



EIA REFERENCE NUMBER: 16/3/3/2/A4/17/3002/18
NEAS REFERENCE: WCP/EIA/0000369/2018
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 2019 -05- 03

The Director
Western Cape Government: Human Settlements
Private Bag X9083
CAPE TOWN
8000

Attention: Mr. T. Mguli

Tel: (021) 483 9842
Fax: (021) 483 4607

Dear Sir

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): THE PROPOSED PENHILL GREENFIELDS MIXED USE DEVELOPEMNT AND ASSOCIATED INFRASTRUCTURE ON FARMS JACOBSDAL NO. 410 (REMAINDER OF PORTION 3, REMAINDER OF PORTION 8, REMAINDER OF PORTION 22, PORTION 30 AND 31) AND FARM WELGEMOED ESTATE NO. 468 (REMAINDER OF PORTION 5, REMAINDER OF PORTION 25, REMAINDER OF PORTION 26, REMAINDER OF PORTION 31, REMAINDER OF PORTION 36, REMAINDER OF PORTION 42 AND PORTIONS 32 AND 35), EERSTERIVIER.

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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. K. Jones (Aurecon)
(2) Mr. A. Forbes (City of Cape Town)
(3) Mr. A. Oosthuizen (DEA&DP: DDF)

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ENVIRONMENTAL AUTHORISATION

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED PENHILL GREENFIELDS MIXED USE DEVELOPEMNT AND ASSOCIATED INFRASTRUCTURE ON FARMS JACOBSDAL NO. 410 (REMAINDER OF PORTION 3, REMAINDER OF PORTION 8, REMAINDER OF PORTION 22, PORTION 30 AND 31) AND FARM WELGEMOED ESTATE NO. 468 (REMAINDER OF PORTION 5, REMAINDER OF PORTION 25, REMAINDER OF PORTION 26, REMAINDER OF PORTION 31, REMAINDER OF PORTION 36, REMAINDER OF PORTION 42 AND PORTIONS 32 AND 35), EERSTERIVIER.

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 and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("NEMA EIA Regulations, 2014") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative described in the Final Environmental Impact Assessment Report ("EIAR") dated 18 April 2019.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Western Cape Government: Human Settlements
c/o Mr. T. Mguli
Private Bag X9083
CAPE TOWN
8000

Tel: (021) 483 9842
Fax: (021) 483 4607

<p>Activity Number: 11 Activity Description:</p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity—</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</i></p> <p><i>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more;</i></p> <p><i>excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is —</i></p> <p><i>(a) temporarily required to allow for maintenance of existing infrastructure;</i></p> <p><i>(b) 2 kilometres or shorter in length;</i></p> <p><i>(c) within an existing transmission line servitude; and</i></p> <p><i>(d) will be removed within 18 months of the commencement of development.</i></p>	<p>A powerline of approximately 1.75km with a capacity of 66KV will be developed.</p>
<p>Activity Number: 12 Activity Description:</p> <p><i>The development of—</i></p> <p><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(b) in front of a development setback; or</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p><i>excluding—</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(bb) 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></p> <p><i>(cc) 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></p>	<p>Structures and infrastructure exceeding 100m² will be located within 32m of a watercourse.</p>

<p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</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>(a) <i>will occur behind a development setback;</i></p> <p>(b) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p>(c) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p>(d) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p>(e) <i>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 will result in the infilling of all watercourses located on the site.</p>
<p>Activity Number: 24 Activity Description:</p> <p><i>The development of a road—</i></p> <p>(i) <i>for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i></p> <p>(ii) <i>with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i></p> <p><i>but excluding a road—</i></p>	<p>The proposed development will include roads that are 20m wide.</p>

<p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p> <p>Activity Number: 25 Activity Description:</p> <p><i>The development and related operation of facilities or infrastructure for the treatment of effluent, wastewater or sewage with a daily throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.</i></p> <p>Activity Number: 28 Activity Description:</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p> <p>Activity Number: 31 Activity Description:</p> <p><i>The decommissioning of existing facilities, structures or infrastructure for—</i></p> <p>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</p> <p>(ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</p>	<p>The sewage package plant will have a daily throughput capacity of 3 000 cubic meters.</p> <p>The land was used for agriculture after 1 April 1998 and will be developed for residential purposes bigger than 1ha.</p> <p>A powerline that meets the threshold of Activity 11 of Listing Notice 1 will be decommissioned.</p>
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<p>Listing Notice 2 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 15 Activity Description:</p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development will result in the clearance of more than 20ha of indigenous vegetation.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. Areas outside urban areas;</i></p> <p><i>(aa) Areas containing indigenous vegetation;</i> <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></p> <p><i>ii. Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The proposed development will include roads wider than 4m.</p>
<p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development will include the clearance of 300m² or vegetation classified as a critically endangered ecosystem.</p>

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 or even 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.

