

THE PROPOSED EXTENSION OF HOUMOED AVE PHASE 2 AND UPGRADING OF MASIPHUMELELE INFORMAL SETTLEMENT

KEY NOTES : WETLAND OFFSET MEETING WITH DWS & DEA&DP

13 March 2018

VENUE: City of Cape Town Mayoral Offices

ATTENDEES

FULL NAME		ORGANISATION
Fred de Villiers	FDV	Hho Africa
Dean Ollis	DO	Freshwater Consulting Group
Ingrid Eggert	IE	Chand Environmental Consultants
Sadia Chand	SC	Chand Environmental Consultants
Claudette Muller	CM	Chand Environmental Consultants
Tony Vieira	TV	City of Cape Town: Transport & Urban Development
Mark Rountree	MR	City of Cape Town
Mark Pinder	MP	City of Cape Town: Transport & Urban Development
Advocate Abraar Mowzer	AB	Department of Water & Sanitation (DWS)
Shaddai Daniel	SD	Department of Water & Sanitation (DWS)
Eldon van Boom	EVB	Department of Environmental Affairs & Development Planning (DEA&DP)
Rondine Isaacs	RI	Department of Environmental Affairs & Development Planning (DEA&DP)
Chad Cheney	CC	SANParks
Michael Slayen	MS	SANParks
Piet-Louis Grundling	PLG	Department of Environmental Affairs

1. PURPOSE OF THE MEETING:

- To gain clarity on the pre-existing agreement between the City and DWS regarding wetland offsets for historic infilling by Masiphumelele informal settlement;
- For the Freshwater Specialist, Mr. Dean Ollis of the Freshwater Consulting Group to present his findings of the Freshwater Study for the proposal and potential land which would meet offset requirements;
- To gain clarity on the synchronisation of NWA and NEMA processes;
- To obtain an indication as to whether the Water Use Licence Application (WULA) would be approved based on the information presented on the day, given the urgency of the application.

2. SUMMARY OF DISCUSSION:

- IE asked for clarity on the synchronisation of NEMA and NWA applications. This has hindered submission of the WUL application given different timeframes.
- DWS stated that attempts to synchronise the application processes should not hinder submission of the WUL application. DWS is committed to fast track the application and stressed that the application should be submitted as soon as complete to allow for assessment.
- DO presented his findings which show that, based on current day conditions, no functional wetland would be lost and no negative impacts of high significance would be realised after mitigation. As per the DWS guideline on offset calculations, based on these findings, no offsets would be required.
- DWS and PLM stated that current day conditions cannot be used in assessing wetland impacts as infilling could have been prevented by the City. The DWS made it clear to the City at the start of the process that a Water Use Licence Application would be required and that historic infilling (up to Masemola Road) must be compensated for through offsets.
- Chand and DO reiterated that they were not aware of this agreement at the point of entering into this Basic Assessment process.
- MR stated that 1998 would be the appropriate timeframe to consider in order to determine offset requirements. AM and PLM agreed.
- IE stated that the assessment component of the Basic Assessment and WUL application will therefore be based on the present day baseline, but that the offset determination will be based on the 1998 conditions.
- DO presented Erf 4836 Noordhoek (Remainder Cape Farm 933) as a possible offset which would more than adequately address both the functional and conservation targets of offset requirements with credits to spare, possibly bank for use in relation to future City projects.
- SANParks were very amenable to the idea and confirmed the availability of funding for management purposes. SANParks stated that there is also the possibility of adding the land to the Heads of Agreement for it to form part of National Parks.
- MR asked for clarity on the risk of flooding and the need for floodline studies in support of the WULA. FDV confirmed that a formal flood line study was not conducted but that present day 1:50 and 1:100 floodlines have been determined by the City and were taken into account in the design of stormwater infrastructure to prevent flooding.
- In response to direct questions by Chand, DWS stated unequivocally that "in principle" agreement on the approach and information presented on the day cannot be provided pre-submission of the WULA.
- DWS agreed that an engineer's opinion on the magnitude of change in the flood lines and a drawing in support would be acceptable for the WULA.

3. CONCLUSIONS AND ACTIONS

- TV stated that he would want to know the costs involved before any action.
- DO to compile a Wetland Rehabilitation and Offset Plan based on the discussions of the day and submitted to DWS as part of the WUL Application. 1998 would be used as the baseline conditions for the wetland offset determination.
- Chand and DO to provide a timeline for completion and submission of the WULA.
- DWS & DEA&DP confirmed that they would prioritise the respective applications given the urgency.