



Western Cape
Government

Environmental Affairs and
Development Planning

DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1

REFERENCE NUMBER: 16/3/3/1/A2/30/3058/17

ENQUIRIES: MS. K. ADRIAANSE

DATE OF ISSUE: 2018 -04- 10

The Municipal Manager
City of Cape Town
Transport for Cape Town
18th Floor Civic Centre Tower Block
12 Hertzog Boulevard
CAPE TOWN
8000

Attention: Ms. N. Mngeta

Tel: (021) 400 9343

Fax: (021) 400 2456

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED INFILLING OF WETLANDS ON ERVEN 454 AND 469 FOR THE ESTABLISHMENT OF THE INTEGRATED RAPID TRANSPORT SYSTEM ALONG GOVAN MBEKI ROAD, PHILIPPI, CAPE TOWN.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 National 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. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. C. du Toit (Environmental Partnership)
(2) Ms. K. Rughoobeer (DEA&DP – Directorate: Development Facilitation)
(3) Mr. R. Samaai (City of Cape Town: Environmental Resource Management)
(4) Mr. W. Dreyer (Department of Water and Sanitation)

Fax: (021) 422 0998

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REFERENCE: 16/3/3/1/A2/30/3058/17
NEAS REFERENCE: WCP/EIA/0000327/2017
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED INFILLING OF WETLANDS ON ERVEN 454-RE AND 469-RE FOR THE ESTABLISHMENT OF THE INTEGRATED RAPID TRANSPORT SYSTEM ALONG GOVAN MBEKI ROAD, PHILIPPI, CAPE TOWN.

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, described in the BAR, dated December 2017.

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

City of Cape Town
Transport for Cape Town
c/o Ms. N. Mngeta
18th Floor Civic Centre Tower Block
12 Hertzog Boulevard
CAPE TOWN
8000

Tel: (021) 400 9343
Fax: (021) 400 2456

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p>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;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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.</p>	<p>The proposed development of the Integrated Rapid Transport System along Govan Mbeki Road, Philippi will require the widening of Govan Mbeki Road. This will result in the infilling or depositing of more than 10m³ of material into the wetlands located on Erven 454-RE and 469-RE, Philippi.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The proposed development entails the establishment of the Integrated Rapid Transport ("IRT") System along Govan Mbeki Road, Philippi, Cape Town. A portion of Govan Mbeki Road (located between the Strandfontein Road/Jan Smuts intersection and Heinz Road) will be widened by approximately 15m on either shoulder to accommodate the IRT lanes. The proposed road widening will result in the infilling or depositing of more than 10m³ of material into the wetlands located on Erven 454-RE and 469-RE, Philippi. The proposed development will be approximately 1.7km in length.

The wetland located on Erf 454-RE is approximately 519.24m² in extent and approximately 333.0m² of the wetland will be infilled. The wetland located on Erf 469-RE is approximately 8426.6m² in extent and approximately 1196.5m² will be infilled. As a result of the infilling activities a suitable offsite wetland offset has been secured by the holder to compensate for the loss of wetlands. The offset site is located on a portion of the Edith Stevens Nature Reserve, which is located on Portion 13 of Cape Farm 609, Philippi. Approximately 2.3ha of a disturbed area within the nature reserve will be rehabilitated and maintained. In this instance, the proposed offset was regarded as acceptable. However, under normal circumstances, offsets would be required outside of areas already under formal protection.

An existing culvert which conveys the Big Lotus River beneath Govan Mbeki Road will be widened. Approximately 10m of the Big Lotus River channel will be covered on either side of the road. As a result of the loss of habitat, an unlined portion of the Big Lotus River located downstream of Jakes Gerwel Drive will be rehabilitated. The remnant habitat quality equal to the length of the channel lost will be improved upon.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erven 454-Re and 469-RE (for the infilling of the wetlands). An off-site wetland offset will be secured on Portion 13 of Cape Farm 609, Philippi located along Govan Mbeki Road, Philippi and has the following co-ordinates:

Property boundary:

Point	Latitude (S)	Longitude (E)
Erf 454-RE (Wetland)	34° 00' 4.57" South	18° 31' 37.43" East
Erf 469-RE (Wetland)	34° 00' 5.47" South	18° 31' 32.59" East
Portion 13 of Cape Farm 609	34° 00' 13.34" South	18° 33' 9.71" East
Big Lotus River channel		
Start	34° 00' 2.21" South	18° 31' 45.49" East
Middle	34° 00' 3.54" South	18° 31' 45.62" East
End	34° 00' 4.53" South	18° 31' 45.75" East

The SG digit codes are:

Erf 454-RE	C01600610000045400000
Erf 469-RE	C01600610000046900000
Portion 13 of Cape Farm 609	C01600000000060900013

The co-ordinates for the route of the proposed development along Govan Mbeki Road:

Point	Latitude (S)	Longitude (E)
Start	34° 00' 7.02" South	18° 31' 17.61" East
Middle	34° 00' 2.72" South	18° 31' 48.45" East
End	33° 59' 59.2" South	18° 32' 22.84" East

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

The Environmental Partnership
 c/o Ms. C. du Toit / Mr. L. Sidondi
 P.O. Box 945
CAPE TOWN
 8000

Tel: (021) 422 0999

Fax: (021) 422 0998

E. CONDITIONS OF 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 the BAR dated December 2017 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 5 (five) years from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request 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

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. 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;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;

- 7.4. Provide the registered I&APs with:
- 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. 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).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities whereafter it must be kept at the office of the applicant, and must be made available to anyone on request.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
- 14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the listed activity and submit Environmental Audit Reports to the Competent Authority 1 (one) month after the completion of the listed activity. The final Environmental Audit Report must be submitted to the Competent Authority within 1 (one) year after the infilling of the wetlands have been completed.

- 14.2. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these 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 further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological 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.
 - 15.2. A qualified archaeologist and/or palaeontologist 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.
16. The recommendations of the Freshwater Ecosystems Report (compiled by The Freshwater Consulting Group cc and dated October 2017) as included in the EMPr must be implemented.
 - 16.1. The wetland offset must be rehabilitated in accordance with the recommendations of the specialist.
17. The existing reserve management plan for the Edith Stevens Nature Reserve must be updated specifically to include the wetland offset area. The updated management plan must be updated within the next 12 (twelve) months as per the proclamation requirements in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).
 - 17.1. A copy of the updated management plan must be provided to this Directorate within 6 (six) months of the proclamation of the management plan for information purposes.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

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

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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 20 (twenty) 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 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: 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 Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZA AHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 10/04/2018

Copies to: (1) Ms. C. du Toit (Environmental Partnership)
(2) Ms. K. Rughoobeer (DEA&DP – Directorate: Development Facilitation)
(3) Mr. R. Samaai (City of Cape Town: Environmental Resource Management)
(4) Mr. W. Dreyer (Department of Water and Sanitation)

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ANNEXURE 1: LOCALITY MAP

Locality map of the proposed route.

