



**REFERENCE:** 16/3/3/5/A3/54/2006/24  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000818/2024  
**DATE OF ISSUE:** 09 April 2024

The Board of Directors  
Zevoli Development (Pty) Ltd.  
Unit 1, K109 Business Park 1  
Tinus de Jongh Street,  
van Eck Park

**BRAKPAN**  
1541

**Attention: Mr. M. van der Merwe**

E-mail: [martin@dalmar.co.za](mailto:martin@dalmar.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 TO THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 06 OCTOBER 2021 (REFERENCED: 16/3/3/5/A3/54/2044/21-B): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERF NO. 19407, SOMERSET WEST.**

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

Yours faithfully

**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. Olivia Braaf (Braaf Environmental Practitioners SA (Pty) Ltd.)  
(2) Ms. Azanne van Wyk (City of Cape Town)

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## AMENDED ENVIRONMENTAL AUTHORISATION

**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 TO THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 06 OCTOBER 2021 (REFERENCED: 16/3/3/5/A3/54/2044/21-B): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERF NO. 19407, SOMERSET WEST.**

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.

### 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 amended Environmental Authorisation issued on 06 October 2021 (Reference No.: 16/3/3/5/A3/54/2044/21-B).

1. **The activity description under Section A of the amended Environmental Authorisation issued on 06 October 2021 reads as follows:**

*"The proposed establishment of a mixed-use development on Erf No. 19407, Somerset West, comprising of approximately 468 residential units and a commercial section of approximately 4200m<sup>2</sup>".*

**This is herewith replaced with the following:**

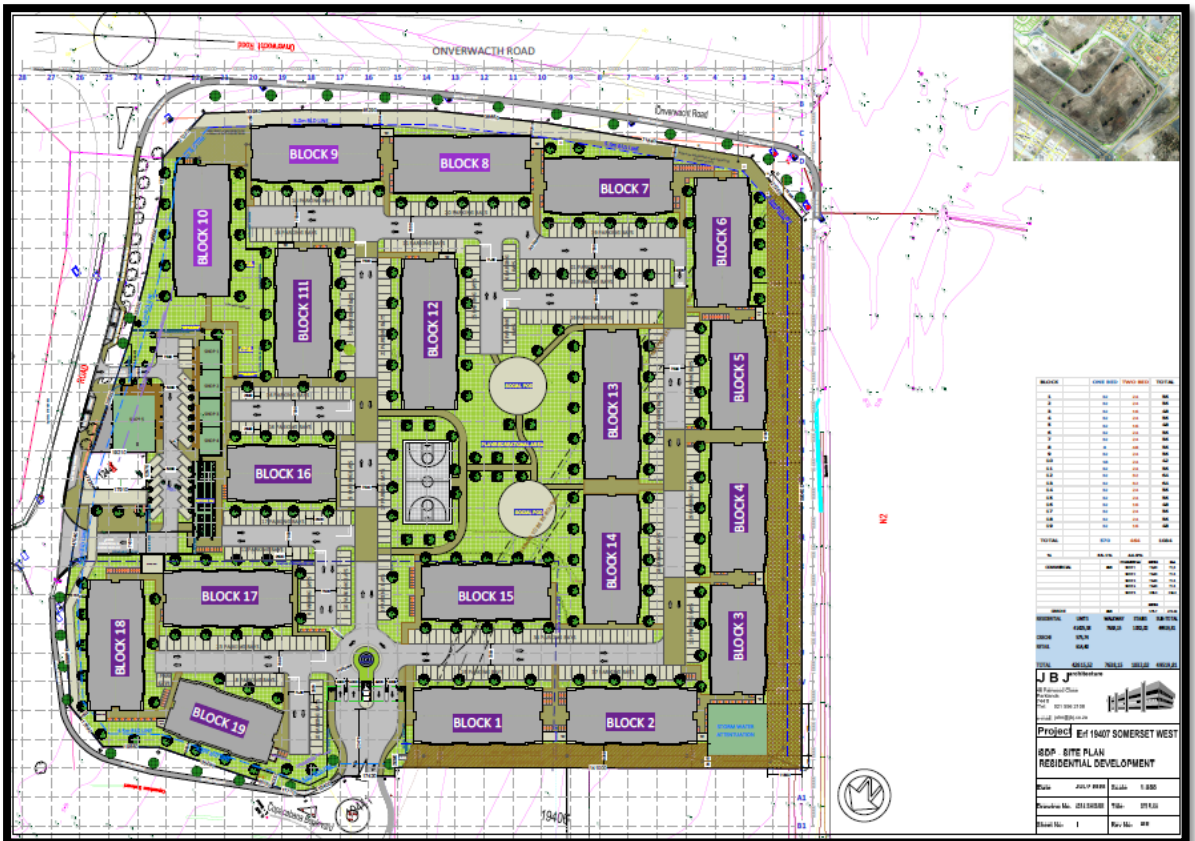
The proposed development entails the establishment of a mixed-use development on Erf No. 19407, Somerset West. The proposed development will consist of the following:

- A residential component with a footprint of approximately 13 528.34m<sup>2</sup>;
- A commercial component with a footprint of approximately 615m<sup>2</sup>;
- A crèche with a footprint of approximately 575.74m<sup>2</sup>; and
- Roads and associated infrastructure.

