

EIA REFERENCE NUMBER: 16/3/3/1/D1/17/0000/21
NEAS REFERENCE: WCP/EIA/0000939/2021
ENQUIRIES: Ms Jessica Christie
DATE OF ISSUE: **07 OCTOBER 2021**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED RETIREMENT VILLAGE AND SERVICE INFRASTRUCTURE ON ERF 103, 104 AND A PORTION OF ROTTERDAM STREET, WITTEDRIFT, BITOU MUNICIPAL AREA

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants** Environmental Authorisation.

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 Competent Authority herewith—

- (a) to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), undated and received on 21 June 2021 as prepared and submitted by *Sharples Environmental Services ("SES")*, the appointed environmental assessment practitioner ("EAP"); and
- (b) **defines a development setback**, represented by the line described in the Freshwater Habitat Impact Assessment (compiled by Ms Debbie Fordham from Sharples Environmental Services cc dated May 2021) as an aquatic buffer and which is depicted on the plan in Annexure 2 of this Environmental Authorisation, and no development (except for stormwater outlet and slope stabilisation structures) may take place on the watercourse side of this line.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
 THE HOME MARKET NPC
 % Mr L. Del Monte
 7 Upper Dickens Street
 GQEBERHA
 6001

Tel: 041 373 1843
 E-mail: lance@mplan.co.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014	
<p>Activity Number: 12 Activity Description:</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) 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;</p> <p>(cc) 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;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) 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.</p>	<p>The development will occur on the edge of the terrace, with slope stabilization measures and stormwater control measures (gabions and berms), with the possibility of encroachment into the no-go zone, to approximately tie-in with the 1:100 year floodline which will exceed 100 square metres within 32 metres of the wetland.</p>
<p>Activity Number: 27 Activity Description:</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>The development will result in the clearance of more than 1-hectare of indigenous vegetation.</p> <p>No indigenous vegetation will be cleared below the defined setback line, except for the area</p>

(ii) maintenance purposes undertaken in accordance with a maintenance management plan.	for the construction of stormwater outlet and slope/bank stabilisation structures.
Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014	
<p>Activity Number: 4 Activity Description:</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> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(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:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The construction of roads wider than 4 metres will be constructed for the development.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development and development footprint area behind the defined 10-metre setback from the boundary of the delineated aquatic habitat as delineated in the Freshwater Habitat Impact Assessment submitted with the Final Basic Assessment Report:

The proposal entails the development of a retirement estate Erf 103, 104 and a portion of Rotterdam street, Wittedrift. Erven 103 and 104 and a portion of Rotterdam will be consolidated. The area where the development will take place is approximately 33 401 square metres in extent and the development will comprise of the following:

- ❖ 53 Residential Units between 104 m2 and 124 m2 (Sectional title units)
- ❖ A community Centre with the following components:
 - Library
 - Kitchen
 - Utility/storeroom
 - Hair salon
 - Gym
 - Nurses Station
 - Office
 - Wheelchair friendly toilet facilities
 - Events Hall
 - Patio and braai
- ❖ An assisted living facility with the following components:
 - Six (6) *en-suite* bedrooms for those requiring assistance
 - Assisted living quarters;
 - Office;
 - Kitchen;

- Laundry;
- Dining and lounge facility; and
- Yard
- ❖ Open spaces:
 - The preservation of the seven mature oak trees that are found on the southern border
 - The northern section of the consolidated erf adjacent to the Bosfontein River is a buffer area and only stormwater outlet infrastructure may be installed here.

This will require the clearance of more than 1-hectare (but less than 20-hectares) of indigenous vegetation for this purpose but approximately 3.3 ha.

In addition, hereto the following associated infrastructure will be constructed:

- ❖ An internal road network with roads of 10 to 26 metres wide.
- ❖ The internal sewer network will consist of 110mm PVC 400kPa pipes connected to each erf.
- ❖ The internal water reticulation system will consist of pipes varying in size between 50 mm and 75 mm diameter.
- ❖ Electricity reticulation, substations and street lighting, and
- ❖ Stormwater drainage structures, stormwater pipelines and stormwater outlet structures.

This development must be constructed as depicted on the Site Development Plan compiled by Erik Voigt Architects (Job number 5075-01, Drawing number 01 (CD) Rev. No. R09, dated May 2019) as appended in Annexure 2 of this Environmental Authorisation.

