

**EIA REFERENCE NUMBER:** 16/3/3/6/1/D6/29/0019/22  
**NEAS REFERENCE:** WCP/EIA/0001127/2022  
**DATE OF ISSUE:** 23 March 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: THE PROPOSED WIDENING AND REALIGNMENT OF THE EXISTING APPROVED ROAD ON PORTION 10 OF THE FARM 219 AND ERF 6482 AND RE/6481, HARTENBOS**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 5 December 2022 as prepared and submitted by *HillLand Environmental*, the appointed environmental assessment practitioner ("EAP").

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

### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director  
K2011133641 SA(PTY) LTD  
% Mr. C. Odendaal  
50 Bland Street  
**MOSSEL BAY**  
6500

Mobile: 082 925 4128  
E-mail: [codendaal@vodamail.co.za](mailto:codendaal@vodamail.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
<b>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014, as amended.</b>	
<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><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. <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;</i></li> <li>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></li> <li>iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></li> <li>iv. <i>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</i></li> <li>v. <i>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.</i></li> </ul>	<p>The clearance of more than 300m<sup>2</sup> of Endangered Groot Brak Dune Strandveld vegetation for the widening and realignment of the access road to Hartland residential development.</p>

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

The Holder is herein authorised to undertake the following activity that includes the listed activity as it relates to the clearance of *Endangered Groot Brak Dune Strandveld* for the construction of the new secondary access road on Portion 10 of the Farm 219 and Erf 6482 and RE/6481 to Hartland Residential Estate.

The specific details of the road comprises the following:

- Road reserve of 25 metres.
- New road of 7.4 metres.
- Associated stormwater infrastructure.

The development must be done in accordance with the layout developed by Element Consulting Engineers (30 November 2022) Drawing number 13061/C/G001 (Annexure 2).

## C. SITE DESCRIPTION AND LOCATION

The proposed road will be on Erf 6482 and RE/6481 on the New Vintage Development and on a Portion of Portion 10 of the Farm 219 which is on Hartenbos Landgoed I in Hartenbos. Access to the section and new alignment will be gained from the existing SANRAL circle intersection at the N2 off-ramp and DR 6804 intersection at the New Vintage development.

Coordinates of the site:

Position:	Latitude (South)	Longitude (East)
Starting Point	34° 6' 33.84"	22° 6' 44.10"
Middle Point	34° 6' 31.37"	22° 6' 49.55"
End Point	34° 6' 26.33"	22° 6' 47.81"

SG digit codes:

Erf 6482: C05100040000648200000

RE/6481: C05100040000648100000

Portion 10 of the Farm 219: C05100000000021900010

Refer to Annexure 1: Locality Plan of this Environmental Authorisation and Annexure 2: Site Development Plan.

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

HILLAND ENVIRONMENTAL  
% Mr Stefan Delpont  
P.O. Box 590  
GEORGE  
6530

Tel: 044 889 0229

E-mail: [environmental@hilland.co.za](mailto:environmental@hilland.co.za)

Website: [www.hilland.co.za](http://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 **31 April 2028** (validity period), during which period the Holder must ensure that the—
  - (a) physical implementation of all the authorised listed activities is started with and concluded at the site (each respective 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 for the site; 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 non-operation (construction) phase of the Environmental Authorisation is subject to the following:
- 2.1 The Holder must finalise the post construction rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (construction phase) is concluded.
3. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 5 December 2022 on the site as described in Section C above.

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

The Holder is herein authorised to undertake the following activity that includes the listed activity as it relates to the clearance of *Endangered Groot Brak Dune Strandveld* for the construction of the new secondary access road on Portion 10 of the Farm 219 and Erf 6482 And RE/6481 to Hartland Residential Estate.

The specific detail of the road comprises the following:

- Road reserve of 25 metres;
- New road of 7.4 metres; and
- Associated stormwater infrastructure.

The development must be implemented in accordance with the layout developed by Element Consulting Engineers (dated 30 November 2022, Drawing number 13061/C/G001) attached hereto as 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).
8. 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.
9. 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**

10. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
  - 10.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 10.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions no.: 7, 12 and 14.**
11. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

## **Management of activity**

12. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and resubmitted to the Department for approval.
  - 12.1. The following must be incorporated:
  - 12.2. All ECO monthly compliance monitoring reports must be submitted to this Directorate on a monthly basis.
  - 12.3. Update the auditing schedule as detailed in this Environmental Authorisation
  - 12.4. Incorporate all the conditions given in this Environmental Authorisation;
  - 12.5. Include the final design for the road and associated stormwater infrastructure:
13. The EMPr must be included in all contract documentation for all phases of implementation.

