



REFERENCE: 16/3/3/1/E4/5/1028/22
NEAS REFERENCE: WCP/EIA/0001094/2022
DATE OF ISSUE: 01 FEBRUARY 2023

The Trustees
Hoop Familietrust (IT889/2016(C))
P. O. Box 772
CALEDON
7230

Attention: A. M. Kriel

Cell: 082 324 8934
Email: annemariekriel1980@gmail.com

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A WATERCOURSE MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED CALEDON-HOOP FAMILIE TRUST DEVELOPMENT LOCATED ON PORTION 29 OF THE FARM KLIP HEUVEL NO. 410, CALEDON

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, 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) N. Duncan (PHS Consulting)
(2) J. Viljoen (Theewaterskloof)
(3) R. Smart (CapeNature)
(4) F. Fakier (Department of Transport and Public Works)
(5) V. Ligudu (Breede Gouritz Catchment Management Agency)

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REFERENCE: 16/3/3/1/E4/5/1028/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A WATERCOURSE MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED CALEDON-HOOP FAMILIE TRUST DEVELOPMENT LOCATED ON PORTION 29 OF THE FARM KLIP HEUVEL NO. 410, CALEDON

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Preferred Layout Alternative, Preferred Water Pipeline Route Alternative and the Preferred Sewer Pipeline Route Alternative, described in the Basic Assessment Report ("BAR"), dated September 2022.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for maintenance activities associated with the Bads River and rehabilitation of the riparian zone.

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

Hoop Familietrust (IT889/2016(C))

% A. M. Kriel

P. O. Box 772

CALEDON

7230

Cell: 082 324 8934

Email: annemariekriel1980@gmail.com

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	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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. 	<p>The proposed internal sewer pipeline will be within 32m of the Bads River and will have a development footprint larger than 100m².</p>
<p>Activity Number 14:</p> <p>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</p>	<p>A filling station with a combined fuel storage capacity of more than 80 m³ but less than 500m³ is proposed as part of the development.</p>

<p>Activity Number 19</p> <p>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, 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>The proposed water pipeline will cross the watercourse at an existing crossing, which will require excavation works to be undertaken during the installation of the pipeline.</p>
<p>Activity Number 24:</p> <p>The development of a road—</p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p>	<p>The proposed internal roads will have widths varying between 5,2m and 16m, depending on the road class.</p>
<p>Activity Number 27:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 1 ha of indigenous vegetation will be removed. The residential component of the proposed development (including internal roads) will comprise 2,5ha.</p>

<p>Activity Number 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>More than 1 ha of land previously used for agriculture will be developed for commercial/industrial use outside the urban area.</p>
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. 	<p>The proposed internal roads within the residential development area will be wider than 4 m and located in an area containing indigenous vegetation.</p>
<p>Activity Number 12: 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.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; 	<p>More than 300m² of critically endangered indigenous vegetation will be cleared as part of the proposed development.</p>

<ul style="list-style-type: none"> ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister. 	
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposal entails the establishment of a mixed-use development (filling station; retail outlet; place of worship; residential development; open spaces; and internal roads). The following components form part of the development:

- 1 Group Housing erf – 3,61ha
- 32 Industrial Zone erven (Industry) – 6,68ha
- 1 Community Zone erf – 1,33ha
- 1 Business Zone 1 erf (Business Premises) – 0,55ha
- 1 Business Zone 2 erf (Shop) – 0,30ha
- 1 Business Zone 6 erf (Service station with consent for a shop) – 0,98ha
- 4 Open Space Zone erven – 24,39ha
- 3 Transport Use Zone erven (Existing; re-aligned and new internal roads) – 5,72ha
- 28 Single Residential Zone erven (Dwelling House) – 1,9ha
- Bulk water and sewer infrastructure.
- Stormwater infrastructure.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 29 of Farm Klip Heuvel No. 410, at the following coordinates:

Latitude (S)	Longitude (E)
34° 13' 02,82"	19° 24' 03,48"

Water pipeline:

Start Point:

Latitude (S)	Longitude (E)
34° 13' 04,47"	19° 24' 10,66"

