



**EIA REFERENCE:** 16/3/3/1/A2/30/3043/22  
**NEAS REFERENCE:** WCP/EIA/0001134/2022  
**DATE OF ISSUE:** 14 DECEMBER 2022

The Municipal Manager  
The City of Cape Town: Urban Mobility Directorate  
P. O. Box 3965  
**CAPE TOWN**  
8000

**For Attention: Ms. M. Durnez**

Per E-mail: [michelle.durnez@capetown.gov.za](mailto:michelle.durnez@capetown.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): THE PROPOSED INTEGRATED RAPID TRANSPORT ("IRT") PHASE 2A TRUNK ROUTE (WORK PACKAGE E2): THE PROPOSED DEVELOPMENT OF DEDICATED BUS- AND NON-MOTORISED TRANSPORT ("NMT") LANES, ROAD EXPANSION AND ASSOCIATED INFRASTRUCTURE FOR GOVAN MBEKI ROAD, NEW EISLEBEN ROAD AND EMMS DRIVE, NYANGA**

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.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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

Copied to:

1. C. Muller (Chand Environmental Consultants)
2. A. van Wyk (City of Cape Town: ERM)

E-mail: [claudette@chand.co.za](mailto:claudette@chand.co.za)

E-mail: [azanne.vanwyk@capetown.gov.za](mailto:azanne.vanwyk@capetown.gov.za)



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## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INTEGRATED RAPID TRANSPORT (“IRT”) PHASE 2A TRUNK ROUTE (WORK PACKAGE E2): THE PROPOSED DEVELOPMENT OF DEDICATED BUS- AND NON-MOTORISED TRANSPORT (“NMT”) LANES, ROAD EXPANSION AND ASSOCIATED INFRASTRUCTURE FOR GOVAN MBEKI ROAD, NEW EISLEBEN ROAD AND EMMS DRIVE, NYANGA**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) and the Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activities specified in section B below with respect to the Preferred Alternative, described in the final Basic Assessment Report (“BAR”), dated September 2022.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in Section E below.

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

The City of Cape Town: Urban Mobility Directorate  
C/O Ms. M. Durnez  
P. O. Box 3965  
CAPE TOWN  
8000

E-mail: [michelle.durnez@capetown.gov.za](mailto:michelle.durnez@capetown.gov.za)

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

**B. AUTHORISED ACTIVITIES**

Listed Activity	Activity/Project Description
<p><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</b></p> <p>Activity Number: 19 Activity Description:</p> <p><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 ambit of 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 in Listing Notice 2 of 2014 applies.”</i></p>	<p>The development footprint encroaches approximately 300m<sup>2</sup> into a depression wetland located at the eastern end of the route along Govan Mbeki Road.</p>
<p><b>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</b></p> <p>Activity Number: 18 Activity Description:</p> <p><i>“The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p><b>i. Western Cape</b></p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. All areas outside urban areas:</i></p> <p><i>(aa) Areas containing indigenous vegetation;</i></p> <p><i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;</i></p> <p><i>or</i></p>	<p>The proposed expansion will encroach on properties zoned Public Open Space (Erf 18876, Nyanga and Erf 50, Crossroads).</p>

<p>iii. <i>Inside urban areas:</i>          (aa) <i>Areas zoned for conservation use; or</i>          (bb) <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</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:

The proposed Integrated Rapid Transport ("IRT) Phase 2A Trunk Route (Work Package E2) comprises the proposed development of dedicated bus- and Non-Motorised Transport ("NMT") lanes, road expansion and associated infrastructure for Govan Mbeki Road, New Eisleben Road and Emms Drive, Nyanga.

The proposed development will comprise the following road upgrades:

Govan Mbeki Road (approximately 3.13km in length):

Govan Mbeki Road (M9 Main Road) will be upgraded from approximately 140m east of the Link Road intersection in the west, up to approximately 230m east of the Klipfontein Road intersection.

New Eisleben Road (approximately 0.9km in length):

New Eisleben Road will be upgraded from approximately 60m south of the Bristol Road intersection to approximately 85m north of the Sonwabile Drive intersection.

