

REFERENCE: 16/3/3/2/D1/13/0001/20
ENQUIRIES: Shireen Pullen
DATE: **03 MAY 2021**

The Director
Status Homes Property Developers
82 Kromboom Road
RONDEBOSCH
7780

Attention: Mr. Alphonso Les Lamour

Tel.: (021) 696 4631
Fax: 086 416 7957

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED MIXED USE DEVELOPMENT ON PORTION 9 OF FARM KRANSHOEK NO. 432, PLETTENBERG BAY

ENVIRONMENTAL AUTHORISATION

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 Environmental Impact Assessment Report (FEIAR) received by this Department on 12 January 2021.

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 Director
Status Homes Property Developers

% Alphonso Les Lamour
 82 Kromboom Road
RONDEBOSCH
 7780

Tel.: (021) 696 4631
 Fax: 086 416 7957

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>Government Notice 327 (Listing Notice 1)</p> <p><i>Activity Number: 27</i> <i>Activity Description</i> The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.</p> <p><i>Activity Number: 28</i> <i>Activity Description</i> Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The development proposal will result in the clearance of more than 1 hectare of this indigenous vegetation.</p> <p>The proposed site is currently zoned as Agriculture and used for community tea farming. The proposal is for a residential development that will be more than 5 hectares in size on land that was used for Agriculture after 01 April 1998).</p>
<p>Government Notice 324 (Listing Notice 2)</p> <p><i>Activity Number: 15</i> <i>Activity Description</i> The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such</p>	<p>The development proposal will result in the clearance of more than 20 hectares of indigenous vegetation.</p>

clearance of indigenous vegetation is required for-

- i the undertaking of a linear activity; or
- ii maintenance purposes undertaken in accordance with a maintenance management plan

Government Notice 324 (Listing Notice 3)

Activity Number: 4

Activity Description

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

a. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;
- ii. Areas outside urban areas;
 - (aa) Areas containing indigenous vegetation;
 - (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or
- iii. Inside urban areas:
 - (aa) Areas zoned for conservation use; or
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

Activity Number: 12

Activity Description

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.

a. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

The proposal entails the development of roads of varying widths in areas containing indigenous vegetation and which are mapped as an Ecological Support Area and Other Natural Area.

The site contains critically endangered and endangered vegetation and the development proposal will result in the clearance of more than 300m² of a critically endangered or endangered ecosystem.

<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 list is hereinafter referred to as "**the listed activities**". Activities 12 and 19 of Listing Notice 1 was initially applied for but due to the setback from the wetland, so structures will be located within 32 metres of the wetland or any watercourses and no infilling of any watercourses will take place with the amended proposed.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development and the development footprint area:

The proposal entails the establishment of a mixed residential development with associated infrastructure on a property zoned Agriculture 1. It also entails the clearance of more than 26 hectares of indigenous vegetation including the clearance of more than 300m² of endangered or critically endangered vegetation in order to establish the mixed residential development on Portion 9 of the Farm Kranshoek 432, Plettenberg Bay. The mixed residential development will constitute the following:

- Approximately 458 Residential I units
- Approximately 419 Residential IV units
- 1x Business I Erf
- 2 x Institutional I Erf
- 2 x Institutional II Erf
- 2 x Open Space I
- 4 x Open Space II
- 4 x Transport Zone I
- 5 x Transport Zone II

This EA will be implemented in accordance with the Site Development Plan attached to this EA as Annexure 2.

Once all the bulk services have been installed, the development proposal will be implemented in phases as follows:

- Phase 1 – Winifred Lane inclusive of a Business Zone for a shopping centre and Residential Zone for social housing in the form of apartment units up to a density of 100 units/ha,
- Phase 2 – Stella Drive inclusive of a Residential Zone for 98 residential erven;
- Phase 3 – Extension of Stella Drive inclusive of a Residential Zone for 96 residential erven,
- Phase 4 – Further extension of Stella Drive inclusive of a Residential Zone for 104 residential erven, and
- Phase 5 – Road tie-in to the existing Kranshoek Road inclusive of a Residential Zone for 159 residential erven.

C. SITE DESCRIPTION AND LOCATION

The site is located on Portion 9 of Farm Kranshoek 432, Plettenberg Bay and is situated to the east of Kranshoek and bordering Trekkerspad. Kranshoek is a residential township located west of the town of Plettenberg Bay in the Bitou Municipal Area. The site is not completely undeveloped and has a number of residential buildings established on it. The site was historically used for stock farming, however, it is now being used by some members of the local community for informal tea farming.

Coordinates:

Description / Point	Latitude (S)				Longitude (E)			
Point A	34°	4'	54.79"	South	23°	18'	11.887"	East
Point B	34°	5'	20.573"	South	23°	18'	15.131"	East
Point C	34°	5'	19.357"	South	23°	18'	2.54"	East
Point D	34°	5'	9.825"	South	23°	18'	4.088"	East
Point E	34°	5'	9.249"	South	23°	17'	56.592"	East
Point F	34°	4'	56.582"	South	23°	17'	58.137"	East

The SG digit code
C03900000000043200009

Refer to Annexure 1: Locality Plan, Annexure 1 and Annexure 2: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Director
Sharples Environmental Services cc
Ms. Betsy Ditchem
PO Box 4423
MILNERTON
7435

Tel: 021554 5195
Email: betsy@sesc.net

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 April 2031**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

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

- 1.1. The Holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 31 April 2026.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 6-months from the date the construction activities (construction phase) are concluded; but by no later than 31 October 2031.

