



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/2/E3/10/1036/18
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2019 -06- 1 2

The Municipal Manager
Swellendam Municipality
Private Bag X11
SWELLENDAM
6740

Attention: Mr J Engel

Tel: (028) 514 1100
Fax: (028) 514 2694

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE SWELLENDAM HOUSING PROJECT ON THE REMAINING EXTENT OF ERVEN 1 AND 157 AND ERF NO. 1698, SWELLENDAM.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms Y. Henstock (Eco Impact Legal Consulting (Pty) Ltd)
(2) Ms E. Pelsler (Department of Human Settlements)
(3) Mr R. Brunings (Swellendam Municipality)

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REFERENCE: 16/3/3/2/E3/10/1036/18
NEAS REFERENCE: WCP/EIA/0000427/2018
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2019 -06- 12

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 SWELLENDAM HOUSING PROJECT ON REMAINING EXTENT OF ERVEN 1 AND 157 AND ERF NO. 1698, SWELLENDAM.

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 Site Alternative 2 and Layout Alternative 2 described in the Environmental Impact Assessment ("EIA") Report, dated 25 February 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the Swellendam Housing Project on Remainder extent of Erven 1 and 57 and Erf No. 1698, Swellendam.

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

Swellendam Municipality
c/o Mr James Engel
Private Bag X11
SWELLENDAM

6740

Tel: (028) 514 1100

Fax: (028) 514 2694

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1 – Activity Number: 12 <i>The development of—</i></p> <ul style="list-style-type: none">(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p><i>where such development occurs—</i></p> <ul style="list-style-type: none">(a) within a watercourse;(b) <i>in front of a development setback; or</i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p><i>excluding—</i></p> <ul style="list-style-type: none">(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i>(bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i>(cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i>(dd) <i>where such development occurs within an urban area;</i>(ee) <i>where such development occurs within existing roads, road reserves or railway lines; or</i>(ff) <i>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i>	<p>Components of the development will be located within 32m of a watercourse.</p>
<p>Listing Notice 1 – Activity Number: 19 The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</p>	<p>Components of the development will be located within a watercourse.</p>

<p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <ul style="list-style-type: none"> (a) Will occur behind a development setback; (b) Is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies. (d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p>Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p>Listing Notice 1 – Activity Number: 24 The development of a road –</p> <ul style="list-style-type: none"> (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 8 metres; <p>But excluding a road –</p> <ul style="list-style-type: none"> (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter. 	<p>The development of new internal roads.</p>
<p>Listing Notice 2 – Activity Number: 15 The clearance of an area of 20 hectares or more of indigenous vegetation, excluding 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 25.3ha containing indigenous vegetation.</p>
<p>Listing Notice 3 – Activity Number: 4 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 as public open space or equivalent zoning; 	<p>The development of a road outside an urban area containing indigenous vegetation.</p>

<p>(ii) Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line in an estuarine functional zone where no setback line has been determined; or (iii) Inside urban areas; (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	
<p>Listing Notice 3 – Activity Number: 18 The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>i. Western Cape</p> <p>(iv) Areas zoned for as public open space or equivalent zoning;</p> <p>(v) Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line in an estuarine functional zone where no setback line has been determined; or (vi) Inside urban areas; (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The lengthening of a road outside an urban area containing indigenous vegetation.</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:

- The proposal entails the development of a mixed-use housing development on the remaining extent of Erven 1 and 157 and Erf No. 1698, Swellendam. The development will have a development footprint of 25.3ha, which includes the following components:

Land Use	Number of Erven
Residential	950
Business	2
Community Facility	4
Mixed Use	3
Open Space	10
Roads, associated service infrastructure and upgrades to attenuation dams 4 and 5.	

