



**REFERENCE:** 16/3/3/1/A6/64/2057/19  
**NEAS REFERENCE:** WCP/EIA/0000705/2019  
**ENQUIRIES:** Natasha Bieding  
**DATE OF ISSUE:** 23 NOVEMBER 2020

## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CONSTRUCTION OF A CIRCULATORY TRAIL AROUND THE PRINCESS VLEI AND THE UPGRADING OF ASSOCIATED FACILITIES IN THE PRINCESS VLEI PARK, RETREAT.**

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 activities specified in section B below with respect to Alternative 1b, described in the Basic Assessment Report ("BAR"), dated August 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

City of Cape Town  
c/o Bradley Burger  
Private Bag X9181  
CAPE TOWN  
8000

Tel.: (021) 400 2414  
Email: [Bradley.Burger@capetown.gov.za](mailto:Bradley.Burger@capetown.gov.za)

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–            Activity Number: 19            Activity Description: <i>"The infilling or depositing of any material of 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;</i>  <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i>  <i>(a) will occur behind a development setback;</i>  <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i>  <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i>  <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i>  <i>(e) 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 proposed development will result in the excavation of more than 10 cubic metres material from the wetland area.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–            Activity Number: 12            Activity Description: <i>"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.</i>  <i>i. Western Cape</i>  <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i>  <i>ii. Within critical biodiversity areas identified in bioregional plans;</i>  <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i>  <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i>  <i>v. On land designated for protection or conservation purposes in an Environmental</i></p>	<p>The proposed development will result in the clearance of more than 300 square metres of endangered vegetation.</p>

Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development.

The development of a circulatory trail around the Princess Vlei, which includes *inter alia* the construction of walkways and formal pathways, cycle paths, sidewalks, trail paths and boardwalk bridges and associated infrastructure.

The circulatory trail will consist of a combination of materials: laterite, or similar, including use of tar in some sections, gravel, sand, interlocking pavers, and timber bridges/boardwalk.

The circulatory trail will follow an existing informal footpath to avoid the 'Plant Species of Conservation Concern' located in the southwestern section of the vlei.

An existing access point to the trail on the north west portion of the Vlei will be formalised, giving residents from Retreat access to the western edge from Sunnybrook Way to the northwestern portion of the circulatory trail towards the trail.

The three existing access areas for the regular maintenance of the vlei to be reinforced and/or upgraded.

A customised jetty will be constructed at the location of the existing lookout point.

In addition, the Princess Vlei Eco Centre located west of the vlei will be upgraded, comprising of:

- the extension of the existing dormitory area by approximately 180m<sup>2</sup>;
- converting the parking area into a parking/multipurpose court;
- upgrading the existing obstacle course;
- removing old asphalt from the existing internal tarred paths;
- upgrading the obstacle course; and
- upgrading the existing braai facility to include *inter alia*, a laterite edging of the braai area and low seating walls.

The total development footprint will measure approximately 9995 m<sup>2</sup> in total.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the following properties:

Farm / Erf name	Surveyor General (SG) 21-digit code	GPS co-ordinates
RE/80951	C01600070008095100000	34° 03' 01.20"South 18° 28' 45.52"East
RE/80952	C01600070008095200000	34° 03' 02.41"South 18° 28' 45.92"East
RE/80955	C01600070008095500000	34° 02' 59.08"South 18° 28' 45.87"East
82087	C01600070008208700000	34° 03' 03.24"South 18° 28' 51.90"East
82093	C01600070008209300000	34° 03' 04.33"South 18° 28' 49.62"East

