Western Cape Government
Environmental Affairs and Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT**
**REGION 1**

**EIA REFERENCE:** 16/3/3/1/A6/57/2050/19
**NEAS REFERENCE:** WCP/EIA/0000675/2019
**ENQUIRIES:** AYESHA HAMDULAY
**DATE:** **25 JUNE 2020**

The Board of Directors
Propgen (Pty) Ltd
3rd Floor, North Wharf
42 Hans Strijdom Avenue
**CAPE TOWN**
8001

**Attention: Mr Jac Vos**

Cell: (087) 285 5837
Fax: (086) 694 6901

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE DEVELOPMENT OF A SCHOOL AND ASSOCIATED INFRASTRUCTURE ON ERF 4743, NOORDHOEK**

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 EIA Regulations, 2014 (as amended), you are hereby instructed to ensure, within fourteen (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 summarized in the attached Environmental Authorisation.

Yours faithfully

**MR ZAAHIR TOEFY**
**DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1**

Copied to: (1) Ms Monique Sham (MSEC Environmental Consultants) Fax: (086) 546 5552
(2) Andrew Greenwood (City of Cape Town: Southern Administration) Fax: (021) 444 3802

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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 ("EIA") REGULATIONS, 2014 (AS AMENDED): THE DEVELOPMENT OF A SCHOOL AND ASSOCIATED INFRASTRUCTURE ON ERF 4743, NOORDHOEK

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 activity specified in section B below with respect to the preferred Alternative that is described in the Basic Assessment Report ("BAR") received by this Department on 10 January 2020.

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

Propgen (Pty) Ltd
C/O Mr Jac Vos
3rd Floor, North Wharf
42 Hans Strijdom Avenue
**CAPE TOWN**
8001

Cell: (087) 285 5837
Fax: (086) 694 6901

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

**B. LISTED ACTIVITY AUTHORISED**

| Listed Activity | Project Description |
|---|---|
| **Government Notice No. R.983 (as amended)**<br>**Activity Number:** 19<br>**Activity Description:**<br>*"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;*<br>*but excluding where such infilling, depositing, dredging, excavation, removal or moving—*<br>*(a) will occur behind a development setback;*<br>*(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;*<br>*(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;*<br>*(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or*<br>*(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."* | The development of a school and associated infrastructure on Erf 4743, Noordhoek entails construction activities that require the moving of more than 10m³ of material within the Brookwood stream. |

The abovementioned listed activity is hereinafter referred to as "**the listed activity**".

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

The construction of a school comprising buildings of various sizes with a combined floor area of approximately 5 500m² in order to accommodate approximately 20 classrooms and 3 offices that will service approximately 600 students from pre-primary, primary and high school as well as approximately 50 staff members.

In accordance with the Generation Schools model, buildings will include the following:
Pre-Primary and Primary School Building:

- Four (4) classrooms (ages 3-6)
- Four (4) classrooms (ages 6-9)
- Four (4) classrooms (ages 9-12)
- ELS classroom (ages 6-12)
- Separate ablution facilities for boys and for girls
- Roofed circulation

Middle School Building

- Eight (8) classrooms (ages 12-15)
- ELS classroom (ages 12-15)
- Separate ablution facilities for boys and for girls
- Roofed circulation

High School Building:

- Eight (8) classrooms (ages 15-18)
- ELS classroom (ages 15-18)
- Separate ablution facilities for boys and for girls
- Roofed circulation

Administration Building:

- Reception and waiting area
- Principal's office
- Breakaway room
- Sickbay with WC
- Server data room
- Stationary storeroom
- Ablution facilities for males and females

Utility Building:

- Refuse yard
- Recycling yard
- Caretakers flatlet
- Janitor's storeroom
- Ablution facilities for males and females
- Utilities storeroom

Multi-Purpose Hall:

- Entrance foyer
- Indoor sports hall
- Catering kitchen
- Kitchen yard and gas storeroom
- Media Room
- Ablution facilities for males and females
- Storerooms

Pool Building:

- Heated training pool
- Heated "learn-to-swim" pool
- Office
- Changing rooms for boys and girls
- Pump room
- Storeroom

Security Office:

- Guardroom
- Ablution facilities for males and females

Stormwater infrastructure including the following:

- A new 600mm diameter pipe that collects the stormwater from Silvermine Road and discharges into the existing canal to the south of the site;
- A central 250mm diameter pipe that collects run-off from the parking area and discharges into a planted detention pond in the southern corner of the site;
- A central 300mm diameter pipe and a 375mm diameter pipe that collects run-off from the roofs and remaining hard-surfaces and discharges into a planted detention pond in the southern corner of the site;

- A vegetated detention pond in the southern corner of the site and several vegetated stormwater swales and vegetated smaller ponds along the eastern boundary of the site;
- A playing field of approximately 2 200m²;
- Courtyard space, paved spaces between buildings and walkways of approximately 5 000m²;
- Internal roads and parking of approximately 3 800m²; and
- An approximately 10 150m² of natural open space comprising wetlands, ponds and greenspace.

