

EIA REFERENCE NUMBER: 16/3/3/1/D2/26/0023/22
NEAS REFERENCE: WCP/EIA/0001158/2022
DATE OF ISSUE: 13 June 2023

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 DEVELOPMENT OF A RESIDENTIAL ESTATE ON ERF 19001, HEATHER PARK, GEORGE

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** 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"), dated 9 March 2023 as prepared and submitted by *HilLand Environmental*, the appointed environmental assessment practitioner ("EAP").

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 DIRECTOR
CEDERDALE INVESTMENTS (PTY) LTD.
% Mr. A. J. Katz
4 Liddle Street
CAPE TOWN
8001

Mobile: 082 773 4567

E-mail: amjkatz@gmail.com

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, as amended.	
<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— (aa) the undertaking of a linear activity; or (bb) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The clearance of more than 1 ha of indigenous vegetation for the development of a residential estate.</p>
<p>Activity Number: 28 Activity Description:</p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (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>The development of a residential estate on land that was used for agriculture of more than 5ha.</p>
Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014, as amended.	
<p>Activity Number: 12 Activity Description:</p> <p>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 removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. 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</p> <p>v. 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.</p>	<p>The clearance of more than 300m² of Endangered Garden Route Shale Fynbos for the residential development and associated infrastructure.</p>

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

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the transformation of land previously used for agriculture and the clearance of indigenous vegetation for the construction of the residential development and associated structures and infrastructure.

The specific details of the proposed development on the property comprises of the following:

- 84 Housing units (5 different types-);
- 3 apartment blocks with 95 flats/apartment units;
- Internal roads and driveways;
- Parking areas;
- Internal open space areas;
- Communal recreational, Club house and Guard house facilities;
- Associated civil services and electrical connections.

The development must be implemented in accordance with the layout developed by Robert Silke and Partners (dated 24 February 2023) Drawing number 202203 SKE 200 Rev 16 (Annexure 2).

C. SITE DESCRIPTION AND LOCATION

The property, erf 19001 is located directly adjacent to the Malgas River and behind the existing housing estate, Homewood in George. The property is within the urban edge of the George Municipal area.

Coordinates of the site:

Position:	Latitude (South)	Longitude (East)
Middle Point	33° 56' 58.43"	22° 25' 32.89"

SG digit code of Erf 19001: C02700020001900100000

Refer to Annexure 1: Locality Plan of this Environmental Authorisation; and Annexure 2 for the Site Development Plan ("SDP").

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Mrs Cathy Avierinos
EAPASA Registration number: 2019/1053
% HILLAND ENVIRONMENTAL
P.O. Box 590
GEORGE
6530

Tel: 044 889 0229
E-mail: environmental2@hilland.co.za | cathy@hilland.co.za
Website: www.hilland.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **30 June 2028** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded at the site;
 - (b) construction monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed at the site; and
 - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.
2. The construction phase of the Environmental Authorisation is subject to the following:
 - 2.1 The Holder must finalise the post construction rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (construction phase) is concluded.
3. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 9 March 2023 on the site as described in Section C above.

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

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the transformation of land previously used for agriculture and the clearance of indigenous vegetation for the construction of the residential development and associated structures and infrastructure.

The specific details of the proposed development on the property comprises of the following:

- 84 Housing units (5 different types-);
- 3 apartment blocks with 95 flats/apartment units;
- Internal roads and driveways;
- Parking areas;
- Internal open space areas;
- Communal recreational, Club house and Guard house facilities;
- Associated civil services and electrical connections.

The development must be implemented in accordance with the layout developed by Robert Silke and Partners (dated 24 February 2023) Drawing number 202203 SKE 200 Rev 16 (Annexure 2).

