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**DATE OF ISSUE:** 21 SEP 2012

The Municipal Manager  
City of Cape Town  
Private Bag X9181  
**CAPE TOWN**  
8000

**Attention: Mr. J. Kuhn**

Tel: (021) 400 4217  
Fax: (021) 419 8845

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24K OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND CHAPTER ONE OF THE LESS FORMAL TOWNSHIP ESTABLISHMENT ACT (ACT NO. 113 OF 1991) FOR THE ESTABLISHMENT OF AN INCREMENTAL DEVELOPMENT AREA ON PORTION OF CAPE FARM 101/5, WOLWERIVIER.**

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

#### **ENVIRONMENTAL AUTHORISATION**

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 Alternative described in this Environmental Authorisation.

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 APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

City of Cape Town  
c/o Mr. J. Kuhn  
Private Bag X9181  
**CAPE TOWN**  
8001

Tel: (021) 400 4217  
Fax: (021) 419 8845

The abovementioned juristic person is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

## B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 (as amended) -

Activity Number: 9

Activity Description:

*The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -*

- (i) With an internal diameter of 0,36 metres or more; or*
- (ii) With a peak throughput of 120 litres per second or more,*

*Excluding where:*

- a. Such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve;*
- b. Where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.*

Activity Number: 22

Activity Description:

*The construction of a road, outside urban areas,*

- (i) With a reserve wider than 13,5 meters or,*
- (ii) Where no reserve exists where the road is wider than 8 metres, or*
- (iii) For which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.*

Activity Number: 23

Activity Description:

*The transformation of undeveloped, vacant or derelict land to -*

- (i) Residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or*
- (ii) Residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -*

*Except where such transformation takes place -*

- (i) For linear activities; or*
- (ii) For purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.*

Activity Number: 37

Activity Description:

*The expansion of facilities or infrastructure for the bulk transportation of water, sewage or storm water where:*

- a) The facility or infrastructure is expanded by more than 1000 metres in length; or*
- b) Where the throughput capacity of the facility or infrastructure will be increased by 10% or more -*

*Excluding where such expansion:*

- (i) Relates to transportation of water, sewage or storm water within a road reserve; or*
- (ii) Where such expansion will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.*

Government Notice No. R546 of 18 June 2010 (as amended) -

Activity Number: 4

Activity Description:

*The construction of a road wider than 4 metres with a reserve less than 13,5 metres.*

(d) *In Western Cape:*

(i) *In an estuary;*

(ii) *All areas outside urban areas;*

(iii) *In urban areas:*

aa) *Areas zoned for use as public open space within urban areas; and*

bb) *Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.*

Activity Number: 12

Activity Description:

*The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.*

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

The applicant is herein authorized to undertake the following alternative related to the listed activities:

The proposed development entails the removal of indigenous vegetation and transformation of undeveloped land to construct approximately 500 housing units and associated infrastructure.

Services will be provided by the local authority and will include:

- Water supply
- Sewage treatment
- Electricity
- Stormwater Reticulation
- Solid waste removal

The proposed development can be accessed, but is not limited to, two access points. These include access off Morningstar Road (MR215) or further north at the Melkbosstrand turnoff.

The total footprint of the proposed activity and associated infrastructure will be approximately 6 ha.

## C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place off the MR215, on Portion 5 of Cape Farm 101, Wolwerivier.

The SG 21 digit code is: C01600000000010100000

Co-ordinates:                    33°    43'    55.2"    South  
   18°    31'    01.5"    East

hereinafter referred to as "the site".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

While no Environmental Assessment Practitioner was appointed, the Environmental Impact Assessment Process was undertaken by staff from the City of Cape Town Environmental Resource Management Department (ERMD): Environmental Management Systems Branch. Assistance and information was further provided by staff from the district offices of the Environmental and Heritage Management Branch of the ERMD as well as staff from a variety of district level service departments.