No new service infrastructure will be required for the development proposal, as all municipal services are available at or near the site for the connections that are required. As such, the associated infrastructure will be limited to internal sewerage, potable water supply and electrical supply reticulation.

Access to the site will be taken from a new traffic circle on Silvermine Road and a main single lane entrance boulevard leading to a parking area on the site.

A refuse embayment will be located on Noordhoek Main Road. A dedicated area will be provided for the temporary storage of domestic solid waste, located near the western boundary of the school, immediately adjacent to a refuse embayment off Noordhoek Main Road. This waste storage area will be approximately 60m² and will be used to contain several municipal-issued wheely-bins where the waste will be stored until time of municipal collection.

## C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Erf 4743, Noordhoek.

The SG 21 digit code for the said land parcel is as follows:

| **Land Parcel** | **SG 21 digit code** |
|---|---|
| Erf 4743, Noordhoek | C01600370000474300000 |

The co-ordinates of the site are given below:

| Site | Latitude (S) | Longitude (E) |
|---|---|---|
| Mid-point of the site: Erf 4743, Noordhoek | 34° 05' 59.14" South | 18° 22' 52.59" East |

Refer to Annexure 1: Locality Plan. Refer to Annexure 2: Site Map.

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

MSEC Environmental Consultants
C/O Monique Sham
71 Kommetjie Road
**FISH HOEK**
7975

Cell: 072 989 5119
Fax: (086) 546 5552

## E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

### Scope of Authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative described in Section B above.

2. The holder must commence with the listed activity 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.

3. This Environmental Authorisation is granted for–
   3.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
   3.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity for the development phase must be concluded.

4. The listed activity that has been authorised must only be carried out on the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").

5. 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.

6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order 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

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

        Conditions: 8, 9, 13 and 21

### Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
   8.1. notify all registered Interested and Affected Parties ("I&APs") of –
      8.1.1. the decision reached on the application;
      8.1.2. the reasons for the decision as included in Annexure 4;
      8.1.3. the date of the decision; and
      8.1.4. the date when the decision was issued.

8.2. 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) detailed in Section G below;
8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
8.4. provide the registered I&APs with the:
8.4.1. name of the holder (entity) of this Environmental Authorisation,
8.4.2. name of the responsible person for this Environmental Authorisation,
8.4.3. postal address of the holder,
8.4.4. telephonic and fax details of the holder,
8.4.5. e-mail address, if any, of the holder,
8.4.6. 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 Appeals Regulations, 2014 (as amended).

**Commencement**

9. The listed activity, including site preparation, must not be commenced with within (20) twenty calendar days from the date the holder notifies the registered I&APs of this decision.

10. 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**

11. The EMPr (submitted with the BAR to this Department on 10 January 2020), is hereby approved and must be implemented. The following documents must be appended to the EMPr:
11.1. The Wetland Rehabilitation and Toad Management Plan compiled by MSEC Environmental Consultants dated September 2019 with interventions extrapolated from the recommendations contained in the Faunal Baseline and Impact Assessment Report compiled by Sungazer Faunal Surveys dated June 2019 and the Freshwater Impact Assessment Report compiled by Natasha van de Haar dated April 2018;
11.2. The Architectural and Aesthetic Precedent Study and Preliminary Analysis Report compiled by BlueGreen Planning and Design dated December 2017; and
11.3. The Local Stormwater Management Plan compiled by De Villiers Sheard Consulting Engineers dated June 2017.

12. The EMPr, including the abovementioned appendices must be included in all contract documentation for all phases of implementation.

**Monitoring**

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the listed activity can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.

14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office, and must be made available to any authorised official of the Competent Authority on request.

15. Access to the site 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**

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder of this Environmental Authorisation must, for the period during which this Environmental Authorisation and EMPr remain valid, conduct environmental audits. The 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).

    In addition, the environmental audit report, must –

    16.1. provide verifiable findings, in a structured and systematic manner, on the–
        16.1.1. level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
        16.1.2. extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
    16.2. identify and assess any new impacts and risks as a result of undertaking the activity;
    16.3. evaluate the effectiveness of the EMPr;
    16.4. identify shortcomings in the EMPr;
    16.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
    16.6. indicate the date on which construction work was commenced with and completed or in the case where the authorised development is incomplete, the progress of the authorised 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 audit reports must be compiled and subsequently submitted to this Department in the following manner:
    17.1. The first environmental audit must be undertaken within three (3) months of the authorised listed activity being commenced with.
    17.2. Subsequent environmental audits must be undertaken once per annum during the construction phase of the authorised development.
    17.3. The final environmental audit report for the construction phase must be submitted to the Competent Authority within one calendar month of the final environmental audit being undertaken.
    17.4. After the construction phase has been completed, the holder must submit an environmental audit report once every five (5) years, whilst the Environmental Authorisation remains valid.

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.

**Specific Conditions**

19. Should any heritage remains be exposed during excavations or any other actions on the site, 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 exact boundary of the development footprint, including all buffer areas must be clearly demarcated at least one (1) calendar month prior to the authorised listed activity being commenced with and remain intact for the full duration of the construction phase.

