



REFERENCE NO: 14/3/1/A7/4/0682/25

City of Cape Town
c/o Ms Erna Sills
18th Floor, 12 Hertzog Boulevard
Civic Centre
CAPE TOWN
8001

E-mail: Erna.Sills@capetown.gov.za

Dear Ms Sills,

APPEAL LODGED AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) FOR THE PROPOSED REDEVELOPMENT OF THE STRAND STREET QUARRY ON A PORTION OF THE REMAINDER OF ERF367, ERF617 AND A PORTION OF UNREGISTERED STATE LAND, CAPE TOWN

The appeal lodged in terms of section 43(2) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") against the Environmental Authorisation ("EA") issued on 9 June 2025 by the Department of Environmental Affairs and Development Planning's Director: Development Management (Region 1) ("Delegated Competent Authority") for the proposed redevelopment of the Strand Street Quarry on a Portion of the Remainder of Erf367, Erf617 and a Portion of unregistered state land, Cape Town ("the site") refers.

2. Empowering Provision -

2.1 In terms of section 43(6) of the NEMA:

"The Minister or an MEC may, after considering such an appeal, confirm, set aside or vary the decision, provision, condition or directive or make any other appropriate decision, including a decision that the prescribed fee paid by the appellant, or any part thereof, be refunded."

2.2 In terms of regulation 3 of the National Appeal Regulations, 2025 (Government Notice No. R. 5985 of 13 March 2025):

"These regulations are applicable to an appeal against a decision taken in terms of the Act or a specific environmental management Act that is subject to an appeal to the appeal authority in terms of section 43 of the Act."

3. I have decided in terms of section 43(11)(a) of the NEMA to **dismiss** the Appeal and to **confirm** the abovementioned decision of the Delegated Competent Authority issued on 9 June 2025.

4. REASONS FOR THIS APPEAL DECISION:

The reasons for dismissing the Appeal and confirming the decision of the Delegated Competent Authority are as follows:

4.1 RESPONSE TO APPEAL GROUND 1: Unlawful approval is not in line with the National Heritage Resources Act (Act 25 of 1999)

The Environmental Impact Assessment ("EIA") process included the identification, assessment, and consideration of heritage resources as required by Section 38 of the *National Heritage Resources Act, 1999 (Act No. 25 of 1999)* ("NHRA"). In terms of a Memorandum of Understanding ("MOU") between this Department and Heritage Western Cape ("HWC"), heritage considerations are integrated into the EIA process to ensure appropriate consultation and decision-making in relation to heritage resources.

The Strand Street Quarry's designation as a National Heritage Site was explicitly acknowledged and addressed in the Heritage Impact Assessment ("HIA") submitted as part of the Basic Assessment process and reflected in the EA itself. The development proposal does not disregard this significance, on the contrary, it includes specific interventions intended to preserve and celebrate the site's scientific, technological, and cultural value. These include:

- A museum and exhibition space in the historic Old Fire Station;
- A historical timeline walk with interpretive signage;
- A contemplation and prayer space at the base of the quarry;
- Public realm enhancements with a cultural and heritage focus, including murals, archways, and wayfinding elements.

These measures were developed in consultation with heritage specialists and competent heritage authorities and are designed to reflect the site's layered history while making it accessible to the public as a living heritage space.

All relevant specialist studies, including the HIA, Visual Impact Assessment, and others, were incorporated into the final Basic Assessment Report ("BAR"). None of these studies concluded that the proposed development is inappropriate or would result in unacceptable impacts. On the contrary, the assessments confirmed that the proposal aligns with the principles of Integrated Environmental Management and supports broader spatial planning objectives, including urban regeneration and the conservation of cultural heritage.

Both HWC and the South African Heritage Resources Agency ("SAHRA") were formally consulted. Their positions are clearly recorded in the final BAR:

- SAHRA, in correspondence dated 5 February 2025, confirmed it had no objections to the development. It endorsed the heritage specialist's recommendations and noted that compliance with applicable provisions of the NHRA would be required upon implementation.
- HWC, in correspondence dated 27 January 2025, endorsed the HIA and required that its recommendations — including those relating to design, naming, monitoring, and utilisation — be implemented.

