

REFERENCE: 16/3/3/1/A2/16/3013/21
NEAS REFERENCE: WCP/EIA/0000884/2021
DATE OF ISSUE: 05 October 2021

The Municipal Manager
City of Cape Town: Road Infrastructure Planning and Development
17th Floor, 4-Bay Side Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8000

Attention: Mr. A. Vieira

Tel: 021 400 4733
E-mail: antonio.vieira@capetown.gov.za

Dear Sir

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): THE PROPOSED EXTENSION OF THE BLACK RIVER CANAL CULVERT FOR ROAD WIDENING ALONG IMAM HARON ROAD, CLAREMONT.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copied to:

(1) A. Beukes/C. Du Toit (The Environmental Partnership)
(2) A. Greenwood (City of Cape Town: ERM)

E-mail: anwen@enviropart.co.za/carmen@enviropart.co.za
E-mail: andrew.greenwood@capetown.gov.za

REFERENCE: 16/3/3/1/A2/16/3013/21
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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): THE PROPOSED EXTENSION OF THE BLACK RIVER CANAL CULVERT FOR ROAD WIDENING ALONG IMAM HARON ROAD, CLAREMONT.

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 activity specified in section B below with respect to the Preferred Layout Alternative, described in the Basic Assessment Report ("BAR"), dated June 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

City of Cape Town: Road Infrastructure Planning and Development
% Toni Vieira
17th Floor, 4-Bay Side Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8000

Tel: 021 400 4733
E-mail: antonio.vieira@capetown.gov.za

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

B. AUTHORISED ACTIVITY

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19</p> <p>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 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 of Listing Notice 2 of 2014 applies.</i></p>	<p>The proposal entails the infilling and depositing of more than 10 cubic metres into, and the dredging, excavation, removal or moving of soil, sand, or rock of more than 10 cubic metres from the Black River on Erven 54225, 52932-RE, Erf 52341 and Erf 52939-RE.</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the following alternative that includes the listed activity relating to the development:

The proposal entails the widening of the Black River canal culvert by 9 (nine) metres to accommodate the widening of Imam Haron Road. The widening will take place along the eastbound carriageway from the existing pedestrian walkway at the intersection with Oakfield Road, Claremont.

The footprint of the proposed development will be approximately 95m².

Access will be gained via Imam Haron Road, Claremont.

C. SITE DESCRIPTION AND LOCATION

The proposed culvert widening will entail the infilling of the Black River on the following erven:

- Erf 54225
- Erf 52932-RE
- Erf 52341
- Erf 52939-RE

Site co-ordinates:

Starting point			
Latitude (S)	33°	59.09'	13"

Longitude (E)	18°	28.10'	70"
Middle point			
Latitude (S)	33°	59.0'	04"
Longitude (E)	18°	29.45'	06"
End point			
Latitude (S)	33°	58.59'	90"
Longitude (E)	18°	28.10'	81"

The SG digit code:

Erf No. 54225, Claremont	C016000070005422500000
Remainder of Erf 52939, Claremont	C016000070005293900000
Remainder of Erf 52932, Claremont	C016000070005293200000
Erf No. 52341, Claremont	C016000070005234100000

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Environmental Partnership
c/o Mr. Anwen Buekes
P O Box 945
CAPE TOWN
8000

Tel.: 021 422 0999

E-mail: anwen@enviropart.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated June 2021 on the site as described in Section C above.
2. Authorisation of the activity 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 activity 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 activity; and
- b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity, must be concluded.

4. The activity that has been authorised must 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 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 activity, 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. A minimum of 7 (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 activities

10. The draft EMPr (dated June 2021) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
11. The EMPr must be included in all contract documentation for all phases of implementation.
12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity 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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes 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;
- 14.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.; and
- 14.4. provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
 - 15.1. ensure that the 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 the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 15.3. 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 (seven) calendar 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 and 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 ("HWC"). 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.

GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activity, 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 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.
 - 3.1. 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:
 - 4.1. Amendments to the EMPr, 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 the holder liable to criminal prosecution.

F. 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.

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 or URL <http://www.westerncape.gov.za/eadp>.

