



REFERENCE NUMBER: 16/3/3/1/A6/96/2008/24
NEAS REFERENCE NUMBER: WCP/EIA/0001401/2024
DATE: 21 August 2024

The Municipal Manager
City of Cape Town: Urban Mobility Directorate
18th Floor, Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8001

Attention: Ms. N. Billings

Tel: (021) 400 1444 / 0800 656 463
Email: Natalie.Billings@capetown.gov.za

Dear Madam

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): THE PROPOSED PHASE 2 OF THE INTEGRATED RAPID TRANSPORT WYNBERG BUS DEPOT (MYCITI) AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 90470, THE REMAINDER OF ERF 90475, AND ERF 91191, WYNBERG.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Mr. F. Venturi / Ms. M. Lee (Chand Environmental Consultants)
(2) Mr. A. Greenwood (City of Cape Town: ERM)

Email: info@chand.co.za
Email: Andrew.Greenwood@capetown.gov.za



REFERENCE NUMBER: 16/3/3/1/A6/96/2008/24

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): THE PROPOSED PHASE 2 OF THE INTEGRATED RAPID TRANSPORT WYNBERG BUS DEPOT (MYCITI) AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 90470, THE REMAINDER OF ERF 90475, AND ERF 91191, WYNBERG.

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 activities specified in section B below with respect to the Alternative 2 (the Preferred Alternative), described in the Basic Assessment Report ("BAR") dated April 2024.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
City of Cape Town: Urban Mobility Directorate
c/o Ms. N. Billings
18th Floor, Civic Centre
12 Hertzog Boulevard

CAPE TOWN

8001

Tel: (021) 400 1444 / 0800 656 463

Email: Natalie.Billings@capetown.gov.za

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

B. AUTHORISED ACTIVITIES

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) 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>Approximately 4.2ha of an 11.9ha wetland area will be infilled as a result of the proposed development. The proposed development will therefore require the infilling of more than 10m³ of soil from a watercourse.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p><i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. Areas outside urban areas;</i></p>	<p>The proposed development includes the development of roads wider than 4m with a reserve less than 13.5m on an area zoned for use as Public Open Space.</p>

<p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</p> <p>Activity Number: 12 Activity Description:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</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 or even 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</p>	<p>The proposed development will result in the clearance of more than 300m² of indigenous vegetation within a critically endangered ecosystem (i.e. Cape Flats Sand Fynbos).</p>
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<p><i>Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.”</i></p> <p>Activity Number: 15 Activity Description:</p> <p><i>“The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</i></p> <p>f. Western Cape</p> <p><i>i) Outside urban areas, or ii) Inside urban areas: aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; bb) A protected area identified in terms of NEMPAA, excluding conservancies; or cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.”</i></p>	<p>The proposed development will be bigger than 1000 square meters in size on land zoned as open space.</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:

The authorised development entails the infilling of wetlands for the development of a bus depot and associated infrastructure on a portion of Erf 90470, the Remainder of Erf 90475, and Erf 91191, Wynberg. The bus depot will be able to accommodate approximately 202 buses (noting that there would be capacity for up to 202-day time staging and for up to 61 overnight staging buses). The proposed development will include the following components:

- Two 14m³ underground diesel storage tanks for refueling purposes. The refueling area will include administrative areas and an additional AdBlue Store area to hold a 280L tank;
- A wash bay, including support buildings;
- Parking areas;
- Workshops for vehicle maintenance and repair purposes;
- A spray booth with associated components for a closed system;
- Administrative buildings for drivers and staff;
- Security buildings at the main entrance;
- Fencing along the perimeter of the site;
- Landscaped areas;
- Stormwater drainage and attenuation infrastructure; and
- An emergency exit road.

The stormwater generated on site will be routed via pipelines to a lined stormwater pond. The stormwater pond will be developed in the north-east corner of the site. Overflow from the pond will run into the natural wetland area located to the east. A combination of gabions and vegetated slopes will

be established around the pond for water quality and faunal movement purposes. Boreholes will be established throughout the site for groundwater quality monitoring purposes during the pre-construction and operational phase.

Potable water supply, electricity supply and sewerage disposal services will be supplied by the local authority. Refuse removal would be provided by a private contractor. An existing access point to the Bonnytoun settlement will be realigned and formalised to the west of the bus depot. Access to the site will be gained off Wetton Road.

The total development footprint will be approximately 4.83ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on a portion of Erf 90470, the Remainder of Erf 90475, and Erf 91191, Wynberg.

The 21-digit Surveyor General codes are:

Erf 90470	C01600070009047000000
Remainder of Erf 90475	C01600070009047500000
Erf 91191	C01600070009119100000

The central site co-ordinate for the proposed development is:

Middle	34° 0'13.82"S	18°28'58.20"E
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Layout Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Chand Consultants
c/o Mr. F. Venturi/ Ms. M. Lee
P.O. Box 238
PLUMSTEAD
7801

Tel: (021) 762 3050
E-mail: info@chand.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 Alternative 2 (the Preferred Alternative), described in the BAR dated April 2024 on the site as described in Section C above.
2. 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 ten (**10**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities during which period the authorised listed activities for the construction phase, must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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.