Amsterdam Street/Emms Drive (approximately 1km in length):

Amsterdam Street/Emms Drive will be upgraded from approximately 120m north of the 4<sup>th</sup> Avenue/Emms Drive intersection to approximately 160m from the Govan Mbeki intersection on Amsterdam Street.

The proposed road expansion includes the following components:

- Two dedicated bus lanes (one per direction);
- Two dedicated bus docking bays at stations (one per direction) located at specific points along the route;
- Refuge islands (minimum delineator kerb) between bus lanes and general traffic lanes;
- Civil services installation and/or relocation;
- General traffic lanes, typically comprising of four lanes (two in either direction);
- Road shoulders;
- Road islands for landscaping and services installation (e.g., street lights);
- Pavements for pedestrian and cyclist use (i.e., NMT lanes); and
- The installation of stormwater infrastructure.

The proposed expansion of the abovementioned roads includes the medians between the lanes and the area adjacent to the outer edges of the said roads. The extent of the medians is approximately 17,470m<sup>2</sup> and the extent of the areas adjacent to the outer edge of the roadways is approximately 53,322m<sup>2</sup>.

The total development footprint of the proposed upgrades along Govan Mbeki Road, New Eisleben Road and Emms Drive is approximately 70.792m<sup>2</sup>.

### C. ROUTE DESCRIPTION AND LOCATION

The proposed expansion entails upgrades to Govan Mbeki Road (M9 Main Road) for approximately 3.13km from approximately 140m east of the Link Road intersection in the west, up to approximately 230m east of the Klipfontein Road intersection as well as road upgrades to New Eisleben Road from approximately 60m south of the Bristol Road intersection to approximately 85m north of the Sonwabile Drive intersection (a total extent of approximately 0.9km in length), and to Amsterdam Street/Emms Drive from approximately 120m north of the 4<sup>th</sup> Avenue/Emms Drive intersection to approximately 160m from the Govan Mbeki intersection on Amsterdam Street (a total extent of approximately 1km in length).

The co-ordinates of the route are, as follows:

	Govan Mbeki Road (west to east)	New Eisleben Road (south to north)	4th Avenue/Emms Drive intersection
<b>Start</b>			
Latitude (S)	34° 00' 06.36"	34° 00' 10.05"	33° 59' 36.42"
Longitude (E)	18° 34' 36.46"	18° 35' 33.87"	18° 34' 57.46"
<b>Middle</b>			
Latitude (S)	33° 59' 58.25"	33° 59' 58.58"	33° 59' 53.19"
Longitude (E)	18° 35' 36.45"	18° 34' 33.32"	18° 34' 59.62"
<b>End</b>			
Latitude (S)	33° 59' 50.10"	33° 59' 47.40"	33° 00' 10.02"
Longitude (E)	18° 36' 36.63"	18° 35' 30.88"	18° 35' 01.69"

The 21-digit Surveyor General codes are, as follows:

Erf 42, Philippi	C0160045000004200000
Erf 433, Philippi	C01600450000043300000
Erf 434, Philippi	C01600450000043400000
Erf 18491, Philippi	C01600450001849100000
The Remainder of Erf 2851, Nyanga	C01600640000285100000
The Remainder of Erf 113568, Philippi	C01600070011356800000
The Remainder of Erf 40, Philippi	C0160045000004000000
The Remainder of Erf 19363, Philippi	C01600450001936300000
Erf 435, Philippi	C01600450000043500000
Erf 20977 Philippi	C01600450002097700000
Erf 436 Philippi	C01600450000043600000
Erf 437 Philippi	C01600450000043700000
Erf 438 Philippi	C01600450000043800000
Erf 439 Philippi	C01600450000043900000
Erf 18863 Nyanga	C01600640001886300000
Erf 18876 Nyanga	C01600640001887600000
Erf 441 Philippi	C01600450000044100000
Erf 459 Philippi	C01600450000045900000

