

REFERENCE: 16/3/3/1/A3/54/2058/21
NEAS REFERENCE: WCP/EIA/0001012/2021
DATE OF ISSUE: 16 MAY 2022

The Head of Department
Western Cape Department of Transport and Public Works
9 Dorp Street
CAPE TOWN
8001

Attention: Mr. S. D. Hindley

Tel.: (021) 483 5549
E-mail: Shane.hindley@westerncape.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) FOR THE PROPOSED DEVELOPMENT OF A MEGA EDUCATION CAMPUS AND REGIONAL HOSPITAL ON PORTION 187 AND THE REMAINDER OF PORTION 34 OF FARM GUSTROUW NO. 918, SOMERSET WEST.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the 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) Mr. Jacques Jansen van Rensburg (Nature Works Environmental Consultancy (Pty) Ltd.)
(2) Mr. Andrew Michau (Afroteq)
(3) Ms. Jeanine Williams (City of Cape Town)

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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 A MEGA EDUCATION CAMPUS AND REGIONAL HOSPITAL ON PORTION 187 AND THE REMAINDER OF PORTION 34 OF FARM GUSTROUW NO. 918, SOMERSET WEST.

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 Activity Alternative, described in the Final Basic Assessment Report ("BAR"), dated 31 January 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Western Cape Government Department of Transport and Public Works
c/o Mr. Mr. S. D Hindley
9 Dorp Street
CAPE TOWN
8001

Tel.: (021) 483 5549
E-mail: Shane.hindley@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 Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 19 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> <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies”.</i></p>	<p>More than 10 cubic metres of material will be filled into a wetland.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 27 Activity Description: <i>“The clearance of an area of 1 hectare 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 1 hectare, but less than 20ha of indigenous vegetation will be cleared.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)– Activity Number: 12 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 undertaken in accordance with a maintenance management plan.</i> <i>i. Western Cape</i> <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</i></p>	<p>More than 300 square metres of critically endangered vegetation will be cleared.</p>

<p><i>critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>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;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister”.</i></p>	
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The abovementioned list is hereinafter referred to as “the listed activities”.

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

The development of a ‘Mega’ education campus and a regional hospital.

The ‘Mega’ education campus comprises:

- a technical high school;
- a pre-primary school;
- two primary schools;
- shared sports field;
- a utility building (including change rooms, sports stores and offices, and store/utility rooms);
- a multifunctional communal covered space;
- hall complex;
- associated outdoor hard-surfaced and landscaped outdoor areas;
- pedestrian entrances;
- associated parking facilities;
- associated landscaped areas, including lighting and seating;
- associated access and internal roads; and
- small utility building / yard for refuse, storage etc.

The regional hospital comprises:

- 414 hospital bed facility / capacity;
- 23 consulting rooms;
- associated administration and out-patient departments;
- clinical support facilities, including theatres;
- an Emergency Centre;
- Emergency Medical Services facilities to accommodate ambulances servicing;
- main visitors’ entrance to the hospital;
- resource centre;
- internet café;
- auditorium;
- associated buildings that facilitate access control, a waiting area for visitors and public ablutions;

- associated parking facilities;
- associated landscaped areas, including lighting and seating;
- helistop positioned centrally on the hospital rooftop;
- associated access and internal roads and ring road system; and
- utility yard for deliveries.

A new central pedestrian spine will follow the alignment of the existing on-site tree line.

The development will also include:

- refuse embayments;
- two electrical switching stations;
- fibre installations; and
- associated stormwater infrastructure.

The road infrastructure and upgrades include:

- Seven intersections would have to be constructed or upgraded as part of the development, as follows:
- Phase 1: two schools (i.e., technical high school and pre-primary school)
 - construction of the 3rd leg (northeastern approach) of the existing Vulindlela Road roundabout to provide access to the education precinct.
- Phase 2: two schools (i.e. 2 primary schools)
Upgrade of the following external intersections:

T2 and Onverwacht Road

- add an additional short right turning lane of 120m long on the northwest leg (T2); and
- add an additional short right turning lane of 160m long on the southeast leg (T2).

Onverwacht Road and Broadway Road (R44)

- add a short, dedicated left turning lane of 40m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the southeast leg (Broadway Road).

Broadlands Road (M61) and Broadway Road (R44)

- add a short, dedicated left turning lane of 60m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the northeast leg (Broadlands Road).

Onverwacht Road and Simon Street

- adding a short-shared left turning and through lane of 60m long on the southwest leg (Onverwacht Road).

- Phase 3: Hospital
 - construction of a new southeast leg (Vulindlela Street Extension) between the existing and new roundabout;
 - construction of the Hospital access roundabout (Access 2); and
 - construction of the access lanes to the Hospital precinct

Broadlands Road (M61) and Vulindlela Street Extension

- construction of the extension of Vulindlela Road (with surfaced sidewalks) from roundabout 2 to Broadlands Road. Note the construction of the eastern section of the road over Portion 74 of Erf 918 is the responsibility of the City of Cape Town;
- changing the priority side stop control to a traffic signal controlled intersection;
- construction of the emergency access to the hospital from the Vulindlela Street Extension; and
- construction of the public stop and drop zone along Vulindlela Street extension.