22. The rehabilitation strategy and monitoring measures outlined in the Wetland Rehabilitation and Toad Management Plan compiled by MSEC Environmental Consultants dated September 2019, must be strictly adhered to and implemented.

23. The Western Cape has recently experienced a severe drought and had been declared a disaster area. In light of the above, water must be used wisely during all phases of development. No potable water must be used as far as possible for construction activity during the development phase and alternative methods to save water must be implemented.

24. The development proposal must address, *inter alia*, water, energy and resource demand management and efficiency measures that must include, but are not limited to the following:
    24.1. Lighting controls such as dimmers and motion sensors must be used where possible;
    24.2. Use of only high energy efficient lighting technologies;
    24.3. Energy saving bulbs must be installed instead of incandescent bulbs in all structures;
    24.4. All water hoses are to be fitted with a trigger gun spray nozzle with high pressure to limit water wastage;
    24.5. All taps are to be fitted with flow reduction devices and aerators that reduce the flow of water by at least 30%;
    24.6. Energy saving geysers which are properly insulated with geyser blankets to reduce demand on electricity must be used; and
    24.7. The use of solar heating must be maximized wherever possible and adequate thermal insulation must be used in the roofs, walls and ceilings.

25. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.

26. The holder of the Environmental Authorisation must ensure that adequate training is provided in the appropriate language to all on-site personnel, to help ensure that the conditions of the Environmental Authorisation are complied with and the EMPr requirements are met.

27. Prior to departure/closure from the site, the contractor must ensure that all rubble, debris, cement deposits/residue, effluent, wash-off, building materials, builder's infrastructure, signage,

machinery *etc*., associated with the development proposal and contractors' camp are removed and the affected areas are cleaned appropriately.

## 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 activity.

2. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.

3. If the holder does not commence with the listed activity within the period referred to in Condition 3, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.

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:
   6.1. 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<br>Private Bag X9186<br>**CAPE TOWN**<br>8000 |
| By facsimile: | (021) 483 4174; or |
| By hand: | Attention: Mr Marius Venter (Tel.: 021 483 2659)<br>Room 809<br>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.

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

**H. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his 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 greatly appreciated.

Yours faithfully

**MR ZAAHIR TOEFY**
**DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1**
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**
**DATE OF DECISION: 25 JUNE 2020**

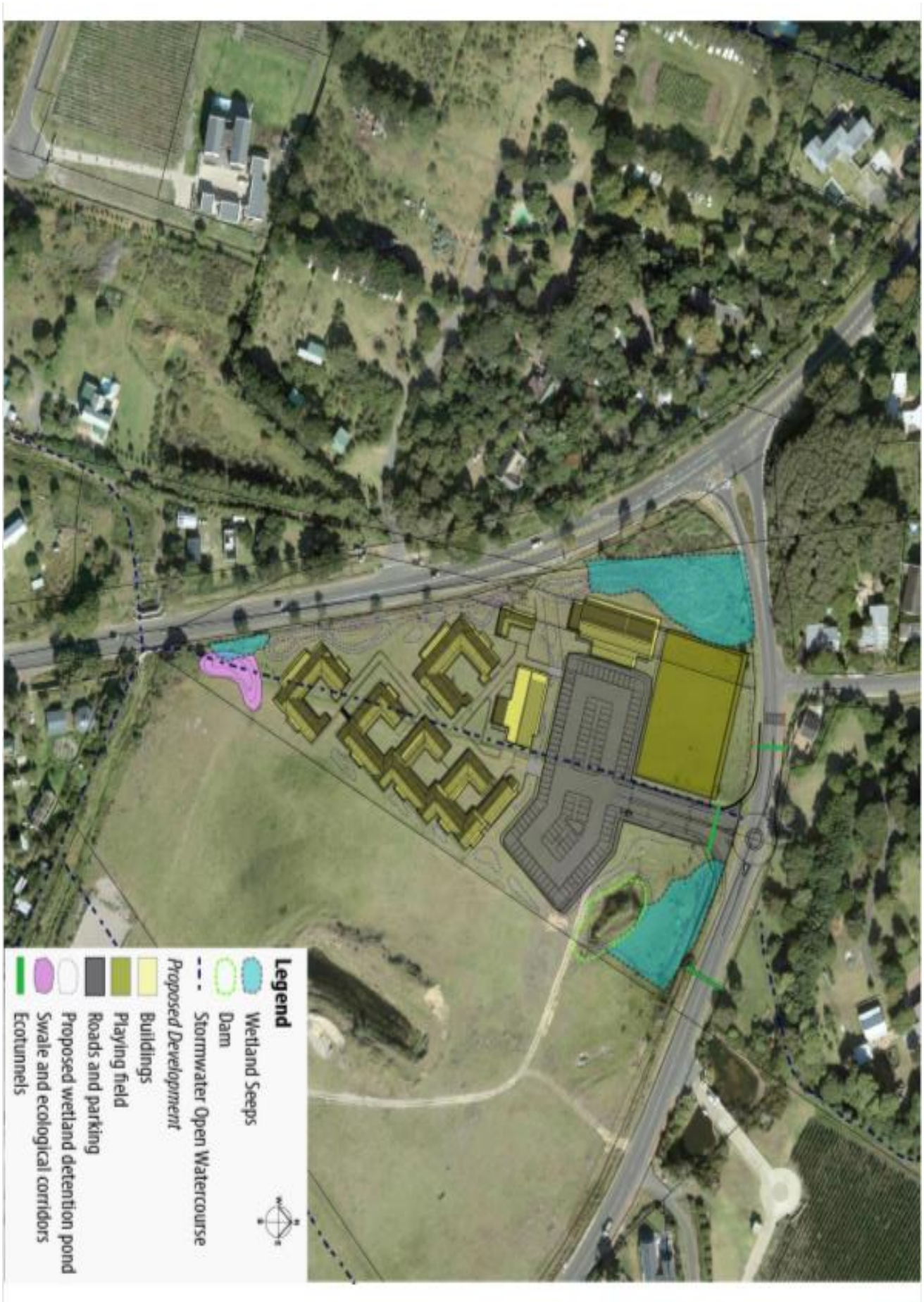
Copied to: (1) Ms Monique Sham (MSEC Environmental Consultants) Fax: (086) 546 5552
(2) Andrew Greenwood (City of Cape Town: Southern Administration) Fax: (021) 444 3802

