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Ref: EC08/C/LN1&3/M/07-2024



Wamabla (Pty) Ltd
PO Box 74
Magaliessig
2067

Attention: Warwick Blamey

E-mail: warwick@foxvestgroup.com

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 AS AMENDED TO UNDERTAKE LISTED ACTIVITIES AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS AMENDED: PROPOSED RESIDENTIAL DEVELOPMENT ON ERVEN 3279 AND 3280, HUMANSDORP, WITHIN THE KOUGA LOCAL MUNICIPALITY, EASTERN CAPE

1. With reference to the above-mentioned application (Reference number **EC08/C/LN1&3/M/07-2024**), please be advised that the Department has decided to grant authorisation as set out in the attached Environmental Authorisation. The Authorisation Notice and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of this letter, of the Department's decision in respect of your application.
3. The written notification referred to above must -
 - 3.1. Specify the date on which the Environmental Authorisation was issued;
 - 3.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 as amended in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 3.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
4. In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 2 and 3 of the decision.
5. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal

Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 2 and 3 of the decision.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

6. An Appeal Submission must be made on a form obtainable from the Departmental Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
7. The Appellant must also serve a copy of the appeal to the regional office that processed the application.
8. The address to which the **originals** of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administrator: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

9. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
SARAH BAARTMAN/NMB REGION

DATE: 08 August 2024

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial: ECP/EIA/0001524/2024 NEAS: EC08/C/LN1&3/M/07-2024
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Wamabla (Pty) Ltd
LOCATION OF ACTIVITY	Erven 3279 and 3280 immediately adjacent and abutting Kort Street to the south in Humansdorp within the Kouga Municipality.

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

“Audit” - as used in the context of this Environmental Authorisation refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements/stipulations of a Construction and/or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.

“CEMPr” – Construction Environmental Management Programme.

“Commencement” – Any physical activity on site that can be viewed as associated with development on Erven 3279 and 3280 inclusive of any site preparation as described in Section 2 of this Environmental Authorisation.

“EAP” – refers to the appointed Environmental Assessment Practitioner represented by Mr. Roberto Almanza from Habitat Link Consulting (Pty) Ltd.

“ECBCP” – Eastern Cape Biodiversity Conservation Plan 2019.

“ECO” – Environmental Control Officer.

“EIA regulations” – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

“EMPr” – refers to the Environmental Management Programme titled “Proposed Residential Development On Erven 3279 And 3280, Humansdorp, within the Kouga Local Municipality, Eastern Cape Environmental Management Programme) as attached to the FBAR as Appendix F” and dated April 2024.

“Innovation for Sustainable Development”

"FBAR" - Final Basic Assessment Report titled "Proposed Residential Development on Erven 3279 And 3280, Humansdorp, within The Kouga Local Municipality, Eastern Cape Final Basic Assessment Report" dated April 2024 as prepared by Habitat Link (Pty) Ltd.

"OEMPr" – Operational Environmental Management Programme.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

1. Decision

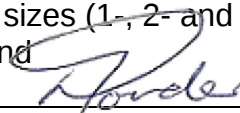
The Department is satisfied, based on information available to it, and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4 of this Environmental Authorisation.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998, and the Environmental Impact Assessment Regulations, 2014 as amended the Department hereby authorises **Wamabla (Pty) Ltd** to be the legal or natural person who has applied for this authorisation, with the following contact details:

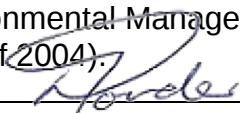
Name	Wamabla (Pty) Ltd		
Address	PO Box 74, Magaliessig, 2067		
Contact Person	Mr Warwick Blamey		
Cell	072 153 8838	E-mail	warwick@foxvestgroup.com

To undertake the following activities (hereafter referred to as "the activity"), in terms of the scheduled activities listed in the table below:

Detailed description of activity
The proposed project entails the development of two residential housing complexes on Erf 3279 and Erf 3280 in Humansdorp respectively which will entail a total of 194 residential units with a development footprint of approximately 3.3ha. Development on Erf 3279 will include: • A refuse area ($\pm 17 \text{ m}^2$); • Guard house ($\pm 25 \text{ m}^2$); • 66 units of varying sizes (2- and 3-bedroom apartments); • 149 parking bays; and • Internal roads. The proposed development on Erf 3280 will include: • A refuse area ($\pm 17 \text{ m}^2$); • Guardhouse ($\pm 32 \text{ m}^2$); • 128 units of varying sizes (1-, 2- and 3-bedroom apartments); • 287 parking bays; and • Internal roads. 

