



REFERENCE: 16/3/3/2/A6/45/2012/21
NEAS REFERENCE: WCP/EIA/0000882/2021
DATE OF ISSUE: 07 February 2022

The Board of Directors
Red Cliff Property (Pty) Ltd.
P.O. Box 48932

KOMMETJIE
7976

Attention: Mr. Gerhard Johann van der Horst

E-mail: info@imhofffarm.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED USE DEVELOPMENT ON THE REMAINDER OF CAPE FARM NO. 1529 ("IMHOFF FARM") AND ERF NO. 5112, KOMMETJIE.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Nick Steytler (KHULA Environmental Consultants)
(2) Mr. Andy Greenwood (City of Cape Town)

E-mail: nick@khulaec.co.za
E-mail: Andrew.greenwood@capetown.gov.za



ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED USE DEVELOPMENT ON THE REMAINDER OF CAPE FARM NO. 1529 (“IMHOFF FARM”) AND ERF NO. 5112, KOMMETJIE.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the EIA Report dated September 2021.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Red Cliff Property (Pty) Ltd.
c/o Mr. Gerhard Johann van der Horst
P.O. Box 48932
KOMMETJIE
7976

Tel.: (021) 783 1704
Fax: (086) 672 0529
E-mail: info@imhofffarm.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 28: <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) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i> or (ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes”.</i></p>	<p>The proposed site was zoned and used for agricultural use on or after 01 April 1998 and is located outside the urban area.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 2 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 15: <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> (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan”.</i></p>	<p>More than 20ha of indigenous vegetation will be cleared.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that</i></p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p><i>has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <ul style="list-style-type: none"> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> <i>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</i> <i>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".</i> 	
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The abovementioned list is hereinafter referred to as "the listed activities".

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

The proposed development entails the establishment of a mixed-use development on Remainder Cape Farm No. 1529 ("Imhoff Farm") and Erf No. 5112, Kommetjie as follows:

Retirement village:

- A 167 single unit retirement complex (approximately 5.1ha);
- 74 retirement apartments (approximately 1.6ha);
- A private open space (approximately 0.1ha); and
- A private road (approximately 1.8ha).

Mixed use remainder:

- 105 single residential erven (approximately 8.8ha) including 6 equestrian residential erven (approximately 2.85ha);
- 77 residential apartments (approximately 1.4ha);
- A commercial development (approximately 2.8ha);
- A private open space (approximately 13.3ha);
- Private roads (approximately 3ha);
- A public footpath (approximately 0.8ha); and
- Public roads (approximately 0.6ha).

Environmental conservation area:

Approximately 20ha of land of high conservation value will be set aside to maintain the ecological connectivity between parts of Table Mountain National Park ("TMNP") to the north and south of the site. The designated ecological corridor will be ceded to the relevant conservation authority when all the requisite approvals have been granted.

The proposed development further entails the replacement/upgrading of the boundary fence which will traverse the eastern watercourse on the site. However, this does not trigger any listed activities in terms of the EIA Regulations, 2014 (as amended).

Clearance of indigenous vegetation:

Approximately 3.6ha of high sensitivity vegetation will be cleared with approximately 10-30% of the site populations of eleven Plant Species of Conservation Concern also being lost. Approximately 8.7ha of medium sensitivity vegetation will be cleared as well as approximately 10ha of low sensitivity vegetation.

Traffic and access:

The site currently has one access point off Kommetjie Main Road at the Slangkop intersection, which will be the primary access to the proposed development. Each component of the development will have its own access off an internal public road with the residential accesses being access controlled. A new left-in, left-out access is proposed off Kommetjie Main Road for the proposed shopping centre.

Capacity improvements are required at the Kommetjie Road/Slangkop Road intersection, including the installation of traffic signals. A median barrier is also required at the proposed left-in, left-out access.

Minor Road No. 5 will be downgraded to a pedestrian footpath in terms of the relevant provincial legislation. The Minor Road, which is described as a 20m wide road reserve will be reduced to an 8m wide cleared route between the western boundary of the proposed development and the biodiversity corridor. The 8m wide cleared route accommodates part of a 15m wide firebreak along the western boundary and an approximately 3m wide footpath cleared for public use to reach the beach.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on the remaining extent of Cape Farm No. 1529, known as "Imhoff Farm" and Erf No. 5112, Kommetjie.

Two schools, the Imhoff Waldorf School and Imhoff Generation Schools, currently operate on separately-owned land within the site. The two linked portions of land are accessed via a recently constructed road from the south off Kommetjie Road.

To the north and southwest of the site is the TMNP (the Noordhoek Wetlands lie to the northwest and Slangkop Mountain to the southwest). Ocean View is located immediately south of the site, immediately south of Kommetjie Road. Blue Water Estate is located immediately east of the site and immediately west of the site lies the coastal town of Kommetjie.

The SG 21-digit codes are:

Remainder of Cape Farm No. 1529:	C01600000000152900000
Erf No. 511:	C01600280000511200000

Co-ordinates:

Remainder of Cape Farm No. 1529:

Latitude: 34° 08' 22.35" S
Longitude: 18° 20' 53.75" E

Erf No. 5112:

Latitude: 34° 08' 06.96" S
Longitude: 18° 20' 44.17" E

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

hereinafter referred to as “the site”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

KHULA Environmental Consultants
c/o Mr. Nicholas Sean Steytler
P.O. Box 22761
SCARBOROUGH
7975

Tel.: (021) 783 4565
Fax: (086) 694 6901
E-mail: nick@khulaec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the EIA Report dated September 2021 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of fifteen (**15**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14, 22.2 and 22.6.

