

Verval of 25 November 2010

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#740 P.001/018



DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING

Provincial Government of the Western Cape

Directorate:
Land Management Region 1
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REFERENCE: EG12/2/4/1-D2/11-0010/11
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2011 -11- 25

The Board of Trustees
Adonai Shammah Trust
P.O Box 9125
GEORGE
6530

For attention: Mr. Q. Hougaard

Tel: (044) 873 0888
Fax: (044) 874 0999

Dear Sir

APPLICATION: THE ESTABLISHMENT OF RESIDENTIAL UNITS, PORTION 3 OF THE FARM
KRAAIBOSCH 195, GEORGE

With reference to your application, find below the environmental authorisation, (hereinafter referred to as "the environmental authorisation") in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed activity entails the transformation of Portion 3 of the Farm Kraaibosch 195 from Agricultural use to Residential use with associated infrastructure and the establishment of Public Open Space. The proposal entails the establishment of a maximum of 378 residential units comprising of a Residential I component and Group Housing nodes in appropriate density, as well as Public Open Space.

The following activities are identified in Government Notice No. R543 of 18 June 2010:

Activity Number 11 (vi): *"The construction of bulk storm water outlet structures, where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line".*

Activity Number: 22 *The construction of a road, outside urban areas,*
(i) *with a reserve wider than 13,5 meters or,*
(ii) *where no reserve exists where the road is wider than 8 metres, or for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.*

Activity Number: 23 (ii) "The transformation of undeveloped, vacant or derelict land to residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -

except where such transformation takes place for-

- (i) linear activities;
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies"

The following activities are identified in Government Notice No. R546 of 18 June 2010:

Activity Number: 4(a)(ii)(gg) "The construction of a road wider than 4 metres with a reserve less than 13,5 metres, in the Western Cape, outside urban areas, in 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 areas of a biosphere reserve";

Activity Number: 16(iv)(d)(ii)(hh) "The construction of infrastructure covering 10 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, in the Western Cape, Outside urban areas, in 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."

hereinafter referred to as "the activity"

B. LOCATION:

The property of 33ha is located approximately 4km east of the centre of George along Glenwood Avenue and approximately 1km north-east of the new Kraalbosch Residential Estate. The northern boundary of the property, known as Portion 3 of Kraalbosch 195, is the existing Saasveld Road. The extent of the whole property is 33 ha.

Co-ordinates:

Longitude (E): 22° 31' 10" Latitude (S): 33° 58' 20"

hereinafter referred to as "the property"

C. APPLICANT / HOLDER OF THE ENVIRONMENTAL AUTHORISATION:

The Board of Trustees
Adonai Shammah Trust
c/o Mr. Q. Hougaard
P.O Box 9125
GEORGE
6530

Tel: (044) 873 0888
Fax: (044) 874 0999

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Andrew West Environmental Consultancy
c/o Andrew West
P.O Box 9187
GEORGE
6530

Tel: (044) 873 0228
Fax: (086) 658 0998

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Directorate: Land Management (Region 1)*

E. SITE VISIT(S):

Date: 15 November 2011

Attended by: Mr Malcolm Lamour from the Directorate: Land Management (Region 1).

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation that the applicant should be authorised to undertake the activities specified above, but excluding the activity (transformation to residential use) on the portion of Erf 131 which falls below the 184 metre contour line as indicated on the layout plan prepared by W.M De Kock Associates (dated July 2010) submitted as an addendum to the Final Basic Assessment Report ("BAR"), dated September. The excluded section must form part of the public open space area of the proposed development.

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 the Department refuses authorisation for the activity (transformation to residential use) on the portion of Erf 131 which falls below the 184 metre contour line, as indicated on the layout plan prepared by W.M De Kock Associates (dated July 2010) submitted as an addendum to the Final Basic Assessment Report ("BAR"), dated September. The excluded section must form part of the public open space area of the proposed development.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after having received 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 will be suspended until such time as the appeal is decided.
2. The applicant, must, in writing, within 20 days of the issue of this authorisation, confirm acceptance of the conditions of this authorisation, failing which the Environmental Authorisation may be suspended until such time as these conditions of authorisation are accepted.
3. This Environmental Authorisation is for Alternative three (3) which entails the transformation of Portion 3 of the Farm Kraaibosch 195 from Agricultural use to Residential use with associated infrastructure and Public Open Space. The project will be undertaken as follows:
 - 3.1. a maximum of 378 residential erven comprising of Residential I erven and Group Housing erven, in appropriate density, may be established;
 - 3.2. the development will be directly linked to municipal bulk services and will include the construction of associated infrastructure including an internal

