



REFERENCE: 16/3/3/1/A6/82/2009/20
NEAS REFERENCE: WCP/EIA/0000732/2020
DATE OF ISSUE: 16 November 2021

The Board of Directors
Country Club Holdings (Pty) Ltd.
Postnet Suite 254
Private Bag X1
MELROSE ARCH
2076

Attention: Mr. John Bayett

E-mail: johnbayett@gmail.com

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED INFILLING AND DIVERSION OF A STREAM AND CLEARANCE OF INDIGENOUS VEGETATION ON ERF NO. 177476, ST JAMES.

1. With reference to the above application, the competent authority 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 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties 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 procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Nicholas Arnott (SLR Consulting (South Africa) (Pty) Ltd.)
(2) Mr. Andy Greenwood (City of Cape Town)

E-mail: narnott@slrconsulting.com
E-mail: Andrew.greenwood@capetown.gov.za



ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED INFILLING AND DIVERSION OF A STREAM AND CLEARANCE OF INDIGENOUS VEGETATION ON ERF NO. 177476, ST JAMES.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated March 2021.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Country Club Holdings (Pty) Ltd.
c/o Mr. John Bayett
Postnet Suite 254
Private Bag X1
MELROSE ARCH
2076

Tel.: (011) 472 0535
E-mail: johnbayett@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 19: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</i> 	<p>More than 10m³ of material will be removed/deposited from an unnamed watercourse traversing the site.</p>

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <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>i. Western Cape</p> <ul style="list-style-type: none"> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such</i> 	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p style="text-align: center;"><i>removal will occur behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</i></p>	
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The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

Erf No. 177476, St James will be subdivided into three portions, with a larger upper remaining portion (for the approved house) and two additional portions located lower down the slope. A 10m development setback buffer will be established along the eastern boundary of Portions 1 and 2 (measured from the property boundary) and an additional 10m storm water buffer be included on the southern boundary of Portion 1.

The proposed 10m development setback buffer along the eastern boundary of Portions 1 and 2 will accommodate the seasonal watercourse that traverses the property along the eastern boundary of the erf.

Each subdivided portion will be as follows:

Portion number	Size in m²
1	2140
2	1676
3 (the remainder of the erf)	4270

The western arm of the seasonal watercourse will be diverted (approximately 27m in length) into its historical channel (*i.e.*, the eastern arm) which runs along the eastern edge of the proposed Portion 1. The headwall will be relocated to a new position adjacent to the eastern boundary of the erf, located approximately 13m from the lower boundary of Portion 1. The new headwall will divert the watercourse into a new underground closed culvert to be located diagonally across Portion 1 to link into an existing underground culvert situated in the access servitude positioned on the western boundary of the lower portion of Erf No. 177476.

Approximately 11m² of high-quality riparian vegetation will be cleared, as well as approximately 140m² of riparian vegetation dominated by alien vegetation.

Potable water for the subdivided portions will be obtained from the existing 315mm diameter municipal water pipeline situated in Main Road. A water pipeline will be installed in the existing access servitude to service both portions. Sewerage for the two additional portions will connect to the existing sewer line in Main Road via a sewerage pipeline located in the existing access servitude from Main Road.

The existing driveway will be used to provide access to Portion 2, while Portion 1 will obtain access from Main Road via the existing servitude adjacent to the south-western section of the erf (closest to Main Road).

Since details are not yet available for the future house on the proposed Portion 1, the necessary approvals will need to be obtained prior to the development.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Erf No. 177476, St James.

Erf No. 177476, St. James extends from Boyes Drive downhill towards the Main Road (M4).

The SG 21-digit code is: C01600070017747600000

Co-ordinates:

Latitude: 34° 06' 59.63" S

Longitude: 18° 27' 32.24" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

SLR Consulting (South Africa) (Pty) Ltd.
c/o Mr. Nicholas Arnott / Mr. Edward Perry
P.O. Box 10145
CALEDON SQUARE
7905

Tel.: (021) 461 1118

E-mail: narnott@slrconsulting.com / eperry@slrconsulting.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated March 2021 on the site as described in Section C above.
2. Authorisation of 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 activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 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 ("I&APs") 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 I&APs 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 I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs 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 I&APs 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 I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14, 22.1 and 22.4.

Management of activity

10. The draft Environmental Management Programme ("EMPr") dated March 2021 (as compiled by SLR Consulting (South Africa) (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation is hereby 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 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 also 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 phase to ensure compliance with the

provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three (3) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.7 include a photographic record of the site applicable to the audit; and
- 16.8 be informed by the ECO reports.

17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface 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.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. 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; shipwrecks; 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.

- 20.1 The subdivision of Erf No. 177476 into three portions must conform with the cadastral character of its "identity area".
 - 20.2 The landscaping proposals to mitigate the visual impact of the stone retaining walls of the platform for the residence on Portion 3 (plans approved by the City of Cape Town on 13 June 2017) must serve to soften, recede and cohere with the townscape of St James to an acceptable degree.
 - 20.3 The topographically-sensitive design for the proposed residence on Portion 2 must be implemented.
 - 20.4 Any development on Portion 1 must be subjected to the prescribed approval processes in its time.
21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
 22. All the recommendations provided in the Freshwater Impact Assessment Report dated 05 February 2020 and compiled by EnviroSwift, as included in the EMPr, must be implemented. However, the following must also be implemented:
 - 22.1 The edge of the areas where construction will take place, as well as the required minimum impact access routes, must be demarcated as directed by the ECO, with mesh fencing fitted with shade-cloth or a similar material.

