



**EIA REFERENCE:** 16/3/3/1/A7/4/3045/22  
**NEAS REFERENCE:** WCP/EIA/0001136/2022  
**DATE OF ISSUE:** 13 FEBRUARY 2023

The Municipal Manager  
City of Cape Town  
Urban Mobility Directorate  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

**For Attention: Mr. Jurgen Gentz**

Tel.: (021) 400 4603

E-mail: [jurgen.gentz@capetown.gov.za](mailto:jurgen.gentz@capetown.gov.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ROADWORKS REPAIR, REHABILITATION AND RESURFACING OF TAFELBERG ROAD, EXTENDING FROM THE INTERSECTION AT TAFELBERG ROAD AND KLOOFNEK ROAD (SV0) TO THE LOWER CABLEWAY STATION (SV1351), ON ERVEN 2001, 1996 AND 178079 AND THE REMAINDER OF STREET PARCEL NO. 856, AS WELL AS STREET PARCEL NO. 2002, CAPE TOWN**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the Environmental Authorisation below.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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

Copied to: (1) Ms. Bonte Edwards (JG Afrika (Pty) Ltd)  
(2) Ms. Maurietta Stewart (City of Cape Town)

E-mail: [edwardsb@jgafrika.com](mailto:edwardsb@jgafrika.com)

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## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ROADWORKS REPAIR, REHABILITATION AND RESURFACING OF TAFELBERG ROAD, EXTENDING FROM THE INTERSECTION AT TAFELBERG ROAD AND KLOOFNEK ROAD (SV0) TO THE LOWER CABLEWAY STATION (SV1351), ON ERVEN 2001, 1996 AND 178079 AND THE REMAINDER OF STREET PARCEL NO. 856, AS WELL AS STREET PARCEL NO. 2002, CAPE TOWN**

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 the Preferred Alternative, described in the final Basic Assessment Report ("BAR"), dated October 2022.

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

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

City of Cape Town  
C/O Mr. Jurgen Gentz  
Urban Mobility Directorate  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

Tel.: (021) 400 4603  
E-mail: [jurgen.gentz@capetown.gov.za](mailto:jurgen.gentz@capetown.gov.za)

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

**B. LISTED ACTIVITY AUTHORISED**

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>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></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><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 infilling or depositing, moving or removal, dredging or excavation of more than 10 cubic metres of material within the drainage line traversing Tafelberg Road for the installation of gabion mattresses at the inlet to an existing culvert. The proposed development also involves the removal of silt at the discharge pipe outlets.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>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></p> <p><b>i. Western Cape</b></p> <p><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></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><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</i></p>	<p>The proposed development will result in the clearance of more than 300 square metres of Critically Endangered Peninsula Granite Fynbos.</p>

<p style="text-align: center;"><i>behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>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></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</i></p>	
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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 proposed roadworks repair, rehabilitation and resurfacing of Tafelberg Road, extending from the intersection at Tafelberg Road and Kloofnek Road (SV0) to the Lower Cableway Station (SV1351), on Erven 2001, 1996 and 178079 and the Remainder of Street Parcel No. 856, as well as Street Parcel No. 2002, Cape Town.

The proposed rehabilitation of the existing section of Tafelberg Road from the intersection with Kloof Nek Road to the parking area of the Lower Station at the Table Mountain Aerial Cableway, comprising of the following:

- The resurfacing of approximately 1.4km of existing road;
- The widening of the two 'hairpin' bends, as follows –
  - The first 'hairpin' bend will be widened for approximately 1m on the right-hand side/inside of the bend;
  - The second 'hairpin' bend widened for approximately 3m on the left-hand side/inside of the bend;
- The construction of new concrete impact barrier walls with stone cladding along the first and second 'hairpin' bends on the left-hand side and right-hand side, respectively;
- The extension of the existing wooden pedestrian boardwalk by approximately 255m in length;
- The construction of a staircase to gain access from the existing footpath to the new pedestrian boardwalk;
- The upgrading and formalising of the existing pedestrian sidewalk measuring approximately 1.5m in width with block paving, which will link to the new boardwalk extension;
- The construction of cement-mortared stone masonry walls to demarcate the edge of the formalised sidewalk;
- Relevant Stormwater drainage improvements, which will include, *inter alia* –
  - The construction of new- and the upgrading of existing catchpits and inlets;
  - The installation of additional discharge pipes;
  - The installation of erosion protection measures (e.g., gabion mattresses) at the discharge pipe outlets;
  - The upgrading of existing side-drains along the road edge with subsoil drainage along certain areas;
- The construction of a stone-cladded gabion retaining wall, measuring approximately 170m in length and a cut-off drain;
- The upgrading of the existing gravel parking facilities with block paving; and
- The reconstruction of the existing segmental block retaining wall at the lower parking area.