RE/82166	C0160007000821660000	34° 03' 05.04"South 18° 28' 56.76"East
RE/82169	C0160007000821690000	34° 03' 04.11"South 18° 28' 59.66"East
RE/82170	C0160007000821700000	34° 03' 02.99"South 18° 29' 02.01"East
RE/82176	C0160007000821760000	34° 02' 56.23"South 18° 29' 11.19"East
RE/82171	C0160007000821710000	34° 02' 56.94"South 18° 29' 02.85"East
RE/82172	C0160007000821720000	34° 02' 48.39"South 18° 29' 10.27"East
RE/82175	C0160007000821750000	34° 02' 50.60"South 18° 29' 10.23"East
RE/2/844	C0160000000084400002	34° 03' 02.27"South 18° 28' 49.37"East
RE/844	C0160000000084400000	34° 03' 05.66"South 18° 28' 54.27"East
75770	C0160007000757700000	34° 02' 20.42"South 18° 29' 18.30"East
75571	C0160007000755710000	34° 02' 35.20"South 18° 29' 17.18"East
RE/75617	C0160007000756170000	34° 02' 31.29"South 18° 29' 15.95"East
RE/75572	C0160007000755720000	34° 02' 21.76"South 18° 29' 24.08"East
RE/75573	C0160007000755730000	34° 02' 20.55"South 18° 29' 21.39"East
75597	C0160007000755970000	34° 02' 14.22"South 18° 29' 23.69"East
75598	C0160007000755980000	34° 02' 15.30"South 18° 29' 22.62"East
75599	C0160007000755990000	34° 02' 20.48"South 18° 29' 24.19"East
75600	C0160007000756000000	34° 02' 23.81"South 18° 29' 24.19"East
RE/75601	C0160007000756010000	34° 02' 23.81"South 18° 29' 23.32"East
75607	C0160007000756070000	34° 02' 28.93"South 18° 29' 20.93"East
75608	C0160007000756080000	34° 02' 27.14"South 18° 29' 20.12"East
75609	C0160007000756090000	34° 02' 23.65"South 18° 29' 20.73"East
75771	C0160007000757710000	34° 02' 32.13"South 18° 29' 16.50"East
78118	C0160007000781180000	34° 02' 31.74"South 18° 29' 15.39"East
RE/79572	C0160007000795720000	34° 02' 49.90"South 18° 28' 44.09" East
RE/79577	C0160007000795770000	34° 02' 42.86"South 18° 28' 52.36"East
RE/79578	C0160007000795780000	34° 02' 42.06"South 18° 28' 54.25"East
RE/79579	C0160007000795790000	34° 02' 41.10"South 18° 28' 56.83"East
79580	C0160007000795800000	34° 02' 41.13"South

		18° 28' 57.99"East
RE/79585	C01600070007958500000	34° 02' 36.94"South 18° 29' 08.86"East
79586	C01600070007958600000	34° 02' 35.99"South 18° 29' 07.64"East
79589	C01600070007958900000	34° 02' 35.39"South 18° 29' 12.87"East
RE/79590	C01600070007959000000	34° 02' 34.23"South 18° 29' 14.18"East
RE/79591	C01600070007959100000	34° 02' 49.79"South 18° 28' 56.03"East
79595	C01600070007959500000	34° 02' 45.03"South 18° 29' 12.61"East
79594	C01600070007959400000	34° 02' 42.49"South 18° 29' 13.00"East

The particular co-ordinates for the specific components of the development are as follows:

Eco Centre - Dormitory extension:	34° 2'53.34"South 18°28'37.91"East
Eco Centre - Fire pit:	34° 2'52.75"South 18°28'39.87"East
Eco Centre - Parking area:	34° 2'51.36"South 18°28'37.85"East
Circulatory Trail - Boardwalk 1:	34° 2'32.14"South 18°29'16.63"East
Circulatory Trail - Boardwalk 2:	34° 2'38.41"South 18°29'12.44"East
Circulatory Trail Boardwalk 3:	34° 2'42.20"South 18°29'9.97"East
Starting point for the trail at 0m:	34° 2'48.02"South 18°29'11.59"East
Middle point for the trail at 2500m:	34° 2'41.05"South 18°29'7.25"East
End point for the trail at 4835 m:	34° 2'50.51"South 18°29'7.86"East

The proposed development is located at the Princess Vlei in Retreat and suburbs surrounding Princess Vlei and its picnic area, includes Grassy Park to the east, Elfindale to the north, Heathfield to the west and Retreat to the south. Prince George Drive abuts Princess Vlei to the east, separating the vlei area from Grassy Park.