Activity Number: 18

Activity Description:

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

Existing roads will be widened by more than 4m.

i. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;
- ii. All areas outside urban areas:
 - (aa) Areas containing indigenous vegetation;
 - (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
- iii. Inside urban areas:
 - (aa) Areas zoned for conservation use; or
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

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

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

The proposed development entails the removal of indigenous vegetation and the infilling of watercourses to establish a mixed use development and associated infrastructure on the Farm Jacobsdal No. 410 (Remainder of Portion 3, Remainder of Portion 8 and Remainder of Portion 22) and Farm Welgemoed Estate No. 468 (Remainder of Portion 5, Remainder of Portion 25, Remainder of Portion 26, Remainder of Portion 31, Remainder of Portion 36, Remainder of Portion 42, Portions 32 and 35), Eersterivier. A biodiversity offset will be implemented to compensate for the loss of indigenous vegetation classified as a critically endangered ecosystem and a wetland offset will be implemented for the loss of wetlands located on the proposed site.

The proposed development will include the following:

- A residential component;
- A commercial and industrial component;
- An agricultural component;
- A temporary sewage package plant;
- Community facilities, schools, places of worship, crèche, sportsfields, open spaces and parks; and
- Associated infrastructure (roads, pipelines, reservoir, stormwater and electricity infrastructure).

The proposed development and associated infrastructure will have a footprint of approximately 192ha. Access to the site will be gained from existing roads.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Farm Jacobsdal No. 410 (Remainder of Portion 3, Remainder of Portion 8 and Remainder of Portion 22) and Farm Welgemoed Estate No. 468 (Remainder of Portion 5, Remainder of Portion 25, Remainder of Portion 26, Remainder of Portion 31, Remainder of Portion 36, Remainder of Portion 42, Portions 32 and 35), Eersterivier.

The SG 21 digit codes are:

Remainder of Portion 3 of Farm Jacobsdal No. 410
C06700000000041000003

Remainder of Portion 8 of Farm Jacobsdal No. 410
C06700000000041000008

Remainder of Portion 22 of Farm Jacobsdal No. 410
C06700000000041000022

Remainder of Portion 5 of Farm Welgemoed Estate No. 468
C06700000000046800005

Remainder of Portion 25 of Farm Welgemoed Estate No. 468
C06700000000046800025

Remainder of Portion 26 of Farm Welgemoed Estate No. 468
C06700000000046800026

Remainder of Portion 31 of Farm Welgemoed Estate No. 468
C0670000000046800031

Remainder of Portion 36 of Farm Welgemoed Estate No. 468
C0670000000046800036

Remainder of Portion 42 of Farm Welgemoed Estate No. 468
C0670000000046800042

Portion 32 of Farm Welgemoed Estate No. 468
C0670000000046800032

Portion 35 of Farm Welgemoed Estate No. 468
C0670000000046800035

Co-ordinates of the site:

33° 58' 35.4" South
18° 43' 9.4" East

Co-ordinates of the powerline
Starting point

33° 58' 36.24" South
18° 43' 7.89" East

Middle point

33° 57' 58.94" South
18° 42' 57.77" East

End point

33° 57' 57.12" South
18° 42' 47.17" East

Co-ordinates of the water pipeline
Starting point

33° 58' 41.87" South
18° 44' 2.30" East

Middle point

33° 58' 54.30" South
18° 43' 33.05" East

End point

33° 59' 5.80" South
18° 43' 5.40" East

Co-ordinates of the sewer pipeline
Starting point

33° 59' 12.79" South
18° 43' 10.69" East

Middle point

34° 0' 31.33" South
18° 44' 0.38" East

End point

34° 1' 48.20" South
18° 43' 51.03" East

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Aurecon South Africa (Pty) Ltd.
c/o Ms. K. Jones
P. O. Box 494
CAPE TOWN
8000

Tel: (021) 526 6991

Fax: (021) 526 9500

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 EIAR dated 18 April 2019 on the site as described in Section C above.
2. The holder must commence with 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.
3. This Environmental Authorisation is granted for a period of **five (5) years**, from the date of issue, during which period the holder must commence with the authorised listed activities.
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 preferred 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 seven calendar days notice, in writing, must be given to the competent authority before commencement of development.
 - 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:

Condition: 7, 13 and 19.4.

Notification and administration of appeal

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
 - 7.1. Notify all registered interested and affected parties 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 of issue of the decision;
 - 7.2. Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 detailed in section F below;
 - 7.3. Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
 - 7.4. Provide the registered Interested and Affected Parties with-
 - 7.4.1. the name of the holder (entity) of this environmental authorisation;
 - 7.4.2. the name of the responsible person for this environmental authorisation;
 - 7.4.3. the postal address of the holder;
 - 7.4.4. the telephonic and fax details of the holder;
 - 7.4.5. the e-mail address if any; and
 - 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 2014 National Appeals Regulations.

Commencement

8. The listed activities, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
9. 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.

Management of activity

10. The draft Environmental Management Programme ("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 if any amendments are to be made to the EMPr other than those required by this environmental authorisation, and this 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 stages of implementation.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the environmental authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site and must be made available to anyone on request.
15. 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.

