



24G Application: 14/2/4/2/1/A4/43/0050/21

---

## ENVIRONMENTAL AUTHORISATION

Department of Transport and Public Works  
Private Bag 9160  
CAPE TOWN  
8000

Tel: (021) 483 5549

Email: [Shane.hindley@westerncape.gov.za](mailto:Shane.hindley@westerncape.gov.za)

**Attention: Shane Hindley**

### **APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION ON ERF 11425, MFULENI**

With reference to your application dated 09 December 2021, with the supporting information dated 14 September 2022, and submitted in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, please find below the decision in respect of your application.

#### **A. DECISION**

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the application and environmental assessment dated 09 December 2021.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance

with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

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

Department of Transport and Public Works  
Head of Component: Immovable Asset Management  
C/o Mr Shane Hindley  
Private Bag 9160  
CAPE TOWN  
8000  
Tel: (071) 454 5576  
Email: [Shane.hindley@westerncape.gov.za](mailto:Shane.hindley@westerncape.gov.za)

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

## C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<i>Government Notice No. R. 327 of 2017</i> <b>Activity Number: 27</b> Activity Description: <i>The clearance of an area of one hectare or more, but less than 20 hectares of indigenous vegetation.</i>	More than one hectare of vegetation was been cleared in the construction phase. The entire site of 2.23ha will be developed for the construction of the school.
<i>Government Notice No. R324 of 2017 –</i> <b>Activity Number: 12</b> Activity Description: <i>The clearance of an area of 300 square metres or more of</i>	During the construction phase already undertaken more than 300m <sup>2</sup> of Cape

<i>indigenous vegetation in the (i) Western Cape: i. within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA.</i>	Flats Dune Strandveld, considered an endangered ecosystem, was cleared.
---	---

The abovementioned list is hereinafter referred to as "the listed activities".

#### **D. PROPERTY DESCRIPTION AND LOCATION**

The listed activities commenced on Erf 11425, Mfuleni, City of Cape Town.

The SG digit code is: C06700260001142500000

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 00' 47.13" South	18° 41' 13.74" East
2	33° 00' 35.08" South	18° 41' 09.41" East
3	33° 00' 36.44" South	18° 41' 15.10" East
4	33° 00' 41.16" South	18° 41' 08.90" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

#### **E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

MSEC Environmental Consultants

C/o Ms Monique Sham

71 Kommetjie Road

FISH HOEK

7975

Tel: 072 989 5119  
Email: [monique@ms-ec.co.za](mailto:monique@ms-ec.co.za)

## F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The intention is to develop the entirety of the site (2.23 ha) with a school, with construction taking part in two phases. Phase 1 commenced in July/August 2021 and has been completed. It comprised the construction of a mobile school comprising of prefabricated classrooms and administrative units, as well as two quads/courtyards and a parking area. Phase 2 will comprise the construction of a permanent school, i.e., a traditional brick and mortar construction. A rezoning application was approved by the City of Cape Town in 2016 to permit the development of a school on the site. The entire site will be developed with a school.

The mobile school includes:

- Approximately 20 classrooms
- Ablution facilities
- Quad / small fields for use during school lunch breaks
- Parking
- Internal walkways

The permanent school will include:

- Hall
- Approximately 45 classrooms
- Workshops and offices
- Ablution facilities
- Sports court/gym
- Tuckshop
- Parking
- Internal walkways

The site is mapped to occur within the historic distribution range of Cape Flats Dune Strandveld, which is a Critically Endangered Ecosystem. The portion of the site where the mobile school is located can be considered to be transformed. The proposed school is to be located on a semi-intact area. The area has been degraded due to being densely invaded by alien vegetation. Other anthropogenic impacts include informal settlement encroachment, pollution and vegetation clearing for footpaths.

## G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

### PART I

#### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to **Alternative 2** (Development of the proposed high school on the entire site) described in the application and assessment report dated 09 December 2021 on the site as described in Section D above.
2. The development must be continued within 3 years and concluded within 5 years from the date of this environmental authorisation.
3. The holder shall be responsible for ensuring 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.
4. Any changes to, or deviations from the scope of the alternative described in Section F 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 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.

### PART II

#### Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the construction activities.
  - 5.1 The notice must make clear reference to the site details and 24G Reference number given above.
  - 5.2 The notice must also include proof of compliance with condition 6, 8 and 9.