- 22.2 Access to the non-construction areas is not allowed without the express permission of the ECO.
- 22.3 The danger tape or other demarcation material must be removed after construction is completed.
- 22.4 A search and rescue of indigenous plant species must be undertaken prior to the clearing of any portion of the watercourse.
- 22.5 Where possible, plants suitable for replanting must be replanted in a similar hydrological zone elsewhere in the watercourse under instruction from the ECO.
- 22.6 All alien vegetation (including non-invasive species in accordance with the Duty of Care principle) must be cleared and vegetative rehabilitation of the remaining riparian areas within the site must be undertaken with locally occurring, appropriate indigenous vegetation.
- 22.7 A suitable barrier (e.g. mesh fence fitted with shade cloth) must be installed along the edge of the riparian area to prevent soil and debris from falling from the construction areas into the watercourse and its associated riparian area.
- 22.8 The ECO must indicate suitable locations for the stockpiling of construction materials and these materials may not be located within 5m of the edge of the site's riparian areas.
- 22.9 The riparian areas on the site must be revegetated, as follows:
 - 22.9.1 Revegetate parts of the riparian zone that have been cleared as a result of construction activities immediately after the dwellings and associated services have been constructed.
 - 22.9.2 Establish only locally occurring and suitable indigenous plants in accordance with the planting list provided in the Botanical Specialist Report.
 - 22.9.3 Provide for irrigation of revegetated areas during the establishment phase, particularly if it takes place during the hot, dry summer months.
- 22.10 Where possible, undertake site clearing in early summer (November to March) and initiate the construction of dwellings and landscaping as quickly as possible thereafter, to minimise runoff from the construction site.
- 22.11 If site clearing cannot be undertaken in early summer, erosion fences must be installed along the boundary of cleared areas which abut or fall within the steep slopes of the ravine.
- 22.12 The ECO must designate the access route to be used by workers and any vehicles if access to the no-go area is unavoidable.
- 22.13 The ECO must designate the area to be used for stockpiling within the site's footprint, which must be at least 2m outside of the ravine.
- 22.14 Soil stockpiles must be protected from erosion, if required, using a tarp or erosion blankets.
- 22.15 The ECO must on a weekly basis check the erosion control measures to ensure they are still intact (and cleared of sediment) for the full duration of the construction phase.
- 22.16 The ECO must check the site on a regular basis for signs of erosion damage and sedimentation after every heavy rainfall event.
- 22.17 Should erosion or sedimentation be evident, immediate corrective measures must be undertaken under instruction from the ECO.
- 22.18 Any part of the riparian and instream area that has been damaged as a result of construction activities must be suitably and timeously rehabilitated to the satisfaction of the ECO.

- 22.19 Materials or machinery may not be temporarily stored within 5m of the edge of any riparian area.
 - 22.20 The ECO must designate the site for the temporary storage of construction materials and the parking of construction vehicles and machinery.
 - 22.21 Should construction materials and parking of construction vehicles and machinery take place at an alternative site, it must not be closer than 5m of any riparian area, and must be in consultation with the ECO.
23. The following recommendations provided in the Visual Impact Assessment Report dated January 2020 and compiled by Karen Hansen Landscape Architect, as included in the EMPr, must be implemented:
- 23.1 Any future development must include landscaping with locally indigenous species, which include:
 - 23.1.1 Trees such as Cape sumach (*Osyris compressa*), rock candlewood (*Maytenus oleoides*), Cape Tree Erica (*Erica tristis*), seegwarrie (*Euclea racemosa*), real yellowwood (*Podocarpus latifolius*) and ironwood (*Olea capensis*).
 - 23.1.2 Pincushion (*Leucospermum concorpodendron*) and Cape saffron (*Cassine peragua*).
 - 23.1.3 Shrubs such as bietou (*Osteospermum moniliferum*), *Phylica buxifolia*, bloukoeniebos (*Searsia glauca*), blinktaaihos (*Searsia lucida*), korentebos (*Searsia tomentosa*), keurblom (*Podalyria calypttrata*) and September bush (*Polygala myrtifolia*).
 - 23.2 Only dark neutral colours must be used for the roofs; if profile roof sheeting is used it must be finished in a dark, matte colour.
 - 23.3 The building line around the site perimeter must be used for shielding planting.
 - 23.4 Since the effectiveness of the shielding function of the existing vegetation will be reduced during building works, the vegetation must be replaced by planting with endemic species, as soon as practicable, to shield the proposed development from existing residential buildings.
 - 23.5 The following is required for the proposed Portions 1 and 2:
 - 23.5.1 Climbing plants to rapidly cover any retaining walls.
 - 23.5.2 The built form must be re-positioned further away from the 3m building line (along the northwestern boundary).
 - 23.5.3 To have regard for the local sense of place, a greater proportion of the erf must be treated as soft, or the areas that can be planted must be integrated better with the built form.
 - 23.5.4 Landscape buffers are required for the layout.
 - 23.5.5 Planting in advance of the construction works must be considered, where practical.
 - 23.6 Floodlighting must be avoided, and no lighting may shine towards neighbouring dwellings, or upwards.
 - 23.7 Lower output lamps must be used and light sources must be shielded from neighbours.
 - 23.8 Security lighting must be designed to respond only to public and private safety to reduce the visual impact of lighting at night.
 - 23.9 Timber screens such as pergolas are required over extensive areas of fenestration, to reduce sun-flashing off glazed surfaces as much as possible in the early mornings.
 - 23.10 High-quality security fences must be used where fences will be erected and the fences must be semi permeable, black, unclimbable and uncuttable, e.g., "Cochrane Clear Vu".