2. **The Site Development Plan depicted under Section A of the amended Environmental Authorisation issued on 06 October 2021 is as follows:**



This is herewith replaced with the following:



## 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 as received by the competent authority via electronic mail correspondence on 26 January 2024; the final Amendment Report as received by the competent authority via electronic mail correspondence on 29 February 2024; and the additional information received by the competent authority via electronic mail correspondence on 04 April 2024, 08 April 2024 and 09 April 2024, respectively.
- (b) The application is for a substantive amendment to the amended Environmental Authorisation issued on 06 October 2021 in terms of the EIA Regulations, 2014 (as amended).
- (c) No significant negative impacts associated with the amendment of the original development proposal. This can be justified as follows:
  - i. The proposed amendment is to increase the residential footprint, decrease the commercial footprint and include a crèche.
  - ii. The increase in the number of residential units will cater for social housing, thereby addressing the critical affordable housing shortage experienced in the area. Furthermore, decreasing the commercial footprint will allow the holder to align the proposed project with the current market demand to ensure that the development remains economically viable. A lower commercial component will be more flexible and resilient to the changing market conditions.
  - iii. Traffic impacts:

A Traffic Impact Statement dated 31 October 2022 was compiled by Apex Transport Solutions to assess the potential traffic impacts of the amended proposal.

According to the Traffic Impact Statement, the proposed development will generate approximately 379 and 425 trips during the weekday morning and afternoon peak hours, respectively.

The proposed development will have three access points. However, there will not be a left-in access along Onverwacht Road. Access to the site will be as follows:

- Ingress in Copacabana Boulevard serving the retail and crèche components (approximately 116m from the Onverwacht roundabout);
- Egress in Copacabana Boulevard serving the retail and crèche components (opposite Platinum Street); and
- Full access via the Copacabana Boulevard roundabout serving the social housing component.

The ingress will be spaced approximately 116m from the Onverwacht Road roundabout and will comply with the spacing requirement as stipulated in the Western Cape Government Access Management Guidelines.

The access gates at the ingress and egress serving the retail and crèche should remain open during operational hours to avoid queueing in Copacabana Boulevard. However, the gates can be closed after hours for security reasons.

There are existing sidewalks along both sides of Onverwacht Road, but only on one side in Copacabana Boulevard between Onverwacht Boulevard and Platinum Street, along Chris Nissen Park. There is no sidewalk adjacent to the site between Platinum Street and the Copacabana Boulevard roundabout.

According to the Site Development Plan, a 1.8m wide sidewalk will be provided on Copacabana Boulevard adjacent to the site between Onverwacht Road and Platinum Street.

The City of Cape Town's Transport Impact Assessment and Development Control Branch indicated in an email correspondence dated 03 January 2023 that they support the Traffic Impact Statement.

The Traffic Impact Statement concluded that the amended proposal will have a decrease of between 21% to 24% and 54% to 81% in vehicular trips during the morning and afternoon peak hours, respectively. The proposed amended development layout will therefore have a reduced impact on the surrounding road network.

- (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 by the amended proposal and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels.
- (f) The remaining conditions contained in the amended Environmental Authorisation issued on 06 October 2021 remain unchanged and in force.
- (g) A Public Participation Process was conducted for the amendment application, which comprised of the following:
  - A notice was placed on site on 27 January 2024;
  - An advertisement was placed in the "Distrikspost" newspaper on 31 January 2024;
  - Letters were posted to adjacent neighbours on 26 January 2024;
  - E-mails were sent to the ward councillor and relevant State Departments/organs of state on 26 January 2024;
  - The draft Amendment Report was placed on the Environmental Assessment Practitioner's website for the duration of the commenting period; and
  - The draft Amendment Report was made available from 26 January 2024 until 27 February 2024.

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

- City of Cape Town.

## **C. CONDITIONS**

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).
2. The draft Environmental Management Programme ("EMPr") dated 28 February 2024 (as compiled by Braaf Environmental Practitioners SA (Pty) Ltd.) and submitted as part of the application for amendment is hereby approved and must be implemented.
3. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
4. The EMPr must be included in all contract documentation for all phases of implementation.

## **D. APPEALS**

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

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

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

By facsimile: (021) 483 4174; or

By hand:           Attention: Mr. Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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](mailto:DEADP.Appeals@westerncape.gov.za).
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto: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 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

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

**DATE OF DECISION: 09 APRIL 2024**

CC: (1) Ms. Olivia Braaf (Braaf Environmental Practitioners SA (Pty) Ltd.)  
(2) Ms. Azanne van Wyk (City of Cape Town)

E-mail: [info@braafsa.com](mailto:info@braafsa.com)  
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**FOR OFFICIAL USE ONLY:**

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