Written notice to the Competent Authority

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

Conditions: 6, 7, 10, and 15.1.

Notification and administration of appeal

6. The holder must in writing, within fourteen (14) 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 as included in Annexure 3;
 - 6.1.3. The date of the decision; and
 - 6.1.4. The date when the decision was issued.
 - 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) detailed in Section F below;
 - 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. The name of the responsible person for this Environmental Authorisation,
 - 6.4.3. The postal address of the holder,
 - 6.4.4. The telephonic and fax details of the holder,
 - 6.4.5. The e-mail address, if any of the holder; 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).

7. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activities

8. The Environmental Management Programme ("EMPr") (compiled by Chand and dated April 2024) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of the installation activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the development activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
 - 13.2. Thereafter, the holder must undertake environmental audits every two years during the duration of the construction phase.
 - 13.3. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
 - 13.4. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

Specific conditions

14. 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 ("HWC"). 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.
15. The following recommendations of the Freshwater Impact Assessment (compiled by EnviroSwift and dated 14 June 2021), as included in the EMPr, must be implemented:
 - 15.1. The areas beyond the development footprint must be demarcated as a "no-go" area prior to the commencement of development activities. The demarcation must be maintained and visible throughout the development phase.
 - 15.2. No vehicles or machinery must be stored within the wetlands located beyond the site boundary.
 - 15.3. Site preparation and development activities must occur during the dry season as far as practically possible.
16. The recommendations of the Faunal Impact Assessment (compiled by CES and dated June 2021), as included in the EMPr, must be implemented. This must include, *inter alia*, the implementation of the Western Leopard Toad Design Checklist and Construction Phase Management Plan during the construction phase.
17. The recommendations listed in the Order issued in terms of Section 38(3) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (Ref. No. 19/3/5/39) must be implemented.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with any 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 activities within the period referred to in Condition 2 this Environmental Authorisation shall lapse for the 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. An application for amendment of the Environmental Authorisation must be submitted 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 made 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 I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs -
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: 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 M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of 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)