#### E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)-
  - 2.1. notify all registered interested and affected parties of -
    - 2.1.1. the outcome of the application;
    - 2.1.2. the reasons for the decision as included in Annexure 1;
    - 2.1.3. the date of the decision; and
    - 2.1.4. the date of issue of the decision;
  - 2.2. draw the attention of all registered interested and affected parties to the manner in which they may access the decision.
3. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 3.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 3.2. The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 2, 13 and 23.
4. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the description set out in section B 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

as it deems necessary 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.

6. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
7. The draft Environmental Management Programme ("EMP") submitted as part of the Environmental Impact Assessment Report for environmental authorisation is hereby approved and must be implemented.
  - 7.1. An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP and the proposed amendments may only be implemented once the amended EMP has been authorised by the competent authority.
  - 7.2. The EMP must be included in all contract documentation for all phases of implementation.
  - 7.3. The EMP must include dust control measures.
8. A copy of the environmental authorisation and the EMP must be kept with the applicant. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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 EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
9. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
  - 9.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that the proposed new holder has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
  - 9.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
10. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.

11. The listed activities which are authorised may only be carried out at the property indicated in C above.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
14. An integrated waste management approach which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal where appropriate must be employed.
  - 14.1. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
  - 14.2. The local authority must provide each housing unit with a waste bin and remove solid waste from the proposed development on a weekly basis.
  - 14.3. The internal roads must comply with the local authorities minimum requirements for vehicle access / waste collections.
15. The applicable requirements with respect to the relevant legislation pertaining to water must be met.
  - 15.1. No surface or ground water may be polluted due to any actions on the site.
  - 15.2. A Stormwater Management Plan must be implemented and standards for stormwater as set by the local authority must be adhered to.
16. 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).
  - 16.1. 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.
  - 16.2. 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.
17. The following services must be provided:
  - 17.1. The proposed development must be serviced with the bulk water supply of the local authority.
  - 17.2. The proposed development must be serviced with electricity.
  - 17.3. A conservancy system must be implemented in the interim to deal with sewage. The local authority must remove sewage and maintain the conservancy tanks as required.

- 17.4. Each housing unit must have a minimum of one toilet, one tap and an electricity point.
- 17.5. Street lighting that complies with the relevant standards must be provided.
- 17.6. The existing mobile clinic servicing Wolwerivier must be extended to accommodate the increase in population.
18. The following conditions to mitigate the heritage and visual impacts must be implemented:
  - 18.1. No trees that form part of the historic Bluegum tree lane must be felled or damaged to accommodate the proposed development.
  - 18.2. The proposed development must be set back at least 100m from the Morningstar road reserve in order to preserve the tree lane as well as to minimise the visual impact.
  - 18.3. Electrical cables must be installed underground or concealed appropriately to avoid visual impacts as far as possible and be tamper proof.
19. The footprint of the proposed development must be limited to the areas required for actual construction works. Areas outside of the footprint must be clearly demarcated and regarded as "no-go" areas. During construction, activities and movement of people must be restricted to the footprint.
20. The loss of the critically endangered Cape Flats Sand Fynbos must be limited to the footprint of the proposed development.
21. As the proposed development is situated in the 10-16km Urgent Protection Zone of the Koeberg Nuclear Power Station, the City of Cape Town must take the necessary steps to have the required Sirens or Public Address Systems in place before the commencement of the operation phase of the proposed development.
22. The following conditions must be implemented to mitigate the potential impacts of fire:
  - 22.1. Above ground or raised pillar type fire hydrants (64mm) with a recessed spindle must be installed on a dedicated main, in approved positions, throughout the development at a span not greater than 90 meters. A twin booster facility must be installed on a ring main in close proximity to a main entrance.
  - 22.2. The proposed external walls of the structures must provide a minimum fire resistance rating of 30 minutes or may be clad on the inside with an approved product that will provide the integrity and stability requirement, as per a Type F wall, in accordance with SABS 0177, Part 2.
  - 22.3. Individual structures (<80m<sup>2</sup>) must be built at a minimum of one (1) metre from any lateral boundary of the site (where no openings in the elevation are prevalent) or 3 meters from any adjacent structure subject to relative area of the elevation facade.
  - 22.4. A minimum of two independent access roads should be provided to the site which must be capable of accommodating the minimum width (4m) and turning circle for emergency vehicles. Turning facilities must be provided in any dead-end access road that is more than 20m long.
23. The following noise mitigation measures must be implemented during the construction phase:

