



REFERENCE: 16/3/3/1/E4/11/1030/24
NEAS REFERENCE: WCP/EIA/0001445/2024
DATE OF ISSUE: 13 NOVEMBER 2024

The Municipal Manager
Theewaterkloof Municipality
6 Plein Street
CALEDON
7230

Attention: Mr. W. Solomons-Johannes

Tel.: (028) 214 3300

Email: WilfredSo@twk.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED HOUSING DEVELOPMENT, GYPSY QUEEN, ON ERF NO. 8078, GRABOUW

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

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. L. Jacobs (Engineering Advice & Services)
(2) Mr. J. Viljoen (Theewaterskloof Municipality)
(3) Mr. F. Smith (BOCMA)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (WCG: Department of Agriculture)

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REFERENCE: 16/3/3/1/E4/11/1030/24
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED HOUSING DEVELOPMENT, GYPSY QUEEN, ON ERF NO. 8078, GRABOUW

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Site Layout Alternative 2, described in the Basic Assessment Report ("BAR"), dated July 2024.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Theewaterkloof Municipality
% Mr. W. Solomons-Johannes
6 Plein Street
CALEDON
7230

Tel.: (028) 214 3300
Email: WilfredSo@twk.gov.za

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

B. ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 9: The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</p> <ul style="list-style-type: none"> (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; <p>excluding where—</p> <ul style="list-style-type: none"> (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area. 	<p>Stormwater infrastructure with a diameter of 375mm will be developed as part of the proposed development.</p>
<p>Activity Number 12: The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (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; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or <p>the development of temporary infrastructure or structures where such infrastructure or structures will</p>	<p>Infrastructure located within 32m of a watercourse, will exceed the 100m² threshold.</p>

<p>be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Activity Number 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>More than 10 cubic metres of material will be removed and deposited within a watercourse.</p>
<p>Activity Number 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 1 hectare, but less than 20 hectares of indigenous vegetation will be cleared for the proposed development.</p>
<p>Activity Number 28: Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The proposed development will be located on a portion of land, over 5ha in size, that has been used for agricultural purposes, and which is located outside an urban area.</p>

<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(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</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Various new road sections, some of which is wider than 4m, will be developed as part of this proposal. These roads will be located in areas containing indigenous vegetation.</p>
<p>Activity Number 12: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>More than 300m² of critically endangered vegetation will be cleared as part of the proposal.</p>

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

The holder is herein authorised to undertake the development in respect of the following alternative:

The development will include the following:

- 76 x Single Residential Zone 1 erven to be used for FLISP housing purposes,
- 467 x Single Residential Zone 2 erven to be used for Subsidy Housing purposes,
- 67 x Single Residential Zone 2 erven to be used for Emergency Housing purposes,
- 16 x Open Space Zone 1 erven,
- 1 x Community Zone 1 erf to be used for Place of Instruction (Creche) purposes,
- 1 x Community Zone 2 erf to be used for Place of Worship purposes,
- 1 x Utility Zone erf to be used for detention ponds and other municipal purposes,
- Public Roads / Streets, and
- Service infrastructure.

The proposal also includes the maintenance of infrastructure that will cross the various watercourses on the subject property, as highlighted in the Environmental Management Programme.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 8078, Grabouw, at the following co-ordinates, marking the property's corners:

Point/Corner	Latitude (S)	Longitude (E)
A	34° 09' 39.32"	19° 00' 36.81"
B	34° 09' 38.45"	19° 00' 35.86"
C	34° 09' 35.22"	19° 00' 29.52"
D	34° 09' 34.73"	19° 00' 29.87"
E	34° 09' 31.93"	19° 00' 29.07"
F	34° 09' 29.69"	19° 00' 26.65"
G	34° 09' 20.68"	19° 00' 32.31"
H	34° 09' 19.12"	19° 00' 33.95"
I	34° 09' 22.61"	19° 00' 40.81"
J	34° 09' 27.12"	19° 00' 27.49"
K	34° 09' 28.77"	19° 00' 37.97"
L	34° 09' 32.21"	19° 00' 44.73"
M	34° 09' 26.67"	19° 00' 48.80"
N	34° 09' 27.18"	19° 00' 49.80"
O	34° 09' 27.78"	19° 00' 49.90"
P	34° 09' 35.84"	19° 00' 41.46"