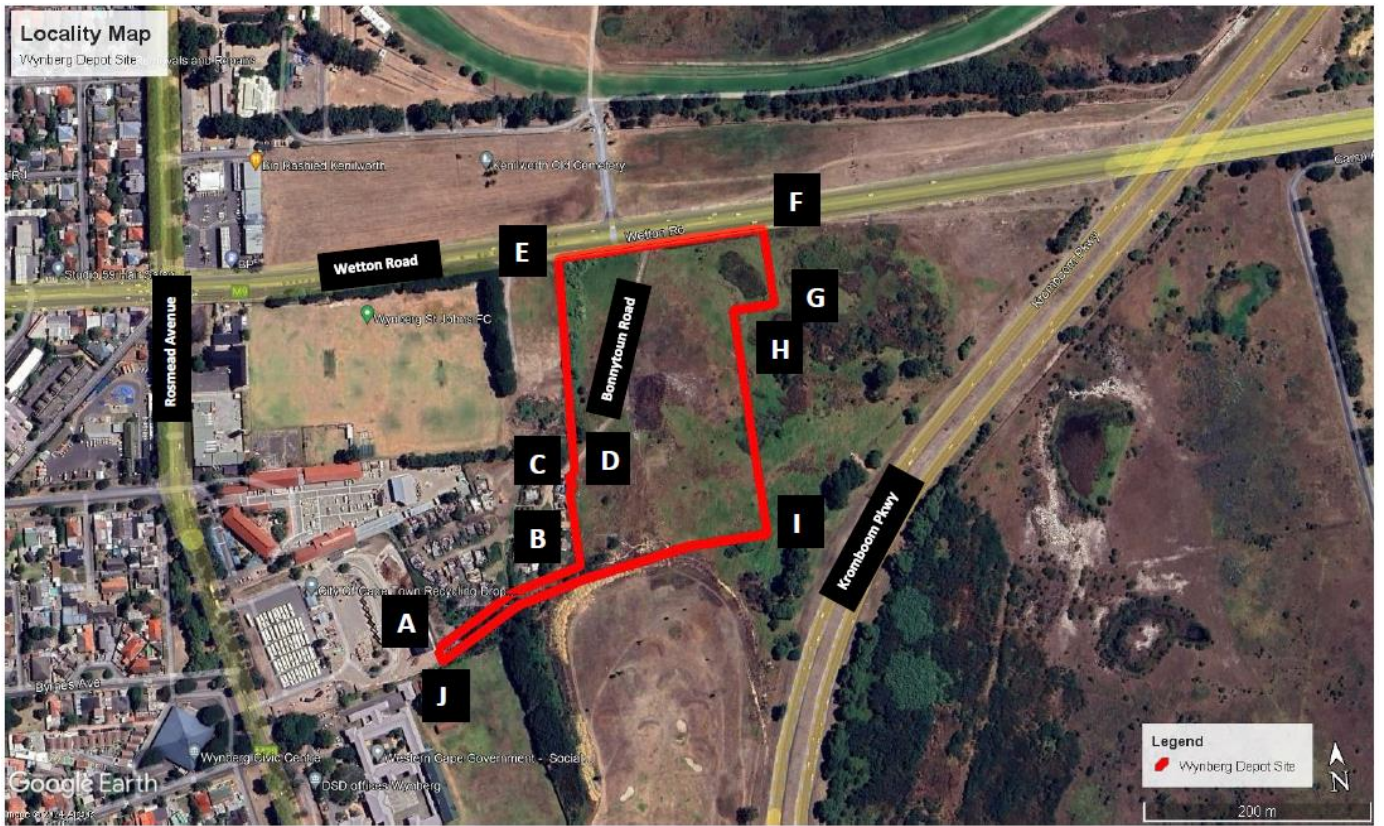
DATE OF DECISION: 21 AUGUST 2024

Copies to: (1) Mr. F. Venturi / Ms. M. Lee (Chand Environmental Consultants)
(2) Mr. A. Greenwood (City of Cape Town: ERM)

Email: info@chand.co.za
Email: Andrew.Greenwood@capetown.gov.za

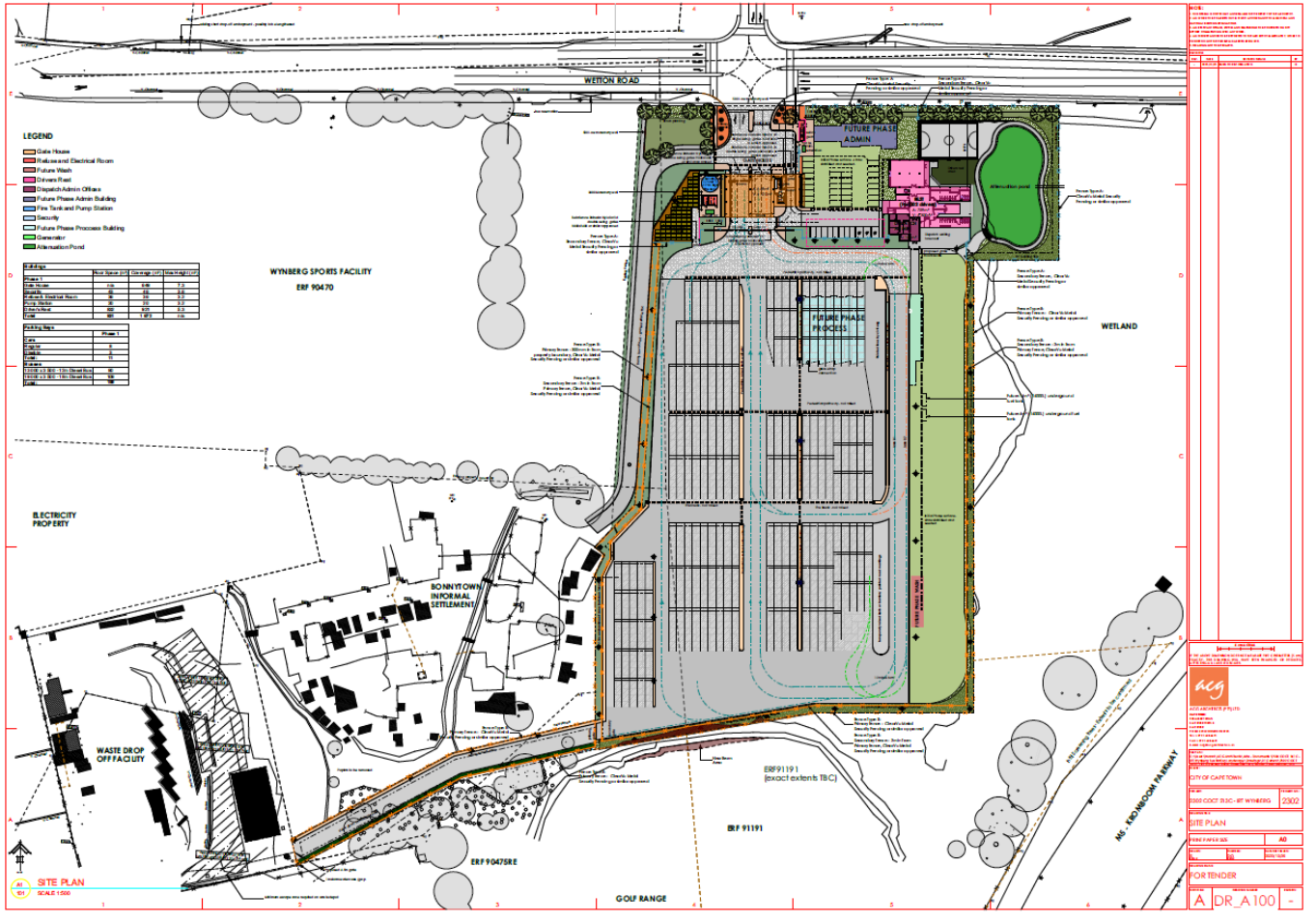
ANNEXURE 1: LOCALITY MAP

The proposed site is demarcated in red in the locality map below.