The development will be implemented behind the defined development setback line along the watercourse as depicted in the plan in Annexure 3 of this Environmental Authorisation.

C. SITE DESCRIPTION AND LOCATION

Erven 103 and 104 are situated in the small village of Wittedrift near Plettenberg Bay. The 2 erven are outside of the urban area and will be consolidated along with a portion of Rotterdam street in order to accommodate the development.

Coordinates of the centre point of the proposed development:

Position:	Latitude (South)	Longitude (East)
Centre Point	34° 00' 32.00"	23° 20' 00.30"

SG digit code of:

Erf 103: C039001 10000010300000
 Erf 104: C039001 10000010400000
 Portion of Rotterdam Street C039001 10000024500000

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

SHARPLES ENVIRONMENTAL SERVICES CC
 % Ms Ameesha Sanker
 P.O. Box 443

MILNERTON
7441

Tel: 021 554 5195
Fax: 086 575 2869
E-mail: ameesh@sescc.net
Website: www.sescc.net

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **1 November 2027**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 30 June 2026.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 6-months from the date the construction activities (construction phase) are concluded; but by no later than 30 April 2027.

Note: The post-construction rehabilitation and monitoring requirements should be completed at least six (6) months prior to expiry of the validity period of an environmental authorisation to ensure the Holder is able to comply with the environmental auditing requirements in time.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR received by this Department on 21 June 2021 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative for the site which entails:

The proposal entails the development of a retirement estate Erf 103, 104 and a portion of Rotterdam street, Wittedrift. Erven 103 and 104 and a portion of Rotterdam will be consolidated. The area where the development will take place is approximately 33 401 square metres in extent and the development will comprise of the following:

- ❖ 53 Residential Units between 104 m² and 124 m² (Sectional title units)
- ❖ A community Centre with the following components:
 - Library
 - Kitchen
 - Utility/storeroom
 - Hair salon

- Gym
- Nurses Station
- Office
- Wheelchair friendly toilet facilities
- Events Hall
- Patio and braai
- ❖ An assisted living facility with the following components:
 - Six *en-suite* bedrooms for those requiring assistance
 - Assisted living quarters
 - Office
 - Kitchen
 - Laundry
 - Dining and lounge facility
 - Yard
- ❖ Open spaces:
 - The preservation of the seven mature oak trees that are found on the southern border
 - The northern section of the consolidated erf adjacent to the Bosfontein River is a buffer area and only storm water outlet infrastructure may be installed here.

This will require the clearance of more than 1-hectare (but less than 20-hectares) of indigenous vegetation for this purpose but approximately 3.3 ha.

In addition, hereto the following associated infrastructure will be constructed:

- ❖ An internal road network with roads of 10 to 26 metres wide.
- ❖ The internal sewer network will consist of 110mm PVC 400kPa pipes connected to each erf.
- ❖ The internal water reticulation system will consist of pipes varying in size between 50 mm and 75 mm diameter.
- ❖ Electricity reticulation, substations and street lighting, and
- ❖ Stormwater drainage structures, stormwater pipelines and stormwater outlet structures.

This development must be constructed as depicted on the Site Development Plan compiled by Erik Voigt Architects (Job number 5075-01, Drawing number 01 (CD) Rev. No. R09, dated May 2019) as appended in Annexure 2 of this Environmental Authorisation and behind the defined development setback line appended in Annexure 3 of this Environmental Authorisation.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order 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 and administration of appeal

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

- 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 4;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
- 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the Holder,
 - 6.4.4. telephonic and fax details of the Holder,
 - 6.4.5. e-mail address, if any, of the Holder,
 - 6.4.6. 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 2014 National Appeals Regulations (as amended).
- 6.5. 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.
- 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions no.: 6, 9 and 11
8. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted to this Department for approval prior to commencement on the site. The following must be included:
 - 9.1. The EMPr must be amended to incorporate the following —
 - 9.1.1. Incorporate all the conditions given in this Environmental Authorisation;
 - 9.1.2. Include the final design for the stormwater infrastructure that will be constructed within the delineated buffer area.
 - 9.1.3. The rehabilitation measures proposed by the Freshwater Specialist must be incorporated;
 - 9.1.4. A detailed storm water management plan must be developed and included in the EMPr;

9.2. The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.

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

Monitoring

11. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must–

12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil;

12.2. ensure compliance with the EMPr and the conditions contained herein;

12.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;

12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.

