



REFERENCE: 16/3/3/2/D1/10/0002/18

ENQUIRIES: Shireen Pullen

DATE: 02 SEP 2019

The Municipal Manager
Bitou Municipality
PO Box 26
PLETTENBERG BAY
6600

Attention: Mr. M. Fourie

Tel.: (044) 501 3224

Fax: 089 536 1245

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 (AS AMENDED): PROPOSED KWANOKUTHULA PHASE 5 & 6 MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE, PLETTENBERG BAY

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

Yours faithfully

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

Copy

Ms. Anje Taljaard

Mr John Sharples / Ms Betsy Ditcham

Email: ataljaard@plett.gov.za

Fax: 044-874 5953 / 0865752869

E-mail: info@sesc.net

DEA&DP: DDF (Mr André Oosthuizen)

E-mail: André.Oosthuizen@westerncape.gov.za



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

ENVIRONMENTAL AUTHORISATION

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 Department 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 ("EIAR"), dated May 2019.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager

% Mr. M. Fourie

Bitou Municipality

PO Box 26

PLETTENBERG BAY

6600

Tel: (044) 501 3224
 Fax: 089 536 1245

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

B. LIST OF ACTIVITIES AUTHORISED

The applicant is herein authorised to undertake the following alternative that includes the listed activities:

Government Notice No. R. 983 of 4 December 2014 (as amended) –

Listed Activities	Activity/Project Description
<p>Government Notice No. 983 of 4 December 2014 - Activity 9 <i>Activity Description</i> The development of infrastructure exceeding 1000m in length for the bulk transportation of water or storm water: i. with internal diameter of 0.36m or more; OR ii. peak throughput of 120 liters per second or more;</p> <p>excluding where: a. such infrastructure is for bulk transportation of water or storm water or storm water drainage inside road reserve; or b. where such development will occur within urban areas.</p>	<p>This entails all the bulk water and sewer infrastructure upgrades proposed to support the mixed use development will be >0.36m and 1km in length.</p>
<p>Activity Number 12 <i>Activity Description</i> The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p>	<p>The proposed mixed use housing development (and associated roads) is located within 32m from watercourses (natural storm water drainage channels), as shown in the Site Layout Plan for Phase 5 & 6. Various bulk water and sewer lines are proposed to cross watercourses and a road is proposed to cross a watercourse.</p>

<p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared</p>	
<p>Activity Number 19 Activity Description The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The internal roads proposed as part of Phase 5 will cross an existing stormwater drainage channel at three locations and the various bulk sewer and water pipelines are proposed to cross watercourses in many areas.</p>
<p>Activity Number 24 Activity Description The development of a road—</p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p>	<p>Internal roads will be >8m wide and > 1km in length.</p>

<p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or which is 1 kilometre or shorter.</p>	
<p>Activity Number 27 Activity Description The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposed development and associated infrastructure will result in the removal of more than 1 hectare of indigenous vegetation.</p>
<p>Activity Number 28 Activity Description 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) 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> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The proposed mixed use development is approximately 67.77ha in extent and is located outside an urban area (the properties are not serviced or used for or zoned for urban use on 5th March 2012) on properties that are zoned Agriculture Zone 1.</p>
<p>Activity Number: 48 Activity Description: The expansion of infrastructure or structures where the physical footprint is expanded by 100m² or more where such expansion occurs:</p> <p>(a) within a watercourse; (b) in front of a development setback line; (c) if no development setback line exists, within 32m from a watercourse.</p>	<p>The proposed development will be located within 32m from watercourses (storm water drainage channels and are proposed to cross an existing storm water drainage channel on Phase 5.</p>

Government Notice No. R. 985 of 4 December 2014 (as amended) –

Listed Activities	Activity/Project Description
<p>Activity Number 4 Activity Description The development of a road wider than 4m with a reserve less than 13.5m.</p> <p>i) in Western Cape ii) Areas outside urban areas (aa) Areas containing indigenous vegetation</p>	<p>Internal roads wider than 4m will be constructed in various locations on the site, which is located outside the urban area.</p>

<p>Activity Number: 18 Activity Description: The widening of a road by more than 4m, or the lengthening of a road by more than 1km (i) in Western Cape ii) all areas outside urban areas (aa) containing indigenous vegetation</p>	<p>The existing internal road in the existing Kwano Township will be lengthened by more than 1 km.</p>
<p>Activity Number: 15 Activity Description: The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such 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</p>	<p>The development will result in the clearance of more than 20 hectares of fynbos and other indigenous vegetation species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil will be disturbed.</p>

The abovementioned list is hereinafter referred to as "**the listed activities**".

C. SITE DESCRIPTION AND LOCATION

The development is proposed on two sites located south of the N2 National Highway, on each side of the existing Kwanokuthula township.

Phase 5 is located west of the existing Kwanokuthula Township and is located on the remainder of portion 40 of the Farm Hillview No. 437 (73.85ha), Portion 14 (11.08Ha) and Portion 15 (11.06ha) of the Farm Hillview No 437. Phase 6 is located east of the existing township and is located on the remainder of Erf 4513 (20.5ha) and Erf 4512 (8.68Ha). The size of all five properties (not the development footprint) is therefore approximately 125ha. The total development footprint (land to be disturbed on all five properties) is however approximately 89.36Ha. This excludes the proposed area to be disturbed by bulk water and sewage infrastructure.

