



24G Application: 14/2/4/2/3/D2/20/0023/22

ENVIRONMENTAL AUTHORISATION

The Managing Director
Power Construction (Pty) Ltd
P. O. Box 129
BLACKHEATH
7580

Email: slevey@powergrp.co.za

Attention: Steven Raymond Levey

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL INFILLING OF A WETLAND AND OR A WATERCOURSE ON ERF 21028 AND ERF 21029, NEAR CHAMPERSDRIFT RIVER, GEORGE

With reference to your application dated 8 September 2022 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.

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 dated 8 September 2022.

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

Power Construction (Pty) Ltd
c/o Mr Steven Raymond Levey
P O Box 129
BLACKHEATH
7580

Tel: (021) 907 1300

Email: slevey@powergrp.co.za

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. R. 327 of 2017 –</p> <p>Activity Number: 19</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>Construction activities commenced within close proximity to an on-site wetland and riparian area along Camphersdrift system.</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; 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><i>Government Notice No. R. 324 of 2017 –</i></p> <p>Activity Number: 12</p> <p><i>Activity Description: 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></p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered</p>	<p>The property falls into areas that were identified in the Western Cape Biodiversity Spatial Plan (WCBSP) 2017 as being part of a terrestrial Critical Biodiversity Area.</p>

<p>in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans.</p>	
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The abovementioned list is hereinafter referred to as "the listed activities/development".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Erf 21028 and 21029 (consolidated into a single property Erf 28930), George.

The SG digit codes are: C02700020002102800000 (21028)

C02700020002102900000 (21029)

The co-ordinates for the property central point is:

Point	Latitude (S)	Longitude (E)
1	33° 56' 46.44" South	22° 04' 29.12" 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")

Cape Environmental Assessment Practitioners (Cape EAPrac)

c/o Ms Louise-Mari van Zyl

P.O. Box 2070

GEORGE

6530

Tel: (044) 874 0365

Fax: (044) 874 0432

Email: louise@cape-eaprac.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The unlawful infilling of a wetland and or a watercourse on Erf 21028 and Erf 21029, near Champersdrift River, George.

Power Construction (Pty) Ltd proceeded with construction activities on the site. However according to an aquatic investigation, the development was undertaken over and in proximity to an on-site wetland flat and the Camphersdrift wetland system. The development in question was inclusive of earthworks, development of roads and infrastructure associated with a housing development.

Earthworks commenced across the entire site with benches/platforms having been created for placement of some erven. Areas for erven have been compacted. Access road works commenced with excavation, compacting and layer works. Installation of some internal services. No buildings have been erected yet. The development will include 99 Single residential, 86 General Residential (group/town housing), business sections, roads and open spaces proposed with associated services.

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 dated 8 September 2022 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 **five 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 continuation of the 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 the following condition:
Condition 7

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") dated 8 September 2022 compiled by Cape EAPrac Environmental Assessment Practitioners and submitted as part of the application for environmental authorisation is 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") or site agent where appropriate, before continuation of 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.

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, the EMPr and submit Environmental Audit Reports to the competent authority annually and 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 wetland area must be clearly demarcated and fenced off to ensure that domestic animals and the general public do not access to the sensitive area of the wetland.

18. The recommendation that a Biodiversity Agreement between George Municipality and Cape Nature, as well as Adopt-a-Spot Initiative between EAP / Aquatic Specialist and George Municipality must be implemented and must remain in place for a minimum period of three (3) years).
19. During this 3-year time period the EAP and Aquatic Specialist must ensure skills transfer to municipal officials responsible for ongoing invasive alien clearing, stormwater management (quality), erosion protection, open space management and conservation.
20. Construction activities for the development must be done during the drier periods of the year.
21. Topsoil must be stored separately to protect the seed bank and should not be contaminated in any way. Proof of compliance must be retained for compliance monitoring purposes.
22. Stabilising of cleared areas on site must be done to prevent any further erosion. Proof of compliance must be retained for compliance monitoring purposes.
23. Areas susceptible to erosion must be protected by installing the necessary temporary structures. Proof of compliance must be retained for compliance monitoring purposes.
24. Search and rescue of plants must allow for a nursery until such time as they can be replanted. Proof of compliance must be retained for compliance monitoring purposes.

