



deVilliers Brownlie Associates

Oakland City

Application for Environmental Authorisation

**in terms of the provisions of
Regulations R543, R544, R545 and R546
promulgated in terms of the
National Environment Management Act 107 of 1998
(Ref: 14/3/1/A4/46/0203/16)**

Plan of Study for Reconsideration of the Appeal

Draft January 2021

Applicant: Oakland City Development Company (Pty) Ltd

deVilliers Brownlie Associates

**Professional Services in
Environmental Planning and Management**

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Contents

	Page
DECLARATIONS	ii
ACRONYMS	iv
1. Background	1
2. Environmental Assessment Practitioner	1
3. Plan of Study for Reconsideration of Appeal	3
3.1 Regulatory Requirement for Plan of Study	3
3.2 Tasks to be Undertaken	3
3.3 Consultation with Appeal Authority	4
3.4 Method of Assessing Environmental Issues and Alternatives	4
4. Public Participation Process Associated with Reconsideration of Appeal	5
4.1 Overview of Process Towards a Decision on Reconsideration of Appeal	5
4.2 Steps to be Taken to Serve Notice on Key Stakeholders and Registered Interested and Affected Parties.....	7
4.3 List of Parties on whom Written Notice will be Served.....	7
 APPENDICES	
Appendix A Copy of MEC Bredell's Letter of 14 October 2020.....	A.1
Appendix B Convention for Assigning Significance Ratings to Impacts	B.1
Appendix C List of Key Stakeholders and Registered Interested and Affected Parties.....	C.1

Declarations

THE APPLICANT

I, Johann Hooper, duly authorised by Oakland City Development Company (Pty) Ltd, the applicant, hereby declare/affirm that:

- Oakland City Development Company (Pty) Ltd regards the information contained in this Plan of Study for the Reconsideration of the Appeal to be true and correct;
- Oakland City Development Company (Pty) Ltd is fully aware of its responsibilities in terms of the National Environmental Management Act 107 of 1998 ("NEMA"), the Environmental Impact Assessment Regulations 2010 ("EIA Regulations") in terms of NEMA (GN No R543), and any other relevant Environmental Management Act, and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- Oakland City Development Company (Pty) Ltd has appointed the EAP who meets all the requirements in terms of regulation 17 of GN No R543 to act as the independent EAP for this application, and who is a duly registered EAP;
- Oakland City Development Company (Pty) Ltd has and will provide the environmental assessment practitioner and the competent authority with access to all the information at its disposal that may be relevant to the application;
- Oakland City Development Company (Pty) Ltd is aware that a false declaration is an offence in terms of regulation 71 of GN No R543.



Signature of the applicant:

Oakland City Development Company (Pty) Ltd

Name of applicant:

25 January 2021

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER

Louis de Villiers, of deVilliers Brownlie Associates, as the appointed independent EAP, hereby declares/affirms that:

-
- He has been appointed to act as the independent EAP in this application;
- He regards the information contained in this Plan of Study for the Reconsideration of the Appeal to be true and correct;
- He does not have any financial interest in the undertaking of the activity other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations 2010 and any other relevant Environmental Management Act;
- He does not have any vested interest in the proposed activity proceeding;
- He has and will disclose to the applicant and competent authority any material information that has or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations 2010 and any other relevant Environmental Management Act;
- He is aware of the requirements for EAPs in terms of NEMA, the Environmental Impact Assessment Regulations 2010 (specifically in terms of regulation 17 of GN No R543) and any other relevant Environmental Management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- He has and will ensure that all relevant information and facts have and will be distributed or made available to IAPs and other stakeholders, and that participation by IAPs and other stakeholders will be facilitated in such a manner that all IAPs and other stakeholders are provided with a reasonable opportunity to participate and to provide comments;
- He will ensure that the comments of all IAPs and other stakeholders are considered, recorded and submitted to the competent authority in respect of the application;
- He has kept a register of all IAPs and other stakeholders that participated in the public participation process;
- He has and will provide the competent authority with access to all information at its disposal regarding the application, whether such information is favourable to the applicant or not;
- He is aware that a false declaration is an offence in terms of regulation 71 of GN No R543.



