



REFERENCE: 16/3/3/1/D6/28/0012/18
NEAS REFERENCE: WCP/EIA/0000469/2018
ENQUIRIES: Ms Jessica Christie
DATE OF ISSUE: 27 MAR 2019

THE MUNICIPAL MANAGER
MOSEL BAY MUNICIPALITY
P.O. Box 25
MOSEL BAY
6500

Attention: Mr. Johan van Zyl

TEL: (044) 606 5013
FAX: (044) 606 5013
E-MAIL: jvanzyl@mosselbay.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED LOUIS FOURIE HOUSING A PORTION OF ERF 2001, MOSEL BAY

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

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms Louise-Mari van Zyl (Cape EAPrac)

Fax: 044 874 0432



REFERENCE: 16/3/3/1/D6/28/0012/18
NEAS REFERENCE: WCP/EIA/0000397/2018
ENQUIRIES: Ms Jessica Christie
DATE OF ISSUE: 27 MAR 2019

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 LOUIS FOURIE HOUSING A PORTION OF ERF 2001, 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 3 December 2018 as prepared and submitted by the environmental assessment practitioner, *Cape Environmental Assessment Practitioners*.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
MOSSEL BAY MUNICIPALITY
% Mr. Johan van Zyl
P.O. Box 25
MOSSEL BAY
6500

Tel: (044) 606 5013
Fax: (044) 606 5013
E-mail: jvanzyl@mosselbay.gov.za

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
Government Notice No. 983 of 4 December 2014 -Listing Notice 1	
<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>Development of structures and infrastructure that will affect aquatic features on the site, namely:</p> <ul style="list-style-type: none"> • A storm water channel draining over the site from the south-east of the site that is dominated by kikuyu grass (<i>Pennisetum clandestinum</i>) with patches of bulrush (<i>Typha capensis</i>) and common reed (<i>Phragmites australis</i>); • A small wetland area dominated by the sedge <i>Cyperus textilis</i> where the storm water decants into a depression north of the storm water channel; and • A patch of bulrush reedbed at the point where a pipe culvert drains via a culvert under the road and into the eastern tributary of the river north of the site
<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>(a) the undertaking of a linear activity; or</p> <p>(b) maintenance purposes undertaken in accordance with a maintenance management plan</p>	<p>More than 1 hectare (but less than 20 hectares) of indigenous vegetation will be cleared for the construction of the housing development.</p>
Government Notice No. 985 of 4 December 2014 -Listing Notice 3	
<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>More than 300 square metres of indigenous vegetation will be cleared for the construction of the housing development. Also, the property – Erf 2001- is zoned as Private Open Space (municipal commonage).</p>

<p>iii. <i>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;</i></p> <p>iv. <i><u>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</u></i></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 activities as it relates to the development and development footprint area:

The clearance of indigenous vegetation of approximately 16.38 hectares and the infilling and excavation of more than 10 cubic metres in a watercourse for the development of 1 003 housing opportunities of which:

- ❖ ±725 will be BNG (Breaking New Ground);
- ❖ ±278 FLISP (Finance Linked Individual Subsidy Programme);
- ❖ a maximum of 350 as Social (rental) Housing.

Also included are the following:

- ❖ 1 church
- ❖ 1 crèche
- ❖ 1 school building with associated amenities (educational hub)
- ❖ 1 sports field
- ❖ 1 business erf
- ❖ 1 community facility (village centre)
- ❖ All engineering service infrastructure

C. SITE DESCRIPTION AND LOCATION

The property, which is a 42.2 hectare portion of Erf 2001, Mossel Bay, is situated in the D'Almeida township of Mossel Bay. The undeveloped portion of Erf 2001 is defined by existing roads and developments, namely Louis Fourie Drive forms the southern boundary, Bill Geoffrey Avenue forms the northern boundary, the SPCA forms the western boundary and a commercial shopping centre forms the eastern boundary of the site.

The centre point of the development site where the listed activities will be undertaken are:

Portion of Erf 2001: 34° 10' 56.27" South 22° 06' 23.91" East

SG digit code: C05100070000200100000 (Portion of Erf 2001)

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

CAPE ENVIRONMENTAL ASSESSMENT PRACTITIONERS (PTY) LTD.