The SG digit code is: C01300100000807800000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Engineering Advice and Services
 % Ms. L. Jacobs
 8 St James Street

SOMERSET WEST

7130

Cell: 072 048 2623

Email: Lea@easpe.co.za

E. Conditions of authorisation

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to Site Layout Alternative 2, described in the Basic Assessment Report ("BAR"), dated July 2024, at the site as described in Section C above.
2. The holder must commence with and conclude the listed activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
- (b) A period of 10 years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 5.1 make clear reference to the site details and EIA Reference number given above; and
 - 5.2 include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 10 and 11

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision-

- 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any, of the holder; and
 - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented, except for the frequency of external audit reports indicated in the EMPr. In this instance, condition 14 of this Environmental Authorisation must be complied with.
- 9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

- 10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
- 11. The ECO must conduct a site visit prior to the commencement of construction activities. Thereafter, monthly monitoring inspections must be undertaken during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.

12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. 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 EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 10 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three months after the commencement of construction activities and annually thereafter, during the construction phase. A final Environmental Audit Report must be submitted within six (6) months after completion of construction activities.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

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

2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority. 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 Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder 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. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.
5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. Appeals

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

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

Private Bag X9186
CAPE TOWN
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

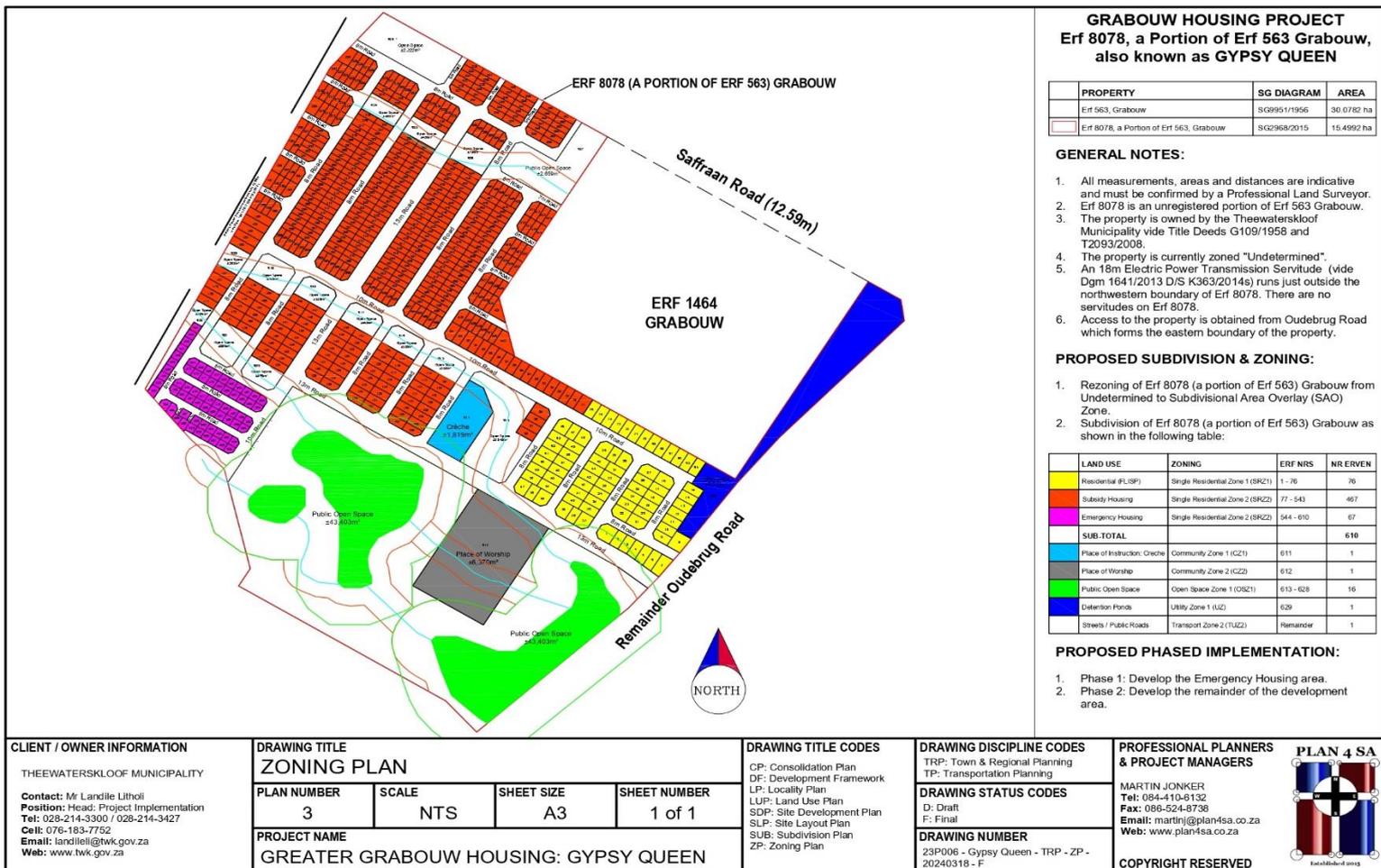
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 13 NOVEMBER 2024

