Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/5/A5/40/2011/20
NEAS REFERENCE: WCP/EIA/AMEND/0000438/2020
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: **15 OCTOBER 2020**

The Board of Directors
BO MO Property Developers (Pty) Ltd.
89 Dorp Street
STELLENBOSCH
7600

Attention: Mr. CS Möller

Cell: 082 378 7587
E-mail: mwcmoll@mweb.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) FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 FEBRUARY 2018 (REFERENCE NUMBER: 16/3/3/1/A5/40/2028/17):
ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERF NO. 37119, KRAAIFONTEIN.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the Environmental Authorisation issued on 06 February 2018 (EIA Reference Number: 16/3/3/1/A5/40/2028/17).

The Alternatives under Section 2 of Annexure 3: Reasons for the Decision of the Environmental Authorisation issued on 06 February 2018 reads as follows:

"*Alternative 4 (preferred alternative – herewith authorised):*
The preferred alternative entails the establishment of a mixed use development which will be undertaken in two phases as follows:

Phase F:
Phase F is a Mixed Use Zone 1 with industrial as land use, consisting of approximately 50 industrial portions adjacent to the Kraaifontein WWTW. Private open space, public roads and

utility services will also be established. This phase separates the residential area from the WWTW.

Access to the proposed industrial phase will be taken via an existing 13m wide public road which runs in a north-south direction parallel to Okavango Road. The road will be widened to 25m to provide for easy and safe access. The road will be extended into a 16m wide loop private road which will provide direct access to the individual industrial erven.

Phase G:
Phase G represents the residential component and makes provision for a total of 13 portions comprising of a combination of duplex units, group houses and flats. The proposed residential uses will be zoned in accordance with the City of Cape Town Development Management Scheme as part of the City of Cape Town Municipal Planning By-Law. The residential phase will be accessed from Hexrivier Road with a 20m wide private access road network providing access to the various residential precincts. Private open spaces will comprise of a combination of passive and active open spaces interacting with the residential components. The private open spaces will comprise of a retention dam, walkways and play areas with street furniture and equipment.

This is the preferred alternative since all the units are situated above the 1:100-year flood line of the Maastricht Canal. The areas below the 1:100-year flood line will be a landscaped open space area. All residential units are outside the 3 Odour Units contour line".

This is herewith replaced with the following:

The preferred alternative entails the establishment of a mixed use development which will be undertaken in two phases as follows:

Phase F:
Phase F is a Mixed Use Zone 1 with industrial as land use, consisting of approximately 50 industrial portions adjacent to the Kraaifontein WWTW. Private open space, public roads and utility services will also be established. This phase separates the residential area from the WWTW.

Access to the proposed industrial phase will be taken via an existing 13m wide public road which runs in a north-south direction parallel to Okavango Road. The road will be widened to 25m to provide for easy and safe access. The road will be extended into a 16m wide loop private road which will provide direct access to the individual industrial erven.

Phase G:
Phase G represents the residential component and makes provision for a total of 13 portions comprising of a combination of duplex units, group houses and flats. The proposed residential uses will be zoned in accordance with the City of Cape Town Development Management Scheme as part of the City of Cape Town Municipal Planning By-Law. The residential phase will be accessed from Hexrivier Road with a 20m wide private access road network providing access to the various residential precincts. Private open spaces will comprise of a combination of passive and active open spaces interacting with the residential components. The private open spaces will comprise of a retention dam, walkways and play areas with street furniture and equipment.

This is the preferred alternative since all the units are situated above the 1:100-year flood line of the Maastricht Canal. The areas below the 1:100-year and above the 1:20-year flood lines, respectively, will in places, be used for parking. The parking areas will be paved with

permeable paving to optimise water penetration and to allow for smooth blending into the landscaped open space area on the rest of the flood plain. All residential units are outside the 3 Odour Units contour line.