## **Monitoring**

14. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
15. The ECO must–
  - 15.1. be appointed prior to commencement of any works (i.e., clearance of vegetation);
  - 15.2. ensure compliance with the EMPr and the conditions contained herein;
  - 15.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
  - 15.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
  - 15.5. 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.
16. 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.
17. 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**

18. 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.

19. 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:
  - 19.1. Auditing during the non-operational phase (construction activities):
    - 19.1.1. 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.
    - 19.1.2. 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.
20. The Environmental Audit Report(s), must–
  - 20.1. 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;
  - 20.2. provide verifiable findings, in a structured and systematic manner, on–
    - 20.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
    - 20.2.2. 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.
  - 20.3. identify and assess any new impacts and risks as a result of undertaking the activity;
  - 20.4. evaluate the effectiveness of the EMPr;
  - 20.5. identify shortcomings in the EMPr;
  - 20.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 20.7. 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;
  - 20.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
  - 20.9. include a photographic record of the site(s) applicable to the audit; and
  - 20.10. be informed by the ECO reports.
21. 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**

22. The clearance of vegetation must be restricted to the road reserve of 25 metres. No clearance of indigenous vegetation beyond the road reserve is permitted, without environmental authorisation.
23. The new access route to the Hartland Residential Estate, as approved in this Environmental Authorisation and located on Portion 10 of the Farm 219 and Erf 6482 and Re/6481, replaces the access route traversing the portion of *Hartenbos Landgoed I* residential estate, as described in the Environmental Authorisation issued on 14 August 2005 (DEA&DP Ref. EG12/2/1-AM18 FARM VAALE VALLEY 219/10 5382) and defined by praedial servitude (ID 8888/2006001). The latter access route may no longer be utilised for the development of an access road to the Hartland Residential Estate, unless prior environmental authorisation is obtained.
24. The Holder must ensure that, prior to the listed activities approved in this Environmental Authorisation being concluded, a praedial servitude is registered over the properties (the site) for the new access road leading to the Hartland Residential Estate; and that the praedial servitude (ID 8888/2006001) approved in the Environmental Authorisation (DEA&DP Ref. EG12/2/1-AM18 FARM VAALE VALLEY 219/10 5382, issued on 14 August 2005) for the secondary access road over the portion of *Hartenbos Landgoed I* residential estate, is deregistered.
25. Should any heritage remains be exposed during excavations or any other actions on the site(s), these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

### **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

### **Amendment of Environmental Authorisation and EMPr**

2. If the Holder does not start with the listed activity and conclude the activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.



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

**Note:**

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

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

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

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

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

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

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

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

**Compliance with Environmental Authorisation and EMPr**

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

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example the following milestones should not be missed:

- Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
- Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
- Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.

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

8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (**i.e. 7, 12 and 14**). 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](mailto:Zaahir.Toefy@westerncape.gov.za) and copied to:  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)  
[Gavin.Benjamin@westerncape.gov.za](mailto: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](mailto:Zaahir.Toefy@westerncape.gov.za) and copied to:  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)  
[Gavin.Benjamin@westerncape.gov.za](mailto: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  
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 the Appeal Administrator 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

---

**DIRECTOR: DEVELOPMENT MANAGEMENT**

**WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 23 MARCH 2023

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:** 16/3/3/6/1/D6/29/0019/22

**NEAS REFERENCE:** WCP/EIA/0001127/2022

**CASE OFFICER:** Ms Jessica Christie | [Jessica.Christie@westerncape.gov.za](mailto:Jessica.Christie@westerncape.gov.za)

# ANNEXURE 1: LOCALITY MAP



**ANNEXURE 2: SITE DEVELOPMENT PLAN**



Rev	Date	Description	Rev by
10	30NOV22	ADJUST LD ROAD RESERVE	MP
9	19NOV22	APPROVED SDP ADDED	MP
8	19SEP22	1 OK LIA SUBMISSION	HLG

**ELEMENT**  
Consulting Engineers  
A FIFTH DIMENSION TO ENGINEERING

02 Victoria Street,  
George, 6530  
P.O. Box 9902,  
George, 6530  
Tel: +27 41 691 1138  
Fax: +27 41 691 1100  
E-Mail: info@element.co.za

Client/Employer

**HARTLAND**  
Lifestyle Estate

Project

**HARTLAND LIFESTYLE ESTATE : WESTERN ACCESS ROAD**

Plan Description

**GENERAL LAYOUT PLAN  
OPTION 3 ROAD RESERVE**

Name	Signature
Designed	HLG
Drawn	MP
Checked	HL
Approved	HL
Pr. No.	

