
REFERENCE: 16/3/3/1/A7/5/3021/21
NEAS REFERENCE: WCP/EIA/0000910/2021
DATE: 02 December 2021

The Board of Directors
Ergoflex 401 (Pty) Ltd.
First Floor
6 De Beer Street
BRAAMFONTEIN
2001

Attention: Mr. Adam Levy

Tel.: (011) 403 0413
E-mail: adam@playbraamfontein.co.za

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 DEMOLITION OF EXISTING STRUCTURES AND THE DEVELOPMENT OF AN APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERVEN 29 AND 30, CLIFTON.

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 summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Ms. Marielle Penwarden (Chand Environmental Consultants)
(2) Ms. Sandra Hustwick (City of Cape Town)

E-mail: info@chand.co.za / marielle@chand.co.za
E-mail: sandra.hustwick@capetown.gov.za

REFERENCE: 16/3/3/1/A7/5/3021/21
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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 DEMOLITION OF EXISTING STRUCTURES AND THE DEVELOPMENT OF AN APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERVEN 29 AND 30, CLIFTON.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Layout/design alternative, described in the Final Basic Assessment Report ("BAR"), dated 16 August 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

Ergoflex 401 (Pty) Ltd.
c/o Mr. Adam Levy
First Floor
6 De Beer Street
BRAAMFONTEIN
2001

Tel.: (011) 403 0413
E-mail: adam@playbraamfontein.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)– Activity Number: 19A Activity Description: <i>“The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i> <i>(i) the seashore;</i> <i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i> <i>(iii) the sea; —</i> <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies”.</i></p>	<p>More than 5 cubic metres of material will be moved from and into the site which is located 100 metres inland of the high-water mark of the sea.</p>

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

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

The proposed development includes the demolition of existing structures on site and the construction of the following:

- an apartment block comprising nine storeys, as well as a basement level (i.e., ten levels in total).
- external stairways on the western side of the apartment block;
- a pool and deck area with associated stairway;
- an additional constructed extent of the existing driveway;
- newly landscaped areas; and
- replacement of existing infrastructure and the construction of new associated infrastructure;

Access will be gained off Victoria Road.

The total development footprint will amount to approximately 537.8m².

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on the Remainder of Erven 29 and 30, Clifton which is located on the landward side of Victoria Road.

The SG digit codes are:

Erf 29, Clifton: C01600100000002900000

Erf 30, Clifton: C01600100000003000000

The co-ordinates are:

Erf 29, Clifton: 33° 55' 56.31" South; 18° 22' 37.26 " East

Erf 30, Clifton: 33° 55' 56.48" South; 18° 22' 37.56 " East

Refer to Annexure 1: Locality Plan.

Refer to Annexure 2: Layout Plan.

The above two erven are hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Chand Environmental Consultants cc
c/o Ms. Marielle Penwarden
P. O. Box 238
PLUMSTEAD
7801

Tel.: (021) 762 3050

Email: marielle@chand.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred Layout/design alternative described in the Final BAR, dated 16 August 2021 on the site as described in Section C above.
2. Authorisation of the activity 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 activity 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 activity.
 - (b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
4. The activity that has 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 (“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; 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 I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activity, 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 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, 18 and 19.

Management of activity

10. The EMPr submitted, as dated August 2021 is hereby approved and must be implemented.
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 activity 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 the construction phase and site 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 the construction phase. 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 phase; 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 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, place on a publicly accessible website.

Specific conditions

18. A Stormwater Management Plan must be compiled and submitted to the City of Cape Town for approval. A copy of the approval of the Stormwater Management Plan must be submitted to this Department prior to commencement.
19. A Landscape Plan must be compiled by a suitably qualified landscape architect and submitted to the City of Cape Town for approval. A copy of the approval of the Landscape Plan must be submitted to this Department prior to commencement.
20. The following measures adapted from the Final BAR dated 16 August 2021 compiled by Ms. Marielle Penwarden of Chand Environmental Consultants cc must be implemented:
 - 20.1 Planting integrated into the western landscaped stairway must be implemented in order to help screen the apartment block.
 - 20.2 Landscaped visual screens must contain planters and an irrigation system connected to rain-water harvesting and recycled water tanks.
 - 20.3 Evergreen indigenous gardening / landscaping must be implemented as far as possible.
 - 20.4 The remaining on-site indigenous vegetation located to the rear of the apartment block must be retained, as far as possible and be suitably rehabilitated to improve the visual condition of the site.
 - 20.5 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. 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.
22. 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.
23. Energy saving light bulbs must be installed instead of incandescent bulbs except where the quality of light is not sufficient for high precision work and reading.
24. Water saving solutions and technologies such as greywater use, rainwater harvesting, dual flush systems and low flow taps must be implemented.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the listed activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) must be submitted.