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- road network, storm water outlet structures, and reticulation infrastructure for water, sewerage, storm water and electricity;
- 3.3. the following restrictions shall apply to the proposed development. The layout plan prepared by W.M De Kock Associates, (dated July 2010) submitted as an addendum to the Final Basic Assessment Report ("BAR"), dated September 2010 compiled by Mr. A West of Andrew West Environmental Consultancy serves as reference:
- 3.3.1. the portion of Erf 131 which falls below the 184 metre contour line is excluded for residential use and must form part of the public open space area;
- 3.3.2. the development footprint shall be defined by the delineated open space/public open space areas on said layout plan, including the portion of Erf 131 which falls below the 184 metre contour line.
- 3.3.3. buildings and structures on Erven 88, 89, 92, 94 and 95 must be restricted to an overall maximum of 8 metres above natural ground level;
4. Seven (7) calendar days notice, in writing, must be given to the Directorate: Land Management (Region 1), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
- 4.1. Such notice shall make clear reference to the property location details and reference number given above.
- 4.2. The said notice must also include proof of compliance with the following conditions described herein:
- Conditions: 1, 2, 7, 9 and 11
5. Any solid waste shall be disposed of at a landfill licensed in terms of the relevant legislation.
6. The mitigation and rehabilitation measures as detailed in the Basic Assessment Report dated September 2011 prepared by Mr. Andrew West must be adopted and implemented. In addition hereto the following mitigation measures must specifically be incorporated into the operational phase –
- 6.1. Resource conservation measures ("RCM") must be provided for in the design or layout of all the residential units, and must include *inter alia*
- 6.1.1. the collection of rainwater from the roofs and storage thereof in tanks to use for outdoor requirements or other appropriate use;
- 6.1.2. water saving devices and technologies, *inter alia* the use of low-flow showerheads and double flush toilets; and
- 6.1.3. electricity saving devices and technologies, *inter alia* the use of solar hot water systems and the use of low voltage or compact fluorescent lighting
- 6.2. The mitigation measures proposed in the Heritage Impact Assessment Report ("HIA") (dated January 2011) by Mr Stephan de Kock of Perception, *inter alia*–
- 6.2.1. a comprehensive architectural design manual, including details in relation to exterior lighting to be used as well as measures to be implemented on reducing of the overall nocturnal footprint of the proposed development; and
- 6.2.2. a comprehensive landscaping plan for the proposed development; , taking cognisance of the design informants identified as part of the HIA,

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be compiled and submitted for approval to the relevant authorities prior to the commencement of the development;

7. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation must be amended. The contents of such an EMP must -
 - 7.1. be approved by the Department before the commencement of any construction activities;
 - 7.2. be submitted to the Directorate for consideration at least 30 calendar days prior to construction activities commencing
 - 7.3. 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;
 - 7.4. incorporate the conditions of authorisation given in this Environmental Authorisation, the following must be specifically addressed, *inter alia* -
 - 7.4.1. the layout plan for Alternative 3 which was submitted as part of the application for environmental authorisation must be amended to reflect the restrictions of the Environmental Authorisation, specifically condition 3.3 and any changes as a result of said restrictions. The amended layout plan must include appropriate information to such layout plan (i.e. cartographic information, scale, date, specific reference number, etc.).
 - 7.4.2. the manner in which the holder of the environmental authorisation will ensure condition 3.3.3 is complied with;
 - 7.4.3. the mitigation and rehabilitation measures as detailed in the Basic Assessment Report dated September 2011 prepared by Mr. Andrew West must be adopted and implemented
 - 7.4.4. the mitigation measures proposed in the Heritage Impact Assessment Report ("HIA") (dated January 2011) by Mr Stephan de Kock of Perception;
- 7.5. describe the resource conservation measures ("RCM") which will be provided for in the design or layout of all the residential units and form part of the sales agreements. The RCM must include *inter alia*:
 - 7.5.1. the collection of rainwater from the roofs and storage thereof in tanks to use for outdoor requirements or other appropriate use;
 - 7.5.2. water saving devices and technologies, *inter alia* the use of low-flow showerheads and double flush toilets; and
 - 7.5.3. electricity saving devices and technologies, *inter alia* the use of solar hot water systems and the use of low voltage or compact fluorescent lighting;
- 7.6. describe an integrated waste management approach that must be used that is based on waste minimisation and will incorporate reduction, recycling, re-use and disposal where appropriate;