- 23.11 Construction activities may not occur outside normal working hours due to the proximity of houses.
- 23.12 The site vehicle entrance must have adequate traffic control measures, signage, and dust control measures.
- 24. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 24.1 Dual-flush toilet systems.
 - 24.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 24.3 Water-wise landscaping must be done.
- 25. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 25.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 25.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Streetlights must be switched off during the day.
 - 25.3 All geysers must be covered with geyser "blankets".
 - 25.4 The installation of solar water heaters and solar panels must be considered for all buildings.
- 26. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

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.

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:

Amendments to the EMPr, other than those mentioned above, must be done 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 a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered 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 and the responding statement must be submitted to the address listed below:

By post: Attention: Mr. 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 also 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 Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 16 NOVEMBER 2021

CC: (1) Mr. Nicholas Arnott (SLR Consulting (South Africa) (Pty) Ltd.)
(2) Mr. Andy Greenwood (City of Cape Town)

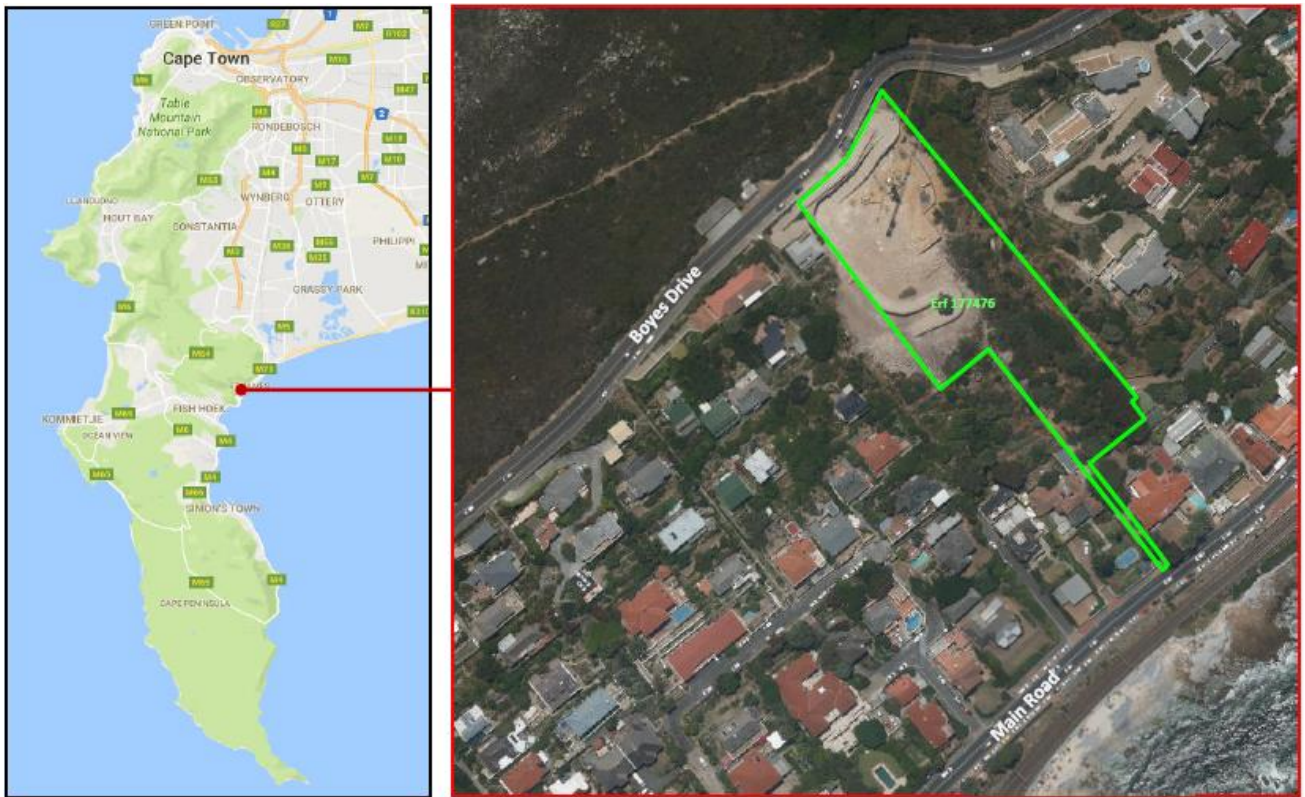
E-mail: narnott@slrconsulting.com
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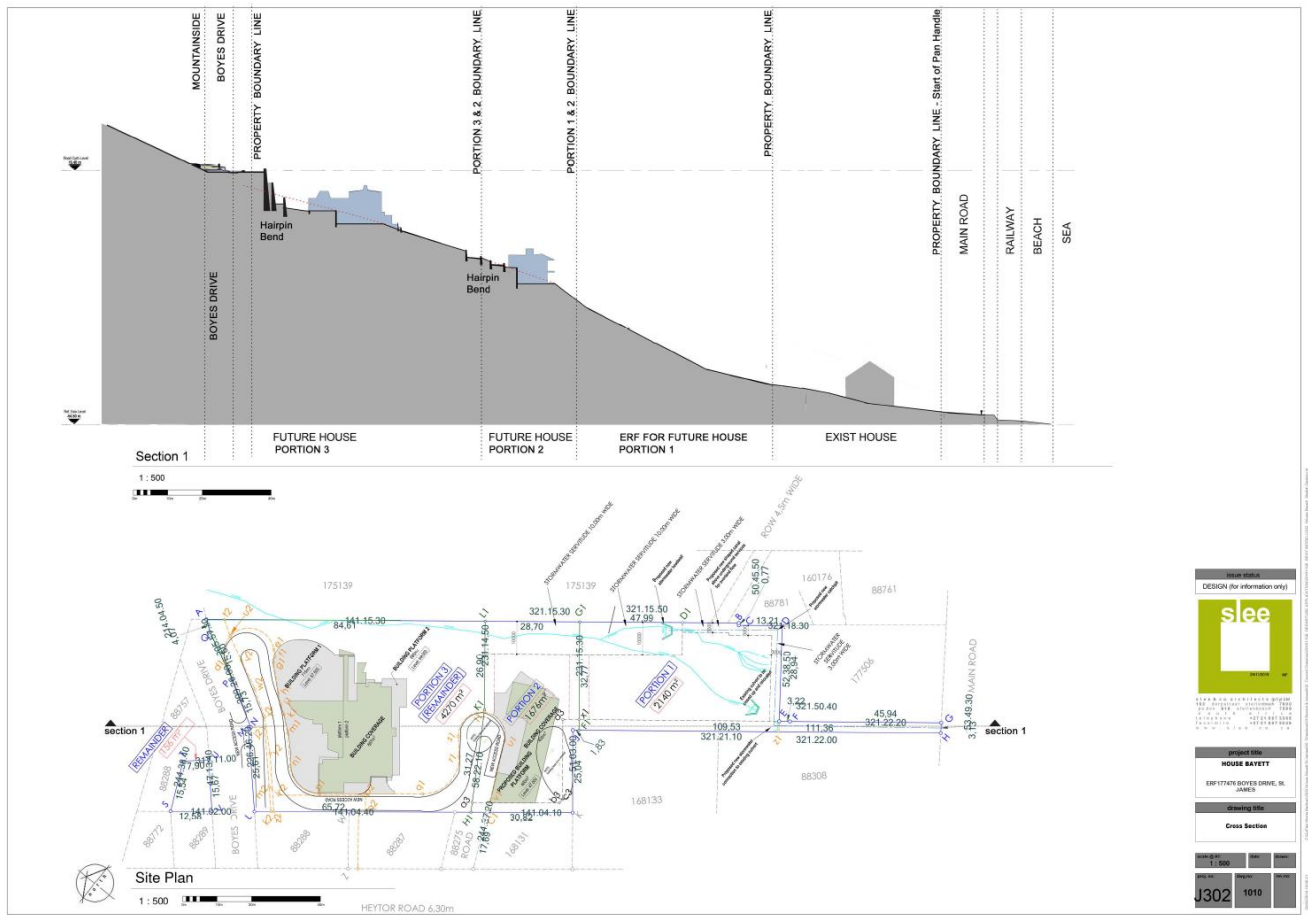
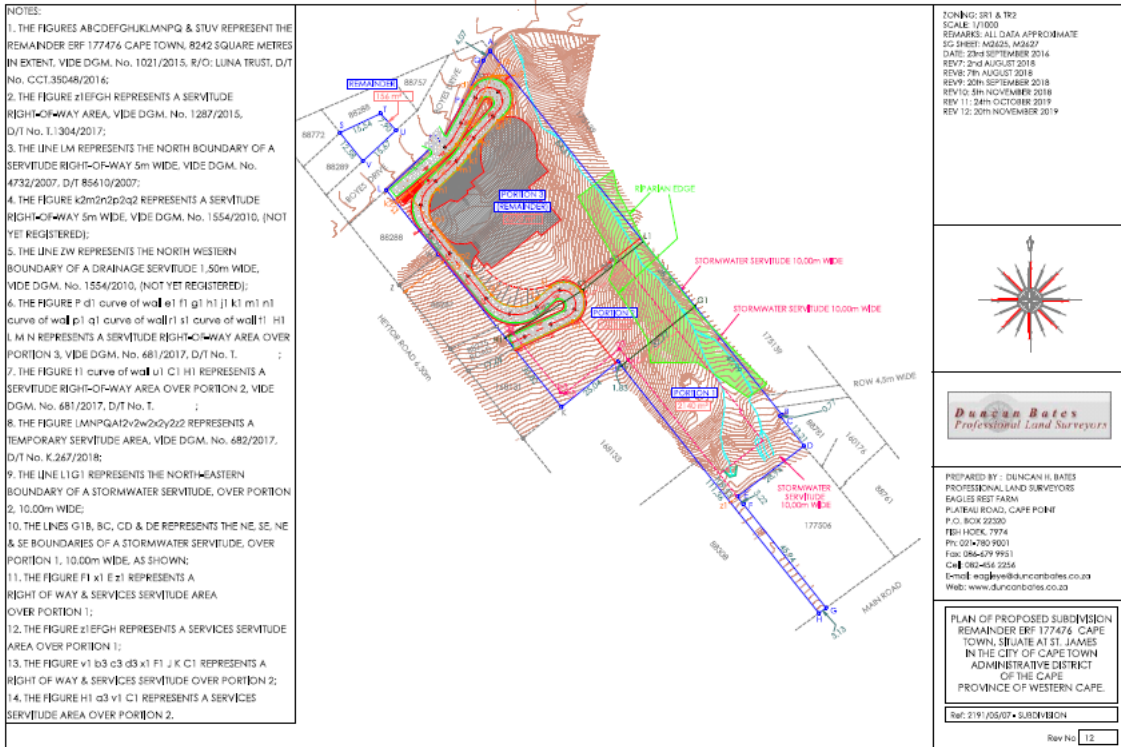
EIA REFERENCE NUMBER: 16/3/3/1/A6/82/2009/20
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000732/2020

