



EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0022/19
NEAS REFERENCE: WCP/EIA/0000669/2019
ENQUIRIES: Ms Jessica Christie
DATE OF ISSUE: **30 JUN 2020**

The Trustees
KEITH LEWER ALLEN TRUST
PO Box 67
SEDGEFIELD
6573

Attention: Mr. Mike Smith

Mobile: 072 697 0722
E-mail: smithmh7@gmail.com

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: THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 62 OF THE FARM KRAAIBOSCH NO. 195, GEORGE

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

Yours faithfully

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

Copied to: Ms. Cathy Avierinos (EAP)
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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: THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 62 OF THE FARM KRAAIBOSCH NO. 195, GEORGE

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 5 December 2019 as prepared and submitted by *HillLand Environmental*, the appointed environmental assessment practitioner ("EAP").

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Trustees
KEITH LEWER ALLEN TRUST
% Mr. Mike Smith
P.O. Box 67
SEDGEFIELD
6573

Mobile: 072 697 0722
E-mail: smithmh7@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014</p>	
<p>Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectare 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"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The clearance of an area of more than 1-hectare (but less than 20-hectares) of indigenous vegetation on the property for the construction of buildings, civil services and establishment of residential and mixed-use erven.</p>
<p>Activity Number: 28 Activity Description:</p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The transformation of land that was used for afforestation for the purpose of establishing a mixed-use development, open spaces and associated infrastructure: water and sewage reticulation, stormwater and internal roads, on the property.</p>
<p>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014</p>	
<p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. 	<p>The development of roads of wider than 4-metres for the residential development outside the urban area in areas containing indigenous vegetation.</p>
<p>Activity Number: 12 Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</p>	<p>The clearance of an area of more than 300 square metres (but less than 2,5-hectares) of indigenous vegetation within an area mapped as a critically endangered ecosystem listed in terms of section 52 of the NEMBA, namely: Garden Route Granite Fynbos.</p>

<p>i. Western Cape</p> <ol 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 high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; 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 as it relates to the development and development footprint area:

The proposal development entails the clearance of more than 1-hectare (but less than 20-hectares) of indigenous vegetation in order to establish a mixed-use development on Portion 62 of the farm Kraaibosch No. 195. Also, more than 300 square metres (but less than 2.5 hectares) of an area mapped as Endangered Garden Route Granite Fynbos will be cleared of indigenous vegetation for this purpose.

Further to the above, the development comprises of the following:

- ❖ Forty-three (43) erven of approximately 1 000 m², covering approximately 4.44 ha of the property (e.g. Residential Zone II);
- ❖ Fifty-four (54) erven of approximately 500 m², covering approximately 2.72 ha of the property (e.g. Residential Zone II);
- ❖ Up to 305 erven for town housing covering approximately 5.16 ha of the property (e.g. General Residential Zone III);
- ❖ Six (6) internal open space erven, covering approximately 1.9 ha of the property, which will be landscaped and used for recreational activities (to be determined by the HOA of the development) (e.g. Open Space Zone II);
- ❖ An internal road network covering approximately 4.22 ha (e.g. Transport Zone III);
- ❖ Clubhouse and gatehouse erven with a footprint of approximately 1 000 m² each to cover security and homeowners' facilities;
- ❖ Two (2) utility erven for the potential pump stations with servitude rights of access for maintenance vehicles;
- ❖ Two (2) large open space erven for a conservation use covering approximately 27.5 ha (e.g. Nature Conservation / Open Space Zone III), which will be rehabilitated to Afrotropical Forest Vegetation). This area will include active management to achieve the conservation outcomes identified and will have a series of walking / hiking / cycling trails to facilitate access for alien vegetation control and relaxation purposes in a controlled manner.

In addition, the following associated infrastructure will be developed:

- ❑ An internal road network with roads of 5 metres or wider and servitudes of 13 metres and 16 metres wide. The road network will include the construction of stormwater drainage structures;
- ❑ The development will be accessed from the existing municipal roads network of which approximately 300m will be upgraded to a bituminous surfaced road;
- ❑ Stormwater pipelines (375-450mm diameter pipes) and drainage structures
- ❑ Internal sewage removal: A waterborne gravity network (160mm diameter PVC pipelines and 1000 mm diameter concrete sewer manholes) will drain towards two sewage pump stations. Bulk sewage removal: The internal sewerage removal system will link to the municipal gravity outfall sewage system;
- ❑ An internal water reticulation network (75mm-160mm diameter PVC pipes) will be connected to the existing Municipal water reticulation network. Bulk water supply for domestic use will be from an existing 200mm supply line at a connection point to the west of the development; and
- ❑ Electricity reticulation, transmission substations and street lighting.