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. 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.
6. 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

7. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the decision reached on the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. 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;
 - 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. provide the registered I&APs with the:
 - 7.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the Holder,

- 7.4.4. telephonic and fax details of the Holder,
 - 7.4.5. e-mail address, if any, of the Holder,
 - 7.4.6. 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).
- 7.5. 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.
- 7.6. 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

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
- 8.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions no.: 7, 10 and 12.**
9. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

Management of activity

10. 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, at least 90 days prior to commencement of any activities on the site:
- 10.1. The EMPr must be amended to incorporate the following —
 - 10.1.1. Incorporate all the conditions given in this Environmental Authorisation;
 - 10.1.2. The ECO must conduct site inspections every two weeks during the construction phase (The frequency may be increased to weekly site inspections).
 - 10.1.3. All ECO monitoring reports compiled monthly during the construction phase must be submitted to the competent authority quarterly (every three months), except when there is non-compliance observed, in which case the ECO must bring to the competent authority's immediate attention by means of a written report.
 - 10.1.4. The ECO must conduct site inspections every two weeks during the rehabilitation phase and submit the ECO monitoring reports during this phase monthly.
 - 10.1.5. Include the auditing schedule as set out by this Environmental Authorisation.

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

Monitoring

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

13. The ECO must–

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

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

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

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

13.5. the ECO must conduct site inspections at least every 2 (two) weeks and must submit ECO Monitoring Reports on a monthly basis to the competent authority.

14. 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.

15. 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.

Environmental Auditing

16. 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.

17. 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:

17.1. Auditing during the non-operational phase (construction activities):

17.1.1. During the period which the development activities have been commenced with on the site, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.

17.1.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within **three (3) months** of completion of the construction phase.

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

18.1. 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;

18.2. provide verifiable findings, in a structured and systematic manner, on–

18.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

18.2.2. 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.

18.3. identify and assess any new impacts and risks as a result of undertaking the activity;

18.4. evaluate the effectiveness of the EMPr;

18.5. identify shortcomings in the EMPr;

18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

18.7. 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;

18.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;

18.9. include a photographic record of the site(s) applicable to the audit; and

18.10. be informed by the ECO reports.

19. 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

20. The residential estate development must be set back behind the line depicted on the SDP as “edge of bush” (hereinafter referred to as the “development setback line”) and the area between this line and the Malgas River must be managed as an open space area and must not be developed. Further to this—

20.1. Only the security fence may be constructed beyond this line as depicted on the SDP.

20.2. No new buildings, structures or bulk engineering services infrastructure may be constructed / installed in the open space area, unless the necessary authorisation has been obtained.

21. The open space area between the development setback line and the Malgas River must be managed for a conservation use. Further to the above—

21.1. The Holder must ensure that alien invasive plant species will be removed from the open space area within the specified validity period in accordance with an approved Invasive Alien Clearing Plan.

Note: Failure to complete this action prior to the validity period of this Environmental Authorisation expiring, may require the amendment of the environmental authorisation or EMPr.

21.2. A copy of the approved Invasive Alien Clearing Plan issued in terms of the National Environmental Management: Biodiversity Act, 2004 (Act no 10 of 2004) ("NEM:BA") must be submitted to this Department prior to commencement of the activities on the site.

21.3. The Holder of the EA must adopt a "Conservation Management Plan" (CMP) and must address and / or incorporate the following—

- (a) Fire management requirements (i.e., protective and ecological).
- (b) No planting except for rehabilitation in terms of an approved management plan.
- (c) No collection or damaging of fauna and flora.
- (d) No vehicles of any type are permitted, except for rehabilitation and management in terms of an approved management plan.
- (e) Financial provisions for the management and upkeep of the conservation area.

The CMP must be compiled prior to the transfer of the first erf and must be included in the purchase agreements. A copy of the CMP must be submitted to the Competent Authority prior to the lapsing of this Environmental Authorisation's validity period.

Note: The CMP should be ready for implementation with the establishment of Homeowners' Association ("HOA").

22. Should any heritage remains be exposed during excavations or any other actions on the site(s), 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 the listed activity and conclude the activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

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 the listed activity 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 the following milestones should not be missed:

- Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
- 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.
- 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.

Note: It is advised that if any of the milestones as indicated above, might not be achieved, the Holder must consider extending the validity period through an amendment process.

