



REFERENCE NUMBER: 16/3/3/1/A4/73/3040/18
ENQUIRIES: MS. K. ADRIAANSE
DATE OF ISSUE: 2019 -06- 20

The Head of Department
Western Cape Government
Department of Human Settlements
Private Bag X9083
CAPE TOWN
8000

For Attention: Mr. T. Mguli

Tel: (021) 483 9482
Fax: (021) 483 4607

c/o Ms. I. Heyns

Tel: (021) 483 6237
Email: llani.Nel@westerncape.gov.za

Dear Sir / Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED PARTIAL INFILLING OF A WETLAND FOR THE ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM NO. 694 AND ERF 38227, NEW WOODLANDS, MITCHELLS PLAIN.

1. With reference to the above application, the Department 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 Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. K. Wiles / Ms. Z. Wana (Gibb (Pty) Ltd.) Fax: (031) 266 3310
(2) Mr. A. Forbes (City of Cape Town: Environmental Resource Management) Fax: (086) 624 8526
(3) Mr. W. Dreyer (Department of Water and Sanitation: Berg Water Management Area) Fax: (021) 941 6072
(4) Mr. A. Oosthuizen (DEA&DP – Directorate: Development Facilitation) Fax: (021) 483 8311



REFERENCE: 16/3/3/1/A4/73/3040/18
NEAS REFERENCE: WCP/EIA/0000527/2018
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED PARTIAL INFILLING OF A WETLAND FOR THE ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM NO. 694 AND ERF 38227, NEW WOODLANDS, MITCHELLS PLAIN.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated March 2019.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Head of Department
Western Cape Government
Department of Human Settlements
c/o Ms. I. Heyns
Private Bag X9083
CAPE TOWN
8000

Tel: (021) 483 6237
Email: llani.Nel@westerncape.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

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p><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> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><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>	<p>The proposed development entails the partial infilling of a wetland for a residential development and associated infrastructure on the Remainder of Farm No. 694 and Erf 38227, New Woodlands, Mitchells Plain.</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

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

The proposed development entails the partial infilling and alteration of a wetland for the establishment of a residential development and associated infrastructure on the Remainder of Farm No. 694 and Erf 38227, New Woodlands, Mitchells Plain.

The proposed development will comprise:

- Approximately 440 dwellings;
- A community hall;
- Public open space;
- Internal roads;
- Parking bays;
- Pedestrian walkways;
- Stormwater infrastructure;
- An embayment along New Eisleben Road; and
- Associated infrastructure.

A wetland located on the Remainder of Farm No. 694, Mitchells Plain will be partially infilled and altered to form a stormwater detention pond. The stormwater detention pond will be connected to the stormwater management system and will have a capacity of approximately 1450m³.

All services (i.e. water supply, sewage disposal, electricity and solid waste) will connect to the existing municipal infrastructure. Upgrades to bulk water supply and sewerage infrastructure will be implemented by the applicant. The proposed upgrades will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

Access roads will be developed off New Eisleben Road, Watergate Estate and Walter Battis Road. Access roads will be approximately 8m wide and internal roads will range between 6 - 8.5m in width.

The development footprint will be approximately 5ha in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Farm No. 694 and Erf 38227, Mitchells Plain, which is located along New Eisleben Road and has the following co-ordinates:

Point	Latitude	Longitude
Middle	34°01'15.35" South	18°35'51.93" East

The SG 21-digit codes are:

The Remainder of Farm No. 694	C01600000000069400000
Erf 38227	C01600350003822700000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Gibb (Pty) Ltd.
c/o Ms. K. Wiles / Ms. Z. Wana
P.O. Box 1365
RIVONIA
2128

