



REFERENCE: 16/3/3/1/A2/22/3014/23
NEAS REFERENCE: WCP/EIA/0001249/2023
DATE: 04 October 2023

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

For Attention: Mr. Rameez Fataar

Tel.: 021 400 4095

Email: rameez.fataar@capetown.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REFURBISHMENT OF THE MUIZENBERG BEACHFRONT ON ERVEN 87374-RE, 87114-RE, 87143, 87142-RE, 87141-RE, 87140-RE, 87139-RE, 87138, 87137, 87158-RE, 87135-RE, 87134-RE, 87144, 87155-RE AND 87130, MUIZENBERG.

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

Yours faithfully

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

Copies to:

- 1) Ms. T. Solomon (Infinity Environmental (Pty) Ltd.)
- 2) Mr. A. Greenwood (City of Cape Town)

E-mail: tarryn@infinityenv.co.za

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REFERENCE: 16/3/3/1/A2/22/3014/23
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REFURBISHMENT OF THE MUIZENBERG BEACHFRONT ON ERVEN 87374-RE, 87114-RE, 87143, 87142-RE, 87141-RE, 87140-RE, 87139-RE, 87138, 87137, 87158-RE, 87135-RE, 87134-RE, 87144, 87155-RE AND 87130, MUIZENBERG.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the final Environmental Impact Assessment Report ("EI R"), dated June 2023.

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

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

The City of Cape Town
Directorate: Spatial Planning and Environment
% Mr. Rameez Fataar
16th Floor, 4 Bay Side
Tower Block, Civic Centre
12 Hertzog Boulevard
CAPE TOWN
8000

Tel.: 021 400 4095

Email: rameez.fataar@capetown.gov.za

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

B. AUTHORISED ACTIVITIES

Listed activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 15</p> <p><i>The development of structures in the coastal public property where the development footprint is bigger than 50 square meters, excluding –</i></p> <ul style="list-style-type: none"> <i>(i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour'</i> <i>(ii) the development of a port or harbour, in which case activity 26 of Listing Notice 2 of 2014 applies;</i> <i>(iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</i> <i>(iv) activities listed in activity 14 of Listing Notice 2 of 2014, in which case that activity applies.</i> 	<p>The proposal includes the development of structures located within the coastal public property where the development footprint is greater than 50 square metres.</p>
<p>Activity Number: 19A</p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i></p> <ul style="list-style-type: none"> <i>(i) the seashore;</i> <i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i> <i>(iii) the sea</i> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(f) will occur behind a development setback;</i> <i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> 	<p>The proposal entails the infilling and depositing of material of more than 5 cubic metres, or the dredging, excavation, removal, or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 5 cubic metres from the seashore, the littoral active zone and within 100m inland of the high-water mark of the sea.</p>

<p>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.</p>	
<p>Activity Number: 52</p> <p><i>The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square meters, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint or the port or harbour and excluding activities listed in activity 23 of Listing Notice 3 of 2014, in which case that activity applies.</i></p>	<p>The proposal entails the expansion of structures within coastal public property where the development footprint will be increased by more than 50 square metres.</p>

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

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

The proposed development entails the construction of infrastructure within coastal public property for the proposed refurbishment of the Muizenberg Beachfront (Surfer's Corner) area as follows:

- The replacement of the existing coastal defence structures (the wooden revetment, concrete seawalls, Surfers' Corner stone steps, and the accompanying promenade) with a new coastal defence structure (and promenade) designed to withstand the impacts of climate change induced sea level rise and landward infrastructure in the area.
- The refurbishment of the public space and facilities landwards of the coastal defence structures. The new coastal defence structure will comprise a concrete stepped revetment and 3m wide promenade. It will replace the entire length of the old coastal defence structures. The use of concrete is necessary in order to sustain the harsh marine conditions and expected increase in wave energy in future and to provide long-term robust coastal defence infrastructure.
- The central promenade will have a universal access ramp onto the beach to allow for greater inclusion and eased adaptive beach and surfing opportunities . The ablutions, showers, play area and entire promenade will be universally accessible. Additionally, a universal access ramp connecting the western parking lot to the promenade will be installed.
- The proposed refurbishment entails the resurfacing of the existing gravel parking area adjacent to the railway line, demarcation of parking bays, and optimisation of traffic movement and circulation. The parking area at the eastern end of the proposed development site (near the Pavilion) will be reconfigured, and additional parking bays will be demarcated.

