

EIA REFERENCE NUMBER: 16/3/3/1/D6/29/0001/22
NEAS REFERENCE: WCP/EIA/0001248/2023
DATE OF ISSUE: 02 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: PROPOSED DEVELOPMENT OF THE ADLER'S NEST RETIREMENT VILLAGE ON PORTION 196 OF THE FARM VYF-BRAKKE-FONTEINEN 220, AALWYNDAL, MOSSEL BAY

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated May 2023 as prepared and submitted by *Enviroworks*, the appointed environmental assessment practitioner ("EAP").

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

THE DIRECTOR
C/O Mr. H. Marx
ADLER'S NEST AFTREEOORD (PTY) LTD
P. O. Box 27
RIVIERSONDEREND
7250

Mobile: 082 801 5399
E-mail: hein@adlersnest.net

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014, as amended.	
<p>Activity Number: 19 Activity Description:</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(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.</i></p>	<p>The excavation of more than 10 cubic metres of sand and soil from an ephemeral drainage line for the construction of a sewerage package plant.</p>
<p>Activity Number: 27 Activity Description:</p> <p><i>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—</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The clearance of more than 1 ha (approximately 3.8ha) of indigenous vegetation for the development of Adler's Nest Retirement Village.</p>

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

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of indigenous vegetation and the excavation of more than 10 cubic metres from a watercourse for the construction of the Adler's Nest Retirement Village and associated infrastructure on Portion 196 of the Farm Vyf-Brakke-Fonteinien 220, Aalwyndal, Mossel Bay.

The specific details of the proposed development on the property comprises of the following:

- 57 Housing units;
- 3 apartment blocks with 200 apartment units;
- Community Centre
- Internal roads and driveways;
- Parking areas;
- Internal open space areas;
- Associated civil services and electrical connections.

The development must be implemented in accordance with the layout developed by Johannes Meyer Architect (dated 29 May 2023) Drawing number 0152.2 (Annexure 2).

C. SITE DESCRIPTION AND LOCATION

The property, Portion 196 of the Farm Vyf-Brakke-Fonteinen 220 is situated in the area known as Aalwyndal which is an extension suburb of Mossel Bay. Direct access to the property is obtained from Klipheuwel Road in Aalwyndal. The property is within the urban edge of the Mossel Bay Municipal area.

Coordinates of the site:

Position:	Latitude (South)	Longitude (East)
Middle Point	34° 08' 40.29"	22° 04' 14.64"

SG digit code of Erf 19001: C05100000000022000196

Refer to Annexure 1: Locality Plan of this Environmental Authorisation; and Annexure 2 for the Site Development Plan ("SDP").

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms Edmari Lewis
EAPASA Registration number: 2021/3452
% ENVIROWORKS PTY LTD
Suite 1064, Private Bag X2
CENTURY CITY
7446

Tel: 079 459 9881
E-mail: edmari@enviroworks.co.za
Website: www.enviroworks.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 2028** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded at the site;
 - (b) construction monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed at the site; and

(d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

2. The construction phase of the Environmental Authorisation is subject to the following:
 - 2.1 The Holder must finalise the post construction rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (construction phase) is concluded.
3. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated May 2023 on the site as described in Section C above.

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

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of indigenous vegetation and the excavation of more than 10 cubic metres from a watercourse for the construction of the Adler's Nest Retirement Village and associated infrastructure on Portion 196 of the Farm Vyf-Brakke-Fonteinen 220, Aalwyndal, Mossel Bay.

The specific details of the proposed development on the property comprises of the following:

- 57 Housing units;
- 3 apartment blocks with 200 apartment units;
- Community Centre
- Internal roads and driveways;
- Parking areas;
- Internal open space areas;
- Associated civil services and electrical connections.

The development must be implemented in accordance with the layout developed by Johannes Meyer Architect (dated 29 May 2023) Drawing number 0152.2 (Annexure 2).