ANNEXURE 1: LOCALITY PLAN

Location of the site immediately below Boyes Drive in St James:



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated and received by the competent authority on 21 February 2020; the BAR dated March 2021; the EMPr submitted together with the BAR; and the comment from Heritage Western Cape dated 19 August 2021, as received by the competent authority via electronic mail correspondence on 20 August 2021;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated March 2021;
- d) 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 comprised of the following:

- An advertisement was placed in the "False Bay Echo" newspaper on 20 February 2020;
- Notices were placed on site on 21 February 2020;
- Notification letters containing an Executive Summary were sent via e-mail and post on 20 February 2020 to announce the availability of the draft BAR;
- Copies of the draft BAR were placed at the Fish Hoek Public Library and on the website of SLR Consulting (South Africa) (Pty) Ltd., on 20 February 2020;
- The draft BAR made available from 21 February until 23 March 2020;
- Notification letters containing an Executive Summary were sent via e-mail and post on 09 and 10 February 2021 to announce the availability of the revised draft BAR;
- Copies of the revised draft BAR were placed on the website of SLR Consulting (South Africa) (Pty) Ltd., on 10 February 2021; and
- The revised draft BAR was made available from 09 February 2021 until 11 March 2021.

Authorities consulted

The authorities consulted included the following:

- Heritage Western Cape;
- Department of Water and Sanitation;
- Western Cape Department of Transport and Public Works;
- South African National Parks;
- CapeNature; and
- City of Cape Town.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the objections, comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following layout alternatives have been investigated:

Original layout:

In this alternative the site will be subdivided into five portions (four new additional portions and the remainder of the existing erf) and a 10m development setback from the existing northeastern boundary of Portions 2 and 3. The following changes to the seasonal watercourse are also proposed:

- On Portion 2, the southwestern branch of the stream will be diverted to link to the stream portion on the southeast. A headwall will be constructed at the eastern corner of Portion 2 to divert the remaining section of the watercourse into a closed culvert that will link into a storm water pipe. The pipe will be installed along the southwestern edge from Portions 3 and 4 to link into the existing culvert located along the access servitude; and
- Due to the culvert diversion on Portion 2, the stream will no longer flow across Portion 1.

Layout 2:

This layout includes a standard common boundary building line restriction of 3m for Portions 1 to 4 and changes to the stream.

The proposed changes to the watercourse entails the following:

- At the northeastern corner of Portion 3, a new headwall will be constructed to divert the flow into an underground closed culvert. The closed culvert will be located along the northeastern boundary of the erf until it reaches the boundary of Portion 2. From there it will be diverted along the boundary of Portion 2 in a southwesterly direction until it reaches the southwestern boundary of the erf, where it will link into the existing culvert situated in the access servitude;
- In addition to the proposed closed culvert, a formal shaped channel lined with a gabion mattress will be constructed on the surface (above the closed culvert) to cater for storm water generated on the subdivided Portions 2 and 3 and from any surrounding properties, as well as any overflows in case of blockages in the closed culvert. The channel will allow for the continuation of some aquatic ecosystem functionality along the current watercourse location; and
- Storm water generated on Portion 1 (or flowing onto this Portion from surrounding properties) will follow the natural gradient of the site and be collected into the existing culvert situated in the access servitude on the south-western corner of this portion.

This layout was discarded due to technical challenges which entail the following:

- The steep-sloping topography severely constrains the available working areas on the site; and
- There is limited available lay-down areas outside of the site due to the neighbouring houses and busy roads (Main Road and Boyes Drive) surrounding the site.