The proposed refurbishment is comprised of inter alia, the following components:

- Replacement of the existing coastal defence structures;
- Upgrading of parking areas;
- Refurbishment of the ablution facility;
- Redeveloped pergola and playground area;
- Resurfacing of paved areas landward or the concrete promenade stepped revetment;
- Upgrade of the station forecourt;
- Realignment of sewer and stormwater pipelines;
- Relocation of the landmark colourful beach huts;
- The central plaza area will be shifted a few meters landward to allow for the installation of the new coastal defence structure. The key features of the plaza, such as the showers, open space, and unique paving patterns will be retained.
- Upgrade of the Shark Spotters and Waves for Change buildings; and
- Soft landscaping areas.

At present, the site can be accessed from Beach Road (from the northern side), from Muizenberg Beach (from the southern side), from the Muizenberg Pavilion (from the eastern side), and from the area around the railway line (from the western side). This will remain unchanged following the refurbishment. Universal accessibility will be improved following refurbishment as a result of added wheelchair ramps that link all sections of the precinct (such as the road to the promenade and the promenade to the beach).

C. SITE DESCRIPTION AND LOCATION

The proposed site Muizenberg Beachfront (Surfer's Corner) is located off Beach Road, Muizenberg.

The site co-ordinates:

Latitude (S)	34°	06'	29.7"
Longitude (E)	18°	28'	13.7"

The SG digit codes:

Erf 87374-RE	C016000700087375000RE
Erf 87114-RE	C016000700087114000RE
Erf 87143	C01600070008714300000
Erf 87142-RE	C016000700087142000RE
Erf 87141-RE	C016000700087141000RE
Erf 87140-RE	C016000700087140000RE
Erf 87139-RE	C016000700087139000RE
Erf 87138	C01600070008713800000
Erf 87137	C01600070008713700000
Erf 87158-RE	C016000700087158000RE
Erf 87135-RE	C016000700087135000RE
Erf 87134-RE	C016000700087134000RE
Erf 87144	C01600070008714400000
Erf 87155-RE	C016000700087155000RE
Erf 87130	C01600070008713000000

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

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

Cell.: 021 834 1602
 E-mail: tarryn@infinityenv.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 final BAR dated June 2023 on the site as described in Section C above.
2. Authorisation for the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

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

4. The authorised activities must only be carried out at the site described in Section C above in terms of the approved “Environmental Management Programme” (“EMPr”).
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;
 - 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4. provide the registered Interested and Affected Parties with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,

- 6.4.5. e-mail address, if any;
- 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

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

Written notice to the competent authority

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

Conditions: 6, 7 and 14 and 19.2.

Management of activities

- 10. The draft EMPr (dated June 2023) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

- 14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

15. The ECO must–

- 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
- 15.2. ensure compliance with the EMPr and the conditions contained herein;
- 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 15.5. provide the competent authority with copies of the ECO reports on a monthly basis and the final ECO report within 30 days of the project being finalised.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–

- 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
- 16.2. submit an audit report within six (6) months after completion of the construction period; and
- 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.

17. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

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

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

18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

19. The following recommendations as provided in the Heritage Impact Assessment ("HIA") Report, dated 8 May 2023, as compiled by ACO Associates and as included in the EMPr, must be implemented:

- 19.1. An archaeological monitoring programme must be compiled for the proposed construction works to be undertaken on the proposed site.
 - 19.2. An archaeologist must be appointed before any construction commences for any work below the high-water mark of the sea (and for the entire duration of work below the high-water mark).
 - 19.3. Should archaeological material – for example, shell midden material, historical dump material or shipwreck-related material - be encountered during the works on the proposed site. The archaeologist must assess the find and determine the need for further mitigation.
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 ("HWC"). Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.
 21. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any archaeological material of significance in accordance with the requirements of the relevant authority.
 22. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
 23. 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.
 24. Water must be used wisely during all phases of the development. Non-potable water must be used as far as possible for construction related activities during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

- 3.1. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - a) Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - b) Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel.: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any

supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 04 OCTOBER 2023

Copies to:

- 1) Ms. T. Solomon (Infinity Environmental (Pty) Ltd.)
- 2) Mr. A. Greenwood (City of Cape Town)

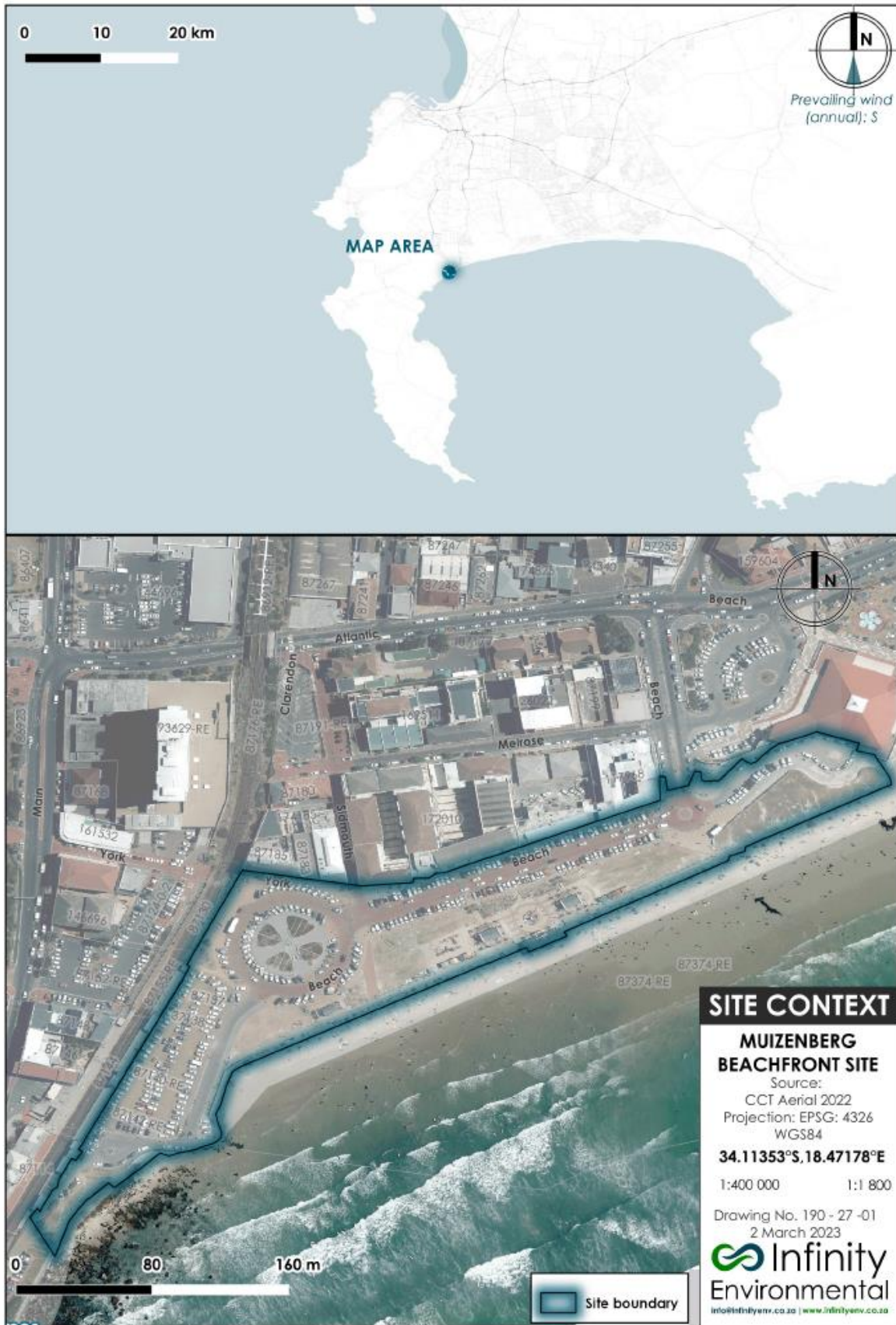
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in, the Application Form received on 13 March 2023, the final BAR and draft EMPr submitted together with the final BAR received on 23 June 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the final BAR dated June 2023.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties;
- notification letters to all potential and registered Interested and Affected Parties including the City of Cape Town, the ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the pre-application draft BAR;
- the placing of English and Afrikaans newspaper notices in "*The False Bay Echo*" on 25 August 2022;
- the distribution of the Background Information Document for public review for a 30-day commenting period from 25 August 2022 until 26 September 2022;
- fixing notices at the site where the listed activities will be undertaken including places conspicuous and accessible to the public at the boundary of the site;
- A Public Open House Meeting facilitated by the Environmental Assessment Practitioner ("EAP") with the Interested and Affected Parties to clarify and understand the concept design of the proposed development on 7 September 2022 at the Muizenberg Civic Centre;
- the availability of an electronic copy of the draft BAR on the Infinity Environmental website;
- the notification of the availability and distribution of the draft BAR for public review for a 30-day commenting period from 30 March 2023 until 3 May 2023;
- the notification of the availability and distribution of the amended draft BAR, draft EMPr and Report for public review for a 30-day commenting period from 17 May 2023 until 15 June 2023;

