

REFERENCE: 16/3/3/5/E2/15/1042/21
NEAS REFERENCE: WCP/EIA/AMEND/0000543/2021
DATE OF ISSUE: 16 February 2022

The Trustees
Afdaksrivier Trust
P. O. Box 104
HERMANUS
7200

Attention: Mr. S. Delport

Cell: (082) 326 7144
Email: siasd@afdaksrivier.co.za

Dear Sir

APPLICATION FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2020 (REFERENCE NO.: 16/3/3/2/E2/15/1037/19) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED MIXED-USE DEVELOPMENT ON A PORTION OF THE REMAINING EXTENT OF PORTION 21 AND A RESERVOIR ON PORTION 23 OF THE FARM AFDAKS RIVIER NO. 575, BETWEEN HAWSTON AND FISHERHAVEN

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation issued on 21 July 2020 (Reference No.: 16/3/3/2/E2/15/1037/19), attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended 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, 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)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. M. de Villiers (Cornerstone Environmental Consultants)
(2) Ms. P. Aplon (Overstrand Municipality)
(3) Mr. R. Smart (CapeNature)
(4) Mr. D. Hendriks (Overstrand Municipality)
(5) Mr. C. van der Walt (Department of Agriculture)
(6) Mr. A. September (Heritage Western Cape)

Email: mari@cornerstoneenviro.co.za
Email: paplon@overstrand.gov.za
Email: rsmart@capenature.co.za
Email: dhendriks@overstrand.gov.za
Email: corvdw@elsenburg.com
Email: Andrew.September@westerncape.gov.za



REFERENCE: 16/3/3/5/E2/15/1042/21
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2020 (REFERENCE NO.: 16/3/3/2/E2/15/1037/19) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED MIXED-USE DEVELOPMENT ON A PORTION OF THE REMAINING EXTENT OF PORTION 21 AND A RESERVOIR ON PORTION 23 OF THE FARM AFDAKS RIVIER NO. 575, BETWEEN HAWSTON AND FISHERHAVEN

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 me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 21 July 2020 (Reference No.: 16/3/3/2/E2/15/1037/19) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. Section B:

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed development, including associated infrastructure, includes the following:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 2 914 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;

- Open Space 3;
 - Community 1;
 - Transport Zone 1; and
 - Agriculture 1.
- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
 - Access roads and internal roads will be constructed.
 - Bulk water and stormwater, as well as sewer pipelines will be installed.
 - The existing mining area on the property has been excluded from the development proposal.

is amended to read:

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed development, including associated infrastructure, includes the following:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 3 016 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;
 - Open Space 3;
 - Community 1;
 - Transport Zone 1; and
 - Agriculture 1.
- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
- Access roads and internal roads will be constructed.
- Bulk water and stormwater, as well as sewer pipelines will be installed.
- A portion of the mining area (Portion A- approximately 5,5ha in extent) has been incorporated into portions 9 and 12 of the development proposal. The remaining portion of the mining area (Portion B) is excluded from the development proposal.

2. Section E: CONDITIONS OF AUTHORISATION:

Condition 9

The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

is amended to read:

Condition 9

The draft Environmental Management Programme ("EMPr") dated October 2021 and submitted as part of the amendment application is hereby approved and must be implemented.

Future amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

3. ANNEXURE 2: SITE DEVELOPMENT PLAN- Figure 2

The site plan included on Page 16 of the Environmental Authorisation issued on 21 July 2020 is replaced with the following site plan:

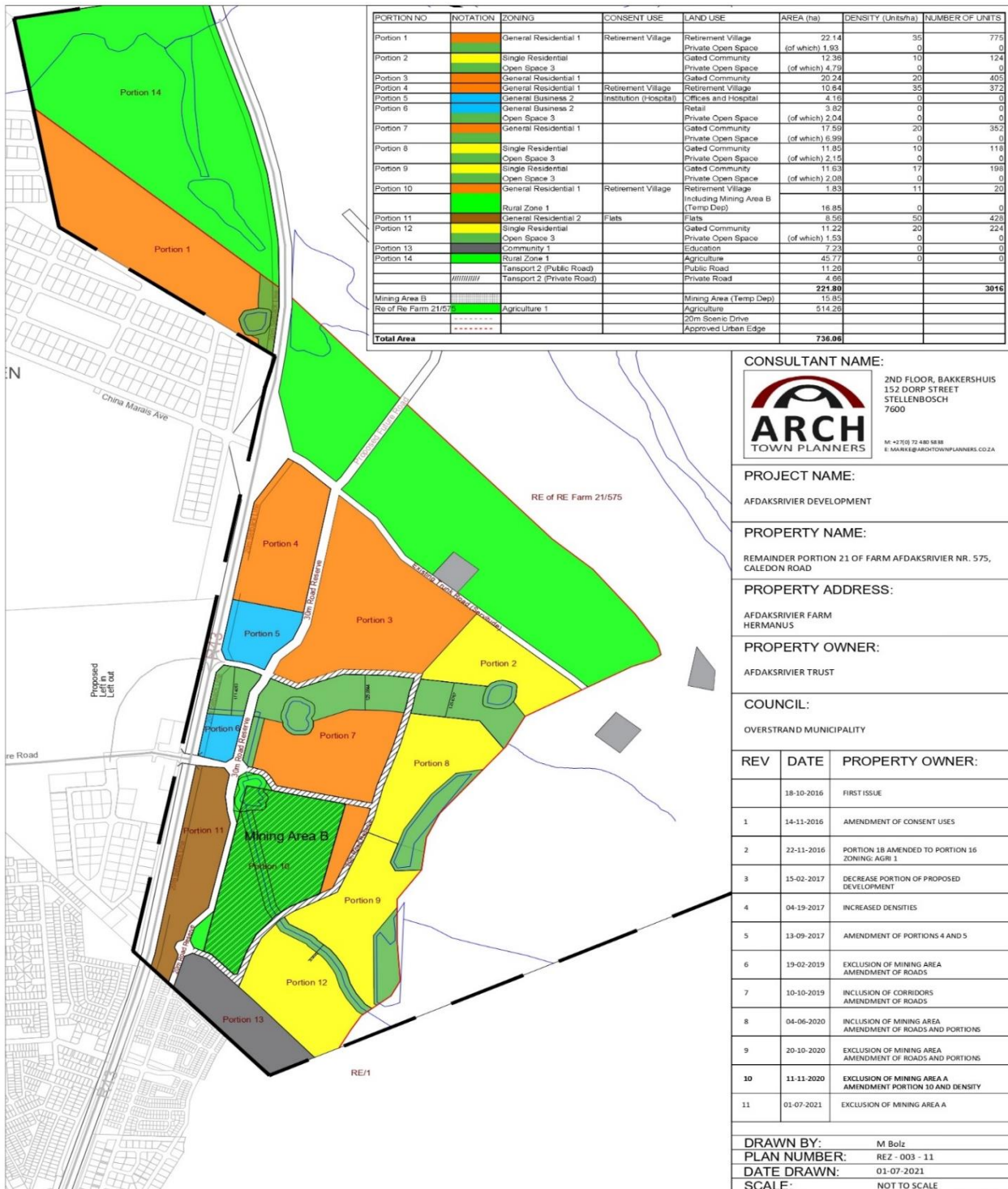


Figure 2: Proposed development layout.

4. ANNEXURE 3: REASONS FOR THE DECISION- POINT 2 ALTERNATIVES

Preferred Alternative (Herewith Authorised):

The proposal entails:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 2 914 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;
 - Open Space 3;
 - Community 1;
 - Transport Zone 1; and
 - Agriculture 1.
- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
- Access roads and internal roads will be constructed.
- Bulk water, stormwater, as well as sewer pipelines will be installed.
- The mining area has been excluded from the development.