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

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

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

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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: 02 DECEMBER 2021

Copied to: (1) Ms. Marielle Penwarden (Chand Environmental Consultants)
(2) Ms. Sandra Hustwick (City of Cape Town)

E-mail: info@chand.co.za / marielle@chand.co.za
E-mail: sandra.hustwick@capetown.gov.za

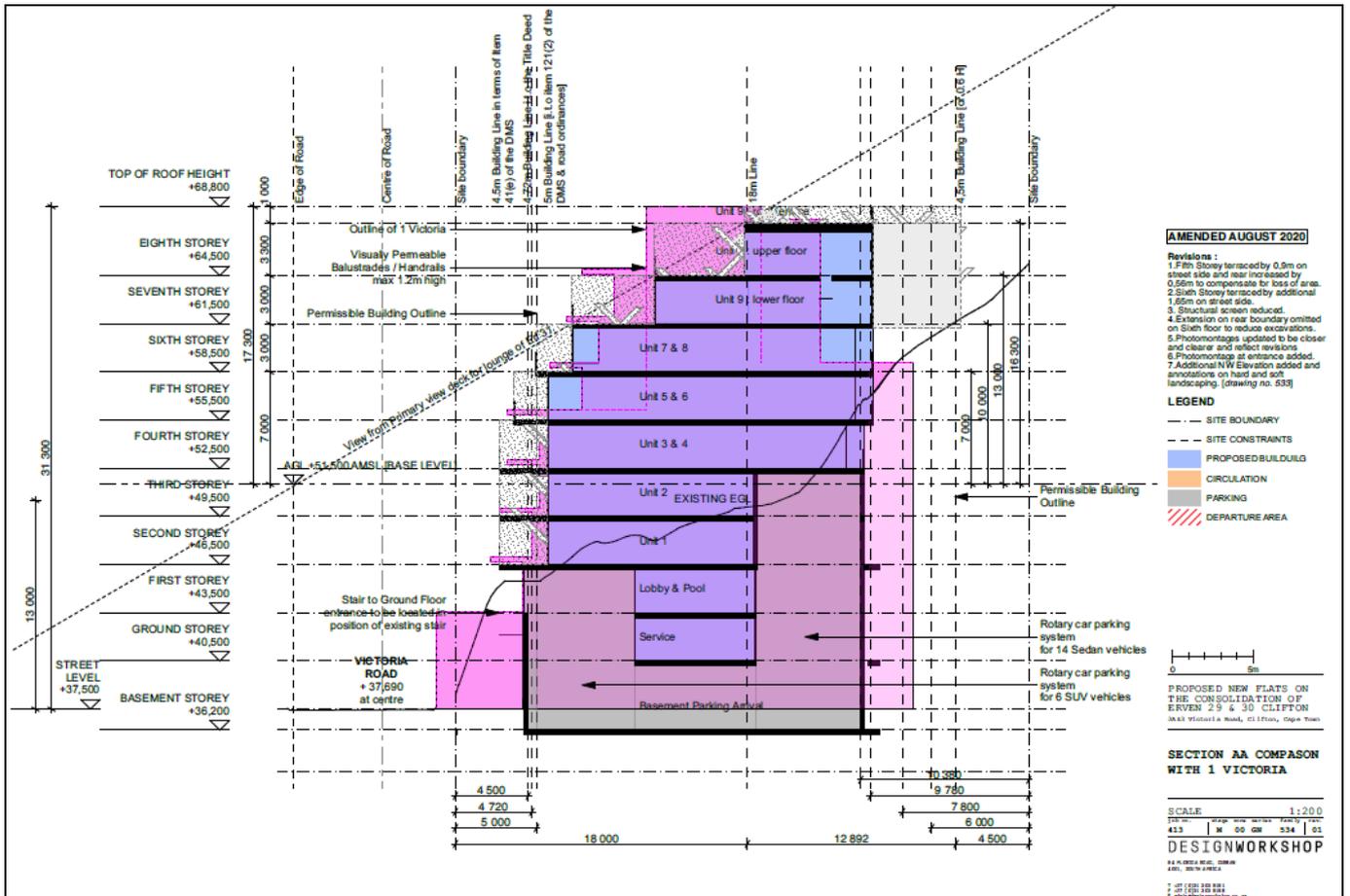
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: THE PREFERRED LAYOUT PLAN



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 7 May 2021, the Final BAR dated 16 August 2021 and the EMPr as dated August 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 BAR.

