



**REFERENCE:** 16/3/3/5/E1/13/1060/22

**DATE:** 04 October 2022

The Municipal Manager  
Cape Agulhas Municipality  
PO Box 51  
**BREDASDORP**  
7280

**Attention: Mr Michael Dennis**

Tel: (028) 425 5566

E-mail: michaeld@capeagulhas.gov.za

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 SEPTEMBER 2017: THE HOUSING PROJECT ON ERF NO. 857, STRUISBAAI.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 20 September 2017 (DEA&DP Ref.: 16/3/1/1/E1/13/2101/14) attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

**Zaahir Toefy**

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**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Mr Johmandie Pienaar (Enviro-EAP)

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

**EIA REFERENCE:** 16/3/3/5/E1/13/1060/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000658/2022  
**DATE:** 04 October 2022

## ENVIRONMENTAL AUTHORISATION

### APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 SEPTEMBER 2017: THE HOUSING PROJECT ON ERF NO. 857, STRUISBAAI.

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

#### A. 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, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 20 September 2017 (DEA&DP Ref.: 16/3/1/1/E1/13/2101/14) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

#### 1. Condition 1 in Section E: Conditions of Authorisation:

The environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses 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 in this regard must be made to the Competent Authority prior to the expiry date of the environmental authorisation.

Is amended to read:

*The environmental authorisation is valid for a period of **five years** from the date of issue of the amended environmental authorisation. The holder must commence with the listed activities within the said period, or this amended environmental authorisation lapses 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 amended environmental authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the amended environmental authorisation.*

## **B. REASONS FOR THE DECISION**

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the EA issued on 20 September 2017.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (as amended).
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the amended Environmental Authorisation.

## **C. CONDITIONS**

1. All other conditions contained in the EA issued on 20 September 2017 (Attached as Annexure A), remain unchanged and in force.

## **D. 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

8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

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

## E. DISCLAIMER

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

Yours faithfully

**Zaahir Toefy**  
Digitally signed by  
Zaahir Toefy  
Date: 2022.10.04  
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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DATE OF DECISION: 04 OCTOBER 2022**

Cc: (1) Mr Johmandie Pienaar (Enviro-EAP)

E-mail: [johmandie@enviro-eap.co.za](mailto:johmandie@enviro-eap.co.za)

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## ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 20 SEPTEMBER 2017



**REFERENCE:** 16/3/1/1/E1/13/2101/14  
**ENQUIRIES:** Ms. Arabel McClelland  
**DATE:** 2017 -09- 20

The Municipal Manager  
Cape Agulhas Municipality  
P.O. Box 51  
BREDASDORP  
7180

**Attention: Mr. Bertus Hayward**

Tel: (028) 425 5500  
Fax: (028) 425 1019

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 AND ENVIRONMENTAL ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED HOUSING PROJECT ON ERF NO. 857, STRUISBAAI**

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 ("EIA") Amendment Regulations, 2010, and EIA Regulations, 2014 (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to the Preferred Alternatives, namely Location Alternative 1 and Layout Alternative 3, described in the Basic Assessment Report ("BAR") dated June 2017.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

Cape Agulhas Municipality  
 c/o Municipal Manager  
 P.O. Box 51  
**BREDASDORP**  
 7180

Tel: (028) 425 5500  
 Fax: (028) 425 1019

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

**B. LIST OF ACTIVITIES AUTHORISED**

EIA Regulations, 2010, Listed Activities	EIA Regulations, 2014, Listed Activities
<p>Government Notice No. R544 of 18 June 2010 –</p> <p><b>Activity Number: 9</b></p> <p><i>The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more,</i></p> <p><i>excluding where:</i></p> <p><i>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</i></p> <p><i>b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</i></p>	<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 9</b></p> <p><i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water –</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where—</i></p> <p><i>(a) such infrastructure is for bulk transportation of water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p><i>(b) where such development will occur within an urban area.</i></p>
<p>As above</p>	<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 10</b></p> <p><i>The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per</i></p>