Note: The post-construction rehabilitation and monitoring requirements should be completed at least six (6) months prior to expiry of the validity period of an environmental authorisation to ensure the Holder is able to comply with the environmental auditing requirements in time.

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

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FEIAR received by this Department on the site as described in Section C above in accordance with the development footprint depicted in Annexure 2 of this Environmental Authorisation.
3. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred Alternative described in the FEIAR received by this Department on 12 January 2021 on the site as described in Section C above.

The proposal entails the establishment of a mixed residential development with associated infrastructure on a property zoned Agriculture 1. It also entails the clearance of more than 26 hectares of indigenous vegetation including the clearance of more than 300m² of endangered or critically endangered vegetation in order to the mixed residential

development on portion 9 of the Farm Kranshoek 432, Plettenberg Bay. The mixed residential development will constitute the following:

- Approximately 458 Residential I units
- Approximately 419 Residential IV units
- 1 x Business I Erf
- 2 x Institutional I Erf
- 2 x Institutional II Erf
- 2 x Open space I
- 4 Open space II
- 4 Transport zone I
- 5 Transport Zone II

This EA will be implemented in approximate to the Site Development Plans attached to this EA as Annexures 2. However, the buffer areas around the wetlands must be 42m as recommended by the freshwater specialist and not 32m as described under the preferred alternative.

Once all the bulk services have been installed, the development proposal will be implemented in phases as follows:

- Phase 1 – Winifred Lane inclusive of a Business Zone for a shopping centre and Residential Zone for social housing in the form of apartment units to a density of 100 units/ha,
- Phase 2 – Stella Drive inclusive of a Residential Zone for 98 residential erven;
- Phase 3 – Extension of Stella Drive inclusive of a Residential Zone for 96 residential erven,
- Phase 4 – Further extension of Stella Drive inclusive of a Residential Zone for 104 residential erven, and
- Phase 5 – Road tie-in to existing Kranshoek Road inclusive of a Residential Zone for 159 residential erven.

This EA will be implemented in accordance with the Site Development Plan attached to this EA as Annexures 2.

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. 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.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

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 –

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Department of Environmental Affairs and Development Planning

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- (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) 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 Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4. provide the registered I&APs with the:
- (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) 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).
- 7.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 7.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
- 8.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions: 7, 10, 12, 20 and 22.**
9. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities of the—
- 9.1. bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water); and
 - 9.2. final phase of the residential development.

Management of activity

10. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval, subject to the following requirements:
- 10.1. The EMPr must be amended to incorporate the following —
 - (a) A detailed stormwater management plan which complies with condition 20.

- (b) The access upgrade requirements as per the findings of the traffic impact assessment.
- (c) The submission of monthly Environmental Control Officer ("ECO") compliance reports to this Department's Regional Office for attention the Directorate Development Management (Region 3).
- (d) All the conditions contained in this Environmental Authorisation.
- (e) The overlay of the preferred and approved alternative on the 1 in 100 year floodline and the 42- metre buffer from the wetland to the development site.
- (f) Demarcation of the No-Go area's (including the open space areas) and iclear statement as to how these areas will be demarcated, prior to any earthworks / commencement of construction;
- (g) Incorporate an alien invasive vegetation clearing plan detailing timelines for the phased clearing and follow-up schedule for the property.

10.2. The amended EMPr must be submitted to the Competent Authority and be approved, prior to construction activities commencing on the site.

Note: The revised EMPr should be submitted to the Competent Authority at least 90-days, prior to the construction activities commencing on site to ensure the competent authority is able to process / review the revised EMPr, prior to the intended date of commencement.

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

Monitoring

12. The Holder must appoint a suitably experienced ECO for the duration of the construction and rehabilitation phases.

13. The ECO must–

- 13.1. be appointed prior to commencement of any works (i.e. site clearance; removal and movement of soil and / or rubble or construction activities commencing);
- 13.2. ensure compliance with the EMPr and the conditions contained herein;
- 13.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 13.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

14. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has a website, such documents must be made available on such platform where it is publicly accessible.

15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

16. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr is audited;
17. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 17.1. During the period which the activities have been commenced with on site until the construction of the bulk internal service infrastructure (i.e. internal roads; water, sewer, electricity reticulation and bulk storm water) has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.

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

- 17.2. During the period when the development of the retirement units is undertaken, the Holder must ensure that environmental audit(s) are performed regularly and submit the Environmental Audit Report(s) to the Competent Authority.

During this phase of the development, the frequency of the auditing of compliance with the conditions of the environmental authorisation and provisions of the EMPr **may not exceed intervals of three (3) years.**

A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the final phase of the residential development and the post construction rehabilitation and monitoring requirements thereof.