## **PART III**

### **Notification and administration of an appeal**

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date when the decision was issued.
  - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
  - 6.4 provide the registered I&APs 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, of the holder; and
    - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.
7. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

## **PART IV**

### **Management of the activity/development**

8. The draft Environmental Management Programme (“EMPr”) of December 2021 compiled by MSEC Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

## **PART V**

### **Monitoring**

10. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).
11. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **PART VI**

### **Auditing**

12. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

## **PART VII**

### **Activity/ Development Specific Conditions**

13. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

14. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
15. The mitigation measures outlined in the Botanical Assessment of dated 22 November 2021 and submitted as part of the application must be adhered to.

## **H. 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. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or 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 must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment



application but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation 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* 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.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

## I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

- 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20

(twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and 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. This appeal and responding statement must be submitted to the address listed below -

By post: Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs &  
Development Planning  
Private Bag X9186, Cape Town, 8000; or

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, 8000; or

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 office of 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>.

## J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## K. DISCLAIMER

The Western Cape Government, 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.

Yours faithfully

---

**ZAIDAH TOEFY**

**ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE**

Copy to: 1) Monique Sham (EAP)

2) Ismat Adams (CapeNature)

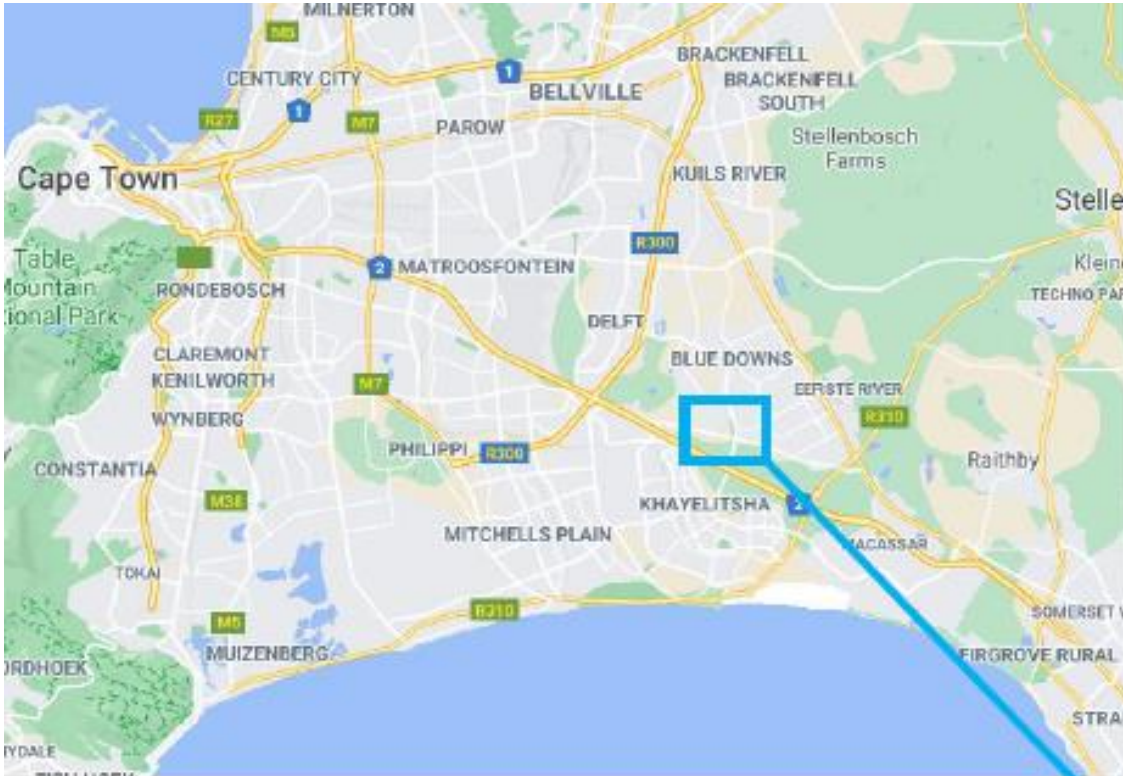
3) Charlene Dickson Paulsen (CoCT)

Email: [monique@ms-ec.co.za](mailto:monique@ms-ec.co.za)

