



REFERENCE: 16/3/3/1/A3/53/2005/22
NEAS REFERENCE: WCP/EIA/0001040/2022
DATE OF ISSUE: 16 August 2022

The Board of Directors
Mount View (Pty) Ltd.
Zomerlust Estate
Corner of Bergrivier Boulevard & Bergsig Avenue
PAARL
7646

Attention: Mr. Johan du Plessis

E-mail: johan@propinvest.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF FARM GOEDE VERWACHTING NO. 870, REMAINDER OF FARM NO. 869, FARM NO. 1262, REMAINDER OF FARM NO. 866, REMAINDER OF FARM NO. 1054, AND PORTIONS 2 AND 3 OF FARM NO. 1054, SIR LOWRY'S PASS VILLAGE.

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

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Carina Becker (Guillaume Nel Environmental Consultants)
(2) Ms. Azanne van Wyk (City of Cape Town)

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REFERENCE: 16/3/3/1/A3/53/2005/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF FARM GOEDE VERWACHTING NO. 870, REMAINDER OF FARM NO. 869, FARM NO. 1262, REMAINDER OF FARM NO. 866, REMAINDER OF FARM NO. 1054, AND PORTIONS 2 AND 3 OF FARM NO. 1054, SIR LOWRY'S PASS VILLAGE.

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

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report ("BAR") dated 04 May 2022.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the Watercourse and Wetland Rehabilitation Plan compiled by Freshwater Ecologist Network Consulting (Pty) Ltd., the River Maintenance Management Plan compiled by Mr. Christoff Dippenaar of Guillaume Nel Environmental Consultants, as well as the Rehabilitation Plan compiled by Mr. Christoff Dippenaar of Guillaume Nel Environmental Consultants for the proposed maintenance, management or rehabilitation works to be undertaken in the watercourses.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Mount View (Pty) Ltd.
c/o Mr. Johan du Plessis
Zomerlust Estate
Corner of Bergrivier Boulevard & Bergsig Avenue
PAARL
7646

Tel.: (021) 872 0028
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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
Listing Notice 1 of the EIA Regulations, 2014 (as amended): Activity 9: <i>"The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water -</i> <i>(i) with an internal diameter of 0,36 metres or more;</i> <i>or</i> <i>(ii) with a peak throughput of 120 litres per second or more;</i> <i>excluding where -</i> <i>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i> <i>(b) where such development will occur within an urban area".</i>	The proposed site is located outside an urban area and infrastructure exceeding 1000m in length for the bulk transportation of storm water will be established.
Activity 12: <i>"The development of-</i> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs-</i> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i> <i>excluding-</i>	The proposed site is located outside an urban area and infrastructure/structures of more than 100m² will be constructed within 32m from the edge of a watercourse.

(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".	
Activity 19: "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; but excluding where such infilling, depositing, dredging, excavation, removal or moving - (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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".	The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m³ from the watercourse.
Activity 27: "The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for - (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan".	More than 1ha of indigenous vegetation will be cleared.

Activity 28: <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i> (i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i> or (ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</i>	The proposed site was zoned for agricultural use on or after 01 April 1998 and is located outside an urban area.
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Listed Activity	Activity/Project Description
Listing Notice 3 of the EIA Regulations, 2014 (as amended): Activity 4: <i>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> i. Western Cape i. <i>Areas zoned for use as public open space or equivalent zoning;</i> ii. <i>Areas outside urban areas;</i> (aa) <i>Areas containing indigenous vegetation;</i> (bb) <i>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</i> iii. <i>Inside urban areas:</i> (aa) <i>Areas zoned for conservation use; or</i> (bb) <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</i>	Internal roads (wider than 4m) will be constructed on areas containing indigenous vegetation.

The abovementioned list is hereinafter referred to as "the listed activities".

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

The proposed development entails the establishment of a residential development and associated infrastructure on Portion 2 of Farm Goede Verwachting No. 870, Remainder of Farm No. 869, Farm No. 1262, Remainder of Farm No. 866, Remainder of Farm No. 1054, and Portions 2 and 3 of Farm No. 1054, Sir Lowry's Pass Village.

The proposed development will consist of approximately 383 residential erven, a clubhouse comprising of a deli/shop, coffee shop and/or restaurant and gym, as well as a crèche, sales offices, boardroom and security control room. Approximately 6.78ha (almost 29% of the proposed development) will be green spaces that will be

landscaped or rehabilitated. The development footprint, including the development footprint of all linear activities will be approximately 23.07ha (230 700m²).

The area in the southwestern corner where the *Monsonia speciosa* species has been identified will not be developed. This area will be demarcated before any construction activities commence and will be treated as a no-go area.

All portions of the proposed development will obtain access from Old Sir Lowry's Pass Road. The main access to the site will be approximately 160m west of the High Riding Estate Street and approximately 265m east of the existing access road to Farm No. 1262. The existing access to Farm No. 1262 will be an additional access. However, this access will only be used by some residents in the vicinity of the access to exit the site. A pathway (of compacted soil) will be established along the watercourse area.

A conservation buffer will be established around the unnamed tributary of the Sir Lowry's Pass River and channelled valley bottom wetlands. A variable conservation buffer with a varying width of 5m from the delineated edge of the watercourses will be applied to accommodate the proposed development layout in some areas. However, the buffer will be increased to 15m to compensate for the reduced buffer and to ensure that the conservation area is equal to the 10m buffer.

The buffer will be suitably rehabilitated and no formal buildings will be constructed within the variable buffer. The rehabilitation of the conservation buffer will improve the ecological integrity of the receiving environment.

The majority of the proposed development will be located above the post-development 1:100-year flood line, however some components of the proposed development will be located below the post development 1:100-year flood line.

The activities that will take place below the post-development 1:100-year flood line, within the conservation buffer and within close proximity to the watercourse, are as follows:

- 1) Some activities as part of the lower development will be located below the post-development 1:100-year flood line and within the delineated boundary of the watercourses. Previously unauthorised infilled material below the 1:100-year flood line and within the delineated boundary of the wetland associated with the unnamed tributary of the Sir Lowry's Pass River will be removed to spoil on site and the infilled area will be reshaped and rehabilitated.
- 2) Alteration of the modelled pre-development 1:100-year flood line will be undertaken to reduce the extent of the floodable area southeast of Old Sir Lowry's Pass Road to accommodate portions of the proposed development, including:
 - An open storm water channel upgradient of Old Sir Lowry's Pass Road will channel flow to the existing culvert under the road within the unnamed tributary. The storm water channel will be approximately 96m in length;
 - Enlargement of the existing pipe culvert below Old Sir Lowry's Pass Road to a 2.4m wide and 1m high portal culvert with associated erosion protection measures;
 - A flood management berm will be installed just downstream of the culvert and will extend parallel to the road in a south-easterly direction. The berm will be 1m high above the natural ground level and will extend for approximately 50m; and
 - Landscaping of the adjusted flood line and culverts for erosion control.