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

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.

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 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, 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

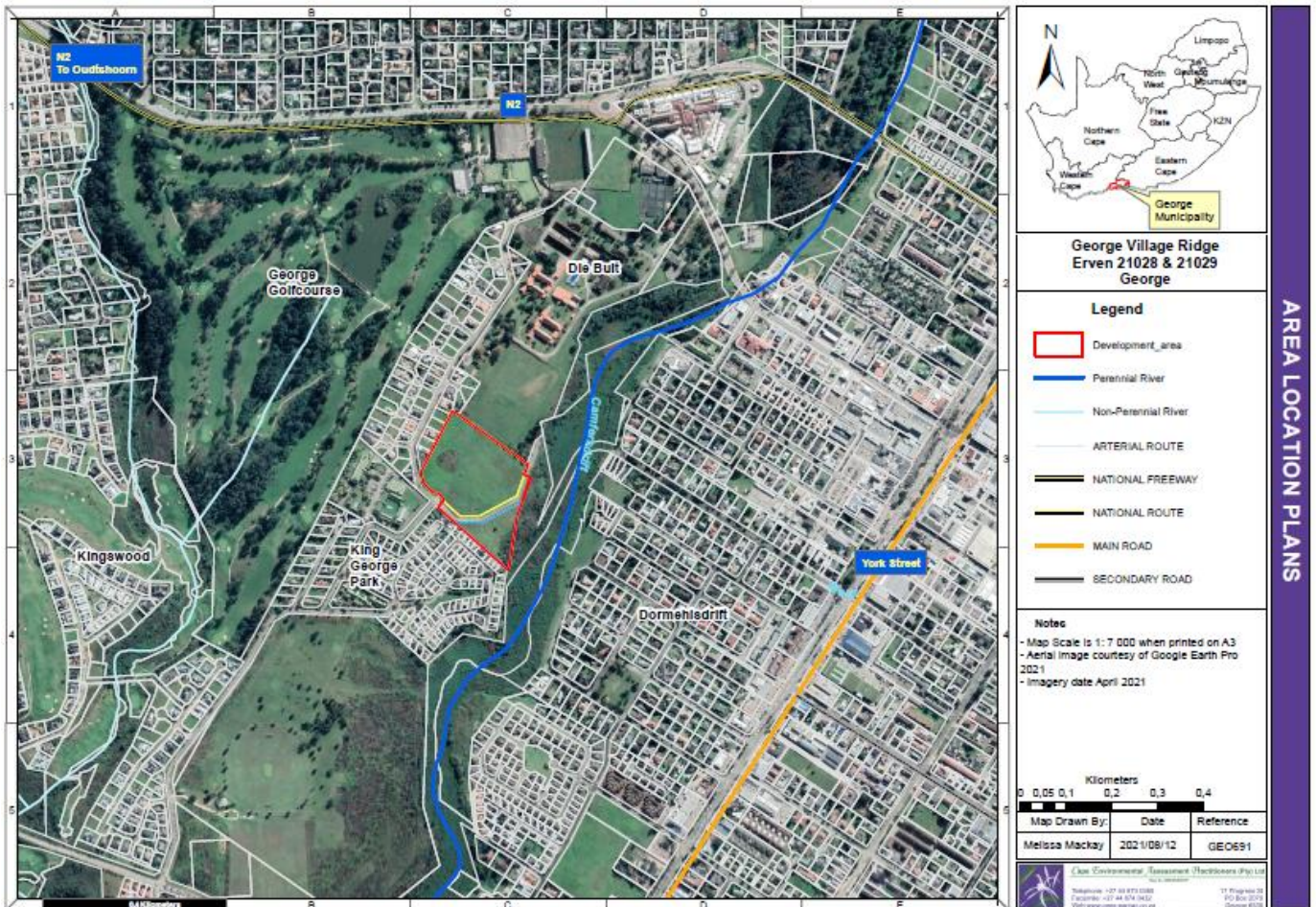
MRS ZAIDAH TOEFY

ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

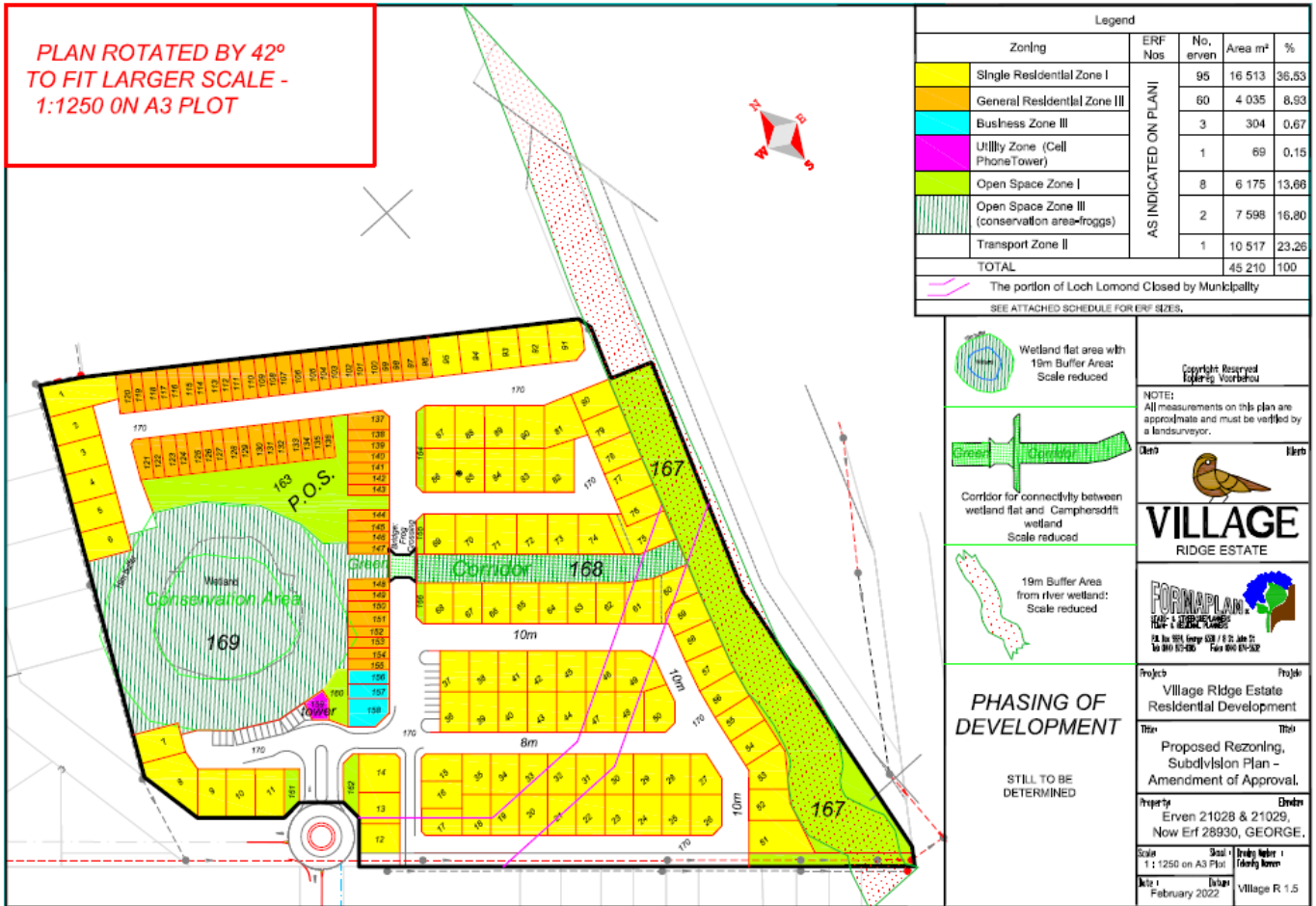
Copied to: (1) Louise-Mari van Zyl (EAP)

