



REFERENCE: 16/3/3/5/F3/10/3041/21
NEAS REFERENCE: WCP/EIA/AMEND/0000588/2022
DATE: 20 May 2022

The Municipal Manager
Matzikama Municipality
P. O. Box 98
VREDENDAL
8160

Attention: Mr. M. Owies

Tel.: 027 201 3301

Email: munman@matzikama.gov.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED PART 2 AMENDMENT OF AN EXISTING ENVIRONMENTAL AUTHORISATION (REFERENCE NO: 16/3/3/1/F3/10/3056/17): THE DEVELOPMENT OF THE LUTZVILLE HOUSING DEVELOPMENT AND ASSOCIATED MIXED USES ON ERF NO. 1288, LUTZVILLE.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to:

(1) N. Hanekom (Enviro_EAP)

(2) A. van der Westhuizen (Matzikama Municipality)

E-mail: nicolaas@enviro-eap.co.za

E-mail: annalivdw@matzikama.gov.za



ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED PART 2 AMENDMENT OF AN EXISTING ENVIRONMENTAL AUTHORISATION (REFERENCE NO: 16/3/3/1/F3/10/3056/17): THE DEVELOPMENT OF THE LUTZVILLE HOUSING DEVELOPMENT AND ASSOCIATED MIXED USES ON ERF NO. 1288, LUTZVILLE.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation (“EA”) was issued by this Department on 25 January 2018 (Reference No: 16/3/3/1/F3/10/3056/17) for the establishment of residential erven and associated mixed uses on Erf No. 1288, Lutzville (attached hereto as Appendix A).
2. An application for amendment of the EA in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 25 August 2021. The application is for an amendment of the description of the activity, the approval of the amended EMPr and an amendment of condition 8 in the EA.

B. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) and the Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended), this Department herewith **grants** the amendment of the Environmental Authorisation issued on in terms of Part 2 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation issued on 25 January 2018 is amended as set out below:

1. **The previous project description in Section B and Preferred Alternative (herewith authorised) in the Environmental Authorisations, reads as follows:**

“The proposed development entails the clearance of approximately 10.65ha of indigenous vegetation for the establishment of residential erven and associated mixed uses on Erf 1288, Lutzville. The proposed development will occur inside an urban area.

The proposed development will comprise of:

- approximately 327 residential erven;
- 3 business erven;
- 2 institutional erven;
- 7 open Space erven;
- Internal Roads;
- Stormwater Infrastructure; and
- Associated infrastructure

A stormwater detention pond will be developed and will be approximately 4000m² in extent. The existing sewerage network will be upgraded to accommodate the proposed development. The proposed development will connect to all existing municipal infrastructure, including bulk water supply, sewage treatment, stormwater management, solid waste management and electricity supply.

Access to the site will be gained from Verkeer Street.

The total development footprint will be approximately 10.65ha in extent."

This is herewith amended to read as follows:

The proposed development entails the clearance of approximately 10.65ha of indigenous vegetation for the establishment of residential erven and associated mixed uses on Erf 1288, Lutzville. The proposed development will occur inside an urban area.

The proposed development will comprise of:

- 362 single residential low-cost housing erven (Amended EA to add 35 additional erven);
- 3 Business Zone 1 erven;
- 1 Institutional Zone 11 erf (house of worship);
- 1 Institutional Zone I erf (creche);
- 7 Open space erven;
- Storm water and internal road infrastructure; and
- Associated infrastructure

A stormwater detention pond will be developed on the southern portion of the site. The existing sewerage network will be upgraded to accommodate the proposed development. The proposed development will connect to all existing municipal infrastructure, including bulk water supply, sewage treatment, stormwater management, solid waste management and electricity supply.

Access to the site will be gained from Verkeer Street.

The total development footprint will be approximately 11.3ha in extent.

2. The previous EMPr approved together with the original EA on 25 January 2018 was amended to take into account the additional 35 residential erven. The EMPr dated 11 November 2021 is hereby approved and must be implemented.

3. **In light of the approved EMPr dated 11 November 2021, the following condition of the original EA is amended, as follows:**

Condition 8: "The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved on condition that the following amendments are made to the EMPr and must be implemented.

8.1. The following mitigation measures related to the temporary storage of fuel, must be implemented during the development phase:

8.1.1. All fuel temporarily stored on site must be confined to specific, secured and bunded areas;

8.1.2. No more than 80m³ must be stored on site at any given time; and

- 8.1.3. *Drip trays must be provided for all construction equipment and generators that may require re-fueling on site to avoid the possible spillage of fuel/oil.*
- 8.2. *An application for amendment to the EMPr must be submitted to the competent authority if any amendments are to be made to the EMPr, other than those mentioned above, and this may only be implemented once the amended EMPr has been authorised by the competent authority.*
- 8.3. *The EMPr must be included in all contract documentation for all phases of implementation."*

This is herewith amended to read as follows:

Condition 8: The draft Environmental Management Programme ("EMPr") dated 11 November 2021 submitted as part of the Part 2 amendment application for environmental authorisation is hereby approved and must be implemented.

