



**REFERENCE:** 16/3/3/1/B3/38/1065/22  
**NEAS REFERENCE:** WCP/EIA/0001167/2022  
**DATE:** 5 MAY 2023

The Trustees: Esperant Trust  
P. O. Box 219  
**WELLINGTON**  
7654

**Attention: Mr. H.C. Truter**

Cell: 071 252 7495  
Email: truter05@vodamail.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 4722, WELLINGTON**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Ms Helene Botha (Groenberg Enviro)  
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: [helene@groenbergenviro.co.za](mailto:helene@groenbergenviro.co.za)  
E-mail: [Cindy.Winter@drakenstein.gov.za](mailto:Cindy.Winter@drakenstein.gov.za)





**REFERENCE:** 16/3/3/1/B3/38/1065/22  
**NEAS REFERENCE:** WCP/EIA/0001167/2022  
**ENQUIRIES:** Samornay Smidt  
**DATE OF ISSUE:** 5 MAY 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 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 4722, WELLINGTON

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Layout Alternative, as described in the Basic Assessment Report ("BAR"), dated 17 January 2023.

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

Esperant Trust  
c/o Mr H.C. Truter  
PO Box 219  
**WELLINGTON**  
7654

Cell.: 071 252 7495  
Email: truter05@vodamail.co.za

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 –</p> <p><b>Activity Number: 28</b></p> <p><i>Residential mixed, retail, commercial, industrial or institutional development where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;</i>  or  <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The development is located outside the urban area of Wellington, on land previously used for agriculture and is bigger than 1 hectare in size.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

The proposed residential development on Erf No. 4722 comprising the following components:

- 56 residential erven (ranging between 800m<sup>2</sup> and 1 103m<sup>2</sup>),
- 2 private open space erven,
- 1 refuse area, and
- Internal roads and associated engineering service infrastructure, including the installation of services across the artificial drainage channel that traverses the site.

## C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Erf No. 4722, Wellington.

The SG21 digit code is: C05500100000472200000

Co-ordinates:

Latitude	Longitude
33° 39' 08.27" S	19° 00' 47.93" E

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

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

GroenbergEnviro (Pty) Ltd  
c/o Helene Botha  
PO Box 1058  
**WELLINGTON**  
7654

Cell: (079) 509 0785  
Email: helene@groenbergenviro.co.za

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Layout Alternative, as described in the BAR dated January 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activity.
  - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity must be concluded.
3. 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.
  4. 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.

### Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activity.

- 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
- 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10.

### **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 outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 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 Appeals 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:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2 name of the responsible person for this Environmental Authorisation,
    - 6.4.3 postal address of the holder,
    - 6.4.4 telephonic and fax details of the holder,
    - 6.4.5 e-mail address, if any, of the holder, and
    - 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).
7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. 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 activity, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

## Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO") before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein.
11. The ECO must conduct monthly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. 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

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an **independent person** (other than the ECO appointed in terms of condition 10 above or the appointed Environmental Assessment Practitioner) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake environmental audits and submit an environmental audit to the Department annually for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after completion of the construction phase.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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

15. 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 include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features

with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

## **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 activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:

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

## **G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority–
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and



- 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post:                   Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:           (021) 483 4174; or