	<p>second or more;</p> <p>excluding where—</p> <p>(a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p>
<p>Government Notice No. R544 of 18 June 2010 –</p> <p><b>Activity Number: 22</b></p> <p>The construction of a road, outside urban areas,</p> <p>(i) with a reserve wider than 13.5 metres or,</p> <p>(ii) <b>where no reserve exists where the road is wider than 8 metres, or</b></p> <p>(iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.</p>	<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 24</b></p> <p>The development of a road —</p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) <b>with a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 8 meters;</b></p> <p>but excluding a road —</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014; or</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p>
<p>Government Notice No. R544 of 18 June 2010 –</p> <p><b>Activity Number: 23</b></p> <p>The transformation of undeveloped, vacant or derelict land to –</p> <p>(i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or</p> <p>(ii) <b>residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -</b></p> <p>except where such transformation takes place –</p> <p>(i) for linear activities; or</p> <p>(ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R.545 applies.</p>	<p>Government Notice No. 327 of 7 April 2017 -</p> <p><b>Activity Number: 28</b></p> <p>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 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) <b>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</b></p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>



<p>Government Notice No. R546 of 18 June 2010 –</p> <p><b>Activity Number: 4</b></p> <p>The construction of a road wider than 4 metres with a reserve less than 13.5 metres.</p> <p>(d) In Western Cape:</p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. <b>All areas outside urban areas;</b></li> <li>iii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space within urban areas; and</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</li> </ul> </li> </ul>	<p>Government Notice No. 324 of 7 April 2017 -</p> <p><b>Activity Number: 4</b></p> <p>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</p> <p>(i) Western Cape:</p> <ul style="list-style-type: none"> <li>i. Areas zoned for use as public open space or equivalent zoning</li> <li>ii. <b>Areas outside urban areas;</b> <ul style="list-style-type: none"> <li><b>(aa) Areas containing indigenous vegetation;</b></li> <li>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</li> </ul> </li> <li>iii. In urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for conservation use; or</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</li> </ul> </li> </ul>
<p>Government Notice No. R546 of 18 June 2010 –</p> <p><b>Activity Number: 13</b></p> <p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</p> <p>(2) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</p> <p>(a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.</p> <p>(b) National Protected Area Expansion Strategy Focus areas.</p> <p>(c) In the Western Cape:</p> <ul style="list-style-type: none"> <li>i. In an estuary;</li> <li>ii. <b>Outside urban areas, the following:</b> <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</li> </ul> </li> </ul>	<p>Government Notice No. 327 of 7 April 2017 –</p> <p><b>Activity Number: 27</b></p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>

<p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Core areas in biosphere reserves;</p> <p><b>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</b></p> <p>(gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.</p> <p>iii. In urban areas, the following:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) Areas seawards of the development setback line;</p> <p>(dd) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p>	
<p>Government Notice No. R546 of 18 June 2010 –</p> <p><b>Activity Number: 14</b></p> <p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) Purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</p> <p>(2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</p>	<p>Government Notice No. 327 of 7 April 2017 –</p> <p><b>Activity Number: 27</b></p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>

(3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.

(d) In Eastern Cape, Free State, KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:

i. All areas outside urban areas.

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

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

The establishment of a new housing development on Erf no. 857, Struisbaai, covering an area of approximately 19.3ha, which comprises the following:

- Approximately 397 single residential erven;
- Two civic and social erven;
- 13 erven set aside for open space, including two storm water detention ponds;
- Three business erven; and
- Road infrastructure covering an area of approximately 4.8ha.

### **C. PROPERTY DESCRIPTION AND LOCATION**

The listed activities will take place on Erf No. 857, Struisbaai.

The SG 21-digit code is: C01100080000085700000

Co-ordinates: 34° 47' 22.46" South  
20° 02' 03.37" East

hereinafter referred to as, "**the site**".

### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Eco Impact Legal Consulting (Pty) Ltd  
c/o Ms. Johmandie Pienaar  
P. O. Box 45070  
**CLAREMONT**  
7735

Tel: (021) 671 1660  
Fax: (021) 671 9976

### **E. CONDITIONS OF AUTHORISATION**

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses 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 in this regard must be made to the Competent Authority prior to the expiry date of the environmental authorisation.