8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (**i.e., 7, 10 and 12**). 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:
Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAadmin.George@westerncape.gov.za
Gavin.Benjamin@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:
Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAadmin.George@westerncape.gov.za
Gavin.Benjamin@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

DIRECTOR: DEVELOPMENT MANAGEMENT

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 13 JUNE 2023

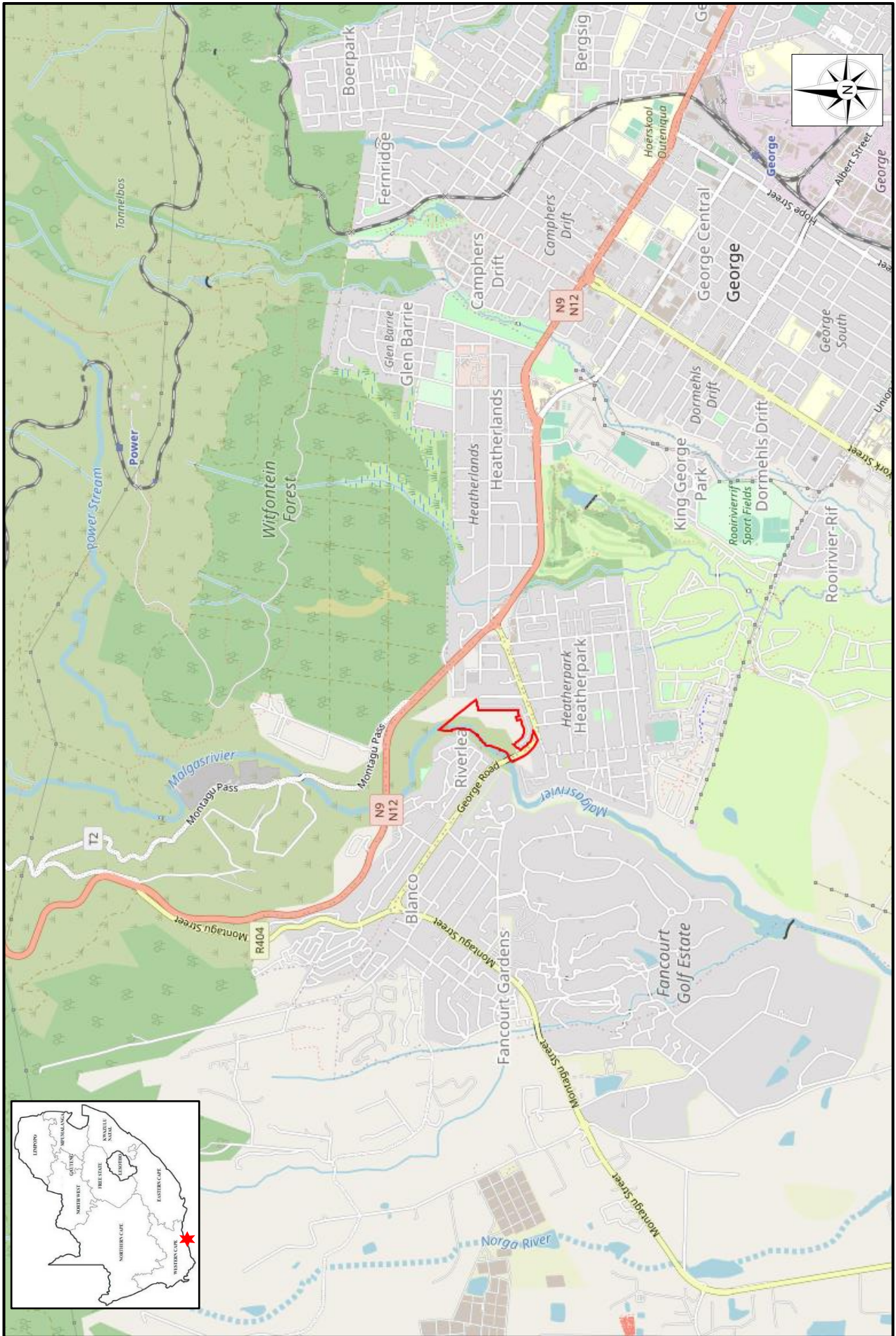
FOR OFFICIAL USE ONLY:

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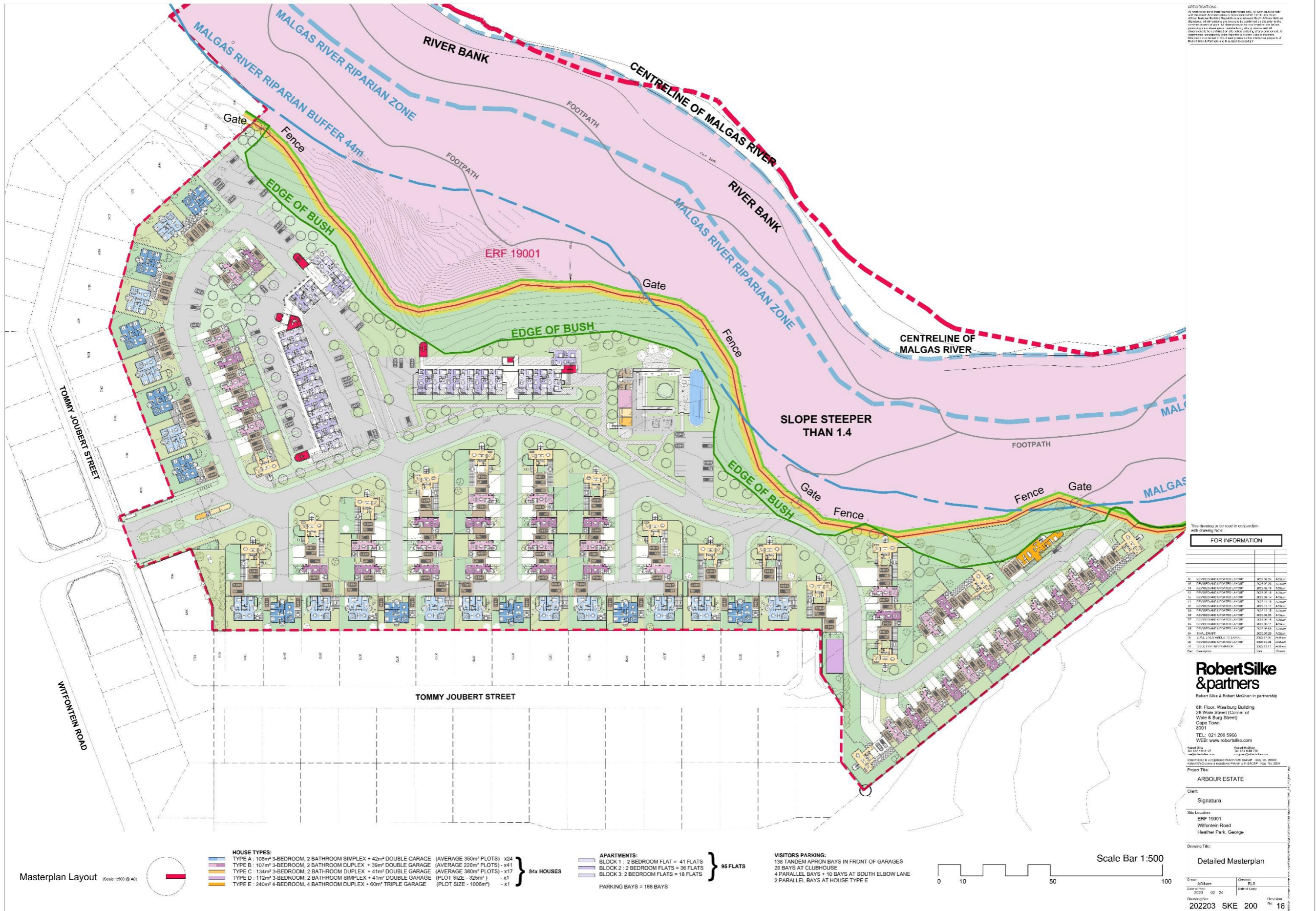
NEAS REFERENCE: WCP/EIA/0001158/2022

CASE OFFICER: Ms Jessica Christie | Jessica.Christie@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



SPECIFICATIONS
 To view the site plan and specifications, please refer to the site plan and specifications. The site plan and specifications are available on the project website. The site plan and specifications are subject to change without notice. The site plan and specifications are the property of Robert Silke & Partners. The site plan and specifications are not to be used for any other purpose without the written consent of Robert Silke & Partners.

This drawing is to be read in conjunction with drawing 202203.

