



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: LAND MANAGEMENT
REGION 3**

EIA REFERENCE NUMBER: EG12/2/3/4-D6/17-1444/09
ENQUIRIES: Nicholas Kearns
DATE OF ISSUE: 2013-10-08

Mr. Dreyer van Zyl
PO Box 154
HARTENBOS
6520

Attention: Mr. D. Van Zyl

Tel: (044) 695 0913
Fax: (044) 695 0913

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND EXEMPTION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED DEVELOPMENT OF THE OUTENIKUASBOSCH SAFARI PARK ON FARM OUTENIKUASBOSCH 149 AND FARM HARTENBOS 217, HARTENBOS

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

ENVIRONMENTAL AUTHORISATION AND EXEMPTION

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 authorization and exemption, to the extent described below** for to the applicant to undertake the list of activities specified in section B below with respect the proposed development approved by the Department.

The applicant is herewith exempted from the following provisions of the NEMA EIA Regulations:

Regulation 10(2)(d) of Government Notice No. R.543, which reads as follows:

10(2) The applicant must, in writing, within 12 days of the date of the decision of the application

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93 York Street, George, 6529
tel: +27 44 805 8600 fax: +27 44 874 2423

Private Bag X6509, George, 6530
www.westerncape.gov.za/eadp

(d) publish a notice –

- (i) informing interested and affected parties of the decision;
- (ii) informing interested and affected parties where the decision can be accessed; and
- (iii) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of these Regulations, if such appeal is available under the circumstances of the decision,

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.

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 Dreyer van Zyl
P.O Box 154
HARTENBOS
6520

Tel: (044) 695 0913
Fax: (044) 695 0913

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. R386 of 21 April 2006 –

Activity 1(k)

Activity Description:

The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with –

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

Activity 1(m)

Activity Description:

The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, including-

- (i) canals;

- (ii) channels;
- (iii) bridges;
- (iv) dams; and
- (v) weirs.

Activity 12

Activity description

The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Activity 15

Activity Description:

The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Activity 16

Activity Description:

The transformation of undeveloped, vacant or derelict land to –

- (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

Activity 18

Activity Description

The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

Government Notice No. R387 of 21 April 2006 –

Activity 2

Activity Description

Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

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: 18

Activity Description:

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

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

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

- (i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (ii) occurs behind the development setback line.

Activity Number: 39

Activity Description:

The expansion of

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) weirs;
- (v) bulk storm water outlet structures;
- (vi) marinas;

within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line.

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: 12

Activity Description:

The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

- (a) 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;
- (b) Within critical biodiversity areas identified in bioregional plans;
- (c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas.

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 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;
- (3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.

- (a) In Western Cape:
i. All areas outside urban areas.

Activity Number: 19

Activity Description:

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

(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;

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

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

The applicant is herein authorised to undertake the following alternative (Alternative D) with the exclusions described below in relation to the listed activities:

Departmentally Approved Development

This entails the establishment of:

- a residential development, which includes high; medium and low density developments and a staff village,
- A two storey hotel and conference facility with a combined maximum footprint of 500m², as well as 50 resort units with a maximum footprint of 120m² per unit. The hotel, conference facility and resort units must be confined to the "hotel and conference centre footprint" identified in the layout plan dated June 2011 (DRG NR: PR04/17/L13) as Erf 545,
- Business/commercial centre,
- Equestrian center,
- private open space,
- private roads and
- an educational facility.

The approved development will be approximate to the layout plan dated June 2011 (DRG NR: PR04/17/L13), submitted as part of the Final Environmental Impact Report, dated May 2013, with the exclusion of the following components/elements:

- The northern section of the proposed residential development (Erven 187 – 300), indicated in the abovementioned layout plan.
- The construction of resort units (Erven 492 – 544), as indicated in the abovementioned layout plan.

Departmental Refusal:

The Department hereby refuses all development north of erven 162 - 168, the clubhouse and the northern boundary of the neighboring Monte Christo development, as indicated in the layout plan dated June 2011 (DRG NR: PR04/17/L13) other than the proposed equestrian centre, the hotel and conference centre and the resort units as described above.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Farm Outeniquasbosch No. 149, portions 16 and the remainder of portion 9 and 15; and Farm Hartenbos No. 217, portions 10 and 28, Hartenbos.

