

REFERENCE: 16/3/3/1/F1/12/2005/21
NEAS REFERENCE: WCP/EIA/0000864/2021
DATE OF ISSUE: 04 October 2021

The Municipal Manager
Bergrivier Municipality
P.O. Box 60
PIKETBERG
7320

Attention: Advocate Hanlie Linde

E-mail: carsensJ@bergmun.org.za

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1002, PORTERVILLE.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties 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 procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Graeme Engelbrecht (Information Decision Systems (Pty) Ltd.)

(2) Ms. Angila Joubert (Bergrivier Municipality)

E-mail: graeme@ids-cc.co.za

E-mail: JoubertA@bergmun.org.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1002, PORTERVILLE.

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

DECISION

By virtue of the powers conferred on it by the NEMA and the 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 alternative as included in the Basic Assessment Report (“BAR”) dated June 2021.

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.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Bergrivier Municipality
c/o Advocate Hanlie Linde
P.O. Box 60
PIKETBERG
7320

Tel.: (022) 913 6011
E-mail: CarsensJ@bergmun.org.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as “the holder”.

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>"The development of-</i> (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> (ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i> (a) <i>within a watercourse;</i> (b) <i>in front of a development setback; or</i> (c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i></p> <p><i>excluding-</i> (aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> (bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> (cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> (dd) <i>where such development occurs within an urban area;</i> (ee) <i>where such development occurs within existing roads, road reserves or railway line reserves; or</i> (ff) <i>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared"</i>.</p>	<p>Infrastructure/structures of more than 100m² will be constructed within 32m from the edge of a watercourse.</p>
<p>Activity 27: <i>"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> (i) <i>the undertaking of a linear activity; or</i> (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan"</i>.</p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>
<p>Activity 28: <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used</i></p>	<p>The proposed site was zoned for agricultural use on or after</p>

<p>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) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</p>	<p>01 April 1998 and is located outside the urban area.</p>
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Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 4: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (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</p> <p>iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use Spatial Development Frameworks adopted by the competent authority".</p>	<p>A road with a reserve wider than 4m will be constructed outside the urban area.</p>
<p>Activity 12: "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such</p>	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p style="text-align: center;"><i>removal will occur behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</i></p>	
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The abovementioned list is hereinafter referred to as "the listed activities".

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

The proposed development entails the establishment of an industrial development and associated infrastructure on Erf No. 1002, Porterville. Erf No. 1002 will be subdivided into six portions and the primary uses will be "industry use" as defined by the Bergrivier Municipality: Integrated Zoning Scheme By-Law.

Access will be obtained via Voortrekker Road. Entrance 1 will be located on Portion A (Portion 1) and allows access to Portion A. Entrance 2 is located between Portion B (Portion 2) and Portion F (Portion 6) and allows access to Portions B to F.

A 27m buffer will be established around the drainage channel which bisects Erf No. 1002.

The development footprint is approximately 15ha in extent.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Erf No. 1002, Porterville.

The surrounding land uses include residential, business, open space, industrial, institutional and agriculture.

The SG 21-digit code is: C05800070000100200000

Co-ordinates:

Latitude: 33° 01' 43.05" S

Longitude: 18° 59' 38.60" E

Entrance 1:

Latitude: 33° 01' 19.00" S

Longitude: 18° 59' 36.28" E

Entrance 2:

Latitude: 33° 01' 47.01" S

Longitude: 18° 59' 33.24" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as “the site”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

Information Decision Systems (Pty) Ltd.
c/o Mr. Graeme Engelbrecht
P.O. Box 689
RIVONIA
2128

Tel.: 087 353 2576
E-mail: graeme@ids-cc.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated June 2021 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activities 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.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14, 22.1 and 22.2.

Management of activity

10. The draft Environmental Management Programme ("EMPr") dated May 2021 (as compiled by Information Decision Systems (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. 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.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr 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 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.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three months after commencement of the construction phase to the relevant competent authority;

- 15.3 submit an environmental audit report six months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).
In addition to the above, the environmental audit report, must -
- 16.1 provide verifiable findings, in a structured and systematic manner, on-
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit 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, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

