



DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING

Provincial Government of the Western Cape

Directorate:
**Integrated Environmental
Management (Region A)**

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ENQUIRIES: F Naudé

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The Director
Kingfisher Homes 5 (Pty) Ltd.
PostNet Suite 200
Private bag X335
CAPE TOWN
8000

For Attention: Mr Mike Ryan

Tel.: (021) 418 5234
Fax: (086) 618 0247

Dear Sir

**APPLICATION: THE PROPOSED COMMERCIAL AND TOWNSHIP DEVELOPMENT
ON FARM LADYWOOD No. 438, PORTIONS 1, 2 AND 3, PLETTENBERG BAY**

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

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed development on Farm Ladywood No. 438, Portions 1, 2 and 3 entails the transformation of undeveloped land to establish infill development covering an area of less than 19 hectares and will comprise of not more than: 1 Business Zone erf (3.4 ha); 19 Residential Zone IV erven (7.85 ha) of 812 dwelling units; 2 Open Space Zone II erven (4.9 ha); and Transport Zone I (1.4 ha).

The development will also include –

- the construction of structures and associated infrastructure for reticulation of sewage, water, storm water and electricity as well an internal road network;
- access to the retail component which will be predominantly from the servitude road intersection with the N2. This intersection will be upgraded to a single lane roundabout and providing pedestrian crossing of the N2;
- access to the residential component which will be predominantly from the Ladywood/Saringa Road intersection with the N2. This intersection will be upgraded to a signalized intersection with turning lanes for the north and southbound right turn movements;
- storm water attenuation by maintaining 2 existing dams/structures within the watercourse; and
- the rehabilitation of the watercourse, including 4 existing dams/structures within the watercourse, and establishment as a biological/ecological corridor.

The above development will be approximate to the layout plan by GAPP Architects/Urban Designers (drawing number UD-302 dated 21 September 2009).

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The following activities are identified in Government Notice No. R. 386 of 21 April 2006, being:

Activity No. 1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including

- i. canals;
- ii. channels;
- iii. bridges;
- iv. dams; and
- v. weirs.

Activity No. 4: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

Activity No. 12: The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Activity No. 14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding –

- (a) masts of 15 metres and lower exclusively used
 - (i) by radio amateurs; or
 - (ii) for lighting purposes
- (b) flag poles; and
- (c) lightning conductor poles.

Activity No. 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Activity No. 16: The transformation of undeveloped, vacant or derelict land to –

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

hereinafter referred to as "the activities".

B. LOCATION:

Farm Ladywood No. 438, Portions 1 (5.8 ha), 2 (6.0 ha) and 3 (6.1 ha) are zoned Agriculture I and collectively are 17.9 ha in size, and are located south, adjacent and parallel to the N2 east of Kwanokuthula and south of New Horizons at Ladywood at the western edge of the town of Plettenberg Bay in a currently undeveloped rural setting. Appendix A (Locality Plan) and B (Site Plan) of the Environmental Impact Report (compiled by Bluepebble Independent Environmental Agency) dated 14 April 2008 depict the location of Farm

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Ladywood No. 438, Portions 1, 2 and 3, on SG: 1: 50 000 Topographical Map 3423AB
PLETTENBERG BAY.

SG21 Digit code: C03900000000043800001

Coordinates: Latitude -34.049756 South

Longitude 23.331179 East

SG21 Digit code: C03900000000043800002

Coordinates: Latitude -34.051148 South

Longitude 23.333449 East

SG21 Digit code: C03900000000043800003

Coordinates: Latitude -34.052569 South

Longitude 23.335771 East, respectively.

Farm Ladywood No. 438, Portions 1, 2 and 3 are hereinafter referred to as "the property".

C. APPLICANT:

Mr M. Ryan

Kingfisher Homes 5 (Pty) Ltd.

PostNet Suite 200

Private bag X335

CAPE TOWN

8000

Tel.: (021) 418 5234

Fax: (086) 618 0247

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Bluepebble Independent Environmental Agency

Mr. J. Kingwell

PostNet Suite 30

Private bag X1006

PLETTENBERG BAY

6600

Tel.: (082) 777 0705

Fax: (086) 553 8837

E. SITE VISIT(S):

No site visit was conducted. The information submitted in the application documentation (i.e. photographs and maps of the site) together with relevant information contained in the Departmental information base, was considered sufficient to provide adequate information on the nature of the receiving environment.

F. DECISION:

The Competent Authority 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.