Upgrade the following external intersections:

T2 and Onverwacht Road

- o adding a short through lane of 120 m long on the northwest leg (T2) with a short receiving lane of 60m long on the southeast leg (T2);
- o construction of a 60 left-turn lane on the northwest leg (T2); and
- o changing the dedicated left turning lane on the southeast leg (T2) to a shared left turning and through lane with a short receiving lane of 60m long on the northwest leg of the T2.

Broadlands Road (M61) and Broadway Road (R44)

- o add a short, dedicated left turning lane of 60m long on the northwest leg (Broadway Road); and
- o add a short, dedicated left turning lane of 60m long on the northeast leg (Broadlands Road).

Onverwacht Road and Simon Street

- o add a short, shared left turning and through lane of 60m long on the southwest leg (Onverwacht Road).

Further road upgrades of the T2/Onverwacht intersection will be implemented, as required in terms of Phase 3 pertaining to the hospital.

A Wastewater Treatment Plant will be constructed comprising *inter alia*:

- a pre-screen component;
- grease trap;
- a waste splitter;
- a disinfecting component; and
- associated storage and treatment capacity equipment.

The total development footprint amounts to approximately 77 848 m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 187 and the Remainder of Portion 34 of Farm Gustrouw No. 918, Somerset West, which is located on the south eastern side of Somerset West and on the southern side of the N2.

The SG digit codes are:

C06700000000091800187
C06700000000091800034
C06700000000091800190
C06700000000091800192
C06700000000091800191
C06700000000091800188
C06700000000091800189

The site co-ordinates are:

34° 6' 59.63" South; 18° 52' 20.21" East

Refer to Annexure 1: Locality Plan.

Refer to Annexure 2: Layout Plan.

The above-mentioned properties are hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Nature Works Environmental Consultancy (Pty) Ltd.
c/o Mr. Jacques Jansen van Rensburg
1 Fraser Road
SOMERSET WEST
7130

Cell.: 082 748 6623
E-mail: Jacques@natureworks.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 Activity Alternative described in the Final BAR, dated 31 January 2022 on the site as described in Section C above.
2. Authorisation of the activities are 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.
 - (b) A period of fifteen (15) years, from the date the holder commenced with the authorised listed activities, 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; and
 - 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 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 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 EMPr submitted, as dated 27 January 2022 is hereby approved and must be implemented.
11. An application for amendment of 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 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 these 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 performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase and site 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 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 one audit report six (6) months after commencement of the construction phase and another audit report six (6) months after completion of the construction phase; and
 - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report 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 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 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, place on a publicly accessible website.

Specific conditions

18. The following measure adapted from the correspondence of CapeNature dated 1 December 2021, must be implemented prior to site access and commencement of construction activities:
 - 18.1. The remaining on-site Species of Conservation Concern must be translocated to a suitable receptor site in consultation with a botanical specialist.

19. The following measure adapted from the correspondence of City of Cape Town dated 30 December 2021 must be implemented:

19.1. The existing avenue of mature trees on the site must be retained within the Central Pedestrian Spine as a structuring element and landmark feature.

20. The following measure adapted from the Specialist Aquatic Ecologist Report dated April 2021 must be implemented:

20.1. A fence must be erected and maintained between the stormwater / soft landscaped area and the access road, to prevent the area being targeted for the dumping of waste.

21. The following measures adapted from the Visual Impact Assessment dated March 2021 must be implemented during each of the indicated phases:

During the design phase-

21.1. A suitably qualified landscape architect must be appointed to prepare landscape plans, details and specifications for the proposed development and to monitor the implementation thereof.

21.2. The development's components must be designed so that it is compatible with the broader cultural landscape as well as respond to the greater landscape.

21.3. The overall massing must be carefully detailed in terms of the design, materials and colour so as to avoid bland expansive facades.

21.4. Contextually appropriate materials and surface treatments must be used.

21.5. Sufficient tree planting must be implemented to reduce the overall visual impact.

21.6. Indigenous, water-wise vegetation must be used, as far as possible.

21.7. Low level, unobtrusive and contextually appropriate signage must be used.

21.8. Lighting must be designed to avoid light spill and glare for neighbouring residents, as far as possible.

Construction phase-

21.9. The site perimeter (building zone) must be clearly demarcated.

21.10. The construction footprint must be kept as small as possible.

21.11. No blanket clearing or removal of vegetation outside of the building zone is allowed, unless for rehabilitation purposes.

21.12. The building site and construction facilities must be well maintained and strictly controlled.

Operational phase-

21.13. Internal roads and drainage for runoff must be appropriately stabilised to avoid erosion and visual scars.

22. 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.

23. 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 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.

