



EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0031/22
NEAS REFERENCE NUMBER: WCP/EIA/0001198/2022
DATE OF ISSUE: 10 AUGUST 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED DEVELOPMENT OF A LIGHT INDUSTRIAL PARK AND 9-MEGAWATT PHOTOVOLTAIC SOLAR PLANT ON PORTION 139 OF THE FARM GWAYANG NO. 208 AND A WASTEWATER TREATMENT PLANT ON PORTION 4 OF THE FARM GWAYANG NO. 208, GEORGE

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 in respect of **the preferred alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 21 April 2023, as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Ms. Belinda Clark (EAPASA No: 2019/1336) of *CEN Integrated Environmental Management Unit*.

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

A. SITE DESCRIPTION AND LOCATION

The Managing Director
HARK PROPERTIES (PTY) LTD
PO Box 12654
Garden Route Mall
GEORGE
6546

E-mail: jw@synnpro.com

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

B. SITE DESCRIPTION AND LOCATION

Listed Activities	Activity/Project Description
<p>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</p>	
<p>Activity Number: 1 Activity Description:</p> <p>The development of facilities or infrastructure for the generation of electricity from a renewable resource where—</p> <ul style="list-style-type: none"> (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare; <p>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs—</p> <ul style="list-style-type: none"> (a) within an urban area; or (b) on existing infrastructure. 	<p>The proposed development of a 9-Megawatt photovoltaic solar plant approximately 8ha in extent on Portion 139 of the Farm Gwayang No. 208</p>
<p>Activity Number: 12 Activity Description:</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; 	<p>The proposed development will require the installation of service infrastructure and check dams in and within 32m of a non-perennial watercourse that drains to the Gwaiing River to the south of the Portion 4 of the Farm Gwayang No. 208</p>

<p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(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>	
<p>Activity Number: 19 Activity Description:</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 proposal will require the establishment of check dams within the drainage corridor as well as the infilling of an existing instream farm dam.</p>
<p>Activity Number: 27 Activity Description:</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> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposal will require the clearance of approximately 7ha of indigenous vegetation as defined in the EIA Regulations, 2014 (as amended). The area has historically been farmed and the vegetation transformed.</p>
<p>Activity Number: 28 Activity Description:</p> <p>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> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p>	<p>The proposal entails the development of a commercial / light industrial development of approximately 7ha outside the urban area.</p>

<p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	
<p>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)</p>	
<p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(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</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The proposal will require the development of internal roads which will be wider than four metres.</p>
<p>Activity Number: 12 Activity Description:</p> <p>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> <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>The proposal will require the clearance of approximately 70 000m² of indigenous vegetation as defined in the EIA Regulations, 2014 (as amended). The ecosystem mapped on the proposed site has been mapped as Garden Route Granite Fynbos which has a gazetted conservation status of Critically Endangered.</p>

<p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></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 activity as it relates to the development:

The proposed development entails the establishment of a light industrial park on Portion 139 of the Farm Gwayang No. 208 and the development of a wastewater treatment plant on Portion 4 of the Farm Gwayang No. 208 near George. The proposed light industrial component will primarily consist of warehousing and storage facilities, with no planned noxious uses and will cover an area of approximately 5ha on the southern side of the R102 Road. The proposed WWTW will have a capacity to treat approximately 430m³ per day and will cover an area of approximately one hectare (1ha).

The proposal also includes the development of a 9-Megawatt photovoltaic (“PV”) solar plant on a portion of Portion 139 of the Farm Gwayang No. 208 north of the R102 Provincial Road, which bisects the property. The solar plant forms part of a wheeling agreement with the George Municipality to put electricity into the municipal electrical grid. The proposed solar plant will be implemented in accordance with Drawing No. GRG-376/PV/02 (Rev 0.2), drafted by BDE Consulting Electrical Engineers. See Annexure 3 of the environmental authorisation.

The proposed development forms part of the Airport Support Zone (“ASZ”) which has been identified in the Gwayang Local Spatial Development Framework (2015). The Airport Support Zone consists of Portions 4, 130, 131 and 132, as well as Portion 139 of the Farm Gwayang No. 208. The proposed WWTW will service the entire ASZ.

The service infrastructure for the proposed development is being co-ordinated by the landowners / developers of the ASZ. The proposed subdivision of Portion 139 (this application) is depicted in Subdivision Plan drafted by Marlize de Bruyn Planning (Project No: 339/G21; Drawing: Annexure B; Date: September 2022) attached as Appendix B1 of the Basic Assessment Report.

C. SITE DESCRIPTION AND LOCATION

The proposed light industrial park and photovoltaic solar plant will be located on Portion 139 of the Farm Gwayang No. 208; and the proposed WWTW on Portion 4 of the Farm Gwayang No. 208 on the eastern side of the proposed western bypass road. The proposed development form part of the Airport Support Zone, situated directly opposite (east) of the Airports Company South Africa: George Airport. Access to the development will be obtained via the Municipal Service Access Road off the R404 Provincial Road.