The residential erven will be serviced by municipal water and sewerage infrastructure i.e. connect to the existing municipal bulk services. Access to both residential estates will be gained from Kort Street. The development will furthermore incorporate two storm water attenuation ponds, one on each of the two properties. A substantial portion of each erf will furthermore remain undeveloped and will be demarcated as Open Space. This includes the drainage line that traverse both properties in the south inclusive of the 1:100 flood line and a 10m buffer around the 1:100 floodline.

Listed Activities in terms of the amended NEMA EIA Regulations 2014 as contained in the amended application form:

GNR. 327 Listing Notice 1: Activity 12	The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.
GNR. 327 Listing Notice 1: Activity 19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.
GNR. 327 Listing Notice 1: Activity 27	The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.
GNR. 327 Listing Notice 1: Activity 28:	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.
GNR. 327 Listing Notice 1: Activity 30:	Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). 

GNR. 324 Listing Notice 3: Activity 4:	The development of a road wider than 4 metres with a reserve less than 13,5 metres. a. Eastern Cape i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.
GNR. 324 Listing Notice 3: Activity 12:	The clearance of an area of 300 square meters or more of indigenous vegetation except where such clearance of vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. a. Eastern Cape: i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA.
GNR. 324 Listing Notice 3: Activity 14:	The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs— (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse. a. Eastern Cape: i. Outside urban areas: (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Sarah Baartmaan					
Municipal Area	Kouga Local Municipality					
Farm Name	N/A					
Farm Number and Portion	N/A					
Erf Number and Township Extension or Suburb	Erven 3279 and 3280, Humansdorp					
Co-ordinates of the corner points of the study area i.e. erven 3279 and 3280.	Latitude (S) (DDMMSS)			Longitude (E) (DDMMSS)		
	34	2	3.52	24	45	49.97

	34	2	5.49	24	45	58.39
	34	2	9.00	24	45	57.19
	34	2	9.51	24	45	51.83
	34	2	8.44	24	45	48.41
Physical address	Erven 3297 and 3280 – Kort Street, Humansdorp.					

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

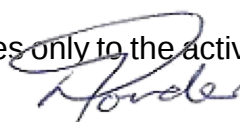
The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

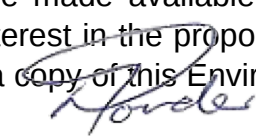
3. Duration of authorisation

- 3.1.1. The development of the housing infrastructure as described in Section 2 of this Environmental Authorisation must commence within a period of 24 months from the date of issue of this Authorisation. If commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.2. An application for the amendment of the Environmental Authorisation to extend the validity thereof may be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.3. On receipt of any such application for extension, the Department reserves the right to request such information as it may deem necessary to consider the application for extension which may include but not limited to:
 - 3.1.3.1. An updated CEMP; and
 - 3.1.3.2. Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.4. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions and declarations

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.



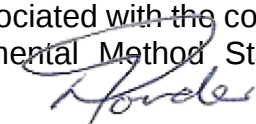
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity. In this regard specific mention must be made of:
- 3.2.3.1. The National Water Act, Act No 36 of 1998 in as far as it relates to any water use licences that may be required for the various stream crossings and infrastructure within a watercourse;
 - 3.2.3.2. The Spatial Planning and Land Use Management Act (No. 16 of 2013);
 - 3.2.3.3. The National Environmental Management: Biodiversity Act, Act 10 of 2004; and
 - 3.2.3.4. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974.
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or suspend this authorisation, in the event that such impacts exceed its significance as predicted in the EAP's FBAR and supporting documentation provided by the EAP in relation to this application.
- 3.2.8. This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation. Should the applicant wish to amend any component or aspect of the project hereby authorized, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA Regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.
- 3.2.9. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer is to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.
- 3.2.10. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation
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is given to any such interested and affected party within 7 (seven) days of receiving this Environmental Authorisation.