The total development footprint is approximately 16 000m<sup>2</sup>.

### C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on Erven 2001, 1996 and 178079 and the Remainder of Street Parcel No. 856, as well as Street Parcel No. 2002, Cape Town.

The SG 21-digit codes for affected properties, are given below:

Erf 2001, Oranjezicht (Cape Town)	C01600390000200100000
Erf 1996, Oranjezicht (Cape Town)	C01600390000199600000
Erf 178079, Oranjezicht (Cape Town)	C01600070017807900000
Remainder of the street parcel 856	C01600000000085600000
Remainder of the street parcel 2002	C01600390000200200000

The co-ordinates of the beginning, middle-point and end point of where the activities, are proposed are given below:

	<b>Latitude (S)</b>	<b>Longitude (E)</b>
Starting point	33° 56' 32.15" South	18° 23' 41.27" East
Middle point	33° 56' 41.48" South	18° 23' 59.06" East
End point	33° 56' 51.05" South	18° 24' 7.18" East

Refer to **Annexure 1**: Locality Map. Refer to **Annexure 2**: Site Development Plan.

The above property is hereinafter referred to as "**the site**".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

JG Afrika (Pty) Ltd  
C/O Mr. Ryan Emslie Jonas  
P O Box 38561  
**PINELANDS**  
7430

Tel.: (021) 530 1800  
E-mail: [jonasr@jgafrika.com](mailto:jonasr@jgafrika.com)

### 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 Activity Alternative described in Section B above.
2. 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.
  - (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 must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing 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 B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order 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.

#### **Written Notice to the Competent Authority**

5. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
  - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11 and 20.1. and 20.4

#### **Notification of Environmental Authorisation and Administration of Appeal**

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 4;
    - 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 Appeal Regulations, 2014 (as amended) detailed in Section G 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 the:
    - 6.4.1. 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. 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 Appeals Regulations, 2014 (as amended).

#### **Commencement**

7. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
8. 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.

## Management of Activity

9. The draft Environmental Management Programme ("EMPr") (dated October 2022), submitted as part of the final BAR on 14 October 2022, is hereby approved on condition that the following amendments to the EMPr are made, and must be implemented:
  - 9.1. Construction activities should be undertaken during low rainfall months (November – March).
  - 9.2. Indigenous plant species, preferably plants sourced from the local area, should be used for the rehabilitation of the affected areas, as far as possible.
10. The Environmental Authorisation and EMPr must be included in all contract documentation for all phases of implementation.

## Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
12. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

## Auditing

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
15. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
  - 15.1. An audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase; and
  - 15.2. A final audit report must be submitted within **three (3) months** of the proposed development being completed.
  - 15.3. The holder must submit an environmental audit report **every five (5) years** while the Environmental Authorisation remains valid.
16. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.

17. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

### **Specific Conditions**

18. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, 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 artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

19. A qualified archaeologist and/or paleontologist 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.
20. The following measures adapted from the final BAR (dated October 2022 and compiled by Mr. Ryan Emslie Jonas of JG Afrika (Pty) Ltd.), must be implemented:
  - 20.1. 'Search and Rescue' of plant material, such as bulbs, succulents and seed-bearing branches, must be conducted prior to the construction phase. The plant material must be safeguarded for use in the rehabilitation of disturbed areas after following the construction phase.
  - 20.2. A botanist and/or a suitably qualified professional from the South African National Parks must be appointed to assist with the demarcation of the working area. The identified working area must be clearly defined with a temporary fence/demarcation infrastructure, which must be maintained for the duration of the construction phase.
  - 20.3. All the aquatic features within 500m of the site must be regarded as 'no-go' areas (see Annexure 3):
  - 20.4. A traffic management/accommodation plan must be compiled to ensure that traffic management measures are implemented during the construction phase with input from the Engineer, the appointed Health and Safety Agent, Table Mountain Aerial Cableway Company, South African National Parks ("SANParks") and the City of Cape Town. The said plan must be submitted to this Department before the commencement of the construction phase.