Management of activity

10. The draft Environmental Management Programme ("EMPr") dated September 2021 (as compiled by KHULA Environmental Consultants) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three (3) months after commencement of the construction phase to the relevant competent authority;

- 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

Specific conditions

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

bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

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

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. As per the recommendations provided in the Botanical Impact Assessment Report dated 13 July 2021 and compiled by Nick Helme Botanical Surveys, as included in the EMPr, the following must be implemented:
 - 22.1 The Home Owners Association ("HOA") must enforce and oversee all the requirements within the EMPr, and any additional mitigation requirements as per this Environmental Authorisation.
 - 22.2 The approved development footprint must be clearly demarcated and fenced-off with temporary fencing and shade cloth up to 1m from ground level before commencement of construction, to avoid damage to adjacent areas and to prevent sand drift.
 - 22.3 Only the outer boundary of the overall complex of the high density areas (such as the retirement centres) must be demarcated.
 - 22.4 Only the individual clusters in the general residential areas must be demarcated.
 - 22.5 The ecological corridor of approximately 20ha must be transferred for inclusion into the Table Mountain National Park within three years of this Environmental Authorisation, subject to the conclusion of a purchase or donation agreement between the holder and the relevant conservation agency. The holder must provide a status report to the competent authority every six months regarding this process.
 - 22.6 Proof of the final transfer must be submitted to the competent authority for records purposes.
 - 22.7 At least 50% of the designated ecological corridor must be burnt before commencement of any development on site and the fire must be undertaken in autumn (March or April) for optimal ecological results.
 - 22.8 Most of the woody invasive alien vegetation on the site must be removed within two years of this Environmental Authorisation.
 - 22.9 Annual follow-up operations must be undertaken every year thereafter, to ensure that within four years of this Environmental Authorisation, that the overall woody alien plant cover on the site is less than 0.1%.
 - 22.10 The large stone pines (*Pinus pinea*) of more than 5m, Aleppo pines (*Pinus halepensis*), and some gum (*Eucalyptus*) trees along Kommetjie Road do not have to be removed from within the development envelopes and can be excluded from the 0.1% figure as per the approved alien control plan.
 - 22.11 All alien invasive vegetation removal must be undertaken by a professionally trained alien clearing team from the area, as per the approved alien control plan, and using approved methodology.
 - 22.12 Invasive alien plant species may not be cultivated or introduced anywhere on site or within the development envelopes.
 - 22.13 Lawn grass such as *Pennisetum clandestinum* (kikuyu) may not be planted or maintained adjacent to or within 20m of any existing boundary of the TMNP or the boundary of the ecological corridor.

- 22.14 Alien invasive plant clearing must be audited by an independent botanist within two years of this Environmental Authorisation, and again four and six years later to check that alien invasive vegetation has been properly controlled on site.
- 22.15 A suitably qualified professional with experience of plant search and rescue must be appointed to implement and oversee the extensive plant search and rescue programme within the approved development and infrastructure footprints as follows:
 - 22.15.1 All succulents, bulbs and any other translocatable species (such as various smaller shrubs or restios) must be rescued.
 - 22.15.2 The existing plant nursery on the farm must be used for cultivation of all plant material rescued from the development footprints on site.
 - 22.15.3 The specimens must be maintained in the nursery until such time that rehabilitation of disturbed roadsides and any other areas (private or public) is undertaken, whereupon the specimens must be used for rehabilitation, with planting out in early winter (May - June).
- 22.16 The firebreaks must be brush cut to a height of no lower than 80mm once per year in early November and the soils in these areas must not be disturbed by any mechanical means such as rippers, ploughs or scrapers.
- 22.17 The footpath to Kommetjie may not be more than 2.5m wide.
- 23. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 23.1 Dual-flush toilet systems.
 - 23.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 23.3 Water-wise landscaping must be done.
- 24. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 24.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 24.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Streetlights must be switched off during the day.
 - 24.3 All geysers must be covered with geyser "blankets".
 - 24.4 The installation of solar water heaters and solar panels must be considered for all buildings.

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 activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this

regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (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.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

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 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: Attention: Mr. Marius Venter
Western Cape Ministry of Local Government, Environmental
Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (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 DEADP.Appeals@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 DEADP.Appeals@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 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)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 07 FEBRUARY 2022

CC: (1) Mr. Nick Steytler (KHULA Environmental Consultants)
(2) Mr. Andy Greenwood (City of Cape Town)