The proposed development footprint will cover approximately 43 % of the property. Approximately 57% of the property will be rehabilitated back to natural indigenous forest vegetation and conserved as open space areas and will therefore be located outside of the development footprint.

C. SITE DESCRIPTION AND LOCATION

The proposed activities will be located on Portion 62 of Farm Kraaibosch No. 195, which is located approximately 10 km east of George central and approximately 4 km north of the Garden Route Mall.

Existing access to the property is gained via an extension of Glenwood Avenue, past Groenkloof Retirement Village. The Saasveld road forms part of the northern corner of the property, however, there is no access to the property from the Saasveld road.

Coordinates of the centre of the proposed development footprint site:

Latitude (South)	Longitude (East)
33° 58' 22"	22° 31' 17.61"

SG digit codes: Portion 62 of the Farm Kraaibosch No. 195: C02700000000019500062

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

HILLAND ENVIRONMENTAL
% Ms. Cathy Avierinos
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6530

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E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **30 April 2030**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

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

- 1.1. The Holder must start with the physical implementation of all the authorised listed activities on the site by 1 May 2025.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 12-months from the date the construction activities (construction phase) are concluded; but by no later than 31 January 2030.

Note: Failure to complete the post construction rehabilitation and monitoring requirements at least three months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 5 December 2019 on the site as described in Section C above.

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

The proposal entails the clearance of more than 1-hectare (but less than 20-hectares) of indigenous vegetation in order to establish a mixed-use development on Portion 62 of the farm Kraaibosch No. 195. Also, more than 300 square metres (but less than 2.5 hectares) of an area mapped as Endangered Garden Route Granite Fynbos will be cleared of indigenous vegetation for this purpose.

Further to the above, the development comprises of the following:

- ❖ Forty-three (43) erven of approximately 1 000 m², covering approximately 4.44 ha of the property (e.g. Residential Zone II);
- ❖ Fifty-four (54) erven of approximately 500 m², covering approximately 2.72 ha of the property (e.g. Residential Zone II);
- ❖ Up to 305 erven for town housing covering approximately 5.16 ha of the property (e.g. General Residential Zone III);
- ❖ Six (6) internal open space erven, covering approximately 1.9 ha of the property, which will be landscaped and used for recreational activities (to be determined by the HOA of the development) (e.g. Open Space Zone II);
- ❖ An internal road network covering approximately 4.22 ha (e.g. Transport Zone III);
- ❖ Clubhouse and gatehouse erven with a footprint of approximately 1 000 m² each to cover security and homeowners' facilities;
- ❖ Two (2) utility erven for the potential pump stations with servitude rights of access for maintenance vehicles;

- ❖ Two (2) large open space erven for a conservation use covering approximately 27.5 ha (e.g. Nature Conservation / Open Space Zone III), which will be rehabilitated to Afrotropical Forest Vegetation). This area will include active management to achieve the conservation outcomes identified and will have a series of walking / hiking / cycling trails to facilitate access for alien vegetation control and relaxation purposes in a controlled manner.

In addition, the following associated infrastructure will be developed:

- ❑ An internal road network with roads of 5 metres or wider and servitudes of 13 metres and 16 metres wide. The road network will include the construction of stormwater drainage structures;
- ❑ The development will be accessed from the existing municipal roads network of which approximately 300m will be upgraded to a bituminous surfaced road;
- ❑ Stormwater pipelines (375-450mm diameter pipes) and drainage structures
- ❑ Internal sewage removal: A waterborne gravity network (160mm diameter PVC pipelines and 1000 mm diameter concrete sewer manholes) will drain towards two sewage pump stations. Bulk sewage removal: The internal sewerage removal system will link to the municipal gravity outfall sewage system;
- ❑ An internal water reticulation network (75mm-160mm diameter PVC pipes) will be connected to the existing Municipal water reticulation network. Bulk water supply for domestic use will be from an existing 200mm supply line at a connection point to the west of the development; and
- ❑ Electricity reticulation, transmission substations and street lighting.