- 23.1. All noise and sounds generated must comply with the relevant SANS codes and standards;
- 23.2. No pure tone sirens or sounds must be used unless in emergency situations, or when required with respect to relevant health and safety regulations;
- 23.3. Silencers must be installed and maintained on machinery, trucks and earth moving equipment; and
- 23.4. Work hours during the construction phase must be restricted to the following times:
  - 07h00 – 18H30 Mondays to Fridays;
  - 08h00 – 13H00 Saturdays; and
  - No work on Sundays and public holidays.

## **G. RECOMMENDATIONS**

1. The following are recommendations that may be implemented with regard to the project description:
  - 1.1. Commercial erven and/or residential erven large enough to allow for spaza shops should be provided for.
  - 1.2. A sports field and 2 play parks that may also be used as an evacuation gathering point should be provided for.
  - 1.3. Erven to be used for crèche purposes and/or residential erven large enough to care for pre-school children (incorporating a play area) should be provided for.
2. The following are recommendations that may be implemented with regard to ownership and integration:
  - 2.1. The proposed development should provide accommodation to the Vissershok community requiring "emergency housing" and may also accommodate the existing Wolwerivier community to allow for integration of the two communities as far as possible.
  - 2.2. The proposed development should not be gated in and fenced off from the existing Wolwerivier community.
  - 2.3. The Vissershok Residents should be given ownership of their new homes.
  - 2.4. Similarly, the existing Wolwerivier community should be given ownership of properties in Wolwerivier.
3. The following are recommendations to be implemented with regard to services / infrastructure:
  - 3.1. The following minimum requirements should be implemented for each unit and property:
    - Each unit should be built using mortar and brick; and
    - Each plot should be a reasonable size to allow for activities such as, *inter alia*, subsistence farming.
  - 3.2. The proposed development should link up to the local authority's bulk sewerage infrastructure. This should replace the conservancy system to be implemented in the interim.
  - 3.3. The speed limit on internal roads should be clearly signed and should include speed inhibiting mechanisms like speed bumps and stop streets.



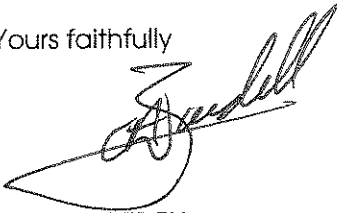
- 3.4. A transportation service should be provided for school children to their respective schools.
  - 3.5. The MR215, off which the proposed development will be accessed, should be upgraded.
4. The following are recommendations to be implemented with regard to the critically endangered vegetation and landscaping:
    - 4.1. Landscaping of road verges and undeveloped spaces should be provided for.
      - A basic "Search and Rescue" ("S&R") process should be undertaken prior to the commencement of any site preparation and construction. The rescued material should be used in the landscaping for the proposed development.

#### 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



**ANTON BREDELE**  
**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,**  
**ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION:** 19/4/2012

Copied to: (1)	Alderman Patricia de Lille	Fax: (021) 400 1313
(2)	Ms. J Bodenstein (City of Cape Town)	Fax: (021) 487 2255
(3)	Mr. K. Wiseman (City of Cape Town)	Fax: (021) 487 2578
(4)	Ms. S. Matthyssen (City of Cape Town)	Fax: (021) 550 7515
(5)	Mr. C. Cyster (Provincial Dept of Human Settlements)	Fax: (021) 483 6617
(6)	Mr. G. Visser (CoCT: Solid Waste Collections)	Fax: (021) 400 2692
(7)	Ms. K. Spalding (CoCT: ERMD - EHMS: Districts B & C)	Fax: (021) 550 1003
(8)	Mr. E. J. Bosch (CoCT: Fire Rescue)	Fax: (021) 550 1337
(9)	Mr. F.P. Schlaphoff (CoCT: Disaster Risk Man. Centre)	Fax: (021) 597 5010
(10)	Mr. D. Daniels (Department of Water Affairs)	Fax: (021) 950 7224
(11)	National Nuclear Regulator	Fax: (021) 553 1361