- 18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 19. 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 waste disposal facility licensed in terms of the applicable legislation.
- 20. 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.
21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
 22. The following recommendations provided in the Ecological and Wetland Assessment Report dated March 2020 and compiled by Exigent Engineering Consultants CC, as included in the EMPr, must be implemented:
 - 22.1 The natural drainage line and plants of high conservation value must be demarcated as no-go areas and must be cordoned off before commencement of construction activities.
 - 22.2 A search and rescue of plants of high conservation value, other than *Babiana cf. angustifolia*, must be conducted by an ecologist/botanist before commencement of construction and must be transplanted to a suitable receptor site.
 - 22.3 A buffer of 27m must be established and maintained around the natural drainage line.
 - 22.4 No development may take place within the natural drainage line and associated 27m buffer.
 23. Any industrial activities to be established, which trigger any of the listed activities as defined in Listing Notice 1, 2 or 3 of the EIA Regulations, 2014 (as amended), must obtain the required Environmental Authorisation from the competent authority before it may be developed.
 24. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 24.1 Dual-flush toilet systems.
 - 24.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 24.3 Water-wise landscaping must be done.
 25. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 25.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 25.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Streetlights must be switched off during the day.
 - 25.3 All geysers must be covered with geyser "blankets".
 - 25.4 The installation of solar water heaters and solar panels must be considered for all buildings.
 26. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

General matters

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, 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.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 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: Attention: Mr. Marius Venter
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

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.

5. 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>.

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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 04 OCTOBER 2021

CC: (1) Mr. Graeme Engelbrecht (Information Decision Systems (Pty) Ltd)
(2) Ms. Angila Joubert (Bergrivier Municipality)

E-mail: graeme@ids-cc.co.za
E-mail: JoubertA@bergmun.org.za

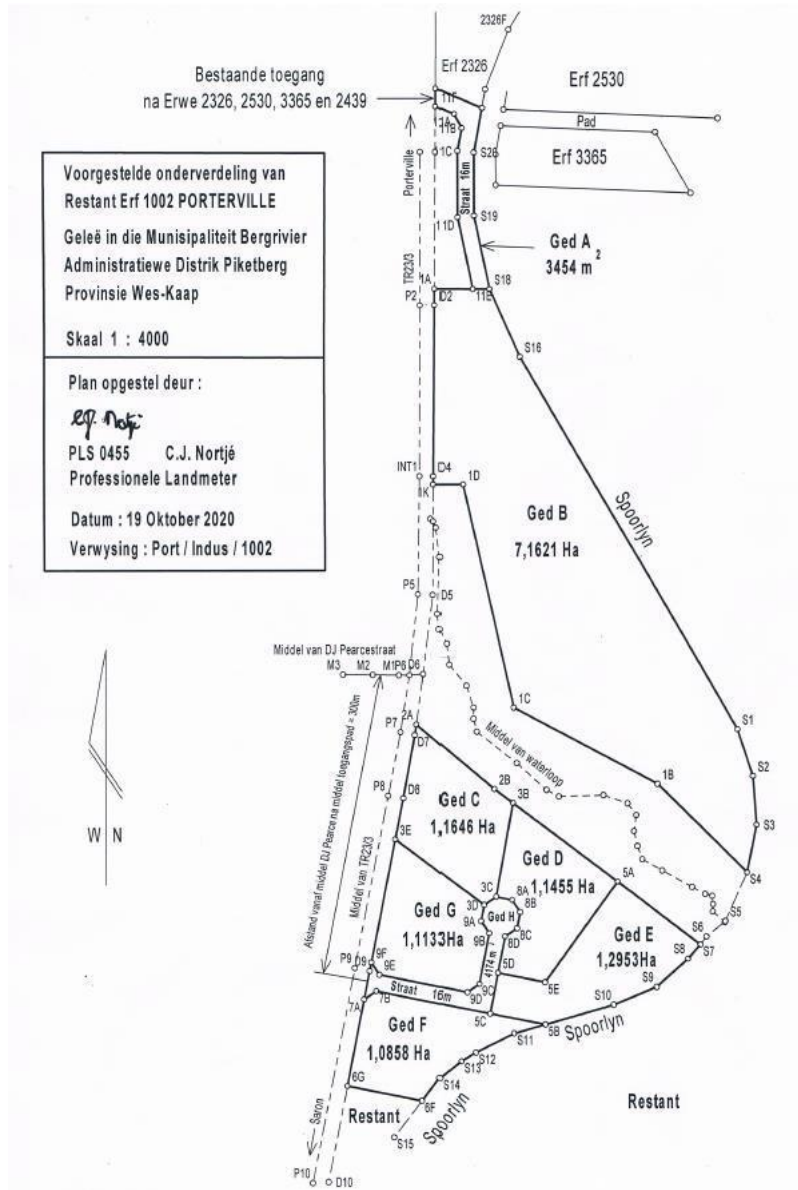
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F1/12/2005/21
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000864/2021