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:

- compilation of a preliminary Interested and Affected Party ("I&AP") database;
- distribution of a Background Information Document on 7 October 2020 to the preliminary I&AP database, for a 30-day comment period from 8 October 2020 to 6 November 2020;
- advertisements were placed in the 'Cape Argus' on 3 June 2021 and the 'Cape Times' on 31 May 2021.
- placement of one notice board at the site where the proposed activity is to be undertaken; and
- notification letters sent to I&APs on 31 May 2021 to provide information on the availability of the Draft BAR for comment from 1 June 2021 to 6 July 2021.

During the Public Participation Processes, objections as well as comments were obtained from the public as well as authorities. The objections were largely against the proposed development from taking place as well as the associated town planning application. Most of such comments related to the impact on property values on surrounding properties and the visual and other cumulative impacts that the proposed development may have on the immediate surrounds and its residents. Regarding property values, it was iterated that the preferred alternative is based on certain building limitations, while the purpose of the basic assessment application is to assess the impacts related to the listed activity.

Regarding the visual impacts, it was iterated that the development will not have materially adverse visual impacts on the scenic or cultural landscape and mitigation will also be implemented through design and landscaping. Regarding the cumulative impacts, it was emphasised that the EMPr contains provisions to appropriately manage such impacts, while the necessary statutory process in terms of the NEMA was being adhered to, to assess the impacts of the proposed development.

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 the Final BAR.

2. Alternatives

Two design alternatives have been assessed, as well as the no-go alternative.

Site Alternative (Preferred by the applicant)

The only site alternative is for the proposed development to be located on Erven 29 and 30, Clifton.

This is the preferred site alternative as the site is owned by the applicant who proposes to redevelop the site for higher density residential use.

Activity Alternative (Preferred by the applicant)

The preferred activity alternative is to re-develop the site for higher density residential use, as proposed.

This is the only preferred activity alternative, as the site is located within a well-established residential area comprised of higher density residential development. The proposed development of an apartment block will be consistent with the local context and surrounds.

This alternative is preferred given that there are no significant environmental sensitivities and would better serve to realise the applicant's vision for the property and provide for maximum development and return on investment/income generation.

Layout/design alternative (Preferred by the applicant and herewith authorised)

The preferred layout/design alternative entails the demolishing of the existing structures on site and to construct:

- an apartment block comprising nine storeys as well as a basement level (i.e., ten levels in total);
- external stairways on the western side of the apartment block;
- a pool and deck area with associated stairway;
- an additional constructed extent of the existing driveway;
- newly landscaped areas; and
- replacement of existing infrastructure and the construction of new associated infrastructure;

Access will be gained off Victoria Road.

The total development footprint will amount to approximately 537.8m².

Layout/design alternative 2 (Rejected by the applicant)

Layout/design alternative 2 is the same as the layout/design alternative, i.e., demolition of the existing structures on site and the construction of an apartment block comprising nine storeys as well as a basement level (i.e., ten levels in total). Layout/design alternative 2 would however be set closer to the property boundaries and would also result in a larger floor area.

The preferred design alternative is preferred over design alternative 2, as it sets key components of the proposed building further back in order to provide for minimal interruption in views for adjacent buildings, as well as to remain below thresholds which would affect sight lines from Kloof Road. The terracing of the apartment levels in terms of the preferred design alternative also responds to the need to further reduce any visual impacts.

No-go alternative (rejected by the applicant):

The no-go alternative entails the development on site that would remain within existing land use rights for the said property, i.e., two erven could each be developed with a dwelling and a second dwelling. The no-go alternative was rejected as development in accordance with the existing land use rights will have similar type of impacts when compared with the proposed apartment block (except for the latter having a greater negative visual impact). The no-go/existing rights alternative would also not provide the most economically effective use of the property.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed apartment block will be located on a site within the urban edge that is currently zoned for residential use. The design of the proposed apartment has been designed to take into account the visual impacts and the development can readily connect to existing service infrastructure. While the land-use of the site would be intensified, the site has been used for residential purposes for many years. In terms of the broader context, Victoria Road is largely and increasingly characterised by medium- and high-density residential properties. The proposed development has been designed to maximise visual absorption capacity of the site as far as it is possible and the site will not impact on aquatic or terrestrial biodiversity.

The proposed development which is in keeping with the surrounding urban context and does not compromise on ecological sustainability and aims to achieve economic growth in the area.

3.2 Regional/Planning Context

The site is zoned Single Residential and relevant planning applications are required to permit the proposed development.

