



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/1/B3/38/1003/18
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2018-07-25

The Trustees
Korhaan Trust
37 Van der Stel Street
KUILS RIVER
7579

Attention: Mr Colin Winter

Tel: (083) 251 0190
E-mail: colinw@nationhousing.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE DEVELOPMENT OF 3 DWELLING UNITS ON PORTION 16 OF FARM PALMIET VALLEY NO. 54, WELLINGTON.

1. With reference to the above application, the Department 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 (as amended), 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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) D Jeffery / L Speirs (Doug Jeffery Environmental Consultants (Pty) Ltd)
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REFERENCE: 16/3/3/1/B3/38/1003/18
NEAS REFERENCE: WCP/EIA/0000355/2018
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2018 -07- 25

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 (AS AMENDED): THE DEVELOPMENT OF THREE DWELLING UNITS ON PORTION 16 OF FARM PALMIET VALLEY NO. 54, WELLINGTON.

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 Basic Assessment Report ("BAR"), dated April 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

Korhaan Trust
c/o Mr Colin Winter
37 Van der Stel Street

KUILS RIVER

7579

Cell: (083) 251 0190

E-mail: colinw@nationhousing.co.za

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	Project Description
<p>Government Notice No. 327 of 7 April 2017 – Activity Number: 12</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway lines; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>The development is located within 32 metres of a watercourse and a small portion of the aboveground water pipeline from the existing borehole to the development traverses the wetland.</p>
<p>Government Notice No. 324 of 7 April 2017 – Activity Number: 12</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>The development will require the clearance of Swartland Shale Renosterveld and Swartland Alluvium Fynbos vegetation, which is listed as critically endangered in terms of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) national list for ecosystems that are threatened and in need of protection.</p>

<ul style="list-style-type: none"> 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 the 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 even 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. 	
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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 related to the development:

The construction of one main dwelling, two additional dwelling units and a garage in the northwestern corner of the site in close proximity to the existing access road. All the buildings will be located within a disturbed development footprint measuring 0.44ha in extent and incorporates a 20m buffer area between the edge of the wetland and the dwelling units. Two conservancy tanks and three 10 000 litre water tanks (connected via a 50mm diameter aboveground water pipeline to an existing borehole 58m away) will be installed to service the units.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is on Portion 16 of Farm Palmiet Valley No. 54, Wellington and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	33° 31' 33.64" South	19° 03' 44.81" East

The SG digit code is: C05500100000005400016

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

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants
c/o Ms Lindsay Speirs
PO Box 5336
WORCESTER
6862

Cell: (083) 660 2635
E-mail: Lindsay@dougjeff.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 Alternative 4 described in the BAR dated April 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the first listed activity.
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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction 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, 11, 17 and 18

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the 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 when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 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 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 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 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.

13. Access to the site referred to in Section C above 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. 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, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report 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).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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

15. 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 include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The 20m buffer area between the development footprint and edge of the wetland must be clearly demarcated and maintained as a no-go area prior to commencement of construction activities.
18. All designated and approved unit footprints must be clearly demarcated prior to construction activities commencing on site.

19. No dumping or storage of building materials must be allowed outside the demarcated development footprints.
20. A Fire Management Plan must be compiled in collaboration with CapeNature and a copy must be submitted to the Department for record purposes within 6 months from the date of this Environmental Authorisation.
21. A Stewardship Agreement must be entered with CapeNature to formalise a degree of conservation protection as recommended in the Botanical Assessment compiled by Nick Helme Botanical Surveys, dated 13 November 2017.

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.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that 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.
4. 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.