Coordinates of the site:

Property	Latitude (S)	Longitude (E)
Portion 139 of Gwayang No. 208	33° 59' 43.80"	22° 23' 8.22"
Portion 4 of Gwayang No. 208	33° 59' 47.53"	22° 23' 21.48"

SG digit codes:

Property	Surveyor General 21-digit Code
Portion 139 of Gwayang No. 208	C02700000000020800139
Portion 4 of Gwayang No. 208	C02700000000020800004

Refer to Annexure 1 for the Locality Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms. Belinda Clark

EAPASA No: 2019/1336

CEN INTEGRATED ENVIRONMENTAL MANAGEMENT UNIT

43 Rhodes Street

Mount Pleasant

GQEBERHA

6070

Tel: 073 500 1235

Fax: 086 590 2032

E-mail: bclark@telkomsa.net | steenbok@aerosat.co.za

Web: <https://environmentcen.co.za/>

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 August 2033** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded;
 - (b) construction monitoring and reporting requirements are undertaken and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed; and
 - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in respect of a part of the preferred alternative described in the FBAR, dated 21 April 2023, on the site as described in Section C above.

This Environmental Authorisation is for the implementation of **the preferred alternative** which entails:

The establishment of a light industrial park and photovoltaic solar plant on Portion 139 of the Farm Gwayang No. 208 and the development of a wastewater treatment plant on Portion 4 of the Farm Gwayang No. 208 near George. The proposed light industrial component will primarily consist of warehousing and storage facilities, with no planned noxious uses and will cover an area of approximately 5ha on the southern side of the R102 Road. The proposed WWTW will have a capacity to treat approximately 430m³ per day and will cover an area of approximately 1ha. The proposed 9-Megawatt photovoltaic solar plant on a portion of Portion 139 of the Farm Gwayang No. 208 north of the R102 Provincial Road, which bisects the property, forms part of a wheeling agreement with the George Municipality to put electricity into the municipal electrical grid. The proposed solar plant will be implemented in accordance with Drawing No. GRG-376/PV/02 (Rev 0.2), drafted by BDE Consulting Electrical Engineers. See Annexure 3 of the environmental authorisation.

The proposed development forms part of the Airport Support Zone ("ASZ") which has been identified in the Gwayang Local Spatial Development Framework (2015). The Airport Support Zone consists of Portions 4, 130, 131 and 132, as well as Portion 139 of the Farm Gwayang No. 208. The proposed WWTW will service the entire ASZ.

The service infrastructure for the proposed development is being co-ordinated by the landowners / developers of the ASZ. The proposed subdivision of Portion 139 (this application) is depicted in Subdivision Plan drafted by Marlize de Bruyn Planning (Project No: 339/G21; Drawing: Annexure B; Date: September 2022). Please refer to Annexure 2 of this environmental authorisation for the proposed subdivision plan.

3. This Environmental Authorisation may only be implemented in accordance with the approved Environmental Management Programme ("EMPr").
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.

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 decision reached on 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 Appeal 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;
- 6.4. provide the registered I&APs with the:
 - 6.4.1. 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. 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).
- 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
- 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided *i.e.*, the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:
Condition no.: 6, 9 and 10
8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity/activities

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval to the Competent Authority prior to commencing with the activities on site.
 - 9.1. The amended EMPr must —
 - 9.1.1. incorporate all the conditions given in this environmental authorisation;
 - 9.1.2. include a detailed Site Layout Plan of the proposed development including aquatic zone with 20m buffer, stormwater management features and service infrastructure to the WWTW;
 - 9.1.3. clearly differentiate between the compliance monitoring reports to be compiled by the Environmental Control Officer and external audit reports as required in conditions 15 and 16 of this environmental authorisation.
 - 9.1.4. be submitted to the Competent Authority at least 60 days prior to the commencement of any activities on site.

Note: 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"), for the duration of the construction and rehabilitation phases of implementation contained herein.
11. The ECO must–
 - 11.1. be appointed prior to commencement of any works (i.e., removal and movement of soil and / or rubble or construction activities commencing;
 - 11.2. ensure compliance with the EMPr and the conditions contained herein;
 - 11.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 11.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
12. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
13. Access to the site (referred to in Section C) must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Environmental Auditing

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
15. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 15.1. Auditing during the non-operational phase (construction activities):
 - 15.1.1. During the period which the development activities have been commenced with on the site, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.
 - 15.1.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within **three (3) months** of completion of the construction phase.
16. The Environmental Audit Report, must –
 - 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;

- 16.2. provide verifiable findings, in a structured and systematic manner, on–
 - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 16.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.4. evaluate the effectiveness of the EMPr;
 - 16.5. identify shortcomings in the EMPr;
 - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 16.9. include a photographic record of the site applicable to the audit; and
 - 16.10. be informed by the ECO reports.
17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

- 18. An aquatic zone with a 20m buffer area must be established along the non-perennial drainage line to attenuate to flow and filtration of stormwater.
- 19. When required stormwater and excess treated effluent must be discharged via the aquatic zone to the nearby watercourse.
- 20. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

F. GENERAL MATTERS

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

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with the listed activities and exceed the thresholds of the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