In terms of the City of Cape Town's Municipal Spatial Development Framework ("MSDF"), 2018 the site is located within an area earmarked for growth and consolidation, with the key spatial outcome being densification. The proposed development is consistent with the spatial priority 2 of promoting an urban form with higher densities in a central development core, surrounded by transport zones and transit networks. Further, the proposed development is aligned with the overall objective of the MSDF, 2018. The site is located within an area marked for urban development, it is surrounded by development and is also located within the coastal urban edge, as determined by the City of Cape Town.

The Table Bay District Plan (2012) Environmental Management Framework ("EMF") contains development guidelines for scenic routes, such that *"development along scenic drives and routes should seek to retain significant views from the route and avoid negatively affecting the character of the landscape through which it passes; and any redevelopment along scenic drives and routes should focus on landscaping improvements to the (public and private) areas abutting the road"*.

The proposed development is consistent with the EMF in the sense that views from scenic drives will not be impacted. The views from the scenic drives of Kloof Road and Victoria Road have been assessed and it has been confirmed that these would not be affected. The preferred alternative also has a design which sets the proposed building back from certain levels.

3.3 Biophysical Impacts

The site is in a transformed state with minimal remaining indigenous vegetation. It is proposed that the remaining indigenous vegetation be retained, as far as possible and be incorporated into the proposed landscaping. The site would have historically contained Peninsula Granite Fynbos, which is Critically Endangered vegetation type. However, according to the Terrestrial Biodiversity Compliance Statement dated 2 March 2021 as compiled by Dr Dave McDonald of Dave McDonald Botanical Surveys and Tours, there is no Peninsula Granite Fynbos on the site. It was therefore established that the site is of 'Very Low' sensitivity in terms of terrestrial biodiversity and will therefore also result in 'Very Low' negative botanical impacts for which no specific mitigation is necessary. CapeNature requested confirmation as to the possible presence of the larval host plant of *Kedestes lenis* *Ked Estes* and *Aloeides egerides* on site which could be impacted on by development. The botanical specialist however confirmed that there is no evidence of *Kedestes lenis emeris* species occurring on the Cape Peninsula and the probability of *Aloeides egerides* occurring on site is extremely low. Furthermore, the larval food plant for *A. egerides* is not known thus there is no indication that the larvae could occur at the site.

The underlying aquifer at the site is classified as an intergranular and fractured aquifer. The site is however not located within a Strategic Water Source Area for groundwater and existing excavations in the local area have already drawn the water table down significantly. The impacts of the proposed development on groundwater resources are therefore expected to be of low negative significance.

An Aquatic Biodiversity Compliance Statement dated July 2020 was undertaken by Ms. T. Becher, which indicated that no aquatic feature of any significance was identified within or adjacent to the site. Any drainage through the site is associated with surface water runoff from adjacent developed areas that have modified and concentrated the natural runoff characteristic along hardened surfaces such as roads and as a result of diversions around residences. The Aquatic Biodiversity Compliance Statement concluded that the development will not impact any watercourses and the site is of 'Low' sensitivity in terms of aquatic biodiversity. As such, the only mitigation measure required that relates to manage adequately manage the stormwater runoff, which must be facilitated through a stormwater management plan.

Given the urban context of the site and its surrounds, movement of fauna through the site has been limited and altered. The site also does not fall within any sensitive faunal areas.

3.4 Coastal Impacts

The site is located approximately 63m from the high-water mark of the sea but falls outside of the coastal risk zones as demarcated by the City of Cape Town. The site is located on the landward side of the Coastal Management Line adopted in terms of the National Environmental Management: Integrated Coastal Management Amendment, 2014 (Act No. 36 of 2014).

Given the urban context of the site and dense urban development that exist between the site and the coast, the proposed development is unlikely to disrupt the coastal processes of the nearby beach and coastline. Coastal public property or coastal access will also not be affected by the proposed activity, as it is located on privately owned land. The EMPr contains provisions requiring that construction activities be contained within the limits of the site, and thereby prevent any impact on the coastline.

3.5 Geotechnical

A Geotechnical Assessment was undertaken by M. van Wieringen & Associates, dated 3 July 2020 to assess the geotechnical aspects. According to the Geotechnical Assessment dated 3 July 2020, the proposed development and excavation will not be dissimilar in nature and scale to existing developments satisfactorily completed in Clifton along and both above and below, Victoria Road under similar conditions. The impacts relating to the proposed excavation and demolition activities were determined to be of low to very low negative significance, after mitigation. The excavations required will be relatively limited to the south eastern side of the site and would be limited in depth as far as possible. The only rock to be removed along Victoria Road would be the limited width to enable the construction of a single lane driveway and waiting area. The recommended measures provided by the geotechnical engineers have been included in the EMPr. These specifically includes *inter alia*, the need to install drains to accommodate the groundwater egressing from the new excavation faces, installing channel(s) across the top of the site to divert run-off, design of the building and lateral support must be done with input from a specialised geotechnical and structural engineer/s and the stability of the rock berm must be assessed during excavation and addressed accordingly as well as the implementation of the appropriate Lateral Support Design.