This alternative is preferred because it avoids sensitive botanical and freshwater features, provision is made for two biological conservation corridors within the site and the additional traffic anticipated will not require significant upgrades to the local road network.

is amended to read:

Preferred Alternative (Herewith Authorised):

The proposal entails:

- The subdivision of Portion 21 of the Farm Afdaks Rivier No. 575 in to two Portions (Portion A and B). Portion A will be kept as an agricultural unit of approximately 514ha and Portion B will be subdivided into 13 separate portions, to establish a mixed-use development. A total of 3 016 residential units will be catered for within the development. The 13 portions will consist of the following zones:
 - General Residential 1 and 2;
 - Single Residential;
 - General Business 2;
 - Open Space 3;
 - Community 1;
 - Transport Zone 1; and

- Agriculture 1.
- The construction of two new reservoirs, one of which will be located on Portion 21 and the second one on Portion 23 of Farm Afdaks Rivier No. 575.
- Access roads and internal roads will be constructed.
- Bulk water and stormwater, as well as sewer pipelines will be installed.
- A portion of the mining area (Portion A- approximately 5,5ha in extent) has been incorporated into portions 9 and 12 of the development proposal. The remaining portion of the mining area (Portion B) is excluded from the development proposal.

This alternative is preferred because it avoids sensitive botanical and freshwater features, provision is made for two biological conservation corridors within the site and the additional traffic anticipated will not require significant upgrades to the local road network. Additionally, by including Portion A of the mining area into the development proposal, the road configuration will result in improved traffic flow and improved access to the sites. The inclusion of Portion A of the mining area into the approved Site Development Plan ("SDP") will create an opportunity to deal with stormwater management more effectively on site.

5. ANNEXURE 3: REASONS FOR THE DECISION- POINT 3.1 BIODIVERSITY AND BIOPHYSICAL IMPACTS

According to the Freshwater Impact Assessment dated November 2019, compiled by Ms. L. Day of Liz Day Consulting, the farm as a whole includes extensive watercourses of high importance and sensitivity. However, four watercourses are affected by the proposed development, i.e. a section of a seep/wetland; a minor watercourse and two artificial wetlands/dams. The seep/wetland is densely invaded by invasive alien vegetation, which may have impacted the extent of the wetland. The artificial dams located on Portion 1 and 2 of the development have been excluded from the development. Additionally, the artificial wetlands within the mining area will be retained as part of the stormwater management of the site. Through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), impacts on the watercourses will be limited.

is amended to read:

According to the Freshwater Impact Assessment dated November 2019, compiled by Ms. L. Day of Liz Day Consulting, the farm as a whole includes extensive watercourses of high importance and sensitivity. However, four watercourses are affected by the proposed development, i.e. a section of a seep/wetland; a minor watercourse and two artificial wetlands/dams. The seep/wetland is densely invaded by invasive alien vegetation, which may have impacted the extent of the wetland. The artificial dams located on Portion 1 and 2 of the development have been excluded from the development. A minor ephemeral watercourse that transects Portion A of the mining area dissipates in the deep sands found in the excavated depressions of Portion B of the mining area. In a development context, runoff would be generated on the hardened surfaces that would be established across the site. The deep sands into which the upstream runoff is currently naturally infiltrated, would not be available for the water to infiltrate into. Drainage in this area would be managed through the proposed stormwater management system. This includes the construction of an artificial channel, that would be vegetated to provide a wetland habitat, which will improve the stormwater amelioration function. Additionally, the artificial wetlands within Portion B of the mining area will be retained as part of the stormwater management of the site. Through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), impacts on the watercourses will be limited.

B. REASONS FOR THE DECISION

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

1. The Environmental Authorisation issued on 21 July 2020 (attached as Appendix A) excluded the mining area from the development proposal, however, a partial closure certificate has since been issued by the Department of Mineral Resources and Energy with respect to the mining activities being undertaken on the Remainder Portion 21 of Farm Afdakrivier No. 575.
2. The mining area formed part of the areas assessed during the specialist studies that were conducted for the original application for Environmental Authorisation. The partial closure certificate concludes the mining activities for Portion A of the mining area. The inclusion of Portion A of the mining area as part of the development, will increase the number of residential units by 102. The proposed amendment being applied for is in terms of Part 2 of the NEMA EIA Regulations, 2014 (as amended), since there will be a change in the scope of the Environmental Authorisation issued on 21 July 2020.