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

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

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

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

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

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

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

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

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is subject to compliance with all the peremptory conditions (6, 9 and 10). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator;
 - 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; and
 - 1.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:
Zaahir.Toefy@westerncape.gov.za;
Gavin.Benjamin@westerncape.gov.za; and copied to
DEADPEIAadmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, 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.
 - 2.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:
Zaahir.Toefy@westerncape.gov.za; and copied to
Gavin.Benjamin@westerncape.gov.za;
DEADPEIAadmin.George@westerncape.gov.za
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any,

to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT

WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

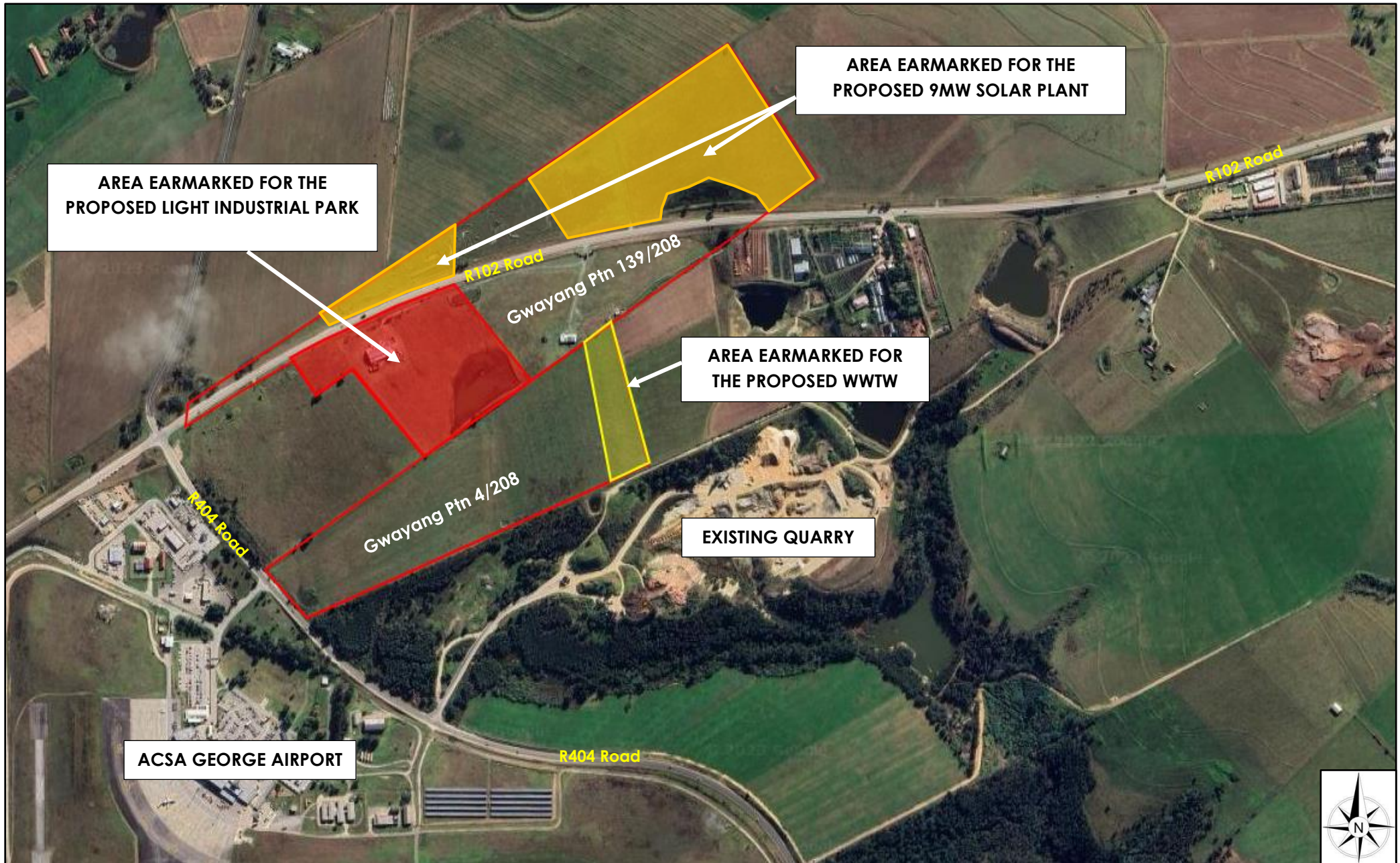
DATE OF DECISION: 10 AUGUST 2023

FOR OFFICIAL USE ONLY:

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: PROPOSED SUBDIVISION PLAN FOR THE PROPOSED LIGHT INDUSTRIAL PARK ON PORTION 139 OF THE FARM GWAYANG NO. 208

SUBDIVISION PLAN II

PROPOSED REZONING, SUBDIVISION & TEMPORARY DEPARTURE FOR JW WHEELER: GWAYANG 208/139, GEORGE MUNICIPALITY & DIVISION

- Subdivision in a Portion A (±4.6978ha) and Remainder (± 19.2712ha) (Agriculture Zone I) in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015);
- Rezoning of Portion A from Agriculture Zone I (agriculture) to Subdivisional Area in terms of Section 15(2)(a) of the George Municipality: Land Use Planning By-law (2015);
- Subdivision of the Subdivisional Area in terms of Section 15(2)(d) of the George Municipality: Land Use Planning By-law (2015) in the following leaving no remainder:
 - Portion B (±0.5996ha) (Industrial Zone I – light industry);
 - Portion C (±0.6603ha) (Industrial Zone I – light industry);
 - Portion D (±0.4395ha) (Industrial Zone I – light industry);
 - Portion E (±0.7882ha) (Industrial Zone I – light industry);
 - Portion F (±0.7445ha) (Industrial Zone I – light industry);
 - Portion G (±0.9009ha) (Industrial Zone I – light industry);
 - Portion H (±0.3202ha) (Transport Zone III) (private road)
 - Portion J (±0.2512ha) (Open Space Zone II) (private open space)
- Temporary departure in terms of Section 15(2)(c) of the George Municipality: Land Use Planning By-law (2015) for a place of instruction (culinary school) for the proposed Portion B.



