



EIA REFERENCE: 16/3/3/1/A7/5/3024/24
NEAS REFERENCE: WCP/EIA/0001456/2024
DATE OF ISSUE: 28 NOVEMBER 2024

The Board of Directors
Arteche Investments (Pty) Ltd.
P.O. Box 2515
PINETOWN
3600

For Attention: Mr. A. H. Darvesh

Cell: 087 470 0514

Email: president@artecheholdings.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF AN APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON ERVEN 46 AND 47 (TO BE CONSOLIDATED INTO ERF 580), CLIFTON.

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

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:

1. I. Eggert (InClover Consulting/ Chand Environmental Consultants)
2. M. Swart (City of Cape Town: ERM)

E-mail: ingrid@inclover.co.za / info@chand.co.za

E-mail: maurietta.swart@capetown.gov.za



EIA REFERENCE: 16/3/3/1/A7/5/3024/24
NEAS REFERENCE: WCP/EIA/0001456/2024

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 REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF AN APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON ERVEN 46 AND 47 (TO BE CONSOLIDATED INTO ERF 580), CLIFTON.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activity specified in section B below with respect to the Preferred Alternative, described in the final Basic Assessment Report ("BAR"), dated August 2024.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

Arteche Investments (Pty) Ltd.
% Mr. A. H. Darvesh
P. O. Box 2515
PINETOWN
3600

Cell: 087 470 0514
Email: president@artecheholdings.com

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

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19A Activity Description:</p> <p><i>“The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from--</i></p> <p><i>(i) the seashore;</i></p> <p><i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i></p> <p><i>(iii) the sea; --</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(f) will occur behind a development setback;</i></p> <p><i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies”.</i></p>	<p>The development of the Azalea Apartment Building and associated infrastructure entails the dredging, excavation, removal, or moving of soils, sand, shells, shell grit, pebbles, or rock of more than 5 cubic metres from the high-water mark of the sea.</p>

The abovementioned list is hereinafter referred to as “**the Listed Activity**”.

The holder is herein authorised to undertake the following alternative that includes the Listed Activity relating to the authorised development:

The authorised development entails the development of an apartment building and associated infrastructure within 100m of the high-water mark of the sea on Erven 46 and 47, Clifton.

Up to ten terraced levels will be developed, providing for ten apartments and will comprise of the following:

- Basement storeys 1 and 2 will contain parking areas, including service/plant rooms;
- Basement storey 3 will be located at the street level of Victoria Road and will comprise security and drive through port cochere, vehicle parking lifts, a pedestrian shuttle lift, private internal lifts and an emergency fireman’s lift;
- The ground floor (i.e., first storey) will comprised of the main pedestrian entry lobby, a swimming pool area with gardens, storage and associated facilities;
- The second to fifth storeys will comprise of two apartments with two terraces per storey;

- The sixth and seventh storeys will comprise of two duplex penthouse apartments with terraces, swimming pools and garden areas per story.

An existing stormwater channel, which has eroded into Erf 47, Clifton will be realigned to its original course on Erf 48 and the remainder of Erf 145, Clifton. The realigned stormwater channel will be gabion-lined and will be approximately 20m in length. The proposed realignment of the existing stormwater channel will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

All services will be supplied by the Local Authority. Access to the site will be gained off Victoria Road, Clifton.

C. SITE DESCRIPTION AND LOCATION

The Listed Activity will be undertaken Erven 46 and 47, Clifton, Cape Town located at 13 Victoria Road, Clifton. The two properties will be consolidated to create Erf No. 580, Clifton.

The 21-digit Surveyor General codes for the site is:

Erf No, 46, Clifton, Cape Town	C01600100000004600000
Erf No, 47, Clifton, Cape Town	C01600100000004700000

The co-ordinates of the development:

	Latitude	Longitude
Erf No. 46, Clifton	33° 55' 59.17" S	18° 22' 41.28" E
Erf No. 47, Clifton	33° 55' 58.80" S	18° 22' 41.77" E

Realigned stormwater channel	Latitude	Longitude
Start	33° 55' 58.67" S	18° 22' 42.52" E
Middle	33° 55' 58.96" S	18° 22' 42.87" E
End	33° 55' 59.32" S	18° 22' 42.81" E

Refer to **Annexure 1: Locality Maps**.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Chand Environmental Consultants cc
 % Ms. Ingrid Eggert
 1.2A Richmond Centre
 Main Road
PLUMSTEAD
 7800

Tel.: 021 762 3050
 Cell: 083 278 7107
 E-mail: info@chand.co.za

E. CONDITIONS OF AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the Listed Activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B in the BAR dated August 2024 on the site described in Section C above.
2. The holder must commence with, and conclude, the Listed Activity within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for –

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised Listed Activity; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activity during which period the authorised Listed Activity for the construction phase, must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written Notice to the Competent Authority

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

Conditions: 6, 7, 11 and 17.