ANNEXURE 2: LAYOUT PLAN

The proposed Phase 2 IRT Wynberg Bus Depot and associated infrastructure on a portion of Erf 90470, the remainder of Erf 90475, and Erf 91191, Wynberg.



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, *inter alia*, the following into consideration:

- a) The information contained in the Application Form dated 31 January 2024 and received by the Competent Authority on 01 February 2024 and the BAR and EMPr both dated April 2024 and received by the Competent Authority on 02 May 2024;
- 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;
- d) The comments received from I&APs and responses to these, included in the BAR dated April 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measure; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process included:

- Identification of and engagement with I&APs;
- Fixing two notice boards at the boundary of the site with one facing Wetton Road and the other facing the Bonnytoun Informal Settlement;
- The placing of a newspaper advertisement in the "Peoples Post" newspaper on 20 February 2024;
- Giving written notice to I&APs and Organs of State having jurisdiction in respect of any aspect of the listed activities on 22 February 2024;
- Making a pre-application BAR available to I&APs for public review for a period of 60 days from 20 July 2021 to 20 September 2021.
- Making a draft BAR available to I&APs for public review for a period of 30 days from 03 May 2023 to 03 June 2023; and
- Making the draft BAR available to I&APs for public review for a period of 30 days from 23 February 2024 to 25 March 2024.

The concerns raised by I&APs were responded to and addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

Four site alternatives were considered for the proposed development as part of a high-level analysis undertaken as part of an investigation for the wider IRT system to be implemented throughout Cape Town. Wetton Road, Chukker Road, Ottery Road and Sheffield Road were identified as potential sites. Wetton Road was determined to be preferred from a contextual fit perspective and operational and legislative alignment considerations.

Two alternatives and the “no-go” alternative were identified and assessed as follows:

Alternative 1

Alternative 1 entails the development of a bus depot and associated infrastructure on a portion of Erf 90470, the Remainder of Erf 90475, and Erf 91191, Wynberg. Alternative 1 would entail the infilling of wetlands in the areas identified as degraded and less degraded. The total development footprint would be approximately 4.99ha in extent.

Alternative 1 does not take cognisance of the constraints and mitigation measures provided by the various specialist and as such is not deemed the preferred alternative.

Alternative 2 (The Preferred Alternative - herewith authorised)

Alternative 2 entails the infilling of wetlands for the development of a bus depot and associated infrastructure on a portion of Erf 90470, the Remainder of Erf 90475, and Erf 91191, Wynberg. The bus depot will be able to accommodate approximately 202 buses (noting that there would be capacity for up to 202-day time staging and for up to 61 overnight staging buses). The proposed development will include the following components:

- Two 14m³ underground diesel storage tanks for refueling purposes. The refueling area will include administrative areas and an additional AdBlue Store area to hold a 280L tank;
- A wash bay, including support buildings;
- Parking areas;
- Workshops for vehicle maintenance and repair purposes;
- A spray booth with associated components for a closed system;
- Administrative buildings for drivers and staff;
- Security buildings at the main entrance;
- Fencing along the perimeter of the site;
- Landscaped areas;
- Stormwater drainage and attenuation infrastructure; and
- An emergency exit road.

The stormwater generated on site will be routed via pipelines to a lined stormwater pond. The stormwater pond will be developed in the north-east corner of the site. Overflow from the pond will run into the natural wetland area located to the east. A combination of gabions and vegetated slopes will be established around the pond for water quality and faunal movement purposes. Boreholes will be established throughout the site for groundwater quality monitoring purposes during the pre-construction and operational phase.

Potable water supply, electricity supply and sewerage disposal services will be supplied by the local authority. Refuse removal would be provided by a private contractor. An existing access point to the Bonnytoun settlement will be realigned and formalised to the west of the bus depot. Access to the site will be gained off Wetton Road.

The total development footprint will be approximately 4.83ha in extent.

Alternative 2 was deemed the Preferred Alternative due to the fact that the reduced development footprint is preferred by the freshwater, faunal and botanical specialists.

“No-Go” Alternative

The “no-go” alternative implies that the “*status quo*” would remain. This alternative is not preferred as it would result in the loss of positive socio-economic impacts in the form of job opportunities and enhanced access to public transport. From a freshwater perspective, solid waste dumping and exposure to fire may continue for the near future due to unrestricted access to the depression wetlands.