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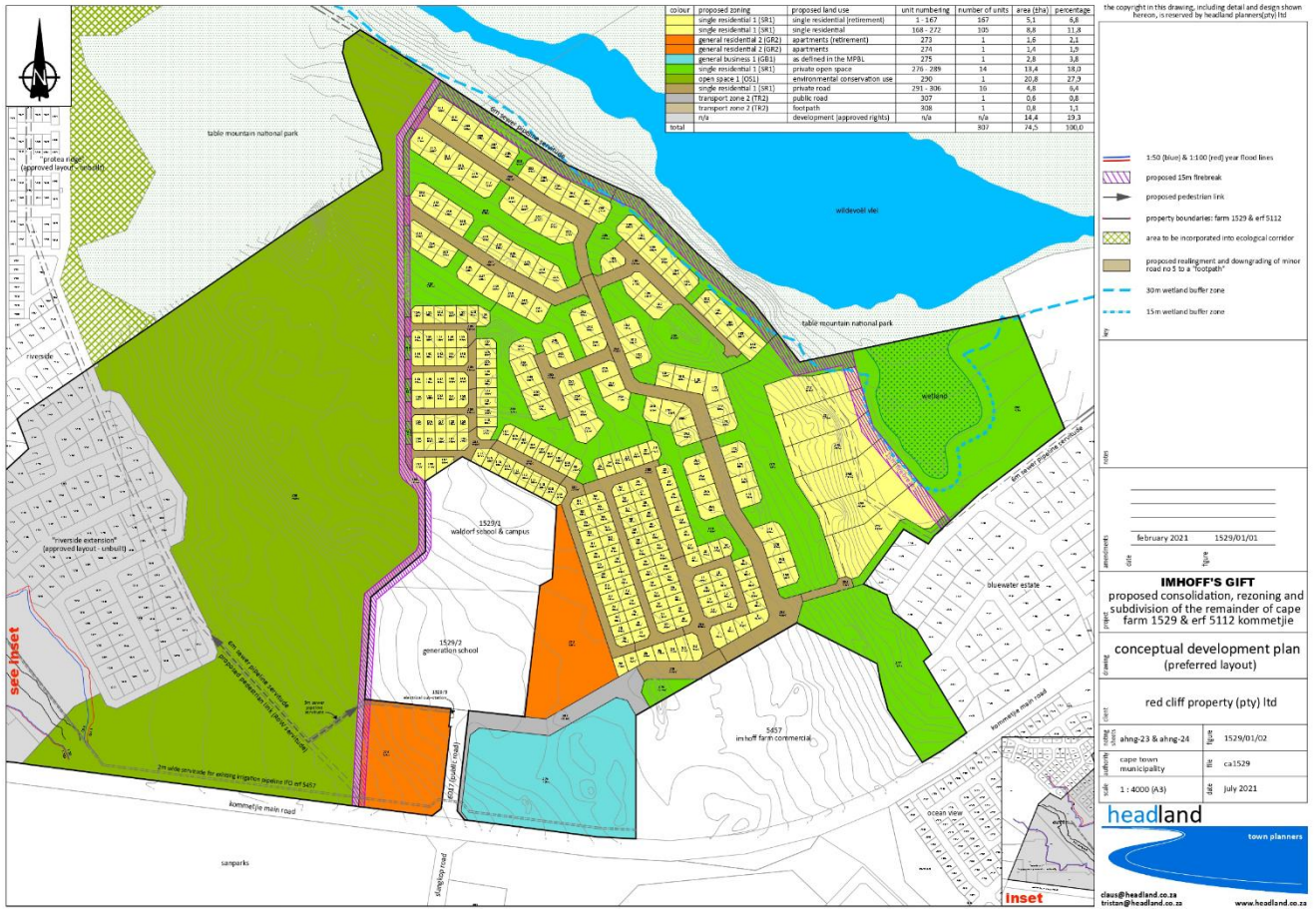
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/2/A6/45/2012/21
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ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



Preferred route alignment for Minor Road No. 5:

Alternative 3 (green): along the western perimeter of Ocean View, to align with the Kommetjie Main Road/Slangkop Road intersection, then along the western boundary of the proposed development in a formalised footpath.



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated 09 March 2021, as received by the competent authority on 16 March 2021; the final Scoping Report dated May 2021, as received by the competent authority on 05 May 2021; the amended application form received by the competent authority on 01 July 2021; the final EIA Report dated September 2021, as received by the competent authority on 30 September 2021; and the EMPr submitted together with the final EIA Report;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the final EIA Report dated September 2021;
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit;

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

1. Public Participation

The Public Participation Process comprised of the following:

- Notification letters were posted via registered mail on 13 July 2020;
- E-mails were sent on 14 July 2020 and 15 July 2020 to announce the availability of the pre-application Scoping Report;
- A notice was placed on the boundary fence of Imhoff Farm;
- The owner or person in control of the site; the municipal ward councillor; the local municipality; Organs of State and relevant State Departments were notified via e-mail on 14 and 15 July 2020, respectively;
- An advertisement was placed in the "False Bay Echo" and "Cape Times" newspapers on 16 July 2020, respectively;
- The pre-application Scoping Report was made available from 16 July 2020 until 17 August 2020;
- E-mail notifications were sent on 30 March 2021 to announce the availability of the draft Scoping Report;
- The draft Scoping Report was made available from 30 March 2021 until 03 May 2021;
- E-mail notifications were sent on 19 July 2021 to announce the availability of the draft EIA Report;
- The draft EIA Report was made available from 19 July 2021 until 20 August 2021; and
- The Comments and Responses Report were sent via e-mail on 30 September 2021 to registered I&APs to show how their comments on the draft EIA Report were addressed.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- Heritage Western Cape;
- Western Cape Department of Education;
- Western Cape Department of Agriculture;

- Western Cape Department of Transport and Public Works;
- Department of Water and Sanitation;
- South African National Parks; and
- City of Cape Town.

