



**REFERENCE:** 16/3/3/1/E2/40/1018/19  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:**

2019 -06- 21

The Board of Directors  
Magna Business Services (Pty) Ltd  
52 Grosvenor Road  
**BRYANSTON**  
2021

**Attention: Mr S. van Niekerk**

Tel.: (011) 267 5700

Fax: (011) 267 5710

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014 (AS AMENDED) FOR THE PROPOSED REDEVELOPMENT OF ERF NO. 927 AS A RESIDENTIAL COMPLEX AND THE REHABILITATION OF THE WETLAND, VERMONT**

1. The final BAR dated 11 June 2019, as received by this Department on the same day, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. This Department will consider the BAR in accordance with the prescribed timeframes and advise you accordingly.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A(1)(a) of the 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. D. Heard (Duncan Heard Environmental Consulting)  
(2) Ms P. Aplon (Overstrand Municipality)

Fax: (086) 513 4462  
Fax: (028) 316 4953



**EIA REFERENCE:** 16/3/3/1/E2/40/1018/19  
**NEAS REFERENCE:** WCP/EIA/0000580/2019  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -10- 0 1

The Board of Directors  
Magna Business Services (Pty) Ltd  
52 Grosvenor Road  
**BRYANSTON**  
2021

**Attention: Mr. S. van Niekerk**

Tel.: (011) 267 5700

Fax: (011) 267 5710

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, (AS AMENDED): REDEVELOPMENT OF ERF NO. 927 AS A RESIDENTIAL COMPLEX AND THE REHABILITATION OF THE WETLAND, VERMONT**

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 Environmental Impact Assessment 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

  
**MR. ZAHIR TOEFY**

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

CC: (1) D. Heard (Duncan Heard Environmental Consulting)  
(2) P. Aplon (Overstrand Municipality)  
(3) Ligudu (BGCMA)  
(4) C. Rampartab (CapeNature)

Fax: (086) 513 4462  
Fax: (028) 316 4953  
Fax: (023) 347 2012  
Fax: (021) 866 1523



**EIA REFERENCE:** 16/3/3/1/E2/40/1018/19  
**NEAS REFERENCE:** WCP/EIA/0000580/2019  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -10- 0 1

## 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): REDEVELOPMENT OF ERF NO. 927 AS A RESIDENTIAL COMPLEX AND THE REHABILITATION OF THE WETLAND, VERMONT

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 1 or Alternative 2, described in the Basic Assessment Report ("BAR"), dated 11 June 2019.

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

Magna Business Services (Pty) Ltd  
% Mr. S. van Niekerk  
52 Grosvenor Road  
**BRYANSTON**  
2021

Tel.: (011) 267 5700  
Fax: (011) 267 5710

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

**B. LIST OF ACTIVITIES AUTHORISED**

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 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"> <li>(a) will occur behind a development setback;</li> <li>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>(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.</li> </ul>	<p>The proposal will entail the removal of existing infrastructure and structures within the wetland and the rehabilitation and restoration of the wetland will require the need to remove and infill more than 10m<sup>3</sup> of material within a watercourse.</p>
<p>Activity Number 27: 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> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>As part of the restoration and rehabilitation of the wetland, the wetland will be reshaped and more than 1ha of indigenous vegetation and alien invasive vegetation will be cleared in order to achieve this.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12: 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> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul> <p><b>i. Western Cape</b></p>	<p>The proposal will include the clearance of more than 300m<sup>2</sup> of endangered indigenous vegetation as part of the reshaping, restoration and rehabilitation of the wetland.</p>

<p>i. <b>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;</b></p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</p> <p>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</p> <p>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.</p>	
---	--

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

The holder is herein authorised to undertake either of the following alternatives:

Alternative 1:

The proposal entails the reinstatement of the wetland across the property and redevelopment of the site to accommodate a residential neighbourhood, which will consist of the following:

- 51 Single Residential erven;
- 155 General Residential 1: Town housing erven;
- 167 General Residential 3 units: Apartments;
- Internal roads and parking;
- Private open space; and
- A boardwalk trail system within the wetland area demarcated for rehabilitation.