| | |
|---|---|
| **FOR OFFICIAL USE ONLY:** | |
| **EIA REFERENCE NUMBER:** | **16/3/3/1/A6/57/2050/19** |
| **NEAS EIA REFERENCE NUMBER:** | **WCP/EIA/0000675/2019** |

**ANNEXURE 1: LOCALITY PLAN(S)**


Locality Plan: Proposed Generation School on Erf 4743, Noordhoek

**ANNEXURE 2: SITE MAP(S)**



**ANNEXURE 3: ENDANGERED WESTERN LEOPARD TOAD MANAGEMENT PLAN**

**ANNEXURE 4: 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 by this Department on 23 September 2019, and the EMPr submitted together with the BAR for decision-making on 10 January 2020;
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 BAR;
e) The balancing of negative and positive impacts and proposed mitigation measures; and
f) A site visit was conducted by officials of this Department and representatives of MSEC Environmental Consultants on 12 February 2020.

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") undertaken during the pre-application process and formal EIA Application process:

- An advertisement was published in the '*False Bay Echo*' on 15 June 2017;
- Two (2) Site notices (in English) were erected along the boundary of the site;
- A notification letter was sent to all registered I&APs on the availability of the pre-application BAR for review and comment from 15 June 2017 to 17 July 2017;
- A notification letter was sent to all registered I&APs on the availability of the consultation BAR for review and comment from 14 October 2019 to 13 November 2019;
- A notification letter was sent to all registered I&APs on the extension of the consultation BAR for review and comment from 13 November 2019 to 13 December 2019; and
- A copy of all reports submitted during the pre-application phase and formal EIA application phase was submitted to the Competent Authority, representatives of the relevant State Departments and other Organs of State. They were requested to provide comment on the reports as required in terms of the EIA Regulations, 2014 (as amended).

The following authorities were provided with an opportunity to comment on the development proposal:

- The City of Cape Town;
- The City of Cape Town: Ward Councillor;
- Western Cape Government: Education;
- Western Cape Government: Transport and Public Works;
- The National Department of Water and Sanitation;
- Heritage Western Cape; and
- CapeNature.

This Department is satisfied that the PPP that was followed met the minimum legal requirements and 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 significant concerns raised.

**2. Alternatives**

A rigorous process was followed to assess two primary development alternatives for the site. The 'Preferred Alternative' was assessed and deemed to be a well-balanced and scaled-down version of the holder's preferred alternative, as a result of the site's environmental and other constraints, such as traffic, faunal and visual impacts. This culminated in the holder's preferred alternative being amended during the pre-application process and EIA application process to align with the recommendations of a multidisciplinary professional team, including various specialist professionals and particularly, a faunal specialist. This resulted in the Preferred Alternative, herewith authorised.

Activity Alternative

An alternative land use which entails the development of the site for residential purposes was considered. Such a scheme must comply with the requirements of the City of Cape Town Development Management Scheme ("DMS") Overlay Zone that prescribes a minimum Erf size of 4000m² and would entail the following:

Retain its underlying Rural Zoning and therefore the following uses would be permitted:

- Primary Uses - dwelling house, agriculture and additional use rights;
- Additional Use Rights - second dwelling, home occupation, bed and breakfast establishment or home child care;
- Consent Use - guest house, tourist facility, wind turbine infrastructure, intensive animal farming, farm shop and agricultural industry;
- An application for subdivision into six portions, each approximately 4000m² and an access road portion; and
- Access off Silvermine Road.

Each property permitted as per DMS:

- 1500m² floor area;
- 40% coverage;
- 11m building height; and
- Possible second dwelling (consent not required), thereby increasing the footprint of the development.