The findings of the specialist studies are as follows:

- 2.1 According to the Botanical Impact Assessment dated 23 September 2019, compiled by Mr. N. Helme of Nick Helme Botanical Surveys, the vegetation within Portion A of the mining area comprises Hangklip Sand Fynbos, an ecosystem listed as endangered, in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). Approximately 40% of the vegetation found on Portion A of the mining area is categorised as medium-high sensitivity, and the rest as low sensitivity. No Species of Conservation Concern are likely to occur in the low or low-medium sensitivity areas, with the exception of *Leucadendron linifolium* (Vulnerable), which seems to be able to exploit disturbed areas rather well. The species is very common in the previously mined areas and in some of the adjacent old, cultivated lands that have been fallow for more than ten years. No pristine areas of Hangklip Sand Fynbos remain on site, as it has either been previously cultivated or subjected to sand mining. There are, however, a few patches present on site, that have recovered well and support moderate plant diversity.
 - 2.2 A minor ephemeral watercourse that transects Portion A of the mining area dissipates in the deep sands found in the excavated depressions of Portion B of the mining area. In a development context, runoff would be generated on the hardened surfaces that would be established across the site. The deep sands into which the upstream runoff is currently naturally infiltrated, would not be available for the water to infiltrate into. Drainage in this area would be managed through the proposed stormwater management system, which was approved as part of the original application for Environmental Authorisation. This includes the construction of an artificial channel, that would be vegetated to provide a wetland habitat, which will improve the stormwater amelioration function. The Freshwater Specialist has indicated that this channel would not be regarded as a natural watercourse, but rather as part of the stormwater management system.
3. The updated SDP provides for a road (with a 20 m wide road reserve) to transect Portion A of the mining area, which now forms part of Portions 9 and 12 of the proposed development. At the south-western corner of Portion 12, the road turns west, and links with the 20m wide road running parallel to the R43. This proposed configuration is more sensible than that of the previously approved SDP, which allows limited access to the south-eastern section of the development area. The improved

road network configuration will result in improved traffic flow and improved access to the different portions within the development.

4. The inclusion of Portion A of the mining area into the approved SDP will be an advantage to the overall development and stormwater management on site, since the stormwater infrastructure transecting this section can now be developed with the rest of the development.
5. The amendment does not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
6. 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 Environmental Authorisation.
7. No objections to the proposed amendments were raised during the public participation process.
8. A public participation process was conducted for the amendment application, and the list of State Departments that were consulted included, but are not limited to:
 - Overstrand Municipality;
 - Overberg District Municipality;
 - Department of Water and Sanitation;
 - Breede Gouritz Catchment Management Agency;
 - Department of Transport and Public Works;
 - Department of Agriculture;
 - CapeNature;
 - Department of Mineral Resources; and
 - Heritage Western Cape.

At the end of the commenting period, a number of comments were received. Concerns raised by I&APs were responded to during the public participation process. This Department is satisfied that the public participation process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

C. CONDITIONS

1. All other conditions contained in the Environmental Authorisation issued on 21 July 2020 (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; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th 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 DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail 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

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 16 FEBRUARY 2022

CC: (1) Ms. M. de Villiers (Cornerstone Environmental Consultants)
(2) Ms. P. Aplon (Overstrand Municipality)
(3) Mr. R. Smart (CapeNature)
(4) Mr. D. Hendriks (Overstrand Municipality)
(5) Mr. C. van der Walt (Department of Agriculture)
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Email: mari@cornerstoneenviro.co.za
Email: paplon@overstrand.gov.za
Email: rsmart@capenature.co.za
Email: dhendriks@overstrand.gov.za
Email: corvdw@elsenburg.com
Email: Andrew.September@westerncape.gov.za

APPENDIX A
ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2020