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the remaining extent of Erven 1 and 157 and Erf No. 1698, Swellendam, at the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates: Site H	34° 02' 00.14" South	20° 27' 11.70" East
Coordinates: Dam 5	34° 1' 41.42" South	20° 26' 45.03" East
Coordinates: Dam 4	34° 1' 45.43" South	20° 26' 49.80" East

The SG digit code for Site H and Dam 5 is: C07300080000000100000

The SG digit codes for Dam 4 are: C07300080000015700000
C07300080000169800000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd
c/o Yolandie Henstock
PO Box 45070
CLAREMONT
South Africa
7735

Tel: (021) 671 1660

Fax: (021) 671 9976

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 Site Alternative 2 and Layout Alternative 2, described in the EIA Report, dated 25 February 2019 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **twenty years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notified 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.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr and MMP 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, MMP and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
14. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

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

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. 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

earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. 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.
18. Encroachment beyond the development footprint into the Critical Biodiversity Area (CBA 2) must be prevented with adequate fencing and active management.

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 activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations 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.

APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or
By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 12/06/2019

Cc: (1) Ms Y. Henstock (Eco Impact Legal Consulting (Pty) Ltd)
(2) Ms E. Pelsler (Department of Human Settlements)
(3) Mr R. Brunings (Swellendam Municipality)

E-mail: admin@ecoimpact.co.za
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ANNEXURE 1: LOCALITY MAP