The proliferation of invasive alien species is also likely to continue the current trajectory of degradation of the wetlands without any management intervention. From a groundwater perspective, the no-go option would forego improvements to water quality and reduced leachate. Given that the proposed development will not result in unacceptable environmental impacts, the No-Go alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Need and Desirability and Planning Context

Erf 91191 is zoned as Public Open Space 2, Public Road and Public Parking. Erf 90475-Re is zoned as Community 1: Utility and Public Open Space 2. Erf 90470 is zoned as Community 1: Utility. The proposed development is not in line with the existing land-use rights for the proposed site. Therefore, a land use application will be required in terms of the relevant planning legislation. In terms of the Municipal Spatial Development Framework ("MSDF") (dated 2023), the proposed development site is designated as 'Urban Inner Core' and 'Development Corridor' area. According to the MSDF, desired spatial outcomes and land use guidelines for the Urban Inner Core include diverse and dense land uses in association with current and future public transport infrastructure provision. The proposed IRT bus depot development is aligned with the policies and strategies of the MSDF as it will facilitate the roll-out of high-quality and efficient public transport infrastructure and systems that will contribute towards integrated and sustainable urban growth. The Southern District Plan ("SDP") (dated 2023) designates the site mainly as 'Structuring Open Space', partly as 'Waterbodies' and partly as 'New Development Area'. The site is also indicated as being within a 'Metropolitan Node' and adjacent to a 'Lower Order Development Route' and within a 'Lower Order Development Corridor'. The proposed development is considered inconsistent with the Southern District Plan and requires a deviation from it. The Southern District Plan inconsistency relates to the 'Waterbodies' and 'Structuring Open Space' spatial designations and their corresponding guidelines, which do not support high-impact developments on environmentally sensitive or identified open space land. Part of the site is located in an area marked as "wetlands" and "Other Ecological Support Area (Buffer 2)" in the Biodiversity Network thematic overlay of the MSDF. As such, the relevant specialists were appointed prior to the application commencing in order to confirm the state of the environment and ensure adequate mitigation measures are incorporated. The relevant specialist studies were conducted to ensure the proposed development could take place sustainably and their recommendations have been included within the EMPr.

3.2. Agricultural impacts

An Agricultural Compliance Statement (compiled by Johann Lanz and dated 27 February 2021) was undertaken due to the fact that the Screening Report determined that the proposed site is located within a high sensitivity area from an agricultural perspective. Based on the fact that the proposed site is zoned for public open space, community and transport and is located inside an urban area, the specialist concluded that the proposed site has a low sensitivity from an agricultural perspective. The specialist confirmed (in correspondence dated 31 January 2024) that the findings of 2021 remain unchanged. The Western Cape Department of Agriculture confirmed (in their correspondence dated 14 October 2021) that they do not have a comment on the proposed development.

3.3. Geotechnical considerations

A Geotechnical Investigation (compiled by SRK Consulting (South Africa) (Pty) Ltd and dated October 2020) was undertaken to determine the geotechnical aspects of the proposed site. Test pit excavations were undertaken across the proposed site. No test pits were excavated within the wetland area. Disturbed soil samples were collected from the more recent sandy fill and the underlying older refuse horizon. The fill layer thickness varies from 2.2m to 3.5m in places. A perched water table was evident in the test pits. The fill material has not been compacted and may be problematic in terms of settlement.

The specialist indicated that remedial measures will be required to reduce the potential settlement in order to develop the proposed site. Various remedial options were identified by the specialist. Dynamic compaction, rapid impact compaction, and the removal of a portion of the fill, crush and recompact options were identified as suitable remedial options. The recommendations of the specialist will be further considered during the detailed planning and design phase of the proposed development.

3.4. Groundwater Impacts

A Groundwater Impact Assessment (compiled by GEOSS South Africa (Pty) Ltd and dated 16 April 2021) was undertaken to determine the potential groundwater impacts associated with the proposed development. The specialist indicated that the proposed site is located above an underlying aquifer that is classified as an intergranular and fractured aquifer. The aquifer's vulnerability to contamination is mapped as being high. Given that the proposed site has a shallow water table, the specialist indicated that the upper intergranular aquifer has a higher likelihood of becoming contaminated. A desktop assessment revealed that there are a number of groundwater users in the surrounding area.

The specialist indicated that groundwater monitoring would be required and aquifer recharge should be achieved. The specialist's recommendations with respect to groundwater monitoring boreholes and a monitoring plan have been included in the EMPr. An updated statement from the specialist (dated 14 February 2024) indicated that the assessment of 2021 remains valid and the recommended mitigation measures must be implemented.

