

REFERENCE: 16/3/3/1/A8/74/3012/21
NEAS REFERENCE: WCP/EIA/0000883/2021
DATE OF ISSUE: 03 September 2021

The Director
Western Cape Government: Department of Transport and Public Works
4th Floor
9 Dorp Street
CAPE TOWN
8001

Attention: Ms. Ansa Ferreira

Tel: 021 483 9705

E-mail: Ansa.Ferreira@westerncape.gov.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED DEVELOPMENT OF TWO JAGTERSHOF SCHOOLS AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF FARM NO. 235, KUILS RIVER.

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)

Copied to:

- (1) L. Eichstadt (RMS)
- (2) D. Georgeades (City of Cape Town: ERM)

E-mail: larry@rmsenviro.co.za

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REFERENCE: 16/3/3/1/A8/74/3012/21
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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): PROPOSED DEVELOPMENT OF TWO JAGTERSHOF SCHOOLS AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF FARM NO. 235, KUILS RIVER.

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 Layout Alternative, described in the Basic Assessment Report ("BAR"), dated May 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

Western Cape Government: Department of Transport and Public Works
c/o Ms. Ansa Ferreira
4th Floor
9 Dorp Street
CAPE TOWN
8001

Tel: 021 483 9705
E-mail: ansa.ferreira@westerncape.gov.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 Activities | Activity/Project Description |
|--|--|
| <p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p><i>The development of—</i></p> <ul style="list-style-type: none"> <i>i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</i> <ul style="list-style-type: none"> <i>a) within a watercourse;</i> <i>b) in front of a development setback; or</i> <i>c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i> | <p>The proposed development includes the construction of infrastructure within 32 meters of a watercourse.</p> |

| | |
|--|--|
| <p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19</p> <p>Activity Description: <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> <p><i>(a) will occur behind a development setback</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the activity 21 in this Notice, in which case that activity applies.</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 of Listing Notice 2 of 2014 applies.</i></p> | <p>The proposal entails the infilling of a dune slack wetland.</p> |
| <p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 27</p> <p>Activity Description: <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></p> <p><i>i) the undertaking of a linear activity; or</i></p> <p><i>ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> | <p>The proposal entails the clearance of more than one hectare of indigenous vegetation.</p> |
| <p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p>Activity Description: <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 undertake in accordance with a maintenance management plan.</i></p> <p>i. <u>Western Cape</u></p> <p><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</i></p> | <p>The proposal entails the removal of more than 300m² of critically endangered Cape Flats Sand Fynbos indigenous vegetation.</p> |

| | |
|---|--|
| <p>has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</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 even 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> | |
|---|--|

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 a primary and secondary school with associated infrastructure on a portion of the Remainder of Farm No. 235, Kuils River.

The proposed development comprises *inter alia*, the following components:

- Internal roads;
- A 560m long road north of the development, constructing the portion of Saxdown Road from Jagters Street where it will link to Langverwacht Road. The main access to the site will be via Saxdown Road;
- The development (extension) of Jagters Street, will also serve as an access to the schools;
- Parking (one bay per classroom – approximately 0.70 hectares);
- Sports fields (1.27ha sports fields and 0.46ha hockey/netball/tennis courts); and
- Utility infrastructure (*viz.*, stormwater detention pond on project site and other utilities – approximately 0.55 ha).

The footprint of the proposed development will be approximately 6.27ha.

C. SITE DESCRIPTION AND LOCATION

The proposed project area will take place on a portion of the Remainder of Farm No. 235, Kuils River. The property is surrounded by urban development and is located to the north-east of Van Riebeeck Road, south of Langverwacht Road and west of Zewenwacht Road.

Site co-ordinates

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 33° | 56' | 24.58" |
| Longitude (E) | 18° | 41' | 54.78" |

The SG digit code:

| | |
|--|----------------------|
| Remainder of Farm No. 235, Kuils River | C0670000000023500000 |
|--|----------------------|

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Resource Management Services
c/o Mr. Larry Eichstadt
P O Box 4296
DURBANVILLE
7551

Tel.: 021 975 7396
Cell: 082 444 2630
E-mail: larry@rmsenviro.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 May 2021 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 for the construction phase, must be concluded.
4. The activities that has been authorised 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

Management of activities

10. The draft EMPr (dated May 2021) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
11. The EMPr must be included in all contract documentation for all phases of implementation.
12. 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.
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.

