



24G Application: 14/2/4/2/2/E2/1/0019/24

ENVIRONMENTAL AUTHORISATION

The Owner
69 Spitfire Avenue
BETTY'S BAY
0157

Email: chantales@citadel.co.za

Attention: Jacques Dumont Smit

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION ON ERF 5629 BETTY'S BAY

With reference to your application dated 15 November 2024 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred alternative as described in the application and environmental assessment dated 15 November 2024.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

C/o Mr Jacques Dumont Smit

69 Spitfire Avenue

Pierre Van Ryneveld

BETTY'S BAY

0157

Cell: (082) 908 1702

Email: chantales@citadel.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Government Notice No. 985 of 4 December 2014 - Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i>	Approximately ±450 m ² of indigenous vegetation has been cleared on site.
As similarly listed in Government Notice No. 324 of 7 April 2017 - Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is</i>	Approximately ±450 m ² of indigenous vegetation has been cleared on site.

<p>required for maintenance purposes undertaken in accordance with a maintenance management plan. (i) Western Cape Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans.</p>	
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Erf 5629 Betty's Bay.

The SG digit code is: C01300020000562900000

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
A	34° 21' 20.45" South	18° 53' 26.72" East
B	34° 21' 26.35" South	18° 53' 26.96" East
C	34° 21' 20.64" South	18° 53' 28.16" East
D	34° 21' 22.93" South	18° 53' 27.26" East
E	34° 21' 22.94" South	18° 53' 25.94" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 21' 20.49" South	18° 53' 26.90" East
2	34° 21' 20.74" South	18° 53' 26.78" East

3	34° 21' 20.81" South	18° 53' 26.53" East
4	34° 21' 21.06" South	18° 53' 27.70" East
5	34° 21' 20.61" South	18° 53' 27.75" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

LORNAY ENVIRONMENTAL CONSULTING

C/o Ms Michelle Naylor

Unit 5/1F

Hemel & Aarde Wine Village

HERMANUS

7200

Cell: (083) 245 6556

Email: michelle@lornay.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The applicant purchased the property in November 2020 and initiated vegetation clearance in October 2021. The agreement of sale was finalized in November 2020, prior to the completion of the subdivision of the parent property. No infrastructure has been established on the cleared site. The applicant has installed basic fencing to protect the area from unauthorized entry. The vegetation clearance of approximately 450m² and the minor levelling and platforming of the site has been undertaken in order to build a single residential dwelling.

Prior to the subdivision of the parent erf, a Botanical specialist was appointed by the former landowner to inform the proposed subdivision at the time – which subsequently formed Erf 5629 Bettys Bay.

Original parent erf which was assessed in 2006 by Nick Helme, in order to inform the proposed subdivision. This survey was undertaken to inform the subdivision application which resulted in the subject erf – Erf 5629 Bettys Bay. The red polygon indicates Erf 5629 (Annexure 1).

In October 2021, approximately $\pm 450\text{m}^2$ of natural vegetation was cleared without awareness of the designated no-go areas on the subject property. At the time, the applicant was unaware of the 2006 botanical specialist report referred to above, which highlighted the sensitive areas on the subject property. The above findings were never conveyed to the new buyer, neither were they secured in the Title Deed and, as such, the new property owner was completely unaware of this.

As a result, in October 2021, the applicant and property owner cleared an area of approximately 450m^2 and undertook minor excavation to create a building platform, in order to construction their single residential dwelling on site. After the above activities took place, the same botanist was consulted regarding whether the area cleared should be rehabilitated and elsewhere on site cleared for the development or whether the disturbed area should be used. In his new report dated October 2024, the botanist highlights that the area cleared has partly rehabilitated since 2021, and it contains indigenous vegetation cover of about 40-60 %, whilst the undisturbed areas containing >90 % of vegetation cover.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to Alternative 2 described in the application and assessment report dated 15 November 2024 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision for continuation of the listed activities.
3. The development must be concluded within two years from the date of continuation of the listed activity.