14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.

16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:

16.1. Auditing during the construction phase:

16.1.1. During the period which the activities have been commenced with on site until the construction of the bulk internal service infrastructure (i.e. internal roads; water—, sewer—, electricity reticulation, bulk stormwater and stormwater outlet structures) as well as the slope stabilization measures have been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority..

16.1.2. A final Environmental Audit Report for the construction phase (i.e. internal and external civil services construction and platforming) must be submitted to the Competent Authority within **three (3) months** of completion of the post construction rehabilitation and monitoring requirements.

Note: The final auditing requirements should be completed and submitted at least three **(3)** months prior to expiry of the validity period of the environmental authorisation to ensure the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

17. The Environmental Audit Report(s), must –

- 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
- 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 17.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 17.4. evaluate the effectiveness of the EMPr;
- 17.5. identify shortcomings in the EMPr;
- 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 17.7. 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;
- 17.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
- 17.9. include a photographic record of the site applicable to the audit; and
- 17.10. be informed by the ECO reports.

18. The Holder must, within 7 calendar days of the submission of the 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 on a publicly accessible website (if applicable).

Specific Conditions

19. All development, except for stormwater outlet structures and slope stabilisation structures, must be situated outside of the 10-metre aquatic buffer zone (i.e. south of the development setback line). The area on the watercourse side of the development setback line, must be managed as a No-Go area for development
20. No indigenous vegetation may be cleared in the no-go area without written environmental authorisation is obtained from the competent authority.
21. The raised boardwalk, structures and pathways proposed on Erf 103, as depicted on Site Development Plan compiled by Erik Voigt Architects (Job number 5075-01, Drawing number 01 (CD) Rev. No. R09,

dated May 2019), **may not be developed**, unless written environmental authorisation is obtained from the competent authority.

22. The No-Go areas must be physically and clearly demarcated prior to any earthworks commencing. this area may not be used to store any materials. All construction related activities such as materials storage and site camp establishment must occur within an identified area approved by the ECO.
23. The Holder must, for the period during which the environmental authorisation and EMPr remain valid, adopt and implement a Rehabilitation Plan and Alien Invasive Management Plan for the management of the site, the aquatic buffer area and the remainder of Erf 103, Wittedrift.
24. A final design plan of the proposed stormwater infrastructure and stabilising structure in the aquatic buffer area must be included in the EMPr and submitted to the Competent Authority prior to the commencement of the activities on site.
25. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. 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.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where a validity period has been specified for operational aspects, the onus is on the Holder to ensure the activities are always undertaken in terms of a valid environmental authorisation.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.

(b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

- ❖ Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 6, 7, 9, 11 and 24). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
 9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
 10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

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 including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAadmin.George@westerncape.gov.za
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 and any registered I&AP including any Organ of State with an interest in the matter; and
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAadmin.George@westerncape.gov.za
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 Appeal Administrator at 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: Appeal Administrator
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 the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. 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.