- 3.2.11. This Environmental Authorisation or a certified copy thereof must be kept at the property where the activity will be undertaken. 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 site.
- 3.2.12. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.2.14. **Wamabla (Pty) Ltd** will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.

3.3. Project-specific Conditions

- 3.3.1. Fourteen days' written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation and site camp establishment. The notice must include a date on which it is anticipated that the activity will commence.
- 3.3.2. The fourteen day notice contemplated in Condition 3.3.1 may only be submitted once all pre-construction conditions have been complied with and proof of such compliance to be submitted with the fourteen day notice.
- 3.3.3. The development design to incorporate the following to reduce water demand:
 - 3.3.3.1. Water-efficient fixtures such as low-flow toilet cisterns, low flow showerheads or taps; and
 - 3.3.3.2. The provision of rainwater tanks, with piping connected to the building, with at least 5 Kℓ storage, to be provided for each building.
- 3.3.4. A detailed final layout of the residential estates is to be submitted to and approved by the Department prior to the commencement of construction. The final layout to be based on the preferred layout out as presented in the FBAR and to provide for amongst others:
 - 3.3.4.1. Demarcation of the no-go areas as Open Space;
 - 3.3.4.2. No development / infrastructure to be located within the 10m buffer around the drainage line and the 1:100 flood line; and

- 3.3.4.3. The location all service infrastructure inclusive of the two storm water attenuation ponds.
- 3.3.5. All no-go areas / areas that are to remain undeveloped as provided for in Condition 3.3.4.1 to be zoned as Open Space III and to be managed for conservation purposes.
- 3.3.6. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.7. Further to Condition 3.3.6, Wamabla (Pty) Ltd to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the FEIR, in tabular format for inclusion in the Construction phase Environmental Management Programme and / or Operational Phase Environmental Management Programme as applicable and be submitted to the department prior commencement
- 3.3.8. Wamabla (Pty) Ltd will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.3.9. A dedicated CEMPr to be compiled, submitted to and approved by the Department prior to the commencement of construction. In this regard sections of the EMPr that deals specifically with construction can be used as a framework. The CEMPr to include as a minimum:
- 3.3.9.1. Applicable conditions of this Environmental Authorisation;
 - 3.3.9.2. All recommendations, measures, responsibilities, key actions and other provisions contained in the FEIR inclusive of its appendices;
 - 3.3.9.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion and prevention and control, etc;
 - 3.3.9.4. Stormwater management during construction with specific reference to avoidance of erosion and polluted stormwater runoff into the watercourses / wetlands;
 - 3.3.9.5. A rehabilitation plan, including the progressive rehabilitation of disturbed areas that will remain undeveloped as soon as practically possible.
 - 3.3.9.6. Copies of all permits / licences issued to Wamabla (Pty) in relation to this project that have relevance to the environment;
 - 3.3.9.7. A general code of conduct for any contractor that may be carrying out any work on the relevant development sites;
 - 3.3.9.8. A clear description of the construction activities to be carried out on the site;
 - 3.3.9.9. Details regarding storage of construction material on site; and
 - 3.3.9.10. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts.
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- 3.3.10. General principles of environmental management referenced in Condition 3.3.9.3 to be implemented during construction if not already included in the EMPr to include, amongst others, the following:
- 3.3.10.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.10.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.10.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.10.4. No servicing of vehicles and other machinery to take place on construction sites, and no fuel or other hazardous material to be stored on construction sites;
 - 3.3.10.5. All excess construction material and any waste generated during construction must be removed from site on an on-going basis and disposed of at a suitably registered waste disposal site;
 - 3.3.10.6. The contractor must provide adequate waste disposal facilities and must ensure that these facilities are properly used and maintained;
 - 3.3.10.7. Clear stipulations as to who is responsible and accountable for what actions.
 - 3.3.10.8. Sufficient erosion control measures must be stipulated and adhered to.
 - 3.3.10.9. All de-vegetated areas, and stockpiles of soil must have adequate erosion protection, such as silt fences, shade cloth etc.
- 3.3.11. An Environmental Control Officer (ECO) to be appointed for the duration of the construction activities to oversee implementation of the CEMPr, as well as adherence to the conditions contained within this Authorisation. Details of the appointed ECO to be submitted together with the 14-day notice of commencement contemplated in Condition 3.3.1.
- 3.3.12. The ECO is amongst others responsible for the following;
- 3.3.12.1. A Pre-Commencement Audit of the conditions of this Environmental Authorisation, which must be submitted together with the notice of commencement as per Condition 3.3.1;**
 - 3.3.12.2. Ensuring that the CEMPr is implemented and strictly adhered to inclusive of the relevant conditions contained within this Environmental Authorisation;
 - 3.3.12.3. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.12.4. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures

implemented) and preventative measures implemented to avoid re-occurrence of such incidents;

3.3.12.5. To keep copies of all reports submitted to the Department on site; and

3.3.12.6. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.

3.3.13. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered into between the applicant and any contractor(s) and or any sub-contractor(s).

3.3.14. The CEMPr referred to in Condition 3.3.9 to be implemented and strictly adhered to for the duration of construction inclusive of initial vegetation removal.

3.3.15. All no-go areas are to be clearly demarcated prior to commencement of the activities as authorised inclusive of any buffer areas.

3.3.16. No blanket clearing of vegetation is to take place on the development site i.e. the entire development site may not be cleared at once but in stages as and when such areas are required for development purposes.

3.3.17. Individual construction sites to be clearly demarcated and all construction activities including any construction camp sites and stockpiling of building material are to be strictly confined to such demarcated areas.

3.3.18. All areas disturbed as a result of construction activities that will remain undeveloped to be rehabilitated in accordance with the rehabilitation plan contemplated in Condition 3.3.9.5 as soon as construction activities at individual construction sites have been completed.

3.3.19. The holder of this Environmental Authorisation being Wamabla (Pty) Ltd will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.

3.3.20. All construction activities to be restricted to normal working hours (8:00-17:00) during weekdays (i.e. Monday-Friday). No construction activities are to take place during weekends and public holidays.

3.3.21. A suitably qualified botanist is to survey the construction areas prior to construction and is to identify any protected species or species of special concern as well as other indigenous plant specimens which can be relocated. Such specimens are to be relocated and appropriately transplanted, including in any rehabilitation initiatives where applicable and practical within the development site inclusive of the Open Space III component.

3.3.22. Further to Condition 3.3.21 the necessary permits must be obtained from DEDEAT for those species protected under the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974) or NEM:BA. For those species protected under the National Forest Act (Act 84 of 1998), the relevant permits are to be obtained from the Forestry Branch of DEFF.

3.3.23. A suitably qualified individual is to carry out a faunal "search and rescue" prior to the commencement of vegetation clearing, which fauna are to be relocated to a suitable area elsewhere on the property / Open Space area.

- 3.3.24. All sand, gravel stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.
- 3.3.25. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any archaeological findings be discovered during debris and vegetation removal phase of the development.
- 3.3.26. The construction phase to be audited on an ongoing basis by the ECO. The findings of such audits are to be consolidated and submitted to this Department on a quarterly basis and a final post construction audit to be conducted and submitted to this Department within three months of the completion of construction.