4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

6. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the clearance and construction activities.
 - 6.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following condition:
Condition 7

PART III

Notification and administration of an appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2025* detailed in Section I below.

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

7.4 provide the registered I&APs with:

7.4.1 the name of the holder (entity) of this Environmental Authorisation;

7.4.2 name of the responsible person for this Environmental Authorisation;

7.4.3 postal address of the holder;

7.4.4 telephonic and fax details of the holder;

7.4.5 e-mail address, if any, of the holder; and

7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2025*.

8. The listed activities may not continue within the prescribed appeal period from the date the holder notifies I&APs of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

9. The draft Environmental Management Programme ("EMPr") of June 2024 compiled by Lornay Environmental Consulting and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

10. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before continuation of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.

12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to anyone on request.
13. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

14. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority annually and upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

The holder must, within 7 (seven) days of the submission of the report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

PART VII

Activity/ Development Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply the *National Appeal Regulations, 2025* (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025. Please note the provisions of Regulation 1(2) & (3) of the *National Appeal Regulations, 2025* when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's) and the decision maker (Competent Authority who issued the decision) within **20 calendar** days from the date this decision was sent by the decision maker.
2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&APs by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within **5 calendar days** after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.

5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr. Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001
- Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.
7. A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the

conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully



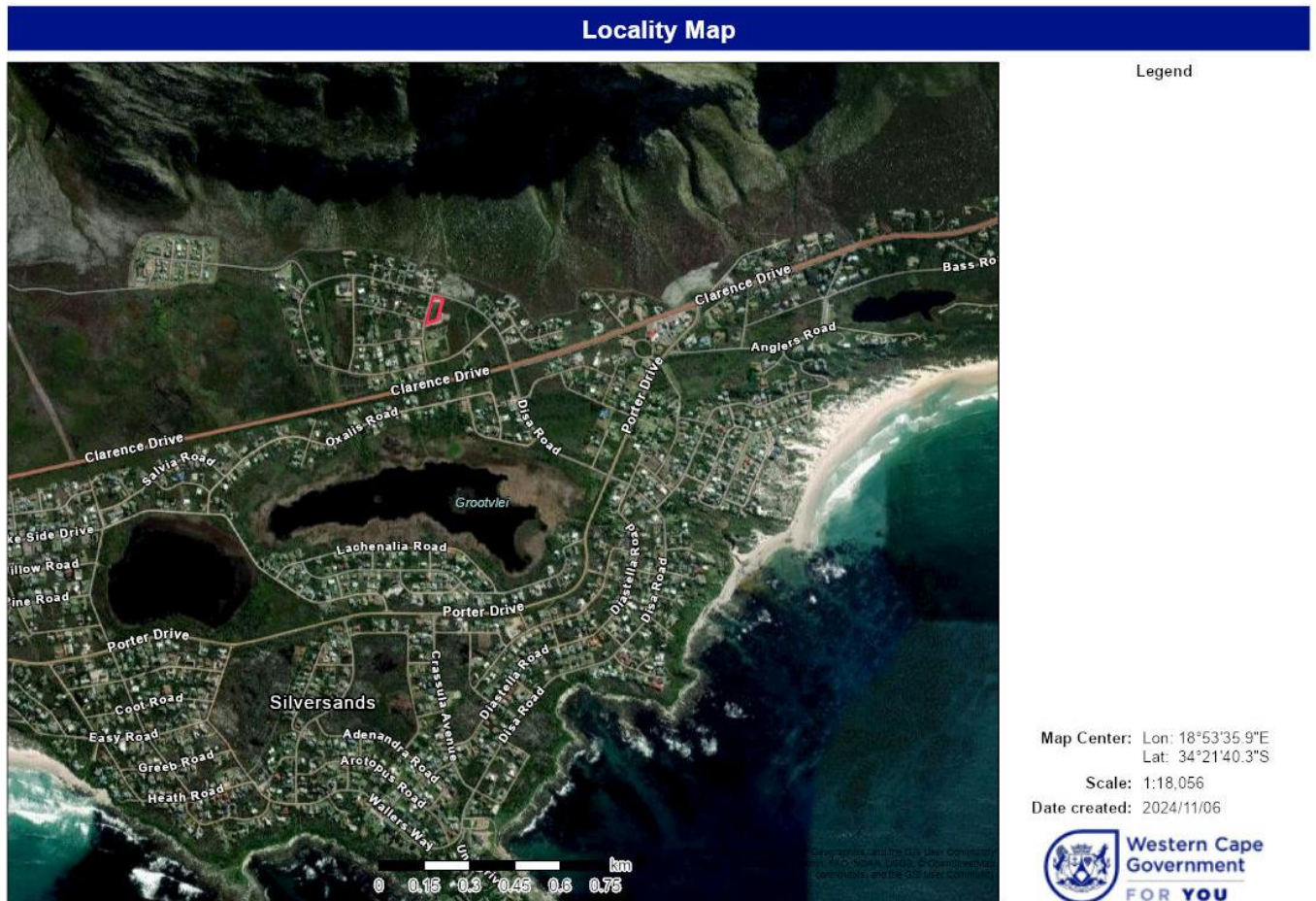
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DIRECTORATE: ENVIRONMENTAL GOVERNANCE