Notification of Environmental Authorisation and Administration of Appeal

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 6.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. The decision reached on the application;
 - 6.1.2. The reasons for the decision as included in Annexure 2;
 - 6.1.3. The date of the decision; and
 - 6.1.4. The date when the decision was issued.

- 6.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4. Provide the registered I&APs with the:
 - 6.4.1. The name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. The name of the responsible person for this Environmental Authorisation;
 - 6.4.3. The postal address of the holder;
 - 6.4.4. The telephonic and fax details of the holder;
 - 6.4.5. The e-mail address, if any, of the holder; and
 - 6.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

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

Management of Activities

9. The draft Environmental Management Programme ("EMPr") (compiled by Chand Environmental Consultants dated August 2024) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
 - 9.1. The final stormwater plan, which must include the development of the subsurface drain and sump (as recommended by the Groundwater Impact Assessment (compiled by Geoss South Africa (Pty) Ltd and dated 01 February 2021 and addendum dated 22 December 2022)), must be included in the EMPr.
 - 9.2. A groundwater monitoring programme to monitor the use of subsurface groundwater/seepage, which includes the measuring of flow volumes and sump water levels, as recommended by the Groundwater Impact Assessment (compiled by Geoss South Africa (Pty) Ltd and dated 01 February 2021 and addendum dated 22 December 2022)) must be implemented during the construction phase.
 - 9.3. A traffic management plan must be implemented during the construction phase and must be included in the EMPr.
10. The Environmental Authorisation and EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer (“ECO”) before the Listed Activity can be commenced with, to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation and EMPr must be kept at the contractor’s site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

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

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste that cannot be recycled, re-use shall be disposed of at a licensed waste disposal facility.
17. Due to the nature of the receiving environment, blasting of rock features should be avoided wherever possible.

- 17.1. Non-explosive rock breakage methods, such as expansive chemical agents and/or hydraulic splitting techniques, must be prioritised.
 - 17.2. If blasting is unavoidable, neighboring properties must be notified at least two (2) weeks prior to blasting activities.
18. In line with the recommendations made by the City of Cape Town's Environmental Management Department in the correspondence dated 14 June 2024, written permission for the installation of 20m-long ground anchors within Public Open Space, in the form of a Power of Attorney letter from the relevant City of Cape Town department, must be obtained prior to the commencement of construction activities.
 - 18.1. Additionally, confirmation of the feasibility of the proposed stabilization techniques must be obtained from the relevant City department and submitted to this Department for information purposes before construction activities commence.
19. The drainage reserve located south of the site must be demarcated as a "no-go" area prior to the commencement of the construction phase.
 - 19.1. The demarcation must remain visible for the duration of the construction phase and must be removed upon completion of the construction phase.

GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the Listed Activity.
2. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr must be as follows:
Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

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 twenty (20) calendar days from the date the 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 twenty (20) 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 twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 2659)
Room 809
8th Floor Utilitas Building,
1 Dorp Street
Cape Town
8001

By Email: 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>.

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 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 28 NOVEMBER 2024

