



EIA REFERENCE NUMBER: 16/3/3/5/A3/9/2035/20
NEAS REFERENCE: WCP/EIA/AMEND/0000458/2020
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 07 SEPTEMBER 2020

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS **AMENDED**) FOR THE **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED BY THIS DEPARTMENT ON 06 JUNE 2016 (REF. NO. 16/3/1/1/A3/9/2111/14)** FOR THE PROPOSED RESIDENTIAL ESTATE DEVELOPMENT ON PORTIONS 3, 9 AND 14 OF FARM NO. 654, CROYDON.

With reference to your application, find below the amended environmental authorisation in respect of this application.

A. DECISION

With reference to the above-mentioned application, the Department, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("EIA Regulations, 2014"), hereby grants the amendment of the Environmental Authorisation issued by this Department on 06 June 2016 (Ref. No. 16/3/1/1/A3/9/2111/14) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The Environmental Authorisation (Ref. No. 16/3/1/1/A3/9/2111/14) is amended as set out below:

Section A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION of the EA (Ref. No. 16/3/1/1/A3/9/2111/14), which reads:

*"JV Wilnet (Pty) Ltd
c/o Mr Dennis Zetler
PO Box 98
STELLENBOSCH
7599*

*Tel: 021 881 3644
Fax: 021 881 3017"*

is herewith amended as follows:

*"Croydon Gardens Development (Pty) Ltd.
c/o Mr. Philip Wiese
P.O. Box 1322*

KUILSRIVER
7579

Tel: (021) 906 0013

E-mail: philip@crsconstruction.co.za"

B. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The information contained in the application for the amendment dated and received by this Department on 13 August 2020.
2. The application is for the non-substantive amendment for the change in ownership of the EA (Ref. No. 16/3/1/1/A3/9/2111/14) from JV Wilnet (Pty) Ltd to Croydon Gardens Development (Pty) Ltd.
3. The proposed change in ownership will not result in a change in the scope of the EA (Ref. No. 16/3/1/1/A3/9/2111/14).
4. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
5. All other conditions of the EA issued on 06 June 2016 (Ref. No. 16/3/1/1/A3/9/2111/14) remain unchanged and applicable.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1. Notify all registered interested and affected parties ("I&APs") of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeal Regulations, 2014 (as amended) detailed in Section E below;
 - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 1.4. Provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 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 National Appeal Regulations, 2014 (as amended).

2. All other conditions contained in the EA issued on 06 June 2016 (Ref. No. 16/3/1/1/A3/9/2111/14) remain unchanged and in force.

D. APPEALS

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

1. An appellant must (if the holder of the decision) must, within 20 days (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 form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
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. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the environment is greatly appreciated.

Yours faithfully



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

DATE OF DECISION: 07 SEPTEMBER 2020

Copies to: (1) Mr. D. Jeffery (Doug Jeffery Environmental Consultants)
(2) Mrs. A. van Wyk (City of Cape Town: ERM)

Email: Doug@dougjeff.co.za
Email: azanne.vanwyk@capetown.gov.za

ANNEXURE A

A copy of the Environmental Authorisation issued by this Department on 06 June 2016 (Ref. No. 16/3/1/1/A3/9/2111/14).



**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE: 16/3/1/1/A3/9/2111/14

ENQUIRIES: Adrian Pietersen

DATE OF ISSUE: 2016-06-06

The Board of Directors
JV Wilnet (Pty) Ltd
PO Box 98
STELLENBOSCH
7599

Attention: Mr Dennis Zetler

Tel.: 021 881 3644

Fax: 021 881 3017

Dear Sir,

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED RESIDENTIAL ESTATE ON PORTIONS 3, 9 & 14 OF FARM NO. 654, CROYDON, STELLENBOSCH

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"), the Environmental Impact Assessment ("EIA") Amendment Regulations, 2010 and the Environmental Impacts Assessment Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the list of activities specified in Section B below with respect to the development proposal described in the Basic Assessment Report ("BAR") received by this Department on 15 January 2016.

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

JV Wilnet (Pty) Ltd
c/o Mr Dennis Zetler
PO Box 98
STELLENBOSCH
7599

Tel.: 021 881 3644
Fax: 021 881 3017

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 9

Activity Description:

"The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -

(i) with an internal diameter of 0,36 metres or more; or

(ii) with a peak throughput of 120 litres per second or more,

excluding where:

a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or

b. Where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse."

