



**REFERENCE:** 16/3/3/1/A4/37/3018/23  
**NEAS REFERENCE:** WCP/EIA/0001249/2023  
**DATE:** 23 October 2023

The Municipal Manager  
The City of Cape Town  
Directorate: Spatial Planning and Environment  
Civic Centre  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

**For Attention: Ms. Michelle Durnez**

Cell.: 073 273 1310

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 TRUNK ROUTE WORK PACKAGE E4: ROAD EXPANSION AND DEVELOPMENT OF DEDICATED BUS AND NON-MOTORISED TRANSPORT LANES AND ASSOCIATED INFRASTRUCTURE FOR ± 3.9 KM ON JAPHTA K. MASEMOLA ROAD (FROM A POINT ±230 M EAST OF THE SWARTKLIP ROAD INTERSECTION TO ± 712M EAST OF MEW WAY INTERSECTION), INCLUDING ± 416 M ON SWARTKLIP ROAD/OLD FAURE ROAD, ±345 M ON CAPITAL DRIVE/MAPHONGWANA AVENUE, AND ±315 M ON MEW WAY, KHAYELITSHA.**

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.

Yours faithfully

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

Copied to:  
1. S. Pillay/M. Lee (Chand Environmental Consultants)  
2. A. van Wyk (City of Cape Town: ERM)

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

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



**REFERENCE:** 16/3/3/1/A4/37/3018/23

## 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 TRUNK ROUTE WORK PACKAGE E4: ROAD EXPANSION AND DEVELOPMENT OF DEDICATED BUS AND NON-MOTORISED TRANSPORT LANES AND ASSOCIATED INFRASTRUCTURE FOR ± 3.9 KM ON JAPHTA MASEMOLA ROAD (FROM A POINT ±230 M EAST OF THE SWARTKLIP ROAD INTERSECTION TO ± 712M EAST OF MEW WAY INTERSECTION), INCLUDING ± 416 M ON SWARTKLIP ROAD/OLD FAURE ROAD, ±345 M ON CAPITAL DRIVE/MAPHONGWANA AVENUE, AND ±315 M ON MEW WAY. KHAYELITSHA.**

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 final Basic Assessment Report ("BAR"), dated July 2023.

The granting of this Environmental Authorisation (hereinafter referred to as the "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  
Directorate: Urban Mobility Directorate  
% Ms. Michelle Durnez  
Civic Centre  
12 Hertzog Boulevard  
**CAPE TOWN**  
8000

Cell.: 073 273 1310  
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 ACTIVITY

Listed activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p><b>Activity Number: 18</b></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>Western Cape</p> <p>i. <i>Areas zoned for use as public open space or equivalent zoning;</i></p> <p>ii. <i>All areas outside urban areas:</i>            (aa) <i>Areas containing indigenous vegetation;</i>            (bb) <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i></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>	<p>The proposal upgrade of the road will encroach upon a property zoned Public Open Space, namely, Erf No. 68471. The property would be subjected to road widening by more than 4m for a segment of the proposed road upgrade.</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 relating to the development:

The proposed development entails road upgrades to approximately 3.9 km on Japhta K. Masemola Road (from a point approximately 230m east of the Swartklip Road Intersection to approximately 712m east of Mew Way Intersection); side road upgrades of approximately 416m on Swartklip/Old Faure Road, approximately 345m on Capital Drive/Maphongwana Avenue, approximately 245m on Mew Way and a bus turnaround facility of approximately 1385m<sup>2</sup>. The road upgrades would include road widening by varying distances, from a minimum of ±2m and up to ±20 m in some sections along the route. The intersections would be widened to include three-lane approaches made up of a right turn lane, a left turn lane and a straight-through lane. The majority of the route would be a single carriageway without dedicated bus lanes.