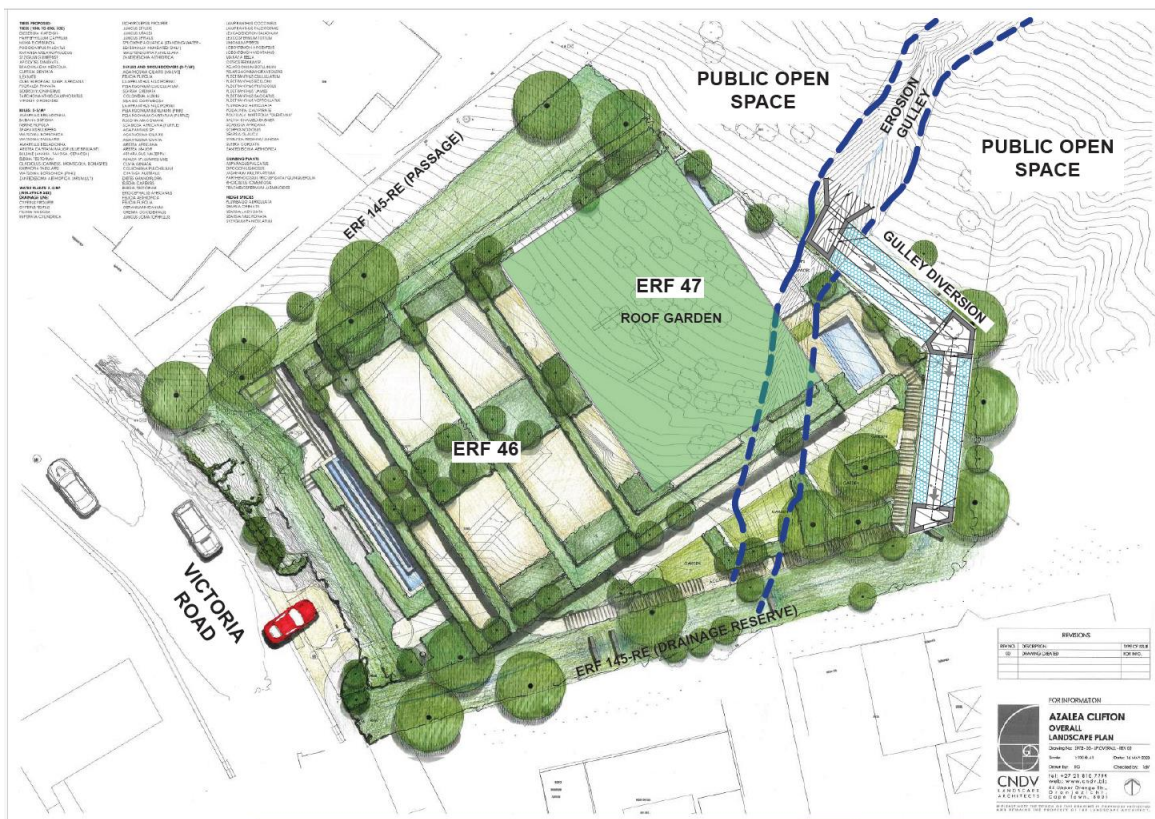
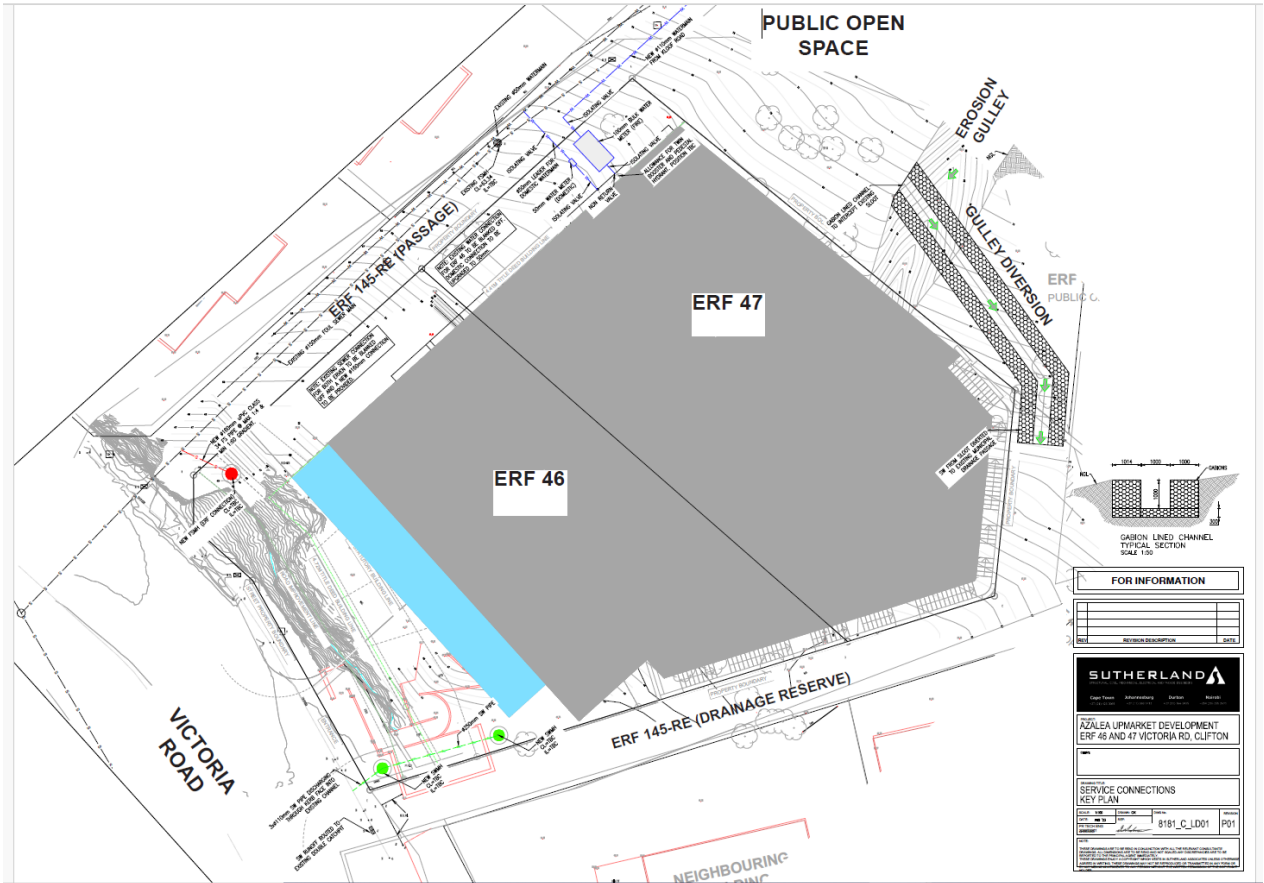
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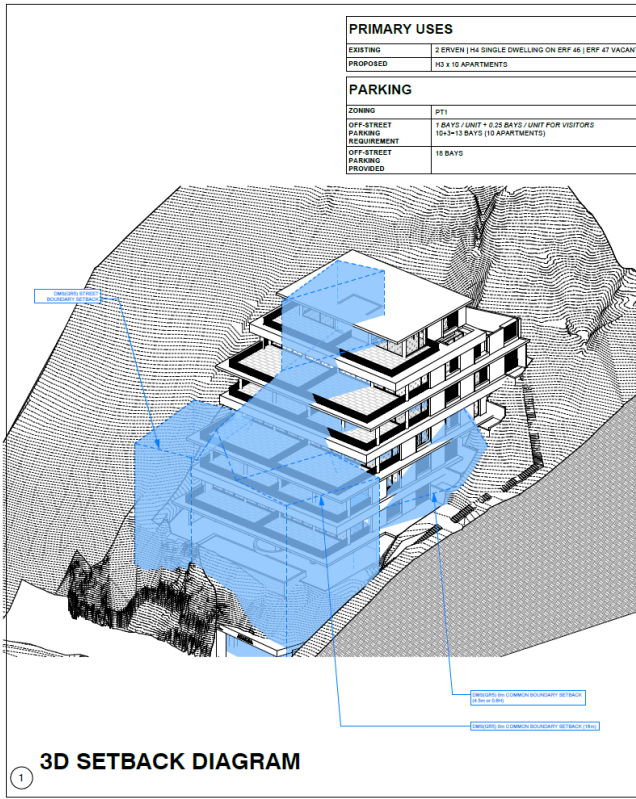
- 1) Ms. I. Eggert (InClover Consulting/ Chand Environmental Consultants) E-mail: ingrid@inclover.co.za / info@chand.co.za
- 2) Ms. Maurietta Stewart (City of Cape Town) E-mail: Maurietta.stewart@capetown.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN





PRIMARY USES	
EXISTING	2 ERVEN (14 SINGLE DWELLING ON ERF 46 ERF 47 VACANT)
PROPOSED	H3 x 10 APARTMENTS

PARKING	
ZONING	PT1
OFF-STREET PARKING REQUIREMENT	1 BAYS / UNIT x 0.25 BAYS / UNIT FOR VISITORS (10x3-12 BAYS (10 APARTMENTS))
OFF-STREET PARKING PROVIDED	10 BAYS

SCHEDULE OF RIGHTS	
ADDRESS	13 VICTORIA ROAD
TOWNSHIP	CLIFTON - WARD 54
ERF/PORTION	ERF 46 + ERF 47 - TR 2
ERF SIZE	ERF 46 + 756m ² ERF 47 + 723m ² - TR 2 = 58m ² 1420m ² (GRI TO BE REZONED TO GR5)
CURRENT ZONING	SR1 - SINGLE RESIDENTIAL ZONING 1
PROPOSED ZONING	GR5 - GENERAL RESIDENTIAL ZONING 5
CURRENT USE	MAIN DWELLING - SINGLE
PROPOSED USE	FLATS

FLOOR SPACE	
FLOOR FACTOR	2.5
MAX PERMISSIBLE	1420 x 2.5 = 3550m ²
TOTAL FLOOR SPACE	3188.79 m ²
PROPOSED	
LB2_BASEMENT 3	95.56 m ²
LB2_BASEMENT 2	0m ²
LB1_BASEMENT 1	0m ²
L1_FIRST STOREY	420.90 m ²
L2_SECOND STOREY	454.10 m ²
L3_THIRD STOREY	573.14 m ²
L4_FOURTH STOREY	472.96 m ²
L5_FIFTH STOREY	553.99 m ²
L6_SIXTH STOREY	382.81 m ²
L7_SEVENTH STOREY	236.42 m ²
TOTAL PROPOSED	3188.79 m ²

COVERAGE	
GRI SITE AREA	1420m ²
PERMISSIBLE COVERAGE	60% (852m ²)
PROPOSED COVERAGE	85m ² (5.9%)

BUILT UPON AREA	
BUILT UPON AREA	GR5 + TR2 SITE AREA = 1479m ²
PERMISSIBLE BUILT UPON AREA	739.5m ² (50%)
PROPOSED BUILT UPON AREA	1127m ² (76.2%)

BUILDING LINES	
STREET BOUNDARY	4.5m, 9m above 25m height 5m Metropolitan Road Setback TR2 Road Improvement Line + 5m Statutory Building Setback South West Street Boundary 10m Street Setback of 4.700m
COMMON BOUNDARY	4.5m or 0.6M (0.6m up to 15.0m height for 18.5m from street) and 10.0m above 25m in height. North West Common Boundary Title Deed Setback of 4.410m

NOTES

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THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM MISINTERPRETATION OF THE DRAWINGS.