Middle Point:

Latitude (S)	Longitude (E)
34° 13' 0,21"	19° 24' 15,52"

End Point:

Latitude (S)	Longitude (E)
34° 12' 56,83"	19° 24' 19,74"

Bulk sewer pipeline

Start Point:

Latitude (S)	Longitude (E)
34° 12' 43,70"	19° 23' 51,86"

Middle Point:

Latitude (S)	Longitude (E)
34° 13' 07,67"	19° 24' 01,01"

End Point:

Latitude (S)	Longitude (E)
34° 13' 29,12"	19° 24' 20,80"

The SG digit code is: C01300000000041000029

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

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

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

PHS Consulting
% Paul Slabbert / Nadine Duncan
P.O. Box 1752
HERMANUS
7200

Tel.: (028) 312 1734

Email: paul@phsconsulting.co.za/Nadine@phsconsulting.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 Layout Alternative, Preferred Water Pipeline

Route Alternative and the Preferred Sewer Pipeline Route Alternative, described in the BAR, dated September 2022, at the site as described in Section C above.

2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of 10 years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

Conditions: 6, 7, 11 and 12

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;

- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any, of the holder; and
 - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The MMP adopted as part of this Environmental Authorisation must be implemented.
10. The EMPr and MMP must be included in all contract documentation for all phases of implementation.
11. A Stormwater Management Plan must be submitted to the Theewaterskloof Municipality for approval. The approved Stormwater Management Plan must be submitted to this Department for record purposes prior to the commencement of construction activities on the site.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. The ECO must conduct fortnightly monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.
14. A copy of the Environmental Authorisation, EMPr, MMP, 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.

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

Auditing

16. 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, the EMPr and the MMP. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 10 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three months after the commencement of construction activities and every twelve (12) months thereafter. A final Environmental Audit Report must be submitted within three months of the construction phase having been completed.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

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

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

18. 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 the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity/ies, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

G. Appeals

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 01 FEBRUARY 2023

CC: (1) N. Duncan (PHS Consulting)
(2) J. Viljoen (Theewaterskloof)
(3) R. Smart (CapeNature)
(4) F. Fakier (Department of Transport and Public Works)
(5) V. Ligudu (Breede Gouritz Catchment Management Agency)

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ANNEXURE 1: LOCALITY MAP

Portion 29 of Farm 410

Legend



Map Center: Lon: 19°23'44"E
Lat: 34°13'22.5"S

Scale: 1:72 224

Date created: January 20, 2023



Figure 1: Location of the proposed development.

ANNEXURE 2: SITE DEVELOPMENT PLAN



Figure 2: Site development plan for the proposed development.

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 25 April 2022, the final BAR dated September 2022 and the EMPr and MMP submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated September 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Hermanus' on 15 September 2021;
- fixing notice boards at various locations within and around the area where the listed activities are to be undertaken on 15 September 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 councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 15 and 16 September 2021, 25 and 26 May 2022, as well as on 19 August 2022; and
- making the pre-application draft BARs available to I&APs for public review from 15 September 2021, the in-process draft BAR from 25 May 2022 and the amended draft BAR on 19 August 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all 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 proposed development entails the establishment of a mixed-use development (filling station; retail outlet; place of worship; residential development; open spaces; and internal roads) on Portion 29 of the Farm Klip Heuvel No. 410. The alternatives assessed as part of this application relate to the different layouts for the development, water and sewer pipeline routes, as well as the “no-go” alternative, which are discussed below.

Layout Alternative 1

This alternative will include the following:

- 3,28 ha provided for residential space, a total of 98 erven for medium density housing.
- 9,48 ha provided for industrial space, a total of 41 erven.
- 16,57 ha public open space.
- 0,42 ha farm stall.
- 1,33 ha place of worship.
- 0,7 ha service station/business truck shop.
- 7,53 ha roads.

The total proposed land use area on Portion 29 is approximately 39.31 ha; of which 16.57 ha will be open space.

Layout Alternative 2

This alternative is similar to Layout Alternative 1, the only difference would be the Klipheuwel road reserve is proposed to be re-aligned for a portion abutting the N2 intersection to facilitate improved access to the farm stall, filling station and truck stop.