3.6 Visual/Sense of place

A Visual Impact Assessment was undertaken by David Gibbs (dated 30 April 2021) to assess the visual impacts associated with the proposed development. The VIA included an assessment of impacts on the scenic drives and the green matrix in the area. The site generally forms part of an urban environment comprising an urban townscape. Victoria Road in particular has been increasingly subject to large-scale residential development, which implies that the proposed development will not be out of character with its immediate surrounds. The existing streetscape and urban townscape imply that the proposed development is not considered as a form of visual intrusion into the landscape (both neighbouring properties of the site are already developed at a similar high density).

According to the Visual Impact Assessment, given the scale of the site, the landscape character of the regional setting is considered to have low sensitivity to the visual impact associated with the proposed development. The landscape character of the local context is considered moderately sensitive, as the residential properties immediately adjacent to the site would be exposed to the most direct visual impacts of construction and operational phases of the proposed development. The immediate context is considered to be of medium scenic, cultural, and historic significance due to the scenic drives of Victoria Road and Kloof Road. The height of the proposed building has been designed such that it would not interrupt scenic views from Kloof Road. The Visual Impact Assessment Report states that the height of the proposed building is well below the sightline downward vista from Kloof Road and that the proposed development is consistent with the pattern of development along Victoria Road.

The negative visual impacts during the construction and operational phases were assessed as low negative significance post mitigation. Mitigation measures include the implementation of an approved landscaping plan. The holder would be required to submit a detailed Landscape Plan, as prepared by a suitably qualified landscape architect to the City of Cape Town for approval

prior to implementation. This requirement has been included in the conditions of this environmental authorisation and the EMPr.

3.7 Heritage

According to the Heritage Screener Report dated June 2020, it is very unlikely that the proposed development will impact on significant heritage resources. Heritage Western Cape indicated in correspondence dated 14 July 2020 that there is no reason to believe that the proposed development will impact on heritage resources and therefore no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) will be required.

The existing staircase leading to the previously existing building is older than 60 years and an application for a demolition permit in terms of Section 34 permit of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is required. This requirement has been included in the EMPr.

3.8 Traffic

According to the Transport Impact Statement dated 3 March 2021, it is estimated that the proposed development will generate 6 vehicle trips per AM and PM peak hours, respectively. The traffic impacts associated with the proposed development will therefore be negligible and is not expected to have a significant negative impact on any of the surrounding intersections and road network. No road upgrades are therefore required to accommodate the proposed development. The site is also situated close to existing public transport routes, including MyCiTi service which enters Clifton and further leads to other public transport options such as minibus taxis, rail and Golden Arrow Bus services. The development is therefore, well located in terms of accessibility.

3.9 Services

The proposed development is located within an area that has existing service connections.

A new low voltage connection point for electricity will be installed along the boundary with Victoria Road.

On 5 September 2020, the City of Cape Town confirmed that sufficient spare capacity exists to provide electricity. On 3 February 2021, the City of Cape Town confirmed that sufficient spare capacity exists to provide water and sanitation services. On 8 February 2021, the City of Cape Town confirmed that sufficient spare capacity exists to provide refuse removal services.

3.10 Nuisance

It is expected that nuisance related impacts such as noise and dust during the construction phase will be localised and temporary. The EMPr contains suitable provisions in order to manage and reduce nuisance related impacts to be of a very low negative significance.

A preliminary noise impact assessment dated 16 August 2021 was undertaken that specifies that certain noise reduction measures are required to further assist with noise reduction. These recommended mitigation measures have been included as part of the provisions of the EMPr.

3.11 Socio-economic

The proposed development seeks to achieve economic growth in the area that will be in line with the surrounding urban context and to also make optimal use of the land. Positive socio-economic impacts include employment creation during construction and the operational phases.

The development will result in both negative and positive impacts.

Negative Impacts:

- The local landscape or sense of place will be altered by a larger development footprint.
- Visual impacts.
- Increased traffic levels to and from the site.

Positive impacts:

- Provision of employment opportunities during construction and the operational phases.
- Optimal use of available land located within an urban area in line with spatial planning policies.

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 activity(s) (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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

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