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. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the listed 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.
4. 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 NEMA EIA Regulations, 2014 (as amended) must be submitted.

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

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

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

G. RECOMMENDATIONS

This Directorate recommends the following:

1. Water saving mechanisms and/or water recycling systems should be installed in order to reduce water consumption that include *inter alia*, the following:
 - 1.1. Dual-flush toilet systems.
 - 1.2. All taps fitted with water saving devices, including *inter alia* tap aerators, flow restrictors and low flow shower heads.
 - 1.3. Water-wise landscaping should be implemented.
2. Energy/electricity saving measures should be installed, that include *inter alia*, the following:
 - 2.1. Energy efficient lamps and light fittings.
 - 2.2. Low energy bulbs and replacement bulbs should be of the low energy consumption type.
 - 2.3. All geysers should be covered with geyser "blankets".
 - 2.4. The installation of solar water heaters and solar panels for all buildings.

3. Local contractors and sub-contractors based in the Helderberg Metropolitan District should be employed, where possible.
4. Unspecialised (low-skill and semi-skilled) employment positions should be filled with people based in the Helderberg Metropolitan District, where possible.
5. Skills development should be implemented in order to upskill staff, should sufficient skilled labour be unavailable in the area.
6. Equipment and materials should be procured from suppliers in the Helderberg Metropolitan District, where possible.
7. The holder should inform this Department of any further road upgrades prior to the implementation for the T2/Onverwacht intersection, that may be required in terms of Phase 3 and that relates to the hospital.

H. 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>.

I. 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: 16 MAY 2022

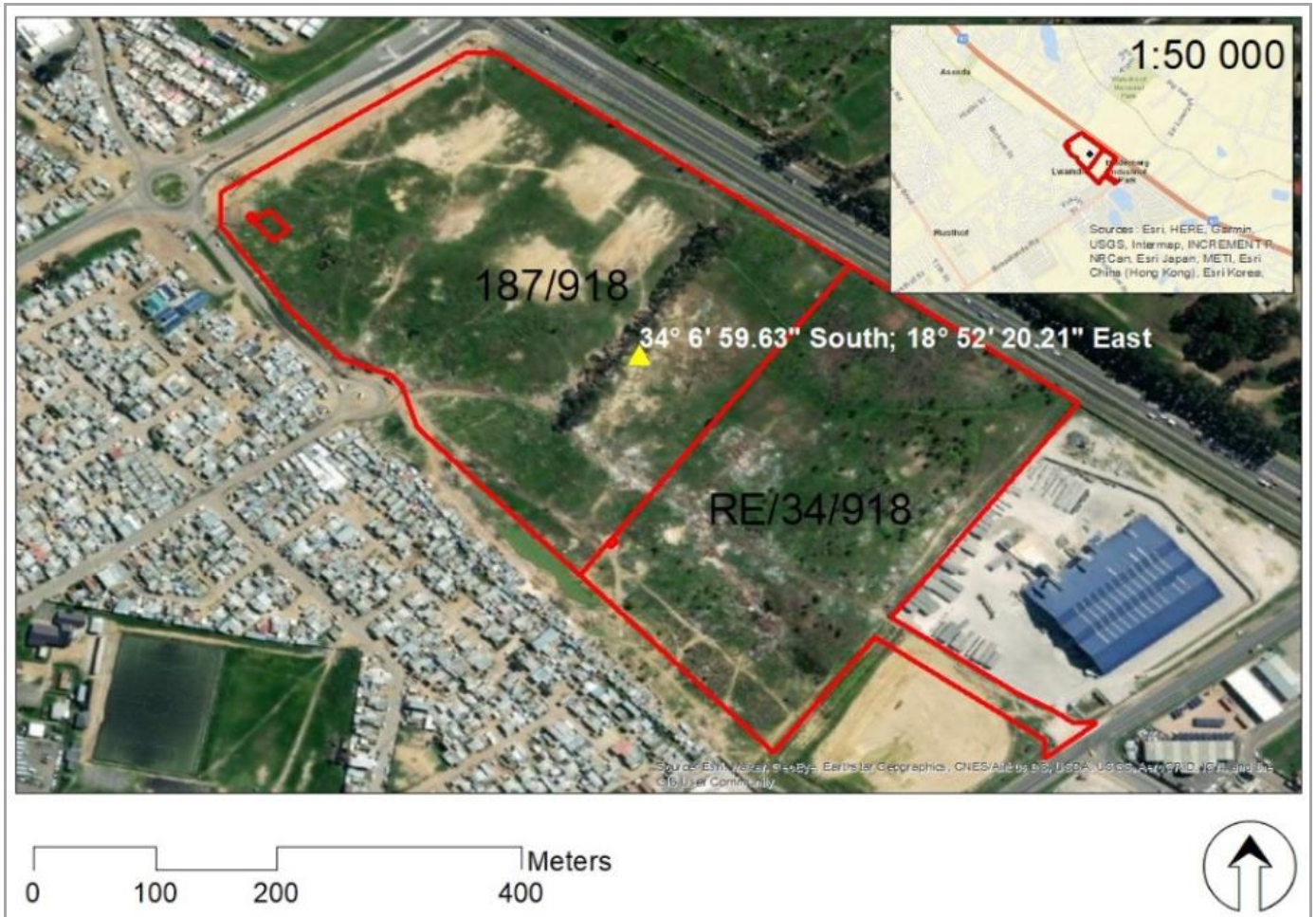
Copied to: (1) Mr. Jacques Jansen van Rensburg (Nature Works Environmental Consultancy (Pty) Ltd.)
(2) Mr. Andrew Michau (Afroteq)
(3) Ms. Jeanine Williams (City of Cape Town)

