

REFERENCE: 16/3/3/5/D2/26/0010/24
NEAS REF: WCP/EIA/AMEND/0000863/2024
DATE OF ISSUE: 03 February 2025

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 AND 4 OF CHAPTER 5 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT APPLICATION OF THE ENVIRONMENTAL AUTHORISATION (REF: 16/3/3/1/D2/26/0023/22) ISSUED ON 13 JUNE 2022 FOR THE PROPOSED DEVELOPMENT OF A RESIDENTIAL ESTATE ON ERF 19001, HEATHER PARK, GEORGE

With reference to your application for the abovementioned, find below the decision with respect to the application (submitted 13 June 2024) for the amendment to the Environmental Authorisation issued on 13 June 2022 as amended on 10 November 2023 (hereinafter referred to as an "Environmental Authorisation").

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2014, ("EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 13 June 2022.

1. The Environmental Authorisation issued on 13 June 2022 is amended as set out below.

1.1 Section A of the Environmental Authorisation is substituted for the following:

"A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION:

The Director
% Mr. Jonathan Paul Stoller
SIGNATURE HOMES (PTY) LTD
4 Liddle Street
CAPE TOWN
8001

Mobile: 082 788 0777
E-mail: jonathan@signatura.biz

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

- 1.2 In Section B of the Environmental Authorisation after the words: *The abovementioned list is hereinafter referred to as "the listed activity"* is substituted for the following:

"The Holder is herein authorised to implement the following that includes the listed activities as it relates to the transformation of land previously used for agriculture and the clearance of indigenous vegetation for the construction of the residential development and associated structures and infrastructure.

The specific details of the proposed development on the property comprises of the following:

- *82 x Housing units (5 different types);*
- *1 x Apartment block (54 flats);*
- *internal roads and driveways;*
- *parking areas;*
- *internal open space;*
- *communal recreation, clubhouse and guardhouse facilities; and*
- *associated civil services and electrical connections.*

The development must be implemented approximate to the Master Plan layout (Revision 26) developed by Robert Silke and Partners (dated 28 June 2024) submitted as Appendix B-3 of the Final Environmental Impact Report."

- 1.3 In Section E Condition 3 of the Environmental Authorisation: The last paragraph under Section B, after the words: *"This Environmental Authorisation is only for the implementation of the Preferred Alternative which entails:"* is substituted for the following:

"The Holder is herein authorised to implement the following that includes the listed activities as it relates to the transformation of land previously used for agriculture and the clearance of indigenous vegetation for the construction of the residential development and associated structures and infrastructure.

The specific details of the proposed development on the property comprises of the following:

- *82 x Housing units (5 different types);*
- *1 x Apartment block (54 flats);*
- *internal roads and driveways;*
- *parking areas;*
- *internal open space;*
- *communal recreation, clubhouse and guardhouse facilities; and*
- *associated civil services and electrical connections.*

The development must be implemented approximate to the Master Plan layout (Revision 26) developed by Robert Silke and Partners (dated 28 June 2024) submitted as Appendix B-3 of the Final Environmental Impact Report."

1.4 Section E: Condition 10 of the Environmental Authorisation is substituted for the following:

"10. The Environmental Management Programme ("EMPr") (Ref: GEO23/1176/19) dated 4 July 2024 submitted together with the Final Environmental Impact Report on 21 August 2024 is herewith approved.

10.1 The requirements for the avoidance, management, mitigation, monitoring, rehabilitation and reporting of the impacts of the activity on the environment, which have been identified in this Environmental Authorisation additional to those contained in the approved EMPr, must be implemented together with the EMPr;

10.2 The EMPr must be updated to incorporate all the conditions contained in this Environmental Authorisation and all those measures for the avoidance, management, mitigation, monitoring, rehabilitation and reporting as identified in this Environmental Authorisation additional to those contained in the approved EMPr;

10.3 The approved EMPr (including the additional measures for the avoidance, management, mitigation, monitoring and reporting identified in the Environmental Authorisation) must be included in all contract documentation for all phases of implementation.

1.5 Section E: Condition 20.2 of the Environmental Authorisation is substituted for the following:

"20.2 Except for the connection to the bulk sewer from the proposed development, no new buildings, structures (including any structures or infrastructure for stormwater management) or bulk engineering services infrastructure may be constructed / installed in the open space area, unless the necessary written authorisation has been obtained."