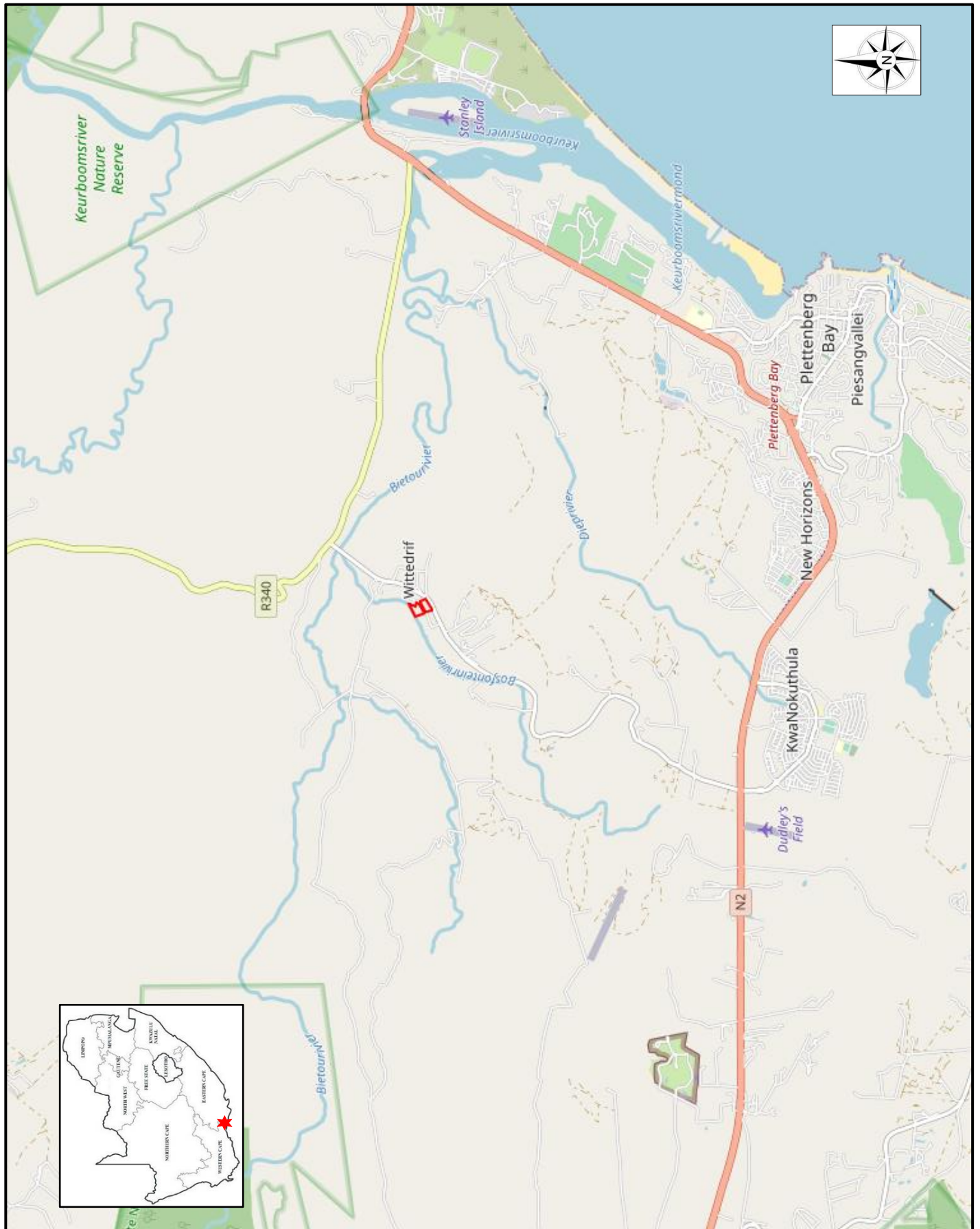
Yours faithfully

MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)
WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: **07 OCTOBER 2021**

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EIA REFERENCE NUMBER:	16/3/3/1/D1/17/0000/21
NEAS REFERENCE:	WCP/EIA/0000939/2021