It would also be reasonable to assume the following:

- Each individual portion can be fenced in accordance with the relevant City of Cape Town policies;
- Each dwelling design would be decided by the individual owner, as this alternative proposes creating six (6) separate portions to be sold individually on the property market; and
- Construction of these six (6) individual dwelling units may overlap and be ongoing for an extended period of time.

Site Alternatives

There are very few available suitable sites in the Noordhoek area for a school that can accommodate a generation school scheme, made up of a double-stream pre-primary, primary and high school. A site is available with the requisite land use rights near the Red Herring restaurant and bar, but this site is poorly located and contains numerous mature Milkwood trees that are protected.

Reduced Footprint Alternatives

The Generation Schools model for a school including double-stream pre-primary, primary and high school levels has proven economic viability. Ideally such a school would have accommodated between 700 – 750 learners. In order to accommodate the site's environmental constraints and provide sufficient space for biodiversity, primarily endangered Western Leopard Toad breeding and

dispersal, the school size has been reduced to 600 learners. Any significant reduction below this size will impact significantly on the economic viability of the model and therefore no reduction in school size was considered as part of the formal EIA process.

Preferred Alternative (Herewith Authorised)

The Alternative entails the construction of a school comprising buildings of various sizes with a combined floor area of approximately 5 500m² in order to accommodate approximately 20 classrooms and 3 offices that will service approximately 600 students from pre-primary, primary and high school as well as approximately 50 staff members.

In accordance with the Generation Schools model, buildings will include the following:

Pre-Primary and Primary School Building:

- Four (4) classrooms (ages 3-6)
- Four (4) classrooms (ages 6-9)
- Four (4) classrooms (ages 9-12)
- ELS classroom (ages 6-12)
- Separate ablution facilities for boys and for girls
- Roofed circulation

Middle School Building

- Eight (8) classrooms (ages 12-15)
- ELS classroom (ages 12-15)
- Separate ablution facilities for boys and for girls
- Roofed circulation

High School Building:

- Eight (8) classrooms (ages 15-18)
- ELS classroom (ages 15-18)
- Separate ablution facilities for boys and for girls
- Roofed circulation

Administration Building:

- Reception and waiting area
- Principal's office
- Breakaway room
- Sickbay with WC
- Server data room
- Stationary storeroom
- Ablution facilities for males and females

Utility Building:

- Refuse yard
- Recycling yard
- Caretakers flatlet
- Janitor's storeroom
- Ablution facilities for males and females
- Utilities storeroom

Multi-Purpose Hall:

- Entrance foyer
- Indoor sports hall
- Catering kitchen

- Kitchen yard and gas storeroom
- Media Room
- Ablution facilities for males and females
- Storerooms

Pool Building:
- Heated training pool
- Heated "learn-to-swim" pool
- Office
- Changing rooms for boys and girls
- Pump room
- Storeroom

Security Office:
- Guardroom
- Ablution facilities for males and females

Stormwater infrastructure including the following:
- A new 600mm diameter pipe that collects the stormwater from Silvermine Road and discharges into the existing canal to the south of the site;
- A central 250mm diameter pipe that collects run-off from the parking area and discharges into a planted detention pond in the southern corner of the site;
- A central 300mm diameter pipe and a 375mm diameter pipe that collects run-off from the roofs and remaining hard-surfaces and discharges into a planted detention pond in the southern corner of the site;
- A vegetated detention pond in the southern corner of the site and several vegetated stormwater swales and vegetated smaller ponds along the eastern boundary of the site;
- A playing field of approximately 2 200m²;
- Courtyard space, paved spaces between buildings and walkways of approximately 5 000m²;
- Internal roads and parking of approximately 3 800m²; and
- An approximately 10 150m² of natural open space comprising wetlands, ponds and greenspace.

No new service infrastructure will be required for the development proposal, as all municipal services are available at or near the site for the connections that are required. As such, the associated infrastructure will be limited to internal sewerage, potable water supply and electrical supply reticulation.

Access to the site will be taken from a new traffic circle on Silvermine Road and a main single lane entrance boulevard leading to a parking area on the site.

A refuse embayment will be located on Noordhoek Main Road. A dedicated area will be provided for the temporary storage of domestic solid waste, located near the western boundary of the school, immediately adjacent to a refuse embayment off Noordhoek Main Road. This waste storage area will be approximately 60m² and will be used to contain several municipal-issued wheely-bins where the waste will be stored until time of municipal collection.

'No-Go' Alternative

The 'No-Go' Alternative means abandoning the proposal of developing a school and associated infrastructure on Erf 4743, Noordhoek in order to maintain the status quo, *i.e.*, agricultural use. In terms of potential faunal impacts, the No-Go alternative is deemed to have a negative impact

rating of low significance. This lower significance rating ascribed by the fauna specialist is due to the observation that the site in its present degraded condition continues to provide important habitat for the endangered Western Leopard Toad and will continue to do so despite a trend of continuing degradation. Accordingly, the No-Go alternative is deemed to have an overall negative aquatic ecological impact rating of medium significance.