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be

necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

7. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the decision reached on the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. provide the registered I&APs with the:
 - 7.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the Holder,
 - 7.4.4. telephonic and fax details of the Holder,
 - 7.4.5. e-mail address, if any, of the Holder,
 - 7.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 7.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 7.6. 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

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

Management of activity

10. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted to this Department for approval, at least 90 days prior to commencement of any activities on the site:
 - 10.1. The EMPr must be amended to incorporate the following —
 - 10.1.1. Incorporate all the conditions given in this Environmental Authorisation;
 - 10.1.2. All ECO monitoring reports compiled monthly during the construction phase must be submitted to the competent authority quarterly (every three months), except when there is non-compliance observed, in which case the ECO must bring to the competent authority's immediate attention by means of a written report.
 - 10.1.3. The ECO must conduct site inspections every two weeks during the rehabilitation phase and submit the ECO monitoring reports during this phase monthly.
 - 10.1.4. Include the auditing schedule as set out by this Environmental Authorisation.
 - 10.1.5. Include all specific mitigation measures proposed by the various specialist.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
13. The ECO must—
 - 13.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);
 - 13.2. ensure compliance with the EMPr and the conditions contained herein;
 - 13.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 13.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised; and
14. 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.
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.

Environmental Auditing

16. 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.
17. 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:
 - 17.1. Auditing during the non-operational phase (construction activities):
 - 17.1.1. 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.
 - 17.1.2. 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.
18. The Environmental Audit Report(s), must–
 - 18.1. 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;
 - 18.2. provide verifiable findings, in a structured and systematic manner, on–
 - 18.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 18.2.2. 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.
 - 18.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 18.4. evaluate the effectiveness of the EMPr;
 - 18.5. identify shortcomings in the EMPr;
 - 18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 18.7. 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;
 - 18.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
 - 18.9. include a photographic record of the site(s) applicable to the audit; and

18.10.be informed by the ECO reports.

19. 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

20. Should any heritage remains be exposed during excavations or any other actions on the site(s), these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

F. GENERAL MATTERS

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

Amendment of Environmental Authorisation and EMPr

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

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

Note:

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

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

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

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

4. The manner and frequency for updating the EMPr is as follows:

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

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

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

Compliance with Environmental Authorisation and EMPr

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

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

- Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority

not being able to process / review the revised EMPr prior to the intended date of commencement.

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

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

8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (**i.e., 7, 10 and 12**). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAAdmin.George@westerncape.gov.za
Gavin.Benjamin@westerncape.gov.za

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

Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAAdmin.George@westerncape.gov.za
Gavin.Benjamin@westerncape.gov.za

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

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

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

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
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

