



REFERENCE: 16/3/3/1/E2/14/1030/21
NEAS REFERENCE: WCP/EIA/0000924/2021
ENQUIRIES: Ntanganedzeni Mabasa
DATE OF ISSUE: 18 November 2021

The Municipal Manager
Overstrand Municipality
1 Magnolia Street
HERMANUS
7200

Attention: Mr Dennis Hendriks

Tel: (028) 316 3724
Email: dhendriks@overstrand.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED EXPANSION OF THE EXISTING SPORT COMPLEX ON PORTION 3 OF FARM NO. 566, HAWSTON.

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) Christoff Dippenaar (Guillaume Nel Environmental Consultants)
(2) Ms P Aplon (Overstrand Municipality)

Email: christoff@gnec.co.za
Email: paplon@overstrand.gov.za

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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 EXPANSION OF THE EXISTING SPORT COMPLEX ON PORTION 3 OF FARM NO. 566, HAWSTON.

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 Property Alternative described in the Basic Assessment Report ("BAR"), dated 5 August 2021.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
Overstrand Municipality
1 Magnolia Street

HERMANUS

7200

Tel: (028) 316 3724

Email: dhendriks@overstrand.gov.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 Activities	Project Description
<p>Listing Notice 1 – Activity Number: 27</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The proposed expansion of the existing sport complex will result in the clearing of indigenous vegetation.</p>
<p>Listing Notice 1 – Activity Number: 67</p> <p>Phased activities for all activities—</p> <ul style="list-style-type: none"> (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; <p>excluding the following activities listed in this Notice-</p> <ul style="list-style-type: none"> 17(i)(a-d); 17(ii)(a-d); 17(iii)(a-d); 17(iv)(a-d); 17(v)(a-d); 20; 21; 22; 24(i); 29; 30; 31; 32; 34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 	<p>Due to the fact that Overstrand Municipality have already cleared an area of vegetation in the past, the expansion of the facility onto the adjacent area will exceed the applicable clearance threshold.</p>

<p>61; 64; and 65; or</p> <p>(ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;</p> <p>where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p>	
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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 development entails the expansion of the sports facility on Portion 3 of Farm No. 566, Hawston with an area of approximately 23 000m² on the western side of the existing facility. A soccer field of approximately 8 214m² in size will be established first and the remainder of the site will be used for the development of additional sport related infrastructure, as needed.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is on Portion 3 of Farm No. 566, Hawston, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	34° 22' 59.80" South	19° 07' 25.55" East

The SG digit code is: C0130000000056600003

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

Guillaume Nel Environmental Consultants
c/o Christoff Dippenaar
PO Box 2632
PAARL
7620

Tel: (021) 870 1874
Email: christoff@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Property Alternative described in the Basic Assessment Report ("BAR"), dated 5 August 2021 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. 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.
5. 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

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

Conditions: 7, 8 and 11

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 outcome of 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 Appeals Regulations, 2014 detailed in Section F 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:
 - 7.4.1 the 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 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.
8. 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

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

Monitoring

11. 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.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including 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 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.

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 is 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