Erf 51 Philippi	C0160045000005100000
Erf 460, Philippi	C0160045000004600000
Erf 461, Philippi	C01600450000046100000
The Remainder of Erf 457, Philippi	C01600450000045700000
The Remainder of Erf 12713, Philippi	C01600450001271300000
Erf 440, Philippi	C01600450000044000000
Erf 463, Philippi	C01600450000046300000
Erf 534, Philippi	C01600450000053400000
Erf 535, Philippi	C01600660000053500000
Erf 542, Philippi	C01600450000054200000
Erf 537, Philippi	C01600450000053700000
Remainder of Erf 62 Philippi	C01600450000006200000
Remainder of Erf 12713, Philippi	C01600450001271300000
Remainder of Erf 12714, Philippi	C01600450001271400000
Erf 12730, Philippi	C01600450001273000000
Erf 50, Crossroads	C01600660000005000000
Erf 52 Crossroads	C01600660000005200000
The Remainder of Erf 2849, Nyanga	C01600640000284900000

Refer to **Annexure 1**: Locality Maps. Refer to **Annexure 2**: Layout Plans for the route.

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Chand Environmental Consultants  
C/O Ms. Claudette Muller/ Ms. Michelle Lee  
P. O. Box 238  
**PLUMSTEAD**  
7801

Tel.: 021 762 3050

E-mail: [claudette@chand.co.za](mailto:claudette@chand.co.za) / [michelle@chand.co.za](mailto:michelle@chand.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 Activity Alternative described in Section B above.

2. 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 Activities, during which period the authorised Listed Activities for the construction phase, must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
  4. 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.

#### **Written Notice to the Competent Authority**

5. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
  - a) The notice must make clear reference to the route details and EIA Reference number given above.
  - b) The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 12 and 21

#### **Notification of Environmental Authorisation and Administration of Appeal**

6. The holder of the authorisation must in writing, within fourteen (14) calendar days of the date of this decision –
  - 6.1. notify all registered I&APs of –
    - 6.1.1. the outcome of the application;
    - 6.1.2. the reasons for the decision, as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date of issue of the decision;
  - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4. provide the registered I&APs with:
    - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,

- 6.4.3. postal address of the holder,
- 6.4.4. telephonic and fax details of the holder,
- 6.4.5. e-mail address, if any;
- 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

### **Commencement**

- 7. The Listed Activities, including preparation of the route, must not commence within twenty (20) 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 Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

### **Management of Activity**

- 9. The draft EMPr (dated September 2022) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
- 10. The EMPr must be included in all contract documentation for all phases of implementation
- 11. An application for amendment to the EMPr must be submitted to the Competent Authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the Competent Authority.

### **Monitoring**

- 12. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports to this Department on a quarterly basis for the duration of the construction phase.
- 13. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
- 14. Access to the route referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

### **Auditing**

- 15. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
- 16. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
  - a) An audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase; and



- b) A final audit report must be submitted within **three (3) months** of the proposed expansion being completed.
- 17. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
- 18. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

### Specific Conditions

- 19. Should any heritage remains be exposed during excavations or any other actions along the route, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

- 20. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
- 21. The development area must be clearly demarcated, and all areas outside the development area, must be demarcated as 'no-go' areas, prior to the commencement of construction activities.
- 22. All construction activities must be undertaken during the drier summer months (as far as possible).
- 23. Water is a valuable resource and must be used wisely during all phases of the development. No potable water must be used (as far as possible) for construction related activities during the development phase and alternative methods to save water must be implemented.
- 24. 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.

### 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. An application for amendment of the Environmental Authorisation must be submitted 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr, must be as follows:  
  
Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

## G. APPEALS

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

1. An appellant (if the holder of the decision) must, within twenty (20) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if not the holder of the decision) must, within twenty (20) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within twenty (20) 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: 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 2659)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at the address listed above and/or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

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

#### H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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

**DATE OF DECISION: 14 DECEMBER 2022**

Copied to:

(1) C. Muller/ M. Lee (Chand Environmental Consultants)  
(2) A. van Wyk (City of Cape Town)

E-mail: [claudette@chand.co.za](mailto:claudette@chand.co.za)/ [michelle@chand.co.za](mailto:michelle@chand.co.za)  
Email: [azanne.vanwyk@capetown.gov.za](mailto:azanne.vanwyk@capetown.gov.za)