Tel: (011) 519 4668

Fax: (011) 807 5670

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated March 2019 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 5 (five) years from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 9 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of—
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendments are made to the EMPr before commencement of development activities and must be implemented:
 - 9.1. The stormwater management plan, to be compiled prior to the completion of the development phase, must be included in the EMPr. A copy of the stormwater management plan must be submitted to this Department within three (3) months of the completion of the development phase for information purposes.
 - 9.2. In accordance with the Geotechnical Investigation (compiled by WSP Environmental (Pty) Ltd. and dated 17 April 2019), the following mitigation measures must be included in the EMPr and must be implemented:
 - 9.2.1. Foundation layers must be excavated down to a depth of 1.5 times the building footing width and be replaced with compacted layers of the excavated sand.
 - 9.2.2. Highly compressible sand zones must be identified by inspection of foundation layers during the development phase and ground improvements must be done accordingly.
 - 9.2.3. Where bulk services are installed, the soil conditions in the base of excavated trenches must be assessed to identify highly compressible sand zones.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site where the listed activity will be undertaken and must be made available to any authorised official on request.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).



- 14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the development activities and submit an Environmental Audit Report to the Competent Authority 1 (one) month after the completion of the development activities. An additional Environmental Audit Report must be submitted to the Competent Authority within 1 (one) year after the partial infilling of the wetland has been completed.
- 14.2. The holder must, within 7 (seven) calendar days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any authorised official on request.

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) must be submitted.

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



5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the 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 I&APs, 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 I&APs–
 - 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 I&AP, 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 I&AP 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
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 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 or URL <http://www.westerncape.gov.za/eadp>.



H. DISCLAIMER

The Western Cape Government, the holder, 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 June 2019

Copies to: (1) Ms. K. Wiles / Ms. Z. Wana (Gibb (Pty) Ltd.)
(2) Mr. A. Forbes (City of Cape Town: Environmental Resource Management)
(3) Mr. W. Dreyer (Department of Water and Sanitation: Berg Water Management Area)
(4) Mr. A. Oosthuizen (DEA&DP – Directorate: Development Facilitation)

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ANNEXURE 2: SITE PLAN

Site plan of the proposed site.



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 31 October 2018, the BAR received by the Competent Authority on 06 March 2019, the EMPr received by the Competent Authority on 06 March 2019 and the additional information received by the Competent Authority on 06 March 2019, 18 April 2019, 25 April 2019, 06 June 2019 and 12 June 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated March 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board on the site where the listed activity is to be undertaken on 05 February 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 14 March 2018;
- the placing of a newspaper advertisement in the 'Plainsman' on 31 January 2018; and
- making the BAR available to I&APs for public review from 15 November 2018 to 14 December 2018 and 07 May 2019 to 07 June 2019.

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

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



2. Alternatives

Four layout alternatives were considered as part of the proposed development. Initially, two layout alternatives that comprised approximately 800 residential dwellings and associated infrastructure were identified and considered. The minimum development alternative (reported as Alternative 3 in the final BAR) and the maximum development alternative (reported as Alternative 4 in the final BAR) was investigated by the freshwater specialist. Although both alternatives entailed the development of approximately 800 residential dwellings, the minimum and maximum development alternatives related to the potential impacts on the wetland located on the western portion of the proposed site. The freshwater specialist investigated and considered the potential impacts on the wetland with respect to the alteration of the wetland (as indicated in the minimum development alternative) into a stormwater detention pond and the infilling of the wetland (as indicated in the maximum development alternative) into a stormwater pond. The alteration of the wetland was deemed the preferred alternative from a freshwater perspective.

However, since concerns were raised by stakeholders in relation to the density and service infrastructure constraints, the minimum and maximum development alternatives were not deemed feasible.

In response to the concerns raised by stakeholders, the number of residential dwellings were reduced from approximately 800 residential units to approximately 440 residential units. Based on the revised number of residential units and the recommendation of the freshwater specialist, the preferred layout alternative was revised. Further concerns were raised by stakeholders in relation to the number of access roads associated with the proposed development. Initially, two access roads were proposed. However, based on stakeholder engagement, four access roads were preferred from a road safety and access perspective. Layout Alternative 1, Layout Alternative 2 and the "no-go" alternative were assessed in the BAR:

Layout Alternative 1 (the preferred alternative - herewith authorised)

The proposed development entails the partial infilling and alteration of a wetland for the establishment of a residential development and associated infrastructure on the Remainder of Farm No. 694 and Erf 38227, New Woodlands, Mitchells Plain.

