



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE NUMBER: 16/3/3/2/F4/23/3005/18
NEAS REFERENCE NUMBER: WCP/EIA/0000368/2018
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2018 -11- 23

The Municipal Manager
Saldanha Bay Municipality
Private Bag X12
VREDENBURG
7380

Attention: Mr. G. Smith

Tel: (022) 701 7112
Fax: (022) 715 1518

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 10 OF FARM NO. 132, AND THE WIDENING OF A ROAD AND ASSOCIATED INFRASTRUCTURE ON ERF 15653, VREDENBURG.

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

Yours faithfully

MR. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. J. Pienaar (Eco Impact Legal Consulting (Pty) Ltd.)
(2) Ms. K. Rughoobee (DEA&DP: Directorate Development Facilitation)
(3) Ms. N. Duarte (Saldanha Bay Municipality)

Fax: (021) 671 9976
Fax: (021) 483 8311
email:Nazeema.duarte@sbm.gov.za



REFERENCE NUMBER: 16/3/3/2/F4/23/3005/18
NEAS REFERENCE: WCP/EIA/0000368/2018
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2018 -11- 23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 10 OF FARM NO. 132, AND THE WIDENING OF A ROAD AND ASSOCIATED INFRASTRUCTURE ON ERF 15653, VREDENBURG.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 4 described in the Final Environmental Impact Assessment Report ("EIAR") dated September 2018.

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

Saldanha Bay Municipality
c/o Mr. G. Smith
Private Bag X12
VREDENBURG
7380

Tel: (022) 701 7112
Fax: (022) 715 1518

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

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 24 Activity Description:</p> <p><i>The development of a road—</i></p> <p>(i) <i>for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i></p> <p>(ii) <i>with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i></p> <p><i>but excluding a road—</i></p> <p>(a) <i>which is identified and included in activity 27 in Listing Notice 2 of 2014;</i></p> <p>(b) <i>where the entire road falls within an urban area; or</i></p> <p>(c) <i>which is 1 kilometre or shorter.</i></p>	<p>The proposed development will entail the development of internal roads with reserves wider than 13.5m.</p>
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 28 Activity Description:</p> <p><i>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:</i></p> <p>(i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p>(ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposed mixed-use development of approximately 30 ha in extent will take place on land that was used for agriculture on or after 01 April 1998.</p>

<p>Listing Notice 2 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 15 Activity Description:</p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding 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 proposed development will entail the clearance of 20ha or more of indigenous vegetation.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape</p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. Areas outside urban areas;</i></p> <p><i>(aa) Areas containing indigenous vegetation;</i></p> <p><i>(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</i></p> <p><i>iii. Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use; or</i></p> <p><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The proposed development will entail the development of internal roads wider than 8m outside an urban area containing indigenous vegetation.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance</i></p>	<p>The proposed development will entail the clearance of indigenous vegetation of more than 300m² within an endangered ecosystem listed in terms Section 52 of the National Environmental Biodiversity Act, 2004 (Act No. 10 of 2004).</p>

purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- 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;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):

Activity Number: 18
Activity Description:

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

i. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;
- ii. All areas outside urban areas:
 - (aa) Areas containing indigenous vegetation;
 - (bb) Areas on the estuary side of the development setback line

The existing road located on Erf 15653, Vredenburg will be widened by approximately 8m and extended to link to the proposed internal road infrastructure to the existing road network.

<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>	
--	--

The abovementioned is hereinafter referred to as "the listed activities".

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

The proposed development entails the clearance of indigenous vegetation for the establishment of a mixed-use development and associated infrastructure on Portion 10 of Farm Witteklip No. 132, and the widening of a road and associated infrastructure on Erf 15653, Vredenburg. The proposed development will include *inter alia* the following:

- Approximately 1155 residential erven;
- Approximately 15 open space areas;
- Approximately 2 places of worship;
- Approximately 2 institutional erven,
- Approximately 4 business erven;
- Approximately 1 authority zone; and
- Approximately 5 road erven and associated infrastructure.

Bulk services will be provided by the Local Authority.