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE: 16/3/3/1/A2/30/3043/22**

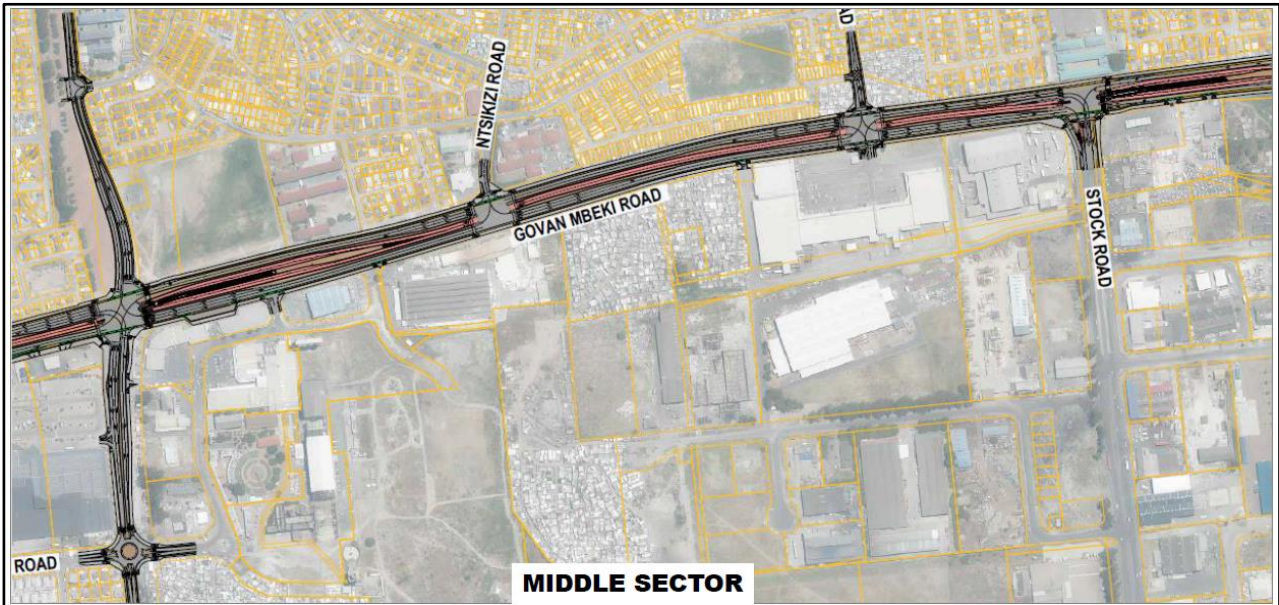
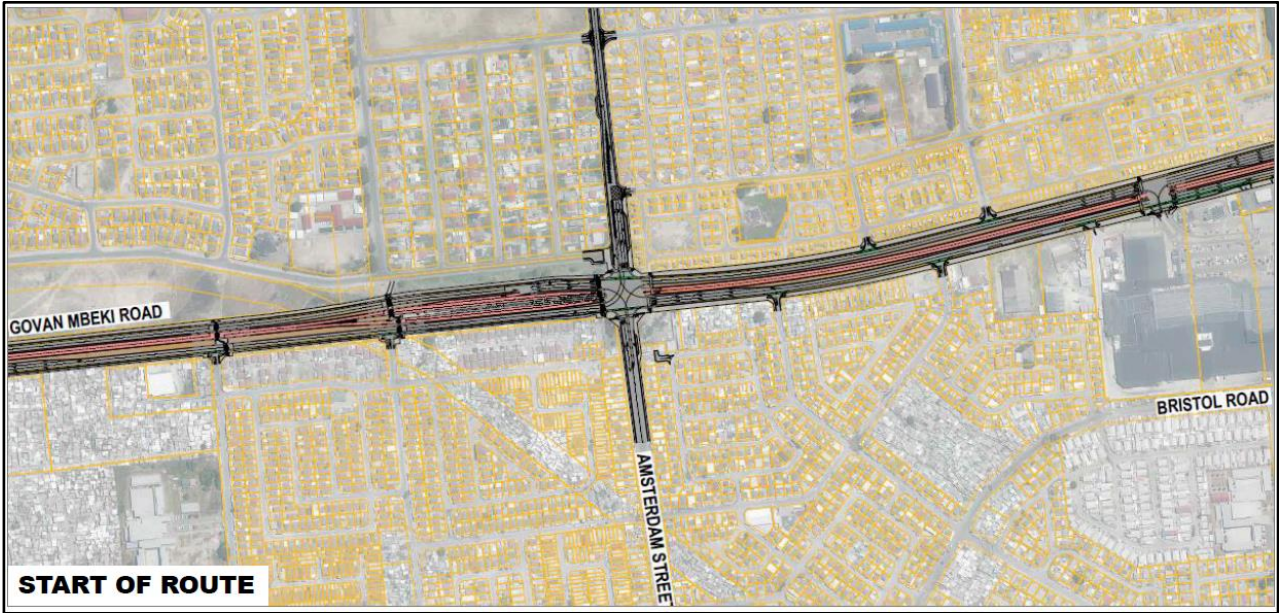
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**ANNEXURE 1: LOCALITY MAP**

