



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION**

**REFERENCE NUMBER:** 14/2/4/2/3/D6/26/0008/18

**ENQUIRIES:** Jamie-Lee van Zyl

**BY REGISTERED MAIL**

The Municipal Mayor  
Mossel Bay Municipality  
Private Bag X29  
MOSSSEL BAY  
6500

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Email: [jvanzyl@mosselbay.gov.za](mailto:jvanzyl@mosselbay.gov.za)

Attention: Mr Johan van Zyl

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITIES: THE UPGRADING OF INFORMAL SETTLEMENTS PROGRAM (UISP)- PRECINCT 2, MOSSSEL BAY**

With reference to your application dated 31 May 2018 and environmental assessment of September 2018 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

**ENVIRONMENTAL AUTHORISATION**

**A. DECISION**

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the

Preferred Alternative as described in the application and environmental assessment of September 2018.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

## B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Mossel Bay Municipality

c/o Mr Johan van Zyl

Private Bag X29

MOSSSEL BAY

6500

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

## C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R386 of 2006 –</p> <p><b>Activity Number: 1</b></p> <p>Activity Description: <i>The construction of facilities or infrastructure, including associated structures or infrastructure, for</i></p>	<p>Informal dwellings were constructed on Erf 1704, 3133, 5184, 1717 &amp; RE Pt 249 of Farm 220 the 1:100-year flood line and/or within 32m from the bank of a watercourse from 2006 to date.</p>

<p>– (m) any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown.</p>	
<p>Government Notice No. R386 of 2006 –  <b>Activity Number: 20</b>  Activity Description: <i>The transformation of an area zoned for use as public open space or for a conservation purpose to another use.</i></p>	<p>Informal dwellings were constructed on properties zoned Public Open Space on erven Erf 5184, 3133 &amp; 1704, Kwanonqaba, Mossel Bay. As such these areas were transformed to informal residential use.</p>
<p>Government Notice No. R544 of 18 June 2010 –  <b>Activity Number: 11</b>  Activity Description: <i>The construction of:</i>  (x) <i>buildings exceeding 50 square metres in size;</i>  (xi) <i>infrastructure or structures covering 50 square metres or more –</i>  <i>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</i></p>	<p>As above. The buildings and structures are in excess of 50 square metres and constructed within 32m of a watercourse. The activities continued between 2010 and 2014.</p>
<p>Government Notice No. R544 of 18 June 2010 –  <b>Activity Number: 24</b>  Activity Description: <i>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this</i></p>	<p>As above. The activities continued between 2010 and 2014.</p>

<p><i>Schedule such land was zoned open space, conservation or had an equivalent zoning.</i></p>	
<p>Government Notice No. R546 of 18 June 2010 –</p> <p><b>Activity Number: 13</b></p> <p>Activity Description: <i>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</i></p> <p><i>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</i></p> <p><i>(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010</i></p> <p><b>(c) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:</b></p> <p><i>(ii) Outside urban areas, the following:</i></p> <p><i>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.</i></p>	<p>The above-mentioned erven are located within 10km of Mossel Bay Seal Island Reserve.</p>

<p>Government Notice No. R546 of 18 June 2010 –</p> <p><b>Activity Number: 16</b></p> <p>Activity Description: <i>The construction of:</i></p> <p><i>(iii) buildings with a footprint exceeding 10 square metres in size;</i></p> <p><i>(iv) infrastructure covering 10 square metres or more – where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line-</i></p> <p><b>iii. Inside urban areas:</b></p> <p><i>(aa) Areas zoned for use as public open space;</i></p> <p><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i></p> <p><i>(cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line.</i></p>	<p>As above. The informal dwelling construction activities continued between 2010 and 2014.</p>
<p>Government Notice No. R. 983 of 4 December 2014</p> <p><b>Activity Number: 12</b></p> <p>Activity Description: <i>The development of</i></p> <p><i>– (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs –</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a</i></p>	<p>Construction of informal dwellings continued within 2014, until present. Informal housing structures with a total footprint greater than 100 square metres have been constructed at various locations throughout the site and are located within watercourses such as a wetland.</p> <p>According to the assessment, although some areas of the site are excluded due</p>

<p><i>watercourse excluding—</i></p> <p><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p><i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p><i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i></p>	<p>to it being within an urban area, this activity is still regarded as being applicable due to the total footprint outside of urban areas being in excess of 100 square metres.</p>
<p>Government Notice No. 983 of 4 December 2014 -</p> <p><b>Activity Number: 19</b></p> <p>Activity Description: <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of</i></p>	<p>Various portions of the site are located within wetlands.</p>

<p>more than 10 cubic metres from a watercourse.</p>	
<p>Government Notice No. 983 of 4 December 2014 - <b>Activity Number: 27</b> Activity Description: <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.</i></p>	<p>An approximate total area of ±17.65ha of indigenous vegetation has been cleared (brownfields – informal houses established) across all the aforementioned erven, but less than 20ha on each individual erf.</p>
<p>Government Notice No. 985 of 4 December 2014 - <b>Activity Number: 12</b> Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (i) Western Cape: (ii) Within critical biodiversity areas identified in bioregional plans; &amp; (iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.</i></p>	<p>Erven 1704, 5184 &amp; RE Pt 249 of Farm 220: More than 300 square metres of indigenous vegetation has been cleared on areas indicated as CBA and on land zoned Public Open Space.</p>
<p>Government Notice No. 985 of 4 December 2014 - <b>Activity Number: 14</b> Activity Description: <i>The development of– (ii) infrastructure or structures with a physical footprint of 10 square metres or more; Where such development occurs –</i></p>	<p>Informal housing structures with a footprint greater than 10 square metres have been constructed at various locations throughout the site and are located within CBAs.</p>

<p>(a) within a watercourse;  (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse.</p> <p><b>(i) Western Cape</b>  <b>(i) Outside Urban Areas</b>  (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	
<p>Government Notice No. 985 of 4 December 2014 -</p> <p><b>Activity Number: 15</b>  Activity Description: The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</p> <p><b>(f) Western Cape</b>  (i) Outside urban areas  (ii) Inside urban areas  (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010.</p>	<p>Informal houses have been constructed on various land portions located inside and outside of urban areas, transforming the land to residential use.</p>
<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 12</b>  Activity Description: The development of—  (i) dams or weirs, where the dam or weir,</p>	<p>The proposed stormwater management structures with a likely total footprint greater than 100 square metres are being proposed. The structures are to ensure that the proposed development does not negatively affect property, infrastructure</p>



*including infrastructure and water surface area, exceeds 100 square metres;*  
*(a) within a watercourse;*  
*(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —*

*excluding—*

*(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;*

*(bb) where such development activities are related to the development of a port or*

*harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;*

*(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;*

*(dd) where such development occurs within an urban area;*

*(ee) where such development occurs within existing roads, [or] road reserves or railway line reserves; or*

*(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.*

and the environment downstream. The structures will be constructed in-stream and will thus be located within a wetland and river system. This activity has not yet commenced.