### **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. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse. If the holder wishes to extend the



validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.

4. 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be, as follows:
  - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

## 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 twenty (20) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if not the holder of the decision) must, within twenty (20) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within twenty (20) 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:                      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 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at 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 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 greatly appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 13 FEBRUARY 2023**

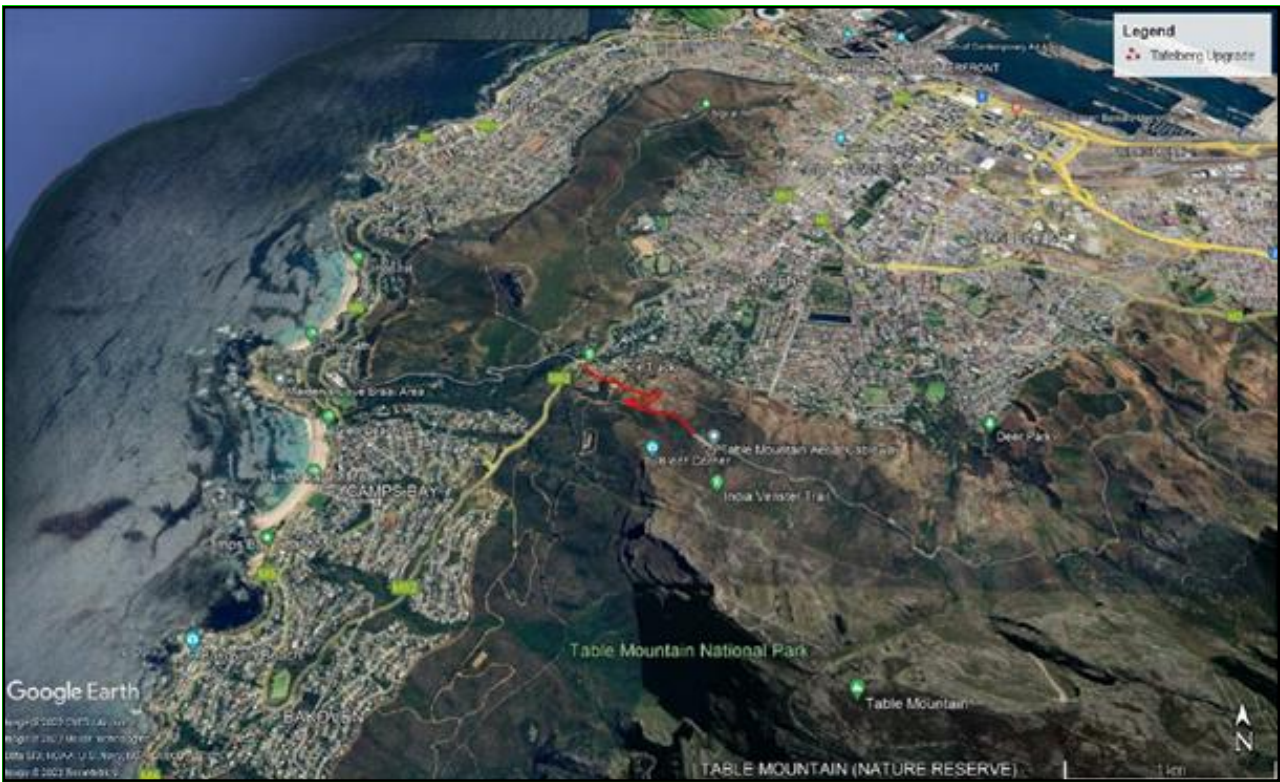
Copied to: (1) Ms. Bonte Edwards (JG Afrika (Pty) Ltd)  
(2) Ms. Maurietta Stewart (City of Cape Town)

E-mail: [edwardsb@jgafrika.com](mailto:edwardsb@jgafrika.com)  
E-mail: [maurietta.stewart@capetown.gov.za](mailto:maurietta.stewart@capetown.gov.za)