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

2. Alternatives

The following layout alternatives were investigated:

Alternative layout:

This alternative entails the establishment of a mixed-use development on Remainder Cape Farm No. 1529 ("Imhoff Farm") and Erf No. 5112, Kommetjie as follows:

Retirement village:

- 6.7ha of single residential units;
- 1.6ha of retirement apartments;
- 0.15ha of private open space; and
- 2.5ha of private road.

Mixed use remainder:

- 6.8ha of single residential erven;
- 1.4ha of residential apartments;
- 2.8ha general business;
- 13.95ha of private open space;
- 3ha of private roads;
- A public footpath of 0.7ha; and
- 0.6ha public roads.

Approximately 19.26ha of land of high conservation value will be set aside to maintain the ecological connectivity between parts of TMNP to the north and south of the site.

This layout was discarded as the proposes retirement residential development to the west of the two school sites is encroaching onto the ecological corridor and will be associated with greater terrestrial biodiversity impacts owing to the increased loss of terrestrial habitat.

Preferred layout alternative – herewith authorised:

The preferred alternative entails the establishment of a mixed-use development on Remainder Cape Farm No. 1529 ("Imhoff Farm") and Erf No. 5112, Kommetjie as follows:

Retirement village:

- A 167 single unit retirement complex (approximately 5.1ha);
- 74 retirement apartments (approximately 1.6ha);
- A private open space (approximately 0.1ha); and
- A private road (approximately 1.8ha).

Mixed use remainder:

- 105 single residential erven (approximately 8.8ha) including 6 equestrian residential erven (approximately 2.85ha);
- 77 residential apartments (approximately 1.4ha);
- A commercial development (approximately 2.8ha);

- A private open space (approximately 13.3ha);
- Private roads (approximately 3ha);
- A public footpath (approximately 0.8ha); and
- Public roads (approximately 0.6ha).

Environmental conservation area:

Approximately 20ha of land of high conservation value will be set aside to maintain the ecological connectivity between parts of Table Mountain National Park ("TMNP") to the north and south of the site. The designated ecological corridor will be ceded to the relevant conservation authority when all the requisite approvals have been granted.

The proposed development further entails the replacement/upgrading of the boundary fence which will traverse the eastern watercourse on the site. However, this does not trigger any listed activities in terms of the EIA Regulations, 2014 (as amended).

Clearance of indigenous vegetation:

Approximately 3.6ha of high sensitivity vegetation will be cleared with approximately 10-30% of the site populations of eleven Plant Species of Conservation Concern also being lost. Approximately 8.7ha of medium sensitivity vegetation will be cleared as well as approximately 10ha of low sensitivity vegetation.

Traffic and access:

The site currently has one access point off Kommetjie Main Road at the Slangkop intersection, which will be the primary access to the proposed development. Each component of the development will have its own access off an internal public road with the residential accesses being access controlled. A new left-in, left-out access is proposed off Kommetjie Main Road for the proposed shopping centre.

Capacity improvements are required at the Kommetjie Road/Slangkop Road intersection, including the installation of traffic signals. A median barrier is also required at the proposed left-in, left-out access.

Minor Road No. 5 will be downgraded to a pedestrian footpath in terms of the relevant provincial legislation. The Minor Road, which is described as a 20m wide road reserve will be reduced to an 8m wide cleared route between the western boundary of the proposed development and the biodiversity corridor. The 8m wide cleared route accommodates part of a 15m wide firebreak along the western boundary and an approximately 3m wide footpath cleared for public use to reach the beach.

Reasons for the preferred alternative:

The preferred alternative will have a lower botanical impact than the alternative layout and will have the same level of negative impact associated with the no-go alternative, but with significant positive benefits for biodiversity that will not be realised with the no-go alternative. The preferred layout alternative is therefore the botanically preferred alternative.

The proposed mixed-use development will be on land that is considered highly transformed and degraded, whilst allowing for the establishment of a sufficiently sized ecological corridor and minimising the impact on Peninsula Sandstone Fynbos. The preferred alternative also allows for a slightly larger ecological corridor.

The proposed development will not result in the loss of wetland or riparian habitat. Disturbance of wetland habitat is expected along the construction footprint of the boundary fence where it traverses the eastern watercourse. With the implementation of the recommended mitigation

measures the potential impacts will be reduced to negligible levels. With the implementation of the recommended mitigation measures as included in the EMP, the impacts are both likely to decrease to a low negative significance. The freshwater specialist supports the proposal with the implementation of the recommended mitigation measures.

The following route alignment alternatives for Minor Road No. 5 were considered:

Three routes, commencing at a common point in the centre of Ocean View, were considered as follows:

- Alternative 1 (Orange): starts from central Ocean View via Milky Way and the western perimeter of Blue Water Estate, then along the pipeline servitude.
- Alternative 2 (Red): also via Milky Way, then routed through Imhoff Farm commercial and along the internal private road before joining the pipeline servitude.
- Alternative 3 (Green): Along the western perimeter of Ocean View, to align with the Kommetjie Main Road/Slangkop Road intersection, then along the western boundary of the proposed development in a formalised footpath.

Alignments 1 and 2 have an identical advantage in terms of fire defence. Alignment 2 offers a slightly improved access and is preferred to Alignment 1. Alignment 3 offers significant advantages over Alignments 1 and 2 in terms of both fire defence and access for fire vehicles. Since a road does not currently exist along the western boundary, fire risk is likely to be higher in this area and given the relatively straight alignment with no right angled turns, Alignment 3 is the preferred alignment from a fire perspective.

