



REFERENCE: 16/3/3/2/A3/6/2043/20
NEAS REFERENCE: WCP/EIA/0000804/2020
DATE: 27 JULY 2021

The Board of Directors
Urban Cape Invest (Pty) Ltd.
P. O. Box 1596
SOMERSET WEST
7129

Attention: Mr. H. Ruiters

Cell.: 062 213 5941

E-mail: r.ruiters@investinsouth-africa.com

Dear Sir

APPLICATION FOR 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 MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 5100, THE REMAINDER OF ERF 5101 AND THE REMAINDER OF ERF 33683, BROADLANDS, STRAND.

1. With reference to the above application, this 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 Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to 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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

Copied to:

- (1) Ms. Adél Groenewald (Doug Jeffery Environmental Consultants)
- (2) Ms. Azanne van Wyk (City of Cape Town)

Email: Adel@dougjeff.co.za

Email: Azanne.VanWyk@capetown.gov.za



REFERENCE: 16/3/3/2/A3/6/2043/20
NEAS REFERENCE: WCP/EIA/0000804/2020
DATE OF ISSUE:

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR 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: PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 5100, THE REMAINDER OF ERF 5101 AND THE REMAINDER OF ERF 33683, BROADLANDS, STRAND.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, as amended, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the "Preferred Alternative", described in the Final EIA Report dated 31 March 2021.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Urban Cape Invest (Pty) Ltd.
c/o Mr. H. Ruiters
P. O. Box 1596
SOMERSET WEST
7129

Cell: 062 213 5941
E-mail: r.ruiters@investinsouth-africa.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p>Activity Description: “<i>The development of—</i></p> <ul style="list-style-type: none"> (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> (a) <i>within a watercourse;</i> (b) <i>in front of a development setback; or</i> (c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> (aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> (bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> (cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> (dd) <i>where such development occurs within an urban area;</i> (ee) <i>where such development occurs within existing roads, road reserves or railway line reserves; or</i> (ff) <i>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared”.</i> 	<p>The development entails the construction of infrastructure and structures with a physical footprint exceeding 100 square metres will be constructed within 32 metres of a watercourse.</p> <p>The wetlands located on the site will be infilled and recreated as per the stormwater management requirements.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 23</p> <p>Activity Description: “<i>The development of cemeteries of 2 500 square metres or more in size”.</i></p>	<p>The development will include a burial and memorial park measuring approximately 6.9 hectares.</p>

<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27 Activity Description: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i> (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>The proposed development requires the clearance of more than 1 ha of indigenous vegetation.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 28 Activity Description: <i>"The 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> (i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> (ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</i></p>	<p>This proposal entails a mixed-use development measuring approximately 70.2314 ha to be constructed on largely vacant erven located outside an urban area.</p>
<p>Listing Notice 2 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 15 Activity Description: <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> (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>The proposed development requires the clearance of more than 20 ha of indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12 Activity Description: <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> a. Western Cape</p>	<p>The proposed development requires the clearance of more than 300 square metres of Critically Endangered vegetation.</p>

<p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>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;</p> <p>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</p> <p>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".</p>	
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The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development proposal:

The establishment of a mixed-use development and associated infrastructure on the Remainder of Erf 5100, the Remainder of 5101 and the Remainder of Erf 33683, Broadlands, Strand. The proposed development will take place in five (5) phases.

The Remainder of Erf 5100 and the Remainder of Erf 5101 will be rezoned to allow for the following landuses:

- Single Residential Zone I;
- General Residential Zone II;
- General Residential Zone III;
- Mixed Use Zone I;
- Local Business Zone II;
- Open Space Zone III;
- Community Zone I (Place of Instruction);
- Open Space Zone III (Cemetery); and
- Transport Zone II (Public Road).

The Remainder of Erf 33683 will be rezoned to allow for the following landuses:

- Local Business Zone (Storage);
- General Residential Zone I and II (Retirement Village); and
- Transport Zone II (Public Road).

The proposed development precincts include the Village and Heritage Core (a mixed-use development), Educational Precinct, the Burial and Memorial Park, Local Convenience Retail Centre and Light Industrial and Storage Units. In terms of the Village and Heritage Core, the core of the development will be designed around the historical Rouen Farm Manor House area. Two major

structures of heritage significance (i.e. an old manor house and old sheep kraal) will be restored and incorporated in the development. The proposed restoration will be undertaken in accordance with the requirements of Heritage Western Cape.