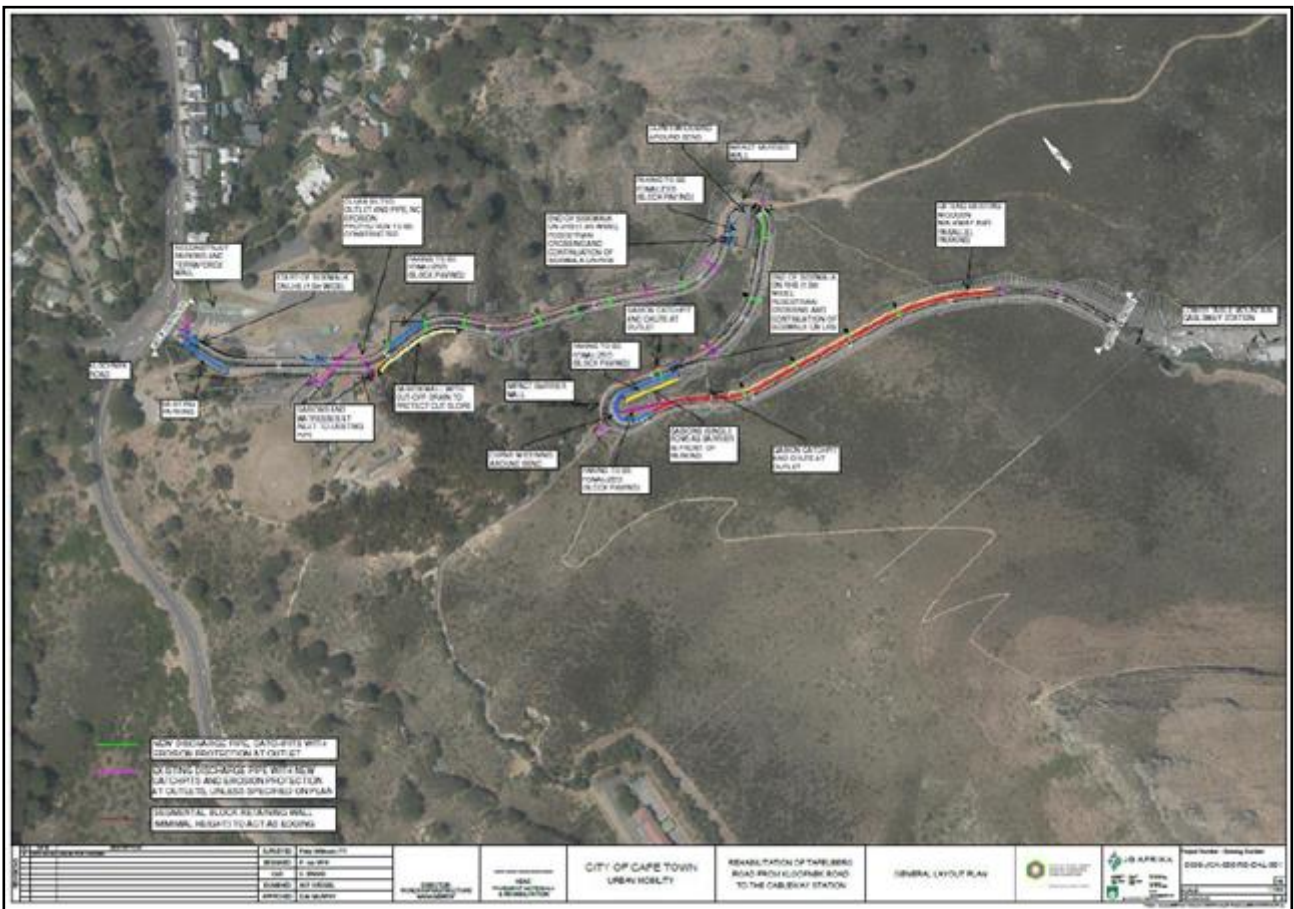
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**EIA REFERENCE: 16/3/3/1/A7/4/3045/22**  
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# ANNEXURE 1: LOCALITY MAP



# ANNEXURE 2: THE SITE DEVELOPMENT PLAN



### ANNEXURE 3: AQUATIC 'NO-GO' AREAS



## ANNEXURE 4: 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 27 July 2022), the final BAR (dated October 2022), the EMPr (dated October 2022), and the additional information received on 27 January 2023 and 30 January 2023, respectively;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.
- f) No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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 ("PPP") included:

- Identification of and engagement with I&APs;
- Notification letters were sent to all relevant I&APs and relevant stakeholders on 13 June 2022 and 29 August 2022;
- Landowners located downslope and along the section of the Tafelberg Road relevant to the proposed development were notified by means of a 'knock-and-drop';
- Site notices were placed at the start and end of the proposed site on 13 June 2022;
- An advert was placed in the 'People's Post' Newspaper on 13 June 2022;
- The pre-application- and draft BARs were placed on the JG Afrika website (<https://www.jgafrika.com/public-participation/>) for review during the thirty (30) day commenting period;
- A copy of the pre-application BAR was placed at the Kloof Street Library on 13 June 2022 for the duration of the thirty (30) day commenting period;
- The pre-application BAR was made available for a commenting period of thirty (30) days from 13 June 2022 to 14 July 2022; and
- The draft BAR was made available for a commenting period of thirty (30) from 29 July 2022 to 29 August 2022.

The Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address any significant concerns raised.

### 2. Alternatives

#### Preferred Site Alternative

The Preferred Site Alternative entails the proposed roadworks repair, rehabilitation and resurfacing to take place at the existing Tafelberg Road, extending from the intersection at Tafelberg and Kloofnek Roads (SV0) to the Lower Cableway Station (SV1351), on Erven 2001, 1996 and 178079 and the Remainder of Street Parcel No. 856, as well as Street Parcel No. 2002, Cape Town.

This is the preferred and only site alternative, as the proposed works and resurfacing is site specific and must be implemented at the identified sections along Tafelberg Road.

#### Preferred Design Alternative (Herewith Authorised)

The Preferred Design Alternative entails the proposed rehabilitation of the existing section of Tafelberg Road from the intersection with Kloof Nek Road to the parking area of the Lower Station at the Table Mountain Aerial Cableway, comprising of the following:

- The resurfacing of approximately 1.4km of existing road;
- The widening of the two 'hairpin' bends, as follows –
  - The first 'hairpin' bend will be widened for approximately 1m on the right-hand side/inside of the bend;
  - The second 'hairpin' bend widened for approximately 3m on the left-hand side/inside of the bend;
- The construction of new concrete impact barrier walls with stone cladding along the first and second 'hairpin' bends on the left-hand side and right-hand side, respectively;
- The extension of the existing wooden pedestrian boardwalk by approximately 255m in length;
- The construction of a staircase to gain access from the existing footpath to the new pedestrian boardwalk;
- The upgrading and formalising of the existing pedestrian sidewalk measuring approximately 1.5m in width with block paving, which will link to the new boardwalk extension;
- The construction of cement-mortared stone masonry walls to demarcate the edge of the formalised sidewalk;
- Relevant Stormwater drainage improvements, which will include, *inter alia* –
  - The construction of new- and the upgrading of existing catchpits and inlets;
  - The installation of additional discharge pipes;
  - The installation of erosion protection measures (e.g., gabion mattresses) at the discharge pipe outlets;
  - The upgrading of existing side-drains along the road edge with subsoil drainage along certain areas;
- The construction of a stone-cladded gabion retaining wall, measuring approximately 170m in length and a cut-off drain;
- The upgrading of the existing gravel parking facilities with block paving; and
- The reconstruction of the existing segmental block retaining wall at the lower parking area.

The total development footprint is approximately 16 000m<sup>2</sup>.

The abovementioned Design Alternative is the only and preferred alternative, as the abovementioned elements are suitable to address/resolve the site's current need for upgrade and rehabilitation. Furthermore, the following specific design elements for the sidewalk were deemed not feasible:

- The use of gabion walls instead of the preferred cement-mortared stone masonry wall to demarcate the edge of the formalised sidewalk, will result in a larger total area to be disturbed;
- The use of the preferred cement-mortared stone masonry wall instead of the gabion walls is a better engineering solution to prevent erosion of the sidewalk; and
- Gabion walls are more costly and have a greater risk of damage.

