



REFERENC REFERENCE: 16/3/3/2/E1/5/1018/22
NEAS REFERENCE: WCP/EIA/0001071/2021
DATE OF ISSUE: 06 April 2023

The Board of Directors
Suikerbos Ontwikkeling Pty (Ltd)
PO Box 764
BREDASDORP
7280

Attention: Mr Ben Smit

Cell: 071 720 8133
Email: ben@clearlakecapital.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: THE PROPOSED MIXED-USE DEVELOPMENT ON ERVEN 6952 AND 6954, BREDASDORP.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") and **adopt** the Maintenance Management Plan, 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 EA.

Yours faithfully

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

CC: (1) Nicolaas Hanekom (Enviro EAP (Pty) Ltd)
(2) D October (Cape Agulhas Municipality)

Email: nicolaas@enviro-eap.co.za
Email: info@capeagulhas.gov.za



REFERENCE: 16/3/3/2/E1/5/1018/22
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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 MIXED-USE DEVELOPMENT ON ERVEN 6952 AND 6954, BREDASDORP.

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 Layout 2 described in the Environmental Impact Assessment ("EIA") Report, dated November 2022.

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 Mixed-Use Development on Erven 6952 And 6954, Bredasdorp. 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

Suikerbos Ontwikkeling Pty (Ltd)
c/o Mr Ben Smit
PO Box 764
BREDASDORP
7280
Cell: 071 720 8133
E-mail: ben@clearlakecapital.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 Activity	Project Description
<p>Listing Notice 1 –</p> <p>Activity Number: 19</p> <p>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><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <ul style="list-style-type: none"> <i>a) Will occur behind a development setback;</i> <i>b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies.</i> <i>d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>e) 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.</i> 	<p>The construction of roads and infrastructure over the watercourses present on the site will result in the infilling or moving of more than 10 cubic metres of material in the watercourses.</p>
<p>Listing Notice 1 –</p> <p>Activity Number: 28</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> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p>	<p>The proposed development consists of a mixed-use development of approximately 43ha on an area that was previously used for agricultural purposes.</p>
<p>Listing Notice 2 –</p> <p>Activity Number: 15</p>	<p>The proposed development will result in the clearing of more than 20 ha of indigenous vegetation.</p>

<p>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for –</p> <p>f) the undertaking of a linear activity; or g) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	
<p>Listing Notice 3 –</p> <p>Activity Number: 4</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> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(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</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The site is currently zoned Open Space and the development will include the construction of roads wider than 4m.</p>
<p>Listing Notice 3 –</p> <p>Activity Number: 12</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>i. Western Cape</p> <p>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</p>	<p>The proposed development will result in the clearing of more than 300 square metres of critically endangered Agulhas Sand Fynbos vegetation.</p>

<p>critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <ul style="list-style-type: none"> 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 activities are 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 development of a mixed-use development of approximately 43ha that will comprise the following:

- A retirement village with approximately 138 erven.
- 97 Single Residential erven.
- 331 Townhouses.
- A Creche/Day Care Centre.
- A restaurant of approximately 8 500m².
- Retail shops of approximately 11 664m².
- Offices of approximately 15 500m².
- A hospital of approximately 9 000m² (approximately 40 beds).
- A Frail Care Centre with approximately 180 beds.
- Doctor's consulting rooms of approximately 5 000m² (approximately 40 rooms).
- Roads and associated bulk engineering infrastructure that will service the development.
- Open Spaces and green corridors that will incorporate the identified high sensitivity areas. The green corridors will also accommodate the stormwater retention ponds which will be used for on-site stormwater attenuation.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erven 6952 and 6954, Bredasdorp and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates:	34° 32' 38.02" South	20° 02' 51.69" East

The SG digit codes are: C01100030000695200000
C01100030000695400000

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

Enviro EAP (Pty) Ltd
c/o Mr Nicolaas Hanekom
P.O. Box 205
L'AGULHAS
7287
Cell: 076 963 6450
E-mail: nicolaas@enviro-eap.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 Layout 2 described in the EIA Report dated 29 November 2022 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period for which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activity.
 - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity must be concluded.
3. 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.
 4. 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

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

Conditions: 6, 7 and 11

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 –
 - 6.2.1 the outcome of the application;
 - 6.2.2 the reasons for the decision as included in Annexure 3;
 - 6.2.3 the date of the decision; and
 - 6.2.4 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 Appeals Regulations, 2014 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:
 - 6.4.1 the 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 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.
7. The listed activities, including site preparation, may not commence within 20 (twenty) 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.