The proposed development footprint will cover approximately 43 % of the property. Approximately 57% of the property will be rehabilitated back to natural indigenous forest vegetation and conserved as open space areas and will therefore be located outside of the development footprint.

The layout will be implemented according to the Site Development Plan developed by *DELPLAN Consulting* (Plan no. 592/GEO/11/Tek/SKF/SDP10_5, dated October 2019 as depicted in Annexure 2 of this Environmental Authorisation.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;

- 6.1.3. the date of the decision; and
- 6.1.4. the date when the decision was issued.
- 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the Holder,
 - 6.4.4. telephonic and fax details of the Holder,
 - 6.4.5. e-mail address, if any, of the Holder,
 - 6.4.6. 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).
- 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

- 7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein: **Condition no.: 6, 9, 11 and 18.**
- 8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity

- 9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for **approval**, prior to the commencement of construction activities.
 - 9.1. The EMPr must be amended to incorporate the following —
 - 9.1.1. All ECO monthly compliance reports must be submitted to this Directorate on a monthly basis.
 - 9.1.2. Incorporate all the conditions given in this Environmental Authorisation;

- 9.1.3. The section dealing with the demarcation of the No-Go area's (including the conservation areas) must clearly state how the areas will be demarcated prior to any earthworks / commencement of construction;
 - 9.1.4. An updated fire management plan, inclusive of comments from the SCFPA must be incorporated into the EMPr. This must include inter alia the width of fire breaks and fire-scaping;
 - 9.1.5. The layout of the trail network (viz walking, hiking, cycling trails) within the open space area set aside for a conservation use.
- 9.2. The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.

Note: Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process the revised EMPr prior to the intended date of commencement.

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"), for the duration of the construction and rehabilitation phases of implementation contained herein.
12. The ECO must—
 - 12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing;
 - 12.2. ensure compliance with the EMPr and the conditions contained herein;
 - 12.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 12.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.
13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has a website, such documents must be made available on such publicly accessible website.
14. 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

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid—
 - 15.1. ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;

- 15.2. during the development (establishment) of the bulk internal service infrastructure (i.e. internal roads; water reticulation, sewer, bulk storm water and electricity reticulation) the Holder must undertake annual environmental audit(s) and submit these Environmental Audit Report(s) to the Competent Authority.

The final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within **three (3)** months of completion of construction of bulk internal services and the post construction rehabilitation and monitoring requirements thereof;

- 15.3. during the development of the mixed-land use, residential development (i.e. top structures), the Holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.

During this phase of the development, the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr **may not exceed intervals of 5-years;**

16. The Environmental Audit Report(s), must –

- 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
- 16.2. provide verifiable findings, in a structured and systematic manner, on–
 - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 16.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.4. evaluate the effectiveness of the EMPr;
- 16.5. identify shortcomings in the EMPr;
- 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
- 16.9. include a photographic record of the site applicable to the audit; and
- 16.10. be informed by the ECO reports.

17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

18. The Holder must, prior to the activities physically commencing on site, register the following legally binding provisions or obligations on the land (approximately 27.5 hectares) earmarked for an open space to limit the use of the proposed open space area for a conservation use.

The portion of open space on the site must include the land earmarked for Open Space areas which will be rezoned to Open Space Zone III as depicted in Annexure 2 of this Environmental Authorisation.

Such provisions must as a minimum be a –

18.1. "Non-User Conservation Servitude"

The Holder is required to register, in favour of the George Municipality and the Home Owners of the proposed development on Portion 62 of the Farm Kraaibosch No. 195, a conservation servitude over the identified land which requires protection from development in perpetuity and in order to secure the conservation of the site. The conditions of the conservation servitude must *inter alia* address the following measures—

- (a) Fire management requirements (i.e. protective and ecological);
- (b) No earthworks or any form of development is permitted within the area, except in accordance with an approved conservation management plan and environmental authorisations;
- (c) No landscaping or planting except for rehabilitation in terms of an approved management plan;
- (d) An Alien Invasive Plant Control Programme for the portion of land;
- (e) No collection or damaging of fauna, flora, soil and water resources;
- (f) No vehicles of any type are permitted, except for rehabilitation and management in terms of an approved management plan;
- (g) Where no pets or domestic animals are permitted.