The proposed development will comprise:

- Approximately 440 dwellings;
- A community hall;
- Public open space;
- Internal roads;
- Parking bays
- Pedestrian walkways;
- Stormwater infrastructure;
- An embayment along New Eisleben Road; and
- Associated infrastructure.

A wetland located on the Remainder of Farm No. 694, Mitchells Plain will be partially infilled and altered to form a stormwater detention pond. The stormwater detention pond will be connected to the stormwater management system and will have a capacity of approximately 1450m³.

All services (i.e. water supply, sewage disposal, electricity and solid waste) will connect to the existing municipal infrastructure. Upgrades to bulk water supply and sewerage infrastructure will be implemented by the applicant. The proposed upgrades will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

In terms of Layout Alternative 1, four access roads were proposed. Access roads will be developed off New Eisleben Road, Watergate Estate and Walter Battis Road. Access roads will be approximately 8m wide and internal roads will range between 6 - 8.5m in width. The development footprint will be approximately 5ha in extent.

Given that Layout Alternative 1 incorporates the recommendations of the freshwater specialist and the concerns raised by stakeholders in relation to the density, service infrastructure constraints and access to the proposed development, Layout Alternative 1 is deemed the preferred alternative.

Layout Alternative 2

Layout Alternative 2 entailed the partial infilling of a wetland for the establishment of a residential development and associated infrastructure on the Remainder of Farm No. 694 and Erf 38227, New Woodlands, Mitchells Plain.

Two access roads off Walter Battis Road and pedestrian links off New Eisleben Road and Watergate Estate were proposed.

Layout Alternative 2 was not deemed the preferred from a road safety and access perspective.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "*status quo*". However, since the Layout Alternative 1 (the preferred alternative) will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed development forms part of the Southern Corridor Integrated Human Settlements Programme, which is a joint programme between the Western Cape Government Department of Human Settlements and the City of Cape Town. The aim of this programme is to upgrade approximately 27 informal settlements in close proximity to the N2 (between the Blue Downs and Khayelitsha areas). The proposed development will provide for much needed housing opportunities and some essential services to the community in the area. The proposed development is in line with the City of Cape Town's Integrated Development Plan (2017 – 2022) and the Khayelitsha/Mitchells Plain and Greater Blue Downs District Plan: Spatial Development Plan and Environmental Management Framework, Technical Report (2012), which earmarks the site for urban development. The proposed development is in line with the forward planning policies applicable to the area.

3.2. Biophysical Environment

According to the South African National Biodiversity BGIS Map Viewer City of Cape Town layer, the site is mapped as no natural. The vegetation that would have occurred on the proposed site would have been Cape Flats Dune Strandveld, which is listed as Endangered in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National list of ecosystems that are threatened and in need of protection.

CapeNature indicated (in their correspondence dated 16 April 2018) that the only section, which appears to be natural habitat, is the wetland assessed in the freshwater specialist study. The potential botanical impacts is therefore negligible.

3.3. Freshwater Impacts

A Freshwater Impact Assessment (compiled by BlueScience and dated August 2017) was conducted to assess the potential freshwater impacts associated with the proposed development. A wetland was mapped on the City of Cape Town's Biodiversity Network and the specialist has identified the wetland on the western portion of the site. The wetland is mapped as a natural to semi-natural isolated depression and indicated as a Critical Ecological Support Area.

The wetland habitat integrity assessment indicated that the Present Ecological Status of the wetland is Category D, which means that a large loss of natural habitats and basic ecosystem functions has occurred.

The specialist assessed two layout alternatives for the stormwater infrastructure. The minimum development alternative entailed the alteration of the wetland into a stormwater detention pond and the maximum development alternative entailed the infilling of the entire wetland and development of a stormwater detention pond. The minimum development alternative was deemed the preferred alternative since the alteration of the wetland into a stormwater detention pond would result in the modification of the wetland and not result in the total loss of the wetland. The minimum development alternative also allows for the development of a north-south corridor of public open space. The potential freshwater impacts associated with the proposed development will be low before and after mitigation measures. Mitigation measures have been included in the EMPr.

