



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBER: 16/3/3/1/F4/23/3002/16

ENQUIRIES: MS. K. ADRIAANSE

DATE OF ISSUE: 2016 -05- 20

The Municipal Manager
Saldanha Bay Municipality
Private Bag X12
VREDENBURG
7380

For Attention: Mr. L. Scheepers

Tel: (022) 701 7043
Fax: (022) 715 1518

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE SERVICING OF SITES FOR FUTURE HOUSING DEVELOPMENTS AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF FARM NO. 132, VREDENBURG.

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 Regulations, 2014 ("NEMA EIA Regulations, 2014") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative described in the Basic Assessment Report ("BAR") dated April 2016.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section D below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Saldanha Bay Municipality
c/o Mr. L. Scheepers
Private Bag X12
VREDENBURG
7380

Tel: (022) 701 7043
Fax: (022) 715 1518

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

B. LISTED ACTIVITY AUTHORISED

Government Notice No. R983 of 04 December 2014:

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-

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

Government Notice No. R985 of 04 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.*

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

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

The proposed activity entails the clearance of approximately 13.25ha of indigenous vegetation for the servicing of sites for future housing developments and associated infrastructure on Portion 4 of Farm No. 132, Vredenburg.

The development will include:

- Serviced sites;
- Public open spaces;

- Business areas;
- A community hall;
- Places of worship; and
- A primary school.

Internal roads exceeding 4m in width with a road reserve of less than 13.5m will be developed to provide access onto the site. A storm water reticulation system will be incorporated into the design of the internal roads.

The development will connect to the following existing municipal infrastructure:

- Bulk water supply;
- Sewerage network; and
- Solid waste management.

The total development footprint will be approximately 13.25ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 4 of Farm No. 132, Vredenburg.

The SG 21 digit code: C04600000000013200004

Co-ordinates: 32° 55' 21.20" South
18° 1' 28.14" East

hereinafter referred to as "the site".

D. CONDITIONS OF AUTHORISATION

1. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Department at least **three months** prior to the expiry date of the Environmental Authorisation. Note that in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment **at least three months** prior to the expiry of the validity period of the environmental authorisation may result in the lapsing of the environmental authorisation, due to the competent authority being unable to process the application for amendment within this period.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date the applicant notifies the registered Interested and Affected Parties of this decision. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation is suspended until such time as the appeal is decided (i.e. the listed activities, including site preparation, must not commence until the appeal is decided).
3. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (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 the National Appeal Regulations, 2014 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. Provide the registered Interested and Affected Parties with-
 - 3.4.1. the name of the holder (entity) of this environmental authorisation;
 - 3.4.2. the name of the responsible person for this environmental authorisation;
 - 3.4.3. the postal address of the holder;
 - 3.4.4. the telephonic and fax details of the holder;
 - 3.4.5. the e-mail address if any; and
 - 3.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
4. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of the development 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 and 3.
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 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.
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.
 - 8.1. An application for amendment to the EMPr must be submitted to the competent authority if any amendments are to be made to the EMPr, and this may only be implemented once the amended EMPr has been authorised by the competent authority.
 - 8.2. The EMPr must be included in all contract documentation for all phases of implementation.

9. A copy of the environmental authorisation and the EMPr must be kept at the site where the listed activities will be undertaken whereafter it must be kept at the offices of the applicant. 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.
10. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 of the environmental authorisation to the competent authority where any detail or scope with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated.
11. 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.
12. 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.
13. 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 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.

14. The following mitigation measures related to the botanical impacts must be implemented:
 - 14.1. A suitably qualified person must be appointed to conduct all search and rescue operations;
 - 14.2. During the installation of the pipeline infrastructure, any bulbs located along the route of the pipelines must be rescued;
 - 14.3. A search and rescue of all other areas of the site must occur during the flowering season of the bulbs located in the area (i.e. during April or between August and September);
 - 14.4. Top structures must not be allowed to be erected on areas that have not undergone search and rescued operations; and
 - 14.5. All rescued plants must be used on areas requiring rehabilitation or landscaping on the site or other suitable areas.

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the environmental authorisation and the EMP, and submit Environmental Audit Reports to the Competent Authority.
 - 15.1. 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.
 - 15.2. The holder must undertake an environmental audit within 6 months of commencement of the proposed development and submit an Environmental Audit Report to the Competent Authority one month after the completion of the development phase. The final Environmental Audit Report must be submitted to the Competent Authority within 1 year of the operational phase; and
 - 15.3. The holder must, within 7 days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

E. APPEALS

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

1. An appellant (if the holder) must –
 - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision:
2. An appellant (if NOT the holder) must –
 - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of the this decision.
3. The holder (if not the appellant), the decision-maker, I&AP and 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. This appeal and 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 Jaap de Villiers (Tel: 021 483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.
5. A prescribed 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>.

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 development or operation subsequent to development is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



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

DATE OF DECISION: 20/05/2016

Copies to: (1) Ms. S. Reuther (SRK Consulting)
(2) Ms. K. Rughoobee (WCG: EADP – Directorate: Development Facilitation)
(3) Mr. G. Underwood (Planning Partners)

Fax: (021) 685 7105
Fax: (021) 483 4185
Fax: (021) 418 0502

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/F4/23/3002/16

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000060/2016

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 dated and received by the competent authority on 21 January 2016, the BAR received by the competent authority on 07 April 2016, the EMPr submitted together with the BAR and the additional information dated and received by the competent authority on 21 April 2016;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Need and Desirability, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR received by the Department on 07 April 2016; and
- e) 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 ("PPP") included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activities are to be undertaken;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities; and
- the placing of a newspaper advertisement in the 'Weslander' on 14 January 2016.