The listed activities will be undertaken at the following co-ordinates:

<p>Co-ordinates of the site development footprint boundaries Phase 5:</p>	A	34° 02' 39.88"S	23° 18' 47.92"E
	B	34° 02' 39.82"S	23° 18' 20.24"E
	C	34° 03' 05.74"S	23° 18' 14.67"E
	D	34° 03' 05.56"S	23° 18' 13.93"E
	E	34° 03' 08.12"S	23° 18' 13.31"E
	F	34° 03' 13.39"S	23° 18' 13.38"E
	G	34° 03' 18.58"S	23° 18' 27.78"E
	H	34° 02' 58.24"S	23° 18' 32.78"E
	I	34° 02' 58.05"S	23° 18' 32.12"E
	J	34° 02' 56.27"S	23° 18' 32.46"E
	K	34° 02' 54.78"S	23° 18' 35.33"E
	L	34° 02' 58.06"S	23° 18' 39.64"E
	M	34° 02' 57.64"S	23° 18' 40.20"E
	N	34° 02' 53.79"S	23° 18' 36.56"E
	O	34° 02' 51.23"S	23° 18' 39.38"E
	P	34° 02' 49.23"S	23° 18' 50.29"E

Co-ordinates of the site development footprint boundaries Phase 6:	Phase 6: North of Reservoirs		
	A	34 ⁰ 02' 5.0"S	23 ⁰ 19' 43.87"E
	B	34 ⁰ 02' 54.21"S	23 ⁰ 19' 50.42"E
	C	34 ⁰ 03' 13.96"S	23 ⁰ 19' 25.67"E
	D	34 ⁰ 03' 09.65"S	23 ⁰ 19' 20.14"E

	Phase 6: South of Reservoirs		
	A	34 ⁰ 03' 20.53"S	23 ⁰ 19' 16.77"E
	B	34 ⁰ 03' 19.49"S	23 ⁰ 19' 23.57"E
	C	34 ⁰ 03' 24.08"S	23 ⁰ 19' 24.64"E
	D	34 ⁰ 03' 23.76"S	23 ⁰ 19' 25.63"E
	E	34 ⁰ 03' 35.94"S	23 ⁰ 19' 28.26"E
	F	34 ⁰ 03' 31.24"S	23 ⁰ 19' 19.12"E

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:
 Sharples Environmental Services Cc
 %Ms Betsy Ditcham
 PO Box 9087
GEORGE
 6530

Tel: 021 554 5195
 Fax: 086 575 2869

D. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the following preferred Alternative B as described in Section B above:
The proposal entails the undertaking of the listed activities above, in order to establish phase 5 and 6 (including all associated infrastructure) of Kwanokuthula housing project in Plettenberg Bay in accordance with the preferred alternative.
2. The non-operational component of the Environmental Authorisation is subject to the following:
 - 2.1 The holder must commence with all the listed activities and conclude the development activities (construction phase) within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The holder is 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 description set out in section B above must be accepted or approved, in writing, by the Department before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Department may request such 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.
5. Non-compliance with a condition of this Environmental Authorisation or Environmental Management Programme ("EMPr") may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.

Written notice to the Department

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

Conditions: 7, 8, and 9

Notification of authorisation and right to appeal

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –

- 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 2;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section F below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
- 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.

Management of activity

8. The EMPr submitted as part of the application for Environmental Authorisation must be amended to address the following aspects, and must then be re-submitted to the Department for approval at least 60 days prior to commencement of construction activities:
- 8.1 The inclusion of an Integrated Waste Management Plan that identifies the roles and responsibilities of the relevant role players (that will be responsible for the management (i.e collection, disposal and recycling) of the different types of waste (e.g. cardboard, metal, plastic, wood, saw dust, green waste) that will be generated by the proposed development and waste contractors that will be responsible for the installation and cleaning of the chemical toilets that will be established and used during the construction phase of the proposed development.
 - 8.2 The inclusion of a detailed Stormwater Management Plan compiled by an engineer and based on the final approved development layout.
 - 8.3 The EMPr must also address the prevention of pollution or siltation of watercourses that occur within close proximity of the site to avoid or minimise impacts on these aquatic systems
 - 8.4 The inclusion of an alien management plan for the active management of aliens on the properties.

An application for amendment to the EMPr must be submitted to the Department if any further amendments to the EMPr are proposed, other than those mentioned above, and this may only be implemented once the amended EMPr has been authorised by the Department.

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

Monitoring

9. The holder must appoint a suitably experienced environmental control officer ("ECO") for the Pre- Construction and Construction Phase (for the duration of the installation of services) to monitor compliance with the conditions and provisions of the EA and EMPr. Such appointment must take place prior to commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and conditions contained in the EA
10. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request.
11. Access to the site referred to in section C must be granted and the environmental reports mentioned in 10 above must be produced to any authorised official representing the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Environmental Audit Reports

12. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the applicant must ensure that environmental audits are done to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Department.
 - 12.1 The audit report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.
 - 12.2 The holder of the EA must appoint an auditor to undertake and submit an environmental audit and submit Environmental Audit Reports to the Department twice a year. The final Environmental Audit Report must be submitted to the Department 6 months after completion of construction activities.
 - 12.3 The holder of the EA must, within 7 days of the submission of the audit report to the Department, 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).

Commencement

13. 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. 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.

Specific Conditions

14. No surface or groundwater may be polluted as a consequence of any actions on the site. The applicable requirements of the relevant legislation must be met.

15. The requirements of legislation that applies to occupational health and safety must be adhered to.
16. The holder of the EA must strictly implement the integrated waste management plan, which must be compiled and incorporated into the EMP. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
17. 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains.