The Environmental Authorisation was issued following a comprehensive, legally compliant EIA process. This included public participation, heritage consultation, and impact mitigation planning in accordance with the requirements of both NEMA and the NHRA. The heritage resources present on site were fully assessed, and mitigation measures were developed in consultation with the relevant authorities.

The relevant, legislation, policies and authorities were consulted and the inputs given due consideration.

It is concurred with the Delegated Competent Authority's decision to issue the EA, having taken the heritage significance of the site, including its scientific and technological value, into account and having duly recognised, assessed, and meaningfully incorporated such information into the redevelopment proposal, cannot be considered either unlawful or inappropriate.

4.2 RESPONSE TO APPEAL GROUND 2: The approval blatantly ignores National Government's policies and is consequently unlawful

It is concurred with the Delegated Competent Authority that the EA issued for the proposed redevelopment of the Strand Street Quarry is lawful, procedurally sound, and consistent with the applicable environmental and heritage legislative framework.

While national heritage policies, such as those issued by the Department of Sport, Arts and Culture (DSAC), may provide guidance in relation to memorialisation, these policies are not binding legal instruments within the scope of the EIA regulatory framework, unless explicitly incorporated into national legislation.

Both HW and the SAHRA were consulted during the Basic Assessment process and their final comments confirmed that the heritage-related aspects of the development had been adequately addressed.

4.3 RESPONSE TO APPEAL GROUND 3: The approval benefits the local community and not the public at large

The assertion that the EA was granted for the exclusive benefit of a single local community (i.e., the Bo-Kaap community) is not supported by the content of the application documents, nor by the conditions or scope of the EA issued by this Department. At no point during the Basic Assessment process, including in the BAR, the Environmental Management Programme ("EMPr"), or the final EA, was it stated or implied that the proposed facility would be for the exclusive use of a particular community or demographic group.

The applicant, explicitly stated that the purpose of redeveloping the underutilised Strand Street Quarry site is to address the lack of sports and recreational facilities in the broader area, while revitalising a strategically located public open space adjacent to the Central Business District.

The project will create a multi-functional facility, open to the broader public, that provides safe and accessible recreational space, enhances urban design and heritage value, supports tourism, and offers both temporary (construction-related) and long-term employment opportunities. It will also enhance safety and surveillance of the site, improving access and utilisation by a diverse range of urban users.

The reference to apartheid-era policies is misplaced. The proposed development promotes inclusive urban regeneration and social equity in a manner that upholds the constitutional principles of non-racialism and public benefit.

The Appellants' assertions in this regard are not supported.

4.4 RESPONSE TO APPEAL GROUND 4: Cost considerations were not properly taken into account

The EA was granted in accordance with the requirements of the *National Environmental Management Act, 1998* (Act No. 107 of 1998), and the EIA Regulations, 2014. The Basic Assessment Report submitted as part of the application satisfied the applicable minimum legal requirements and followed due process.

The City of Cape Town is responsible for the implementation and funding of the project and has well-established financial governance structures in place. The City's budgeting process, conducted through its annual Integrated Development Plan (IDP), Service Delivery and Budget Implementation Plan (SDBIP), and Medium-Term Revenue and Expenditure Framework (MTREF), ensures that capital projects are properly assessed for affordability and sustainability before being implemented. These financial mechanisms are designed to ensure transparency and accountability and to protect the interests of ratepayers.

Therefore, the claim that this authorisation was granted without financial consideration is unfounded. The environmental authorisation process does not evaluate project affordability or cost recovery mechanisms, those are matters for municipal governance and financial planning. No evidence has been provided by the appellant to substantiate the claim that the authorisation is unlawful or fiscally irresponsible.

The EA was therefore lawfully issued and the assertions made in this ground of appeal are not supported.

4.5 RESPONSE TO APPEAL GROUND 5: No confirmation that there is a need or demand for the facilities

The issue of demand was comprehensively addressed in the final BAR, particularly in the sections dealing with the project's Need and Desirability.