By hand:                 Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

## 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

**MS. MARE-LIEZ OOSTHUIZEN**

**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

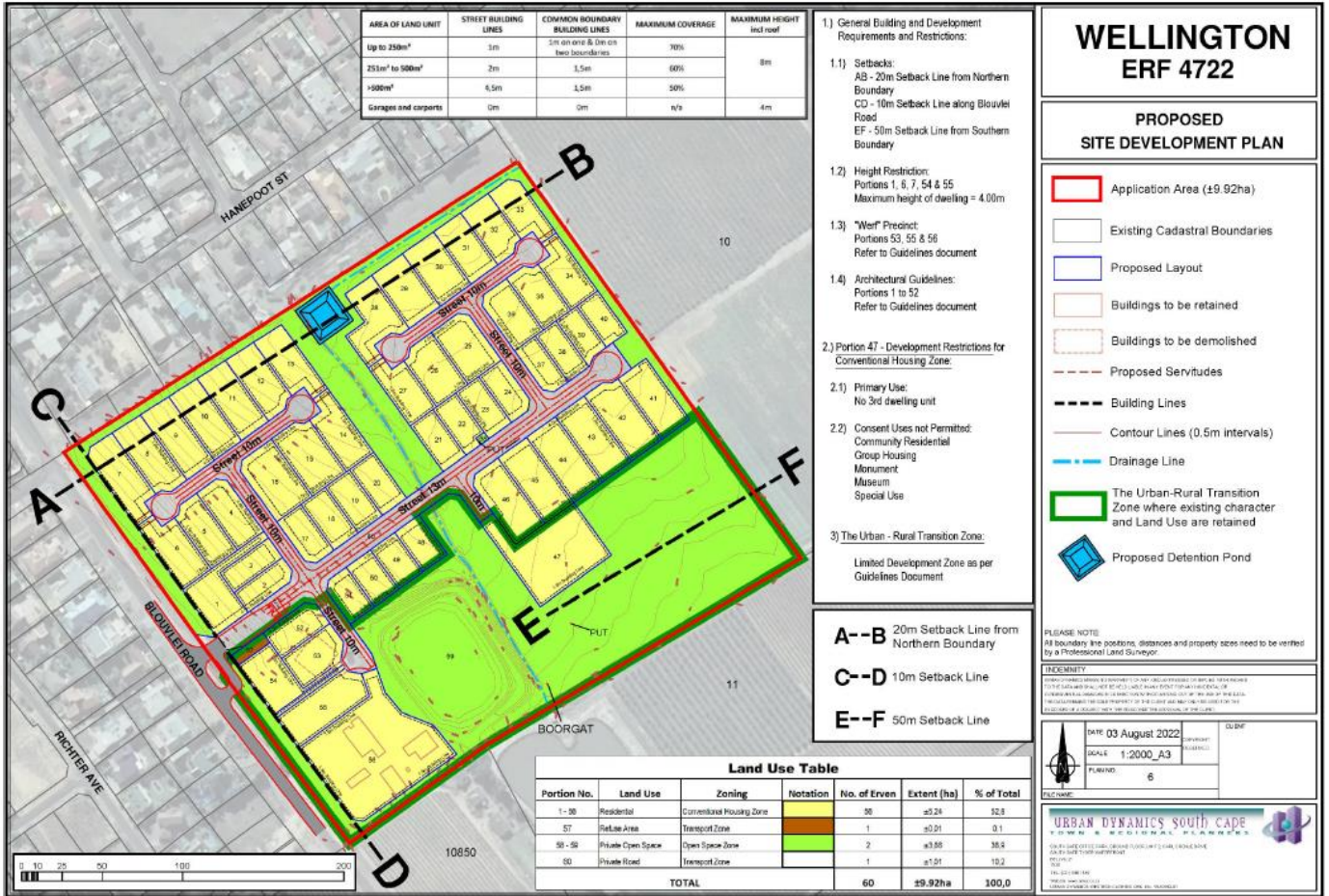
**DATE OF DECISION: 5 MAY 2023**

CC: (1) Ms. Helene Botha (Groenberg Enviro)  
(2) Ms. C. Winter (Drakenstein Municipality)

E-mail: [helene@groenbergenviro.co.za](mailto:helene@groenbergenviro.co.za)  
Email: [Cindy.Winter@drakenstein.gov.za](mailto:Cindy.Winter@drakenstein.gov.za)



# ANNEXURE 2: SITE PLAN



## **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 dated September 2022 and the EMPr submitted together with final BAR on 17 January 2023.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 17 January 2023; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

Members of the Directorate: Development Management (Region 1) and the Environmental Assessment Practitioner conducted a site visit on 16 October 2018.