- 8.1. *The EMPr must be included in all contract documentation for all phases of implementation.*
- 8.2. *An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.*

C. REASONS FOR THE DECISION

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application for amendment received on 25 August 2021, the final Amendment Report and revised application form dated and received by the competent authority on 31 January 2022.
- (b) The application is for a Part 2 (substantive) amendment to the Environmental Authorisation issued on 25 January 2018 (Reference.: 16/3/3/1/F3/10/3056/17).
- (c) The amendment applied for is to allow the increase of residential dwellings from 327 units to 362 units, which will result in development beyond the existing footprint, which will result in:
 - i) The permanent loss of open space including least threatened Namaqua Strandveld habitat and vegetation;
- (d) The impact assessment in the Amendment Report revealed the following:
 - i) The amended layout will have marginal increased impacts on terrestrial biodiversity when compared to the 2018 development footprint, and operationally, the impact significance rating would be similar. An ecological assessment report dated October 2015 and March 2017, as compiled by Eco Impact Legal Consulting (Pty) Ltd. was included in the Amendment Report. A Terrestrial Animal Species Compliance Statement and a Terrestrial Biodiversity Compliance Statement dated November 2021, was undertaken to assess the potential impacts fauna and flora associated with the proposed amendment and the ecological sensitivity of the area. The ecological compliance statements confirm that the proposed development area is ecologically isolated and no additional mitigation measures were proposed to be included in the EA and amended EMPr. No Critical Biodiversity Areas or Ecological Support Areas fall within the proposed development footprint areas on site. Based on the findings of the ecological assessment report, no

species of conservation concern were identified within the development footprint. The proposed development will result in permanent loss of indigenous vegetation, however, the area that will be lost is also largely of lower condition or highly disturbed vegetation already. These mitigation measures are included in the updated EMPr.

- ii) CapeNature in their comment dated 29 October 2021 indicated "*Considering the isolated nature of site, the vegetation type impacted, and the absence of SCC (if confirmed in compliance statements), we would have no objection to the development*".
- (e) The remaining conditions contained in the previous Environmental Authorisation issued on 25 January 2018 (Reference No.: 16/3/3/1/F3/10/3056/17), remain unchanged and in force.
 - (f) A Public Participation Process was conducted for the amendment application, which comprised of:
 - Identification of all landowners adjacent to the site;
 - Compilation of a new Interested and Affected Parties database;
 - Placement of a noticeboard on the site;
 - Placement of an advertisement in the local newspaper, *Ons Kontrei*, on 30 September 2021;
 - Notification of the availability of the draft amendment report was sent to all relevant stakeholders and Interested and Affected Parties on 29 September 2021, a commenting period from 29 September 2021 to 29 October 2021 was made available to Interested and Affected Parties;
 - Notification of the availability of the revised draft amendment report was sent to all relevant stakeholders and Interested and Affected Parties on 12 November 2021 to 10 December 2021; and
 - Making the amendment reports and all relevant information available to Interested and Affected Parties for public review and comment.

Comments raised by the Interested and Affected Parties have been adequately addressed during the PPP and is included in the Comments and Responses table submitted with the Final Amendment Report. The EMPr submitted with the Final Amendment Report includes mitigation measures in response to the associated impacts. This Department is satisfied that the PPP followed met the minimum legal requirements. All the comments and responses made thereto were included in the report.

D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1. notify all registered Interested and Affected Parties of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the decision as included in Section B;
 - 1.1.3. the date of the decision; and
 - 1.1.4. the date when the decision was issued.
 - 1.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section D below;
 - 1.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision;
 - 1.4. provide the registered Interested and Affected Parties with:
 - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2. name of the responsible person for this Environmental Authorisation;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;

- 1.4.5. e-mail address, if any, of the holder; and
 - 1.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
2. The EMPr must be included in all contract documentation for all phases of implementation.

E. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

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, 8001

By e-mail: DEADP.Appeals@westerncape.gov.za
5. An electronic copy (word document format) of the appeal and supporting documents must also be submitted.

6. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 20 MAY 2022

Copies to:

- (1) N. Hanekom (Enviro_EAP)
- (2) A. van der Westhuizen (Matzikama Municipality)

E-mail: nicolaas@enviro-eap.co.za
E-mail: annalivdw@matzikama.gov.za

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**ANNEXURE A
ENVIRONMENTAL AUTHORISATION ISSUED ON 25 JANUARY 2018**



**Western Cape
Government**
Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBER: 16/3/3/1/F3/10/3056/17

ENQUIRIES: MS. K. ADRIAANSE

DATE OF ISSUE: 2018-01-25

The Municipal Manager
Matzikama Municipality
P.O. Box 98
VREDENDAL
8160

Attention: Mr. D. Lubbe

Tel: (027) 201 3300

Fax: (027) 213 3238

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED HOUSING DEVELOPMENT AND ASSOCIATED MIXED USES ON ERF 1288, LUTZVILLE.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("NEMA EIA Regulations, 2014") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Layout Alternative 1 described in the Basic Assessment Report ("BAR") dated January 2018.

The granting of this environmental authorisation (hereinafter referred to as the "environmental authorisation") is subject to compliance with the conditions set out in section E below.

7th Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 483 3763 fax: +27 21 483 4372

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eodp

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Matzikama Municipality
c/o Mr. D. Lubbe
P.O. Box 98
VREDENDAL
8160

Tel: (027) 201 3300
Fax: (027) 213 3238

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the holder".

B. LISTED ACTIVITIES AUTHORISED

Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended)

Activity number: 27
Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

- (i) the undertaking of a linear activity; or*
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.*

The abovementioned is hereinafter referred to as "the listed activity".

The applicant is herein authorised to undertake the following alternative related to the listed activity:

The proposed development entails the clearance of approximately 10.65ha of indigenous vegetation for the establishment of residential erven and associated mixed uses on Erf 1288, Lutzville. The proposed development will occur inside an urban area.

The proposed development will comprise:

- Approximately 327 residential erven;
- 3 business erven;
- 2 institutional erven;
- 7 open space erven;
- Internal roads;
- Stormwater infrastructure; and
- Associated infrastructure.

A stormwater detention pond will be developed and will be approximately 4000m² in extent. The existing sewerage network will be upgraded to accommodate the proposed development. The proposed development will connect to all existing municipal infrastructure, including bulk water supply, sewage treatment, stormwater management, solid waste management and electricity supply.

Access to the site will be gained from Verkeer Street.

The total development footprint will be approximately 10.65ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Erf 1288, located on the corner of Verkeer Street and Stasie Street, Lutzville.

The 5G 21 digit code: C07800050001128800000

Co-ordinates: 31° 33' 00" South
18° 20' 53" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd.
c/o Mr. N. Hanekom / Ms. J. Le Roux
P.O. Box 45070
CLAREMONT
7735

Tel: (021) 671 1660

Fax: (021) 671 9976

E. CONDITIONS OF AUTHORISATION

1. The holder must commence with the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
2. This Environmental Authorisation is granted for-
 - 2.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - 2.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity for the development phase, must be concluded.
3. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
 - 3.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 3.1.1. the outcome of the application;
 - 3.1.2. the reasons for the decision as included in Annexure 1;
 - 3.1.3. the date of the decision; and
 - 3.1.4. the date of issue of the decision.
 - 3.2. 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 Appeal Regulations, 2014 (as amended) detailed in section F below;
 - 3.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and

- 3.4. Provide the registered I&APs with-
 - 3.4.1. the name of the holder (entity) of this environmental authorisation;
 - 3.4.2. the name of the responsible person for this environmental authorisation;
 - 3.4.3. the postal address of the holder;
 - 3.4.4. the telephonic and fax details of the holder;
 - 3.4.5. the e-mail address if any; and
 - 3.4.6. 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 (as amended).

4. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of the development activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 3 and 12.

5. The holder is 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.

6. Any changes to, or deviations from the scope of the description set out in section B 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 such information as it deems necessary 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.

7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation is hereby approved on condition that the following amendments are made to the EMPr, and must be implemented.
 - 8.1. The following mitigation measures related to the temporary storage of fuel, must be implemented during the development phase:
 - 8.1.1. All fuel temporarily stored on site must be confined to specific, secured, and bunded areas;
 - 8.1.2. No more than 80m³ must be stored on the site at any given time; and
 - 8.1.3. Drip trays must be provided for all construction equipment and generators that may require re-fuelling on site to avoid the possible spillage of fuel/oil.
 - 8.2. An application for amendment to the EMPr must be submitted to the competent authority if any further amendments are to be made to the EMPr, other than those mentioned above, and this may only be implemented once the amended EMPr has been authorised by the competent authority.
 - 8.3. The EMPr must be included in all contract documentation for all phases of implementation.