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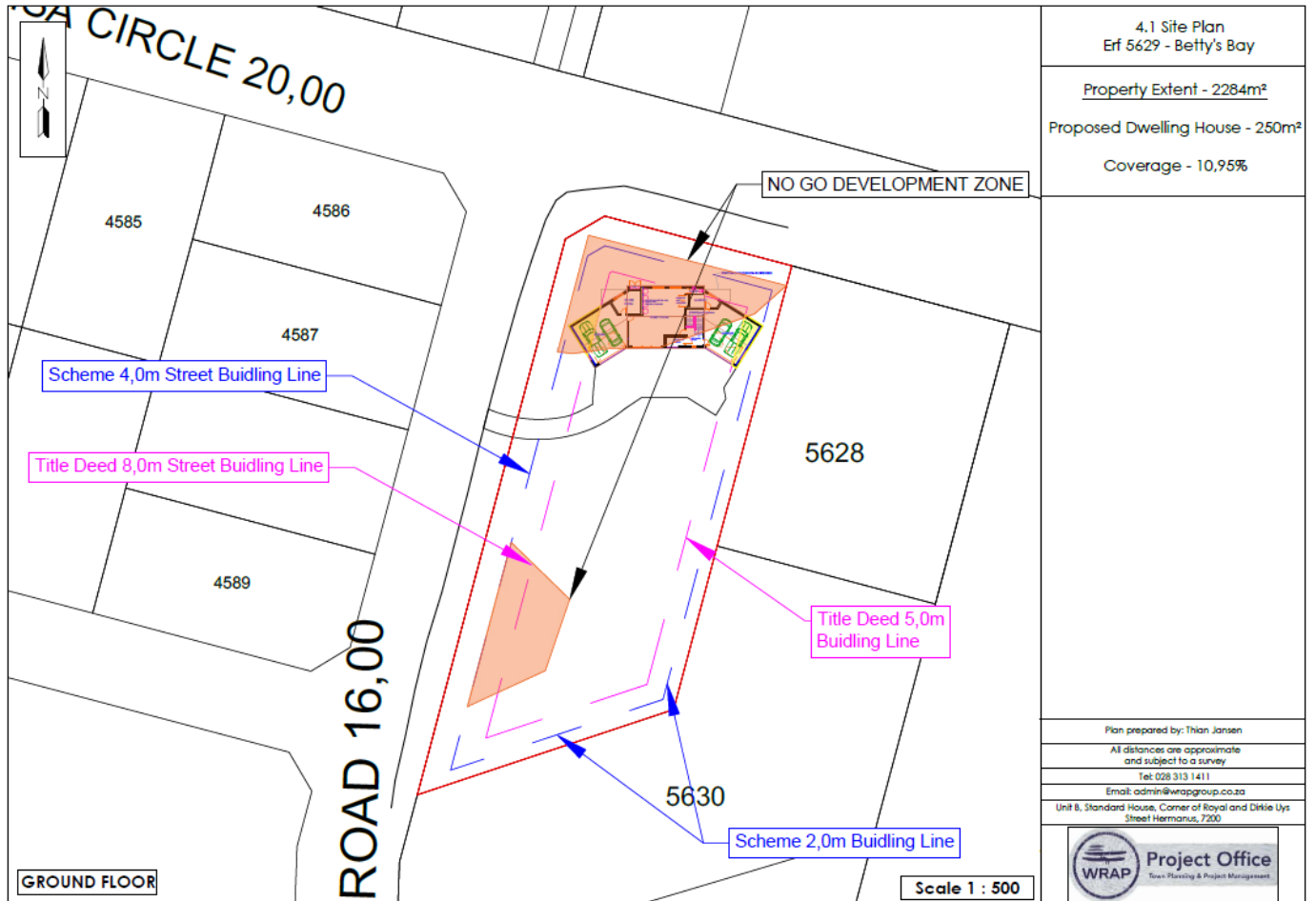
(1) Michelle Naylor (EAP)