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By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2006, the Competent Authority, delegated in terms of section 24C(1) of the NEMA, hereby authorises the activities described above and grants exemption from the provisions of the Regulations specified below, viz.:

- regulation 23(1) – "The EAP managing an application to which this Part applies must prepare a basic assessment report in a format published by, or obtainable from, the competent authority".
- regulation 56(2)(a)(i) – "fixing a notice board at a place conspicuous to the public at the boundary or on the fence of the site where the activity to which the application relates is or is to be undertaken".
- regulation 56(2)(b)(i) – "giving written notice to the owners and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site".
- regulation 56(2)(b)(ii) – "giving written notice to the owners and occupiers of land within 100 metres of the boundary of the site or alternative site who are or may be directly affected by the activity".
- regulation 56(2)(b)(iii) – "giving written notice to the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represents the community in the area".
- regulation 56(2)(b)(iv) – "giving written notice to the municipality which has jurisdiction in the area".
- regulation 56(2)(c)(i) – "placing an advertisement in one local newspaper".
- regulation 22(a) – "conduct at least a public participation process as set out in regulation 56".

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 receipt of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1. Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2. The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 5, 6 and 8
3. The mitigation/rehabilitation measures and recommendations as detailed in the Environmental Impact Report dated 14 April 2008 compiled by Mr Jonathan Kingwill of

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Bluepebble, must be adopted and implemented. In addition hereto the following conditions apply-

- 3.1. No development is permitted on slopes with a gradient of 1:4 or steeper;
 - 3.2. No buildings may be constructed below the 1:100 floodline;
 - 3.3. A ecological/biological corridor must be established along the watercourse and managed for conservation use. The corridor must include the 1:100 floodline or be 40 metres wide, whichever the greater;
 - 3.4. The ecological/biological corridor must serve to protect the watercourse and floodplain and may not be landscaped or channelled;
 - 3.5. A building setback of no less than 6 meters, must be affected from the edge of the biological corridor; and
 - 3.6. "Green building technology" must be adopted in the architectural design parameters. Said design must also include, but not be limited to - rainwater harvesting and the use of such water; water saving devices; the use of solar energy; energy saving devices.
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.
- 4.1. 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..
 - 4.2. If any graves or unmarked human burials are discovered, they must be treated with respect and SAHRA must be notified immediately and 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.
5. The Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation must be amended. The contents of such an EMP must -
- 5.1. be approved by the Department before the commencement of any construction activities;
 - 5.2. be submitted to the Directorate for consideration at least three weeks prior to construction activities commencing
 - 5.3. 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;
 - 5.4. incorporate the conditions of authorisation given in this Environmental Authorisation;
 - 5.5. address, but not be limited to, the demarcation of the 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),

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- 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;
- 5.6. sets out how the holder of the authorisation and the property owner's association or management body of the proposed commercial facility and homeowner's association ("HOA") will adopt and implement the EMP as a whole;
 - 5.7. detail the identification and allocation of environmental management roles responsibilities and accountability within the organisation, as well as funding requirements; measurable targets and timeframes for the implementation of the operational phase of the Environmental Management Programme ("OEMP")
 - 5.8. detail environmental procedures which cover the construction activities for every phase of the development (construction Environmental Management Programme) pertaining to major services (roads, water sewage and electricity) as well as the individual plots;
 - 5.9. detail operating activities (Operational Environmental Management Programme) which includes, but is not limited to:
 - management of the built environment
 - waste management and pollution control measures;
 - management of the open space;
 - management of landscaped areas; and
 - corrective action procedure/s;
 - 5.10. detail the management of ecological corridors and conservation areas and the monitoring of the ecological corridor along the watercourse as well as measures to be adopted in adjacent land-uses to promote the conservation objectives;
 - 5.11. provide detailed designs of the attenuation structures within the watercourse and the maintenance thereof;
 - 5.12. describe how the conservation management, monitoring and reporting will be carried through into the operational phase.
 - 5.13. detail an integrated waste management approach that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
 - 5.14. prescribe that any solid waste must be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) or the National Environmental Management: Waste Act (Act No. 59 of 2008).
 - 5.15. translate mitigation measures contained in the EIR into measurable actions that can be included in a monitoring protocol with specific time frames;
 - 5.16. specify reporting on the monitoring to enable verification of the effectiveness of the environmental management objectives and actions and to be able to respond to unforeseen events;
 - 5.17. include detail regarding "green building technology" in terms of architectural design parameters and the implementation thereof;
 - 5.18. detail how Rainwater harvesting and storage as well as a solar energy for water heating and electricity generation, be incorporated into the development
 - 5.19. be included in all contract documentation for the construction phase of the development;
 - 5.20. describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 5.21. define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable; and
 - 5.22. determine the frequency of site visits.
6. The holder of the authorisation must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) for the construction phase of the

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development before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.