- 3) An internal roadway will traverse the unnamed tributary along the northern boundary. A rectangular portal culvert with 330mm brick wing walls will be installed. The culvert will be sized to accommodate up to a 1:100-year flow in the watercourse and will have reno-mattresses at the inlet and outlet to reduce erosion, including riprap below the culvert outlet to dissipate flow and further reduce erosion. All internal roads/parking areas within development clusters will be designed to accommodate low, heavy vehicle traffic (construction vehicles, furniture removal and refuse trucks etc.). This road network will consist of brick paved roads with formal kerbs/edgings, roadside open storm water channels and a storm water drainage system consisting of an underground pipe/road edge culvert network.
- 4) Three new storm water attenuation facilities will be constructed above the post-development 1:100-year flood line, in addition to utilising the existing farm impoundment situated north of the main farmhouse. These facilities will attenuate storm water runoff and promote on-site infiltration. The storage volume of the attenuation facility will be able to retain a 1:50 year post-development flood, while only discharging a peak flow equal to the 1:10 year pre-development flow. Outlet structures will discharge storm water into an open storm water channel network, which will convey storm water runoff into the watercourse. Gabion weirs will be constructed within the storm water channel to reduce storm water velocity and erosion. The storm water discharge points will be located below the post-development 1:100-year flood line, but above the 1:50 year post-development flood line, although some encroaching into the delineated watercourses may occur.
- 5) Portions of private erven associated with the proposed lower and upper development will be located within the conservation buffer of the watercourses.
- 6) Portions of *in situ* compacted walkways will be located above the post-development 1:100-year flood line, but within the conservation buffer as part of the lower and upper development.
- 7) Two private package plants will be established due to a lack of spare treatment capacity at the Macassar Waste Water Treatment Works ("WWTW"). Two Waste Water Treatment Plants ("WWTPs") will be established, namely WWTP A and WWTP B. WWTP A will be situated in the most western corner, above the modelled post-development 1:100-year flood line and outside the conservation buffer of the watercourses. WWTP B will be situated next to the main entrance gate to the upper portion of the site. The WWTPs will have the following treatment capacities:
 - WWTP A: 35m³ per day (77 erven capacity); and
 - WWTP B: 45m³ per day (88 erven plus facilities capacity).

The proposed container based WWTP will use a combination of conventional treatment (natural bacteria) and membrane technology (microfiltration) to treat the sewage. The treated effluent will be used for irrigation purposes to minimise the load on the municipal water supply.

Treated effluent from the WWTP will be pumped into irrigation storage tanks located next to the storm water attenuation facilities. The storage tanks will have an emergency overflow, which will discharge surplus treated effluent into a reed bed and swale system which will discharge into the combined storm water/treated sewer attenuation facility.

Backup generators will be installed at the pump stations and WWTPs and a bund wall and sump will contain spills from the plant. Both WWTPs will have emergency connection to the municipal sewer connection located in Old Sir Lowry's Pass Road.

The development on the lower portion of the site will require the installation of a pump station in the most western corner. The pump station will be located at the WWTP and will pump effluent to the municipal sewer connection in Old Sir Lowry's Pass Road as an emergency overflow connection from the conservancy tank to the municipal system.

The WWTPs will accommodate the first two phases of the proposed development (165 units plus facilities), while the remainder of the proposed development will be connected to municipal reticulation once the Macassar WWTW has been upgraded.

- 8) Erosion protection measures will be implemented where the storm water will discharge into the watercourse and will include concrete apron slabs, reno mattresses, wing walls and stone pitching.
- 9) Portions of private erven will be located within the variable conservation buffer. A stub wall of approximately 300mm in height and 230mm in width will be established outside the edge of the variable conservation buffer. This will ensure that the lawn area of the private erven is separated from the edge/beginning of the conservation buffer, to restrict and protect the conservation buffer from alien invasive plant infestation. The stub wall will comprise of a solid concrete foundation and masonry wall.

A Watercourse and Wetland Rehabilitation Plan, a River Maintenance Management Plan, as well as a Rehabilitation Plan have been compiled for maintenance, management or rehabilitation works to be undertaken in the watercourses.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Portion 2 of Farm Goede Verwachting No. 870, Remainder of Farm No. 869, Farm No. 1262, Remainder of Farm No. 866, Remainder of Farm No. 1054, and Portions 2 and 3 of Farm No. 1054, Sir Lowry's Pass Village.

The properties are currently partially used as homesteads, with a paintball course being located on Portion 2 of Farm Goede Verwachting No. 870.

The site is located adjacent to the Tre Donne Estate and is located north of High Riding Country Estate. The site is located adjacent to Old Sir Lowry's Pass Road in Sir Lowry's Pass Village. Old Sir Lowry's Pass Road runs through the centre of the site, as the development will be located on both sides of the road. The proposed development will therefore be accessed from Old Sir Lowry's Pass Road.

The SG 21-digit codes are:

Land portion	SG 21-digit code
Portion 2 of Farm Goede Verwachting No. 870	C06700000000087000002
Remainder of Farm No. 869	C06700000000086900000

Farm No. 1262	C06700000000126200000
Remainder of Farm No. 866	C06700000000086600000
Remainder of Farm No. 1054	C06700000000105400000
Portion 3 of Farm No. 1054	C06700000000105400003
Portion 2 of Farm No. 1054	C06700000000105400002

Co-ordinates:

Latitude: 34° 07' 17.00" S

Longitude: 18° 55' 20.70" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Guillaume Nel Environmental Consultants

c/o Ms. Carina Becker

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PAARL

7620

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E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 04 May 2022 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- (b) A period of fifteen (**15**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.

4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr") and the River Maintenance Management Plan ("RMMP").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

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

Commencement

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

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14 and 21.

