



REFERENCE: 16/3/3/1/E2/31/1057/22
NEAS REFERENCE: WCP/EIA/0001159/2022
DATE OF ISSUE: 13 April 2023

P.O Box 8378
EDEN GLEN
1613

Attention: Mr Brandon Topham

Cell.: 082 452 7640

Email: Brandon.Topham@turckbanner.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE DEVELOPMENT OF A MAIN AND SECONDARY DWELLING AND ASSOCIATED INFRASTRUCTURE ON PORTION 156 OF FARM NO. 559 HANGKLIP, PRINGLE BAY.

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

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Duncan Heard (Duncan Heard Environmental Consultant)
(2) Liezl De Villiers (Overstrand Municipality)
(3) Rhett Smart (CapeNature)
(4) Rafeeq Le Roux (BGCMA)

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Email: ldevilliers@overstrand.gov.za
Email: rsmart@capenature.co.za
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REFERENCE: 16/3/3/1/E2/31/1057/22
NEAS REFERENCE: WCP/EIA/0001131/2022
DATE OF ISSUE: 13 April 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 DEVELOPMENT OF A MAIN AND SECONDARY DWELLING AND ASSOCIATED INFRASTRUCTURE ON PORTION 156 OF FARM NO. 559 HANGKLIP, PRINGLE BAY.

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 Alternative 1 as described in the Basic Assessment Report ("BAR"), dated December 2022.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Mr Brandon Topham
P.O Box 8378
EDEN GLEN
1613

Cell.: 082 452 7640
Email: Brandon.Topham@turckbanner.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 12</p> <p><i>The development of—</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i> 	<p>The proposed development is located within 32m of the watercourses that are present on the site. The upgrades to the existing access road will also cross the watercourse and the route alignment will be within 32m of the in-stream dam.</p>
<p>Listing Notice 1 – Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit,</i></p>	<p>The proposed upgrades to the existing access road across the watercourse will result in the infilling or moving of more than 10 cubic metres of material within the watercourse. The in-stream dam also requires</p>

<p>pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>maintenance to close the partial breach of the dam wall.</p>
<p>Listing Notice 3 – Activity Number: 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the</p>	<p>The proposed development will require the clearance of more than 300m² of critically endangered indigenous vegetation.</p>

<i>prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i>	
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

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

The proposal entails the development of two dwellings and associated infrastructure on a 0.5ha area consisting of:

- A main dwelling and a secondary dwelling;
- A nursery area for intensive horticulture and aquaculture for own use;
- A garden area and an outdoor entertainment area;
- A reservoir, sewage conservancy tank, and a planted detention pond to collect and purify water-run-off;
- The widening of the existing access road to 4m wide and adding three access road lay-bys of approximately 45m² (each approximately 3mx5m) where vehicles can pass each other;
- Extension of the existing access road by approximately 160m to provide direct access to the proposed development; and
- Repairs to the breached wall of the in-stream dam.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is on Portion 156 of Farm No. 559, Hangklip, Pringle Bay, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	34° 20' 15.20" South	18° 51' 5.39" East

The SG digit code is: C0130000000055900156

Refer to Annexure A: Locality Map and Annexure B: Site Plan.

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Duncan Heard Environmental Consulting
 c/o Duncan H.W. Heard
 12 Sepia Avenue,
 Vermont,
ONRUSRIVIER
 7201

Tel: (028) 316 3386

Email: duncanheard@telkomsa.net

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

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

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee, or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 8 and 10

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

- 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section G below;
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any, of the holder,
 - 6.4.6 the 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.
7. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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.

Management of activity

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

Monitoring

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

13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority once a year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. An iterative 5-year Environmental Conservation Management Plan ("CMP") that addresses conservation management of the property, including an integrated fire and alien management, must be compiled within 6 months of the date of issue of this EA by a suitably qualified and experienced specialist. The CMP must be submitted to CapeNature and the Environmental Management Section of the Overstrand Municipality for their endorsement. Copies of the endorsements and CMP must be submitted to this Department for record purposes together with the first environmental audit in terms of Regulation 34 of the NEMA EIA Regulations, 2014, as required in terms of Condition 14.

