

EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0007/23
NEAS REFERENCE: WCP/EIA/0001268/2023
DATE OF ISSUE: 25 October 2023

NEW ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF CHAPTER 4 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS WELL AS THE APPLICATION FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (ISSUED ON 24 NOVEMBER 2008, DEA&DP REF NO. EG12/2/1-AG3-5516) IN TERMS OF PART 2 OF CHAPTER 5 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED DEVELOPMENT OF A RESIDENTIAL ESTATE ON PORTION 53 OF THE FARM KRAAIBOSCH 195, GEORGE

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

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—

- (a) **grants the amendment** to the Environmental Authorisation (issued on 24 November 2008, DEA&DP REF NO. EG12/2/1-AG3-5516) by way of a replacing the exiting valid environmental authorisation with this New Environmental Authorisation;
- (b) **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 Integrated Final Basic Assessment Report ("FBAR") and Final Impact Report dated 18 July 2023 as prepared and submitted by *HillLand Environmental*, the appointed environmental assessment practitioner ("EAP"); and
- (c) issues a single environmental authorisation in the name of the Applicant covering all aspects for which authorisation is granted.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

THE MANAGING DIRECTOR
SPRINGFIELD ESTATES (PTY) LTD.
% Mr José Rodrigues
3rd Floor, Dynarc House
31 Courtenay Street
GEORGE
6530

Mobile: 083 326 3548

E-mail: jose@vantageprop.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014, as amended.	
<p>Activity Number: 27 Activity Description:</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> <i>(aa) the undertaking of a linear activity; or</i> <i>(bb) maintenance purposes undertaken in accordance with a maintenance management plan.</i></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><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> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <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 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: 4 Activity Description:</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i> <i>ii. Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation;</i> <i>(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</i></p> <p><i>iii. Inside urban areas:</i> <i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The development of roads wider than 4 metres within areas containing indigenous vegetation and areas zoned as open space.</p>
<p>Activity Number: 12 Activity Description:</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>The clearance of more than 300m² of Endangered Garden Route Granite Fynbos and land that is zoned as open space for the residential development and associated infrastructure.</p>

<p>i. Western Cape</p> <ul style="list-style-type: none"> 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; ii. Within critical biodiversity areas identified in bioregional plans; 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 or even in urban areas; 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 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. 	
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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:

- 299 units consisting of various housing types (19 units per hectare);
- Internal roads;
- Clubhouse;
- Gatehouse;
- Refuse area;
- Internal open space areas to be used for recreational activities/infrastructure.

The development must be implemented in accordance with the layout developed by dhk architects (Pty) Ltd. (dated 07/11/2022) Drawing number 01-40-01 Rev H (Annexure 2).

C. SITE DESCRIPTION AND LOCATION

The proposed development will take place on Portion 53 of the Farm Kraaibosch 195 which is situated north of the Garden Route Mall and adjacent to the Kraaibosch Park residential development on Glenwood Avenue, George.

Coordinates of the site:

Position:	Latitude (South)	Longitude (East)
Middle Point	33° 58' 39.22"	22° 30' 17.66"

SG digit code of Portion 53 of the Farm Kraaibosch 195: C0270000000019500053

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
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GEORGE
6530

Tel: 044 889 0229

E-mail: admin@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 November 2033** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities, including the installation of bulk services and the construction of the top structures, 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 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 Integrated Final Basic Assessment Report (“FBAR”) and Final Impact Report dated 19 July 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:

- 299 units consisting of various housing types (19 units per Ha);
- Internal roads;
- Clubhouse;
- Gatehouse;
- Refuse area;
- Internal open space areas to be used for recreational activities/infrastructure.

