

**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447, PRETORIA, 0001, Fedsure Building, 315 Pretorius Street, PRETORIA  
Tel (+ 27 12) 310 3911 Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/12118/2010

DEA Reference: 12/12/20/610/3/13

Enquiries: Tambudzani Mulaudzi

Telephone: 012-310-3144 Fax: 012-320-7539 E-mail: [tambum@environment.gov.za](mailto:tambum@environment.gov.za)

Mr Micheal Slayen  
SANParks- Table Mountain National Park  
PO Box 37  
**CONSTANTIA**  
7848

Fax no: 021 701 8773

Tel: 021 701 8692

**PER FACSIMILE / MAIL**

Dear Mr Slayen

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386: PROPOSED REALIGNMENT, RHABILITAION AND UPGRADING OF THE TOKAI PICNIC-BRAAI SITE, TABLE MOUTAIN NATIONAL PARK, WESTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;

By post: Private Bag X447,  
Pretoria, 0001, or

By hand: 2nd Floor, Fedsure Building, North Tower,  
cnr. Van der Walt and Pretorius Streets,

Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: [tzwane@environment.gov.za](mailto:tzwane@environment.gov.za)

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



**Mr Ishaam Abader**

**Deputy Director-General: Environmental Quality and Protection**

**Department of Environmental Affairs**

Date: 14/06/2011

CC:	Mr N Steytler	Khula Environmental (EAP)	Tel: 021 783 4565	Fax: 086 505 0245
	Mr Rudi Ellis	Western Cape DEA&DP	Tel: 021 483 2776	Fax: 021 483 4372
	Mr Andrew Greenwood	City of cape Town; Peninsula Administration	Tel: 021 710 8018	Fax: 021 710 8002
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA])	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal against a decision must be lodged with:-**
  - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

### PROPOSED REALIGNMENT, REHABILITATION AND UPGRADING OF THE TOKAI PICNIC-BRAAI SITE, TABLE MOUNTAIN NATIONAL PARK, WESTERN CAPE PROVINCE

(City of Cape Town)

Authorisation register number:	12/12/20/610/3/13
NEAS reference number:	DEAT/NEAS/12118/2010
Last amended:	First issue
Holder of authorisation:	SOUTH AFRICAN NATIONAL PARKS
Location of activity:	WESTERN CAPE: South Peninsula Administration: City of Cape Town

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

### **SOUTH AFRICAN NATIONAL PARKS (SANParks)**

with the following contact details –

Mr Micheal Slayen  
SANParks- Table Mountain National Park  
PO Box 37  
**CONSTANTIA**  
7848

Tel: 021 701 8692

Fax no: 021 701 8773

E-mail: [Michaelis@sanparks.org](mailto:Michaelis@sanparks.org)

to undertake the following activities (hereafter referred to as "the activity"):

GN R. 386:

Item 1(d): *The construction of facilities or infrastructure, including associated structures or infrastructure, for resorts, lodges, hotels or other tourism and hospitality facilities in a*

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*protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).*

- Item 1(k): The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with an internal diameter of 0,36 metres or more.*
- Item 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.*

as described in the Basic Assessment Report (BAR) dated December 2010 at:

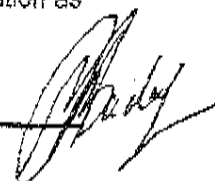
Alternative Layout S1	Latitude	Longitude
Tokai Picnic-Braai site	34° 03.609'	18° 25.470'

- for the realignment, rehabilitation and upgrade of the Tokai Picnic-braai site, near Tokai Town, within the South Peninsula Administration of the City of Cape Town in the Western Cape Province, hereafter referred to as "the property".

## Conditions

### Scope of authorisation

1. The preferred layout S1 is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. The recommendations and mitigation measures recorded in the BAR dated December 2010 must be adhered to.
6. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as



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it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

7. This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
10. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
  - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
  - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
  - All provisions of the National Water Act, 1998 (Act 36 of 1998).
  - All provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
  - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
  - All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
  - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.



11. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

#### **Notification of authorisation**

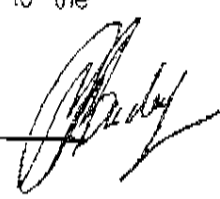
12. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
13. The notification referred to must –
- 13.1. specify the date on which the authorisation was issued;
  - 13.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
  - 13.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 13.4. give the reasons for the decision.

#### **Management of the activity**

14. The Environmental Management Plan (EMP) submitted as part of application for environmental authorisation must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the BAR dated December 2010 and conditions of this authorisation must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to.

#### **Monitoring**

15. The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
16. The ECO shall be appointed before commencement of any authorised activity.
17. Once appointed, the name and contact details of the ECO must be submitted to the *Director, Compliance Monitoring* of the Department.





18. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
19. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
20. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

#### **Recording and reporting to the Department**

21. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
22. The holder of the authorisation must submit an environmental audit report upon completion of the construction and rehabilitation activities.
23. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.
24. All compliance monitoring and audit reports must be submitted to the *Director: Compliance Monitoring* of this Department.

#### **Commencement of the activity**

25. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
26. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

#### **Notification to authorities**

27. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must



include a date on which it is anticipated that the activity will commence. This notification period may coincide with the period contemplated in 25 above.