18.2. "Restrictive Title Conditions"

The title conditions must be registered against the Title Deed(s) of the respective portions of land on which the open space (i.e. Open Space Zone III) associated with the proposed development on Portion 62 of the Farm Kraaibosch No. 195, George, will be established.

The restriction must contain the following as a minimum –

- (a) the conservation servitude; and
- (b) the properties must be managed together for a conservation use in accordance with a Conservation Management Plan ("CMP") approved by the Western Cape Provincial department responsible for environmental affairs.

Note:

- ❖ The CMP should, *inter alia*, include financial provisions for the management and upkeep of the conservation area.
- ❖ Relevant organs of state, including CapeNature should be provided an opportunity to comment on the CMP before submitting it for approval to the relevant authority.

19. The No-Go areas (including the conservation area) must be physically and clearly demarcated prior to any earthworks commencing. This area may not be used to set up a site camp or storage of materials may take place in this demarcated area. All construction related activities such as materials storage and site camp establishment must occur within the development area. The

sewage pipeline route and associated buffer must also be clearly demarcated, and no personnel may work outside of the demarcated area for the pipeline.

20. The security fencing must be aligned to the perimeter of the development footprint area. The security fencing may not be installed within or around the conservation area, unless approved by the Competent Authority.
21. No development of dams, weirs structures or infrastructure may take place within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse and nor may 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 occur unless authorised or approved by the competent authority.
22. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.
Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- ❖ Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - ❖ It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note:

An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:

(a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.

(b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).

7. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 6, 7, 9, 11 and 18). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.

8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.

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

G. APPEALS

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 Appeal Administrator at 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: Appeal Administrator
Attention: Mr Marius Venter (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 DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, 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. GAVIN BENJAMIN

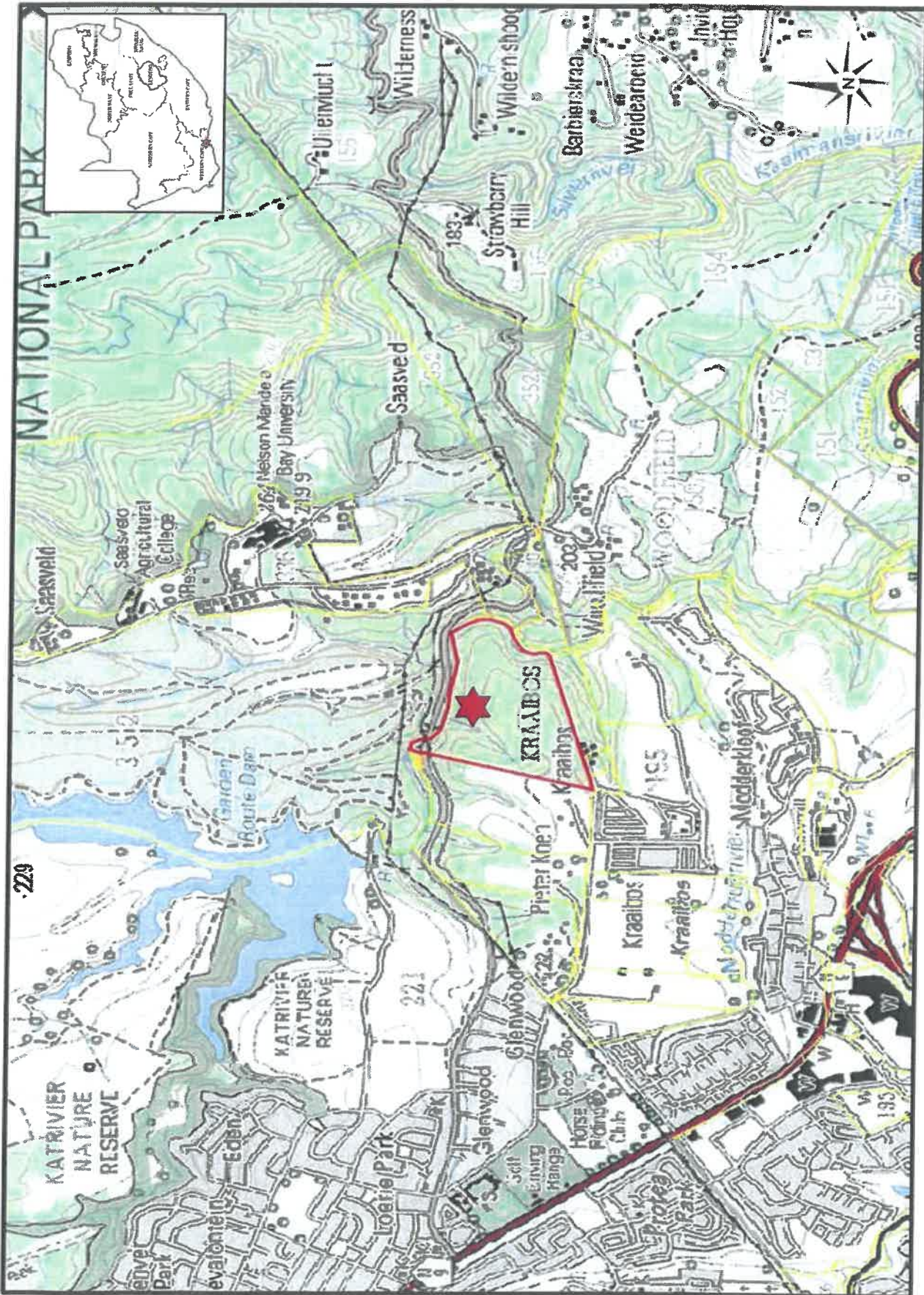
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

