



REFERENCE: 16/3/3/1/F4/9/3003/23
NEAS REFERENCE: WCP/EIA/0001208/2023
DATE: 20 June 2023

The Director
Western Cape Government: Education
% Directorate: Physical Resource Planning and Property Management
1 North Wharf Square
2 Lower Loop Street
Foreshore
CAPE TOWN
8001

For Attention: Mr. Gerrit Coetzee

Tel.: (021) 467 9705

Email: Gerrit.Coetzee@westerncape.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 ESTABLISHMENT OF A MOBILE HIGH SCHOOL AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1003, LOUWVILLE, VREDENBURG.

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)

Copies to:

- 1) Mr. Jacques van Rensburg (Nature Works Environmental Consultancy (Pty) Ltd.)
- 2) Ms. N. Duarte (Saldanha Bay Municipality)
- 3) Mr. S. Hindley (WCG: Transport and Public Works)

E-mail: jacques@natureworks.co.za
E-mail: nazeema.duarte@sbm.gov.za
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REFERENCE: 16/3/3/1/F4/9/3003/23
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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 ESTABLISHMENT OF A MOBILE HIGH SCHOOL AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1003, LOUWVILLE, VREDENBURG.

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 Basic Assessment Report ("BAR"), dated 26 February 2023.

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

The Director
Western Cape Government: Education
Directorate: Physical Resource Planning and Property Management
% Gerrit Coetzee
1 North Wharf Square
2 Loop Street
Foreshore
CAPE TOWN
8001

E-mail: Gerrit.Coetzee@westerncape.gov.za

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

B. AUTHORISED ACTIVITIES

Listed activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27</p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <p>(i) <i>the undertaking of a linear activity; or</i></p> <p>(ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development will result in the clearance of more than 1ha of indigenous vegetation for the development of a mobile high school on a portion of Erf No. 1003, Louwville.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 4</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <p>i. <i>Areas zoned for use as public open space or equivalent zoning;</i></p> <p>ii. <i>Areas outside urban areas;</i></p> <p>aa. <i>Areas containing indigenous vegetation;</i></p> <p>bb. <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i></p> <p>iii. <i>Inside urban areas:</i></p> <p>aa. <i>Areas zoned for conservation use; or</i></p> <p>bb. <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The proposed development includes the construction of a road wider than 4 metres (4.5 metres) within an area zoned as Open Space I.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p><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>The site is comprised of remnants indigenous vegetation comprised of Saldanha Granite Strandveld, an ecosystem categorised as critically endangered in terms of the Revised National List of Ecosystems that are Threatened and in Need of Protection, 2022, and the proposed development will result in the clearance of more than 300m² indigenous vegetation.</p>

<p>i. Western Cape</p> <p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. 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.</p>	
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 15</p> <p><i>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 2 August 2010.</i></p> <p><u>f. Western Cape</u></p> <p><u>i. Outside urban areas, or</u></p> <p><u>ii. Inside urban areas:</u></p> <p>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</p> <p>(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</p>	<p>The proposal entails the transformation of land greater than 1000m² which is zoned as Open Space I to institutional use.</p>

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

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

The proposal entails the establishment of a mobile high school and associated infrastructure on a portion of Erf No. 1003, Louwville. This will entail the transformation of land zoned as public open space.

The proposal is comprised of *inter alia*, the following components:

- Temporary structures (containers) which will be used as classrooms, offices and ablution facilities;
- The expansion of existing bulk water, sewerage and stormwater infrastructure to accommodate the proposed mobile high school;
- Associated infrastructure; and
- The development footprint of the initial temporary structures will be approximately 5969m².

The proposed development will be constructed in two phases, as follows:

- Phase 1: Temporary structures and associated infrastructure to accommodate an initial total of 370 learners, 12 staff members and 10 classrooms; and
- Phase 2: Temporary structures and associated infrastructure to accommodate up to 1110 learners, 21 staff members and 30 classrooms. Both phases will be accommodated within the temporary structures, with additional containers to be added as the demand rises.

It is envisaged that the entire 31210m² portion of Erf No.1003, Louwville will be developed to include a brick-and-mortar structure and sportsfields to replace the proposed mobile school.

The site will be accessed via the western boundary from Suikerbos Avenue, approximately 135m north of the Kootjieskloof Street and 60m south of Watsonia Street. The proposed access point to the school proposed 70m north of the existing municipal facility access point along Suikerbos Avenue.

