



**EIA REFERENCE:** 16/3/3/1/B3/37/1080/19  
**NEAS REFERENCE:** WCP/EIA/0000697/2019  
**DATE OF ISSUE:** 11 JUNE 2020

## 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 PROPOSED BUSINESS DEVELOPMENT ON ERF NO. 34 AND SERVICES SERVITUDE OVER ERVEN 13772 AND 13184, 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 Design Alternative D1 and Activity Alternative A2 described in the Basic Assessment Report ("BAR"), dated January 2020.

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

Diemersfontein Properties (Pty) Ltd  
% Mr. D. Sonnenberg  
P.O. Box 41  
WELLINGTON  
7654

Tel: 021 864 5050

E-mail: [sonnenberg@diemersfontein.co.za](mailto:sonnenberg@diemersfontein.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	Activity/Project Description
<p><b>EIA Regulations Listing Notice 1 of 2014:</b>  <b>Activity 19 of Listing Notice 1:</b>  <i>"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;</i>  <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <li><i>a) will occur behind a development setback;</i></li> <li><i>b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></li> <li><i>c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></li> <li><i>d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></li> <li><i>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."</i></li> </ul>	<p>The development includes the removal of more than 10 cubic metres of material from a wetland for the installation of a sewer pipeline over Erf No. 13772.</p>
<p><b>EIA Regulations Listing Notice 1 of 2014:</b>  <b>Activity 12 of Listing Notice 3:</b>  <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li><i>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;</i></li> <li><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></li> <li><i>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</i></li> </ul>	<p>The development includes the removal of approximately 0.4ha of critically endangered indigenous vegetation.</p>

<p><i>line on erven in urban areas;</i></p> <p>iv. <i>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</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</i></p>	
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The abovementioned list is hereinafter referred to as **"the listed activities"**.

The holder is herein authorised to undertake the following alternative:

The development proposal entails the rezoning of a portion of Erf No. 34, Wellington to a sub-divisional area and the subdivision of Erf No. 34, Wellington into a business erf, a public street and a remainder, as well as the creation of a services servitude over Erven 13772 and 13184 Wellington.

The proposed development is comprised of the following components:

- One general business erf of approximately 1,3 ha on Erf No. 34, Wellington;
- A 16m wide public street on Erf No. 34, Wellington; and
- A 3m wide services servitude over Erven 13772 and 13184, Wellington to allow for the internal gravitational sewer network to be linked to the existing municipal connection manhole on Diemersfontein Estate. This link will be a 160mm diameter sewer pipe running southwards from the southern corner of the development across Erven 13772 and 13184, Wellington; and
- A minor underground stormwater pipe that will collect stormwater via a system of catch pits, manholes and pipes. The system will be able to accommodate the runoff of a 1-in-5-year storm event. The stormwater pipe system will discharge into an open gravel channel at the southern corner of the development. This new channel will cross Erf No. 13184, Wellington to discharge at the existing culvert crossing of Main Road 201.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will take place on Erven 34, 13772 and 13184, Wellington.

The co-ordinates for the business development on Erf No. 34, Wellington are:

Latitude:            33°    39'    11.48" S

Longitude:         19°    0'    10.08" E

The co-ordinates for the servitude area over Erven 13772 and 13184 are:

	Latitude			Longitude		
The starting point of the activity	33°	39'	10.01" S	19°	0'	11.50" E
The middle point of the activity	33°	39'	11.88" S	19°	0'	12.24" E
The middle point of the activity	33°	39'	14.65" S	19°	0'	9.72" E
The end point of the activity	33°	39'	37.43" S	19°	0'	8.12" E

The SG digit codes are: C05500100000003400000  
C05500100001377200000  
C05500100001318400000

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

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

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

GroenbergEnviro (Pty) Ltd  
% Ms. H. Botha  
P. O. Box 1058  
**WELLINGTON**  
7654

Cell: 076 800 4959  
E-mail: Helene@groenbegenviro.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 2, as described in the BAR dated January 2020 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, 10, 12 and 20

### **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, excluding the MMP component thereof, is hereby approved and must be implemented.
10. The MMP component of the draft EMPr must be amended to provide the appropriate information relating to the future maintenance activities related to the service infrastructure to be constructed through the wetland on Erf No. 13722. The amended MMP must be submitted to this Department for adoption within 6 months from the date of this authorisation.
11. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

12. 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. The ECO must conduct compliance monitoring as described in the EMPr (accepted as per Condition 9 of this EA) and compile the associated compliance monitoring reports, accordingly.

13. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and quarterly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been complete.
14. A copy of the Environmental Authorisation, EMPr, MMP (once adopted), 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 on a publicly accessible website.
15. 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**

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, 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 at the completion of the construction phase of the development and submit the Environmental Audit Report to the Competent Authority within three 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**

17. 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.

18. 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.
19. The recommendations made in the Traffic Impact Assessment dated February 2016 compiled by Sturgeon Consulting must be implemented.
20. A "search and rescue" operation must be undertaken by a suitably qualified ecologist/botanist, to translocate all species of conservation concern, such as bulbs and shrubs, to a suitable reception area at the nearby Diemersfontein Estate, before the commencement of construction activities.

## **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 –

- 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 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 Jaap de Villiers (Tel: 021 483 3721)  
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 [Jaap.DeVilliers@westerncape.gov.za](mailto: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](mailto: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



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**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 11/06/2020

Cc: (1) C. Winter (Drakenstein Municipality)  
(2) H. Botha (Pieter Badenhorst Professional Services)  
(3) W. Dreyer (Department of Water and Sanitation)  
(4) P. Huntly (CapeNature)

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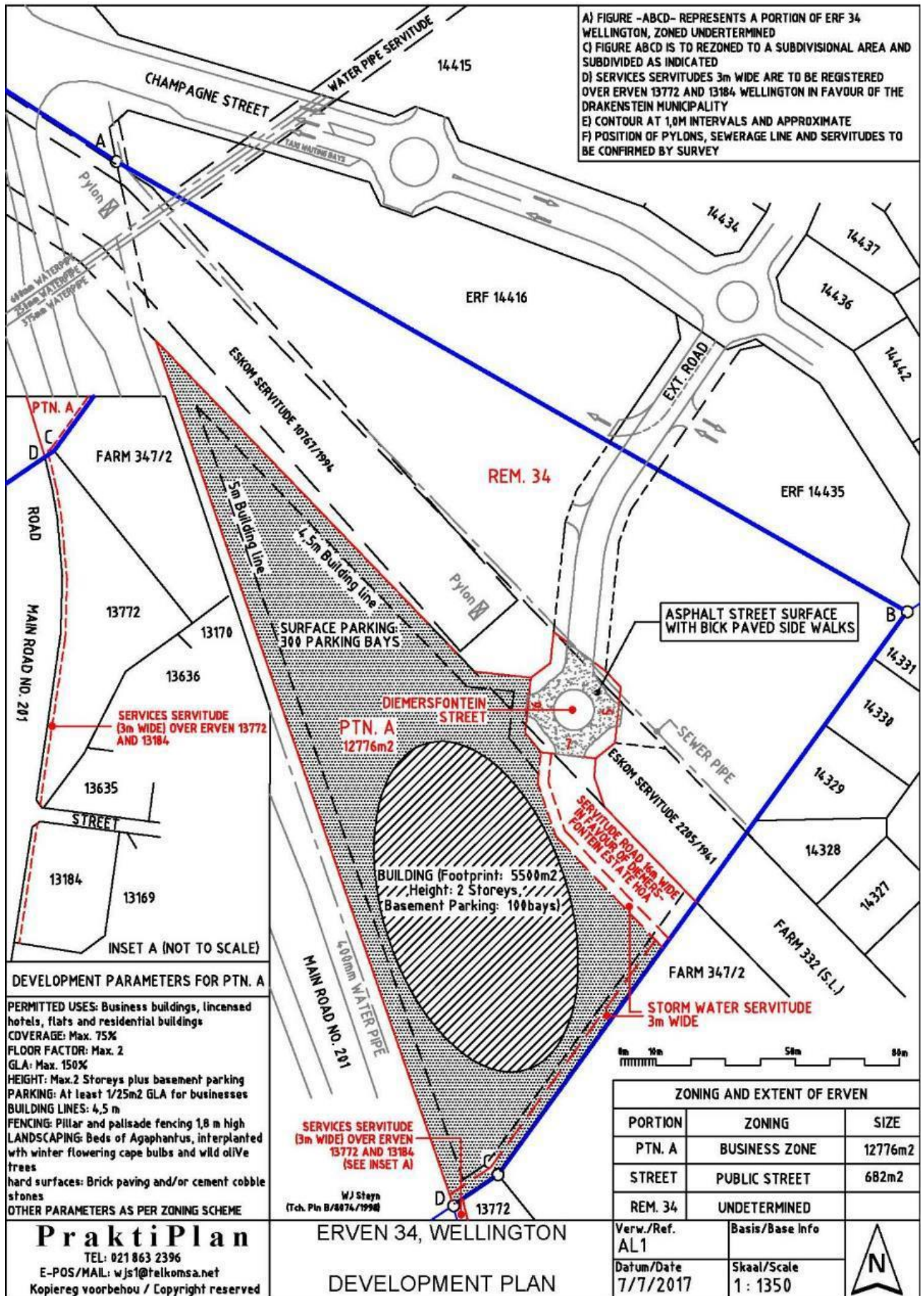
E-mail: [dreyerw@dws.gov.za](mailto:dreyerw@dws.gov.za)