Management of activity

8. The Environmental Management Programme (“EMPr”) submitted as part of the Revised Environmental Impact Assessment Report is hereby approved and must be implemented.

9. The Maintenance Management Plan ("MMP") accepted as part of the EMPr must be implemented.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

12. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports which must be submitted quarterly to the Competent Authority during the construction phase must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.

13. 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

14. 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 the MMP. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit Environmental Audit Reports to the Competent Authority once a year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after all the activities have been completed.

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

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or 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.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with 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, 2014 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 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 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 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 Marius Venter (Tel: 021 483 2659)
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 Appeal Authority 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

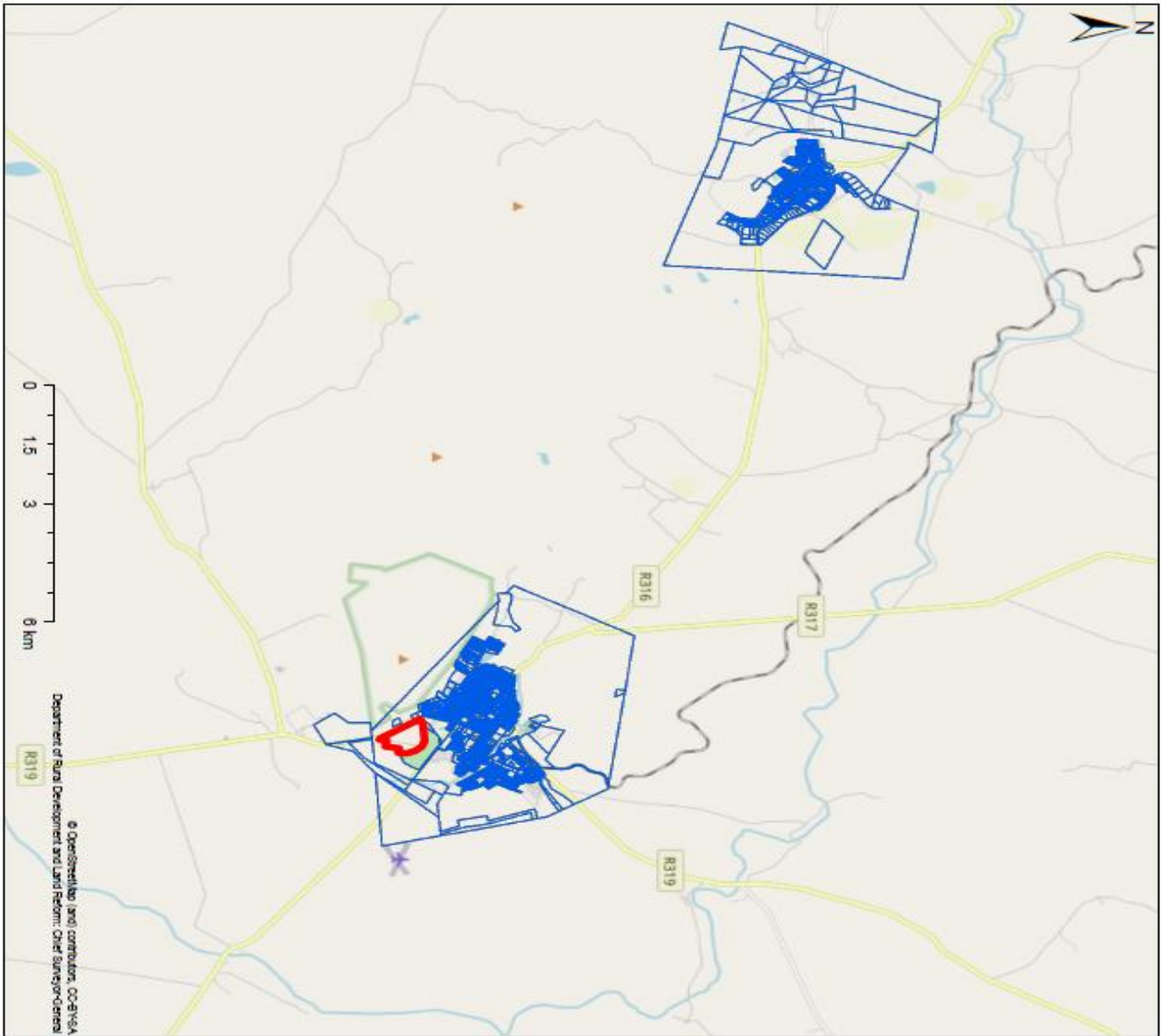
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 06 APRIL 2023

