

Proposed rezoning and
subdivision for the establishment
of a residential development on
Erf 3477, Hout Bay

EXECUTIVE SUMMARY

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INTRODUCTION

Doug Jeffery Environmental Consultants has been appointed by Elegant Earth Trading Cc ("the Applicant") as the Environmental Assessment Practitioner ("EAP") to undertake an amendment assessment process in terms of the National Environmental Management Act (Act 107 of 1998), as amended ("NEMA"), and the 2014 Environmental Impact Assessment ("EIA") Regulations (as amended) for the proposed rezoning and subdivision for the establishment of a residential development on Erf 3477, Hout Bay.

Erf 3477 is located along Bayview Road in Hout Bay on the lower slopes of Karbonkelberg. The site is 23.49 ha in extent and is vacant at present. The site, GPS co-ordinates: 34° 3'5.91"S and 18°20'16.23"E, is bound by Harbour Heights, a residential area, to the south, Table Mountain National Park to the west and north, and largely vacant private property to the east.

Amendment background

An environmental assessment process was undertaken for development on Erf 3477, Hout Bay in 2009/2010. The competent authority approved a portion of the development and not the entire development as presented in the 2009/2010 environmental assessment report.

The Environmental Authorisation (EA) decision was appealed by the applicant, and Interested and Affected Parties (I&APs). An appeal decision EA was granted on 28 November 2012 (DEA&DP Ref: M3/6/5) which dismissed appeals and allowed for:

- nine single residential erven,
- one group housing erf,
- a stormwater management system,
- a firebreak above the authorised erven to provide access for firefighting,
- and water reticulation infrastructure installed on the property with the gravity sewer outfall connected into the existing system at Bay View Road.

In 2017, an Amendment Application was submitted for a non-substantive change to the EA. The amendment was granted, extending the validity of the Appeal EA for five years from 28 November 2017 (DEA&DP Ref: 14/3/1/1/A6/36/0294/17). The validity period of the Appeal EA ending 28 November 2022. The proposed development area has a similar development footprint to the portion approved in the 2012 appeal EA. The proposed development area is approximately 1.22 ha extent.

The proposal is for medium density residential development comprising seven three-storey apartment blocks totaling 98 residential units, a gate house, stormwater management plan, a parking area acting as a firebreak above the development with a separate firefighting access gate, refuse room and open space.

AMENDMENT BEING APPLIED FOR

The amendment being applied for is to:

- (a) change the proposed development from that which was approved, from nine (9) residential erven and one (1) group housing erf to a total of 98 residential units;
- (b) to increase the development footprint of the approved development area from 0.9743 ha to 1,2205 ha to accommodate the circulation and parking at the rear side of the proposed development; and
- (c) submit a new EMPr that accommodates the proposed development.
- (d) to extend the validity period of the amended authorisation being applied for, if granted, for five years from date of issuance.

DESCRIPTION TO BE AMENDED

This Amendment Application is intended to change the Appeal EA description of the approved area:

From: 2012 Appeal EA description

"A residential development on a portion of Erf 3477, Hout Bay, restricted to the development of Erven 1 to 9 and 37 (as indicated on Layout Plan No.7 (Rev 4), dated 11 March 2010 compiled by Urban Dynamics Western Cape) that comprises of nine single residential erven on Erven 1-9, one general residential erf on Erf 37 and a stormwater management system

The decision excludes the development and commencement of activities on Erven 10 – 12, 13 - 20, 21 – 24, 25 – 31, and 32 – 36 (indicated for residential purposes) and Erf 38 (indicated for road purposes)

The storm water management system that is to be constructed on the property will comprise detention (weir-type structures) and soak-away facilities that is required to address existing flooding problems caused by storm water from the site in the downstream residential areas. The storm water system will allow as much storm water to be retained on site as possible by installing retaining structures in the existing watercourse and an open swale outfall running with the contours and allowing maximum seepage into the granular material underlying the site. These structures shall accommodate the 1:50 year reoccurrence interval storm event.

A firebreak will be established above the authorised erven to provide access for firefighting.

Water reticulation infrastructure installed on the property with the gravity sewer outfall connected into the existing system at Bay View Road".

To a new description as follows:

"A gated residential development comprising of 98 apartment units in blocks of 14 units. Each block is three-storeys in height. A communal open space and children's play area is located near the entrance of the development.

A gatehouse is provided on Bay View Road which also accommodates the development's refuse room.

Access is off Bay View Road which includes a double lane entrance and single lane exit. Along the eastern boundary, a separate entrance for a fire truck is provided for to allow access to the rear (north) of the development area.