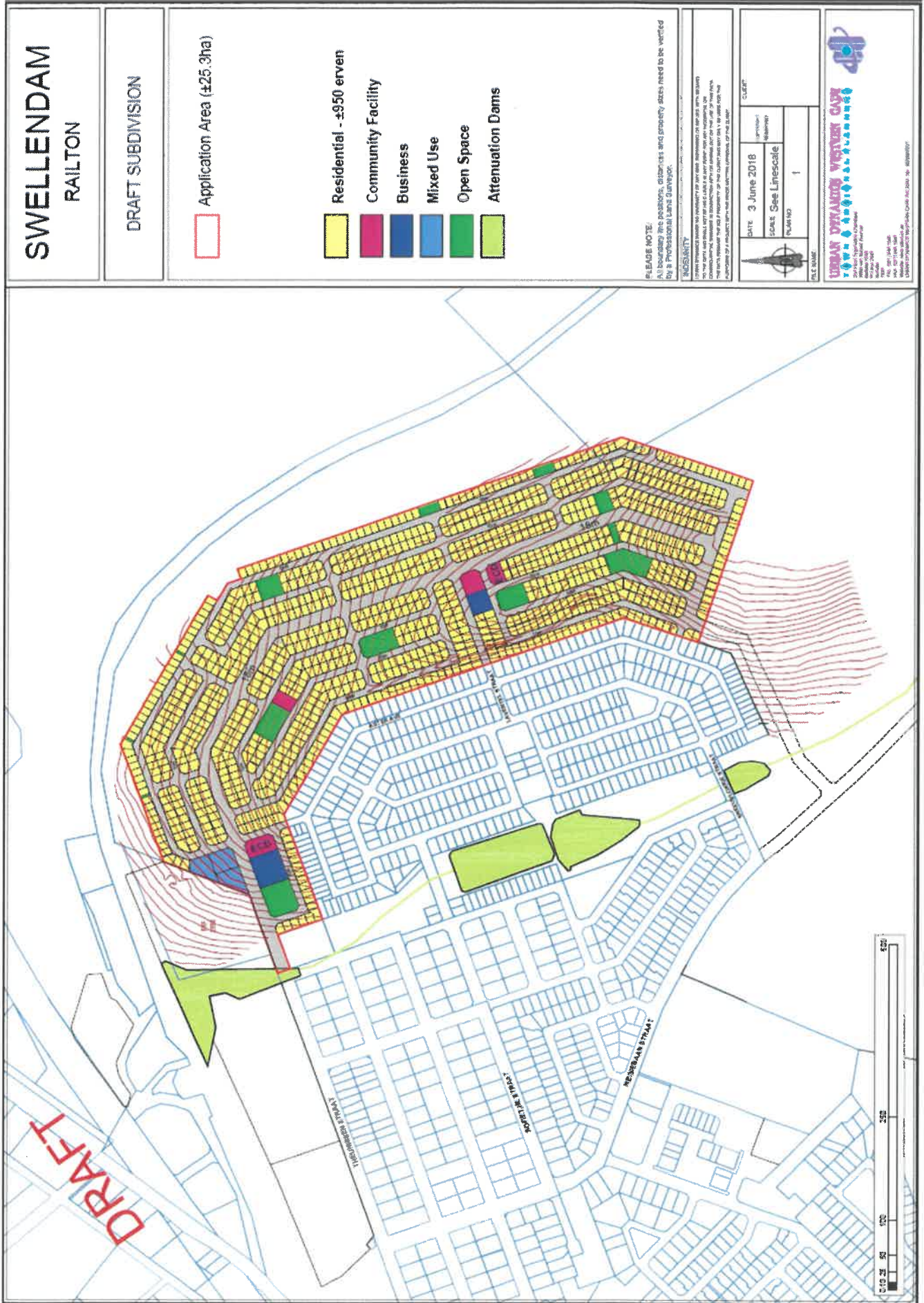
Swellendam Locality
Map 2



Scale: 1:50 000
Date created: June 5, 2018



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 14 June 2018, the final Scoping Report received by the Department on 20 July 2018 and the EMPr and MMP submitted together with the final EIA Report on 25 February 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the final EIA Report received on 25 February 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted on 27 July 2017:

Attended by: Ms. M Oosthuizen; Ms. A McClelland and Ms. A Thomas of the Department of Environmental Affairs and Development Planning ("DEA&DP").

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- site notices were placed at the site where the listed activities are to be undertaken on 6 February 2017;
- the placing of a newspaper advertisement in the *Langeberg Bulletin* newspaper on 10 February 2017;
- giving written notice to the owners and occupiers of land adjacent to the site the listed activities is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 20 February 2017;
- making the pre-application draft Scoping Report available to I&APs for public review from 28 April 2017;
- making the in-process draft Scoping Report available to I&APs for public review from 15 June 2018;
- making the draft EIA Report available to I&APs for public review from 26 October 2018; and
- making the revised draft EIA Report available to I&APs for public review from 22 January 2019.

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

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

2. Alternatives

Three site alternatives were considered:

Site Alternative 1

This alternative is called Site E and is approximately 20ha in extent. It is a small hill with a steep gradient south-east of the primary school and residential area of Swellendam South. This alternative was not preferred for the following reasons:

- The site has a steep gradient.
- Approximately 80% of the 20ha site is characterised by indigenous vegetation in a moderate to good condition with high conservation value and high botanical sensitivity.

Site Alternative 2 (Preferred and herewith authorised)

This alternative is called Site H and is approximately 50ha in extent. It is an undulating area in-between the residential area and the railway line of Swellendam South. 50ha were originally assessed for the development, but following specialist input, only 25.3ha will be developed. A large area was excluded from the development footprint due to botanical sensitivity and steep gradients. This alternative was preferred for the following reasons:

- Site H has been earmarked for residential development in terms of the Municipal Spatial Development Framework.
- It is adjacent to existing residential developments, which allow immediate access and connection to service infrastructure.
- The site is located within the municipal urban edge.
- Approximately 8ha of the 50ha site contains indigenous vegetation in a moderate to good condition with a medium conservation value and medium botanical sensitivity. Approximately 42ha of the area surveyed have been completely transformed by previous cultivation activities that took place on the site. Little to no indigenous vegetation species have re-established on the 42ha transformed area and this area therefore has low conservation value and low botanical sensitivity. The 25.3ha development area is located within the transformed area.

Site Alternative 3

This alternative is called Site I and is approximately 8ha in extent. It is a flat-lying area in-between the residential area and the railway line adjacent to the N2 road through Swellendam South. This site was not preferred since it is classified as an Ecological Support Area and its narrow shape poses infrastructure constraints.

Layout Alternatives

Layout Alternative 1

This alternative entails the development of approximately 27.08ha on Sites H and E.