CC: (1) Ms. L. Jacobs (Engineering Advice & Services)
(2) Mr. J. Viljoen (Theewaterskloof Municipality)
(3) Mr. F. Smith (BOCMA)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (WCG: Department of Agriculture)

Email: Lea@easpe.co.za
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Email: rsmart@capenature.co.za
Email: Cor.VanderWalt@westerncape.gov.za

ANNEXURE 2: SITE DEVELOPMENT PLAN



CLIENT / OWNER INFORMATION
 THEEWATERSKLOOF MUNICIPALITY
 Contact: Mr Landile Litholi
 Position: Head: Project Implementation
 Tel: 028-214-3300 / 028-214-3427
 Cell: 076-183-7752
 Email: landileli@twk.gov.za
 Web: www.twk.gov.za

DRAWING TITLE
ZONING PLAN

PLAN NUMBER	SCALE	SHEET SIZE	SHEET NUMBER
3	NTS	A3	1 of 1

PROJECT NAME
 GREATER GRABOUW HOUSING: GYPSY QUEEN

DRAWING TITLE CODES
 CP: Consolidation Plan
 DF: Development Framework
 LP: Locality Plan
 LUP: Land Use Plan
 SDP: Site Development Plan
 SLP: Site Layout Plan
 SUB: Subdivision Plan
 ZP: Zoning Plan

DRAWING DISCIPLINE CODES
 TRP: Town & Regional Planning
 TP: Transportation Planning

DRAWING STATUS CODES
 D: Draft
 F: Final

DRAWING NUMBER
 23P006 - Gypsy Queen - TRP - ZP - 20240318 - F

PROFESSIONAL PLANNERS & PROJECT MANAGERS
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PLAN 4 SA

 established 2013

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Figure 2: Site development plan.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Forms dated 25 April 2024, the final BAR dated July 2024, and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated July 2024; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placement of a newspaper advertisement in the 'Hermanus Times' on 25 October 2023;
- fixing notice boards at a location within and around the area where the listed activities are to be undertaken on 25 October 2023;
- giving written notice to the 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 on 25 October 2023 and 11 June 2024; and
- making the in-process draft BAR from 11 June 2024.

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

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The proposal entails the development of the Gypsy Queen housing development. Below is the description of the alternatives that have been investigated:

2.1 Site layout alternatives

(a) Site Layout Alternative 1:

This alternative would include the following:

- 67 Emergency housing units

- 80 Freestanding units
- 400 Semi-detached units
- 50 FLISP units
- Water, stormwater and sewage infrastructure
- Roads – Surfaced roads with kerbs

This alternative was not preferred, since it did not take the site sensitivities and specialists' recommendations into account.