General

18. The holder must notify the Department in writing, within 24 hours, if any condition herein stipulated is not being complied with.
19. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
20. The holder of the EA must submit an application for amendment of the Environmental Authorisation to the Department where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

E. APPEALS

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

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr 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 Marius.Venter@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>.

F. 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

Bjbj

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

DATE OF DECISION: 02/09/2019

Ms. Anje Taljaard
Mr John Sharples / Ms Betsy Ditcham

DEA&DP: DDF (Mr André Oosthuizen)

Email: ataljaard@plett.gov.za

Fax: 044-874 5953 / 0865752869

E-mail: info@sescs.net

E-mail: André.Oosthuizen@westerncape.gov.za

FOR OFFICIAL USE ONLY:

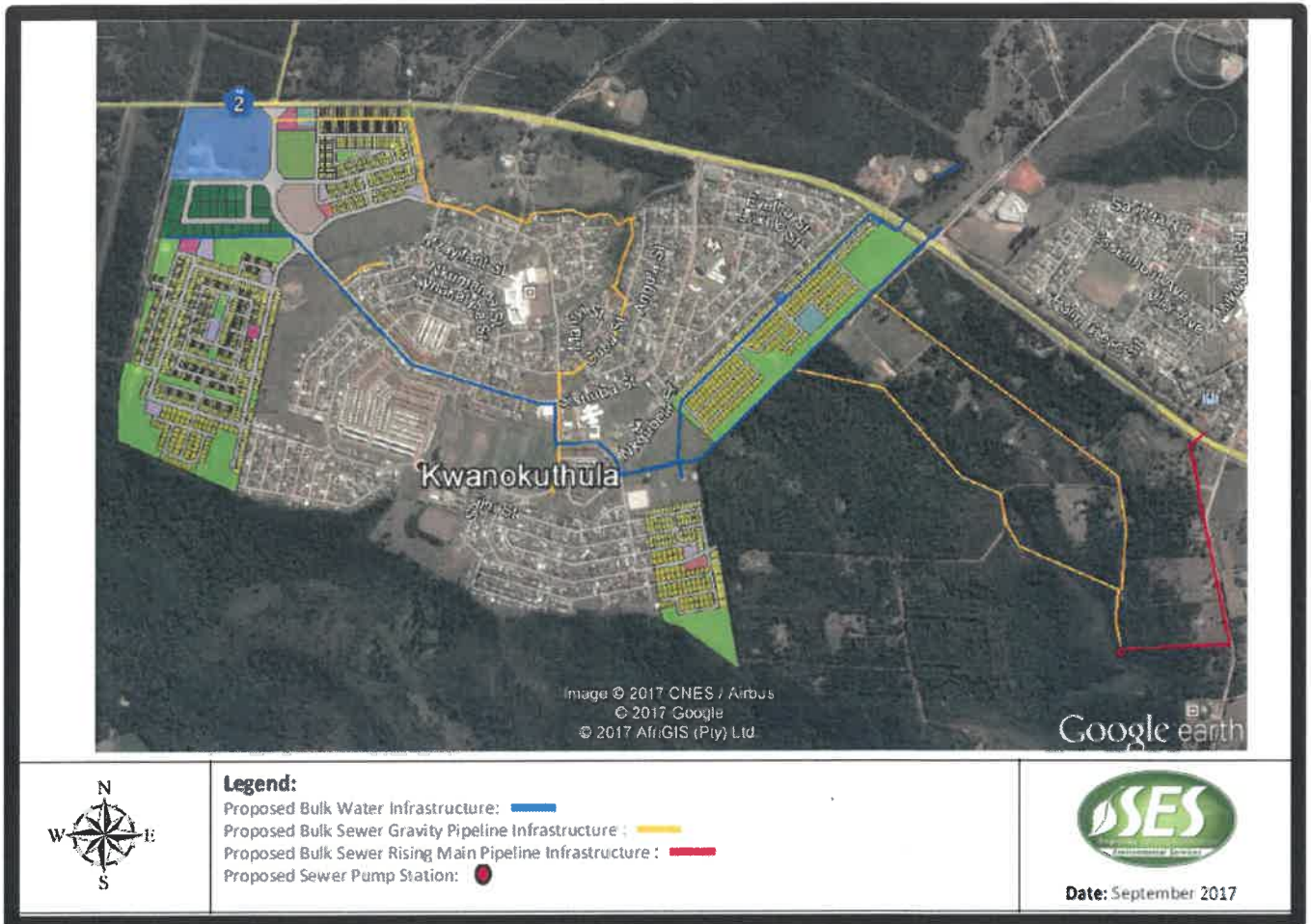
EIA REFERENCE NUMBER:

16/3/3/2/D1/10/0002/18

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000415/2018

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

2.1 PHASE 5



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PROJECT: PROJেক:
 Proposed township development

DESCRIPTION: BESKRYWING:
 Kwaquluhulu Farm 437/10, Phase 5

TITLE: TITEL:
 Subdivision plan

NOTES: NOTAS:

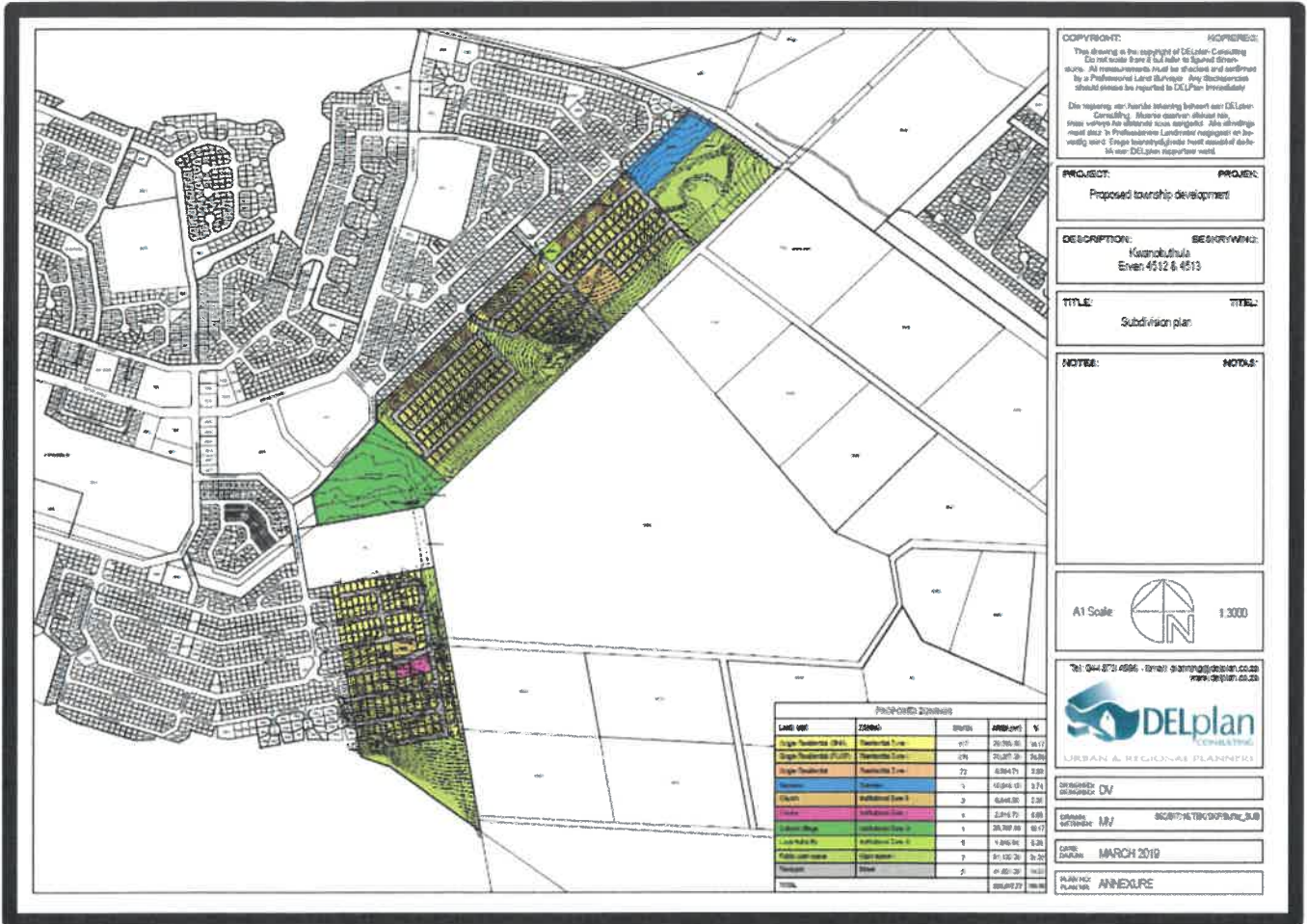
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Tel: 014 873 4585 • Email: planning@delplan.co.za
www.delplan.co.za

 URBAN & REGIONAL PLANNERS

DESIGNED: DV
 DRAWN: MV
 CHECKED: MV
 DATE: MARCH 2019
 PLAN NO: ANNEXURE

2.2 PHASE 6



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NOTES: The recipient user handles planning behaviour and DELplan Consulting. Major changes should be made before the start of the project. All changes must also be Professional Land Surveyor responsible for the work. Engage landowners/holders and consent of the relevant DELplan representative.

PROJECT: Proposed township development

DESCRIPTION: Katumbuluwa Even 4512 & 4513

TITLE: Subdivision plan

NOTES:

A1 Scale  1:3000

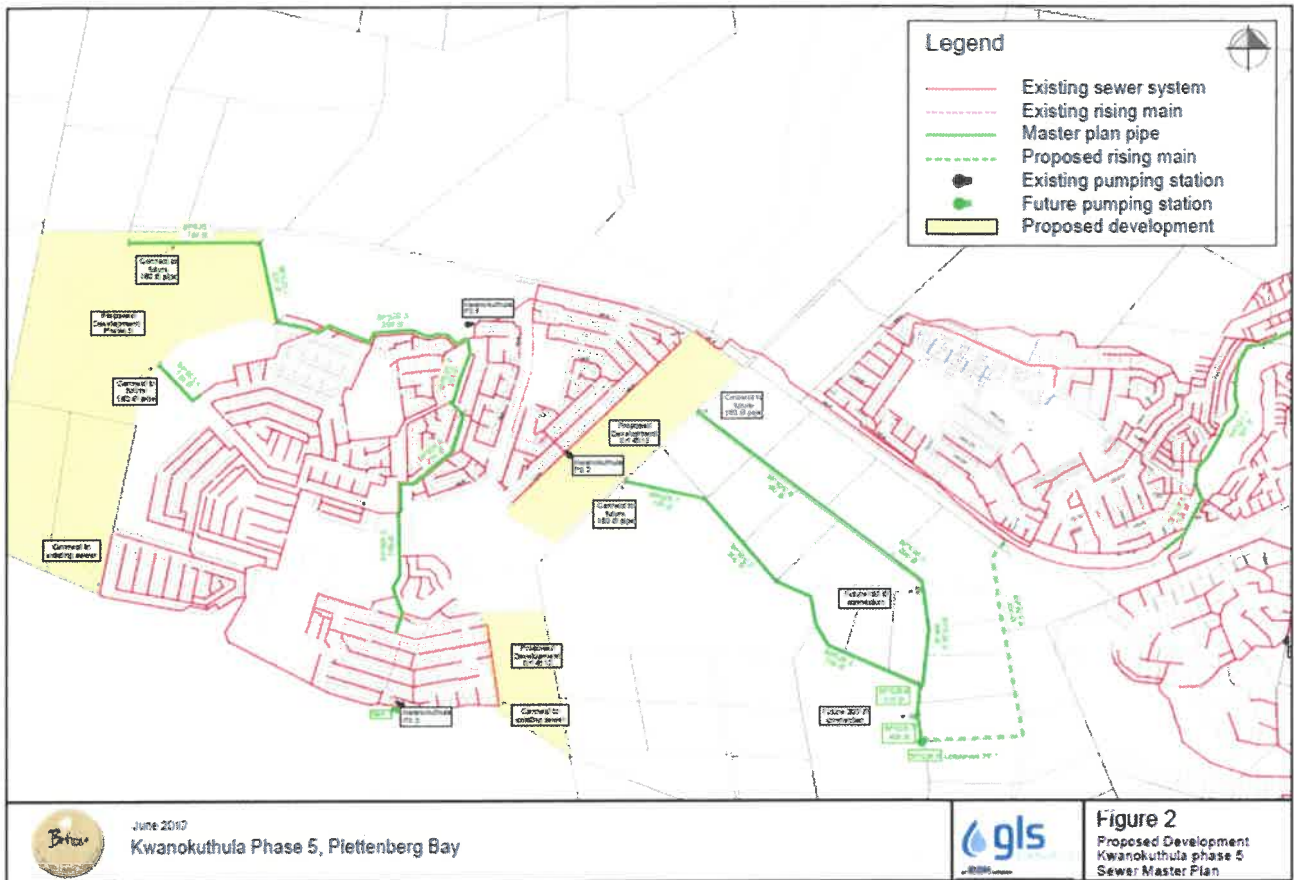
Tel: 044 873 4556 - Email: enquiries@delplan.co.za www.delplan.co.za



LAND USE	ZONING	AREA (m²)	AREA (ha)	%
Large Residential (R4)	Residential Town	117	26,765.00	16.11
Large Residential (R10)	Residential Town	176	21,077.30	16.89
Large Residential	Residential Town	72	6,864.71	5.85
Medium	Medium	1	10,944.43	9.71
Open	Residential Open 1	2	6,644.88	5.97
Open	Residential Open 2	1	2,174.72	1.93
Open (Rural)	Residential Open 3	1	20,787.88	18.17
Open (Rural)	Residential Open 4	1	1,890.94	1.67
Public open space	Open Space	7	81,125.26	70.24
Water	Water	2	41,455.20	36.33
TOTAL			165,612.72	100.00

DATE: MARCH 2019
 PLAN NO: ANNEXURE

2.3 SERVICES LAYOUT



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 21 May 2018, the final Scoping Report May 2019, the final EIAR and the EMPr dated 13 May 2019;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the final SR Report dated 3 July 2018;
- e) The comments received from I&APs and responses to these, included in the final EIA report dated 13 April 2019;
- f) The balancing of negative and positive impacts and proposed mitigation measures; and
- g) The site visit conducted on 16 July 2019.

Attended by: Shireen Pullen
Harriet van Schalkwyk

All information submitted to the Department 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;
- fixing a notice board on 19 October 2019 at the site and any alternative site where the listed activities are to be undertaken;
- giving written notice on 12 October 2019 to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- the placing of a newspaper advertisement in the 'South Cape Forum' on 12 October 2019;
- Two 30-day Public & Authority Consultation phases during the Scoping Phase, the first one on the Pre-Application Draft Scoping Report (12 October 2017 - 13 November 2017) and then a second 30-day Public & Authority Consultation Phase on the Post-Application Draft Scoping Report (30 May 2018 - 3 July 2018);
- The Draft Environmental Impact Assessment Report was made available 30 days from 22 November 2018 – 14 January 2019;
- The Revised Draft EIAR was made available for comment from 20 March 2019 – 23 April 2019.

During the Scoping phase, a concern was raised regarding the location of the site away from the city centre and the likelihood to contribute to the isolation of the community from the greater Plettenberg Bay area. The Breede Gouritz Catchment Management Agency also identified the need for a Water Use Licence. However, after the risk matrix was completed, the findings confirmed that a general authorisation is applicable to the proposal. SANRAL also imposed a number of conditions with respect to the layout, including a 10m building line from the N2. Various Socio-Economic concerns were raised, which included the provision of Public Open Space for farming, schools, tertiary education facilities and healthcare facilities.

During the EIA Phase, HWC indicated that the old buildings on the site has no heritage value and provided confirmation that no further action under Section 38 of the NHRA is required. Socio-Economic concerns regarding the expansion of the town to the west away from the city centre, the provision of social facilities, particularly a Secondary School and Business area, the provision of non-motorised transport facilities, particularly pedestrian and cycle paths along the N2, the provision of business areas adjacent to the N2 for both phases were raised. Various additional road linkages were proposed and clustering of the community facilities around the existing community node were raised as an issue. This was however adequately addressed, taking into account the findings of the TIA.

CapeNature raised concerns regarding alien vegetation management, as well as the wetlands and associated buffer areas. The planning of the preferred alternative took this into account and this Department is of the opinion that all concerns in this regard were adequately addressed.