Access will be obtained from Bloubos Road and Vlakteplaas Road.

Associated infrastructure and components include:

- two Waste Water Treatments Plants ("WWTP's");
- irrigation storage dams/reservoirs;
- stormwater management and attenuation facilities;
- groundwater monitoring boreholes;
- internal roads and upgrades, roundabouts and routes for circulation, including pedestrian sidewalks and trails;
- public- and Non-Motorised Transport facilities;
- parking facilities;
- open space corridors and associated features including an informal amphitheatre, timber deck(s), and recreational areas;
- landscaping and associated features;
- buffer comprising inter alia an extensive landscaping strip along the northern border of the site;
- an approximate 250mm unplasticised Polyvinyl Chloride ("uPVC") Class 12 potable water ring main, with an approximate 160mm diameter bulk connections to each development cluster;
- an internal sewage infrastructure consisting of an approximate 200mm diameter uPVC Class 34 gravity pipe network and round precast concrete manholes;
- two pump stations each with a rising main and bypass connection into the bulk municipal foul sewer network;
- street lighting;
- medium to low voltage ring networks;
- 11 kilovolt ("kV") substation; and
- 20 megavolt amperes ("MVA") (installed at Sir Lowry's Pass substation).

The proposed development will cover a total area measuring approximately 70.2314 ha.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remainder of Erf 5100, the Remainder of Erf 5101 and the Remainder of Erf 33683, which is located in the Broadlands Area between Strand and Gordon's Bay.

The SG digit codes for the affected properties are as follows:

Remainder of Erf 5100: C0670023000051000000
Remainder of Erf 5101: C06700230000510100000
Remainder of Erf 33683: C06700230003368300000

The co-ordinates for the affected properties are as follows:

Remainder of Erf 5100: 34° 8' 7.67" South; 18° 52' 20.73" East
Remainder of Erf 5101: 34° 8' 54.14" South; 18° 51' 58.38" East
Remainder of Erf 33683: 34° 8' 57.07" South; 18° 52' 45.66" East

Refer to Annexure 1: Locality Plan and Annexure 2: Land-Use Zoning and Landscaping Plans

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants (Pty) Ltd.
c/o Ms. Adél Groenewald
P. O. Box 44
KLAPMUTS
7625

Tel.: 021 875 5272
Email: adel@dougjeff.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 Final EIA Report dated 31 March 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.
 - (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved in writing by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties ("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; and
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National 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 must 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 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, 10.1,14, 18.4 and 21.

Management of activity

10. The EMPr submitted, as dated 23 March 2021 is hereby approved and must be implemented.
 - 10.1 The Stormwater Management Plan dated September 2020 as included in Appendix H1 of the EMPr must be submitted to the City of Cape Town for approval. A copy of the approved Stormwater Management Plan and letter of approval from the City of Cape Town must be submitted to this Department, prior to the commencement of construction activities.
 - 10.2 Should any amendments to the Stormwater Management Plan be required, the EMPr must be amended to include the updated and approved Stormwater Management Plan. A copy of the amended EMPr must be submitted to the Department.
11. An application for amendment of 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 these 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 performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of construction and rehabilitation phases of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –

- 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
- 15.2 submit at least two environmental audit reports to the relevant competent authority during construction. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction activities; and
- 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.

16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (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 phase was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, place on a publicly accessible website.