C. SITE DESCRIPTION AND LOCATION

The proposed mobile high school will be established on a Portion of Erf No. 1003, Louwville. The site is bounded by Suikerbos Avenue to the East and Kootjieskloof Street, along the Southern edge of the property.

The site co-ordinates:

Latitude (S)	32°	54'	57.82"
Longitude (E)	18°	0'	51.09"

The SG digit code:

Erf No. 1003, Louwville	C04600140000100300000
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The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Nature Works Environmental Consultancy (Pty) Ltd
% Mr. Jacques van Rensburg
1 Fraser Road
SOMERSET WEST
7130

Cell.: 082 748 6623
E-mail: jacques@natureworks.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 26 February 2023 on the site as described in Section C above.
2. Authorisation for the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activities, during which period the authorised listed activities must be concluded.

4. The authorised activities 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 activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, 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, 10.1. and 14.

Management of activities

- 10. The draft EMPr (dated 26 February 2023) submitted as part of the application for Environmental Authorisation must be amended to include the following:
 - 10.1. A detailed stormwater design report that highlights the mitigation aspects required to minimise the risk of flooding. This report must be submitted to the Roads and Stormwater Department of Saldanha Bay Municipality for consideration prior to the commencement of construction activities.
- 11. 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.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see 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.
15. The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein;
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
 - 15.5. provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit an audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. 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 –

- 17.1. 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;
 - 17.2. identify and assess any new impacts and risks as a result of undertaking the activities;
 - 17.3. evaluate the effectiveness of the EMPr;
 - 17.4. identify shortcomings in the EMPr;
 - 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.6. 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;
 - 17.7. include a photographic record of the site applicable to the audit; and
 - 17.8. be informed by the ECO reports.
18. 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

19. 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.
20. 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.
21. Water must be used wisely during all phases of the development. Non-potable water must be used as far as possible for construction related activities during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.
22. The development must incorporate energy saving measures which include, *inter alia*, the following:
 - 22.1. Use of energy efficient lamps and light fittings. Replacement bulbs must also be of the low energy consumptions type.
23. 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.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation 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 EMP 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.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - a) Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - b) 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>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 20 JUNE 2023

1) Mr. Jacques van Rensburg (Nature Works Environmental Consultancy (Pty) Ltd.)

E-mail: jacques@natureworks.co.za

2) Ms. N. Duarte (Saldanha Bay Municipality)

E-mail: nazeema.duarte@sbm.gov.za

3) Mr. S. Hindley (WCG: Transport and Public Works)

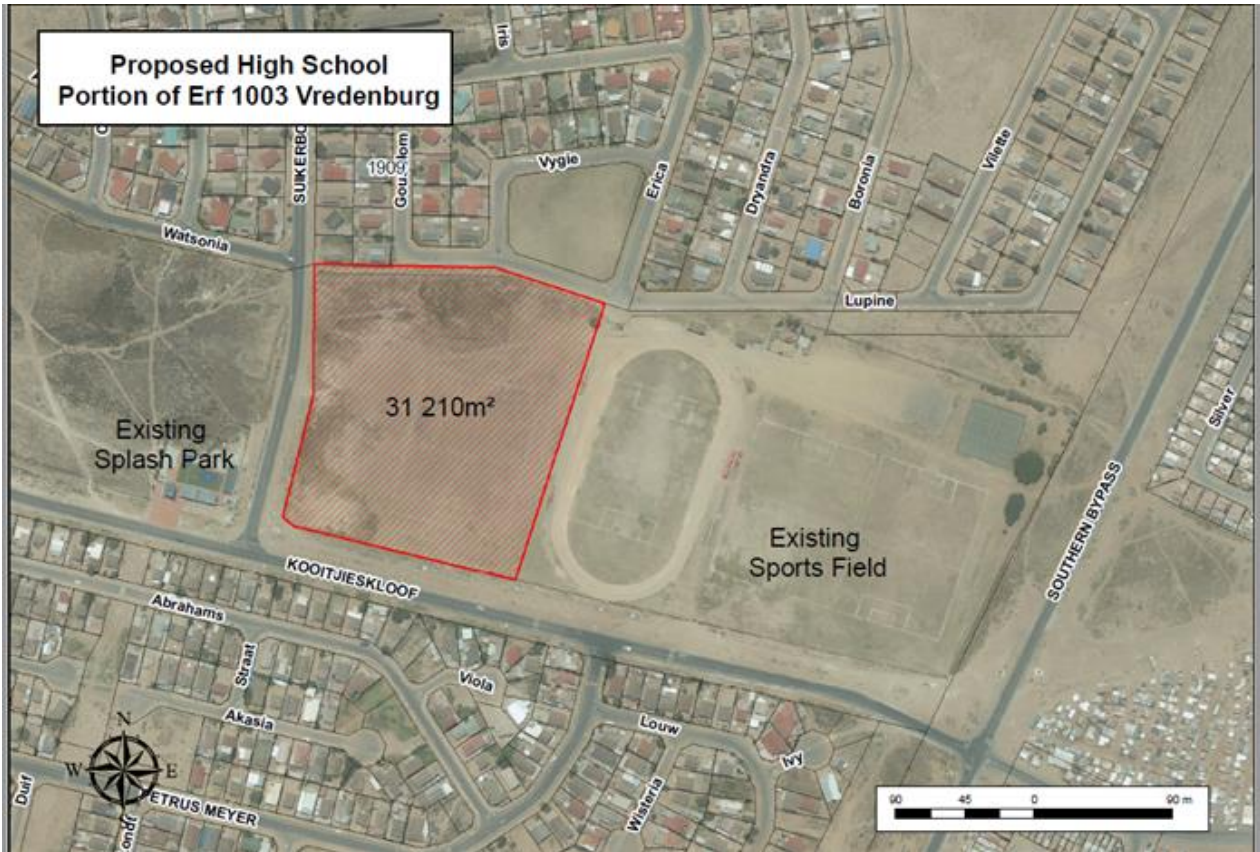
E-mail: shane.hindley@westerncape.gov.za