Signature of the EAP:

deVilliers Brownlie Associates

Name of company:

25 January 2021

Date:



Acronyms

CFA	Cape Flats Aquifer
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
FEIR	Final Environmental Impact Report
IAPs	Interested and Affected Parties

1. Background

The Oakland City development was granted an EA under the 2010 EIA Regulations on 13 May 2016, which EA was subsequently appealed. On 22 March 2017, the Appeal Authority, MEC A Bredell, dismissed the appeals and confirmed the EA of 13 May 2016.

Subsequently, two parties (Philippi Horticultural Area Food and Farming Campaign and Nazeer Ahmed Sunday, hereinafter “the Applicants”), took MEC Bredell’s decision on review in the Western Cape Division of the High Court (Case No 16779/17). On 17 February 2020 Judge K Savage handed down her judgement and order in the matter (hereinafter “Judgement” and “Court Order” respectively).

Essentially, the Court Order required a Reconsideration of the Appeal by MEC Bredell involving only an assessment, or re-assessment as the case may be, of the impacts of the proposed development on certain aspects of the environment, namely impacts on the CFA in the context of climate change and water scarcity.

Following the Judgement and Court Order, MEC Bredell, in a letter dated 14 October 2020 (Ref 14/3/1/A4/46/2023/16), issued a directive detailing his requirements for the Reconsideration of the Appeal. MEC Bredell’s directive is consistent with the Court Order. A copy of MEC Bredell’s letter of 14 October 2020 is attached as **Appendix A**.

2. Environmental Assessment Practitioner

This report has been prepared by Louis de Villiers, a partner in deVilliers Brownlie Associates, an environmental consultancy established in 1992 and engaged in providing professional services in the field of environmental planning, assessment and management.

Louis de Villiers’ tertiary qualifications, which include a postgraduate qualification in environmental science, are:

- BSc (QS) Cape Town, MSc (Env Sci) Cape Town.

Louis de Villiers’ professional affiliations are:

- Registered Environmental Assessment Practitioner, Environmental Assessment Practitioners Association of South Africa (EAPASA).
- Certified Environmental Assessment Practitioner, Interim Certification Board for Environmental Assessment Practitioners, South Africa (ICB).
- Member of the South African Affiliate of the International Association for Impact Assessment (IAIAsa).

Louis de Villiers has expertise and extensive experience in many aspects of environmental planning, assessment and management, including:

- spatial planning and associated environmental assessment.
- environmental planning and the generation of project proposals.
- environmental assessment, at both project and strategic levels.
- environmental impact mitigation and/or enhancement.
- environmental management plans and programmes.
- environmental monitoring and evaluation.
- environmental management and auditing.
- environmental guidelines.
- scoping and stakeholder participation.

3. Plan of Study for Reconsideration of Appeal

3.1 Regulatory Requirement for Plan of Study

Regulation 28(1)(n) of GN No R543 of 18 June 2010 (the 2010 EIA Regulations) sets out the regulatory requirements for Plans of Study.

Regulation 28(1)(n) reads as follows:

- 28(1)(n) a plan of study for environmental impact assessment which sets out the proposed approach to the environmental impact assessment of the application, which must include—
- (i) a description of the tasks that will be undertaken as part of the environmental impact assessment process, including any specialist reports or specialised processes, and the manner in which such tasks will be undertaken;
 - (ii) an indication of the stages at which the competent authority will be consulted;
 - (iii) a description of the proposed method of assessing the environmental issues and alternatives, including the option of not proceeding with the activity; and
 - (iv) particulars of the public participation process that will be conducted during the environmental impact assessment process;

The tasks to be undertaken for the assessments required for the Reconsideration of the Appeal are given in Section 2.2 below.

The stages at which the Appeals Authority (ie the competent authority) will be consulted are given in Section 2.3 below.

The proposed method of assessing the environmental issues and alternatives is given in Section 2.4 below.

The public participation process associated with the Reconsideration of the Appeal is given in Section 3 below.

3.2 Tasks to be Undertaken

As per the directive issued by MEC Bredell in his letter of 14 October 2020, and with specific reference to paragraphs 5.3.3 and 5.3.4 thereof, the key tasks to be undertaken are to:

- Assess the characteristics, categorization and health of the CFA, as well as the impact of the development on the CFA;
- Assess the relative impacts of utilizing the Oakland City Development site for (a) the Oakland City Development, with and without mitigation; (b) agriculture; and (c) the no-go alternative on (i) water quantity in the CFA, having regard to both abstraction and recharge; and (ii) water quality of the CFA, having regard to salination and pollution.

