This alternative entails the establishment of approximately 757 residential erven, open spaces, erven zoned for community and business uses and roads. This layout was rejected since it only focused on providing emergency housing with B-grade services, which would not improve the living conditions of the backyard dwellers in the community.

### Layout alternative 2 (preferred alternative – herewith authorised):

The preferred alternative entails the establishment of approximately 435 residential erven, as well as open spaces, erven zoned for community and business uses and roads.

The road reserve width is approximately 10m to 12m and will accommodate a formalised tar road with sufficient road reserve for pedestrians and cyclists. The services will be located within the road reserve and will thus be more accessible to the Engineering Department during repairs and upgrades. Provision is also made for a future bypass route next to the railway line on the western boundary of the site. The layout also provides for sufficient social and economic opportunities.

### "No-Go" Alternative:

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

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

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

An agreement was reached between the Swartland Municipality, the Human Rights Commission and the Riebeek Kasteel Mediator Group that land will be identified and funding be obtained to provide for serviced erven with basic services for the immediate need of backyard dwellers in and around the area of Riebeek Kasteel and also includes erven for social and business uses.

The site was bought by the Swartland Municipality in 2012 for the purpose of establishing a residential development and is also earmarked in the Spatial Development Framework ("SDF") for that purpose. The site is located next to an existing neighbourhood where there is a desperate need for housing and services.

The site is located within the urban edge and directly south of the existing Esterhof residential area. The proposed development will therefore integrate the two residential areas to form a secure and cohesive neighbourhood. The site is located in Zone N according to the Land Use Proposals Map of Riebeek Kasteel with the Swartland SDF. Zone N is earmarked for residential and mixed use development.

All erven will have A-grade services and will comply with the principles of the Integrated Development Plan ("IDP") regarding service integration. The erven will be distributed by the Swartland Municipality taking into account the housing waiting list of the area. The layout provides for open spaces, crèches and churches for social amenities, as well as business erven for economic opportunities and services are provided to each erf. The proposed development is therefore consistent with the IDP.

### **3.2 Biophysical Impacts**

The proposed site is bordered on the southern and western boundary by a watercourse feature which is categorised as an Ecological Support Area. There is also a manmade storm water dam on the site, but is in disrepair.

Ridges are present on the site which were previously constructed to improve the agricultural potential of the soil. The site has a very flat gradient which causes water to accumulate within the ridges, thereby forming wet areas on the site. The wet areas will be cleared once the formal storm water management system has been constructed.

The site has previously been cultivated and does not support any vegetation representative of the original vegetation types that used to be present on the site. A small population of the indigenous *Zantedeschia aethiopica* (arum lilies) are present on the site. The site has been completely transformed by historical agricultural activities and poor storm water management. The site is also currently used as an informal dumping ground.

### 3.3 Geotechnical

No significant geotechnical constraints were identified in the study area and the site is considered to be suitable for human settlement and subsidy based housing. No exposures of rock outcrop or eroded drainage channels occur on or near the site.

#### **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 activity can be mitigated to acceptable levels.

-----END-----