



REFERENCE: 16/3/3/1/D2/6/0019/18
NEAS REFERENCE: WCP/EIA/0000498/2018
ENQUIRIES: Marianne Lesch
DATE OF ISSUE: 16 MAY 2019

The Manager
Multizone (Pty) Ltd
P O Box 424
CONSTANTIA
7848

Attention: Mr. B. Schneider

Tel.: 021 794 6323
Fax: 086 675 7976
E-mail: bernard@bschneider.co.za

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: PROPOSED DEVELOPMENT OF RESIDENTIAL UNITS ON PORTIONS 7 & 10 OF FARM 216, MOUNTAIN VIEW, GEORGE

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, 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 summarized in the attached Environmental Authorisation.

Yours faithfully


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

CC: (1) Andrew West (EAP)

(2) Municipal manager (George Municipality)

Fax: 086 658 0998
E-mail: andrewwest@isat.co.za
E-mail: Tlduplooy@george.gov.za



REFERENCE: 16/3/3/1/D2/6/0019/18
NEAS REFERENCE: WCP/EIA/0000498/2018
ENQUIRIES: Marianne Lesch
DATE OF ISSUE: 16 MAY 2019

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: PROPOSED DEVELOPMENT OF RESIDENTIAL UNITS ON PORTIONS 7 & 10 OF FARM 216, MOUNTAIN VIEW, 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 ("BAR"), dated January 2019 as prepared and submitted by the environmental assessment practitioner, Andrew West Environmental Consultancy.

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 Manager
c/o Mr. B. Schneider
Multizone (Pty) Ltd
P O Box 424
CONSTANTIA
7848

Tel.: 021 794 6323
 Fax: 086 675 7976
 E-mail: bernard@bschneider.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>Environmental Impact Assessment Regulations Listing Notice 1 of 2014 (Government Notice No. 983 of 4 December 2014)</p>	
<p>Activity Number: 27 Activity Description: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of vegetation is required for:</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity (ii) maintenance purposes undertaken in accordance with a maintenance management plan 	<p>The development of 174 units (Residential III) and 121 units (Residential Zone IV). The proposed activity will cover approximately 77,205m² in total.</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: The development of a road wider than 4 metres with a reserve less than 13,5 metres (f) In the Western Cape: i Areas outside urban areas: (aa) Areas containing indigenous vegetation</p>	<p>The construction of a road.</p>

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:

Alternative 2: Preferred Design and Layout Alternative:

The proposal is predominantly for residential purposes which will entail the development of the following:

- Residential III Housing Units consisting of 174 units.

- Residential Zone IV component consisting of 121 units.
- A road as part of development.

C. SITE DESCRIPTION AND LOCATION

The property is known as portions 7 and 10 of portion 216 George and is located directly north and adjacent to the existing Golden Valley housing area in Blanco and approximately 6,5 km from George.

Coordinates of all the proposed activities on the property or properties (sites):

Latitude (S):

Longitude (E):

33° 56' 10.03"

22 ° 24' 22.12"

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

Andrew West Environmental Consultancy
 % Andrew West
 PO Box 9187
GEORGE
 6530

Tel: (044) 873 0228

Fax: (086) 658 0998

E-mail: andrewwest@isat.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 the following preferred Alternative 2 as described in Section B above:

The proposal is predominantly for residential purposes which will entail the development of the following:

- Residential III Housing Units consisting of 174 units.

- Residential Zone IV component consisting of 121 units.
 - A road as part of development.
2. The non-operational component of the Environmental Authorisation is subject to the following:
- 2.1. The holder must commence with all the listed activities and conclude the development activities (construction phase) within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The post construction rehabilitation and monitoring requirements must be finalised within a period of 12-months from the date the development activities (construction phase) are concluded.
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. The holder of the environmental authorisation must provide the Competent Authority with proof of compliance with the following specified conditions of authorisation within **sixty (60)** calendar days of the date of issue of this decision:

Conditions: **8** and **9**

7. **Seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.