DATE OF DECISION: 30/06/2020

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0022/19
NEAS REFERENCE: WCP/EIA/0000669/2019

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

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PROJECT: Proposed Development for Keith Lever Allen Trust

DESCRIPTION: Kraaihuiskamp 155162, George

TITLE: Site development plan Alternative 4

NOTES:	AREA	%
1. Proposed Development	4,211.45	3.51
2. Proposed Development	22,288.82	8.53
3. Proposed Development	31,008.02	13.82
4. Proposed Development	18,189.84	4.95
5. Proposed Development	233,832.20	18.88
6. Proposed Development	48,271.32	8.85
7. Proposed Development	3,899.48	0.42
8. Proposed Development	3,387.29	0.31
9. Proposed Development	2,088.24	0.22
10. Proposed Development	481,027.42	100.00

NOTES:

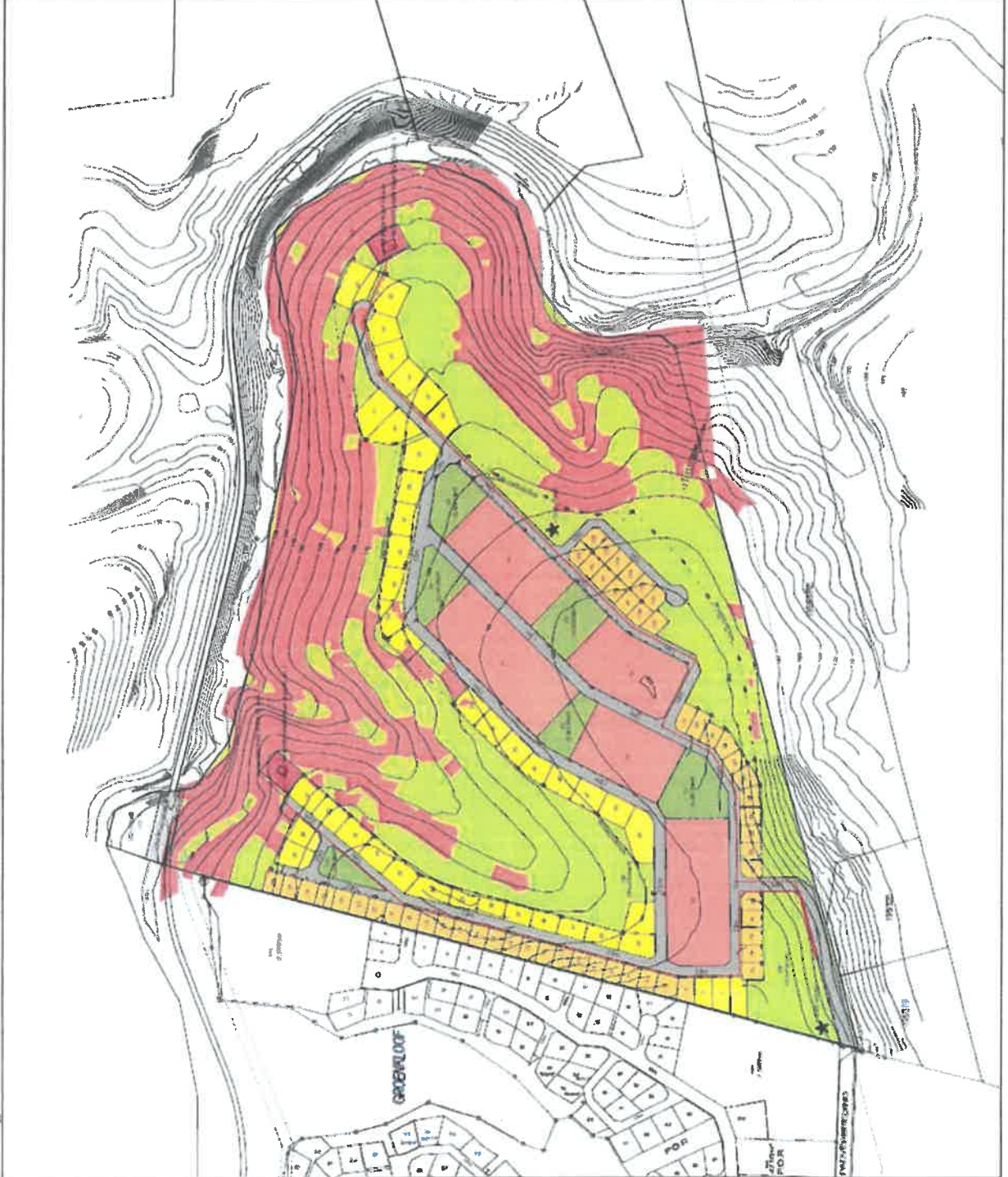
- 1. Proposed Development
- 2. Proposed Development
- 3. Proposed Development
- 4. Proposed Development
- 5. Proposed Development
- 6. Proposed Development
- 7. Proposed Development
- 8. Proposed Development
- 9. Proposed Development
- 10. Proposed Development

Scale: 1:2000

DELPLAN CONSULTING

DATE: OCTOBER 2018

SCALE: ANNEXURE



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 received on 5 September 2019, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 5 December 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and section 63 of National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 5 December 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context and the case officer is familiar with the area.

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. Legislative Requirements

