



24G Application: 14/2/4/2/3/D2/51/0023/21

ENVIRONMENTAL AUTHORISATION

The Municipal Manager

George Municipality

PO Box 19

GEORGE

6530

Email: cplubbe@george.gov.za

Tel: (044) 801 9385

Attention: Charles Lubbe

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL UPGRADE OF THE THEMBALETHU AREA 5 INFORMAL SETTLEMENT, THEMBALETHU, GEORGE

With reference to your application dated 05 May 2021 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 as described in the application and environmental assessment dated 05 May 2021.

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

George Municipality
c/o Mr Charles Lubbe
Director Human Settlements
P.O. Box 19
GEORGE
6530
Tel: (044) 801 9385
Email: cplubbe@george.gov.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 – Activity Number: 12(ii)(a)&(c) Activity Description: <i>The development of—</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</i> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i></p>	<p>Some of the dwellings of the occupiers have encroached within 32m of the watercourse situated to the north of the site. The cumulative total of these structures exceeds 100m².</p>

<p>Government Notice No. R327 of 2017 – Activity Number: 19 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>The activities undertaken on the site has resulted in more than 10m³ being infilled into the watercourse located on the site.</p>
<p>Government Notice No. R327 of 2017– Activity Number: 24 Activity Description: <i>The development of a road— (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres.</i></p>	<p>Some of the roads that were created by occupiers (although not formally designed and constructed) are wider than 8m in certain sections.</p>
<p>Government Notice No. R327 of 2017 Activity Number: 27 Activity Description: <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.</i></p>	<p>More than 1 hectare of vegetation has been cumulatively cleared by the occupation of this site. The previous vegetation on site was severely transformed previous livestock grazing and cultivation. The site however was not cultivated in the preceding 10 years</p>
<p>Government Notice No. R327 of 2017 Activity Number: 28(i) Activity Description: <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998.</i></p>	<p>The area that has already been occupied by (residential use) exceeds the 5ha threshold contemplated in this activity.</p>

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on South Western portion of the Thembaletu settlement in George. The listed commenced on the following farms and portions:

- Sandkraal 197/4
- Sandkraal 197/9
- Remainder Erf 5006

The SG digit codes are: C02700000000019700004

C02700000000019700009

C02700100000500600000

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 00' 20.71" South	22° 28' 02.40" East
2	34° 00' 22.81" South	22° 28' 23.06" East
3	34° 00' 40.62" South	22° 28' 13.78" East
4	34° 00' 32.64" South	22° 27' 52.46" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 00' 20.00" South	22° 28' 07.37" East
2	34° 00' 20.11" South	22° 28' 07.99" East
3	34° 00' 24.87" South	22° 28' 06.13" East
4	34° 00' 27.35" South	22° 28' 06.33" 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 Mr Dale Holder

P.O. Box 2070

GEORGE

6530

Cell: 071 603 4132

Email: dale@cape-eaprac.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The occupation of the area by informal dwellings have resulted the commencement of various activities listed in terms of the EIA Regulations, 2014. The formalisation of the housing area would entail the continuation of these activities that have already commenced. The area has been occupied over the past 24 months. This occupation has occurred rapidly, with the vast majority of the area already containing structures/dwellings. It is the intention of the holder to formalise the area as part of their upgrade of informal settlements programme to provide for 823 serviced erven. The infrastructure to be installed for the formalisation of the erven will include:

- Housing platforms (a graded gravel surface, where the occupier can safely establish the dwelling).
- Provision of a potable water point to each erf.
- Sewerage reticulation and the provision of a toilet to each erf.
- Formalisation of the road network (including associated Stormwater management).
- Provision of electrical reticulation.

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 implemented Alternative 1 described in the application and assessment report dated 05 May 2021 on the site as described in Section D above.
2. The development formalisation as described in the application dated 05 May 2021 must be concluded within 10 years from the date of continuation of the first listed activity.
3. 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.
4. 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

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the development activities.
 - 5.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 5.2 The notice must also include proof of compliance with condition 6.