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- 7.7. address, but not be limited to, the demarcation of the development site, the erection of camp site for construction teams, establishments of working and storage areas, environmental awareness training of employees, protection of flora, fauna, natural features and any archaeological material of significance that may be discovered, cultural issues (e.g. protection of archaeological artefacts), landscaping and revegetation of indigenous plants and trees erosion prevention methods, refuse and waste management, dust and noise control, effluent and storm water management, materials used, the handling, storage and transport of fertilizers or other hazardous materials, site rehabilitation and/or revegetation, fencing, fire prevention measures, the complete removal of all alien invasive plants and fire prevention measures, pollution control measures, monitoring and reporting, penalties, claims and damages.
- 7.8. detail any applicable requirement or restriction relating to the conditions of approval / EMP for the construction of the "Road Network for the Greater Kraaibosch Area" (departmental reference EG12/2/1-AG3/5541) and how this will be addressed (i.e. phasing; agreements with the George Municipality or other developers; etc.).
Note: said approval was issued to the George Municipality on 11 March 2009.
- 7.9. be included in all contract documentation for the construction phase of the development;
- 7.10. describe the level and type of competency required of the Environmental Control Officer, ("ECO");
- 7.11. define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable; and
- 7.12. determine the frequency of site visits.

(Note: The frequency of updating the EMP requirements, and, the manner in which and frequency when the EMP should be amended or updated may also be prescribed if needed.)

8. 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 and those amendments may only be implemented once they have been authorised by the competent authority.
9. The holder of the authorisation must appoint a suitably experienced Environment Control Officer ("ECO") (or Site Agent where appropriate) for the construction phase of the development before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMP and this authorisation.
10. The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate annually from the date of commencement of construction activities and continue herewith until one year after completion of construction activities.

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- 10.1. The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorization and the status of the rehabilitation programme.
 - 10.2. This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 10.3. If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
 - 10.4. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 10.5. If any archaeological remains (including but not limited to fossil bones and fossil shells, 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, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 10.6. If any graves or unmarked human burials are discovered, they must be treated with respect and the South African Heritage Resources Agency ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
11. The applicant must in writing, within **12 (twelve)** calendar days of the date of the decision on the application –
- 11.1. **Publish a notice in the newspaper which was used for the placing of advertisements (In this Case the George Herald) as part of the public participation process. The notice in the newspaper must:**
 - 11.1.1. inform interested and affected parties of the decision;
 - 11.1.2. inform interested and affected parties where the decision can be accessed; and
 - 11.1.3. draw 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;
 - 11.2. **Notify all registered interested and affected parties of –**
 - 11.2.1. the outcome of the application;
 - 11.2.2. the reasons for the decision; and
 - 11.2.3. the date of the decision;

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- 11.3. Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the Regulations.
- 11.4. Inform all registered interested and affected parties of the manner in which they can access the decision;
- 11.5. Advise all registered interested and affected parties that, should they wish to appeal, they must lodge a notice of intention to appeal with the Minister within 20 (twenty) days of date of the Department's decision and must submit their appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.
- 11.6. Inform all registered interested and affected parties that the prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office at -
 - telephone number (021) 483 3721;
 - email Jaap.DeVilliers@pgwc.gov.za; or
 - URL: <http://www.westerncape.gov.za>
- 11.7. Inform all registered interested and affected parties that should they wish to appeal, the appellant must serve on the applicant, within 10 (ten) days of having submitted the notice of intent to appeal with the Minister, a copy of the Notice of Intention to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 11.8. If the applicant should decide to appeal the decision, the applicant must –
 - 11.8.1. lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision.
 - 11.8.2. submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.
 - 11.8.3. within 10 (ten) 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, with –
 - 11.8.3.1. a copy of the Notice of Intention to appeal form;
 - 11.8.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person or organ of State, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister. A person, organ of state or applicant who submits a responding statement in terms of regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.
12. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.