The SG 21 digit codes are: C05100000000014900009;
C05100000000014900015;
C05100000000014900016;
C05100000000021700010;
C05100000000021700028

Co-ordinates:	33° 58' 30.50" South
	22° 30' 10.89" East

Hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Hilland Environmental Assessment Practitioners (Cape EAPrac)
C/o Ms. Cathy Avierinos
P.O. Box 710
GEORGE
6530

Tel: (044) 874 0365
Fax: (044) 874 0432

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 and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, 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
4. The holder of the environmental authorisation must give the competent authority written notice of commencement of the construction activities and provide proof of compliance with the specified conditions of authorisation. With regard to the notices, the holder must –
 - 4.1. within **thirty (30)** calendar days of the date of issue of this decision give notice, with proof of compliance with **conditions 2 and 3** above;
 - 4.2. give **seven (7)** calendar days' notice before commencement of construction activities. This notice must include proof of compliance with the following conditions described herein:
Conditions: **6, 11 and 15**

5. This environmental authorisation is only for the approved alternative described in Section B above and excludes development north of erven 162-168, the clubhouse and the northern boundary of the neighboring Monte Christo development, as indicated in the layout plan dated June 2011 (DRG NR: PR04/17/L13). No development may take place in the northern section of the property aside from the proposed equestrian centre, the hotel and conference centre and the resort units as described above.
6. The applicant must amend the lay-out plan in accordance with the description of the development approved by the Department under Section B of this environmental authorisation. This must be submitted to the Department and approved at least 3 weeks, prior to the commencement of construction activities.
7. The applicant must further furnish this Department with a revised Game Management Plan, which prevents access of wild animals/game to the residential portion of the development. Game proof fencing must be erected by the applicant to ensure that residents and properties are protected from wild animals. The aforementioned revised Game Management Plan must be submitted to the Department and approved at least 3 weeks prior to the commencement of construction activities.
8. 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.
9. 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.
10. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
11. 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.
12. All mitigation measures recommended by the Visual Mitigation Report and the Visual Impact Assessment that formed part of the Scoping Report dated March 2010 (Appendix C) must be strictly implemented.
13. An environmental audit report must be prepared and submitted to the competent authority annually during the construction phase of the

development, with the final audit report to be submitted within one year following the completion of the construction phase.

14. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
15. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation must be amended to include the following:
 - 15.1. Incorporate all the conditions given in this Environmental Authorisation;
 - 15.2. Be included in all contract documentation for all phases of the development;
 - 15.3. Describe the level and type of competency required of the Environmental Control Officer ("ECO"), or Environmental Site Agent where applicable;
 - 15.4. Incorporate an agreement with a recycling company for the collection of recycled waste during the operational phase of the development.
 - 15.5. Determine the frequency of site visits;
 - 15.6. Meet the requirements outlined in Section 24N (2) & 3 of the National Environmental Management Act, 1998 (Act no 107 of 1998, as amended) ("NEMA") and Regulation 34 of the Environmental Impact Assessment Regulations 2006;
 - 15.7. Provide for the utilization of local labour as far as possible, this may include record keeping and reporting procedures for monitoring purposes; and
 - 15.8. Must incorporate the revised Game Management Plan.

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.

16. 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.

17. 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:
 - 17.1. 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 activity/ies was/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.
 - 17.2. 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.
18. 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.
19. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.

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.
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 (Tel: 021-483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

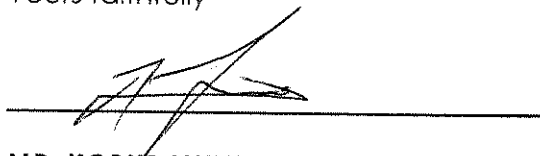
5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



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

DATE OF DECISION: 8.10.2013

Copied to: Ms Cathy Avierinos (EAP)
Ms Marike Vreken (Planner)