The ECO must–

- 14.1. be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2. ensure compliance with the EMPr and the conditions contained herein; and
- 14.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

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 at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 15.3. submit an environmental audit report every five (5) years after the commencement of the operational phase and while the Environmental Authorisation remains valid.
16. 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 –

- 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 activities;
 - 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 (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

18. 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.
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 ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. The extension of Saxdown Road from Jagters Street to Langverwacht Road, Kuils River (as authorised by the Department on 9 March 2021 - Department reference number: 16/3/3/1/A8/74/3017/20) must be completed before any of the schools are opened.

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.

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 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 -
 - 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 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>.

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)

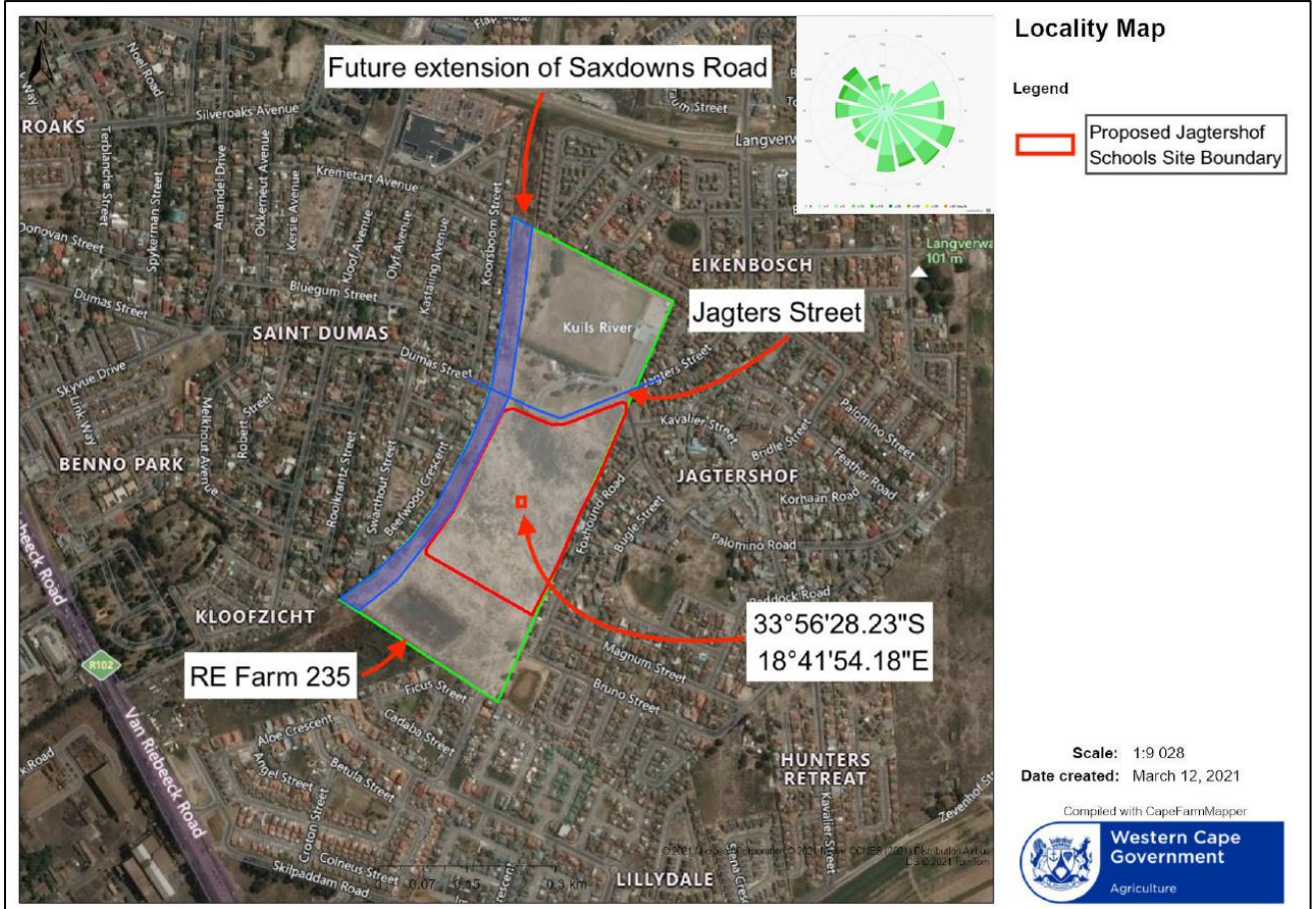
DATE OF DECISION: 03 SEPTEMBER 2021

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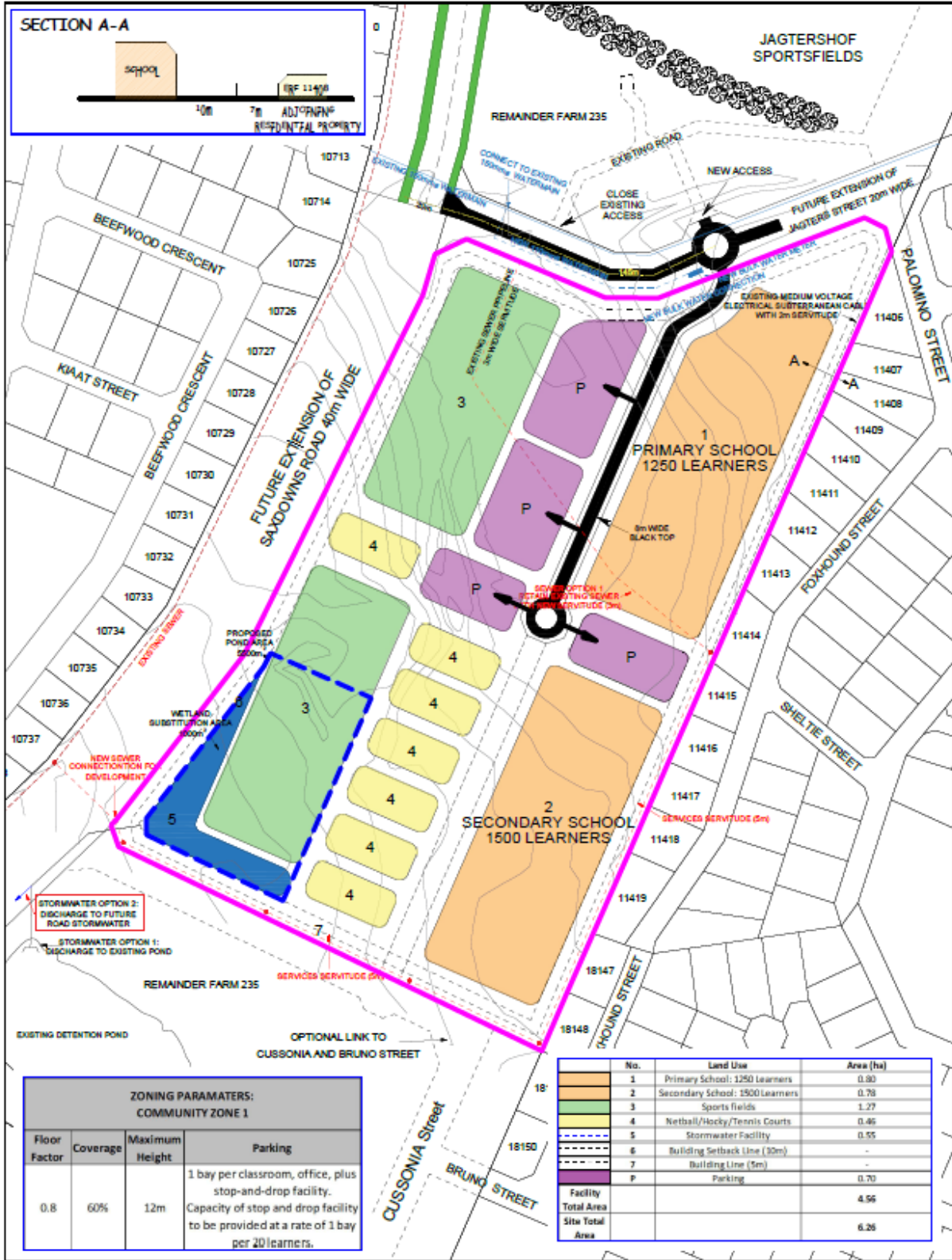
(1) L. Eichstadt (RMS)
(2) D. Georgeades (City of Cape Town: ERM)