Alternative 2:

This alternative is similar to Alternative 1, with the exception that the site (Erf No. 927) will be subdivided to exclude the General Residential 3 component from the proposed residential development. All the remaining components as per Alternative 1 will remain the same, including its development footprint.

**C. SITE DESCRIPTION AND LOCATION**

The listed activities will be undertaken on Erf No. 927, Vermont, at the following co-ordinates:

The boundary co-ordinates for the development are:

Latitude (S)	Longitude (E)
34° 24' 26.60"	19° 09' 07.23"
34° 24' 28.67"	19° 09' 25.82"
34° 24' 44.00"	19° 09' 22.58"
34° 24' 39.32"	19° 09' 05.54"

The boundary co-ordinates for the wetland rehabilitation:

Latitude (S)	Longitude (E)
34° 24' 31.11"	19° 09' 06.87"
34° 24' 36.54"	19° 09' 21.75"
34° 24' 42.14"	19° 09' 22.70"
34° 24' 35.74"	19° 09' 05.80"

The SG digit code is: C01300230000092700000

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

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Duncan Heard Environmental Conservation  
% Mr. D. Heard  
12 Sepia Avenue  
**VERMONT**  
7201

Tel.: (028) 316 3386  
Fax: (086) 513 4462

#### **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 1 or Alternative 2, as described in the BAR dated 11 June 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 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. The notice must:
  - 6.1 make clear reference to the site details and EIA Reference number given above; and
  - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11 and 17

#### **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 (as amended) detailed in Section G below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 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; and
    - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. 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.

### **Management of activity**

9. The draft 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 EMPr, FRMMP and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, FRMMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a 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. 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 ECO must conduct fortnightly site audits. Monthly ECO Audit Reports must be submitted to the Competent Authority for the duration of 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 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; 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 final Site Development Plan must be submitted to the Department prior to construction activities commencing.

#### **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 the listed activities 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 on which notification of the decision was sent to the holder by the Competent Authority –
  - i.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 on which 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 Organs 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 Organs 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 Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

  
\_\_\_\_\_  
MR. ZAAHIR TOEFY

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

DATE OF DECISION: 01/10/2019

CC: (1) D. Heard (Duncan Heard Environmental Consulting)  
(2) P. Aplon (Overstrand Municipality)  
(3) V. Ligudu (BGCMA)  
(4) C. Rampartab (CapeNature)


Fax: (086) 513 4462  
Fax: (028) 316 4953  
Fax: (023) 347 2012  
Fax: (021) 866 1523

# ANNEXURE 1: LOCALITY MAP



## APPENDIX A2: LOCAL CADASTRAL

### Legend

-  Allotment Township
-  Erf
-  Contour Lines

Scale: 1:4 514  
Date created: September 25, 2018



Figure 1: Locality map.