Concerns were raised during the public participation regarding the following:

- Concerns that the proposed refurbishment will have a negative impact on the beachfront's character and "sense of place". It was confirmed in the final BAR that all new buildings will be built in the same architectural style and character as the current buildings. The planned formalisation of the gravel parking area will use the same patterns and clay pavers as the current formal parking areas to ensure the character of the area is maintained. The concrete promenade is also highlighted by the public as changing the "sense of place", although there is no other option due to the risks associated with sea level rise that the Muizenberg beachfront will continue to face. The promenade design has been modified to include a sand-coloured exposed aggregate finish to mitigate the effects of the concrete-look.

- Based on comments received during the public participation process, areas landward of the 3m wide promenade was changed from concrete surfacing to paved areas using clay segmented pavers to align with existing character and material use. Concrete will be used for the stepped revetment and promenade to provide required strength and durability for the coastal defence structure to sustain expected wave overtopping during future storm events. However, to mitigate the impact of introducing concrete, a sand coloured and exposed aggregate finish will be used as opposed to a typical grey concrete finish, providing a more natural earthy gravel look and feel, and tying into the exposed aggregate concrete used along the beachfront businesses and next to the station building.
- Concerns regarding the relocation of the ablution blocks, multi-coloured beach huts, parking area, concrete paved surfaces and landscaping were taken into account and subsequently incorporated into the design of the preferred alternative.
- Regarding disruptions to beach access, the responses provided by the EAP confirmed that this will be temporary during the current estimated construction duration of 24 months will be kept to a minimum, by constructing in stages as opposed to constructing over the whole site at one time. The public will still be able to access beachfront businesses and there will be alternative access points to the beach during the project construction. The surfing area will remain open (no work in surf zone area). Once the project is completed informal traders will be able to operate as usual, as disruption will be temporary during construction. Trading locations would be adjusted temporarily during construction duration and such locations may need to be shifted as the construction progresses.

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

2. Alternatives

Site Alternatives

No other site alternatives were investigated as the proposal is to address the deterioration of existing coastal defence structures with the refurbishment and upgrade of the Muizenberg Beach (Surfers Corner) amenities. The site is a brownfield site with existing public infrastructure.