E-mail: larry@rmsenviro.co.za
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



| | | | | |
|--|--------|----------------------------|---------------|--|
| DRAWING Concept Site Layout Plan - Option 1 Portion of Remainder Farm 235 Stellenbosch | CLIENT | Department of Public Works | | APPLICANT terraplan Quater House 28 Lantz Park Post Office Street 88, Stellenbosch 7129 Tel: (021) 875 1201 Fax: (021) 875 1202 Email: info@terraplan.co.za |
| | SCALE | 1 : 1000 (A4) | PLANNING | |
| | | COMPILED: | Janine Brandt | |
| | | CHECKED: | Thina Smit | |
| | | DATE: | 16/02/2021 | |

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 and BAR dated May 2021, the EMPr submitted together with the final BAR on 20 May 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated May 2021.

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 ("I&APs");
- fixing notices at the site where the listed activities will be undertaken on 19 March 2021;
- the placing of a newspaper advertisement in the "Tygerburger" newspaper on 17 March 2021;
- E-mail notifications and telephone calls were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the report with reminders sent to submit comments;
- making the draft BAR and all relevant information available to I&APs for public review and comment on 19 March 2021.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the final BAR.

2. Alternatives

Two site alternatives were investigated for the proposed development, viz. Farm No. 242, Kuils River and an unregistered portion of the Remainder of Farm No. 235, Kuils River. Based on the EIA investigation undertaken in 2017 by Braaf Environmental Practitioners, Site Alternative 1 on Farm No. 242 in Stellenbosch Road, Kuils River is located on the corner of Langverwacht and Saxdown Road, Kuils River. This alternative was not preferred due to challenges related to accessing the site.

Two layout alternatives were identified and assessed for the proposed development. The preferred layout alternative incorporates a traffic roundabout to alleviate the traffic impacts associated with the proposed development.

Preferred Alternative (herewith authorised)

The proposed development entails the construction of a primary and secondary school with associated infrastructure on an unregistered portion of the Remainder of Farm No. 235, Kuils River.

The proposed development comprises the following components:

- Internal roads;
- A 560m long road north of the development, constructing the portion of Saxdown Road from Jagters Street where it will link to Langverwacht Road. The main access to the site will be via Saxdown Road;

- The development (extension) of Jagters Street, also to serve as an access to the schools;
- Parking (one bay per classroom – approximately 0.70 hectares);
- Sports fields (1.27ha sports fields and 0.46ha hockey/netball/tennis courts); and
- Utility infrastructure (viz., stormwater detention pond on project site and other utilities – approximately 0.55 ha).

This alternative is preferred because the proposed development on the site is compliant with the City of Cape Town's Spatial Development Framework, 2018 and the Tygerberg District Plan, 2012. In addition to this, it includes a wetland offset to ensure that the wetland loss as a result of the proposed development is adequately compensated for.

Alternative 2 was not deemed as preferred as it does not include a roundabout and the traffic impacts would be higher.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain. Since the proposed development is not anticipated to result in any high negative impacts, the "no-go: alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed development will provide much needed educational infrastructure which also promotes economic development, since it creates jobs during the construction phase, and the school will provide employment to a number of teachers. The proposed site is located inside the urban edge and the development is compliant with the City of Cape Town's Spatial Development Framework ("SDF") dated 2018 and Tygerberg District Plan dated 2012 as such, the proposed development is in accordance with the relevant planning policies. Although the site is zoned for agricultural use, the site has not been cultivated on or after 1 April 1998. Given that the property is surrounded by urban development, a rezoning and subdivision application will be submitted to the City of Cape Town. The Western Cape Provincial Spatial Development Framework, 2014 ("WCPSDF") states that educational facilities should be located in areas where public and non-motorised transport is encouraged. The property is located within an existing formal residential area within walking/cycling distance.