5. 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 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 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. HENRI FORTUIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

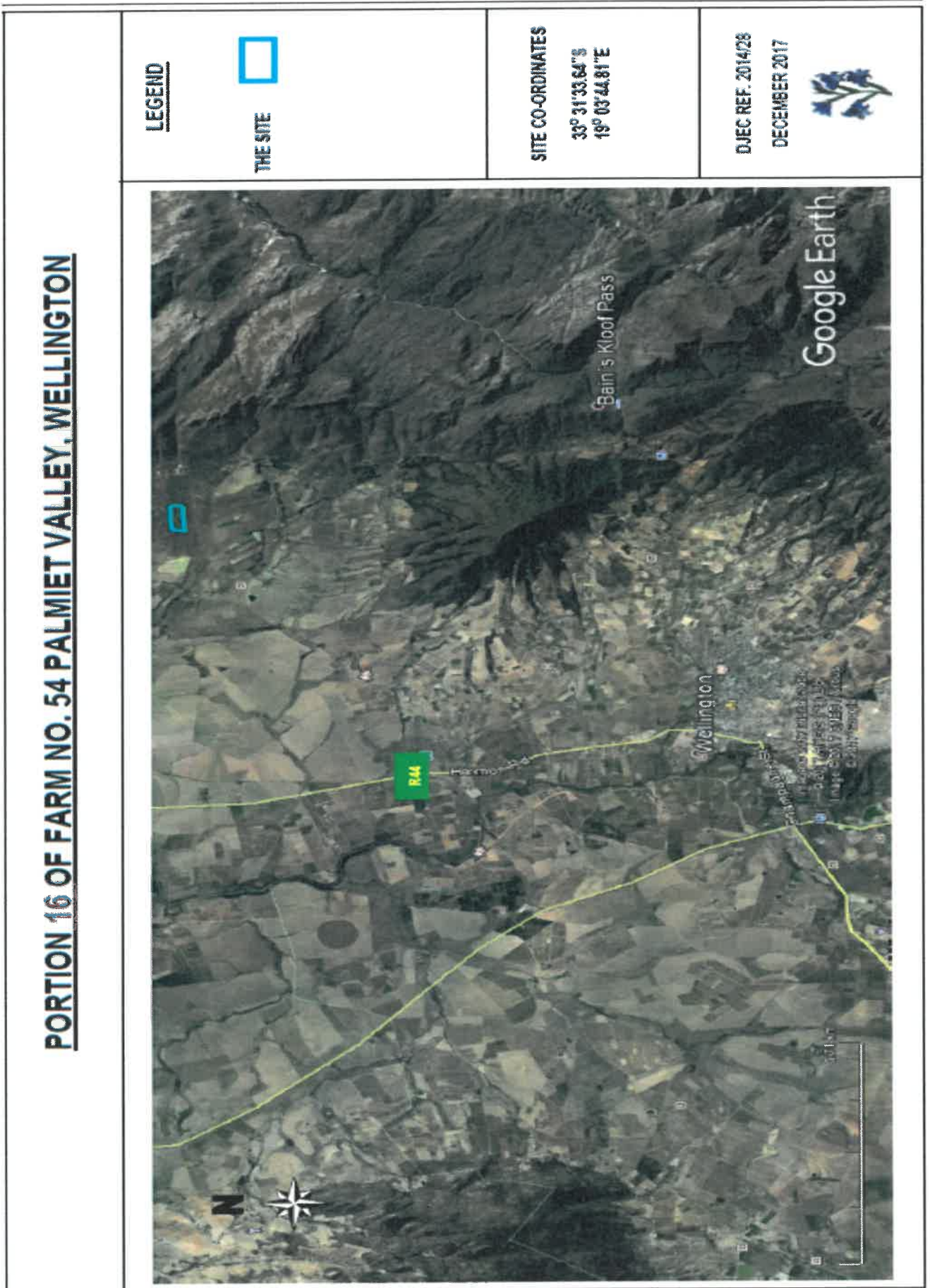
DATE OF DECISION: 24-7-18

CC: (1) Ms Lindsay Speirs (Doug Jeffery Environmental Consultants (Pty) Ltd)
(2) Shaun.Reece@drakenstein.gov.za (Drakenstein Municipality)
(3) Ms P Huntley (CapeNature)