Access to the proposed site will be gained from existing roads, (from an existing school access road off the Southern By-pass Road and Senegal Street). The existing school access road on Erf 15653, Vredenburg will be widened by approximately 8m and lengthened by approximately 115m. New internal roads of 10-15m wide will be developed. A buffer area of approximately 35m will be maintained between the proposed development and the on-site water course.

The development footprint will be approximately 30 ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 10 of Farm Witteklip No. 132, Vredenburg. The widening of the road will take place on Erf 15653, Vredenburg.

The SG 21 digit code are:

Portion 10 of Farm Witteklip No. 132, Vredenburg: C0460000000013200010
 Erf 15653, Vredenburg: C04600140001565300000

Co-ordinates for Portion 10 of Farm Witteklip No. 132, Vredenburg:

32° 55' 32.29" South

Co-ordinates of the access road to be widened on Erf 15653:

Start:	32°	55'	23.78" South
	18°	00'	58.17" East
Middle:	32°	55'	23.94" South
	18°	01'	00.28" East
End:	32°	55'	24.85" South
	18°	01'	02.41" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd.
c/o Mr. N. Hanekom
P. O. Box 45070
CLAREMONT
7735

Tel: (021) 671 1660
Fax: (021) 671 9976

E. CONDITIONS OF AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Alternative 4 described in the EIAR dated September 2018 on the site as described in Section C above.
2. The holder must commence with and conclude the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
3. This Environmental Authorisation is granted for–
 - 3.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - 3.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the development phase, must be concluded.
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 preferred alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant

such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 13, 17.1 and 17.2.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date 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 F below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. Provide the registered I&APs with-
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2. the name of the responsible person for this Environmental Authorisation;
 - 7.4.3. the postal address of the holder;
 - 7.4.4. the telephonic and fax details of the holder;
 - 7.4.5. the e-mail address if any; and
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

Commencement

8. The listed activities, including site preparation, may not commence within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
9. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

10. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority if any amendments other than those required by this Environmental Authorisation are to be made to the EMPr, and this may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), prior to commencement of the development to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site and must be made available to anyone on request.
15. Access to the site referred to in section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Auditing

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 16.1. The holder must undertake an environmental audit within 3 months of commencement of the development phase. The holder must submit at least two Environmental Audit Reports to the competent authority. One Environmental Audit Report must be submitted within 3 months of commencement of the development and another Environmental Audit Report 6 months after completion of the development.
 - 16.2. The holder must, within 7 days of the submission of an audit report to the Competent Authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
 - 16.3. If the audit reports are not submitted, the Competent Authority may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

Specific conditions

17. The following recommendations provided in the Botanical Ecosystem Assessment Report dated September 2017 and compiled by Eco Impact Legal Consulting, must be implemented:
 - 17.1 The high sensitivity botanical area must be demarcated by an appropriately qualified botanist prior to the commencement of development activities;
 - 17.2 A search and rescue program must be undertaken where development will take place in the high botanical sensitivity area prior to commencement of development. All translocatable species must be replanted and conserved in the high sensitivity botanical area not to be developed; and
 - 17.3 The high sensitivity botanical area must be treated as a no-go area except with respect to 17.2 above.
18. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
19. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
20. All noise and sounds generated during development must comply with the relevant SANS codes and standards and the relevant noise regulations.

GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

G. APPEALS

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

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (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 Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@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 development or operation subsequent to development is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 23/11/2018

Copies to: (1) Ms. J. Pienaar (Eco Impact Legal Consulting (Pty) Ltd.)
(2) Ms. N. Duarte (Saldanha Bay Municipality)
(3) Mr. A. Oosthuizen (DEA&DP: Directorate Development Facilitation)

Fax: (021) 671 9976
email: nazeema.duarte@sbn.gov.za
Fax: (021) 483 8311

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/2/F4/23/3005/18

NEAS EIA REFERENCE NUMBER:

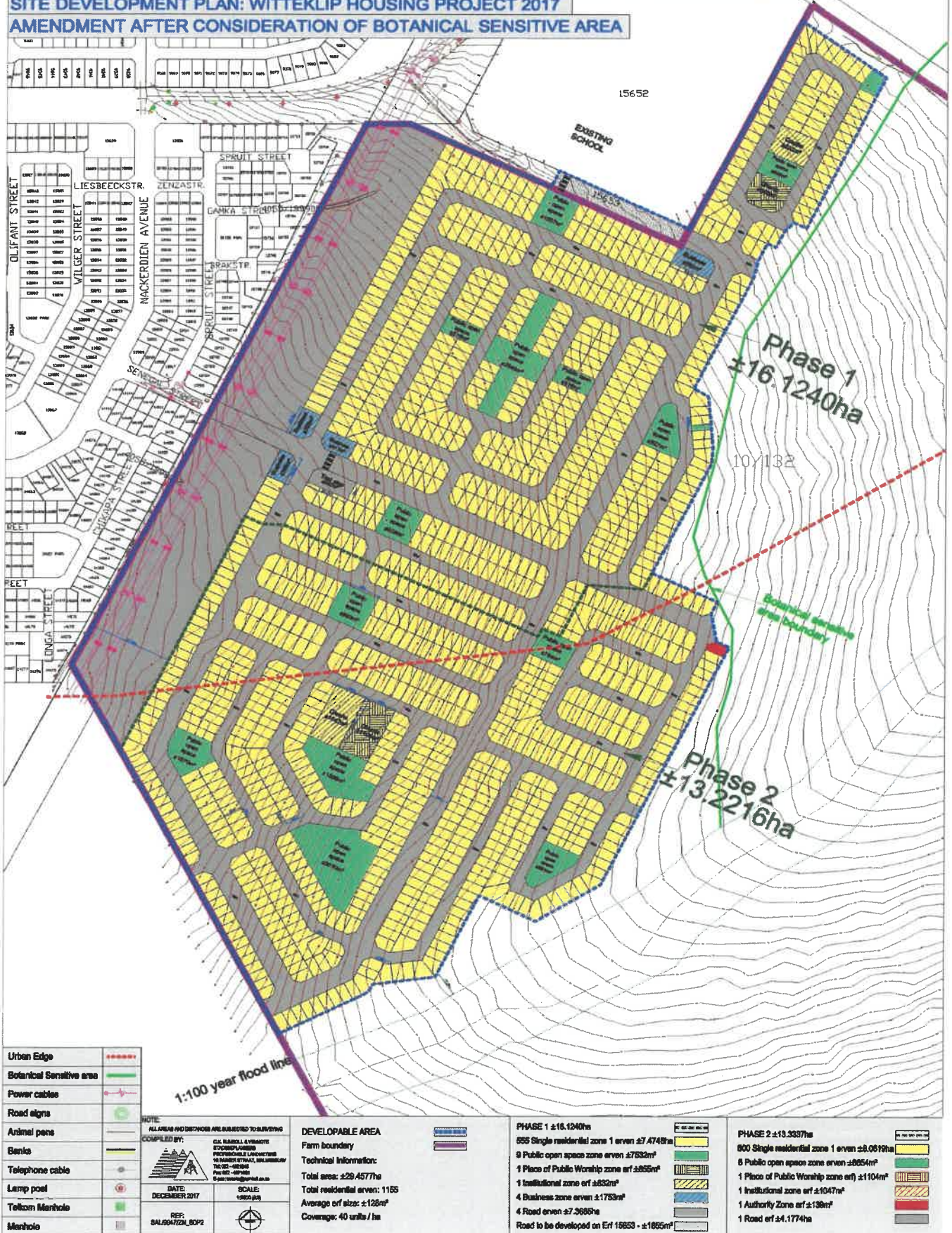
WCP/EIA/0000368/2018

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN

DEVELOPMENT PROPOSAL: PORTION 10 OF THE FARM ONGEGUND NO 132, RD MALMESBURY
SITE DEVELOPMENT PLAN: WITTEKLIP HOUSING PROJECT 2017
AMENDMENT AFTER CONSIDERATION OF BOTANICAL SENSITIVE AREA