The WCPSDF also states that areas such as wetlands should be protected from change or restored to their former level of biodiversity functioning. However, the overall ecological functioning of the wetlands on the Jagtershof Schools property has been irrevocably affected. A freshwater impact assessment has been undertaken to determine the significance of the wetlands and man-made stormwater system on and to the south of the site.

3.2 Biophysical Impacts

Based on the findings of the Freshwater Assessment Report dated January 2021 compiled by Blue Science, the aquatic features delineated on the site comprise of two remnant duneslack wetlands in the central portion of the site, a stormwater channel in the north-eastern corner of the site and a stormwater attenuation pond constructed in the southern extent of the site. The northern-most duneslack wetland is approximately 1000m² in extent and comprises largely of alien grasses with a small central area that is slightly wetter comprising of the characteristic duneslack grass, *Imperata cylindrica*. The second remnant duneslack wetland does not contain any vegetation or soils that were clearly indicative of wetland habitat and thus appears to have been completely modified to a terrestrial area.

The wetlands on site are considered, "completely modified" and of "low to marginal ecological importance". The duneslack wetland on the site will be lost as a result of the proposed development layout. The freshwater specialist has recommended that a new wetland habitat be established within the developed site that equal or exceed the current extent of 1000m² of wetland habitat that is as a minimum in a largely modified ecological condition. The conversion

from the current wetland system to a formal stormwater system will contribute to the overall improvement in water quality.

In correspondence dated 29 April 2021, the City of Cape Town Spatial Planning Environmental Management Department indicates its support of the recommendations made by the freshwater specialist. This recommendation has been incorporated in the preferred alternative (herewith authorised). This proposed activity requires a General Authorisation in terms of the National Water Act, 1998 ("NWA"). An Application in terms of Section 21(c) and (i) of the NWA has been submitted to the Department of Water and Sanitation. The freshwater impacts have been identified in the BAR as being of low negative significance post mitigation.

In terms of the botanical impacts, it was confirmed by CapeNature in correspondence dated 25 October 2019, that a botanical assessment would not be required as the site is mapped as 'No Natural' in terms of the City of Cape Town's Biodiversity Network and the Western Cape Biodiversity Spatial Plan. The vegetation type which historically would have occurred on the property constitutes Cape Flats Sand Fynbos, which is classified as Critically Endangered. The vegetation currently on the site is significantly modified and is dominated by alien grass species, with invasive Paterson's curse (*Echium plantagineum*) and Port Jackson willows (*Acacia saligna*) occurring across the site in a medium to low density. The botanical impacts associated with the proposed development were identified as low negative post mitigation.

3.3 Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC confirmed in correspondence dated 15 February 2021, that there is no reason to believe the development will impact on any heritage resources and that no further action under Section 38 of the National Heritage Resource Management Act, 1999 (Act No. 25 of 1999) is required. As such, no heritage impacts are anticipated.

3.4 Traffic Impacts

It is estimated that the primary school will generate more than 452 vehicle trips while the secondary school will generate more than 478 vehicle trips in the morning peak hour. These trips will have a significant impact on the existing road infrastructure, especially on Jagters Street. The recommendations of the Traffic Impact Assessment dated March 2021 compiled by Sturgeon Consulting have been incorporated within the design of the preferred alternative. It was further recommended that the Saxdown Road Extension from Jagters Street to Langverwacht Road, Kuils River (as authorised by the Department on 9 March 2021; reference number: 16/3/3/1/A8/74/3017/20) must be completed before the any of the schools are opened (as per Condition 20 of this EA).

3.5 Dust, Noise and emissions

Construction activities (mainly site clearing and soil excavation) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust and noise control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Loss of dune slack wetland on site; and
- Noise, dust, and traffic and visual impact during the construction phase of the development.

Positive impacts:

- Increase in service delivery through the provision of education facilities and upgrade of service infrastructure for the community;
- Optimal use of available land earmarked for community use in order to provide much needed educational facilities for the receiving community; and
- The development will provide employment opportunities.

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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