



REFERENCE NUMBER: 16/3/3/1/A3/57/2002/22
NEAS REFERENCE NUMBER: WCP/EIA/0001025/2022
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 05 August 2022

The Municipal Manager
City of Cape Town
Spatial Planning and Environment
16th Floor, 4 Bay side
Tower Block, Civic Centre
2 Hertzog Boulevard
CAPE TOWN
8000

Attention: Ms. M. Kamalie

Tel.: (021) 400 5934

E-Mail: mariam.kamalie@capetown.gov.za

Dear Madam

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 DEVELOPMENT OF THE HARMONY FLATS NATURE RESERVE ENVIRONMENTAL EDUCATION AND MULTIPURPOSE CENTRE ON ERF 13815 (A PORTION OF ERF 5544), STRAND.

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

Yours faithfully

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

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)
(2) Ms. T. Solomon (Infinity Environmental (Pty) Ltd.)

Email: Azanne.vanwyk@capetown.gov.za

Email: taryn@infinityenv.co.za

REFERENCE NUMBER: 16/3/3/1/A3/57/2002/22

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 DEVELOPMENT OF THE HARMONY FLATS NATURE RESERVE ENVIRONMENTAL EDUCATION AND MULTIPURPOSE CENTRE ON ERF 13815 (A PORTION OF ERF 5544), STRAND.

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 19 April 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

City of Cape Town
% Ms. M. Kamalie
Spatial Planning and Environment
16th Floor, 4 Bay side
Tower Block, Civic Centre
2 Hertzog Boulevard
CAPE TOWN
8000

Tel: (021) 400 5934
Email: mariam.kamalie@capetown.gov.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 15 Activity Description:</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 02 August 2010.</i></p> <p>f. Western Cape –</p> <p>i. Outside urban areas; or</p> <p>ii. Inside urban areas:</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 proposed development of the Harmony Flats Nature Reserve Environmental Education and Multipurpose Centre on Erf 13518, Strand will result in the transformation of land bigger than 1 000 square metres to institutional use, which is located in an urban area and zoned Open Space Zoning 2: Public Open Space (OS2).</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The authorised development entails the development of the Harmony Flats Nature Reserve Environmental Education and Multipurpose Centre on Erf 13815 (a portion of Erf 5544), Strand. The development will comprise of the following:

- A visitor education centre;
- A single-storey building with classrooms;
- A multipurpose hall;
- Meeting rooms;
- Admin building and guard house;
- Auxiliary facilities (i.e. kitchen and ablutions);
- Access roads and parking area;
- Landscaped islands and spaces such as rain gardens, wet ponds, attenuation ponds;
- Pedestrian walkways and boardwalks;
- An amphitheatre-style venue and outdoor courtyard;
- A wastewater treatment plant (“WWTP”) with a throughput capacity of approximately 6 kilolitres per day; and
- Associated infrastructure.

Access to the site will be obtained from Gustrouw Avenue, Strand and emergency access will be obtained from Broadway Boulevard.

Existing electricity capacity is sufficient and potable water supply and solid waste services will be provided by the City of Cape Town.

The total development footprint will be approximately 10 000m² in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Erf 13815 (a portion of Erf 5544), Strand.

The 21-digit Surveyor General code is:

Erf 13815 (a portion of Erf 5544), Strand	C06700230001381500000
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The central co-ordinate for the proposed development is:

Middle (Point)	34° 8' 10.73" South	18° 51' 32.26" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Infinity Environmental (Pty) Ltd.
% Ms. T. Solomon
Suite 17, Private Bag X11
MOWBRAY
Cape Town
7705

Tel: (021) 834 1602
Email: tarryn@infinityenv.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 Section B above and in the BAR dated 19 April 2022 on the site as described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **five (5) years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activity.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11 and 19.

Notification and administration of appeal

7. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Section H;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section F below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. The name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2. The name of the responsible person for this Environmental Authorisation;
 - 7.4.3. The postal address of the holder;
 - 7.4.4. The telephonic and fax details of the holder;
 - 7.4.5. The e-mail address, if any, of the holder; and
 - 7.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (compiled by Infinity Environmental and dated April 2022) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of undertaking the environmental audit.
 - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
 - 14.3. The holder must, within seven (7) days of the submission of the reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any I&APs upon request.