The option of not developing the site is not aligned with the spatial planning policy for the site, which identifies the site as suitable for infill development. The non-development of the site would also result in lost socio-economic opportunity costs and is associated with long term ecological degradation. While this option generates the lowest biodiversity, traffic, visual and noise impacts, it is deemed undesirable, given the applicable spatial planning policy and the lost opportunity costs of not developing the site. The development proposal was informed by various specialist studies that culminated in the design/layout of the preferred alternative. Additionally, all potential impacts identified in the specialist studies will be mitigated to acceptable levels. The 'No-Go' Alternative was therefore deemed undesirable.

**3. Key Factors Affecting the Decision**

In reaching its decision to grant authorisation for the development of the school and associated infrastructure, this Department took into account the following:

3.1 Need and Desirability

An Education Market Study compiled by Urban Studies dated November 2017 was commissioned by the holder to determine the need/demand for a school in the Noordhoek area. The study determined that there is a gap in the market for private school facilities in the Noordhoek area with an existing demand for private schools of approximately 1 100 learners. This demand is expected to increase to more than 1 300 learners by 2022. The study further concluded that a strong private school development will add value to the surrounding market.

The development provides an opportunity for the rehabilitation and long term management of the site's least degraded freshwater features resulting in a net positive outcome for freshwater ecosystems, as confirmed by the appointed wetland specialist. While an overall benefit for freshwater ecosystems can be achieved, the school will generate potentially significant impacts on the endangered Western Leopard Toad which, despite the current degraded condition of the site, uses the site as breeding habitat, for foraging and refuge and for dispersal. Retention of the wetlands of most importance for the endangered Western Leopard Toad for breeding purposes will minimise the overall impact of reduction in habitat associated with the school. Linkages between the sites' retained freshwater features and freshwater features beyond the boundary of the site can be accommodated, thereby minimising the impact of the development on the dispersal opportunities for the endangered Western Leopard Toad and other fauna. The installation of underpasses will facilitate the safe movement of fauna and minimize endangered Western Leopard Toad mortalities from increasing as a result of an increase in vehicular traffic generated by the school.

3.2 Planning Context and Site Description

The relevant local authority will administer the land use planning application matters relating to the development proposal.

3.3 Municipal Services

The City of Cape Town confirmed in a letter dated 22 August 2019 that sufficient unallocated capacity exists to provide the necessary solid waste removal services and that electricity services for the development proposal are available.

3.4 Heritage Resources

Heritage Western Cape in the correspondence dated 22 February 2017 confirmed that no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required and therefore no specific mitigation is required in respect of heritage resources prior to construction work being commenced with on the site.

Additionally, the holder 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 on the site.

3.5 Traffic Impacts

The Traffic Impact Assessment Report compiled by Trafficon CC dated February 2017, contains the following information relating to the traffic impacts associated with the development of the school:

The school access is located approximately 150m east from the Noordhoek Main/Silvermine intersection and approximately 60m from the Village Lane/Silvermine Road intersection.

The school has a total parking requirement of approximately 110 twenty parking bays, of which fifty (50) parking bays will be reserved for staff members. The remaining sixty (60) bays will allocated for parents, twenty (20) of which will be long-stay parking bays and forty (40) drop-off bays. The internal parking layout has designated parking areas for teachers, drop-off and long-stay visitors. The drop-off parking area is located on the periphery of the car park to discourage children crossing the busy car park during peak periods as well as to define a pedestrian pathway for the students. The one-way traffic flow through the parking area improves vehicle flow and reduces vehicle conflict areas on the site.

A School Traffic Calming Zone will be enforced to alert motorists to a reduced speed limit and to increased pedestrian activity through signage and other measures. An approximately 10m diameter traffic circle with one 5m wide circulating lane used to access the school will result in the best performance for the surrounding road network in terms of average delays and Levels of Service ("LOS"). The traffic circle will reduce the operating speeds and balance capacity for all turning movements, thereby creating a school traffic calming zone that improves traffic safety for vehicles and pedestrians. An at-grade pedestrian crossing be implemented east of the Village lane/Silvermine intersection across Silvermine Road as well as a pedestrian walkway along the southern edge of Silvermine Road.

The establishment of a new traffic circle, the internal circulation, strategic parking bay layout and pedestrian crossing and walkway will significantly improve traffic impacts emanating from the operation of the school. In view of the above, the impact of the development proposal on traffic can be sufficiently accommodated with proper mitigation.

3.6 Biodiversity Impacts

3.6.1 Botanical Impacts

According to the botanical statement dated 4 December 2017, the original vegetation that existed on the site is Critically Endangered Hangklip Sand Fynbos. However, the site has been completely transformed from its original state through the establishment of horse paddocks and the associated introduction of Kikuyu grass *Pennisetum clandestinum* for grazing.

In view of the above, the potential negative impact of the development proposal on vegetation will be low.