Specific conditions

18. The following measures as recommended in the Heritage Impact Assessment dated January 2021 and compiled by Cindy Postlethwayt and as recommended in Heritage Western Cape's final comment dated 31 March 2021, must be implemented:
 - 18.1 The historic core must be developed in accordance with the Land-Use Zoning and Landscaping Plans included in Appendix C of the EIR (herewith attached in Annexure 2 of this Environmental Authorisation).
 - 18.2 All future alterations to the kraal and homestead (including the proposed covered walkway in front of the homestead) on the Remainder of Erf 5100 must be submitted to Heritage Western Cape for approval. A copy of the approval must be submitted to this Department prior to commencement of any work on these structures.
 - 18.3 All future restoration, or other work, to the on-site structures which are of heritage significance must be undertaken by a suitably qualified heritage architect.
 - 18.4 A suitably qualified heritage architect must be appointed prior to any construction in the vicinity of the kraal and homestead, to advise on protection of the structures during the construction period. A copy of the appointment letter must be submitted to this Department and Heritage Western Cape prior to commencement.
 - 18.5 A minimum 5-meter curtilage to the kraal and homestead must be provided. Any development immediately adjacent to the homestead must be limited to an approximate 2 storey height (appropriate height determined by the eaves and ridge of the homestead). Any development immediately adjacent to and north of the kraal must be limited to an approximate 3 storey height.
19. The following measures recommended in the Geotechnical Investigations Report, dated 20 June 2020 and compiled by R. A Bradshaw & Associates cc Consulting Engineering Geologists must be implemented for the components other than the proposed cemetery:
 - 19.1 Felling and removal of the pine and gum trees and the Port Jackson scrub and small trees must include the removal of the major roots.
 - 19.2 Any existing houses and outbuildings which will be demolished must include the removal of foundations.
 - 19.3 Any existing septic tanks and soakaways which will be demolished must be formally backfilled.
 - 19.4 Provision must be made for stripping the 50mm of the topsoil at the start of site clearance and preparation.
 - 19.5 The dam basins must be backfilled using the soil material in the embankments around the dams.
 - 19.6 Footings must not be founded on soils, which are dry dense and/or thinly developed.
 - 19.7 Foundations must always be founded in the cohesive marine soils.
 - 19.8 Blinding must be used if groundwater is encountered or during periods of wet weather if stormwater enters and ponds in the foundation trenches.
 - 19.9 All foundation trenches must be inspected by a suitably qualified person to ensure that the foundation layout is appropriate for the ground conditions.
 - 19.10 Trenches for subsurface services must be located in a manner that neither the trench nor its backfill adversely affect founding conditions.
20. 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.
21. A Groundwater Monitoring Programme which includes monitoring of the cemetery, the WWTs and the use of irrigated water must be compiled and circulated for comment to the City of Cape Town and Department of Water and Sanitation. The Groundwater Monitoring Programme must cover aspects including *inter alia*, the methods in which groundwater monitoring and leak detection monitoring will take place and the measures /actions that needs to be followed to prevent and /

or rectify any incidences of groundwater contamination. The Groundwater Monitoring Programme together with the comments from the City of Cape Town and Department of Water and Sanitation must be submitted to this Department, prior to the commencement of construction activities.

22. 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.
23. 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 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.

F. RECOMMENDATIONS

This Directorate recommends the following:

- Rainwater harvesting tanks should be implemented to collect stormwater run-off from roofs and hardened surfaces.
- The use of grey water systems, water saving toilets, water saving shower heads etc.
- Energy saving measures should be implemented such as energy efficient lightbulbs, external lights fitted with day-night sensors, geyser blankets and timers etc.

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 Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr 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 requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 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)

DATE OF DECISION: 27 JULY 2021

Copied to:

- 1) Ms. Adél Groenewald (Doug Jeffery Environmental Consultants)
- 2) Ms. Azanne van Wyk (City of Cape Town)