G. 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

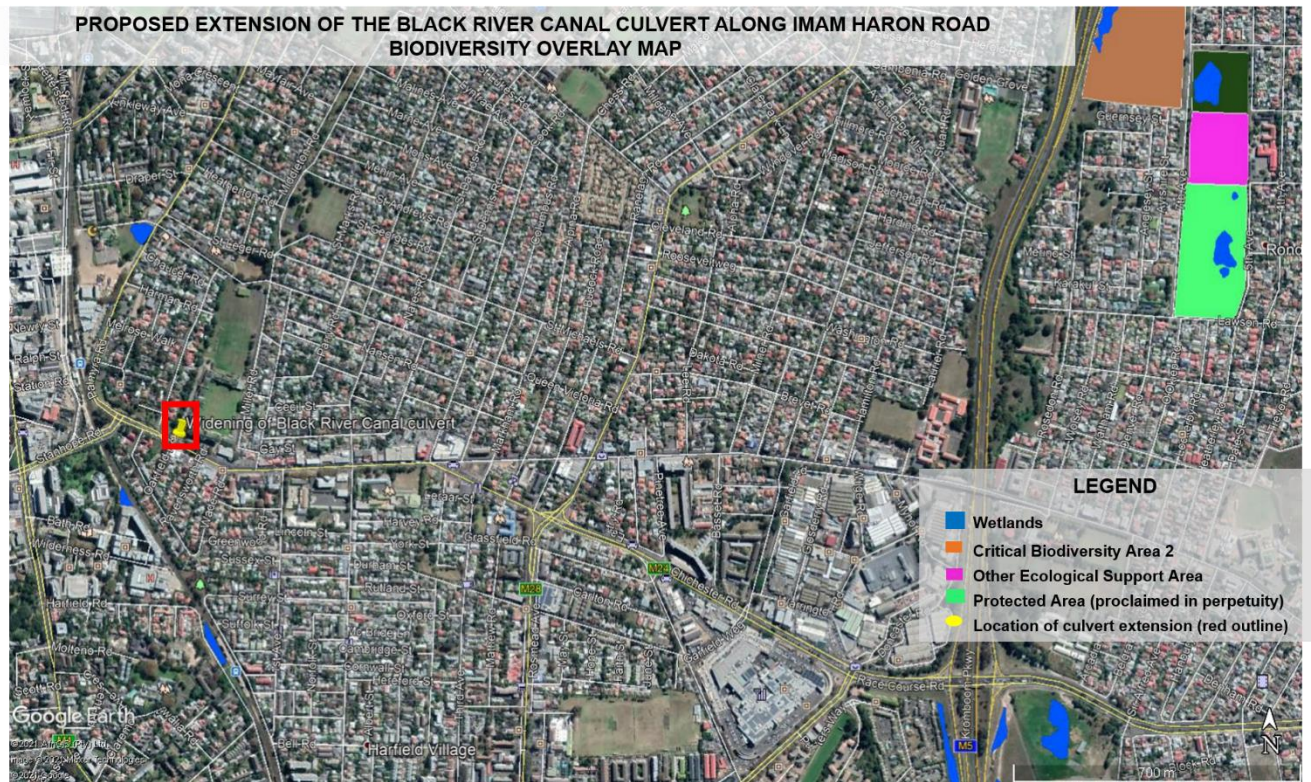
MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 05 OCTOBER 2021

Copied to:

(1) A. Beukes/C. Du Toit (The Environmental Partnership)
(2) A. Greenwood (City of Cape Town: ERM)

E-mail: anwen@enviropart.co.za/carmen@enviropart.co.za
E-mail: andrew.greenwood@capetown.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form and BAR dated March 2021, the EMPr submitted together with the BAR on 25 June 2021;
- 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 June 2021.

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:

- identification of and engagement with Interested and Affected Parties ("I&APs");
- fixing notices at the site where the listed activity will be undertaken on 21 April 2021;
- the placing of a newspaper advertisement in the Lansdowne "People's Post" newspaper on 20 April 2021;
- the placing of the hard copy of the draft BAR at Claremont Public Library for public review on 21 April 2021;
- the distribution of an Information Sheet which provided a summary of the contents of the BAR to I&APs by e-mail or hand delivered;
- E-mail notifications were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the report with reminders sent to submit comments;
- making the draft BAR and all relevant information available to I&APs for public review and comment from 21 April 2021 to 24 May 2021.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

Two layout alternatives were identified and assessed for the proposed development viz. Layout Alternative 1 and Layout Alternative 2. The development footprint of Layout Alternative 1 is 95m² and Layout Alternative 2 is 152m², respectively.