(b) Site Layout Alternative 2 (Herewith Authorised):

This alternative will include the following components:

- 76 x Single Residential Zone 1 erven to be used for FLISP housing purposes,
- 467 x Single Residential Zone 2 erven to be used for Subsidy Housing purposes,
- 67 x Single Residential Zone 2 erven to be used for Emergency Housing purposes,
- 16 x Open Space Zone 1 erven,
- 1 x Community Zone 1 erf to be used for Place of Instruction (Creche) purposes,
- 1 x Community Zone 2 erf to be used for Place of Worship purposes,
- 1 x Utility Zone erf to be used for detention ponds and other municipal purposes,
- The remainder of the property will be zoned Transport Zone 2, to be used as Public Roads / Streets, and
- Service infrastructure.

This alternative is preferred as it avoids sensitive areas on the site and takes the specialists' recommendations into account.

2.2 "No-Go" Alternative

The "no-go" option was considered and is not preferred for the following reasons:

- No additional housing opportunities will be created, resulting in the need for housing in the Grabouw area not being addressed.
- No additional employment opportunities will be created.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

In the most recent version of the Theewaterskloof Spatial Development Framework ("SDF"), the Gypsy Queen development is a "Priority Development Area", earmarked for a medium density residential development. The property is located within the urban edge of Grabouw. According to the Theewaterskloof Integrated Development Plan ("IDP"), the Gypsy Queen Housing Development is a priority project within Grabouw's housing pipeline, aimed at improving service delivery and prioritising the need for housing. This application contributes to spatial restructuring by optimizing the use of vacant and publicly owned erven within the urban edge through densification and a mix of land uses. Furthermore, the proposed low-cost housing development can be accommodated within the municipal infrastructure in terms of service provision.

3.2 Biophysical Impacts

According to the Freshwater Assessment dated March 2024, compiled by Mr. Cole Grainger of FEN Consulting (Pty) Ltd, ephemeral drainage lines ("EDLs") and seasonal seep wetlands were identified, primarily located in the southern portion of the study area, which drain into the Palmiet River. Although the EDLs do not meet the definition of "watercourses" in terms of the National Water Act (Act 36 of 1998) as amended (NWA), they were assessed as they are considered important for the hydrological functioning of downstream reaches, and therefore require protection to manage freshwater flow in the larger landscape. The ecological assessments concluded that the EDLs have a low ecological importance and sensitivity ("EIS") and low ecoservices provision. The seep wetlands present on the site are also largely modified, with a low EIS and low ecoservices provision. The proposed development layout excludes the various EDLs and seep wetlands. Through the implementation of the specialist's recommendations and the

EMPr (accepted as Condition 8), the impacts of the proposed development on the watercourses will be mitigated to an acceptable level.

According to the Botanical Impact Statement dated July 2024, compiled Mr. Mark Berry of MB Botanical Surveys, the vegetation on the subject property is mapped as Kogelberg Sandstone Fynbos, an ecosystem listed as a critically endangered ecosystem in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The specialist's field survey revealed that the site is highly degraded, with almost no natural elements remaining, except a few hardy indigenous shrubs dispersed sparsely. The site is traversed by numerous footpaths and is mainly covered by herbaceous weeds, such as kikuyu grass, invasive woody aliens, bare sandy areas and large amounts of domestic waste and building rubble. The specialist concluded that due to the highly degraded or transformed state of Erf No. 8078 and its separation from the rest of the biodiversity network by roads and urban development, the impact on terrestrial biodiversity is expected to be of low significance.

The development will result in both negative and positive impacts.

Negative Impacts:

- There will be an increase in noise and dust impacts during the construction phase, however, mitigation measures for these impacts are addressed in the EMPr.
- There will be limited impacts on aquatic features and vegetation, which will be mitigated through the implementation of specialists' recommendations and in terms of the approved EMPr.

Positive impacts:

- Housing opportunities will be provided for potential beneficiaries.
- Employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA 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.

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 the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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