



EIA REFERENCE: 16/3/3/1/E1/10/1066/22
NEAS REFERENCE: WCP/EIA/0001168/2022
DATE OF ISSUE: 18 APRIL 2023

The Municipal Manager
Cape Agulhas Municipality
PO Box 51
BREDASDORP
7280

Attention: Mr M Dennis

E-mail: michaeld@capeagulhas.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): NAPIER LOW COST HOUSING DEVELOPMENT ON REMAINING EXTENT OF ERF 513, NAPIER

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 Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MS. MARE-LIEZ OOSTHUIZEN

ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): NAPIER LOW COST HOUSING DEVELOPMENT ON REMAINING EXTENT OF ERF 513, NAPIER

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 activities specified in Section B below with respect to Layout Alternative 3, described in the Basic Assessment Report ("BAR"), received on 15 December 2022.

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 Municipal Manager
Cape Agulhas Municipality
% Mr M Dennis
PO Box 51
BREDASDORP
7280

E-mail: michaeld@capeagulhas.gov.za

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

B. ACTIVITIES AUTHORISED:

Listed Activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 10:</p> <p><i>The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, wastewater, return water, industrial discharge or slimes-</i></p> <ul style="list-style-type: none"> <i>(i) with an internal diameter of 0.36 metres or more;</i> <i>(ii) with a peak throughput of 120 litres per second or more;</i> <p><i>excluding where-</i></p> <ul style="list-style-type: none"> <i>(a) such infrastructure is for the bulk transportation of sewage, effluent, process water, wastewater, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or</i> <i>(b) where such development will occur within an urban area.</i> 	<p>Internal stormwater pipes with a diameter of 375mm will be developed as part of the proposed development.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 24:</p> <p><i>The development of a road-</i></p> <ul style="list-style-type: none"> <i>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i> <i>(ii) with a reserve wider than 13.5 metres, or where no reserve exists where the road is wider than 8 metres;</i> <p><i>but excluding a road-</i></p> <ul style="list-style-type: none"> <i>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</i> <i>(b) where the entire road falls within the urban area; or</i> <i>(c) which is 1 kilometre or shorter.</i> 	<p>Internal roads of 10 metres to 13 metres wide will be developed as part of the development.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 27:</p> <p><i>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-</i></p> <ul style="list-style-type: none"> <i>(i) the undertaking of a linear activity; or</i> 	<p>Agricultural land of approximately 4.69 hectares, that has been fallow for more than 10 years, will be cleared as part of the development.</p>

<p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 28:</p> <p><i>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:</i></p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposed development will be located outside an urban area on land that was used for agricultural purposes after 1 April 1998 and will have a total development footprint of approximately 4.69 hectares.</p>
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 4:</p> <p><i>The development of a road wider than 4 metres wide with a reserve less than 13.5 metres.</i></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>Internal roads of 10 metres to 13 metres wide will be developed within an area located outside an urban area and which comprises of Elim Ferricrete Fynbos, a vegetation type classified as a critically endangered ecosystem in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004).</p>
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 12:</p> <p><i>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.</i></p> <p>(i) Western Cape:</p>	<p>Less than 0.5 hectares of remaining non-viable indigenous vegetation (Elim Ferricrete Fynbos), which is classified as a critically endangered ecosystem in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004), will be cleared.</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 the 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>	
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The abovementioned 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:

The proposal entails the establishment of housing opportunities and associated services with a total development footprint of 4.69ha on the Remaining Extent of Erf 513, Napier. The development entails the following components:

- 157 Residential erven on 3.12ha;
- 3 Public Open Space erven on 0.02ha;
- 1 Community Facility erf on 0.27ha; and
- Associated roads, service and stormwater infrastructure on 1.28ha.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remaining Extent of Erf 513, Napier, at the following co-ordinates:

Latitude (S)	Longitude (E)
34° 28' 31.79"	19° 53' 36.28"

The SG21 digit code is: C01100080000051300000,

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

Enviro-EAP (Pty) Ltd
% Ms J Pienaar
PO Box 205
AGULHAS
7625

E-mail: johmandie@enviro-eap.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Layout Alternative 3 described in the BAR received on 15 December 2022 at the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five **(5)** years, from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of ten **(10)** years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, 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 activities. The notice must:
 - 5.1 make clear reference to the site details and EIA Reference number given above; and
 - 5.2 include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10 and 17.

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; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any, 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 activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies 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 activities, 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"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr, and the conditions contained herein.
11. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and submitted to the Competent Authority for the duration of the construction phase. The final Environmental

Compliance Report must be submitted to the Competent Authority within six months after the construction phase has been completed.

12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including on 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 (which is not the ECO or EAP for this application) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

An Environmental Audit Report must be submitted to the Competent Authority **once a year** during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after construction is completed.

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 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; 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 construction site must be clearly demarcated prior to the commencement of construction activities and the Ecological Support Area 2 along the southern border outside of the demarcated construction site must be regarded as a "no-go" area.