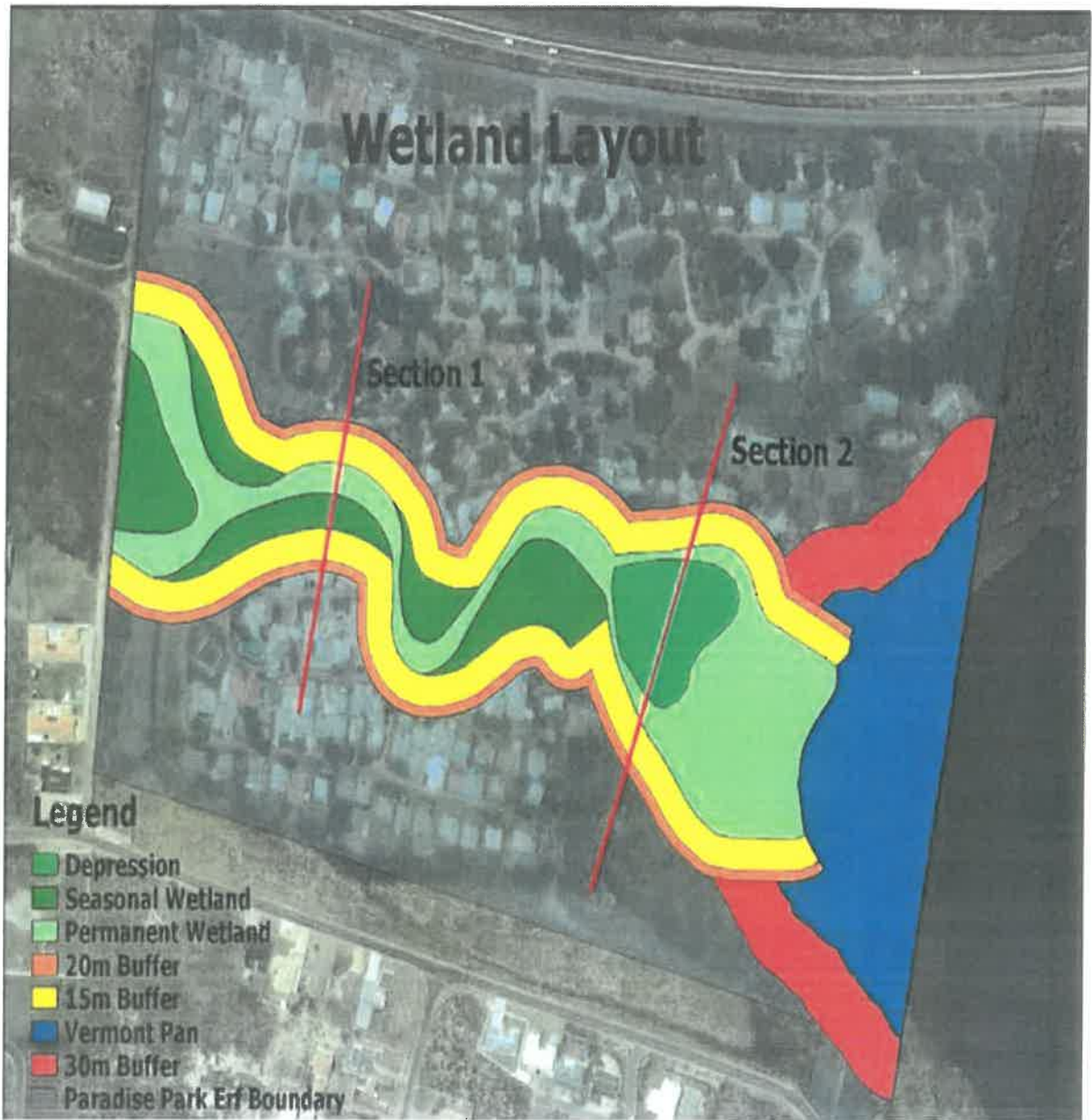


Figure 3: Restored, reshaped and rehabilitated wetland conservation area, with associated buffers.

## **ANNEXURE 2: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 12 March 2019, the final BAR dated 11 June 2019 and the EMPr submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 11 June 2019; 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;
- fixing a notice board at the sites where the listed activities are to be undertaken on 2 October 2018;
- the placing of a newspaper advertisement in the 'Hermanus Times' on 4 October 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 29 September 2018, 2 October 2018 and 12, and 13 March 2019; and
- making the pre-application draft BAR's available to I&APs from 2 October 2018 and making the in process draft BAR available to I&APs for public review from 12 March 2019.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

### **2. Alternatives**

The proposal entails the restoration and rehabilitation of the wetland across Erf No. 927, Vermont and the redevelopment of the erf for residential purposes. The alternatives investigated for the proposal are discussed below.



#### Alternative 1 (Herewith Authorised):

This alternative entails the development of:

- 51 Single Residential erven;
- 155 General Residential 1: Town housing erven;
- 167 General Residential 3 units: Apartments;
- Internal roads and parking;
- Private open space; and
- A boardwalk trail system within the wetland area demarcated for rehabilitation.

#### Alternative 2 (Herewith Authorised):

This alternative is similar to Alternative 1, with the exception that the site (Erf No. 927) will be subdivided to exclude the General Residential 3 component from the proposed residential development. All the remaining components as per Alternative 1 will remain the same, including its development footprint.