3.5. Soil Contamination

A Soil Contamination Investigation (compiled by SRK Consulting (South Africa) (Pty) Ltd and dated November 2020) was undertaken to determine the contamination status of the proposed site. Historically, the proposed site was used as a dump site over many decades. Test pit excavations were undertaken for the purposes of the geotechnical investigation. Soil samples were collected from the more recent sandy fill and the underlying older refuse horizon. The results of the soil samples taken in the recent sandy fill indicated that the concentrations of copper and lead exceed the SSV1 ecological threshold (i.e. the protection of ecosystem health), which indicates that the leachate from the material may pose an unacceptable risk to ecological receptors. Soil samples taken in the underlying refuse horizon/waste fill disposed of at the site indicated that concentrations of copper, lead and zinc exceed the SSV1 ecological threshold, while mercury exceeded the ecological threshold in a single sample. No volatile compounds were reported in the fill materials. Groundwater is considered to be a potential pathway for the migration of contaminants from the site. Based on the results, the specialist recommended that the sandy fill is not considered to be contaminated and does not pose an unacceptable risk to human health in an industrial/commercial land use. The specialist further recommended that the abstraction of groundwater at the site is prohibited due to the historical waste body and its proximity to a wetland. The specialist confirmed (in their correspondence dated 12 February 2024) that the findings of the assessment undertaken in 2020 remain valid and unchanged.

A Notice of Identification of an Investigation Area in terms of Section 36(6) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("NEMWA") for the contamination of the Wynberg waste dumping site on Erven 90475/Re, 90470 and 91191, Wynberg was issued by this Department's Directorate: Pollution and Chemicals Management on 20 January 2023. A Part 8 process in terms of the NEMWA was undertaken. After various investigations and specialist studies undertaken as part of the Part 8 process, an Order in terms of Section 38(3) of the NEMWA was issued by this Department's Directorate: Pollution and Chemicals Management on 21 December 2023 (Ref. No. 19/3/5/39). The recommendations of the Order have been included in the EMPr.

3.6. Freshwater Impacts

A Freshwater Impact Assessment (compiled by EnviroSwift and dated 14 June 2021) was undertaken to assess the potential freshwater impacts associated with the proposed development. The specialist indicated that based on the City of Cape Town's wetland layer, a number of wetlands are mapped within and adjacent to the proposed site. During the onsite wetland delineation process, the specialist determined that dumped material was prevalent in the central and north-western parts of the proposed site. The north-western part of the proposed site appeared to be a raised area, due to the dumped material. The specialist indicated that the impermeable nature of the dumped material seems to have formed wetland conditions across large parts of this raised area (where wetlands would not ordinarily be expected) allowing the establishment of vegetation. Wetland conditions within the raised area are therefore of unnatural origins, but since the raised area is bound on all sides by natural wetland conditions, the dumped material likely overlies a natural depression wetland. The delineated wetland comprises an area of approximately 11.9ha in extent.

Since the study area is highly impacted and transformed, the specialist identified areas that are "less degraded" and "degraded" on the basis of remnant natural habitat and degree of soil disturbance (i.e., dumped waste and infilling). The less degraded portion of the wetland (referred to as Unit 2 by the specialist) (located to the east of the proposed site) provides moderately low WET-Ecoservices, has a category D Present Ecological Status ("PES") and moderate Ecological Importance and Sensitivity ("EIS"). The degraded portion of the wetland (referred to as Unit 1 by the specialist) (which is where the limits of Alternative 2 (the preferred alternative) would be located) provides a moderately low WET-Ecoservice, has a category E PES and low/marginal EIS. Approximately 4.2ha of the degraded portion of the wetland will be infilled as a result of the proposed development. The loss of wetlands has been assessed to be of low negative significance from a wetland habitat perspective. In terms of wetland function, the potential impacts have been assessed to be of medium negative significance. The specialist indicated that the loss of function would be mitigated through the implementation of a stormwater management plan that is compliant with the local authority's relevant stormwater policy. The significance of the residual impact for the loss of wetland habitat and function was therefore considered by the specialist as being of low negative significance post mitigation. The specialist indicated that although there is a minimal difference between Alternative 1 and Alternative 2 and both alternatives are acceptable, Alternative 2 is preferred as it would not result in the infilling of wetlands identified in Unit 2 and provided that the recommended mitigation measures are implemented.

In terms of potential impacts to fauna, reference to a specialist study undertaken by CES (dated 2020) was made by the specialist. The specialist noted that although the study revealed that no evidence of breeding areas for the Western Leopard Toad (*Sclerophrys pantherinus*), which is an endangered species, were found, it was likely that the project area is used as a corridor to access non-breeding sites. The specialist indicated that the potential impact on this species may be considered as medium negative significance without mitigation and very low negative post implementation of mitigation measures. An updated specialist statement (compiled by EnviroSwift dated 25 January 2024) confirmed that the findings of the Freshwater Impact Assessment (dated 14 June 2021) remains applicable for the purposes of meeting the information requirements for freshwater specialist assessments in terms of the NEMA EIA Regulations (2014, as amended) and the National Water Act, 1998 (Act No. 36 of 1998) without necessitating any updates or revisions.