The development must be implemented in accordance with the layout developed by dhk architects (Pty) Ltd. (dated 07/11/2022) Drawing number 01-40-01 Rev H (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 is herewith approved and must be implemented and adhered to.
- 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. 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. A development setback boundary of 30 metres along the edge of the Modderkloof / Modderrugrivier and surrounding the edge of dams / wetlands must be maintained free of any construction activities.
21. The Stormwater Management Plan developed by SMEC, dated 17 May 2023, must be implemented on the site.
22. The area immediately south of the development abutting the Modderrug River must be managed as an open space area and must not be developed. Further to this—
 - 22.1. No new buildings, structures or bulk engineering services infrastructure may be constructed / installed in this open space area within 32 metres from the edge Modderrug River, unless the necessary authorisation has been obtained.
 - 22.2. A public walkway system must be established at least 32-metres away from the watercourse, in the open space system. The walkways must be able to accommodate wheelchairs, pedestrians and cyclists and be at least 2.0m in width.
 - 22.3. No fencing may cross the river and the fencing must be restricted to the residential area.
 - 22.4. The Holder must ensure that all alien invasive plant species will be removed from the open space area within the specified validity period.
 - 22.5. A "Conservation Management Plan" (CMP) must be developed and implemented for the management of the Modderrug River open space during the validity period of this Environmental Authorisation.

Such CMP must address and / or incorporate the following—

- (a) No planting except for rehabilitation in terms of an approved management plan.
- (b) The corridor must remain linked to form a green belt with adjacent properties with open space areas.
- (c) No collection or damaging of fauna and flora.
- (d) Financial provisions for the management and upkeep of the conservation area.

Note: The CMP should be incorporated in the constitution of estate's Homeowners Association (HOA).

23. 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.
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