Fax: 086 542 5248
Fax: (044) 382 0438

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

EG12/2/3/4-D6/17-1444/09

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 16 May 2012, the Final Environmental Impact Report dated May 2013, the Environmental Management Plan submitted together with the aforementioned Final Environmental Impact Report.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Exemptions and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the Final Environmental Impact Report dated May 2013;
- e) This application was submitted in terms of the previous NEMA EIA Regulations, and was pending at the time of the promulgation of the Environmental Impact Assessment Regulations, 2010. Some of the listed activities herein authorised may not have been listed under the previous NEMA EIA Regulations, but are now listed in terms of the Environmental Impact Assessment Regulations, 2010. In accordance with regulation 76(3) of GN No. R. 543, these activities may be authorised as if applied for;
- f) The site visit conducted on 4 July 2013, which was attended by Malcolm Fredericks and Nicholas Kearns from this Department, Cathy Avierinos from Hilland Associates and Marike Vreken from Marike Vreken Town and Regional Planners.

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. Exemption

Exemption from regulation 10(2)(d) has been granted. All registered interested and affected parties ("I&AP's") were notified of the exemption application, as required. No significant concerns were raised by I&APs in this regard.

As such, the exemption application was regarded as appropriate by the competent authority in this instance based on the adequate public participation process and the limited number of comments submitted with respect to the application.

2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties;
- fixing two notice boards at the site where the listed activities were to be undertaken in 2009;
- 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 councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 6 April 2010, 3 July 2012 and again on 23 May 2013; and
- the placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 2 April 2010.

All the concerns raised by interested and affected parties were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorization and in the EMP to adequately address the concerns raised.

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 and in the EMP.

3. Alternatives

Alternative A

Entails the No-Go Option which forms part of the alternatives to be investigated and assessed. This means that the property / site will remain in its present form. The Applicant /Owner will continue to manage the property as a game farm without any tourism related activities, institutional or residential developments.

Alternative B

This entails the development of 624 residential units (including high; medium and low density and the staff village), business/commercial centre, Hotel with Tourism/Conference facility, Equestrian centre. The existing utility site present on the property containing the cell phone mast is will be given its own erf. An area is also kept for the Mossel Bay Municipality for the possible future extension of their sewage treatment plant on the Applicant's property.

Alternative C

This entails the development of 570 residential units (including high; medium and low density and the staff village), resort units, business/commercial centre, Hotel with Tourism/Conference facility and Equestrian center. This alternative was informed by the Ridgeline study and resulted in 35 single residential erven and 15 resort erven, which were taken from the ridgeline, leaving a 7m buffer area between the ridgeline and the remaining residential units.

Alternative D (The applicant's preferred alternative)

This alternative is a variation of Alternative C above. However, this alternative includes an "Educational/Institutional" property which occupies 9.3ha. The school will serve the broader community of Mossel Bay, privately run and operated. No operator has been identified at this stage. The school site is proposed at the entrance of the property,

adjacent to the main access road to allow the school to be fenced off as a separate entity.

This alternative entails the construction of 53 resort units, 570 residential units (including high; medium and low density and the staff village), Hotel and conference facility, Business/commercial center, Equestrian center, private open space, private roads and an educational facility.

4. Impacts, assessment and mitigation measures

4.1. Activity Need and Desirability

According to the EAP the proposed development will cater for the existing need for a conference centre and hotel in the Mossel Bay area. According to the EAP the development will cater for the needs of the local community in the form of social responsibility. According to the EAP this development will contribute to skills development and community uplift-ment by employing all existing farm employees and will provide continued skills training. The proposed development will also provide for on-site housing of permanent staff that will be employed through the development.

4.2. Regional/ Planning Context

It is submitted that the proposed development partially falls within the urban edge of the Mossel Bay SDF. The resort component of the proposed development falls outside the urban edge, however while its location is compatible with the SDF the extent of the resort (including hotel component) far exceeds the norms stipulated in the Department's draft Rural Land Use Planning and Management Guidelines (2009) or the existing Resort Guidelines (2005). The residential nature of this development is further in keeping with the neighboring Monte Christo Estate, and as such it is this Departments view that the residential component of the proposed development should not exceed the extent of the Monte Christo Estate. Further, due to the fact that the property accommodates sections of a Critical Biodiversity Area ("CBA"), in particular where the residential component is proposed, the residential component has been reduced. The resort even also forms part of an Aquatic Ecological Support Area and endangered Groot Brak Dune Strandveld and as such has been repositioned.