Urban Edge	-----
Botanical Sensitive area	-----
Power cables	-----
Road signs	-----
Animal pens	-----
Banks	-----
Telephone cable	-----
Lamp post	-----
Telcom Manhole	-----
Manhole	-----

NOTE:
 ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING
 COMPILED BY: C.L. HANCOCK & V. MARCO
 PROFESSIONAL ENGINEERS
 16 BARBER STREET, BULLHALL, WJ
 7810 (011) 451-0100
 011-451-0100
 011-451-0100
 011-451-0100

DATE: DECEMBER 2017
 SCALE: 1:500 (A3)
 REF: SAJ.004724L_BDP2

DEVELOPABLE AREA
 Farm boundary
 Technical Information:
 Total area: ±29 4577ha
 Total residential erven: 1155
 Average erf size: ±126m²
 Coverage: 40 units / ha

PHASE 1 ±16.1240ha
 655 Single residential zone 1 erven ±7 4748ha
 9 Public open space zone erven ±7832m²
 1 Place of Public Worship zone erf ±855m²
 1 Institutional zone erf ±832m²
 4 Business zone erven ±1753m²
 4 Road erven ±7 3685ha
 Road to be developed on Erf 18653 - ±1855m²

PHASE 2 ±13.2216ha
 600 Single residential zone 1 erven ±8 0619ha
 8 Public open space zone erven ±8654m²
 1 Place of Public Worship zone erf ±1104m²
 1 Institutional zone erf ±1047m²
 1 Authority Zone erf ±139m²
 1 Road erf ±4 1774ha

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated and received by the Competent Authority on 09 February 2018, the Scoping Report dated and received by Competent Authority on 23 March 2018, the final Environmental Impact Assessment Report ("EIAR") dated September 2018 and received by the Competent Authority on 18 September 2018 and the EMPr submitted together with the EIAR;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (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 the responses provided thereon, as included in the EIAR received by the Department on 18 September 2018;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The site audit conducted by officials of this Directorate on 08 June 2018.

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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing notice boards at the site where the listed activities are to be undertaken 19 June 2017;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 09 February 2018; and
- the placing of a newspaper advertisement in the 'Die Weslander' on 29 June 2017.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Four design/layout alternatives and the no-go alternative were assessed:

Alternatives 1, 2 and 3 are similar to the preferred alternative but were not considered to be preferred as they do not adequately take the specialists recommendations into account and do not make adequate provision for the Eskom powerline and road servitude along the western border of the site.

Alternative 4 (Preferred alternative- herewith authorised)

The proposed development entails the clearance of indigenous vegetation for the establishment of a mixed-use development and associated infrastructure on Portion 10 of Farm Witteklip No. 132, and the widening of a road and associated infrastructure on Erf 15653, Vredenburg. The proposed development will include *inter alia* the following:

- Approximately 1155 residential erven;
- Approximately 15 open space areas;
- Approximately 2 places of worship;
- Approximately 2 institutional erven,
- Approximately 4 business erven;
- Approximately 1 authority zone; and
- Approximately 5 road erven and associated infrastructure.

Bulk services will be provided by the Local Authority.

Access to the proposed site will be gained from existing roads, (from an existing school access road off the Southern By-pass Road and Senegal Street). The existing school access road on Erf 15653, Vredenburg will be widened by approximately 8m and lengthened by approximately 115m. New internal roads of 10-15m wide will be developed. A buffer area of approximately 35m will be maintained between the proposed development and the on-site water course.

The development footprint will be approximately 30 ha in extent.

This alternative is considered the preferred alternative as the layout takes all the specialists recommendations into consideration and makes adequate provision for the road and powerline servitude. The proposed development will therefore be located further than 35m from the watercourse, as measured from the edge of the southeast of the development, outside of the 1:100 year floodline.