PART III

Notification and administration of an appeal

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

- 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
- 6.2 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.
- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
- 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any, of the holder; and
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.
7. 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

8. The draft Environmental Management Programme ("EMPr") dated 30 April 2022 compiled by Cape EAPrac and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

10. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, 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).
11. 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

12. 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 the closure plan (where applicable) and submit Environmental Audit Reports to the competent authority annually / bi-annually / quarterly/ 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

13. 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.

14. 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.
15. A development setback or buffer must be kept of at least 200m, measured from the top of the hillslope to protect the freshwater features.
16. The occupiers of the informal dwellings that have already been established over the wetlands and buffers must be relocated to within the proposed formalisation area (which excludes the hillslope wetlands and their buffers).

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

ZAIDAH TOEFY

ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

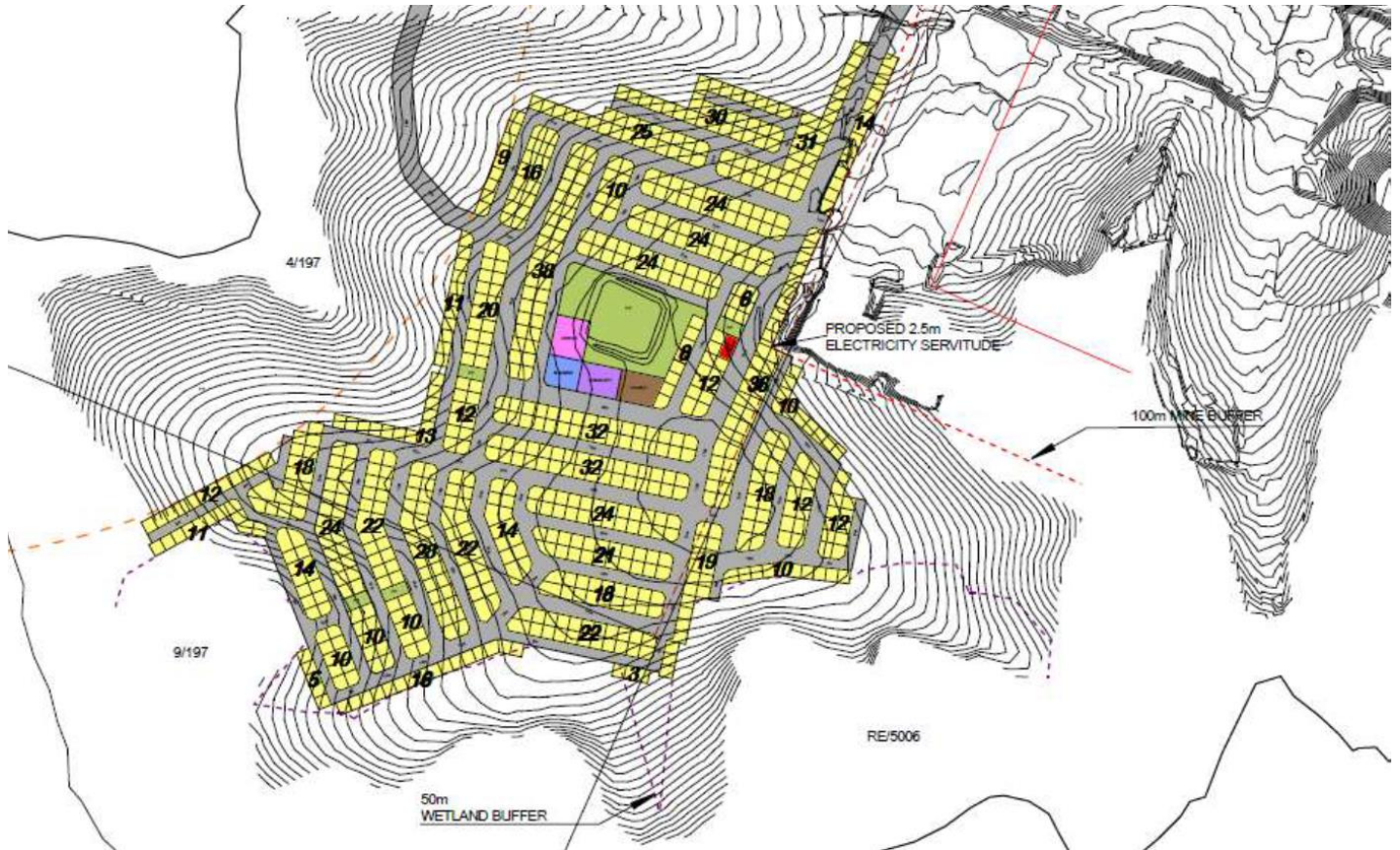
Copied to: (1) Dale Holder (EAP)