% Ms. Louise-Mari van Zyl

P. O. Box 2070

GEORGE

6530

Tel: (044) 874 0365

Fax: (044) 874 0432

E-mail: louise@cape-eaprac.co.za

Website: www.cape-eaprac.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the FBAR dated 3 December 2018 on the site as described in Section C above.

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

The clearance of indigenous vegetation of approximately 16.38 hectares and the infilling and excavation of more than 10 cubic metres in a watercourse for the development of 1 003 housing opportunities, consisting of:

- ❖ ±725 will be BNG (Breaking New Ground);
- ❖ ±278 FLISP (Finance Linked Individual Subsidy Programme);
- ❖ a maximum of 350 as Social (rental) Housing.

Also included are the following:

- ❖ 1 church
- ❖ 1 crèche
- ❖ 1 school building with associated amenities (educational hub)
- ❖ 1 sports field
- ❖ 1 business
- ❖ 1 community facility (village centre)
- ❖ Engineering service infrastructure and structures related to the development, including internal roads and sidewalks/pavements; reticulation infrastructure for water, sewage stormwater and electricity supply; stormwater outlet structures.

2. **This Environmental Authorisation is granted for the period from date of issue until 30 April 2029**, the date on which the activities will be deemed to be concluded.

Further to the above, the Environmental Authorisation is subject to the following:

- 2.1. The Holder must start with the physical implementation of all the authorised listed activities prior to 30 April 2024 and exceed the threshold of each listed activity by this specified date.
- 2.2. The post construction rehabilitation and monitoring requirements must be finalised within a period of 12-months from the date the development activities (construction phase) are concluded; but by no later than 30 April 2029.

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).

3. This Environmental Authorisation may only be implemented in accordance with an 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 –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 4;
 - (c) the date of the decision; and
 - (d) 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:
 - (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) 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 applicant notified 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 construction activities.
 - 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, 8 and 10.**

Management of activity

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects, and must then be re-submitted to the Competent Authority and approved prior to commencement of construction.
 - 8.1. Incorporate all the conditions given in this Environmental Authorisation;
 - 8.2. Include the detailed final designs of the services on the site in terms of the sewer pipelines, water supply and electrical infrastructure as well as the erven.
9. 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 vegetation clearing or construction activities commencing;
 - 11.2. ensure compliance with the EMPr and the conditions contained herein;
 - 11.3. keep record of all activities on 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.

Auditing

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid—

- 14.1. ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;
- 14.2. undertake annual environmental audit(s) during the construction phase, and the Holder must submit these Environmental Audit Report(s) to the Competent Authority.

The final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within three (3) months of completion of construction of the development;

15. The Environmental Audit Report, must –

- 15.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise;
- 15.2. provide verifiable findings, in a structured and systematic manner, on—
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) 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.
- 15.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 15.4. evaluate the effectiveness of the EMPr;
- 15.5. identify shortcomings in the EMPr;
- 15.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 15.7. 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;
- 15.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
- 15.9. include a photographic record of the site applicable to the audit; and
- 15.10. be informed by the ECO reports.

16. 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

17. The landscaping of the electrical servitude and the 2-metre-high berm must be completed before Phase 1 of the development is complete.

18. 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 activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, 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 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.

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 EMP 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. 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.
8. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

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 construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