Management of activity

10. The draft EMPr dated 04 May 2022 (as compiled by Guillaume Nel Environmental Consultants); the draft RMMP dated 24 February 2022 (as compiled by Mr. Christoff Dippenaar of Guillaume Nel Environmental Consultants); the Watercourse and Wetland Rehabilitation Plan dated March 2021 (as compiled by Freshwater Ecologist Network Consulting (Pty) Ltd.); and the Rehabilitation Plan November 2022, amended March 2021 (as compiled by Mr. Christoff Dippenaar of Guillaume Nel Environmental Consultants) are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr, including the RMMP, Watercourse and Wetland Rehabilitation Plan and Rehabilitation Plan must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

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

The ECO must–

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

- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct two weekly site inspections during the construction phase.

Environmental audit reports

- 15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
- 16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

Specific conditions

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

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

- 20.1 Within six (6) months of approval of the proposed development, the owner of the proposed "Remainder Goede Verwachting Homestead Erf" must submit a Conservation Management Plan for the homestead and its context to Heritage Western Cape for approval.
- 20.2 The Conservation Management Plan must be prepared by a suitably qualified heritage practitioner and must include, *inter alia*, the requirement that trenching activity within 50m of the homestead area must be checked by an archaeologist.
- 20.3 Prior to any work in the vernacular cottage precinct, the proposed alterations (including a maintenance plan) for all structures to be retained in the precinct, must be submitted to Heritage Western Cape for approval and must be accompanied by more detailed proposals for the precinct, including an appropriate maintenance and refurbishment plan, and plans for landscaping, boundary treatment, lighting and signage.
21. The area in the southwestern corner where the *Monsonia speciosa* species has been identified must be demarcated before any construction activities commences. This area must be treated as a no-go area and may not be developed.
22. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
23. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:

- 23.1 Dual-flush toilet systems.
- 23.2 All taps must be fitted with water saving devices (i.e., tap aerators, flow restrictors and low flow shower heads).
- 23.3 Water-wise landscaping must be established.
- 24. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 24.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 24.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
 - 24.3 All geysers must be covered with geyser "blankets".
 - 24.4 The installation of solar water heaters and solar panels must be considered for all buildings.

Recommendations:

- 1. Employment opportunities should be afforded to local people of the area, as far as possible.

General matters

- 1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
- 2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
- 3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

- 4. The manner and frequency for updating the EMP is as follows:
Amendments to the EMP, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

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

DATE OF DECISION: 16 AUGUST 2022

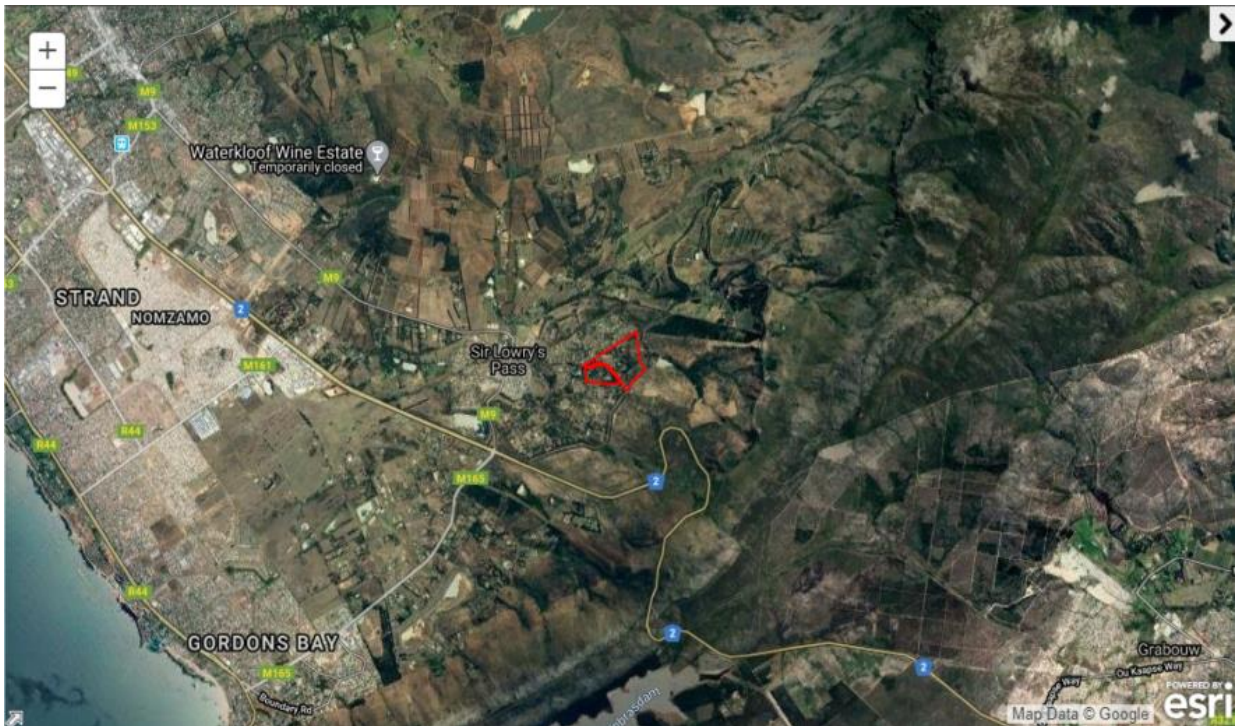
CC: (1) Ms. Carina Becker (Guillaume Nel Environmental Consultants)
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: carina@gnec.co.za
E-mail: Azanne.VanWyk@capetown.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A3/53/2005/22
NEAS EIA REFERENCE NUMBER: WCP/EIA/0001040/2022