3.6.2 Faunal Impacts

The Faunal Baseline and Impact Assessment Report compiled by Sungazer Faunal Surveys dated June 2019, contains the following information regarding the faunal habitat on the site:

Wetland 1: seepage

A few indistinct seepage wetland features are present on the site, with the most conspicuous of these situated in the north-western portion of the site. These seepage areas serve as shelter and as a prey source for several frog species.

Wetland 2: semi-natural dam

The most prominent artificial wetland situated on the site is a small dam with wetland plant species situated in the north-eastern portion of the site, which is supplied by sub-surface water and precipitation. This wetland holds standing water for most of the year and is a confirmed endangered Western Leopard Toad breeding site with special conservation significance.

Wetland 3: seepage

This wetland is a seepage area, barely discernable from the general non-wetland habitat. No frogs have been recorded from this seep, however, this seepage zone serves as a shelter and as a prey resource for several frog species.

Wetland 4: Brookwood Stream

The seasonal Brookwood Stream passes below Noordhoek M6 Main Road and flows in a south-westerly direction to feed into the Papkuilsvlei at the southern-most point of the site. It is a well-defined wetland feature in this area densely covered with Typha reeds and is generally unsuitable as an endangered Western Leopard Toad breeding habitat. This stream appears to be a linking corridor, which extends close to a number of breeding sites. It is deemed to be an important link between upland areas in the north and the wetlands of the lowlands to the south.

The general findings of the faunal baseline assessment conclude that the site is not of particularly high conservation value for any of the four faunal habitats that were assessed. However, the occurrence of the endangered Western Leopard Toad in this area creates a significant concern in respect of the prospective development envisioned for the site.

Based on the site's environmental constraints, the layout of the school will include the following interventions:

- Two east/west ecological dispersal corridors for the endangered Western Leopard Toad populations were incorporated as follows:
    - A wide east/west ecological dispersal corridor will be established in the southern portion of the site; and
    - A narrow east/west ecological dispersal corridor will be established in the northern portion of the site.
- North/south ecological dispersal corridors will be established along the western and eastern boundaries of the site.
- The installation of underpasses ("eco-ducts") near the entrance to the school, to facilitate safe movement of the endangered Western Leopard Toad beneath Silvermine Road.

- The erecting of exclusion barrier walls and/or catch-fences to deny the endangered Western Leopard Toad access to harsh terrain like parking areas, (Astro Turf) sports fields and courtyard areas.
- The provision of pathway bridges across ecological dispersal corridors.
- The provision of improved endangered Western Leopard Toad habitat by means of soft landscaping of open space areas.
- The erection of barrier walls on either side of the school entrance, to reduce endangered Western Leopard Toad movements onto Silvermine Road coming from the school site heading towards Cape Point Vineyards.
- The creation of a traffic calming zone (as per the recommendations of the Transport Impact Assessment Report, with a speed limit reduction from 70 km/h down to 50 km/h (including various traffic calming signage) for a distance of approximately 400 m on either side of the school entrance.

The Wetland Rehabilitation and Toad Management Plan compiled by MSEC Environmental Consultants dated September 2019, with interventions extrapolated from the recommendations contained in the Faunal Baseline and Impact Assessment Report compiled by Sungazer Faunal Surveys dated June 2019 and the Freshwater Impact Assessment Report compiled by Natasha van de Haar dated April 2018 will be appended to the EMPr to ensure that mitigation measures are implemented.

3.6.3 Wetland/Freshwater Impacts

The Freshwater Impact Assessment Report compiled by Natasha van de Haar dated April 2018, contains the following information for the development of a school and associated infrastructure on Erf 4743, Noordhoek:

The majority of the site consists of severely degraded wetland habitat which has been impacted upon as a result of decades of anthropogenic activity and disturbance. This habitat is currently dominated by the alien grass species *Pennisetum clandestinum* and *Stenotaphrum secundatum,* which are known to thrive in disturbed, moist soil conditions. However, three seep areas, a dam and a central channel with an increased diversity and abundance of hydrophytes were encountered within the site, which are considered to be semi-degraded wetland habitat and comprise approximately 3 900m$^2$ of the site. No pristine wetland habitat exists on the site.

Indicators of hydromorphic soils were identified within most of the areas investigated. It was therefore concluded by the freshwater specialist that the entire site can be considered wetland habitat. The dam and the central channel will be conserved and a wetland corridor will be created along the eastern boundary of the site. All other wetland habitat will be infilled.

The loss of degraded wetland habitat required for the construction of the school was given a medium (negative) significance rating and there would be no practical mitigation that could lower the significance rating of this impact. However, it is considered possible to reduce the negative impact significance rating of all other construction and operational related impacts to a low or very low impact significance rating with the implementation of the mitigation measures identified in the Freshwater Impact Assessment Report. Impact relating to the increase of wetland biodiversity and function was given a medium (positive) significance, provided that rehabilitation and management are successfully implemented.

According to the Freshwater Impact Assessment Report, it is highly likely that the current trend of modification of the site's hydrology and degradation of the vegetation assemblage will continue in the long term, should development of the site not prove feasible. There exists the potential of the site being used for livestock grazing more often, which could result in additional negative impacts on the semi-degraded wetland habitat. This impact was given a low (negative) significance rating.