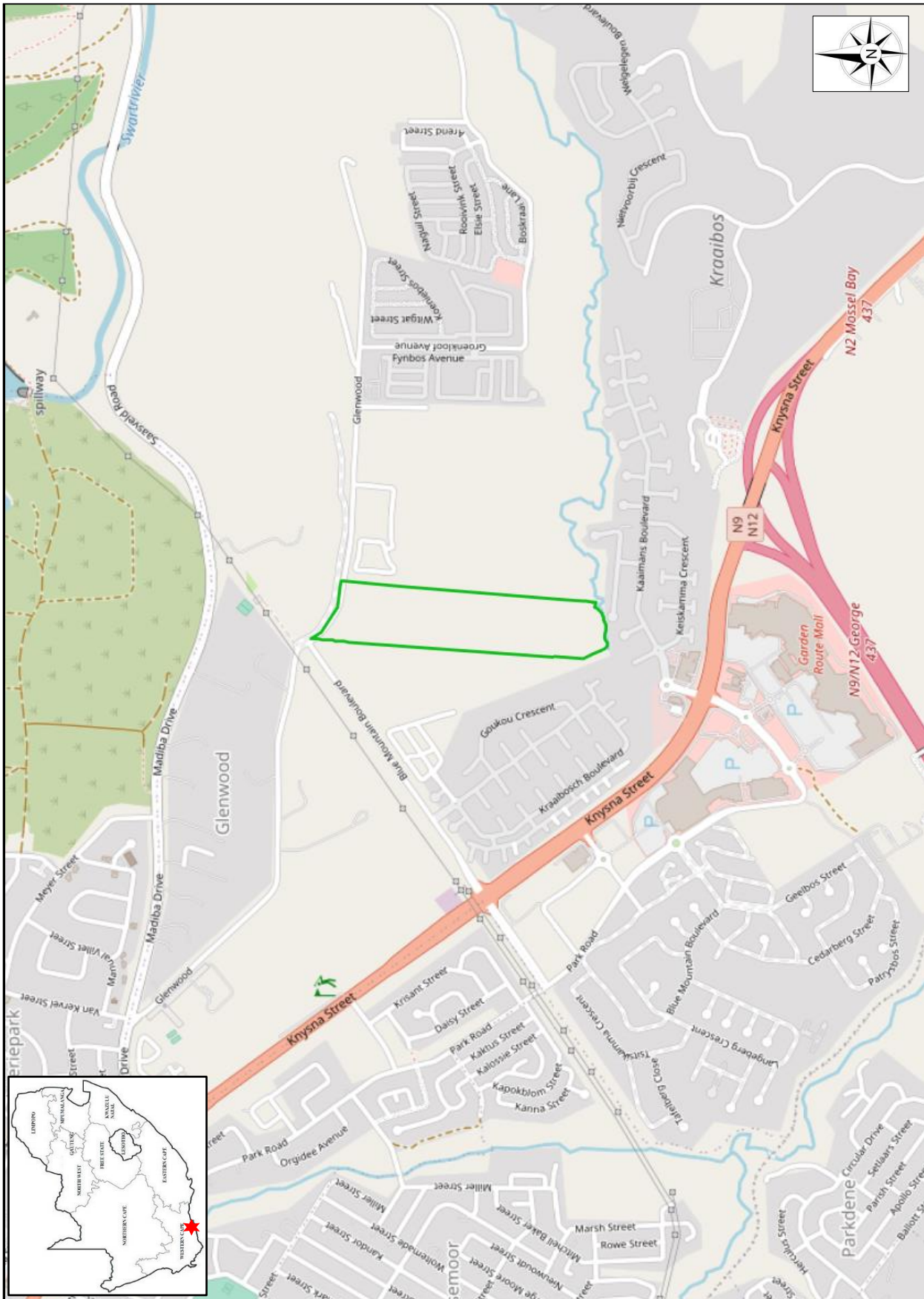
DIRECTOR: DEVELOPMENT MANAGEMENT

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 25 OCTOBER 2023

FOR OFFICIAL USE ONLY:	
FIRST EA REFERENCE NUMBER:	EG12/2/1-AG3-5516
DATE OF ISSUE:	24 November 2008
EA ADDENDUM #1 REFERENCE NUMBER:	16/3/3/5/D2/19/0004/22
NEAS REFERENCE NUMBER:	WCP/EIA/AMEND/0000641/2022
DATE OF ISSUE:	18 August 2022
EIA ADDENDUM #2 REFERENCE NUMBER:	16/3/3/5/D2/19/0003/23
NEAS REFERENCE:	WCP/EIA/AMEND/0000725/2023
Date of ISSUE:	NEW ENVIRONMENTAL AUTHORISATION (This Authorisation)
NEW EA REFERENCE NUMBER:	16/3/3/1/D2/19/0007/23
NEAS REFERENCE:	WCP/EIA/0001268/2023
CASE OFFICER:	Ms Jessica Christie Jessica.Christie@westerncape.gov.za
DATE IF ISSUE:	THIS AUTHORISATION

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

SCHEDULE OF RIGHTS	
TOWN PLANNING SCHEME	GEORGE
TOWNSHIP	KRAAIBOSCH
ERF / PROVISIONS	POTION 53 OF THE FARM KRAAIBOSCH 195
USE	GROUP HOUSING

1. SITE AREA		ha	(m ²)
TOTAL SITE		15,76	157600
SITE A (DEVELOPABLE AREA)		8,83	
SITE B (DEVELOPABLE AREA)		4,44	

2. DENSITY		total units
SITE A		212
SITE B		87
TOTALS		299

3. UNIT BREAKDOWN			
		area (m ²)	qty
SITE A			
TYPE 1	3 Bedroom Dwelling	191	44
TYPE 2	4 Bedroom Dwelling	220	1
TYPE 3	3 Bedroom Dwelling	178	27
TYPE 4	2 Bedroom Dwelling	153	12
TYPE 4S	2 Bedroom Dwelling	134	11
TYPE 5	3 Bedroom Dwelling	138	91
TYPE 6	3 Bedroom Dwelling	191	26
TOTALS			212

3. UNIT BREAKDOWN (CONT.)			
		area (m ²)	qty
SITE B			
TYPE 1	3 Bedroom Dwelling	191	8
TYPE 2	4 Bedroom Dwelling	220	1
TYPE 3	3 Bedroom Dwelling	177	14
TYPE 4	2 Bedroom Dwelling	153	4
TYPE 4S	2 Bedroom Dwelling	134	2
TYPE 5	3 Bedroom Dwelling	138	28
TYPE 6	3 Bedroom Dwelling	191	30
TOTALS			87

OTHER			
		area (m ²)	qty
CLUBHOUSE			1
GATEHOUSE			1
REFUSE AREA			1

4. HEIGHT ZONE	
8.5m height restriction to top of ridge	
6.5m max. wallplate height	

5. BUILDING LINE	
All new residential buildings to be subject to 5m building line from all external street boundaries & 3m from all common boundaries	