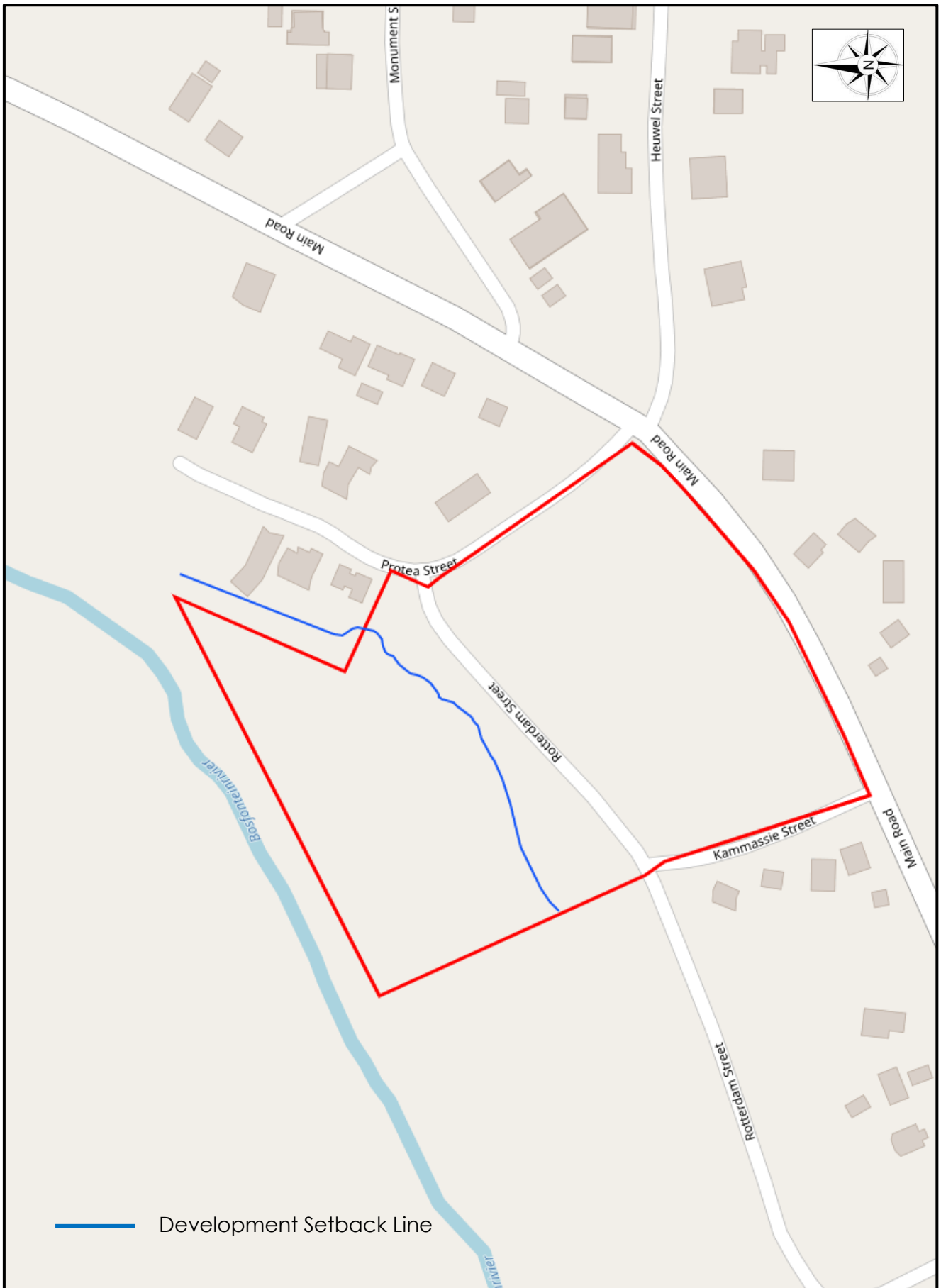
ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



ANNEXURE 3: DEVELOPMENT SETBACK



ANNEXURE 4: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 14 January 2021, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 21 June 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, 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 I&APs and responses to these, included in the FBAR received on 21 June 2021;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site inspection and meeting with the EAP attended by Ms Jessica Christie, Mr Francois Naudé and Mr Steve Kleinhans on 4 August 2021.

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 that were considered to be the most significant for the decision is set out below.

1. Legislated Requirements

The application included Activity 19 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014 (Government Notice No. 983 of 4 December 2014); however, the preferred alternative that has been considered and approved does not require the infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from a watercourse. The preferred alternative layout will occur on the edge of the terrace, with slope stabilization measures and stormwater control measures (gabions and berms), with the possibility of encroachment into the no-go zone, to approximately tie-in with the 1:100 year flood line (i.e. within 32-metresw from the edge of the watercourse). In light hereof, this activity has not been approved in this Environmental Authorisation.

The raised boardwalk, structures and pathways proposed on Erf 103, as depicted on Site Development Plan compiled by Erik Voigt Architects (Job number 5075-01, Drawing number 01 (CD) Rev. No. R09, dated May 2019), may not be developed as they were not applied for, assessed nor reported on in the EIA application.

The EAP submitted request for an extension in time in terms of Regulation 3(7) to submit the BAR. The motivation included that the EAP was awaiting feedback from the Specialists dealing with the Heritage Impact Assessment, Agriculture, Terrestrial Biodiversity and Plant and Animal Species assessments. The request for extension was granted on 20 April 2021 and the final BAR had to be submitted by 21 June 2021.

2. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;

- fixing a notice board at the site and at the site since July 2020;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 3 May 2021;
- the placing of a newspaper advertisement in the 'Knysna-Plett Herald' in 2 July 2020 and 6 August 2021; and
- making the draft Basic Assessment Report available to I&APs for public review from 3 May 2021 until 1 June 2021.