## ANNEXURE 1: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated 13 October 2010 and received by the competent authority on 19 October 2010, the Draft Environmental Impact Assessment Report dated and received by the competent authority on 26 January 2011, the amended Draft Environmental Impact Assessment Report dated March 2011 and received by the Department on 14 March 2011, the Environmental Impact Assessment Report (EIR) received by the competent authority on 30 March 2012, the EMP submitted together with the EIR report and the additional information received on 25 July 2012.
- b) Relevant information contained in the Departmental information base, including, *inter alia*, the Guidelines on Public Participation, Alternatives and Exemptions (dated October 2011);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the EIR report dated August 2011.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- f) The site visit conducted on 14 December 2010 attended by Ms L Petersen, Ms W Anthony, Mr J Benjamin, Ms N Kamana, Ms J Keet, Ms J Bodenstein, Mr K Wiseman, Mr A Damonze and Ms S Matthyssen.

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 interested and affected parties;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 10 March 2010; and
- The placing of a newspaper advertisement in the 'Cape Times' on 19 November 2010.
- Placing the EIR on the City of Cape Town website in March 2011.
- Furthermore, the public was further informed of the proposed development through the LFTEA process that included, *inter alia*, a public meeting in Morningstar on 24 August 2010.

All the concerns raised by interested and affected parties were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

Furthermore, this has been a long ongoing process (approximately 10 years) and consultation with communities has taken place regularly and continuously outside of this application process.

## 2. Alternatives

2.1. Two design alternatives were considered in the Environmental Impact Assessment process.

### Design Alternative 1 (Preferred Alternative)

The proposed development entailed the removal of indigenous vegetation and transformation of undeveloped land to construct approximately 500 prefabricated units and associated infrastructure on Portion 5 of Cape Farm 101, Wolwerivier. The units would be 24m<sup>2</sup> each and placed on 49m<sup>2</sup> plots. The units would be made out of steel and treated metal sheeting. The associated infrastructure included, *inter alia*, roads and infrastructure for the bulk transportation of water.

### Design Alternative 2

An alternative entailed the removal of indigenous vegetation and transformation of undeveloped land to construct approximately 500 slabs of 40m<sup>2</sup> with a "wet core" and associated infrastructure on Portion 5 of Cape Farm 101, Wolwerivier. The wet core includes a wall and a bathroom. This alternative allows residents to build a structure using their own materials and configuration. The associated infrastructure included, *inter alia*, roads and infrastructure for the bulk transportation of water.

The following is herewith authorised by the Department:

- The removal of indigenous vegetation and transformation of undeveloped land to construct approximately 500 housing units and associated infrastructure on Portion 5 of Cape Farm 101, Wolwerivier.
- The proposed development can be accessed, but is not limited to, two access points. These include access off Morningstar Road (MR215) or further north at the Melkbosstrand turnoff.
- The total footprint of the proposed activity and associated infrastructure will be approximately 6 ha.

2.2. Furthermore, 2 alternative sites have been investigated for the proposed development.

Three independent applications for Environmental Authorisation were submitted to the Department in this regard. In addition to the proposed site, the following two sites were considered:

- A Portion of Cape Farm 32/5, Atlantis (Department Reference Number: E12/2/4/3-A2/15-3000/15)
- Farm 153/0 Van Schoorsdrift, Vissershok (Department Reference Number: E12/2/4/3-A6/533-1000/10)

The applications for environmental authorisation for the above 2 site alternatives were however withdrawn by the City of Cape Town in correspondence dated 03 May 2012.