Scale	1:1000	ORIGINAL SIZE A1
Contract No.	13061	
Drawing No.	13061/C/G001	Revision
		G

COPYRIGHT IS VESTED IN ELEMENT CONSULTING ENGINEERS (PTY) LTD IN TERMS OF THE COPYRIGHT ACT (NO. 98 OF 1978)

## **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form received on 15 July 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 5 December 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 5 December 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site inspection was conducted by officials from the Directorate on the 02 August 2022 and attended by Ms Jessica Christie and Mr Francois Naudé.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

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

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 29 July 2022;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 19 August 2022 to comment on the Draft Basic Assessment Report;
- the placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 29 July 2022; and
- making the revised Basic Assessment Report available to I&APs for public review from 2 November 2022.

The following Organs of State provided comment on the proposal during the Public Participation Process:

- *WCG: Department of Agriculture*
- *Department of Forestry, Fisheries and Environment – Forestry Section*
- *Mossel Bay Municipality*
- *Breede Gouritz Catchment Management Agency*

- *Heritage Western Cape; and*
- *Several Interested and Affected Parties ("I&APs) who registered, provided comments on the reports.*

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. CapeNature did not provide comment during the public participation process; however, the organ of state was consulted in accordance with section 24O of NEMA.

## 2. Alternatives

### Development proposal (Herewith Approved):

The Holder is herein authorised to undertake the following proposed development that includes the listed activity as it relates to the clearance of *Endangered Groot Brak Dune Strandveld* for the construction of the new secondary access road on Portion 10 of the Farm 219 and Erf 6482 And RE/6481 to Hartland Residential Estate.

The specific detail of the road comprises the following:

- Road reserve of 25 metres.
- New road of 7.4 metres.
- Associated stormwater infrastructure.

The development must be done in accordance with the layout developed by Element Consulting Engineers (30 November 2022) Drawing number 13061/C/G001 (Annexure 2).

### Other Alternatives

An alternative that was considered (Option 2) but not supported due to the engineering design restrictions, would have minimal sensitive vegetation clearing (Diagonal on Hartenbos Landgoed) runs on Hartenbos Landgoed property along the cadastral boundary within the electrical servitude with the implication that the electrical power line may have to be relocated (requires additional clearing of vegetation and excavations).

Another alternative that was considered (Option 5) but not supported due to the economic and socio-economic impacts on the approved development of the upper and lower development zones of the New Vintage Development runs up the slope following the current temporary construction access road (but same alignment up the slope as the approved access up the slope) and cuts through the centre of the upper development area splitting it in two. This alternative was not supported in terms of the design requirements for a main arterial and will require an additional access to New Vintage Development (other than the approved and already constructed circle intersection).

### "No-Go" Alternative

The no-go option entails the construction of the approved secondary access road as per the original environmental authorisation of Hartland. The secondary access is through the centre of Hartenbos Landgoed between existing resort houses and up the slope through indigenous vegetation towards Hartland. This will be a negative traffic impact on the quiet



resort. That amount of traffic through a quiet resort will have safety implications for the residents. The existing approved secondary access runs along an existing small track but will require widening to a 7.4m wide road with sidewalks to construct the approved road. This will result in the clearance of more indigenous vegetation including protected species as well as a greater visual scar. This will also affect individual units which currently encroach the servitude area and as such, not considered feasible.

### 3. Impact Assessment and Mitigation Measures

#### 3.1 Activity Need and Desirability

The majority of the proposed road is located on land that has been historically transformed as a result of agricultural practices. A small section is located within natural vegetation. The property is located within the urban edge of the Mossel Bay Municipality's Spatial Development Framework (SDF) and is already zoned for development.

#### 3.2 Biophysical Impacts

From a geotechnical assessment of the site, it was found that the site is generally considered suitable for the proposed access road in terms of the geology, surface terrain and subsurface conditions, but there are some geotechnical constraints that required consideration in the engineering design, such as compressible sandy soils and steep slopes which have been assessed and relevant designs drawn to address the aspects.