MARLIZE DE BRUYN PLANNING

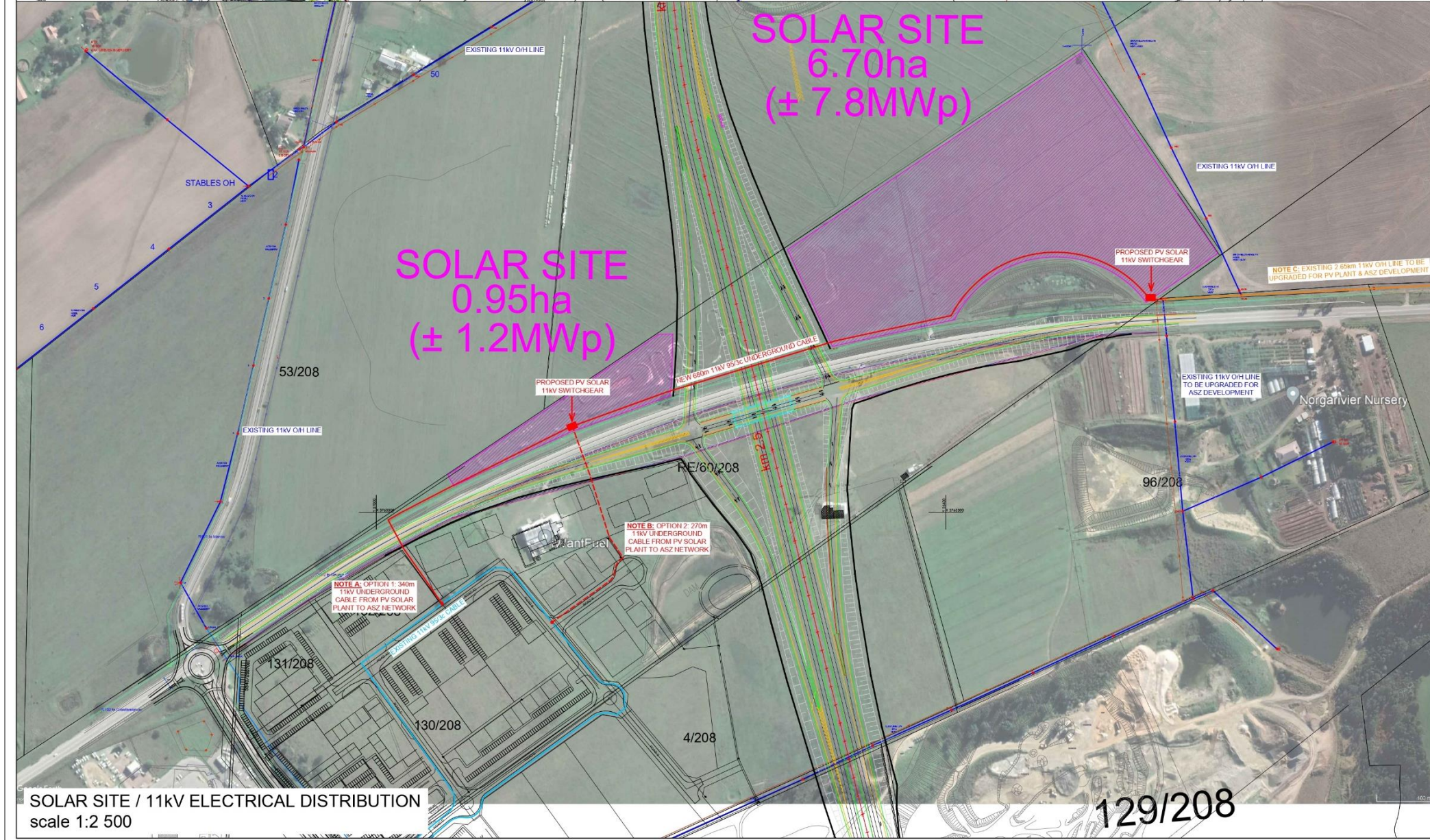
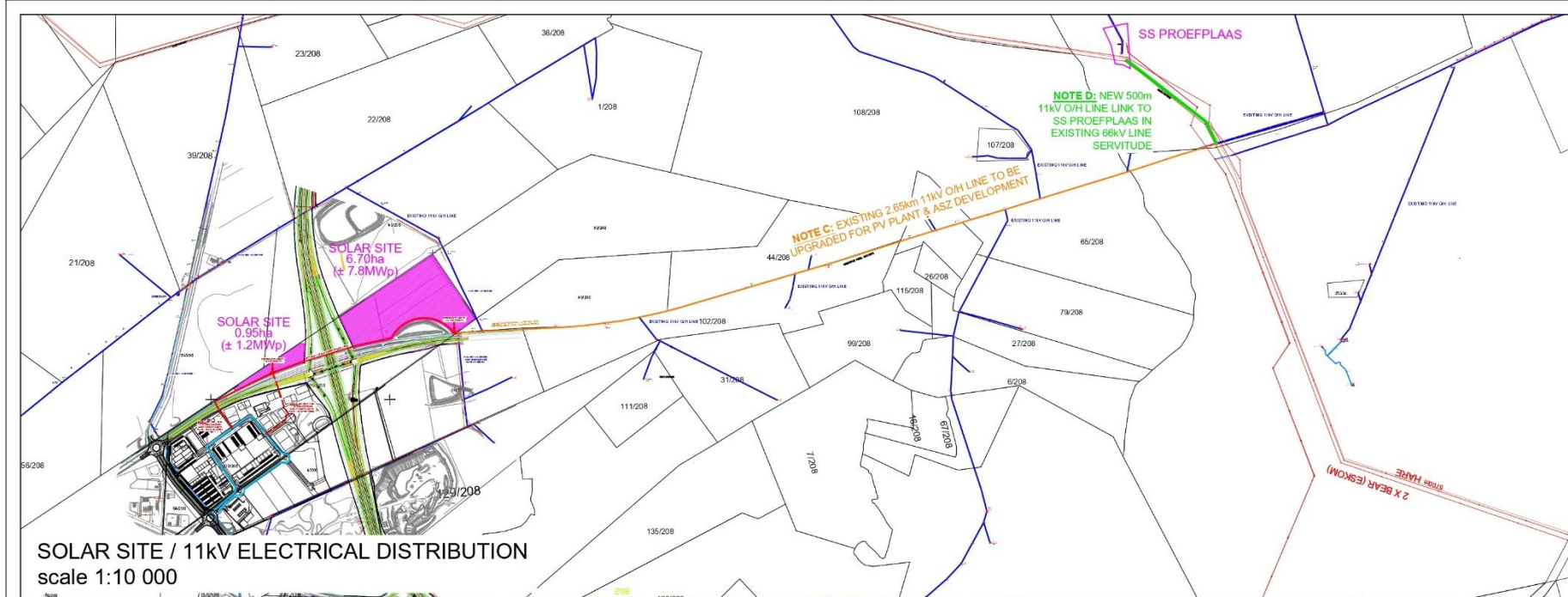
Drawing: Annexure 8
September 2022
Project 339/G21
Drawn: CE