2.3. The No-Go option was also considered in the Environmental Impact Assessment process. The No-Go option is not warranted as all other possible sites have been ruled out by the applicant and there is an urgent need to resettle the people living on the Vissershok Regional Landfill site.

### **3. Impact Assessment and Mitigation Measures**

#### **3.1. Activity Need and Desirability**

- 3.1.1. The purpose of the proposed development is to resettle the communities currently residing on the Vissershok Regional Landfill site.
- 3.1.2. There are currently approximately 350 families living in two informal settlements known as "Rooidakkies and "Skandaalkamp" on the Vissershok Regional Landfill Site. The two settlements are physically "in the way of" the proposed extension of the landfill site. The need for landfill airspace in the City of Cape Town is high. There is thus an urgent need to move the people currently residing on the Vissershok Regional Landfill Site.
- 3.1.3. Although a settlement for a low income community should be located within proximity of established livelihoods, public transport, job opportunities and public facilities, City of Cape Town owned land which aligns with these criteria is not available in close proximity to the Vissershok Regional Landfill Site. The applicant has ruled out other sites inside or within close proximity to urban areas for various reasons.
- 3.1.4. The proposed site is located within the City of Cape Town's "growth corridor" according to the City of Cape Town's Spatial Development Framework, 2012. In the long term, the proposed development will be well situated. However, in the short term, the proposed development will be isolated.
- 3.1.5. The holder of the Environmental Authorisation will appoint a suitably experienced environmental officer ('ECO') for the construction phase before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions of this Environmental Authorisation. A suitably qualified and experienced person from the City of Cape Town's Environmental Heritage Resource Department may be appointed as the ECO.
- 3.1.6. Given the isolated location of the proposed site, the Department has made some recommendations in this Environmental Authorisation that may be implemented.
- 3.1.7. Furthermore, the proposed development will benefit the people living in the City of Cape Town as it would free up landfill airspace available for disposal of waste.

#### **3.2. Services/ Bulk Infrastructure**

- 3.2.1. The applicant has confirmed their capacity to provide services including water supply, sewage treatment, electricity supply and solid waste removal.
- 3.2.2. The following basic services will be provided:
  - The proposed development will be serviced by a municipal water supply.
  - The proposed development will be serviced with electricity.
  - A conservancy system will be implemented in the interim to deal with sewage. The local authority will remove sewage and maintain the conservancy tanks as required.
  - Each housing unit will have a minimum of one toilet, one tap and an electricity point.
  - The local authority will provide each housing unit with a waste bin and remove solid waste from the proposed development on a weekly basis.

- 3.2.3. Furthermore, a Stormwater Management Plan will be implemented and standards for stormwater as set by the local authority will be adhered to.
  - 3.2.4. The proposed development will be accessed, but is not limited to, two access points. These include access off Morningstar Road (MR215) or further north at the Melkbosstrand turnoff.
  - 3.2.5. Street lighting that complies with the relevant standards will be provided.
  - 3.2.6. Although the Vissershok community is being resettled outside an existing urban area, they will have access to basic healthcare services. As per the City of Cape Town's comment dated 17 July 2012, the existing mobile clinic will be extended to accommodate the increase in population.
- 3.3. Biodiversity
- 3.3.1 As per the comment from the City of Cape Town's Environmental Resource Management Department (CoCT:ERMD) dated 20 September 2011, the indigenous vegetation on site is Cape Flats Sand Fynbos.
  - 3.3.2 In terms of the List of Threatened Ecosystems dated 09 December 2011 promulgated in terms of Section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004), Cape Flats Sand Fynbos is regarded as critically endangered vegetation.
  - 3.3.3 Furthermore, the CoCT:ERMD comment states that the site is included on the Biodiversity Network as a Critical Biodiversity Area 2 and that the site is considered to be an irreplaceable restorable site supporting the critically endangered Cape Flats Sand Fynbos. The proposed development will eliminate the possibility of restoring the biodiversity on site.
  - 3.3.4 Although the CoCT:ERMD comment states that development on irreplaceable biodiversity remnants cannot be supported, the comment also states that development can be considered with certain conditions, given the urgency of the proposed development.
  - 3.3.5 Some of these comments are included as recommendations in this Environmental Authorisation.
  - 3.3.6 Although a biodiversity offset was proposed to compensate for the loss of the critically endangered Cape Flats Sand Fynbos, no confirmation of this possibility was provided in the Final EIR.
  - 3.3.7 The footprint of the proposed development will be limited to the areas required for actual construction works. Areas outside of the footprint will be clearly demarcated and regarded as "no-go" areas. Activities and movement of people will be restricted to the footprint. The loss of the critically endangered Cape Flats Sand Fynbos will be limited to the footprint of the proposed development.
- 3.4. Visual / Sense of Place
- 3.4.1. There would be impacts on sense of place and aesthetics due to the conversion from a quiet rural environment to one that is partially urbanized in the area of the settlement.
  - 3.4.2. The proposed development site would be visible from the MR215. The proposed development will be set back at least 100m from the Morningstar road reserve in order to preserve the tree lane as well as to minimise the visual impact and no trees that form part of the historic Bluegum tree lane will be felled or damaged to accommodate the proposed development.