The following Organs of State provided comment on the proposal:

- ❖ *Heritage Western Cape;*
- ❖ *WCG: Department on Transport and Public Works: Road Network Management*
- ❖ *WCG: Department of Agriculture: LandUse Management*
- ❖ *Breede Gouritz Catchment Management Agency*

The following NGOs and Neighbouring property owners and general public provided comment on the proposal:

- | | |
|--|----------------------------|
| ❖ <i>Plettenberg Bay Community Environmental Forum</i> | ❖ <i>Ms Gail Halsall</i> |
| ❖ <i>Ms A Farrow</i> | ❖ <i>Mr R Stephenson</i> |
| ❖ <i>Ms S Shaw</i> | ❖ <i>Mr Sarel Koorts</i> |
| ❖ <i>Ms S van der Velde</i> | ❖ <i>Mr Johan Gericke</i> |
| ❖ <i>Mr H Viljoen</i> | ❖ <i>A.M Jerling</i> |
| ❖ <i>Mr R Hurford</i> | ❖ <i>Mr JB Williams</i> |
| ❖ <i>Ms Cindy Wilson-Trollip</i> | ❖ <i>Mr Raygen Hurford</i> |

All the comments and issues raised by the respective *Organs of State* that were captured in the Basic Assessment Report were responded to by the EAP. The general concern is the availability of services. However, it must be noted that the Bitou Municipality has indicated that there is sufficient capacity however, some infrastructure needs to be upgraded. Based on that, the developer will have to pay a capital contribution to the municipality in order for them to upgrade the infrastructure that is necessary to support the development. The Competent Authority is satisfied with the responses obtained from the EAP and the additional consultation with Organs of State.

3. Alternatives

Alternative 1 - Preferred Alternative (Herewith Approved):

The proposal entails the development of a retirement estate Erf 103, 104 and a portion of Rotterdam street, Wittedrift. Erven 103 and 104 and a portion of Rotterdam will be consolidated. The area where the development will take place is approximately 33 401 square metres in extent and the development will comprise of the following:

- ❖ 53 Residential Units between 104 m² and 124 m² (Sectional title units)
- ❖ A community Centre with the following components:
Library; kitchen; utility/storeroom; hair salon; gym; nurses station; office; wheelchair friendly toilet facilities; events hall; patio and braai.
- ❖ An assisted living facility with the following components:
Six *en-suite* bedrooms for those requiring assistance; assisted living quarters; offices; kitchen; laundry; dining and lounge facility; yard.
- ❖ Open spaces:
The preservation of the seven mature oak trees that are found on the southern border;

The northern section of the consolidated erf adjacent to the Bosfontein River is a buffer area and only stormwater outlet infrastructure may be installed here.

This will require the clearance of more than 1-hectare (but less than 20-hectares) of indigenous vegetation for this purpose but approximately 3.3 ha.

In addition, hereto the following associated infrastructure will be constructed:

- ❖ An internal road network with roads of 10 to 26 metres wide.
- ❖ The internal sewer network will consist of 110mm PVC 400kPa pipes connected to each erf.
- ❖ The internal water reticulation system will consist of pipes varying in size between 50 mm and 75 mm diameter.
- ❖ Electricity reticulation, substations and street lighting, and
- ❖ Stormwater drainage structures, stormwater pipelines and stormwater outlet structures.

Alternative 2

The proposal entails the development of a retirement estate Erf 103, 104 and a portion of Rotterdam street, Wittedrift. Erven 103 and 104 and a portion of Rotterdam will be consolidated. The area where the development will take place is approximately 33 401 square metres in extent and the development will comprise of the following:

- ❖ 53 Residential Units between 104 m² and 124 m² (Sectional title units)
- ❖ A community Centre with the following components:
Library; kitchen; utility/storeroom; hair salon; gym; nurses station; office; wheelchair friendly toilet facilities; events hall; patio and braai.
- ❖ An assisted living facility with the following components:
Six *en-suite* bedrooms for those requiring assistance; assisted living quarters; offices; kitchen; laundry; dining and lounge facility; yard.
- ❖ Open spaces:
The preservation of the seven mature oak trees that are found on the southern border;
The northern section of the consolidated erf adjacent to the Bosfontein River is a buffer area and only stormwater outlet infrastructure may be installed here.