Email: : louise@cape-eaprac.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/3/D2/20/0023/22

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 R250 000 (Two hundred and fifty 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 section 24G application dated 8 September 2022 with supporting environmental impact assessment and mitigation measures.
- b) The Environmental Management Programme ("EMPr") dated 06 June 2022 submitted for the application.
- c) The Stormwater Management Plan dated 06 June 2022 submitted for the application.
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- h) The site visit conducted on: 3 February 2023
Attended by: Officials of the Directorate: Environmental Governance

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:

- An advertisement was placed in the George Herald newspaper on 31 March 2022;
- A site notice was erected on 01 April 2022; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 1 April 2022.
- I&APs were afforded the opportunity to provide comments on the application.

A registered I&AP, provided the following comments:

- The wetland area must be fenced to ensure that domestic animals and people do not access this sensitive area.

- How will littering into the wetland from the group housing be monitored?

The EAP indicated that the wetland will be fenced and not accessible to people/residents. Litter is therefore unlikely to find its way into the wetland. The area will be part of a CapeNature Biodiversity Agreement. Furthermore, stormwater is not directed to this wetland.

- It will be great if residents from Die Bult/King George Park can have access to enjoy the enclosed wetland with regards to a walkway around the wetland and some benches. The plan allows only access for residents of The Village Ridge.
- How can we be assured that none of the residents will be able to access the wetlands areas?

The EAP indicated that the central wetland will be permanently fenced to prevent unauthorised access.

- How will access to Camphersdrift wetland be secured?

The EAP confirmed that Camphersdrift is part of a greater municipal open space system which is accessible to the general public where access routes are provided. Roads through this development are open to the public and pedestrians can also walk to the Camphersdrift

wetland corridor. The Camphersdrift corridor is not accessible with walkways all the way and care must be taken not to create informal walkways into this sensitive area.

- The old parking area will become a no-man's land which will attract vagrants who will enter the corridors and put the whole wetlands in jeopardy of foot traffic.

The EAP indicated that the area will be converted to an artificial stormwater detention wetland/pond.

- The shop/business is proposed too close to the wetland and can cause pollution. Who will take responsibility? Also, this will attract unwanted people which will cause a security risk for the neighbourhood.

The EAP indicated that all development around the wetland is setback by the recommended 19m buffer area specifically to protect the wetland (the retail will not encroach into this area).

- There appears to be too few parking spaces which will cause congestion in the streets and the public open space areas will be taken over by parked vehicles.

The EAP confirmed that the parking ration has been approved by the George Municipality as part of the land use planning in line. The site parking complies with municipal requirements for on-street parking. Parking for units have dedicated off-street on each erf. Commercial will have its own parking on-street.

- Where would a removal truck for erf 1 or 88 stop? Will the bridge be able to take heavy loads such as refuge removal trucks or moving trucks?

The EAP confirmed this and the minimum turning circles are adhered to already. The municipality would not approve if not adhering to minimum standards. Bridge final design will be designed to accommodate loads with culverts that don't have cement bottom or have cement covered with natural substrate.

- Can Power Construction Adopt the Wetland Area as part of the Municipality's Adopt-a-Spot initiative?

Consultation with CapeNature and the George Municipality regarding long-term management confirmed that the central wetland will be subject to the new Adopt-a-Spot programme. Power Construction will not be the entity implementing the Adopt-a-Spot, it will be aquatic and environmental specialists for the initial phases of operation.

The George Sustainability Forum (GSF) are in support of the amendments (layout/development) but continue to have concerns that the necessary checks and balances could have failed. Further comments include:

- This type of higher density development in George is necessary and the resultant delays could easily have been avoided.
- Why did the initial EIA not trigger the wetlands? Who undertook the EIA? Why did the DEADP allow the authorisation (missing the wetland trigger)? Who authorised the development in DEA&DP

The EAP confirmed that no EIA was undertaken at the time (2018) given that the Department of Environmental Affairs, in response to an Applicability Checklist, confirmed that there was no requirement for an EIA. It appears that this conclusion was incorrect and seemingly based on a lack of clear and detailed information.

