



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: LAND MANAGEMENT
REGION 3**

EIA REFERENCE NUMBER: EG12/2/4/2-D1/14-0001/12
ENQUIRIES: Nicholas Kearns
DATE OF ISSUE: 2013-06-25

Mr C D Vergos
PO Box 1087
PLETTENBERG BAY
6600

Tel: (044) 533 9003
Fax: (044) 533 9003

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, 2010: THE PROPOSED RESIDENTIAL DEVELOPMENT OLIVE HILL ESTATE ON PORTION 7 OF THE FARM BRAKKLOOF 443, PLETTENBERG BAY

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) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") 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 proposed development (preferred alternative) described in the Basic Assessment Report ("BAR") dated 2 April 2013.

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

Mr C D Vergos
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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: 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: 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.*

Government Notice No. R545 of 18 June 2010–

Activity Number: 15

Activity Description:

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply.

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: 13

Activity Description:

The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.

(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No 544 of 2010.

(c) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape:

- i. In an estuary;
- ii. Outside urban areas, the following:

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

(bb) National Protected Area Expansion Strategy Focus areas;

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

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

(ee) Core areas in biosphere reserves;

(ff) 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;

(gg) 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. In urban areas, the following:

- (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;
- (dd) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.

Activity Number: 14

Activity Description:

The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;
- (2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;
- (4) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.

- (a) In Eastern Cape, Free State, KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:
 - i. All areas outside urban areas.

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:

Proposed development (Preferred alternative)

The construction of a mixed residential development on the southern section of Portion 7 of Farm Brakkloof No. 443. The development will also include an internal road network and associated service infrastructure for water, sewage, electricity and storm water drainage.

The proposed development will be approximate to the layout provided in the final Basic Assessment Report ("BAR"), dated 2 April 2013, but will exclude the northern part of the property which forms part of a Critical Biodiversity Area ("CBA").

C. PROPERTY DESCRIPTION AND LOCATION

The abovementioned listed activities will take place on Portion 7 of the Farm Brakkloof 443, Plettenberg Bay

The SG 21 digit code is: C03900000000044300007

Co-ordinates: 34° 5' 10.57" South
 23° 20' 29.11" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco-Route Environmental Consultancy
Dr. Colleen Ebersohn
P.O. Box 3511
KNYSNA
6570

Tel: (044) 381 0515

Fax: (044) 381 0515

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses or 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, before 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.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
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 registered interested and affected parties 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; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms

of Chapter 7 of the Environmental Impact Assessment Regulations, 2010 detailed in section F below;

- 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and
- 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 interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. Seven calendar days notice, in writing, 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, 7 and 10
5. This environmental authorisation is only for the approved alternative described in Section B above and excludes the northern section of the property which forms part of a Critical Biodiversity Area ("CBA"). The aforementioned northern section must be retained and managed as private open space by the proposed Home Owners Association ("HOA").
6. The holder is responsible for ensuring compliance with the conditions by any person acting, including an agent, sub-contractor, employee or any person rendering a service to the holder.
7. The holder must appoint a suitably experienced environmental control officer ("ECO") for the construction phase before commencement of any land clearing or construction activities to ensure compliance with the Environmental Management Programme ("EMP") and the conditions contained herein.
8. 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 competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request 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.

9. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
10. The applicant must amend the lay-out plan in accordance with the development alternative approved by the Department in this environmental authorisation. This must be submitted to the Department and approved at least 3 weeks prior to the commencement of construction activities.
11. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved on condition that the following amendments are made to the EMP:
 - 11.1 incorporate the conditions of authorisation given in this Environmental Authorisation;
 - 11.2 incorporate mitigation measures that address storm water management to prevent or minimize erosion on the site and potential pollution of the freshwater stream and wetland that are within close proximity of the site;
 - 11.3 incorporate measures pertaining to identifying and allocating environmental management roles, responsibilities and accountability as well as timeframes for the implementation of the EMP;
 - 11.4 Make provision for the compilation of method statements to the satisfaction of the appointed Environmental Control Officer ("ECO");
 - 11.5 describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 11.6 define and allocate the roles and responsibilities of the ECO referred to above
 - 11.7 determine the frequency of site visits by the ECO, and

An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.