The total development footprint for the expansion has been calculated as ±13 531 m<sup>2</sup>

The proposed road upgrade includes the following intersections:

- Swartklip/Japhta K. Masemola Road/Old Faure Road;
- Japhta K. Masemola Road/ Morning Star Drive;
- Capital Drive/Japhta K. Masemola /Maphongwana Avenue;
- Japhta K Masemola Road /Solomon Tshuku Avenue;
- Japhta K. Masemola Road/Mew Way;
- The entrance to the Oliver Tambo Community Hall on Japhta K Masemola Road;
- A turn-around facility at the end of the route on Mew Way; and
- Street Lighting and high masts for CCTV surveillance cameras.

### C. SITE DESCRIPTION AND LOCATION

The site is an existing road which is proposed to be widened and expanded along sections of Japhta Masemola Road, Swartklip/Old Faure Road, Capital Drive/Maphongwana Avenue and Mew Way in Khayelitsha.

The site co-ordinates:

<b>Start</b>	<b>Japhta Masemola Road</b>	<b>K. Swartklip/ Old Faure Road</b>	<b>Capital Drive/ Maphogwana Avenue</b>	<b>Mew Way</b>
Latitude (S)	34° 0' 21.18" S	34° 0' 30.47" S	34° 0' 51.77" S	34° 0' 59.19" S
Longitude (E)	18° 37' 48.68" E	18° 37' 52.23" E	18° 38' 10.05" E	18° 39' 22.57" E
<b>Middle</b>				
Latitude (S)	34° 1' 2.17" S	34° 0' 25.85" S	34° 0' 51.39" S	34° 0' 55.04" S
Longitude (E)	18° 38' 24.42" E	18° 37' 55.73" E	18° 38' 17.30" E	18° 39' 25.14" E
<b>End</b>				
Latitude (S)	34° 0' 58.04" S	34° 0' 19.81" S	34° 0' 49.38" S	34° 0' 50.35" S
Longitude (E)	18° 39' 47.42" E	18° 38' 01.52" E	18° 38' 22.20" E	18° 39' 28.03" E

The SG digit codes:

Remainder of Erf No. 24205, Khayelitsha	C01600630002420500000
Erf No. 24825, Khayelitsha	C01600630002482500000
Erf No. 24826, Khayelitsha	C01600630002482600000
Remainder of Erf No. 24827, Khayelitsha	C01600630002482700000
Erf No. 26777, Khayelitsha	C01600630002677700000
Remainder of Erf No. 40791, Khayelitsha	C01600630004079100000
Remainder of Erf 771, Khayelitsha	C01600300000077100000
Erf No. RE/65222, Khayelitsha	C01600630006522200000
Remainder of Erf No. 24012, Khayelitsha	C01600630002401200000
Erf No. 24199, Khayelitsha	C01600630002419900000
Remainder of Erf 70887, Khayelitsha	C01600630007088700000
Remainder of Erf No. 68232, Khayelitsha	C01600630006823200000
Erf No. 68471, Khayelitsha	C01600630006847100000
Erf No. 68475, Khayelitsha	C01600630006847500000
Erf No. 68476, Khayelitsha	C01600630006847600000
Remainder of Erf No. 54338, Khayelitsha	C01600630005433800000

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

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

Chand Environmental Consultants  
% Ms. Michelle Lee`  
P. O. Box 238  
**PLUMSTEAD**  
7801

Tel.: 021 762 3050  
E-mail: michelle@chand.co.za

## **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 final BAR dated July 2023 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed 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.

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 activity; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity must be concluded.
4. The authorised activity must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### **Notification of authorisation and right to appeal**

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1. notify all registered Interested and Affected Parties of –
    - 6.1.1. the outcome of the application;
    - 6.1.2. the reasons for the decision;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date of issue of the decision;

- 6.2. draw the attention of all registered Interested and Affected Parties 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 Interested and Affected Parties to the manner in which they may access the decision; and
- 6.4. provide the registered Interested and Affected Parties 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

### **Commencement**

7. The listed activity(ies), including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

### **Written notice to the competent authority**

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2. The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 14.