As further directed by MEC Bredell paragraph 5.1 of his letter of 14 October 2020, it is required that these assessments must pay particular attention to the issues of climate change and water scarcity.

MEC Bredell has also directed, under paragraph 6 of his letter of 14 October 2020, that a review and updating of reports relating to other impacts, to the extent that they may be materially influenced by any issues arising out of a proper assessment of the CFA in the context of climate change and water scarcity, be undertaken.

That is, any reports, assessments etc that were included in the FEIR dated November 2015 that may be subject to this directive, will be verified as 'fit for purpose', or alternatively updated, as may be necessary.

MEC Bredell has also stated, under paragraph 9 of his letter of 14 October 2020, that an external independent expert review of any specialist study may be required if deemed necessary.

3.3 Consultation with Appeal Authority

Consultation with the Appeal Authority, MEC Bredell, will take place as and when it may be necessary to do so.

3.4 Method of Assessing Environmental Issues and Alternatives

The method for assessing the specific environmental impacts as required by the Court Order and MEC Bredell's directives of 14 October 2020, and for determining the significance ratings of these impacts, are those that were used in the preparation of the FEIR of November 2015.

The use of this methodology for the determination of significance ratings will allow a comparable statement (ie an 'apples with apples' approach) of these specific environmental impacts.

The Convention for Assigning Significance Ratings to Impacts included in the FEIR of November 2015 is attached as **Appendix B**.

4. Public Participation Process Associated with Reconsideration of Appeal

The public participation process to be undertaken for the Reconsideration of the Appeal will, as directed by the Judgement and Court Order and by MEC Bredell in his letter dated 14 October 2020, involve the following key steps:

- This proposed Plan of Study will, in itself, be subject to a separate, or distinct, public participation process involving a 30-day comment period, which, after consideration of any comment received thereon, will be amended as may be appropriate, and will thereafter be submitted to the Appeal Authority for its consideration and approval as a proposed Plan of Study, save that the Appeal Authority may direct further amendments to the Plan of Study.

Once the competent authority has directed, if it so deems necessary, how the proposed Plan of Study should be further amended, the Plan of Study will become the Plan of Study by which the required assessments and public participation process will be undertaken.

- Thereafter, the various specialists will undertake the required assessments which will be compiled into a single, integrated, report by the EAP. This report will then be subject to a public participation process involving a 30-day comment period. Any comment received on the report, including responses of the project team to the comment so received, will be compiled into a Comment-Responses Report, and the assessments and report itself will be amended as may be appropriate, which will thereafter be submitted to the Appeal Authority for a decision on its Reconsideration of the Appeal.

The Appeal Authority may, at its sole discretion, call for further assessment or information if it so deems necessary. Any such further assessment or information will be made available to the key stakeholders and registered IAPs for their information.