<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 19</b></p> <p>Activity Description: <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p><i>or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed storm water management structures will be constructed within a watercourse.</p>
<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 28</b></p> <p>Activity Description: <i>Residential, mixed, retail, commercial, industrial or</i></p>	<p>Erf 1717 is not deemed to be an urban area and development of more than 1ha is proposed for this property. This activity has not yet commenced.</p> <p>Erf 1704 is considered to be an urban</p>

<p><i>institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>area and development of more than 5ha is proposed for this property.</p> <p>RE Portion 249 of Farm 220 is not deemed to be an urban area and development of more than 1ha is proposed for this property.</p>
<p>Government Notice No. 325 of 7 April 2017 -</p> <p><b>Activity Number: 15</b></p> <p>Activity Description: <i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>Development of Precinct 2 on all properties associated with the development will in total exceed the clearance of 20ha on indigenous vegetation. This activity has not yet commenced.</p>
<p>Government Notice No. 324 of 7 April 2017 -</p> <p><b>Activity Number: 4</b></p> <p>Activity Description: <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><b>(f) Western Cape:</b></p>	<p>The proposed project involves the construction of roads. This activity has not yet commenced.</p>

<p>(i) Areas zoned for use as public open space or equivalent zoning.</p> <p>(ii) Areas outside urban areas</p> <p>(aa) Areas containing indigenous vegetation.</p> <p>(iii) Inside urban areas</p> <p>(aa) Areas zoned for conservation use.</p>	
<p>Government Notice No. 324 of 7 April 2017 -</p> <p><b>Activity Number: 14</b></p> <p>Activity Description: The development of</p> <p>– (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres;</p> <p>Where such development occurs –</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse.</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p><b>(i) Western Cape</b></p> <p><b>(i) Outside Urban Areas</b></p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>	<p>The proposed stormwater management structures will have a total footprint greater than 10 square metres. The structures will be constructed in-stream and thus be located within a wetland and river system.</p>

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

#### D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on the following Erven:

##### **ASLA PARK B**

RE/ Erf 1704 (Portion of), Kwanonqaba  
RE Portion 249 of Farm 220, Kwanonqaba

##### **ASLA PARK D**

Erf 5184, Kwanonqaba  
RE Portion 249 of Farm 220, Kwanonqaba  
RE/1704 (Portion of), Kwanonqaba

##### **SEWENDELAAN**

RE/ Erf 1704 (Portion of), Kwanonqaba  
Erf 3133, Kwanonqaba

##### **SINETHEMBA**

Erf 1717, Kwanonqaba  
RE/ Erf 1704 (Portion of), Kwanonqaba  
RE Portion 249 of Farm 220, Kwanonqaba

The SG digit codes are:

- C05100110000170400000
- C05100000000022000249
- C05100110000518400000
- C05100000000022000249
- C05100110000313300000
- C05100110000171700000

The co-ordinates for the site are:

Point	Latitude (S)	Longitude (E)
<b>ASLA PARK B</b>		
1	34° 10' 29.60" South E	22° 04' 32.49" East

2	34° 10' 26.48" South	22° 04' 33.25" East
<b>ASLA PARK D</b>		
3	34° 10' 35.74" South	22° 04' 09.95" East
4	34° 10' 28.87" South	22° 04' 20.22" East
5	34° 10' 32.65" South	22° 04' 26.79" East
<b>SEWENDELAAN</b>		
6	34° 10' 34.46" South	22° 04' 46.29" East
7	34° 10' 37.83" South	22° 04' 52.67" East
<b>SINETHEMBA</b>		
8	34° 10' 02.05" South	22° 05' 18.60" East
9	34° 10' 22.69" South	22° 04' 58.26" East
10	34° 10' 19.31" South	22° 04' 50.85" East

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

Herein-after referred to as "the site".

#### **E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

Aurecon (Pty) Ltd  
 c/o Mr Charles Norman  
 65 York St  
 GEORGE  
 6529

Tel: (044)805-5433  
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## F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The proposed Mossel Bay UISP Precinct 2 development will comprise of the formalisation of current squatter areas (brownfields), where land parcels forming part of Kwanonqaba residential area Mossel Bay, including public open space and floodplains, have been transformed over a number of years (from 2006 to date). The proposed UISP goes beyond the boundary of current brownfields as greenfield sites (undeveloped land) will also be developed.

Through the UISP, brownfield areas will be upgraded and will form part of the greater housing development planned for the Mossel Bay area. The Mossel Bay Municipality has provided the following infrastructure and 'Access to Basic Services' to some of the brownfield areas including electricity, water points, toilets.

The upgraded brownfield erven and erven on the expanded greenfield sites, will consist of a small enhanced stand (erf) with a wet core (water point and toilet) and electrical supply linked to municipal service infrastructure. Further development that is planned is for the construction of crèches, places "of institution", places of worship, neighbourhood shop, urban agriculture, and public open space.

Formalisation of the brownfields will include the development of roads (and associated traffic control measures) that will comprise of a 10m road reserve for the road, pedestrian access and installation of services. A stormwater strategy has been developed as the proposed development at the different sites in Mossel Bay associated with the UISP will result in increased peak flow rates.

The physical size of the development:

Brownfields/squatting area: ±17.65ha

Proposed development footprint: ±34.65ha including brownfield (excluding Public Open Space Zones)

Stormwater attenuation: ±0.7ha

## **G. CONDITIONS OF AUTHORISATION**

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

### **PART I**

#### **Scope of authorisation**

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the Preferred Alternative described in the application and assessment report of September 2018 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **ten years** from the date of the decision.
3. The development must be concluded within **10 (ten)** years from the date of continuation of the first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information 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.

### **PART II**

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

6. Seven (7) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.

6.1 The notice must make clear reference to the site details and 24G Reference number given above.



6.2 The notice must also include proof of compliance with conditions 7, 8 and 11.

### **PART III**

#### **Notification and administration of an appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

7.1 notify all registered Interested and Affected Parties ("I&APs") of –

7.1.1 the outcome of the application;

7.1.2 the reasons for the decision as included in Annexure 3;

7.1.3 the date of the decision; and

7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

7.4 provide the registered I&APs with:

7.4.1 the name of the holder (entity) of this Environmental Authorisation;

7.4.2 name of the responsible person for this Environmental Authorisation;

7.4.3 postal address of the holder;

7.4.4 telephonic and fax details of the holder;

7.4.5 e-mail address, if any, of the holder; and

7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

8. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

## **PART IV**

### **Management of the activity/development**

9. The draft Environmental Management Programme ("EMPr") compiled by compiled by Aurecon (Pty) Ltd dated 6 September 2018 and submitted as part of the application for environmental authorisation hereby approved and must be implemented.
  