12. A copy of the environmental authorisation and the EMP 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 EMP 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 EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
13. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with

respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:

- 13.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
- 13.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
14. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
15. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
16. 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.
17. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. The applicable requirements with respect to relevant legislation pertaining to cutting, damaging, disturbing or destroying protected trees or trees from a natural forest must be adhered to.
19. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.

20. 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.

21. A buffer must be created between the development and the artificial wetlands to minimize any potential negative impacts. This buffer area must be included into the ecological corridor, which stretches along the drainage line between the artificial wetlands, the highly sensitive rocky outcrop and connects with the southern section of the Critical biodiversity area, as proposed in the 2006 vegetation assessment submitted as part of the Basic Assessment Report. This buffer area must be maintained as "No-go" areas for the development during both the construction and operational phase.
22. The buffer area referred to in condition 21 above must be clearly demarcated and fenced-off and must also be clearly indicated in the revised layout that must be submitted to this Department, prior to commencement of construction.
23. All associated service-infrastructure and bulk services for water, sewage, electricity and storm water drainage must be placed within the road reserve of the existing and proposed roads, to minimize the impacts.
24. The area indicated as a Critical Biodiversity Area "CBA" must be demarcated on the revised layout plan and must be treated as "No-Go" areas for development.
25. The group housing component shall not exceed a density of 25 units per hectare as stipulated on page 4 of the Basic Assessment Report dated 02 April 2013.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

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 who 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. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms must be submitted 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

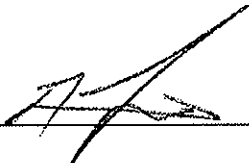
By hand: Attention: Mr J. de Villiers
Room 305 A
3rd Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street, Cape Town, 8001)
5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@pgwc.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR KOBUS MUNRO
DIRECTOR: LAND USE MANAGEMENT (REGION 3)

DATE OF DECISION: 24.6.2013

Copied to: Dr. Colleen Ebersohn (Eco-Route Environmental Consultancy)

Fax: (044) 381 0515

FOR OFFICIAL USE ONLY**EIA REFERENCE NUMBER:**

EG12/2/4/2-D1/14-0001/12

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0001289/2013

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 by the competent authority on 18 January 2012, the Basic Assessment Report received by the competent authority on 12 April 2013, the EMP submitted together with the Basic Assessment Report, and the additional information received by the competent authority on 15 May 2013;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated October 2011);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the Basic Assessment Report dated 2 April 2013.

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

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues 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 included:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site and any alternative site where the listed activities are to be undertaken;
- 18 May 2012 - giving written notice 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; and
- 04 April 2012 - the placing of a newspaper advertisement in the 'CXpress'.

The 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 authorization.

2. Alternatives

Alternative 1 (Herewith authorized)

This entails the establishment of a mixed residential development on previously transformed land on Portion 7 of Ffarm Brakkloof No. 443, Plettenberg Bay. The northern

section of the property, which forms part of a Critical Biodiversity Area ("CBA") will be conserved and rehabilitated, where necessary in order to preserve the significant biodiversity of the area.

Alternative 2

This entails the establishment of the proposed development with a higher density in order to lower the cost per unit. This alternative will severely negatively affect the natural environment leading to a complete loss in significant biodiversity.

Alternative 3

This alternative proposes the establishment of a light industrial area on the property. This alternative does not hold high advantages for the local community and will be in direct competition with other industrial locations envisaged for the area.

"No-Go" Alternative

The "no-go" alternative would entail the property maintaining its current use as a agricultural development, however this has not proved to be a viable option as previous attempts have proven unsuccessful. This option will also result in the local need for employment and housing not being fulfilled.

4. Impacts, assessment and mitigation measures

4.1. Activity Need and Desirability

According to the EAP the proposal will provide additional housing in a sought after area. The social benefits such as job creation during the construction phase will stimulate the building sector in this region. According to the BAR the removal of alien vegetation from the area and rehabilitation of indigenous vegetation is also perceived as an indirect benefit that will result from the approval of the proposed development.

4.2. Regional/ Planning Context

The proposed development is in line with the forward planning of the local municipality. The type of development proposed is also in line with the recently approved Spatial Development Framework ("SDF") of the area. The property is currently zoned as agricultural, but this has not been a viable undertaking. The property and its surrounds have been identified as "Developable" in the recently approved "SDF".

4.3. Services/ Bulk Infrastructure

Water

The Bitou Municipality has confirmed in writing on 11 November 2010 that they have sufficient capacity to provide the proposed development with potable water. It has been stated in the Basic Assessment Report that all piping associated with the provision of water will be placed within the road reserve so as to minimize the impacts.

