



**REFERENCE:** 16/3/3/1/F5/16/2062/21  
**NEAS REFERENCE:** WCP/EIA/0001021/2021  
**DATE OF ISSUE:** 15 July 2022

The Municipal Manager  
Swartland Municipality  
Private Bag X52  
**MALMESBURY**  
7299

**Attention: Mr. Joggie Scholtz**

E-mail: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

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 DEVELOPMENT OF A SECONDARY SCHOOL AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF ERF NO. 327, MALMESBURY.**

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. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd.)  
(2) Mr. Alwyn Burger (Swartland Municipality)  
(3) Mr. André Oosthuizen (DEA&DP: DDF)

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## **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 DEVELOPMENT OF A SECONDARY SCHOOL AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF ERF NO. 327, MALMESBURY.**

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 2022.

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

### **A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION**

Swartland Municipality  
c/o Mr. Joggie Scholtz  
Private Bag X52  
**MALMESBURY**  
7299

Tel.: (022) 487 9400  
Fax: (022) 487 9440  
E-mail: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

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><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 27:</b>  <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -</i>  <i>(i) the undertaking of a linear activity; or</i>  <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>
<p><b>Activity 28:</b>  <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i>  <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i>  <i>or</i>  <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</i></p>	<p>The proposed site was zoned for agricultural use on or after 01 April 1998 and is located outside an urban area.</p>

Listed Activity	Activity/Project Description
<p><b>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 12:</b>  <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><b>i. Western Cape</b>  <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></p>	<p>More than 300m<sup>2</sup> of critically endangered vegetation will be cleared.</p>

<p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</p>	
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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:

The proposed development entails the development of a secondary school and associated infrastructure on a portion of the Remainder of Erf No. 327, Malmesbury. A portion of Erf No. 327 will be subdivided into a Portion A (4ha) and a Remainder (766.1666ha). Portion A will be rezoned to Community Zone 1 to accommodate the proposed secondary school and the Remainder will remain unchanged.

The proposed development will consist of several buildings, including *inter alia*:

- An administrative building;
- Four educational building blocks;
- Two technical building blocks;
- A tuck and coffee shop;
- Auditorium;
- A multipurpose sports field and four netball courts;
- Parking; and
- The proposed buildings will be approximately 3250m<sup>2</sup> in size.

The areas where infrastructure will not be established will be landscaped and all services will link and connect to the existing municipal services adjacent to the site. Indigenous vegetation will be cleared and access will be obtained from Hill, Loedolf and Barroca Streets.

### C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on the Remainder of Erf No. 327, Malmesbury.

The SG 21-digit code is: C04600080000032700000

Co-ordinates:

Latitude: 33° 27' 27.80" S

Longitude: 18° 44' 19.09" 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”)**

Enviro-EAP (Pty) Ltd.  
c/o Mr. Nicolaas Hanekom  
P.O. Box 205

**AGULHAS**  
7299

Fax: (086) 435 4691  
E-mail: [nicolaas@enviro-eap.co.za](mailto:nicolaas@enviro-eap.co.za)

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated March 2022 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 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 Environmental Management Programme (“EMPr”).
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 and 14.

## **Management of activity**

10. The draft EMPr dated March 2022 (as compiled by Enviro-EAP (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; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

## **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
  - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2 submit an environmental audit report four (4) 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 with expertise 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.
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. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
    - 22.1 Dual-flush toilet systems.
    - 22.2 All taps must be fitted with water saving devices (i.e., tap aerators, flow restrictors and low flow shower heads).
    - 22.3 Water-wise landscaping must be established.
  23. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
    - 23.1 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.
    - 23.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
    - 23.3 All geysers must be covered with geyser "blankets".
    - 23.4 The installation of solar water heaters and solar panels must be considered for all buildings.