FOR INFORMATION		
No.	Description	Date
10	REVISED AND UPDATED LAYOUT	2022/02/21
11	REVISED AND UPDATED LAYOUT	2022/02/21
12	REVISED AND UPDATED LAYOUT	2022/02/21
13	REVISED AND UPDATED LAYOUT	2022/02/21
14	REVISED AND UPDATED LAYOUT	2022/02/21
15	REVISED AND UPDATED LAYOUT	2022/02/21
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100	REVISED AND UPDATED LAYOUT	2022/02/21

Robert Silke & partners
 Robert Silke & Robert McQueen in partnership
 6th Floor, Waulburg Building
 28 Wale Street (Corner of Wale & Burg Street)
 Cape Town
 8001
 TEL: 021 200 5966
 WEB: www.robertsilke.com

Project Title:
 ARBOUR ESTATE

Client:
 Signatura

Site Location:
 ERF 19001
 Witfontein Road
 Heather Park, George

Drawing Title:
 Detailed Masterplan

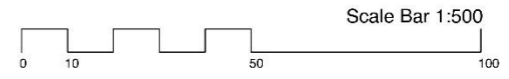
Drawn:
 Adrians
 Date: 02/24/2023

Checked:
 RLS
 Date: 02/24/2023

Drawing No:
 202203 SKE 200

Revision No:
 16

- HOUSE TYPES:**
- TYPE A: 108m² 3-BEDROOM, 2 BATHROOM SIMPLEX + 42m² DOUBLE GARAGE (AVERAGE 350m² PLOTS) -x24
 - TYPE B: 107m² 3-BEDROOM, 2 BATHROOM DUPLEX + 39m² DOUBLE GARAGE (AVERAGE 220m² PLOTS) -x41
 - TYPE C: 134m² 3-BEDROOM, 2 BATHROOM DUPLEX + 41m² DOUBLE GARAGE (AVERAGE 380m² PLOTS) -x17
 - TYPE D: 112m² 3-BEDROOM, 2 BATHROOM SIMPLEX + 41m² DOUBLE GARAGE (PLOT SIZE - 325m²) -x1
 - TYPE E: 240m² 4-BEDROOM, 4 BATHROOM DUPLEX + 60m² TRIPLE GARAGE (PLOT SIZE - 1006m²) -x1
- APARTMENTS:**
- BLOCK 1: 2 BEDROOM FLAT = 41 FLATS
 - BLOCK 2: 2 BEDROOM FLATS = 36 FLATS
 - BLOCK 3: 2 BEDROOM FLATS = 18 FLATS
- PARKING BAYS = 168 BAYS**
- VISITORS PARKING:**
 138 TANDEM APRON BAYS IN FRONT OF GARAGES
 20 BAYS AT CLUBHOUSE
 4 PARALLEL BAYS + 10 BAYS AT SOUTH ELBOW LANE
 2 PARALLEL BAYS AT HOUSE TYPE E



ANNEXURE 3: 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 29 August 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 9 March 2023;
- 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 dated 9 March 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site inspection was not done. The officials have sufficient knowledge of the site.

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. 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 on 16 September 2022;
- 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 16 September 2022 to comment on the Draft Basic Assessment Report;
- the placing of a newspaper advertisement in the "*George Herald*" on 15 September 2022; and
- making the revised Basic Assessment Report available to I&APs for public review from 6 January 2023 till 6 February 2023.

The following Organs of State provided comment on the proposal:

- *WCG: Department of Agriculture*
- *Department of Forestry, Fisheries and Environment – Forestry Section*
- *Breede Gouritz Catchment Management Agency*
- *Heritage Western Cape; and*
- *CapeNature*
- *George Municipality*

- *General Public / Interested & Affected Parties (I&APs) included:*
 - *Homewood Homeowners' Association*
 - *Abé Myburgh*
 - *Isabeau van der Westhuizen*
 - *Jean Smith*
 - *Lorenzo Clasen*
 - *Russ Smith*
 - *Jaco van der Merwe*

Key issues identified by I&APs and stakeholders:

- **Visual Impact**
The neighbouring property owners in the Homewood Estate were concerned about the visual intrusion of double-storey duplexes. The applicant and architects redesigned to single storey units.
- **Traffic Impact**
The Homewood HOA and neighbouring property owners were concerned about the increase in traffic that will occur. The Traffic Impact Assessment Adequately addressed the concerns.

All the comments and issues raised by the respective *Organs of State and I&APs* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses from the EAP to the I&APs comments and concerns.

2. Alternatives

Preferred Layout Alternative (Herewith Approved):

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the transformation of land previously used for agriculture and the clearance of indigenous vegetation for the construction of the residential development and associated structures and infrastructure.