Alternative 1 and 2 are both acceptable from an environmental perspective, as it will have the same development footprint and associated impacts. These impacts have been investigated and adequately mitigated in the approved EMPr. Additionally, the reinstatement of the wetland will be achieved through the implementation of either alternative.

#### "No-Go" Alternative

The "no-go" option to not reinstate the wetland across the site and develop the site for residential purposes and to continue the use of the site as a resort with non-compliant accommodation units was considered. However, it is not preferred because the various upgrades that are required to rectify the existing sewage system to be compliant, to remove the current accommodation units located within the wetland and to clear invasive alien vegetation would require large financial input. The resort area would therefore be reduced once units within the wetland area are removed, and together with the required upgrades, will not be an economically viable option for the landowner.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The site is zoned for resort purposes and was comprised of 290 units, 30 camping sites, restaurant/pub, conference facility, recreational facilities and a mini golf course. However, the site is no longer used as a resort, as 290 permanent structures were constructed informally on previously used camping plots with a substandard sewage system (French drains; soak away systems; conservancy tanks) in place. Currently 50% to 60% of the structures are used for renting purposes on a permanent basis and approximately 60% of these structures have been located within a wetland. The substandard design of the sewage system has resulted in leaking, which has caused pollution of soil, groundwater, the wetland and the Vermont Pan. Sewage systems that comply with municipal standards will be constructed and installed as part of the development. The proposed development aims to reinstate and rehabilitate the wetland that traverses the site and develop the rest of the site for residential purposes. The site is located within the urban/built up area of Vermont and is surrounded by residential development to the west and south, therefore, the development will be in keeping with surrounding land uses. Since the wetland is directly linked to the Vermont Pan, the reinstatement and rehabilitation of the wetland will result in a direct positive impact to the functioning of the aquatic ecosystem. Furthermore, the development will provide a range of housing typologies and provide employment opportunities during both the construction and operational phases of the development.

### 3.2 Biodiversity and Biophysical Impacts

According to the Freshwater Specialist Report dated March 2019, compiled by Mr. J. Gericke of EnviroSwift, a 1.7km wetland system transects the Paradise Park property (Erf No. 927). The wetland system can be divided into the Vermont Pan and an isolated depression and the basin seep wetland, which drains into the pan. The hydrology of the wetland system has been severely changed by the existing development. The area previously used as a caravan park (currently semi-formal structures) was located within the wetland, upstream of the Vermont Pan. The water entering the wetland system was diverted along the southern boundary of the property via an unlined channel, that discharged into the Vermont Pan. A smaller channel was created to drain additional water from the central portion of the caravan park. The substandard sewage system is dysfunctional and leaking, which causes discharge of sewage into the wetland system and the Vermont Pan. The presence of alien invasive vegetation has further degraded the wetland system within the site. The wetland's present ecological state is therefore considered to be largely modified with a low ecological importance and sensitivity. However, the reinstatement and rehabilitation of the wetland will improve the ecological importance and sensitivity as well as the ecological state of the wetland. Through the implementation of the specialist recommendations and the EMPr (accepted in Section E, Condition 9), impacts on the wetland will be mitigated.

Furthermore, 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, that will assess the water related impacts further.

### 3.3 Traffic Impacts

According to the Traffic Impact Assessment dated April 2019, compiled by EFG Engineers (Pty) Ltd, all intersections are currently operating at acceptable levels of service and will continue to operate at acceptable levels of services when considering the proposed development. Through the implementation of the specialist recommendations and the EMPr (accepted in Section E, Condition 9), traffic impacts will be mitigated.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- There will be displacement of the current tenants on the site.
- Impacts on the wetland are expected during reshaping, however, rehabilitation of the wetland will be undertaken.

#### **Positive impacts:**

- The wetland on site will be reinstated and rehabilitated, which will result in the improved ecological condition of the wetland and adjacent Vermont Pan.
- Housing opportunities within the area will become available.
- Alien invasive plants will be removed.
- There will be a reduction in pollution of soil, groundwater, the wetland and the Vermont Pan.
- The health and well being of persons using the Vermont Pan for recreation will be improved.
- Employment opportunities will be created during the construction and operational phases.

## 4. National Environmental Management Act Principles

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

-----END-----