ALL WORK TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH NATIONAL BUILDING REGULATIONS AND LOCAL AUTHORITY REGULATIONS.

ALL DIMENSIONS ARE GIVEN IN MILLIMETERS.

DO NOT SCALE THIS DRAWING.

The existing ground levels on the scheme are the works as surveyed by: **WESTERSCAPE PLANNING**
Professional Land Surveyor and Township Planner
P. APPS 2023 (No. 024) in compliance with survey laws as the S.O. for the project.
FOR INFORMATION
2023/06/15 12:38:44

REVISIONS		
REV	DATE	DESCRIPTION
1	2023.06.15	SOP ISSUE TO COOT

nieuw
architects - designers - creatives

T: 021 916 2714 | neww@nieww.co.za | E: jenne@nieww.co.za
A: 201 Balfour Street, 8 Road Street, Grahamstown, Cape Town

PROJECT TITLE: **AZALEA**

PROJ. DESCRIP: PROPOSED FLATS
ERF: ERF 46 & 47 PROPOSED CONSOLIDATION
ZONING: PROPOSED REZONED FROM SR1 TO GR5
LOCATION: 13 VICTORIA ROAD, CLIFTON
CLIENT: ARTS'CHÉ

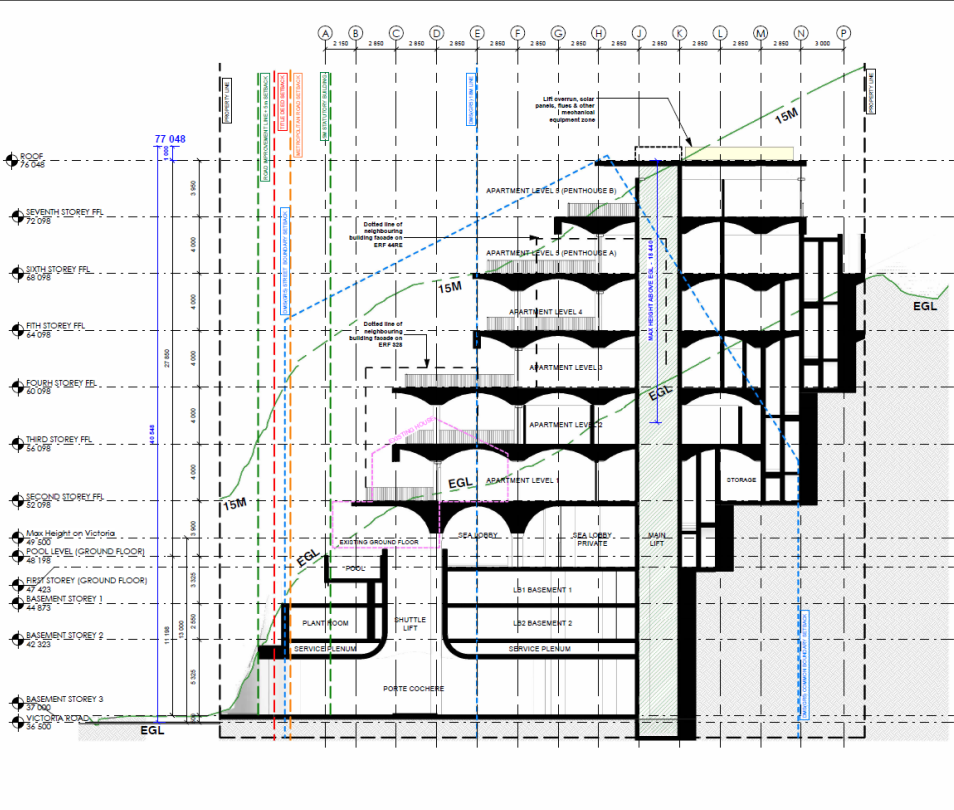
SCHEDULE OF RIGHTS
GR5 (SR1)

1 : 100
SCALE #43
DATE: 2023.06.15

jhn (DRAWN) jhn (CHECKED)

2210 **WD.504**

PROJ. NO. DRAWING NO. REV.



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A: 201 Balfour Street, 8 Road Street, Grahamstown, Cape Town

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ERF: ERF 46 & 47 PROPOSED CONSOLIDATION
ZONING: PROPOSED REZONED FROM SR1 TO GR5
LOCATION: 13 VICTORIA ROAD, CLIFTON
CLIENT: ARTS'CHÉ

SECTION BB
(DRAWING)

1 : 200
SCALE #43
DATE: 2023.06.15

jhn (DRAWN) jhn (CHECKED)

2210 **WD.532**

PROJ. NO. DRAWING NO. REV.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated April 2024 and received by the Competent Authority on 10 May 2024, the final BAR (dated August 2024) and the EMPr (dated August 2024) submitted with the final BAR, received by the Competent Authority on 12 August 2024;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from registered I&APs and the responses thereto, included in the final BAR (dated August 2024);
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The Public Participation Process ("PPP") included:

- Identification of and engagement with Interested and Affected Parties ("I&APs");
- The distribution of the draft BAR for public review for a 30-day commenting period from 22 September 2023 until 23 October 2023;
- The placement of an advertisement was placed in the "Table Talk" newspaper on 20 September 2023;
- The placement of site notices at the Victoria Road entrance of the properties on 10 May 2024;
- The distribution of the draft BAR for public review for an additional 30-day commenting period from 13 May 2024 to 13 June 2024;
- The distribution of notices via letter drop offs to the neighbours of the adjacent properties on 13 May 2024; and
- The availability of electronic copies of the reports on the website of the Environmental Assessment Practitioner's company (Chand Environmental Consultants).