### **Management of activities**

10. The draft EMPr (dated July 2023) submitted as part of the application for Environmental Authorisation is herewith approved and must be implemented.
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.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the

purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Monitoring**

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.
15. The ECO must–
  - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
  - 15.2. ensure compliance with the EMPr and the conditions contained herein;
  - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
  - 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
  - 15.5. provide the competent authority with copies of the ECO reports on a monthly basis during the construction phase of the development and the final ECO report within 30 days of the project being finalised.

### **Environmental audit reports**

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–
  - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 16.2. submit an audit report within six (6) months after completion of the construction period; and
  - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. The environmental audit report must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

- 17.1. provide verifiable findings, in a structured and systematic manner, on–
    - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
    - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
  - 17.2. identify and assess any new impacts and risks as a result of undertaking the activities;
  - 17.3. evaluate the effectiveness of the EMPr;
  - 17.4. identify shortcomings in the EMPr;
  - 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 17.6. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development;
  - 17.7. include a photographic record of the site applicable to the audit; and
  - 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and

Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### **Specific conditions**

19. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.
20. Surface and groundwater must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. Water must be used wisely and non-potable water must be used as far as possible for construction-related activities.

## **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. If the holder does not commence with the listed activities within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the 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.
3. 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.
  - 3.1. 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.
4. The manner and frequency for updating the EMPr is as follows:
  - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## 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 notification of the decision was sent to the holder by the competent authority -
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
  - a) Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - b) Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post:           Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:   (021) 483 4174; or

By hand:          Attention: Mr Marius Venter (Tel.: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](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: 23 OCTOBER 2023**

Copied to:

1. S. Pillay/M/ Lee (Chand Environmental Consultants)
2. A. van Wyk (City of Cape Town: ERM)

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

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

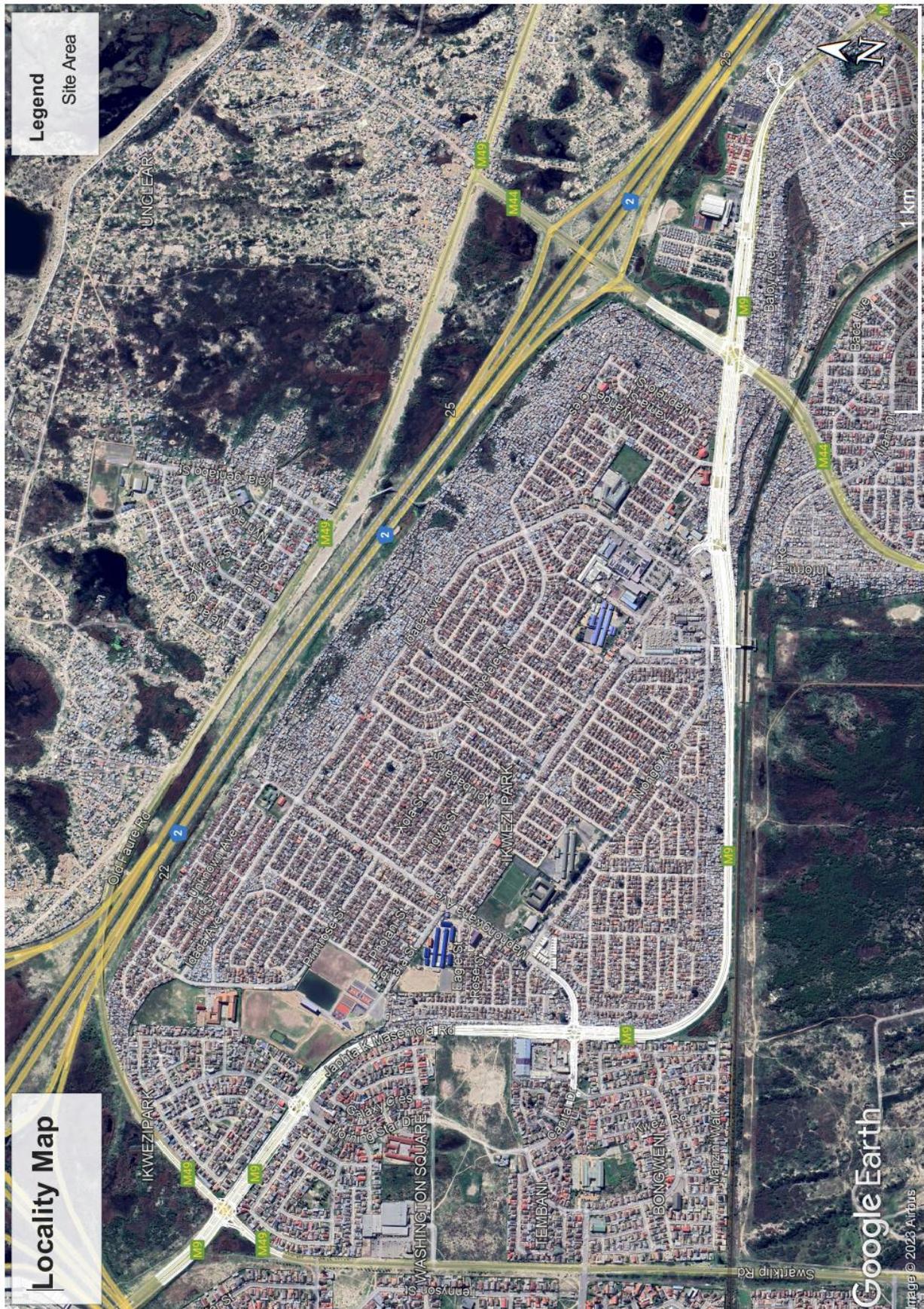
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**FOR OFFICIAL USE ONLY:**