Refer to Annexure 1: Locality Map and the preferred alternative

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

The Environmental Partnership  
c/o Carmen du Toit – Principal Environmental Assessment Practitioner  
P. O. Box 945  
CAPE TOWN  
8000

Tel.: (021) 422 0999  
Email: info@enviropart.co.za / carmen@enviropart.co.za

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated August 2020 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities 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 activities; and
  - (b) A period of **ten (10)** years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved in writing by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information 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.

### Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1 notify all registered Interested and Affected Parties of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date of issue of the decision;
  - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
  - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
  - 6.4 provide the registered Interested and Affected Parties with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,

- 6.4.2 name of the responsible person for this Environmental Authorisation,
- 6.4.3 postal address of the holder,
- 6.4.4 telephonic and fax details of the holder,
- 6.4.5 e-mail address, if any;
- 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

### **Commencement**

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

### **Written notice to the competent authority**

- 9. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 14.

### **Management of activity**

- 10. The EMPr submitted, as dated August 2020 is hereby approved and must be implemented.
- 11. An application for amendment of 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.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works performs work at the site.

### **Monitoring**

- 14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

### **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
  - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction period; and
  - 15.3 thereafter, submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
    - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
    - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
  - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
  - 16.3 evaluate the effectiveness of the EMPr;
  - 16.4 identify shortcomings in the EMPr;
  - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 16.7 include a photographic record of the site applicable to the audit; and
  - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### **Specific conditions**

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.



20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, 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.
3. The holder must submit 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 is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render

## **G. 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 Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -

2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.

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

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

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

By facsimile:        (021) 483 4174; or

By hand:                Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are 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 the 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>.

## H. 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



**MR ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 23 NOVEMBER 2020**

Copied to: (1) Ms. Kakale Munamati (The Environmental Partnership)  
(2) Ms. Carmen du Toit (The Environmental Partnership)  
(3) Mr. Andrew Greenwood (City of Cape Town)

Email: kakale@enviropart.co.za  
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**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/1/A6/64/2057/19**

**NEAS REFERENCE NUMBER: WCP/EIA/0000705/2019**

# ANNEXURE 1: LOCALITY MAP AND THE PREFERRED ALTERNATIVE



PROPOSED CIRCULATORY TRAIL AND THE UPGRADING OF ASSOCIATED FACILITIES AT PRINCESS VLEI, RETREAT/GRASSY PARK

ALTERNATIVE 1B  
SITE PLAN

PROJECT CO-ORDINATES  
33°44'1.45"S, 18°23'27.59"E

PRINT DATE  
JUNE 2020

SCALE AT A4: 1:7 000  
REFERENCE DRAWINGS  
Princess Vlei Trail

PREPARED FOR



## ANNEXURE 2: 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 13 November 2019, the EMPr submitted together with the Final BAR on 24 August 2020 and the additional information received 5 October 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated August 2020.

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 included:

- distribution of an 'Information Sheet' (*i.e.* a summary of the BAR) to all directly adjacent landowners and occupiers, Interested and Affected Parties ("I&APs") and the Ward Councillor;
- distribution of copies of the Draft BAR to relevant organs of state for comment;
- placement of copies of the Draft BAR at the Grassy Park Library for public viewing between 13 November 2019 and 13 December 2019;
- hosting an 'Open House public forum' (*i.e.* poster display of information) on 26 November 2019 at the Grassy Park Civic Centre;
- hosting a focus meeting on 13 February 2020;
- advertisements placed in the 'Southern Mail' and 'Cape Argus' on 13 November 2019;
- placement of site notices on the boundary of the site on 13 November 2019;
- placement of the BAR on The Environmental Partnership, *i.e.* the Environmental Assessment Practitioner's website;
- providing a 30-day commenting period on 13 November 2019 to 13 December 2019; and
- availing the revised Draft BAR via the Environmental Assessment Practitioner's website and emails to all registered I&APs, the broader public, registered I&APs and Organs of State for comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

### 2. Alternatives

Two alternatives are being proposed for a section of the circulatory trail, as follows:

#### Alternative 1a (Rejected)

This alternative entails the development of a circulatory trail surrounding the southwestern edge of the Princess Vlei wetland area.