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13. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department 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 of the authorisation to apply for further authorisation in terms of the regulations.
14. The holder of the Environmental Authorisation must submit an Application for Amendment of the Decision and associated document to the competent authority where any detail with respect to the Decision and associated document must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this Decision and associated document are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder of the rights may undertake the activity authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 14.1. The holder of the rights must submit an originally signed and dated Application for Amendment of the Decision and associated document to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the decision and associated document is still in force (i.e. that the validity period has not yet expired or the activity lawfully commenced with); (b) the contact details of the person to whom the rights and obligations are to be transferred; (c) the reasons for the transfer; (d) an originally signed letter from the person to whom the rights and obligations are to be transferred accepting the rights and obligations contained in the decision and associated document and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 14.2. The competent authority will issue an Amendment to the new holder either by way of a new Decision and associated document or an addendum to the existing Decision and associated document if the transfer is found to be appropriate.
15. The holder of the authorisation must notify this Department and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
16. A copy of this authorisation must be kept at the property where the activities will be undertaken during construction. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
17. Non-compliance with a condition of this authorisation may result in the suspension of the authorisation and may render the holder liable for criminal prosecution.

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18. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation, at all reasonable times.
19. The activities which are authorised may only be carried out at the property indicated above.
20. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activities.
21. The activity must commence within a period of **five (5) years** from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken, unless the holder of this environmental authorisation has lodged a valid application for the amendment of the duration of expiry of this authorization before the expiry of this authorisation, in which case, the validity of this environmental authorisation is automatically extended from the day before this environmental authorisation would otherwise have expired until the amendment application for extension is decided ("the period of automatic extension"). The activities including site preparation may not commence during the period of automatic extension.

H. REASONS FOR THE DECISION:

All the following information that was available to the Department was taken into account in the Department's consideration of the application -

- a) The information contained in the basic assessment report (dated September 2011) submitted by Mr. A. West of Andrew West Consultancy;
- b) The comments received from interested and affected parties as included in the afore-mentioned basic assessment;
- c) Relevant information contained in the Departmental information base; and
- d) 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).

A summary of the issues which, in the Department's view, were of the most significance is set out below.

Principles for sustainable development:

The NEMA principles contained in Chapter 1, Section 2 of the NEMA state that environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably and that development must be socially, environmentally and economically sustainable which required the consideration of the NEMA principles, including the following:

- (a) That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;

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- (b) that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and
- (c) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.

Furthermore, environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option and accordingly the application is only approved in part with the exclusion of a portion of a residential erf which forms part of an environmental support area with indigenous vegetation, and to avoid the potential visual impact on this portion as a result of the development of a group housing component on a portion of land between the 1:4 and 1:5 slope (i.e. erf 131 as indicated in Alternative 3 layout plan prepared by W.M De Kock Associates, dated July 2010). The current approved proposal will still provide much needed employment opportunities for the local community and bring about socio-economic upliftment.

Environment:

Vegetation

The botanical report submitted with the BAR has stated that "virtually all the vegetation on the property has been completely transformed to establish pastures for intensive agricultural purposes. The majority of the area consists of alien grass species such as Kikuyu (*Pennisetum clandestinum*) and Paspalum (*Paspalum dilatatum*). The steep north facing slopes contain indigenous species typical of Wolwedans Grassy Fynbos, but this vegetation has been transformed through infestation by alien species and impacts of grazing by domestic stock. This vegetation has been subjected to the impacts of the alien vegetation and grazing over so many years that it lost most of its biodiversity. No rare or threatened plant species occur on this property or are expected to be found here, even when all the alien vegetation has been cleared".

Comment received from CapeNature highlighted that the vegetation units occurring at the property are mostly Endangered Garden Route Shale Fynbos in the north, and Endangered Garden Route Granite Fynbos in the south. Furthermore, the vegetation variants at the property are identified as mostly Critically Endangered Wolwedans Grassy Fynbos and Endangered Groot Brak River and Floodplain (flanking the Watercourse). In addition elements of Forest occur within the Groot Brak River and Floodplain ravine area, and are protected in terms of the National Forest Act, 1998 (Act No. 84 of 1998), as amended.