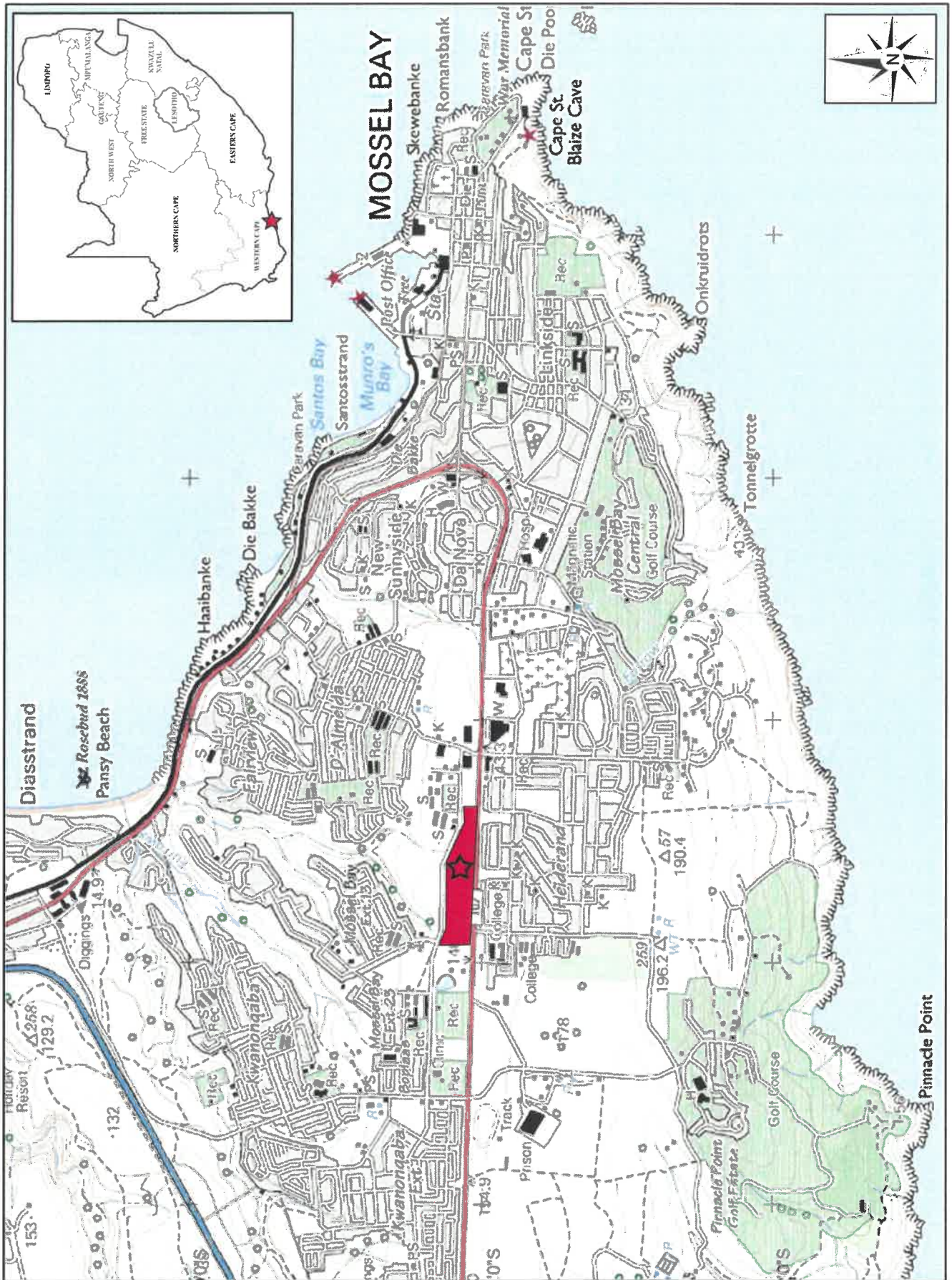
DATE OF DECISION: 27/03/2019

FOR OFFICIAL USE ONLY:

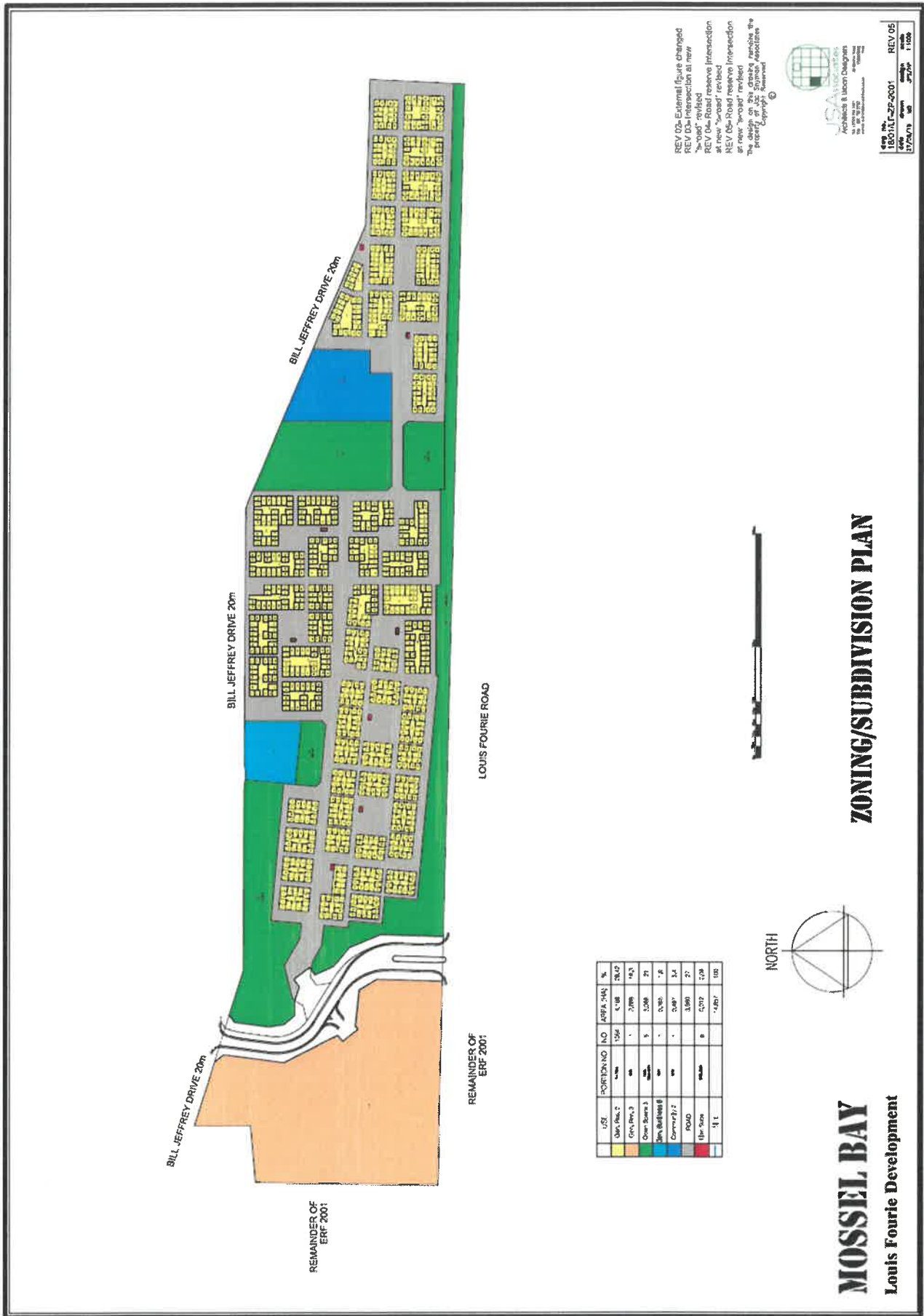
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NEAS REFERENCE: WCP/EIA/0000469/2018

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 4: 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 3 September 2018, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 3 December 2018;
- 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 3 December 2018;
- e) The application of the "One Environmental System" and the relevant information which was submitted to the authorities;
- f) The balancing of negative and positive impacts and proposed mitigation measures; and
- g) The site visits conducted (date and attended by):
 - ❖ 23 October 2017 - Ms Jessica Christie (DEA & DP), Mr. Francois Naudé (DEA & DP), Mr. Danie Swanepoel (DEA & DP) Ms Louise-Mari van Zyl (Cape EAPrac), Delarey Viljoen (Delplan), Mr Jaco Roux (Mossel Bay Municipality) and Mr Louis du Preez (RHDHV)

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site and at the site on 10 November 2017;
- 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 1 November 2018;
- the placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 10 November 2017; and
- making the draft Basic Assessment Report available to I&APs for public review from 1 November 2018 to 1 December 2018.

The following Organs of State provided comment on the proposal:

- ❖ *Garden Route District Municipality (GRDM)*
The GRDM requested a risk reduction and action / response strategy to be implemented to mitigate risk and respond to any pollution or freshwater / groundwater contamination / sewer incidences in case they occur. Furthermore, they also stated that the any open spaces or previously degraded areas not part of the proposed development must be restored / re-vegetated to a natural state.

Response:

The Mossel Bay Municipality has confirmed that they have a risk management plan i.e. their Quality Performance System whereby they must attend to potential spills / blockages within 24 hours and repair and complete the clean-ups within 72 hours. When there is notable environmental damage, the matter must be elevated to the Environmental Manager at the Mossel Bay Municipality and from there, this person will engage with the relevant competent authorities in the event of such a surface or ground water pollution event.