F. GENERAL MATTERS

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

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

5. The manner and frequency for updating the EMPr are as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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, any Organ of State with interest in the matter, and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter, and the decision-maker i.e. the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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 address listed below:
By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 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 Appeal Authority 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

MR. ZAAHIR TOEFY

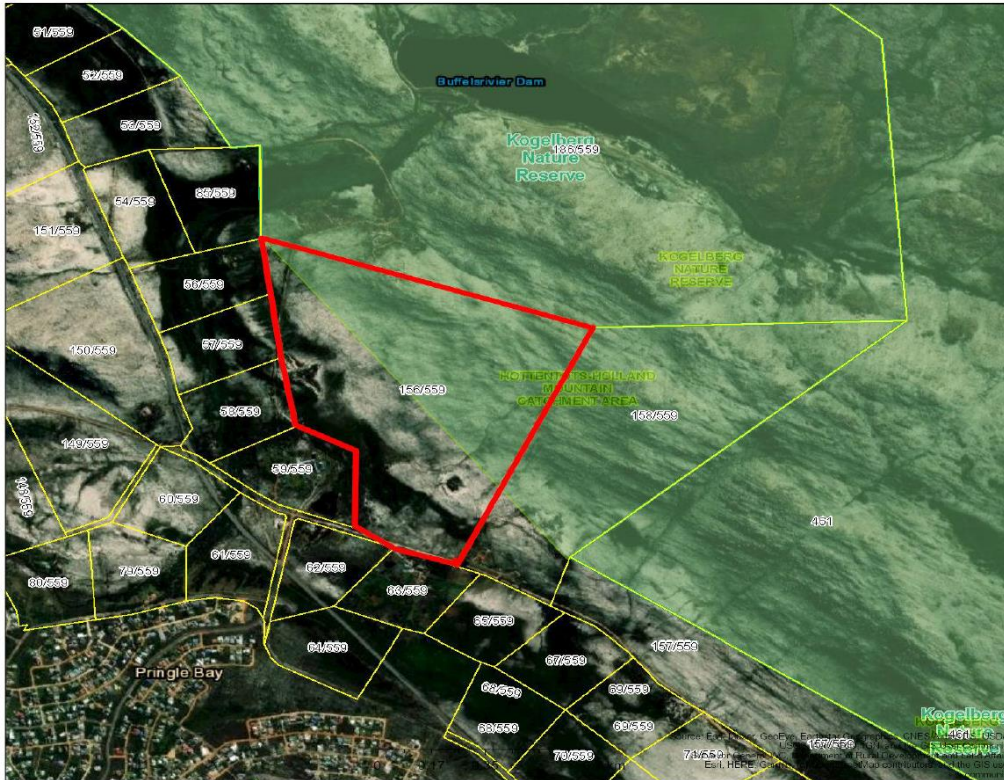
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 13 APRIL 2023

CC: (1) Duncan Heard (Duncan Heard Environmental Consultant)
(2) Liezl De Villiers (Overstrand Municipality)
(3) Rhett Smart (CapeNature)
(4) Rafeeq Le Roux (BGCMA)

Email: duncanheard@telkomsa.net
Email: ldevilliers@overstrand.gov.za
Email: rsmart@capenature.co.za
Email: rleroux@bgcma.co.za