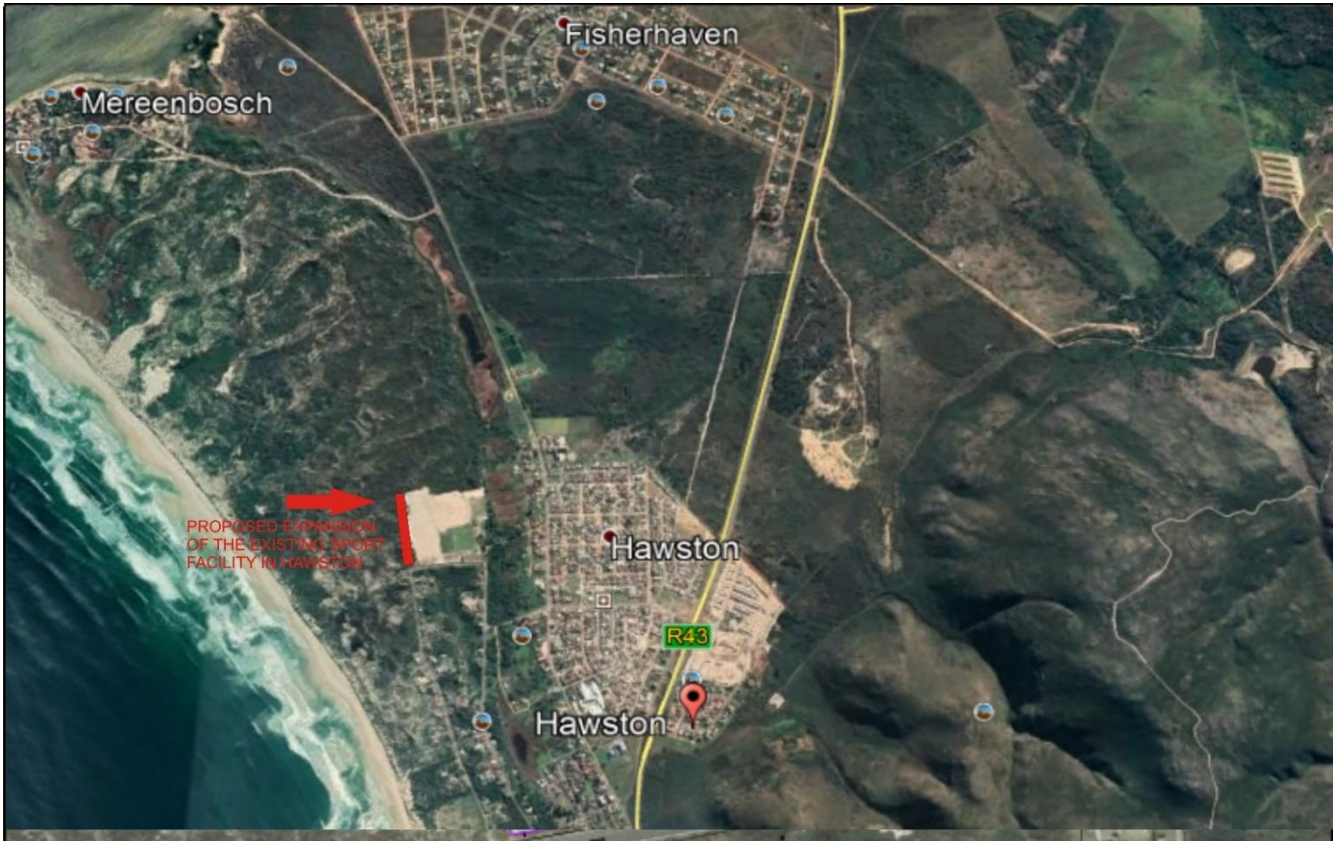
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 18 NOVEMBER 2021

CC: (1) Christoff Dippenaar (Guillaume Nel Environmental Consultants)
(2) Ms P Aplon (Overstrand Municipality)

Email: christoff@gnec.co.za
Email: paplon@overstrand.gov.za

ANNEXURE 1: LOCALITY MAP



PROPOSED EXPANSION OF THE EXISTING SPORT FACILITY, HAWSTON, WESTERN CAPE.

Guillaume Nel
 environmental consultants
 Tel: (021) 870 1874 | Fax: (021) 870 1873 | Cell: 072 1571 321



Figure 1

LOCALITY MAP



EXISTING SPORT FACILITY, AND PROPOSED EXPANSION, HAWSTON, WESTERN CAPE.