The final BAR confirms that there is a demonstrated and justified demand for the proposed redevelopment of the Strand Street Quarry site. The project motivation explains that the area suffers from a lack of accessible, community-based recreational and sports infrastructure, especially in the Bo-Kaap and De Waterkant neighbourhoods. At present, these communities are required to travel to other parts of the city to access formal sporting facilities.

According to the BAR, the redevelopment aims to transform an underutilised and vulnerable urban site into a multi-use public facility that supports sport, recreation, and cultural activities in a safe, inclusive, and accessible setting. It is noted that while Green Point Park and the Green Point Track exist, they cater to a wider metropolitan user base and are often unavailable to local clubs and communities during major events. The Strand Street Quarry redevelopment may therefore relieve this pressure by meeting the localised demand for regular, everyday use.

The argument that demand was not demonstrated is not supported by the evidence provided in the final BAR.

4.6 RESPONSE TO APPEAL GROUND 6: Acquired prescription of the parking area wasn't addressed

According to the documentation submitted as part of the Public Participation Process ("PPP") in the final BAR, the matter of acquired prescription was raised by the Appellant in an email dated 10 October 2024. This comment was received and formally responded to by the Environmental Assessment Practitioner ("EAP") as recorded in the Comments and Responses Report appended to the final BAR. The EAP's response addressed the matter in the context of the EIA process and clarified the applicable scope and mandate of the assessment.

With respect to the Appellants' correspondence dated 28 May 2025, it must be noted that this submission occurred after the final BAR had already been submitted to the Competent Authority for decision-making on 13 February 2025. Accordingly, the matter raised in May 2025 was not received as part of the EIA process prior to decision-making, and no obligation existed to respond to late submissions at that stage of the regulatory process. Furthermore, the Delegated Competent Authority has no formal record of receiving the correspondence dated 28 May 2025. The Applicant advised that In South African law, acquisitive prescription is a legal method of acquiring ownership of immovable property through continuous and uninterrupted possession

over a period of time. For municipalities like the City of Cape Town, claims involving acquisitive prescription are subject to legal scrutiny and specific administrative procedures.

The legal basis for acquisitive prescription over municipal land is found in the *Prescription (Local Authorities) Ordinance No 16 of 1964*, which prohibits claims with effect from a specified date.

Claimants or their predecessors-in-title must have exercised possession of property openly, as if the owner thereof, for an uninterrupted period of 30 years prior to 28 June 1971 (for State land) or 7 August 1974 (for Municipal land).

The process of acquired prescription falls outside of the mandate and purview of the EIA process and that of the Appeal Authority.

4.7 RESPONSE TO APPEAL GROUND 7: Restoration, maintenance and appropriate memorialization Strand Street Quarry not provided for

It is reiterated that the EA and approved EMPr explicitly provide for the protection, integration, and commemoration of the Strand Street Quarry's cultural heritage.

The EMPr confirms that a Living Heritage Project was undertaken as part of the redevelopment process, which documented the intangible cultural heritage and social history of the Bo-Kaap community and their connection to the quarry. The outcomes of this project were used to inform the spatial planning and design of the site.

Furthermore, the approved redevelopment includes a number of interventions specifically aimed at ensuring the heritage significance of the site is recognised, protected, and appropriately commemorated. These include:

- A museum and exhibition space in the historic Old Fire Station;
- A historical timeline walk with interpretive signage;
- A contemplation and prayer space at the quarry base; and
- Public realm installations that reflect the site's heritage and cultural narrative (e.g., murals, archways, and wayfinding elements).

These features are expressly aimed at ensuring the site's scientific, technological, and cultural significance is reflected and retained in the future use and development of the site.

The contention that the EA is inappropriate and *does not provide* for the restoration, maintenance and appropriate memorialization Strand Street Quarry, is *not supported*.

4.8 RESPONSE TO APPEAL GROUND 8: Not all public comments considered

The correspondence dated 28 May 2025, was submitted after the final BAR had already been submitted to the Delegated Competent Authority for decision-making on 13 February 2025. Accordingly, the matter raised in May 2025 was not received as part of the EIA process prior to decision-making, and no obligation existed to respond to late submissions at that stage of the regulatory process.