Both the botanical specialist and CapeNature make reference to the critical biodiversity area ("CBA") to the north of the Saasveld Road, however, the specialist report has not referred to the ecological support area ("ESA") identified on the remainder of the property to the south of the Saasveld Road. The botanical report states, "the middle of the property consists of a ravine with steep slopes that will remain undeveloped and serve as a type of ecological corridor and serve as a natural drainage system". The portion of the ESA which lies on the north-eastern part of the

CapeNature do state that the level of transformation ascribed to the property in terms of their database, falls mostly in the category "farm" due to historical and current agricultural practices, with the ravine / kloof area untransformed but with "heavy alien

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degradation", however, CapeNature have emphasised that these CBA's and ESA's (sensitive areas) were selected to maintain the CBA network, on the basis of being: important supporting areas for maintaining hydrological processes. Intact CBA's and ESA's are required to prevent further degradation of the landscape, and ecosystem functioning and services by maintaining ecological and hydrological corridor linkages. The desired management objective for both aquatic and terrestrial CBA's and ESA's is that: the land is to be maintained in a natural state (i.e. existing natural vegetation must be maintained); degraded land is to be rehabilitated to a natural or near-natural state; and land in its entirety is to be managed for no further degradation, as well as connect with other CBA's in the conservation network. The prevention of "pollution" of the aquatic CBA / ESA from activities that increase storm water runoff and erosion is critical.

Biophysical

The topography of the property is such that development can take place on slopes that are less steep than 1:4 and be kept away from the open valley areas in the middle of the property with steeper slopes. To achieve the latter the 1:5 slope was determined and served as reference for an appropriate setback of the development footprint from the 1:4 slope. Where service lines must be laid and constructed on the periphery of the residential component, there will be minimal impact which can be mitigated for. CapeNature also recommended that development between the 1:4 and 1:5 gradient be avoided or at least be limited.

Heritage & Visual

The Heritage Impact Assessment report, compiled by Perception (Heritage Planning) concluded that the development as detailed in the report could be approved and made various recommendations regarding the built and natural environment to avoid or minimise possible impacts. The report pointed out that the topography is such that the possible visual impact of a development of this nature can be minimised. The report did however highlight concerns regarding building along the northern edges of the property, however, stated that such building are unlikely to have a visual impact if restrictions such as development setback lines and building height restrictions were imposed. The report however did not provide confidence levels of these findings.

Need and Desirability:

George is in urgent need of expansion and it has been agreed that activities proposed to the north eastern Kraaibosch area are acceptable. Portion 3 of Kraaibosch 195 is an unique site and every effort is being made by the developers to comply to the guidelines for Kraaibosch as a whole, but also to design the property in a way to preserve the uniqueness in the built environment as well, in order for the future residents to appreciate the uniqueness and preserve it in a sustainable manner. In this way the need for development in the area is addressed yet at the same time the sense of place (of the area) would not be jeopardized by the development itself.

The Provincial Spatial Development Framework (PSDF) was recently approved and the draft document, inter alia, contains a number of broad policy guidelines for township development which include:

- Urban development must be within the urban edge;
- Densification of towns is necessary;
- Social integration should be applied;

The Kraaibosch area is situated within the urban edge of the George SDF, however, the property does not fall within the built-up area. Densification and social integration are

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key and the proposed development on portion 3 of Kraaibosch adheres to the principles for guidelines on township development .

Socio-economic:

It is estimated that the development would contribute R20 million/annum to the economy, as well as a contribution to service infrastructure. It also estimated that the proposed development will create (approximately) 1000 employment opportunities (during its construction phase) and 1,500 permanent employment opportunities of which 85% will be accrued to previously disadvantaged individuals. It is therefore apparent that the proposed development may well contribute to enhancing economic as well as social well-being.

Policy: Regional/planning context:

Based on the nature and location of the proposed development, although not in the built-up area, it is clear that it is in line with the PSDF which was recently approved as the proposed development:

- Is planned to be within the urban edge
- Is geared at densification of towns; and
- Contributes to social integration.

The proposed development was also informed by the Kraaibosch/Glenwood Local Structure Plan (KG LSP), 2008 which is a more site specific plan to guide development of Kraaibosch and Glenwood. The proposed development is therefore in-line with local as well as regional planning policies.