Auditing

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, 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.
 - 16.1. The 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);
 - 16.2. A first audit report must be submitted to the Competent Authority within six (6) months of commencement of the proposed development;
 - 16.3. A final audit report must be submitted to the competent authority within six (6) months of completion of the proposed development;
 - 16.4. The audit reports must indicate compliance status with the conditions of this environmental authorisation, and the EMPr and make recommendations for improved environmental management;
 - 16.5. The holder must, within 7 days of the submission of an audit report to the Competent Authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
 - 16.6. If the audit reports are not submitted, the Competent Authority may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

Specific conditions

17. The recommendations as included in the final comment from HWC (dated 11 February 2019) must be implemented (herewith attached as Appendix A).

18. The biodiversity offset must be implemented in accordance with the agreement detailed in correspondence dated 02 April 2019 (Appendix B).
19. The following recommendations as included in the Botanical Impact Assessment Report (dated 08 June 2018 and compiled by Nick Helme Botanical Surveys) must be implemented:
 - 19.1. All plants of the near threatened Succulent *Lampranthus explanatus* must be translocated to a suitable receiving site (either Penhill Conservation area or the Haasendal Conservation area).
 - 19.2. All bulbs that can be translocated must be done to a suitable receiving site.
 - 19.3. The translocation details must be managed and overseen by a botanical specialist.
 - 19.4. Translocation must occur prior to the commencement of the proposed development.
 - 19.5. The topsoil of the trench of the bulk sewer pipeline must be kept aside and used for rehabilitation and final infill.
20. The mitigation measures as contained in the Visual Impact Assessment Report (dated 04 June 2018 and compiled by VRM Africa) must be implemented (herewith attached as Appendix C).
21. 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.
22. All noise and sounds generated during the proposed development must comply with the relevant SANS codes and standards and the relevant noise regulations.
23. Dust suppression methods must be used to mitigate dust during the development phase. No potable water must be used for dust suppression. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must be implemented instead.
24. The use of all generators on site must include the use of drip trays.
25. The following conditions regarding the temporary storage of fuel on site during construction must be complied with:
 - 25.1. The combined capacity of the temporary fuel storage tanks must not exceed 30m³;
 - 25.2. Temporary fuel storage tanks must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground; and
 - 25.3. Temporary fuel storage tanks must be designed and installed in accordance with relevant SANS codes. The tanks must be constructed to conform to the requirements of all relevant legislation.
26. The following water, energy and resource demand management and efficiency devices and fittings must be incorporated and implemented in the development:

- 26.1. All toilets must have interruptible flush mechanisms that allows for complete control over flushing by the user unless the cistern is supplied with a fitted weight (to interrupt the flow) or a hippo pack or any water replacement pack/device to reduce the amount of water lost in a single flush;
 - 26.2. All toilet cisterns must have a capacity of less than 9 litres;
 - 26.3. No automatic flush urinals are to be installed;
 - 26.4. All taps used must include an aerator that reduces the flow of water by at least 30% or to 6 litres/minute.
 - 26.5. Shower heads must be adjustable to reduce the water flow or have a built-in water restrictor/aerator that reduces the water flow to at least 10 litres/minute;
 - 26.6. Energy saving lightbulbs such as Compact Fluorescent Light's (CFLs) and Light Emitting Diode's (LEDs) must be installed instead of incandescent bulbs except where the quality of the light is not sufficient for high precision work and reading;
 - 26.7. Where applicable, rain water harvesting from roofs must be considered; and
 - 26.8. The installation of solar water geysers and solar photovoltaic panels for the generation of some of the electricity requirements must be considered for all buildings.
27. Employment opportunities must be afforded to the local community (as far as possible) during development.

F. GENERAL MATTERS

1. The holder is 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.
2. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
3. The applicant must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
4. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) of the environmental authorisation to the Competent Authority where any detail or scope with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated.
5. 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.
6. Non-compliance with a condition of this environmental authorisation or EMPr may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder) must –
 - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision:
2. An appellant (if NOT the holder) must –
 - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of the decision.
3. The holder (if not the appellant), the decision-maker, I&AP and 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. This appeal and 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: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 the office of the Minister 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 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 development or operation subsequent to development 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: 03/05/2019

Copies to: (1) Ms. K. Jones (Aurecon)
(2) Mr. A. Forbes (City of Cape Town)
(3) Mr. A. Oosthuizen (DEA&DP: DDF)