Specific Conditions

15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay.

Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.

17. Surface, storm or 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.
18. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
19. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
20. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that 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.
4. 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.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

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

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:
 - 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 M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001
 - By e-mail: DEADP.Appeals@westerncape.gov.za
5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za 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 Addendum to the 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 AUGUST 2022

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)
(2) Ms. T. Solomon (Infinity Environmental (Pty) Ltd.)

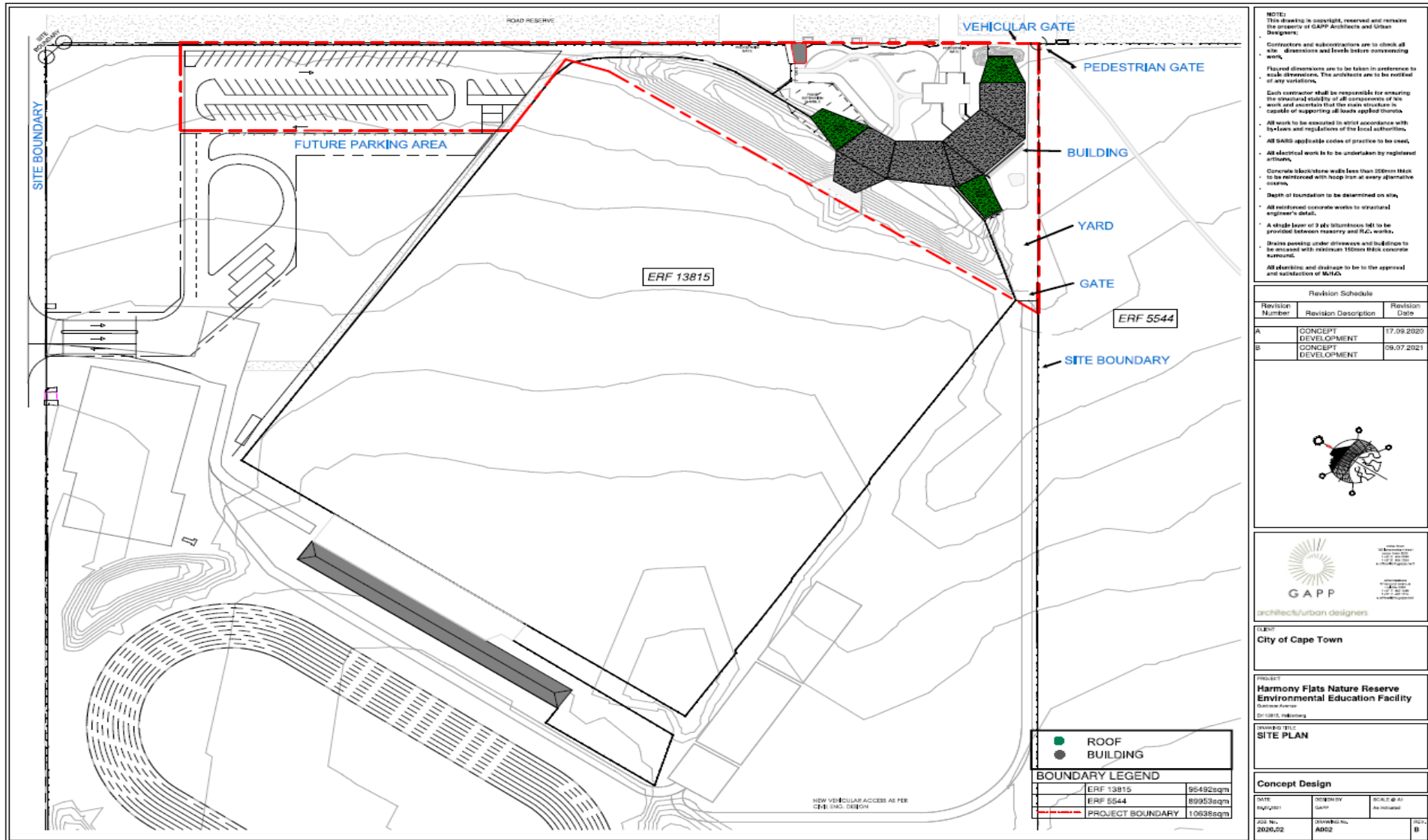
Email: Azanne.vanwyk@capetown.gov.za
Email: taryn@infinityenv.co.za