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E-mail: ebarnard@afroteq.co.za
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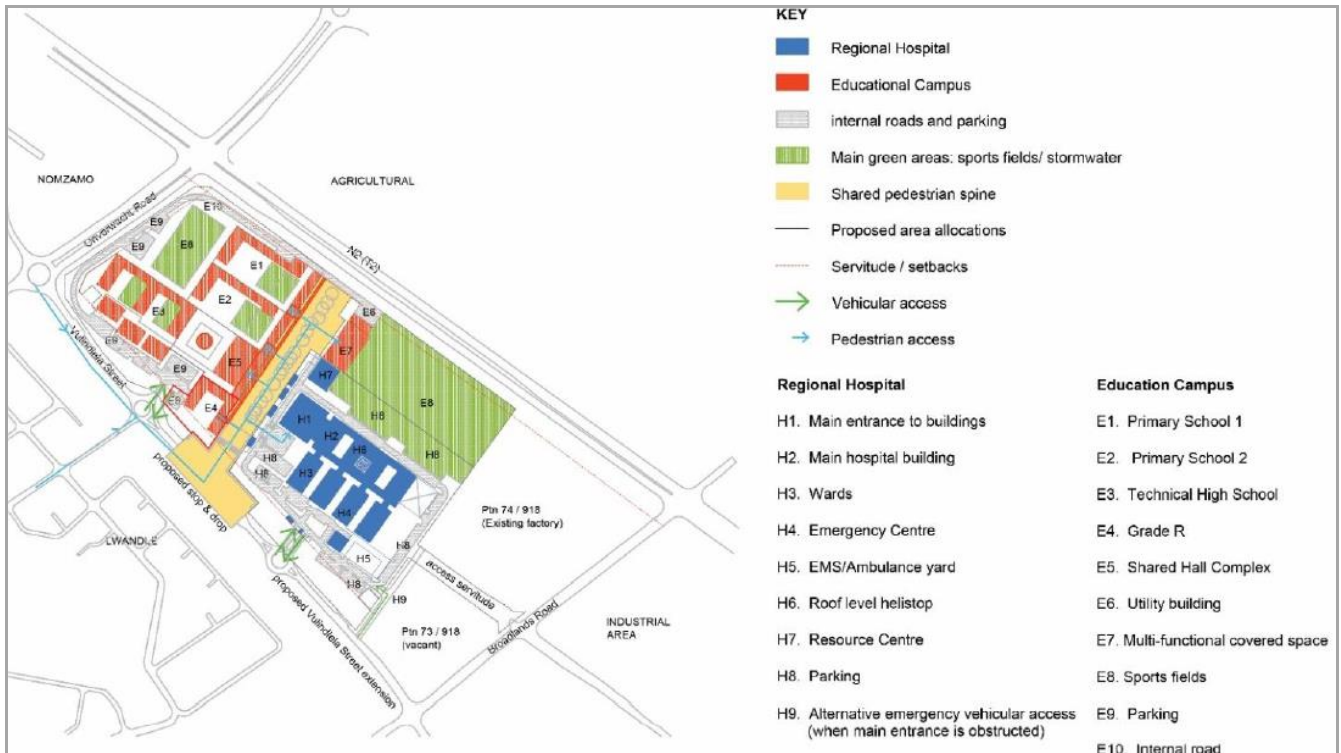
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REFERENCE: 16/3/3/1/A3/54/2058/21
NEAS REFERENCE: WCP/EIA/0001012/2021

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: THE LAYOUT 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 dated 12 March 2021, the Final BAR dated 31 January 2022, the EMPr dated 27 January 2022 and the additional information (for clarification) received on 28 April 2022, 3 May 2022 and 12 May 2022;
- 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 I&APs and responses to these, included in the Final BAR.

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:

- notification letters were sent on 13 May 2021;
- an advert was published in the District Mail local newspaper on 13 May 2021;
- notices were placed in conspicuous locations around the site, including the Lwandle Public Library, Lwandle Municipal Building and Lwandle Police Station on 30 April 2021;
- an electronic copy of the draft BAR was placed on the EAPs website;
- information sheets which contain a summary of the draft BAR were distributed to identified Interested & Affected Parties, the Ward Councillor and community leaders via email on 7 July 2021;
- the draft BAR was distributed to commenting authorities via email on 7 July 2021; and
- the pre-application and draft BAR were made available for comment from 8 July 2021 to 8 August 2021 and 25 November 2021 to 16 January 2022, respectively.