Email: Adel@dougjeff.co.za

Email: Azanne.VanWyk@capetown.gov.za

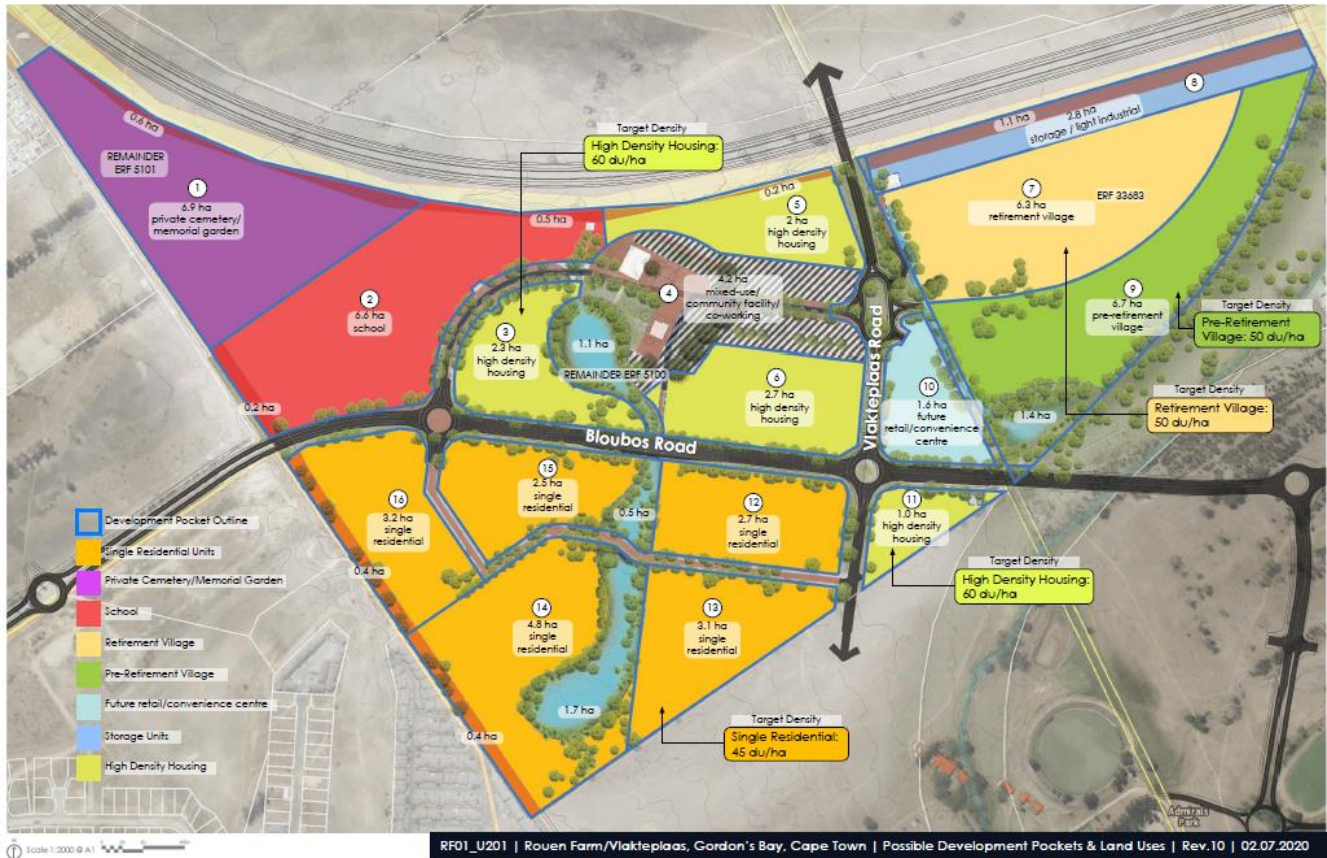
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/2/A3/6/2043/20
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: LAND-USE ZONING AND LANDSCAPING PLANS



ROUEN FARM & THE LAKES, GORDON'S BAY | DEVELOPMENT POCKETS

Meyer & Associates
architects. urban designers



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 25 September 2020, the Final Scoping Report dated 4 November 2020, the Final EIA Report dated 31 March 2021 and EMPr dated 23 March 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from I&APs and responses to these, included in the Final Scoping Report and Final EIA Report.

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

1. Public Participation

The public participation process included:

- notices regarding the proposed development were distributed to all relevant I&APs as well as key authorities;
- notices were placed at the site where the listed activities are to be undertaken on 22 July 2020;
- advertisements were placed in the 'District Mail' and 'Die Burger' newspapers on 23 July 2020;
- copies of the Scoping Reports were circulated to all I&APs for commenting purposes; and
- copies of the EIA Reports were circulated to all I&APs for commenting purposes.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in both the Scoping as well as EIA Reports.

2. Alternatives

The following alternatives were considered which ultimately resulted in the finalised preferred and herewith authorised alternative:

Property and Location/Site Alternative (Preferred by the applicant)

This alternative entails the construction of the proposed mixed-use development and associated infrastructure on the Remainder of Erf 5100, the Remainder of 5101 and the Remainder of Erf 33683, Broadlands, Strand.

This is the only preferred Property and Location/Site Alternative as it is indicated in the Final EIA Report site is located within the urban edge and is earmarked for residential development within the Municipal Spatial Development Framework.

Activity Alternatives (Preferred versus Rejected by the applicant)

The proposed mixed-use development and associated infrastructure was compared with the option of maintaining the current landuse and using the property for agricultural use.

The proposed mixed-use development and associated infrastructure was deemed more feasible and therefore preferred as it will result in employment and business opportunities more than using the property for agricultural use.