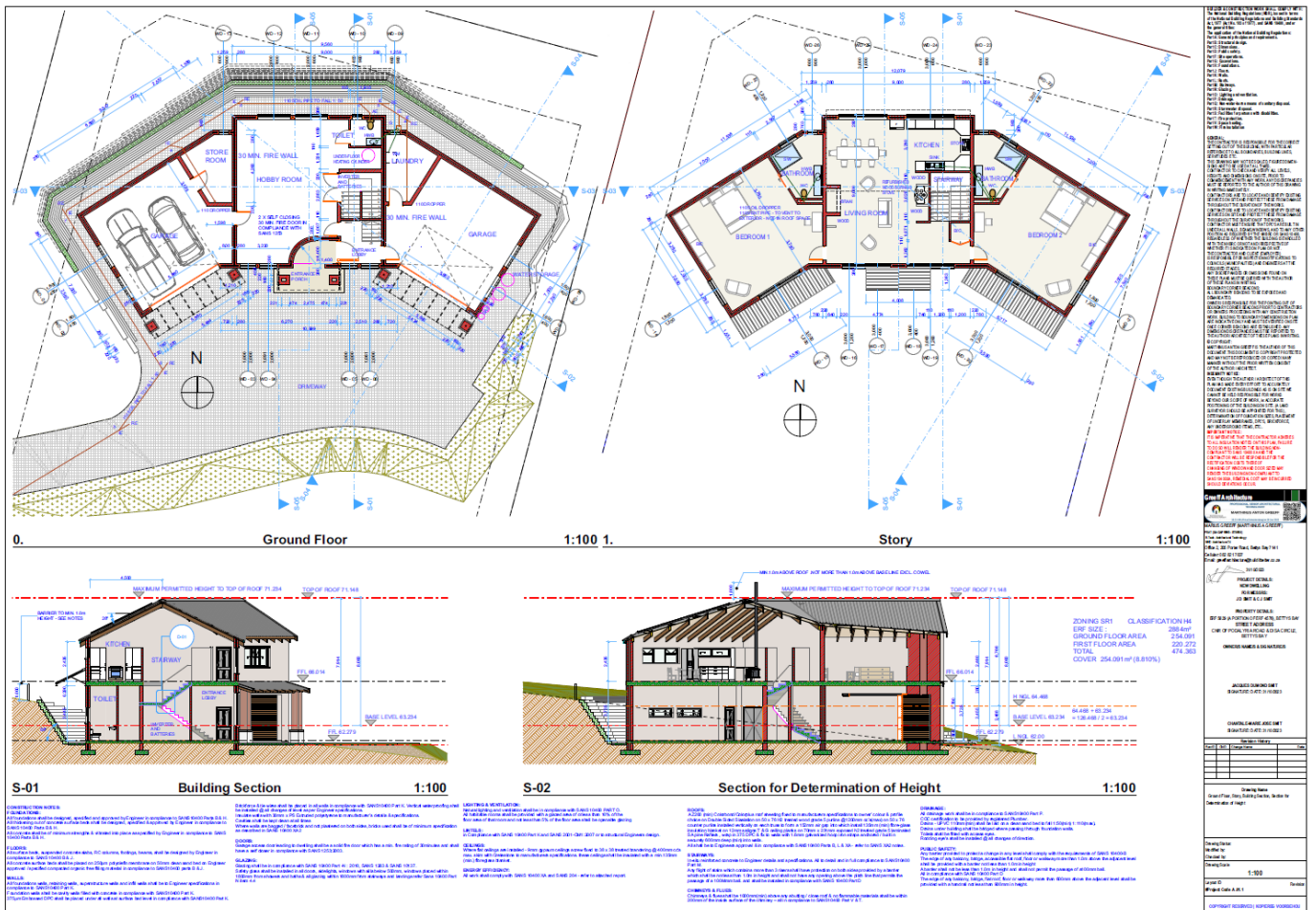
Email: michelle@lornay.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLANS





FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/2/E2/1/0019/24

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R25 000 (Twenty-five thousand rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form and assessment report dated 15 November 2024.
- b) The Environmental Management Programme ("EMPr") of June 2024 submitted together with the s24G application report.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 26 March 2025
Attended by: Officials of the Directorate: Environmental Governance

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 13 August 2024.
- the placing of a newspaper advertisement in the **Hermanus Times**.

An I&AP, one of the neighbouring residents to Erf 5629, provided comment, as indicated below:

"Five years ago when the large erf was subdivided and Erf 5629 was created, the surrounding residents were assured that two areas of fynbos containing a rare endangered *Serruria* would be preserved as no development areas. However, the one area bordering on Disa circle was simply bulldozed flat and all plants removed. This is an environmental crime similar to that of removing milkwood trees. The Kogelberg Biosphere is a World heritage site and needs to be meticulously preserved for the present and future. The subdivision of the large original erf was against the better judgment of the original town planners who realized this was a watercourse off the mountain and significant conservation area. The subdivision was purely for altruistic reasons. There is no shortage of vacant residential erven in Bettys Bay. Photographic evidence exists of the original erf as it was prior to the subdivision.

There is now one area left that is marked as 'protected' and "no development". With the rare fynbos on, what protection will be provided for this portion? Or will shoulders be shrugged when this is also bulldozed in "error". All these decisions cannot be made from behind a desk. A proper in situ environmental assessment needs to be done prior to any permissions. The erf is large, about 4x bigger than the other residential erven in the area so there is ample space to erect a single residential house. Has an assessment been done of the damaged bulldozed area? Perhaps with the recent rains regeneration of the endangered *Serruria* would be possible and needs to be checked by a botanist."

The EAP indicated that, according to the freshwater specialist, there are no watercourses or wetlands on site. The clearance of vegetation was reported to the then Overstrand Environmental Management Section (EMS) in December 2021 and several site visits and communications were conducted with Mr. Smith to determine the way forward. Mr. Smith stated that – upon the purchase of the property - he was not made aware of the “No-Go Area” as a condition of approval of the subdivision of original Erf 4576 in 2020.

Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- CapeNature
- Breede-Olifants Catchment Management Agency (BOCMA)
- Overstrand Municipality
- Overberg District Municipality

CapeNature indicated that the NEMA S24G Report used the previous botanical studies to inform the application although they were not compiled for the purposes of assessing the retrospective impact as a result of the activity contemplated in the S24G application. CapeNature notes that both Figure 1 and Figure 2 in the S24G Report appear to be incorrect as they are labelled as indicating the site boundaries, however they only encompass part of the site. It is assumed that the proposed disturbance footprint will be in accordance with the proposed layout plan for the dwelling. However, there was also clearing in the north-western corner which took place which is not part of the footprint.

Although the 2023 botanical input was for a planning application, it provides recommendations for the current proposal and includes reference to the existing disturbance as referred to above. None of the botanical studies included impact assessments as this is not required for planning applications. The S24G Report has however included an impact assessment based on the botanical studies undertaken with a rating of medium before mitigation and low after mitigation. CapeNature recommended that the botanical specialist must provide confirmation of agreement with the ratings and recommendation provided in the S24G Report.

The site is mapped as a wetland in the National Wetland Map. The 2006 botanical study indicated that the site is well drained, and the vegetation communities did not include any wetland vegetation communities. On this basis, it is motivated that there are no wetlands on site. While the botanical study provides evidence of the lack of wetlands, the presence of wetlands needs to be determined in accordance with the standard methodology including both soil and vegetation indicators. Comment should be provided by the Breede Olifants

Catchment Management Agency (BOCMA) in this regard. CapeNature therefore recommends that a wetland delineation study must be undertaken to verify the presence or lack of wetlands. If wetlands are present, an assessment must be undertaken.

In conclusion, CapeNature recommended that a screening tool report and a site sensitivity verification report must be compiled as part of the application. The botanical studies must be accompanied by an addendum by the specialist which verifies the impact ratings and the recommendations. A wetland delineation study must be undertaken to verify the presence or absence of wetland and comment must be obtained from BOCMA.

The EAP responded that a Freshwater Screening Report has been conducted. The findings indicated that there are no watercourses or wetland present on site, therefore there are no freshwater habitat impacted as a result of unauthorised clearance.

The BOCMA indicated that, even though no construction had begun on this property, this communication in any case, is shared with the Compliance section of the BOCMA, who could assist with the investigation into the matter. BOCMA indicated that the comment provided is in the interest of responsible water resource management.

The EAP reaffirmed that the Freshwater Assessment confirmed that there are no wetlands or watercourse on site and that no further application is required in terms of the *National Water Act, 1998 (Act 36 of 1998)*.

The Overberg District Municipality's (ODM) department of Environmental Management Services (EMS) took cognisance of the S24G application for the unlawful clearance of vegetation to build a single residential development. It is acknowledged that the proposed development is situated within the urban edge of the Betty's Bay area and that the applicant has a development right.

The Western Cape Biodiversity Spatial Plan, 2017 (WCBSP) categorise the site as Ecological Support Area 2 (EAS2). The Overberg District Municipality's Spatial Development Framework (SDF) clearly define Spatial Planning Categories (SPCs) to reflect how the area should be developed spatially to ensure sustainability. These SPCs are linked with the Biodiversity Spatial Plan Categories as defined in the WCBSP. ESA2 are classified as Buffer and should be restored or manage to minimise impact on Ecological infrastructure functioning, especially, soil and water related services.

The current application falls within Hangklip Sandstone Fynbos which is listed as critically endangered in the revised national list of ecosystems that are threatened and in need of protection, published 18 November 2022. The ODM's SDF promote the conservation of

critically endangered ecosystem types and therefore support the proposal to limit the development footprint to the area which have already been impacted.

The ODM therefore has no objection against the proposed development and support the mitigation proposal as stipulated in the Botanical Assessment.