3.4. Conditions applicable to the operational phase of the development

- 3.4.1. A Homeowners Association to be established for the operational phase of the development and all owners of individual properties to be bound as a condition of title to be part of the Homeowners Association.
- 3.4.2. Ownership of the Open Space III component of the development area to vest in Wamabla (Pty) and / or the Homeowners Association to be established in terms of Condition 3.4.1.
- 3.4.3. An OEMPr to be compiled and submitted to and approved by the Department prior to the operational phase of the development commencing. For purposes of this Condition, the operational phase will be deemed to have commenced on the completion of service infrastructure or when the first residential dwelling is occupied whichever occurs first. In this regard sections of the EMPr that deals specifically with operational aspects can be used as a framework. The OEMPr to provide for amongst others:
 - 3.4.3.1. Any conditions contained within this Environmental Authorisation that specifically relate to the operational phase;
 - 3.4.3.2. A general Code of Conduct for all owners, visitors, contractors and or workers;
 - 3.4.3.3. A monitoring Plan for the monitoring of sewage treatment / disposal facilities inclusive of corrective actions;
 - 3.4.3.4. A comprehensive Open Space III management plan compiled by a suitably qualified and experienced professional;
 - 3.4.3.5. Comprehensive rules to govern the control and management of the Homeowners Association to be established in terms of Condition 3.4.1;
 - 3.4.3.6. A comprehensive storm water management plan to manage storm water during the operational phase of the development inclusive of measures to prevent any debris or other solid waste from entering any of the wetlands / watercourses;
 - 3.4.3.7. All conditions in this Environmental Authorisation that are applicable to the operational phase of the development; and
 - 3.4.3.8. All mitigatory measures / recommendations contained in the FEIR that are applicable to the operational phase of the development;

- 3.4.3.9. Management / systematic removal and subsequent destruction of all alien invasive species listed in terms of CARA that may occur on the site or that may colonise disturbed ground prior to it attaining the seed formation stage during the lifetime of the project; and
- 3.4.3.10. Management and maintenance of sewage infrastructure inclusive of the sewage treatment plant once it has been constructed and commissioned.
- 3.4.4. The Code of Conduct contemplated in Condition 3.4.3.2 to address amongst others:
 - 3.4.4.1. Appropriate mechanisms to ensure that all owners of individual units formally endorse environmental conservation as the primary point of departure on the site as well as adherence to norms and standards set by such a code of conduct, the OEMPr as well as the Open Space management plan referred to in Condition 3.4.3.4;
 - 3.4.4.2. Appropriate mechanisms to ensure that the conduct of any contractors, service providers, staff as well as any other visitors to the site conduct themselves in a manner which is in keeping with the norms and standards set by the code of conduct, the OEMPr and the Open Space management plan referred to in Condition 3.4.3.4; and
 - 3.4.4.3. Mechanisms to ensure the on-going overseeing of adherence to the norms and standards set by the code of conduct, the OEMPr and the reserve management plan.
- 3.4.5. The Open Space management plan referred to in Condition 3.4.3.4 to be submitted to the Department within six months of the date of signature of this Environmental Authorisation and to include amongst others:
 - 3.4.5.1. An alien vegetation control programme for the removal of alien vegetation in a controlled and phased manner, including rehabilitation of areas that have been degraded through invasion by exotic plant material.
 - 3.4.5.2. A comprehensive vegetation management programme inclusive of the rehabilitation of disturbed and degraded areas that will not be developed in terms of this Environmental Authorisation; and
 - 3.4.5.3. A comprehensive fauna management programme.
- 3.4.6. The Rules of the Homeowners Association as contemplated in Condition 3.4.3.5 to include amongst others:
 - 3.4.6.1. Provision for the payment of appropriate levies specifically apportioned to facilitate management of the Open Space areas; and
 - 3.4.6.2. Appropriate mechanisms to ensure ongoing involvement and participation of the Homeowners Association in the management of the Open Space areas.
- 3.4.7. A dedicated person to be designated/appointed to oversee the implementation of and on-going adherence to the OEMPr and the Open Space management plan.
- 3.4.8. As much as reasonably practicable, measures to mitigate the impacts of climate change must be implemented in the development to promote environmental sustainability e.g. the use of LED lighting, rainwater tanks etc.

- 3.4.9. Prior to decommissioning of all or part of the operations the applicant must submit a decommissioning plan to DEDEAT.
- 3.4.10. All decommissioned areas must be left in a state that is equal to or better than the original environment.

4 Reasons for Decision

4.1 Information considered in making the decision

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

- 4.1.1 The information contained in the following documents:
- The application dated 26 February 2024 and received on 28 February 2024;
 - The DBAR submitted on 6 March 2024; and
 - The FBAR submitted on 22 April 2024.
- 4.1.2 Observations made during a site visit undertaken on 22 April 2024 by Ms Nokulunga Ludidi of the Department in the company of the EAP.
- 4.1.3 The EIA Regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies, and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998 accommodated in terms of the Transitional Arrangements provided for in terms of Chapter 8 of GN R. 982 (Section 53) of the EIA Regulations of 2014.