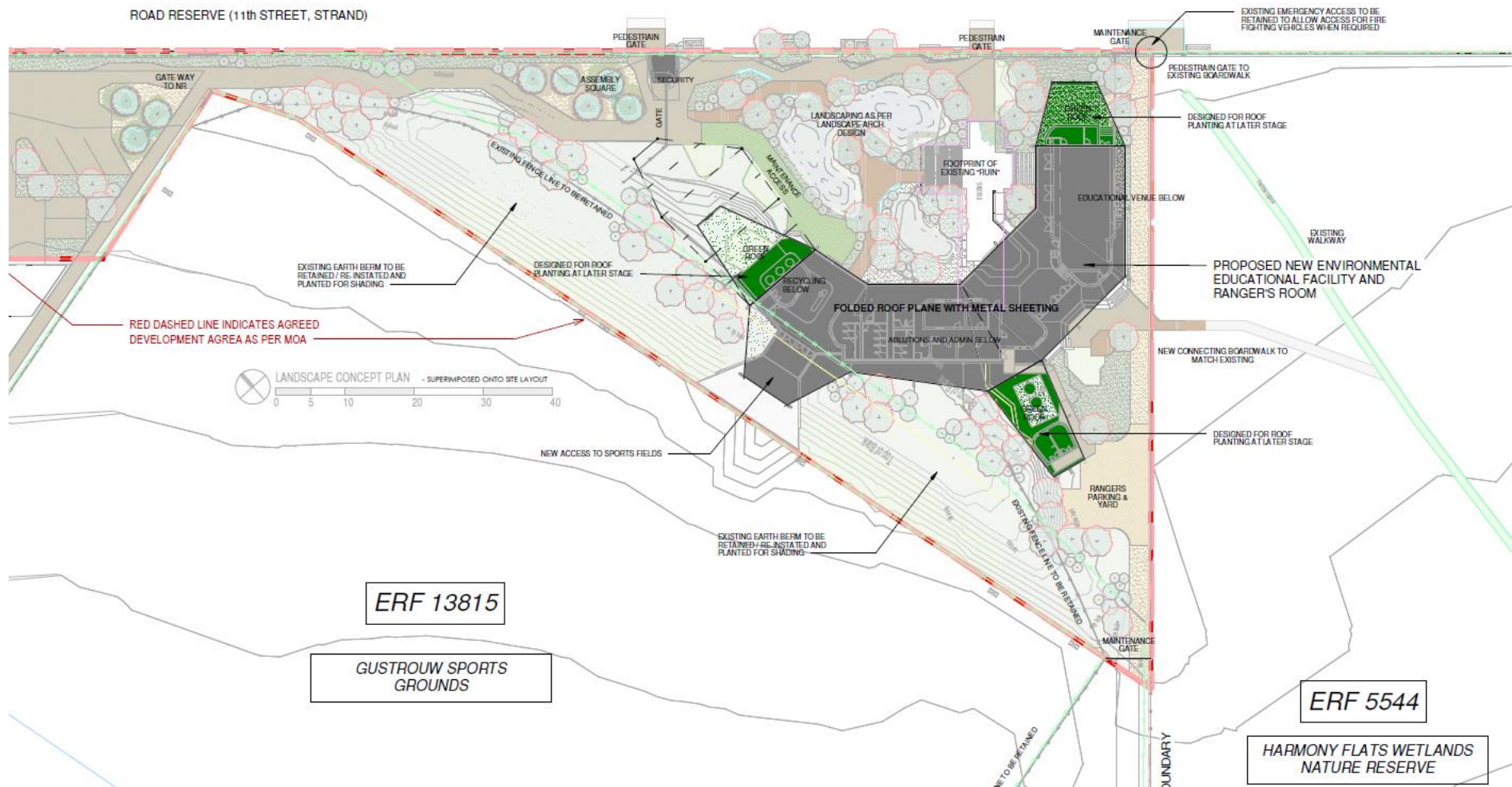
ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE DEVELOPMENT PLAN

Site development plan of the proposed Harmony Flats Nature Reserve Environmental Education and Multipurpose Centre on Erf 13815 (a portion of Erf 5544), Strand.





ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated 14 January 2022 and received by the Competent Authority on 18 January 2022, the BAR and the EMPr dated April 2022 received by the Competent Authority on 19 April 2022 and the additional information received by the Competent Authority on 02 August 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated 19 April 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted, the Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundary of the proposed site where the listed activity is to be undertaken on 20 January 2022;
- the placing of a newspaper advertisement in the '*Helderberg Gazette*' on 18 January 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 20 January 2022;
- Making the draft BAR available to I&APs for public review from 20 January 2022 to 21 February 2022;
- The PPP undertaken was in accordance with the approved Public Participation Plan as agreed to by the Competent Authority on 16 November 2021.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

Site, activity, design / layout, and technology alternatives were screened out due to the fact that the proposed development is in line with the intended purpose for the proposed site i.e. an environmental education and multipurpose centre adjacent to a nature reserve. In addition, the proposed site is owned by the applicant and the preferred design and technology alternatives are aligned with green design principles to remain eligible for Green Building Council of South Africa's Green Star status.

The Preferred Alternative and the "No-Go" Alternative were therefore assessed as follows:

The Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of the Harmony Flats Nature Reserve Environmental Education and Multipurpose Centre on Erf 13815 (a portion of Erf 5544), Strand. The development will comprise of the following:

- A visitor education centre;
- A single-storey building with classrooms;
- A multipurpose hall;
- Meeting rooms;
- Admin building and guard house;
- Auxiliary facilities (i.e. kitchen and ablutions);
- Access roads and parking area;
- Landscaped islands and spaces such as rain gardens, wet ponds, attenuation ponds;
- Pedestrian walkways and boardwalks;
- An amphitheatre-style venue and outdoor courtyard;
- A wastewater treatment plant ("WWTP") with a throughput capacity of approximately 6 kilolitres per day; and
- Associated infrastructure.

Access to the site will be obtained from Gustrouw Avenue, Strand and emergency access will be obtained from Broadway Boulevard.

Existing electricity capacity is sufficient and potable water supply and solid waste services will be provided by the City of Cape Town.

The total development footprint will be approximately 10 000m² in extent.

The preferred alternative is in-keeping with the intended use of the proposed site. The preferred activity is aligned with the current zoning of the property and is considered an enhancement in land use of public open space. In addition, the preferred site is located outside of the recommended 65m ecological buffer and has taken green infrastructure into account as part of the design of the proposed development.

"No-Go" Alternative

The "No-Go" alternative entails the "status quo", i.e. not developing the Harmony Flats Nature Reserve Environmental Education and Multipurpose Centre on Erf 13815 (a portion of Erf 5544), Strand. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

Although the proposed site is zoned for public open space purposes, the proposed development is aligned with the permitted activities within such zoning in terms of the Municipal Planning By-law (2015). The proposed development is intended to provide multipurpose facilities such as an educational facility, conference and event centre and tourism-based activities. The proposed development is consistent with the local planning by-laws and policies since the proposed development is for an environmental education centre and is in-keeping with the Integrated Development Plan and Municipal Spatial Development Framework. In addition, the proposed site has been reserved / set aside for the purpose of Education and Training and is supported within the various components of the City of Cape Town.

The proposed development is considered part of the educational services for the greater community as the proposed development is considered an innovative way of learning which forms part of the objectives of the Western Cape Provincial Spatial Development Framework i.e. OneCape 2040 vision. The proposed development is aligned with societal targets and initiatives toward transitioning to a green economy, which forms part of the Provincial Spatial Development Plan. The integration of land uses where the existing site will be transformed to an educational facility providing information and skills transfer on, *inter alia*, the protection of biodiversity resource conservation and the adjacent Harmony Flats Nature Reserve. The proposed development will also provide economic growth and development within the area during construction and operational phase as means of employment as well as tourist activities that enhance the status of the public open space.