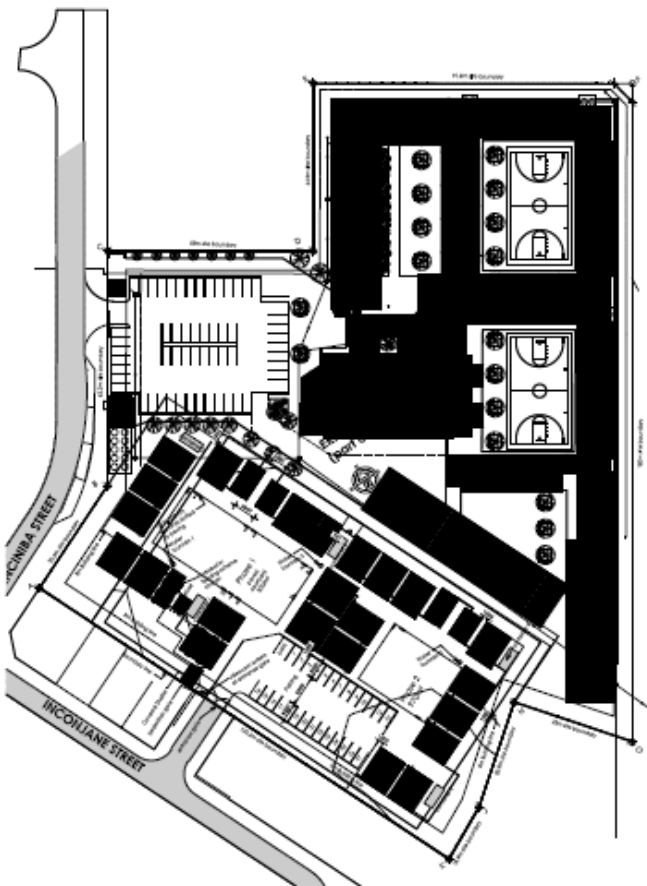
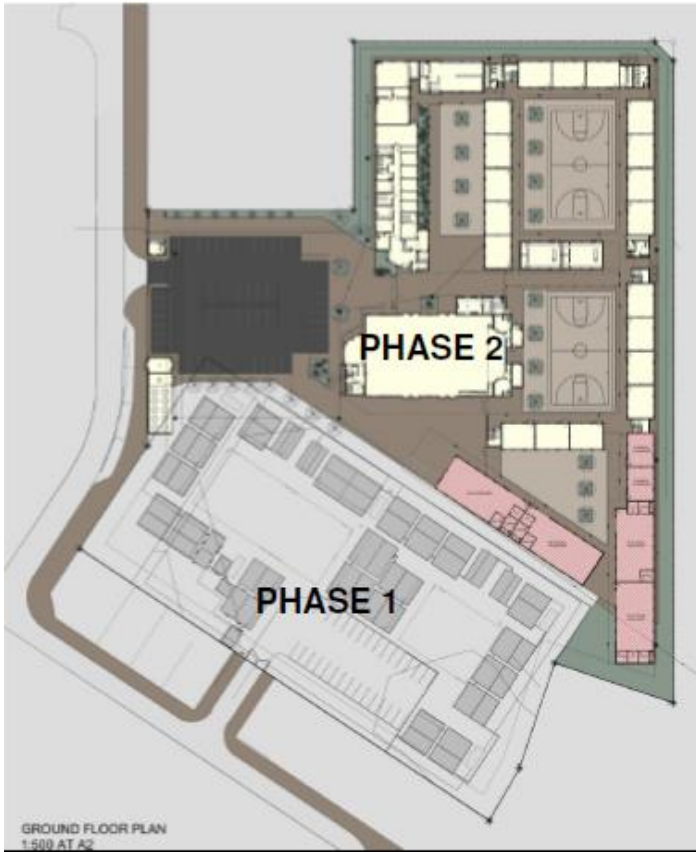
Email: [iadams@capenature.co.za](mailto:iadams@capenature.co.za)

Email: [charlene.dicksonpaulsen@capetown.gov.za](mailto:charlene.dicksonpaulsen@capetown.gov.za)

## ANNEXURE 1: LOCALITY MAP



## ANNEXURE 2: SITE PLAN



### **ANNEXURE 3: REASONS FOR THE DECISION**

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R50 000 (Fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 09 December 2021, the Comments and Responses report of March 2022, and the additional information received by the competent authority on 15 September 2022.
- b) The Environmental Management Programme ("EMPr") of December 2021 submitted together with the application.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 08 April 2022.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

## 1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the Vukani newspaper;
- A site notice was erected;
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor;
- I&APs were afforded the opportunity to provide comments on the application.

### 1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- CapeNature
- City of Cape Town - Development Management
- City of Cape Town - Water and Sanitation
- City of Cape Town - Environmental Resource Management
- Western Cape Department of Education

A summary of the comments received follows below.