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.
2. Non-compliance with a condition of this Environmental Authorisation or amended EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation for that activity shall lapse, 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
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

MS. MARE-LIEZ OOSTHUIZEN

ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION:

CC: (1) Ms J Pienaar (Enviro-EAP (Pty) Ltd)

E-mail: johmandie@enviro-eap.co.za

(2) Ms E Pelser (Department of Human Settlements)

E-mail: elmay.pelser@westerncape.gov.za

(3) Mr A Oosthuizen (Directorate: Development Facilitation)

E-mail: andre.oosthuizen@westerncape.gov.za

(4) Mr C van der Walt (Department of Agriculture)

E-mail: cor.vanderwalt@westerncape.gov.za

(5) Mr R Smart (CapeNature)

E-mail: rsmart@capenature.co.za

(6) Ms B Langenhoven (Directorate: Waste Policy and Minimization)

E-mail: belinda.langenhoven@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map of Remaining extent of Erf 513, Napier

ANNEURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form received electronically by the Department on 26 September 2022, the final BAR received on 15 December 2022, the EMPr submitted together with the final BAR and the additional information dated 14 April 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR received on 15 December 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during 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;
- giving written notice to the owners and occupiers of land adjacent to the 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 25 August 2022;
- the placing of a newspaper advertisement in the 'Suidernuus' on 29 April 2022;
- fixing a site notice at the site where the listed activities are to be undertaken;
- making the in-process draft BAR available electronically to I&APs from 9 November 2022 and at the Napier Library on 14 November 2022.

The concerns raised by I&APs were responded to, and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation, and in the EMPr, in order to adequately address the concerns raised.

2. Alternatives

Three layout alternatives and the no-go alternative were assessed as part of this application and are discussed below:

2.1 Layout Alternatives:

Layout Alternative 1:

This alternative entails:

- 349 IRDP row houses ranging from 40 to 45 square metres in extent. Each unit is double storey and has a private internal staircase accessing the upper floor. Each unit is located

on a private erf. Units are positioned in groups of four and are positioned around shared parking courts;

- 28 GAP houses ranging from 45 to 50 square metres in extent (single storey semi-detached units);
- A church and community hall of 980 square metres in extent;
- A crèche and library of 615 square metres in extent; and
- Open spaces, roads and service infrastructure of 37 600 square metres in extent.

This alternative is not preferred since it does not take into consideration the recommendations from the specialist i.e., the Ecological Support Area 2 buffer area has not been incorporated into the layout. Furthermore, the ESKOM power grid only has additional capacity available for 200 residential erven. Furthermore, the small and dense erven do not provide future building expansion opportunities for homeowners.

Layout Alternative 2:

This alternative entails:

- 130 RDP erven of approximately 150 square metres in extent;
- 25 row houses of approximately 250 square metres in extent;
- Crèche and community hall erven; and
- Open spaces, roads and service infrastructure.

This alternative is not preferred since it does not take into consideration the recommendations from the specialists.

Layout Alternative 3 (herewith authorised):

This alternative entails the establishment of housing opportunities and associated services with a total development footprint of 4.69ha on the Remaining Extent of Erf 513, Napier. The development entails the following components:

- 157 Residential erven on 3.12ha;
- 3 Public Open Space erven on 0.02ha;
- 1 Community Facility erf on 0.27ha; and
- Associated roads, service and stormwater infrastructure on 1.28ha.

This alternative is preferred since the services are available for all the erven proposed, unlike the other alternatives. Additionally, all recommendations from the project specialists were taken into consideration i.e., the exclusion of the Ecological Support Area 2 buffer area from the development area. The size of the proposed erven is in line with the surrounding developments.

2.2 "No-Go" Alternative

The "no-go" option was considered. However, it is not preferred since the site will retain its current land use and the anticipated social and economic benefits of the development will be forfeited.

3. **Impact Assessment and Mitigation measures**

3.1 Activity Need and Desirability

Napier currently has a housing backlog of 709 opportunities. Considering the existing backlog and future growth in housing demand, the proposed development will provide housing opportunities to residents who qualify for low-income housing, while utilising land that is available for, and has been earmarked for urban development, to its full potential.

3.2 Biodiversity and Biophysical Impacts

Historically, the site would have been covered with Elim Ferricrete Fynbos, which is classified as a critically endangered ecosystem in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004). However, the site has been transformed and currently contains existing building infrastructure, with portions of the land being used for agriculture and the remaining land being fallow. According to the Ecological Baseline Assessment, dated November 2017 as compiled by Eco Impact Legal Consulting (Pty) Ltd, minimal (less than 0.5ha in total) remaining non-viable indigenous vegetation populations were recorded on site and no species of conservation concern were recorded nor are expected to occur on the site.

A non-perennial drainage line, classified as a natural NFEPA Wetland, is located along the southern border of the site. Even though this drainage line falls outside the development area, an associated "Ecological Support Area 2: Restore buffer area" has been mapped for the drainage line and a section thereof falls within the southern part of the development area. As per the recommendations of the specialist, no development will occur within this drainage line, nor its associated Ecological Support Area 2: Restore buffer area.

The Land Capability Study concluded that the sandy soil's low water holding capacity will not sustain dry land perennial crop production.

According to the Department of Water and Sanitation, the site is located over a fractured aquifer. It is classified as a moderately-yielding aquifer system of variable water quality. The depth of the groundwater is 7.89 metres below ground level. The depth of the groundwater and type of aquifer is not expected to be influenced by the proposed development.

The potential impacts that may result from the proposed development will be mitigated by the implementation of the mitigation measures set out in the EMPr (Condition 8).

The development will result in both negative and positive impacts.

Negative Impacts:

- Impacts on groundwater quality may occur, but will be managed in terms of the EMPr approved in Condition 8 of this Environmental Authorisation.
- The development will result in construction related impacts such as dust, noise and visual intrusion during the construction activities.

Positive impacts:

- All areas outside the demarcated development footprint will be regarded as no-go areas during the land clearing activities, which includes the Ecological Support Area 2 buffer area.
- The development will assist in alleviating the current housing backlog.
- The development will utilise land available for residential developments to its full potential.
- Employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA 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 EMPr to be approved, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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