The development provides internal open spaces i.e. community court yards, as well as larger open space areas and sports facilities where children will be able to play and funding applications has been made by the Municipality to supply the necessary infrastructure that will ensure that these spaces are usable and do not remain as vacant, sterile pieces of land only.

❖ WCG: Department of Education (WCDE)

This Department stated that they are not in a position to prioritise school provisioning as part of the Louie Fourie corridor development but they would strongly recommend that provision is made for future educational facilities in the site layout plan. Furthermore, they stated that they will assess the utilisation of schools in the surrounding area with regard to accommodating additional learners from the new developments.

Also, in order for learners to access schooling opportunities offsite and ultimately integrate the Louis Fourie development within the surrounding areas, non-motorised transport and the road network should be strongly promoted in parallel with the proposed residential development. Special attention should be given to the provision of pedestrian crossings along Bill Geffrey Avenue.

Response:

The development layout provides for a school site and it is the Municipality's responsibility to align the housing project with the budgets of the Department of Education to ensure that the school site is developed in parallel to the housing component that needs to be completed no later than 2 years from when the specific housing phase / component in which the service is provided, is concluded but it will be the responsibility of the Department of Education to build and operate the school.

❖ Breede Gouritz Catchment Management Agency (BGCMA)

A number of artificial features have been developed that have wetland features. These features are regarded as non-natural with little conservation value. It is thus assumed that the risk to these features is low and therefore a General Authorisation can be confirmed for the Section 21 c & l water uses.

2. Alternatives

Preferred Alternative: (herewith authorised)

The clearance of indigenous vegetation of approximately 16.38 hectares and the infilling and excavation of more than 10 cubic metres in a watercourse for the development of 1 003 housing opportunities of which:

- ❖ ±725 will be BNG (Breaking New Ground);

- ❖ ±278 FLISP (Finance Linked Individual Subsidy Programme);
- ❖ a maximum of 350 as Social (rental) Housing.
- ❖ All service infrastructure

Also included are the following:

- ❖ 1 church
- ❖ 1 crèche
- ❖ 1 school building with associated amenities (educational hub)
- ❖ 1 sports field
- ❖ 1 business
- ❖ 1 community facility (village centre)

With the exception of the church, school and social housing component (maximum 4 storeys) all structures will be limited to double storey heights. Some single storey structures will be incorporated into the development to accommodate the elderly and disabled persons that cannot make use of stairs. The final design and layout formation will only be determined once the beneficiary profile is complete. The layout and composition of housing types will therefore still change, but will stay within the maximum parameters.

Other Alternatives considered:

- ❖ The option of including a filling station as part of the development proposal was considered at the outset of the pre-planning stage of the application. The Municipality decided to exclude this component for the following reasons:
 - Constructing and operating a filling station is not a core function of the Municipality and the project focus is housing;
 - A filling station application is generally categorised by objections from other filling station owners/operators, as well as the Fuel Retailers Association and is commonly known to go through costly appeals delay the implementation of a project. The Municipality did not want to compromise the housing application with such risks.
 - The site is situated at the top of a coastal watercourse and the potential for pollution associated with a filling station was identified as a concern by the project team that could jeopardise the application.
 - This (concept/layout) alternative was therefore eliminated from further assessment.
- ❖ The layout initially would have extended all the way up to Louis Fourie Avenue. However, as a result of services surveys it was determined that a 20m electrical servitude runs in parallel to Louis Fourie Avenue. The servitude may not be developed and as such development within the servitude area was excluded. The (layout) alternative up to Louis Fourie Avenue was therefore eliminated from further assessment.
- ❖ The initial proposal was for the shared open space areas throughout the development to have a zoning of Open Space III. However, since this zoning requires a conservation outcome which the Municipality cannot commit to, it was agreed to rather retain the existing zoning of Open Space II. The Municipality still remains responsible for the management and maintenance of these open space II areas (as they do for the Remainder of Erf 2001), however the desired outcome for open space II is more reasonable and feasible. The alternative zoning of Open Space III for the shared open spaces is therefore not considered feasible and hence excluded from further consideration/assessment.

