

**Western Cape
Government**Environmental Affairs and
Development Planning

DIRECTORATE: LAND MANAGEMENT (REGION 1)

REFERENCE: 16/3/1/1/B1/10/1044/13
ENQUIRIES: Ms. Arabel McClelland
DATE: 2014-07-02

Municipal Manager
Langeberg Municipality
Private Bag X2
ASHTON
6715

Attention: Mr. Jacobus de Kock Jooste

Tel: (023) 615 8001
Fax: (023) 615 1563

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED MCGREGOR HOUSING PROJECT ON ERF NO. 360, MCGREGOR.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Site Alternative 5 and Layout Alternative 4 (LA4) described in the Basic Assessment Report ("BAR"), dated April 2014.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Langeberg Municipality
c/o Municipal Manager
Private Bag X2

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 2660 Fax: +27 21 483 3633
E-mail: Arabel.McClelland@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

ASHTON

6715

Tel: (023) 615 8001

Fax: (023) 615 1563

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "**the applicant**".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 9

"The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -

- (i) with an internal diameter of 0,36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more,*

excluding where:

- a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or*
- b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.*

Activity Number: 11

The construction of:

- (i) canals;*
- (ii) channels;*
- (iii) bridges;*
- (iv) dams;*
- (v) weirs;*
- (vi) bulk storm water outlet structures;*
- (vii) marinas;*
- (viii) jetties exceeding 50 square metres in size;*
- (ix) slipways exceeding 50 square metres in size;*
- (x) buildings exceeding 50 square metres in size; or*
- (xi) infrastructure or structures covering 50 square metres or more*

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity Number: 22

The construction of a road, outside urban areas,

- (i) with a reserve wider than 13,5 meters or,*
- (ii) where no reserve exists where the road is wider than 8 metres, or*

- (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 544 of 2010.

Activity Number: 23

The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -

except where such transformation takes place –

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

Government Notice No. R546 of 18 June 2010 –

Activity Number: 4

"The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

(d) In Western Cape:

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. In urban areas:
 - (aa) Areas zoned for use as public open space within urban areas; and
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose."

Activity Number: 16

The construction of:

- (i) jetties exceeding 10 square metres in size;
- (ii) slipways exceeding 10 square metres in size;
- (iii) buildings with a footprint exceeding 10 square metres in size; or
- (iv) infrastructure covering 10 square metres or more;

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(d) In Western Cape:

- i. In an estuary;
- ii. Outside urban areas, in:
 - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;

- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) World Heritage Sites;
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (ee) Sites or areas identified in terms of an International Convention;
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves;
- (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
- (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
- iii. Inside urban areas:
 - (aa) Areas zoned for use as public open space;
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
 - (cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line.

The abovementioned activities are hereinafter referred to as, "**the listed activities**".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The proposed establishment of a housing development on Erf No. 360, McGregor, entailing the following:

- 547 residential erven comprising 32 market related erven, 287 subsidy housing as "walk-ups" and 228 single storey subsidy housing units;
- Urban agriculture areas;
- Market and event arena;
- An agricultural training institute;
- Commercial and religious erven;
- Storm water and internal road infrastructure;
- Infilling of the existing gravel farm dam; and
- Electricity, sewerage, water and solid waste management services.

The proposed development will also include the removal of the existing informal settlement and subsequent rehabilitation of the area located adjacent to the Hoeks River, which covers approximately 1.5ha.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take on place on Erf No. 360, situated on Buitekant Street, in McGregor.

The SG 21 digit code is: C06500010000036000000

Co-ordinates: 33° 57' 07.79" South
19° 49' 52.21" East

hereinafter referred to as, "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd
c/o Mr. Nicolaas Hanekom
P. O. Box 45070
CLAREMONT
7735

Tel: (021) 671 1660
Fax: (088) 021 671 1660

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue 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 may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
 - 3.1 notify all registered interested and affected parties of –
 - 3.1.1 the outcome of the application;

- 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
- 3.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
- 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and
- 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations.
- 3.5 Provide the registered interested and affected parties with:-
 - 3.5.1 The name of the holder (entity) of this Environmental Authorisation;
 - 3.5.2 name of the responsible person for this Environmental Authorisation;
 - 3.5.3 postal address of the holder;
 - 3.5.4 telephonic and fax details of the holder; and
 - 3.5.5 e-mail address, if any.
- 4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 2, 3, 13, **19**, 20 and 21.
- 5. The holder is 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.
- 6. Any changes to, or deviations from the scope of the description set out in section B 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 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 to apply for further authorisation in terms of the applicable legislation.