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

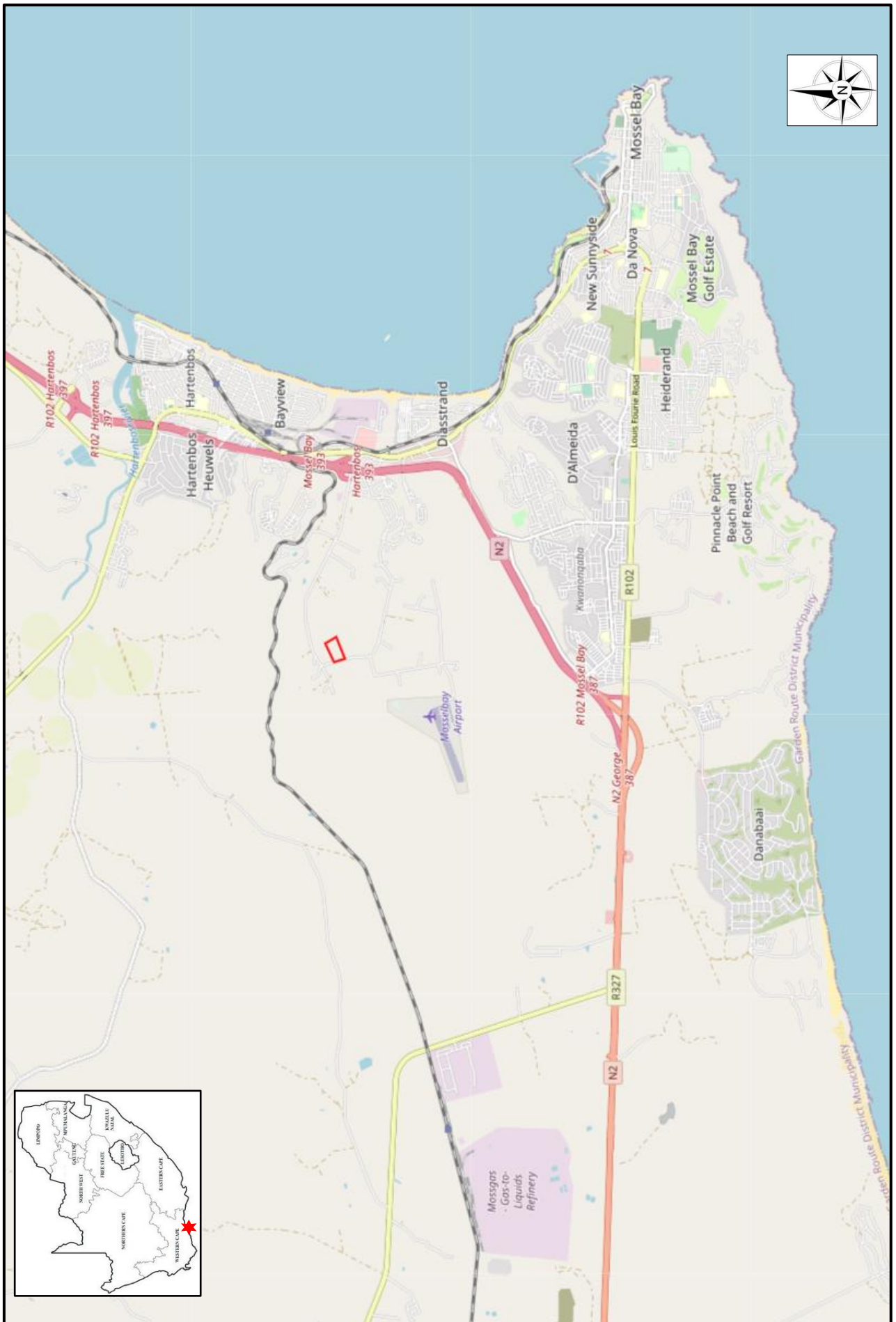
DATE OF DECISION: 02 AUGUST 2023

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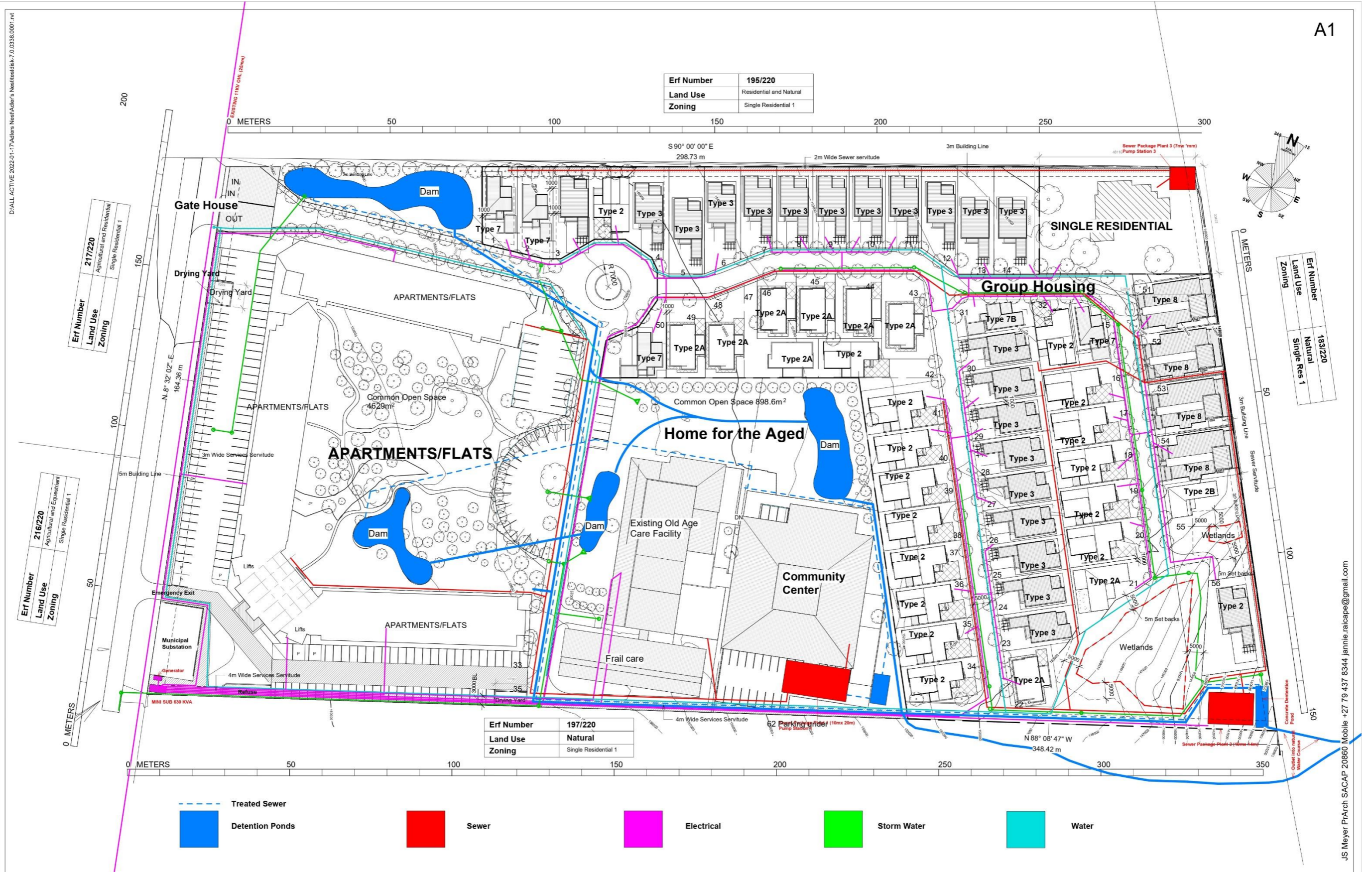
NEAS REFERENCE: WCP/EIA/0001248/2023