### **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 EMP, 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  
8<sup>th</sup> 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](mailto: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](mailto: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

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**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 15 JULY 2022**

CC: (1) Mr. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd.)  
(2) Mr. Alwyn Burger (Swartland Municipality)  
(3) Mr. André Oosthuizen (DEA&DP: DDF)

E-mail: [nicolaas@enviro-eap.co.za](mailto:nicolaas@enviro-eap.co.za)  
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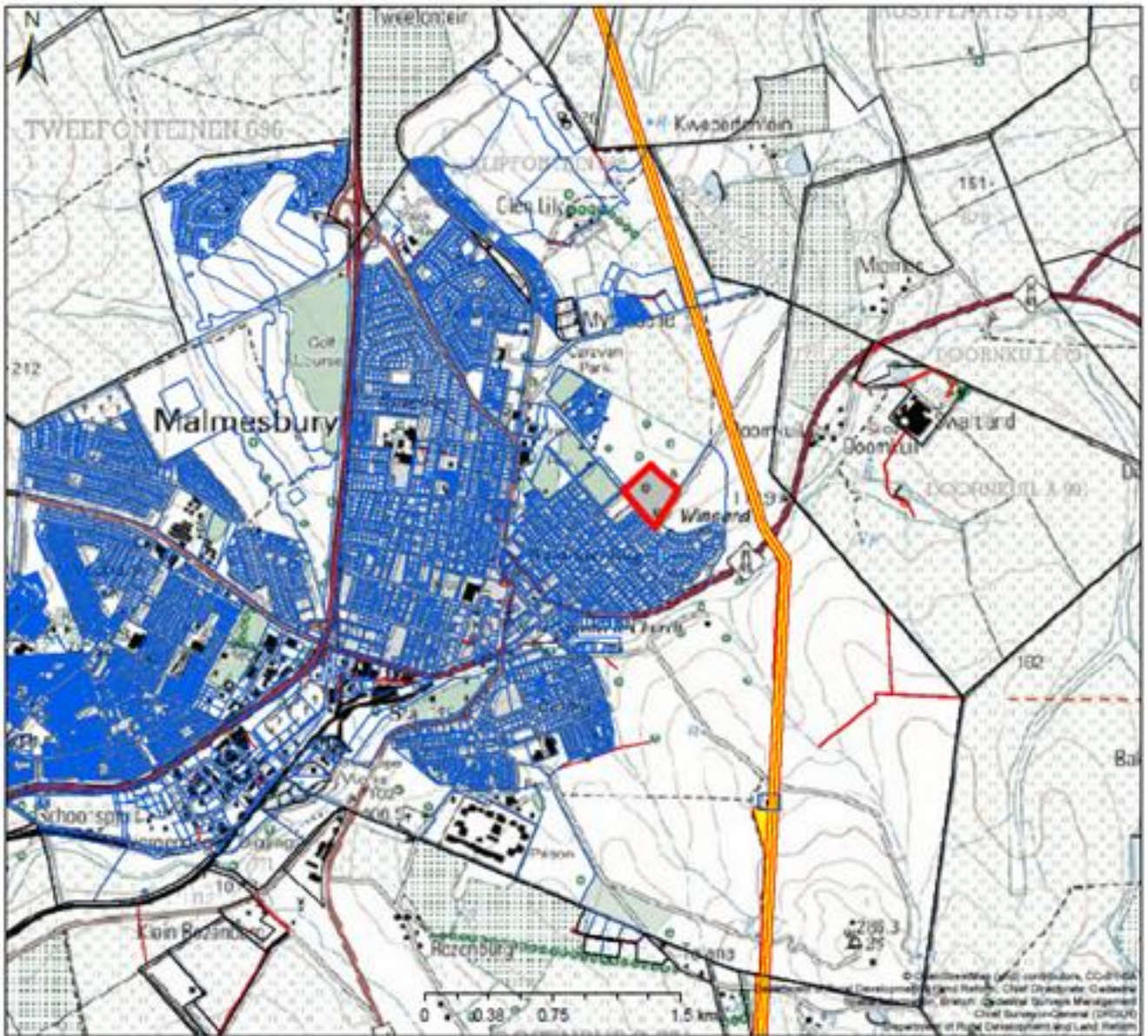
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**EIA REFERENCE NUMBER: 16/3/3/1/F5/16/2062/21**

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# ANNEXURE 1: LOCALITY PLAN



## 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 received by the competent authority via electronic mail correspondence 13 December 2021; the BAR dated March 2022, as received by the competent authority via electronic mail correspondence on 29 March 2022; the EMPr submitted together with the BAR; and the additional information received by the competent authority on 17 May 2022 and 15 June 2022, respectively.
- 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 2022.
- 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 "Swartland Gazette" newspaper on 11 January 2022;
- E-mails were sent on 11 January 2022 to State Departments/organs of state to announce the availability of the draft BAR;
- A notice was placed on site on 20 January 2022;
- E-mails were sent on 11 January 2022, 25 January 2022 and 10 February 2022, respectively, to adjacent landowners;
- An electronic copy of the draft BAR was placed on the website of Enviro-EAP (Pty) Ltd., on 11 January 2022; and
- The draft BAR was made available from 11 January 2022 until 11 February 2022.