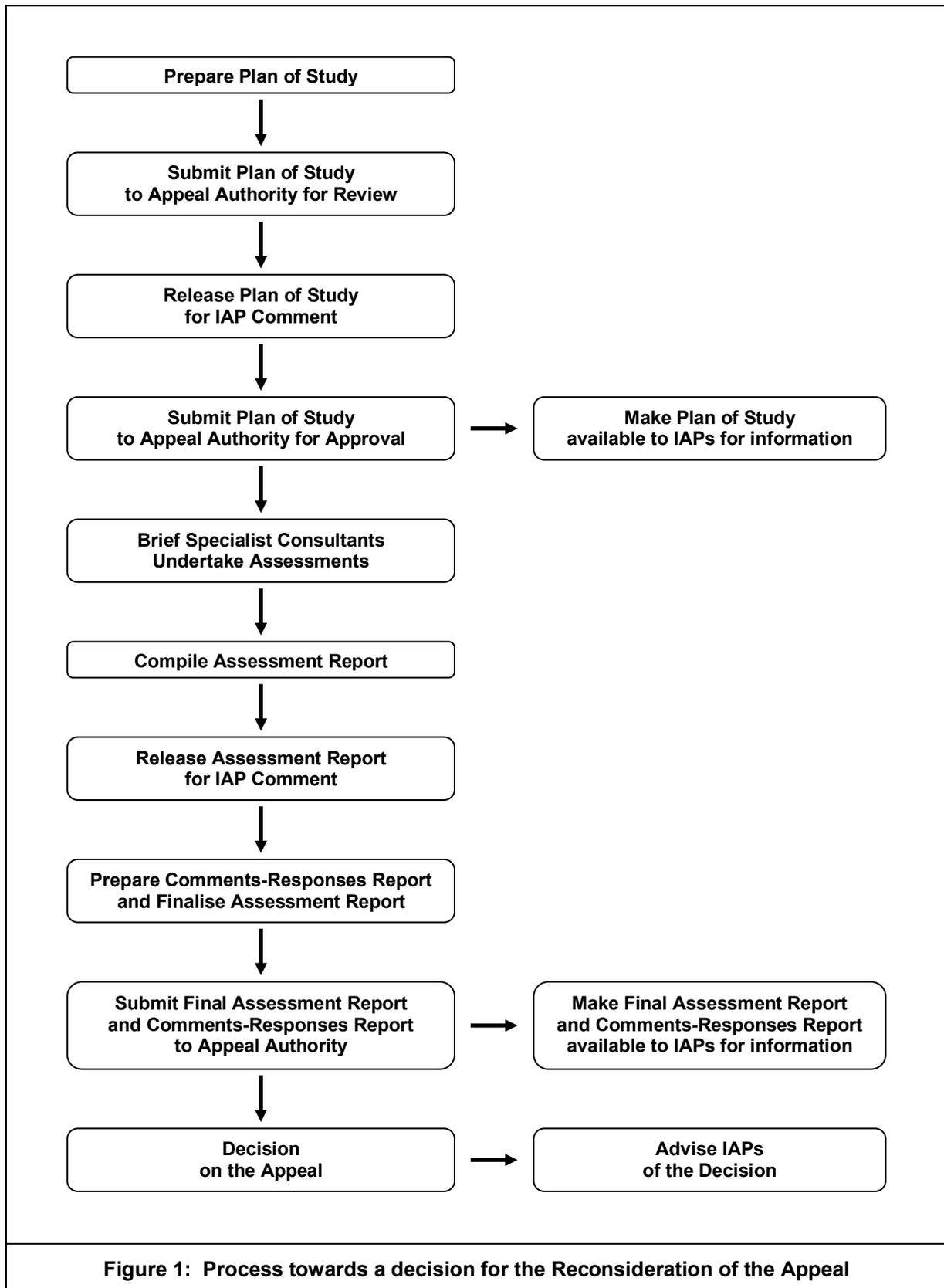
Once the Appeal Authority deems that it has sufficient information for its Reconsideration of the Appeal, under the provisions of Regulation 66(2) of the 2010 EIA Regulations, it then has 90 days to take its decision.

Other relevant considerations regarding the public participation process being undertaken for this project are that:

- The public participation process to be undertaken for the Reconsideration of the Appeal generally complies with the requirements of Regulation 54 of GN No R543.
- The description of the public participation process included in Sections 4.1-4.3 below itemises the steps and actions to be undertaken for the Reconsideration of the Appeal.

4.1 Overview of Process Towards a Decision on Reconsideration of Appeal

Figure 1 illustrates the process being followed towards a decision on the Reconsideration of the Appeal.



4.2 Steps to be Taken to Serve Notice on Key Stakeholders and Registered Interested and Affected Parties

Key stakeholders and registered IAPs, including the Applicants in the matter that was before the Western Cape Division of the High Court (Case No 16779/17), will be served written notice of both the Plan of Study and the assessment report, and will be invited to comment thereon.

Such written notice will be served by email.

4.3 List of Parties on whom Written Notice will be Served

The list of parties on whom such written notice will be served is included in **Appendix C**.