E-mail: [phuntly@capenature.co.za](mailto:phuntly@capenature.co.za)

# ANNEXURE 1: LOCALITY MAP



# ANNEXURE 2: SITE DEVELOPMENT PLAN



### **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form and the draft BAR dated 4 November 2019, the final BAR dated January 2020 and the EMPr and MMP 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 January 2020; 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 during 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 notice boards at strategic locations where the listed activities are to be undertaken on 7 November 2019;
- the placing of a newspaper advertisement in the 'Paarl Post' on 24 October 2019;
- 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 4, November 2019, 5 November 2019 and 7 November 2019.
- making the draft BAR available to I&APs for public review from 8 November 2019.

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

The Competent Authority notes 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**

Two activity alternatives and two design alternatives were considered for the development on Portion A of Erf No. 34 and Erven 13772 and 13184, Wellington. It should be noted that the development on the proposed site will form part of a greater development, for which approval on Portions B, C and D of Erf 34 has already been granted. This fact influenced the alternatives available for the development of Portion A of Erf 34.

### Activity Alternative A1

This alternative entails the proposed site to be developed for residential purposes. It is not preferred, since the site forms part of a larger business development that was previously approved in an EA with reference number: 16/3/3/1/B3/38/1032/17 issued on 14 March 2018. This alternative is further not preferred because a residential development will have a larger impact on the natural water resources found on site and on municipal services.

### Activity Alternative A2 (herewith approved)

This alternative entails the rezoning of Portion A of Erf No. 34, Wellington to a Sub-Divisional Area and the subdivision of Erf No. 34, Wellington into a business erf, a public street and a remainder, including the development of a services servitude over Erven 13772 and 13184, Wellington.

The proposed development is comprised of the following components:

- One general business erf of approximately 1,3 ha on Erf No. 34, Wellington;
- A 16m wide public street on Erf No. 34, Wellington; and
- A 3m wide services servitude over Erven 13772 and 13184, Wellington to allow for the internal gravitational sewer network to be linked to the existing municipal connection manhole on Diemersfontein Estate. This link will be a 160mm diameter sewer pipe running southwards from the southern corner of the development across Erven 13772 and 13184, Wellington; and
- A minor underground stormwater pipe that will collect stormwater via a system of catch pits, manholes and pipes. The system will be able to accommodate the runoff of a 1-in-5-year storm event. The stormwater pipe system will discharge into an open gravel channel at the southern corner of the development. This new channel will cross Erf No. 13184, Wellington to discharge at the existing culvert crossing of Main Road 201.

This alternative is preferred as it considers the surrounding land uses and the development will link to existing municipal service infrastructure. The impact on the wetland will be minimal since the construction activities will be restricted to a 6m wide working buffer over Erven 13772 and 13184, Wellington as recommended by the freshwater specialist.