The previous EMS, now the Environmental Management & Conservation (EMC) Division of the Overstrand has taken into account the feedback received from the Botanical Specialist, Nick Helme who conducted the original botanical survey in 2006. As per the recommendations of Mr. Helme in correspondence dated 6 September 2023 addressed to Greeff Architecture, that included a site plan for a new dwelling within the no-go area, the following as per this correspondence must be implemented to reduce further negative impacts to the remaining vegetation on site:

- 1. There should be no further clearance of vegetation by mechanical means (i.e. no earth-moving machinery that will remove the topsoil and associated seedbank).*
- 2. The area earmarked for the development of the new dwelling must be clearly demarcated to prevent further damage to the undisturbed vegetation.*

As the property is categorised within the Overstrand EMOZ Regulations: Urban Conservation area (Category D: Private Property), the following must be implemented/adhered to:

- 1. Only locally endemic plant species may be planted on the property should the owner wish to plant in the areas in the area for earmarked for the development. Areas outside of the development area must remain as natural vegetation. Should fire management be required, thinning/reduction of fuel load should occur by non-mechanical means, i.e. thinning, reducing fuel load by means of hand-tools only.*
- 2. Alien Invasive Plant Species (AIPS) must be removed by non-mechanical methods on a regular basis. Should the control of AIPS entail the application of herbicides, this must be conducted as required.*

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Alternative 1 - The option of not implementing or continuing with the activity ("No-Go" Alternative)

Ceasing the activity and allowing the area to rehabilitate itself – this would result in the applicant exercising their right to develop their single residential dwelling elsewhere on the property and not where the existing impact/disturbance remains. This is thus deemed an unfeasible and unreasonable alternative.

Alternative 2 (Preferred alternative)

This is the preferred option, where the landowner obtains retrospective authorisation to continue with the activity in the current disturbed location. The applicant was not aware of the environmental restrictions on the property due to failure of incorporating the necessary information on the title deed. The applicant intends to rehabilitate the disturbed area once house is completed.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Need & Desirability

The construction of the dwelling aligns with the Provincial Spatial Development Framework (PSDF) objectives by providing housing to meet the needs of new residents and creating economic opportunities through rental income. This supports both residential development and economic growth, as outlined in the framework's objectives.

The PSDF aims to prioritize areas of potential development through proper planning, addressing housing needs, and promoting economic opportunities. The framework emphasizes the importance of prioritizing places that offer significant economic prospects.

The activity relates to the development of a residential dwelling on an erf zoned for residential purposes and is thus not in conflict with the intended land use.

3.2. Biodiversity Impacts

The applicant cleared critically endangered vegetation on site where he intended to build his residential dwelling on the property. According to the botanical specialist findings, the primary construction phase botanical impact of development would be

permanent loss of all or most of the existing natural and partly natural vegetation in the development footprint. The botanist indicated support of using the pre-existing disturbed area in the northwest corner of this erf as the primary development footprint on this site, notwithstanding the fact that this is in an area marked in his 2006 botanical survey as a No-Go area of higher botanical sensitivity. The botanist indicated that Rehabilitation of this area is possible, but not to a point where the more sensitive and threatened species will return within ten years. In this regard it is essential that the total allowable development footprint (as shown in the site plans) be fenced off during construction to prevent accidental damage to surrounding natural areas. It is also recommended that the disturbed area along the southern boundary be allowed to rehabilitate naturally, which it should do over time.

The remaining portion of the site population of the single plant Species of Conservation Concern (*Serruria adscendens*) should not be further impacted by the proposed development.

3.3. Sense of Place / Heritage

The activity is in line with surrounding residential land use and will not impact the surrounding environment's sense of place. No heritage impacts or concerns were identified.

3.4. Pollution / Waste Impacts

The activity does not result in the production of waste or any pollution. Construction related waste will be dispensed of in accordance with the EMPr.

3.5. Socio-economic Impacts

The clearance of vegetation on site does not result in any negative socio-economic impact beyond the construction phase.

4. **NEMA Principles**

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

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

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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