Copy of MEC Bredell's Letter of 14 October 2020



Western Cape
Government

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

REFERENCE: 14/3/1/A4/46/0203/16

Mr. J Hooper
Oakland City Development Company (Pty) Ltd
PO Box 1070
BELLVILLE
7535

Dear Mr Hooper

REQUEST FOR ADDITIONAL INFORMATION: APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERVEN 579 - 582, 587 – 591, 637 – 641, 648, 650 – 654, 657 AND 658, SCHAAPKRAAL (OAKLAND CITY, PHILIPPI)

1. The environmental authorisation appeal decision dated 22 March 2017 ("Appeal EA") and the judgment and order of the Western Cape Division of the High Court dated 17 February 2020 (Case No: 16779/17) ("Judgment" and "Court order" respectively) refer.
2. The Judgment has been reported as *Philippi Horticultural Area Food & Farming Campaign and Another v MEC for Local Government, Environmental Affairs and Development Planning: Western Cape and Others* [2020] ZAWCHC 8; 2020 (3) SA 486 (WCC). As you are aware, in terms of paragraph 3.1 of the Court order, the Court set aside the Appeal EA and remitted the matter to me for reconsideration, on a circumscribed basis, in terms of section 43 of the National Environmental Management Act 107 of 1998 ("NEMA").
3. Paragraph 3.2 of the Court order, read with the Judgment (specifically paragraphs [78], [80.4], [94], [96], [100], [101], [102], [107] to [109]) directs me to consider—
 - 3.1. any report(s) which detail(s) the impact(s) of the proposed mixed-use development and associated infrastructure on erven 579 - 582, 587 – 591, 637 – 641, 648, 650 – 654, 657 and 658, Schaapkraal, Philippi ("Oakland City Development") on the Cape Flats Aquifer ("Aquifer") in the context of climate change and water scarcity; and
 - 3.2. comments on the report(s) from Interested and Affected Parties (I&APs); and
 - 3.3. any additional information that I may require in order to reach a decision on the remitted aspects of the Appeal EA.
4. **REPORT(S) REQUIRED IN TERMS OF THE COURT ORDER AND RELEVANT LEGISLATION**
 - 4.1. In addition to the Court order, regulation 66(2) of the *Environmental Impact Assessment ("EIA") Regulations, 2010, as amended* ("EIA Regulations, 2010") finds application. It states:

Room 809 Utilitas Building, Cape Town, 8001 Private Bag X9186, Cape Town, 8000
tel: +27 21 483 3721 fax: +27 21 483 4174 e-mail: DEADP.Appeals@westerncape.gov.za

"The Minister, MEC, Minister of Mineral Resources or any other competent authority empowered under Chapter 5 of the Act to make a decision on an appeal, as the case may be, must reach a final decision on an appeal or appeals submitted, within 90 days of receipt of all relevant information, including any statements, supporting documentation, reports or any other additional information requested, or recommendations of an appeal panel which may assist the Minister, MEC, Minister of Mineral Resources or designated organ of state, as the case may be, in the decision making process." (Emphasis added.)

5. In the light of the above, you are hereby requested to take the following steps:
 - 5.1. appoint a suitably qualified specialists(s) who is/are qualified to undertake an assessment(s) of the Aquifer, and specifically to identify the impact(s) of the proposed Oakland City Development thereon. This/these assessment(s) must pay particular attention to the issues of climate change and water scarcity; and to which specialist and assessments must be aligned with all relevant regulations in the EIA Regulations, 2010 *inter alia* regulation 1; 17 and 32.
 - 5.2. provide me with specialist report(s) based on the assessment(s).
 - 5.3. Such assessment(s) must:
 - 5.3.1. Identify the relevant specialists and specialist assessments; and
 - 5.3.2. Identify the relevant and applicable international law instruments and domestic legislation and policies; and
 - 5.3.3. Assess the characteristics, categorization and health of the Aquifer, as well as the impact of the development on the Aquifer. In this regard, the following issues must, as a minimum, must be assessed:
 - i. Whether the site of the Oakland City Development contributes to recharge of the Aquifer and whether it occurs in a primary recharge area;
 - ii. The geohydrology and hydrological engineering aspects of the Aquifer;
 - iii. Drainage and capacity of the Aquifer;
 - iv. Impacts of the surrounding land uses on the Aquifer;
 - v. The extent to which the Oakland City Development would, if at all, affect water scarcity and contribute to climate change or climate change resilience;
 - vi. The links between the Aquifer and climate change, including but not limited to long- and short-term changing weather patterns, rainfall, droughts, increased temperatures and increased flood risks;
 - vii. The contribution of the Aquifer to climate change resilience, including but not limited to the usability of the ground water for the City and /or agriculture;
 - viii. The saline content of the Aquifer and its salt water buffer potential, as influenced by climate change, changing sea levels and the potential use of the Development site for agriculture;
 - ix. Any positive impacts and negative impacts which the development may have on the above aspects; and
 - x. Whether further information and reports are reasonably required to determine the linkages between the Aquifer and other material aspects taken into consideration by me previously, as highlighted in the Judgment, and that are now required to determine the cumulative impact of the Oakland City Development on the environment.
 - 5.3.4. Assess the relative impacts of utilizing the Oakland City Development site for (a) the Oakland City Development, with and without mitigation; (b) agriculture; and (c) the no-go alternative on—