Initially, CapeNature recommended (in their comment dated 21 September 2021) that a wetland offset is required to compensate for the loss of wetland habitat and function areas. However, CapeNature confirmed (in their comment dated 03 April 2024) that a wetland offset is no longer recommended and that the findings and validity of the freshwater assessment is accepted. The Department of Water and Sanitation raised no objection to the proposed development in their comment dated 23 July 2021. Cognisance of an Application for a Water Use Authorisation in terms of the National Water Act, 1998 (Act No. 36 of 1998) was noted by the Department.

The Department stipulated measures to be included into the groundwater monitoring programme that will be required. Further mitigation measures with respect to stormwater and surface water were recommended. The recommendations of the Department of Water and Sanitation and the specialist has been included in the EMPr.

3.7. Faunal Impacts

A Faunal Impact Assessment (compiled by CES and dated June 2021) was undertaken to determine the potential faunal impacts associated with the proposed development. During the field survey the Clicking Stream Frog (*Strongylopus grayii*) was found in the project area. During acoustic surveys the Clicking Stream Frog, the Arum Lily Frog (*Hyperolius horstockii*) and the Cape Sand Frog (*Tomopterna delalandii*) were recorded. No Western Leopard Toads (*Sclerophrys pantherine*) were heard during the breeding season and no tadpoles were found. It is therefore unlikely that the Western Leopard Toad utilises the project area for breeding. The specialist further stated that it is possible that this species uses the project area as a corridor to access non-breeding sites as individuals have been found north of the project area while the breeding site is south of the project area. The Arum Lily Frog is considered as Least Concern.

No reptiles were recorded during the field survey. A Four-striped Grass Mouse was the only mammal observed during the field survey. In terms of birds, the project area was dominated by common bird species that readily adapt to urban environments.

The specialist indicated that the potential faunal impacts are considered to have a low negative significance post mitigation. The specialist recommended that the Western Leopard Toad Design Checklist and Construction Phase Management Plan be implemented. The aforementioned document has been included in the EMPr. An updated specialist statement (compiled by Biodiversity Africa and dated 16 February 2024) confirmed that the findings of the specialist report dated 2021 remain valid.

3.8. Botanical Impacts

A Botanical Impact Assessment (compiled by NCC Environmental Services (Pty) Ltd and dated 14 April 2021) was undertaken to determine the potential botanical impacts associated with the proposed development. The specialist took cognisance of the findings of the Geotechnical Investigation (compiled by SRK Consulting and dated October 2020) in terms of the overall topography and extensive anthropogenically altered state of the proposed site. Due to the levels of disturbance and dumped litter, the historical soil profile has been replaced and therefore does not depict the historical description of the area. The proposed site would have historically contained Cape Flats Sand Fynbos, which is Critically Endangered in terms of the National Environmental Management: Biodiversity Act, 2004 (Act. No. 10 of 2004) – The Revised National List of Ecosystems that are Threatened and in Need of Protection, 2022. The proposed site is completely transformed with almost no indigenous vegetation present and no species of conservation present. Due to the infill layers on the proposed site, the specialist concluded that the site is unsuitable for restoration of Cape Flats Sand Fynbos. The indigenous vegetation in the wetlands is likely to be degraded and transformed Cape Flats Sand Fynbos wetland as opposed to a Cape Lowland Freshwater Wetland. Since the site is degraded, the specialist indicated that the proposed site could play a role in faunal movement between Kenilworth Racecourse Conservation Area and Youngsfield. From a botanical perspective, the corridor does not seem to play a role in seed dispersion, but could play a role in nutrient buffering and groundwater recharge. No specific mitigation measures were recommended by the specialist. Generic mitigation measures provided in the Botanical Impact Assessment have been included in the EMPr.

A Terrestrial Plant Species Site Sensitivity Verification (compiled By NCC Environmental Services (Pty) Ltd and dated 15 February 2024) was undertaken to verify the findings of the Screening Report. the Screening Report indicates that the proposed site is located within a very high sensitivity area from a plant species perspective.

However, the specialist indicated that the proposed site is considered to be located within a low sensitivity area due to anthropogenic impacts such as dumping and mowing activities. The specialist concluded that it is highly unlikely that species of conservation concern would be present on the proposed site. The specialist further confirmed that the findings and recommendations of Botanical Impact Assessment (dated 14 April 2021) remain applicable.

CapeNature indicated (in their comment dated 03 April 2024) that the findings and recommendations of the Botanical Impact Assessment are accepted.

3.9. Heritage Impacts

A Notice of Intent to Develop ("NID") for Erf 91191, Wynberg was submitted to Heritage Western Cape ("HWC"). HWC confirmed in their correspondence dated 19 December 2018 that since there is no reason to believe that the proposed new IRT centre will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA") is required. An updated NID was submitted to HWC in 2021. HWC confirmed in their correspondence dated 04 May 2021 that since there is no reason to believe that the proposed IRT and depot on Erf 91191 and 90475-RE, Wynberg will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA") is required.