ANNEXURE 1: LOCALITY MAP



Area Context Locality -156/559

- Legend**
- Farm Portions
 - BSP Protected Areas
 - CapeNature Reserves

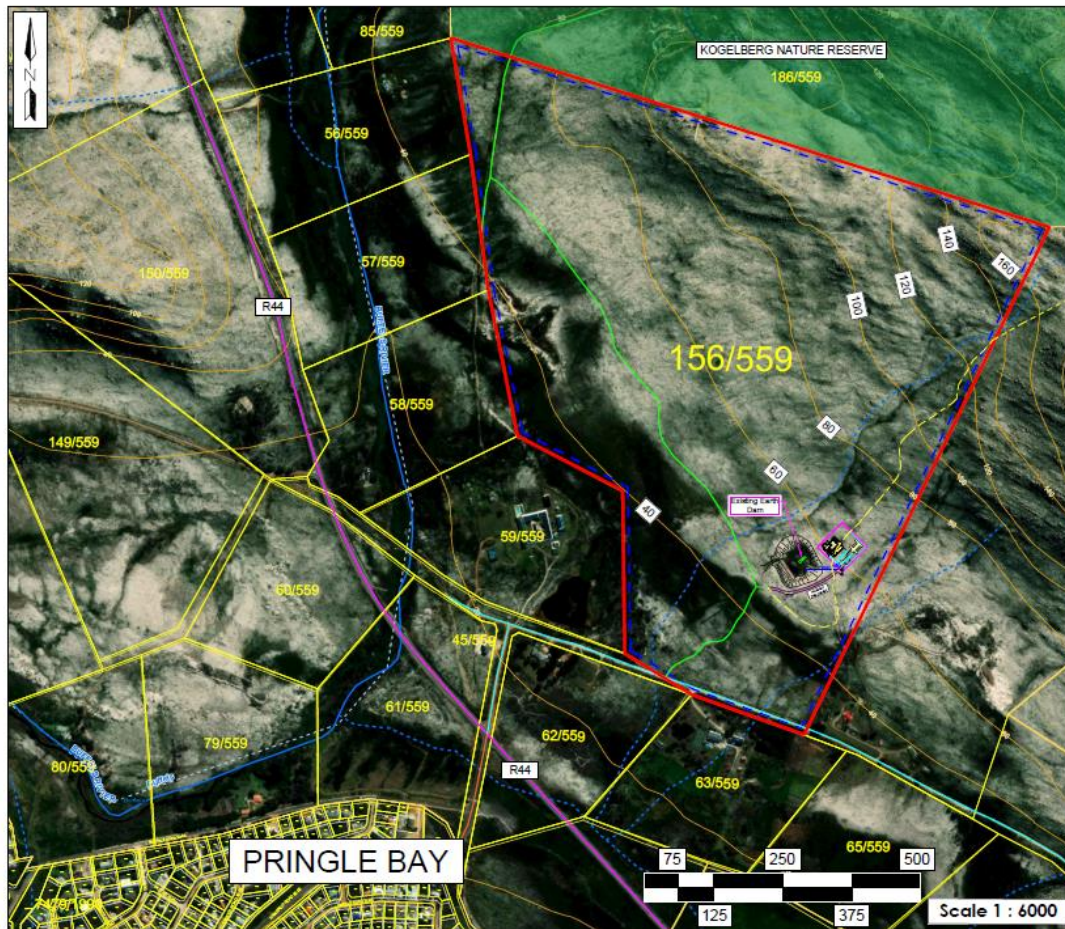
Map Center: Lon: 18°51'9.4"E
Lat: 34°20'4.6"S