Note: The final auditing requirements should be completed at least three months prior to the expiry of the validity period of the environmental authorisation (i.e. by no later than 31 January 2030) to ensure that the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

18. The Environmental Audit Report(s), must –
 - 18.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 18.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 18.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 18.4. evaluate the effectiveness of the EMPr;
 - 18.5. identify shortcomings in the EMPr;

- 18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 18.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 18.8. indicate the date when the WWTW was upgraded;
 - 18.9. indicate the date when the sewage connections were made;
 - 18.10. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 18.11. include a photographic record of the site applicable to the audit; and
 - 18.12. be informed by the ECO reports.
19. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

20. A detailed Stormwater Management Plan (SMP) must be designed by an engineer with inputs from the freshwater specialist. This SMP must be based on detailed hydrological flood modelling and Sustainable Drainage Systems (SUDS). This aforementioned SMP must take the findings of the engineering services report into account. The SMP must address the potential impact of contaminated runoff from the construction phase footprint area and how these can be avoided from entering the natural environment. This must be done before any land clearing take place. The SMP must be submitted and accepted by this Department prior to commencement of construction activities.
21. A 42-meter buffer area must be maintained from the wetlands at all times to minimise the effect of stormwater run-off and potential pollution of the wetland.
22. A search and rescue mission for species of conservation concern must be undertaken by a qualified botanical specialist, prior to commencement of construction activities.
23. Access to the proposed development site must be obtained from Trekker Road (North and South Access Road), which must be upgraded and provision be made for safe pedestrian movement across Trekker Road. The proposed collector roads must be constructed to a 7,4m surfaced width excluding kerb and channel, with sidewalks provided along both sides.
24. No structures or infrastructures may be constructed within the delineated riparian zone or the 1:100-year floodline of the watercourse.
25. The following Resource Conservation Measures must be implemented and included in all sales agreements:
 - 25.1. All units must be fitted with a rainwater tank with a minimum capacity of 5000 litres for the collection and storage of rainwater from roofs.
 - 25.2. Rainwater collected from roofs must receive preferential use in the irrigation of gardens or other outdoor requirements.
 - 25.3. All units must be fitted with and use low flow showerheads, tap aerators and dual-flush toilets.

- 25.4. All units must be fitted with and use energy-efficient lighting and heating designs, geyser insulator “blankets” and solar water heaters.
26. An integrated waste management approach (during the construction phase), which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
27. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

F. GENERAL MATTERS

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

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section 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.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

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

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

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

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

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

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

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
- ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

- ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 4, 7, 10, 12, 20 and 22). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
 9. 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.
 10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

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

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning

Private Bag X9186

CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator

Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

DATE OF DECISION: 03 MAY 2021

CC:

Ms. B. Ditchem (Sharples Environmental Services cc- EAP)

Ms. A. Taljaard (Bitou Municipality-Local Authority)

Email: betsy@sharplescc.net

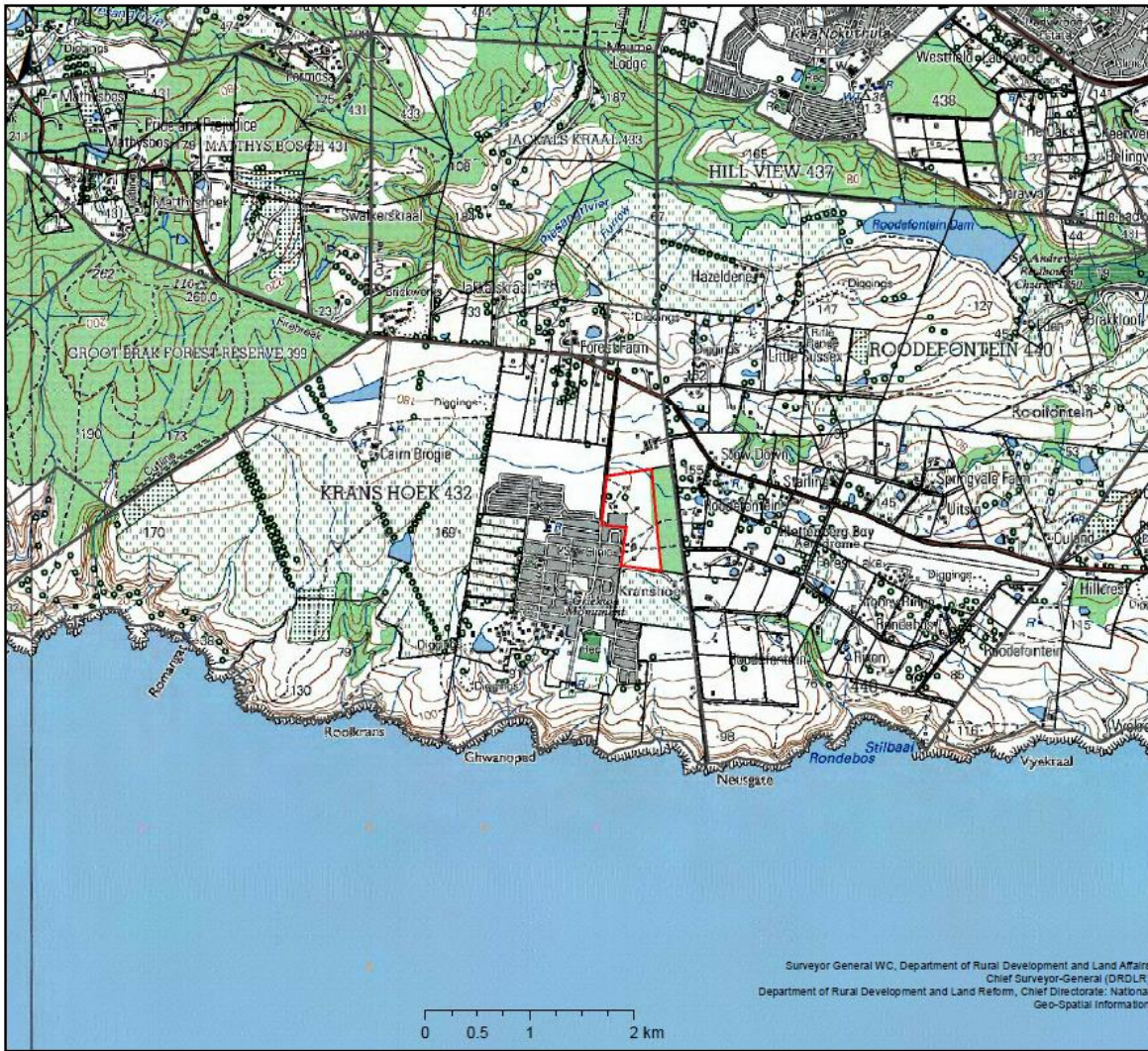
Email: ataljaard@plett.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/2/D1/8/0001/20