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN

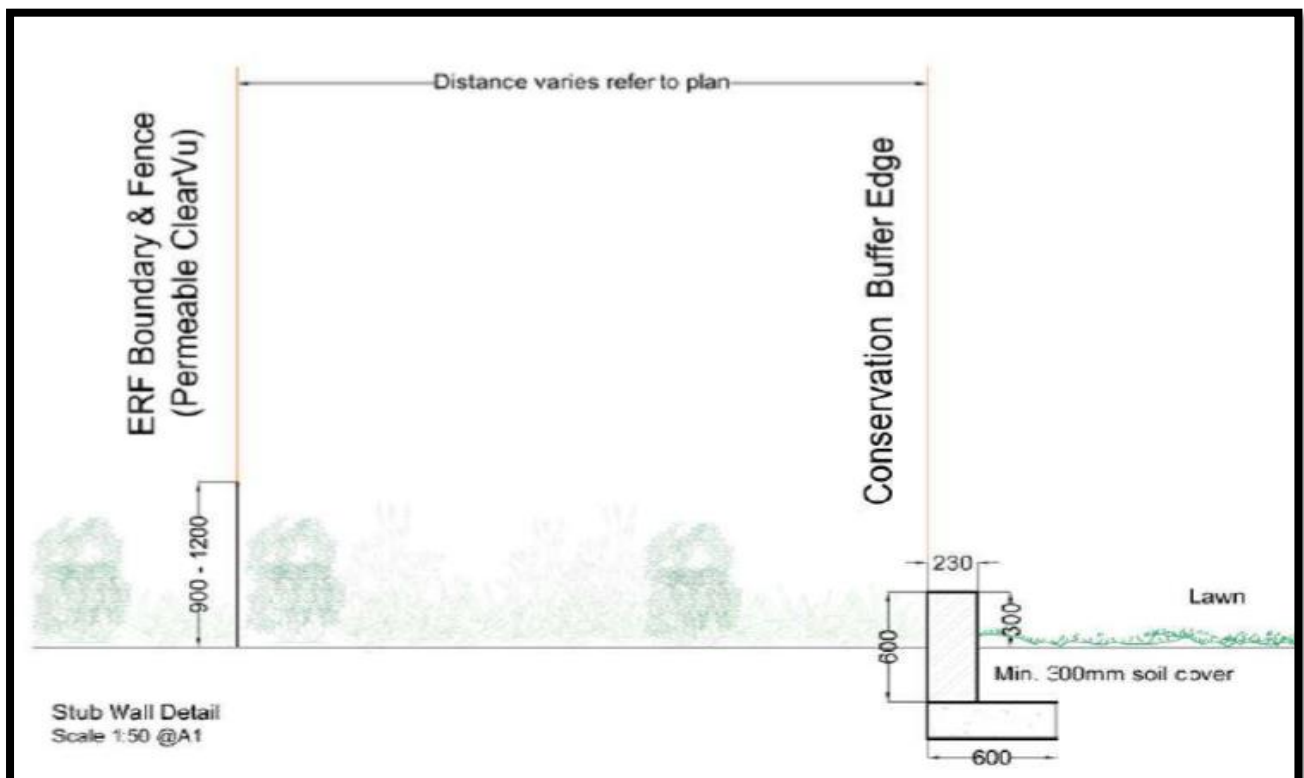


The storm water ponds are numbered 1-4; the red circle indicates the previous infill area within the 1:100-year flood line; storm water discharge points are indicated by the purple triangles; and the portion of the proposed development that falls within the variable conservation buffer area of the unnamed tributary is indicated by the yellow dashed line.



Figure 3: The provisional Site Development Plan (SDP) for the proposed Mount View residential development as provided by Urban Studio (2021) in relation to the delineated watercourses (blue areas) and associated variable conservation buffer (dark blue dashed line). The stormwater attenuation facilities are numbered 1 to 4.

Schematic design of the proposed stub wall:



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form received by the competent authority via electronic mail correspondence 16 February 2022; the BAR dated 04 May 2022, as received by the competent authority via electronic mail correspondence on 05 May 2022; and the EMPr submitted together with the BAR.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 04 May 2022.
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The Public Participation Process comprised of the following:

- Notices were placed at the local church, on the property boundary of Portion 2 of Farm No. 870, the property bordering the proposed site and at the entrance to Farm No. 1262 on 05 November 2020;
- The Executive Summary was hand delivered to surrounding property owners on 05 November 2020;
- E-mails were sent on 11 November 2020 to announce the availability of the pre-application BAR;
- An advertisement was placed in the "Distrikspost" newspaper on 05 November 2020;
- An electronic copy of the pre-application BAR was placed on the EAPs website or made available via WeTransfer;
- The pre-application BAR was made available from 10 November 2020 until 11 December 2020;
- E-mails were sent on 19 March 2021 to announce the availability of the revised pre-application BAR;
- The revised pre-application BAR was placed on the website of the EAP on 19 March 2021;
- The revised pre-application BAR was made available from 19 March 2021 until 23 April 2021;
- E-mails were sent on 19 October 2021 to announce the availability of the updated Heritage Impact Assessment Report;
- The updated Heritage Impact Assessment Report and Comments and Responses Report were made available from 19 October 2021 until 19 November 2021;
- E-mails were sent on 24 February 2022 to announce the availability of the draft BAR; and
- The draft BAR was made available from 24 February 2022 until 28 March 2022.

Authorities consulted

The authorities consulted included the following:

- City of Cape Town;
- CapeNature;

- Western Cape Department of Agriculture;
- Department of Environmental Affairs and development Planning ("DEA&DP") Directorate: Pollution and Chemicals Management;
- Western Cape Department of Transport and Public Works;
- DEA&DP Directorate: Waste Management;
- Department of Water and Sanitation; and
- Heritage Western Cape.

Concerns and objections were raised by I&APs during the pre-application commenting period with concerns relating to *inter alia*, the proposed WWTW, heritage sensitivities, sense of place, concerns regarding bulk and height of buildings, traffic and safety. These concerns were adequately addressed, as a Heritage Impact Assessment was conducted and the recommendations have been incorporated in the design. The EAP clarified the WWTW concerns and the proposed development will comply with surrounding developments.

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

2. Alternatives

An alternative site was investigated which entailed the inclusion of Portion 4 of Farm No. 843 to the proposed development. However, this alternative was rejected due to visual impact concerns and the visual absorption of the site.

The following activity alternatives were considered:

The preferred activity alternative entails the installation of two WWTPs to treat the sewage of phases 1 and 2 of the proposed development (165 units plus facilities), while the remainder of the proposed development will be connected to the municipal reticulation once the Macassar WWTW has been upgraded. If in future, the third phase commences before the planned upgrades to the Macassar WWTW are completed, an additional WWTP unit can be added. Each containerized unit has the capacity to treat effluent generated by 130 units. The positive impacts regarding the preferred activity alternative are that the holder is not restricted to the number of units that can be constructed at a given time.

Two layout alternatives were assessed, namely Revisions A and K.

Revision A comprises of 336 residential units, along with a clubhouse comprising of a deli/shop, coffee shop and/or restaurant and gym; as well as a crèche, sales offices, boardroom and security control room.

Revision A was rejected since it did not make provision for the heritage precinct located at the entrance to the site. Revision A also did not consider the flood lines.

Revision K comprises of 381 residential units, along with a clubhouse comprising of a deli/shop, coffee shop and/or restaurant and gym; as well as a crèche, sales offices, boardroom and security control room. The stable area will include the historic trees. The setback of units from the top attenuation pond will protect the Manor House setting. The proposed development will be densified due to high service costs.