For the purposes of the appeal, only information that served before the Delegated Competent Authority was considered. No new information that did not form part of the EIA process was considered.

4.9 RESPONSE TO APPEAL GROUND 9: As a declared National Heritage Site, the Quarry's importance cannot be related to sports / parades & restaurants as proposed

The Strand Street Quarry is a Grade I National Heritage Site, as declared in Government Gazette No. 42491 of 30 April 2019. As such, the proposed development was subject to heritage impact considerations in accordance with Section 38(8) of the *National Heritage Resources Act* (NHRA), 1999 (Act No. 25 of 1999). A Notice of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC), who confirmed on 8 August 2023 that no further heritage studies were required, thereby concluding their review process.

The proposed development arose through an intensive and iterative co-design process involving community organisations and stakeholders, over a period of 18 months. The proposal was framed as a catalytic redevelopment aimed at restoring access to underutilised public land for safe and inclusive recreational, sporting, and cultural use. This does not negate the site's heritage significance but rather seeks to sensitively reintegrate it into the surrounding community, in a manner compatible with its location, condition, and public interest.

It is concurred with the Delegated Competent Authority that the argument that the site's heritage value excludes any possibility of compatible land uses such as public sports or cultural facilities is

unfounded. The competent heritage authority (HWC) had not raised any objection to the proposal.

4.10 RESPONSE TO APPEAL GROUND 10: Proposal not in line with the draft National Policy Framework for Heritage Memorialisation

The draft National Policy Framework for Heritage Memorialisation, as referenced by the Appellant, was only published by the Department of Sport, Arts and Culture in May 2025, whereas the final BAR was submitted to the Directorate Development Management on 13 February 2025, nearly three months prior to the policy's publication.

Moreover, this policy framework remains in draft form and has not been gazetted in terms of any binding legislative or regulatory instrument. As such, it does not hold the force of law and is not yet applicable as a formal consideration for decision-making under the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* or the associated EIA Regulations, 2014.

4.11 RESPONSE TO APPEAL GROUND 11: No feasibility study conducted

The Basic Assessment process included detailed assessments of the project's viability, public engagement, and strategic alignment.

While a standalone feasibility study was not submitted, the 'Need and Desirability' assessment, contained in Appendix K of both the draft and final BAR's, serves as a functional equivalent. This assessment addresses:

- The rationale for the redevelopment;
- Strategic alignment with municipal and district planning frameworks;
- Anticipated socio-economic and cultural benefits;
- Community needs and spatial justice considerations.

The assessment was informed by professional studies, stakeholder input, and planning instruments, and demonstrates that the redevelopment is both viable and desirable.

The redevelopment proposal is embedded within multiple strategic frameworks, including:

- Foreshore Gateway Urban Design Framework (2021) – identifies the site as a catalytic public asset;
- Bo-Kaap Quarry Conceptual Urban Design Framework (2018);
- Bo-Kaap Tourism Development Framework (2021);



- Bo-Kaap Local Area Spatial Development Plan (2023);
- Table Bay District Spatial Development Plan and Environmental Management Framework (2023).

These frameworks reflect a multi-year, multi-sectoral planning process involving urban designers, heritage specialists, municipal planners, and community representatives. Their inclusion in the BAR demonstrates that the redevelopment concept has undergone iterative refinement and strategic vetting.

The Basic Assessment process included a robust PPP, which:

- Notified stakeholders via letters, newspaper adverts, and site notices;
- Hosted a public open day;
- Provided access to draft documentation at public venues and online;
- Allowed for formal comment periods, which were extended to accommodate public input, and
- All comments received were documented and responded to in the final BAR. The PPP met and exceeded the minimum legal requirements, ensuring transparency and inclusivity.

The City of Cape Town's Spatial Planning and Environment Urban Regeneration Department confirmed that the proposal is consistent with municipal forward planning policies. This endorsement further affirms the strategic feasibility of the redevelopment.

The redevelopment of the Strand Street Quarry is supported by a comprehensive planning and assessment process. The 'Need and Desirability' assessment, strategic frameworks, and public participation collectively demonstrate feasibility and transparency.