Alternative 3 is considered the preferred alignment for the following reasons:

- It provides the most direct route to the beach without having to cross private land;
- The risk of public vehicles utilising the road to access the beach is eliminated;
- It allows for the passive surveillance of the footpath and corridor beyond from the east;
- It also allow for the coordinated surveillance of marine poaching by the TMNP utilising development CCTV;
- It poses the least security risk to the proposed development and to the ecological corridor; and
- it allows for the establishment and maintenance of a firebreak between the development and the ecological corridor.

“No-Go” Alternative:

This alternative entails maintaining the *status quo* and as such, the site will not be developed. This alternative was not deemed as preferred as the proposed development will augment the economic activities, and the benefits to the holder and creation of jobs would not be realised. The “no-go” alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed development is aligned with the goals of the City of Cape Town's Integrated Development Plan (“IDP”) dated (2017-2022) as the site is located within an area that has development potential. The proposed development is considered to be aligned with the applicable spatial planning policy and is therefore considered to be consistent with the applicable approved spatial planning policy.

The site is located within the “*Incremental Growth and Consolidation Areas*” identified in terms of the City of Cape Town Municipal Spatial Development Framework (“MSDF”), (2018).

The IDP (2017-2022) promotes a more inclusive, integrated and vibrant city and also includes aspects such as job creation and investment facilitation. The site is located adjacent to Kommetjie and opposite Ocean View. The proposed development will create several positive impacts on the surrounding areas by providing employment and income. The proposed development will create a linkage between the two communities and address the spatial apartheid legacy. Additionally, several employment opportunities will be created by the proposed development. The proposed development will provide employment during the construction and operation phases. The proposed development will benefit the surrounding community by providing services such as retail and retirement. The residential development will attract new investments into the area.

The proposed development will allow for better optimisation of the land and provide a higher level of social and economic benefits as opposed to and is not envisioned to result in unacceptable cumulative socio-economic impacts from a socio-economic perspective.

The proposed mixed-use development will generate highly significant economic benefits for the local and regional economy as construction expenditure is estimated at R1.5 billion with this expenditure taking place over a significant number of years. Operational phase economic benefits, which will continue in the long term, will also be significant as spending in the retail and residential property maintenance sectors is likely to continue in perpetuity. Coupled with these economic benefits come significant social benefits associated with the employment opportunities (both temporary and permanent) that will be created in both the construction and operational phases. Given the importance of job creation in alleviating poverty in South Africa, employment creation opportunities associated with the proposed development represents a highly significant benefit.

In terms of the Southern District Plan (currently under review), the property is located within the urban edge and in an area earmarked for new urban infill.

Southern District Plan (2012):

The various District Plans of the City of Cape Town are currently under review to align the planning tools with the MSDP (2018). Until such time as the review of the District Plans is concluded, the only statutory district plans are the 2012 approved District Plans.

In terms of the Southern District Plan dated 2012, the site is located within the Far South sub-district (sub-district 4) and specifically refers to the site as a “new development area”, the Kommetjie: Wireless Road Area. Development of the site is therefore supported and in line with the Southern District Plan. However, a small pocket of land with the designation of “Core 2” exists directly to the west of the existing commercial node. As such, a deviation from the Southern District Plan is required to permit the development of this portion of property.

To address the need for services, the Southern District Plan recommends potential development densities, especially where substantial development is promoted. For Imhoff's Gift, a possible density yield of 500 units is recommended. The proposed development makes provision for a total of 423 residential units as well as a supplementary commercial component.

The density of the proposed development decreases from Kommetjie Main Road towards Wildevoëllei, where the densities are the lowest. Higher intensity development

is located closer to the road, where the best public transport and activity is apparent, with the development reducing in density closer to the northern boundary and Wildevoëlvllei. This will ensure a vibrant, active and dense interface with the road where most activity will be concentrated.

3.2 Botanical impacts

A Botanical Assessment Report dated 13 July 2021 and an Addendum to the Botanical Assessment were compiled by Nick Helme Botanical Surveys to assess the botanical impacts of the proposed development.

According to the specialist assessment report, parts of the site have a long history of agricultural occupation and are thus heavily disturbed. Dense unmanaged stands of various species of pine tree have been a prominent feature of the central part of the site for many decades, and goats and camels have grazed many areas quite heavily for about the last six years. The site is not known to have been burnt for over thirty years, and brush cutting is also not known to have taken place.

Invasive alien species were felled and the stumps treated about ten years ago, and today the invasive alien component is less than 5% cover and comprises of *Acacia saligna* (Port Jackson), *Pinus* sp. (pine) and occasional *Eucalyptus* (gum tree).

The site includes a significant part of and borders on the proposed Protea Ridge conservation corridor that links the Wildevoëlvllei and Noordhoek wetlands section of the TMNP with the Slangkop section of TMNP, south of Kommetjie Main Road. The site therefore includes part of the only viable remaining ecological link between the northern and southern parts of the TMNP, and thus has great regional conservation significance.

Approximately 40% of the site (26ha) has been mapped as a Critical Biodiversity Area ("CBA") 1a – Irreplaceable Core Flora Site; good condition in the City of Cape Town's Biodiversity Network mapping. Approximately 60% of the site is mapped as an Ecological Support Area ("ESA") in fair or poor condition.