3.2. Agricultural Impacts

According to the Screening Report (dated 07 September 2021), the proposed site is located within a medium sensitivity area from an agricultural perspective, which has been disputed by the EAP. The proposed site was deemed unsuitable for agricultural activities since the proposed site is too small for viable agricultural activities. The Western Cape Department of Agriculture has indicated (in their electronic mail correspondence dated 17 February 2022) that they are in support of the proposed development with no recommendations for mitigation.

3.3. Botanical Impacts

According to the Screening Report (dated 07 September 2021), the proposed site is deemed to be located within a high sensitivity area from a plant species perspective and a very high sensitivity from a terrestrial biodiversity perspective, which have been disputed by the EAP to be insignificant and no sensitivity, respectively. This is based on the disturbed nature of the proposed site where no species of conservation concern have been observed. The proposed site is mapped to historically contain Lourensford Alluvium Fynbos vegetation, which is classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011. However, since the proposed site has been previously disturbed, no indigenous vegetation is located on the proposed site. The proposed development will therefore not result in clearance of indigenous vegetation. No botanical impacts are therefore anticipated.

3.4. Freshwater / Aquatic Impacts

According to the Screening Report (dated 07 September 2021), the proposed site is deemed to be located within a very high sensitivity from an aquatic biodiversity perspective. This is based on the fact that the proposed site is in close proximity to a strategic water source area. Although no watercourses are located within the proposed site, the adjacent Erf 5544, Strand on the eastern boundary i.e. Harmony Flats Nature Reserve contains a seep wetland.

An Aquatic Biodiversity Assessment (compiled by BlueScience and dated October 2021) revealed that although the seep wetland is moderately modified, it remains of high ecological importance and sensitivity and provides valuable ecological goods and services to the surrounding biodiversity. The freshwater specialist noted that the design of the proposed development will have an insignificant impact on the water flow and quality of the seep wetland. Although a 65m wide buffer around the seep wetland has been proposed by the specialist, the proposed site does not fall within this buffer.

The freshwater specialist has recommended mitigation measures to reduce any potential habitat and water quality impacts associated with the construction phase of the proposed development. These include, *inter alia*, aspects of stormwater management, timing of construction activities and the demarcation of “no-go” areas. The specialists' recommendations have been included in the EMPr.

3.5. Traffic Impacts

In accordance with the Traffic Impact Assessment (compiled by Bosch Projects and dated March 2022), the trip generation for the proposed development with background traffic is estimated at approximately 67 morning peak traffic trips and approximately 638 afternoon peak traffic. The specialist recommended that a public transport bay be established on the downstream side of the proposed site and that a pedestrian walkway through the site be connected to the sidewalk on Gustrouw Avenue. The proposed development will therefore not result in a significant increase in potential traffic and the potential traffic impacts were deemed to be of low negative significance.

3.6. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape indicated (in their comment dated 21 May 2021) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.7. Geotechnical Impacts

The geotechnical investigation report (compiled by SRK Consulting and dated February 2021) revealed the underlying soil and groundwater characteristics of the site and provided recommendations with respect to the design of the proposed development. The EAP advised that the recommendations provided by the geotechnical specialist will be considered in the detailed design phase and the site development plan approval process.

3.8. Visual, Dust and Noise Impacts

Potential visual, dust and noise impacts associated with the construction phase of the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.9. Services

Water supply, solid waste removal and electricity supply, have been confirmed by the City of Cape Town in their correspondence dated 11 February 2021 and 18 February 2022, respectively.

The proposed site is within the Macassar Wastewater Treatment Works (WWTW), which cannot accept additional inflow. However, upgrades to the WWTW are planned for completion in December 2025. In light of the above, an on-site wastewater treatment facility with a throughput capacity of approximately 6 kilolitres per day will be developed as part of the proposed development. A total storage capacity of 12 000 litres will be available as part of the treatment facility.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Loss of public open space;
- Potential freshwater impacts; and
- Potential visual, dust and noise impacts during the construction phase.

Positive impacts include:

- Improved educational awareness for the surrounding community;
- Improved green infrastructure;
- Some employment opportunities during construction and operational phase of the proposed development; and
- Economic development (i.e. tourism activities).

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.

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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