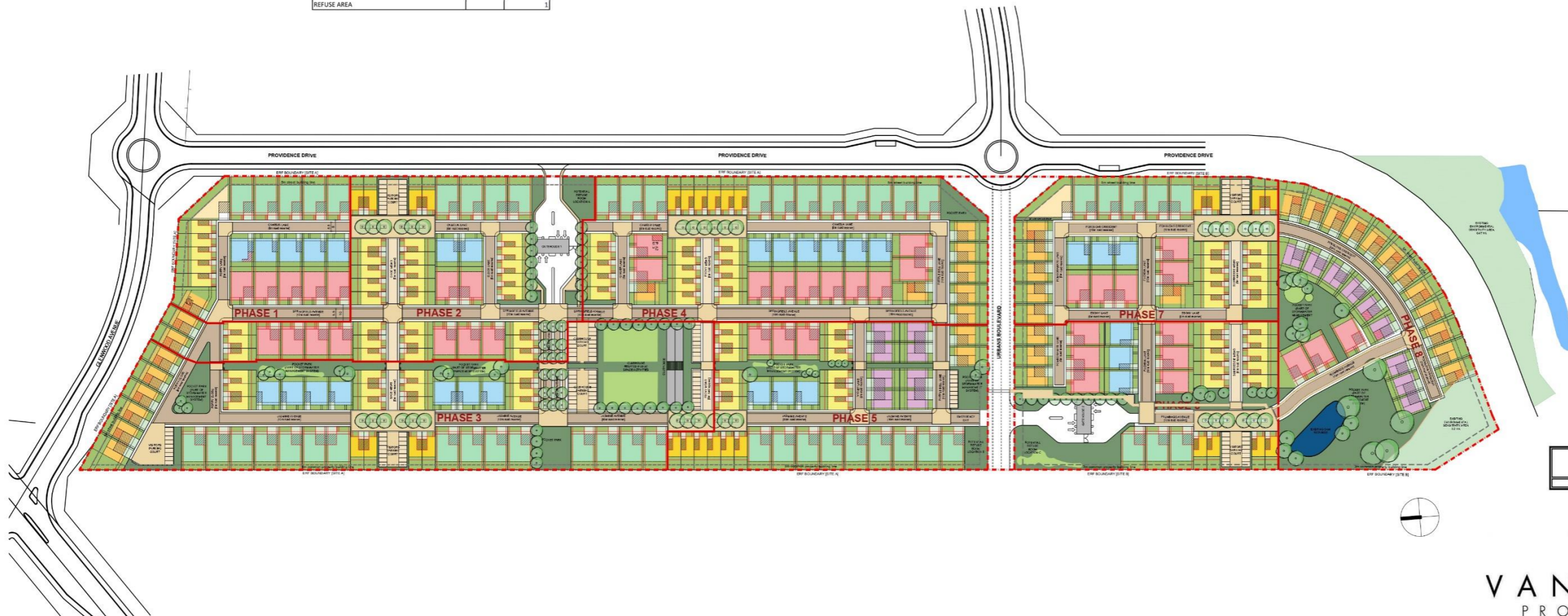
6. OPEN SPACE	
6.1 PROVIDED OPEN SPACE	
Communal Central Open Space (clubhouse)	3 071
Communal Other Open Space (excluding unit gardens)	10 846
Environmental sensitivity area	6 700
Total Provided	20 617

notes

- the design on this drawing is copyright and remains the property of dhk
- all work is to be carried out in accordance with the I.S. SANS 10400 and applicable authority regulations
- all dimensions and levels are to be confirmed on site prior to construction
- any discrepancies are to be reported to dhk immediately
- dhk accepts no responsibility for errors resulting from misinterpretation of this drawing

issued

rev	date	description	name
B	2022/11/10	phasing added, phase 1A identified	TB
C	2022/11/14	Phase 1A boundary removed, schedule updated	TB
D	2023/03/14	Phasing adjusted, schedule amended to include new typologies, street names added	TB
E	2023/05/07	Schedule added	IK
F	2023/05/07	Internal development streetlines added, and external new road names added	TB
G	2023/05/30	Plot 608 on side of Liffens Boulevard have been moved West by 2m to accommodate a new 2m services servitude across the western edge of plot 221	TB
H	2023/07/14	Development schedules adjusted	TB