2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notified the registered interested and affected parties ("I&APs"). In the event that an appeal is lodged with the competent authority, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
  - 3.1 notify all registered Interested and Affected Parties ("I&AP's") 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&AP's to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010 detailed in section F below;
  - 3.3 draw the attention of all registered I&AP's to the manner in which they may access the decision;
  - 3.4 publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process ("PPP"), that–
    - 3.4.1 informs all I&AP's of the decision;
    - 3.4.2 informs all I&AP's where the decision can be accessed;
    - 3.4.3 informs all I&AP's that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010; and
  - 3.5 Provide the registered I&APs with:
    - 3.5.1 The name of the holder (entity) of this Environmental Authorisation;
    - 3.5.2 The name of the responsible person for this Environmental Authorisation;
    - 3.5.3 The postal address of the holder;
    - 3.5.4 The telephonic and fax details of the holder; and
    - 3.5.5 The e-mail address if any.
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction 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: 2, 3, 12, 17, 18 and 19.
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. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
7. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

The EMP must be included in all contract documentation for all phases of implementation.

Should any amendments to the EMP be required before an audit is required in terms of this environmental authorisation, the applicant must:

- o notify the competent authority of its intention to amend the EMP at least 60 days prior to the submission of the application for amendment to the EMP;
  - o obtain comment from potential I&APs, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
  - o submit the amended EMP to the competent authority for approval within 60 days of inviting comments on the proposed amendments.
8. A copy of the environmental authorisation and EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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 EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
  9. The applicant 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**, save that such application for amendment shall not include the personal details of the holder of the environmental authorisation.

- 9.1. Where an amendment relates to the change of ownership or transfer of rights and obligations, the applicant must:
  - 9.1.1. submit an amendment application to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; and (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
  - 9.1.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation/s or an addendum to the existing environmental authorisation/s if the transfer is found to be appropriate.
- 9.2. Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such 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.
10. Non-compliance with a condition of this environmental authorisation and EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
11. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMP 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. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
16. Should any heritage remains be exposed during excavations or 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; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

17. The construction area must be clearly demarcated and strictly observed to ensure all construction activities and machinery is limited to the disturbance footprint of the site.
18. A minimum buffer zone of 200m must be maintained between the landfill site and the nearest residential area, i.e the western edge of the development.
19. A search and rescue operation to remove any tortoises on the site must be undertaken prior to commencement of clearing activities under the supervision of a suitably experienced and qualified ecologist. All specimens removed must be recorded and relocated to the adjacent areas that are not subject to transformation.
20. The following recommendations included in the Transport Statement and its addendum, compiled by ITS Engineers, dated December 2015 and February 2017 respectively, must be implemented:
  - 20.1. Southbound right-turn lanes must be provided at all the development accesses along the MR261.
  - 20.2. The aforementioned right-turn lanes must have a minimum storage lane length of 30 meters plus acceptable active and passive tapers.
  - 20.3. Street lighting must be provided at all development intersections, especially along the provincial road, to improve pedestrian visibility.
  - 20.4. At least one of the site intersections along the MR261 must be upgraded to a single lane roundabout with a minimum inscribed diameter of 32 meters.

- 20.5. A sidewalk, at least 2 meters wide, must be provided along the MR261 site frontage.
  - 20.6. Pedestrian sidewalks of a width of at least 2 meters must be provided along all internal roads of the development on both sides of the road.
  - 20.7. A boundary fence must be constructed between intersections along the MR261.
  - 20.8. A bus/taxi embayment must be provided along the MR261 on both the downstream sides of development access. The minimum design requirements of this facility must be approved by the provincial roads authority.
  - 20.9. The two intersections along the Landfill Site Access Road must be raised intersections, no less than 80 meters apart with on/off ramps of 2 meters in length and the maximum height of 80mm above the natural road level.
  - 20.10. Appropriate road signs must be provided along the Landfill Access Road to indicate pedestrian movement and warn motorists.
21. Landscaping and urban design features of the development must be monitored on an ongoing basis and adhere to the urban design and landscaping plans incorporated into the preferred development layout.

## **F. APPEALS**

Appeals must comply with the provisions contained in Chapter 7 of the EIA Amendment Regulations, 2010.

### 1. An appellant must –

1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;

1.1.1 If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—

- (a) a copy of the notice lodged with the Minister; and
- (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.

1.1.2 If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—

- (a) a copy of the notice lodged with the Minister; and
- (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.



- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
  - 1.3 that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister and
  - 1.4 if a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
  3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:  
  
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  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- NOTE:** You are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).
4. A prescribed notice of intention to appeal form and 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](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## **G. 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 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 appreciated.

Yours faithfully



**MS. MARE-LIEZ OOSTHUIZEN**  
**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**

DATE OF DECISION: 20.9.2017

CC: (1) Ms. J. Pienaar (Eco Impact Legal Consulting)  
(2) Ms. E. Pelsler/Mr. D. Alli (Department of Human Settlements)  
(3) Mr. A. Oosthuizen (DEA&DP: Directorate Development Facilitation)  
(4) Mr. C. van der Walt (Department of Agriculture)  
(5) Mr. R. Smart (CapeNature)

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Fax: (021) 808 5092  
Fax: (086) 529 4992

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

**16/3/1/1/E1/13/2101/14**

**NEAS EIA REFERENCE NUMBER:**

**WCP/EIA/0001905/2014**

**ANNEXURE 1: REASONS FOR THE DECISION**

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

- a) The information contained in the application form dated 2 September 2014, the Environmental Management Programme ("EMP") submitted together with the Basic Assessment Report ("BAR"), dated June 2017, received by the Department on 12 July 2017, and the additional information received by the Department on 28 August 2017;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) 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);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR dated June 2017, and the Department of Agriculture's comment dated 11 August 2017;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- f) The site visit conducted on 28 September 2016, attended by officials of this Department and the Cape Agulhas Municipality.

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2010, and was pending at the time of the promulgation of the EIA Regulations, 2014. In accordance with regulation 53(3) of Government Notice No. 326, activities similarly listed in terms of the NEMA EIA Regulations 2014 may be authorised as if applied for. This decision takes into account the relevant amendments to the text of said regulations promulgated on 7 April 2017.

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 the following:

- Placing of site notices on 2 October 2014.

- An advertisement was placed in the "Die Suidernuus" local newspaper on 3 October 2014.
- Distribution of an initial notification letter on 15 October 2014 to potential I&APs, relevant State Departments and Organs of State advising of the availability of the draft BAR for comment for 30 days.
- Circulating the final BAR to registered I&APs and Organs of State for comment for a period of 21 days from 7 March 2016.
- Distribution of the amended final BAR, on 8 May 2017, to registered I&APs and Organs of State for a further 21-day commenting period.

#### **Authorities Consultation:**

The following authorities were consulted with respect to the proposed development:

- CapeNature;
- Department of Water and Sanitation;
- Breede Gouritz Catchment Management Agency;
- Department of Agriculture;
- Department of Agriculture, Forestry and Fisheries;
- Department of Human Settlements;
- Department of Health;
- DEA&DP: Waste Management Directorate;
- DEA&DP: Pollution and Chemicals Management Directorate;
- Heritage Western Cape;
- Overberg District Municipality; and
- Cape Agulhas Municipality.

All the concerns raised by I&AP's 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 EMP to adequately address the concerns raised.

The Department concurs with the environmental assessment practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this environmental authorisation.

## **2. Alternatives**

The applicant sought to investigate and identify a site for the location of a subsidised housing development within the Struisbaai area. This initial process identified six location alternatives, briefly outlined as follows:

#### Location Alternative 1 (herewith authorised):

Location alternative 1 is Erf no. 857, a tract of vacant municipal land to the west of the R319. An Eskom substation is situated to the north, the municipal landfill site to the west of site and the Hotagterklip Fishermen's Cottages to the south east. Although identified to contain portions of Critical Biodiversity Areas and indigenous vegetation, the site is earmarked in terms of the approved Cape Agulhas Municipality's Spatial Development Framework ("SDF") as an interface for GAP and mixed housing units.

This location alternative is preferred for the following reasons:

- The location promotes socio-economic integration as it will link Struisbaai North (Molshoop) to Struisbaai South.
- The proposed rezoning and subdivision of the property is in line with the policy guidelines for the area, which earmarks the property for GAP and state subsidised residential development.
- The soil, gradient and subsurface conditions complement the development potential of the site.
- The location of the proposed erven within the area earmarked for residential development grants the opportunity for fill in an area between Struisbaai North and Struisbaai, an objective identified in the Cape Agulhas Municipality's SDF.
- The site is well located with regards to proximity to the Struisbaai central business district, community and public facilities in both Struisbaai and Struisbaai North.
- The property is also well positioned for employment opportunities with respect to industrial areas in the immediate vicinity.
- Existing infrastructure can be upgraded to accommodate the proposed development.
- The indigenous vegetation on site is considered to have a low conservation value due to previous site disturbance and transformation related to Eskom infrastructure, as well as dense alien vegetation encroachment.