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

This Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Lay-out Alternatives

Three lay-out alternatives were considered.

Alternative 1 (July 2016)

This alternative entails the establishment of a mixed used development on portion 40 of the Farm Hillview No. 437, Portion 14 and Portion 15 of the Farm Hillview No 437 (phase 5) the remainder of Erf 4513 and Erf 4512 (phase 6) in accordance with the lay-out below. This first lay-out utilises a significant portion of the southern border of the site and included only single story residential units. This was not the preferred alternative as findings of the various specialists and recommendations received indicated that this lay-out should be amended. Taking into account traffic flow, powerline servitudes, critical biodiversity areas and wetland areas identified by the specialists, this alternative was amended and alternative 2 was formulated.



Alternative 2 (April 2017)

This alternative entails the establishment of a mixed used development on portion 40 of the Farm Hillview No. 437, Portion 14 and Portion 15 of the Farm Hillview No 437 (phase 5) the remainder of Erf 4513 and Erf 4512 (phase 6) in accordance with the lay-out below. Based on the findings of the various specialists and recommendations received, the first layout was revised to take into account traffic flow, powerline servitudes, critical biodiversity areas and wetland areas identified by the specialists resulting in this lay-out.



Preferred Alternative

The preferred alternative entails the establishment of a mixed use development, which is a combination of alternative 1 and 2. The preferred alternative also presents changes in terms of road network and the buffer areas allocated to the freshwater resources and contains larger public open space areas. Furthermore, Portion 14 and 15 (southern extent) contains less units than the other two alternatives. The layout represents a truly integrated development incorporating also Breaking New Ground (BNG); Finance Linked Individual Subsidy Programme (FLISP) and high density row housing. This alternative will be implemented in accordance with the site development plan contained Annexure 2 of this authorisation.

Pipeline Alternatives

The EIAR submits that no pipeline route alternatives have been identified for the routes of the bulk water and sewer pipeline infrastructure. The routes have been designed to be the shortest routes possible, to avoid pump station infrastructure as far as practically possible to be aligned within the road reserves and to be interconnected with the existing infrastructure, while avoiding environmentally sensitive areas. No feasible or reasonable alternative routes have been identified, given the apparent low environmental sensitivity of the proposed routes it is not anticipated that alternative routes are required to be assessed. The botanical and freshwater specialists did not identify any feasible route alternatives or indicate that any are required to be identified.

Site Alternatives

According to the EIAR no site alternatives were considered as alternative vacant sites within the urban edge that is appropriate for the proposed development is non-existent. Almost all sites adjacent to Plettenberg Bay and existing rural settlements, infrastructure, transport services etc are proposed to be infilled by subsidized housing given the phenomenal rate of population increase in Bitou and the dire need to meet the housing demand.

"No-Go" Alternative

According to the EIAR the no-go alternative implies maintaining the status quo, which will result in no development of housing on the proposed site. In light of the need for housing within the Bitou Municipal area and the challenge around the availability of suitable land elsewhere to respond to this need, the no-go option is not the applicant's preferred alternative.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

According to the EIAR the Bitou Local Municipality has experienced phenomenal population growth over the past two decades. The key challenges associated with this rate of population growth are the need for additional housing opportunities and the need for additional infrastructure services and bulk infrastructure. According to the EIAR the development proposal responds directly to both of these key needs in the municipal region.

The EIAR submits that there are approximately 10 000 people on the waiting list that are in need of a serviced house in the Bitou Municipal Area. There are 3 113 people on the waiting list for housing in Kwanokuthula alone. The proposed Phase 5 & 6 development will contribute to substantially reduce and address the need for housing.

3.2 Planning context

The proposed development is located within the Urban Edge of Plettenberg Bay and the site has been identified as suitable for development as it is identified for future extension of the existing Kwanokuthula Development in various Municipal Planning Frameworks, including the SDF, IDP and the Coming Together Initiative. Furthermore, the proposed development is compatible with and supports the key principles and objectives contained in the relevant key land use planning and policy documents that are applicable to the area, including the Western Cape Provincial Spatial Development Framework (2014), Bitou Local Municipality Integrated Development Plan 2017/2022 and the Bitou Local Municipality Spatial Development Framework (2013).

3.3 Services/ bulk infrastructure

According to the EIAR services will be provided by the Bitou Municipality and the available capacity was confirmed by Bitou Municipality in the letter dated 28 May 2018.

3.4 Biodiversity and biophysical impact

According to the BAR the terrestrial biophysical environment of the proposed site is not significantly sensitive to any form of disturbance from a biodiversity and biophysical perspective. The EIAR submits that the subject property constitutes land that is mostly transformed and comprise of grasses and alien vegetation. This Department is therefore of the opinion, taking into consideration the aforementioned findings that any form of disturbance to the said vegetation types will not result in any significant impact on the terrestrial biodiversity of the receiving environment and the broader area in general.

According to the botanical specialist, the site, from a biodiversity perspective only contains limited redeeming attributes like a few patches of fair quality fynbos in a few places, with potentially more significant tracts in the area to the east of the township (Ladywood). The specialist indicates in his report that the fynbos patches are however being smothered by the surrounding woody aliens. These fynbos species can be revitalised if a concerted effort is made to clear the alien species in the area and therefore an alien management plan for these areas should be incorporated into the EMP and is thus a condition of this approval.

3.5 Visual

The EIAR submits that given the location of this site, and the fact that the proposal represents merely two additional phases of an existing residential development, it can be assumed that the visual impacts associated with the proposed development will be insignificant. The proposed development will therefore fit in with the surroundings and will not change the visual character of the proposal. This Department concur with these findings and is of the opinion that the assumptions made by the specialist are sound and objective.