Layout 3:

This layout entails the subdivision of the existing erf into three portions, with the larger upper remaining portion and two additional portions located lower down the slope. A 10m development setback buffer is proposed along Portion 2 and the upper half of Portion 1. To accommodate the required building platform on Portion 1, the southwestern branch of the seasonal watercourse will be diverted to link to the stream portion on the southeast and a headwall will be constructed to divert the lower section of the seasonal watercourse into a closed culvert that will link into a storm water pipe. Due to the proposed culvert diversion, the lower portion of the seasonal watercourse will no longer flow across the lower part of Portion 1.

Preferred layout alternative – herewith authorised:

Erf No. 177476, St James will be subdivided into three portions, with a larger upper remaining portion (for the approved house) and two additional portions located lower down the slope. A 10m development setback buffer will be established along the eastern boundary of Portions 1 and 2 (measured from the property boundary) and an additional 10m storm water buffer be included on the southern boundary of Portion 1.

The proposed 10m development setback buffer along the eastern boundary of Portions 1 and 2 will accommodate the seasonal watercourse that traverses the property along the eastern boundary of the erf.

Each subdivided portion will be as follows:

Portion number	Size in m ²
1	2140
2	1676
3 (the remainder of the erf)	4270

The western arm of the seasonal watercourse will be diverted (approximately 27m in length) into its historical channel (*i.e.*, the eastern arm) which runs along the eastern edge of the proposed Portion 1. The headwall will be relocated to a new position adjacent to the eastern boundary of the erf, located approximately 13m from the lower boundary of Portion 1. The new headwall will divert the watercourse into a new underground closed culvert to be located diagonally across Portion 1 to link into an existing underground culvert situated in the access servitude positioned on the western boundary of the lower portion of Erf No. 177476.

Approximately 11m² of high-quality riparian vegetation will be cleared, as well as approximately 140m² of riparian vegetation dominated by alien vegetation.

Potable water for the subdivided portions will be obtained from the existing 315mm diameter municipal water pipeline situated in Main Road. A water pipeline will be installed in the existing access servitude to service both portions. Sewerage for the two additional portions will connect to the existing sewer line in Main Road via a sewerage pipeline located in the existing access servitude from Main Road.

The driveway will be used to provide access to Portion 2, while Portion 1 will obtain access from Main Road via the existing servitude adjacent to the south-western section of the erf (closest to Main Road).

Since details are not yet available for the future house on the proposed Portion 1, the prescribed approval processes are applicable and must be followed.

This is the preferred alternative as it allows for a longer ecological corridor along the eastern boundary of the site and a shorter length of the eastern arm of the watercourse will be lost (approximately 13-14 m). Furthermore, the preferred layout accommodates the anticipated flow within the watercourse, as well as runoff from the future houses, while also providing an overland escape route for higher order storm events, thereby mitigating flood risks of the neighbouring downstream house.

“No-Go” Alternative:

This alternative entails maintaining the *status quo* and as such, the site will not be subdivided and the stream will not be diverted. This alternative was not deemed as preferred as the

proposed development will augment the economic activities, and the benefits to the holder and creation of jobs would not be realised. The “no-go” alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

It is proposed to subdivide Erf No. 177476, St James, into three portions comprising of a larger upper remaining portion and two additional portions located lower down the slope. In June 2017, the holder obtained approval from the City of Cape Town to build a house and driveway on the upper portion of the site. The driveway and service infrastructure are already in place.

Since the subdivision of the site will lead to infill development within an existing residential area, the proposed development is considered to be consistent with Spatial Policy S1 of the Western Cape Provincial Spatial Development Framework, 2014.

In terms of the Municipal Spatial Development Framework (“MSDF”), 2018, the site is located within a designation “*Incremental Growth and Consolidation Areas*”. The desired spatial outcomes of these areas include, amongst others:

- Incremental intensification (density and diversity) via subdivisions/second and third dwelling and rezoning; and
- Maintenance of existing infrastructure and development according to infrastructure capacity and associated capex/lifecycle costs.

The proposed subdivision of the site is considered to be in line with the above-mentioned desired spatial outcomes for “*Incremental Growth and Consolidation Areas*” identified in terms of the MSDF, 2018.

2.2 Botanical impacts

A Botanical Assessment Report dated September 2018 and Addendum letter dated 30 November 2018 were compiled by Bergwind Botanical Surveys & Tours to assess the botanical impacts of the proposed development.

According to the botanical assessment, the greater part of Erf No. 177476 contains intact Peninsula Sandstone Fynbos, whilst the remaining areas are disturbed to varying degrees. The intact vegetation grades into semi-intact vegetation where past disturbance is evident or where invasive alien species have outcompeted the natural vegetation. Invasive alien plants occur across the entire site, but have not invaded to the point of compromising the overall ecological functioning. Invasive alien plants include Port Jackson Willow, stinkbean, Australian myrtle and cluster pine.

The vegetation that occurs along the ridgeline that runs parallel to the drainage line is somewhat different to the vegetation within the drainage line. It is not forest or riparian as no wetland or riverine indicators are present.

The vegetation next to the road and in the ravine above Old Boyes Drive contains Outeniqua yellowwood and wild plum, which are not locally indigenous species, but resemble forest. These species are neither a reflection of the natural vegetation of the area. The Outeniqua yellowwood may have been planted, but could have established via bird dispersal. The presence of the incipient forest species, keurboom in the drainage line just below the retaining wall below Old Boyes Drive, is indicative of a lack of fire with resultant precursor forest species emerging.