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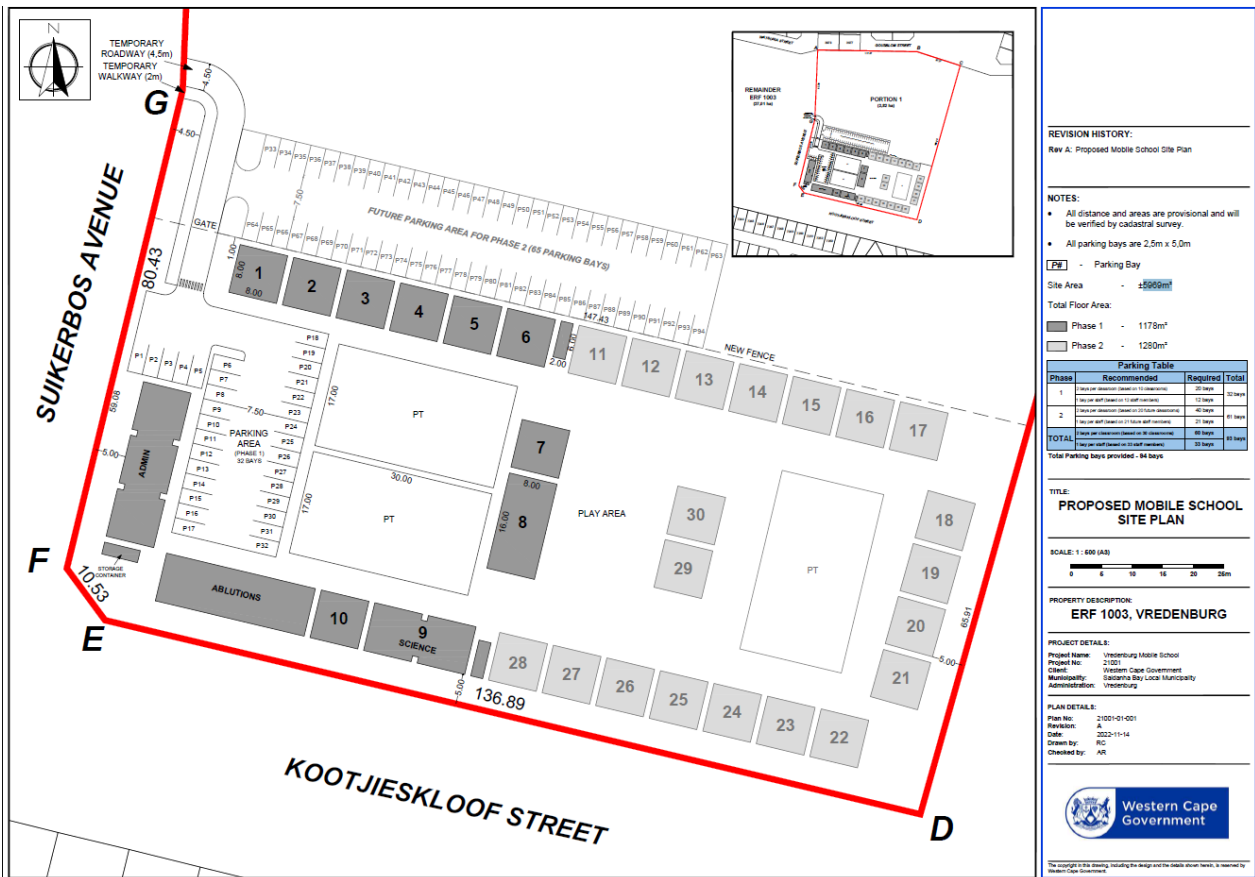
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