3.6 Traffic

The EIAR submits that given the location of the proposed site, traffic impacts are not expected to be significantly increased over and above the existing traffic impacts associated with the various Townships along the N2. The proposed development will have the following intersections:

According to the EIAR Kwanokuthula Phase 5 will be accessed via the N2/MR395 Intersection (main development access) and the N2/Sishuba Intersection. Phase 6 will be accessed via the Intersection N2/Bay College Access Road / Erf4513 Access Road (main development access). The access road is currently a narrow gravel road which would need to be upgraded and surfaced as part of the Erf 4513 development. The opening of the link will likely also attract existing traffic from the area of Kwanokuthula near Erf 4513. Erf 4512 will also be accessed via the N2/Sishuba intersection with the N2/Bay College Access Road Intersection (main development access). Although extra traffic will be generated, the road infrastructure is sufficient and further upgrades will only be required by 2028.

3.7 Heritage / archaeological / built environment

The site contains 4 structures (2 ruins and 2 labourer's cottages) that are older than 60 years on portion 14 and 15 of the farm 437. The proposal also includes demolishing these structures, however, Heritage Western Cape confirmed that these buildings are not of any heritage importance.

3.8 Socio-economic

The Bitou Local Municipality has the highest unemployment rate of the 7 local municipalities within the Eden District. This is reflected in the high level of households in the Bitou Municipal area that live close to or below the poverty line (64.1%). It is therefore crucial to create employment opportunities for the locals through the proposed mixed use development.

3.9 Freshwater Impacts

According to the freshwater specialist all the watercourses recorded in the area have been significantly invaded by woody aliens and/or transformed, notably all those in the Ladywood area, as well as the watercourse on the northern side of the township alongside which a sewer main is proposed.

Furthermore, the proposed development is surrounded by an existing low cost housing development. As such, the specialist submits that it must be accepted that the aquatic environment in this area has already been significantly modified and impacted upon. However, the impact on the freshwater bodies can still be viewed as one of the most significant impacts associated with the proposed development during construction and operation. This Department therefore advise that the mitigation measures imposed in the EMPr must be strictly adhered to by the holder to ensure that the impacts on these aquatic systems are first avoided, minimised and mitigated as far as possible.

According to the BAR the tributaries on the site have been mapped as Ecological Support Areas and although the tributaries on site (proposed as NO GO Zones) are proposed to be avoided by the mixed use development, the pipeline infrastructure will cross these watercourses at various locations during the construction phase. However, with mitigation measures implemented, this impact will not be significant.

3.10 Stormwater Management

The EIAR submits that the proposed development will undoubtedly result in an increase in stormwater runoff, which will have a direct impact on the downstream aquatic ecosystems. The mitigation measures included in the EMPr and incorporated into the stormwater infrastructure plan that have been developed for the site, include swales and stormwater ponds (on site) in the design of the stormwater system. The concern is not only the litter, but also the distribution of nutrients. Properly designed pond systems on site are required where solids are removed and wetland vegetation helps to deal with nutrients before flow is attenuated. The sizing of the ponds should be calculated and be determined based on the expected flow and quality of the stormwater for the site as per the SUDS manual.

Although the tributaries on site (proposed as No-Go Zones) are proposed to be avoided by the mixed use development, these will be crossed by pipeline infrastructure at various locations during the construction stage. These tributaries have been mapped as Ecological Support Areas and therefore the mitigation measures identified in the final EIAR to reduce the potential impacts to these freshwater systems during the construction phase are important to be implemented and monitored by an Environmental Control Officer.

4. The development will result in both negative and positive impacts.

4.1 Negative Impacts

4.1.1 Agricultural Impact

According to the EIAR the site where the development is proposed is zoned Agriculture 1 and as such there will be a loss of agricultural land that has the potential to be used for the cultivation of crops or other agricultural purposes (opportunity cost). The site is currently used for grazing of cattle and there is a small scale piggery operating on the site where Phase 6 is proposed. Despite these agricultural activities, the land belongs to the Municipality and the people who are currently using it for agricultural activities do not have permission from the landowner (municipality) to conduct these practices. Furthermore, the property is identified for housing in terms of the Bitou SDF.

4.1.2 Impact on Vegetation

The EIAR submits that the proposal will result in the permanent loss of approximately 6 000m² of fynbos. It is estimated that the proposed development will impact directly on a few small fynbos patches in the southern extent of Phase 5 (approximately 4 500m²) and possibly another approximate 1500m² in the Ladywood area where the pipeline infrastructure is proposed. Although these areas contain indigenous vegetation, it is not an endangered or critically endangered ecosystem. This Department further concurs that the impacts as a result of the loss can be deemed insignificant from a biodiversity perspective.

4.1.3 Dust and Noise Impact during construction

According to the EIAR limited dust and noise impacts may result due to construction activities on the site. Excavations and associated earth-moving activities may generate noise and vibration which may pose a nuisance to surrounding residents and other land users. Movement of heavy vehicles to and from the site may generate noise, which may affect surrounding residents, but these will not be long term and be limited to the construction phase of the proposed development.