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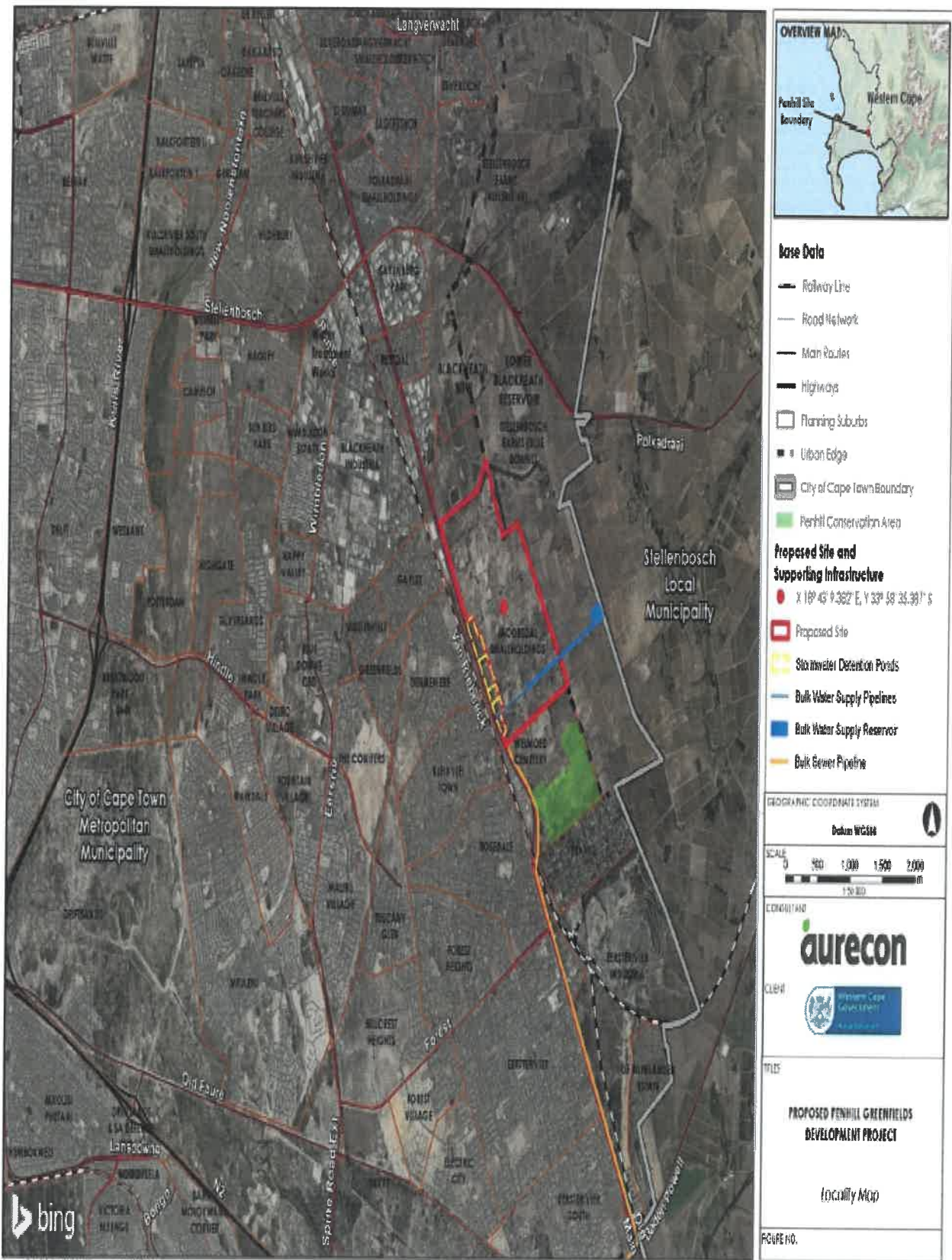
EIA REFERENCE NUMBER:

16/3/3/2/A4/17/3002/18

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000369/2018

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The listed activities applicable in terms of the NEMA EIA Regulations as amended on 07 April 2017.
- b) The information contained in the amended application form dated 11 April 2019 and received by the competent authority on 18 April 2019, the EIAR received by the Competent Authority on 18 April 2019 and the EMPr submitted together with the EIAR;
- c) The assessment of the activities in the EIAR received by the Competent Authority on 18 April 2019;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- e) 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);
- f) The comments received from interested and affected parties and the responses provided thereon, as included in the EIAR received by the Department on 18 April 2019; and
- g) 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 ("PPP") included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activities are to be undertaken;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities; and
- the placing of a newspaper advertisement in the 'Cape Times', 'Die Burger' and the 'Tygerburger' on 29 March 2019.

Concerns were raised by a number of I&APs. The concerns focus mainly on the following:

- Increase in crime;
- Transport for new people;
- Devaluation of properties;
- Lack of job opportunities in the surrounding area;
- Traffic impacts
- Visual impacts; and
- Impacts on vegetation and watercourses.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Various layout alternatives were investigated. The preferred alternative (herewith authorised) will entail the removal of indigenous vegetation and the infilling of watercourses to establish a mixed use development and associated infrastructure on the Farm Jacobsdal No. 410 (Remainder of Portion 3, Remainder of Portion 8 and Remainder of Portion 22) and Farm Welgemoed Estate No. 468 (Remainder of Portion 5, Remainder of Portion 25, Remainder of Portion 26, Remainder of Portion 31, Remainder of Portion 36, Remainder of Portion 42, Portions 32 and 35), Eersterivier.