Design and Layout Alternatives

Based on the City of Cape Town's Landscape Master Plan from the Feasibility Design (January 2022), two proposed Landscape options (Design/Layout Alternative A and B) were presented to the public for comment.

The key differences between design/layout alternative A and B were the location of the proposed new ablution building and the location of the third proposed building utilised for the Waves for Change Non-Governmental Organisation. Following comments received from the public during the Basic Assessment Process, the preferred alternative was revised to incorporate features of both design/layout alternative A and B as follows:

- Initially the location of the ablution blocks was located away from its current position. The layout was revised to retain the ablution blocks at the Central Plaza in close proximity to the showers;
- The universal beach access ramp will be located adjacent to the Waves for Change building from the Central Plaza;
- The eight beach huts will be refurbished and retain its position at the Central Plaza;
- The Skate Park has been removed from the preferred design/layout alternative.

The proposed refurbishment is comprised of the following components:

- Replacement of the existing coastal defence structures;
- Upgrading of parking areas;

- Refurbishment of the ablution facility;
- Redeveloped pergola and playground area;
- Resurfacing of paved areas landward or the concrete promenade stepped revetment;
- Upgrade of the station forecourt;
- Realignment of sewer and stormwater pipelines;
- Relocation of the landmark colourful beach huts;
- The central plaza area will be shifted a few meters landward to allow for the installation of the new coastal defence structure. The key features of the plaza, such as the showers, open space, and unique paving patterns will be retained.
- Upgrade of the Shark Spotters and Waves for Change buildings; and
- Soft landscaping areas.

“No-Go” Alternative (Rejected)

The “no-go” alternative implies that the status quo would be remain and the failing defence structures would not be refurbished. Currently, the ablution building is being undercut due to its location in the littoral active zone. As a result, it is exposed to wave-action and scouring. This alternative is not preferred as the proposed development will not result in any high negative impacts and it serves to refurbish and upgrade the defence structures and existing public amenities at Muizenberg Beach. The “no-go” alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability and Planning Context

The proposal entails the refurbishment and upgrade of failing coastal defence structures and public amenities at Muizenberg Beach (Surfers’ Corner) and is line with the current land use activities. The ecological integrity of the site is likely to be enhanced by the proposed refurbishment, as it provides for the planting of indigenous vegetation as part of the landscaping. The construction works require the rezoning of the subject property including an application for approval to permit building work within a Heritage Protection Overlay Zone and, in a property, zoned Open Space Zone 2. The proposed development aligns with the principles and objectives contained in the Western Cape Spatial Development Framework (“SDF”), 2014, in that it serves to enhance urban space economy and the effective utilisation of resources and is therefore regarded as desirable from a spatial planning perspective. The proposed refurbishment is also in line with the City of Cape Town’s Integrated Development Plan (2022 – 2027) is it promotes economic growth within public spaces, the environment and amenities toward building a more resilient city.

The proposed site is on the Muizenberg Beachfront and therefore in the coastal public property. However, given that the development is a refurbishment and not a new development, it will not exceed the current development footprint and the land uses of the area will not change following the refurbishment. No new land will be used for parking. The parking area in the east corner of the site (next to the pavilion) is currently surfaced but will be resurfaced with clay pavers when it is restructured and optimised.

Coastal public property is extensively defined in section 7 of the NEM: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) and includes “the seashore”. The stepped revetment and its foundation will be on the seashore but is not expected to have a negative effect on the area (see PRDW specialist study below). The proposed development will also be situated in the coastal protection zone, as it is within 100m of the high-water mark. This is also not expected to be affected. The proposed refurbishment has the effect of enhancing the coastal access land of Muizenberg Beachfront because it will allow for better access to the beach in the form of a stepped revetment and universal access ramp. Furthermore, the revetment will be made from concrete, further reinforcing the coastal infrastructure against the effects of increased wave action due to climate change. The relevant considerations of Section 63 of ICMA have thus been addressed as no new areas of coastal property will be developed.