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN





ANNEXURE 3: 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 and received by the competent authority via electronic mail correspondence on 27 January 2021; the BAR dated June 2021; and the EMPr submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated June 2021;
- d) The pre-application meeting held on 30 September 2020;

Attended by: Mr. Gerhard Gerber, Mr. Eldon van Boom, Mr. Kobus Munro, Mr. Johan de Jongh, Ms. Adri La Meyer and Ms. Rondine Isaacs of the Department of Environmental Affairs and Development Planning ("DEA&DP"); Mr. Werner Wagener, Mr. Keenin Abrahams and Ms. Angila Joubert of Bergrivier Municipality; and Mr. Devlin Fortuin and Ms. Zikhona Govu of the Western Cape Department of Transport and Public Works.

- e) The meeting and site visit held on 30 March 2021;

Attended by: Ms. Taryn Dreyer and Ms. Rondine Isaacs of the DEA&DP; Mr. Jaco Breunissen, Mr. E.J. Bothma, Mr. Jan Erasmus and Ms. Angila Joubert of Bergrivier Municipality; and Mr. Warren Dreyer of the Department of Water and Sanitation.

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 comprised of the following:

- Notice boards were placed on site and within the town of Porterville;
- Background Information Documents (in English and Afrikaans) were distributed via e-mail on 13 November 2019 and 09 January 2020;
- An advertisement was placed in the "Weslander" newspaper on 13 August 2020;
- E-mails were sent on 14 August 2020 to announce the availability of the pre-application BAR;
- The pre-application BAR was made available from 14 August 2020 until 14 September 2020;
- E-mails were sent on 27 January 2021 to announce the availability of the draft BAR;
- The draft BAR was made available from 27 January 2021 until 26 February 2021;
- E-mails were sent on 14 May 2021 to announce the availability of the revised draft BAR; and
- The revised draft BAR was made available from 14 May 2021 until 14 June 2021.

Authorities consulted

The authorities consulted included the following:

- Heritage Western Cape;
- Department of Water and Sanitation;

- Western Cape Department of Transport and Public Works;
- Western Cape Department of Agriculture;
- CapeNature; and
- Bergrivier Municipality.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following design alternatives have been investigated:

Initially the Traffic Impact Assessment recommended that access to Portion 1 be obtained from access 4, and not from access 3. As such, the spacing distances between DJ Pearce Road and Portion 1 (175m) and Portions 2 to 6 (200m) would be applicable.

However, the layout plan was subsequently amended to exclude the drainage channel from the development footprint. As such, two access points have been identified as follows:

- Entrance 1 will be located on Portion A (Portion 1) and allows access to Portion A; and
- Entrance 2 is located between Portion B (Portion 2) and Portion F (Portion 6) and allows access to Portions B to F.

Preferred design alternative – herewith authorised:

The proposed development entails the establishment of an industrial development and associated infrastructure on Erf No. 1002, Porterville. Erf No. 1002 will be subdivided into six portions and the primary uses will be “industry use” as defined by the Bergrivier Municipality: Integrated Zoning Scheme By-Law.

Access will be obtained via Voortrekker Road. Entrance 1 will be located on Portion A (Portion 1) and allows access to Portion A. Entrance 2 is located between Portion B (Portion 2) and Portion F (Portion 6) and allows access to Portions B to F.

A 27m buffer will be established around the drainage channel which bisects Erf No. 1002.

This is the preferred alternative since the drainage channel is avoided and a buffer of 27m will be established.

“No-Go” Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed industrial development will not be established. This alternative was not deemed as preferred as the proposed development will augment the economic activities in Porterville, and the benefits to the holder and creation of jobs would not be realised. The “no-go” alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

Although the site is zoned Agriculture, agricultural activities have not been conducted on site in the last ten years.

The proposed development is aligned with all the applicable planning policies, including the Bergrivier Municipality’s Spatial Development Framework which earmarks the site between the railway line and the R44, for industrial development.

The site is a vacant underutilised strategically located public parcel of land that it anticipated to regenerate and revitalise the settlement capacity adjacent to it and ensure close proximity to the workplace. The proposed development is located within the focus area of development of the Municipality where existing businesses and industrial activity are to be restructured. Bergrivier Municipality intends to subdivide Erf 1002 for the purpose of establishing an industrial area.

The proposed development will stimulate economic growth and will extend and strengthen the activity corridor and will be beneficial for the future growth of the town of Porterville.