The low density nature of the development is not in keeping with provincial policies such as the PSDF which encourages higher densities to justify better functioning urban environments. These better functioning urban environments place less burden on the surrounding environment due to more effective use of resources, finances and the administrative capacity of the community and authorities.

The low density encroachment into the surrounding rural landscape also adversely affects the sense of place of this area which is a characteristic landscape of the Garden Route. The development proposed would replace the northern green slopes which are characteristic of the Garden Route landscape with urban development. The Ridgeline study performed as part of the EIR proposes a setback from the ridge of 8m, which is of little value as buildings of double storey height are 8m in height, resulting in the ridgeline of these hills being defined by roofscapes.

For this reason the setback has been increased substantially to ensure that at least a small portion is retained as a green backdrop. The proposed units situated to the north of this setback could be incorporated to the southern portion of the development which will assist in creating higher densities.

The resort development, being situated just outside the built-up area is too large and not in keeping with the provincial policies highlighted above. The purpose of these provincial policies is to protect the rural landscape from a visual integrity aspect and therefore purposefully limits the size and scale of buildings in proposed resorts. It is proposed that, whilst a resort could be supported in this location due to its proximity to the urban environment and the coast, this location does not warrant this resort to deviate from the provincial policies. The Department could not identify sufficient motivation to deviate so substantially from the current policy as is proposed in the report. The resort will therefore be limited to the scale and size as proposed in the guidelines.

4.3. Services/ Bulk Infrastructure

Water

Mossel Bay Municipality has confirmed that they can supply the proposed development with potable water. The water saving measures proposed by the project will further reduce the strain on the municipal water network supply. The development will make use of a rain water harvesting system that will collect rainwater from the roofs of houses and these will be stored in rainwater tanks. This water will be used for irrigation purposes. Low flow devices and indigenous gardens within the proposed development will further reduce the demand for water supply to the development.

Storm water

According to the Final EIR the storm water system will be designed according to the municipality's requirements. The EIR also submits that the storm water or surface runoff within the housing areas will be collected and channeled adjacent to and along the roads that will be constructed. According to the EIR storm water dissipation and control will be enforced in accordance with the approved EMP to ensure that the natural drainage patterns and processes are maintained.

Solid Waste

The internal collection of refuse will be handled by the Home Owners Association as has been reported on in the EIR. A waste recycling program as identified in the EMP will be instituted and will be collected by a private company while the non-recyclable materials will be collected by the municipality and disposed of at a licensed waste management facility.

Sewage

The local authority has confirmed that the Hartenbos waste water treatment plant, south of the proposed development, has sufficient capacity to accommodate the effluent from the development. Sewage removal will be accommodated by means of a gravity sewer network in combination with sewage pump stations, which will connect the development to the existing municipal sewer network.

4.4. Cumulative

Potential cumulative impacts associated with the proposed development include the following:

- Economic: potentially positive – direct & indirect, temporary & permanent employment opportunities, skills development of local labour, increased municipal tax, strengthening of the local economy etc.
- Bio- Physical: The property is currently under game farm management and alien vegetation is systematically removed while indigenous vegetation is rehabilitated.
- The low density nature of proposed development represents urban sprawl, which will extend the urban edge of Mossel Bay into the rural landscape. Resulting in a loss of rural green vistas along the N2.

4.5. Biodiversity

The property is located close to both the Kleinbrak and Hartenbos Rivers, both which may potentially be affected by the proposed development. However, these impacts have been assessed in the Scoping report and have shown to be minimal.

According to the vegetation assessment in the EIR and the Fauna and Flora assessment (2005) the property is host to various endangered and critically endangered species of vegetation. In order to conserve and protect these endangered species the layout of the development has been adapted to exclude the areas where these species are found to be most prevalent and these areas have been earmarked for conservation purposes. Similarly the wetland area to the north of the property will also be conserved. Plant search and relocation as detailed in the EIR will occur before construction commences and the topsoil will be stored for use (e.g. landscaping) after construction has been completed.