At the end of the Public Participation Processes, comments were obtained from commenting authorities.

The overall comments from the relevant authorities related to:

- the stormwater management requirements that must be adhered to;
- confirmation of the availability of bulk servicing and the associated requirements that must be adhered to;
- certain mitigation measures and project updates are required in terms of the draft EMPr;
- confirmation of the project's consistency with relevant forward planning policies and the resultant positive socio-economic impacts;
- there are no objections against the development;
- the need for effective design and landscaping measures;
- the need for an alternative measure since the Macassar Wastewater Treatment Works does not have capacity to service the development;
- confirmation of how electricity will be supplied to the development;
- confirmation of how waste will be managed;
- confirmation of the bulk service requirements that must be met;
- comments and input from relevant key authorities that must be obtained;
- substantiating the need and desirability context;
- the geotechnical aspects that must be addressed; and
- the need for translocation for the Species of Conservation concern.

In response to the above, it was indicated that all the requirements as per the authorities' comments will be adhered to and the necessary information will be included in the final BAR as well as the EMPr.

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

One site alternative, Activity Alternative, Layout Alternatives, Technology and the No-Go Alternative were assessed.

Site Alternative (preferred by the applicant)

The preferred site alternative is for the proposed development to take place on Portion 187 and the Remainder of Portion 34 of Farm Gustrouw No. 918, Somerset West. This is the preferred and only site alternative, as the site consists of vacant and underutilised land, which is informally used for various unsuitable purposes. The proposed development will therefore aim to optimally and efficiently use the site in manner that benefits the local community and provides opportunities and uses to the wider area.

Activity Alternative (preferred by the applicant and herewith authorised)

The preferred activity alternative entails development of a 'Mega' education campus and a regional hospital.

The development of a 'Mega' education campus and a regional hospital.

The 'Mega' education campus comprises:

- a technical high school;
- a pre-primary school;
- two primary schools;
- shared sports field;
- a utility building (including change rooms, sports stores and offices, and store/utility rooms);
- a multifunctional communal covered space;
- hall complex;
- associated outdoor hard-surfaced and landscaped outdoor areas;
- pedestrian entrances;
- associated parking facilities;
- associated landscaped areas, including lighting and seating;
- associated access and internal roads; and
- small utility building / yard for refuse, storage etc.

The regional hospital comprises:

- 414 hospital bed facility / capacity;
- 23 consulting rooms;
- associated administration and out-patient departments;
- clinical support facilities, including theatres;
- an Emergency Centre;
- Emergency Medical Services facilities to accommodate ambulances servicing;
- main visitors' entrance to the hospital;
- resource centre;
- internet café;
- auditorium;
- associated buildings that facilitate access control, a waiting area for visitors and public ablutions;
- associated parking facilities;
- associated landscaped areas, including lighting and seating;
- helistop positioned centrally on the hospital rooftop;
- associated access and internal roads and ring road system; and
- utility yard for deliveries.

A new central pedestrian spine will follow the alignment of the existing on-site tree line.

The development will also include:

- refuse embayments;
- two electrical switching stations;
- fibre installations; and
- associated stormwater infrastructure.

The road infrastructure and upgrades include:

- Seven intersections would have to be constructed or upgraded as part of the development, as follows:
- Phase 1: two schools (i.e., technical high school and pre-primary school)
 - construction of the 3rd leg (north eastern approach) of the existing Vulindlela Road roundabout to provide access to the education precinct.
- Phase 2: two schools (i.e., 2 primary schools)
Upgrade of the following external intersections:

T2 and Onverwacht Road

- add an additional short right turning lane of 120m long on the northwest leg (T2); and
- add an additional short right turning lane of 160m long on the southeast leg (T2).

Onverwacht Road and Broadway Road (R44)

- add a short, dedicated left turning lane of 40m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the southeast leg (Broadway Road).

Broadlands Road (M61) and Broadway Road (R44)

- add a short, dedicated left turning lane of 60m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the northeast leg (Broadlands Road).

Onverwacht Road and Simon Street

- adding a short, shared left turning and through lane of 60m long on the southwest leg (Onverwacht Road).

- Phase 3: Hospital
 - construction of a new southeast leg (Vulindlela Street Extension) between the existing and new roundabout;
 - construction of the Hospital access roundabout (Access 2); and
 - construction of the access lanes to the Hospital precinct

Broadlands Road (M61) and Vulindlela Street Extension

- construction of the extension of Vulindlela Road (with surfaced sidewalks) from roundabout 2 to Broadlands Road. Note the construction of the eastern section of the road over Portion 74 of Erf 918 is the responsibility of the City of Cape Town;
- changing the priority side stop control to a traffic signal controlled intersection;
- construction of the emergency access to the hospital from the Vulindlela Street Extension; and
- construction of the public stop and drop zone along Vulindlela Street extension.