CASE OFFICER: Ms Jessica Christie | Jessica.Christie@westerncape.gov.za



ANNEXURE 2: SITE DEVELOPMENT PLAN

A1



Erf Number	195/220
Land Use	Residential and Natural
Zoning	Single Residential 1

Erf Number	197/220
Land Use	Natural
Zoning	Single Residential 1

Erf Number	217/220
Land Use	Agricultural and Residential
Zoning	Single Residential 1

Erf Number	216/220
Land Use	Agricultural and Residential
Zoning	Single Residential 1

Erf Number	183/220
Land Use	Natural
Zoning	Single Res 1

Treated Sewer
 Detention Ponds
 Sewer
 Electrical
 Storm Water
 Water

Adler's Nest (Pty) Ltd

Retirement Development
 Portion 196 of the Farm Vyf brakken fontein Part 202 Hartenbos

Johannes Meyer Architect
 PrArach SACAP 20860

Site Plan EIA SDP 1 : 500 0152.2 A101

JS Meyer PrArch SACAP 20860 Mobile +27 79 437 8344 jannie.raicape@gmail.com

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ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form, the High Court order (issued on 24 February 2023), the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 31 May 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 dated May 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site inspection was not done. The officials have sufficient knowledge of the site.

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. Legislative Requirements

Activity No. 12 of Listing Notice 1 (GN No. R983 of 4 December 2014, as amended) has not been authorised in this Environmental Authorisation due to the exclusion for development within an urban area and as such, not applicable to this development as the property is deemed to fall within an urban area.

2. Public Participation

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

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing numerous site notice boards on 3 March 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 3 March 2023 to comment on the Draft Basic Assessment Report;
- the placing of a newspaper advertisement in the "*Mossel Bay Advertiser*" on 3 March 2023; and

The following Organs of State provided comment on the proposal:

- *Breede Olifants Catchment Management Agency (BOCMA)*
- *Heritage Western Cape; and*

- Mossel Bay Municipality
- General Public / Interested & Affected Parties (I&APs) included:
 - Leads 2 Business – Mr. Mareez Herselman
 - Gouritz Cluster Biosphere Reserve

All the comments and issues raised by the respective *Organs of State and I&APs* that were captured in the Basic Assessment Report were responded to by the EAP. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that the comments raised, and responses thereto, were included in the Basic Assessment Report.

3. Alternatives

Preferred Layout Alternative (Herewith Approved):

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of indigenous vegetation and the excavation of more than 10 cubic metres from a watercourse for the construction of the Adler's Nest Retirement Village and associated infrastructure on Portion 196 of the Farm Vyf-Brakke-Fonteinien 220, Aalwyndal, Mossel Bay.

The specific details of the proposed development on the property comprises of the following:

- 57 Housing units;
- 3 apartment blocks with 200 apartment units;
- Community Centre
- Internal roads and driveways;
- Parking areas;
- Internal open space areas;
- Associated civil services and electrical connections.

The development must be implemented in accordance with the layout developed by Johannes Meyer Architect (dated 29 May 2023) Drawing number 0152.2 (Annexure 2).

The previous preferred alternative did not retain any wetlands that were identified on the property. Upon recommendation by the freshwater specialist two (2) wetlands will be retained and rehabilitated.

Two alternatives were investigated regarding sewerage treatment. The preferred alternative for this aspect would be to construct 3 sewerage package plants on the property. The Mossel Bay Municipality supported this alternative. The other alternative was to connect to the existing municipal sewer network, however, the engineer conducted a feasibility study and found that it is not feasible, and the Mossel Bay Municipality is unsure whether the existing system will require an upgrade to manage the sewerage from this development.