BLISSFOR
SUBMISSION
2023/07/14



dhk architects (Pty) Ltd
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project
SPRINGFIELD ESTATE

client
Springfield Estates (Pty) Ltd

drawing
**Masterplan
Typologies**

project number
22039

drawing number
01-40-01

revision
H

date
2022/11/07

scale
1:1250 at A1

PHASE 1			
		area per floor (m ²)	qty
SITE A			
TYPE 1	3 Bedroom Dwelling	191	5
TYPE 2	4 Bedroom Dwelling	220	1
TYPE 3	3 Bedroom Dwelling	178	5
TYPE 4	2 Bedroom Dwelling	153	2
TYPE 4S	2 Bedroom Dwelling	134	3
TYPE 5	3 Bedroom Dwelling	138	5
TYPE 6	3 Bedroom Dwelling	191	1
TOTALS			22

PHASE 3			
		area per floor (m ²)	qty
SITE A			
TYPE 1	3 Bedroom Dwelling	191	15
TYPE 2	4 Bedroom Dwelling	220	0
TYPE 3	3 Bedroom Dwelling	178	0
TYPE 4	2 Bedroom Dwelling	153	4
TYPE 4S	2 Bedroom Dwelling	134	3
TYPE 5	3 Bedroom Dwelling	138	16
TYPE 6	3 Bedroom Dwelling	191	6
TOTALS			44

PHASE 5			
		area per floor (m ²)	qty
SITE A			
TYPE 1	3 Bedroom Dwelling	191	9
TYPE 2	4 Bedroom Dwelling	220	0
TYPE 3	3 Bedroom Dwelling	178	3
TYPE 4	2 Bedroom Dwelling	153	2
TYPE 4S	2 Bedroom Dwelling	134	1
TYPE 5	3 Bedroom Dwelling	138	18
TYPE 6	3 Bedroom Dwelling	191	10
TOTALS			43

PHASE 7			
		area per floor (m ²)	qty
SITE B			
TYPE 1	3 Bedroom Dwelling	191	5
TYPE 2	4 Bedroom Dwelling	220	1
TYPE 3	3 Bedroom Dwelling	178	5
TYPE 4	2 Bedroom Dwelling	153	2
TYPE 4S	2 Bedroom Dwelling	134	1
TYPE 5	3 Bedroom Dwelling	138	14
TYPE 6	3 Bedroom Dwelling	191	6
TOTALS			34

PHASE 2			
		area per floor (m ²)	qty
SITE A			
TYPE 1	3 Bedroom Dwelling	191	4
TYPE 2	4 Bedroom Dwelling	220	0
TYPE 3	3 Bedroom Dwelling	178	9
TYPE 4	2 Bedroom Dwelling	153	2
TYPE 4S	2 Bedroom Dwelling	134	0
TYPE 5	3 Bedroom Dwelling	138	31
TYPE 6	3 Bedroom Dwelling	191	2
TOTALS			48

PHASE 4			
		area per floor (m ²)	qty
SITE A			
TYPE 1	3 Bedroom Dwelling	191	11
TYPE 2	4 Bedroom Dwelling	220	0
TYPE 3	3 Bedroom Dwelling	178	10
TYPE 4	2 Bedroom Dwelling	153	2
TYPE 4S	2 Bedroom Dwelling	134	4
TYPE 5	3 Bedroom Dwelling	138	21
TYPE 6	3 Bedroom Dwelling	191	7
TOTALS			55

PHASE 6			
		area per floor (m ²)	qty
SITE B			
TYPE 1	3 Bedroom Dwelling	191	3
TYPE 2	4 Bedroom Dwelling	220	0
TYPE 3	3 Bedroom Dwelling	178	6
TYPE 4	2 Bedroom Dwelling	153	2
TYPE 4S	2 Bedroom Dwelling	134	1
TYPE 5	3 Bedroom Dwelling	138	14
TYPE 6	3 Bedroom Dwelling	191	3
TOTALS			29

PHASE 7 (CONT.)			
		area per floor (m ²)	qty
SITE B			
TYPE 1	3 Bedroom Dwelling	191	0
TYPE 2	4 Bedroom Dwelling	220	0
TYPE 3	3 Bedroom Dwelling	178	3
TYPE 4	2 Bedroom Dwelling	153	0
TYPE 4S	2 Bedroom Dwelling	134	0
TYPE 5	3 Bedroom Dwelling	138	0
TYPE 6	3 Bedroom Dwelling	191	21
TOTALS			24