**REFERENCE: 16/3/3/1/A4/37/3018/23**

**NEAS REFERENCE: WCP/EIA/0001249/2023**

# ANNEXURE 1: LOCALITY MAP



## ANNEXURE 2: SITE DEVELOPMENT PLAN

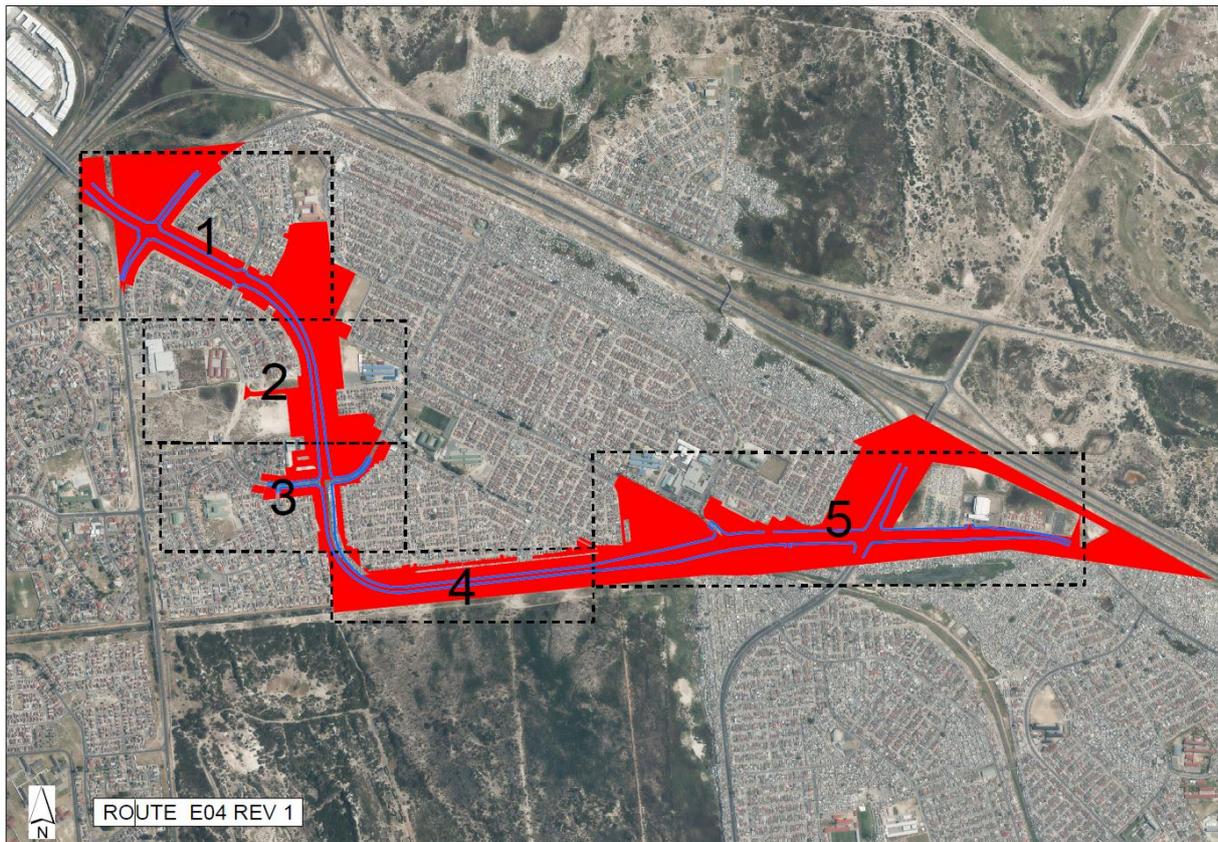


Figure 2: The image depicts the route of the proposed road upgrade per sector.