7. The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate (six months) after construction has been completed and also one year after the commencement of operation.
 - 7.1. The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation, and the status of the rehabilitation programme.
 - 7.2. This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 7.3. 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.
8. The applicant must, in writing, within **10 (ten)** calendar days of receiving notice of the Department's decision –
 - 8.1. notify all registered interested and affected parties of the decision and the reasons for the decision; and –
 - 8.2. specify the date on which the authorisation was issued;
 - 8.3. inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 8.4. advise all registered interested and affected parties that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By post: Western Cape Ministry of Local Government,
Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers
Room 1102
Utilitas Building
1 Dorp Street
CAPE TOWN
8001

- 8.5. Inform all registered interested and affected parties that a signed Appeal form obtainable from the Minister's office at tel (021) 483 3721 / 483 3195, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>; must accompany the appeal.
- 8.6. Inform all registered interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 8.7. If the applicant should decide to appeal, the applicant must –
 - 8.7.1. lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and,

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- 8.7.2. serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
- 8.7.3. submit the appeal within 30 days of the lodging of the notice of intention to appeal.
9. 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.
10. 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.
11. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
12. A copy of this authorisation must be kept at the property where the activities 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 property.
13. 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.
14. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
15. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
- 15.1. The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
- 15.2. The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.

If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.

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16. 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.
17. Only the activities which are authorised may be carried out at the property indicated above.
18. 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 activity.
19. This activities must commence within a period of **three (3) years** from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. RECOMMENDATIONS

1. The employees contracted as the labour and workforce should be sourced from Kwanokuthula and New Horizons; else within the Bitou Municipal Area only.
2. Internal Street names are to use those derived from the Ladywood Farm and / or local Heritage of the specific area.
3. Fynbos patches on the property should be retained in the proposed layout and landscaping.

I. 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 Application Form & Scoping Checklist & Plan of Study for Scoping (KNY04/399/10; August 2004); Scoping Report Volumes 1 & 2 (KNY04/399/50; July 2005); Plan of Study for Environmental Impact Assessment (KNY04/399/66a; January 2009); and the Environmental Impact Report (dated 14 April 2008); including all letters of correspondence and specialist reports contained within;
- b) The comments received from interested and affected parties as included in the Scoping Report ("SR"), Environmental Impact Report ("EIR"), Additional Information Document ("AID") and that received subsequently from the EAP;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including, but not limited to relevant information contained in the Departmental information database, viz.:
 - Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
 - Bitou Spatial Development Framework ("SDF") (2005);
 - C.A.P.E. Fine-Scale Systematic Conservation Planning Assessment (2008);
 - Guideline for involving Visual and Aesthetic Specialists in EIA processes (2005);
 - Knysna - Wilderness - Plettenberg Bay Regional Structure Plan (Guide Plan) (1983);
 - Provincial Urban Edge Guideline (2005);
 - Western Cape Provincial Spatial Development Framework ("PSDF") (2009);
 - Vlok JHJ, Euston-Brown DIW & Wolf T (2008) A vegetation map for the Garden Route Initiative. Unpublished 1:50 000 maps and report supported by CAPE FSP task team.
 - Pence GQK (2008) C.A.P.E. Fine-Scale Systematic Conservation Planning Assessment: Technical Report. Produced for CapeNature. Cape Town, South Africa.

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

Exemption:

The applicant has applied for and is exempted from the provisions of the Environmental Impact Assessment Regulations, 2006 which are set out in section F above.

Sufficient information was submitted by the applicant for the competent authority to deem the Scoping Report and Environmental Impact Report prepared and submitted in terms of the requirements as prescribed by GN No. R. 1183 of 5 September 1997, (as amended), to fulfil the requirements of Part 2 of GN No. R. 385 of 21 April 2006.

The public participation process completed during the investigation and assessment of the application submitted in terms of GN No. R. 1183 of 5 September 1997, (as amended) as well the additional public participation performed to supplement said process, is regarded to fulfil the requirements set for public participation GN No. R. 385 of 21 April 2006.

Legal Framework:

On 18 June 2010 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment Regulations 2010 (Government Notice No. R. 543, R. 544, R. 545, R. 546 and R. 547 in Government Gazette No. 33306 of 18 June 2010). These regulations came into effect on 02 August 2010 and replace the EIA regulations that were promulgated in 2006 and also introduce new provisions and listed activities.