The proposed footpath and cycle trail route associated with the circulatory trail will traverse through a botanically sensitive area.

#### Alternative 1b (Preferred and herewith authorised)

This alternative entails the development of a circulatory trail which will follow an existing informal footpath located further southwest of route alternative 1a. The route for this alternative will avoid the 'Plant Species of Conservation Concern' which are located in the southwest section.

This is the preferred alternative as the route of the circulatory trail site avoids the area where 'Plant Species of Conservation Concern' are located and will therefore minimise the botanical impacts of the new trail.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo", i.e. no construction of the circularity trail, no construction of the braai amenities, jetty structure and obstacle course and no upgrading of the Eco-Centre facilities.

This alternative was not deemed as preferred, as this means that no amenities at the Princess Vlei will be upgraded and there would be no benefits to the local community and general public.

**3. Impact Assessment and Mitigation measures**

3.1 Activity need and desirability

The Princess Vlei is known as a valuable natural and recreational resource that should be retained and enhanced over time. The circulatory trail was particularly identified as necessary for providing safe accessibility to the Princess Vlei. As such, the development is proposed to establish an inclusive, safe, people-orientated, multi-use area that considers the natural environment, heritage value, diverse opportunities, public activity and enjoyment.

3.2 Regional/ planning context

The current zoning of the affected properties are as follows:

<b>Farm name / Erf</b>	<b>Zoning</b>
RE/80951	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/80952	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/80955	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
82087	Open Space 2: Public Open Space Single Residential 1: Conventional Housing
82093	Open Space 2: Public Open Space Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
RE/82166	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/82169	Open Space 2: Public Open Space
RE/82170	Open Space 2: Public Open Space
RE/82176	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
RE/82171	Open Space 2: Public Open Space
RE/82172	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/82175	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/2/844	Transport 2: Public Road and Public Parking
RE/844	Transport 2: Public Road and Public Parking
75770	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
75571	Open Space 2: Public Open Space
RE/75617	Transport 2: Public Road and Public Parking
RE/75572	Transport 2: Public Road and Public Parking
RE/75573	Single Residential 1: Conventional Housing

	Transport 2: Public Road and Public Parking
75597	Transport 2: Public Road and Public Parking
75598	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
75599	Transport 2: Public Road and Public Parking
75600	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
RE/75601	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
75607	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
75608	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
75609	Single Residential 1: Conventional Housing Transport 2: Public Road and Public Parking
75771	Open Space 2: Public Open Space
78118	Open Space 2: Public Open Space
RE/79572	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/79577	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/79578	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/79579	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
79580	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/79585	Open Space 2: Public Open Space
79586	Open Space 2: Public Open Space, Transport 2: Public Road and Public Parking
79589	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/79590	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
RE/79591	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking
79595	Open Space 2: Public Open Space
79594	Open Space 2: Public Open Space Transport 2: Public Road and Public Parking

The necessary landuse planning approvals must be obtained in order to permit the proposed development to take place.

The development is proposed to result in an improvement of both the natural and built environment and facilities at Princess Vlei. The nature of the proposed development is consistent with the forward planning context for the area, as Princess Vlei is generally identified as an area in need of improvement so that the open space and recreational facilities are enhanced for use by the general public.

### 3.3 Biophysical Impacts

The site and immediate surrounding area are largely transformed by agriculture, urban development and invasive alien species. As a result, most of the indigenous vegetation cover and aquatic features are highly modified with the presence of numerous alien invasive species on site.

The southwestern section of the site supports vegetation found to be in a fair condition.