The proposed development will include the following:

- A residential component;
- A commercial and industrial component;
- An agricultural component;
- A temporary sewage package plant;
- Community facilities, schools, places of worship, crèche, sportsfields, open spaces and parks; and
- Associated infrastructure (roads, pipelines, reservoir, stormwater and electricity infrastructure).

"No-Go" Alternative

The "no-go" alternative was not considered appropriate as there is a great need for housing opportunities in the area. The potential impacts associated with the proposed development are regarded as acceptable and with the implementation of the environmental authorisation and the EMPr, will be managed to acceptable levels.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The provision of housing and services to communities is considered a priority, and is an ongoing issue of national importance. The proposed development will assist in alleviating the housing shortage in the area and other areas in the City by providing new housing opportunities.

The proposed development is located inside the urban edge of the City of Cape Town and the local municipality has confirmed that the necessary services are available to accommodate the proposed development.

3.2. Biophysical Environment

According to the Botanical Impact Assessment Report (dated 08 June 2018 and compiled by Nick Helme Botanical Surveys), the vegetation occurring on the site is Cape Flats Sand Fynbos classified as a critically endangered ecosystem in terms of the National Environmental Management: Biodiversity Act of 2004 ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, December 2011). The majority of the site supports little or no vegetation of conservation significance due to ongoing disturbances, including human settlement, heavy grazing, dumping and small scale cultivation. One species of conservation concern was observed on the site. Approximately 90% of the site is considered to be of low to low – medium botanical sensitivity, with the remainder being of medium to medium – high botanical sensitivity. The vegetation considered to be of medium to medium - high sensitivity is approximately 9ha and will be lost as a result of the proposed development. A biodiversity offset will be implemented to compensate for the loss of vegetation classified as a critically endangered ecosystem.

3.3. Freshwater Impacts

According to the Freshwater Impact Assessment Report (dated June 2018 and compiled by Blue Science) drainage channels and approximately 41ha of wetland habitat occur on the proposed site. The drainage channels located on the proposed site is considered to be largely modified and of low ecological importance and sensitivity and the wetlands are considered to be moderately modified with a moderate ecological importance and sensitivity. The proposed development will result in the loss of all the aquatic habitat on the proposed site. A wetland offset will be implemented to compensate for the loss of aquatic habitat. The Department of Water and Sanitation has indicated in comment (dated 01 November 2018) that the current wetland offset that is being proposed seems feasible and may meet Departmental requirements. The wetland offset will be finalised with the Department of Water and Sanitation. This Department concurs.

3.4. Visual Impacts

According to the Visual Impact Assessment Report (dated 04 June 2018 and compiled by Visual Resource Management Africa cc) that the proposed development will result in a change in the landscape character of the site and will have a negative visual impact on the surrounding area. The specialist report further indicates that the visual contrast generated by the proposed development can be accommodated by the high visual absorption capacity of the surrounding built environment. The specialist further indicates that given the socio-economic benefits of the proposed development the "no-go" option is not supported and that the mitigation measures as highlighted in the specialist report must be implemented to minimise potential negative visual impacts.

3.5. Heritage Impacts

Based on the Heritage Impact Assessment Report (dated 24 May 2018 and compiled by ACO Associates cc) the possibility that palaeontological resources may be impacted on as a result of the proposed development is low. In addition, no archaeological material and graves were identified on the proposed site. Heritage Western Cape in comment (dated 11 February 2019) indicated that the HIA met the requirements of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) and that they have no objection to the proposed development.

3.6. Traffic Impacts

Based on the Transport Impact Assessment Report (dated May 2018 and compiled by WSP) the proposed development will result in additional traffic on the road network. The report further indicates that some intersections that will be impacted upon as a result of the proposed development is operating at unacceptable levels of service and requires upgrading. These intersections will be upgraded as part of the proposed development.

3.7. Socio Economic Impacts

According to the findings of the Social Impact Assessment (dated June 2018 and compiled by Tony Barbour Environmental Consulting and Research) the proposed development will result in a number of positive social benefits for the community and the area as a whole. The positive social benefits include the provision of low cost housing, creation of employment and business opportunities and the establishment of schools and early childhood development facilities. The proposed development will assist to address the housing backlog in the City of Cape Town.

The potential negative impacts associated with operation of the proposed development (impact on adjacent communities due to influx of people from the outside area, impacts on adjacent farms, safety risks to pedestrians and motorists associated with increased pedestrian traffic in the area, pressure on existing services and increased risk of service delivery protests) has been assessed as being of low negative significance after mitigation and the potential impact on the surrounding property values have been identified as being of medium negative significance should the mitigation measures contained in the specialist report be implemented. The potential negative impacts associated with the development phase of the proposed development have also been indentifeid as being of low

negative significance should the mitigation measures contained in the specialist report be implemented.

3.8. Groundwater Impacts

The Geohydrological Impact Assessment Report (dated April 2018 and compiled by Aurecon), indicates that no significant impacts on groundwater as a result of the proposed development are expected. The report further indicates that impacts on groundwater as a result of the development and operation has been identified as being of negligible significance.