10. The EMPr must be included in all contract documentation for all phases of implementation.

## **PART V**

### **Monitoring**

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
  
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).
  
13. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **PART VI**

### **Auditing**

14. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

## **PART VII**

### **Activity/ Development Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The recommendations made in the Freshwater Impact Assessment compiled by BlueScience of January 2018 must be implemented.
18. The recommendations made in the Botanical Assessment compiled by Regalis Environmental Services CC of March 2018 must be implemented.
19. The recommendations made in the Visual Statement compiled by Visual Resource Management Africa CC dated 30 August 2018 must be implemented
20. The recommendations made in the Traffic Impact Assessment compiled by SMEC of February 2018 must be implemented.
21. The recommendations made in the Stormwater Strategy compiled by Aurecon (Pty) Ltd dated 4 September 2018 must be implemented.

## H. 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. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or 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 must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

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

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

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

Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

## **I. APPEALS**

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and 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. This appeal and responding statement must be submitted to the address listed below:

By post: Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs &  
Development Planning  
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)  
Room 809, 8th floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 office of 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>.

## **J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS**

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## **K. DISCLAIMER**

The Western Cape Government, the Municipality, 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.

Yours faithfully



**ADV. CHARMAINE MARÉ**

**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

DATE OF DECISION: 24 July 2019

Copied to:

(1) Charles Norman (Aurecon (Pty) Ltd)

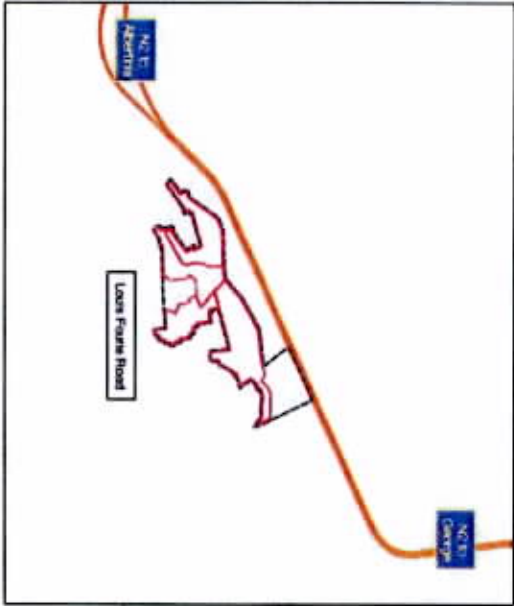
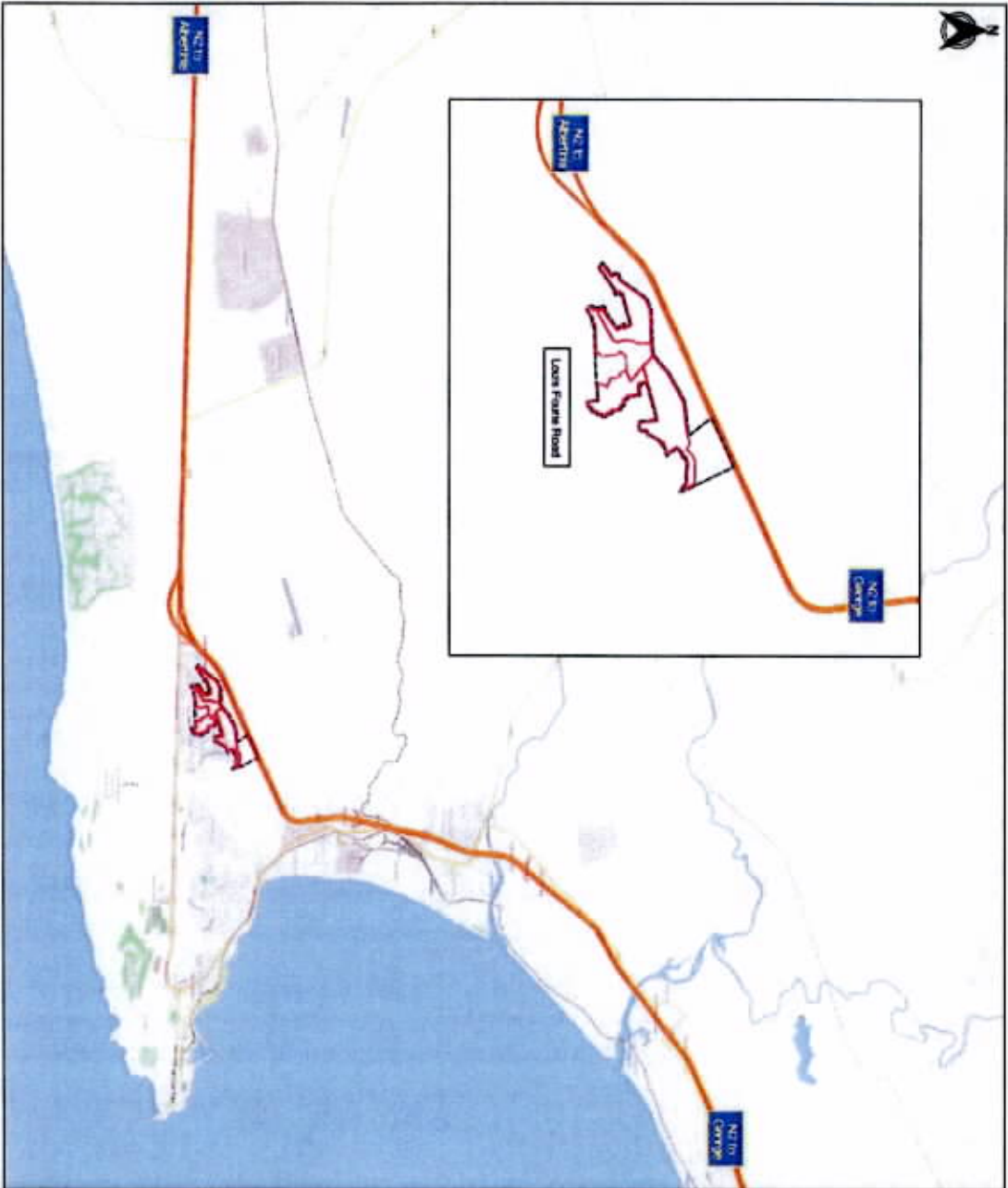
Fax: (044) 805 5454