DEVELOPMENT TOTALS		qty
SITE A		212
SITE B		87
TOTALS		299

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 for Environmental Authorisation and the Application Form for the Amendment of an Environmental Authorisation received on 20 April 2023, the Integrated Final Basic Assessment Report ("FBAR") and Final Impact Report dated 18 July 2023 and submitted on 19 July 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 Integrated Final Basic Assessment Report ("FBAR") and Final Impact Report dated 18 July 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. Legislative Requirements

The current holder of the Environmental Authorisation ("EA") (DEA&DP Ref. EG12/2/1-AG3-5516) intends to increase the density of units on the property which was authorised in the EA issued on 24 November 2008. The reason for the densification was due to the demand for increased affordable housing and the densities per hectare which was increased by the George Municipality. Based on this, an application for the amendment of the EA was submitted to this Department in terms of Regulation 31(a). A further amendment to the layout of the development was to remove one Open Space erf and transform it into a residential area. The latter change constituted a listed activity on its own and required a new application subject to a Basic Assessment process that had to be followed as Activity 12 and 15 of Listing Notice 3 (GN. R.985 of 4 December 2014 as amended) was triggered by the change to the layout.

Regulation 25(4) of the Environmental Impact Assessment Regulations, 2014 allows the Competent Authority to replace an existing valid EA with an EA contemplated in this regulation, indicating the extent of replacement in the EA. Furthermore, in accordance with Regulation 27(2)(b) the Competent Authority, when deciding to amend an EA, the competent authority may replace an existing valid EA with an EA contemplated in said regulation, indicating the extent of replacement in the EA, if the existing EA is directly related to the amendment required. Regulation 25(2) allows the Competent Authority to issue a single environmental authorisation in the name of the same applicant covering all aspects for which authorisation is granted.

As a result of the application to amend the EA to increase the density and the basic assessment process followed to change the open space area to housing, the Competent Authority has deemed it appropriate to amend the EA (issued on 24 November 2008, DEA&DP REF NO. EG12/2/1-AG3-5516), to replace the EA (as amended) and to issue a single New Environmental Authorisation.

2. Public Participation

A sufficient public participation process was undertaken for the respective applications, 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 19 May 2023;
- 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 22 May 2023 to comment on the Draft Basic Assessment Report and the Draft Impact Report;
- the placing of a newspaper advertisement in the "George Herald" on 18 May 2023.

The following Organs of State provided comment on the proposal:

- WCG: Department of Agriculture
- WCG: Department of Health
- WCH: Department of Infrastructure
- Breede Olifants Catchment Management Agency ("BOCMA")
- CapeNature
- Heritage Western Cape; and

General Public / Interested & Affected Parties (I&APs) included:

- P. Earle
- Jan Vrolijk
- Pierre Durant

Key issues identified by I&APs and stakeholders:

- Water Use Licence ("WUL")
BOCMA raised that a WUL may be applicable to the development. The EAP responded that the Freshwater Specialist did a risk assessment and determined that the risk was low and that a General Authorisation was applicable. This process was initiated and is underway.

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.

3. Alternatives

Only a single layout alternative and the no-go alternative was considered. The motivation for not considering any other alternatives, including investigating alternative locations for the activity, was found to be acceptable.

Layout Alternative:

Preferred Layout Alternative (Herewith Approved):

The first phase of the development that has been commenced with in terms of the original environmental authorisation included a change to the residential density from ± 11 du/ha to ± 18.74 du/ha, which has been considered and authorised.

The portion of proposed Private Open Space in the north-western corner of the property on the currently approved SDP, is changed to include housing, internal roads and open space.

The Holder is herein authorised to undertake the activities listed under Section B above as it relates to the approved layout alternative, which require 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:

- 299 units consisting of various housing types (19 units per Ha);
- Internal roads;
- Clubhouse;
- Gatehouse;
- Refuse area;
- Internal open space areas to be used for recreational activities/infrastructure.

The development must be implemented in accordance with the layout developed by DHK architects (Pty) Ltd. (dated 07/11/2022) Drawing number 01-40-01 Rev H (Annexure 2).