Revision K was rejected since it did not take all the heritage and environmental sensitivities into consideration. Alternative K will have a higher impact in terms of the change of visual character from rural to residential, as well as visibility from sensitive receptors.

Preferred alternative – herewith authorised:

The preferred alternative entails the establishment of a residential development and associated infrastructure on Portion 2 of Farm Goede Verwachting No. 870, Remainder of Farm No. 869, Farm No. 1262, Remainder of Farm No. 866, Remainder of Farm No. 1054, and Portions 2 and 3 of Farm No. 1054, Sir Lowry's Pass Village.

The proposed development will consist of approximately 383 residential erven, a clubhouse comprising of a deli/shop, coffee shop and/or restaurant and gym, as well as a crèche, sales offices, boardroom and security control room. Approximately 6.78ha (almost 29% of the proposed development) will be green spaces that will be landscaped or rehabilitated. The development footprint, including the development footprint of all linear activities will be approximately 23.07ha (230 700m²).

The area in the southwestern corner where the *Monsonia speciosa* species has been identified will not be developed. This area will be demarcated before any construction activities commence and will be treated as a no-go area.

All portions of the proposed development will obtain access from Old Sir Lowry's Pass Road. The main access to the site will be approximately 160m west of the High Riding Estate Street and approximately 265m east of the existing access road to Farm No. 1262. The existing access to Farm No. 1262 will be an additional access. However, this access will only be used by some residents in the vicinity of the access to exit the site. A pathway (of compacted soil) will be established along the watercourse area.

A conservation buffer will be established around the unnamed tributary of the Sir Lowry's Pass River and channelled valley bottom wetlands. A variable conservation buffer with a varying width of 5m from the delineated edge of the watercourses will be applied to accommodate the proposed development layout in some areas. However, the buffer will be increased to 15m to compensate for the reduced buffer and to ensure that the conservation area is equal to the 10m buffer.

The buffer will be suitably rehabilitated and no formal buildings will be constructed within the variable buffer. The rehabilitation of the conservation buffer will improve the ecological integrity of the receiving environment.

The majority of the proposed development will be located above the post-development 1:100-year flood line, however some components of the proposed development will be located below the post development 1:100-year flood line.

The activities that will take place below the post-development 1:100-year flood line, within the conservation buffer and within close proximity to the watercourse, are as follows:

- 1) Some activities as part of the lower development will be located below the post-development 1:100-year flood line and within the delineated boundary of the watercourses. Previously unauthorised infilled material below the 1:100-year flood line and within the delineated boundary of the wetland associated with the unnamed tributary of the Sir Lowry's Pass River will be removed to spoil on site and the infilled area will be reshaped and rehabilitated.
- 2) Alteration of the modelled pre-development 1:100-year flood line will be undertaken to reduce the extent of the floodable area southeast of Old Sir Lowry's Pass Road to accommodate portions of the proposed development, including:

- An open storm water channel upgradient of Old Sir Lowry's Pass Road will channel flow to the existing culvert under the road within the unnamed tributary. The storm water channel will be approximately 96m in length;
 - Enlargement of the existing pipe culvert below Old Sir Lowry's Pass Road to a 2.4m wide and 1m high portal culvert with associated erosion protection measures;
 - A flood management berm will be installed just downstream of the culvert and will extend parallel to the road in a south-easterly direction. The berm will be 1m high above the natural ground level and will extend for approximately 50m; and
 - Landscaping of the adjusted flood line and culverts for erosion control.
- 3) An internal roadway will traverse the unnamed tributary along the northern boundary. A rectangular portal culvert with 330mm brick wing walls will be installed. The culvert will be sized to accommodate up to a 1:100-year flow in the watercourse and will have reno-mattresses at the inlet and outlet to reduce erosion, including riprap below the culvert outlet to dissipate flow and further reduce erosion. All internal roads/parking areas within development clusters will be designed to accommodate low, heavy vehicle traffic (construction vehicles, furniture removal and refuse trucks etc.). This road network will consist of brick paved roads with formal kerbs/edgings, roadside open storm water channels and a storm water drainage system consisting of an underground pipe/road edge culvert network.
- 4) Three new storm water attenuation facilities will be constructed above the post-development 1:100-year flood line, in addition to utilising the existing farm impoundment situated north of the main farm house. These facilities will attenuate storm water runoff and promote on-site infiltration. The storage volume of the attenuation facility will be able to retain a 1:50 year post-development flood, while only discharging a peak flow equal to the 1:10 year pre-development flow. Outlet structures will discharge storm water into an open storm water channel network, which will convey storm water runoff into the watercourse. Gabion weirs will be constructed within the storm water channel to reduce storm water velocity and erosion. The storm water discharge points will be located below the post-development 1:100-year flood line, but above the 1:50 year post-development flood line, although some encroaching into the delineated watercourses may occur.
- 5) Portions of private erven associated with the proposed lower and upper development will be located within the conservation buffer of the watercourses.
- 6) Portions of *in situ* compacted walkways will be located above the post-development 1:100-year flood line, but within the conservation buffer as part of the lower and upper development.
- 7) Two private package plants will be established due to a lack of spare treatment capacity at the Macassar Waste Water Treatment Works ("WWTW"). Two Waste Water Treatment Plants ("WWTPs") will be established, namely WWTP A and WWTP B. WWTP A will be situated in the most western corner, above the modelled post-development 1:100-year flood line and outside the conservation buffer of the watercourses. WWTP B will be situated next to the main entrance gate to the upper portion of the site. The WWTPs will have the following treatment capacities:
- WWTP A: 35m³ per day (77 erven capacity); and
 - WWTP B: 45m³ per day (88 erven plus facilities capacity).

The proposed container based WWTP will use a combination of conventional treatment (natural bacteria) and membrane technology (microfiltration) to treat the sewage. The

treated effluent will be used for irrigation purposes to minimise the load on the municipal water supply.

Treated effluent from the WWTP will be pumped into irrigation storage tanks located next to the storm water attenuation facilities. The storage tanks will have an emergency overflow, which will discharge surplus treated effluent into a reed bed and swale system which will discharge into the combined storm water/treated sewer attenuation facility.

Backup generators will be installed at the pump stations and WWTPs and a bund wall and sump will contain spills from the plant. Both WWTPs will have emergency connection to the municipal sewer connection located in Old Sir Lowry's Pass Road.