For scale refer to figured dimensions.
Measurements always to be checked by
Professional Land Surveyor.

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ANNEXURE 3: PROPOSED 9-MEGAWATT PHOTOVOLTAIC SOLAR PLANT ON PORTION 139 OF THE FARM GWAYANG NO. 208



NR. NO.	DATUM DATE	WYSKININGS AMENDMENTS
0	2023/04/04	FOR INFORMATION ONLY
0.1	2023/05/20	ADDED SECOND PV SITE
0.2	2023/07/05	ADDED KNOWN DEVELOPMENT BOUNDARIES

DESIGNATION	NAME	SIGNATURE	DATE
SUPPLY AUTHORITY			
TELKOM			
CLIENT			

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KLIENT / CLIENT
GEORGE AEROTROPOLIS (PTY) LTD

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CESA

PROJEK / PROJECT
THE FARM GWAYANG NO. 208/139 PV SOLAR PLANT

TEKENING BESKRYWING / DRAWING DESCRIPTION
PROPOSED PV SOLAR PLANT

TEKENING NR. / DRAWING NO.	REV
GRG-376/PV/02	0.2

CAD NAAM	GOEDGEKEUR
GRG-376/PV/02	APPROVED
CAD NAME	2023/07/05
SKAAL	A1 - 1:2 500/10 000
SCALE	A3 - 1:5 000/20 000
LEER NR.	0008 TEN
FILE NO.	CAD NAGEGAAN
COMMENCE DATE	2022
	GETEKEN
	UDJ

FOR INFORMATION

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 8 November 2022, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 21 April 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR submitted on 21 April 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

No site visits were conducted during the course of this application process. The relevant officials are familiar with the property and surrounding area. 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. Other relevant legislative considerations

● *National Water Act, 1998 (Act No. 36 of 1998)*

The proposed WWTW on Portion 4 of the Farm Gwayang No. 208 for the treatment of sewage from the Airport Support Zone and the use of treated effluent for irrigation requires water use authorisation in terms of Sections 21(e), (g) and (f) of the National Water Act, Act No. 36 of 1998 ("NWA"). Furthermore, the establishment of an aquatic zone and removal of an existing farm dam also requires authorisation in terms of Section 21(c) and (i) of the NWA. In this regard the Department is satisfied that the information that has been submitted to the relevant authority *i.e.*, Breede-Olifants Catchment Management Agency ("BOCMA") had been adequately incorporated in the BAR.