3.9. Loss of Agricultural land

Based on the Agricultural Impact Assessment (dated April 2018 and compiled by Johan Lantz) the soil of the proposed site is rated as being of low agricultural potential due to the very low clay content and the leached nature of the upper soil horizons. This limits the water and nutrient holding capacity of the soil. The report further states that in light of the fact that the site has been identified as having low agricultural potential, the loss of agricultural land is not regarded as being of high negative significance.

3.10. Noise Impacts

All noise and sounds generated by the development will comply with the relevant SANS codes and standards and the municipal by-laws. Furthermore, noise impacts will be mitigated by the implementation of the conditions in this environmental authorisation and the EMPr.

3.11. Dust Impacts

Potential dust generated during the development will be mitigated by the implementation of the conditions of this environmental authorisation and the mitigation measures included in the EMPr. No potable water will be used to mitigate dust nuisance as far as is practically possible. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation) will be implemented instead.

3.12. Offsets

The preferred offset option to compensate for the loss of indigenous vegetation is to fund the restoration of protected areas of Cape Flats Sand Fynbos in the City of Cape Town and ongoing maintenance. An area of approximately 50.75ha will be restored and managed to compensate for the loss of Cape Flats Sand Fynbos.

The proposed wetland offset to compensate for the loss of wetlands on the proposed site will include the creation or enhancement of approximately 24.6ha wetland areas that would primarily be for stormwater. The extension of stormwater detention ponds adjacent to the site to within the site and creation of additional stormwater features within the powerline servitude. A wetland area will be created in the south-western extent of the site and the north-western wetland will be retained and enhanced.

3.13. Impact Assessment and significance rating

3.13.1. The loss of indigenous vegetation as a result of the development phase has been identified in the EIAR as being of moderate negative significance after mitigation. Operational phase impacts have been identified in the EIAR as being of minor negative significance after mitigation. A biodiversity offset will be implemented to compensate for the loss of indigenous vegetation. The impacts will be further mitigated by the implementation of the EMPr and conditions of this environmental authorisation.

3.13.2. The loss of watercourses located on the proposed as a result of the development phase have been identified in the EIAR as being of moderate negative significance after mitigation. Operational phase impacts have been identified in the EIAR as being of minor to moderate

negative significance after mitigation. A wetland offset will be implemented to compensate for the loss of wetlands on the proposed site. The impacts will be further mitigated by the implementation of the EMPr and conditions of this environmental authorisation.

- 3.13.3. Potential visual impacts associated with the development phase have been identified in the EIA as being of minor to moderate negative significance after mitigation. Operational phase impacts have been identified in the EIA as being of minor negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.13.4. Potential impacts on heritage resources as a result of the development phase have been identified in EIA (specialist report) as being of negligible negative significance after mitigation. Operational phase impacts on heritage resources have been identified in the EIA as being of moderate negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.13.5. Potential traffic impacts as a result of the development phase have been identified in EIA (specialist report) as being of negligible to minor negative significance after mitigation. Operational phase traffic impacts have been identified in the EIA as being of moderate negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.13.6. Potential socio-economic impacts as a result of the proposed development have been identified in EIA as being of minor, moderate and major negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.13.7. The potential impacts on groundwater as a result of the development phase have been identified in EIA as being of negligible negative significance after mitigation. Groundwater impacts during the operational phase have been identified in the EIA as being of minor negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.13.8. The potential loss of agricultural land as a result of the development phase has been identified in EIA as being of moderate negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.13.9. Potential noise impacts as a result of the proposed development have been identified in the EIA as being of negligible negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.

National Environmental Management Act Principles

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

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

The development will result in both negative and positive impacts.

Negative Impacts Include:

- Loss of indigenous vegetation;
- Loss of aquatic habitat and potential groundwater impacts;
- Loss of agricultural land;
- Potential visual impact;
- Potential traffic impacts; and
- Potential noise and dust impacts.

Positive impacts Include:

- Provision of housing, commercial and industrial opportunities in the area;
- Some employment opportunities;
- Optimal use of available land in the area; and
- Improving the living conditions of communities.

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of the 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.”*

-END-

APPENDIX A

THE RECOMMENDATIONS AS INCLUDED IN THE FINAL COMMENT FROM HWC (DATED 11 FEBRUARY 2019)

Our Ref: HM/CAPE TOWN METROPOLITAN/EERSTE RIVER/PENHILL ESTATE
Case No.: 17041204AS0504M
Enquiries: Andrew September
E-mail: andrew.september@westerncape.gov.za
Tel 021 483 9543
Date: 11 February 2019



Kirsten Jones
AURECON
PO Box 494
Cape Town
8000

FINAL COMMENT
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

FINAL COMMENT: PROPOSED PENHILL GREENFIELDS DEVELOPMENT PROJECT, PORTION OF WELMOED ESTATE, EERSTE RIVER, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 17041204AS0504M

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on December 2018. This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 16 January 2019. The Committee noted that:

The DEA&DP have granted an extension to this application in order to allow the EAP to address issues raised in respect of compliance with s38(3) of the NHR Act, as per the Final Comment issued by HWC on 08/10/2018.