A significant portion of the site comprises indigenous vegetation. The site contains both Peninsula Sandstone Fynbos and Hangklip Sand Fynbos. There are also (unmapped) thicket elements on site, and these are most typical of Cape Flats Dune Strandveld rather than Peninsula Sandstone Fynbos and Hangklip Sand Fynbos.

There are at least six plant Species of Conservation Concern in the area, and the likelihood that others occur is deemed to be fairly high, notably in the form of geophytes that will flower best only in the first few years after a fire.

There is no undisturbed, clearly defined patches of Cape Flats Dune Strandveld on the site, but are rather scattered throughout much of the site. Where Strandveld elements have been allowed to grow undisturbed, these have in some cases produced Thicket areas, which are typically composed of a limited number of trees and shrubs that usually occur within mature Strandveld. The most notable examples on site are the very large milkwoods which occur in scattered areas (about twenty trees in total), mostly near the farmhouse and the old Waldorff School, but also as other scattered trees in the northern parts of the site and two large specimens on Erf 5112. However, many were very heavily browsed by the camels on the property, and some smaller ones were even killed by heavy top-browsing.

Approximately 22.7ha (37%) of the site is of low botanical sensitivity, and includes all heavily disturbed and previously cultivated areas. No plant Species of Conservation Concern are expected to occur in these areas in viable or significant numbers, and rehabilitation potential is low. Indigenous plant diversity in these areas is very low and consists only of weedy, widespread species.

Approximately 21.6ha (35%) of the site is of high botanical sensitivity and includes all areas that were classified as being of very high sensitivity. At least 12 plant Species of Conservation Concern are known to occur in these areas in viable or significant numbers, with a good chance of there being perhaps two or three others still undetected. Although all the vegetation in these areas is senescent and in need of a fire, the vegetation can be considered to be in otherwise good condition and is still species rich.

Approximately 14.5ha (24%) of the site is of medium botanical sensitivity, and includes some areas that were previously classified as being of high and very high sensitivity by Helme (2005). Only two plant Species of Conservation Concern are known to occur in these areas, and none are considered to be significant at a site and regional scale. There is only a low likelihood of there being other undetected Species of Conservation Concern in these areas. The vegetation in these areas is senescent and in need of a fire, and is considered to be in poor to moderate condition, and is of only low to moderate diversity. Loss of these areas will have some negative botanical impacts at a local and regional scale, as both underlying vegetation types are regarded as threatened on a national basis, and the entire area mapped as high sensitivity is also a CBA1a in the City of Cape Town's Biodiversity Network. However, the impacts are likely to be relatively minor compared to loss of the high sensitivity areas.

An area of approximately 2.5ha has been mapped as being of medium to high sensitivity. This area was partly degraded by alien invasive vegetation, which was cleared about ten years ago, and the area has moderate diversity and good rehabilitation potential. There is at least one plant Species of Conservation Concern (*Lachenalia pallida*), with the potential for others to occur. The underlying vegetation type is Peninsula Sandstone Fynbos.

The botanical specialist confirmed that the preferred layout is likely to have a low to medium negative construction phase botanical impact after mitigation. The botanical specialist's recommendations, which includes the conservation corridor have been included in the conditions of this Environmental Authorisation.

3.3 Freshwater Impacts

A Freshwater Impact Assessment Report dated October 2019 and the Addendum dated 23 March 2021 were compiled by Natasha van de Haar of KHULA Environmental Consultants to assess the freshwater impacts of the proposed development.

Two watercourses are located on the site namely the eastern watercourse and the Bokramspruit Stream. The Wildevoëlvlei is located just northeast of the site boundary. The eastern watercourse receives the bulk of its water from storm water runoff emanating from Blue Water Estate and the Ocean View residential area and discharges the storm water into the Wildevoëlvlei.

Even though the eastern watercourse has been severely transformed and degraded due to earthmoving activities, grazing and the lack of management, the wetland

habitat is still considered to be important in terms of the ecosystem services it provides; such as assimilation of pollutants within storm water prior to reaching the Wildevoëlvelei.

The possibility of the eastern watercourse providing breeding or feeding habitat for a diverse community of wetland dependent faunal species is considered to be low. Migration through the watercourse is also greatly hampered due to the development of Blue Water Estate. The wetland itself is not located within a formally protected nature reserve and therefore does not have any protection status.

The Bokramspruit Stream transects the south western corner of the site, approximately 400m from the nearest infrastructure. The 400m area is earmarked for conservation and will therefore serve as an ecological buffer. The area has been earmarked as open space, and therefore, potential impact on the Bokramspruit Stream will be insignificant.

None of the infrastructure will result in permanent loss of wetland or riparian habitat. The only encroachment on wetland habitat will be the replacement of the boundary fence through the eastern watercourse. The boundary fence currently follows the 6m bulk sewer pipeline servitude located along the north eastern boundary of the site.

Only the eastern watercourse and Wildevoëlvelei are considered to be potentially at risk due to the proposed development. A buffer of 15m for the eastern watercourse and 30m for the portion of the Wildevoëlvelei bordering the site is applicable and earmarked for open space.

The current disturbed nature of the watercourses, averting permanent loss of wetland habitat and ability to effectively mitigate all construction and operational impacts, will result in all impacts being rated of insignificant, low or very low (negative) significance.

The freshwater specialist's recommendations have been included in the EMPr.

3.4 Heritage impacts

A Heritage Impact Assessment Report dated May 2021 was compiled by Cindy Postlethwayt, Professional Heritage Practitioner, to assess the heritage impacts of the proposed development.