Layout Alternatives (Rejected by the applicant)

Two Layout Alternatives were considered which included the initial layout option of a mixed-use development and associated infrastructure comprising a residential component (apartments), a retirement component, commercial centre, community facility and business park. Subsequent to this initial layout option, the Remainder of Erf 33683 was secured by the Applicant and incorporated into the proposal, resulting in expansion of the site and the development opportunity. This resulted in an additional layout option which included the development of single residential units, apartments, a

retirement village, mixed use component, community facilities and a cemetery. This additional layout option was rejected as it required further amendments and refining which takes into account the existing Eskom powerline servitude requirements, planning guidelines and policies and landuse opportunities and needs in the area.

Preferred Alternative (Preferred by the applicant and herewith authorised)

The Preferred Alternative entails the establishment of a mixed-use development and associated infrastructure on the Remainder of Erf 5100, the Remainder of 5101 and the Remainder of Erf 33683, Broadlands, Strand.

The Remainder of Erf 5100 and the Remainder of Erf 5101 will be rezoned to allow for the following landuses:

- Single Residential Zone I;
- General Residential Zone II;
- General Residential Zone III;
- Mixed Use Zone I;
- Local Business Zone II;
- Open Space Zone III;
- Community Zone I (Place of Instruction);
- Open Space Zone III (Cemetery); and
- Transport Zone II (Public Road).

The Remainder of Erf 33683 will be rezoned to allow for the following landuses:

- Local Business Zone (Storage);
- General Residential Zone I and II (Retirement Village); and
- Transport Zone II (Public Road).
- The proposed development precincts include the Village and Heritage Core (a mixed-use development), Educational Precinct, the Burial and Memorial Park, Local Convenience Retail Centre and Light Industrial and Storage Units. In terms of the Village and Heritage Core, the core of the development will be designed around the historical Rouen Farm Manor House area. Two major structures of heritage significance (i.e., an old manor house and old sheep kraal) will be restored and incorporated in the development. The proposed restoration will be undertaken in accordance with the requirements of Heritage Western Cape.

Access will be obtained from Bloubos Road and Vlakteplaas Road.

Associated infrastructure and components includes:

- two WWTP's;
- irrigation storage dams/reservoirs;
- stormwater management and attenuation facilities;
- groundwater monitoring boreholes;
- internal roads and upgrades, roundabouts and routes for circulation, including pedestrian sidewalks and trails;
- public- and Non-Motorised Transport facilities;
- parking facilities;
- open space corridors and associated features including an informal amphitheatre, timber deck(s), and recreational areas;
- landscaping and associated features;
- buffer comprising inter alia an extensive landscaping strip along the northern border of the site;
- an approximate 250mm uPVC Class 12 potable water ring main, with an approximate 160mm diameter bulk connections to each development cluster;
- an internal sewage infrastructure consisting of an approximate 200mm diameter uPVC Class 34 gravity pipe network and round precast concrete manholes;
- two pump stations each with a rising main and bypass connection into the bulk municipal foul sewer network;
- street lighting;
- medium to low voltage ring networks;
- 11 kV substation; and
- 20 MVA (installed at Sir Lowry's Pass substation).

The proposed development will cover a total area measuring approximately 70.2314 ha.

This is the preferred alternative as it will result in positive socio-economic impact of providing additional employment, business and housing opportunities to the local and surrounding communities.

No-Go Alternative (Rejected by the applicant)

The “no-go” alternative will result in the *status quo* of the site being maintained and no development of the proposed mixed-use development taking place.

The “no-go” alternative was rejected as will largely result in the lost opportunity to create employment and business opportunities associated with the construction and operational phases of the proposed mixed-use development.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed development is consistent with the applicable forward planning policies and has been designed to make use of the available land.

The properties are zoned Rural and applications for consolidation, subdivision, rezoning, consent and departures in terms of the relevant planning legislation is required to permit the proposed development.

In terms of the Provincial Spatial Development Framework, 2014, the site is earmarked for “Urban Development” and is therefore consistent in this regard.

In terms of the City of Cape Town Consolidated Spatial Plan Concept (February 2018) the development site has a “Consolidation areas” demarcation, therefore, the development proposal is in line with the Municipal Spatial Development Framework, 2018.

In terms of the Helderberg District Spatial Development Plan (2012), the site has a “New Urban Infill” demarcation. The development proposal is therefore in line with said District Plan.

The proposed residential mixed-use development is also considered to be an appropriate form of incremental densification as generally allowed for in the City of Cape Town’s spatial policies.