Land Use	Number of Erven
Residential	961
GAP Residential	86
Business	2
Community Facility	4
Mixed Use	3
Open Space	12
Roads, Infrastructure and attenuation dams.	

This alternative was not preferred for the following reasons:

- It does not take the specialist recommendations into consideration.
- Site E is located outside the urban edge, has steep gradients and very little flat ground.
- The lower north side is partly disturbed (and hence of lower sensitivity), but the remainder is largely pristine and is of high botanical sensitivity.
- Numerous plant Species of Conservation Concern ("SCC") were recorded on the site.

Layout Alternative 2 (Preferred and herewith authorised)

This alternative entails the development of approximately 25.3ha on Site H.

Land Use	Number of Erven
Residential	950
Business	2
Community Facility	4
Mixed Use	3
Open Space	10
Roads, Infrastructure and upgrades to attenuation dams 4 and 5.	

This alternative was preferred for the following reasons:

- This layout incorporates the specialist recommendations.
- It is largely inside the urban edge.
- No plant SCC were recorded, and none are expected to occur. The botanical sensitivity is rated as low.
- The 86 GAP erven contained in Layout Alternative 1 have been removed due to constraints around amending forward planning strategies.

No-go Alternative

This alternative represents the current *status quo*, which is transformed vacant municipal land adjacent to an existing residential development. This alternative was not preferred since the opportunity to make a significant contribution towards addressing the housing backlog in Swellendam Municipality will be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Currently a need exists for housing in the local community of Swellendam. According to the Swellendam Municipality the housing waiting list for Swellendam is 2193 people (as at 2018). The site provides the ideal locality in terms of accessibility, services and infrastructure and is earmarked for residential development within the Municipal Spatial Development Framework.

3.2 Biophysical Impacts

The site historically contained Swellendam Silcrete Fynbos vegetation, which is classified as endangered but has been completely transformed by cultivation with little to no indigenous vegetation present on the site. Based on the findings of the Botanical Statement compiled by Nick Helme Botanical Surveys, dated 14 December 2018, the site has low conservation value and low botanical sensitivity. All indigenous species noted are common and widespread species and no plant SCC or special habitats were recorded. Since the proposed development will result in the clearance of all the vegetation on the development footprint, the loss of vegetation on site will be high. However, given that the vegetation on site is of low diversity and low sensitivity, the overall significance of the loss is rated as low negative and is therefore deemed acceptable.

According to the NFEPA Database, no wetland features are located within the study area. The Freshwater Resource Verification Report for the development, dated January 2019 and compiled by Scientific Aquatic Services, confirmed that a modified Channelled Valley Bottom Wetland ("CVBW") is located approximately 300m west of the site. Some of the infrastructure upgrades required to service the development will traverse the modified CVBW. This includes two sections of the proposed water pipeline upgrades, a new access road and upgrades to two attenuation dams. The proposed water pipeline upgrades will traverse the CVBW within two existing road crossings and therefore the trenching activities will have a limited impact on the surrounding wetland feature. Theunissen Street will be extended with a culvert crossing over the modified section of the CVBW to provide a new access to the housing development. One of the attenuation dams is located within the modified section of the CVBW, approximately 80m north of the proposed access road, while the second attenuation dam is located at an existing culvert, approximately 90m north of the railway line and south of the N2 road, thereby limiting the potential impact. Two sections of the proposed sewer pipeline upgrades will span across the Koorlands River by bolting the pipe to the existing bridges across the river. The impacts associated with the construction and operational phases are therefore deemed to be low. The recommended mitigation measures have been carried through to the EMPr and MMP, where appropriate. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has also been submitted to the Breede-Gouritz Catchment Management Agency, which will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative biophysical impact due to the loss of indigenous vegetation, in-stream habitat and water quality impairment during site preparation and construction. These impacts will however be mitigated to a satisfactory level with the implementation of the preferred alternative and the EMPr.

Positive impacts:

- The development will provide much needed housing and improved access to services and facilities to the local community of Swellendam.

- The development will create employment opportunities during the construction phase.

4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity 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 activity can be mitigated to acceptable levels.

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