Activity Number: 11

Activity Description:

"The construction of:

(i) canals;

(ii) channels;

(iii) bridges;

(iv) dams;

(v) weirs;

(vi) bulk storm water outlet structures;

(vii) marinas;

(viii) jetties exceeding 50 square metres in size;

(ix) slipways exceeding 50 square metres in size;

(x) buildings exceeding 50 square metres in size; or

(xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line."

Activity Number: 18

Activity Description:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:

(i) a watercourse;

(ii) the sea;

(iii) the seashore;

(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving;

(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or

(b) occurs behind the development setback line."

Activity Number: 22

Activity Description:

"The construction of a road, outside urban areas,

(i) with a reserve wider than 13,5 meters or,

(ii) where no reserve exists where the road is wider than 8 metres, or

(iii) 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 Notice 545 of 2010."

Activity Number: 23

Activity Description:

"The transformation of undeveloped, vacant or derelict land to –

(i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or

(ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -

except where such transformation takes place –

(i) for linear activities; or

(ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies."

Government Notice No. R546 of 18 June 2010 –

Activity Number: 4

Activity Description:

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

(d) In Western Cape:

i. In an estuary;

ii. All areas outside urban areas;

iii. In urban areas;

(aa) Areas zoned for use as public open space within urban areas; and

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose."

Activity Number: 16

Activity Description:

"The construction of:

(i) jetties exceeding 10 square metres in size;

(ii) slipways exceeding 10 square metres in size;

(iii) buildings with a footprint exceeding 10 square metres in size; or

(iv) infrastructure covering 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(d) In Western Cape:

i. In an estuary;

ii. Outside urban areas, in:

(aa) A protected area identified in terms of NEMPAA, excluding conservancies;

(bb) National Protected Area Expansion Strategy Focus areas;

(cc) World Heritage Sites;

(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;

(ee) Sites or areas identified in terms of an International Convention;

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

(gg) Core areas in biosphere reserves;

- (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
 - (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
- iii. Inside urban areas:
- (aa) Areas zoned for use as public open space;
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
 - (cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line."

Government Notice No. R983 of 4 December 2014 –

Activity Number: 9

Activity Description:

"The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water—

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

excluding where—

- (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or
- (b) where such development will occur within an urban area."

Activity Number: 12

Activity Description:

"The development of—

- (i) canals exceeding 100 square metres in size;
- (ii) channels exceeding 100 square metres in size;
- (iii) bridges exceeding 100 square metres in size;
- (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;
- (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;
- (vi) bulk storm water outlet structures exceeding 100 square metres in size;
- (vii) marinas exceeding 100 square metres in size;
- (viii) jetties exceeding 100 square metres in size;
- (ix) slipways exceeding 100 square metres in size;
- (x) buildings exceeding 100 square metres in size;
- (xi) boardwalks exceeding 100 square metres in size; or
- (xii) infrastructure or structures with a physical footprint of 100 square metres or more;

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; —

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;
- (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;
- (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;
- (dd) where such development occurs within an urban area; or

(ee) where such development occurs within existing roads or road reserves."

Activity Number: 19

Activity Description:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

(i) a watercourse;

(ii) the seashore; or

(iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

(a) will occur behind a development setback;

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or

(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies."

Activity Number: 24

Activity Description:

"The development of—

(i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or

(ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;

but excluding—

(a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or

(b) roads where the entire road falls within an urban area."

Activity Number: 28

Activity Description:

"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:

(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;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."

Government Notice No. R985 of 4 December 2014 –

Activity Number: 4

Activity Description:

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

(f) In Western Cape:

i. 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

ii. In urban areas:

(cc) Areas zoned for conservation use; or

(dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."

Activity Number: 14

Activity Description:

"The development of—

- (i) canals exceeding 10 square metres in size ;
- (ii) channels exceeding 10 square metres in size;
- (iii) bridges exceeding 10 square metres in size;
- (iv) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres in size;
- (v) weirs, where the weir, including infrastructure and water surface area exceeds 10 square metres in size;
- (vi) bulk storm water outlet structures exceeding 10 square metres in size;
- (vii) marinas exceeding 10 square metres in size;
- (viii) jetties exceeding 10 square metres in size;
- (ix) slipways exceeding 10 square metres in size;
- (x) buildings exceeding 10 square metres in size;
- (xi) boardwalks exceeding 10 square metres in size; or
- (xii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

(f) In Western Cape:

i. Outside urban areas, in:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) World Heritage Sites;
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (ee) Sites or areas listed in terms of an International Convention;
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves; or
- (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined."

