



REFERENCE: 16/3/3/1/F1/7/2065/18
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2019 -05- 0 6

The Municipal Manager
Bergrivier Municipality
PO Box 60
PIKETBERG
7321

Attention: Advocate Hanlie Linde

Tel.: (022) 913 6000
Fax: (022) 913 1406

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED ESTABLISHMENT OF A NEW COMMERCIAL CONVENIENCE AND RECREATIONAL AREA ON ERF NO. RE/471, LAAIPLEK

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


DIRECTOR, DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Mr Sean Ranger (Cederberg Conservation Services)

Fax: (086) 655 8060



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PO Box 60
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Attention: Advocate Hanlie Linde

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Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED ESTABLISHMENT OF A NEW COMMERCIAL CONVENIENCE AND RECREATIONAL AREA ON ERF NO. RE/471, LAAIPLEK

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the Basic Assessment Report ("BAR") dated February 2019.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Bergrivier Municipality
c/o Advocate Hanlie Linde
PO Box 60
PIKETBERG
7321
Tel.: (022) 913 6000
Fax: (022) 913 1406

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p>Activity 17: "Development - (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</p> <p>in respect of - (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres or more –</p> <p>but excluding – (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) 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; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous</p>	<p>Structures with a development footprint of 50m² or more will be developed within a distance of 100m inland of the high-water mark of an estuary.</p>

<p>vegetation will not be cleared; or (dd) where such development occurs within an urban area".</p>	
<p>Activity 19: "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> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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>The excavation from and infilling of material into the wetland will be required for the proposed development.</p>
<p>Activity 19A: "The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from -</p> <ul style="list-style-type: none"> (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea; - <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <ul style="list-style-type: none"> (f) will occur behind a development setback; (g) is for maintenance purposes undertaken in accordance with a maintenance management plan; (h) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p>where such development is related to the</p>	<p>The excavation from and infilling of material into the estuary will be required for the proposed development.</p>

<i>development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</i>	
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The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

The proposed project entails the establishment of a new commercial convenience and recreational area on Erf No. RE471, Laaiplek. The proposed development will make provision for trading stalls, a parking area, an ablution facility and a small amphitheatre. Access will be gained from Lofdal Street.

C. LOCATION AND SITE DESCRIPTION

The listed activities will take place on Erf No. RE471, Laaiplek.

The proposed site is situated to the east of the Jameson and Lofdal intersection and between Jameson Road and a pathway which crosses the wetland to the east. Laaiplek is situated to the south, the golf course to the southeast and a school to the north.

The SG 21-digit code is: C05800050000047100000

Co-ordinates:

Latitude: 32° 46' 11.06" S

Longitude: 18° 09' 32.52" E

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

hereinafter referred to as "the site".

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

Cederberg Conservation Services t/a Footprint Environmental Services
c/o Mr Sean Ranger
PO Box 454
PORTERVILLE
6810
Cell: 083 294 8776
Fax: (086) 655 8060

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 BAR dated February 2019 on the site as described in Section C above.

2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority. This Environmental Authorisation is granted for–
 - (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of five (**5**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and

- 6.4 provide the registered Interested and Affected Parties with:
- 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

Commencement

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

- 9. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14, 22 and 23.

Management of activity

- 10. The draft 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 in terms of Chapter 5 of the EIA Regulations, 2014 if any amendments are to be made to the outcomes of the EMPr, and these 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.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. 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.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must—

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid—
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report to the relevant competent authority during the construction phase. The holder must submit the first audit report six months after commencement of the construction phase and a second audit report twelve months after the first audit report; and
 - 15.3 submit an environmental audit report every five (5) years thereafter while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014.

In addition to the above, the environmental audit report, must -

- 16.1 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 extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;

- 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. 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 waste disposal facility licensed in terms of the applicable legislation.
20. 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; shipwrecks; 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.
21. The holder must maintain the green corridor in which the small watercourse and its associated salt marsh and pan habitat occurs. The green corridor must remain as an open space of more than 200m wide.
22. The holder must demarcate the footprint of the proposed development site before the commencement of construction activities and the area of disturbance must be contained within this demarcated area.

23. The wetland area must be demarcated as a no-go area before the commencement of construction activities and must remain as such during the construction phase.
24. The holder must conduct the construction phase activities during the summer period/months to reduce the risk of runoff from the construction site.
25. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.

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. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
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 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, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 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 Interested and Affected Parties, 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 Interested and Affected Parties -
- 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 Interested and Affected Party, 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 Interested and Affected Party 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>.

G. 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 ZAahir TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 06/05/2019

CC: (1) Mr Sean Ranger (Cederberg Conservation Services)

Fax: (086) 655 8060

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F1/7/2065/18

NEAS EIA REFERENCE NUMBER: WCP/EIA/0000526/2018

ANNEXURE 1: LOCALITY PLAN

The approximate location of Erf No. RE/471, Laaiplek.



ANNEXURE 2: SITE PLAN

The proposed new commercial convenience and recreational area on Erf No. RE471, Laaipek.



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 November 2018, as received by the competent authority on 21 November 2018; the BAR dated February 2019 and the EMPr submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated February 2019;
- d) The pre-application consultation site visit conducted on 29 June 2016

Attended by: Mr Werner Wagener and Mr Hannes Vermeulen of Bergrivier Municipality; and Mr Eldon van Boom and Mr Adrian Pietersen of the Department of Environmental Affairs and Development Planning ("DEA&DP").