Fax: (086) 660 2635

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN

Portion 16 of Farm Palmiet Valley No. 54, Wellington



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 22 January 2018, the draft Basic Assessment Report received by the Department on 6 February, and the EMPr submitted together with the final Basic Assessment Report on 17 April 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and 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 Basic Assessment Report received on 17 April 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site 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 between 1 and 6 February 2018;
- fixing a notice board at the site where the listed activities are to be undertaken on 7 February 2018;
- the placing of a newspaper advertisement in the 'Paarl Post' on 8 February 2018;
- making the draft Basic Assessment Report available to I&APs for public review from 8 February 2018.

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

The following four layout alternatives were considered:

Alternative 1

This is the original proposal that includes the development of one main dwelling (900m²) and three additional dwelling units (275m² each) spread over the entire site with extensive access roads to each unit. Three 10 000 litre water tanks (filled with potable water from the existing borehole) and a wastewater treatment unit will be installed to service the units. The treated effluent will be used for irrigation water within the developed areas. This layout was not preferred since the subsequent botanical and freshwater constraints analysis showed that all the proposed units were located in areas of high botanical conservation significance and that two of the units were placed within a wetland.

Alternative 2

This alternative entails the development of one main dwelling and three additional dwellings. Three 10 000 litre water tanks (filled with potable water from the existing borehole) and a wastewater treatment unit will be installed to service the units. The treated effluent will be used for irrigation water within the developed areas. This layout attempted to consider and incorporate the on-site environmental constraints. The units were reduced in size (300m² and 113m², respectively) and the main dwelling was moved to an area with medium botanical sensitivity (a 1.1ha area along the eastern border of the site), as identified by the appointed botanical specialist, while the three smaller dwellings were moved out of the wetland. This option was not preferred since the footprint of the main dwelling still extends outside the medium sensitive botanical area, impacting on a large population of endangered species. In addition, due to the new position of the smaller units it will require longer individual access roads, thereby impacting on sensitive vegetation.

Alternative 3

This alternative entails the development of one main dwelling and three additional dwellings positioned further south from their locations in Alternative 2. The main dwelling is now located entirely within the 1.1ha area of lower botanical sensitivity and the three smaller dwellings are located along the southern boundary of the site, at least 50m away from the wetland and outside the more sensitive areas. Three 10 000 litre water tanks (filled with potable water from the existing borehole) and a wastewater treatment unit will be installed to service the units. The treated effluent will be used for irrigation water within the developed areas. This alternative takes the specialists' recommendations into account and is therefore acceptable from an ecological perspective. It was however not preferred due to a number of issues raised by the neighbours with respect to the proposed access roads and the quality of the treated effluent that could potentially pollute the wetland on site.

Alternative 4 (Herewith authorised)

This alternative entails the development of one main dwelling, two additional dwellings and a garage. Three 10 000 litre water tanks (filled with potable water via an above-ground 50mm diameter water pipeline from the existing borehole) and two conservancy tanks will be installed to service the units. All the buildings will be located within a disturbed development footprint in the northwestern corner of the site measuring 0.44ha in extent and in close proximity to the existing access road (negating the need for new access roads). The disturbed development footprint is located within a medium botanical sensitive area and all the units are located at least 20m away from the wetland area. The units are also in closer proximity to the existing borehole, which will therefore result in a shorter water pipeline to the water tanks and units. In addition, sewage will no longer be treated on site or used for irrigation water. This is the preferred alternative since it takes

into account the specialists' recommendations and addresses the concerns raised by the neighbours.