4.2 Key factors considered in making the decision

- 4.2.1 The two properties in question is located on the fringe of the Humansdorp immediately towards to south of Kort street. Although the properties are currently zoned as Agriculture, it is located within the urban edge of Humansdorp as per the municipal Spatial Development Framework and earmarked for future residential development. The proposed development is therefore aligned to the applicable municipal planning legislation.
- 4.2.2 In terms of the ECBCP both erven are located within a Terrestrial Critical Biodiversity Area (CBA 1). Furthermore, the vegetation that would have occurred on the site historically is Humansdorp Shale Renosterveld which is critically endangered. These factors imply that no development should be considered on these properties and that they should be retained in their natural state. This is amongst others emphasized by the fact that Critical Biodiversity Areas are defined as areas representing the 'terrestrial features in the landscape that are critical for conserving biodiversity and maintaining ecosystem functioning. Furthermore, CBA1's are areas that are in a natural condition and are required to meet biodiversity targets.

With that being said, it is important to note that both properties have been completely transformed through historical farming practices (pastures) which

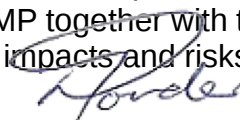
predates any EIA Regulations. The drainage line that bisects the southern portion of both properties is the only feature that is of any biodiversity value and as this is located outside the area that will be developed, it will remain as a biodiversity corridor. Furthermore, no development will take place south of this drainage line (i.e. all development will be located north of the drainage line) and these areas will be demarcated as Open Space III and managed as such. In addition, the 1:100 flood line has been determined and buffer of 10m will be instituted between any development towards the north and the 1:100 floodline.

It is thus not foreseen that the proposed development will have a significant negative impact on biodiversity.

- 4.2.3 The project has been advertised and has been subjected to Public Participation as per the EIA Regulations and the Department is satisfied that the Public Participation Process followed complied with the minimum requirements for public participation as set out in the EIA Regulations.
- 4.2.4 A comprehensive Construction Environmental Management Programme as required in terms of Condition 3.3.9 will mitigate potential impacts of the project during construction. The adherence to the CEMPr will be overseen by the project ECO, as stipulated in Condition 3.3.11.
- 4.2.5 The operational phase of the development will be managed through the implementation of a comprehensive OEMPr as required in terms of Condition 3.4.3. This OEMPr will amongst other provide for the management of the Open Space III component of the development.

Conditions included in this Environmental Authorisation requires that a Homeowners Association be established and that all individual property owners be bound by a condition of title to be a member of the Homeowners Association. The Homeowners Association will be responsible for the implementation of and adherence to the OEMPr.

- 4.2.6 No fatal flaws were discovered during the Environmental Impact Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, several other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.
- 4.2.7 The Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, Act 107 of 1998. This includes the requirement for public participation and the manner in which stakeholders were engaged and responded to.
- 4.2.8 The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- 4.2.9 The Department is of the opinion that after implementation of the mitigation measures described in the EMPr and OEMP together with the conditions contained within this Authorisation, that the residual impacts and risks to the environment are acceptable.



- 4.2.10 The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.
- 4.2.11 In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
- 4.2.12 It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department 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 as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5 Appeal of authorisation

- 5.1. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2. The written notification referred to in Condition 5.1 above must:
 - 5.2.1. Specify the date on which the Authorisation was issued;
 - 5.2.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 5.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.
- 5.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2 of the decision.

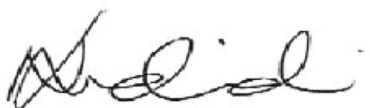
Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.



- 5.5 An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
- 5.6 The Appellant must also serve a copy of the appeal to the regional office that processed the application.
- 5.7 The address to which the original of any appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administrator: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

- 5.8 In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter



NOKULUNGA LUDIDI
ENVIRONMENTAL OFFICER: EIM
SARAH BAARTMAN/NMB REGION
DATE: 08 August 2024



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
SARAH BAARTMAN/NMB REGION
DATE: 08 August 2024