Based on the results of the desktop review and the site survey, the sensitivity of aquatic biodiversity on Erf 6482 and RE/6481 can be regarded as Low. The main factors influencing the statement include the following:

- The mapped aquatic features at the site are associated with estuarine habitat which is mapped according to the contours (5 m.a.m.s.l.) and not the actual habitat present. Ground-truthing of the site by the aquatic specialist confirmed no estuarine habitat present in remnant vegetation at the site, and no hydropomorphic indicators in the soil;
- Even if the site did historically contain estuarine habitat elements (many decades ago), construction of the offramp from the N2 highway to Hartenbos represents a significant pre-existing impact affecting connectivity and hydrology at the site.
- Even where stormwater drainage from the N2 highway is flowing onto the site, there is no wetland vegetation due to the deep, well-drained soils present.

#### 3.3 Biodiversity Impacts

The most northern portion / footprint of route for the road is on historically transformed agricultural land. For the remainder of the footprint for the road, the affected vegetation and the species present, fits the description of Endangered: *Groot Brak Dune Strandveld*. It is also acknowledged that the absence of fire has resulted in the thicket element to become more established in sections. According to the Western Cape Biodiversity Spatial Plan 2017 the proposed road will transverse Critical Biodiversity Areas (CBA 1: Terrestrial, Aquatic, Estuary) and Ecological Support Areas (ESA 1: Aquatic). In the consultation process, CapeNature did raise a concern regarding the vegetation type, threat status and CBA management objectives; however, due consideration has been given to the receiving environment and existing development approvals along the section of the new road

traversing Portion 10 of Farm 219 and Erf RE/6481. Although the section contains an area mapped with sensitive vegetation, this portion of the road will be constructed between two existing electrical servitudes which are cleared/transformed from time to time. The section of the new road will also traverse Erf RE/6481 which has an environmental authorisation that has been commenced with and allows for the transformation of the majority of the property for the New Vintage Development.

The property does not have any freshwater features other than the Hartenbos Estuary which is mapped as a National Freshwater Ecosystem Priority Area (NFEPA) below the 5-metre topographical contour (*referenced from the indicative mean sea level*) that is moderately protected. The new road will not be developed adjacent to the mapped NFEPA. Even considering that a large portion of the CBA area will be impacted by the proposed road, it must be noted that the properties have been authorised for development in the past and the authorisations remain valid.

Thus, it is Competent Authority's opinion that the approved alternative provides the best practicable environmental option and the loss of the of CBA for the proposed road is minimised. This is further substantiated by the fact that the proposed footprint will be located through a small portion of a CBA, it has been assessed by specialists who confirmed that the shorter route will have less of an impact on the remaining natural vegetation than the construction of the approved secondary access servitude road through Hartenbos Landgoed I.

### 3.4 Socio-Economic

Hartenbos Landgoed I is already existing development (zoned as resort zone II) with the existing development restricted to the eastern section of the property. This is a quiet resort / residential area. The New Vintage Development (located on Erf RE/6481 to the west of Hartland Residential Estate) is a mixed-use development area including a filling station, commercial and residential opportunities. Hartland Residential Estate is a large residential area currently under construction with added amenities of retirement and commercial and a proposed school. Four phases of residential development are under construction in the Hartland Development. The newly constructed N2 traffic circle at the New Vintage entrance is approved as the major collector and link in the area.

The realigned road will link to the newly constructed traffic circle off the N2 at the New Vintage development and direct the traffic up a widened existing approved roads which runs through a commercial area. This will deflect the traffic away from the quiet residential resort and through the commercial area. This will bring added benefit to the commercial aspects.

### 3.5 Heritage / Archaeological Aspects

A part of the route for construction is already approved within New Vintage development, while the section through Hartenbos Landgoed has been previously disturbed (agricultural activities). It is unlikely that any heritage resources remain. Heritage Western Cape (HWC) have confirmed that no further action in terms of Section 38 of the NHRA is required. The

EMPr deals with heritage finds during construction, if any historical / cultural items are uncovered.

The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

### 3.6 Other Impacts

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

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

## 4. **Scope and Validity Period of authorisation**

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

## 5. **National Environmental Management Act Principles**

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

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

## 6. Conclusion

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

- (a) The identification and assessment of impacts are detailed in the FBAR dated 5 December 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

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

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

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

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