Due to changes in the layout of the proposed development since 2021, a specialist statement compiled by CTS Heritage (dated 29 January 2024) confirmed that the findings, impacts and mitigation measures identified in the 2018 and 2021 NIDs are still applicable. No further heritage studies are required.

3.10. Risk Assessment

A Risk Assessment in terms of the Major Hazard Installation ("MHI") Regulations for the proposed storage of fuel associated with the proposed development (compiled by MHR Consultants and dated 13 April 2021) was undertaken. Two 14m³ underground diesel storage tanks are proposed to be located in close proximity to the eastern boundary of the site. The risks were modelled and it was determined that the risks associated with the MHI were found to be acceptable. Mitigation measures have been included in the EMPr to minimise any potential risks that may occur.

3.11. Traffic Impacts

A Traffic Impact Assessment (compiled by Gibb (Pty) Ltd and dated 13 July 2021) was undertaken to determine the potential traffic impacts associated with additional vehicle trips estimated to be added to the surrounding transport network.

The study identified that the proposed development would take access off Wetton Road and form the fourth leg of the existing Wetton Road / Kenilworth Racecourse three-legged intersection. The Traffic Impact Assessment recommends that the four-legged intersection be signalised in the short term and the signalised intersection may be converted to a left-in, left-out access to meet the minimum spacing requirements as a result of the introduction of the proposed interchange. Adherence to the recommendations of the Traffic Impact Assessment has been incorporated in the EMPr. No road upgrades were recommended by the specialist for the long-term access arrangement.

An updated Traffic Impact Statement (compiled by Gibb (Pty) Ltd and dated 02 February 2024) confirmed that the recommendations of the Transport Impact Assessment (dated 13 July 2021) remain applicable.

3.12. Visual Impacts

The City of Cape Town recommended (in their correspondence dated 25 March 2024) that tree planting to minimise the potential visual impacts along the M5 be incorporated into the proposed development. The City of Cape Town's recommendations have been incorporated into the landscape plan.

3.13. Noise Impacts

A Noise Impact Assessment (compiled by Jongens Keet Associated and dated 17 March 2021 and revised 10 July 2021) was undertaken to determine the potential noise impacts associated with the proposed development. Based on the information available at the time the assessment was undertaken, the potential noise impacts associated with movement on the bus depot within close proximity to the Bonnytown settlement was assessed. Ambient noise levels were measured, which was determined to be within the daytime noise standard. The specialist calculated that during the operational phase, the anticipated noise levels would be below the existing ambient noise levels and would thus be compliant with the relevant noise regulations. The potential noise impacts are therefore considered to be of negligible significance. This Department's Directorate: Air Quality Management provided (in their correspondence dated 22 September 2021) recommendations with respect to dust management and no objections to the proposed development was raised.

An updated specialist statement (compiled by Jongens Keet Associates and dated 25 January 2024) confirmed that the findings of the report dated 10 July 2021 are still applicable.

3.14. Services

A Civil Infrastructure Services Analysis and Assessment Report (compiled by Gibb (Pty) Ltd and dated February 2018) was undertaken to determine the service capacity requirements of the proposed development. The required services for the development include potable water reticulation, sewer reticulation, internal stormwater management systems, electricity reticulation, internal road infrastructure and solid waste management services. The City of Cape Town confirmed (in their correspondence dated 21 April 2024) that sufficient, spare and unallocated bulk water capacity, waste removal and sewerage capacity is available to service the proposed development. Electricity supply was confirmed by the City of Cape Town in their correspondence dated 11 August 2023.

A Stormwater Management Plan (compiled by Gibb (Pty) Ltd and dated 12 February 2021) was developed in order to determine the infrastructure requirements for the anticipated stormwater volume associated with the proposed development. The plan took cognisance of the specialist studies conducted for the groundwater, freshwater, geotechnical and faunal aspects. Various scenarios were assessed using different infrastructure for stormwater purposes. It was determined that a pond of approximately 870m² (inclusive of a 1m gabion edging) be developed. Pipeline infrastructure will be installed with a design capacity to accommodate a 1 in 50-year flood event. Scenario 1, which allows for the provision of permeable paving and a detention pond and suitable cut-off measures, was recommended for implementation. The City of Cape Town's Water and Sanitation – Catchment, Stormwater and River Management office confirmed (in their correspondence dated 29 May 2023) that the report is supported from a stormwater planning perspective.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Loss of wetland habitat and function;
- Potential heritage impacts during the construction phase;

- Potential traffic impacts;
- Potential visual impacts;
- Potential noise impacts during the construction phase; and
- Potential dust impacts during the construction phase.

Positive impacts include:

- Enhanced access to public transport infrastructure and services;
- Improvement of water quality;
- Avoidance of less degraded wetlands; and
- Some employment opportunities during the construction phase.

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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