Upgrade the following external intersections:

T2 and Onverwacht Road

- adding a short through lane of 120 m long on the northwest leg (T2) with a short receiving lane of 60m long on the southeast leg (T2);
- construction of a 60 left-turn lane on the northwest leg (T2); and
- changing the dedicated left turning lane on the southeast leg (T2) to a shared left turning and through lane with a short receiving lane of 60m long on the northwest leg of the T2.

Broadlands Road (M61) and Broadway Road (R44)

- add a short, dedicated left turning lane of 60m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the northeast leg (Broadlands Road).

Onverwacht Road and Simon Street

- add a short, shared left turning and through lane of 60m long on the southwest leg (Onverwacht Road).

Further road upgrades of the T2/Onverwacht intersection will be implemented, as required in terms of Phase 3 pertaining to the hospital.

A Wastewater Treatment Plant will be constructed comprising *inter alia*:

- a pre-screen component;
- grease trap;
- a waste splitter;
- a disinfecting component; and
- associated storage and treatment capacity equipment.

The total development footprint amounts to approximately 77 848 m².

This is the preferred and only activity alternative as the development aims to assist in meeting the socio-economic needs of the surrounding community while providing much needed access to educational and a public health facility.

Layout Alternative (rejected by the applicant)

A layout alternative entails constructing the hospital to the west and the school campus to the east of the site. This layout was rejected as it was found that locating the school campus on the western portion instead, is more desirable. In this regard it will optimally contribute towards creating a shared public services precinct which also allows the community to easily access the educational facility.

Technology Alternative (preferred by the applicant)

While the Macassar Waste Water Treatment Works is being upgraded to have sufficient capacity, a Wastewater Treatment Plant will be constructed to service the proposed development, i.e. the activated sludge Clarus Fusion Wastewater Treatment Plant. The Plant comprises *inter alia*:

- a pre-screen to ensure that inorganic do not enter the Plant;
- grease trap to ensure that that fats, oils and greases that prohibits the workings of the Plant, are removed;
- a splitter to split the waste water equally;
- disinfecting of treated effluent; and
- associated storage and treatment capacity equipment.

This is the preferred and only technology alternative based on the following reasons:

- it is easy to install and maintained;
- it can be retrofitted into existing sewer infrastructure;
- it is low on operating cost;
- it has low noise factor;
- all the treatment happens in a single compartmented vessel;
- it can withstand low flows (even no flows) and peak flows; and
- the system is not prone to overflows.

No-go Alternative (rejected by the applicant)

The no-go alternative entails maintaining the *status quo*, which was rejected, as the informal uses of the site, are not regarded as sustainable. The no-go alternative will not result in any positive socio-economic impacts for the local area. Since the proposed development will not result in any significant negative impacts, the no-go alternative is not deemed as preferred.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The City of Cape Town Helderberg District Spatial Development Plan dated 2012, states that “there is a lack of public institutions such as public/private hospital and schools.” There is, therefore, a dire need for the proposed development in this area. The proposal is aimed at delivering public facilities in an integrated manner and to make more efficient use of the available land and resources. The provision of a public service precinct will not only provide much needed services (schools and hospital), but also add value to the local area.

The need for the proposed hospital is also indicated by the increasing demand for healthcare facilities whereof the existing Helderberg Hospital receives a large number of patients from the local area as well as elsewhere such as the Overberg District.

The need for the proposed schools is further based on the current unsustainable model whereby local learners need to be transported to schools since the schools in their local area are oversaturated in terms of capacity. Population growth within the Nomzamo / Lwandle communities further increases the demand for more public facilities, including schools.

3.2 Regional/Planning Context

The affected properties are zoned Community I and General Industrial I. The relevant planning applications are required to permit the development.

The proposed campus and hospital are consistent with the National Development Plan (2030) objective of improving education and training as well as providing health care for all. Given the nature of the development (i.e., provision of education and health care facilities of where it is needed), it is also consistent with the relevant forward planning instrument such as the City of Cape Town Municipal Spatial Development Framework (2018) (“MSDF”) and the City of Cape Town Helderberg District Plan (2012). In terms of the MSDF, “Education and health-care facilities, libraries, fire and police services are all fundamental to the sustainability and livelihood of the City.” In terms of the Cape Town Consolidated Spatial Plan Concept (February 2018) the development site has a “Consolidation areas” demarcation, therefore, the development proposal is in line with the MSDF and will contribute towards the sustainability and livelihood of the City. The MSDF also encourages economic growth, for job creation and this development will provide much needed employment opportunities.

The development is in line with the Provincial Spatial Development Framework for the following reasons:

- the development will be well located for the residents of Nomzamo as well as Lwandle and it is located along the N2 National highway; and
- the development would provide socio-economic opportunities through the provision of temporary employment during construction phase and further permanent education and medical employment once the development is completed.