The layout and design of the school accommodates both the mitigation measures recommended in the Freshwater Impact Assessment Report as well as those contained in the Faunal Baseline and Impact Assessment Report and as such it is the opinion of the specialist that wetland biodiversity and function can be increased with the development to the extent that despite the reduction in wetland area, a gain in wetland function and wetland service provision is achieved.

The Wetland Rehabilitation and Toad Management Plan compiled by MSEC Environmental Consultants dated September 2019 with interventions extrapolated from the recommendations contained in the Faunal Baseline and Impact Assessment Report compiled by Sungazer Faunal Surveys dated June 2019 and the Freshwater Impact Assessment Report compiled by Natasha van de Haar dated April 2018 will be appended to the EMPr to ensure its implementation.

It is the opinion of the specialists that the development of the school from a freshwater ecological perspective and faunal perspective is acceptable, provided that all mitigation measures are strictly implemented.

3.7 Visual Impacts

The Architectural and Aesthetic Precedent Study and Preliminary Analysis Report compiled by BlueGreen Planning and Design dated December 2017, contains key design principles and sustainability features to guide the visual aspects of the development proposal and will be included as an appendix to the EMPr to ensure mitigation measures are implemented.

The arrangement of buildings on the site will appear as a cluster of farm type buildings appropriate for the rural context from Noordhoek Main Road. A landscaped berm is intended to significantly mitigate the visual impact from the adjacent public road. The school will obstruct views for a short section of the Cape Point Vineyards, however, no views on the Noordhoek and Silvermine mountain perspectives will be impacted by the school.

The visual impact of the development proposal is deemed acceptable, with the implementation of the recommendations contained in the Architectural and Aesthetic Precedent Study and Preliminary Analysis Report dated December 2017.

3.8 Cumulative Impacts

The school will contribute to the significant cumulative impact over time on terrestrial and aquatic biodiversity and particularly wetland habitat loss. This cumulative loss of wetland habitat associated with urban development has arguably been the most important reason for the extinction threat to the endangered Western Leopard Toad population. The school will contribute to this significant negative cumulative impact. However, should the mitigation measures recommended by the freshwater and faunal specialists be effectively implemented, the school should not affect the threat status of the endangered Western Leopard Toad population.

3.9 Dust and Noise Impacts

The holder is required to implement the dust control noise mitigation measures contained in the approved EMPr. The implementation of these measures will help to ensure that the potential dust impacts of the development proposal are adequately mitigated.

3.10 Socio-economic Impacts

The school will allow for the creation of some temporary employment opportunities during the development phase as well as skills acquisition. The educational facility will also address some of the pre-primary, primary and secondary education demand in Noordhoek, thus resulting in a positive social impact.

The development proposal will result in both negative and positive impacts.

Negative impacts may include:

- Potential damage to roads by large trucks and other heavy construction vehicles during the development phase;
- Potential traffic congestion during the development phase;
- Some visual scarring, light, noise and dust impacts during the development and operational phases;
- Potential erosion from surface runoff during the construction phase;
- Potential increased endangered Western Leopard Toad mortalities as a result of construction activities and heavy machinery and trucks;
- Potential physical destruction or damage of wetland areas by workers and machinery operating within or near these areas, and through the establishment of construction camps or temporary laydown areas within or near wetlands;
- Potential accumulation of sediment in wetland areas, as a result of unmanaged runoff from land that is disturbed during the development phase;
- Potential pollution of wetlands by runoff containing contaminants such as fuel, oil, concrete, wash-water and untreated sewage into these ecosystems;
- The potential loss of the endangered Western Leopard Toad breeding habitat, foraging habitat and limited dispersal options as a result of the construction of the school on the site; and
- Potential increased disturbance of aquatic and semi-aquatic fauna, as a result of the noise impacts from machinery working within or near wetlands during the development phase.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- The creation of temporary employment opportunities during the development phase and numerous permanent employment opportunities during the operational phase;
- Encouragement of local scholar use of non-motorised transport to attend the school, resulting in fewer trips out of Noordhoek for pre-primary, primary and secondary education purposes;
- Significant socio-economic benefits associated with the provision of educational facilities close to residential areas;
- The restoration of existing wetlands and the creation of ecological linkages for the local population of endangered Western Leopard Toad utilising the site for seasonal breeding purposes, foraging/refuge and as a dispersal corridor;
- Improved onsite wetland habitat quality in non-developed nodes;
- An increase in the number of onsite endangered Western Leopard Toad breeding habitats;
- A reduction in the number of endangered Western Leopard Toad road mortalities;

- Incorporation of design-related measures to help ensure continued provision of breeding habitat, foraging habitat and limited dispersal is accommodated on the site; and
- Increased provision of pre-primary, primary and secondary educational options in the greater Noordhoek area.

**4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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 authorised listed activity 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 undertaking of the listed activity can be mitigated to acceptable levels.

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