- i. water quantity in the Aquifer, having regard to both abstraction and recharge; and
 - ii. water quality of the Aquifer, having regard to salination and pollution.
- 5.3.5. Provide a Plan of Study in accordance with the applicable legislation which includes, *inter alia*, the above considerations and a description of the proposed methodology for applying same.
- 5.3.6. Provide a description of the tasks that will be undertaken as part of the assessment and the method used in doing so.
- 5.3.7. Provide the identification of suitable measures to avoid, reverse, mitigate or manage identified impacts and to determine the extent of the residual risks that need to be managed and monitored.
- 5.3.8. Provide proof that all registered I&APs, including those appellants who were successful in terms of paragraph 3 of the Court's order, have been afforded an opportunity to comment on the Plan of Study in compliance with regulation 56 of the EIA Regulations, 2010.
6. Although the Court did not review my decision on the grounds of the additional impacts identified in paragraph [108] of the Judgment, you are hereby requested to review and update reports relating to other impacts to the extent that they are materially influenced by any issues arising out of a proper assessment of the Aquifer in the context of climate change and water scarcity in terms of the above.
7. It appears to me that the City of Cape Town's requirements for implementing the Court order may be more technical than that which would be required for the assessments discussed above. However, the City of Cape Town and I wish to avoid duplication in implementing the Court order in so far as it is possible and lawful to do so, and to this end it is requested that when preparing the report(s) contemplated in this letter, the requirements of the City of Cape Town and any recommendations stipulated by the City of Cape Town be taken into consideration.
8. I intend to consider the submission(s)/report(s) referred to above in terms of NEMA, whilst the City of Cape Town will do same in terms of the *Land Use Planning Ordinance (Ordinance 15 of 1985)* ("LUPO"). This notwithstanding, I confirm that I intend to consult with the City of Cape Town on the implementation of the Court order from time to time, as is contemplated in section 24K (1) of NEMA, so as to coordinate our respective requirements and to avoid duplication.
9. I may determine that an external independent expert review of any specialist study is required in due course.

PUBLIC PARTICIPATION PROCESS

10. Public participation requirements:
 - 10.1. The Plan of Study referred to above must be subject to a Public Participation Process that is aligned with Chapter 6 of the EIA Regulations, 2010. To this end:
 - 10.1.1. A register of interested and affected parties ("I&APs") must be opened and maintained.
 - 10.1.2. the EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. The Comments and Responses Report that includes all the comments received and copies of

- responses thereto must also be included in the public participation information attached to the Reports to be submitted.
- 10.2. To avoid revision of the Plan of Study at a later stage, it must also be subjected to a Public Participation Process, or as a minimum, be provided to all the parties to the PHA litigation matter for consultation and input.
11. The abovementioned information must be submitted to the Ministry of Local Government, Environmental Affairs and Development Planning (Attention: Mr Marius Venter, Tel: (021) 483 3721, Fax: (021) 483 4174 and Email: DEADP.Appeals@westerncape.gov.za) within a period of **90 days** from the date of this letter. If you, however, have progressed with the compilation of the information, but for some reason will not be able to submit the outstanding information within the stipulated period, you must inform the Ministry of Local Government, Environmental Affairs and Development Planning as such before the end of the **90-day** period. You will be required to submit a concise motivation why the outstanding information will not be submitted within the **90-day** period. The motivation must include the tasks that have been performed to date, the reasons for the delay in submission and an indication when the information will be submitted. Such motivation must be submitted before the end of the **90-day** period.