The notice must also include proof of compliance with the following conditions described herein:

Conditions: **11** and **13**

Note: All notices to the Competent Authority must make clear reference to the site details and EIA Reference number given above.

Notification and administration of appeal

8. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. 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;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. 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).
9. The listed activities, including site preparation, must not commence within thirty-nine (39) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided (i.e. the listed activities, including site preparation, must not commence until the appeal is decided).

Management of activity

10. The activities must be implemented in accordance with an approved Environmental Management Programme ("EMPr").
11. The EMPr submitted as part of the application for Environmental Authorisation must be amended to address the following aspects, and re-submitted to the Competent Authority for approval, prior to commencement of construction activities.

The amended EMPr must—

- 11.1. meet the requirements outlined in Section 24N (2) & (3) of the National Environmental Management Act, 1998 (Act no 107 of 1998, as amended) and Appendix 4 of the Environmental Impact Assessment Regulations, 2014 (Government Notice R.982 of 4 December 2014, as amended);
 - 11.2. incorporate all the conditions given in this Environmental Authorisation;
 - 11.3. include all final designs for the proposed development and services layout;
 - 11.4. detail the functions of the ECO and frequency of site inspections and reporting;
 - 11.5. detail an implementation programme which sets out the construction phase of the proposed development and specifies the period required to conclude the respective activities (a date on which the activity will be deemed to have been concluded should be derived from such a programme);
 - 11.6. detail an indigenous plant "search and rescue" methodology to identify all indigenous plant species and organisms found to occur at the property within the development footprint. Plant material must be collected and be utilised later in supplementary planting and landscaping, where appropriate, at the property;
 - 11.7. incorporate an environmental auditing and monitoring schedule detailing the frequency of auditing compliance with environmental authorisation and environmental management programme and submission of environmental audit reports to the Competent Authority during the construction phase.
12. The final approved EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced environmental control officer ("ECO").
14. The ECO must–
- 14.1. be appointed prior to commencement of any vegetation clearing or construction activities commencing;
 - 14.2. ensure compliance with the EMPr and the conditions contained herein;
 - 14.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 14.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.
15. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).
16. 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

17. The holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.

18. The environmental audit report must be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise.

The holder must, **within 7 days** of the submission of the environmental 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).

19. The Environmental Audit Report must contain all the information required in **Appendix 7** of the Environmental Impact Assessment Regulations, 2014.

20. During the construction phase, 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 six (6) months of completion of construction;

21. During the operation phase, the holder must ensure that environmental audit(s) are performed as specified in the approved EMPr and submit these Environmental Audit Report(s) to the Competent Authority.

Specific Conditions

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 include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone 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.

23. 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.

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 conclude an authorised listed activity within the period referred to in Par 2.1 of Section E, 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:

- (a) 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.
 - (b) 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.
4. 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 it requires an amendment of the EA, 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.

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.

5. 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 EMP 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.

- 6. 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

- 7. 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).
- 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, 2010, will render the offender liable for criminal prosecution.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