It is concurred with the Delegated Competent Authority that this ground of appeal is without merit.

4.12 RESPONSE TO APPEAL GROUND 12: Proposal is contrary to national policy

It is reiterated that the draft National Policy Framework for Heritage Memorialisation, as referenced by the Appellant, was only published by the Department of Sport, Arts and Culture in May 2025, whereas the final Basic Assessment Report (BAR) was submitted to the Directorate Development Management on 13 February 2025, nearly three months prior to the policy's publication.

Moreover, this policy framework remains in draft form and has not been gazetted in terms of any binding legislative or regulatory instrument. As such, it does not hold the force of law and is not yet applicable as a formal consideration for decision-making under the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* or the associated EIA Regulations, 2014 (as amended).

4.13 RESPONSE TO APPEAL GROUND 13: Infringement of existing constitutional rights of owners in the immediate vicinity

The Appellant has not provided evidence to substantiate the claim that the proposed development will inevitably infringe upon constitutional rights of nearby registered owners, or result in overcrowding, environmental degradation, or diminished economic benefits due to increased security, maintenance, or service strain.

Comprehensive specialist studies and assessments were submitted as part of the Basic Assessment application process, which identified and evaluated potential impacts associated with the development. These studies concluded that no significant negative impacts are expected and that any potential impacts can be mitigated to acceptable levels.

Appellants' allegations are contrary to the evidence provided as part of the final BAR.

4.14 RESPONSE TO APPEAL GROUND 14: Acquisition Prescription

It is reiterated that according to the documentation submitted as part of the PPP in the final BAR, the matter of acquired prescription was raised by the Appellant in an email dated 10 October 2024. This comment was received and formally responded to by the EAP as recorded in the Comments and Responses Report appended to the final BAR. The EAP's response addressed the matter in the context of the EIA process and clarified the applicable scope and mandate of the assessment.

With respect to the Appellants' correspondence dated 28 May 2025, it must be noted that this submission occurred after the final BAR had already been submitted to the Delegated Competent Authority for decision-making on 13 February 2025. Accordingly, the matter raised in May 2025 was not received as part of the EIA process prior to decision-making, and no obligation existed to respond to late submissions at that stage of the regulatory process. Furthermore, the

Delegated Competent Authority has no formal record of receiving the correspondence dated 28 May 2025.

The Applicant advised that In South African law, acquisitive prescription is a legal method of acquiring ownership of immovable property through continuous and uninterrupted possession over a period of time. For municipalities like the City of Cape Town, claims involving acquisitive prescription are subject to legal scrutiny and specific administrative procedures.

The legal basis for acquisitive prescription over municipal land is found in the Prescription (Local Authorities) Ordinance No 16 of 1964, which prohibits claims with effect from a specified date.

Claimants or their predecessors-in-title must have exercised possession of property openly, as if the owner thereof, for an uninterrupted period of 30 years prior to 28 June 1971 (for State land) or 7 August 1974 (for Municipal land).

The process of acquired prescription falls outside of the mandate and purview of the EIA process and that of the Appeal Authority

4.15 RESPONSE TO APPEAL GROUND 15: Embankment poses a safety risk

Concerns raised regarding slope stability and potential rockfall risks associated with the redevelopment of the Strand Street Quarry are acknowledged and it is concurred with the view expressed by the Delegated Competent Authority that these concerns were comprehensively addressed during the Basic Assessment process and are reflected in the EA.

A Slope Stability Assessment Report was compiled by HHO Consulting Engineers in October 2023, based on detailed site investigations conducted by qualified geotechnical specialists. The report concluded that:

- The quarry excavation faces are largely stable, with minimal evidence of fallen rocks observed at the base.
- The central portion of the north-easterly facing slope presents a moderate risk due to the presence of scree and talus material, which may pose a hazard under certain conditions.

- Importantly, the report does not deny the risk of rockfalls but characterises it as a potential risk, not a guaranteed or imminent impact. This distinction is crucial in environmental risk management and planning.