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**

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Paarl Post' on 22 September 2022;
- fixing notice boards at the site where the listed activity is to be undertaken and public areas on 26 September 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity on 26 September 2022; and
- circulating the in-process draft BAR to I&APs from 27 September 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

## 2. Alternatives

The preferred layout is the result of an iterative process in which the proposed development has undergone several design changes in terms of its layout and density. The original proposal consisted of 65 residential erven, ranging in size from 312m<sup>2</sup> to 535m<sup>2</sup> and following numerous iterations based on specialist input and comments received during the public participation process, this was reduced to 56 residential erven ranging in size from 800m<sup>2</sup> to 1 103m<sup>2</sup>. The density, erf sizes and architectural design of the preferred layout was amended to maintain the area's rural sense of place.

### Preferred Layout Alternative (Herewith authorised)

The proposed residential development on Erf No. 4722 comprising the following components:

- 56 residential erven ranging between 800m<sup>2</sup> and 1 103m<sup>2</sup> in size,
- 2 private open space erven,
- 1 refuse area, and
- Internal roads and associated engineering service infrastructure, including the installation of services across the artificial drainage channel that traverses the site.

### Layout Alternative 2

This alternative entails the development of 35 erven, placed along an internal access loop, with a formal garden at the centre of the development. The property sizes will vary between 1 500m<sup>2</sup> and 2 300m<sup>2</sup>. The existing entrance, as well as the existing buildings, will be retained and split into two larger properties. The residential estate will gain access from the Bloulei Road, through a private security gate.

This alternative was not preferred for the following reasons:

- The street network and proposed layout of the erven isolates the development from its surrounding landscape.
- The erven do not allow for a gradual transition from an urban to a rural setting, since all of the properties are equally sized, with only a few larger transitional properties in the south of the property.
- The proposed density is too low and not in keeping with the current policy on increased densities and efficient use of available land implemented by the local authority.

### Layout Alternative 3

This alternative entails the development of approximately 71 erven of approximately 800m<sup>2</sup> in size. There will be no central private open space, but provision is made for a drainage corridor and smaller erven. A retention pond has been added to this alternative to address stormwater requirements. This layout allows for linkages to the surrounding landscape, with the roadways serving as visual corridors. The existing buildings have been retained and subdivided into two separate properties.

This alternative was not preferred for the following reasons:

- The row of erven on the eastern and southern boundaries of the site isolates the development to some extent from the surrounding landscape.
- Property sizes do not allow for a transition from an urban to a rural setting.
- This alternative layout option does not include the existing dam as part of the development, which is considered as a potential asset to the proposed development.

### Layout Alternative 4

This alternative entails the development of 70 erven (2 existing and 68 new) with a minimum erf size of 700m<sup>2</sup>. This was previously deemed the most appropriate, given the high value neighbourhood location and market demand. However, it is not the preferred alternative for the following reasons:

- The architectural guidelines, road networks and open space systems all relate with the landscapes and neighbouring agricultural developments but it is not acceptable as softening the boundary from the established urban development to the surrounding rural landscape.

#### “No-Go” Alternative

The no-go alternative of continued agricultural use of the property was considered. However, it was not preferred, since the applicant will not be able to effectively utilise their property as it is too small to serve as a profitable agricultural entity. Should the no-go alternative be implemented, the opportunity for additional job creation and the socio-economic benefits associated with the proposed development will be lost.

### **3. Impact Assessment and Mitigation measures**

#### 3.1 Activity need and desirability

The property is located east of Blouville Road, south of the Huguenot Primary School and to the west of the Berg Road. The proposed development presents an opportunity to develop a sustainable transitional area that relates directly to the abutting and extended cultural landscapes, as well as complementing the surrounding urban development. The site is included within the demarcated municipal urban edge and is earmarked for urban infill in the Drakenstein Spatial Development Framework. The development is therefore in line with the forward planning for the area. Factors such as the heritage and cultural landscape context of the site, its agricultural potential, the financial viability and the potential visual impacts on the surrounding area, informed the proposed development. The specialist studies conducted during the EIA process and input obtained during the public participation process further informed the preferred layout and density. The preferred layout takes cognisance of the rural landscape, while the existing heritage resources on the property will also be maintained to enhance the rural quality and sense of place of the proposed development.