As the existing infrastructure is located along the beachfront of Muizenberg Beach, it is subjected to severe coastal processes and overtime the existing coastal defence structures and public amenities has deteriorated. As such, the proposed mitigation against the effects of climate change along this beachfront is an important priority for the area, as the effects of climate change is expected to increase, and the existing infrastructure is unable to withstand the current coastal processes. In terms of the City of Cape Town SDF, the proposal is aligned with the following spatial strategies viz. building an inclusive, integrated, vibrant city; manage urban growth and create a balance between urban development and environmental protection; plan for employment and improve access to economic opportunities.

The proposal is aligned with all the spatial planning frameworks and policies applicable to the area. The proposed development will ensure the better utilisation of land within the urban fabric and will provide universal access for beachgoers. The proposal aims to protect, manage, and enhance the sense of place, cultural, and scenic landscape of Muizenberg Beach. This relates to the economic potential associated with tourism of Muizenberg Beachfront as a tourist destination. The proposed refurbishment, will increase the economic potential associated with tourism, will enhance its sense of place. The refurbishment will also maintain the current cultural and scenic assets of the area.

3.2 Heritage Impacts

A Notice of Intent to Develop ("NID") was submitted to Heritage Western Cape ("HWC") and the initial response from HWC dated 24 April 2020 indicated that there is no reason to believe that the proposed upgrade of the Muizenberg Beachfront, will impact on heritage resources. However, a revised NID was submitted to HWC for comment. The response from HWC dated 21 February 2023, noted that the proposal requires an HIA to be undertaken, as the revised NID included the removal of the ad hoc beach structures. On 28 February 2023, HWC issued a letter indicating that the ad hoc removal of the iconic multi-coloured hut structures would require the submission of a Section 34 application in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) as the structures are older than 60 years and the correspondence dated 24 April 2020 is still applicable.

Due to the historical context associated with Muizenberg Beach, the South African Heritage Resources Agency ("SAHRA") requested that a HIA be conducted for the proposed construction works to be undertaken located below the high-water mark of the sea. The HIA dated 8 May 2023 as prepared by ACO Associates cc includes a maritime archaeological impacts assessment, which considered the potential for maritime archaeological resources in the study area, artefacts associated with the Battle of Muizenberg of 1795 and the potential presence of pre-colonial shell midden material within the study area.

Based on the findings of the HIA, it is noted that there is limited potential for the presence of historical material in the immediate vicinity of the proposed site that could be related to the shipping casualties or from the Battle of Muizenberg. However, based on the proximity of the proposed development to a number of important historical sites, the Battle of Muizenberg, and the possible presence of pre-colonial archaeological middens, mitigation measures have been recommended by the heritage specialist. These mitigation measures have been included in the conditions of this Environmental Authorisation and have been incorporated in the EMPr.

3.3 Coastal impacts

A two part study on ocean dynamics at Muizenberg beach was undertaken by PRDW Coastal Engineers in order to ensure the new coastal defence structures are designed to effectively minimise the effects of climate change on the Muizenberg Beachfront area, and to withstand the resultant harsh projected future ocean conditions. The first study focused on wave and sediment transport modelling, while the second study focused on wave overtopping and reflection. In summary, these specialist studies concluded that a stepped concrete revetment and 3 meter wide concrete promenade (along with associated sub-terrain scour protection structures) will be necessary to effectively withstand sea-level rise and associated risks over the next 50 years (the design life of the coastal defence structures).

The sediment transport modelling report (August 2022) informed the design of the scour protection structures that will be installed – the sleeping rock revetment in the South-West corner and the scour protection structure that will be installed along the length of the new concrete stepped revetment. These scour protection structures will be installed under the sand, at an appropriate depth to prevent accidental exposure and ensuing damage. The wave reflection and overtopping report (November 2022) informed the appropriate dimensions of the concrete stepped revetment (and promenade) needed to effectively counteract the effects of sea-level rise over the next 50 years and minimize the risk of potential flooding to the precinct. Although overtopping was assessed in detail, the structure is not intended to negate the overtopping – it is designed to remain stable under storm overtopping conditions with little to no damage. This has informed drainage design and landside material and design choices of the new structures that will be constructed. Additionally, both studies were used to ensure there will be no negative impacts on sediment or wave dynamics as a result of the new coastal defence structures.