2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site along the R102 and R404 Provincial Roads for the period 24 November 2022 to 16 January 2023;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 23 November 2023;
- the placing of a newspaper advertisement in the "George Herald" on 24 November 2022; and
- making the Draft Basic Assessment Report available to I&APs for public review and comment from 24 November 2022 to 16 January 2023, and a revised Draft Basic Assessment Report available to I&APs for public review and comment from 16 March to 19 April 2023. The reports were made available on the EAP's website at <https://environmentcen.co.za/projects/>

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

3. Alternatives

Preferred Alternative ("Herewith Approved")

This applicant's preferred alternative entails the establishment of a light industrial park on Portion 139 of the Farm Gwayang No. 208 and the development of a wastewater treatment plant on Portion 4 of the Farm Gwayang No. 208 near George. The proposed light industrial component will primarily consist of warehousing and storage facilities, with no planned noxious uses and will cover an area of approximately 5ha on the southern side of the R102 Road. The proposed WWTW will have a capacity to treat approximately 430m³ per day and will cover an area of approximately 1ha.

The preferred alternative also includes the development of a 9-Megawatt photovoltaic ("PV") solar plant on an approximately 8ha portion of Portion 139 of the Farm Gwayang No. 208 north of the R102 Provincial Road, which bisects the property. The solar plant forms part of a wheeling agreement with the George Municipality to put electricity into the municipal electrical grid. The proposed solar plant will be implemented in accordance with Drawing No. GRG-376/PV/02 (Rev 0.2), drafted by BDE Consulting Electrical Engineers.

The proposed development forms part of the Airport Support Zone ("ASZ") which has been identified in the Gwayang Local Spatial Development Framework (2015). The Airport Support Zone consists of Portions 4, 130, 131 and 132, as well as Portion 139 of the Farm Gwayang No. 208. The proposed WWTW will service the entire ASZ.

The service infrastructure for the proposed development is being co-ordinated by the landowners / developers of the ASZ. The proposed subdivision of Portion 139 (this application) is depicted in Subdivision Plan drafted by Marlize de Bruyn Planning (Project No: 339/G21; Drawing: Annexure B; Date: September 2022). Please refer to Annexure 2 of this environmental authorisation for the proposed subdivision plan.

No other feasible layout alternatives were considered / assessed in the BAR.

"No-Go" Alternative

This alternative implies that the current agricultural activities (mainly grazing) will continue on the property. The property has historically been used for agricultural activities. However, according to the BAR the George Municipality approved a land use application for consent use for a tourist facility and function venue in an existing store building. Furthermore, this alternative will also mean that the proposed WWTW will not be developed, which is required to service the entire Airport Support Zone as identified in the Gwayang Local Spatial Development Framework (2015).

4. Impact Assessment and Mitigation Measures

4.1 *Activity need and desirability*

The proposed development entails the development of a light industrial park on Portion 139 of the Farm Gwayang No. 208. The portion of the property south of the proposed Western Bypass Road and on which the light industrial park is proposed, forms part of the Airport Support Zone which has been identified to accommodate land uses supporting the airport facilities and provide a direct service to

tourists. The properties identified in the Airport Support Zone are Portions 4, 130, 131, 132 and 139. In this regard, the development on Portion 4 (Ref: 16/3/3/1/D2/19/0024/19); and Portions 130, 131 and 132 (Ref: 14/3/10/D2/19/0543/21) have been approved on 31 January 2022 and 27 June 2022 (appeal EA amendment), respectively.

Furthermore, the Airport Support Zone has been identified in the George Municipality Spatial Development Framework as part of a secondary node – referred to as the Western / Gwayang Industrial Node which is directed at manufacturing, freight and logistics in the Southern Cape.

With due consideration of the above, the Department agrees that the proposed development is in line with the relevant planning policies of the George Municipality.

According to the applicant the construction phase will contribute investment of approximately R297 387 000. Furthermore, the construction phase will create 487 direct employment opportunities, mostly in the semi-skilled category and 522 indirect and induced employment opportunities.

4.2 Service infrastructure

The property owners of the various properties within the Airport Support Zone ("ASZ") are co-ordinating the development planning within the ASZ. In this regard a Property Owners Association ("POA") has been established which will to plan and develop services for the full ASZ as an integrated infrastructure development project.

● Provision of water

According to the BAR the bulk water infrastructure from the George Municipality runs along the R102 and R404 Provincial Roads. However, according to the information the George Municipality does not have adequate water supply to the entire ASZ. The George Municipality has indicated that the full ASZ shall not be entitled to receive more than 20% of the potable water demand for the full development, apart from the first phase which will receive the full 20% potable water demand available for the full development. This 20% potable water will then be divided between the various phases within the ASZ.

In order to address the remaining 80%, the ASZ is proposing to implement rainwater harvesting and the secondary use of treated wastewater. The information in the BAR indicates that 41% of the water demand of the ASZ can be met through harvesting rainwater in an average rainfall year and 29% can be met if the lowest annual rainfall over the past 40 years (2019) is used. According to the BAR the lowest annual rainfall has been used to estimate the available yields to meet the ASZ's water demand.