#### Location Alternative 2:

This alternative is approximately 25ha in extent, vacant municipal land and located in Struisbaai North, north of Langezandt. According to the Cape Agulhas Municipality's SDF, the site is earmarked for community tourism development purposes only. Therefore, the property is not available for low income housing provision and was thus discarded from further consideration.

#### Location Alternative 3:

The vacant property, situated to the east of the R319 and west of Langezandt, is privately owned and approximately 37ha. The site has been categorised as a Critical Biodiversity Area. Although identified for potential development, as it is privately owned it is not available to the municipality for development.

#### Location Alternative 4:

The agricultural small holdings west of the R319, totaling an area of approximately 11ha, was considered. However, this area has been identified for industrial and retail development in the Cape Agulhas Municipality's SDF and is currently privately owned and therefore unavailable for development of low income housing.

#### Location Alternative 5:

Vacant municipal land of approximately 81ha, covering an area of undulating vegetated dunes comprising indigenous vegetation and containing portions categorised as Critical Biodiversity Areas, has been identified in the Cape Agulhas Municipality's SDF for future development. However, this site has moderate to good conservation value containing

indigenous vegetation remnants in good condition as well as viable populations of species of conservation concern. For this reason, the site was not considered or assessed as a feasible alternative.

#### Location Alternative 6:

This location alternative comprised approximately 7ha of vacant municipal land east of the R319 adjacent to sports fields and an existing housing area. The site falls within close proximity to the Struisbaai Waste Water Treatment Works and was therefore discarded as its location posed a health risk to occupants and residents of future development.

Subsequent to the identification of Location Alternative 1, namely Erf no. 857, as the preferred location alternative, three layout alternatives were investigated and assessed further in the environmental application process.

#### Layout Alternative 1:

The initial proposal entailed a housing development and associated infrastructure across an area of approximately 35ha on Erf no. 857, Struisbaai.

This alternative was not preferred for the following reasons:

- The proposed layout does not accommodate the required 200m buffer zone between the municipal landfill site and the proposed residential areas.
- The biodiversity specialist's recommendations have not been taken into account and areas containing indigenous vegetation remnants of moderate conservation value were included within the development footprint.
- The proposal omits storm water management infrastructure.
- Specialist recommendations, including visual, traffic and heritage mitigation measures, have not been incorporated into the proposal.

#### Layout Alternative 2:

The second development layout proposed a housing project covering an area of approximately 19.3ha and comprising a mix of erven, namely:

- 437 single residential erven;
- Two civic and social erven;
- Nine erven designated for open space, including two storm water detention ponds;
- Three business erven; and
- Roads totaling an area of approximately 5ha.

This alternative was not preferred for the following reasons:

- The proposed layout does not incorporate the visual and heritage specialist's recommendations and results in the proposed layout obstructing views to the Hotagterklip Fishermen's Cottages.
- An additional servitude required along the Eskom power line, which crosses the site and is intended to account for potential future expansion, has not been accommodated within the proposed layout.

### Layout Alternative 3 (herewith authorised):

The establishment of a new housing development on Erf no. 857, Struisbaai, covering an area of approximately 19.3ha, which comprises the following:

- Approximately 397 single residential erven;
- Two civic and social erven;
- 13 erven set aside for open space, including two storm water detention ponds;
- Three business erven; and
- Road infrastructure covering an area of approximately 4.8ha.

This alternative is preferred for the following reasons:

- The layout allows for the requisite buffer zone between the housing development and the municipal landfill site.
- Indigenous vegetation remnants of moderate conservation value identified by the biodiversity specialist have been excluded from the development footprint, and all recommendations of the biodiversity baseline surveys, relating to layout requirements, have been incorporated into the proposal.
- Provision has been made for an additional 11m wide servitude along the Eskom power line crossing the site, thereby accommodating potential future expansion.
- All engineering and specialist recommendations have been taken into account, including the provision of storm water retention ponds, landscaping and the relocation and reduction of erven along the main road towards the Hotagterklip Fishermen's Cottages.