Although activity number 12 and 19 of Listing Notice 1 (GN R.983 of 4 December 2014, as amended) were applied for, these listed activities have not been authorised as the proposed development will not trigger the listed activity. In addition, the impacts associated with these activities were not identified nor assessed during the EIA process.

2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site and at the site since March 2015;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 31 October 2019;
- the placing of a newspaper advertisement in the 'George Herald' in 31 October 2019; and
- making the draft Basic Assessment Report available to I&APs for public review from 01 November 2019 to 02 December 2019.

The following Organs of State provided comment on the proposal:

- ❖ *Department of Environment, Forestry and Fisheries – Forestry Section*
- ❖ *Breede Gouritz Catchment Management Agency*
- ❖ *CapeNature*
- ❖ *WCG: Department of Health*
- ❖ *SANParks*

- ❖ *Heritage Western Cape*
- ❖ *General Public / Interested & Affected Parties (I&APs) included:*
 - *Southern Cape Fire Protection Association*

All the comments and issues raised by the respective *Organs of State* that were captured in the Basic Assessment Report were responded to by the EAP. The Directorate: Development Management (Region 3) is satisfied with the responses provided by the EAP to these other organs of state.

3. Alternatives

Preferred Alternative (Herewith Approved):

The proposal entails the clearance of more than 1 hectare of indigenous vegetation in order to establish a mixed-use development on Portion 62 of the farm Kraaibosch No. 195. Also, more than 300 square metres (but less than 2.5 hectares) of an area mapped as Endangered Garden Route Granite Fynbos will be cleared of indigenous vegetation for this purpose.