"No-Go" Alternative

The site is partially transformed through municipal services, illegal dumping, alien vegetation invasion, wood cutting and a number of trails cutting across the property. Although the site is zoned private Open Space it is not utilised for conservation/recreational purposes and since it is designated for township development i.t.o. the SDF it is unlikely to ever be utilised for conservation or recreational purposes. Since the site is surrounded by low cost housing with many backyard dwellers, there is a real risk, considering the expectations created by the SDF, that should the site not be developed for affordable housing, unlawful land invasion will happen.

Even if the Municipality can prevent this from happening, the Municipality will not spend funds on rehabilitation of the property and it is reasonable to accept that further transformation in the form of unrestricted alien vegetation invasion, illegal dumping etc will continue. Under the no-go option the site presents a significant fire hazard which, since it is located in a densely populated area, holds a risk to people living in the area as well as adjacent businesses. The no-go option cannot satisfy the Principle of Environmental Management as captured in Section of the NEMA, neither will it address the general objectives of Integrated Environmental Management as set out in Section 23 of the NEMA.

3. Impact Assessment and Mitigation Measures

3.1 Activity need and desirability

By developing the property, the Municipality will be able to address the growing housing backlog, in particular it will be able to improve the living conditions of families that currently live as backyard dwellers under less than ideal circumstances. Improving living conditions for those that cannot afford property or who cannot access house bonding financing is a societal benefit in general since it reduces the risk of unlawful land invasion by disgruntled and frustrated beneficiaries that remain on housing lists for many years.

The local community (Kwanonqaba) will benefit most since the project will contribute to social upliftment in their area, whilst beneficiaries themselves are set to be the greatest benefactors of a project of this nature. Heiderand will also benefit albeit indirectly since the risk of land invasion directly across from their homes will have security and property value impacts that are much reduced with the development proposal.

3.2 Regional/ planning context

The site is zoned Private Open Space II and forms part of the Municipality's "commonage". The greater portion of Erf 2001 consists of drainage areas and corridors. This portion of the site however has been earmarked for township development i.t.o. the Mossel Bay Spatial Development Framework since it is flat, accessible, already surrounded by existing township development and found to be acceptable for development by various independent specialists and technical professionals. The proposed internal open spaces of the development (whether private or public) are not aimed at conservation, but rather as functional open space.

The property is situated with the "urban edge" of Mossel Bay and considered within the "urban area" as per the Environmental Regulations (as amended). The PSDF promotes integrated development and supports social upliftment and economic development in areas that are suitable for human settlement development.

3.3 Services/ bulk infrastructure

The Municipality is being assisted by the Provincial Department of Human Settlements with the planning and implementation of the project. The Municipality is therefore responsible for providing basic services to the people. There is written confirmation from the Mossel Bay Municipality that they are capable of providing services to the development i.e. water, sewage, electricity, storm water management and solid waste management.

3.4 Biophysical Impacts

The site is flat and the geotechnical investigation has confirmed that it can be developed for the purpose of an integrated housing development. The site is geographically situated in an ideal location surrounded by existing urban suburbs, major access routes, schools, amenities and places of work. Physically the site presents little constraints since the existing municipal infrastructure on the site can be re-aligned to accommodate the development proposal. Existing storm water drainage will be redeveloped to fall underground.

3.5 Biodiversity

Of the 17 hectares ecological support area (ESA) indicated north of the property, approximately 1.3 hectares fall within the study site which amounts to approximately 7,6% of the specific ESA portion that will be impacted. The independent botanist has confirmed that the loss, albeit regrettable, is acceptable given the preferred land use. Geographically the site is located between two major transport routes (i.e. Louis Fourie Avenue and Bill Geffrey Street) and it is regarded to be cut-off from the remainder of the open space system extending to the north.

The site contains a number of freshwater features that have been confirmed to be artificial and linked to existing storm water runoff from Louis Fourie Avenue. The one remaining "natural" freshwater feature is an isolated portion of the upper reaches of the coastal watercourse that starts north of the property. A General Authorisation in terms of the National Water Act has been applied for. The developmental impact of this development on the identified aquatic features is not concerning to the independent freshwater specialist as the more important aspect, namely protecting the remaining natural watercourses north of the property, can still be achieved through appropriate storm water design and management.

A number of protected tree species occur on the site and these will mostly be affected through the proposed change in land use. A Forestry Permit will be applied for. To compensate for the loss of these protected trees the development must be landscaped with approximately 500 indigenous trees many of which must be milk- and cheesewoods. The significance of the impact is considered medium prior to mitigation and low after mitigation.