The exclusion of residential erven 187 – 300 has been substantiated with the aim of maintaining a continuous grazing area for game in the northern section of the development. This exclusion is further justified by the presence of a highly sensitive Critical Biodiversity Area which is host to endangered Groot Brak Dune Strandveld as identified in the EIR.

The Game Management Plan, which forms part of the Final Scoping Report currently allows for the "free roaming" of game between the Northern and Southern Sections of the development. This Department is of the opinion that this may pose potential risks to future residents and property. Further, the proposed management strategy may result in increased cost for individual erven owners, as game proof fencing will form part of many individual erven and this is not perceived as a sound management strategy to manage and restrict the movement of game within the context of the proposed residential development. As such, the residential erven 187 – 300 have been excluded from the proposed development to allow for a continuous grazing area in the Northern section of the property.

4.6. Visual / Sense of Place

According to the preliminary Visual Impact Assessment the proposed development is located on the top hills in the backdrop of the vista and it is anticipated that the visual impact will be quite significant (prominence = moderate), as there is limited screening potential at the property and at the Key Observation Point ("KOP"). The findings of the preliminary Visual Impact Assessment state that the preliminary impact would be low due to influence of northern aspect and haze, which would reduce the potential visibility during the day. The EMP notes various screening methods as well as architectural

requirements, which will be instituted in the development layout in order to minimize the visual impact of the development. Given that the development will be below a prominent ridgeline, the footprint has been restricted not to disturb the existing ridgeline; hence the exclusion of the resort and some of the residential erven, which formed part of the development proposal.

4.7. Traffic

A traffic impact assessment was originally done in April 2005 and then updated in December 2009 and again in August 2011. The results showed that the existing road network can accommodate the proposed development. However a roundabout is suggested for the MR344/Link Road intersection. It has been proposed that mini bus taxi facilities be included at the entrance to the development.

4.8. Heritage / Archaeological / Built Environment

The EIR confirmed that it is very unlikely that any archaeological sites will be found intact and there is no evidence of threat to tangible heritage on the anticipated development site. A Record of Decision (RoD) issued by Heritage Western Cape and dated 20 March 2009 indicated that no further built environment assessments were required and that the development may proceed. An Archeological Impact Assessment (2007) was done by Jonathan Kaplan, an accredited archaeologist, which found that the site had a low local significance. These findings were accepted by Heritage Western Cape. Consequently, from an archaeological point of view there is no objection to the proposed development.

4.9. Socio-economic

According to the EAP the development will cater for the needs of the local community in the form of social responsibility. The development will contribute to skills development and community upliftment by employing all existing farm employees, these employees will be trained and provided with skills development. The proposed development will provide for on-site housing for permanent staff. Local labour will be employed for both the construction and operational phases of the development, mainly from the nearby settlement of Sonskynvallei. The EMP requires that preference be given to local labour, as well as locally sourced building materials. It is also submitted that there is a growing need for low skilled labour in the Mossel Bay Municipal area and the proposed development and consequent employment opportunities during both the construction and operational phases will positively contribute to alleviate unemployment in the area.

4.10. Impact Assessment and significance

The development approved by the Department has an overall smaller impact on the receiving environment due to the exclusion of the resort units and reduction in the number of residential erven. The layout has been adapted to accommodate the environmental constraints of the site by excluding development in the most sensitive areas to the north of the property and to include ecological corridors within the development layout.

5. Recommendations

5.1. The landscaping and re-vegetation to be undertaken in the development and its associated open spaces should be undertaken with local indigenous trees and shrubs.

5.2 Labour and building material sourced locally should receive preference.

National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonization of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

The development will result in both negative and positive impacts.

Negative Impacts:

The proposal will result in a loss of a valuable ecological support area and contribute to the increased spread of residential developments within the Garden Route. This spread of residential development will in turn result in the loss of green vistas, which is characteristic of the Garden Route.

Positive Impacts:

Development of the property will ensure the creation of much needed job opportunities in the tourism sector with the provision of new conference and hotel facilities.

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 activity/ies 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.

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