In response to the identified risks, the EA includes binding conditions requiring the implementation of geotechnical and slope stability interventions, including but not limited to:

- Installation of rockfall netting, catch fences, and other protective barriers to prevent rockfalls from endangering public safety.
- Removal of trees near the excavation faces to prevent accelerated weathering and erosion that could destabilize slopes.
- Ongoing monitoring and maintenance of slope stability measures throughout construction and operational phases to ensure continued safety.

These mitigation measures are detailed in the approved EMPr and are designed to reduce the risk of rockfall to acceptable levels, thereby ensuring public safety and the structural integrity of the site.

The findings of the Slope Stability Assessment and the proposed mitigation measures were disclosed to Interested and Affected Parties (I&APs) during the Public Participation Process. No objections or contrary expert opinions from geotechnical authorities or engineering professionals were received concerning the adequacy of the proposed safety interventions.

4.16 RESPONSE TO APPEAL GROUND 16: Parking and traffic

It is concurred with the Delegated Competent Authority that the concerns raised regarding anticipated traffic congestion, adequacy of parking, and pedestrian safety in relation to the proposed redevelopment of the Strand Street Quarry site. These matters were comprehensively considered as part of the Basic Assessment process, and appropriate mitigation measures, grounded in the findings of specialist studies, have been incorporated into the EA to address these concerns.

A Traffic Impact Assessment ("TIA"), compiled by HHO Consulting Engineers, dated November 2024, assessed the potential traffic implications of the proposed development.

The TIA concluded, inter alia, that:

- The proposed development would generate approximately 139 trips during the AM peak hour and 209 trips during the PM peak hour, with significantly lower volumes expected outside of peak periods and during non-event-related usage.
- *The proposed development is not expected to function as a major traffic generator during peak periods, which is an important consideration in light of existing congestion levels along Strand Street and the surrounding road network.*
- *The surrounding road infrastructure can accommodate the anticipated traffic volumes without necessitating major upgrades.*

While the TIA acknowledged the pre-existing congestion along Strand Street and intersecting roads, it found that the traffic generated by the development would not exacerbate congestion to unacceptable levels. The TIA also included recommendations that were incorporated into the planning and design of the development.

The EA provides for parking arrangements that are consistent with the outcomes of the TIA and the operational needs of the proposed land uses. These include:

- 73 formal vehicle bays to be located on the eastern side of Strand Street;
- 43 semi-basement parking bays on the site itself;
- 62 parking bays dedicated to Metro Police use (16 surface-level and 46 semi-basement).

These allocations were determined to be sufficient to support the anticipated demands of the development, which includes community, recreational, and law enforcement components.

The Basic Assessment process recognised that Loader Street is currently used informally by residents for *rear access to properties and for parking*. In recognition of these localised concerns:

- The proposed development does not include any formal access from Loader Street.
- Permit-based parking bays will be allocated for Loader Street residents on a first-come, first-served basis, thereby mitigating the potential displacement of residents who currently rely on this space for access or parking.

The proposed redevelopment includes significant upgrades to pedestrian infrastructure, including:

- New pedestrian walkways and signalised crossings, most notably a pedestrian crossing over Strand Street, to enhance pedestrian safety and accessibility;

- Upgrades to the public realm that will improve the functionality and safety of pedestrian routes in and around the site; and
- Integration of pedestrian infrastructure with surrounding public transport nodes and parking areas to support inclusive mobility.

These interventions directly respond to pedestrian safety concerns raised during the public participation process and are aligned with the recommendations of the TIA.

It must be emphasised that any deviation from the approved layout, including changes to the location, design, or number of parking bays or traffic mitigation measures, will require prior written approval from the Competent Authority. This ensures that the development remains subject to robust regulatory oversight and allows for adaptive management in response to future circumstances, should the need arise.

The development proposal includes adequate provision for traffic and parking, incorporates infrastructure to support pedestrian safety, and provides for continued accommodation of local residents' needs.

4.17 RESPONSE TO APPEAL GROUND 17: Tourism and Profitability

The concerns raised regarding the operational feasibility, funding, and governance of the proposed redevelopment of the Strand Street Quarry site are acknowledged. However, as stated by the Delegated Competent Authority these matters fall primarily within the mandate of the City of Cape Town as the project proponent and are not within the scope of assessment under the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") and the EIA Regulations, 2014.