Layout Alternatives 1 and 2 are not preferred for the following reasons:

- It will have a larger development footprint within the highly sensitive areas of the property.
- The proximity of the development in relation to the watercourse is not ideal.
- The development does not align with the heritage and cultural recommendations highlighted in the Heritage Impact Assessment.

Preferred Layout Alternative (Herewith Authorised):

This alternative will include the following:

- 1 Group Housing erf – 3,61ha
- 32 Industrial Zone erven (Industry) – 6,68ha
- 1 Community Zone erf – 1,33ha
- 1 Business Zone 1 erf (Business Premises) – 0,55ha
- 1 Business Zone 2 erf (Shop) – 0,30ha
- 1 Business Zone 6 erf (Service station with consent for a shop) – 0,98ha
- 4 Open Space Zone erven – 24,39ha
- 3 Transport Use Zone erven (Existing; re-aligned and new internal roads) – 5,72ha

- 28 Single Residential Zone erven (Dwelling House) - 1,9ha
- Bulk water and sewer infrastructure.
- Stormwater infrastructure.

This alternative is preferred for the following reasons:

- This alternative has taken the recommendations of the specialist assessments into consideration.
- The servitude included at the residential housing pocket allows for the road to connect to Caledon in the future.
- Recommendations made by CapeNature related to the Private Open Space being zoned for Private Open Space 3 (Conservation) have been incorporated into the site development plan.

Bulk water pipeline

Route Alternative 1:

The bulk water connection will be located east of the site, opposite the N2 at an existing, metered, municipal off-take point on the 400mm Overberg Water line. The line is required to be constructed along an existing internal farm gravel road. The N2 must be crossed by horizontal directional drilling.

This alternative is not preferred because there is insufficient capacity in the bulk water pipeline to service the proposed development.

Preferred Route Alternative (Herewith Authorised):

This alternative entails the construction of a bulk water pipeline from the existing municipal bulk water line, located next to the traffic department to the proposed development. The bulk water pipeline will be approximately 2 056m and will be located in existing Cemetery Road (DR 1284) reserve.

This alternative is preferred because there is capacity within the bulk water pipeline to service the proposed development. Additionally, the entire length of the pipeline will be located within the existing Cemetery Road's road reserve and there is no requirement to do horizontal directional drilling beneath the N2.

Bulk sewer pipeline

Route Alternative 1:

This alternative sewer alignment was considered for drainage area A, which requires a new bulk connection to be constructed by means of horizontal directional drilling underneath the Bads River. This line must be a pressure line, connecting the internal network of drainage area A east of the river, to the existing sewer main, west of the river.

This alternative is not preferred due to cost implications and possible negative impacts on the watercourse.

Preferred Route Alternative (Herewith Authorised):

This alternative entails connecting the internal sewer pipeline network to the existing municipal bulk outfall line located along the western boundary of the development. Two new connection points are required to be constructed to tie into this existing municipal bulk outfall line. For drainage area A, a new internal pressure line will be constructed along the western boundary of the development, within the boundaries of the development, along Cemetery Road (DR1284). This line will be a pressure line

connecting the internal network of drainage area A to the existing municipal bulk outfall line at the point where the existing municipal bulk outfall line crosses over the bridge over the river. Drainage area B will tie directly into the existing municipal bulk outfall line at the point where the existing municipal bulk outfall line crosses over the bridge over the river. All sewerage infrastructure will be located outside the 1:100year floodline.

This alternative is preferred because it will not require horizontal directional drilling, which may impact the watercourse and is more cost effective than Route Alternative 1.

"No-Go" Alternative

The "no-go" option was considered and is not preferred because the opportunity to develop underutilised land that is earmarked for urban development will not materialise. The opportunity to provide a mixed use that comprises industrial, commercial, residential and open space components will not be utilised. Additionally, both temporary and permanent employment opportunities will not be created.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The site is located within the urban edge and has been earmarked for industrial development. The proposed development seeks to use underutilised land within the urban edge of Theewaterskloof Municipality for a mixed-use development that comprises industrial, commercial, residential and open space components. The proposed development is in keeping with the forward planning vision for the area. It will form part of the transition from an urban to a rural landscape. Furthermore, the proposed development will create employment opportunities in both the construction and operational phases.