The presence of several fire-resilient rock candlewood confirms that the habitat is more akin to fynbos than forest. The affected vegetation type parallel to and along the seasonal watercourse is Peninsula Sandstone Fynbos and not forest.

The endangered status of Peninsula Sandstone Fynbos raises the overall conservation value and since the vegetation is mostly intact, the natural vegetation has high conservation value. The high numbers of Cape Tree Erica are viewed as valuable and important, however, the species is abundant on the slopes above Boyes Drive. The individuals of rock candlewood are also viewed as important due to their old age and ecological value.

The site is located within a residential area and surrounded by existing development and has limited connectivity to the adjacent Table Mountain National Park. The potential botanical impacts were identified as being of low negative significance post mitigation. The botanist recommended that development should only be approved with the condition that any future development should include landscaping with locally indigenous species. This recommendation has been included in the conditions of this Environmental Authorisation.

3.3 Freshwater Impacts

A Freshwater Impact Assessment Report dated 05 February 2020 was compiled by EnviroSwift to assess the freshwater impacts of the proposed development.

An unnamed non-perennial stream flows along the eastern boundary of the site. The stream then flows south-westward within the proposed Portion 1 and is then channelled into an underground culvert via an existing headwall which conveys flow off-site, under Main Road, and finally discharges into the sea.

A historical channel along the eastern boundary of Portion 1 was observed, which may have been a side stream, or the primary channel. However, the historical channel has been subjected to significant historical infilling and earthworks, and no longer flows. The stream splits into two arms within Portion 1. It is suggested that the eastern arm was the original path of flow and that the western arm was created to divert the stream and allow for construction of the house immediately downslope of the site that otherwise would have been in the direct path of the watercourse.

The historical (eastern) channel will be re-established, rather than diverting the entire stream into a culvert. The reinstatement of the historical (eastern channel) requires extensive reshaping, rehabilitation and moving the existing headwall to the northern boundary of the site.

Where the stream enters the site, it flows inside a deep ravine. At the bottom of the site the stream is diverted into a culvert, which carries flows under the driveway of the house on the property immediately downslope of the site, across Main Road to its discharge into the ocean at False Bay. The stream is likely to flow episodically and generally lacks base flow.

The stream channel of the western arm is substantially deeper than that of the upper stream and shows signs of erosion. The channel cuts straight through several high points in the local topography and, just before it reaches the culvert, flows over a broad, almost flat area hardened by packed rock and builder's rubble where no defined stream channel exists.

The stream channel along the eastern arm is not well defined and excavations resembling terraces are signs of an attempt to fill in the historical watercourse with the locally sourced fill material. Although evidence of flow exists in places, it is clear that flow has been infrequent in recent years with much of the channel being poorly defined and overgrown.

The eastern arm is characterised by the bulk of the alluvial deposits for the entire watercourse and by the oldest and largest of the indigenous riparian trees. While the upper part of the western arm is largely covered by a canopy of indigenous riparian trees, few trunks grow near to its eastern bank, and none have established on its western bank. When only trunks are taken into account, its entire riparian zone is characterised by relatively young alien invasive species.

A buffer width of 15m was initially proposed for the construction and operational phases, but is not regarded as feasible along large areas of the stream, and can only be implemented along certain parts of the watercourse, since the proposed development will encroach on the riparian zone in places.

A 10m development setback buffer, as measured from the eastern boundary of Portions 1 and 2 will be established along Portion 2 and the upper section of Portion 1. This will provide a sufficiently large building platform on Portion 1. A buffer measured from the boundary of the riparian zone is not feasible as it encompasses the majority of Portion 1, particularly in the lower half of the site.

The stream channel and riparian zone will be well conserved given the proposed layout and 10m wide 'no-go' zone from the property boundary to accommodate the reinstatement of the eastern arm (likely the original flow path). Future development of the portions will allow some additional terrestrial land between the outer edge of the riparian zone and the proposed infrastructure which will remain in a green, 'soft' state which acts as a partially effective buffer zone for the stream.

Nepid Consultants reviewed the Freshwater Impact Assessment Report prepared by EnviroSwift. The review concluded that the EnviroSwift (2020) report is comprehensive and the specialist has applied their mind and considered all the available and relevant information.

The freshwater specialist study concluded that the system is moderately modified, lacks Species of Conservation Concern and is of moderate Ecological Importance and Sensitivity. The freshwater impacts associated with the proposed development were identified as low negative post mitigation.

The freshwater specialist's recommendations have been included in the conditions of this Environmental Authorisation and the EMPr.

3.4 Heritage impacts

A Heritage Impact Assessment Report dated 23 October 2020 and revised Heritage Impact Assessment dated 30 June 2021, were compiled by Professor Walter Peters Architect & Heritage Practitioner, to assess the heritage impacts of the proposed development.

Erf No. 177476 is situated within the Muizenberg-St James-Kalk Bay Heritage Protection Overlay Zone. Despite this status, the 'External Map Viewer' of the City of Cape Town reveals that the area higher up and lining Boyes Drive, in which all but the panhandle

entry of Erf No. 177476 is situated, is deemed 'not conservation-worthy', a status already determined in 1993. Heritage resources lying at the foot of the site are unaffected by the proposed development.