NEAS REFERENCE: WCP/EIA/0000880/2021

ANNEXURE 1: LOCALITY MAP



Kranshoek Locality 1:50 000

Legend

☐ Parent Farms

☐ Farm Portions

Topocadastral 50K

■ Red: Band_1

■ Green: Band_2

■ Blue: Band_3

Scale: 1:50 000

Date created: April 16, 2019

Compiled with CapeFarmMapper



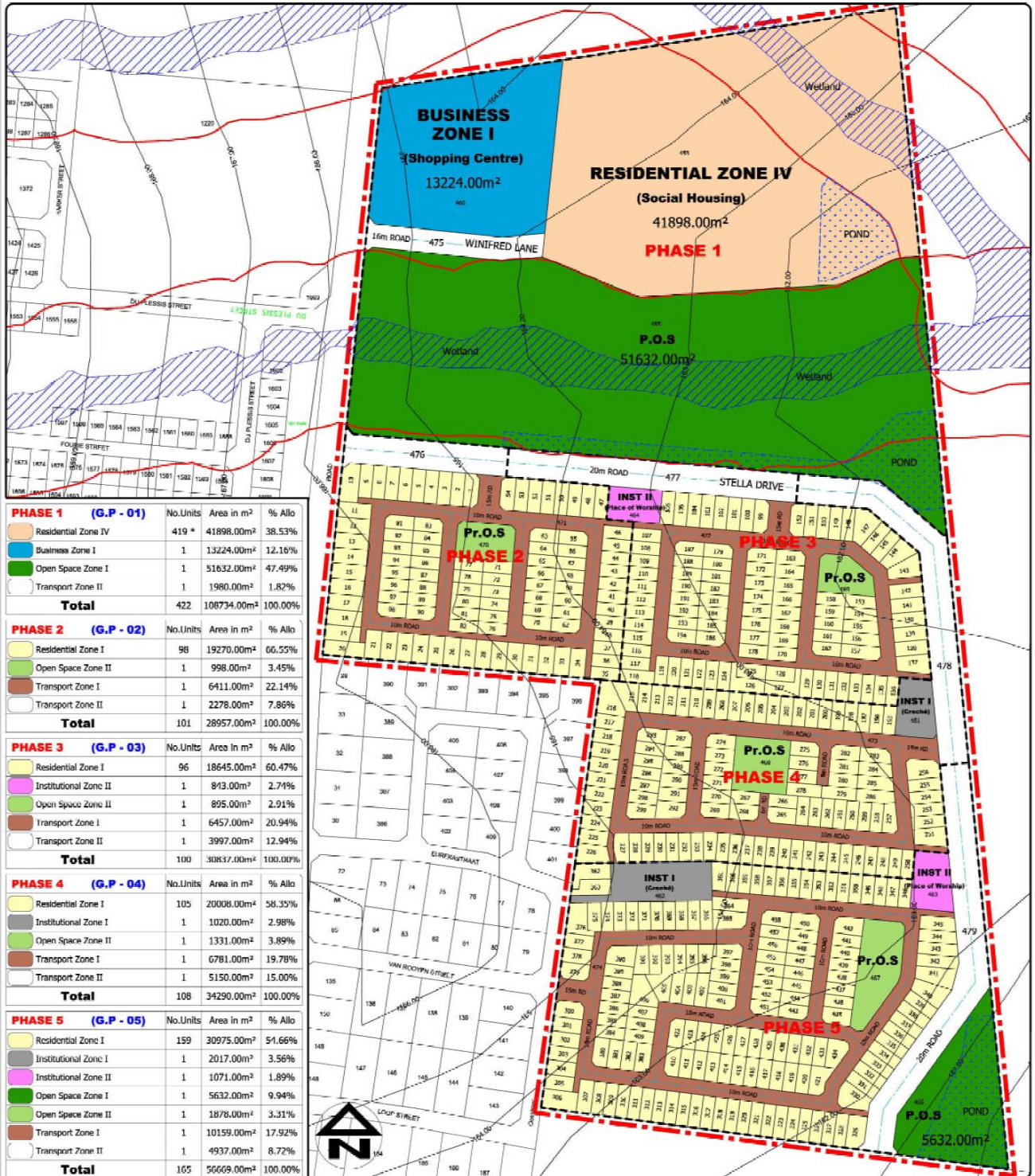
**Western Cape
Government**

Agriculture

ANNEXURE 1A: SITE COORDINATES



ANNEXURE 2: SITE DEVELOPMENT PLAN



PHASE	(G.P - 01)	No.Units	Area in m ²	% Allo
Residential Zone IV		419 *	41898.00m ²	38.53%
Business Zone I		1	13224.00m ²	12.16%
Open Space Zone I		1	51632.00m ²	47.49%
Transport Zone II		1	1980.00m ²	1.82%
Total		422	108734.00m²	100.00%