#### 'No-go' Alternative

The 'No-Go' Alternative of not proceeding with the proposed rehabilitation of the existing section of Tafelberg Road from the intersection with Kloof Nek Road to the parking area of the Lower Station at the Table Mountain Aerial Cableway was considered. However, the 'No-Go'

Alternative was deemed not undesirable, as it would result in the following conditions persisting for the foreseeable future:

- Ongoing road safety risks for pedestrians making use of Tafelberg Road in peak seasons when they are forced to walk in the roadway, as opposed to a safe pedestrian pathway;
- Ongoing damage to the road resulting in further deterioration to the integrity of the road, which would jeopardise the future road surface safety;
- Ongoing erosion of the slopes adjacent to Tafelberg Road and ongoing sedimentation of downslope watercourses;
- Ongoing congestion at the 'hairpin' bends when large vehicles block the roadway while turning; and
- More extensive and costly repairs will need to be done in the future to ensure suitable road access to the cableway.

### 3. Impact Assessment and Mitigation Measures

#### 3.1 Need and Desirability

Large volumes of traffic along Tafelberg Road are experienced due to the large number of tourists visiting the Table Mountain National Park. Furthermore, the limited pedestrian friendly infrastructure *i.e.*, limited boardwalk space and road shoulders have resulted in the vehicle traffic on Tafelberg Road posing a safety risk to pedestrians. The two 'hairpin' bends, along the section of Tafelberg Road are currently too tight for large vehicles, such as buses, to turn. This results in congestion with large vehicles occupying both lanes, which result in traffic delays and also poses a risk to pedestrians and cyclists making use of the said road. At the same time, the condition of identified sections of the said road have deteriorated over-time and have resulted in road cracks and other surface and base layer related failures.

The proposed development is therefore required to improve the road's integrity, the road infrastructure and the associated facilities within the vicinity of the Table Mountain National Park, which form part of a scenic landscape and an important tourist attraction. Ultimately, this should in turn lead to improved functioning of the said road in terms of traffic flow, improved road safety, the provision of adequate parking facilities and pedestrian access to the cableway.

The said road upgrade will also facilitate the improvement of stormwater drainage in order to resolve the persistent erosion along identified sections of the said road, which are caused by increased runoff from the said road and a lack of sufficient stormwater drainage measures.

#### 3.2 Regional and Local Planning

The affected properties are zoned, as follows:

Erf 2001, Oranjezicht (Cape Town) - Transport II: Public Road and Public Parking  
Erf 1996, Oranjezicht (Cape Town) - Open Space II: Public Open Space  
Erf 178079, Oranjezicht (Cape Town) - Open Space II: Public Open Space  
Remainder of the street parcel 856 - Split Zoning (Transport II: Public Road and Parking and Open Space II: Public Open Space)  
Remainder of the street parcel - Transport II: Public Road and Parking.

The proposed development is generally in line with the forward planning policies and frameworks of the City of Cape Town, which aim to improve road infrastructure as well as safety aspects for pedestrians and motorists who make use of Tafelberg Road.

The relevant local authority will determine whether or not the development proposal requires the submission of a land use application to permit the development proposal.



### 3.3 Aquatic Impacts

Since most of the proposed development entails the rehabilitation of an existing road, no impacts on any groundwater sources are expected. Further, no deep foundations or earthworks will be required.

Surface drainage lines and the associated wetland areas are located both within close proximity to- and within the site. The drainage lines were found to be in a mild to moderately degraded state. The site was deemed to be of Low sensitivity in terms of aquatic biodiversity. However, wetland areas located approximately 500m downslope of the site are considered of Very High sensitivity. The associated impact on the wetland areas located outside of the footprint of the site will be limited to runoff from the site and therefore deemed to be of Low negative significance.

Additionally, the construction activities be undertaken during low rainfall months (as far as possible) in order to reduce surface run-off and sedimentation originating from the site.

Overall, the impacts on these aquatic elements are unlikely to be significant, whilst the adherence to minor mitigation measures, as per the Freshwater Compliance Statement (dated May 2022 and compiled by Delta Ecology), will further reduce the significance of any negative aquatic related impacts. Rehabilitation design components of the proposed development, such as the erosion control/protection and stormwater management measures are also expected to have a positive impact on the aquatic system and elements.