The applicant confirmed in writing that the proposed development will not trigger any newly listed activity.

Environment:

The Department has noted that a "vulnerable" vegetation unit, viz. *South Outeniqua Sandstone Fynbos* occurs at the subject property. The fine scale Vegetation Map for the Garden Route Initiative¹ describes the vegetation variants at the subject property as *Roodefontein Grassy Fynbos* and *Groot Brak River & Floodplain*, with the former being mostly transformed and the latter categorized as an Ecological Support Area ("ESA") in terms of the Garden Route Critical Biodiversity Area's map².

The EAP reported that the total biological diversity of the properties ranges from moderate-low to low and that the true biological value lies in the rehabilitation of the watercourse as a biological corridor.

The watercourse running from NW to SE along the property includes dams and a wetland and serves as a drainage line and allows for the continual seepage of water. The properties are underlain by soil with high clay content through which a major aquifer runs. The surrounding properties make use of this groundwater for domestic purposes and this has influenced the layout and type of development. The mitigation measures that have been proposed by the applicant to filter storm water prior to it entering the watercourse will be adopted and implemented.

A floodline study performed by Entech Consultants influenced the layout of the proposal and all buildings will be set back above the 1:100 year floodline. Water retention facilities ponds and dams are to be managed and / or installed to reduce risk of flood and contamination of the watercourse tributary to the Piesangrivier. A

¹ Vlok JHJ, Euston-Brown DIW & Wolf T (2008) A vegetation map for the Garden Route Initiative. Unpublished 1:50 000 maps and report supported by CAPE FSP task team.

² Pence GQK (2008) C.A.P.E. Fine-Scale Systematic Conservation Planning Assessment: Technical Report. Produced for CapeNature. Cape Town, South Africa.

sewage pump location to be placed outside of floodline and pollution control measures implemented

Need and Desirability:

The EAP has reported that the project falls into an area earmarked for future development in terms of the Bitou Spatial Development Framework. The project also falls in line with the Bitou Municipalities vision to creating a sustainable human settlement in Plettenberg Bay by relocating essential public services adjacent to this area.

Furthermore, from a community service point of view the project provides a community service in terms of the provision of a commercial facility within walking distance of New Horizons and Kwanokuthula and will have a measurable positive impact on poverty alleviation in the area through short term and long term job creation.

The EAP has also stated from a designers and landscape point of view the preferred option makes allowance for the land form and sensitive environmental factors have been incorporated into the design, with the exception of the isolated remnant fynbos. Natural habitat removed will be re-established on the steep slopes and along the watercourse corridor as a biodiversity offset. Alien invasive vegetation will be totally removed from the site. Fauna will make use of the biological corridor habitat on the steep slopes and along the watercourse, once established. This provides for some restoration opportunity for parts of a continually degrading ecosystem.

Socio-economic/Cultural historic:

The EAP has motivated that the project will provide a community service in terms of the provision of a commercial facility within walking distance of New Horizons and Kwanokuthula and will have a measurable positive impact on poverty alleviation in the area through short term and long term job creation. The change in the lives of the residents of New Horizons and Kwanokuthula will be significant in that they will now be able to walk to the shops rather than have to transit over 4km one way to the nearest shops, as is currently the situation. This will have a marked improvement in their lifestyle. Local residents are clearly in favour of this facility.

According to the socio-historical study performed by Mr Ron Martin from Ron Martin Heritage Consultancy, the site contains evidence of pre-historic and modern use as an access route, but not necessarily as part of a pre-historic settlement area. A limited amount of archaeological artifacts are scattered in places, having a low significance.

A Heritage Impact Statement was submitted to Heritage Western Cape during September 2006 for which an R O D was issued on 26 October 2006. The EAP has reported that the historical and cultural significance of these properties are insignificant.

Policy: Regional/planning context:

The Knysna-Wilderness-Plettenberg Bay Regional Structure Plan indicates the area as being suitable for only "Rural Occupation". As the abovementioned proposal was inconsistent with the Structure Plan an application for the amendment of said Structure Plan was submitted and conditionally approved on 10 June 2009, thus effectively earmarking the subject property as "Township Development".

A Ladywood Sectoral Plan has been developed and the Bitou Municipality has worked together with the other landowners in the Ladywood area to look at the provision of services and the reservation of the entire area for Township Development according to the requirements of the Structure Plan.