Most of the buildings within St James are over sixty years of age. Unusually, many appear to be architect designed and reflect changing fashions in design, of construction and use of materials, including natural stone quarried locally.

The string of heritage resources that line Main Road lies on the lowest contours of St James. The proposed higher lying development, detached and nestled in dense greenery, is unlikely to impact on the resources lining Main Road.

Heritage Western Cape indicated in a letter dated 19 August 2021 that they endorse the revised Heritage Impact Assessment prepared by Professor Peters as meeting the requirements of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 1999). Furthermore, the Committee supports the recommendations of the Heritage Impact Assessment, as follows:

1. The subdivision of Lot 177476 into three portions conforms with the cadastral character of its 'identity area';
2. The landscaping proposals for visually mitigating the impact of the stone retaining walls of the platform for the residence on the proposed Portion 3 serves to soften, recede and cohere with the townscape of St James to an acceptable degree;
3. The topographically-sensitive design for the proposed residence on Portion 2 is considered appropriate for development of the site abutting the natural environment with ravine and seasonal stream, and that in terms of Section 38(4)(a) consent is given for the development to proceed;
4. Any development on Portion 1 be subjected to the prescribed approval processes in its time. However, the conceptual proposals as articulated in Appendix D respond positively to the environmental and contextual constraints of Portion 1 and provide an acceptable basis for its development.

These recommendations have been incorporated in the conditions of this Environmental Authorisation.

3.5 Visual impacts

A Visual Impact Assessment Report dated January 2020 was compiled by Karen Hansen Landscape Architect, to assess the visual impacts of the proposed development.

The visual impact of the site is limited locally, due to terrain, to adjacent houses, Boyes Drive, the Table Mountain National Park, users of Main Road, the rail line, and the coast. Certain local adjacent dwellings will be impacted, despite their main views being towards the bay, as all have side windows and private outside spaces facing towards the site.

The surrounding established residential area provides a sense of place. Houses vary in height, extent, numbers of storeys and architectural styles because the locality has been developed over time. The sense of place is also identified by the consistent steep terrain, the mountain backdrop, and the views of the coast.

The landscape character of the site is somewhat cluttered by vegetation and variations in terrain. The landscape character of the immediate locality is low density residential, with gardens big enough to support trees, on a steeply sloping hillside with good views to the sea. There is a great deal of visual clutter from the built form as the majority of

the houses are different, and there are also many necessary retaining walls, roads, footpaths and steps. Receptors looking up from Main Road and the beach recreation areas will experience an impact. Vehicle users of Boyes Drive Scenic Route will not have a clear view of the proposed development as their view of the bay will remain unimpeded. However, pedestrians can be more visually aware of the proposed development.

The sensitive receptors are the occupiers of several local, neighbouring residential buildings, each side of the site, but the focus of their view will still be a clear view of the bay.

The site is not clearly seen from many locations because the view is foreshortened from both Main Road and Boyes Drive due to the steep slope, in addition to many shielding objects breaking up the view. However, at present the site provides an approximately 70m wide undeveloped and vegetated strip surrounded by houses, and this provides both a 'visual signpost' and variety in the townscape. The site is only visually exposed to its immediate neighbours, and lateral views are short. Views towards the sea to the southeast, are long. The significance of the site is measured by its relationship with the adjacent housing and roads.

Existing, adjacent dwellings will be visually impacted upon. The site is not clearly seen from Boyes Drive because of the steepness of the slope and the existing wall, but is visible from parts of Main Road. Due to the density of dwellings in the locality and also shielding planting, it is anticipated that the visual envelope will extend laterally for up to 100m from the site boundary, but open out towards the coast.

The visibility of the proposed development will be constrained by terrain, some tree cover and built form. The degree to which it will be visible is determined by its extent and location, and is moderated by:

- Distances over which the proposed development will be seen;
- Weather and season conditions; and
- Surrounding land uses and land cover in the local landscape.

The adjacent residential dwellings sharing a property boundary with the site will experience a visual exposure rated high, due to proximity to the subdivided portions. Other local residential dwellings, within 100m, may experience some exposure, which is rated as moderate. Users of Boyes Drive, Main Road, coastal recreational areas, and users of the Table Mountain National Park can experience a low visual impact as the proposals for the subdivided portions will not be particularly noticeable.

The main retaining wall has been constructed of dressed natural stone and the colour is a light buff. It is visible due to its height and colour. It has been built of the same or very similar stone as the retaining wall along Boyes Drive which is old and much darker because it is weathered.

The potential visual impacts of the site can be mitigated with the implementation of mitigation measures which mainly relate to the architecture of the proposed built form, and the capacity of the site to offer opportunities for replanting. The proposed development will have a moderate visual impact before mitigation and moderate to low impact when planting has established.

3.6 Dust, traffic and noise impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential impacts on aquatic ecosystems;
- Potential noise, heritage and visual impacts; and
- Loss of indigenous vegetation.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development; and
- Contribution to the local economy.

National Environmental Management Act Principles

The National Environmental Management Act 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.

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 NEMA 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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