Concerns raised by interested and affected parties include, *inter alia*, the potential visual impacts and the consideration of alternatives. All concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Directorate is satisfied that the PPP that was followed met the minimum legal requirements, and all the comments raised, and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and the EMPr adequately addresses the concerns raised.

2. Alternatives

The BAR indicates that different designs were considered as part of the previous applications for environmental authorisation. The current Preferred Alternative was designed taking cognisance of certain issues that were raised during the pre-application public participation process. The Preferred Alternative has been designed to consider, *inter alia*, a high densification, orientation

of the proposal in respect of neighbouring buildings, landscaping, view corridors and the integration of existing granite rock interface.

According to the Electrical Infrastructure Report (compiled by Sutherland (Pty) Ltd and dated 24 February 2023), active and passive energy-efficient methods will be included in the design of the building and implemented to reduce the after diversity maximum demand of the proposed development. No reasonable or feasible activity alternatives exist for the proposed site. A land-use, other than residential, would not be appropriate for the proposed site given the residential nature of the area and road infrastructure along Victoria Road.

The Preferred Alternative and the "No-Go" Alternatives were therefore identified and assessed as follows:

The Preferred Alternative - herewith authorised.

The Preferred Alternative entails the development of an apartment building and associated infrastructure within 100m of the high-water mark of the sea on Erven 46 and 47, Clifton.

Up to ten terraced levels will be developed, providing for ten apartments and will comprise of the following:

- Basement storeys 1 and 2 will contain parking areas, including service/plant rooms;
- Basement storey 3 will be located at the street level of Victoria Road and will comprise security and drive through port cochere, vehicle parking lifts, a pedestrian shuttle lift, private internal lifts and an emergency fireman's lift;
- The ground floor (i.e. first storey) will be comprised of the main pedestrian entry lobby, a swimming pool area with gardens, storage and associated facilities;
- The second to fifth storeys will comprise of two apartments with two terraces per storey;
- The sixth and seventh storeys will comprise of two duplex penthouse apartments with terraces, swimming pools and garden areas per story.

An existing stormwater channel, which has eroded into Erf 47, Clifton will be realigned to its original course on Erf 48 and the remainder of Erf 145, Clifton. The realigned stormwater channel will be gabion-lined and will be approximately 20m in length. The proposed realignment of the existing stormwater channel will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

All services will be supplied by the Local Authority. Access to the site will be gained off Victoria Road, Clifton.

The Preferred Alternative took cognisance of concerns raised by interested and affected parties to determine the best practical solution for the proposed development. The initial development proposal was therefore not deemed to be a reasonable or feasible alternative and was therefore no longer considered as part of this Basic Assessment process. The development is regarded as a medium density build and is aligned with the surrounding environment (apartment buildings and large dwellings), which optimises the use of land located within the City of Cape Town's urban edge. Furthermore, the orientation of the apartment building makes allowance for a more natural landscaping around the building by maintaining the visual green belt on both lateral boundaries of the building. The development on lower floors is designed to retain and integrate as much of the granite rockface as possible, which enhances the seamless integration of the building with the landscaped areas.

"No-Go" Alternative

The "No-Go" Alternative implies that the status quo would remain. However, with a Single Residential zoning, the landowner/applicant is allowed to develop three residential dwellings per property, which would amount to six residential dwellings. This alternative is not preferred as it does not allow for the consolidation of the erf to optimise the land use and commercial value of the properties. Since the associated impacts of the Preferred Alternative can be mitigated to

an acceptable level based on the findings of the relevant specialist studies, the "No-Go" Alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability

The proposed site is located between Victoria Road and Kloof Road, Clifton and consists of Erf 46 and Erf 47, Clifton. Erf 46, Clifton is located along Victoria Road, Clifton and previously contained a residential dwelling. The dwelling was demolished in accordance with a demolition permit issued in terms of Section 34 of the National Heritage Resources Act, 1999 (Act. No. 25 of 1999) by the Heritage Western Cape on 30 June 2023. Erf 47, Clifton is undeveloped. Erf 46, Clifton has a spilt zoning, where the majority of the property is zoned single residential 1 and a portion along Victoria Road is zoned transport 2. The portion zoned Transport 2 will be excluded from the proposed development footprint. Erf 47, Clifton is zoned single residential 1. The proposed development will require an application for, amongst others, consolidation, rezoning and departures in terms of the relevant planning legislation. According to the Town Planning Report dated June 2023 (amended October 2023) compiled by Tommy Brumer Town Planners, the development is aligned with the relevant provisions of principles of the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014) ("LUPA") and the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) ("SPLUMA") as it supports the principle of promoting spatial sustainability by creating a more efficient use of land within the limits of existing infrastructure.