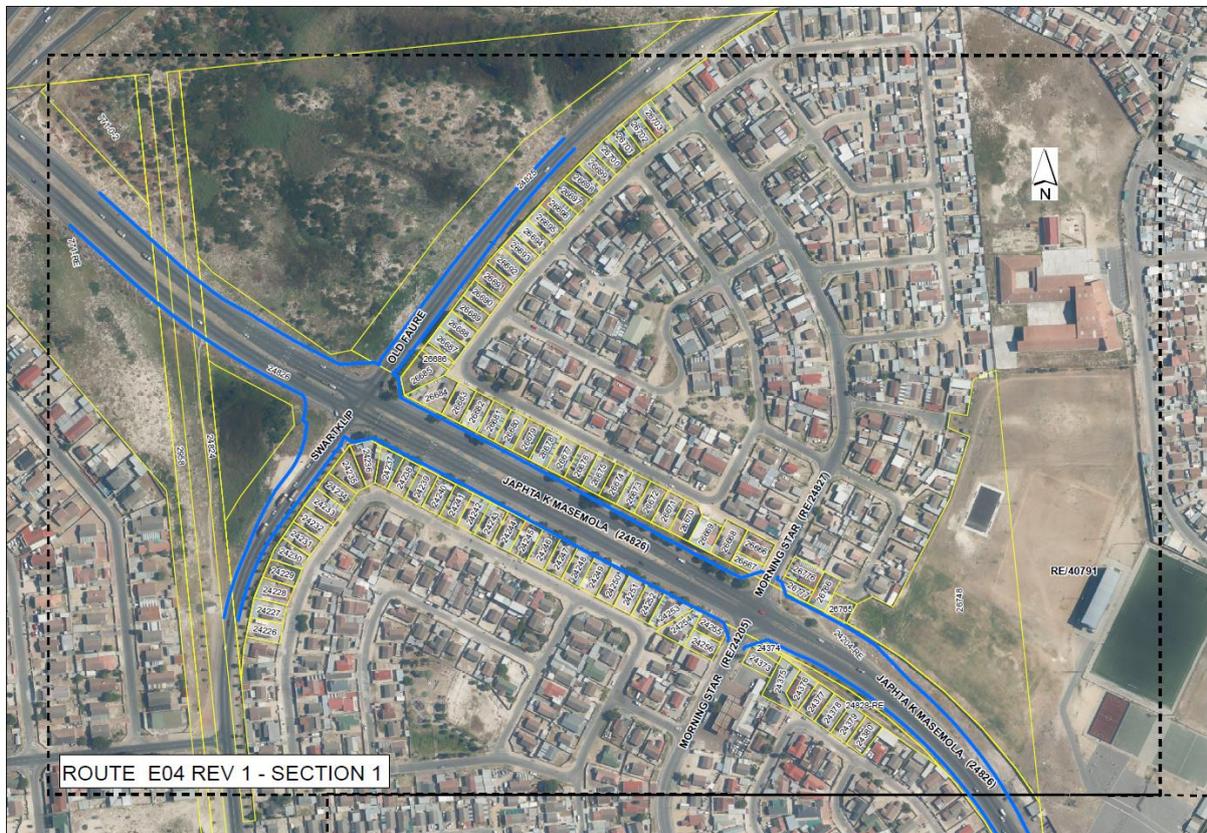


Figure 3: Image depicting sector 1 of the proposed road upgrade along Japhta K. Masemola drive and the Swartklip Road/ Old Faure Road Intersection.



Figure 4: Image depicting sector 2 of the proposed road upgrade along Japhta K. Masemola drive as it approaches the Capital Avenue/ Maphongwana Intersection.



Figure 5: Image depicting Sector 3 of the proposed road upgrade along Japhta K. Masemola Drive beyond the Capital Avenue/ Maphongwana Intersection.



Figure 6: Image depicting Sector 4 of the proposed road upgrade along Japhta K. Masemola Drive.



Figure 7: Image depicting sector 5 of the proposed road upgrade along Japhta K. Masemola Drive and the Mew Way Intersection.

## 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 5 April 2023, the final BAR and draft EMPr submitted together with the final BAR received on 7 July 2023 and the additional information received on 10 July 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the final BAR dated July 2023.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### 1. Public Participation

The public participation process included:

- identification of and engagement with Interested and Affected Parties;
- notification letters to all potential and registered Interested and Affected Parties including the City of Cape Town, the ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the pre-application draft BAR;
- pre- application meetings held with the Department of Water and Sanitation and Heritage Western Cape;
- a pre-application meeting held with the relevant ward councillors at the sub-council offices on 14 February 2023;
- the placing of an English and isiXhosa newspaper notices in the "City Vision" on 20 April 2023;
- fixing notices in English and isiXhosa at the site where the listed activities will be undertaken;