- 1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

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



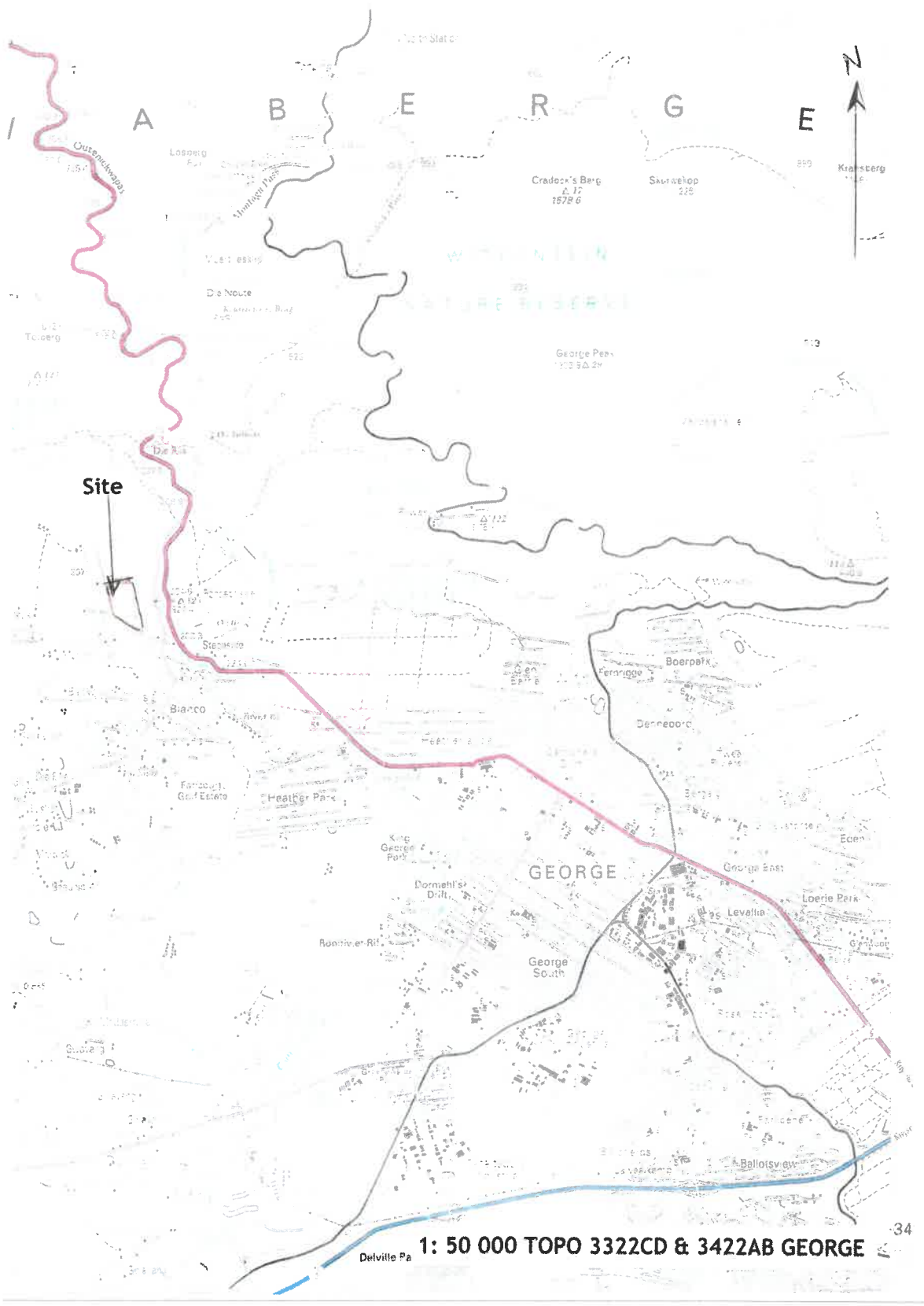
MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: 16/05/2019

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:	16/3/3/1/D2/6/0019/18
NEAS EIA REFERENCE NUMBER:	WCP/EIA/0000498/2018

ANNEXURE 1: LOCALITY MAP



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 by the competent authority on 16 October 2018, the Final Basic Assessment Report (BAR) dated January 2019 and the EMPr submitted on 25 January 2019 together with the aforementioned Final BAR;
- 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);
- d) The comments received from Interested and Affected Parties (I&APs) and responses to these, included in the Final BAR dated January 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted as the case officer is familiar with the site and surroundings. The Competent Authority also 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 is regarded to fulfil the process requirements of the Environmental Impact Assessment Regulations, 2014.

A site notice notifying potential I&APs of the proposed application were placed on site and an advertisement was placed in the local newspaper on 21 June 2018 notifying the public of the EIA process and providing an opportunity for I&APs to register and participate.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process and the responses in the Final BAR. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation which must also and in the EMPr.