9. A copy of the environmental authorisation and the EMPr must be kept at the site where the listed activity is to be undertaken whereafter it must be kept at the offices of the applicant. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMPr 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. The environmental authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) of the environmental authorisation to the competent authority where any detail or scope with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated.
11. Non-compliance with a condition of this environmental authorisation or EMPr may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate, prior to the commencement of the development phase to ensure compliance with the EMPr and the conditions contained herein.
13. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
14. Should any heritage remains be exposed during any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.
15. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption.
16. Locally indigenous plant species must be used for landscaping purposes.
17. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), 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.
 - 17.1. The audit report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.
 - 17.2. The holder must undertake an environmental audit within 6 months of commencement of listed activity and submit an Environmental Audit Report to the Competent Authority one month after the completion of the environmental audit.
 - 17.3. The final Environmental Audit Report must be submitted to the Competent Authority within 1 year of the completion of the proposed development; and

- 17.4. The holder must, within 7 days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder) must –
 - 1.1. Submit an appeal in accordance with Regulation 4 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 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, 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 the this decision.
3. The holder (if not the appellant), the decision-maker, I&AP 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: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers [Tel: 021 483 3721]
Room 809,8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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 Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, 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 development or operation subsequent to development 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.

Your interest in the future of our environment is appreciated.

Yours faithfully


MR. ZAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 25/01/2018

Copies to: (1) Ms. J. Le Roux / Mr. N. Hanekom (Ecoimpact)
(2) Ms. K. Rughoobeer (DEA&DP – Directorate: Development Facilitation)

Fax: (088) 021 671 1660
Fax: (021) 483 8311

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/F3/10/3056/17

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000321/2017

ANNEXURE 1: REASONS FOR THE DECISION

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

- a) The requirements of the NEMA EIA Regulations, 2014 as amended on 07 April 2017 by the Minister of Environmental Affairs, published under Government Notice No. 982 in Gazette No. 3822 of 04 December 2014, in terms of sections 24(2), 24(5), 24D and 44 read with section 47A(1)(b) of the NEMA;
- b) The information contained in the application form dated and received by the competent authority on 20 October 2017, the BAR received by the competent authority on 12 January 2018, the EMPr submitted together with the BAR on 12 January 2018;
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Need and Desirability, Alternatives and Exemptions (dated March 2013);
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- e) The comments received from I&APs and the responses provided thereon, as included in the BAR received by the Department on 12 January 2018; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

The public participation process ("PPP") included, *inter alia*, the following:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activity is to be undertaken;
- giving written notice to the owners of the land where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity; and
- the placing of a newspaper advertisement in the 'Ons Kontrei' on 03 February 2017.

All the concerns raised by I&APs were compiled into a comments and responses report during the EIA process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address relevant concerns raised.

The PPP followed met the minimum requirements with respect to the NEMA EIA Regulations, 2014 (as amended).

2. Alternatives

Two Location Alternatives were identified. The first site was located on Erven 205 and 540, Lutzville and the second site was located on Erf 1288, Lutzville. Erven 205 and 540, Lutzville, were not considered feasible since the site partially formed part of a protected area, is mapped as a Critical Biodiversity area and a watercourse is present. Erf 1288, Lutzville was therefore the preferred Location Alternative.

Three Layout Alternatives and the "No-Go" Alternative were therefore assessed.

Layout Alternative 1 (the preferred alternative – herewith authorised)

Layout Alternative 1 entails the clearance of approximately 10.65ha of indigenous vegetation for the establishment of residential erven and associated mixed uses on Erf 1288, Lutzville. The proposed development will occur inside an urban area.

The proposed development will comprise:

- Approximately 327 residential erven;
- 3 business erven;
- 2 institutional erven;
- 7 open space erven;
- Internal roads;
- Stormwater infrastructure; and
- Associated infrastructure.

A stormwater detention pond will be developed and will be approximately 4000m² in extent. The existing sewerage network will be upgraded to accommodate the proposed development. The proposed development will connect to all existing municipal infrastructure, including bulk water supply, sewage treatment, stormwater management, solid waste management and electricity supply.

Access to the site will be gained from Verkeer Street.

The total development footprint will be approximately 10.65ha in extent.

Layout Alternative 1 was deemed the preferred alternative since it makes provision for a sufficient number of residential erven and open space areas. Stormwater infrastructure has been incorporated into the layout. In addition, Technology Alternatives with respect to water saving and energy efficiency have been included in the proposed development.

Layout Alternative 2

Layout Alternative 2 entailed the clearance of approximately 10.65ha of indigenous vegetation for the establishment of approximately 323 residential erven and associated mixed uses on Erf 1288, Lutzville.