#### CapeNature

CapeNature ("CN") stated that that an offset for the development is required, considering the remaining extent of Cape Flats Dune Strandveld ("CFDS"), especially the False Bay subtype. Considering the presence of semi-intact vegetation on site, the current degradation occurring on site and the risk of land invasion, an offset is appropriate for the semi-intact portions of CFDS that have been and will be developed on the site. The botanical assessment indicates that about 50% of semi-intact vegetation has been developed by the current school footprint. CN further stated that the False Bay Sub-type of CFDS is critically endangered which will affect offset ratios.

Recommending an offset is not a mitigation measure, it is compensation for residual impact of the development, as the impacts of the development are not being avoided or reduced to an acceptable low impact on site. The entire site will be developed. The offset

recommendation, as indicated in the botanical assessment is stated as a mitigation measure that would reduce residual impact to low impact. The low residual impact should be medium, as the other mitigation measures recommended in the botanical assessment do not avoid or mitigate the impact of complete vegetation clearance of the site.

An offsite offset is preferable, to secure False Bay CFDS within the BioNET. It is recommended that an offset specialist conduct a feasibility study to indicate the best offset model for the site. The offset study would need to consider that part of the development has been illegal, which would need to be considered if land bank mechanisms are being considered for the offset.

#### City of Cape Town- Development Management ("COCT-DM")

The COCT-DM stated that on 15 October 2021 an application for extension of validity of the rezoning aspect of the previous approval was submitted as the applicant would not have been able to comply with Environmental Legislation and also erect or erect a sufficient extent of a formal permanent place of instruction on the subject property to consider the rezoning as fully acted upon prior to lapse date of 25 October 2021. The land use management department is currently processing the extension of validity application and will make a final decision thereon once the environmental authorisation process is concluded.

#### City of Cape Town- Water and Sanitation ("COCT-WS")

The COCT-WS stated that the bulk supply system has sufficient water resource, treatment and bulk storage capacity to supply the estimated annual average daily demand of 33.52kl/day of the proposed development. The City's sewer network model indicates a 300mm Ø gravity sewer main in the vicinity of the development. The downstream sewer network has sufficient capacity to accommodate the proposed discharge.

#### City of Cape Town- Environmental Resource Management (COCT-ERM)

The COCT-ERM stated that there should be a clear distinction that the S24G rectification should only cover the existing mobile high school site. Before any further vegetation clearing on the rest of the erf takes place, Environmental Authorisation must be applied for through the standard EIA process. It would be in further contravention of the NEMA legislation to continue with construction without an Environmental Authorisation, since Cape Flats Dune Strandveld is listed as Endangered and therefore triggers NEMA listed activities. Simply paying compensation for an activity that has not yet taken place is not acceptable practice.

The COCT recommended the following:

- A Biodiversity Offset Specialist should be appointed to calculate the required biodiversity offset or ecological compensation based on the residual impacts that cannot be mitigated on site.



- A Biodiversity Offset Implementation Agreement or Ecological Compensation arrangement that is contractually binding and results in 'ring-fenced' funding for conservation.
- Offset or compensation must cover the costs of conservation in perpetuity, without dilution from third-party administrative costs if an NGO is appointed to manage the funds.
- Under no circumstances during the perpetuity/30-year period accounting for the negative residual impacts of the development should the burden of the offset be transferred on to the receiving conservation authority, as this would contradict the intention of the NEMA section 2 Polluter Pays principle.

### Western Cape Department of Education ("WCED")

The WCED stated that they remain under pressure to provide schooling to learners in the City of Cape Town area. The urgency is linked to access to basic education which is a constitutional right and as the WCED battled to place learners in 2021. The WCED has identified the need to develop a new brick and mortar school on Erf 11425, Mfuleni and has prioritized budget for this development. Unfortunately, the pressure to place learners remain so high and the time to develop new brick and mortar infrastructure takes so long, that the WCED was forced to implement a short-term intervention in the form of mobile classrooms on this site. This will assist with the immediate pressure of unplaced learners, while the construction of the new school takes place.

The design brief for the brick-and-mortar school intended for Erf 11425 makes provision for technical subjects which is a key focus within the WCED and the Western Cape Government (WCG). The Mfuleni and Forest Heights areas have seen exponential growth over the past few years and have been earmarked for housing development by the City of Cape Town and is therefore seen as one of the critical areas for Education Infrastructure Provisioning. Due to the pressure created by the new housing developments in the area, the WCED could not delay the start of a new mobile school on the site. The site is zoned and earmarked for the development of a new school and is supported by the community.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## 2. Alternatives

### 2.1 Site Alternatives

Alternative 1: On-site conservation area with very limited development, i.e. at most 2-3 mobile classrooms

Conservation worthy vegetation needs extended area in attempt to increase viability of biodiversity but this not only reduces the developable extent, but configuration severely constrains the development of a school as it splits the site in two.