The report further indicates that the development is aligned with the surrounding land use character of Clifton, which is comprised of densely built-up residential properties where the buildings cover more than half the area of property and are built closer to or on the property boundaries. The development of the apartment building will result in residential densification and land use intensification.

Further, Erf 48, Clifton is zoned as open space and the stormwater channel will be realigned on a portion of Erf 48, Clifton. No rezoning is required for the realigned stormwater channel. In addition, the realignment of the stormwater channel will not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

3.2 Biodiversity Impacts

A Terrestrial Biodiversity Compliance Statement (compiled by NCC Environmental Services and dated 21 July 2020) was undertaken. The Screening Report indicated that the proposed site is located within a high sensitivity area from a biodiversity perspective. However, the specialist disputed this rating and determined that the proposed site is located within a low sensitivity area from a biodiversity perspective. No particular areas of sensitivity were noted by the specialist. No indigenous vegetation is present on the proposed site. The vegetation that is present on the proposed site is opportunistic and is not representative of any Peninsula Granite Fynbos vegetation.

Due to the amendments to the site development plan for the proposed site, an updated statement from the specialist was obtained. The specialist confirmed (in their correspondence dated 19 June 2023) that since minimal variation to the development footprint has occurred, the changes do not require an update to the Terrestrial Biodiversity Compliance Statement (dated 21 July 2020).

3.3 Geotechnical Impacts

A Geotechnical and Engineering Geological investigation (compiled by M. van Wieringen and Associates and dated 06 February 2017) was undertaken to determine the geological conditions of the proposed site. The specialist indicated that the proposed site is underlain by granite bedrock of the Peninsula Pluton, Cape Granite suite. The study indicates that a perched water table should be expected during the rainy season. The study further indicates that excavation methods may vary from the use of a large excavator, hydraulic hammer and blasting in some instances. Anchors will need to be installed for deeper

excavations. Due to the nature of the receiving environment, the construction requires stepped or sloping sides. The proposed method statements compiled by the geotechnical specialist related to the excavation and lateral support required for the development are included in the report. The recommendations and mitigation measures included in the Geotechnical and Engineering Investigation Report have been included within the relevant sections of the EMPr. A response statement from the specialist (dated 28 June 2021) indicates that the 2021 study remains applicable.

3.4 Freshwater Impacts

An Aquatic Specialist Assessment Report (compiled by BlueScience and dated May 2023) was undertaken to determine the potential freshwater impacts associated with the proposed development. The specialist indicated that a small watercourse drains from Kloof Road, largely within a defined drainage corridor or servitude. A small drainage channel starts within the upslope, near Kloof Road and crosses the upslope public open space, becoming deeply eroded immediately upslope of the site. The specialist indicated that based on historical aerial imagery, it appears that the drainage feature that drains down from the north of the site did not drain into Erf 47, Clifton, but drained into the drainage servitude that currently exists. The proposed realignment of the small drainage channel to its original course would be achieved through a stormwater management plan. The specialist concluded that provided that the recommended mitigation measures are implemented, the potential impacts on the aquatic ecosystems would be very low negative significance.

The specialist further indicated (in an updated statement dated 18 August 2023) that although the small feature fits within the definition of a watercourse, it is not deemed significant. The specialist therefore recommended that Activity 19 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended) would not be triggered by the proposed development as the small feature does not fall within the definition of a watercourse as defined in terms of the NEMA EIA Regulations, 2014 (as amended) and the National Water Act, 1998 (Act No. 36 of 1998).

The Department of Water and Sanitation confirmed (in their correspondences dated 5 February 2021, 31 July 2023 and 10 June 2024) that the development does not trigger a water use in terms of the National Water Act, 1998 (Act No. 36 of 1998). No impacts on freshwater features are therefore anticipated.

3.5. Groundwater Impacts

A Groundwater Impact Assessment (compiled by Geoss South Africa (Pty) Ltd and dated 01 February 2021) was undertaken to determine the potential groundwater impacts associated with the proposed development. The specialist indicated that the proposed site is underlain by coarse-grained porphyritic granite of the Cape Granite Suite. The proposed site is located on an underlying aquifer classified as an intergranular and fractured aquifer. Evidence of groundwater seepage was observed by the specialist. The specialist indicated that sub-surface groundwater flow is anticipated during the construction phase

The specialist therefore recommended that an appropriate subsurface drain be installed. The discharge of water should avoid stormwater systems that drain onto beach areas and instead should be collected into a catchment area or sump and re-used where possible. In addition, a groundwater monitoring programme was recommended by the specialist to measure water flow volumes and sump water levels. The recommendations and mitigation measures of the specialist are included in the EMPr.