Yours faithfully,



ANTON BREDELL
WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
DATE: 14/10/2020

Convention for Assigning Significance Ratings to Impacts

1. Introduction

The significance of potential impacts must be evaluated in relation to relevant laws, policies, strategies, environmental quality standards or targets. Reference to these documents must be made when evaluating significance.

2. Nature and type of Impact

The nature of impact describes whether or not it would be positive or negative, and the impact type describes how the proposed activity would affect the receiving environment.

Nature of impact	Description
Positive	Impacts would benefit the receiving environment (including people).
Negative	Impacts would harm the receiving environment (including people).

Type of impact	Description
Direct	Impacts that result directly from the causal activity, usually at the same time and in the same space as that activity
Indirect	Secondary impacts may result from direct impacts, generally occurring later in time and may manifest elsewhere in space (e.g. downstream)
Induced	Impacts that may happen as a consequence of the Project (e.g., migration of people along newly created access routes)
Cumulative	Impacts that add to or magnify existing or reasonably foreseeable future impacts on the same receiving environment or specific resource

3. Extent

The extent scale defines the areal influence of the impact.

Rating	Description
Site specific	Impact (and implications) limited to the project site.
Local	Impact extends only as far as the activity, limited to the site and its immediate surroundings, and local assets/ resources.
Regional	Impact extends to a regional scale, and affects provincial resources, e.g. District or Province; Western Cape
National	Impact extends to a national scale, and affects national resources; South Africa.
International	Impact extends across national borders, and affects global resources.

4. Duration

The duration scale gives an indication of how long the impact could last.

Rating	Description
Short term	0 - 5 years
Medium term	5 - 15 years
Long term	Where the impact will cease after the operational life of the activity, either because of natural processes or by human intervention. Generally >15 years but <30 years
Permanent	Where the impact will, for all intents and purposes, endure in perpetuity. That is, it would be regarded as ' <i>irreversible</i> '

5. Intensity

The intensity scale establishes the probable severity of impact in terms of the proportion of resources that would be affected, and any associated beneficiaries of those resources who would be affected. Where receptors in the receiving environment are highly threatened or vulnerable, the consequences of even small impacts could be severe. Similarly, where communities are highly dependent on affected resources for livelihoods, health and safety, and/ or resources are considered to be irreplaceable, small impacts could have serious implications.

Rating	Description
Low	Where the impact affects the environment in such a way that a small or negligible proportion of resources and/or beneficiaries would be affected. Receptors in the receiving environment are not threatened or vulnerable, and affected communities have negligible or very low dependence on affected resources for livelihoods, health and safety.
Medium	Where a sizeable proportion of resources and/ or of beneficiaries would be affected, and natural, cultural and social functions and processes would continue, albeit in a modified way. Receptors in the receiving environment are moderately threatened or vulnerable, and/ or affected communities have some dependence on affected resources for livelihoods, health and safety, affected resources could be substituted.
High	Where most/ a major proportion of resources and/ or beneficiaries would be affected, and natural, cultural and social functions or processes are altered to the extent that they would temporarily or permanently cease. Receptors in the receiving environment are highly threatened or vulnerable (i.e. close to environmental or legal thresholds, standards or targets), and affected communities are highly dependent on affected resources for livelihoods, health and safety, and/ or resources are considered to be irreplaceable (if lost they could not be substituted, and/ or their loss would undermine achieving targets, standards).

6. Probability

The probability scale describes the likelihood of the impact occurring.

Rating	Description
Improbable	Where the possibility of the impact materializing is very low, but it could occur e.g. in unplanned / upset conditions
Possible	Where there is a possibility that the impact will occur during normal operations.
Probable	Where the impact is expected to occur during normal operations
Definite	Where the impact will undoubtedly occur.

7. Confidence

The confidence scale the degree of confidence in, and reliability of, the impact predictions, based on the availability of information and specialist knowledge.

Rating	Description
High	High confidence in predictions.
Medium	Some uncertainty in predictions e.g. due to information gaps, constraints on study
Low	Little confidence in predictions e.g. due to constraints on study, information gaps, inherent uncertainties

8. Significance

The significance of the impact relates to the combined effect of its intensity, extent and duration. An important consideration is whether or not legal or environmental quality standards, targets or desired outcomes would be transgressed or their achievement undermined.