3.4.3. Recommendations and conditions are included in this Environmental Authorisation to mitigate the visual impacts or impacts on the sense of place. Recommendations were provided by the CoCT:ERMD comment dated 20 September 2011.

### 3.5. Socio-Economic

3.5.1. The purpose of the proposed development is to resettle the communities currently residing on the Vissershok Regional Landfill Site ("Vissershok Residents"). The Vissershok Residents are very poor, many of whom are unemployed and many earning less than R1500 per month. Many of the Vissershok residents are also making a living off the Vissershok Regional Landfill Site.

3.5.2. The resettlement of the Vissershok Residents at Wolwerivier will result in the creation of an isolated community resulting in long distances from places of employment, places of education, health facilities, basic infrastructure, shops, etc. The proposed site is located within the City of Cape Town's "growth corridor" according to the City of Cape Town's Spatial Development Framework, 2012. In the long term, the proposed development will be well situated. However, in the short term, the proposed development will be isolated.

3.5.3. The existing Wolwerivier residents rely primarily on the rural environment for their livelihoods. The introduction of a largely unemployed and vulnerable community into the area is perceived to be a threat to their way of life and livelihoods. Concerns have been raised with regard to personal safety, theft of stock and agricultural equipment, fire risk, pollution and litter.

3.5.4. The site is located within the 16 kilometer, urgent protective action planning zone of the Koeberg Nuclear Power Station. Given that the Vissershok Regional Landfill Site is also within this zone, the proposed development is not expected to result in an increase in population within this zone. Further recommendations are included in this environmental authorisation that should be implemented.

3.5.5. With the resettlement of the Vissershok Residents, the Vissershok Regional Landfill Site would cease to be a threat to the health and wellbeing of the Vissershok community.

3.5.6. This environmental authorisation further includes conditions and recommendations to mitigate the expected socio-economic impacts created by the proposed development.

### 3.6. Fire

The proposed development will comply with the conditions as set by the City of Cape Town's Fire and Rescue services in their correspondence dated 23 September 2010. These conditions are included in the Environmental Authorisation. The City of Cape Town's Fire and Rescue Services Department objected to the proposed development unless these conditions are met (minimum Fire Safety requirements). The comment also states that these conditions are deemed to be the minimum requirements for developmental plan approval.

## 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.

The development will result in both negative and positive impacts.

Negative Impacts:

- Isolation of a very poor community resulting in long distances from places of employment, places of education, health facilities, basic infrastructure, shops, etc;
- Long-term loss of critically endangered vegetation;
- Increased pressure on services provision;
- Impacts on the sense of place and visual impacts; and
- Noise and dust impacts.

Positive impacts:

- Employment opportunities during the construction phase;
- Provision of houses for a very poor community;
- Movement of people away from the health risks associated with the Vissershok Regional Landfill Site; and
- Availability of landfill airspace that will benefit the City of Cape Town.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, 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.