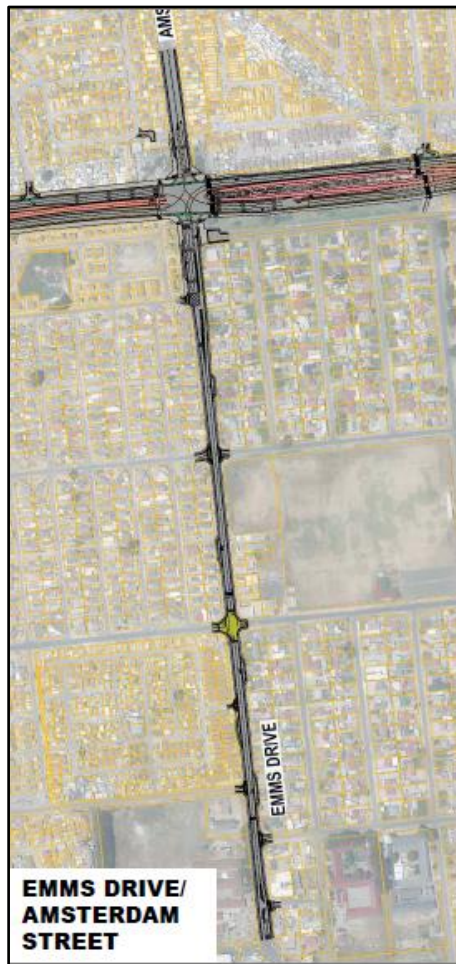




## ANNEXURE 2: ROUTE DEVELOPMENT PLAN







## ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in, the Application Form received on 4 August 2022, the final BAR and the EMPr submitted together with the final BAR received on 15 September 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visit of the route was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit of the route.

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 ("PPP") included:

- Identification of and engagement with I&APs;
- Hand-delivered notification letters distributed to residents located adjacent to the route;
- Notification letters to 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 draft BAR;
- Fixing notices along the route where the Listed Activities will be undertaken on 4 August 2022;
- Meeting with Ward Councillors and Sub-council managers having jurisdiction in respect of any aspect of the activity on 10 June 2022;
- The placing of a advertisement in the "City Vision" Newspaper on 4 August 2022; and
- The distribution of the draft BAR to I&APs for public review and comment from 5 August 2022 to 5 September 2022.

The Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address any significant concerns raised.

### 2. Alternatives

No additional Route-, Locality-, Design/Layout-, Technology Alternatives were considered, as the development proposal entails the expansion of existing road surfaces and forms a component of the much wider Integrated Rapid Transport System project of the City of Cape Town. The investigation of alternatives was therefore limited to existing roadways that are included in the said project.

Design/Layout Alternative (Preferred Alternative, Herewith Authorised)

This Preferred Alternative entails the proposed Integrated Rapid Transport ("IRT) Phase 2A Trunk Route (Work Package E2), which comprises of dedicated bus- and Non-Motorised Transport

("NMT") lanes, road expansion and associated infrastructure for Govan Mbeki Road, New Eisleben Road and Emms Drive, Nyanga.