The proposed stepped revetment is a replacement of the existing seawall, and approximately follows the same footprint and alignment on the main beach area, where both the existing and proposed structures are shore-parallel and located at the back of the beach. Neither is expected to interrupt the longshore sand transport processes. An exception to this is the existing ablation facility which extends onto the beach seaward of the existing seawall. The proposed removal of this structure (existing ablation building) from the littoral active zone will reduce any existing impact on the longshore sand transport, although this is expected to be minimal since no significant effect can be observed on the present-day shoreline. Furthermore, since the proposed seawall approximately follows the footprint of the existing structure, it also does not pose any additional reduction in sand available for cross-shore transport processes.

3.4 Traffic impacts

The proposal includes the refurbishment and upgrade of the Muizenberg Beachfront to improve rehabilitate and restore recreational amenities for beachgoers and the formalisation of the informal parking area at the Muizenberg Railway station, which aims to improve public access and circulation of traffic to the parking areas. Based on the findings of the Transport Impact Assessment Statement dated December 2022, as compiled by HHO Consulting Engineers, the proposed parking layout will provide improved access and circulation to the parking area. The number of parking bays is sufficient for the purpose of this study and the vehicle traffic within the study area will not be impacted negatively as a result of the formalisation of the parking area.

Furthermore, the proposed development is located within proximity to transport routes and will have sufficient pedestrian walkways and access to public transport. The TIA report indicates that the proposed development can be accommodated by the local transport network and is supported from a traffic engineering perspective. The Traffic Impact Statement did not recommend any mitigation and concluded the formalisation of the western parking area will positively impact flow of traffic at the Muizenberg Beachfront.

3.5 Socio-economic impacts

Based on the findings of the Socio-Economic Impact Study dated 12 July 2022, as compiled by Urban-Econ Development Economists, it is noted that the proposal entails the replacement of the aging coastal defence structures and promenade along the beachfront to protect the landside infrastructure, provide easier public access to the beach and maintain the sense of place and character of the beachfront. The proposal promotes universal access at Muizenberg Beach and has been designed to enhance this feature at the beach to improve accessibility to all members of the public including those with impaired mobility abilities. The installation of the new coastal defence structures at the Muizenberg Beachfront offers numerous benefits to the local community, businesses and environment. The stepped revetment will ensure that local businesses are protected from future impacts of sea level rise can continue to operate and grow, providing jobs and economic opportunities for local residents. The improved safety and stability of the beachfront will attract more visitors, providing an additional boost to local businesses.

The proposal has been revised from the initial designs to consider public comments by upholding the historical and cultural value of the beachfront by retaining the multi-coloured beach huts. According to the Socio-Economic Impact report, the proposal is aligned with the various planning imperatives adopted by council and enshrined in other legislation. The recommendations highlighted by the specialist has been considered throughout the Basic Assessment process. To maximise these positive socio-economic benefits, the requirement for local labour is encouraged to be used during all phases of the proposed development and have been included in the conditions of this Environmental Authorisation, and the EMPr.

3.6 Dust and noise impacts

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

The development will result in negative and positive impacts.

Negative impacts:

- Heritage impacts;
- Sense of Place; and
- Coastal Impacts.

Positive impacts:

- Enhanced and improved public access to the beach;
- Increased use and enjoyment of the Muizenberg Beachfront as a result of the following facilities:
 - Increased accessibility (universal access to the beach and surrounding amenities);
 - A new playground o Formalised parking areas;
 - Extra-wide promenade which can better facilitate used for walking, running, and other forms of non-motorised transport (and will provide a link from Muizenberg to the St. James walkway);
 - A stepped revetment to sit on and easily access the beach at all water and sand levels;
- More resilient coastal defence structures; and
- Employment opportunities during the development phase.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No.

107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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