#### **Operation of the activity**

28. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
29. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

#### **Site closure and decommissioning**

30. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

31. Taps fitted at the braai/picnic sites and in the ablution blocks should be designed to switch off automatically to prevent leakage and wastage. For example, the tap design whereby the user must press down on the top of the tap to release water is effective as the water ceases to flow immediately on release of the top of the tap.
32. A secure fence, signage and the proposed hedge/ vegetation screening be planted to prevent and notify unauthorised access to the wetland and to prevent undue visual disturbance to the fauna living in and around the wetland.
33. Section 1B of the current picnic site, which is part of the rehabilitation plan, should be kept free of vehicles as soon as possible to protect the soil and natural vegetation seed banks for effective re-vegetation later on.
34. All lighting, including night security lighting, must be switched off during the day to prevent energy wastage.
35. A minimum number of structures should be placed within the stream floodplain, for example, children's play equipment, boardwalks etc. should not deteriorate the quality of the stream and riparian corridor by attracting a large amount of people to concentrate in this sensitive area. Impacts



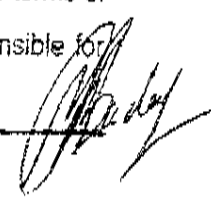
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- associated with trampling and uncontrolled access will be increased if attractions are placed in the stream corridor.
36. The recommendations contained in the Traffic Statement prepared by ARUP (dated 10 December 2009) should be made conditional in any authorisation issued for the proposed development.
37. Baboon proof bins must be used. The bins must keep out other small animals like birds, mice and rats. The lid must also prevent the waste contents from being blown away in the wind and from being wet in the rain.
38. It is noted that Ms Sonja Warnich from SAHRA submitted brief electronic comment on 18 November 2009 stating that a permit would be required from SAHRA. This permit must be acquired before any physical commencement of the proposed development can occur and a copy should be sent to the Department for record keeping.
39. The applicant (SANParks) will be responsible for the ongoing management and maintenance of the Tokai Picnic-braai site and the wetlands/ stream rehabilitation area that runs through the site during the operational phase of the upgraded facility.
40. Proper coordination between SANParks and SANBI's WfW with regard this project and the SANBI's WfW Prinskaasteel River rehabilitation project, where works overlap in time and space is encouraged.

#### General

41. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
42. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
43. The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
44. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for



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any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation:

14/06/2011



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection  
Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Background

The applicant, SANParks, applied for the following activities:

GN R. 386:

*Item 1(d): The construction of facilities or infrastructure, including associated structures or infrastructure, for resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).*

*Item 1(k): The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with an internal diameter of 0,36 metres or more.*

*Item 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.*

- for the realignment, rehabilitation and upgrade of the Tokai Picnic-braai site, near Tokai Town, within the South Peninsula Administration of the City of Cape Town in the Western Cape Province, hereafter referred to as "the property".

The applicant appointed Khula Environmental Consultants to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

### 2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated December 2010;
- b) The comments received from the Directorate: Transfrontier Conservation and Protected Areas, Western Cape Department of Environmental Affairs and Development Planning, organs of state and interested and affected parties as included in the BAR dated December 2010;
- c) Mitigation measures as proposed in the BAR dated December 2010 and the EMP;



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- d) The information contained in the specialist studies contained within Appendix D of the BAR.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

### 3. Key factors considered in making the decision

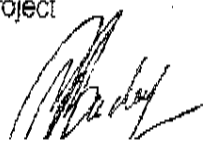
All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the Specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stemming from the growing eco-tourism site usage and the need to protect and rehabilitate the Critically Endangered Cape Flats Sand Fynbos in implementation of the Tokai – Cecilia Management Framework.
- d) The BAR dated December 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- e) The BAR dated December 2010 identified all legislation and guidelines that have been considered in the preparation of the BAR dated December 2010 and the legislation and guidelines that will be considered in the preparation of the Environmental Impact Assessment.
- f) The methodology used in assessing the potential impacts identified in the BAR dated December 2010 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

### 4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- The project is occurring in an already disturbed area and the impacts associated with the project are considered to be of low significance.



- d) The information contained in the specialist studies contained within Appendix D of the BAR.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

### 3. Key factors considered in making the decision

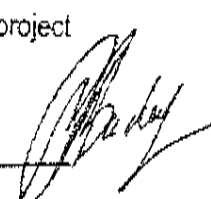
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- d) The BAR dated December 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- e) The BAR dated December 2010 identified all legislation and guidelines that have been considered in the preparation of the BAR dated December 2010 and the legislation and guidelines that will be considered in the preparation of the Environmental Impact Assessment.
- f) The methodology used in assessing the potential impacts identified in the BAR dated December 2010 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

### 4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

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- After mitigation, the overall significance of the visual impact of layout S1 is regarded as low.
- The identification and assessment of impacts are detailed in the BAR dated December 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the BAR dated December 2010 is accurate and credible.
- Measures for the pre-construction, construction and rehabilitation phases of the development as proposed Draft EMP and conditions of this authorisation, that are still to be drafted in the final EMP, are enough to mitigate the negative impacts of the proposed project.
- Activities related to the project but occurring within the Prinskaasteel River will be undertaken by SANBI in the Working for Wetlands Project, Ref: 12/12/20/942/10/4. The project does more environmental good than harm as it aims, amongst other things, to re-establish the Critically Endangered Cape Flats Sand Fynbos corridor.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