1.6 Section E of the Environmental Authorisation: The insertion of the following condition after Condition 20.2

"20.3 The proposed Sustainable Drainage Systems must be implemented in accordance with the Stormwater Control Plan (Drawing Number: 23-065-000; Rev. B) developed by Urban Engineering Consultants dated 6 December 2024. A copy of the Stormwater Control Plan has been attached as Annexure 2 of the environmental authorisation."

1.7 Annexure 2 of the Environmental Authorisation, depicting the layout developed by Robert Silke and Partners (dated 21 July 2023) Drawing number 202203 SKE 200 Rev 21 is replaced with the Stormwater Control Plan (Drawing Number: 23-065-000; Rev. B) developed by Urban Engineering Consultants dated 6 December 2024 and is titled:

"ANNEXURE 2: Stormwater Control Plan (Drawing Number: 23-065-000; Rev. B) developed by Urban Engineering Consultants dated 6 December 2024

A copy thereof is attached to this decision as Annexure 2.

B. CONDITIONS

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
 - 1.1 notify all registered interested and affected parties and those parties registered in the previous EIA process of–
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 1.2 draw the attention of all registered interested and affected parties registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) in section D below;
 - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The Holder of the environmental authorisation must provide the Competent Authority with proof of compliance with Condition 1 (above) within **thirty (30) calendar days** from the date of issue of this Addendum to the Environmental Authorisation.
3. The Holder of the environmental authorisation must submit an updated EMPr, which incorporates the conditions of the amended environmental authorisation, within **thirty (30) calendar days** from the date of issue of this Addendum to the Environmental Authorisation.
4. All other conditions contained in the Environmental Authorisation issued on 13 June 2023 remain unchanged and in force.

C. APPEALS

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;
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za; and
DEADPEIAAdmin.George@westerncape.gov.za
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
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Gavin.Benjamin@westerncape.gov.za; and
DEADPEIAAdmin.George@westerncape.gov.za

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 Appeal Administrator at 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: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
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 e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

D. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the 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

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: **03 FEBRUARY 2025**

FOR OFFICIAL USE ONLY:

EA REFERENCE NUMBER: 16/3/3/1/D2/26/0023/22
NEAS REFERENCE: WCP/EIA/0001158/2022
CASE OFFICER: Ms. Jessica Christie
DATE OF ISSUE: 13 June 2023

EA ADDENDUM #1 REFERENCE NUMBER: 16/3/3/5/D6/25/0010/23
NEAS REFERENCE: WCP/EIA/AMEND/0000773/2023
CASE OFFICER: Ms. Jessica Christie
DATE OF ISSUE: 10 November 2023

EA ADDENDUM #2 REFERENCE NUMBER: 16/3/3/5/D2/26/0010/24
NEAS REFERENCE: WCP/EIA/AMEND/0000863/2024
CASE OFFICER: Mr. Steve Kleinhans
DATE OF ISSUE: THIS AUTHORISATION

ANNEXURE 1: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 13 June 2024, the Final Environmental Impact Report (EIR) and supporting documents submitted on 21 August 2024;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Need and Desirability;
- 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 (I&APs) and responses to these, included in the EIR received by this Department on 21 August 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measures;
- f) All relevant information that was made available in the report to understand the environmental and spatial context.

All information presented to the Competent Authority was taken into account in the consideration of the application for the amendment of the 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

A public participation process was undertaken according to a Public Participation Plan that was approved by this Department and the plan has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The following public participation actions were performed:

- Commenting period on Draft amendment report from 4 July to 5 August 2024;
- Fixing a site notice at the site on 4 July 2024;
- Newspaper advert in the George Herald on 4 July 2024;
- Informing registered and potential I&APs of the availability of the draft amendment report on 4 July 2024 and a reminder on 31 July 2024.

2. Key Factors Affecting the Decision

- *Transfer of the rights and obligations of the environmental authorisation*
According to the applicant, the previous holder of the Environmental Authorisation, *Cederdale Investments (Pty) Ltd*, sold the subject property along with its development rights to *Signature Homes (Pty) Ltd*. Supporting documentation in this regard was provided by the applicant.
- *Need and desirability of the proposed changes*
According to the applicant, changes to the site layout plan can be broken down in three areas, namely:
 - the reduction in apartment blocks from two to one which reduces the number of apartments from 95 to 54;
 - change to the proposed clubhouse from two-storey to one-storey and the reconfiguration of pool; and
 - the swapping of two-storey "type B" duplex houses with one-storey "type A" simplexes.