The No-Go Alternative

This alternative represents the *status quo*, which is the site being used for grazing and the potential development of one dwelling, as permitted. Although preferred from an ecological perspective (i.e. no habitat loss or freshwater impacts), this alternative was not preferred since the final layout was specifically amended based on specialist and I&AP input and the potential impacts associated with the development are considered to be within acceptable limits.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is zoned Agriculture Zone I, which allows for one main dwelling on the property. The proposal is however for a main dwelling and two smaller units. It is the applicant's intention to use these as holiday accommodation for his family and friends and it will therefore be occupied intermittently. The property is surrounded by natural areas and agricultural land, including homesteads and other farm dwellings across the landscape. The proposal is therefore in keeping with the surrounds. Although it is zoned for agricultural use, the site is not suitable for agricultural activities due to its very high botanical significance and the unmodified wetland of high ecological significance across the majority of the site. The proposed development therefore ensures that the majority of the site remains natural and undisturbed. The location and layout of the development within a disturbed area of lower botanical significance, set back from the wetland area is therefore preferred and considered appropriate.

3.2 Biophysical Impacts

According to the Western Cape Biodiversity Spatial Plan, 2017 ("WCBP") the entire study area forms part of an extensive designated Critical Biodiversity Area ("CBA") due to the presence of Critically Endangered vegetation types, Species of Conservation Concern ("SCC") and wetland areas. As confirmed in the Botanical Assessment compiled by Nick Helme Botanical Surveys, dated 13 November 2017, *Swartland Shale Renosterveld* and *Swartland Alluvium Fynbos* vegetation is present on the western and eastern portions of the site, respectively. These vegetation types are listed as Critically Endangered in terms of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) national list for ecosystems that are threatened and in need of protection. The vegetation on site is in a good condition and the indigenous plant diversity is very high. At least 26 SCC were recorded on the site, but the likelihood of even more SCC being present is very high. These species are scattered across the entire site and therefore the majority of site is deemed to be of very high regional botanical sensitivity (conservation value). The only portions that are of lower botanical sensitivity are a 1.1ha area along the eastern boundary of the site, a small patch (less than 0.1ha) on the northern boundary and a 0.44ha area in the north-western corner of the site. The proposed development will be restricted to the 0.44ha area, which is also in close proximity to the existing access road. One of the recommendations of the Botanical Assessment is that the applicant should enter into a Stewardship Agreement with CapeNature. CapeNature's comment dated 13 March 2018 acknowledges the applicant's willingness to enter into a Steward Agreement and confirms that this process should be undertaken via CapeNature's Stewardship Programme with the appropriate category of formal Stewardship to be determined after the formal review process. This aspect is included as Condition 21 of this Environmental Authorisation.

A channelled valley-bottom wetland crosses the site from east to west, feeding into the Kompanjies River. Based on the findings of the Freshwater Assessment dated October 2017 and compiled by

The Freshwater Consulting Group, the wetland is in a very good condition with an A Category for Present Ecological State (unmodified / natural) and is of very high Ecological Importance and Sensitivity. The most important service provided by the wetland is maintenance of biodiversity, largely due to the known occurrence of several Red Data Book plant species and freshwater turtles on the site. Consequently, the conservation value of the wetland is very high and therefore it was recommended that a 20m buffer area be established between the edge of the wetland and the development footprint. This is reflected in the preferred layout (Alternative 4) herewith authorised. Overall, Alternative 4 is considered the preferred layout from a freshwater ecological perspective because it will have the lowest level of impact on the wetland due to its location north-west of the wetland, negating the requirement for access roads over the wetland. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative biophysical impact due to the loss of natural vegetation and potential impacts on the wetland on the site. These impacts will however be mitigated to an acceptable level through the preferred layout alternative and implementation of the EMPr.

Positive impacts:

The development will be restricted to a small disturbed area of lower botanical significance and will be set back from the wetland, thereby allowing the remainder of the property to remain in a natural state. It will create employment opportunities during both the construction and the operational phase of the development. The site will also be registered with CapeNature's Stewardship Programme to formalise a degree of conservation protection as recommended in the Botanical Assessment compiled by Nick Helme Botanical Surveys, dated 13 November 2017.

4. 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.

5. 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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