The proposed development will comprise the following road upgrades:

Govan Mbeki Road (approximately 3.13km in length):

Govan Mbeki Road (M9 Main Road) will be upgraded from approximately 140m east of the Link Road intersection in the west, up to approximately 230m east of the Klipfontein Road intersection.

New Eisleben Road (approximately 0.9km in length):

New Eisleben Road will be upgraded from approximately 60m south of the Bristol Road intersection to approximately 85m north of the Sonwabile Drive intersection.

Amsterdam Street/Emms Drive (approximately 1km in length):

Amsterdam Street/Emms Drive will be upgraded from approximately 120m north of the 4<sup>th</sup> Avenue/Emms Drive intersection to approximately 160m from the Govan Mbeki intersection on Amsterdam Street.

The proposed road expansion includes the following components:

- Two dedicated bus lanes (one per direction);
- Two dedicated bus docking bays at stations (one per direction) located at specific points along the route;
- Refuge islands (minimum delineator kerb) between bus lanes and general traffic lanes;
- Civil services installation and/or relocation;
- General traffic lanes, typically comprising of four lanes (two in either direction);
- Road shoulders;
- Road islands for landscaping and services installation (e.g., street lights);
- Pavements for pedestrian and cyclist use (i.e., NMT lanes); and
- The installation of stormwater infrastructure.

The proposed expansion of the abovementioned roads includes the medians between the lanes and the area adjacent to the outer edges of the said roads. The extent of the medians is approximately 17,470m<sup>2</sup> and the extent of the areas adjacent to the outer edge of the roadways is approximately 53,322m<sup>2</sup>.

The total development footprint of the proposed upgrades along Govan Mbeki Road, New Eisleben Road and Emms Drive is approximately 70.792m<sup>2</sup>.

This alternative is preferred, as it incorporates the recommendations of the specialist professionals and will have the least impact on the receiving environment.

#### 'No-Go' Alternative (Rejected)

The 'No-Go' Alternative entail maintaining the 'status quo', i.e., not proceeding with the proposed Integrated Rapid Transport ("IRT) Phase 2A Trunk Route (Work Package E2). Since the proposed development is not anticipated to result in any high negative impacts and since the proposed upgrades are required in fulfilment of the Integrated Rapid Transport System project of the City of Cape Town, the 'No-Go' Alternative was therefore deemed undesirable.

### **3. Impact Assessment and Mitigation Measures**

#### **3.1 Need and Desirability, including the Planning Context**

The proposed route is located inside the urban edge and the development proposal is compliant with the City of Cape Town's Municipal Spatial Development Framework, 2018 that affirms that the enhancement of the public transport system will impact positively on the social and economic constraints imposed on the neighbourhood. A significant portion of the route occurs within an existing road reserve, however there are some sections of the



proposed expansion that would extend beyond the road reserve, i.e., there are certain cadastral boundaries (not zoned for transport use) which would be encroached upon, including properties zoned as Public Open Space. The existing land use rights of most properties along the route are zoned for transport purposes. A separate land use planning process, which will be undertaken in terms of the City of Cape Town Municipal Planning Amendment By-law, 2016 to ensure compliance with the relevant planning legislation.

The Western Cape Provincial Spatial Development Framework, 2014 references the Western Cape Provincial Land Transport Framework, which outlines the need for “Fully Integrated Rapid Public Transport Networks in the higher-order urban centres of the Province”. The development proposal therefore promotes the expansion/upgrading of infrastructure to create a road network system that connects people to and from work and other places of economic activity.

The proposed development is overall consistent with the forward planning context of the City of Cape Town and forms part of the infrastructure planning of the City of Cape Town.

### 3.2 Biophysical Impacts

Based on the findings of the Aquatic Specialist Report (compiled by Ms Toni Belcher of BlueScience and dated March 2022), the route traverses the Big Lotus River system, which is assigned an Ecological Importance and Sensitivity of Low, as a result of past farming practices and urban development having transformed the Big Lotus River system intersecting the route. Two wetland areas were identified along the route, which support a certain level of wetland functionality. According to the specialist professional, the wetland areas are maintained by stormwater runoff during winter rainfall months. The surrounding land use activities have impacted the flow and water quality of the water feeding the wetland areas. The freshwater specialist recommended the implementation of standard best practice construction measures, which will reduce the impact significance to Very Low.