Further to the above, the development comprises of the following:

- ❖ Forty-three (43) erven of approximately 1 000 m², covering approximately 4.44 ha of the property (e.g. Residential Zone II);
- ❖ Fifty-four (54) erven of approximately 500 m², covering approximately 2.72 ha of the property (e.g. Residential Zone II);
- ❖ Up to 305 erven for town housing covering approximately 5.16 ha of the property (e.g. General Residential Zone III);
- ❖ Six (6) internal open space erven, covering approximately 1.9 ha of the property, which will be landscaped and used for recreational activities (to be determined by the HOA of the development) (e.g. Open Space Zone II);
- ❖ An internal road network covering approximately 4.22 ha (e.g. Transport Zone III);
- ❖ Clubhouse and gatehouse erven with a footprint of approximately 1 000m² each to cover security and homeowners' facilities;
- ❖ Two (2) utility erven for the potential pump stations with servitude rights of access for maintenance vehicles;
- ❖ Two (2) large open space erven for a conservation use covering approximately 27.5 ha (e.g. Nature Conservation / Open Space Zone III), which will be rehabilitated to Afrotropical Forest Vegetation). This area will include active management to achieve the conservation outcomes identified and will have a series of walking / hiking / cycling trails to facilitate access for alien vegetation control and relaxation purposes in a controlled manner.

In addition, the following associated infrastructure will be developed:

- ❑ An internal road network with roads of 5 metres or wider and servitudes of 13 metres and 16 metres wide. The road network will include the construction of stormwater drainage structures;
- ❑ The development will be accessed from the existing municipal roads network of which approximately 300m will be upgraded to a bituminous surfaced road;
- ❑ Stormwater pipelines (375-450mm diameter pipes) and drainage structures
- ❑ Internal sewage removal: A waterborne gravity network (160mm diameter PVC pipelines and 1000 mm diameter concrete sewer manholes) will drain towards two sewage pump stations. Bulk sewage removal: The internal sewerage removal system will link to the municipal gravity outfall sewage system;
- ❑ An internal water reticulation network (75mm-160mm diameter PVC pipes) will be connected to the existing Municipal water reticulation network. Bulk water supply for domestic use will be from an existing 200mm supply line at a connection point to the west of the development; and

- ❑ Electricity reticulation, transmission substations and street lighting.

The proposed development footprint will cover approximately 43% of the property. Approximately 57% of the property will be open space areas located outside of the development footprint, which will be conserved and rehabilitated back to natural indigenous forest vegetation.

Note: Any reference to a specific zoning in this Environmental Authorisation must be regarded in terms of the *George Integrated Zoning Scheme By-Law* (promulgated in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and is referenced as such to provide the context for the proposed land-use.

Alternative 2:

Alternative 2 consists of the following;

- ❖ Proposed Internal Roads;
- ❖ One-hundred and twelve (112) ± 1 000 m² sized residential zone 1 erven;
- ❖ Fifty-five (55) ± 500 m² sized residential zone 1 erven;
- ❖ Open Space structures (Gate and Club Houses as indicated on development plan);
- ❖ Privately managed Open Space Areas which are to be rehabilitated to natural indigenous vegetation;
- ❖ Privately managed Open Space Areas between erven - to be rehabilitated with indigenous vegetation, but may be used for recreational activities; &
- ❖ Internal infrastructure (water, sanitation and electricity) as required.
- ❖ This alternative is not preferred as it is not in line with the recommendation provided by the botanical specialist and entails the construction within areas identified as containing prime forest rehabilitation potential.

Other alternatives considered:

An alternative sewer gravity line, crossing the non-perennial watercourse, was considered, however, the crossing would require a water use license and following the site inspection of the exact location of the crossing by the EAP, this alternative was rejected as it would cut through an area of pristine indigenous forest and the impact on the forest would have been large. As a result, the additional pump station was included in the design and the gravity line crossing the valley could be eliminated.

The gravity sewer lines now run mostly within the pipeline servitude of the proposed properties (inside the property boundary). Where the gravity line extends outside the property boundaries, care will be required to keep the disturbance to the minimal as this will fall within the future forest rehabilitation areas of the old plantations.

"No-Go" Alternative

This alternative entails no development. The property will continue to be utilised as a *Eucalyptus* plantation (continue with Agricultural Zoning 1). The commercial timber production will continue, and the ongoing management of alien vegetation outside the commercial plantation area will continue.