As a remnant rural landscape, the site has limited intrinsic significance. However, the site is considered to be of moderate to medium-high contextual significance, as it has areas of high visual sensitivity as it is located:

- Upon a prominent and visible ridgeline;
- Incorporates a critical ecological link sandwiched between the Wildevoëlvelei TMNP buffer zone and the Slangkop TMNP core area;
- Along and at the intersection of two scenic routes; and
- Adjoins (and is historically linked to) the Imhoff's Gift werf site.

The heritage resources in the vicinity of the site include:

- The adjoining commercial Imhoff's Gift werf, the werf itself deemed worthy of grading IIIA; and
- TMNP, portions of which define the broader landscape, is a Grade 1 heritage site as well as part of a natural World Heritage Site.

The identified heritage indicators and design informants have been responded to as follows:

Protection of regionally significant landscapes:

- The backdrop conditions are unaffected by the proposed development due to distance and scale. The Slangkop ridgeline is not broken by the proposed development.
- The gums trees that are not listed alien invasives along Kommetjie Road will be remained.
- The site is visible from Slangkop Road. However, besides the view from the Slangkop/Kommetjie Main Road intersection, the proposed development has a moderate visual impact. As many existing clumps of mature trees are to be retained wherever possible to assist with softening the visual impact of the proposed development.
- View lines and vistas on the prominent natural features, including Klein Slangkop are unaffected.
- The site projects into and is in a large part surrounded by the landscape of the TMNP.
- Development densities along these interface conditions are generally low and do not differ from other development in the area in similar relationships to the natural landscape. These developments are however visually exposed to the natural landscape and no screening vegetation is proposed in these locations in the Landscape Framework Plan. The Visual Impact Assessment, however, illustrates that visual impacts will be moderate to low.

Protection of the Imhoff's Gift werf:

- The Landscape Framework Plan indicates that some of the existing stone pine clusters will be retained and interstitial areas will be rehabilitated with fynbos and indigenous species. There will inevitably be a loss to what is currently a densely treed environment, although much of it comprises alien invasives which must be eradicated given the proximity of the site to the TMNP.
- The proposed development is located directly on the Imhoff's Gift werf north and west boundaries and there is insufficient evidence of screening or transitional uses. The scale of proposed development and the landscape plan approved for the Imhoff's Gift werf protects the character of the werf sufficiently in and of itself. Impacts are expected to be low.
- The signature outlook from the manor house looking northeast over the vleis is maintained, due particularly to the scale of adjoining development, the level difference and to the screening provided by the existing vineyards.

Heritage Western Cape ("HWC") has no objection against the proposed development and endorsed the HIA and associated documents as prepared by the heritage specialist. Further, HWC supported the recommendations and findings of the HIA. The heritage specialist's recommendations have been included in the EMPr

3.5 Visual impacts

A Visual Impact Assessment ("VIA") Report dated February 2021 was compiled by Antoinette de Beer of ARLA Consulting (Pty) Ltd., to assess the visual impacts of the proposed development.

According to the VIA Report, views in the area are dominated by the ridgeline on the site, Slangkop and the wide expanse of the coastal plain which links the area visually to Noordhoek. The scenic resources of the surrounding area can be described as wilderness (mountains, foothills and coastal plain: a sense of openness), framed by the 'rural village' of Kommetjie and the sprawling urban/suburban landscape to the south and east, and are rated as low to moderate (urban sprawl in the area) to high (wilderness).

The landscape has a moderate visual absorption capacity due to the existing gum tree lines and clumps along Kommetjie Main Road and existing pine trees north of the Imhoff's Gift node. The topography provides limited screening, however, the ridgeline divides the site in two, limiting exposure to only half of the site from any viewpoint at a similar height. The adjacent residential neighbourhoods of Riverside Glen and Blue Water Estate will provide screening from view corridors such as Kommetjie Main Road and Wireless Road.

Two scenic routes have been identified in close proximity to the proposed development, *i.e.*, Slangkop Road and Kommetjie Main Road. The proposed development will only be partially visible from the latter due to the existing gum tree avenue along the route's northern edge. These allow intermittent views of the proposed development located on the southwestern part of the site. The site is also visible from Slangkop Road. However, besides the view from the Slangkop/Kommetjie Main Road intersection, the proposed development has a moderate visual impact. As many existing clusters of mature trees will be retained wherever possible, to assist with softening the visual impact of the proposed development.

Highly sensitive visual resources include the gum tree avenue along Kommetjie Main Road, the TMNP coastal plain as well as the mountain range, the Wildevoëlvllei and Noordhoek beach. Low visually sensitive resources include Bokramspruit and the eastern watercourse (although significantly degraded). The proposed development presents an opportunity to improve the character of these parts of the site. Sensitive receptors include people travelling along scenic or tourist routes, adjacent residential neighbourhoods, as well as the historic Imhoff farm werf and associated buildings.

The potential visual impacts associated with a change of rural landscape to mixed use development, was identified as medium negative prior to mitigation whereas the potential impacts on scenic routes were identified as high negative prior to mitigation and medium negative post mitigation. The recommendations of the VIA have been included in the EMPr.

3.6 Faunal impacts

A Faunal Impact Assessment Report dated November 2020 and Addendum Reports dated 27 June 2021 and 27 September 2021, respectively, were compiled by CES Environmental and Social Advisory Services to assess the faunal impacts of the proposed development.