Due to the fact that Layout Alternative 2 provided less residential erven and that the proposed institutional erven were located on either side of the stormwater infrastructure, this alternative was not deemed the preferred alternative.

Layout Alternative 3

Layout Alternative 3 entailed the clearance of approximately 10.65ha of indigenous vegetation for the establishment of approximately 384 residential erven and associated mixed uses on Erf 1288, Lutzville.

Although Layout Alternative 3 makes provision for more residential erven, it does not include the development of stormwater infrastructure. Layout Alternative 3 was therefore not deemed the preferred alternative.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the proposed development will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The Matzikama Municipality's Spatial Development Framework (dated June 2014) identifies the need for additional housing within the Lutzville area. The proposed development will contribute to meeting the need for additional housing. Further, the site has been earmarked for housing development and is located within an urban area.

3.2. Services

Sufficient, spare, unallocated capacity for potable water supply, sewerage services, refuse removal and electricity to service the proposed development has been confirmed by the Matzikama Municipality (in their comment dated 07 November 2017). Technology Alternatives with respect to water saving and energy efficiency have been included in the proposed development.

3.3. Ecological Impacts

An Ecological Assessment (compiled by Eco Impact Legal Consulting (Pty) Ltd., dated October 2015 and March 2017) was undertaken to determine the potential impacts on the flora and fauna.

The vegetation on site has been identified as Namaqualand Strandveld vegetation and is classified as least threatened. Portions of the site were previously disturbed. A stormwater channel is located on the northern portion of the site. The vegetation on the site is deemed to have a low conservation value.

Fauna was not encountered during the ground truthing undertaken by the specialist. It is therefore anticipated that the potential impacts on fauna would be of low negative significance.

No objections have been raised by CapeNature (comment dated 21 November 2017). CapeNature highlighted that the stormwater infrastructure will address the potential stormwater impacts and the management of the open spaces must be implemented. A stormwater management plan and an open space management plan have been included in the EMPr.

3.4. Groundwater impacts

A Phase I Geotechnical Site Investigation (compiled by Core Geotechnical Consultants, dated September 2016) was undertaken to determine the potential impacts on groundwater. Approximately eight test pits were drilled across the site. No groundwater was encountered in any of the test pits. The specialist noted that surface water is likely to pond in some areas of the site. The specialist concluded that the site is suitable for the proposed development. The Department of Water and Sanitation indicated (in their comment dated 14 December 2017) that the requirements highlighted in their previous correspondence dated 11 May 2017 must be adhered to. The requirements included, *inter alia*, the new sewer infrastructure and a stormwater management plan. The sewer reticulation system will be upgraded to accommodate the proposed development and a stormwater management plan has been included in the EMPr.

3.5. Heritage / Archaeological impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their comment dated 20 January 2017) that since there is no reason to believe that the proposed residential development and associated mixed uses will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.6. Traffic Impacts

Construction related traffic impacts are anticipated during the development phase of the proposed development. The BAR (dated January 2018) indicates that the potential traffic impacts will be of low negative significance with and without the implementation of mitigation measures. Potential traffic impacts are also anticipated during the operational phase of the proposed development. The BAR (dated January 2018) indicates that the potential traffic impacts will be of medium to low negative significance with and without the implementation of mitigation measures. Mitigation measures have been included in the EMPr.

3.7. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development during the development phase will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.8. Impact Assessment and significance rating

- 3.8.1. The Ecological Assessment (dated October 2015 and March 2017) indicated that the potential impacts on flora and fauna will be of low negative significance. Mitigation measures have been included in the EMPr;
- 3.8.2. The Phase 1 Geotechnical Site Investigation (dated September 2016) indicated that the potential impacts on groundwater will be of low negative significance. Mitigation measures have been included in the EMPr;
- 3.8.3. HWC indicated (in their comment dated 20 January 2017) that there is no reason to believe that the proposed rezoning and associated development will impact on heritage resources. No heritage impacts are therefore anticipated;
- 3.8.4. Traffic impacts are anticipated to be of medium to low negative significance prior to and post implementation of the mitigation measures; and
- 3.8.5. Dust and noise impacts are anticipated to be of low negative significance prior to and post implementation of the mitigation measures.

National Environmental Management Act Principles

The National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of indigenous vegetation;
- Potential groundwater impacts; and
- Potential dust and noise impacts during the development phase.

Positive impacts include:

- The provision of housing opportunities;
- The development is in line with the Matzikama Municipality's Spatial Development Framework (2014) in terms of assisting in addressing improved service delivery; and
- Some employment opportunities during the development phase.

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 proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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