The Department of Water and Sanitation confirmed in correspondence (dated 22 August 2022), that the development proposal requires a Water Use License in terms of Section 21(c) and (i) of the National Water Act, 1998. A Water Use License Application process has been initiated.

According to the findings of the Terrestrial Biodiversity Compliance Statement (compiled by the NCC-Group and dated 8 June 2022), the route is confirmed to be of low sensitivity from a biodiversity aspect and is irreversibly transformed and highly degraded. No mitigation measures were recommended by the specialist professional in light of the degraded state of the route.

According to the Stormwater Management Plan (compiled by GIBB (Pty) Ltd and dated November 2017), a new underground pipe culvert system will be constructed, which will cater for the minor (1:5yr.) storm event and will discharge in the existing bulk/regional stormwater infrastructure within the relevant catchment areas. Furthermore, the said Plan confirms that none of the existing regional infrastructure requires upgrading, as the additional flows emanating from an increase in impervious surfaces are too low to make a significant impact. The said Plan meets the City of Cape Town's Management of Urban Stormwater Impacts Policy through the implementation of Sustainable Drainage Systems (“SuDS”). The use of SuDS principles to manage stormwater within close proximity to the wetland areas is strongly recommended and supported by the freshwater ecologist, as SuDS will assist in preventing significant impacts on the hydrological functioning of the wetland, reduce the risk of flooding during high flow periods and reduce the risk of increased erosion.

Based on the findings of the specialist professional, it is noted that the proposed infilling activities will not take place within an area considered sensitive in terms of aquatic biodiversity. The impact of the development proposal on freshwater ecosystems can be reduced to a low significance rating with the implementation of the mitigation measures.

The EMPr includes the impact management actions recommended by the freshwater and stormwater specialist professionals for the active long-term management of the road- and stormwater infrastructure within the wetland area.

### 3.3 Heritage Impacts

The correspondence from Heritage Western Cape (dated 19 October 2016) confirmed that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. It was further confirmed by Heritage Western Cape (in electronic mail correspondence on dated 5 August 2022) that the said comment, stands.

Additionally, the applicant will comply with Conditions 19 and 20 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered along the route.

### 3.4 Traffic Impacts

During the construction phase, traffic impacts are expected to occur in the area due to an increase in construction vehicle traffic whilst materials are transported to and from construction areas along the route. Impact management actions related to traffic during construction phase of the development have been included in the EMPr. Traffic impacts were identified as low negative post mitigation. The overarching aim of the City of Cape Town's IRT System is to alleviate traffic congestion and reduce the pressure on the current public transport system within the City of Cape Town.

### 3.5 Visual Impacts

A Landscaping Plan has been compiled to address the visual impacts associated with the development proposal. The planting and removal of trees will be done in accordance with the Landscaping plan, which will be approved by the City of Cape Town's Parks and Recreation Directorate prior to the implementation thereof. Tree protection measures have been included in the EMPr.

### 3.6 Dust and Noise Impacts

Construction activities (mainly site clearing and use of mechanical equipment) will generate some noise and dust during weekly construction hours. The EMPr includes dust and noise control measures that will be implemented along the route and at areas of high dust generation. These will ensure that noise and dust impacts are mitigated to acceptable levels.

### 3.7 Socio-economic Impacts

The development proposal will create some temporary employment opportunities during the construction phase as well as skills acquisition.

The development will result in negative and positive impacts

#### **Negative Impacts, include:**

- Potential aquatic impacts;
- Some visual impacts during the construction phase; and
- Some noise, dust and traffic impacts during the construction phase.

#### **Positive Impacts, include:**

- The alleviation of some traffic congestion through the provision of adequate road infrastructure upgrades for the broader community;

- The provision of a more reliable and safer public transport system for the surrounding community;
- A positive contribution to the local economy; and
- Creation of some employment opportunities during the construction phase and skills acquisition.

#### 4. NEMA 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 NEMA and that any potentially detrimental environmental impacts resulting from the Listed Activities can be mitigated to acceptable levels.

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