### "No-Go" Alternative

The "no-go" option was considered, however, it is not preferred as the *status quo* of the property would be maintained. This would mean that the site would remain vacant and unused, with potential agricultural use, as per its current zoning, extending to informal grazing. A significant implication of the no-go alternative is that the site would not be utilised for housing, as it has been earmarked for in terms of the Cape Agulhas Municipality's SDF. As a result, beneficiaries on the housing list would not receive housing and the needs of the community would not be met. Furthermore, the potential socio-economic benefits of the development, including employment opportunities created by the proposed development during both the construction and operational phases, would not be realised. In addition, the intention is for the proposed development to accommodate the existing Oukamp informal settlement. Therefore, should the development not proceed, the resettlement and subsequent decommissioning of the existing informal settlement within Struisbaai North would not go ahead.

## **3. Impacts, assessment and mitigation measures**

### **3.1. Activity Need and Desirability**

The subject property is zoned Agriculture and located on the western fringe of Struisbaai between the municipal landfill site and the R319. In terms of strategic forward planning for the Cape Agulhas Municipality and the Spatial Development Framework ("SDF"), adopted by Council on 30 May 2017, the subject property is located inside the urban edge on land earmarked for future assisted housing with

the planning for the housing development on Erf no. 857, west of and abutting the R319, having commenced in terms of provisions contained within the SDF. The proposed rezoning and subdivision of the property is in line with the policy guidelines for the area, which earmarks the property for GAP and state subsidised residential purposes. Furthermore, the property is well located with regards to socio-economic facilities and employment opportunities, being within approximately 1.5km of the central business district, 400m from a clinic and 700m from schools. In addition, the proposed development of the site allows for further integration between Struisbaai and Struisbaai-North. The development will assist in addressing the housing backlog and provide housing opportunities to identified beneficiaries as well as accommodate the Oukamp Informal Settlement relocation programme. The Cape Agulhas Municipality has also confirmed that sufficient bulk service capacity is available to service the proposed housing development.

### 3.2. **Biophysical Impacts**

A Biodiversity Baseline Survey was compiled by Eco Impact Legal Consulting (Pty) Ltd, dated October 2013, for the site of the proposed housing development. This initial report was followed by a Second Survey compiled in March 2015 with an Addendum to the report, undertaken in March 2017, confirming the findings of the two previous reports subsequent to amendments of the development proposal. The specialist describes the site as falling within the Agulhas Plain region of the Cape Floristic Region in an area that generally supports Overberg Dune Strandveld and Agulhas Limestone Fynbos, both of which are listed as Least Threatened ecosystem types. The site is characterised as a disturbed vacant vegetated area where approximately 20% comprises disturbed and scattered indigenous vegetation while approximately 70% contains alien vegetation, mainly significant dense stands of *Acacia cyclops*, which occurs throughout the site. The remaining 10% constitutes areas that have already been cleared, such as the Eskom gravel road associated with the power line that crosses the site. Other disturbances on site include previous clearance activities, illegal dumping and informal vehicle tracks and footpaths. Although portions of the site have been mapped as Ecological Support Areas and Other Natural Areas, the approximately 19.3ha portion of the property subject to development, forming the eastern half of the property adjacent to the R319, has a low conservation value, due to the dense alien vegetation encroachment as well as previous disturbance and transformation, and low ecological connectivity value with the indigenous vegetation found extensively north, south and west of the site. This is mainly due to its location between the municipal landfill site and the main road into Struisbaai. The development footprint has avoided the western portion of the property where intact indigenous vegetation populations representative of Agulhas Limestone and Proteoid Fynbos were recorded. In addition, the preferred layout has excluded significant remnants of indigenous vegetation. Alien invasive vegetation control and fire management are important aspects of the site and the Environmental Management Programme for the proposed development incorporates these components for implementation into the project. This includes establishment and maintenance of fire breaks and ongoing alien vegetation clearing and monitoring. The biodiversity survey did identify the potential for impact on reptile species, particularly tortoises, thus a condition for search and rescue of



tortoises on the site prior to commencement of construction is a condition of this environmental authorisation.