- How could the Mayor over-ride the request for further detailed investigations by the rate-payers association?

The EAP indicated that the S24G application process is a retrospective investigation of environmental conditions and as a result it is not possible to reflect on decisions taken in terms of a separate (planning) application by different consultants.

- Who authorised the development within the George Municipality?

The EAP indicated that various directorates within the municipality considers and authorises a land use planning application, so not an individual.

- What further checks and balances could the municipality have set in place to prevent that this transgression does not happen again.

The EAP indicated that the municipality has a dedicated environmental directorate now who assist town planning department with development applications to determine applicability and ensure compliance. Developments of this nature located in proximity to sensitive ecosystems and especially open space areas such as Camphersdrift must be identified by the municipality as needing consultation with DEADP, CapeNature and BGCMA to obtain their comment prior to municipal approvals.

- What was the cost of the total S24G process? Ratepayers has the right to know the cost for not getting the EIA process right the first time.

The EAP indicated that the cost of investigations is not public information. The cost for the process has not been carried by the municipality, it is for Power Construction which is a private company.

The Garden Route Dam Action Group (GRDAG) were concerned that the freshwater ecological aspects of the site were made to fit into a development with perceived rights. Without an EA and WULA there were no development rights.

GARDAG is satisfied that qualified freshwater ecologists and other specialists were consulted to address the conservation of freshwater resources on the affected properties. GARDAG agrees with the methods proposed to protect the freshwater habitats. The recommendation by specialist that the wetland must not be lit up (prevent night pollution) and that it should be fenced are supported.

The Highlands/ King George Park Residents Association (HKGPPRA) Strongly supports the recognition of the wetlands and that it be protected by a durable fence preferably Nylofor Medium (also called beta fencing).

Additionally, the corridor must be fenced in as well with security lights around the wetlands and the corridor. Reasonable access for members of the public to the wetlands must be ensured. Benches at the periphery of the wetland for the public to enjoy the natural beauty of this feature is of utmost importance. Visible security to ensure the safety and protection of fauna and flora inside the wetlands will be an added precautionary measure.

Insufficient parking space is provided for visitors. This was also raised as a point in their previous appeal. Increase in traffic volumes, as highlighted in our previous appeal, will increase noise levels, traffic congestion at the various intersections and will inhibit pedestrian traffic with so many residents walking around with their children and dogs. Continuous sewage blockages in the area which the Municipality does not attend to or resolved over the years will be exacerbated and will negatively impact on the Camphersdrift wetland.

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

The following organs of state provided comment on the application:

- CapeNature (CN)
- Heritage Western Cape (HWC)

CN indicated that an Environmental Control Officer (ECO) must monitor construction and operational phases to ensure recommended mitigation measures of specialist studies are implemented and that sensitive areas and no-go areas are treated as such.

Waste generated must be stored onsite until it is removed to a registered facility.

CN agrees with the mitigation measures proposed by the various specialists which must be implemented. Further loss of biodiversity must be prevented by implementing the management recommendations for conservation and open space areas.

CN supports the ecological link between the wetland and the river. A restoration plan must be compiled for the corridor between the wetland the river. The wetland must be protected, its conservation is supported. Alien Plant species management plan must be compiled and must form part of the Environmental Management Plan. Suitable indigenous vegetation must be used during rehabilitation of all open space areas.

The Applicant is reminded that flooding events can change watercourses within a short period of time, and it must be mitigated. Construction must be done during the drier periods of the year. Topsoil must be stored separately and should not be contaminated. Stabilising of cleared areas must be done to prevent erosion.

Areas susceptible to erosion must be protected by installing the necessary temporary structures. Strictly adhere to stormwater management controls to avoid negative impacts on erosion.

Search and rescue of plants must allow for a nursery until such time as they can be replanted. Construction activities must remain outside of the 19m buffer zone and heavy machinery must remain outside the watercourse and their buffers. The site will be conserved as a Biodiversity Agreement.