PHASE 2	(G.P - 02)	No.Units	Area in m ²	% Allo
Residential Zone I		98	19270.00m ²	66.55%
Open Space Zone II		1	998.00m ²	3.45%
Transport Zone I		1	6411.00m ²	22.14%
Transport Zone II		1	2278.00m ²	7.86%
Total		101	28957.00m²	100.00%

PHASE 3	(G.P - 03)	No.Units	Area in m ²	% Allo
Residential Zone I		96	18645.00m ²	60.47%
Institutional Zone II		1	813.00m ²	2.74%
Open Space Zone II		1	895.00m ²	2.91%
Transport Zone I		1	6457.00m ²	20.94%
Transport Zone II		1	3997.00m ²	12.94%
Total		100	30837.00m²	100.00%

PHASE 4	(G.P - 04)	No.Units	Area in m ²	% Allo
Residential Zone I		105	20008.00m ²	58.35%
Institutional Zone I		1	1020.00m ²	2.98%
Open Space Zone II		1	1331.00m ²	3.89%
Transport Zone I		1	6781.00m ²	19.78%
Transport Zone II		1	5150.00m ²	15.00%
Total		108	34290.00m²	100.00%

PHASE 5	(G.P - 05)	No.Units	Area in m ²	% Allo
Residential Zone I		159	30975.00m ²	51.66%
Institutional Zone I		1	2017.00m ²	3.56%
Institutional Zone II		1	1071.00m ²	1.89%
Open Space Zone I		1	5632.00m ²	9.94%
Open Space Zone II		1	1878.00m ²	3.31%
Transport Zone I		1	10159.00m ²	17.92%
Transport Zone II		1	4937.00m ²	8.72%
Total		165	56669.00m²	100.00%

legend / key notes

--- Subject Site : **259487.00m²**

Zoning	Land Use	Portion No.	No. of Units	Area in m ²	% Allo
Residential Zone I	Dwelling House	1 - 458	458	88898.00m ²	34.20%
Residential Zone IV	Residential Building, Flats	459	419 *	41898.00m ²	16.15%
Business Zone I	Business Premises, Shops, Shopping Centre	460	1	13224.00m ²	5.09%
Institutional Zone I	Place of Instruction, Creche, Pre-School	461 & 462	2	3037.00m ²	1.17%
Institutional Zone II	House of Worship	463 & 464	2	1914.00m ²	0.74%
Open Space Zone I	Public Open Space, Public Parks	465 & 466	2	57264.00m ²	22.06%
Open Space Zone II	Private Open Space, Private Parks	467 - 470	4	5102.00m ²	1.96%
Transport Zone I	Transport Usage, Private Road	471 - 474	4	29808.00m ²	11.48%
Transport Zone II	Public Road	475 - 479	5	18342.00m ²	7.09%
TOTALS			896	259487.00m²	100.00%

Proposed Subdivision & Rezoning of Portion 9 of the Farm Kranshoek No. 432, Knysna Road

--- Phasing Boundary
 --- Edge of NO-GO 42m Buffer
 --- NO-GO Areas (Wetlands)
 --- Retention Pond Areas

NOTES:

- SEPARATE G.P'S TO BE DONE FOR EACH OF THE 5 PHASES. (PHASE 1 - PHASE 5)
- Social Housing (Rental) is calculated @ 100 Units/Ha.

Other

Total Area in Ha: 25.95 Ha
 Total Residential Zone I Area in Ha: 8.88 Ha
 Total Residential Zone I & Residential Zone IV Area in Ha: 13.07 Ha
 Average G.P Size Residential Zone I: 194.00 m²
 Gross Residential Density Residential Zone I: 17.61 Units/Ha
 Net Residential Density Residential Zone IV: 100.00 Units/Ha
 Gross Residential Density Residential Zone I & Residential Zone IV: 33.76 Units/Ha

client: **STATUS HOMES PROPERTY DEVELOPERS (PTY) LTD**

service provider: **METROPLAN**
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drawn by: A. Human | date: 01/09/2020 | designed by: L.A. Del Monte | scale: 1:2 500 on A3

drawing number: **17008_Kra** | **12** | revision: **5**

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ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 3 November 2020, the Final Environmental Impact Report (EIR) and the EMPr that was submitted together with the Final EIR on 12 January 2021;
- 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 EIR received by this Department on 23 November 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

In addition to the above, the Department had sufficient information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. 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

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- The placing of a newspaper advertisement in the 'Plett-Knysna Herald' on 9 May 2019
- 30-day registration period from 14 May 2019-13 June 2019;
- Identification of and engagement with I&APs including organs of state which have jurisdiction in respect of the activity to which the application relates;
- Letter drops on 15 May 2019;
- Giving written notice to the owners and occupiers of land adjacent to the site, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 15 May 2019;
- Fixing a notice board at the entrance of portion 9 of Farm Kranshoek 432 on 15 May 2019;
- The pre-application Scoping Report was made available for 30 days from 16 May 2019-13 June 2019;
- The draft Scoping Report was made available from 31 October 2019- 29 November 2019;
- A hard copy of the draft Scoping Report was made available at the Kranshoek Public library and a copy was placed on Sharples Environmental Services cc website (www.sescc.net);
- The application lapsed after the Scoping Report and plan of study for EIA was accepted on 30 January 2020;
- A second draft EIR was made available from 13 November 2020 - 14 December 2020;