3.6 Visual / sense of place

There are no heritage features affected by the development. However, the development will affect the visual landscape along Louis Fourie Avenue and for those residents living south of Louis Fourie Avenue to a greater degree than most. The bulk/mass of the development is high, however other existing developments in the area mimic, to a certain degree what is proposed for the site with existing two and three storey residential buildings already found along Louis Fourie Avenue and within the adjoining suburb. The recommended landscaping and rehabilitation of the 20m electrical servitude parallel to Louis Fourie Avenue will act as a visual screen and the 2m high vegetated berm within this servitude will reduce visual impact. The vegetated berm and

landscaping of the electrical servitude must be implemented before Phase 1 of the development is complete to ensure that the area is established before the total development is complete.

3.7 Traffic

The development will have three (3) new access points directly off Bill Geffrey Street and another off the new link road connecting Gunter Street and Louis Fourie Avenue. The latter intersection will provide access to both the social housing component as well as the FLISP/GAP housing areas through to sideway stops (i.e. coming out of the social housing area one must stop and coming out of the GAP/FLISP area one must stop before entering onto the new link road).

Using existing traffic volumes from the area, RHDHV projected traffic growth for the next five years based on a low-to-medium growth rate for the area. Assuming a 3% growth, plus the development traffic, it is anticipated that the development will as proposed will generate an additional 388 trips during the future weekday AM and PM peak hours.

The new link road intersection with Louis Fourie Avenue (for which the existing 3-way robot will become a 4-way robot as part of the existing upgrade) will operate at acceptable levels. The existing new link road intersection with Bill Geffrey Street will operate as a four-way stop street (as part of the existing upgrades), however to improve traffic flow, a dedicated left turning lane into Bill Geffrey Street (from Grunter Street) must be constructed within the road reserve of Gunter Street (this left turning lane must be completed in parallel to the housing development, no later than when the GAP/FLISP housing component is completed, to prevent unnecessary traffic congestion at this intersection).

3.8 Noise etc

The development is unlikely to result in operational nuisance factors i.e. noise, odours etc as it is a normal residential development within an existing suburb. Construction related nuisances will include noise and dust, but these impacts are temporary and can be managed through the Environmental Management Plan. Road traffic noise from Louis Fourie Avenue will be a nuisance factor for residents living closest to the road. It is expected however that the recommended 2m high vegetated berm will act as a noise barrier that will reduce the noise effect for residents. This berm must be established and vegetation before phase one of the development is completed. Also, it must be noted that the development is setback 20m from Louis Fourie (because of the no-development electrical servitude) which also helps with potential noise nuisances from passing traffic.

3.9 Socio-economic

Business opportunities based on similar scale projects the estimated capital expenditure costs for the development are expected to be region of R 500 million (estimated rand value during 2018). Most of the work during the construction phase is likely to be undertaken by local contractors and builders. The proposed development will therefore represent a positive benefit for the local construction and building sector in the Mossel Bay Local Municipality (MBLM) and the Garden Route District Municipality (GRDM). The majority of the building materials associated with the construction phase will be sourced from locally based suppliers in the MBLM and GRDM. This will represent a positive injection of capital into the area local economy.

It is assumed that the construction phase would extend over a period of five years. The total number of new employment opportunities created by the development over the total five year period will be in the region of 2 700. Of this total ~ 1 080 (40%) would be available to low skilled workers, ~ 1 080

(40%) to semi-skilled workers and 540 (20%) to skilled workers. The majority of the low and semi-skilled workers are likely to be historically disadvantaged individuals (HDI) from the MBLM and GRDM.

The total wage bill over five years will be in the region of R 833 million (estimated rand value during 2018). Of this total ~ R 467 (56%) would be earned by low skilled and semi-skilled workers, and R 366 (44%) by skilled workers. The majority of the total wage bill will therefore be earned by low and semi-skilled workers, the majority of whom are likely to be HDI members of the local community. The majority of the wage bill is therefore also likely to be spent in within the MBLM and GRDM. This will in turn benefit local businesses.

4. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. A period of 12-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised. The environmental authorisation's validity period has been granted for a period of 10-years, during which period the development activities must commence and be concluded. The Holder is required to substantially implement the development within 5-year period after the environmental authorisation is issued.

5. 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.

6. Conclusion

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

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