CC: (1) Nicolaas Hanekom (Enviro EAP (Pty) Ltd)
(2) D October (Cape Agulhas Municipality)

Email: nicolaas@enviro-eap.co.za
Email: info@capeagulhas.gov.za

ANNEXURE 1: LOCALITY MAP



Locality Map

Legend
Erf



Compiled with CapeFarmMapper

Date created: March 2, 2021

Scale: 1:144 448

ANNEXURE 2: SITE PLAN



Symbol	Description
[Yellow Box]	Single Residential - Single Detached
[Orange Box]	Medium Residential - 2-4 Storey
[Light Blue Box]	High Density Residential - 3-4 Storey
[Dark Blue Box]	Commercial - Office/Shop
[Green Box]	Community - School
[Light Green Box]	Community - Church
[Light Blue Box]	Community - Medical Center
[Light Green Box]	Community - Sports
[Light Green Box]	Community - Park
[Light Green Box]	Community - Open Space
[Light Green Box]	Community - Green Belt
[Light Green Box]	Community - Stormwater
[Light Green Box]	Community - Sewer
[Light Green Box]	Community - Water
[Light Green Box]	Community - Road
[Light Green Box]	Community - Boundary
[Light Green Box]	Community - Other

Field	Value
Project Number	2024/0001
Client	Western Cape Government
Location	Greenbelt Area
Scale	1:500
Date	2024-10-27
Author	J. Smith
Checker	M. Jones
Drawn	A. Brown
Scale	1:500

DRAFT

NO SCALE

DATE: 2024-10-27

SCALE: 1:500

PROJECT: 2024/0001

CLIENT: Western Cape Government

LOCATION: Greenbelt Area

SCALE: 1:500

Scale: 1:500

Author: J. Smith

Checker: M. Jones

Drawn: A. Brown

Date: 2024-10-27

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 22 February 2022, the final Scoping Report received by this Department on 19 May 2022, the EMPr, and the MMP submitted together with the final EIA Report dated 29 November 2022;
- (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 dated 29 November 2022; and
- (e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 3 March 2022;
- A notice was placed at the boundary of the site and at four locations which borders the site on 4 March 2022;
- the placing of a newspaper advertisement in the 'Skatkis Hoekie' on 9 March 2022;
- making the pre-application Draft Scoping Report available for comment from 7 April 2022;
- making the in-process Draft Scoping Report available for comment from 3 August 2022; and
- making the in-process Draft EIA Report available for comment from 5 September 2022 and the revised Draft EIA Report from 21 October 2022.

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

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

2. Alternatives

Layout 1 – alternative layout

This layout alternative is divided into several phases that include the following:

- Phase 1: low density group housing of approximately 9.56ha,
- Phase 2: a retirement village with approximately 76 houses and apartments on approximately 1.36 ha,
- Phase 3: a medium and high-density residential area of 8.26ha
- Phase 4: low density development of approximately 90 residential erven on approximately 9.67ha
- Phase 5: mixed use area: 6.48ha

This alternative was developed prior to conducting specialist assessments and is not preferred since the layout does not take the biophysical constraints on the site or the specialist recommendations into consideration and would result in a high negative biophysical impact.