The development on the lower portion of the site will require the installation of a pump station in the most western corner. The pump station will be located at the WWTP and will pump effluent to the municipal sewer connection in Old Sir Lowry's Pass Road as an emergency overflow connection from the conservancy tank to the municipal system.

The WWTPs will accommodate the first two phases of the proposed development (165 units plus facilities), while the remainder of the proposed development will be connected to municipal reticulation once the Macassar WWTW has been upgraded.

- 8) Erosion protection measures will be implemented where the storm water will discharge into the watercourse and will include concrete apron slabs, reno mattresses, wing walls and stone pitching.
- 9) Portions of private erven will be located within the variable conservation buffer. A stub wall of approximately 300mm in height and 230mm in width will be established outside the edge of the variable conservation buffer. This will ensure that the lawn area of the private erven is separated from the edge/beginning of the conservation buffer, to restrict and protect the conservation buffer from alien invasive plant infestation. The stub wall will comprise of a solid concrete foundation and masonry wall.

A Watercourse and Wetland Rehabilitation Plan, a RMMP, as well as a Rehabilitation Plan have been compiled for maintenance, management or rehabilitation works to be undertaken in the watercourses.

This is the preferred alternative as it allows for the integration of the sensitive heritage resources into the layout. Further, large open spaces have been provided, which will be landscaped and will screen the proposed development from surrounding properties in order to minimise potential visual impacts. The preferred alternative will also entail the rehabilitation of the watercourse, which will improve the ecological functioning of the watercourse.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed residential development will not be established. This alternative was not deemed as preferred, as the proposed development will augment the economic activities, provide for much needed housing and the benefits to the holder and creation of jobs would not be realised. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The Provincial Spatial Development Framework ("PSDF") (2014) sets out broad principles to guide future developments in the Western Cape. There are five main guiding spatial principles in the PSDF in order to achieve sustainable development. These principles are spatial justice, spatial efficiency, accessibility, sustainability and resilience and quality and livability. The proposed development can be regarded as being in line with the principles of the PSDF (2014) as it speaks to sustainability and accessibility, can be regarded as spatially efficient, as well as economically viable due to the creation of both short and long term employment opportunities.

The City of Cape Town Municipal Spatial Development Framework (2018) ("MSDF") governs appropriate land use on municipal and district scale. The MSDF (2018) strives to create a balance between urban development and environmental protection by supporting appropriate land use intensification. The proposed development is located within the consolidated area of the City of Cape Town, which is earmarked for development. In the surrounding area, several similar residential development proposals have been approved and the proposed development will therefore support the emerging residential character of the area.

The site falls within the Helderberg District in terms of the Cape Town Spatial Development Framework. According to the Helderberg District Plan (2012), the proposed development is located within an area identified as Peripheral Residential. A Peripheral Residential area refers to development within the urban edge, which forms part of the Urban Edge Management Zone and is located in a transition zone from an urban to rural/wilderness landscape. This can consist of extensive land units (ranging in size and character) which can include rural living estates. The proposed residential development can therefore be considered as consistent with the future development plans of the Helderberg District Area.

In terms of the Biodiversity Priority Zone included in the City of Cape Town's Environmental Management Framework, as contained in Helderberg District Plan, the proposed site is mapped as a Critical Biodiversity Area. Therefore, a Freshwater Assessment and Botanical Assessment was conducted to assess the impacts of the proposed development. The mitigation measures recommended by the freshwater specialist and botanist have been included in the EMP. CapeNature support the recommendations of the freshwater specialist and the botanist.

New resources and infrastructure will be used for the establishment of the proposed development. An engineering report will be required to detail the service demands of the proposed development. The various City of Cape Town line departments confirmed the service capacities and understand the need for any possible infrastructure upgrades that would be required to service the site. All portions of the proposed development will be accessed from Old Sir Lowry's Pass Road and the main access to the proposed development will be approximately 160m west of the High Riding Estate Street. From a transport impact perspective, it was confirmed that with the implementation of mitigation measures, the road network will be able to accommodate the proposed development.

The proposed site is zoned as Agriculture and will require rezoning. The Western Cape Department of Agriculture in their comments on the draft BAR, indicated they have no objection to the proposed development.

As such, the proposed development is in line with all the Provincial and Municipal legislative spatial planning frameworks and policies. The proposed development falls inside the urban edge and is regarded as a development which applies the guiding spatial principles supported by the PSDF (2014).

3.2 Biophysical impacts

A Botanical Impact Assessment Report dated November 2020, was compiled by Capensis, to assess the botanical impacts of the proposed development.

According to the Botanical Assessment Report, the greater part of the site is highly degraded or transformed. The disturbances are related to agricultural and domestic activities such as houses, dams, paddocks and orchards. Areas that are not permanently transformed have been recolonized by indigenous and exotic species. The indigenous species that are most common on the site are known to readily establish in disturbed areas. These species are green and gold, kouterbos, slangbos, renosterbos, skilpad teebossie, Gardenroute ragwort, Cape rattlepod, Cape weed, sorrel and *Ursinia anthemoides*. The degraded areas are not botanically sensitive and can be developed without constraint.

A few small isolated areas within the site contain degraded Boland Granite Fynbos. A number of these areas occur on exposed rocky areas. Species representative of the original vegetation still occur, however, the diversity is much lower and exotic species are common in this habitat. The presence of a number of bulbs suggest that these areas have not undergone significant soil disturbance and the most striking is the blue paintpetal (*Codonorhiza corymbosa*) and also includes soldier in a box, bract disa, sad storkbill, lance-leaf woolseed, purple sorrel, *Lachenalia* sp., koffiepit, ladies hand, cobra lily and bloodlily.

The degraded habitat has a low sensitivity, as it is made up of small and isolated fragments and do not contain any species of conservation concern. The rehabilitation potential is low to medium due to the isolated nature of the remnants.

The best condition vegetation on the site occurs on a rocky outcrop in the southwestern corner of Portion 2 of Farm No. 870. Although the habitat is small, the threat status of the species of conservation concern, the sambreeltjie (*Monsonia speciosa*), and Boland Granite Fynbos means that this area has a medium sensitivity and its loss will result in a medium negative impact. The area where the *Monsonia speciosa* plant species occur will be a no-go area and has therefore been excluded from the development footprint.

The noteworthy species are the two protected trees that have been planted on the site. These are both yellowwood trees; one true yellowwood (*Podocarpus latifolius*) and one Outeniqua yellowwood (*Afrocarpus falcatus* - extralimital). These species require a permit if they are to be cut or removed. Large shrubs or small trees are also scattered and include willow karee, wild olive and wild peach.