This will require the clearance of more than 1-hectare (but less than 20-hectares) of indigenous vegetation for this purpose but approximately 3.3 ha.

In addition, hereto the following associated infrastructure will be constructed:

- ❖ An internal road network with roads of 3 to 8 metres wide.
- ❖ The internal sewer network will consist of 110mm PVC 400kPa pipes connected to each erf.
- ❖ The internal water reticulation system will consist of pipes varying in size between 50 mm and 75 mm diameter.
- ❖ Electricity reticulation, substations and street lighting, and
- ❖ Stormwater drainage structures, stormwater pipelines and stormwater outlet structures.

Alternative 2 Layout specifically, the northern most residential units and community centre, along with the proposed pool encroaches the no-go aquatic zone and into the identified floodline. This will entail high impact activities that will have a direct impact on the sensitive aquatic habitat.

As such, this alternative has not been authorised.

"No-Go" Alternative

The no-go alternative will mean that no development will take place on the site. While the landowner may be required to initiate the clearance of alien vegetation, the site will remain exposed, and the wetland habitat will be vulnerable to anthropogenic impacts of dumping and disturbance, that can lead to further pollution of the watercourse.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

Erf 103 and 104 are currently zoned as Institutional Zone I with a section of Rotterdam Street between the two erven and is zoned as Transport Zone II. The intention is then to consolidate the two erven and the portion of Rotterdam Street and to rezone the land to Residential Zone II and the development will fully comply with the landuse restrictions as given in the municipal zoning scheme.

The proposed development is within the urban edge of Wittedrift according to the Spatial Development Framework (SDF) and has been earmarked for residential development.

The Town Planning Report makes reference to the Wittedrift Land Use Budget of 2016-2040 which makes provision for an increase of 152 residential units between 2016-2025 requiring 5ha of Wittedrift Urban Area to achieve this. This development is regarded to form part of that objective.

4.2 Biophysical Impacts

Aquatic environment:

The northern portion of the development has the Bosfontein River flowing in an easterly direction. The Freshwater Specialist notes that historically the watercourse was likely a floodplain wetland system. Due to anthropogenic impacts, the wetland system has suffered significant degradation and only a fragmented wetland habitat remains on the valley floor. This fragmented wetland serves as a good buffer between the urban area and the river channel. The proposal has seen that this wetland system will have stringent mitigations adopted to maintain the present state of the wetland and to avoid any further degradation of the system.

Agricultural Aspects

The Agricultural Compliance Statement has confirmed that the site is of medium and low sensitivity for agriculture because the dominant soils are shallow and duplex and this results in the land capability rating is medium to low and a further limitation to its potential is due to the position in the urban area of Wittedrift. The conclusion is that the development will not lead to the unacceptable loss of agricultural production capability.

4.3 Biodiversity

The entire site falls within an area mapped as Garden Route Shale Fynbos. The latter is currently listed as *Vulnerable* in the National Biodiversity Assessment 2011. Given its alluvial setting next to a river, the vegetation would more likely have been a type of Cape Lowland Alluvial Vegetation. Aerial imagery in the past show cultivated areas, (i.e. being highly transformed).

The development site has been mapped to fall in the Ecological Support Area (ESA) and only a small section will encroach into the Critical Biodiversity Area (CBA) within the river corridor.

The sensitive species identified in the Screening Report are unlikely to occur on the property and one of the species are likely to be found closer to the riverine area and wetland. This area however will not be developed. The same applies to other sensitive species identified. Therefore, the specialist has recommended to change the sensitivity of the site to low.

4.4 Heritage / Archaeological Aspects

Heritage Western Cape (HWC) endorsed the Heritage Impact Assessment (HIA) and the addendum. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

4.5 Other Impacts

No other impacts of significance are anticipated.

5. **Scope and Validity Period of authorisation**

This environmental authorisation does not define specific operational aspects according to the listed activities that have been authorised. The applicant has indicated that the construction activities should be completed within 1-year from the date of commencement. The environmental authorisation's validity period has been granted for a period of approximately 6-years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The Holder is required to substantially implement the proposal exceed the thresholds of the listed activities within a period of approximately 5-years after the environmental authorisation is issued. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. **National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

7. **Conclusion**

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts are detailed in the FBAR dated 30 November 2020 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.

(d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

Due consideration is also given to the person's duty of care described in Section 28 of NEMA:

“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”.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- **END** -----