### **3.3. Transport Impacts**

ITS Engineers (Pty) Ltd compiled a Transport Statement, dated December 2015. An addendum was supplied in February 2017 in response to the amended development proposal. Due to the nature of the development, vehicle ownership is anticipated to be low with high levels of pedestrian movement. The study into the current and expected transport conditions in and around the site found that all intersections currently operate at acceptable Levels-Of-Service during peak periods and no road upgrades are required, from an intersection capacity point of view, in terms of existing traffic conditions. However, southbound right-turn lanes should be provided at all development accesses along the MR261 (R319), with street lighting at all intersections. Various mitigation measures have been recommended by the transport specialists, which have been included as conditions of this environmental authorisation. These include a sidewalk with a width of at least 2m to be provided along the MR261 site frontage with a boundary fence constructed between intersections along the MR261, thereby forcing pedestrians to cross at defined crossing locations. In addition, sidewalks are to be constructed on internal roads and a bus/taxi embayment must be provided along the MR261 on both the downstream sides of development access. Notably, access to the municipality's landfill site will cut through the development, which will also provide access to two internal streets. Although anticipated to be relatively minor, to mitigate possible conflict between refuse trucks, development trips and pedestrian movement, improvements to promote traffic calming and pedestrian visibility and safety have been included.

### **3.4. Heritage and Visual Impacts**

Heritage Western Cape ("HWC") confirmed during initial consultation that an impact on heritage resources was anticipated and thus a Heritage Impact Assessment ("HIA"), consisting of an archaeological study, a built environment study as well as a visual impact assessment and social study, was required. The relevant required specialist studies were compiled as part of the environmental application process and subsequently HWC confirmed their support for the development proposal. The HIA component of specialist input included a Phase 1 HIA, undertaken in November 2015, and a Phase 2 HIA, dated May 2016, both compiled by Vidamemoria Heritage Consultants, as well as an Archaeological Study, prepared by ACO Associates in January 2015, with subsequent addenda to the latter two reports, dated April 2017, relating to the amended preferred development layout. In addition, an Urban Design Report was compiled by Urban Design Services, dated October 2015, to be considered alongside the aforementioned specialist studies. The HIA identified the historically and culturally significant Hotagterklip Fishermen's Cottages, and the landscape in which they are set, situated to the south of the site. The landscape sensitivity and heritage value of the site itself is considered low, however, its proximity to the cottages renders the potential impact of the development low negative although the specialist does note that the development will result in little to no heritage impact on heritage

resources. Therefore, the proposal will result in social and economic benefits with no loss of heritage resources. As the site is considered of local significance, consideration has been given to the approach and location of the Hotagterklip cottages. The key heritage indicators identified for the development relate to ensuring a clear view and sight lines from the R319, provision of suitable space curtilage around the cottages to ensure that their setting is retained and positive open space edges. This resulted in units of the housing development being set further back along the curve of the road and provision of additional open space. Thus, the revised preferred development layout responds positively to heritage and visual indicators, which also took into consideration urban design indicators relating to accessibility, legibility, positive place making and environmentally responsive design.

According to the archaeological study, the proposal is not anticipated to impact on any archaeologically significant heritage resources, however, mitigation is proposed if any development is to occur within 40m of the boundary of Erf no. 873, to the south of the site, where monitoring of earthworks would be required. Caution was noted with regards to the potential for unmarked burials to be found during development of Erf no. 857, with the requirement that HWC is notified as soon as human remains are recognised and suitable action undertaken. This requirement along with monitoring of works for palaeontological and archaeological material during excavations has been included in the Environmental Management Programme.

A Visual Study was undertaken by Square One Landscape Architects, dated March 2016, and an addendum, dated April 2017, in response to the amended development layout, provided. As noted above, the study identified that the proposed development sits within a visually sensitive context, adjacent to the historic Hotagterklip fishermen's cottages and the scenic R319 route into Struisbaai. The study provided input into the project design to ensure that the cultural landscape is adequately considered and that the proposed development can be visually integrated into the receiving environment over time. This includes a visual mitigation plan to guide the design of the development layout thereby reducing the potential impacts on the sense of place associated with the site and surrounding context. Aspects included in this plan related to the retention of the contextual vegetated surroundings of the fishermen's cottages, the enhancement of vistas towards the cottages along the R319 and the implementation of a landscape framework to provide structure to the development proposal while taking heritage resources and the receiving cultural landscape into account. On this basis, implementation of the mitigation measures reduced the potential visual impact of the development to a low impact, particularly as the visual mitigation plan was used to guide the preferred development layout with the recommendations contained therein incorporated within the preferred development proposal.