Two plant Species of concern were found on site, namely, *Psalea aphylla* on the eastern section of the site and *Thesium frisea* on the western section of the site. According to the Botanical Impact Assessment dated 4 July 2019 as compiled by Nick Helme of Nick Helme Botanical Surveys, the loss of vegetation will result in impacts which will be of medium negative significance. However, with the implementation of measures proposed in the Botanical Impact Assessment, the impacts can be mitigated to low negative.

In order to further reduce the botanical impacts associated with the proposed development, Alternative 1b is preferred as it will avoid the 'Plant Species of Conservation Concern' which are located in the southwest section of the site. As such, the circulatory trail will to a large extent be constructed on the existing informal pathway in order to further minimise the impact on the natural environment. Furthermore, the sections of the site that will be affected by construction related activities must be planted with suitable locally indigenous species, after the construction phase has been completed.

As a positive impact, the rehabilitation as proposed in the approved EMPr will also aim to enhance the local biodiversity features and ecosystem(s) that the site supports.

The site itself forms part of a larger wetland system with the 'Little Princess Vlei' to the west where the proposed activities will be undertaken. The wetland system is considered heavily to critically modified, while the Princess Vlei is identified by critically endangered vegetation, which is in a poor state, albeit in a restorable condition. Based on the findings of the freshwater specialist study conducted by Christel du Preez from Scientific Aquatic Services in 2019, it was established that the proposed development will result in the loss of wetland habitat and vegetation leading to impacts ranging from increased runoff and erosion, decreased ecoservice provision, increased sedimentation of the vlei, wetland zonation alterations, stockpiling and movement of construction equipment in the vicinity of the vlei area, reduced water quality and edge effects. These impacts were determined to range from a medium to low significance.

According to the Herpetofauna Assessment dated April 2020, the presence of a breeding population of Western Leopard Toads was not confirmed for Princess Vlei. However, the possibility of the site supporting such habitat still exists. It was estimated that the site might also serve as occasional habitat for reptiles. It was therefore deemed necessary that mitigation measures be implemented to limit potential impacts on the Western Leopard Toad in particular.

All of the mitigation measures recommended in the freshwater specialist study, and Herpetofaunal assessment, which were all included in the EMPr, as also approved in terms of this Environmental Authorisation must be implemented and adhered to.

### 3.4 Visual / sense of place

During the construction phase, visual impacts are anticipated due to the establishment of a construction area within the demarcated area at the Princess Vlei. However, this is temporary and will be managed in accordance with the provisions of the EMPr.

On completion of the construction phase, the overall visual character of the site will be enhanced as the development will result in the upgrading of the existing facilities. The proposed development is in keeping with the character of its immediate surrounds, as the development is proposed to improve the recreational facilities at Princess Vlei.

### 3.5 Heritage

The Princess Vlei area has heritage and cultural significance relating to the area historically being used by hunter gatherers to hunt and graze cattle. 20<sup>th</sup> century damaged historical structures still exist around the Princess Vlei area. It was however estimated that it is unlikely that significant historical archaeological material will be present in the area. The proposed development is limited to the upgrading of facilities to improve the recreational and educational use of the site, significant negative heritage related impacts are not expected to occur.



A Heritage Impact Assessment was required by Heritage Western Cape, which was duly compiled by Ms Bridget O'Donoghue, dated 2019. Heritage Western Cape indicated in its correspondence dated 14 May 2020 that the HIA meets the requirements of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) and supported the proposed development.

### 3.6 Socio-economic

It was projected that the proposed development will benefit the social needs of the community and facilitate safer public access to the water's edge of Princess Vlei for recreational purposes. The upgrade of the Eco Centre would also function as safer and secure facility from where environmental education, recreational and cultural activities can be provided/hosted.

## 4. National Environmental Management Act 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 activities (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

### Negative Impacts:

- The development will result in the clearance of indigenous vegetation and the excavation of more than 10 cubic metres material from the wetland area.

### Positive impacts:

- The proposed development will enhance the social and recreational amenities that will be available to the local community and general public.
- The proposed development is in keeping with the applicable planning policies.
- The proposed development will create some employment opportunities during construction.

## 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 proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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