#### 3.2 Biophysical Impacts

Historically, the site contained Swartland Granite Renosterveld vegetation, which is classified as endangered. The site has, however, been completely transformed by past agricultural activity and no indigenous vegetation remains within the development footprint.

A drainage channel traverses the property in a south to north direction and from historical and current imagery it appears that it forms part of a larger diversion scheme from the Spruit River. It feeds into several dams and at the site it acts as an overflow channel from the nearest dam. Although the drainage line is classified as an Aquatic Ecological Support Area 2, it is artificial in nature, with limited to no aquatic biodiversity and function. A section of the internal sewage and water pipeline and road will cross the artificial drainage channel. Based on the findings of the freshwater opinion dated 22 February 2022, compiled by Everwater Freshwater Consulting Services, given the artificial nature of the drainage channel, its limited functioning as a watercourse and the fact that it will be incorporated into the development's open space and stormwater retention plan, the proposed development will have a negligible impact on the surrounding freshwater system.

#### 3.3 Heritage and Visual Impacts

The site occupies a gateway position on the southwest entrance into Blouville Road, where panoramic views open up eastwards over the valley towards scenic mountain backdrops. It is located at a strategic juncture between suburban development and rural, agricultural land. It has therefore been recommended that any development on the site must be set back to allow green transitional zones within these affected areas. This will minimise disruption of scenic outlooks from Blouville Road and allow

for a progression in development scale and landscape character between the new residential development and adjacent rural land along the southeast boundary of the site.

The preferred development layout has evolved in direct response to the heritage indicators and visual criteria, as well as to the comments provided by Heritage Western Cape. Development setbacks of 6m abutting Blouville Road and along the southern boundary are being provided, with single storey buildings limited in height to 6m above a depressed ground level adjacent to Blouville Road and on the southern boundary. This will allow for views from Blouville Road over rooftops and across the valley to be retained and for a more gradual transition from a rural to an urban setting along the southern boundary. The development densities follow a graduated linear pattern, with greatest development densities adjacent to existing suburban development and lowest development densities adjacent to the rural farmland. The proposed landscaping, the retention of the existing trees, a simple timber and steel gate as entrance to the development, as well as the use of hedges and/or transparent farm-like fencing, will contribute to the sense of rural character of the valley. In addition, architectural guidelines and a detailed landscaping plan that conform to these recommendations will be prepared and submitted to Drakenstein Municipality for approval at the building plan approval stage. The visual specialist confirmed that the updated layout and design successfully integrates visual criteria into the proposal and is well within acceptable visual impact parameters.

Heritage Western Cape confirmed their support for the proposed development, on condition that the recommendations as set out in the Heritage Impact Assessment ("HIA") and Visual Impact Assessment are implemented and adhered to. The Heritage Western Cape's Impact Assessment Committee endorsed the HIA as having complied with the provisions of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). The recommended mitigation measures have been incorporated into the preferred layout and the EMPr accepted in Condition 8 of this Environmental Authorisation. In light of the above, the heritage impact is deemed to have been addressed satisfactorily.

**Negative Impacts:**

- The proposed development will have a negative impact during the construction phase in terms of visual, traffic, noise and dust nuisance. The impacts will however be mitigated to a satisfactory level with the implementation of and adherence to the EMPr.
- There will be visual, heritage and traffic impacts during the operational phase, which have been mitigated to an acceptable level through the incorporation of the specialist and I&AP input into the preferred layout design.

**Positive impacts:**

- The proposed development will provide housing opportunities, as well as employment opportunities during the construction and operational phase.

#### **4. 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.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activity 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 activity can be mitigated to acceptable levels.

-----END-----