Impact significance must be evaluated *before* mitigation measures have been applied, and *after* incorporating them into the project.

Description of significance ratings	
Rating	Description
Negligible	Where the receiving environment (including people) would not be materially affected by the proposed activity (ies). <i>There would be no need for mitigation.</i>
Very Low	Where there would be minimal effect on the environment or human wellbeing, and impacts would be well within environmental quality standards or targets, or legal requirements. <i>There would be no need for mitigation.</i>
Low	Where there would be little material effect on the environment or human wellbeing, and impacts would be well within environmental quality standards or targets, or legal requirements. <i>Minor mitigation measures may be required.</i>
Moderate	Where the activity (ies) would have a material effect on the receiving environment (including people), legal requirements would still be met but thresholds of potential concern with regard to environmental quality may be crossed. <i>Mitigation measures – avoidance, minimization and rehabilitation/restoration, and in some cases offsets/ compensation - would be needed to reduce the impact significance.</i>
High	Where there would be major effects on the receiving environment to the extent where environmental quality standards or targets may be jeopardized, legal requirements may not be met, and the health, safety, livelihoods and/or wellbeing of affected people could be jeopardized. <i>Mitigation measures – preferably avoidance/ impact prevention, minimization, rehabilitation/restoration, and offsets/ compensation – are essential to reduce the impact significance substantially.</i>
Very High	Where there would be severe or substantial effects on the receiving environment to the extent where environmental quality standards or targets would be undermined/ exceeded, there would be non-compliance with legal requirements or commitments, and the health, safety, livelihoods and/or wellbeing of affected people would be jeopardized. <i>Mitigation measures – avoidance or prevention of impacts as a priority would be required, since impacts are unacceptable. Additional measures to minimize, rehabilitate/ restore, and offset/ compensate for residual impacts would be – are essential to reduce the impact significance substantially</i>

9. Mitigation

Application of the **mitigation hierarchy** is central to avoiding or minimizing, and/ or remedying, impacts of development. Specialists must demonstrate how this hierarchy has been applied, as follows:

- a) identify and describe measures to **avoid or prevent** potentially significant impacts, specifying the intended outcome of their implementation; then
- b) identify and describe measures to **minimize** impacts (through area- or practice-based measures), specifying the intended outcome of their implementation; then
- c) identify and describe **rehabilitation/ restoration** measures for disturbed or degraded areas, specifying the intended outcome of their implementation; and finally
- d) identify and describe measures to **compensate or offset** the remaining impacts that could not be addressed fully through avoiding, minimizing or rehabilitation.
- e) State clearly to what extent the impact **can be reversed** by the proposed mitigation.
- f) State clearly to what extent it may result in **loss of irreplaceable resources** (drawing on the 'sensitivity of receiving environment' and on 'intensity' of impact ratings above)..
- g) Repeat the evaluation of significance of impacts assuming that the recommended mitigation measures would be implemented.

The consideration of reasonable and feasible alternatives is fundamental to the identification of mitigation measures.

List of Key Stakeholders and Registered Interested and Affected Parties

1. Applicants in Review Application to Western Cape Division of the High Court (Case No 16779/17)

Name	Organisation
	PHA Food and Farming Campaign
Sunday NA	

2. List of Key Stakeholders

Name	Organisation
Smart R	CapeNature
Greenwood A	City of Cape Town
Mlengana M	Department of Agriculture, Land Reform and Rural Development
van der Walt C	Department of Agriculture : Western Cape
Coetzee G	Department of Education
October C	Department of Transport and Public Works
Mmachaka T	Department of Water and Sanitation
Thomas G	Heritage Western Cape

2. List of Registered IAPs

Name	Organisation / Representing
Armien Q	
Botha K	
Coleman M	
Coleman S	PHA Food and Farming Campaign
Coetzee J	
Fogarty S	
Hörstmann UA	<u>Note:</u> It has not been possible to establish contact with this IAP
Ignjatović L	
Jeffrey D	
Lawson G	
Louw A	Cape Concrete Holdings (Pty) Ltd
Mc Askill N	PHA Food and Farming Campaign
Ncube N	DHS Silica Sands
Potgieter M	Fast Gear Investments 123 (Pty) Ltd
Small R	The Farm and Garden National Trust
Sunday NA	
van der Merwe A	
van Zyl FG	