Email: [Charles.Norman@aurecongroup.com](mailto:Charles.Norman@aurecongroup.com)

(2) David Ali (Department of Human Settlements)

Email: [David.Ali@westerncape.gov.za](mailto:David.Ali@westerncape.gov.za)

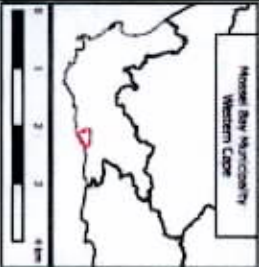
(3) Andre Oosthuizen (DEA&DP: Development Facilitation Unit) Email: [Andre.Oosthuizen@westerncape.gov.za](mailto:Andre.Oosthuizen@westerncape.gov.za)



Project:  
Mossel Bay USIP: Precinct 2  
24G Environmental Process

Map Title:  
Locality Plan

Mossel Bay Municipality  
Western Cape



- Legend**
- Development Sites
  - Precinct 2 Boundary



**Notes:**

- Map Source: Open Street Map.
- Vectorial data courtesy of [Windward.com](http://www.windward.com) - Cape St Blaize (data refresh period 2015 - 2017).
- Map Scale: 1:50 000 @ 17 000 (present) on A3.
- SITA Coordinates: 34° 10' 23.37" S, 22° 04' 41.95" E.
- Map Date: January 2018.

**LIST OF TITLEHOLDERS AND CHARGES OF PRESENT AND PAST OWNERSHIP OF THE LAND AND THE NATURE OF THE INTERESTS IN THE LAND.**

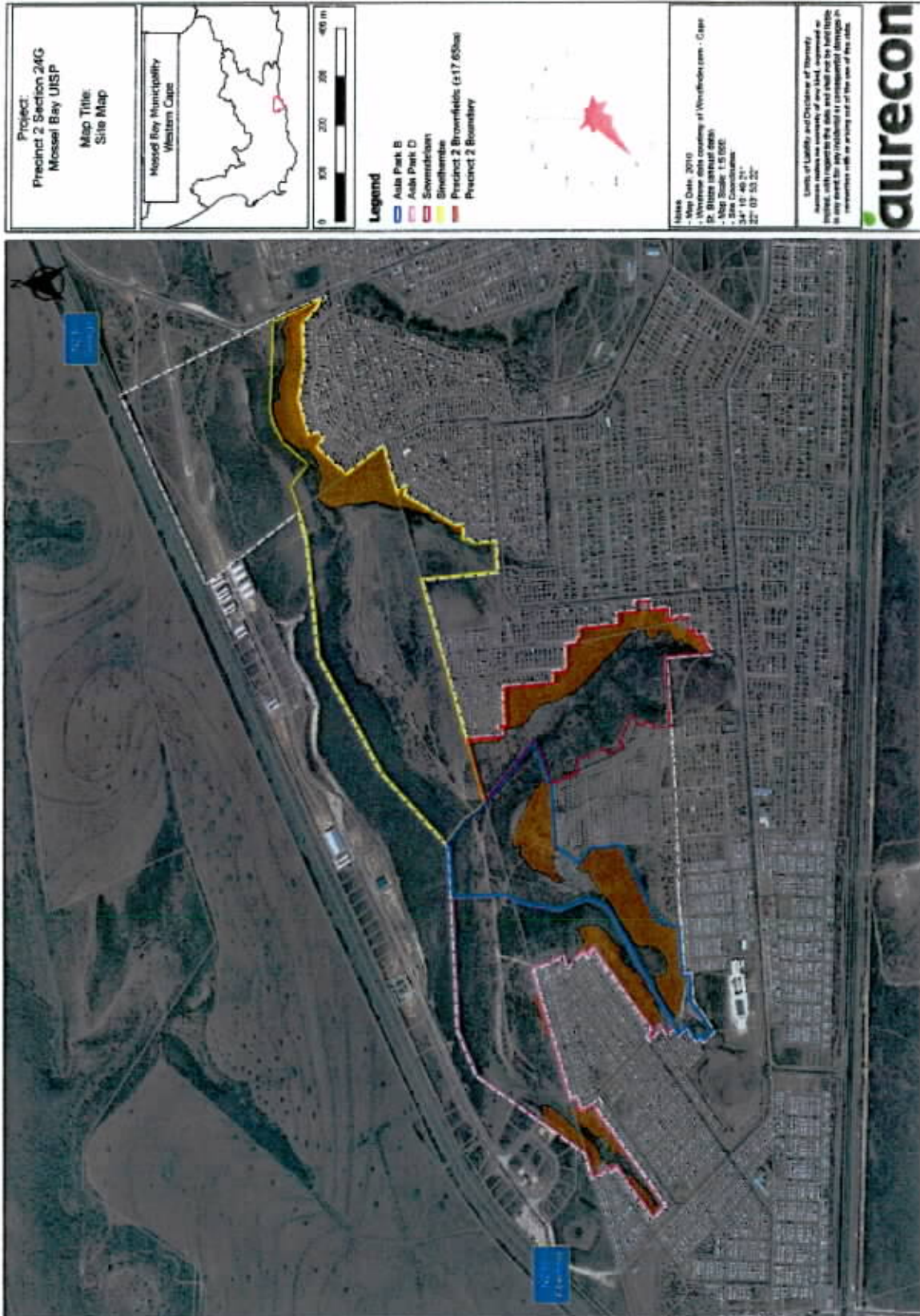
Attention is drawn to the fact that the information contained in this document is based on the information available to the undersigned at the date of the issue of this document.