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

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

The construction of two sets of group housing, two public roads, four private open spaces, an electricity substation and a sewer pump station. The total development footprint is approximately 3.11 ha.

The first set of group housing entails the construction of 35 group housing units on individual erven with an average size of approximately 190 m². The second set of group housing entails the construction of 52 group housing units on individual erven with an average size of approximately 302 m². Both sets of group housing will be serviced by an 8m wide internal private road system.

Landscaped and vegetated berms will be established on two open spaces. The largest open space area (2.08 ha) will accommodate the wetland area which is to be rehabilitated. A retention pond will be constructed to assist with stormwater runoff. An electricity substation (24 m²) and a sewer pump station (80 m²) will also be constructed.

C. PROPERTY DESCRIPTION AND LOCATION

The proposed development will take place on Portions 3, 9 and 14 of the Farm No. 654, Croydon, Stellenbosch.

SG 21 digit codes:	C06700050000065400003
	C06700050000065400009
	C06700050000065400014
Co-ordinates:	34° 02' 07.75" South
	18° 44' 56.27" East

Hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants
 c/o Jenna Theron
 PO Box 44
KLAPMUTS
 7625

Tel.: 021 875 5272
 Fax: 086 660 2635

E. CONDITIONS OF AUTHORISATION

1. This Environmental Authorisation is valid for a period of five **(5)** years from the date of issue. The holder must commence with the listed activities within the said period or this Environmental Authorisation lapses and a new application for Environmental Authorisation must be submitted to the Competent Authority, unless the holder has lodged a valid application for the amendment of the validity period of this Environmental Authorisation, at least three (3) months prior to the expiry of this Environmental Authorisation. In such instances, the validity period will be automatically extended ("*the period of administrative extension*") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.

Please note that:

 - 1.1 In terms of Regulation 28(2) of the EIA Regulations, 2014, failure to lodge an application for amendment at least three (3) months prior to the expiry of the validity period of the Environmental Authorisation may result in the Competent Authority being unable to process the application for amendment and in the lapsing of the Environmental Authorisation; and
 - 1.2 It is an offence in terms of Section 49A(1)(a) of the 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.
2. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered Interested and Affected Parties ("I&APs") of this decision. In the event that an appeal is lodged with the Appeal

Administrator, the effect of this Environmental Authorisation is suspended until the appeal decision is made, *i.e.* the listed activities, including site preparation, must not commence until the appeal decision is made.

3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)–
 - 3.1 Notify all I&APs of –
 - 3.1.1 The outcome of the application;
 - 3.1.2 The reasons for the decision as included in Annexure 1;
 - 3.1.3 The date of the decision;
 - 3.1.4 The date of issue of the decision; and
 - 3.1.5 Provide the registered I&APs with:
 - The name of the holder (entity) of this Environmental Authorisation;
 - Name of the responsible person for this Environmental Authorisation;
 - Postal address of the holder;
 - Telephonic and fax details of the holder; and
 - E-mail address if any.
 - 3.2 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the NEMA EIA Regulations, 2010 detailed in Section F below; and
 - 3.3 Draw the attention of all registered I&APs to the manner in which they may access the decision.
 - 3.4 Publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.4.1 informs all I&APs of the decision;
 - 3.4.2 informs all I&APs where the decision can be accessed;
 - 3.4.3 informs all I&APs that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. A written notice of seven (7) calendar days must be given to the Competent Authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following Conditions described herein:

Conditions: 2, 3 and 13
5. 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.
6. Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the Competent Authority may request such information as it deems necessary 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.

7. The applicant must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented. The EMPr must be included in all contract documentation for all phases of implementation.
9. Should any amendments to the EMPr be required before the audit in terms of this Environmental Authorisation, the applicant must:
 - 9.1. Notify the Competent Authority of the intention to amend the EMPr at least sixty (60) days prior to the submission of the application for amendment to the EMPr;
 - 9.2. Obtain comment from potential I&APs, including the Competent Authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
 - 9.3. Submit the amended EMPr to the Competent Authority for approval within 60 days of inviting comments on the proposed amendments.
10. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
11. The applicant must submit an application for amendment of the Environmental Authorisation and/or EMPr to the Competent Authority in terms of Chapter 5 of the NEMA EIA Regulations, 2014 where any detail or change in scope with respect to the Environmental Authorisation and/or EMPr must be amended, added, substituted, corrected, removed or updated. However, such application for amendment shall not include the personal details of the holder of the Environmental Authorization.
12. Non-compliance with a Condition of this Environmental Authorisation or EMPr may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.
13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, for all phases of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the Conditions contained herein.
14. An integrated waste management approach, 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.
15. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 in accordance with the requirements of the relevant Authority.