Sixty species of amphibians are known to occur in the Western Cape with 17 species known to have a distribution which coincides with the site. Three of the 17 species have been recorded within a 2km radius of the site, namely the Cape Sand Frog, Western Leopard Toad and Sand Rain Frog.

Three threatened and two near-threatened species have a distribution which includes the site, and are the Rose's Mountain Toadlet (critically endangered), the Western Leopard Toad and Cape Platanna (both listed as endangered), and the Cape Peninsula Moss Frog and Flat Caco (listed as near threatened).

The site intersects the distribution of one near threatened endemic reptile species, the Cape Dwarf Chameleon and two least concern endemic reptile species, the Silvery Dwarf Burrowing Skink and Cape Sand Snake. The Cape Dwarf Chameleon is highly likely to occur on site. The Silvery Dwarf Burrowing Skink and Cape Sand Snake may occur in the sandy sections in the south of the ecological corridor. Although endemic

to the Western Cape, these species are not endemic to the site and not exclusively dependent on it, therefore, the loss of the developable area will not impact on the viability of the population.

The site falls within the distribution ranges of seven threatened and nine near threatened species. Of the threatened species five are considered endangered and two vulnerable.

The preferred alternative will not result in the loss of high sensitivity habitat and allows for a wider ecological corridor and consequently reduced edge effect. The specialist concluded that the preferred route alternative is preferred from a faunal perspective because of the elevated faunal sensitivity of the northern section of the corridor. The overall impact significant rating of the preferred route alternative was identified as low negative, whereas the impact significance rating of the preferred layout was identified as medium negative. The recommendations of the specialist have been included in the EMP.

3.7 Traffic impacts

A Traffic Impact Assessment Report dated 19 March 2021 was compiled by GIBB (Pty) Ltd., to assess the traffic impacts of the proposed development.

To determine the impact of the proposed development on the road capacity, the trip generation of the following approved developments were added to the existing background:

- Two middle to high income single residential developments and a retail centre in Kommetjie;
- Two low income single residential developments and a service station in Ocean View;
- A high income single residential development in Imhoff's Gift (north); and
- A middle income single residential development and retail centre in Imhoff's Gift (south).

2020 Background Traffic

All the intersections currently operate well at Level of Service ("LOS") A and LOS B during the am and pm peak hours with minimal average vehicle queues. No upgrades are therefore required at these intersections as a result of the existing traffic conditions.

2025 Background Traffic

All intersections within the area currently operate well and will continue to operate well in the 2025 background traffic scenario, *i.e.*, including the abovementioned latent developments and accordingly, no road upgrades are currently required.

2025 Total Traffic

The Kommetjie Main Road/Wireless Road intersection will operate well at LOS A to LOS C during the am and pm peak hours with minimal average vehicle queues. At the Kommetjie Main Road/Slangkop Road intersection, the Kommetjie Main Road approaches will operate well at LOS A with minimal average vehicle queues. The Slangkop Road and access road approaches will operate poorly at LOS A to LOS F during the am and pm peak hours with moderate average vehicle queues and will require upgrading. It is proposed that the intersection be signalised and that the existing geometry be upgraded through the addition of an exclusive right turn lane on the eastern approach be extended to 60m.

The Traffic Impact Assessment recommended that the exclusive right turn lane on the northern approach be extended to at least 40m to accommodate punch loads experienced from the school traffic. It is also proposed that the northbound carriageway of the public access road be constructed with two lanes to accommodate the queue from the existing schools and allow unobstructed flow to the residential area. An exclusive right turn lane is also required for the access to the shopping centre to accommodate the turning movement. The Kommetjie Main Road/Slangkop Road intersection will operate well at LOS A and LOS B during the am and pm with minimal average vehicle queues following the recommended road upgrades.

The Kommetjie Main Road/Milky Way intersection will continue to operate well at LOS A to LOS B during the am and pm peak hours with minimal average vehicle queues. No upgrades are therefore required at this intersection, as a result of the proposed development.

The proposed development is located within an acceptable walking distance of 500m from public transport facilities. Additional public transport infrastructure and turnaround opportunities are, however, required to serve the proposed development. These facilities include embayments that will be provided along Kommetjie Main Road, downstream of the Kommetjie Main/Slangkop Road intersection. Given that minibus-taxis may make use of the internal public road it is proposed that embayments also be provided west of the roundabout before the access control to the residential areas.

The site currently has one access point off Kommetjie Main Road. This access point will be retained with access provided to the residential group housing area, shopping centre, existing schools and residential area off this public road. The combined residential area will have its own internal private road network. A left-in, left-out access is also proposed off Kommetjie Main Road for the shopping centre. The location of the roundabout within the existing schools' site is not ideal, with the location being less than 15m from the future bend in the internal public road which will have priority. On-site traffic management of the school traffic will be required to ensure that the exiting flow does not impede the entry flow to the schools.

3.8 Dust and noise impacts

Potential dust and noise impacts are anticipated during the construction phase. However, no significant potential dust and noise impacts are anticipated as these impacts 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:

- Loss of indigenous vegetation;
- Potential impacts on aquatic ecosystems;
- Potential traffic, impacts; and
- Potential impacts on fauna.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Kommetjie area; and

- Contribution to the local economy.

National Environmental Management Act Principles

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

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

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

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.*"

-----END-----