**aurecon**

**ANNEXURE 1: LOCALITY MAP**

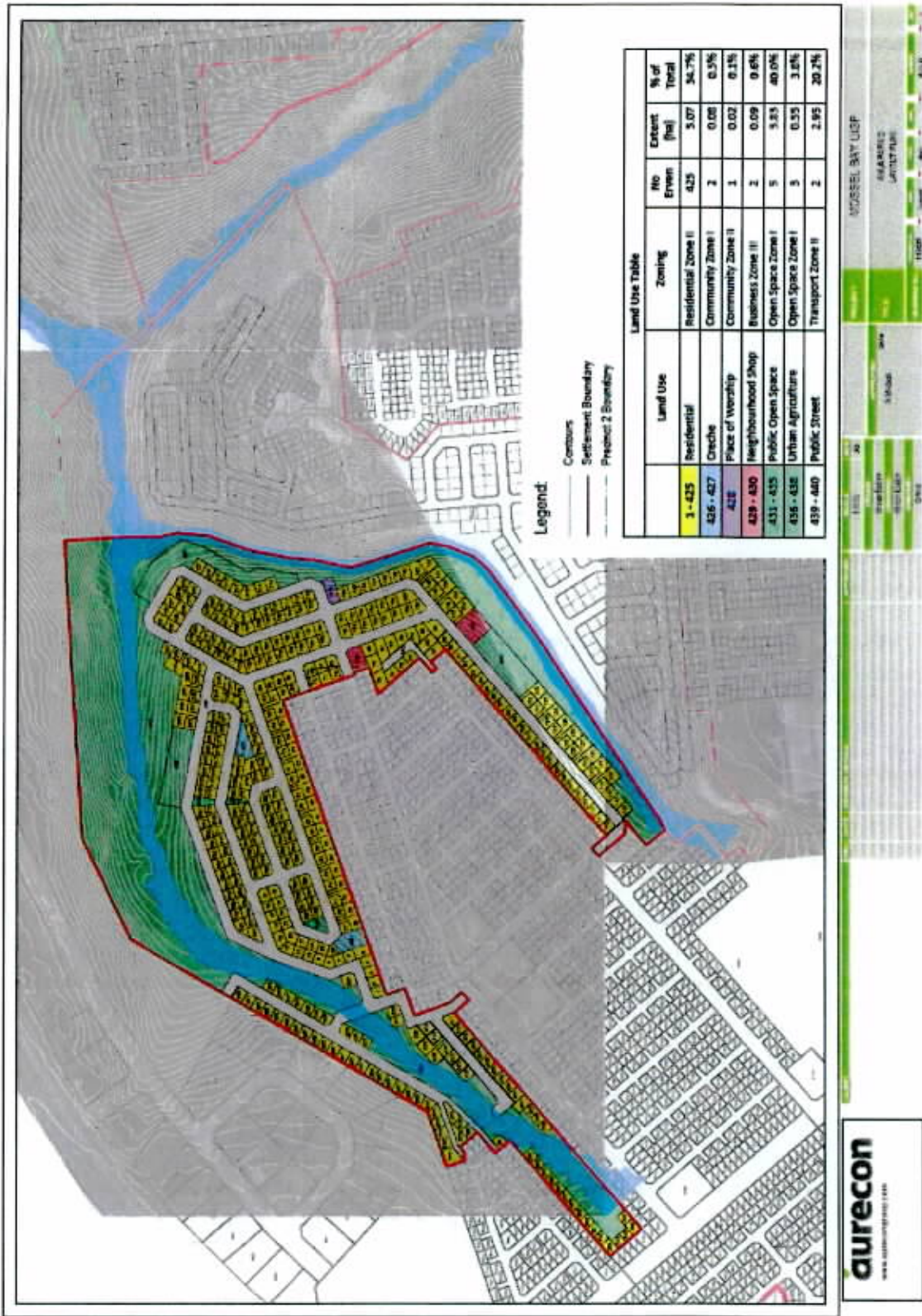


# ANNEXURE 2: SITE PLAN



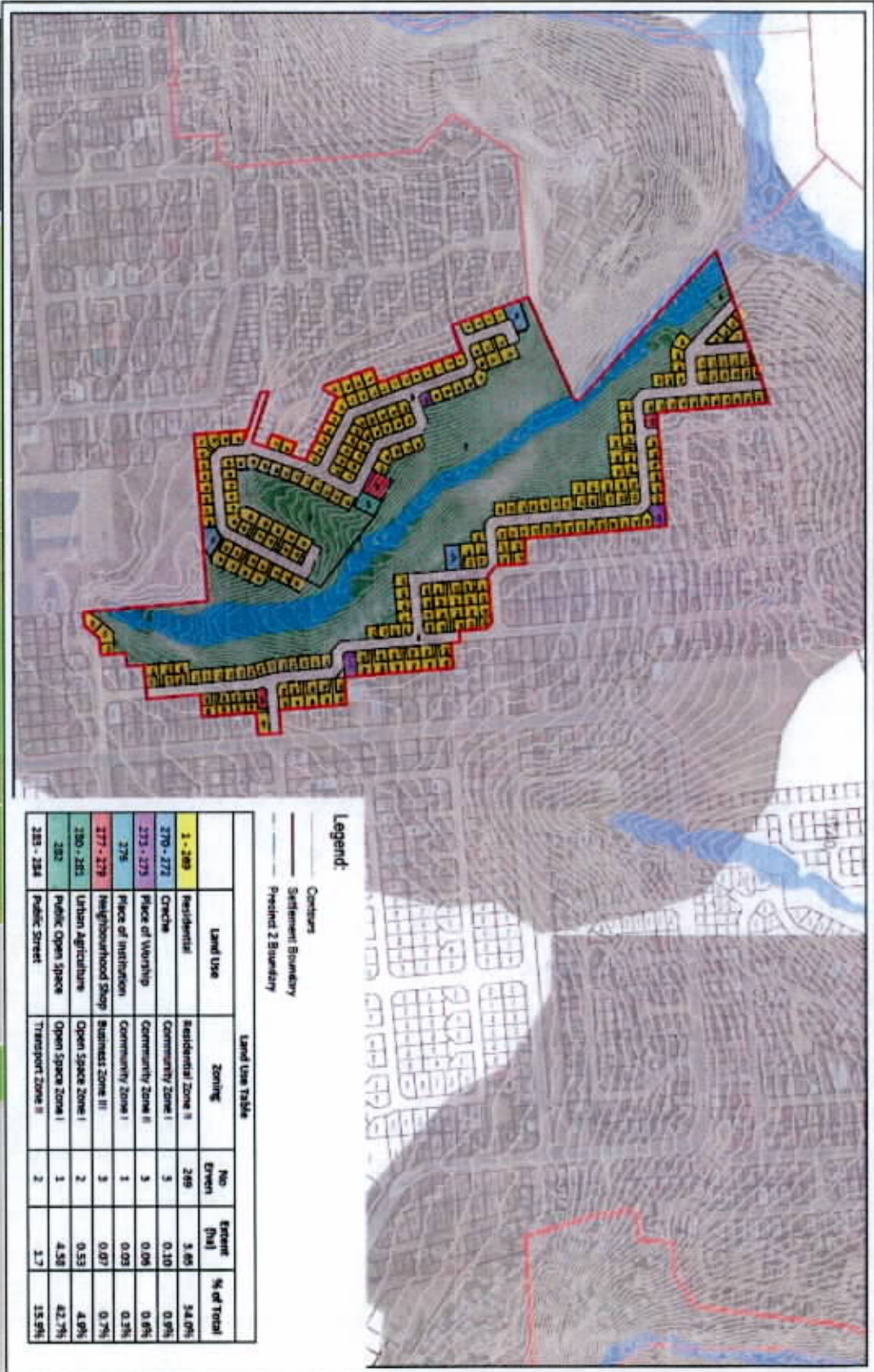
Site Layout Plan, UISP Precinct 2, Kwanonqaba, Mossel Bay