16. An audit report which demonstrates compliance with the Conditions of this Environmental Authorisation must be submitted to this Department every six (6) months from the date of commencement of works on the site for the first two years and thereafter, once a year, until the end of the construction phase.

The audit report must:

- 16.1. Specifically state whether the Conditions of this Environmental Authorisation and EMPr are being adhered to;
 - 16.2. Identify and assess any new impacts and risks that may arise as a result of undertaking the activities, if applicable;
 - 16.3. Identify shortcomings in the EMPr, if applicable;
 - 16.4. Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;
 - 16.5. If applicable, specify that any corrective action/s taken for the non-conformities noted in the previous audit were adequate; and
 - 16.6. Be submitted by the applicant to the Competent Authority within 30 days from the date on which the auditor finalised the audit.
17. Should any shortcomings in terms of Regulation 34(4) of the EIA Regulations, 2010 be identified, the applicant must submit recommendations to amend the EMPr in order to rectify any shortcomings identified in the aforementioned audit report.
 18. Section 4 of the Wetland Rehabilitation Plan compiled by the Freshwater Consulting Group, dated October 2015, must be implemented.
 19. The Recommendations in Section 8 of the Traffic Impact Statement compiled by the ICE Group, dated 17 April 2015, must be implemented.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
 - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the

appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.

2. A person, organ of state or applicant that submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

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

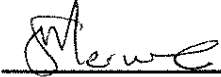
PLEASE NOTE : No appeal, responding and answering statement must be lodged by e-mail.

A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Yours Faithfully



MS SUSARA VAN DER MERWE

ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 2016-06-03

Copied to: Jenna Theron

Doug Jeffery Environmental Consultants

Fax: 086 660 2635

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/1/1/A3/9/2111/14

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0002031/2014

ANNEXURE 1: REASONS FOR THE DECISION

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

- a) The information contained in the application form received on 16 October 2014, the draft BAR received on 2 June 2015, the final BAR and draft EMPr received on 15 January 2016, the acceptance of the final BAR issued on 11 March 2016;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA;
- d) This application was submitted in terms of the repealed NEMA EIA Regulations of 2010 and was pending at the time of the promulgation of the EIA Regulations, 2014. Some of the listed activities herein authorised may not have been listed in terms of the previous NEMA EIA Regulations, but are now listed in terms of the EIA Regulations, 2014. In accordance with Regulation 53(3) of Government Notice No. R.982, these listed activities may be authorised as if applied for;
- e) The information contained in the Stormwater Plan, the Traffic Impact Statement, the Freshwater Ecology Impact Assessment Report and the Archaeological Specialist Report;
- f) The comments received from I&APs and other Organs of State including, *inter alia*, CapeNature, Heritage Western Cape, the Department of Transport & Public Works, the City of Cape Town, the Department of Agriculture and the Department of Water & Sanitation;
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.

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 which, according to the Competent Authority, were the most significant reasons for the decision is set out below:

1. Public Participation

The Public Participation Process ("PPP") included *inter alia*, the following:

- Fixing of site notices at the proposed site;
- Landowners of adjacent land were notified in writing via the post and via a 'letter-drop';
- Giving written notification to the municipal councillor, the local municipality and other organs of state;
- An advertisement was placed in the "District Mail" local newspaper on 4 June 2015;
- The Draft BAR was made available at the Somerset West Public Library and on the EAP's website;
- The Draft BAR was made available to the relevant organs of state and state departments for comment;
- The Final BAR was made available to all registered I&APs and the relevant organs of state and state departments for comment;

This Department is satisfied that the PPP that was followed met the requirements in terms of the EIA Regulations. All of the comments received and responses made were included in the report and summarized in the Comments and Responses section.

2. Alternatives

The applicant considered the following two layout alternatives and the 'no-go' alternative:

Alternative 1 (not authorised)

The construction of four sets of group housing units, low-rise flats and dwelling houses (3.59 ha), a public road (0.318 ha), three private open spaces (1.84 ha), an electricity substation (40 m²) and a sewer pump station (80 m²). The total development footprint is approximately 3.92 ha. An open space of approximately 1.84 ha will remain adjacent to the Eerste River.

During the EIA process, it was established that this Alternative exhibited an unacceptable level of impacts to the Eerste River and immediate wetland areas.