3.3 Botanical Impacts

The development will include the removal of indigenous vegetation. A Botanical Assessment Report dated 15 April 2021 was conducted to assess the botanical impacts associated with the development. The site is in a poor condition due to previous disturbances and its existing informal uses (such as soccer fields, grazing, religious gatherings, etc.). Sections of the site contain remnants of Lourensford Alluvium Fynbos and Swartland Shale Renosterveld, which is extremely degraded, with little chance of survival and no potential for restoration. Only a few plants of *Babiana angustifolia* and *Watsonia humilis*, both geophytes, continue to persist on the site.

The botanical impacts associated with the development was identified as very low negative significance. Given the poor botanical state of the site, it is detailed in the Botanical Assessment Report dated 15 April 2021 that no mitigation would be required. It is further detailed in the Botanical Assessment that given the state of the site, developing the site as proposed would be better used to serve the community than it does in its present state, or if the ‘No-Go’ alternative is

implemented. As such, the proposed development is supported from a botanical perspective. As per CapeNature recommendation dated 1 December 2021, it is required that the remaining SCC on site must be translocated to a receptor site which was included in condition 18 of the environmental authorisation.

3.4 Aquatic Impacts

A Specialist Aquatic Ecologist Report dated April 2021 was compiled by Liz Day Consulting in order to assess the potential aquatic impacts. The portions of the site which are mapped as wetlands were found to largely be saturated and water-logged areas. These areas have furthermore been negatively affected by flattening activities, dumping, alien infestation and grazing.

A potential wetland flat was found towards the southern boundary of the site, which was similarly affected by past disturbance on the site. The development itself will result in the loss of the on-site wetland measuring approximately 630m². Since the wetland is in a highly degraded condition, it has a marginal rating in terms of Ecological Importance and Sensitivity and contributing little in the way of ecosystem services. The wetland further has conservation importance rated as low. To mitigate the aquatic related impacts, the development comprises of stormwater attenuation and landscaping features, which will contribute towards improving in the level of the on-site ecosystem services in terms of targeted flood attenuation and water quality purification. Further mitigation measures such as best practice methodologies during construction phase and the need to fence and maintain the landscape and stormwater features during the operational phase forms part of the provisions of the EMPr as well part of the conditions of this environmental authorisation. The aquatic impacts will be of low negative significance (without mitigation) and negligible (with mitigation).

3.5 Geotechnical

According to the Geotechnical Investigation report dated April 2020, no groundwater seepage was observed in any of the excavated trial pits. The side walls of the trial pits were stable and no instability of side walls was observed. The foundation conditions across the site are considered good and the site is considered suitable to accommodate the development from a geotechnical perspective. General measures were recommended and must be implemented. These measures are included in the conditions of this environmental authorisation. These include implementing adequate site surface and stormwater drainage systems, shallow strip or pad footings designed to limit loads, works to be inspected by a geotechnical professional, the use of compacted material of suitable strength, ensuring that foundations are excavated at suitable depths, preventing freshly excavated soils from getting wet during winter months, importation of significant structural layers for pavement areas subjected to high heavy traffic loads and the use of cathodic protection for subsurface metallic services.

3.6 Nuisance

Nuisance related impacts such as dust and noise during the construction phase will be temporary and managed in accordance with the provisions of the EMPr. Noise levels during operational phase is not expected to exceed acceptable levels for urban districts.

3.7 Visual/Sense of place

The development will be designed around a central pedestrian spine which incorporates a pedestrian-prioritised zone and an extension of the local public spatial network. These elements aim to create a sense of identity while the sense of place will be enhanced by connecting the existing landmark tree line to the current landscape. Given the derelict state and informal uses of the site, the proposed development is expected to result in a positive visual impact by formalising the space into a healthcare and education precinct. The proposed development will therefore also contribute towards a positive sense of place.

Visibility of the proposed development will be high in the immediate vicinity, due to the height of the proposed buildings and the flat nature of the site. Visibility will however be limited from many viewpoints as the development will blend in with the existing urban context while alignment of the road will help to conceal the development from road travelers travelling on certain sections of

the N2. Given the existing urban context, the visual intrusion of the proposed development is also considered to be of moderate to low negative significance.

The visual impacts related to the construction phase will be of very low negative significance, if all plant and construction materials are removed post construction. The negative visual impacts during the operational phase can be mitigated to an acceptable degree, and if well designed and landscaped, the proposed development is likely to improve the current visual environment.

3.8 Heritage

No historically and culturally elements which are of heritage significance are found on or near the proposed site. Heritage Western Cape indicated in its correspondence dated 21 May 2021 that there is no reason to believe that the proposed development will impact on any heritage resources.

3.9 Services

The City of Cape Town confirmed in the correspondence dated 12 October 2020 and 30 December 2021 that sufficient capacity exists to provide bulk water resource supply.