3.2 Biodiversity and Biophysical Impacts

According to the Ecological Impact Assessment dated 7 April 2022, Western Rûens Shale Renosterveld and Overberg Sandstone Fynbos, ecosystems listed as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), occur on the site. About 20ha of the study area is deemed to be disturbed and of low ecological sensitivity. This area is either cultivated, quarried or used for industrial or residential purposes, and supports negligible natural vegetation and no plant or animal Species of Conservation Concern. In the north-western part of the study area, there is a small (0,6ha) area that surrounds an old gravelly quarry, and which was previously cultivated (more than 20 years ago). This area has undergone quite substantial natural rehabilitation. The area has a low to moderate diversity of mostly indigenous plants. The entire north eastern portion of the property is of high botanical sensitivity. Much of the area has been invaded by woody alien invasive vegetation, however, indigenous plant diversity is high. The site development plan has been informed by the recommendations of the specialist, through minimising the development footprint in the area identified as botanically sensitive. The remaining area of high botanical sensitivity will be zoned for conservation purposes. Through the implementation of the specialist's recommendations and the EMPr (accepted in Condition 8), the impacts on vegetation will be mitigated.

According to the Freshwater Assessment dated April 2022, compiled by K. Marais, a channelled valley bottom ("CVB") wetland and a seep wetland were identified adjacent to and within the western extent of the study area. The CVB and seep wetlands have been subjected to both past

and present agricultural activities, linear infrastructure, and alien invasive vegetation infestation which have contributed to the wetlands deviating from their natural condition to a largely and moderately modified ecological condition, respectively. This has resulted in the disturbance or loss of aquatic vegetation and habitat, sedimentation and erosion, water pollution and flow modification. Nevertheless, these wetlands are still considered to play a moderately low to intermediate role in the provision of ecosystem services, which include stream flow regulation, sediment trapping, phosphate, nitrate and toxicant assimilation and biodiversity maintenance.

The Ecological Importance and Sensitivity of the CVB wetland is considered high, predominantly due to the landscape within which this wetland is located. Through the implementation of the specialist's recommendations, the EMPr (accepted in Condition 8) and the MMP, which includes rehabilitation of the watercourse, the impacts on aquatic features will be mitigated.

An MMP has been compiled for the Bads River. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA)

3.3 Heritage Impacts (Archaeology and Palaeontology)

According to the Heritage Impact Assessment dated March and August 2022, compiled by Ms. C. Abrahamse of CTS Heritage, the findings of the field assessment largely corroborate the findings of previous assessments conducted in the area. The previous assessments describe archaeological material as widespread in the agricultural lands between Botrivier and Caledon. This material is generally considered of low significance. Two observations of stone age archaeology were noted within the development area, both without context and both identified as Not Conservation-Worthy. Within the area proposed for development, there is a small 'werf' complex of structures that are likely dated to c1850's (CH005, CH006 and CH007). CH006 was described as the "Hospital Building" by the property owners. However, it should be noted that the shards of porcelain observed at CH002 are likely associated with the fittings and fixtures of one of these structures. However, as no further context was observed, this observation has also been determined to be Not Conservation-Worthy.

Information included in the Heritage Impact Assessment, which was submitted to Heritage Western Cape, with respect to the potential palaeontological impacts, indicated there is a probability of low palaeo-sensitivity as far as the bedrocks are concerned. The specialist therefore recommended that the Heritage Western Cape Chance Fossil Finds procedure must be implemented for the duration of construction activities. Through the implementation of the

specialist recommendations included in the EMPr (accepted in Condition 8), heritage impacts can be mitigated to an acceptable level.