The following Organs of State provided comment on the proposal:

- ❖ *Breede Gouritz Catchment Management Agency (BGCMA)*
- ❖ *CapeNature*
- ❖ *Department of Agriculture;*
- ❖ *Department of Transport and Public Works*
- ❖ *Heritage Western Cape*
- ❖ *The Department of Health*
- ❖ *Department of Agriculture, Fisheries and Forestry*
- ❖ *Bitou Municipality: Town Planning/ Community Services/ Economic Development Management*
- ❖ *Garden Route District Municipality: Community Services/Roads*
- ❖ *Department of Human Settlements*

During the public participation process, numerous concerns were raised by I&APs regarding the proposed layout, erven sizes, visual impact, vehicular linkages, the open spaces and the proximity to the existing broiler facility on Portion 10 of the Farm Kranshoek 432. State Departments also raised concerns regarding the buffer zone around the on-site watercourse, possible freshwater pollution, cooperative wetland management, fire breaks and fire management on the site, as well as faunal relocation and movement. Numerous technical concerns were also raised regarding the unallocated availability of services for the development and the implementation of resource conservation measures. Social concerns like the compensation of existing residents, the location of a health facility and high school to service the proposed development and the safety of water detention ponds.

All the afore-mentioned concerns were considered and incorporated into the alternatives to derive at the preferred and approved alternative. Initially activities 12 and 19 of Listing Notice 1 were also applied for, but since the preferred alternative includes a 42-metre buffer around the wetland, these activities were excluded from the assessment. The Bitou Municipality also confirmed the availability of enough unallocated services to support the proposed development.

All other comments and issues raised by I&APs and respective Organs of States were captured in the final EIR and were adequately responded to by the EAP.

2. Alternatives

First Lay-out Alternative

This alternative entailed the development of a mixed residential development including a business erf on the site. This site layout plan was specifically designed to take into consideration the mapped CBA (ESA) area. The social amenities and facilities provided for on the layout plan were specifically provided according to the guidelines in the Development Parameters for the provision of facilities within settlements in the Western Cape. This location was chosen as an ideal location because it is located within the Plettenberg Bay Urban Edge and has been specifically set aside and planned for to be a future extension of the existing Kranshoek residential area in various Municipal Planning Frameworks, including the SDF and IDP.

However, after a Freshwater Impact Assessment and an Ecological Impact Assessment were undertaken on this original site layout plan and the aforementioned specialists made some recommendations, which resulted in the development of the second lay-out alternative.

Second Lay-out Alternative

This alternative entails the development of a mixed residential development including a business erf on the site. This lay-out excluded the following from the development area.

- A small portion of Ecological Support Area (ESA) along the north-eastern boundary that was included as Open Space to protect ecological processes and connectivity with surrounding area;
- A 32 m buffer from the edge of the main drainage line. This area has been kept cleared of alien and weed species and been rehabilitated;
- A small drainage line along the north-eastern boundary which was incorporated into open space and cleared of alien invasive trees; and
- The minor drainage line in the south which was also incorporated into open space and used for stormwater retention.

However, in this lay-out the access road in line with Du Plessis Street, encroaching onto the watercourse on site and the school site was included in the northeast corner. The wetland serves a critical function in the area and, as recommended by the specialist, should be avoided to reduce the impacts. The lay-out therefore had to be amended to avoid this impact.

Third Lay-out Alternative (Preferred Alternative)

This lay-out was developed after a site meeting was held on 27 June 2019, which were attended by representatives from the Applicant, EAP, the Department of Environmental Affairs and Development Planning (DEADP), CapeNature, BGCMA and the Bitou Municipality. The impacts associated to the proposed development and various means to address the issues raised were discussed at the aforementioned site meeting. Based on the outcomes of this meeting, a revised layout was compiled, lay-out alternative 3 (Preferred Alternative.)

The preferred alternative entails the establishment of a mixed residential development with associated infrastructure on the property zoned Agriculture 1. It also entails the clearance of more than 26 hectares of indigenous vegetation including the clearance of more than 300m² of endangered or critically endangered vegetation in order to accommodate the mixed residential development on portion 9 of the Farm Kranshoek 432, Plettenberg Bay. The mixed residential development will constitute the following:

- Approximately 458 Residential I units
- Approximately 419 Residential IV units
- 1 X Business I Erf
- 2 X Institutional I Erf
- 2 X Institutional II Erf
- 2 X Open Space I
- 4 Open Space II
- 4 Transport Zone I
- 5 Transport Zone II

Once all the bulk services have been installed, the proposal will be implemented in phases as follows:

- Phase 1 – Winifred Lane inclusive of a Business Zone for a shopping centre and Residential Zone for social housing in the form of apartment units to a density of 100 units/ha;
- Phase 2 – Stella Drive inclusive of a Residential Zone for 98 residential erven;
- Phase 3 – Extension of Stella Drive inclusive of a Residential Zone for 96 residential erven;

- Phase 4 – Further extension of Stella Drive inclusive of a Residential Zone for 104 residential erven; and
- Phase 5 – Road tie-in to existing Kranshoek Road inclusive of a Residential Zone for 159 residential erven.