- the availability of an electronic copy of the draft BAR on the Infinity Environmental website;
- the notification of the availability and distribution of the draft BAR for public review for a 30-day commenting period from 19 April 2023 until 21 May 2023;

Responses to the comments raised during the public participation process were included in the final BAR and comments and responses report. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

### 2. Alternatives

#### Site Alternatives

No additional Route, Locality-, Design/Layout, or Technology alternatives were considered, as the development proposal entails the expansion of existing road surfaces which 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 and Layout Alternative (Preferred Alternative, herewith authorised)

The Preferred Alternative entails the proposed Integrated Rapid Transport ("IRT") Phase 2A Trunk Route (Work Package E4), which comprises of dedicated bus- and Non-Motorised Transport ("NMT") lanes, road expansion and associated infrastructure for Japhta K. Masemola Road, Swartklip/Old Faure Road, Capital Drive/ Maphongwana Avenue and Mew Way, Khayelitsha.

The proposed development entails road upgrades to approximately 3.9 km on Japhta K. Masemola Road (from a point approximately 230m east of the Swartklip Road Intersection to approximately 712m east of Mew Way Intersection); side road upgrades of approximately 416m on Swartklip/Old Faure Road, approximately 345m on Capital Drive/Maphongwana Avenue, approximately 245m on Mew Way and a bus turnaround facility of 1385m<sup>2</sup>. The road upgrades would include road widening by varying distances, from a minimum of ±2m and up to ±20 m in some sections along the route. The intersections would be widened to include three lane approaches made up of a right turn lane, left turn lane and a straight through lane. Majority of the route would be a single carriageway without dedicated bus lanes.