Scale: 1:18 056

Date created: March 22, 2022

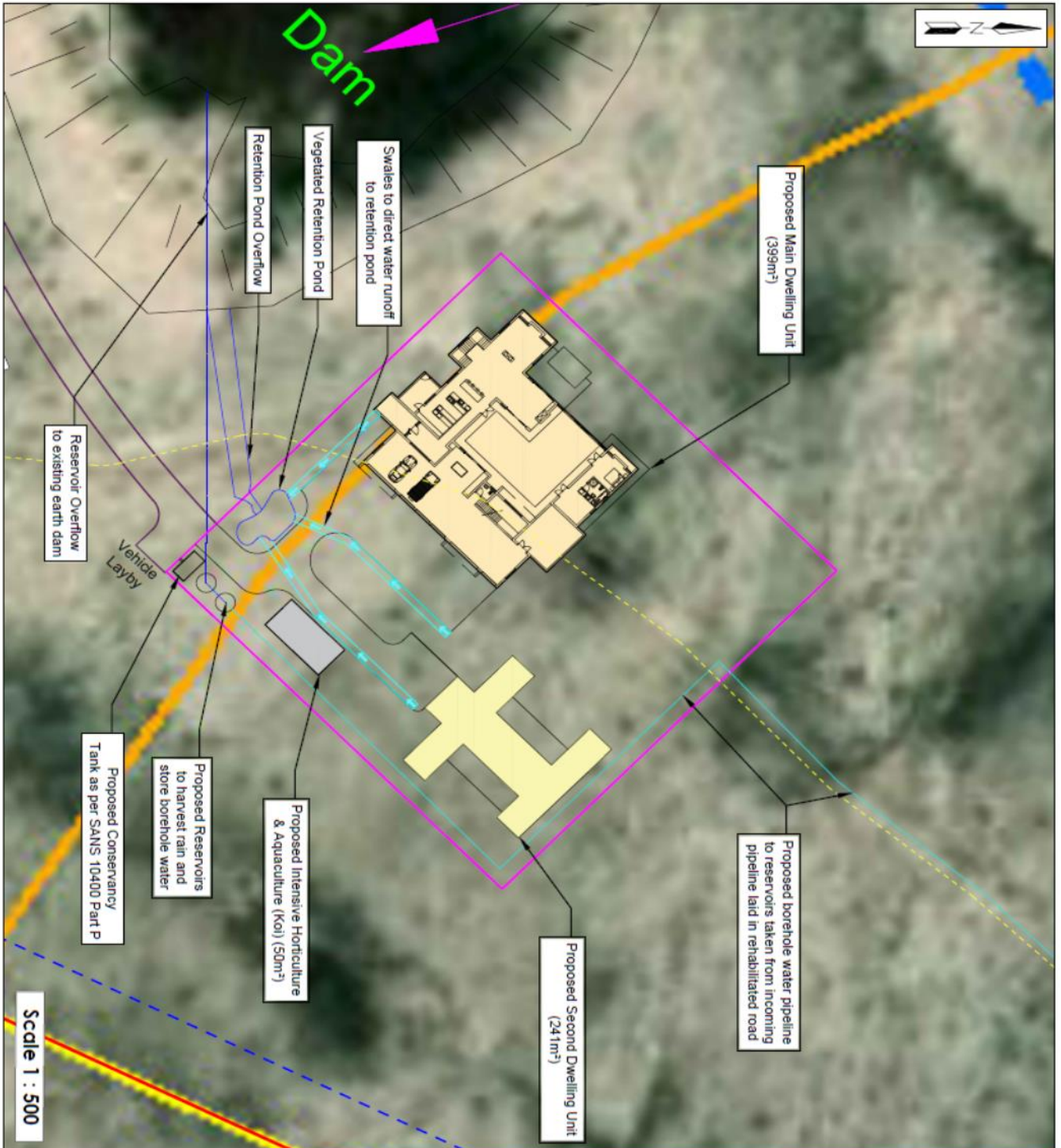


Western Cape Government
FOR YOU
Agriculture








Portion 156 of 559, Caledon	
	Subject Farm Portion 156 of 559, Caledon
	Surrounding Farms and Erven
Rivers	
	Non - Perennial Rivers
	Perennial Rivers
Roads	
	R44 - Regional Road
	Secondary Road
	Existing Farm Roads
	Proposed New Access Roads
	Existing Farm Road to be closed and rehabilitated
	20m Contours
	10m Building Lines
	Proposed Development Footprint (4000m ²) 1: 34°20'15.18"S & 18°51'5.57"E (Centerpoint)
Appendix B1 Development Alternative 1 Preferred Option	
Source: Maxar Technologies, 2021 - Aerial Imagery Chief Surveyor-General (DRDLR) Department of Rural Development and Land Reform	
Plan prepared by: Thion Jansen (07 July 2022)	
All distances are approximate and subject to a survey	
Tel: 028 313 1411	
Email: admin@wrapgroup.co.za	
Unit B, Standard House, Corner of Royal and Dirkie Uys Street Harmanus, 7200	
	Project Office Team Planning & Project Management

ANNEXURE 2: SITE PLAN



Scale 1 : 500

<p>Portion 156 of 559, Caledon</p> <ul style="list-style-type: none">  Subject Farm  Portion 156 of 559, Caledon  Surrounding Farms and Eriens <p>Rivers</p> <ul style="list-style-type: none">  Non - Perennial Rivers  Perennial Rivers <p>Roads</p> <ul style="list-style-type: none">  Proposed New Access Roads  20m Contours  10m Building Lines  Existing Farm Road to be closed and rehabilitated <p>Proposed Development Footprint (4000m²)</p> <p>1: 34°20'15.20"S & 18°51'5.39"E (Centerpoint)</p>	<p>Appendix B1</p> <p>Development Alternative 1 Preferred Option</p> <p>Source: Mavor Technologies, 2001 - Aerial Imagery Chief Surveyor-General (DSDLP) Department of Rural Development and Land Reform Plan prepared by: Thon Jansen (07 July 2022) All distances are approximate and subject to a survey. Tel: 028 913 1411 Email: admin@wrapp.co.za Unit 8, Standard House, Corner of Royal and Dicks Str Sheel Hermans, 7200</p> <p> Project Office Water Planning & Project Management</p>
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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 7 September 2022, and the EMPr submitted together with the final Basic Assessment Report received on 7 December 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the final Basic Assessment Report dated and received on 7 December 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

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

1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activities are to be undertaken on 18 March 2022;
- placing of a newspaper advertisement in the 'Overstrand Herald' on 24 March 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 28 March 2022; and
- circulating the pre-application draft BAR from 28 March 2022 and the in-process draft BAR to I&APs from 12 October 2022.

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

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

2. Alternatives

The position for the proposed development on the farm was selected by the landowner since it was located far enough away from the traffic noise of the R44 regional road that borders the site, the development would be partially screened by the earthen dam wall from the R44 and the lower-lying areas

of Pringle Bay, access was available from an existing farm vehicle track from the southern boundary of the property to the targeted development footprint and it was in close proximity to the Eskom power line that traverses the site. In addition, the area adjacent to the earthen dam was already transformed to some extent.

