



REFERENCE: 16/3/3/1/A2/11/3046/22
NEAS REFERENCE: WCP/EIA/0001141/2022
DATE: 17 February 2023

The Municipal Manager
The City of Cape Town: Human Settlements Directorate
12 Hertzog Boulevard
CAPE TOWN
8001

Attention: Mr. Neil Williams

E-mail: neilneville.williams@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 INFILL HOUSING DEVELOPMENT ON ERF NO. 134501, HANOVER PARK.

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. R. Jonas/D. Jacklin (JG Afrika (Pty) Ltd)
2. R. Samaai (City of Cape Town: ERM)
3. A. Oosthuizen (DEA&DP: DDF)

E-mail: jonasr@jgafrika.com/jacklind@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) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INFILL HOUSING DEVELOPMENT ON ERF NO. 134501, HANOVER PARK.

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

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 City of Cape Town
Directorate: Human Settlements
% Mr. Neil Williams
12 Hertzog Boulevard
CAPE TOWN
8001

E-mail: neilneville.williams@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 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><i>i. Outside urban areas, or</i></p> <p><i>ii. Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</i></p> <p><i>(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or</i></p> <p><i>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</i></p>	<p>The proposal entails the construction of an infill housing development on land which is zoned as Open Space.</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 establishment of an infill housing development and associated infrastructure on Erf No. 134501, Hanover Park. This will entail the transformation of land zoned as open space.

The proposal has a development footprint of approximately 1.44ha and is comprised of the following components:

- Approximately 113 serviced units – 1.01 ha ;
- Soft landscaping – approximately 0.024 ha;
- Substation infrastructure – approximately 0.024 ha;
- Public internal roads – approximately 0.38 ha; and
- Stormwater infrastructure: A proposed detention pond to manage on-site stormwater – approximately 0.03 ha.

The proposed site will be accessed via Athwood Road and Derwent Road, Hanover Park.

C. SITE DESCRIPTION AND LOCATION

The proposed infill housing development will take place on 134501, Hanover Park. The site is bounded by Athwood Road to the Northwest, Hanover Park Avenue to the Northeast and Derwent Road along the Southern edge of the property.

The site co-ordinates:

Latitude (S)	33°	59'	35.56"
Longitude (E)	18°	31'	31.74"

The SG digit code:

Erf No. 134501 Hanover Park	C01600070013450100000
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The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

JG Afrika (Pty) Ltd
% Mr. Ryan Jonas
P. O. Box 38561
PINELANDS
7430

Tel.: (021) 530 1800
E-mail: jonasr@jgafrika.com/ jacklind@jgafrika.com

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 October 2022 on the site as described in Section C above.
2. Authorisation for 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 for the construction phase, must be concluded.

4. The authorised activity 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 activity. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, and 14.

Management of activity

10. The draft EMPr (dated October 2022) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
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 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.
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 at least two environmental audit reports to the 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
 - 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 activity;
 - 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.
 - 22.2. Street lights must be switched off during the day.
 - 22.3. All geysers must be covered with a geyser 'blanket'.
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 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.

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: 17 FEBRUARY 2023

Copied to:

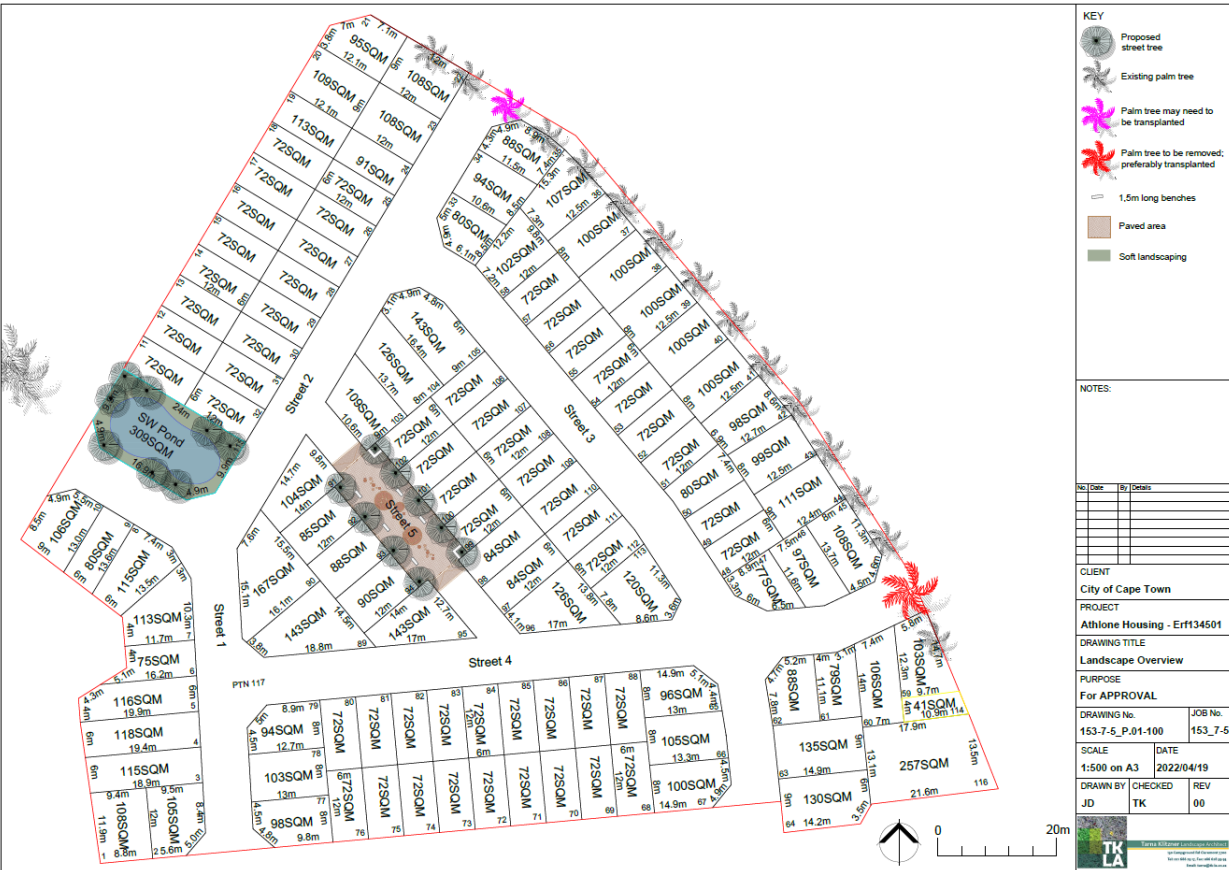
1. R. Jonas/ D. Jacklin (JG AFrika (Pty) Ltd)
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3. A. Oosthuizen (DEA&DP: DDF)

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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 received on 8 August 2022, the BAR and the EMPr submitted together with the BAR received on 24 October 2022;
- 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 October 2022.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues 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;
- hand-delivered notification letters distributed to residents located adjacent to the site;
- 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 activity, about the availability of the draft BAR;
- fixing notices at the site where the listed activity will be undertaken;
- the placing of a newspaper advertisement in the "Peoples Post Athlone" on 16 August 2022;
- the placing of the draft BAR at the Hanover Park Library for public review;
- the distribution of the draft BAR to Interested and Affected Parties for review and comment from 16 August 2022 until 18 September 2022.

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

Two other site alternatives were considered for the proposed development in nearby suburbs of Pinati Estate and Lansdowne, but these sites were rejected from further assessment, as both sites contained wetlands and were not preferred from an aquatic perspective.

The proposed site is thus considered as preferred, as the property is transformed with no natural vegetation remaining on site, the site is owned by the applicant and is positioned along major transport routes.

Activity Alternatives

No other activity alternatives were considered as the proposed infill housing development is aligned with the surrounding land uses.