Ms Heyns provided the Committee with a Power Point presentation that further described and illustrated the nature of the proposed development, and the visual impacts of the development on the adjacent cultural landscape.

It was noted that previous concerns which had been raised by the Committee included:

More details required as to what the proposals were.

The Committee noted that the nature of the development had now been adequately described.

Concerns with the interface on the adjacent Cape Winelands cultural landscape.

The additional visual information submitted, as well as a better understanding of the nature and scale of development along the edges of the site addressed the Committee's concerns previously held in this regard.

It was noted that in this particular context a strong visual and built edge is often a better solution than a fragmented edge, which invariably leads to incremental urban sprawl in the future.

The Committee was further satisfied with the proposed agricultural buffer between the built edge and the identified cultural landscape within the Stellenbosch Municipal Area immediately adjacent to the site.

It did however recommend that existing elements on the site, such as Blue Gumtree lines are either retained or are used as examples of place making elements

The existing on-site farmers.

www.westerncape.gov.za/cas

Street Address:

• Tel:

Straatadres:

• E-mail:

• Postal Address:

• Posadres:

Our Ref: HM/CAPE TOWN METROPOLITAN/EERSTE RIVER/PENHILL ESTATE
Case No.: 17041204AS0504M
Enquiries: Andrew September
E-mail: andrew.september@westerncape.gov.za
Tel 021 483 9543
Date: 11 February 2019



The Committee noted that the informal farmers in the area are recent arrivals, and have no direct historic or cultural ties to the site. As such, any other social issues in this regard, are outside of the competence of the Committee to comment on.

The Committee noted that these issues had all been adequately addressed in the additional documentation submitted, and resolved that s38(3) of the NHR Act had been complied with.

FINAL COMMENT

The Committee endorsed the HIA as having met the requirements of s38(3) of the NHR Act and have no objections to the development proceeding.

It is recommended that the Consenting Authority includes the following conditions as generally recommended by the heritage consultant, in its final decision.

- As a precaution for the control of un-anticipated archaeological finds, especially graves, an archaeologist must make weekly site visits during bulk excavation work for site clearing and services, in order to stay in touch with the project, the personnel, and to inspect trenches.
- If a grave or human remains are accidentally found, the site of the find must be left as undisturbed as possible (treated as a crime scene) and immediate contact be made with an archaeologist and the South African Police Services. Archaeological graves and crime scenes require expertise to resolve.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully


.....
Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/cas

Street Address:

• Tel

• E-mail

• Postal Address

Straatadres:

• Posadres

APPENDIX B

AGREEMENT WITH RESPECT TO THE BIODIVERSITY OFFSET (DATED 02 APRIL 2019)



DEA&DP Reference No.: 16/3/3/2/A4/17/3002/18

02 April 2019

ATTENTION: MELANESE SCHIPPERS

WESTERN CAPE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT-PLANNING
Directorate: Development Management (Region 1)
7th Floor, Utilitas Building,
1 Dorp Street
CAPE TOWN
8000



Dear Ms Scippers

PROPOSED PENHILL GREENFIELDS DEVELOPMENT PROJECT, CAPE TOWN SUBMISSION OF NOTICE OF INTENT (DEA&DP Ref: 16/3/3/2/A4/17/3002/18)

The Department's correspondence dated 17 July 2018 and 11 September 2018 regarding the requirements of the Final Environmental Impact Assessment Report (EIAR) for the above-mentioned project has reference. The purpose of this letter is to provide the Department of Environmental Affairs and Development Planning (DEA&DP) with a notice of Intent to submit an "in principle agreement" between the Applicant, the Department of Human Settlements and the NPO, Cape Town Environmental Education Trust (CTEET).

The Department of Human Settlements has reached an in principle agreement with CTEET for the payment of a contribution into the NPO trust fund, principally to support restoration and maintenance of priority sites of Cape Flats Sand Fynbos within formally protected conservation areas within Cape Town which are currently in a degraded state.

As recommended in the Final EIAR, prior to any commencement of any listed activity, the Department of Human Settlement, as the Applicant, commits to:

- Finalise a legal agreement with an appropriate Non-Profit Organisation (NPO) to receive, manage, disburse and report on use of offset funds in order to meet the provisions below. This agreement will include a mechanism whereby decisions on the disbursement of funds are made jointly by an advisory panel comprising representatives of the City of Cape Town's Biodiversity Management Branch, CapeNature and DEA&DP Biodiversity; and

- The Department commits to contribute towards the NPO trust fund, principally to support restoration of priority sites of Cape Flats Sand Fynbos within formally protected conservation areas within the City of Cape Town which are currently in a degraded state and their subsequent maintenance. Should areas of Cape Flats Sand Fynbos in urgent need of acquisition be identified, which could help to consolidate current protected areas within the City of Cape Town, a portion of the funds could be used to this end, provided that such action is endorsed by the advisory panel. Only in exceptional circumstances, where poorly protected, Critically Endangered vegetation of another vegetation type is deemed to be in urgent need of restoration or acquisition, could a portion of the funds be used for this purpose, provided that such action is endorsed by the advisory panel; and
- Such payment shall only occur based on the submission and approval by the Department of a detailed business plan as prepared by the NPO trust fund and supported by the advisory panel, describing the permissible disbursement of the funds; and
- This payment may not exceed the preliminary estimated costs as calculated by the specialist consultants without acceptable motivation, as included in the Final EIAR, which was based on available information at the time and a number of assumptions.