### **3.5. Socio-economic Impacts**

Leap Sustainable Development undertook a Socio-economic Impact Assessment for the proposed development of Erf no. 857. The report, dated January 2017,

details the receiving community of Struisbaai, such as demographics, economic sectors, growth, services and employment rates, while taking into consideration the policy and planning context of the region. Various potential impacts were identified for the preferred alternative, including health and social well-being, community and institutional arrangements, individual and family changes, community resources and economic and material well-being, and quality of living environment. Job creation, increased economic growth and small-business enhancement, skills improvement, improved self-esteem and education levels as well as tourism growth are all anticipated as part of the proposed development. The majority of potential impacts are considered positive while identified potential negative impacts are of low significance with mitigation and relate largely to the construction phase (sense of place), crime and safety. Notably, the cumulative impacts of the proposed development can be described as direct and additive and of high significance, although it is important that the development adhere to the urban design and landscape guidelines to balance shelter and cultural and heritage resources while at the same time increasing tourism and positively enhancing the socio-economic context of Struisbaai.

A Valuation Statement was compiled by Philip Eloff Professional Associated Valuer, dated August 2015, and confirmed in correspondence dated February 2017, to determine the potential impact of the proposed development on the surrounding properties. Taking into consideration the surrounding properties, most of which are residential, the highest and best use for the subject property is considered a mixed residential development. Based on review of the proposed development, it is not anticipated to have a negative impact on residential property values within the residential areas of Struisbaai as they are not bordering the subject property directly. Similarly, both the central business district and industrial areas' values should not be negatively affected. It is, however, anticipated that the development will impact on the security of the adjacent small-holdings and the values of the Struisbaai North and Langezandt developments, although the former is likely to be very small, if any. With respect to Langezandt, it is anticipated that if properly managed with implementation of the heritage and visual specialists' recommendations, as contained in the environmental authorisation, the development of Erf no. 857 should not significantly impact property values, although it is recognised that increased security measures can be applied, which may lead to an increase in property value, but that a slower turnover of more valuable properties may result.

In summary, the proposed development is predicted to have both negative and positive impacts.

#### Negative Impacts:

- Transformation of land and loss of and disturbance to vegetation, habitat, fauna and ecological processes during the establishment of the housing project.
- Potential impact on an Ecological Support Area and loss thereof.
- The visual impact of urban development on the western side of the R319 and additional impact on the sense of place and Hotagterklip fishermen's cottages.

- Potential impact on archaeological and palaeontological artifacts and the possible loss thereof.
- Temporary construction related impacts, such as dust, noise and increased heavy vehicle traffic.
- Clearance and construction activities will have a minor temporary visual impact.
- Security, safety and crime related impacts associated with the movement of people into the area during both construction and operational phases of the development.

Positive impacts:

- The proposal makes significant progress towards addressing the housing backlog that currently exists within the Cape Agulhas Municipality, particularly in the Struisbaai area and the relocation of the Oukamp informal settlement.
- As a result of such development, which includes not only housing opportunities but also social facilities and business opportunities, social upliftment will be realised for the receiving community.
- Improved living conditions, including provision of services, for the occupants of the proposed development.
- Both the construction and operational phases of the proposal will provide employment and skills training opportunities.
- Vacant, developable land is being optimised for beneficial development by the Cape Agulhas Municipality, in line with the priorities and objectives of the municipal Spatial Development Framework.
- The development will allow for further integration between Struisbaai and Struisbaai-North.
- The development will contribute positively to local economic development in the area.

The conditions of the environmental authorisation contained herein and the EMP, approved as part of this environmental authorisation, addresses these impacts adequately.

#### **4. 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.

## **5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, the competent authority is satisfied that the proposed listed activities 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) ("NEMA") and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

- Adherence to the NEMA principles;
- Compliance with the conditions stipulated in this environmental authorisation;
- Compliance with the mitigation measures in the EMP.

**-END-**