The specific details of the proposed development on the property comprises of the following:

- 84 Housing units (5 different types-);
- 3 apartment blocks with 95 flats/apartment units;
- Internal roads and driveways;
- Parking areas;
- Internal open space areas;
- Communal recreational, Club house and Guard house facilities;
- Associated civil services and electrical connections.

The development must be implemented in accordance with the layout developed by Robert Silke and Partners (dated 24 February 2023) Drawing number 202203 SKE 200 Rev 16 (Annexure 2).

Various layout designs took place from the initial design that was presented to the various specialists to assess. From the public participation and comment from this Department and other Organs of State, the preferred layout was considered. The following are the previous alternative site development plans:

Layout Alternative 2:

A new residential development on Erf 19001 is proposed. The following is proposed as part of the preferred site development plan:

- - 92 Housing units (3 different types-);
- - 3 apartment blocks with 97 flats/apartment units;
- - Internal roads and driveways;
- - Parking areas;
- - Internal open space areas;
- - Communal recreational, Club house and Guard house facilities;
- Associated civil services and electrical connections.

"No-Go" Alternative

The no-go alternative is to have the site remain as is. There is an existing planning approval however, the Environmental Authorisation that was linked to this planning approval has lapsed.

3. Impact Assessment and Mitigation Measures

3.1 Activity Need and Desirability

The property has previously been earmarked for infill development; however, the previous environmental authorisation lapsed. A new developer now proposes to develop this property with a higher density of units. The George Municipality's Spatial Development Framework ("MSDF") supports densification and infill development along routes that are served by public transport. This property also falls within a "Priority Investment Area" according to the MSDF.

3.2 Biophysical Impacts

According to the Terrestrial Biodiversity Specialist, the site consists of a combination of secondary grassland (on the flat uplands) and Eucalyptus woodland (in the steep-sided valley) with low indigenous diversity. It is altered (not natural) and to have low biodiversity value. The steep sided valley area is potentially sensitive as it retains a level of ecological functionality and could possibly be restored to forest in time.

No plants species of conservation concern (SCC) were found on the site, and it was found unlikely that any of the species flagged would be found on the site. In terms of the animal species, it was found that the development site is not considered to be good habitat for the species that are expected to occur in the area. The riparian zone and buffer area was found to be more valuable habitat and rehabilitation and restoration is encouraged.

This Department was concerned that the initial design layout did not adequately respond to the environmental attributes of the property and the extent the steep embankment and

drainage would have on the development. As indicated by the specialists, the area was filled in and there is an already steep slope toward the Malgas River. This steep area generally started at the edge of the tree line along the riparian edge of the property (western edge) and the proposal to have structures and infrastructure beyond this line was a concern to this Department. Through consultation, the layout was adapted and changed to accommodate the comments from this Department. The area between the “development setback line” and the Malgas River will be zoned as an open space (i.e., Open Space II: Private Open Space) which will have a limited use. The management objectives for this area aim to achieve a conservation outcome. Conditions have been included in this authorisation to promote these objectives.

3.3 *Aquatic Biodiversity*

The two possible wetland areas were inspected and assessed. No wetland features were identified in the southern location. Wetland soils and vegetation were identified in the northern location and a wetland area was delineated on this basis. However, assessment of historical imagery of the site, reinforced by findings in the geotechnical report indicate that this area was heavily impacted by infilling associated with the development of Homewood Village. Therefore, the wetland was considered artificial. A functional assessment of the artificial wetland indicates the feature has low value in terms of ecosystem services, importance, and sensitivity. No water use authorisation is required because the proposed development footprint is located outside of the regulated area of the Malgas River as defined in Government Notice No. 509 of 2016 as published in terms of the National Water Act (Act No. 36 of 1998).

3.4 *Heritage / Archaeological Aspects*

Heritage Western Cape issued comment in July 2015 and confirmation was received that this comment is still valid. 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.

3.5 *Other Impacts*

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts this Department is satisfied that the activity will not negatively impact on the receiving environment, subject to strict implementation of conditions of this EA and the mitigation measures proposed in the EMP.

4. *Scope and Validity Period of authorisation*

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of five (5) 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 reports for the construction phase. Considering the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

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.

5. 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.

6. 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 9 March 2023 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 EMP, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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