Concept Layout Plan for ASLA PARK D

# Concept Layout Plan for SEWENDELAAN



**Legend:**

- Contours
- Settlement Boundary
- Precinct 2 Boundary

Land Use Table

Land Use	Zoning	No. of Lots	Area (Ha)	% of Total
1 - 269 Residential	Residential Zone II	269	3.65	34.0%
270 - 272 CRCKM	Community Zone I	3	0.10	0.9%
273 - 275	Community Zone II	3	0.09	0.8%
276	Community Zone I	1	0.03	0.3%
277 - 279	Business Zone III	3	0.07	0.7%
280 - 283	Open Space Zone I	2	0.53	4.9%
282	Open Space Zone I	1	4.58	42.7%
283 - 284	Transport Zone II	2	1.17	11.9%



Scale: 1:500

North Arrow

MOSSBELL BAY VURP

2016/06/28



**FOR OFFICIAL USE ONLY:**

**S24G REFERENCE:**

**14/2/4/2/3/D6/26/0008/18**

**ANNEXURE 3: REASONS FOR THE DECISION**

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R10 000 (Ten thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 31 May 2018 and received by the competent authority on 01 June 2018, the EIA report of September 2018 along with the EMPr dated 6 September 2018, and the addendums to the EIA report dated 10 December 2018 as received by this Department on 18 December 2018.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on

Date/s: 8 November 2017

Attended by: Officials from the Department

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

## 1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- identification of and engagement with I&APs.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities in September 2018.
- the placing of a newspaper advertisement in the **Mossel Bay Advertiser** newspaper on 19 January 2018.

An I&AP commented that there is concern regarding the location of the proposed temporary relocation area ("TRA"), while construction will be underway. The EAP advised that a "...TRA is typically located within the footprint of a proposed development so that when it is no longer required at the end of the project it can form part of the developed area. At this stage the location of a TRA for the project has not been finalised and will be determined by the engineer and contractor at a later stage. It is inevitable that the residents of the TRA will at some stage be located near construction activities and possibly impacted to some extent."

### Consultation with organs of state in terms of section 24O of the NEMA

- CapeNature
- Breede-Gouritz Catchment Agency ("BGCMA")
- Heritage Western Cape ("HWC")
- Department of Health ("DoH")
- Garden Route District Municipality ("GRDM")

In their comment on the application, CapeNature advised that the reasons for the delineation of Critical Biodiversity Area ("CBA") layers within the extent of the 20ha polygon (the vicinity of the informal settlement) need to be critically analysed to determine why they are located in that specific region and how the loss of CBA would compromise reasons for its delineation. They further advised that they do not support

the use of approximations in terms of buffer calculations and determinations or buffer delineation from stream\river centrelines. CapeNature noted that the removal of grazing areas by formalising the affected areas without reduction in animal numbers could have a catastrophic impact on habitats and that there are numerous informal footpaths crossing through freshwater habitat that should be used to determine the preferred alternative layout.

The EAP responded that the adoption of buffer zones within the development site was based on the various watercourses' conditions and sensitivity as well as site characteristics. The proposed mitigation recommendations have taken into account the specific site characteristics such as slope, erosion potential, sensitivity of vegetation cover and biota, the 1 in 100 year floodlines as well as the importance of the aquatic ecosystems.

The BGCMA advised that the proposed activities constitute a water use in terms of Section 40 of the *National Water Act, 1998 (Act 36 of 1998)*. The BGCMA is aware of similar project within the same vicinity (UISP Precinct 3) and would recommend a combined WULA. The EAP advised that conducting a combined WULA for Precinct 2 and 3 (and other proposed UISPs in the area) will be brought to the attention of the freshwater consultant for consideration.

The HWC commented that there is no reason to believe that the proposed development will impact on heritage resources, therefore no further action is required under Section 38 of the *National Heritage Resources Act (Act 25 of 1999)*.

The DoH has no objection to the proposed development, subject to the following conditions:

- Mossel Bay Municipality must provide all potable water.
- All sewerage is to be connected to the Mossel Bay municipal sewer system.
- All refuse is to be incorporated into the Mossel bay municipal solid waste stream.

The EAP advised that the development will link in to the existing services infrastructure available in the Mossel Bay municipal area. Mossel Bay Municipality has confirmed capacity of potable water, sewerage and solid waste services.

The GRDM advised that the installation of low flow toilets designed for informal settlements and the installation of "floor drains" in the cement slab underneath stand



pipes is recommended in order to prevent unhygienic wet conditions in the proximity of water stands. The GRDM further advised that there must be consideration of the removal/ relocation of pig sties in the area as these structures are too close to the proposed development. The EAP responded that a tender process is underway for the rehabilitation of the existing toilet facilities as well provision of additional toilet facilities and that the engineering team will consider the best possible 'water-wise' toilet facilities for the proposed development and that floor drains (gully's) are standard specification for stand pipes. Mossel Bay Municipality has formally requested the Department of Rural Development and Land Reform to assist in identifying land for the relocation of the pig sties (an on-going process).

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## **2. Alternatives**

### **2.1 Preferred Alternative (Herewith authorised)**

This alternative has been informed by various specialist assessments including botanical, freshwater and visual. See **Annexure 2** for Concept Layout Plans. The site layouts reflect the specialist recommendations, mitigations and no-go areas as far as possible. It further allows for a more integrated development planning in that community facilities, such as food gardens and urban agriculture, can be developed inside the aquatic buffers, in this way retaining the function of the buffer whilst also providing the community with valuable services and opportunities.

The proposed Mossel Bay UISP Precinct 2 development will comprise of the formalisation of current squatter areas (brownfields), where land parcels forming part of Kwanonqaba residential area Mossel Bay, including public open space and floodplains, have been transformed over a number of years (from 2006 to date).

The proposed UISP goes beyond the boundary of current brownfields as greenfield sites (undeveloped land) will also be developed.

Through the UISP, brownfield areas will be upgraded and will form part of the greater housing development planned for the Mossel Bay area. The Mossel Bay Municipality has provided the following infrastructure and 'Access to Basic Services' to some of the brownfield areas including electricity, water points, toilets.

The upgraded brownfield erven and erven on the expanded greenfield sites, will consist of a small enhanced stand (erf) with a wet core (water point and toilet) and electrical supply linked to municipal service infrastructure. Further development that is planned is for the construction of crèches, places "of institution", places of worship, neighbourhood shop, urban agriculture, and public open space.