The BAR considers the impact of climate change; the increase of drought and the impact on water availability with reference to rainwater harvesting and the reliance of the development on this water source. In this regard the BAR indicates that a conservative approach was used to determine the 30% yield of the water demand through rainwater harvesting *i.e.*, the data from the lowest annual rainfall year in the past 40 years (2019) was used - 426mm rainfall was recorded. This conservative used a water demand of 440 litres per 100m² but according to the BAR the demand will be significantly less than this demand as the ASZ will predominantly consists of warehousing. Applying the guidance of the National Building Regulations the water demand for warehousing is 110 litres per 100m². Allowance of 100 litres per 100m² is made for washing of surfaces, water losses and irrigation of gardens. Washing of surfaces and irrigation will be limited during prolonged drought.

At least 80% of the demand by the application of the National Building Regulations will be used for the flushing of toilets and urinals, gardening and washing of surfaces. According to the BAR this portion of the demand can be satisfied using treated wastewater. Therefore, the applicant is

of the opinion that the industrial park will be able to operate using only the 20% municipal water allocation and treated wastewater in the case of the “worst case scenario” over the past 40 years.

● Sewage treatment and reuse of treated wastewater

According to the BAR the capacity of the Gwaiing Wastewater Treatment Works (WWTW) is inadequate to treat the projected sewage volume of the entire ASZ and the required upgrades will take several years to be implemented by the service provider. The George Municipality has however indicated that the first phase of the ASZ can be accommodated in the existing municipal network. Phase 1 of the completed ASZ will drain towards Airport Pumpstation 1. According to the information the rising main from this pumpstation to the Gwaiing WWTW has an 8 litre per second capacity available and can therefore accommodate the sewage flow from phase 1 of the ASZ.

In order to address the sewage treatment of the entire ASZ, the applicant investigated the development of a WWTW on Portion 4 of the Farm Gwayang No. 208, located on the eastern side of the proposed Western Bypass. Once operational, the WWTW will treat the sewage of the entire ASZ, including Phase 1.

The Peak Day Dry Weather sewage flow for the ASZ is estimated as 431m³ (i.e. 80% of the Annual Average Daily Demand of 538m³). The capacity of the system is therefore design for 430m³ per day, of which 63% will be used for the irrigation of common areas, washing of surfaces and flushing of toilets. Surplus treated effluent will be discharged via the aquatic zone to the drainage line.

The applicant has applied to the relevant authority for a water use authorisation for the development of the proposed WWTW. While the WWTW on its own does not trigger a listed activity, it forms an integral part of the development of the ASZ as the George Municipality currently does not have capacity to service the ASZ's entire wastewater treatment requirements. The proposed WWTW will use a Phragmifiltre system (constructed wetland) technology which filters the sewage in two stages. According to the BAR the effluent will be treated to General Limits.

The Water Use Authorisation process ran in parallel with the Basic Assessment Process and the applications is currently being assessed by the relevant authority i.e. the Breede-Olifants Catchment Management Area (“BOCMA”). According to the BOCMA the specialist studies prepared by the applicant are adequate to meet the requirements of the water use application. In this regard a water balance study was undertaken by the applicant, and which was accepted by the George Municipality. The study indicated that the total Demand and Supply is 538.11m³ based on the George Municipality guideline and 249.29m³ based on the National Building Regulations. Therefore, there is an oversupply of 288.82m³ recorded for the fully developed ASZ. This oversupply can be used during extreme drought.

● Stormwater Management

According to the applicant the design of the stormwater management plan for the ASZ is based on the national Climate Change Response White paper which proposes “implementing best catchment and water management practices to ensure the greatest degree of water security and resource protection under changing climatic conditions and, in particular, invest in water conservation and water demand management. In this regard, the proposal is to harvest rainwater from the roofs of the warehouses for use within the ASZ (see discussion on water provision above). Any overland flows will be managed in accordance with the relevant design guidelines for industrial and business units. Furthermore, it is proposed implement bioswales along roads, the establishment of an aquatic zone (with 20m buffer) with check dams for flood attenuation and to aid filtration of stormwater.

The applicant consulted the George Municipality on the above proposals, and the Municipality has confirmed its support of the development and the services proposed to support the development, stating that the internal services incorporate the principles of resource sustainability. However, the George Municipality indicated that as the Water Services Authority that the municipality will ultimately remain responsible for the provision of basic water, and that potable water for human consumption will only be available for collection should this ever become a necessity in the future.

4.3 The proposed 9-Megawatt renewable energy generation facility

The applicant applied for a 9-Megawatt photovoltaic ("PV") solar plant on a portion of Portion 139 of the Farm Gwayang No. 208, on the northern side of the R102 Provincial Road which bisects the property. According to the Gwayang Local Spatial Development Framework this area falls outside the ASZ. Furthermore, according to the applicant, the proposed solar plant is based on a wheeling agreement for power back into the grid.

According to the applicant the proposed solar plant will contribute clean energy and reduce the reliance on coal-based energy generation, which is especially important in the current scenario of ongoing load shedding in an area where there is potential for growth.

The applicant proposes to develop the proposed solar plant in two phases i.e. Phase 1 entails the development of approximately 1-Megawatt energy generation capacity on 1ha of land and Phase 2 the balance. According to the applicant, the George Municipality is in support of the 1MW plant with the expansion with a further 8MW to a total of 9MW to be addressed following load flow and grid impact studies.