#### **Authorities consulted**

The authorities consulted included the following:

- Swartland Municipality;
- West Coast District Municipality;
- Department of Water and Sanitation;
- Western Cape Department of Agriculture;
- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Waste Management;
- DEA&DP Directorate: Pollution & Chemicals Management;
- CapeNature; and
- Heritage Western Cape.

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

## 2. Alternatives

The proposed school will link to the existing school infrastructure and services, therefore, site or property alternatives are not feasible. The design and layout of the school was determined by the Western Cape Department of Education to address the need for secondary schools and to ensure that infrastructure is available.

### Preferred alternative – herewith authorised:

The preferred alternative entails the development of a secondary school and associated infrastructure on a portion of the Remainder of Erf No. 327, Malmesbury. A portion of Erf No. 327 will be subdivided into a Portion A (4ha) and a Remainder (766.1666ha). Portion A will be rezoned to Community Zone 1 to accommodate the proposed secondary school and the Remainder will remain unchanged.

The proposed development will consist of several buildings, including *inter alia*:

- An administrative building;
- Four educational building blocks;
- Two technical building blocks;
- A tuck and coffee shop;
- Auditorium;
- A multipurpose sports field and four netball courts;
- Parking; and
- The proposed buildings will be approximately 3250m<sup>2</sup> in size.

The areas where infrastructure will not be established will be landscaped and all services will link and connect to the existing municipal services adjacent to the site. Indigenous vegetation will be cleared and access will be obtained from Hill, Loedolf and Barroca Streets.

### “No-Go” Alternative:

This alternative entails maintaining the *status quo* and as such, the site will not be developed. The proposed secondary school will thus not be constructed. This alternative was not deemed as preferred, as much needed school infrastructure will not be developed. The proposed development will provide for much needed educational facilities 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

The site is earmarked for institutional uses according to the Swartland Municipality Spatial Development Framework (2019). The site is located within the urban edge. There is a need for expanded school infrastructure and the site is located next to an existing school with infrastructure, hostels, and services.

### 3.2 Biophysical impacts

A Terrestrial Biodiversity Impact Assessment Report; Terrestrial Plant Species Impact Assessment Report and Terrestrial Animal Species Impact Assessment Report dated December 2021, respectively, were compiled by Enviro-EAP (Pty) Ltd., to assess the biodiversity impacts of the proposed development.

A terrestrial Critical Biodiversity Area (“CBA”) is located on the site. The site contains critically endangered Swartland Shale Renosterveld contained in pockets within *Eucalyptus* stands which occupy most of the site.

Approximately 4ha of the site is covered by *Eucalyptus* trees and a golf course historically occurred on the site. The site has a low sensitivity due to the historical disturbances and poor ecological state of some of the renosterveld patches on the site. No species of conservation concern were recorded on the site. *Elytropappus rhinocerotis* and *Eriocephalus africanus* are the species that were recorded on the site.

No species of conservation concern were recorded or observed at the time of the survey or is likely to occur due to habitat loss and the current ecological status of the site and surrounding area.

The studies concluded that the proposed development will have relatively little terrestrial biodiversity and ecological impact and will have a low negative impact post mitigation.

### 3.3 Dust, noise, and storm water impacts

Potential dust, noise and storm water impacts are anticipated during the construction phase. However, no significant potential dust, noise and storm water 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 vegetation; and
- Potential storm water impacts.

#### **Positive impacts:**

- The establishment of educational opportunities on a well located and strategic land parcel;
- Optimal use of available land in accordance with objectives of spatial planning policies applicable to the area; and
- Employment opportunities will be created during the construction phase of the development.

#### **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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