"No-Go" Alternative

The no-go alternative is to have the site remain as is. It has an existing 50 room and 26 frail care beds facility on the property.

4. Impact Assessment and Mitigation Measures

4.1 Activity Need and Desirability

The property is currently zoned as General Residential Zone III and is within the urban edge of the Mossel Bay Municipality SDF. The area of Aalwyndal has been earmarked as an intensification area for future growth of Mossel Bay. The Aalwyndal Precinct Plan was adopted in 2018 as a guide document to structure and guide the development of Aalwyndal. The precinct plan was compiled after the Aalwyndal area was identified in the Growth Options Study as an area to be intensified via densification. According to the Mossel Bay Municipality, the development is in line with the land use proposal of the Aalwyndal Precinct Plan with the mix of high and medium density residential units and ancillary uses.

The Western Cape Spatial Development Framework (PSDF) further provides principles to guide local municipalities towards more efficient and sustainable spatial growth patterns and explains that to secure a more sustainable future for the Western Cape Province, the following must be considered:

- Higher densities
- Shift from suburban to urban development models
- Compact settlement footprints to minimise environmental impacts etc.

Based on the above, the development will be in line with the PSDF.

4.2 Biophysical Impacts

According to the Botanical Specialist, the site consists of North Langeberg Sandstone Fynbos and the geology further substantiated this determination. The geology is dominated by sandstone and deeper alkaline soils. The Geohydrology Specialist also determined that the geology is consistent with silty mudstone and sandstone.

The Botanical Specialist found a plant Species of Conservation Concern (SCC) on the site and concluded that a high likelihood exists that more SCCs may be encountered on the property. It is however, clear that anthropogenic activities has transformed the vegetation and the natural condition of the veld is considered to be in a moderate condition. Therefore, owing to the existing degraded state of the site, and likely low impact of the development on broader ecological processes, the overall botanical impact of the development in terms of species composition as well as ecological/evolutionary processes is Low negative.

In terms of the Western Cape Biodiversity Spatial Plan (WCBSPP) the property is designated as "other natural area" borders onto a green corridor and an Ecological Support Area on the south eastern corner. The management objective of these "other natural areas" is to minimise habitat and species loss and ensure functionality through strategic planning.

However, considering the property is within the urban edge and earmarked for development, the loss of the “other natural area” is acceptable.

In terms of the animal species that may be present on the property, none of the SCCs identified by the Screening tool report were found on the property, these include reptiles, birds and snakes and based on the determination of the specialist, the sensitivity in terms of terrestrial animals species, it is considered low to moderately low for fauna.

4.3 Aquatic Biodiversity

Three areas were identified on the property as watercourses (wetlands) and according to the Freshwater Ecologist, only 1 was recommended for conservation based on its unimpacted condition and its position which is considered at the head of a watercourse designated as an ESA and upstream of an aquatic CBA. The loss of the other two wetlands are considered low significance given the poor condition, low biodiversity value and functions that can be replicated by stormwater management. The most pressing concern to the specialist was the ecological implications of the development on the receiving environment on the re-use of treated effluent on the property as irrigation water. Essential mitigation measures were given by the specialist that requires the separation of the effluent management system from the stormwater system to prevent contamination of downstream features.

A water use license application has been applied for this development; however, this process was not aligned with the Basic Assessment Process.

4.4 Heritage / Archaeological Aspects

Heritage Western Cape (HWC) issued comment on 21 May 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. No additional studies were required by HWC.

4.5 Socio-Economic

From a socio-economic perspective it was reported that the development adds to the demand for frail care facilities that cater for people suffering from Alzheimer's and Dementia as there are not many facilities in the area that cater for these needs. A number of employment opportunities will be created and socially uplifting a number of unemployed people.

4.6 Visual Impact

It is anticipated that a change in the sense of place will occur due to the density of the development and the visual impact to receptors within 500 metres of the property will be high. However, due to the topography of the surrounding area, the visual impact decreases. The area of Aalwyndal is seen as the future growth area of the Mossel bay municipal area and other higher density developments in the area has been developed which have started to change the sense of place in the area. as such, the overall visual impact is considered to be low.

4.7 Other Impacts

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

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

5. Scope and Validity Period of authorisation

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

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

- (a) The identification and assessment of impacts are detailed in the FBAR dated May 2023 and sufficient assessment of the key identified issued and impacts have been completed.

- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

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

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

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

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