Layout 2 (Preferred alternative herewith authorised)

This preferred alternative entails a mixed-use development on a 43ha area that includes the following components:

- A retirement village with approximately 138 erven.
- 97 Single Residential erven.
- 133 Townhouses.
- A Creche/Day Care Centre.
- A restaurant of approximately 8 500m².
- Retail shops of approximately 11 664m².
- Offices of approximately 15 500m².
- A hospital of approximately 9 000m² (approximately 40 beds).
- A Frail Care facility with approximately 180 Beds.
- Doctor's Consulting Rooms of approximately 5 000m² (approximately 40 rooms).
- Roads and associated bulk engineering infrastructure that will service the development.
- Open Spaces and green corridors that will incorporate the identified high sensitivity areas. The green corridors will also accommodate the stormwater retention ponds, which will be used for on-site stormwater attenuation.

This is the preferred layout that has been designed based on specialist input and comments received during the public participation process. The sensitive biophysical features are adequately buffered and accommodated in the open spaces and ecological corridors throughout the site. This layout also includes the recommended development setbacks to limit the potential impacts from a heritage and visual perspective.

The No-go alternative

This alternative represents the *status quo*, which means that the site will remain vacant and undeveloped. This is not preferred since the site is included in the municipal urban edge and is earmarked for urban development. The proposed development is in line with this demarcation and should the no-go alternative be implemented, the opportunity for additional job creation and the socio-economic benefits associated with the proposed development will be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is included in the Spatial Development Framework ("SDF") and urban edge of the municipality and is earmarked for the expansion of the town of Bredasdorp. The proposed development is therefore in line with the local spatial planning policies and future municipal development plans. The development will assist in addressing the growing housing need in the area, provide additional health care and retirement facilities and infrastructure and will provide employment opportunities during the construction and operational phases. The specialist studies conducted during the EIA process and input obtained during the public participation process informed the preferred layout to ensure the best practicable environmental option is implemented.

3.2 Biophysical Impacts

The site is mapped to contain critically endangered Agulhas Sand Fynbos, but based on the findings of the Botanical Impact Assessment compiled by Enviro-EAP Environmental Consultants dated August 2022, the majority of the site is dominated by alien invasive plant species and has been transformed by historical agricultural and anthropogenic activities. An area of high botanical sensitivity containing *Leucospermum pendunculatum*, which is a species of conservation concern, was demarcated and included as an open space within the preferred layout. Due to the transformed nature of the site, the proposed development will not have a significant botanical impact and is deemed acceptable from a botanical perspective.

According to the Freshwater Assessment compiled by Freshwater Consulting, dated October 2022, two ephemeral watercourses, two natural wetlands (none of which contains peat) and three artificial wetlands were identified and delineated on site. The proposed site is heavily degraded due to historical transformation and provides limited ecological habitat. The ecological health of both natural wetlands and watercourses is considered largely (Category D) to seriously modified (Category E), respectively. However, the two ephemeral watercourses and all wetlands on site are of low and moderate ecological importance, respectively. The preferred layout alternative has been amended based on the freshwater specialist's recommendations and includes ecological corridors and buffer areas along the stretches of the watercourses that traverse the site. The significance of the potential freshwater impacts would be reduced to low and very low with the implementation of the recommended mitigation measures. These recommended mitigation measures informed the preferred layout and have been included in the EMP that was approved for implementation in Condition 8 under Section E of this Environmental Authorisation.

An application for a Water Use Licence Authorisation ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998), that also considers the watercourse related impacts, is underway with the Breede-Gouritz Catchment Management Agency.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretches of the watercourses. 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 and the potential impacts on the watercourses present on the site. It will have a negative impact during the construction phase in terms of noise, dust nuisance, traffic and visual impacts. The impacts will however be mitigated to a satisfactory level with the implementation of and adherence to the EMPr. The potential operational phase visual, heritage and traffic impacts will be mitigated to an acceptable level through the implementation of the preferred layout, which has been informed by specialist input and input received during the public participation process.

Positive impacts:

The proposed development provides an opportunity to improve the ecological condition of the watercourses traversing the site and protecting the species of conservation concern present on the site. It will assist in addressing the need for housing opportunities in the municipal area, will provide employment opportunities during the construction and operational phases and the variety of land uses will have a positive socio-economic impact for the area.

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 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.

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