Formalisation of the brownfields will include the development of roads (and associated traffic control measures) that will comprise of a 10m road reserve for the road, pedestrian access and installation of services. A stormwater strategy has been developed as the proposed development at the different sites in Mossel Bay associated with the UISP will result in increased peak flow rates.

The physical size of the development:

Brownfields/squatting area: ±17.65ha

Proposed development footprint: ±34.65ha, including brownfield (excluding Public Open Space Zones

Stormwater attenuation: ±0.7ha (temporary inundation area excluded)

## 2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The "no-go" alternative entails the continuation of the status quo i.e. further squatting, resulting in illegal activities in terms of the NEMA and would involve the clearance of vegetation and construction within 32m of watercourses.

### **3. Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

### 3.1. Activity Need and Desirability

The purpose of this project is to give effect to the National Upgrading Support Programme (NUSP) which acts as a support vehicle to the National Department of Human Settlements in its implementation of the Upgrading of Informal Settlements Programme (UISP).

The Mossel Bay Municipality has a responsibility to provide housing opportunities to its communities as part of its service delivery mandate which entails providing access to dignified basic services. The s24G process application links into the greater housing development planned for the area.

### 3.2. Regional/ Planning Context

#### **ASLA PARK B**

Erf 1704, Kwanonqaba – Public Open Space 1  
Erf 7223, Kwanonqaba – Public Open Space 1  
Farm 220 Portion 249, Mossel Bay – Agriculture

#### **ASLA PARK D**

Farm 220 Portion 249, Mossel Bay – Agriculture  
Erf 5184, Kwanonqaba – Public Open Space 1  
Erf 7510, Kwanonqaba – Unregistered property  
Erf 7511, Kwanonqaba – Unregistered property  
Erf 7512, Kwanonqaba – Unregistered property

#### **SEWENDELAAN**

Erf 1704, Kwanonqaba – Public Open Space 1  
Remainder 1704, Kwanonqaba – Public Open Space 1  
Erf 3133, Kwanonqaba – Open Space Zone 1

#### **SINETHEMBA**

Erf 1717, Kwanonqaba – Undetermined  
Erf 1704, Kwanonqaba – Public Open Space 1  
Farm 220 Portion 249, Mossel Bay – Agriculture

According to the assessment, that the proposed development gives effect to the future growth plan envisaged in the Mossel Bay Municipal Spatial

Development Framework (SDF), 2017. As per the SDF, various Mossel Bay Municipality Housing Pipeline Projects in collaboration with the Department of Human Settlements are located near the proposed development sites.

### 3.3. Services/ Bulk Infrastructure

#### *Proposed electricity supply:*

The Mossel Bay Municipality has indicated that it has sufficient unallocated power supply is available to service the proposed development.

#### *Proposed water supply:*

No upgrades to the existing bulk water reticulation system is envisaged to accommodate the proposed development as it will link in with existing connector services available in bordering neighbourhoods.

#### *Proposed Water and Sewerage Services:*

The Mossel Bay Municipality has indicated that sufficient sewage treatment capacity will be available for the proposed development and that no additional bulk sewerage upgrades will be required.

The formalisation of the brownfield areas will include provision of services to the formalised sites via existing connector services in the area. Each site will be provided with a wet core and receive electricity.

#### *Stormwater management:*

Additional bulk attenuation structures are proposed at three (3) locations along the rivers into which the developments will drain.

#### *Proposed solid waste removal:*

Refuse removal will be dealt with once a week as applicable to all the existing residential areas in the Mossel Bay Municipal area.

### 3.4. Biophysical Impacts

#### *Erosion*

Due to vegetation clearance and construction activities, the activities have and will result in the exposure of soil, creating a risk of erosion. Undeveloped land that formed part of the Kwanonqaba residential settlement has been transformed to developed land/ additional residential areas. The assessment assigns a medium

negative impact significance to this impact before mitigation and low negative after mitigation. Mitigation: Implement erosion control and protection measures as described the EMPr.

#### *Increased flood peaks*

The proposed UISP will result in an increase in hardened surfaces in the Kwanonqaba area and will subsequently increase flood peaks. Therefore, three (3) stormwater attenuation structures have been proposed in order to ensure that pre- and post-development flood peaks remain the same.

#### Construction Phase

For Asla Park B, Asla Park D, Sewendelaan and Sinethemba the significance relating to water pollution during the construction phase is medium negative before mitigation and low negative after mitigation.

#### Operational Phase

For Asla Park B, Asla Park D, Sewendelaan and Sinethemba the significance relating to water pollution during the operational phase is medium negative before mitigation and low negative after mitigation.

Mitigation involves developing, implementing and monitoring catchment litter management and water quality strategy; installing litter traps; providing sanitation and solid waste services; ensuring that attenuation facilities have adequate forebays for sedimentation; minimising directly connected impervious areas; developing a stormwater management plan; etc.

### 3.5. Biodiversity Impacts

#### *Freshwater*

The main freshwater feature within Precinct 2 is a small coastal river (the Kwanonqaba River) that comprises of two main tributaries. The larger northern tributary is approximately 4.5km and is located parallel to the east of the N2 highway. The southern tributary is located to the east. The loss of the aquatic habitat and wetland areas associated with the upper reaches of the tributaries (Asla Park B and Asla Park D and Sinethemba, with the recommended buffers) is not considered to be of significance because these portions of the watercourse are already largely transformed. It is however recommended that the tributaries

located within the deeper valley (Sewendelaan, where the valley bottom wetland areas occur) area be maintained within the wider buffer areas.

#### Construction Phase

For Asla Park B, Asla Park D, Sinethemba and Sewendelaan the significance ratings relating to aquatic ecosystem habitat, flow and water quality impacts are medium negative before mitigation and low negative after mitigation. The main mitigations measure for this impact involves setting the development to be outside of the recommended freshwater (rivers and wetlands) buffers as provided by the freshwater specialist (incorporated in proposed site layout).

#### Operational Phase

For Asla Park B, Asla Park D, Sinethemba and Sewendelaan the significance ratings relating to aquatic ecosystem habitat, flow and water quality impacts are medium negative before mitigation and low negative after mitigation. Mitigation entails ongoing removal of solid waste and invasive alien vegetation clearance within the sites to ensure that it does not provide a source of waste and invasive plants for the downstream channels. At present, waste and invasive plants occur on the various sites.

#### *Botanical*

The field evidence from the botanical assessment undertaken indicates that most of the informal housing that was erected in the past decade in the Kwanonqaba area was established within severely transformed vegetation. According to the assessment, even in sites where informal houses were established in or near areas that are currently mapped as CBAs, there is little evidence indicating that the houses were established in near-pristine vegetation.

#### Construction Phase

For Asla Park B, Asla Park D, Sinethemba and Sewendelaan the significance relating to loss of sensitive vegetation is considered low negative before mitigation and medium positive after mitigation.