4.1.4 Impact on Freshwater Resources

Loss of aquatic habitat and associated biota

The EIAR submits that some loss of aquatic habitat and associated biota within the sites is expected as a result of the proposed development. Contamination and pollution as a result of poor raw material storage, chemical storage and / or waste management practices and littering during the construction phase could potentially impact negatively on the natural wetlands and watercourses that exist on the site, which may result in further downstream impacts. The EIAR submits that a water pipeline is proposed to cross a natural drainage channel on the Phase 5 site at an existing road crossing. However, sewer lines are proposed to be located mostly in the lowest points of topography and will in many places be located along the watercourses or cross them. Some additional loss of aquatic habitat within the wetland areas and possibly the streams with their associated biota within the site could be expected. This Department is however of the opinion that the impacts or loss of aquatic habitat can be deemed insignificant and will not have a detrimental impact on the receiving environment.

4.1.5 Erosion of the banks and sedimentation of the watercourses

Tributaries of the Bitou River and Piesang River are located on the proposed site to be developed, however buffer areas from the tributaries and associated wetlands will be implemented to avoid these tributaries. The tributaries are proposed to be crossed by pipeline infrastructure (water and / or sewage) at various locations. These crossings could

alter the physical characteristics of the streams as a result of increased turbidity and sediment deposition, caused by soil erosion (removal of vegetation) and earthworks during the construction phase. However, these impacts will be managed in terms of the mitigations measures proposed in the EMPr and stormwater management plan.

4.1.6 Impairment of surface water quality

The EIAR submits that there is a potential risk of spillage from the sewer lines into the tributaries of the Bietou and Piesang Rivers and the associated wetland areas along the proposed sewer lines for the operation phase. In addition, cumulative impacts arising from the polluted stormwater proposed to be discharged into the watercourses from the developed sites can be expected to have a potential negative impact on the water quality of the downstream receiving aquatic ecosystems (nutrients and litter). However, these impacts can be managed through the EMPr.

4.1.7 Erosion & scouring

According to the EIAR the watercourses downstream of the site are relatively steep and the soils erodible. There is a high potential for erosion & scouring to occur as a result of the loss of vegetated cover from the proposed development, which would lead to increased surface runoff intensities (especially at the proposed storm water discharge points into the watercourses). However, these impacts will be managed in terms of the mitigation measures proposed in the EMPr and stormwater management plan.

4.1 Visual Impact

It is proposed to change the landscape character of the site from a permanently transformed area consisting predominantly out of pastures to urban development. However, this is not out of character as the proposed development is merely an extension to an existing housing suburb.

4.2 Positive impacts

4.3.1 Socio - economic Impact

- *Creation of business and employment opportunities*

According to the EIAR the total number of new employment opportunities created by the development over the five- year construction period will be in the region of 2 700. Of this total ~ 1 080 (40%) would be available to low skilled workers, ~ 1 080 (40%) to semi-skilled workers and 540 (20%) to skilled workers. The total wage bill over the five-year period will be in the region of R 833 million (2018 rand values). Of this total ~ R 467m (56%) would be earned by low skilled and semi-skilled workers, and R 366m (44%) by skilled workers. The majority of the total wage bill will therefore be earned by low and semi-skilled workers, the majority of whom are likely to be HD members of the local community. The majority of the wage bill is therefore also likely to be spent in within the BLM and EDM. This will in turn benefit local business. Barbour (2018) explains that the business and retail components of the development will create employment opportunities for local residents during the operation phase. Additional employment opportunities will also be created by the proposed schools and other government offices. Given the high unemployment levels in the surrounding areas, coupled with the low income and education levels, this would represent a positive social impact. The operational phase will also create opportunities for local businesses, such as local maintenance and building companies, garden services and security companies, petrol stations, shops and restaurants etc. and create opportunities for new businesses to develop. The increased number of households will also create opportunities for the taxi sector.

- *Provision of low and middle income housing*
According to the final EIAR, the proposed development will assist to address the housing backlog in the area, specifically the housing needs of the low and middle income households. This will represent a significant social benefit for the households in the local municipality that currently live in informal areas.
- *Provision of schools and public spaces*
The proposed development makes provision for the establishment of schools, public open spaces, sports fields, play grounds, crèches etc. These components will all contribute to an improved quality of life for many residents in the local municipality who currently live in informal areas that are not well serviced and lack public facilities, such as parks and open spaces.

4.3.2 *Opportunity to expand services*

According to the final EIAR, the existing police and fire fighting services in the area are under severe pressure resulting in a delay in the response times of police and emergency services. The establishment of the proposed development will place increasing pressure on these key services. The proposed development therefore creates an opportunity to establish new facilities and thereby improve the current level of services in the area. These facilities would not only benefit the residents of the Kwanokuthula (current and new), but also the broader local community.

4.3.3 *Reduce risk of illegal land invasions*

The area associated with Phase 5 and 6 are well located in terms of access to transport and public facilities, such as schools. Within the current environment there is a risk that these areas could be targeted for illegal land invasions. The likelihood of this occurring is highly probable if the sites are left vacant. A large, scale land invasion could result in the establishment of a large, informal settlement, which in turn, would impact negatively on adjacent communities in Kwanokuthula and the neighbouring rural areas to the south and south west. The negative impacts would be linked to increase in crime levels and anti-social behaviour, such as drugs, alcohol abuse etc. The establishment of a large, informal settlement would also impact negatively on surrounding property values, including property values in Kwanokuthula. The establishment of a well-designed, sustainable human settlement will remove the risk of illegal land invasions on the site.

Considering both positive and negative impacts as well as the mitigation measures contained in the EMPr, of the development proposal, the socio-economic benefits, mainly the provision of low and middle income housing, crechés, schools and other much needed social facilities largely outweigh the biophysical, biological, visual and traffic impacts identified in an area which is mostly degraded and already transformed by agricultural activities and planned for development purposes in the Municipal SDF (within the urban edge).

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

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, this Department 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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