An addendum to the Groundwater Impact Assessment (compiled by Geoss South Africa (Pty) Ltd and dated 22 December 2022) was undertaken in light of the new proposed development design. The specialist indicated that the risks to groundwater and potential impacts remain the same. Therefore, the potential groundwater impacts as assessed in the 2021 specialist study remains valid and the recommendations remain unchanged. The BAR (dated August 2024) indicates that the recommendation of a drainage system and sump

will be incorporated into the stormwater system for the proposed site. This recommendation has been included as a condition set in this Environmental Authorisation and in the EMPr.

3.5 Visual Impacts

A supplementary visual impact statement (compiled by David Gibbs and dated 19 June 2023) was undertaken based on the new design proposal (i.e. the proposed development). The specialist indicated that although the proposed development will constitute a change in land-use and in the landscape character of the proposed site, a building of such scale and proportion is consistent with the pattern of development immediately adjacent to, and all the way along Victoria Road. Due to the small scale of the site and the urban condition of the adjacent properties, the development of the site is not considered to be visually intrusive into the landscape by the specialist. The specialist further indicated that it is unlikely that the proposed development will obscure views of the ocean from Victoria Road or from Kloof Road.

The proposed site is located on the scenic coastal drive along Victoria Road, Clifton. The design of the apartment building has evolved to mitigate potential visual impacts upon sightlines from Kloof Road and to reduce the impacts of excavation on the surrounding receptors. Based on the findings of the Visual Impact Assessment dated 19 June 2023 compiled by David Gibbs, with the implementation of the mitigation measures, the development does not impact significantly upon the visual experience of the coastal route, and the green matrix will remain largely intact. The potential visual impacts are anticipated to be neutral post implementation of mitigation measures during the construction phase and low positive significance during the operational phase. Mitigation measures have been recommended by the specialist and have been included in the EMPr. Potential visual impacts may be further refined during the planning process.

3.6 Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC confirmed (in their comment dated 14 April 2020) that since there is no reason to believe that the proposed demolition of the existing residence and development of a block of flats, through consolidation and rezoning of erven, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. HWC further confirmed in correspondences received via electronic mail dated 20 May 2024 and 22 October 2024 that their comment dated 14 April 2020 remains valid.

3.7 Services

A Civil Services Report (compiled by Sutherland (Pty) Ltd and dated 13 February 2024) was undertaken. Since there was a dwelling located on Erf 46, Clifton, existing service infrastructure is located on the proposed site. The estimated new water usage and the estimated new sewer flow were determined. The City of Cape Town confirmed (in their correspondence dated 08 February 2024) that sufficient, spare and unallocated water supply and sewerage services are available to service the proposed development.

The report further indicated that stormwater runoff from Erf 46, Clifton discharges into Victoria Road and stormwater runoff from Erf 47, Clifton discharges into a servitude serving as a drainage passage for stormwater. Due to uncontrolled discharge from a stormwater outlet in Kloof Road, an erosion gully/stormwater channel currently extends through Erven 47 and 48, Clifton and discharges into the drainage passage. The existing stormwater channel is therefore proposed to be realigned around Erf 47, Clifton and along Erf 48, Clifton to discharge into the drainage passage.

An Electrical Infrastructure Report (compiled by Sutherland (Pty) Ltd and dated 24 February 2023) was undertaken. A load calculation was undertaken. It was determined that the required electrical supply would be 350A at 400V. The City of Cape Town confirmed (in their correspondence dated 28 May 2024) that sufficient, spare and unallocated electricity supply is available to service the proposed development.

3.8 Traffic Impacts

A Traffic Specialist Report (compiled by Techso (Pty) Ltd and dated 09 April 2024) was undertaken to determine the potential traffic impacts associated with the proposed development. The specialist indicated that a section of Victoria Road may need to be temporarily closed and a stop and go system will need to be implemented. The management of traffic flow during the construction period will need to be managed with a traffic management plan. A traffic management plan will be included in the EMPr. Potential traffic impacts associated with the operational phase are anticipated to be insignificant and should be accommodated on the existing road network.

3.9 Dust and Noise Impacts

The EMPr includes dust and noise impact management actions that will be implemented in order to minimise potential impacts.

The development proposal will result in both negative and positive impacts.

Negative Impacts include:

- Temporary disturbance of traffic during the construction phase of the development;
- Potential dust and noise impacts;
- Potential visual impacts; and
- Potential groundwater impacts.

Positive Impacts include:

- Contribution to the greater economic growth of Cape Town during the construction and operational phases;
- Optimal use of the land; and
- Temporary employment opportunities.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised Listed Activity 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 undertaking of the Listed Activity can be mitigated to acceptable levels.

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