2. Alternatives

(a) Alternative 1: **No-go option**

The No-Go option would mean the status quo remains and the invasive alien vegetation continues to grow unimpeded. This however is not the applicant's preferred option.

(b) Alternatives 2: (**Preferred**)

The proposal is predominantly for residential purposes which will entail the development of the following:

- Residential III Housing Units consisting of 174 units.
- Residential Zone IV component consisting of 121 units.
- A road as part of the development.

(b) Alternatives 3:

This Alternative entails Residential Zone I erven with a combination of Residential III and Residential IV (layout in 5 different erven).

- Residential I consisting of 71 units;
- Residential III consisting of 98 units; and
- Residential IV has a fairly high density of 180 units.

Comparing Alternative 2 (the preferred alternative) with Alternative 3:

- The five erven that were originally allocated to town houses (Alternative 3) were consolidated to one erf (Alternative 2). This allows for more town houses to be developed on the erf.
- Alternative 2 ensures better circulation between the dwellings and is just more economical.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

According to the Final BAR the proposed development will provide for extra 'GAP' housing which is a need in the area, especially for the middle-income bracket of the George community. The states that the proposal represents affordable accommodation and the general character of the area will be improved. It is believed that the present situation will not be negatively impacted upon by the proposed housing layout / development proposal.

The BAR further submits that the proposal will be compatible with surrounding land uses as it is bounded to the east and south by low-income housing and to the north by marginal agricultural land. According to the BAR the constraints are minimal and a development of this nature would be compatible within the ambit of environmental issues, social needs and forward planning for the area. This Department concurs with the aforementioned submission and is of the opinion that the proposal will address the socio-economic needs in alignment with the forward planning for the area.

3.2 Biophysical

According to the BAR no Critical Biodiversity Areas (CBAs) or Ecologically Sensitive Areas (ESAs) area is present and the proposed site has no ecological significance. The subject property is not used for agricultural purposes. Most of the property under review has already been physically altered through previous activity on site. Portion 10 is currently vacant and Portion 7 is predominantly open with a very old farmhouse and outbuildings to the west of the property.

The property is covered with grassy fynbos to the west and the eastern part has Least Threatened Garden Route Shale Fynbos, including alien trees. A very small portion to the north-eastern corner of the property represents Southern Cape Afro Temperate Forest as per the VEG MAP, but this area is actually an area invaded by alien species, such as Black Wattle, Pine, Eucalyptus species, Solanum and Lantana.

This Department concurs with the abovementioned submission and that the impact on biodiversity will be insignificant.

3.3 Regional/ planning context

The Provincial Spatial Development Framework ("PSDF") contains a number of planning objectives that guides forward planning of towns. One of these is the expansion and the general pattern of growth that is predicted in the future. The proposal is to develop the subject property predominantly for residential purposes in accordance with the Blanco Local Spatial Development Framework.

According to the BAR the proposed development is in line with the George Municipality's objective to increase GAP housing as housing facilities for the middle-income group or the so-called GAP market are sought after. This Department concurs with this statement and is of the opinion that the proposal is compatible with the local and strategic plans/frameworks, and the vision for the area.

3.4 Services

The development will link with the bulk services network of the George Municipality, but the applicant will furthermore investigate the implementation / usage of the latest technology with respect to water supply (tanks), water pipelines, sewage disposal and electricity supply. George Municipality have confirmed that they do have sufficient supply of treated potable water to provide for this proposed development, as well as

effluent capacity to accommodate the development as long as the requirements of the services report is adhered to. This Department is satisfied that all bulk services will link up with the municipal network and that access to the proposed currently exists.

3.5 Socio-economic

According to the BAR the activity will contribute to economic sustainability and it is anticipated that employment opportunities would be available to a limited number of people from the local communities during the construction and operational phases. This Department is satisfied that the proposed development will create temporary employment opportunities and further recommends that preference should be given to local contractors/labour force.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the 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 provisions of the final EMP, 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 -----