### 3.4 Botanical Impacts

Given the 'low-impact' nature of the proposed development (*i.e.*, rehabilitation and upgrading of road infrastructure), no significant negative botanical impacts are expected. This is attributed to most of the work being undertaken in the transformed road verge, whilst the larger site is largely regarded as disturbed with alien plant species and erosion caused by stormwater damage. Only a few Species of Conservation Concern ("SCC") were recorded on the site. It is therefore required, as per the Botanical Specialist Report (dated June 2022 and compiled by Delta Ecology) that the holder of the proposed development take cognisance of the presence of SCCs during construction with the appointment of a suitably qualified botanist to assist with the demarcation of the working area. Furthermore, a 'Search and Rescue' operation will also be undertaken. These measures were made conditional to this Environmental Authorisation (Refer to condition 20).

The cumulative botanical impact is considered 'Low' (acceptable) if the mitigation measures, listed under condition 20 of this Environmental Authorisation and within the provisions of the EMPr, are implemented. These measures include the need to rehabilitate the disturbed areas after the conclusion of the construction phase.

It must be noted that the proposed site falls within the Table Mountain National Park, wherein only low-impact activities are considered appropriate. Since the proposed development can be considered as low-impact activities (*i.e.*, upgrading of an existing road and associated infrastructure), it will not compromise the protected area, its status and function. Further, although the site falls within the Table Mountain National Park, agreements exist between the City of Cape Town and the South African National Parks ("SANParks"), wherein it is confirmed that the maintenance of roads and road reserves remain under the jurisdiction of the said municipality.

### 3.5 Geotechnical Impacts

The Geotechnical Investigation Report (dated 25 June 2022 and compiled by M. van Wieringen & Associates), confirms that the ground conditions encountered on the site range from loose fill to hard rock with most of the existing structures being founded in

dense fill on steep slopes. The investigation did not identify any major factors that may hamper the proposed development from a geotechnical perspective. However, given the presence of steep slopes, excavation in those areas would prove challenging. Hence, it was recommended that certain measures be implemented whilst the development is being undertaken. These measures relate to the specific methods in which excavation, construction and the required infrastructure, which forms part of the proposed development should be designed. These technical requirements will be implemented as and when required during the undertaken of the various activities on site. It was however pertinent that a traffic management/accommodation plan be implemented to ensure that adequate traffic management measures are implemented during the construction phase. It was also required that the said plan be submitted to this Department before construction commences.

These requirements were made part of the provisions of the approved EMPr as well as the conditions of this Environmental Authorisation (refer to condition 20.4).

### 3.6 Heritage Impacts

The proposed development is not expected to have any negative impact on significant heritage resources.

It was confirmed in the correspondence from Heritage Western Cape (dated 13 August 2018) that there is no reason to believe that the proposed road upgrade and rehabilitation will impact on heritage resources. On 29 July 2022, Heritage Western Cape issued a permit for the repairs and maintenance activities associated with the proposed development. On 30 January 2023, Heritage Western Cape confirmed that the comments contained in the correspondence (dated 13 August 2018), remains applicable.

Additionally, the applicant will comply with Conditions 18 and 19 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

### 3.7 Visual Impacts

Since the proposed development comprises the rehabilitation of an existing road and informal parking areas, as well as formalising of walkways, no significant negative visual impacts are expected. Given the nature of the proposed development, it will also not be out of character with the surrounds but will, however, improve the visual aspects and aesthetics of the local area.

### 3.8 Nuisance Impacts

Nuisance related impacts during the construction phase, such as noise and dust, will be short-term and managed in accordance with the standard provisions of the EMPr.

### 3.9 Socio-economic Impacts

Employment opportunities are expected to be generated during the construction phase. Further positive socio-economic impacts expected after the construction period has been concluded relate to the provision of improved road infrastructure and the associated facilities that will be available for use to the general public as well as tourists visiting Cape Town.

The development proposal will result in both negative and positive impacts.

Negative Impacts include:

- The construction and other nuisance related impacts, such as traffic, dust and noise during the construction phase.
- Limited loss of indigenous vegetation.
- Disturbances to on-site aquatic elements.

Positive Impacts include:

- Improved road safety for pedestrians making use of Tafelberg Road.
- Improved functioning of the road for vehicles making use of Tafelberg Road.
- Improved stormwater drainage along Tafelberg Road to prevent further erosion downslope.
- Employment opportunities during the construction phase.

#### **4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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.

#### **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 authorised 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 undertaking of the Listed Activities can be mitigated to acceptable levels.

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