The operational phase impacts are expected to be low to very low negative and relate to the edge effects of the development on the surrounding undeveloped areas and the loss of connectivity of habitat in the area.

CapeNature supports the findings and recommended mitigation measures provided in the Botanical Specialist Report. The mitigation measures have been included in the EMPr and will minimise the potential impacts on the receiving environment.

3.3 Freshwater impacts:

A Freshwater Ecological Impact Assessment Report dated October 2021, was compiled by Freshwater Ecologist Network Consulting (Pty) Ltd., to assess the freshwater impacts of the proposed development.

A riparian watercourse, an unnamed tributary of the Sir Lowry's Pass River bisects the site in a north to southwesterly direction. The riparian extent of the unnamed tributary exceeds the extent of the modelled 1:100-year flood line. This is due to the confined active channel of the tributary. The riparian vegetation of the unnamed tributary is dominated by large tree species such as *Eucalyptus camaldulensis*. Pedestrian walkways occur along the length of the channel of the tributary.

Five channelled valley bottom wetlands associated with the unnamed tributary occur on the site. Due to the fragmented nature of the channelled valley bottom wetlands and altered habitat conditions of these wetland systems, channelled valley bottom wetland 1 presents a different and more intact habitat and vegetation cover compared to wetlands 2 to 5, which show reduced vegetation cover due to mowing and grazing.

The edge of the riparian area of the unnamed tributary is dominated by tree species, and primarily invasive species. Vegetation within the channelled valley bottom wetlands varies from a *Watsonia borbonica* and sedge species dominated habitat within the southern extent of the site to a reduced vegetation cover.

Several artificial impoundments occur within and off stream of the unnamed tributary, including a weir within the channel of the unnamed tributary. Some areas of the northern reach of the tributary are poorly vegetated and have eroded embankments.

The activities associated with the construction and operational phases of the proposed development, which include site preparation, excavation and removal of unauthorised infill material within portions of the channelled valley bottom wetland, culvert and storm water outlets within the watercourses, all pose a medium risk to the overall integrity of the watercourses.

The majority of the impacts are considered fully reversible, except those associated with loss of wetland vegetation related to the removal of the infilled material which will partially fragment the system. The long-term impacts due to the removal of the infilled material can be considered acceptable as rehabilitation of the site will ensure ecological connectivity and reinstatement of wetland habitat.

The mitigation measures proposed by the freshwater specialist have been incorporated in the EMPr, Watercourse and Wetland Rehabilitation Plan and the Rehabilitation Plan.

3.4 Heritage impacts:

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

According to the Heritage Impact Assessment Report, aside from the Goede Verwachting homestead, there are a number of other structures which are older than 60 years. This includes a stable outbuilding on Remainder Farm No. 869 close to the border with Tres Donne; a vernacular stone building on Farm No. 866; and two vernacular dwellings situated on Erf No. 1054 alongside Old Sir Lowry's Pass Road; along with the two grain silos which straddle Farms 1054 and 866.

Very little remains on Portion 2 Farm No. 870 (Klein Goede Verwachting). There is only one small dwelling older than 60 years, which will not be affected by the proposed development.

In the vicinity of Goede Verwachting are the proclaimed Provincial Heritage Sites of Knorhoek Manor and Mill (to the north) and Sweet Saffraan Historic Homestead to the west. Old Sir Lowry's Pass Cemetery is situated to the southeast (Grade IIIA). To the immediate west of the site is the Grade IIIC Big Blend Farms Estate which contains some historic buildings.

Goede Verwachting is of high overall significance in terms of:

- Its direct links to the historical crossing of the Guntouw Pass through the Old Toll House and Brinks Inn;
- The remnant 1795 Brinks Inn in the homestead, with high rarity value;
- The late nineteenth century and early twentieth century additions to the homestead, some of which are of architectural and aesthetic significance;
- The historically significant 1806 signing by General Janssens of the Articles of Capitulation to the British at Brinks Inn (a copy of which is at the homestead); and
- The area around the homestead is likely to have archaeological potential because of the long history of travelers and domestic settlement.

The Urban Design Framework of the proposed development has been particularly responsive to the heritage, visual and natural considerations. The proposal has been through many iterations in response to the specialist concerns and the outcome is sympathetic to the heritage and visual considerations, mitigating impacts to an acceptable level. The homestead will be incorporated into a large, reconfigured Erf 338 which protects the homestead and its setting. The vernacular cottage precinct will be re-purposed and will be framed by a curtilage which protects the view cones and open landscape of this precinct in its landscape setting. Landscape treatment will be appropriate and tree planting and the green buffer at all edges will provide adequate screening.

Heritage Western Cape in their final comment dated 9 November 2021, endorsed the findings of the Heritage Impact Assessment and additional conditions. The owner of the proposed Erf 338 will have to commit to the submission of a Conservation Management Plan for the homestead and its context, which must be prepared by a suitably qualified heritage practitioner. The Conservation Management Plan must include the requirement that trenching activity within 50m of the homestead area must be checked by an archaeologist.

In addition, any proposed alterations (including maintenance) to the vernacular cottage precinct will require a submission to Heritage Western Cape for approval and must be accompanied by more detailed proposals for the precinct, including an appropriate maintenance and refurbishment plan, and plans for landscaping, boundary treatment and signage.

The significance rating of the impact on heritage resources with mitigation is medium-low for the preferred alternative. The mitigation measures recommended by Ms. Postlethwayt and those recommended by Mr. Tim Hart (archaeologist), as endorsed by Heritage Western Cape have been included in the EMPr.

3.5 Noise impacts:

A Noise Impact Assessment Report dated March 2021, was compiled by Safetech, to assess the noise impacts of the proposed development.

Safetech conducted baseline monitoring of the ambient noise levels at and adjacent to the site. Noise levels at the site are heavily influenced by the wind, rustling of trees in the wind, community noise such as people talking/dogs barking and passing traffic on Old Sir Lowry's Pass Road.

The average residual noise exceeds the recommended day/night rating levels. This can be attributed to the high wind speeds causing a rustling of vegetation in the area.

The construction noise will be of short duration and low impact. It is unlikely that the construction noise will impact on the noise sensitive areas. The residual noise impact associated with construction activities will be of low significance with the implementation of mitigation measures.

The noise impact during the operational phase will be of medium significance to residents living along Old Sir Lowry's Pass Road, although this can be mitigated substantially through traffic calming measures. The noise may be experienced as a "disturbing noise" during both the morning and afternoon rush hours for those properties bordering the Old Sir Lowry's Pass Road.