HWC indicated that comment submitted in 2018 stated that no further studies are required for the proposed mixed-use development of Erven 21028 & 21029. The comment has not changed.

The competent authority is satisfied that 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

The site is earmarked for development and has been approved as such by the local authority in 2020. For the purpose of this S24G investigation no site or activity alternatives were considered other than residential development which is deemed in line with the zoning and SDP.

2.1 Layout and operational Alternatives

Alternative 1 (As per Annexure 2 and herewith authorized)

The study site is earmarked for township development, in particular group housing as part of the greater subdivisional area for Die Bult. Subsequent rezoning to allow for a combination of single residential and group housing (with open space, services and business rights) is deemed to be in line still with the township character of Group Housing. However, development of the site resulted in the temporary transformation of an on-site wetland and riparian habitat along the Camphersdrift System. Where the development to go ahead without the applicable environmental interventions, the loss of the wetland habitat would have been considered environmentally unacceptable. The revised layout however (as presented in this S24G application and the Water Use Licence Application) avoids this wetland, with an added buffer which the aquatic specialist deems to be an improvement on the aquatic environment, and it contains a further ecological setback from the Camphersdrift System that in the form of an ecological corridor, that without this S24G would also have been lost but has since been rehabilitated.

Since the original Group Housing II zoning (primary rights under the 2001 subdivision of Die Bult residential area) did not require prior Environmental Authorisation (as confirmed by the DEADP in 2001), the EAP and assessment has concluded that the approved layout (of 2020) is deemed to be the "No-Go" alternative and status quo. However, the preferred alternative, as presented in the S24G report is the result of the outcome of the investigation with specialist input to avoid the sensitive features altogether.

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

The property is zoned for residential development. Refusing environmental authorisation will not result in the site not being developed. A different type of development will then be considered for the site which is most likely (given the site's location and proximity to amenities) going to be of a residential nature. Currently the Applicant has an ECO to monitor the site conditions. They are also responsible for ongoing alien clearing and rehabilitation of the identified sensitive areas. Should this application not be approved it

is likely that these functions will stop, and site conditions will most likely deteriorate once more. Construction has ceased temporarily until the outstanding authorisation are in place.

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 social benefit of providing for affordable housing in this location was compared to the potential for impacting on the sense-of-place and it was determined that the benefit the affording housing scheme provided outweighs the impact due to the need for group housing within the greater area.

Although a change in sense-of-place is anticipated due to the development being aimed at affordable housing within an otherwise medium-high income area, the site is earmarked for Group Housing and forms part of the greater subdivisional area of Die Bult. Group Housing as a land use is a higher density development (compared to the existing single residential development) and such a development would impact on the sense-of-place to a certain degree as a given. The social benefit of providing for affordable housing in this location, compared to the potential for impacting on the sense-of-place has been considered by the local planning authority and appeals authority when they approved the development in 2020. Architectural design for the proposed development has been provided to ensure that it does not detract from the surrounding areas as a whole, despite it being aimed at a more affordable market.

3.2. Pollution Impacts

the activity does not produce any pollution other than that linked to construction, i.e. dust and noise pollution which will be mitigated through implementation of the Environmental Management Programme.

3.3. Biodiversity Impacts

The botanical report indicated that the transformed fynbos vegetation around the wetland should be regarded as sensitive as it acts as an important ecological buffer area that links the wetland and the Rooi River. Although the clearance has been dealt with in a positive matter through rehabilitation, the initial damage should not be ignored.

Although the initial clearing impacted on biodiversity in a negative manner, it has become a vehicle for its protection with the wetland flat now being in an improved condition and larger than what it was before. The riparian corridor has been rehabilitated and will be managed and monitored under a Biodiversity Agreement between George Municipality and CapeNature with further Adopt-a-Spot initiative to support skills development at the municipality to ensure that after the minimum three-year monitoring period they will know how to ensure that these features are protected into the future.

3.4. Heritage / Archaeological / Built Environment Aspects

Heritage Western Cape in their comment on the application confirmed that no further studies are required, and the development may be implemented.

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.

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