Since the development has a valid environmental authorisation and has lawfully been commenced with, the availability and capacity for bulk services required has been confirmed by the George Municipality.

"No-Go" Alternative

The no-go alternative is to have implement the current approved SDP, and the open space area within the development footprint remaining as is.

4. Consideration of the amendment to the original Environmental Authorisation

The application form did not identify any specific conditions of approval, as contained in the original EA (issued on 24 November 2008, DEA&DP REF NO. EG12/2/1-AG3-5516), to be removed or changed; however, the Environmental Impact Report submitted in support of the application to amend the original EA, identified several of the existing conditions of

approval (i.e., conditions 3; 5; 6; 7; 9.1; 9.2; 9.3; 10; 11; 12; 15; 17; 19; 22; 23; 26; and 27) to still be appropriate and it was motivated that they need not be changed. However, to bring the content of the new EA in line with the Environmental Impact Assessment Regulations 2014 certain changes have been made to the conditions. In addition, certain of the conditions from the original EA (i.e., conditions 20; 24; 25; and 28) have been included under "General Matters" in the new EA as they are deemed to serve as general advice.

Other conditions of the old EA (i.e., conditions 13.1; 13.2 and 13.3) dealing with planning and density policies; roads master plans etc. were taken into consideration in the development of the SDP and complied with as part of the planning process of which the mandate lies with the local municipality. As such these conditions need no longer be included in the EA. Condition 13.4 and 13.5 of the original EA were in part replaced and captured in Condition 22 of the new EA.

Certain conditions of the original EA (such as Condition 9) were not removed based on motivation by the EAP, which included that another EA addressed the aspects of the condition. The motivation was however not adequately substantiated and confirmation of the validity of the EA was outstanding. The aspects addressed in Conditions 9.1 and 9.2 of the original EA, have been included in the new EA in Condition 22. The Competent Authority does not agree to the removal of Condition 9.3 and it has been included in the new EA as condition 22.2. Similarly, Condition 15 of the original EA that has been captured in Condition 21 of the new EA.

A number of conditions in the original EA were removed in their entirety, namely Conditions, 4; 11; 12; 14; 18; and 21 as no material changes will occur that will affect the rights and responsibilities of the holder of the EA or the I&APs. As no operational aspects have been defined in the new EA, it is deemed appropriate to remove Condition 3. As the development will not encroach on the buffer identified in the original EA, Condition 5.1 was deemed not to be applicable. The new SDP clearly shows that the development is not within the regulated area from a wetland. Condition 5.2 was not deemed applicable anymore and thus removed. Condition 13.6 and 16 was removed as the architectural guidelines developed by the holder took the visual impacts into consideration when developing the architectural guidelines for the development and this adequately addresses the visual impacts.

5. Impact Assessment and Mitigation Measures

5.1 Activity Need and Desirability

The development has been lawfully commenced with, with an approved SDP. However, due to market demand for housing and the support and requirement of the George Municipality to increase the density of group housing, the objective to cater for the demand will be achieved.

5.2 Biophysical Impacts

The vegetation on the property is classified as Critically Endangered Garden Route Granite Fynbos and the transformation of the area that was supposed to be open space, which is more than 300m², would require clearing. According to the Terrestrial Biodiversity

Compliance Statement undertaken, the conclusion was that the entire area is highly transformed and that no Species of Conservation Concern (SCCs) were found on the site nor does the habitat on the site support the species. Thus, the loss of the indigenous vegetation in this area is acceptable.

The remaining buffer along the Modderrug River will still be rehabilitated and used as open space and managed as a conservation area. No development of structures or infrastructures are authorised in this area.

5.3 Aquatic Biodiversity

The specialist conducted a desktop review and site verification and concluded that the development will not occur within any watercourses or their associated buffers and the sensitivity is low. The development would also not fall within the regulated area of the Modderrug River. No Section 21 (c) and (i) authorisation in terms of the National Water Act, 1998 would be required with respect to the Modderrug River.

5.4 Other Impacts

No other impacts of significance are anticipated other than the abovementioned.

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 EMPr.

6. 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 ten (10) 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.

7. 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.

8. 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 Integrated Final Basic Assessment Report ("FBAR") and Final Impact Report dated 18 July 2023 and sufficient assessment of the key identified issued and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

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

"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment".

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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