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

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

In determining the preferred location for the proposed development, the proposed site was considered appropriate due to the following:

- The applicant is the landowner of the site;
- The site has been designated for residential development in the Municipal Spatial Development Framework;
- It is suitable in terms of topography; and
- It is within close proximity to an existing informal settlement.

Four layout alternatives were identified and assessed. Three layout alternatives were screened out due to the following:

Layout Alternative 1 entailed the servicing of sites and associated infrastructure on a portion of Portion 4 of Farm No. 132, Vredenburg. Layout Alternative 1 does not adequately accommodate the topography of the site. This therefore resulted in fewer erven and no provision for a school or business area.

Layout Alternative 2 entailed the servicing of sites and the development of places of worship on Portion 4 of Farm No. 132, Vredenburg. Although Layout Alternative 2 resulted in a higher number of erven (in comparison to layout Alternative 1), it did not allow for a school or business area.

Layout Alternative 3 entailed the servicing of sites and associated infrastructure on a portion of Portion 4 of Farm No. 132, Vredenburg. Although Layout Alternative 3 resulted in the maximum number of erven and provision for a school, it did not allow for a business area within the layout.

Layout Alternative 4 (the preferred alternative – herewith authorised) is as follows:

The proposed activity entails the clearance of approximately 13.25ha of indigenous vegetation for the servicing of sites for future housing developments and associated infrastructure on Portion 4 of Farm No. 132, Vredenburg.

The development will include:

- Serviced sites;
- Public open spaces;
- Business areas;
- A community hall;
- Places of worship; and
- A primary school.

Internal roads exceeding 4m in width with a road reserve of less than 13.5m will be developed to provide access onto the site. A storm water reticulation system will be incorporated into the design of the internal roads.

The development will connect to the following existing municipal infrastructure:

- Bulk water supply;
- Sewerage network; and
- Solid waste management.

The total development footprint will be approximately 13.25ha in extent.

Layout Alternative 4 was deemed the preferred alternative as it accommodates for the maximum number of erven to be serviced and allows for a school, business area and other associated activities.

"No-Go" Alternative

The "No-Go" alternative would result in the site remaining unused and the residents of the adjacent existing informal settlement would not receive adequate access to basic services. However, since the preferred alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

An existing informal settlement is located adjacent to the proposed site. Currently, residents of the informal settlement do not have adequate access to municipal services. The applicant therefore proposes to service the proposed site in order to provide adequate access to municipal services. The proposed development will connect to existing municipal infrastructure. The Saldanha Bay Municipality's Spatial Development Framework ("SDF") (dated 2012) identifies the need for additional housing in the surrounding areas of Louwville and Ongegund (which is located adjacent to the proposed site). In addition, one of the strategic objectives of the Saldanha Bay Municipality's Integrated Development Plan ("IDP") (dated 2012-2017) is to improve the development of safe, integrated and sustainable neighbourhoods. The proposed development will therefore assist in meeting the objectives of the SDF and IDP.

3.2. Service infrastructure

Sufficient, spare, unallocated capacity for water supply, sewerage services and refuse removal to service the proposed development has been confirmed by the Saldanha Bay Municipality (in their letters dated 05 April 2016 and 20 April 2016).

3.3. Botanical Impacts

A Botanical Screening assessment (compiled by COASTEC Coastal and Environmental Consultants, dated October 2015) was undertaken to determine the potential botanical impacts as a result of the proposed clearance of approximately 13.25ha of indigenous vegetation.

The vegetation on the site was identified as Saldanha Flats Strandveld, which is listed as a Vulnerable ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004): National List of Threatened Ecosystems that are Threatened and in Need of Protection, December 2011. The specialist indicated that no Red Data Species were recorded, the site is highly degraded and that the site does not warrant any formal conservation intervention. Although the site is highly degraded, the specialist recommended that a search and rescue of the site be undertaken to locate any bulbs in the area, which flower during autumn (April) and spring (August-September) as the assessment of the site was undertaken in October 2015, which is outside the flowering season of the bulbs.

CapeNature (in their comment dated 19 January 2016) agreed with the findings and recommendations of the specialist. However, CapeNature indicated that the plants that are rescued as part of the search and rescue operation be used for rehabilitation purposes on sites requiring rehabilitation.

The recommendations provided by the specialist and CapeNature have been considered in this environmental authorisation and in the EMPr.

3.4. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC") on 17 November 2015. HWC indicated (in their comment dated 08 December 2015) that there is no reason to believe that the proposed development will impact on heritage resources. No further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. No heritage impacts are therefore anticipated.

3.5. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development during the development phase will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.6. Visual Impacts

Due to the fact that the site is located adjacent to an existing informal settlement, visual impacts associated with the proposed development are deemed as being of very low negative significance.

3.7. Impact Assessment and significance rating

- 3.7.1. The Botanical Screening Report (dated October 2015) indicated that the site does not warrant any formal conservation intervention. Botanical impacts were identified in the BAR as being of low negative significance prior to and post the implementation of the mitigation measures;
- 3.7.2. Dust and noise impacts are anticipated to be of low negative significance prior to and post the implementation of the mitigation measures; and
- 3.7.3. Visual impacts are anticipated to be of very low negative significance prior to and post the implementation of the mitigation measures.

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 Include:

- Loss of indigenous vegetation;
- Potential dust, noise and visual impacts during the development phase.

Positive impacts Include:

- Provision of municipal services to residents of the informal settlement;
- Improved service delivery; and
- Optimal use of available land, which is earmarked for residential development.

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 activity 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 can be mitigated to acceptable levels.

-END-