REVISION HISTORY:
Rev A: Proposed Mobile School Site Plan

- NOTES:
- All distance and areas are provisional and will be verified by cadastral survey.
 - All parking bays are 2.5m x 5.0m

P2 - Parking Bay
 Site Area - **+5660m²**
 Total Floor Area:
 Phase 1 - 1178m²
 Phase 2 - 1290m²

Parking Table			
Phase	Recommended	Required	Total
1	22	22	22
2	43	43	43
TOTAL	65	65	65

Total Parking bays provided - 64 bays

TITLE:
PROPOSED MOBILE SCHOOL SITE PLAN

SCALE: 1:600 (A3)

PROPERTY DESCRIPTION:
ERF 1003, VREDENBURG

PROJECT DETAILS:
 Project Name: Vredenburg Mobile School
 Project No: 2/201
 Client: Western Cape Government
 Municipality: Gqeberha Bay Local Municipality
 Administration: Vredenburg

PLAN DETAILS:
 Plan No: 2/201-01-001
 Revision: A
 Date: 2022-11-14
 Drawn by: RJC
 Checked by: AR



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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 received on 6 January 2023, the BAR and the EMPr submitted together with the BAR received on 27 February 2023;
- 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 26 February 2023.

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;
- notification letters to all potential and registered Interested and Affected Parties including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the draft BAR;
- fixing notices at the site where the listed activities will be undertaken;
- the placing of a newspaper advertisement in the "Weslander" on 9 June 2022;
- the placing of the draft BAR on the Environmental Assessment Practitioner's website for public review;
- the distribution of the draft BAR to Interested and Affected Parties for review and comment from 17 November 2022 until 17 December 2022 and 6 January 2023 until 5 February 2023.

Responses to the comments raised during the public participation process were included in the BAR and comments and responses report. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

Site Alternatives

No other site alternatives were investigated as the location was selected based on its proximity to existing services and accessibility to amenities. The site is preferred as it has low environmental sensitivity, as the remaining indigenous vegetation is highly degraded and offers no ecological function or connectivity.

Activity Alternatives

No other activity alternatives were considered as the proposed mobile high school is aligned with the surrounding land uses.

Preferred alternative-herewith authorised:

This design layout alternative entails the establishment of a mobile high school on a Portion of Erf No. 1003, Louwville and is comprised of *inter alia*, the following components:

- Temporary structures (containers) which will be used as classrooms, offices and ablution facilities;
- The expansion of existing bulk water, sewerage and stormwater infrastructure to accommodate the proposed mobile high school;

- Associated infrastructure; and
- The development footprint of the initial temporary structures will be approximately 5969m².

The proposed development will be constructed in two phases as follows:

- Phase 1: Temporary classrooms and associated infrastructure to accommodate an initial total of 370 learners, 12 staff members; and
- Phase 2: Temporary classrooms and associated infrastructure to accommodate an additional 740 learners and 21 staff members.

It is envisaged that the remainder of the 31210m² portion of Erf No.1003, Louwville will be developed to include a brick-and-mortar structure and sportsfields to replace the proposed mobile school.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the site would remain vacant. This alternative is not preferred as it will not address the demand for educational facilities in the Louwville and greater Vredenburg area. Since the proposed development will not result in any high negative impacts, the "no-go" alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability and Planning Context

The Western Cape Department of Education has identified a need to provide additional school facilities in the Vredenburg area, with an urgent need for a new high school in the Louwville community. An agreement was reached between the Western Cape Government and the Saldanha Bay Municipality that a portion of Erf 1003, Vredenburg, can be used to establish the required school facility.