The preferred alternative will be implemented approximate to the Site Development Plan attached to this EA as Annexures 2. A 42-meter buffer will be maintained from the wetlands on site and not a 32-meter buffer as per the applicant's preferred alternative.

"No-Go" Alternative

This alternative entails not implementing the proposed mixed-use development and associated infrastructure on the site. The land would continue to be used for residential purposes, with the option of agricultural use in line with its current zoning. This is not the applicant's preferred alternative, as it would mean that the Kranshoek area will not gain the much needed 800 housing opportunities and other social facilities.

3. Impact Assessment and Mitigation Measures

3.1 Planning

The site is located on land zoned as Agriculture I and currently has a few families residing on the property. The site is located entirely within the Bitou Urban Edge, as per Bitou Municipality's Spatial Development Framework (Bitou SDF) and has also been specifically set aside and planned for a future extension of the existing Kranshoek residential area in the Bitou SDF and the Integrated Development Plan for Bitou Municipality. This Department is therefore of the opinion that the proposed site and its location is suitable and compatible with the aforementioned plans for the establishment of an integrated township.

3.2 Activity Need and Desirability

Provincial Spatial Development Framework (PSDF)

The objectives of the PSDF are to ensure that human settlements are integrated, sustainable and have the necessary access to social and economic opportunities. Objective 2 of the PSDF is to deliver human development and basic needs programs wherever they may be required. The proposed development will therefore provide housing to an area, which currently has a housing backlog. The proposal is therefore in line with the PSDF.

Bitou Municipality Spatial Development Framework

The Bitou SDF indicates that there are more than 4829 households in need of housing in the Bitou area, of which 17% is in Kranshoek. The current housing backlog in Kranshoek is 820 housing units with a future forecast of 1 007 until 2030, which constitutes a total of 1 493 units. The proposed development of approximately 876 units will make a major contribution towards meeting the housing need in the Kranshoek area. This Department therefore support the proponent's view that there is a need for housing t in the area and that the site is desirable for implementation of the preferred alternative at this point in time.

Bitou Municipality: Integrated Development Plan (Bitou IDP)

According to the IDP of Bitou Municipality, population growth has tripled over the past two decades for Bitou. At this rate the population is anticipated to reach 138 776 by 2030. The objective is to provide housing to these populations and therefore the proposal is in line with the Bitou IDP.

In light of the above, this Department is satisfied that the proposed development is compatible and supports the key principles and objectives of both the PSDF and IDP, and the Bitou Local Municipality Spatial Development Framework (2018).

3.3 Services

The Bitou Municipality has confirmed in writing (letter dated 22 October 2020) that they have enough water, electricity and sewage capacity available to service the proposed development. The letter dated 11 January 2021 confirms that there is sufficient solid waste capacity and that Bitou Municipality has the capacity and waste facilities to accommodate the solid waste that will be generated by the residential development on Portion 9 of Farm 432, Kranshoek. As such, this Department is satisfied that there will be enough capacity in terms of municipal services to support the proposed development.

3.4 Stormwater

According to the Final EIR the site slopes in an easterly direction and discharge sheet flow towards the low valley areas and drains towards two areas with one located in the north-eastern and other south-eastern corners of the proposed site. Low valley areas (natural watercourses) traverse the northern reaches of the site and follow a drainage path eastward to the sea. The EIR also submits that the southern reaches of the site form the ridge of the northern drainage basin and a separate natural watercourse located south-east of the study area accommodates the runoff from the southern reaches.

According to the engineering report, three pond areas have been proposed to assist in the management of stormwater that will be generated by the proposed development. All three of these ponds are located on the downstream side of the catchments. The preferred alternative layout accommodates the required space for the stormwater management areas in order to achieve the management strategy. The peak attenuated flows from the developed property will not exceed the pre-developed flows for the 1:2, 1:5, 1:10, 1:20 and 1:50 year recurrence interval. An emergency outlet will be designed to accommodate flows from storm events greater than 1:50 year and up to 1:100-year rainfall interval (RI) without overtopping the banks of the ponds

The freshwater specialist recommended a 42 m buffer area from the wetland, which will function as a mechanism to attenuate stormwater to minimise the potential impact of stormwater run-off and subsequent pollution of the wetland system. This requirement has been incorporated into the conditions of this authorisation. Furthermore, a detailed Stormwater Management Plan will also be submitted, prior to commencement of construction activities. This plan will also take into account the findings of the engineering services report. The aforementioned plan will also address the prevention of contaminated runoff from the construction phase footprint area from entering the natural environment through appropriate grease traps and spill management plan.

This Department is convinced that with the strict maintenance of a 42-metre buffer from the wetland and sound implementation of the stormwater management plan and mitigation measures contained in the EMPr the impact of stormwater can be mitigated to an acceptable level.

3.5 The Site

There are sections of the site that contains homes and gardens. There are also areas that is invaded with a number of invasive alien species. These consist predominantly of *Pinus pinaster* (Pine), with *Acacia mearnsii* (Black Wattle), *Acacia saligna* (Port Jackson),

Eucalyptus spp. (Bluegum) and *Acacia melanoxylon* (Australian Blackwood) in low to dense (along eastern boundary and drainage line) infestation. Various ruderal weeds as well as exotic and indigenous grasses are also in abundance for approximately 25 % (6 Ha) of the site, specifically surrounding the watercourse. Indications are that the site has become invaded over the last few years, possibly with a series of intense fires, which are likely to have affected the natural seed bank and ecology. These areas have been identified as areas with low sensitivity.