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Cumulative effects of the activity:

The following aspects were identified as prominent cumulative effects of the proposed activity:

Impact on the water catchment area ground water (recharge and pollution): The properties drain into the Piesang River and the cumulative pollution of this river resulting from urban runoff, sewage and siltation is likely to be ever increasing. This has been addressed through the consideration of alternative development proposals and mitigation measures to address or limit the impacts to an acceptable level.

Impact on the Keurbooms River resource: Although this impact was included in the assessment, the Department Water Affairs finalised its consideration of the application by the Bitou Municipality to withdraw additional water from the Keurbooms River. The investigation and outcome was favourable and a water use license was issued to the Bitou Municipality.

Alternatives:

The EAP has reported that the following alternatives were considered during the investigation and assessment of the proposed development:

Alternative Layout 1: This involves the construction of mixed commercial and residential land use of a linear type of project plan. It would involve 70% double storey residential developments comprising of 50% of 30 units per hectare and 50% of 60 units per hectare, a community and cultural centre development as well as a shopping centre of 12,000 square metres.

Alternative Layout 2: This involves the construction of mixed commercial and residential land use in a type of project plan that follows the lie of the land. This alternative includes provision for a fuel service station and involves the construction of 744 residential units in the middle income housing bracket, a 12,000 square metres shopping centre and a fuel service station together with the associated infrastructure. The steep slopes will be rehabilitated with indigenous vegetation and the dams and wetland areas are left intact with the removal of alien invasive vegetation. There is no buffer area between the watercourse and the structures.

Alternative Layout 3: This involves the construction of mixed commercial and residential land use in a type of project plan that specifically takes the rehabilitation of a 40m wide biological corridor along the watercourse into account. This alternative excludes the fuel service station. This alternative involves the construction of 812 residential units in the middle income housing bracket and a 12,000 square metre shopping centre together with the associated infrastructure. The fuel service station is omitted from this alternative due to the fact that a major aquifer has been identified during specialist investigation for these properties. The steep slopes and the watercourse will be rehabilitated with indigenous vegetation. The dams are removed with the exception of a new dam at the lower end. The wetland area within the 40m biological corridor is re-created. All alien invasive vegetation are removed from the property. There is a buffer area between the watercourse and the structures that links into the steep slope area.

The "no-go" option implies that the existing use of the land as latent agricultural land and for rural residential use remains as such. This option therefore implies that no change or intervention occurs on the land. This option is thus used as a point of reference for the relative assessment of the remaining alternatives.

Public Participation:

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)*

The following tasks were conducted as part of the public participation process during the Scoping and EIA phases -

- The Executive Mayor of Bitou Municipality and council contacted and provided the Background Information Document (BID).
- Direct neighbours were supplied with information via either registered mail or by hand delivery,
- The project was also advertised in the regional free paper, CXPress, on 23 August 2006.
- public meetings were held in the Kwanokuthula Community Centre and in the New Horizons Community Centre;
- All registered interested and affected parties (I&APs) were notified of the detailed assessment phase and subsequent draft reports which were put out for comment.

Additional public participation was performed to address the transition to the application as submitted in terms the Environmental Impact Assessment Regulations, 2006. All registered I&APs were informed and provided an opportunity to comment.

The following authorities/organs of state were consulted/ involved during the investigation and assessment process:

- Bitou Municipality
- Department of Agriculture, Forestry and Fisheries (forestry section)
- Department of Water Affairs;
- Provincial Department of Health;
- Heritage Western Cape
- South African National Roads Agency Limited (SANRAL)
- South African National parks
- CapeNature
- Bitou Municipality: The municipality confirmed that there is sufficient unallocated capacity for bulk service provision.

The issues of concern raised by I&APs and authorities were addressed and mitigated to an acceptable level.

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 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.

J. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the Environmental Impact Assessment Regulations, 2006.

Any person who wishes to appeal against this environmental authorisation, must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

By post: Western Cape Ministry of Local Government,
Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region A)

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers
1102 Utilitas Building
1 Dorp Street
CAPE TOWN
8001

A signed Appeal form, obtainable from the Minister's office at tel. (021) 483 3721/3195, email: jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.

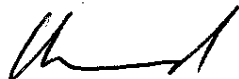
All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

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: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE: 23/08/2010

Copied to: Mr Ludolph Gericke (Bitou Municipality)
Mr Jonathan Kingwill (Bluepebble)
DEA&DP (George office)

Fax: 044 533 6885
Fax: 044 532 7620
Fax: 044 874 2423