

To: Registered Interested and Affected Party / Organ of State

NOTIFICATION OF THE ENVIRONMENTAL AUTHORISATION GRANTED FOR THE PROPOSED PHASE 2 EXTENSION OF HOUMOED AVENUE AND THE UPGRADING OF MASIPHUMELELE INFORMAL SETTLEMENT, SUNNYDALE AND MASIPHUMELELE, CAPE TOWN

D: EA&DP Reference Number: 16/3/3/1/A6/50/2046/19

DWS WULA Reference Number: 16/2/7

HERITAGE WESTERN CAPE REFERENCE NO. 17080704AS0901E

Date: 12 June 2020

Dear Sir / Madam

You are hereby notified that on **25 March 2020**, the Competent Authority (Department of Environmental Affairs and Development Planning DEA&DP) **granted environmental authorisation** (with conditions) in terms of the National Environmental Management Act (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended in 2017) for the above-mentioned proposal as contained in the decision dated **25 March 2020**.

SPECIAL NOTE ON TIMEFRAMES IN LIGHT OF COVID-19 NATIONWIDE LOCKDOWN:

The nationwide lockdown which commenced on 27 March 2020, necessitated a protocol on how to manage public participation processes during this time. In terms of Regulation 10(8) of the Regulations issued under Section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), measures to address, prevent and combat the spread of Covid-19 were considered by the Department of Environment, Forestry and Fisheries (DEFF). As such, DEFF published guidance on how to ensure fair processes, including those relating to public participation and appeals processes during the lockdown period.

In terms of these regulations, the validity of legislated timeframes associated with environmental applications were extended from 27 March 2020 to 21 days from 5 June 2020 (the date on which the latest directions were published). **Effectively, this extended legislated timeframes by a total 91 days (27 March to 26 June 2020).**

The Directions of 5 June 2020 provided guidance on the nature of public participation that is allowed in terms of the Level 3 lockdown restrictions. Amongst others, it allows for notification to I&APs of authority decisions. **Accordingly, this notification takes account of the timeframes and protocols to be observed.**

The authorised listed activities include Listed Activities 19 and 48 of GN No. 983 (as amended) and Listed Activity 23 of GN No. 985 (as amended).

Approval was granted for the upgrading of the informal settlement as proposed, and for the preferred route alternative (i.e. Alternative 1) for the proposed second phase extension of Houmoed Avenue. A copy of the Environmental Authorisation, including the reasons for the decision contained in **Annexure 4**

of the authorisation, is available on request to all Interested & Affected Parties from Chand Environmental Consultants or from Chand's website:

Email: support@chand.co.za
Tel: 021-762 3050
Fax: 086 665 7430
Website: www.chand.co.za

In taking the decision, the Competent Authority considered all information presented to them, which included details of the public participation that was undertaken for the application (as well as the issues raised by Interested and Affected Parties and the related responses), the alternatives that were considered, the planning context of the proposal, the presence of the existing road reserve, municipal service requirements, the need and desirability considerations, the anticipated positive and negative impacts associated with the proposed development and the proposed mitigation measures which would serve to avoid and/or reduce the significance of negative impacts on the biophysical and social environment.

The Competent Authority indicated that they were satisfied that the specific management and mitigation measures considered during the environmental assessment and included in the Environmental Management Programme (EMPr), are sufficient to mitigate any potentially detrimental environmental impacts to acceptable levels. Furthermore, it was found that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management.

Should you wish to appeal the decision, you must **submit your appeal to the Appeal Minister in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended), by 16 July 2020**, constituting 20 calendar days from 26 June 2020 (the date on which the extended lockdown timeframe expires).

The appeal submission must be submitted, in writing, to the Minister's office by means of one of the following methods:

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

The appeal submission must be accompanied by a statement setting out the grounds of appeal, supporting documentation which is referred to in the appeal submission, as well as a statement (including supporting documentation) by the appellant to confirm compliance with Regulation 4(1).

For purposes of electronic database management, appellants are also requested to submit electronic copies (MS Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/or via email to DEADP.Appeals@westerncape.gov.za

Note that a copy of the appeal must also be submitted to the Applicant, registered I&APs and Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision (these details can be obtained from Chand Environmental Consultants). Kindly also submit a copy of the appeal to Chand Environmental Consultants. A prescribed appeal application form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at the following:

Tel: (021) 483 2659
Email: Marius.Venter@westerncape.gov.za
URL: <http://www.westerncape.gov.za/eadp>

The Applicant's details are as follows:

City of Cape Town
Transport and Urban Development Authority
c/o Mr Mark Pinder
P O Box 9181
Cape Town
8000

Tel: (021) 400 4918
Fax: (021) 400 2902
Email: Mark.Pinder@capetown.gov.za

To summarise, what does this mean?

In a nutshell:

- The DEA&DP has granted approval for Phase 2 of the Houmoed Avenue Extension and the upgrading of the Masiphumelele Informal Settlement, noting that the mitigation measures contained in the Environmental Management Programme (EMPr) and the conditions of approval of the Environmental Authorisation are to be strictly implemented.
- You have the right to appeal the Environmental Authorisation, and can find instructions on how to do so in this letter.
- The legislated timeframe for an appeal has been extended in light of the lockdown restrictions, meaning that any appeal being contemplated must be submitted by **16 July 2020**.

Kind regards



Ingrid Eggert
Chand Environmental Consultants