The no-go alternative is not considered favourable from a socio-economic point of view as no benefits will be gained by the community. There is a current need to develop additional affordable housing within George and to restrict development to within the urban edge.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

In accordance with the Western Cape Spatial Development Framework, the following guiding principles were highlighted; Spatial Justice, Sustainability and Resilience, Spatial Efficiency,

Accessibility and Quality and Liveability, the Competent Authority is satisfied that the proposal gives effect to the development principles as contained in the Spatial Planning and Land Use Management Act, 2015 ("SPLUMA") and the competent authority is further satisfied that the determination of the "need and desirability" has complied to requirements as set out in the guideline. It furthermore highlights the need for higher densities and more compact cities.

The property falls within the urban edge line of George (as provided by the Municipality), and the development of a high-density residential development will add to future minimisation of urban sprawl. As the property lies within the Kraaibosch area earmarked for future urban development.

The Kraaibosch area of George is earmarked for urban development and the character of this area is changing into a high-density residential, therefore, the proposed development will fit into this character. The proposed development is in line with the PSDF as it aims to meet the need for increased accommodation by offering another secure, community-type residential development, with a mixed offering of freehold stands and group housing. In comparison to the surrounding residential developments, it is motivated in the report that the proposed development will cater for a wider range of income classes, which is needed in George, as most of the properties only cater for medium to high income classes.

The George Municipality confirmed that the proposed development is included in the general growth and development infrastructure planning for George Municipality.

4.2 Biophysical Impacts

The construction phase of the proposed development will require earthworks for the installations of services, construction of internal roads and residential units. The required vegetation clearing will expose soil to wind and erosion, which could potentially result in soil erosion.

The movement of heavy machinery will compact the soil which will increase storm water runoff and potential sedimentation. This can be mitigated through the EMP construction phase management requirements to acceptable levels.

4.3 Biodiversity

The entire property consists of Critical Biodiversity Area (CBA) (i.e. CBA-1 & CBA-2) as well as Ecological Support Areas (ESA) (i.e. ESA-1 & ESA-2). The development footprint will fall within areas mapped as CBA-1, CBA-2 as well as ESA-1. The site of the proposed footprint has been specifically chosen in accordance with areas that have been historically transformed through afforestation activities and which no longer have any conservation value.

However, the boundary of the CBA's (steeper sloped areas) follows the occurrence of forest vegetation and the natural establishment thereof. The proposed layout incorporates the conservation of these areas and the operation of the proposed development will allow the rehabilitation of these areas and the use of it for recreational purposes (cycling, hiking etc.). The latter will be managed in accordance with an approved CMP.

The proposed development will have no significant impact on the aquatic features present on the property. An alternative sewer outfall line, crossing the non-perennial watercourse, was considered; however, the crossing would require a water use license and following the site inspection of the exact location of the crossing by the EAP, this alternative was rejected as it would cut through an area of pristine indigenous forest and the impact on the forest would have been large. As a result, the additional pump station was included in the design and the gravity line crossing the valley could be eliminated.

The gravity sewer lines now run mostly within the pipeline servitude of the proposed properties (inside the property boundary). Where the gravity line extends outside the property boundaries, care will be required to keep the disturbance to the minimal as this will fall within the forest rehabilitation areas of the old plantations.

The rezoning of a section of the property to a conservation zone (Open Space Zone III) as well as the establishment of a non-user conservation servitude and restrictive title conditions, will also provide long-term benefits in terms of biodiversity as well as to the home owners association (HOA) and the potential for tax rebates on the conservation of open space areas.

4.4 Heritage / Archaeological Aspects

Final comments received from HWC supported the proposed development and had a condition to their support. This was that an archaeologist must conduct site inspections during and after vegetation

clearance to determine whether any archaeological material occurs. The HWC comments still stand.

4.5 Other Impacts

An adequate distance has been left on the higher-lying plateau edges to ensure that no negative visual impacts will occur on the cultural and scenic landscape from the historic George/Knysna Road. The aesthetic requirements will create a new sense of place for the built environment and the restored natural areas will retain a green corridor along the riparian zone and its associated sense of place.

5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. A period of 12-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised. The environmental authorisation's validity period has been granted for a period of 10-years, during which period the development activities must commence and be concluded. The Holder is required to substantially implement the proposal within a period of 5-years after the environmental authorisation is issued. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. 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.

7. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved 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.

----- END -----