Alternative 2 (Preferred Alternative, herewith authorised)

The construction of two sets of group housing units (3.1 ha), two public roads (0.23 ha), four private open spaces, an electricity substation and a pump station. The total development footprint is approximately 3.33 ha. An open space of 2.43 ha will remain adjacent to the Eerste River. The development footprint will remain above the 1:100 flood line of the Eerste River (See Appendix A for the authorised layout of Alternative 2).

The first set of group housing units entails the construction of 35 group housing units on individual erven with an average size of approximately 190 m². The second set of group housing units entails the construction of 52 group housing on individual erven with an average size of approximately 302 m². Portions 1 and 2 will be serviced by an 8m wide internal private road system (0.23 ha).

Landscaped and vegetated berms will be established on two open spaces. The largest open space area (2.08 ha) will accommodate the wetland area which is to be rehabilitated adjacent to the Eerste River. A retention pond will also be constructed to assist with stormwater runoff. An electricity substation (24 m²) and a sewer pump station (80 m²) will also be constructed.

"No-Go" Alternative

The option of not implementing the development proposal was considered. This alternative would essentially result in the status quo being maintained, i.e. the site will remain vacant and unused. Currently zoned 'Agricultural', the site has remained fallow for a considerable length of time. By not implementing the proposed development, the site will remain as an unused piece of agricultural land within the confines of the surrounding urban 'fabric'. It was therefore considered that the 'no-go' alternative is undesirable.

3. Impacts, Assessment and Mitigation Measures

Activity Need and Desirability

The proposed development is in line with the Western Cape Spatial Development Framework ("WCSDF") in that it is considered to be consistent with the approach promulgated by the WCSDF. The proposed development ensures the efficient use of the property in a manner which will not be detrimental to the broader surrounding area and which is consistent with the development guidelines for the area.

Furthermore, the proposed development is also in alignment with the Cape Town Spatial Development Framework ("CTSDF") in terms of the development of a residential estate on the site above the 1:100 year flood line and within the designated urban edge.

Finally, in terms of the Helderberg Spatial Development Plan ("HSDP"), the immediate area is designated for urban infill and mixed use intensification.

The development proposal is therefore deemed desirable in terms of urban planning, as the site in question is suitably located in relation to surrounding urban land uses.

Biodiversity / Biophysical Impacts

In terms of the biophysical impacts, the site and surrounding area was previously used for agricultural purposes. The condition of the site at present is mostly transformed with parts thereof having become invaded by lawn grass (e.g. *Pennisetum clandestinum*), herbaceous weeds and woody alien species (e.g. *Acacia* and *Eucalyptus* spp.) The proposed development will be established on a site that is highly disturbed and of very low conservation value. The impacts to biodiversity will therefore be low.

In addition, the surrounding wetland areas and riparian zone along the Eerste River, that are deemed as Aquatic Critical Biodiversity Areas, will be rehabilitated through the Wetland Rehabilitation Plan (refer to Goal 3 of the Operational Phase of the EMPr). Thus, construction phase and operational phase

impacts relating to on-site and adjacent wetland areas have been considered in the approved EMPr and will therefore be kept low.

Heritage Impacts

Heritage Western Cape ("HWC") confirmed in a letter dated 15 May 2015 that no heritage resources will be impacted negatively by the proposed development and that Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is not applicable.

Socio-economic Impacts

The proposed development will not impact negatively on the character of the surrounding area. The proposed development will generate short-term socio-economic benefits through employment provision during the construction phase and more long-term benefits through expenditure in the local economy. These construction and operational phase employment opportunities will help to alleviate unemployment and poverty in the nearby historically-disadvantaged communities.

The development will result in both negative and positive impacts:

Negative Impacts:

- Impacts from the construction and operational phase of the proposed development that relate to the on-site wetland areas and adjacent riparian habitat along a section of the Eerste River.

Positive Impacts:

- The creation of temporary employment opportunities during the construction phase.

The Department is satisfied that the negative impacts specified above can be addressed by the conditions contained in this Environmental Authorisation and the mitigation measures contained in the EMPr. The applicant must comply with the Conditions of this Environmental Authorisation.

4. National Environmental Management Act Principles

The National Environmental Management Act 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 harmonization of policies, legislation and actions relating to the environment;
- The resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- The selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the Conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. This will be assured through the following:

- Adherence to the NEMA principles,
- Compliance with the Conditions stipulated in this Environmental Authorisation, and
- Compliance with the mitigation measures in the EMPr.