The pre-application consultation site visit conducted on 19 July 2016

Attended by: Mr Warren Dreyer and Ms Shaddai Daniel of the Department of Water and Sanitation; and Mr Eldon van Boom and Ms Rondine Isaacs of the DEA&DP.

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 comprised of the following:

- Background Information Documents and copies of the pre-application BAR were posted via registered mail to Interested and Affected Parties on 5 June 2017;
- Notices were placed on site;
- Notices were placed at the Public Library, Bergrivier Municipal Building, Noordhoek Community Centre and the Noordhoek Public Library;
- An advertisement was placed in the "Die Weslander" newspaper on 8 June 2017;
- A pre-application BAR was made available from 12 June 2017 until 14 July 2017;
- Notifications were sent via registered mail on 18 January 2019 to announce the availability of the post-application draft BAR;
- E-mail notifications were sent on 20 January 2019 to registered Interested and Affected Parties and
- The post-application draft BAR was made available from 23 January 2019 until 25 February 2019.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- Department of Agriculture, Forestry and Fisheries;

- Department of Agriculture;
- West Coast District Municipality;
- Department of Water and Sanitation; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were included in the BAR.

2. Alternatives

Three site alternatives were investigated as follows:

Site alternative 1:

Site 1 is located to the north of the preferred site and directly adjacent to and north of Lofdal Road and east of Main Road. This alternative was rejected since it will be located in front of a school, resulting in potential traffic, noise and social impacts.

Site 2:

Site 2 is located to the east of the preferred site and more to the centre of the salt marsh. This alternative was rejected since it will result in potential traffic impacts and an increased fragmentation of the open space system. In addition, the site is located within the salt marsh and pan habitats and will have an aquatic impact of medium significance, even with the implementation of mitigation measures.

Preferred site alternative – herewith authorised):

The preferred site is located to the east of the Jameson and Lofdal intersection and between Jameson Road and a pathway which crosses the wetland to the east. This is the preferred alternative since it provides for greater pedestrian safety. Furthermore, the site has been identified in the Velddrif/Laaipek Precinct Plan for the purpose of a market square, amphitheatre and skate park.

“No-Go” Alternative:

This alternative implies that the new commercial convenience and recreational area will not be established. This alternative was rejected since it will not contribute towards social and economic upliftment in the Laaipek area.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed site was identified in the Velddrif/Laaipek Precinct Plan for the purpose of a market square, amphitheatre and skate park. The use of the preferred site as an informal trade area is consistent with the proposals of the Velddrif/Laaipek Precinct Plan. The Velddrif/Laaipek Precinct Plan was workshopped with the public and adopted by the Council.

The preferred site is located next to an existing pedestrian footpath linking the Central Business District (“CBD”) of Laaipek with the Noordhoek residential area, thereby providing for greater pedestrian safety. Pedestrians do not need to cross Lofdal Street or Main Road at the intersection, but will be able to continue using the existing pedestrian crossing over Lofdal Street and the existing footpath over Erf No. 471 towards the CBD of Laaipek.

The area is considered suitable for the development of a commercial facility due to the site's proximity to well used thoroughfares. The site will be a focus point during holidays and weekends due to good accessibility and visibility. The proposed development will provide retail opportunities for the local residents of Laaiplek. The proposed site is centrally located and within walking distance to the local residents.

The preferred site will facilitate a more integrated and compact urban form and serve as an extension of the existing business area of Laaiplek. The proposed site is located within the urban edge and is earmarked in the Bergrivier Municipality Spatial Development Framework as land to be used for the expansion of the Open Space Network in Laaiplek.

The proposed development will support an environment where the overall economic and social conditions are conducive to the creation of employment opportunities. The need to provide facilities for local traders are also identified in the Bergrivier Municipality Integrated Development Plan. Laaiplek is increasingly dependent on tourism as an income generator and as such, the proposed commercial facility will provide goods and wares to tourists.

3.2 Biophysical Impacts

The proposed site is located in an area covered by Cape Estuarine Salt Marsh vegetation bordering on Langebaan Dune Strandveld. Neither of the two vegetation types are considered to be threatened and the site is slightly degraded in places. However, the site still has value in terms of aquatic processes.

The site is not directly associated with the Berg River Estuary although it is located within the wider floodplain of the estuary. The habitats at the site comprise of salt marsh and pan habitat that is associated with the small watercourse that drains into the estuary from the north. The watercourse has been retained within the landscape within a wide green corridor.

The salt marsh and pans have been modified by movement resulting in a compaction of soil and disturbance of vegetation. Although *Sarcocornia* spp. are abundant, sedge species such as *Juncus kraussii* are absent.

The salt marsh and pans are considered to be moderately modified and of a moderate ecological importance and sensitivity. These features provide limited ecosystem goods and services that is associated with storm water mitigation and the provision of habitat for biota.

The preferred and alternatives sites are considered to be Critical Biodiversity Area Estuary areas and the preferred site is mapped within a Freshwater Ecosystem Priority Area estuarine wetland area. The freshwater specialist study concluded that the risk of the proposed activities is considered to be moderate to low with the implementation of mitigation measures.

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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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