"No-Go" Alternative

The "no-go" alternative will result in the status quo being maintained. The preferred alternative will not result in unacceptable environmental impacts, therefore the "no-go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The proposed development will provide additional affordable housing and associated mixed land uses that is required by the local community. The proposed site is located inside the urban edge of the town and is earmarked for residential development. Further, the proposed development is aligned with the forward planning policies applicable to the area (Saldanha Bay Municipal Spatial Development Framework, 2011, the Integrated Development Plan 2017-2022 and the Saldanha Bay Human Settlement Plan (2012-2017)).

3.2. Botanical Impacts

An Ecological Baseline study was conducted by Eco Impact Legal Consulting, dated April 2017 to assess the potential botanical impacts associated with the proposed development. A follow-up Botanical and Freshwater Ecosystem Assessment was conducted by Eco Impact Legal Consulting, dated September 2017. According to the Botanical and Freshwater Ecosystem Assessment, the original vegetation that occurred on the site is Saldanha Flats Strandveld, which is classified as an endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 List of Threatened Ecosystems "*In Need of Protection*", dated 2011. Most of the site is dominated by weeds, grasses and annual herbaceous species. The site overlaps with an area determined as a Critical Biodiversity Area and is largely located within an Ecological Support Area. The north-eastern section of the site is less disturbed and is dominated by dense small shrub species and the majority

of indigenous vegetation and is classified as a high botanical sensitivity area. No Species of Conservation Concern were recorded on the site.

The specialist recommended that the areas identified as being of high botanical sensitivity be avoided as far as practically possible. The preferred layout alternative has been informed by the recommendations contained in the Botanical and Freshwater Ecosystem Assessment. As such only a small section of the proposed development in the north-eastern corner of the site will take place in the high botanical sensitivity area.

The specialist recommendations have been included in the conditions of the Environmental Authorisation and the EMPr.

CapeNature in their comment dated 11 June 2018, did not object to the proposed development.

The botanical impacts associated with the proposed development are therefore regarded as being of low negative significance post mitigation where development will take place in the low botanical sensitivity area and medium to high negative significance where it will take place in the high botanical sensitivity area.

3.3. Freshwater Impacts

The afore-mentioned Ecological Baseline study, dated April 2017 identified sensitive ecological features on the site. A Freshwater Ecosystem Impact Assessment was conducted by Eco Impact Legal Consulting, dated August 2018 to assess the potential freshwater impacts of the proposed development. An external review specialist Mr. van Staden of Scientific Services was appointed to review the Freshwater Ecosystem Impact Assessment.

The review specialist concurred that a non-perennial drainage line of moderate ecological importance is present on the site and the protection thereof is required to ensure the ongoing support of the indigenous vegetation on the site. The Freshwater Ecosystem Impact Assessment included a recommendation that in order to ensure ecological functioning of the drainage line, a buffer area of 35m must be maintained between the proposed development and the drainage line. The preferred alternative has therefore been informed by the recommendations of the Freshwater Ecosystem Impact Assessment.

The specialist recommendations have been included in the conditions of this Environmental Authorisation and the EMPr.

The freshwater impacts associated with the proposed development are regarded as being of low negative significance post mitigation.

3.4. Traffic Impacts

A Traffic Impact Assessment, dated October 2017 was conducted by Sturgeon Consulting to assess the potential traffic impacts associated with the proposed development. According the Traffic Impact Assessment, the traffic generated during peak traffic conditions will not be significantly impacted upon by the proposed development. As such, no additional upgrades are required to the existing road network as a result of the proposed development.

The Western Cape Government: Transport and Public Works: Road Network Management Directorate in their correspondence dated 04 December 2017 indicated that they do not object to the proposed development.

The traffic impacts associated with the proposed development are therefore regarded as being of low negative significance post mitigation.

3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape in their final comment dated 14 September 2017 indicated that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. The potential heritage impacts are considered to be of low negative significance post mitigation.

3.6. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.7. The development will result in both negative and positive impacts:

Negative impacts include:

- Botanical impacts; and
- Potential freshwater impacts.

Positive impacts include:

- Provision of additional housing in Vredenburg;
- Additional business opportunities;
- Provision of additional mixed land uses; and
- Some employment opportunities.

National Environmental Management Act Principles

The National Environmental Management Act 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.

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

-END-