For Asla Park B, Asla Park D, Sinethemba and Sewendelaan the significance relating to flood damage to downstream vegetation and infrastructure is medium negative before mitigation and medium positive after mitigation.

Mitigation proposed: All the existing informal houses should be removed from the ESA1 (water drainage) areas; retaining healthy vegetation and reducing soil erosion along the water drainage lines; reducing (or ideally remove) grazing pressure by domestic stock from the entire Kwanonqaba area; Establish paved pedestrian access routes at key points between neighbouring areas; removing alien vegetation and clearing the litter from water drainage lines regularly.

#### Operational Phase

No impacts were identified by botanist for the operational phase.

### 3.6. Visual / Sense of Place

The Visual Statement received as part of the application notes that the proposed development is highly likely to result in the significant degradation of an important urban 'green lung'. It is expected that the development will result in a high negative visual impact. This is due to urban sprawl into the river valleys, restricted access of the community to Public Open Space as a result of ribbon development along the river valley edge, as well as insufficient space adjacent to CBA/flood zones areas to allow for Urban Green Infrastructure connectivity routes.

Mitigations relating to visual impacts are addressed during the design phase and are reflected in the site layout as far as practically possible.

### 3.7. Traffic Impacts

According to the assessment, the implementation of the UISP will have a major impact on the current Kwanonqaba road network. Even though the construction of a new link road between Louis Fourie and Grunter Road is imminent, there are in reality very few major ingress/egress points in to the greater Kwanonqaba area. The housing development will therefore place additional strain on these nodes which will require intersection upgrading to mitigate the impact. Various additional traffic mitigation measures have been identified in the Traffic Impact Assessment report.

### 3.8. Heritage / Archaeological / Built Environment Aspects

Virtually the entire study area has been transformed through various urban-related land uses, including densely populated informal residential structures, agriculture (e.g. pig farming, goats) cultivation and grazing. Dumping of

household and other waste occurs between informal structures and also within partly undeveloped public open space within which the need for social housing is high. HWC has advised that it is not expected that the proposed development will impact on heritage resources.

A general mitigation measure identified is that all work must be carried out within the designated work areas.

### 3.9. Socio-economic Impacts

The implementation of the UISP will create employment opportunities. The municipality will be responsible for implementing the upgrading project and will have to adhere to their specific employment policies, e.g. the 'local first' policy in which employment opportunities are first presented to local contractors and workers.

Furthermore, UISP will allow for the provision of basic needs and social upliftment with social facilities e.g. religious, creches and business zones having been incorporated into development proposal.

## 4. **NEMA 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.



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 listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----

Addressee	Start Time	Time	Prints	Result	Note
*00446065062	24-07 11:22	00:09:27	042/042	OK	
*00448055454	24-07 12:01	00:00:56	000/042	No Ans	

## Note

TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX,  
 OPS:Page Separation TX, RIX:MixeD Original TX, CALL:Manual TX, CSRC:CSRC,  
 FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original,  
 FCODE:F-code, RIX:Re-TX, RLV:Reply, MBX:Confidential, BUL:Bulletin, SIP:SIP Fax,  
 IPADR:IP Address Fax, I-FAX:Internet Fax

## Result

OK: Communication OK, S-DK: Stop Communication, PW-OFF: Power Switch OFF,  
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
 RE-FUSE: Receipt Refused, Busy: Busy, H-Full:Memory Full, LOR:Receiving length Over,  
 POWR:Receiving Page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error,  
 DSN:DSN Response Error, PRINT:Compulsory Memory Document Print,  
 DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.



Western Cape  
Government

DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION

REFERENCE NUMBER: 14/2/4/2/3/D6/26/0008/18

ENQUIRIES: Jamie-Lee van Zyl

## BY REGISTERED MAIL

The Municipal Mayor  
MosseI Bay Municipality  
Private Bag X29  
MOSSSEL BAY  
6500

Tel: (044) 606 5013

Fax: (044) 606 5062

Email: [jvanzyl@mosselbay.gov.za](mailto:jvanzyl@mosselbay.gov.za)

Attention: Mr Johan van Zyl

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITIES: THE UPGRADING OF INFORMAL SETTLEMENTS PROGRAM (UISP)- PRECINCT 2, MOSSSEL BAY**

With reference to your application dated 31 May 2018 and environmental assessment of September 2018 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

**ENVIRONMENTAL AUTHORISATION**

**A. DECISION**

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the

## Jamie-Lee Van Zyl

---

**From:** Jamie-Lee Van Zyl  
**Sent:** 24 July 2019 12:50 PM  
**To:** Van Zyl, Johan  
**Cc:** Charles Norman; David Alli; Andre Oosthuizen; Danie Swanepoel  
**Subject:** Decisions on s24G Applications: 14/2/4/2/3/D6/26/0008/18 and 14/2/4/2/3/D6/26/0009/18  
**Attachments:** s24G EA\_14\_2\_4\_2\_3\_D6\_26\_0008\_18\_ Mossel Bay Municipality\_UISP Precinct 2\_24 July 2019.pdf; s24G EA\_14\_2\_4\_2\_3\_D6\_26\_0009\_18\_ Mossel Bay Municipality\_UISP Precinct 3\_24 July 2019.pdf

Good day Mr van Zyl

Please find attached the decisions on your section 24G applications referenced above.

Kind regards

**Jamie-Lee van Zyl**

Sub-directorate: Rectification

**Directorate: Environmental Governance**

Department of Environmental Affairs and Development Planning

1st Floor Leeusig Building, 1 Dorp Street, Cape Town

Tel: 021 483 8347

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E-mail: [Jamie-Lee.vanZyl@westerncape.gov.za](mailto:Jamie-Lee.vanZyl@westerncape.gov.za)

Website: [www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)



Western Cape  
Government

BETTER TOGETHER.

## Jamie-Lee Van Zyl

---

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**To:** Van Zyl, Johan  
**Cc:** Charles Norman; David Alli; Andre Oosthuizen; Danie Swanepoel  
**Subject:** Decisions on s24G Applications: 14/2/4/2/3/D6/26/0008/18 and 14/2/4/2/3/D6/26/0009/18  
**Attachments:** s24G EA\_14\_2\_4\_2\_3\_D6\_26\_0008\_18\_ Mossel Bay Municipality\_UISP Precinct 2\_24 July 2019.pdf; s24G EA\_14\_2\_4\_2\_3\_D6\_26\_0009\_18\_ Mossel Bay Municipality\_UISP Precinct 3\_24 July 2019.pdf

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Please find attached the decisions on your section 24G applications referenced above.

Kind regards

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