There are also areas with intact vegetation that contains a reasonably intact habitat with intact ecological functioning. These areas are considered to be of moderate (medium) sensitivity. This include shrubby fynbos and restio fynbos vegetation.

According to the Final EIR there is also riparian areas with riparian vegetation which have an important ecological function, specialized habitats and significant populations of Species of Conservation Concern. These areas are highly sensitive and have excluded from the proposed development site.

Terrestrial Biodiversity

The site is also located in the vicinity of areas that have been identified and characterised as areas containing Garden Route Shale Fynbos (Endangered) and Knysna Sand Fynbos (Endangered). However, there are none of these vegetation types present on the site itself. The dominant vegetation that occurs is a tall, open to medium dense shrubland with medium dense, medium tall shrub understorey, mainly proteoid and restioid fynbos, with extensive ericaceous fynbos on the upper slopes. Some grassy fynbos exists at lower altitudes, and scrub fynbos in riverine areas. Patches of this unit are not confined to south-facing slopes, but are found on all slopes south of the highest peaks in the range. Thus, there are extensive northern slopes in some intramontane valley systems, the most significant of those are found in the Doring River Wilderness Area.

The site is not located near any Critical Biodiversity Areas (CBA) in terms of the Western Cape Biodiversity Framework (WCBF), however, there is two Ecological Support Area (ESA), one located in the north eastern corner of the subject property, and the other to the south of the site. The identified biodiversity areas are aligned with the drainage network of the area. However, these areas are avoided as a buffer area of 42-metres will be established around the wetland and will be maintained as open space within the development area.

Aquatic Biodiversity

According to the National Aquatic Ecosystem Priority Areas (NFEPA) map there is no rivers or wetlands within the site. However, the freshwater specialist assessment identified three freshwater ecosystems within the 500m regulated area that are likely to be impacted by the proposed development. There are two small wetlands that flow from west to east across the proposed site, and a very degraded seep wetland located directly south of the site boundary.

The aquatic specialist indicated in the initial study that was undertaken on the initial lay-out that the proposed development will result in unacceptable impacts, including cumulative impacts, on the wetland areas. It was therefore suggested that a 42-meter buffer area be maintained around the watercourse and wetland areas. As previously stated, the latest and the preferred lay-out makes provision for a 42-m buffer area to avoid these wetlands.

3.6 Impacts

The proposed development will result in both positive and negative environmental (biophysical, social and economic) impacts.

Negative Impacts

Most of the biophysical impacts associated with the proposed development, will occur during the construction and operational phases and includes negative impacts such as loss of agricultural land, loss of faunal habitat and species, traffic and safety impacts, impacts on the freshwater resources (habitat and biota), botanical impacts (i.e. loss of indigenous vegetation) and negative visual impacts of the development in terms of the land use character of the site and "sense of place" of the area being significantly changed.

Positive Impacts

However, the proposed development also includes positive impacts such as rehabilitation of the degraded wetland on the site, the generation of employment opportunities for the Kranshoek community who has a very high unemployment rate, business opportunities, the provision of affordable housing, crechés, schools and other much needed social facilities. In light thereof, the positive impacts of the proposed development largely outweigh the negative impacts.

3.7 Heritage

Heritage Western Cape indicated that there is no reason to believe that the proposed development on Erf 2893, will impact on any heritage resources and therefore no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

3.8 Traffic Impact

The traffic impact assessment concluded that access to Portion 9 is dictated by the wetland and buffer zones which span the site from Du Plessis Street eastwards and that access to phase 1 of the proposed development can be accommodated from Trekker Road 65m north of Du Plessis Street. It also found that access to future phases of the development can be accommodated from Trekker Road 85m south of Du Plessis Street as indicated. It further stated that the access junction to Phase 1 north of Du Plessis Street must be configured and include provision for safe pedestrian movement across Trekker Road. This department is satisfied that the traffic generated by the proposed development will have minimal impact on operation of the affected intersections for the 2020 and the 2025 development horizons.

Considering both positive and negative impacts of the proposed development on the environment, this Department is of the opinion that the positive impacts of the proposed development largely outweigh the biophysical, visual and traffic impacts identified in an area which is mostly degraded and already transformed and planned for development purposes in the Municipal SDF (within the urban edge).

4. Scope and Validity Period of Authorisation

This environmental authorisation does not define specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within a period of 10 years. The environmental authorisation's validity period has been granted for a period of ten years (10) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The Holder is required to substantially

implement the proposal within a period of 5-years after the environmental authorisation is issued. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

5. 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.

6. Conclusion

After consideration of the information and factors listed above, the Department made the following determination:

- (a) The identification and assessment of impacts were adequately described in the FEIR dated 12 January 2021 and the key identified issues and impacts have been addressed and assessed adequately.
- (b) The procedure that was followed to conduct the environmental impact assessment was considered to be adequate to inform the decision-making process.
- (c) The mitigation measures proposed in the EMPr for the pre-construction, construction and rehabilitation phase of the proposed development are deemed to be sufficient to avoid and mitigate any potential negative impacts on the receiving environment during the construction phase.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- END -----