According to the Bergrivier Municipality Integrated Development Plan ("IDP") (2017-2022), five strategic goals are recognised, with Strategic Goal 3 being defined as: "Facilitate an enabling environment for economic growth to alleviate poverty". The proposed development is therefore in line with Strategic Goal 3 of the IDP as it serves to promote local economic growth.

The proposed development aims to promote economic activities and will ensure economic growth which will directly benefit the community of Porterville.

3.2 Biophysical impacts

An Ecological and Wetland Assessment Report dated March 2020 was compiled by Exigent Engineering Consultants CC to assess the ecological impacts of the proposed development.

The site is zoned Agriculture and is completely transformed due to past agricultural activities.

Four vegetation communities occur on the site, as follows:

1. *Cynodon Aristida* secondary renosterveld;
2. *Eucalyptus* plantations;
3. *Cynodon Paspalum* drainage channels; and
4. *Triticum* agricultural fields.

Secondary succession has resulted in the establishment of intermediate species such as annuals and perennials. The vegetation community is dominated by graminoids such as *Cynodon dactylon* and *Aristida diffusa*. *Dicerotheramnus rhinocerotis* is scattered throughout the vegetation community.

Only the *Cynodon Aristida* secondary renosterveld has recovered sufficiently to support annual and perennial species, including *Babiana cf. angustifolia*. Although several *Babiana cf. angustifolia* individuals occur, the species is relatively common in the Swartland and not regionally significant. Furthermore, the site has a history of cultivation and no longer represent the critically endangered Swartland Shale Renosterveld.

Eucalyptus plantations occupy approximately 13ha (6%) of the site and is largely concentrated to the south, but extends northwards into the proposed Portions 1, 2 and 6 as windrows. This plant community is identified as a terrestrial Critical Biodiversity Area 1 and 2, earmarked for rehabilitation. However, effective rehabilitation is unlikely due to the history of the area as well as the current and future land uses.

The site has a low ecological sensitivity as species diversity has been lost through years of cultivation and urban development. The specialist has however recommended mitigation measures to minimise the potential negative botanical impacts.

3.3 Freshwater Impacts

An Ecological and Wetland Assessment Report dated March 2020 was compiled by Exigent Engineering Consultants CC to assess the ecological impacts of the proposed development.

A natural drainage channel (an Ecological Support Area ("ESA") 2 earmarked for restoration) bisects the site between the proposed Portion 2, 3, 4 and 5. The channels are non-perennial and most likely ephemeral to episodic systems because of the infrequency of flows. There are no wetlands located on the site.

Numerous contour ridges are present and have become preferential flow paths for water during high rainfall events. Erosion gullies have formed where the flow paths link with the natural drainage channels. A 27m buffer will be established around the drainage channel.

The Department of Water and Sanitation indicated in a letter dated 03 May 2021 that the proposed development will not trigger any water uses in terms of the National Water Act, 1998 (Act No. 36 of 1998).

The specialist study concluded that the site is of low sensitivity for aquatic biodiversity. The freshwater specialist's recommendations have been included in the conditions of this Environmental Authorisation and the EMPr.

3.4 Traffic impacts

A Traffic Impact Assessment Report dated October 2019 was compiled by Kerneels Lion Cachet Engineers, to assess the potential traffic impacts associated with the proposed development.

The site is located within walking distance from the potential work force, *i.e.*:

- 500m from the most southern section of the lower income Monte Bertha residential area;
- 1.175km from the western section of the lower income Monte Bertha residential area; and
- 1.175km from the informal settlement located southwest of the Porterville Central Business District.

According to the Traffic Impact Assessment, the road network and intersections can accommodate the proposed development.

The proposed development affects Trunk Road 23 Section 3 (TR23/3) and the Western Cape Department of Transport and Public Works is the Road Authority. The Department of Transport and Public Works indicated in a letter dated 26 October 2020 that they approve the access at km \pm 33.63 RHS off TR23/3 in terms of Section 18 of Roads Ordinance 19 of 1976. In addition, a right turn lane is also not warranted on the proposed access along TR23/3.

The Western Cape Department of Transport and Public Works indicated in a letter 26 October 2020 that they have no objection against the proposed development.

3.5 Dust, traffic and noise impacts

Potential dust, noise and visual impacts are anticipated during the construction phase. However, no significant potential dust, noise and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential impacts on aquatic ecosystems;
- Potential noise, odour and visual impacts; and
- Loss of indigenous vegetation.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Contribution to the local economy; and
- Optimal use of municipal owned land for development on a site earmarked for industrial use.

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.

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 activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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