Notwithstanding the above, the ASZ will receive electricity from the existing grid, in line with the requirements of the electrical services report. The ASZ will not be directly reliant on the solar plant for the generation of its electricity. Furthermore, the POA will encourage individual property owners within the ASZ to incorporate the facilities for generation of electricity from a renewable resource on roof tops (i.e. solar panels).

With due consideration of the above, the Department is satisfied that the development of the PV solar plant will not result in significant impacts if the proposed mitigation measures and recommendations of the EMPr are implemented and adhered to.

4.4 Civil Aviation Assessment

Due to the proximity of the proposed light industrial park and solar plant to the Airports Company South Africa: George Airport, a Civil Aviation Assessment was undertaken to inform the application. The assessment also specifically looked at the proposed solar plant and the effect of glint and glare on aircraft. The assessment considered primary receptors including the 2-mile receptor on the approach to the various runways and the air traffic control tower. The assessment concludes that the aforementioned receptors will not experience any glint and glare throughout the year.

Furthermore, additional three-point receptors in the "northern circuit" (i.e. Left of Base for runway 11 (OP 2), Right of Base for runway 29 (OP 4) and Downwind (OP 3)) were assessed at a height of 304m (1000 feet), which showed that the additional receptors will be exposed to green glare when the sun is rising in the east (Op 2 and OP 3) and when the sun is setting in the west (OP 4) for a period of 25 to 50 minutes.

From a glint and glare perspective, the assessment recommends approval from the South African Civil Aviation Authority.

4.5 Biodiversity aspects

A description of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

In this regard the BAR, supported by a Terrestrial Biodiversity, Plant and Animal Species Report, indicates that the properties associated with the proposed development has historically been used for agricultural activities (mainly grazing). As a result, the vegetation has been completely transformed and does not contain any natural elements of Critically Endangered Garden Route Granite Fynbos.

Furthermore, a description of the aquatic features has also been provided in the BAR and supported by an aquatic assessment. According to the BAR two non-perennial watercourses cross the property towards a tributary of the Gwaiing River. The larger of the two watercourses is affected by the proposed development. This watercourse is considered to be in a seriously to critically modified condition with extensive loss of ecological functionality as a result of cultivation of the area as well as instream dams created within the watercourse. Furthermore, the watercourse is considered to be of low ecological importance and sensitivity. Therefore, the assessment concludes that the watercourse does not pose a significant constraint to the proposed development of the site. However, the functionality of the watercourse as a corridor for the movement of water through the landscape is recognised in the Western Cape Biodiversity Spatial Plan (2017). Therefore, it is important that this functionality is maintained within the development as far as possible. The assessment indicates that the realignment and recreation of the watercourse and corridor would be acceptable provided that the corridor between the areas upstream and downstream of the site are maintained that connect to the downstream aquatic ecosystems. This has been addressed in the BAR which indicates the dam will be decommissioned / closed by removing the dam wall and filling the dam. A series of check dams will then be established within the aquatic corridor for the purposes of flood attenuation (and not detention). Furthermore, a 20m buffer area is to be established for the proposed aquatic zone. Apart from the check dams that are to be planted with indigenous aquatic vegetation to assist with the attenuation and filtration of stormwater, no other works are proposed in the aquatic zone.

With due consideration of the above, the Department is satisfied that the aquatic aspects assessed within the ASZ have been adequately reported on and assessed in the BAR and no significant impacts are expected if the proposed mitigation measures and recommendations of the EMPr are implemented and adhered to.

The assessment of the biodiversity aspects by the respective specialists, have not demonstrated that the infrastructure associated with the solar plant, have been adequately assessed.

4.6 Traffic aspects

Due to the nature of the proposed development it is expected that traffic will be generated to and from the proposed development. Furthermore, the proposed development forms part of the Airport Support which is earmarked to support the airport facilities and provide a direct service to tourists. In order to gain an understanding of the impact a Traffic Impact Assessments ("TIA") were undertaken to inform the BAR. In this regard, the TIA was undertaken for the development of Portion 139 as a standalone (August 2022) and the fully developed ASZ (October 2021).

It must be noted that a George Airport Road Master Plan was developed which was to guide the upgrade of the roads around the airport, specifically the R404 and the R102 Provincial Roads. The Master Plan specifically addressed the entrance to the ASZ, located opposite to the entrance to the

George Airport, to accommodate the traffic to and from the George Airport and fully developed ASZ. An environmental authorisation (Ref: 16/3/3/1/D2/19/0012/20) was issued on 28 April 2021 for the Master Plan. Furthermore, the Department is aware that the POA has undertaken to integrate the implementation of abovementioned environmental authorisation with the development of the ASZ.

In light of the above, the Department is satisfied that the traffic generated as a result of the proposed development of Portion 139 of the Farm Gwayang No. 208, can be accommodated within the approved road network.

4.7 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development. This was confirmed in the response to the Notice of Intent to Develop (Case No: 21092709AM0930E) issued by Heritage Western Cape, dated 22 October 2021. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

4.8 Other impacts

No other significant visual dust, noise and odour impacts have been identified.

5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of ten (10) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

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

6. 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.

7. Conclusion

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

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