Within this area, two alternative development footprints (a western and eastern site alternative) were initially selected for specialist assessment. Based on the findings of the aquatic and botanical impact assessments, the western site alternative was preferred since a non-perennial drainage line traversed the eastern site alternative. The western site alternative appeared to be optimally placed between two drainage lines. Since the timing of the initial aquatic impact assessment was not optimal, the aquatic specialist undertook a winter assessment of the western site alternative and the surrounding area, which revealed a significant seasonal wetland seep on the western side of the western site alternative. This gave rise to the below third and now preferred development footprint. The preferred site straddles parts of the initial two development footprint alternatives to avoid all the freshwater features present on the site.

Alternative 1 (Preferred alternative herewith authorised):

This preferred alternative entails the development of two dwellings and associated infrastructure on a 0,5ha area that is located in the most southern portion of the site and includes the following components:

- A main dwelling and a secondary dwelling;
- A nursery area for intensive horticulture and aquaculture for own use;
- A garden area and an outdoor entertainment area;
- A reservoir, sewage conservancy tank, and a planted detention pond to collect and purify water-run-off;
- The widening of the existing access road to 4m wide and adding three access road lay-bys of approximately 45m² (each approximately 3mx5m) where vehicles can pass each other;
- Extension of the existing access road by approximately 160m to provide access to the proposed development; and
- Repairs to the breached wall of the in-stream dam.

No-go Option

The No-Go Option is not preferred since the opportunity to develop and improve the landowner's property and conserve and protect the remainder of the site will be not achieved. In addition, no job opportunities will be created during the construction phase.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is located within the buffer area of the Kogelberg Nature Reserve and biosphere and is zoned for conservation use. The proposed development will be restricted to a 0.5ha footprint and aims to protect and conserve the important terrestrial and aquatic features present on the remainder of Portion 156 of Farm No. 559 Hangklip, Pringle Bay. The preferred layout was informed by specialist input and comments received during the public participation period and represents the best practicable environmental option. The proposed development will also provide temporary job opportunities during the construction phase.

3.2 Biophysical Impacts

The site mainly contains Kogelberg Sandstone Fynbos, with the access road also protruding into Hangklip Sand Fynbos vegetation. Both vegetation types are classified as critically endangered. Apart from the earth dam, a few tracks, and minor alien vegetation infestation, the site and surrounding area

are undisturbed. The botanical impact associated with the proposed development is of a low to medium significance despite its conservation status. This is based on the fact that Kogelberg Sandstone Fynbos is well represented in the larger surrounding area. A significant impact on the biodiversity network is not anticipated, due to the small size of the proposed development in comparison with the remaining extent of the undeveloped property that will be conserved and protected. This will also ensure that connectivity around the site remains largely unaffected. With the implementation of the specialist recommendations, the proposed development is considered acceptable from a botanical perspective.

Based on the findings of the Aquatic Biodiversity Risk and Impact Assessment dated October 2022, compiled by Delta Consulting, four wetlands were classified and delineated within the site during a summer and winter site assessments undertaken on 23 February 2022 and 27 June 2022, respectively. This includes one unchanneled valley-bottom wetland ("UVBW"), two hillslope seep wetlands, and an additional hillslope seep wetland area within the footprint of the western site alternative which was delineated during the wet-season follow-up assessment undertaken during winter. All four of the delineated wetlands were found to be in a natural to near-natural ecological condition with minimal disturbance, such as a dirt road traversing one of the seep wetlands and erosion downslope of UVBW. All four delineated wetlands supply a very high amount of biodiversity maintenance in a catchment area where the demand for this ecosystem service is very high. The preferred development footprint was amended to avoid the freshwater resources and with the implementation of the recommended mitigation measures, the identified freshwater impacts are rated to be of low to very low significance, which is deemed acceptable. The mitigation measures have been included in the EMPr approved as part of this environmental authorisation and will be implemented during the construction and operational phase of the development.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) was also submitted to the BGCMA that will further consider the watercourse-related impacts.

CapeNature confirmed in their comment dated 11 November 2022 that they do not object to the proposed development subject to the applicant joining the Greater Overberg Fire Protection Association, implementation of the EMPr, and recommended amendments. In addition, it is required that a conservation management plan be compiled and implemented to manage the conservation of the remainder of the property. These requirements were accepted and addressed.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in the clearance of approximately 0.5ha of indigenous vegetation and will have an impact on the freshwater features present on the site. This impact significance has been reduced to an acceptable level with the implementation of the recommended mitigation measures, the preferred alternative, and adherence to the EMPr.
- Construction phase impacts associated with the development are likely to be present, including elevated noise, dust levels, and increased visual impacts. These nuisances will be of temporary duration and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

Positive impacts:

- The proposed development will ensure that the remainder of the undeveloped site is protected and conserved, and job opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the 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.

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