The total development footprint for the expansion has been calculated as ±13 531m<sup>2</sup>

The proposed road upgrade include the following intersections:

- Swartklip/Japhta K. Masemola Road/Old Faure Road;
- Japhta K. Masemola Road/ Morning Star Drive;
- Capital Drive/Japhta K. Masemola /Maphongwana Avenue;
- Japhta K Masemola Road /Solomon Tshuku Avenue;
- Japhta K. Masemola Road/Mew Way;
- The entrance to the Oliver Tambo Community Hall on Japhta K Masemola Road;
- A turn-around facility at the end of the route on Mew Way; and
- Street Lighting and high masts for CCTV surveillance cameras.

#### **“No-Go” Alternative (Rejected)**

The No-go alternative entails maintaining the current state of this section of the Japhta K. Masemola Road without any implementation of an Integrated Rapid Transport network in the area.

The No-go alternative is not the preferred choice as the proposal forms an integral component of a broader road network system that has been carefully designed as part of spatial planning. The objective of the proposal is to encompass the positive impacts on the local community, both in terms of infrastructure provision to address the condition of certain portions of Japhta K. Masemola Road, the absence of safe non-motorized transport and pedestrian facilities, along with landscaping improvements. Maintaining the status quo would not address the potential for socio-economic advancement linked to improved accessibility and economic opportunities. The City of Cape Town's objectives regarding spatial connectivity, as outlined in the City of Cape Town Municipal Spatial Development Framework, could be compromised if this development doesn't proceed as planned.

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

#### **3.1 Need and Desirability**

The proposed development will accommodate the proposed road upgrades along Japhta K. Masemola Drive associated with the proposed City of Cape Town Integrated Rapid Transit (“IRT”) which will in turn, provide much needed public transport infrastructure that also promotes economic development, since it creates jobs during the construction phase, and enhances the existing road infrastructure of the surrounding neighbourhood. The proposed site is located inside the urban edge and the development is compliant with the City of Cape Town's Municipal Spatial Development Framework, dated 2018 which affirms that the enhancement of the public transport system will impact positively on the social and economic constraints imposed on the neighbourhood. As such, the proposed development is in accordance with the relevant planning policies. Furthermore, the existing land use rights of the subject properties are zoned for transport activities. 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 proposed development promotes the expansion of infrastructure by creating a road network system that connects people to and from work and other economic activities. The property is located within an existing formal residential area within walking/cycling distance.

### 3.2 Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC confirmed in the correspondence dated 19 October 2016, that there is no reason to believe the development will impact on any heritage resources and that no further action under Section 38 of the National Heritage Resource Management Act, 1999 (Act No. 25 of 1999) is required. As such, no heritage impacts are anticipated. The HWC recently confirmed that their previous statement remains unchanged.

### 3.3 Traffic impacts

The proposed widening of the existing Japhta K. Masemola Road aims to alleviate traffic congestion with the implementation of the IRT system and reduce the pressure on the current public transport system. During the construction phase, traffic impacts are expected to occur in the area due to an increase in construction vehicle traffic while materials are transported to and from the site. This is expected to cause traffic congestion due to the reduced road space which decreases the capacity of the road infrastructure. Impact management actions related to traffic during the construction phase of the development have been included in the EMP. Traffic impacts were identified as low negative post-mitigation.

### 3.4 Dust and noise impacts

Clearing the land and undertaking various construction activities will inevitably produce dust and noise, which could potentially cause disturbances for neighboring land users throughout the construction phase. However, the EMP includes dust and noise impact management actions that will be implemented in order to minimise potential impacts.

The development will result in negative and positive impacts.

#### **Negative impacts:**

- Noise, dust, and traffic impacts during the construction phase of the development.

#### **Positive impacts:**

- The proposed road upgrades will enable residents and commuters to utilise the IRT system along Japhta K. Masemola Road, which is a more reliable and safer public transport system.

## **4. National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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