### Design Alternative D1 (herewith approved)

This alternative entails the proposed construction of an access road that runs along the property boundaries of Erven 14416 and 14435, Wellington.

It is preferred since an access point through Erf No. 14416, Wellington to the adjacent site has already been approved as part of a previous EA, referenced 16/3/3/1/B3/38/1032/17 issued on 14 March 2018. This alternative provides an additional access road, which will aid in a lesser probability of traffic congestion resulting from the entire development, which also includes the components previously approved.

### Design Alternative D2

This alternative entails the construction of an access road that traverses the centre of Erf No. 14416, Wellington to gain access to Erf No. 34, Wellington. It is not preferred as it would not align with the internal road infrastructure on the adjacent properties. The alternative further entails that only one access will be available to Portion A of Erf No. 34, Wellington which will result in a greater probability of traffic congestion. In addition, this alternative will traverse the ESKOM servitude area, which is not supported by ESKOM and will 'land-lock' Portion 2 of Farm No. 342, Wellington, which is not supported by the Western Cape Government: Department of Transport and Public Works.

### "No-Go" Alternative

The "no-go" alternative was considered and is not preferred as it would not allow the applicant to utilise this portion of undeveloped land located within an urban area by developing it to its full potential.

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

### 3.1 Activity Need and Desirability

The proposed development will contribute towards the revitalisation and strengthening of urban economic opportunities, in an area that is close to residential neighbourhoods in Wellington. In addition, the development will facilitate urban infill, will utilize underutilised land and will link to existing services in the area. It should also be noted that the development will form part of a bigger business development where Portions B, C and D of Erf No. 34, Wellington has already been approved. The development will contribute to the creation of temporary and permanent employment opportunities, which positively affects the socio-economics of the Wellington area.

### 3.2 Biodiversity and Biophysical Impacts

The site falls within an area that historically comprised of Swartland Shale Renosterveld, an ecosystem classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). However, it is evident that most of the study area is highly transformed from its original state due to previous land use activities, as well as regular use as a thoroughfare. Based on the findings of the Botanical Impact Assessment dated September 2016 compiled by Gregory Nicholson of Bergwind Botanical Surveys and Tours, the area of botanical significance, present on the northern section of the proposed site, is very small in extent (less than half a hectare), and contains a number of indigenous bulbs and shrubs including species of conservation concern. Furthermore, it is surrounded by urban development (both developed and in the process of being developed) and transformed land. As a result, conservation of this small patch of vegetation will create a biodiversity island, which will have very little, if any, conservation value or long-term chance of survival in terms of sustainability. A "search and rescue" operation will be undertaken prior to the commencement of construction activities by a suitably qualified ecologist/botanist, to translocate all species of conservation concern, such as bulbs and shrubs, to a suitable reception area at the nearby Diemersfontein Estate. With the implementation of mitigation measures included in the draft EMPr (approved as per Section E: Condition 9), the impact significance of the proposed development on the indigenous vegetation on site will be reduced.

According to the freshwater opinion, dated 28 October 2019, compiled by Jeanne Snyman from everWater Freshwater Consulting Services, the seasonal wetland on site is highly modified due to the surrounding land use activities. It is also noted that the area has been actively cleared of all vegetation in the past few years. Therefore, the area offers limited ecological functionality from a freshwater perspective. With the implementation of the 6m wide construction corridor, which limits the construction activities associated with the servitude on Erf No. 13372, Wellington and the rest of the area regarded as a 'no-go' area, the impacts will be low (forms part of the EMPr approved as per Condition: 9).

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, for the proposed development.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The development will result in impacts such as noise and dust during the construction phase and traffic during operational phase.
- The development will result in a low negative impact on indigenous vegetation on site. However, with the effective implementation of the recommended mitigation measures of the specialist, this impact can be reduced to low.

**Positive impacts:**

- Employment opportunities will be created during the construction and operation phases of the development.
- A 'search and rescue' operation will be undertaken by a suitably qualified ecologist/botanist to translocate all conservation-worthy species such as bulbs and shrubs to a suitable receptor area on the nearby Diemersfontein Estate.
- A 6m wide construction corridor will be implemented to limit the impact of construction activities on the hillslope seep wetland located on Erf 13772.

**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.

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