A total of 122 parking bays are provided for at the rear (north) of the development area. The parking area will also act as a fire break.

Infrastructure includes water reticulation infrastructure, as well as a mini sub-station near the gatehouse.

The stormwater management plan comprises of:

- The construction of berms and weirs within the stream to attenuate surface flow and increase the opportunity for percolation. Gabion spillways on the weirs are proposed as an emergency measure to protect the weir structures from washout, should the side channels become blocked. The spillways ensure that potential over-topping is controlled and largely avoided.*
- The use of permeable stepped channels and swales to allow for dissipation and increasing attenuation and percolation within the drainage course.*
- The construction of a series of open cutoff contour channels as overflows from the weirs of dammed areas. This is to divert surface flow under extreme conditions from the flowing in an uncontrolled manner down the slope.*
- The proposed use of quick growing vegetation to provide early surface stability to newly formed slope or cut faces.*
- The provision of additional fire protection measures and fire breaks to reduce the impact of post fire flooding or erosion*

The landscape plan which includes the recommendations of the Civil Services Report and Stormwater Management Plan for treatment of the natural drainage channel crossing the eastern edge of the development site to be implemented.

Note: Details regarding services required for the proposed development is included in Section D6 of the Amendment Report. Service capacity for the proposed has been confirmed by the City of Cape Town. The Civil Services Report and Electrical Report that have been compiled, and the confirmation letters are attached to the Amendment Report.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT (107 of 1998), as amended ("NEMA")

In terms of the 2014 NEMA: EIA Regulations, as amended, the proposed development triggers activities identified in Listing Notice 1 (GNR No. 327 of 2017), and Listing Notice 3 (GNR No. 324 of 2017) which refers to:

Activity #	Activity triggered	Description of activity related to listed activity
Listing Notice 1 (GNR No. 327 of 2017)		
12	The development of infrastructure with a physical footprint of 100 m ² within a watercourse and within 32m of a watercourse.	The proposed residential development exceeds 100 square metres in extent. The aquatic specialist has identified a small stream within the site which flows from Kapteinspiek flowing less than 800 metres before draining into the sand dunes on the lower boundary of the site. Development will be undertaken within 32 metres of the watercourse. The stormwater infrastructure within the watercourse, and outside thereof is 0.42 ha.
19	The infilling or depositing of any material or more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse	To manage stormwater and water from the unnamed stream, a stormwater management plan is to be implemented. The proposed works includes the construction of step gabions, spillways, overflow channels, open channels, weirs and gabion dissipators. The proposed works will result in the moving, excavation and infilling of soil and rocks in excess of ten cubic metres.
Listing Notice 3 (GNR No. 324 of 2017)		
4	The development of a road wider than 4 metres with a reserve less than 13,5 metres within the Western Cape which is outside an urban area and contains indigenous vegetation.	The proposed area for development is: <ul style="list-style-type: none"> • outside of the City of Cape Town urban edge; and • the site characterised by a mix of invasive and indigenous vegetation. The internal road network is approximately seven metres wide, sufficient for two-way traffic within the development. Since the roadway is private, there is no road reserve.
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.	The proposed development, approximately 12 205 square metres (1,22 ha), will result in the clearing of more than one hectare of indigenous vegetation which includes areas designated as High, Medium and Low sensitivity areas.
14	The development of infrastructure with a physical footprint of 100 m ² within a watercourse and within 32m of a watercourse.	The proposed development area is outside the City of Cape Town delineated urban edge. The proposed development area is approximately 12 205 square metres in extent. The stormwater management infrastructure is approximately 0.42 ha. Within the watercourse, the following works are proposed for construction to manage stormwater and runoff; four step gabions, two weirs and associated spillways; and two gabion dissipators. Overflow channels and open channels are proposed which will connect to attenuation areas to allow for percolation. Noting the above, the proposed works will result in the moving, excavation and infilling of soil and rocks more than ten cubic metres.

NATIONAL WATER ACT (ACT 36 OF 1998)

Section 21 (c) and (i) of the National Water Act is applicable as a result of the proposed stormwater management infrastructure and works within the stream as described in Section (i) above. Section 21 (c) and (i) of the National Water Act refers to:

- (c) impeding or diverting the flow of water in a watercourse; and*
- (i) altering the bed, banks, course, or characteristics of a watercourse*

NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999) (“NHRA”)

A Notice of Intent to Develop was submitted to Heritage Western Cape during the initial environmental assessment process. The Record of Decision notes that no further heritage study was required. Since the proposed development is within the scheme development area submitted, the response remains valid for this proposed amended development.

CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015

The proposed development is subject to the City of Cape Town Municipal Planning By-Law, 2015 since the proposed development is the rezoning and subdivision of Erf 3477 to allow for the development of the residential units, internal roadway and parking, stormwater management infrastructure, retaining the 95% of Erf 3477 as conservation area. An application in this regard has been submitted to the City of Cape Town.

SPECIALIST STUDIES

Table 3: Specialist assessments include.

Specialist assessment	Specialist who undertook the assessment
Aquatic Impact Assessment Report	Toni Belcher
Botanical Assessment Report	Greg Nicolson of Capensis
Visual Impact Assessment – this assessment considers the landscaping plan which was compiled for the proposed development.	Square One

The following assessments have not been included in this amendment process:

- **Archaeological, Cultural and Heritage Impact Assessment, and Palaeontological Impact Assessment**
For the initial environmental process, a Notice of Intent to Develop was submitted to Heritage Western Cape (HWC). The proposal submitted to HWC was for a residential development for a larger portion of development on Erf 3477. The Record of Decision notes that no further heritage study was required – see Appendix H of the Amendment Report. The proposed development is significantly less than that approved by HWC. Considering the above, it is not believed that any further requirements are to be met in this regard. The impacts identified and assessed for the existing approved development is no different for this proposed amendment development.
- **Socio-Economic Assessment** – the proposed development is to develop 98 residential units on the site. The socio-economic impacts are similar to the construction and operational phase impacts identified for the existing approved development.
- **Animal Species Assessment** –The proposed development area is 1.22 ha of the total of 23.49 ha extent of Erf 3477. The proposed development footprint is similar to what is already approved and will maintain the east-west ecological corridor.

MOTIVATION FOR AMENDMENT

Hout Bay is identified as a sought-after residential area made apparent by the growing densities within the formal and informal areas. This is attributed to locational characteristics, access to employment opportunities, and social amenities. The connectivity to the greater Cape Town area (Cape Town CBD to the north and Wynberg / Claremont to the east) adds to the convenience Hout Bay's location as it is serviced by the MyCiti and Golden Arrow busses and mini-bus taxis.

The proposed development is aimed to promote quality urban design of appropriate contextual fit. The approved development is a lower density than that of the proposed development. The proposed development increases the diversity of development intensity and typologies within the area.

In considering policies applicable to this proposed amendment, a Land Use Management Application has been submitted to the local authority. Motivation for the proposed amendment is included as Appendix J: Town Planning Motivation Report.

SPECIALIST INPUT

(i) Surface Water

An Aquatic Impact Assessment was undertaken, and subsequent report compiled by BlueScience.

The potential impacts for the proposed and approved development include:

- Short- and longer-term disturbance and loss of aquatic habitat;
- Modified stormwater surface water runoff from the developed site; and
- Potential for localised impairment of water quality during the construction and operational phases of the development.

The potential impact of the proposed development is deemed low since it is located at the interface between surface and sub-surface flow of the stream across the site where the associated aquatic habitat and vegetation is marginal. The loss of aquatic ecosystem habitat and functionality would be negligible as a result of the proposed development. The stream has no connectivity with the sea, there is still an ecological corridor that exists between the coast and Kapteinspiek, and the section of the stream where aquatic habitat occurs will not be impacted upon by the proposed development.

(ii) Botanical

It should be noted that the footprint of the already approved development and that of the proposed development are similar and therefore the identified impacts between the approved and proposed developments are expected to be very similar.

A Botanical Impact Assessment was undertaken, and subsequent report compiled by Capensis.

The proposed development footprint, which is similar to the already approved footprint is expected to have a High negative impact before mitigation and a Medium negative impact after mitigation. Most of the botanical impacts will occur during the construction phase since this necessitates clearing of the vegetation.

(iii) Visual

A Visual Impact Assessment (VIA) was compiled by SquareOne for the proposed development. The VIA notes that during the construction phase, the impacts can be mitigated to low negative significance. During the operation phase, the impact significance is medium negative.

(iv) Traffic

The Harbour Road / Atlantic Skipper Road intersection was surveyed in 2019. The results indicate that the morning and afternoon peak times at this intersection operates at a Level of Service category A which means that there is no congestion. For the 2024 scenario which includes the proposed development, the Levels of Service remain at mostly A level, with only a B-Level of Service for traffic exiting Atlantic Skipper Road in the morning peak time. The future analysis indicates that there is no significant impact on traffic as a result of the proposed development.

The proposed development has no significant impact on public transport or non-motorised facilities. Therefore, no further upgrades would be required because of the proposed development.