B. REASONS FOR THE DECISION

In reaching its decision, the competent authority took, *inter alia,* the following into consideration:

(a) The information contained in the application for amendment dated and received by the competent authority on 09 March 2020; and the final Amendment Report dated and received by the competent authority via electronic mail correspondence on 04 September 2020.

(b) The application is for a substantive amendment to the Environmental Authorisation in terms of the EIA Regulations, 2014 (as amended).

(c) No significant negative impacts are expected due to the amendment of the original development proposal. This can be justified as follows:
   i. The amendment applied for is to allow for 57 parking bays with permeable paving below the 1:100-year flood line, but above the 1:20-year flood line along the Maastricht Canal.
   ii. The amendment thus proposes 13 parking bays below the 1:100-year flood line in the industrial precinct and 44 bays in the residential precinct.
   iii. In the residential precinct (Portion 55) it is intended to optimise the use of serviced land by moving some parking bays associated with the apartment blocks to below the 1:100-year flood line, in accordance with the Floodplain and River Corridor Management Policy of the City of Cape Town.
   iv. A road to access the parking bays is also proposed below the 1:100-year flood line.
   v. Approximately 43 parking bays (out of a total of 52) will be below the 1:100-year flood line and will be approximately 538m^2 in size.
   vi. In the industrial precinct (Portion 18) it is intended to place 14 permeable paving parking bays (out of a total of 22) partially or wholly below the 1:100-year smoothed flood line, with a serviced road to the parking which is partially below the flood line.
   vii. All industrial buildings will be above the 1:100-year flood line.
   viii. The size of the 14 parking bays below the flood line is approximately 150m^2.
   ix. The parking bays will have permeable paving to allow for rainwater to permeate into the ground.
   x. Green soft landscaping will integrate the parking bays into the landscaped area.

(d) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.

(e) No new listed activities are triggered and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels.

(f) The conditions contained in the Environmental Authorisation issued on 06 February 2018, remain unchanged and in force.

(g) A Public Participation Process was conducted for the amendment application, which comprised of the following:
   - A notice board was placed on site on 24 March 2020;

- E-mails were sent on 24 March 2020 to all registered I&APs to inform them of the availability of the draft Amendment Report;
- The draft Amendment Report was placed on the website of Johan Neethling Environmental Services cc ("JNES") from 24 March 2020 until 24 April 2020;
- A second notice board was placed on site on 16 June 2020;
- E-mails were sent on 16 June 2020 to inform registered I&APs of the extended commenting period on the draft Amendment Report; and
- The draft Amendment Report was made available for comment from 26 June 2020 until 23 July 2020.

At the end of the commenting period, comments were received. The competent authority is satisfied that the comments that were received were adequately responded to.

Authority Consultation:
The following authorities were consulted:
- CapeNature;
- Heritage Western Cape;
- Department of Water and Sanitation; and
- Various departments within the City of Cape Town.

C. CONDITION

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –

1.1 notify all registered I&APs of –
- 1.1.1 the outcome of the application;
- 1.1.2 the reasons for the decision;
- 1.1.3 the date of the decision; and
- 1.1.4 the date of issue of the decision;

1.2 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);

1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

1.4 provide the registered I&APs with:
- 1.4.1 the name of the holder (entity) of this Environmental Authorisation,
- 1.4.2 name of the responsible person for this Environmental Authorisation,
- 1.4.3 postal address of the holder,
- 1.4.4 telephonic and fax details of the holder,
- 1.4.5 e-mail address, if any,
- 1.4.6 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).

D. APPEAL

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
   1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
   1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
   2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
   2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

   By facsimile: (021) 483 4174; or

   By hand: Attention: Mr M. 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 the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL http://www.westerncape.gov.za/eadp.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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 greatly appreciated.

Yours faithfully



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MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 15 OCTOBER 2020

CC: (1) Mr. Johan Neethling (JNES) E-mail: info@jnes.co.za
(2) Ms. Pat Titmuss (City of Cape Town) E-mail: Pat.titmuss@capetown.gov.za

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FOR OFFICIAL USE ONLY:

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