Preferred alternative-herewith authorised:

This design layout alternative entails the establishment of an infill housing development on Erf No. 134501, Hanover Park, with a development footprint of approximately 1.44ha and is comprised of the following components:

- Approximately 113 serviced units – 1.01 ha;
- Soft landscaping – approximately 0.024 ha;
- Substation infrastructure – approximately 0.024 ha;
- Public internal roads – approximately 0.38 ha; and
- Stormwater infrastructure: A proposed detention pond to manage on-site stormwater – approximately 0.03 ha.

This layout alternative is preferred as it will have no direct impact on any sensitive environmental elements.

"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 housing in the Hanover Park and greater Athlone 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 property is currently zoned Public Open Space, it is located within an urban setting surrounded by residential developments and major transport routes. The proposed development addresses the need for affordable housing, which is noted as a priority in the Western Cape Provincial Spatial Development Framework ("WCPSDF"), 2014. The WCPSDF further promotes the development of integrated and sustainable settlements with the provision of housing opportunities on appropriate infill sites which will connect residents with public amenities such as transport routes, health facilities and recreational hubs.

Furthermore, the site is located within the Urban Inner Core which according to the City of Cape Town's Spatial Development Framework ("CTMSDF") 2018, represents the priority development and investment focus at a metropolitan scale. The CTMSDF aims to promote integrated settlement patterns by encouraging developments that provide a range of housing options to different housing markets. Based on the correspondence from the City of Cape Town's sub- Directorate: Urban Planning and Mechanisms Branch dated 7 September 2022, *the site is situated within Sub-District 1: Greater Athlone. There are no apparent conflicts of this application with the provisions of the City's spatial planning policy.* The proposed development is therefore in line with all of the applicable spatial planning policies.

Although the proposed development entails the transformation of land zoned as open space, the project entails the provision of much needed infill housing opportunities in the Hanover Park area. The site is vacant and a number of open spaces has been identified in the surrounding area. As such, the loss of open space as a result of the proposed development has been assessed as low negative in the BAR.

3.2 Service Capacity

The City of Cape Town has confirmed that there is sufficient unallocated capacity to accommodate the proposed development.

3.3 Biophysical Impacts

Based on the findings of the Botanical Site Sensitivity Verification and Compliance Statement dated October 2021, as compiled by Capensis, the site is dominated by exotic grasses and there are neither species of conservation concern nor patches of vegetation representative of natural

habitat on site. From an aquatic perspective, the entire site comprises flat topography. Based on the findings of the Aquatic Constraints Assessment dated January 2022, as compiled by Ms. Toni Belcher of BlueScience (Pty) Ltd, the site visit confirmed that there are no aquatic features or associated aquatic constraints within the site.

No mitigation measures were recommended by the freshwater and botanical specialists considering the degraded nature of the site.

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 18 January 2022, it is confirmed that there is no reason to believe the proposed infill housing development on Erf No. 134501, Hanover Park 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 Statement dated August 2022, as compiled by JG Afrika (Pty) Ltd, the existing road network surrounding the proposed development has sufficient capacity to accommodate the proposed development. This is further confirmed by the Western Cape Department of Transport and Public Works in a correspondence dated 28 August 2022, which stated that the traffic generated by the proposed development of 113 residential units on Erf No. 134501, Hanover Park, can be managed existing municipal street system.

The proposed development will generate 40 trips during the AM and PM peak hour. The Athwood Road / Hanover Park Avenue intersection operates poorly at Level of Service ("LOS") during AM peak hour, but operates adequately at LOS A during the PM peak hour. It was concluded that the trips generated by the development will not have a significant impact on the LOS of the intersection, 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, no mitigation measures were recommended by the transport specialist.

3.6 Dust, noise and visual impacts

The EMPr includes dust, noise and visual 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
Dust, Noise and Visual Impacts during construction.

Positive impacts:

- The proposed development intends to provide housing opportunities for the local community (specifically low income communities);
- The proposed serviced infill housing units will provide households in low income communities with improved access to public transport nodes, health facilities, social amenities and economic opportunities; and
- Employment opportunities during the construction phase.

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 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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