Guillaume Nel
 environmental consultants
 Tel: (021) 870 1874 | Fax: (021) 870 1873 | Cell: 072 1571 321



Figure 1

LOCALITY MAP

ANNEXURE 2: SITE PLAN



 <p>Guillaume Nel environmental consultants</p>	<p>PROPOSED EXPANSION OF THE EXISTING SPORT FACILITY, HAWSTONS, WESTERN CAPE.</p>
<p>Tel: (021) 870 1874 Fax: (021) 870 1873 Cell: 072 1571 321</p>	<p>LOCALITY MAP</p>
<p>Figure 1</p>	<p></p>

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 14 June 2021, the EMPr submitted together with the final Basic Assessment Report dated 5 August 2021;
- 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 5 August 2021;
- 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 22 April 2021;
- placing of a newspaper advertisement in the 'Overstrand Herald' on 22 April 2021;
- 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 22 April 2021;
- circulating the pre-application draft BAR to I&APs from 22 April 2021 and the in-process draft BAR from 25 June 2021.

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

Preferred Property Alternative (Preferred alternative herewith authorised):

The development entails the expansion of the sports facility on Portion 3 of Farm No 533, Hawston with an area of approximately 23 000m² on the western side of the existing facility. A soccer field of approximately

8 214m² in size will be established first and the remainder of the site will be used for the development of additional sport related infrastructure, as needed.

This is the preferred option since the site contains Overberg Dune Strandveld vegetation, which is classified as least threatened. The site has been previously disturbed and degraded, is infested with invasive alien vegetation, and has been identified as the least environmentally sensitive area adjacent to the existing sports facility. Expanding the sports facility onto the area along the western border of the site will also avoid the critical biodiversity area and ecological support area in proximity of the site.

Alternative Property

This alternative entails expanding the sports facility onto the area north of the existing facility. Following an assessment of this area it was not deemed suitable for the following reasons:

- The area to the north of the existing sports facility falls within an ecological support area and is more environmentally sensitive; and
- Milkwood trees were identified within the area, which is a protected species.

No-go Option

The “No-Go” option of not proceeding with the proposed expansion of the sports facility was considered but is not deemed as the preferred alternative, since a need for an expanded sports facility has been identified, and specifically the need for an additional soccer field. If not implemented, the opportunity to contribute towards social development within the community and to improve and rehabilitate the surrounding natural area will be lost. In addition, no employment opportunities will be created during the construction phase.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is vacant and is located adjacent to the existing sports facility outside the urban area of Hawston. Although it is zoned Agriculture Zone 1, it has never been used for agricultural activities due to unfavourable conditions. The expansion of the existing sports facility is in line with the municipality's Spatial Development Framework since it will augment the sports infrastructure of the town, which in turn will have a positive social impact. It will also provide temporary job opportunities during the construction phase. The site selection was informed by specialist input and will have a limited biophysical impact.

3.2 Biophysical Impacts

The proposed expansion of the existing sports facility will result in the clearance of indigenous vegetation. Based on the findings of the Botanical Assessment dated April 2021, compiled by Capensis, the site contains Overberg Dune Strandveld vegetation, which is listed as least threatened. The area is however invaded with a dense infestation of invasive alien vegetation. From a botanical perspective, the site is assigned a low to medium sensitivity rating based on its moderate restoration potential, its location within a coastal dune corridor, being assigned an “Other Natural Area” status, and the absence of species of conservation concern (“SCC”) or protected species. Given that the expansion area is immediately adjacent to the existing sports facility, is relatively small in extent and does not support any critical ecological processes or SCC, the proposal is supported. Although the area proposed for the expansion of the existing sports facility is highly degraded and infested with invasive alien vegetation, a search and rescue for seeds, plants and geophytes was recommended within the construction footprint before activities may commence. Identified endemic species must be re-located to adjacent natural areas. In addition, restoration of the remainder of the site will also be undertaken.

These mitigation measures have been included in the EMPr approved as part of the environmental authorisation.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in the loss of indigenous vegetation. 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 development provides an opportunity to restore and rehabilitate the natural vegetation on the remainder of the site.
- The development will create employment opportunities during the construction phase.
- The proposed development will contribute to social development in the community.

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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