The main access route to the proposed development forms part of the "Road Network for the Greater Kraaibosch Area", of which an environmental authorisation for the construction was approved by this Department in March 2009 (departmental reference EG12/2/1-AG3/5541). The applicant must take cognisance of this environmental authorisation in the execution of the proposed activity (i.e. agreements with the George Municipality or other developers regarding construction of the relevant portions of road).

Alternatives:

Three alternatives were considered as part of the development and are discussed below.

Alternative 1: No-go -option:

No-go option where the property is left as is with a single residential dwelling, poor/disturbed agricultural soils and no further expansion in terms of socio-economic needs.

Alternative 2: Layout option 1

The proposal consists of the development of 256 residential units on stands varying from 410 to 1352m² in size. The individual dwellings will be on average 300m² each. The steeper slopes and other areas between the planned units will serve as open space in the development.

Alternative 3: Layout option 2

The proposal is for the establishment of 124 Residential I units and a Group Housing component of 254 units in appropriate density. This alternative proposes that the Open Space will comprise of 11,3ha of the total area.

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Layout option 2 (referred to as "Alternative 3" in the BAR) proved to be the preferred alternative as it was informed by iterative planning processes and also makes provisions for group housing whilst limiting the impacts on sensitive environmental areas.

Public Participation:

The public participation process entailed:

- The placing of a legal advertisement in the George Herald (29 September 2005 & 6 October 2006);
- Conducting an information sharing meeting at the George Riding Club (8 December 2005);
- Based on the public participation which was conducted in terms of the application submitted in terms of the EIA Regulations promulgated under the Environmental Conservation Act, 1989, an application for deviation from giving written notice to any other party as required by the competent authority and placing an advertisement in one local newspaper, was granted;
- Sending a registered letter to neighbouring owners (03 March 2006); and
- Making the Final Bar available to interested and affected parties (23 September 2011).

Although deviation was granted from re-advertising in a local newspaper (i.e. George Herald), due to the nature of the proposed development and timeframe, the applicant will be required to comply with Regulation 10(2)(d) of Environmental Impact Assessment Regulations, 2010.

The major concerns that were raised during the public participation process were:

- Concerns on the impacts of the sensitive areas on the property;
- The visual impact that such a development would have on the surrounding area, especially along the western boundary of the property; and
- Disturbance to the sense of place in the area.

It was however confirmed during the assessment process that the layout of the proposed development would be limited to grassland areas which was previously disturbed. The northern boundary of the property which was identified as Critically Endangered and which is still intact would therefore also be avoided. Thus, the negative impact on the biophysical environment would be minimised. An ecological corridor was also allowed as part of the layout of the proposal.

Due to the nature of the proposed development, a visual impact is inevitable, however the developer already commenced with the planting of trees on the western boundary of the property so as to limit the visual impact. The proposed development is also situated within an area which is earmarked for urban development.

It has been recommended that the design and architecture of the proposed buildings should be of such nature so as to blend in with the surrounding environment, thereby limiting impacts on the sense of place.

Recommendations

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107

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of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

I. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the Regulations.

If the applicant should decide to appeal, the applicant must, *in terms of*, regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision, and must within 10 (ten) days of having submitted the notice contemplated in regulation 60(1), provide each person and organ of State registered as an interested and affected party in respect of the application with a copy of the Notice of Intention to Appeal; a notice indicating where and for what period the appeal submission will be made available for inspection by such person or organ of State on the day of lodging it with the Minister, and indicate that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

A person, organ of state or applicant who submits a responding statement in terms of regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.

If the applicant should decide to appeal, the applicant must submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.

Should any other person, or an interested and affected party, decide to appeal, they must, *in terms of*, regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1).

The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in regulation 60(1), with a copy of the notice referred to in regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

The prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721, email jaap.devilliers@pgwc.gov.za or via the URL <http://www.westerncape.gov.za>.

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

*Department of Environmental Affairs & Development Planning
Directorate: Land Management (Region 1)*

CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Jaap de Villiers
Room 305 A
3rd floor Leeusig Building (entrance from Utilitas Building)
1 Dorp Street
CAPE TOWN
8001

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



AYUB MOHAMED
DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 26/11/2011

Copied to: Mr. A. West (Andrew West Environmental)
Mr. S. Corstens (George Municipality)
DEA&DP (George office)

Fax: 086 658 0998
Fax: 044 801 9196
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