3.2 Botanical Impacts

The site and its surrounding area are highly disturbed and highly modified as a result of past agricultural and related landuse activities. The site also has very low plant species and terrestrial biodiversity sensitivity.

3.3 Surface and Groundwater impacts

An Aquatic Biodiversity Specialist Assessment was conducted by BlueScience to assess the potential impacts on watercourses located on the site. According to the specialist, the site has been significantly modified and most of the aquatic features on site are artificial or are in a highly modified condition. These on-site aquatic features include artificial wetland habitat, artificial seasonal wetland areas and artificial depression wetlands. The Sir Lowry’s Pass River corridor is located adjacent to the site, which is deemed to be of moderate ecological importance and sensitivity while the associated wetlands and riparian vegetation are of low/ marginal ecological sensitivity and importance. The potential impacts to the aquatic features include short- and longer-term disturbance and loss of aquatic habitat, modified stormwater surface water runoff from the developed site and localised impairment of water quality during the construction and operational phases. As an offset, it is proposed that the on-site wetlands which will be infilled other wetland areas be recreated elsewhere on the site, particularly to form part of the stormwater management system.

According to the Aquatic Biodiversity Specialist Assessment Report, dated July 2020, it was estimated that this wetland offset includes recreated wetland areas amounting to approximately 3.6 ha, which will be larger than the extent of wetlands that will be lost to infilling (approximately 1.2 ha). The specialists recommended measures to further mitigate impacts on the on-site aquatic

features were included in the EMPr. Since the proposed wetland offset will form part of the on-site stormwater management system, it is also required that an approved Stormwater Management Plan, which includes the finalised specifications of the wetland offset be submitted to this Department prior to commencement.

According to the abovementioned Aquatic Biodiversity Specialist Assessment, with the implementation of the recommended measures together with the wetland offset, the impacts on the aquatic features to be of low significance.

A Geohydrological and Geotechnical Assessment was conducted by GEOSS South Africa (Pty) Ltd, dated 19 June 2020 to assess the groundwater impacts associated with the proposed cemetery. According to the groundwater specialist, the underlying aquifer at the site was determined to have a vulnerability rating to surface-based contaminants closer "low to medium", given its semi-impermeable bedrock layer.

Excavated trial pits revealed that based on the soil profiles, no significant adverse geotechnical conditions exist. Certain modifications and geotechnical measures will need to be implemented to accommodate the proposed development. These measures have been included as part of the conditions in this Environmental Authorisation.

In terms of the proposed cemetery, excavation of graves to depths of at least 2m is possible, while soil is also suitably stable to prevent any incidence of collapse. The Geohydrological and Geotechnical assessment, no groundwater was intersected in any of the piezometers used to make determinations.

The proposed development entails the development of WWTPs and it is planned to use the treated effluent for irrigation purposes in order to minimise the use of municipal water supply. The treated effluent will be discharged from the WWTP via a reedbed and swale system into a combined stormwater/treated sewer attenuation facility. GEOSS South Africa (Pty) Ltd. conducted an additional groundwater assessment dated 1 September 2020, to assess the potential contamination resulting from the proposed WWTPs and use of irrigated water.

As such, the EMPr contains general measures to reduce these risks, including *inter alia* groundwater monitoring and leak detection monitoring. It is further required in terms of condition 21 of this Environmental Authorisation that a Groundwater Monitoring Programme be compiled and implemented to specifically detail how groundwater and leak detection monitoring will take place and the measures to prevent and / or rectify incidence of contamination.

3.4 Heritage impacts

The proposed development triggers Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) and a Heritage Impact Assessment dated January 2021 was undertaken by Cindy Postlethwayt. While the immediate context of the farmstead is extremely degraded, some historic resources exist on the site. These include the Gustrouw homestead, Outhouse, Remnant of c1900 wall, stepped gable barn, a kraal area, residence and barn. Two major structures of heritage significance would need to be restored and incorporated into the development. The one is the old manor house, which dates from the 18th Century, but which has been significantly altered over the years and the old sheep kraal, a stone structure in its vicinity, which is suspected to be from an even earlier period. The intention is that both these structures be restored, cleaned up and incorporated into the new development, as an urban design focus to the complete development.