We trust the above will suffice in making your decision, please do not hesitate to contact us should you wish to clarify anything further.

Yours faithfully



THANDO MGULI
HEAD OF DEPARTMENT
DATE: 02 APR 2019

Yours faithfully



ANTHONY ROBERTS
CHIEF EXECUTIVE OFFICER: CTEET
DATE: 09 April 2019

APPENDIX C

THE MITIGATION MEASURES AS CONTAINED IN THE VISUAL IMPACT ASSESSMENT REPORT (DATED 04 JUNE 2018 AND COMPILED BY VRM AFRICA)

7 ENVIRONMENTAL MANAGEMENT PLAN

1.1 Built Infrastructure

1.1.1 Pre-Construction Phase

Landscape Planning

- A landscaping plan needs to be compiled by a landscape architect in conjunction with a representative from the CoCT that will provide for long term maintenance of the landscaping / feature trees. The landscape plan needs to define the tree types, strategic planting locations and avenue tree spacing and patterning.
- The landscape plan needs to incorporate feature trees / shrubs to soften the commercial units as well as the Sewerage Processing Plant positioned along Van Riebeeck Road, avenues of trees along the main internal roads, trees incorporated within the Public Open Spaces, as well as the between the flats overlooking the storm water ponds.
- The storm water ponds should be incorporated into the landscape plan and planned as functional space and utilised by the community so as to ensure that this large area located adjacent to Van Riebeeck Road is not littered and degraded.

General Planning

- Design effective street lighting such that the street security is ensured without resulting in significant increases in light spillage to the eastern rural areas. Overhead mast lighting should not be considered.
- Incorporate a range of natural colour themes with a grey hue into the colour scheme of the development to allow for a blending to the green and brown colours of the rural areas to the east.
- Incorporate structure height phasing from the west to the east, with *residential* structures within the Class III areas restricted to four storeys in height. The heights of the structures along Van Riebeeck Road should be of a similar scale to the Blackheath commercial units located to the north-west of the property.
- Accentuate the stepped back theme for the mixed-use structures located in close proximity to Van Riebeeck Road allowing for better opportunities for tree plantings.

1.1.2 Construction Phase

- Effective management of the earthworks to ensure that available topsoil is stockpiled and best practice dust suppression measures are timeously implemented to reduce vehicle and wind blown dust.
- Prior to commencement of construction, the eastern boundary of the site needs to be fenced off to restrict access to the eastern Winelands areas. Un-authorized access to the winelands area has been identified by the SIA as a risk to the economic viability of this cultural landscape. The fence needs to be a concrete pillar fence, and extended from the existing concrete pillar fence constructed along the eastern boundary of the property, and join with existing security fencing along the Blackheath Water Treatment Works.
- Construction should take place only during the daytime and not over weekends.
- Implementation of the landscaping plans.

- Implementation of litter prevention measures during construction.

1.1.3 Operation Phase

- Continued maintenance of the landscaping areas and street trees.
- Continued maintenance of the security fencing between the proposed site and the eastern winelands areas.
- Effective rubbish deposit and removal systems set in place as recommended in the Waste Impact Assessment (Aurecon, 2018).

1.2 Reservoir Infrastructure

1.2.1 Pre-Construction Phase

- NA

1.2.2 Construction Phase

- Embanking of the soil around the outside of the reservoir to cover all large concrete surface areas, reducing visual intrusion as per the precedent set by the existing Blackheath water reservoir.
- Cover the top of the reservoir with brown coloured stone to reduce colour and texture contrast as seen from the higher elevated Polkadraai / M12 area.
- Rehabilitation of the embankment area to grass vegetation to reduce erosion.
- Ensure that access to the area from the urban areas is controlled such that adjacent farming activities are not jeopardised.

1.2.3 Operation Phase

- Continued routine maintenance of the embankment walling to ensure that soil erosion does not occur.
- Ensure that access to the area from the urban areas is controlled such that farming activities are not jeopardised.

1.3 Sewerage Infrastructure

1.3.1 Construction Phase

- Any built surfaces or structures need to be replaced. Once the pipeline has been covered, the previously grassed areas need to be rehabilitated as specified in the Botanical assessment.

1.3.2 Operation Phase

Reconstruction, rehabilitation and restoration as required following maintenance activities. Following a maintenance event, any built surfaces or structures need to be replaced.