3.6 Visual impacts:

A Visual Impact Assessment Report dated March 2021 and Addendum to the Visual Impact Assessment Report, were compiled by Megan Anderson Landscape Architect, to assess the visual impacts of the proposed development.

The rural landscape and the historic developments, set within the Hottentots Holland Mountain backdrop and the Old Sir Lowry's Pass Road running through it, provide the scenic resources of the site. The centrally situated historic homestead, cluster of vernacular cottages and silos in the southeast and their surrounding trees, remnants of orchards, stables and paddocks, farm dams and 'leivore', windrows and woodlots characterise the rural landscape of the site.

The Old Sir Lowry's Pass Road, with its *Eucalyptus* row of trees, bisects the site in two parts, north and south. The current Sir Lowry's Pass Road, a scenic route, runs on the slopes above the site.

Local features such as vegetation, landforms and distance will reduce the extent of the area from which the site will be seen. The Zone of Visual Influence of the site will be between 200m to the south, west and north, with the exception of the upper portion of the site which will be seen from the upper hilltops to the north, approximately 2.5km to 3km away. To the east, the site will be seen from the higher lying mountain slopes and the upper mountain slopes to the northeast, southeast and south approximately 3km to 5km away.

The site is moderately visible due to its topography and will be moderately visually sensitive. The northeastern portion of the site is on a section of the northern ridgeline of the Rhine Stream. The ridgeline is visually exposed and will therefore be highly visually sensitive. The gradients on the site are generally flatter than 1:10 and will be minimally visually sensitive. The surrounding land use will render the site to have areas of low, moderate and high visual sensitivity. With the exception of the cluster of houses in the

north which is on an area of high visual sensitivity, the proposed development will be on areas of moderate visual sensitivity.

The visual absorption capacity of the site is moderate as there is partial screening by topography and vegetation. The visual intrusion of the site will be moderate, as it will partially fit into the surroundings, but will be clearly noticeable.

Suitably wide buffers will be established around the historical precincts and the natural features to mitigate any visual impacts that can have significance. View cones and sight lines have been cleared from and to the historic homestead and from the Old Sir Lowry's Pass Road to the Silo and vernacular precinct. Development at the vernacular precinct has been sympathetically done, with the entrance road and parking areas having gone through iterations until these are no longer a problem.

While the density of the proposed development is very high with houses that will fill most of their erven and not have space for large gardens or large screening trees, the roads have been planned to allow for tree planting and the green buffer around all boundary edges will provide for screening trees to soften and help screen the new built landscape.

The proposed development will have a moderate to low visual impact on the historic and rural environment with the implementation of mitigation measures. The mitigation measures recommended by the specialist have been included in the EMPr.

3.7 Traffic impacts:

A Traffic Impact Assessment Report dated October 2020, was compiled by Innovative Transport Solutions, to assess the traffic impacts of the proposed development.

The existing and future anticipated traffic flows were taken into consideration in the Traffic Impact Assessment. The major roads in the site vicinity include Sir Lowry's Pass Road, Old Sir Lowry's Pass Road and Viatre Donne Street.

2020 existing traffic:

The capacity analyses were based on the existing lane configuration and traffic volumes. Traffic volumes were surveyed for intersections in the immediate vicinity of the site. All study intersections operate at acceptable levels of service during the typical weekday peak hours.

2025 traffic:

The 2025 background traffic volumes were determined by applying a growth rate of 3% per annum over 5 years to the existing traffic volumes. For the 2025 total traffic conditions, the trips for the proposed development were added to the background traffic volumes. Based on intersection capacity analysis all intersections will operate at acceptable levels of service.

There are no non-motorised transport facilities in the vicinity of the site. Taxi services are available along Sir Lowry's Pass Road as well as Old Sir Lowry's Pas Road west of the site. Due to the location of the site relative to nearby residential and commercial areas, the proposed development will not generate significant pedestrian demand along Old Sir Lowry's Pass Road.

The proposed development will generate approximately 481 (142 in/339 out) weekday am peak hour trips and 505 (328 in/177 out) weekday pm peak hour trips.

The Traffic Impact Assessment Report concluded, with the implementation of the mitigation measures, the road network can accommodate the proposed development.

3.8 Storm water impacts

The proposed development is located outside the flood lines, however some of the portions of the proposed development downstream of Old Sir Lowry's Pass Road fall within the 1:50-year and 1:100-year flood line boundaries. The flood lines will be altered in one area by diverting water back to the watercourse by increasing the size of the existing storm water pipe culvert through Old Sir Lowry's Pass Road and the addition of storm water channel/cut-off berms upstream of the lower portion on the site.

The following measures will be implemented to improve the conveyance capacity of water in the vicinity of Old Sir Lowry's Pass Road:

- The natural channel along the upstream side of the road will channel flow to the pipe culvert crossing Old Sir Lowry's Pass Road;
- Enlargement of the existing pipe culvert to a 2.4m x 1m portal culvert; and
- The installation of a 1m high berm just downstream of the culvert which extends parallel to the road in a southeasterly direction for approximately 50m.

The internal storm water network will consist of an underground gravity pipe network, roadside channels, inlet structures and a series of open swales that will drain the roads and other impermeable and semi-permeable surface areas. A subsoil drainage network beneath the roads and parking areas will also be provided. The subsoil drainage infrastructure will consist of a 110mm diameter perforated pipe network installed approximately 800mm below the final road level.

The internal road infrastructure will be designed such that during rainfall events with a return period larger than 1:10-years, the roads, walkways, parking areas and channels will act as overland flow routes which will channel and convey the surface runoff via predetermined escape routes towards the four attenuation facilities and existing watercourse. Outlet structures will discharge storm water into open storm water channels, which will convey storm water runoff to the existing watercourse. Gabion weirs will be constructed within the storm water channel to reduce storm water velocity and reduce erosion.

Three new storm water attenuation facilities will be constructed in addition to utilising the existing farm dam situated north of the main farmhouse. The existing farm dam located north of the watercourse will be registered within a servitude in favour of the development to accommodate above and belowground storm water run-off.

3.9 Dust impacts

Potential dust impacts are anticipated during the construction phase. However, no significant potential dust impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr and Dust Management Plan.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential noise, visual, traffic and heritage;
- Potential storm water impacts; and
- Potential impacts on the watercourses.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Sir Lowry's Pass area; and
- Contribution to the local economy.

National Environmental Management Act Principles

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

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

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

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

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