These changes were necessitated as the George Municipality in the approval of the Site Development Plan ("SDP"), required the lowering of the height of the second block of apartments, which would have made the block undesirable and less marketable. This feasibility of the second block of apartments were therefore questioned. Furthermore, market demand showed that prospective buyers were more interested in individual houses than apartment. The proposed development was therefore redesigned to put more emphasis on houses than apartments.

Further to the above, market demand showed more interest in simplexes than duplexes. The number of duplexes were therefore reduced, and more simplexes are provided for in the SDP. Due to the reduction in the number of residential opportunities as a result of the proposed changes, the clubhouse was reduced from two-storeys to one-storey.

According to the applicant, the changes do not affect their ability to provide purchasing opportunities to the market as the apartment with the most affordable pricing was retained and no typology for apartment or house was completely eliminated.

■ *Visual aspects*

A description of the changes in respect of the visual impact associated with the proposed changes was provided by the applicant. In this regard, the Block 2 multi-storey (four storey and basement) were omitted from the western edge of the site. The height of the proposed clubhouse was also reduced from two-storey to one-storey. According to the applicant the omission of the apartment building and the inclusion of additional smaller housing units has resulted in lower visual impacts from certain vantage points. Furthermore, a graduated densification approach was adopted whereby single-residential units are placed along the perimeter of the site adjacent to the neighbouring residential development, double-storey units are placed towards the central part of the site and the remaining apartment block on the lowest developable part of the site to reduce the visual intrusion of this taller structure.

In light of the above, the decision-maker is satisfied that the applicant has adequately considered and addressed the changes in respect of the visual impact as a result of the changes to the site layout plan.

■ *Stormwater management*

Concern was raised with regard to the impact on stormwater management as a result of the proposed changes. The changes include one of the internal roads (Nature Boulevard) running along the edge of the bush and the relocation of the proposed clubhouse. According to the applicant, the stormwater from the site will be accommodated within the swales and infiltration structures.

Applicant confirmed that there is no change to the proposed Sustainable Drainage System ("SuDS") as originally proposed and that there are no stormwater outlet structures linked to Nature Boulevard associated with the change or design. However, it was confirmed that the proposed SUDS would be developed beyond the "edge of bush line". With due consideration of Condition 20.2 of the environmental authorisation, the applicant was informed that no new buildings, structures (including the SuDS) or bulk engineering services are allowed beyond the "edge of bush" line. The applicant therefore addressed the issue by moving the proposed SuDS to the development side of the "edge of bush" line. The Stormwater Control Plan was updated to address these changes.

It has been indicated that the sewage infrastructure will be required beyond the "edge of bush" line as the existing municipal bulk sewer pipeline is located along the Malgas River, beyond the "edge of bush" line. This will necessitate construction activities within the open space area

between the "edge of bush" line / development setback line and the Malgas River. However, the competent authority is satisfied that the implementation and adherence to the relevant impact management and rehabilitation measures identified in the EMPr will adequately minimise the impact on the open space area beyond the "edge of bush" line.

In light of the above, the decision-maker is satisfied that the proposed changes to the development and the proposed stormwater control measures will not result in significant negative impacts on the environment.

■ *Environmental Management Programme*

The Environmental Management Programme ("EMPr") adequately addresses the requirements of Section E: Condition 10 of the Environmental Authorisation. However, the EMPr requires minor updates to address the issues identified during the amendment application process and the conditions specified in this Addendum to the Environmental Authorisation.

3. National Environmental Management Act Principles

The National Environmental Management 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;
- sensitive, vulnerable, highly dynamic or stressed ecosystems to receive specific attention in the management and planning procedures;
- the prevention of the disturbance of ecosystems and loss of biological diversity, or, where this cannot be altogether avoided, that the disturbance or losses are minimised and remedied;
- that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
- 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 social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment; and
- the selection of the best practicable environmental option.

4. Conclusion

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts associated with the proposed changes to the Environmental Authorisation and EMPr are detailed in the Final Impact Report (FIR) and supporting documents submitted on 21 August 2024.
- (b) The procedure followed for the impact reporting is adequate for the decision-making process.

Due consideration is also given to the person's duty of care described in Section 28 of NEMA:

"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment".

In view of the above, the NEMA principles, compliance with the conditions stipulated in the Environmental Authorisation (as amended), and compliance with an approved 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- **END** -----