In terms of effluent disposal an activated sludge Wastewater Treatment Plant will be constructed on-site to service the proposed development. The further effluent water treatment requirements will be finalised once the Macassar Waste Water Treatment Works has been suitably upgraded.

In terms of electricity supply, the City of Cape Town has indicated in correspondence dated 8 October 2021 that the 11 kV electricity network in the area does not have sufficient capacity to cater for the full requirements of the proposed development. In order to make supply available, the developer to provide the City of Cape Town with a 6m x 4m substation site on the erf boundary of erf ST918-187 (Education site) and a 20m x 14m substation site on the erf boundary of erf ST918-34-RE (Hospital site). These requirements have been incorporated in the project design.

3.10 Traffic

According to the Transport Impact Assessment dated 17 June 2021, as compiled by WSP, the development will generate 954 am peak vehicular trips (i.e., 570 in and 384 out), 581 midday peak vehicular trips (i.e., 247 in and 334 out) and 544 pm peak vehicular trips (i.e., 242 in and 302 out).

In order to accommodate the development from a traffic perspective the following access traffic / road upgrades are required, as per the Transport Impact Assessment:

- Seven intersections would have to be constructed or upgraded as part of the development, as follows:
- Phase 1: 2 schools (i.e., technical high school and pre-primary school)
 - construction of the 3rd leg (north eastern approach) of the existing Vulindlela Road roundabout to provide access to the education precinct.

- Phase 2: 2 schools (i.e., 2 primary schools)
Upgrade of the following external intersections:

T2 and Onverwacht Road

- add an additional short right turning lane of 120m long on the northwest leg (T2); and
- add an additional short right turning lane of 160m long on the southeast leg (T2).

Onverwacht Road and Broadway Road (R44)

- add a short, dedicated left turning lane of 40m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the southeast leg (Broadway Road).

Broadlands Road (M61) and Broadway Road (R44)

- add a short, dedicated left turning lane of 60m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the northeast leg (Broadlands Road).

Onverwacht Road and Simon Street

- adding a short, shared left turning and through lane of 60m long on the southwest leg (Onverwacht Road).

- Phase 3: Hospital

- construction of a new southeast leg (Vulindlela Street Extension) between the existing and new roundabout;
- construction of the Hospital access roundabout (Access 2); and
- construction of the access lanes to the Hospital precinct

Broadlands Road (M61) and Vulindlela Street Extension

- construction of the extension of Vulindlela Road (with surfaced sidewalks) from roundabout 2 to Broadlands Road. Note the construction of the eastern section of the road over Portion 74 of Erf 918 is the responsibility of the City of Cape Town;
- changing the priority side stop control to a traffic signal controlled intersection;
- construction of the emergency access to the hospital from the Vulindlela Street Extension; and
- construction of the public stop and drop zone along Vulindlela Street extension.

Upgrade the following external intersections:

T2 and Onverwacht Road

- adding a short through lane of 120 m long on the northwest leg (T2) with a short receiving lane of 60m long on the southeast leg (T2);
- construction of a 60 left-turn lane on the northwest leg (T2); and
- changing the dedicated left turning lane on the southeast leg (T2) to a shared left turning and through lane with a short receiving lane of 60m long on the northwest leg of the T2.

Broadlands Road (M61) and Broadway Road (R44)

- add a short, dedicated left turning lane of 60m long on the northwest leg (Broadway Road); and
- add a short, dedicated left turning lane of 60m long on the northeast leg (Broadlands Road).

Onverwacht Road and Simon Street

- add a short, shared left turning and through lane of 60m long on the southwest leg (Onverwacht Road).

Further road upgrades of the T2/Onverwacht intersection will be implemented as required, once the hospital is initiated in terms of Phase 3 pertaining to the hospital. The Transport Impact Assessment recommended that the proposed upgrades of the T2/Onverwacht intersection should be reassessed when the development of the hospital is development in future. This will be done in accordance with the requirements of the City of Cape Town: Transport Department.

3.11 Socio-economic

The proposed development will result in the provision of employment opportunities during both the construction and operational phases for the surrounding communities of Lwandle and Nomzamo. Indirect benefits stimulated by the proposed development during construction phase will include procuring building material and furnishings, as well as in other services provided by contractors, e.g., architects, consultants and security. The use of local contractors and sub-contractors will in turn also support the local construction industry.

The development will also provide public education and health facilities, which is much needed in these areas. Furthermore, improved access to education facilities will contribute towards the enhancement of socio-economic welfare and livelihoods in general. Given these socio-

economic benefits, the Socio-economic Impact Assessment dated January 2022 and compiled by found the proposed development to be acceptable from a socio-economic perspective.

The development will result in both negative and positive impacts.

Negative Impacts:

- The removal of indigenous vegetation; and
- Loss of very small area of degraded wetland.

Positive impacts:

- Provision of employment opportunities during construction and the operational phases;
- Provision and access to public health and educational facilities;
- Improved sense of place; and
- Optimal use of available land to achieve forward planning objectives.

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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