3.4 Visual Impacts

According to the Visual Impact Assessment dated June 2022, compiled by Mr. P. Slabbert of PHS Consulting, the site is confined to the Bads River and Railway line to the west, regarded as a natural and hard edge, and to the N2 to the east and north, regarded as a hard edge. The site is connected to the established urban area of Caledon to the south-east via Cemetery Road, the old main road and a track along the river. The receptors are agricultural grain stockpile operators, dirt racetrack users and the Waste Water Treatment Works ("WWTW") approximately 1km from the development, with sporadic views of primarily the most northern section of the development area. These receptors are not typical users that would experience the development as negative in their view frame. Due to the topography, the receptors are located on the same level as the development. The receptors travel at high speeds along the N2. The area is therefore viewed over a short period of time, but the views will be clear. The site has evolved and currently it is dissected by a prominent access route linking the N2 and the Caledon industrial area. The current visual nature of the surrounding area relates to industrial type uses in the form of a WWTW, agricultural storage buildings, race tracks, construction material stockpiles, a ready-mix plant, brickworks and a wind farm. These intrusive types of uses and scale of the developed infrastructure, dominate the primary view corridor. The development will dominate the primary view corridor, which is currently comprised of old farm buildings on the site, the farm buildings on the brickworks site, mature tree stands, the meandering river valley and open spaces. The view corridor is clearly developed and used by large scale infrastructure projects with associated industry traffic and services in a way not complementing the cultural landscape. The site in its current state is clearly linked and used as part of the urban environment. Even though the landscape as a whole and beyond the subject view corridor is highly significant, it can't be disputed that the site and immediate surrounds has already been changed by land-use and structures. The specialist concludes that because part of the site is out of sight for observers from the N2, due to the topography of the area, the alignment of the N2 and the speed at which users are travelling along the N2, the site has a large degree of Visual Absorption Capacity to mitigate visual impacts of the proposed development. Through the implementation of the specialist recommendations included in the EMPr (accepted in Condition 8), visual impacts can be mitigated to an acceptable level.

3.5 Groundwater Impacts

According to the Groundwater Impact Assessment dated April 2022, compiled by S. Teek of GEOSS South Africa (Pty) Ltd, the site is directly underlain by two distinct lithologies. The northern section of the property is underlain by an arenaceous shale of the Gydo Formation, whereas the southern section is underlain by quartzite, sandstone, thin bands of shale and conglomerate of the Nardouw Subgroup. The underlying aquifer for the majority (centre portion) of the site is classified as a fractured aquifer with an average yield potential of 2,0–5,0 l/s. The northern and southern corners are underlain by a fractured aquifer with an average yield potential of 0,5–2,0 l/s. Based on the DWAF (2000) mapping of the regional groundwater quality, as classified by electrical conductivity ("EC"), the majority of the area is in the range of 70 – 300 mS/m, with a small area (southern corner of the property) in the range of 0 – 70 mS/m. This is considered to be "good to moderate" quality for water, with respect to drinking water standards. The national scale groundwater vulnerability map, which was developed according to the DRASTIC methodology (DWAF, 2005), indicates that the site has a "very-low" vulnerability to surface-based contaminants. This "very-low" rating is associated with, amongst other factors, the aquifer type

(secondary) and low permeability weathering products of the Bokkeveld Group Geology. Furthermore, through the implementation of the EMPr (accepted in Condition 8) and the specialist recommendations, impacts on groundwater will be mitigated adequately.

3.6 Services

In a comment dated 24 March 2022 from Theewaterkloof Municipality, the availability of bulk infrastructure for water supply, sewerage reticulation, spare capacity at the WWTW, as well as solid waste removal was confirmed.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will have an impact on the visual landscape, however, this will be mitigated to acceptable levels.
- Impacts are anticipated on indigenous vegetation.
- There will be an increase in noise and dust impacts during the construction phase, however, mitigation measures for these impacts are addressed in the EMPr.

Positive impacts:

- The proposal will utilise land within the urban edge for urban development.
- The rehabilitation of the Bads River within the development site will be implemented.
- Industrial and commercial erven for various business opportunities will be created in the area.
- Additional residential opportunities will be made available within the area.
- The development will include areas to be zoned Open Space 3 for conservation purposes.
- Economic investment/growth within the area will be stimulated.
- Employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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