Preferred Layout Alternative 1 (herewith authorised)

The proposed development entails the widening at the Black River culvert located at the Oakfield Road and Imam Haron Road intersection, by nine metres. The widening will take place along the eastbound carriageway from the existing pedestrian walkway.

This alternative is preferred because the proposed development has a smaller development footprint, which means it would have less impacts on the receiving environment.

Layout Alternative 2 was not deemed as preferred as it entails the proposed widening of the road by twelve meters, which means the impacts on the receiving environment would be greater.

“No-Go” Alternative (Rejected)

The “no-go” alternative implies that the “status quo” would remain and the culvert would not be upgraded to accommodate the IRT system. Since the proposed development is not anticipated to result in any high negative impacts, the “no-go” alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed development will accommodate the proposed widening of Imam Haron road associated with the proposed City of Cape Town Integrated Rapid Transit (“IRT”) which will in turn, provide much needed public transport infrastructure which also promotes economic development, since it creates jobs during the construction phase, and enhances the existing road infrastructure of the surrounding neighborhood. The proposed site is located inside the urban edge and the development is compliant with the City of Cape Town’s Municipal Spatial Development Framework, dated 2018 that affirms that the enhancement of the public transport system will impact positively on the social and economic constraints imposed on the neighbourhood. As such, the proposed development is in accordance with the relevant planning policies. Furthermore, the existing land use rights of the subject properties is zoned for transport activities. The Western Cape Provincial Spatial Development Framework, 2014 references the Western Cape Provincial Land Transport Framework which outlines the need for “Fully Integrated Rapid Public Transport Networks in the higher-order urban centres of the Province”. The proposed development promotes the expansion of infrastructure by creating a road network system that connects people to and from work and other economic activities. The property is located within an existing formal residential area within walking/cycling distance.

3.2 Biophysical Impacts

Based on the findings of the Specialist Aquatic Ecosystems Compliance Statement and Risk Assessment compiled by Dr. Liz Day of Liz Day Consulting, dated March 2021, the Ecological Importance and Sensitivity along this section of the Black River is considered low. This is due to the canalisation of this section of the river as a result of its proximity to roads and associated infrastructure. The canal does not support environmental features of a sensitive nature and the habitat quality is severely compromised by the modification of the river system. Although the proposed development will result in the loss of river habitat, the freshwater specialist has noted that the habitat is already compromised due to the canalisation thereof and due to the nature and scale of the proposed development is insignificant compared to the length of the river. The freshwater specialist recommends the implementation of standard best practice construction measures would reduce impact significance to Very Low. This has been included in the EMPr (herewith approved as Condition 10 of this EA). In a letter dated 27 January 2021, the Department of Water and Sanitation confirmed that the proposed development does not require a Water Use License in terms of Section 21(c) and (i) of the National Water Act, 1998.

3.3 Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape (“HWC”). HWC confirmed in the correspondence dated 21 May 2021, that there is no reason to believe the development will impact on any heritage resources and that no further action under Section 38 of the National Heritage Resource Management Act, 1999 (Act No. 25 of 1999) is required. As such, no heritage impacts are anticipated.

3.4 Traffic Impacts

The proposed widening of the Black River Canal culvert for the expansion of an existing road aims to alleviate traffic congestion with the implementation of the IRT system and it will reduce the pressure on the current public transport system. During the construction phase, traffic impacts are expected to occur in the area due to an increase in construction vehicle traffic while materials are transported to and from the site. This is expected to cause traffic congestion due to the reduced road space which decreases the capacity of the road infrastructure. Impact management actions related to traffic during construction phase of the development have been included in the EMPr. Traffic impacts were identified as low negative post mitigation.

3.5 Dust and Noise

Construction activities (mainly site clearing and use of mechanical equipment) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust and noise control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Loss of river habitat on site; and
- Noise, dust, and traffic impacts during the construction phase of the development.

Positive impacts:

- The widened culvert will accommodate the proposed IRT, which aims to alleviate traffic congestion through the provision of road infrastructure for the broader community;
- The proposed widened culvert will enable residents and commuters to utilise the IRT system along Imam Haron Road, which is a more reliable and safer public transport system; and
- The development will provide temporary employment opportunities.

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.

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 activity 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 activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

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