Alternative 2 (Herewith authorised): School constructed on full site, no on-site conservation area.

The intention to develop the entirety of the site (2.23 ha) with a school, with construction taking part in two phases. Phase 1 commenced in July/August 2021 and has been completed. It comprised the construction of a mobile school comprising of prefabricated classrooms and administrative units, as well as two quads/courtyards and a parking area. Phase 2 will comprise the construction of a permanent school, i.e., a traditional brick and mortar construction. A rezoning application was approved by the City of Cape Town in 2016 to permit the development of a school on the site. The entire site will be developed with a school.

The mobile school includes:

- Approximately 20 classrooms
- Ablution facilities
- Quad / small fields for use during school lunch breaks
- Parking
- Internal walkways

The permanent school will include:

- Hall
- Approximately 45 classrooms
- Workshops and offices
- Ablution facilities
- Sports court/gym
- Tuckshop
- Parking
- Internal walkways

## 2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The "no-go" alternative entails that the school is not developed, and site remains undeveloped. Given the incremental anthropogenic activities that have been affected the site, this is deemed unfeasible. The social beneficiation of the site as a school would also not be achieved.

### **3. Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

#### 3.1. Activity Need and Desirability and Regional/ Planning context

The site is zoned Community Zone (CO1) which permits a Place of Instruction. The development is located in appropriate zoning and therefore does not compromise the municipal Integrated Development Plan and Spatial Development Framework. The need for a new school is a direct response to the increased population within Mfuleni. The increased population is a result of natural densification in the form of backyard dwellings and informal settlements. All the existing schools in the Mfuleni area are all over-utilised and already have very high enrolments. Primary school enrolments for the area are between 1200 and 1500 per school, while secondary school enrolments are between 1200 and 1600. In terms of the Department of Education's norms and standards, enrolments at primary schools should be below 1200 and high school enrolment below 1400.

#### 3.2. Services/ Bulk Infrastructure

The property is serviced with water, electricity, and sewerage as part of the Mfuleni area.

#### 3.3. Cumulative

The proposed development will result in further habitat fragmentation of Cape Flat Dune Strandveld within the City of Cape Town. The site is currently connected with a larger portion of Cape Flat Dune Strandveld to the east which is a road servitude and may possibly be developed in future. It is important to note that this area is becoming increasingly degraded due to the surrounding anthropogenic impacts.

#### 3.4. Biophysical and Biodiversity Impacts

The unlawful activities has/will result in the permanent loss of indigenous vegetation, in particular Cape Flats Dune Strandveld. Concerns regarding the potential significant impact on biodiversity was therefore identified. Taking cognisance of this, the Department

requested that a biodiversity offset feasibility study be undertaken. Below is a summary of the results and conclusions of the feasibility study:

- Conservation Implementation Plan (CIP)- The CIP identifies the most important sites that are feasible to conserve, and the CIP Steering Committee includes stakeholders from the City of Cape Town, CapeNature, DEA&DP and the South African National Biodiversity Institute ("SANBI"). This is relevant because it shows that the CIP is considered an important planning tool by all these authorities and also that the CIP is relevant in this case. The CIP classifies areas of Cape Flats Dune Strandveld as either 'unselected', 'impact', 'priority' or 'conserved' areas in the Metro Southeast Strandveld that a portion of the site falls outside the mapped Cape Flats Dune Strandveld vegetation type, most likely due to the edge effect of the township development around the site.
- According to the City of Cape Town (CoCT) BioNet, approximately 92% of the site falls within Other Natural Areas. The entire site has been mapped as 'unselected' by the CIP i.e. a site that is not a priority for conservation due to its location, size and condition.
- The specialist confirmed that the site has undergone several disturbances resulting in most of the area comprising of degraded and highly degraded habitat conditions. There is a distinct edge effect associated with the disturbance due to building rubble, alien encroachment and dumping of rubbish extending into the site. A small portion of the site contains semi-intact vegetation, which is representative of the Cape Flats Dune Strandveld and which the specialist deems to have a medium sensitivity in terms of conservation value and degree of resilience to disturbance. The remainder of the site is considered to have a low sensitivity. *"Considering that the site falls outside the selected priority area and is deemed by the CIP as potentially developable, the specialist believes that a biodiversity offset is unfeasible and that the school should be developed as proposed."*

#### 4. NEMA 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.

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 listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----