Pedestrian usage of roadways is particularly evident within the Hangberg area. The roadways are narrow which encourages drivers to adhere to lower speed limits, and roads have good pedestrian sidewalks. The assessment notes that no further pedestrian infrastructure would be required.

Since there are no significant traffic impacts, the traffic assessment notes that no traffic infrastructure upgrades are required. The traffic assessment indicates that "there are no traffic-related reasons why this development may not proceed".

ALTERNATIVES

The alternatives considered for this amendment includes the proposed development (Alternative 1) and the existing approved development (Alternative 2) as described this Executive Summary.

The proposed development and the approved development are very similar in design and layout. The only difference is the development extent. The approved development area is approximately 0.9743 ha and the proposed development area is 1.2205 ha. This is to accommodate the rear end parking which will also act as a firebreak between the development area and the remaining natural vegetation.

POTENTIAL IMPACT AND RISK IDENTIFIED

The table below provides a summary of the impact assessment of the proposed and already approved development.

Impact identified	ALTERNATIVE 1 - PREFERRED PROPOSED DEVELOPMENT		ALTERNATIVE 2 - NO-GO OPTION APPROVED DEVELOPMENT	
	Without mitigation	With mitigation	Without mitigation	With mitigation
DEVELOPMENT PHASE				
Loss of vegetation and ecological processes	High (-)	Medium (-)	High (-)	Medium (-)
Loss of Species of Conservation Concern	Medium (-)	Medium (-)	Medium (-)	Medium (-)
Aquatic habitat modification and potential for some flow and water quality impacts	Low (-)	Very low (-)	Low (-)	Very low (-)
Visual impact	Medium (-)	Low (-)	Medium (-)	Low (-)
Associated employment opportunities during the construction phase	Low (+)	Low (+)	Low (+)	Low (+)
Noise and vibration impacts	Low to medium (-)	Low (-)	Low to medium (-)	Low (-)
Dust impacts	Low (-)	Low to Very Low (-)	Low (-)	Low to Very Low (-)
Potential impact of erosion and loss of topsoil	Low (-)	Very low (-) to negligible	Low (-)	Very low (-) to negligible
Impact on local traffic	Low (-)	Very low (-)	Low (-)	Very low (-)
OPERATION PHASE				
Loss of vegetation and ecological processes	Medium (-)	Low (-)	Medium (-)	Low (-)
Loss of Species of Conservation Concern	Low (-)	Low (-)	Low (-)	Low (-)

Disturbance of aquatic habitat and some stormwater related flow and water quality modification	Low to very low (-)	Very low (-) to negligible	Low to very low (-)	Very low (-) to negligible
Visual impact	Medium (-)	Medium (-)	Medium (-)	Low (-)
Impact on local traffic	Low (-)	Very low (-) to negligible	Low (-)	Negligible

(-) indicates negative impact (+) indicates positive impact

The comparative assessment between the proposed development and the already approved development indicates similar impact significance. This is because the proposed development footprint is similar to the approved plan, with the difference being an increase of 0.2462 ha to allow for the access road in its proposed location and a parking area above the development

Based on the impact assessment by all specialists appointed for this amendment process, there is no reason for Alternative 1, the preferred alternative, not to be permitted. The recommended mitigation measures provided can be implemented by the applicant.

The EMP is recommended for approval which includes all mitigation measures to be adhered to during construction and operational phase which will ensure low impact significance of the proposed development on the natural environment and socio-economic aspects.

The proposed development aligns with the City of Cape Town policies and guidelines.

The preferred alternative, Alternative 1, is recommended for authorisation, with adherence to the mitigation measures recommended by specialists and as provided in the amendment report and EMP.

PUBLIC PARTICIPATION

Public participation will be undertaken in terms of Section 41 of the 2014, NEMA: EIA Regulations, as amended.

A copy of the report will be placed on the Doug Jeffery Environmental consultants website, dougjeff.co.za. A copy will also be placed at the Hangberg Public Library (Bayview Rd, Hout Bay Harbour) for the duration of the commenting period, if allowed by the library.

Comments on the Amendment Report should be submitted to the details provided below by no later than 29 November 2021.

**Doug Jeffery Environmental Consultants
Attention: Kim Williams
By post: PO Box 44, Klapmuts, 7625
By telephone: 021 875 5272
By email: kim@dougjeff.co.za**

I&APs are invited to contact the EAP should there be difficulty in accessing a copy of the report, or in terms of Regulation 41(2) (e), be provided with the information via an alternative method due to illiteracy, disability, or any other disadvantage.