The proposed architectural guidelines will also be implemented to respect the existing heritage fabric, while a suitably qualified heritage architect (as approved by Heritage Western Cape) will be appointed to further advise on all work envisaged for historic structures. Heritage Western Cape in its final comment dated 31 March 2021 supports and endorses the recommendations included in the Heritage Impact Assessment Report dated January 2021. These recommendations were included as part of the conditions of the Environmental Authorisation.

3.5 Visual impacts

The proposed development is not expected to be out of context with its surrounds which comprising similar type developments, including the Fairview Golf Estate and a cemetery, neighbourhoods towards the southwest and some industrial areas situated further north.

The proposed development's central aim is to create neighbourhoods of high quality, where a clear, well designed, and landscaped public environment can positively contribute to the user experience and liveability. Landscape, architectural guidelines and various urban design qualities will be implemented for such purposes.

3.6 Noise impacts

According to the Noise Impact Assessment ("NIA") dated 23 November 2020, the development will not be a 'disturbing noise' (in terms of the Western Cape Noise Control Regulations PN 200) nor will existing residual noise levels be exceeded by 5 decibels, a weighted ("dBA") or more. The NIA therefore concluded that there is no indication that the proposed development will be a noise nuisance or a disturbing noise to neighbours.

Any potential nuisance related impacts which may result during the construction phase and operations will be managed in accordance with the measures included in the EMPr.

In order to mitigate noise impacts associated with the realigned N2 freeway which will border the site, it is proposed that a buffer comprising *inter alia* an extensive landscaping strip along the northern border of the site be implemented.

3.7 Services and infrastructure

The development will connect to existing bulk municipal watermains.

The City of Cape Town has confirmed that sufficient unallocated capacity is available in terms of potable water, electricity and solid waste.

Two new pump stations to lift the sewage effluent into two new WWTPs will be constructed, while each pump station rising main will have a bypass connection into the bulk municipal foul sewer network.

The proposed WWTP's will use a combination of conventional treatment and membrane technology to treat the sewage effluent to comply with the relevant requirements for the Department of Water and Sanitation ("DWS"). To further ensure that impacts on groundwater is avoided a groundwater quality testing borehole will be installed so that groundwater samples can be collected, analysed to detect any contamination. A groundwater monitoring plan will be implemented.

The treated effluent will be stored in irrigation storage dams/reservoirs to be constructed at each WWTP which will be used for irrigation. Additional treated effluent (not utilised for irrigation purposes) will pass through the dam overflow into a reedbed and bio-swale system. The system will further improve the quality of the treated effluent and also provide additional storage volume for the effluent.

To convey the treated effluent to where it will be used for irrigation, an irrigation network and irrigation pump stations will be constructed.

In terms of electricity supply, a new 11 kV brick build substation, a 20 MVA installed at Sir Lowry's Pass substation will be developed, to cater for the additional load and medium to low voltage ring networks.

3.8 Traffic

According to the Traffic Impact Assessment ("TIA") dated 8 June 2020, the proposed development has the potential to generate approximately 3 017 AM and 3 326 PM peak hour trips, of which 2 493 AM trips (912 in, 1 581 out) and 2 894 PM trips (1 727 in, 1 167 out). In order to accommodate the additional traffic to be generated by the proposed development, certain road upgrades must be implemented, as also included in the EMPr. With these road upgrades being implemented, the TIA indicated that the proposed development can be recommended for approval from a traffic point of view. The potential traffic impacts have been assessed as being of low negative significance post mitigation.

3.9 Stormwater Management

The site is located within the Sir Lowrys Pass River's 1:50 year and 1:100-year return interval flood lines which makes the development susceptible to flooding. Some of the City of Cape Town's ongoing upgrades include upgrades to the Sir Lowry's Pass River channel and upgrades to the bulk municipal stormwater will reduce the risk of flooding.

A stormwater network and system as well as stormwater attenuation facilities will also be constructed to manage stormwater, while an approved stormwater management plan that meets the requirements of the City of Cape must be implemented.

3.10 Socio-economic

It is projected that the proposed development will result in employment and business opportunities during the construction phase. The operational phase will also create opportunities for local businesses, such as local maintenance and building companies, garden services and security companies.

The development will result in both negative and positive impacts.

Negative Impacts:

- Disturbance to the on-site aquatic features;
- Potential groundwater contamination; and
- Traffic Impacts.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases;
- The site will provide a range of urban opportunities including residential, business, quality open and recreational spaces etc; and
- Optimal use of available land earmarked for urban development.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed 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 your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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