Stormwater

The stormwater system for the development will be designed according to the Municipality's requirements and conform to national standards. Stormwater or

surface run-off within the housing cluster areas will be collected and channeled by means of underground concrete pipes and channels adjacent to the roads where needed. Attempts will be made to keep these areas to a minimum. It has been stated in the Basic Assessment Report that all piping associated with stormwater will be placed within the road reserve so as to minimize the impacts.

Solid Waste

Solid waste collection points will be provided at the entrance gates to the development, where the Municipal refuse removal vehicles will collect it. The refuse will be stored in enclosed brick refuse rooms. The Bitou Municipality confirmed in writing on 11 November 2010 that they have sufficient capacity to collect and dispose of all solid waste generated by the proposed development.

Sewage

It has been stated in the Basic Assessment Report that all piping associated with the provision of sewage services will be placed within the road reserve so as to minimize the impacts.

4.4. Cumulative

The proposed development is located outside of the existing built environment, this development will potentially set a precedent for the future development of the area and will alter the areas sense of place from one of agricultural activities to that of housing developments. The placing of Housing developments in such a close proximity to Critical Biodiversity Areas will result in the possible negative effects on the natural burning pattern of the significant fynbos found in the area.

4.6. Biodiversity

The proposed site for development forms part of a Critical Biodiversity Area ("CBA"). Its importance is underlined by the presence of a river on the northern section of the property. This area is also host to vegetation of special significance and as such should be conserved. The vegetation report undertaken in the assessment process has shown that should the "CBA" area on the property be developed there will be a complete loss of indigenous vegetation and an almost complete loss of Keurbooms Grassy fynbos, which is in a pristine condition, on the site. The site is host to a total of 93 plant species of which 32% have protection status. The vegetation report has further shown that the site has a relatively high species diversity given its historical disturbance. Although some small stands of invasive alien species are present the site has minimal alien vegetation. Development on the transformed area, which is currently under olive groves, will have no significant impact on the indigenous vegetation. It is for these reasons that the northern section of the property has been excluded from the authorized development, as this forms part of a CBA.

4.7. Sense of Place

The proposed development is located outside of the existing built environment, this development will potentially set a precedent for any other future development of the area and will alter the areas sense of place from one of agricultural activities to that of housing developments.

4.8. Traffic

The Traffic Impact Assessment ("TIA") that was undertaken concluded that the existing road infrastructure can accommodate the additional traffic that will be generated by the authorized development. The existing access road will be upgraded to better accommodate stormwater and safety features (i.e. road curbs, storm water inlets etc.). However, given that the "TIA" was completed in 2006 there are some concerns that it is no longer appropriate. Official comment was sought from the Department of Transport and Public Works, but they indicated that they would provide comment at a later stage.

4.9. Noise

The proposed development will result in the normal construction phase noise. This impact will be mitigated by limiting construction works to the normal working hours.

4.11. Heritage / Archaeological / Built Environment

Heritage Western Cape had no objections to the proposed development and issued an ROD in this regard. No further heritage related issues were identified during the public participation process.

4.12. Socio-economic

The proposed development aims to provide affordable housing to the local inhabitants and the future employees of the recently approved industrial areas which are located close to the subject property.

4.15. Impact Assessment and Significance

It has been shown through the assessment process that should the development go forth as initially proposed, there will be a highly significant loss in local biodiversity. The local need for employment and housing however should be addressed. The approved alternative has an overall smaller impact on the receiving environment due to the reduced number of erven/units and subsequent exclusion of certain areas to support the rehabilitation of significant conservation worthy/critically endangered vegetation. The layout has been adapted to accommodate the environmental constraints of the site by excluding certain Critical Biodiversity Areas ("CBA").

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 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.

The development will result in both negative and positive impacts.

Negative Impacts:

The authorization of this development will set a precedent for similar developments in the area, which is currently has an agricultural sense.

Positive impacts:

The authorized alternative will allow for the minimization of extensive biodiversity loss.

The proposed development will bring much needed economic stimulation to the area as well as provide housing for those who will be employed in the nearby business park. The rehabilitation program to be put in place by this development will clear all Alien vegetation on the property and will ensure the development of fynbos in the Critical Biodiversity Area ("CBA").

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