The property is currently zoned as Open Space I with a primary use that includes nature conservation. A land use planning application will be made for the rezoning of the site from Open Space I to Institutional Zone I. The property is located within an urban setting surrounded by residential developments and major transport routes. The proposed establishment of a mobile high school and associated infrastructure addresses the need for servicing the community with educational facilities, which is noted as a priority in the Western Cape Provincial Spatial Development Framework ("WCPSDF"), 2014. The WCPSDF and the Saldanha Bay Municipality SDF further promotes improved utilisation of land and the proposed development of a mobile high school provides much-needed educational facilities to a previously disadvantaged community without impacting valuable agricultural land, natural habitat, and areas with high biodiversity or heritage resources.

Although the proposed development entails the transformation of land zoned as open space, the project entails the provision of much needed infill educational facilities in the Louwville and greater Vredenburg area. The site is vacant and the loss of open space because of the proposed development has been assessed as low negative in the BAR.

Furthermore, although the proposal will entail the clearance of indigenous vegetation, the habitat on site has experienced significant disturbance and the current habitat condition is highly degraded and transformed in most areas.

3.2 Service Capacity

The Saldanha Bay Municipality has confirmed that there is sufficient unallocated capacity to accommodate the proposed development in terms of bulk water and sanitation, waste disposal and electricity. Due to recent flooding events occurring on this property, a detailed stormwater design report that addresses the mitigation required to minimise the risk of flooding, must be submitted to the Roads and Stormwater Department of Saldanha Bay Municipality for consideration. This has been included as Condition 10.1. in this EA.

3.3 Biophysical Impacts

Based on the findings of the Biodiversity Specialist Study dated 19 September 2022, as compiled by Nature Works Environmental Consultancy (Pty) Ltd., the site is transformed and the remnants of indigenous vegetation on site is highly degraded. The proposed development will directly impact approximately 0.12 ha on the western boundary of the site, which is classified as a Critical Biodiversity A1.

The proposed development will also directly impact an area of approximately 1.586 ha, categorised as degraded Ecological Support Area 1. However, due to the degraded nature of the indigenous vegetation on site, the areas have little or no ecological function and conservation importance. Furthermore, no species of conservation concern was located on site and due to the current land use activities, the restoration potential of the affected areas are considered low.

3.4 Heritage impacts

The impact on heritage resources is low, and the likelihood of archeological material being found during earthworks is low. A Notice of Intent to Develop in terms of Section 38 (8) of the National Heritage Resources Act, 1999 was submitted to Heritage Western Cape ("HWC"). In HWC's correspondence dated 2 November 2022, it is confirmed that there is no reason to believe the proposed mobile high school on Erf No. 1003, Louwville will impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

3.5 Traffic impacts

Based on the findings of the Transport Impact Assessment ("TIA") dated October 2022, as compiled by Innovative Transport Solutions, the existing road network surrounding the proposed development has sufficient capacity to accommodate the proposed development.

According to the TIA Report, it is expected that 60% of the learners will travel to the proposed mobile high school by public transport and the remaining 40% by private car. The proposed development is expected to generate 58 trips during the AM (29 in/ 29 out) and 20 trips during PM peak hour. It was concluded that the trips generated by the development will not have a significant impact on the surrounding municipal street network, as sufficient capacity is available to accommodate the anticipated trips.

Furthermore, the proposed development is located in close proximity to transport routes and will have sufficient access to public transport. Due to the nature and scale of the proposed development, mitigation measures related to on site and off-street parking and pedestrian facilities, were recommended by the transport specialist. These recommendations have been included in the EMPr.

3.6 Socio-economic impacts

The development will help to alleviate the need for educational facilities in the local community by providing a much-needed school. The development will also provide some temporary employment opportunities during the construction phase and potential employment opportunities during the operational phase.

3.7 Dust and noise impacts

The EMPr includes dust and noise impact management actions that will be implemented in order to minimise potential impacts.

The development will result in negative and positive impacts.

Negative impacts:

- Loss of open space; and
- Loss of degraded indigenous vegetation.

Positive impacts:

- The proposed development intends to provide service infrastructure in the form of educational facilities for the local community (specifically low income communities); and
- 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 activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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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