The Basic Assessment process, conducted in terms of the EIA Regulations, is intended to evaluate the potential environmental impacts of a proposed development and to ensure that these are appropriately mitigated. It does not extend to the evaluation or approval of operational or financial models, which are addressed through separate municipal and governance processes.

It is clearly stated in the BAR that the City of Cape Town will be responsible for securing and managing both fiscal and non-fiscal resources required to implement the development. Any

concerns regarding budget allocation, operational sustainability, or management responsibilities must therefore be directed to the City as the implementing authority.

4.18 RESPONSE TO APPEAL GROUND 18: Politicisation of the process

The allegations made in respect of financial benefits and the recipients of benefits with respect to the proposed development constitutes unsubstantiated conjecture.

It is however, concurred with the Delegated Competent Authority that the concerns raised were considered during the Basic Assessment process and addressed through formal inputs from the relevant planning authorities.

The proposed redevelopment was evaluated against both the City of Cape Town's 2023 Spatial Development Framework (SDF) and the Table Bay District Spatial Development Framework (DSDF). Based on this evaluation, it was confirmed that:

- The site is located within the Urban Edge, with dual demarcation as part of the Urban Inner Core and Development Corridors.
- The redevelopment is consistent with the SDF's objectives to optimise underutilised public land, promote inclusive urban spaces, and support mixed-use development.

In addition, the City of Cape Town's Spatial Planning and Environment: Urban Regeneration Department confirmed in writing (dated 1 November 2024) that the proposed redevelopment aligns with its long-term planning policies.

The initiative forms part of a broader municipal effort to revitalise the Bo-Kaap precinct and its surrounds, with the intent to:

- Provide improved community infrastructure and public realm upgrades;
- Enhance the visibility and accessibility of cultural and heritage assets;
- Support local economic development and tourism opportunities; and
- Strengthen pedestrian linkages and promote a safer, more integrated urban environment.

These intended outcomes are aligned with the principles of spatial justice, inclusive development, and heritage-sensitive regeneration.

The development concept was informed by a multi-sectoral, iterative planning process that included:

- Collaboration between municipal planners, urban designers, and heritage professionals;
- Public participation and stakeholder consultation processes; and
- Integration of inputs received from affected parties and community representatives.

This planning approach was consultative, transparent, and comprehensively documented in the final BAR, which served as the basis for the EA.

The process was not politicised and the decision to issue an EA was strictly based on the merits of the application.

5. In arriving at my decision on the Appeal, it should be noted that I have not responded to each and every statement set out in the grounds of Appeal and/ or Responding Statement, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.

6. **AMENDMENTS/ EXCLUSIONS TO THE ENVIRONMENTAL AUTHORISATION:**

6.1 Section G of the EA is excluded from the decision.

6.2 The following conditions of the EA are substituted and must be complied with:

SECTION E: CONDITIONS

Condition E2:

"The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and*
- (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities relating to development, must be concluded."*

Condition E6:

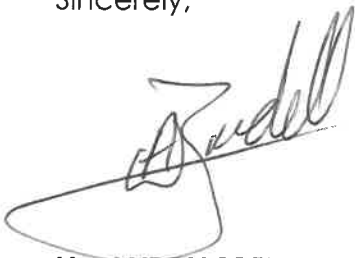
"The holder must, in writing, within 14 (fourteen) calendar days of the date of this appeal decision notify all registered Interested and Affected Parties ("I&APs") of –

- 1.1 The outcome of the appeal;
- 1.2 The reasons for the decision;
- 1.3 The date of the decision."

7. Since I have discharged my decision-making powers when making this decision and I am thus *functus officio* in this regard. My decision is final and your only recourse, should you still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.

Your interest in the future of our environment is appreciated.

Sincerely,



Mr. ANTON BREDELL

**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING**

DATE: 14/10/2025

Cc 1. Zaahir Toefy
2. Jeremy Rose

Director: Development Management
Infinity Environmental (Pty) Ltd

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