Email: dale@cape-eaprac.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/3/D2/51/0023/21

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 R125 000 (One hundred and twenty-five 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 05 May 2021, and the Comments and Responses report received by the Department on 19 May 2022.
- b) The Environmental Management Programme ("EMPr") dated 30 April 2022 submitted together with the application.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 25 March 2022 attended by officials from 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**;
- A site notice was erected;
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor;
- I&APs were afforded the opportunity to provide comments on the application.

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

The following organs of state provided comment on the application:

- Breede Gouritz Catchment Management Agency (BGCMA)
- CapeNature
- George Municipality

A summary of the comments received, and the responses thereto follows below.

BGCMA

The BGCMA raised concern that the informal dwellings have already encroached into the sensitive aquatic environments and further concerns of possible illegal dumping in the Swartkops River. The EAP responded by stating that the proposed formalisation of the erven, will relocate those informal dwellings to within the development area that excludes the sensitive features. A rehabilitation plan will then be submitted to the BGCMA for these areas. This rehabilitation plan will be submitted along with the Water Use Licence application and Risk matrix for the access road, once the detailed designs for this are completed. The proposed formalization of the housing area would include the fencing of the sections of the

development that abut the slopes of the Skaapkop River. Such fencing will prevent (or very much reduce) the illegal dumping that is currently taking place in the informal dwelling area.

CapeNature

CapeNature stated that the vegetation unit on the property is classified as Endangered Garden Route Granite Fynbos and that an alien management plan should be developed for the remainder of the site. CapeNature further stated that stormwater run-off and soil disturbance might affect the watercourse, especially in periods with high run-off. The EAP responded by stating that the endangered Garden Route granite fynbos that may have historically occurred on the site has been irreversibly transformed through historical activities as well as the occupation of the area. The EAP further stated that a stormwater management plan has been developed and will be implemented, should the formalisation of the erven be allowed to take place.

George Municipality

George Municipality stated that the project must make provision for the George Integrated Public Transport Network. And that each new housing development should at least have 2 accesses in terms of safety and disaster risk management protocols. The EAP responded by stating that the proposed layout for the formalisation of the erven provides for an 11m wide bus route as part of the layout. The existing access to the site will be retained and a new access to the site (i.e. second access) is proposed to be constructed and is shown on the layout plan.

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 Site/Activity Alternatives

Alternative 1 (Herewith authorised)

The preferred alternative constitutes the formalisation of the housing area, through the provision of services and subdivision of erven. It is proposed to formalise these erven as proposed in the site layout plan (Annexure 2), dated September 2020. It is the intention of the holder to formalise the area as part of their upgrade of informal settlements programme to provide for 823 serviced erven. The infrastructure to be installed for the formalisation of the erven will include:

- Housing platforms (a graded gravel surface, where the occupier can safely establish the dwelling).
- Provision of a potable water point to each erf.
- Sewerage reticulation and the provision of a toilet to each erf.
- Formalisation of the road network (including associated Stormwater management).
- Provision of electrical reticulation.

Alternative 2

The status quo would entail retaining the area as an informal housing area. This alternative is not deemed to be reasonable nor in line with the South African constitution, as living conditions are extremely poor and basic services are not available for residents of the area. It is also likely that informal areas will expand in an uncontrolled manner into adjacent sensitive areas along the banks of the Skaap kop river.

Alternative 3 (Rehabilitation)

This alternative would entail the relocation of all the informal dwellings within the area and the rehabilitation back to the pre-commencement state. This alternative is not deemed to be reasonable, nor feasible for the following reasons:

- In terms of legislation, occupants cannot be removed from the site unless an alternative site / accommodation is provided. There are no other suitable areas within the immediate vicinity to accommodate the occupants of the site.
- The site is designated for housing development in numerous strategic planning documents and the utilisation of the site for any other purpose other than for housing development would contradict these strategic planning documents and the designated land use.
- The site is surrounded by other housing development and as such an alternative land use would not be appropriate.