A stormwater management plan will be developed prior to the completion of the development phase. The holder of the Environmental Authorisation will enter into an agreement with the relevant Departments within the City of Cape Town for the maintenance and management of the stormwater infrastructure.

The Department of Water and Sanitation ("DWS") indicated (in their correspondence dated 16 March 2018) that a Water Use Authorisation in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be required. The Water Use Licence Application has been submitted to the DWS in accordance with the requirements of the National Water Act, 1998 (Act No. 36 of 1998).

CapeNature indicated (in their correspondence dated 17 January 2019) that they do not object to the proposed development provided that a stormwater management plan is compiled.

3.4. Geotechnical considerations

A Geotechnical Investigation (compiled by WSP Parsons Brinckerhoff and dated April 2017) was conducted to determine the geological and geotechnical conditions of the site using available information as part of the pre-feasibility study for the site. Based on the available information, the specialist recommended that a Phase 1 Geotechnical Investigation be undertaken to determine the soil profile and variations in the foundation conditions across the site.

A Geotechnical Investigation (compiled by WSP Environmental (Pty) Ltd. and dated 17 April 2019) was undertaken to determine the geotechnical characteristics of the proposed site.

According to the Geotechnical Investigation Report, the site is underlain by aeolian sands that have been calcretised to either form a hardpan layer or boulder calcrete occurring at a depth ranging between 1.5m and 3m. A perched water table is expected to occur during the wet periods. Groundwater seepage was observed at depths of 1.7m and 2.7m.

The specialist indicated that foundation conditions are expected to be suitable for the proposed development with minor ground improvement required in the foundation layers. Deep service trenching may require dewatering, depending on when development activities take place. The specialist concluded that the site is generally suitable for the proposed development. The recommendations of the specialist have been included as conditions in this Environmental Authorisation.

3.5. Traffic Impacts

A Traffic Impact Assessment (compiled by JG Afrika and dated August 2017) was conducted to assess the potential traffic impacts associated with the proposed development. The specialist indicated that the proposed site is located along an existing public transport route with planned upgrades to accommodate for the future planned MyCiti bus routes. Pedestrian desire lines towards the R300 were evident and it was recommended to provide a pedestrian underpass under the R300.

However, the proposed development will not provide any access to the R300 due to safety concerns. Further pedestrian access was recommended to link to Walter Battis Road and New Eisleben Road. Four (4) access roads and pedestrian walkways have been included in Layout alternative 1 (i.e. the preferred alternative). No intersection improvements or road upgrades have been recommended by the specialist.

The traffic impacts associated with the proposed development are therefore expected to be of low negative significance.

3.6. Services

A Civil Engineering Services Design Report (compiled by Malani Padayachee and Associates (Pty) Ltd. and WSP group Africa (Pty) Ltd. and dated June 2017) was conducted to determine the bulk services required for the proposed development. It was determined that upgrades to the bulk potable water supply and sewerage infrastructure will be required. The City of Cape Town indicated (in their correspondences dated 25 September 2018 and 19 October 2018) that sufficient, unallocated and spare potable water supply and sewerage capacity will be available, once the upgrades have been implemented. Upgrades to bulk water supply and sewerage infrastructure will be implemented by the applicant as required by the City of Cape Town. The proposed upgrades will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

An Electrical Engineering Services Design Report (compiled by Element Consulting Engineers and dated March 2018) was conducted to determine the electricity supply required to service the proposed development. According to the Electrical Services Design Report, the existing electricity capacity could accommodate approximately 640 service connections. The existing electricity capacity can therefore accommodate the proposed development.

Electricity supply and solid waste removal have been confirmed by the City of Cape Town in their correspondences dated 11 July 2018 and 04 September 2018, respectively.

3.7. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their comment dated 26 September 2017) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.8. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The partial infilling of a wetland;
- Potential groundwater quality impacts;
- Potential soil impacts; and
- Potential dust, noise and traffic impacts during the development phase.

Positive impacts include:

- The provision of additional housing opportunities;
- Infrastructure upgrades;
- Some economic benefits; and
- Some employment opportunities.

4. National Environmental Management Act Principles

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

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

5. Conclusion

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 activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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

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