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. Regional/ Planning Context

The site is included within the urban edge of the greater George and is designated as 'future residential' in the George Spatial Development Framework (GSDF). The Thembaletu Precinct Plan (March 2016), a further component of the GSDF, emphasise the importance of infill development and densification. Sandkraal 197/4 & 9 as well as the relevant portions of Erf 5006, Tyolora are however indicated as an area for future urban development. The inclusion of these properties in the UISP-project is therefore not in conflict with any relevant spatial planning frameworks.

3.2. Services/ Bulk Infrastructure

At the time of occupation, the site was not serviced. The municipality has in the interim provided basic services in the form of portable toilets and water deliveries. The proposed formalisation of the erven will entail the installation of services to the erven. Sufficient capacity of all services is already in available or part of planned upgrades.

These services will collect to existing bulk services on the property as follows:

Water Treatment Works

No upgrading of the existing Water Treatment Works is required to fulfil the requirements of the fully developed Thembaletu Housing project. The current capacity of the water treatment works is 40,5 Mℓ/d. The fully occupied water usage is approximately 21,5 Mℓ/d. This means the that the current water treatment works has an excess of 19 Mℓ/d.

Wastewater Treatment Works

George Municipality makes use of two existing wastewater treatment works, the 15Mℓ/d Outeniqua Wastewater Treatment Works (WWTW) for the George, Pacaltsdorp, Thembaletu and surrounding areas and a 11Mℓ/d Gwaiing Wastewater Treatment Works for all other areas within George. Wastewater generated from the proposed development will gravitate to existing bulk sewer lines (with pipe sizes ranging from 250mm diameter to 400mm diameter) and conveyed by means of gravity sewer lines towards the Pacaltsdorp Pump station, from there it will be pumped through rising mains to the Outeniqua Waste Water Treatment Works, where it will be treated. The capacity of the existing wastewater treatment works is 15 Mℓ per day. Thembaletu is reticulated by means of a gravity water-borne wastewater reticulation system draining to nine

existing sewer pump stations located around the residential areas. These pump stations pump sewerage to link into the existing mains draining to the 15 Ml per day Outeniqua Wastewater Treatment Works.

Stormwater Management

This project is situated outside the coverage of the Current Zone 9 Stormwater Master Plan. The internal stormwater will be dispersed through development via a series of pipes, inlets, junctions and several outlets to minimise the peak runoff. The northern edge of the development is adjacent to a valley which ensures that no external runoff will reach the development. Therefore, no bulk stormwater management is required.

Electricity Supply

The 11kV overhead lines in the area do not have sufficient capacity to supply the required load for the area. The capacity at Protea and Streekriool Substations is currently limited. After the establishment of the 66kV Themba lethu Substation, load will be transferred on the 66kV overhead line to the Themba lethu Substation, which will release capacity at Protea Substation. The current transformer capacity at Protea Substation is 2x 10MVA transformers. These transformers will be upgraded to 2 x 20MVA transformers as part of the George Municipality's master-planning for the area. This will establish further capacity for additional development that is planned for the Pacaltsdorp areas. The municipality has started with the first phase of the 66kV Themba lethu Substation in order to create capacity on the 11kV network for further electrification projects planned for the UISP project.

3.3. Cumulative

The site is within the urban edge and designated for urban expansion. The cumulative impacts of allowing the current informal settlement to continue sprawling are deemed to be far higher than the proposed formalisation of the erven.

3.4. Biophysical and Biodiversity Impacts

The site was deemed to already have been highly transformed prior to the commencement of the listed activities. This transformation was not permanent and would have been reversible, via management interventions. The informal dwellings on the site have been established on the Fynbos hillslope seeps as well as the grassland hillslope seeps. The proposed relocation of these informal dwellings to within the proposed formalisation area will minimise this impact. The freshwater specialist identified the Fynbos hillslope seeps on the south of the property as having a high sensitivity. These wetlands of high importance and sensitivity were subsequently excluded from the

proposed formalisation area. It must be noted that the informal dwellings have impacted on these high sensitivity fynbos hillslope wetlands on the South of the site.

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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