7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. A copy of the environmental authorisation and the amended EMP (that must be authorised by the Department) must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and amended EMP 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. The environmental authorisation and amended EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
9. The applicant 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, save that such application for amendment shall not include the personal details of the holder of the environmental authorization. Where any of the applicant's contact details change, the physical or postal address and/ or telephonic details, the applicant must notify the competent authority in writing as soon as the new details become known to the applicant as follows:
 - 9.1. The applicant must submit an originally signed notification to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 9.2. The competent authority will issue a written confirmation to confirm the transfer if the transfer is found to be appropriate.
10. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.

11. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for all phases of implementation before commencement of any land clearing or mining activities to ensure compliance with the EMP and the conditions contained herein.
13. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
14. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met. This is particularly relevant, should dewatering of the mining pit be required, which would necessitate a Water Use Licence in terms of the National Water Act, 1998 (Act No. 36 of 1998).
15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

17. The revised site development plan proposed by Matthew Gray Architects and Urban Designers, as approved by Heritage Western Cape on 19 February 2014, must be implemented.
18. The existing informal settlement located to the north east of Erf No. 360 on the floodplain of the Hoeks River must be removed and the area rehabilitated.
19. The River and Riparian Zone Operational Environmental Management Programme ("EMP") submitted as part of the application for environmental

authorisation must be amended and submitted to this Department for authorisation before construction commences. The EMP must be amended to include the following:

- 19.1. Methods and timeframes for the decommissioning of the informal settlement.
- 19.2. Detailed methods as well as timeframes in which rehabilitation will be completed, including methods for monitoring the progress of the rehabilitation and the future condition of the site.
- 19.3. Outline of the responsible parties and their roles during the decommissioning and rehabilitation of the informal settlement area, the river and floodplain areas, not only in the area associated with the informal settlement but also for the monitoring and maintenance of the river corridor and the buffer area to the east of the housing development.

An application for amendment to the amended EMP (that must be authorised by the Department) must be submitted to the competent authority if any further amendments are to be made to the amended EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority. The amended EMP must be included in all contract documentation for all phases of implementation.

20. The storm water management plan must be approved by the local authority, prior to commencement of construction, for implementation on the site.
21. The river and the 32m buffer zone must be clearly demarcated and maintained between the development site and the 1 in 100 year flood line located to the east of the site. This area is to be regarded as a no-go area.
22. Landscaping must be implemented across the site, including the planting of appropriate indigenous trees along the south eastern side of Buitekant Street, along the extensions of Kerk Street and Bree Street. Public open spaces must be treed and a windbreak of trees should also be planted along the lower edge of the urban agricultural zone.
23. Alien vegetation on site must be removed on an ongoing basis.
24. Existing roads used for site access must be restored to at least their pre-construction condition once construction of the development is completed.
25. A Home Owners' Association for the transition area (i.e. at least the two rows of houses on both sides of Buitekant, Hartzenberg and Meyer Streets) must be established once ownership of the first properties of the development in the aforementioned area has been transferred. The Constitution or home owner guidelines for the Home Owners' Association must be submitted to the municipality for approval upon inception.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –

1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;

1.1.1. If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with —

(a) a copy of the notice lodged with the Minister; and

(b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.

1.1.2. If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with —

(a) a copy of the notice lodged with the Minister and

(b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and

1.3. that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister and

1.4. if a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.

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

3. All notice of intention to appeal and appeal forms must be submitted in hard copy 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 (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

PLEASE NOTE: NO appeal, responding and answering statement may be lodged by e-mail.

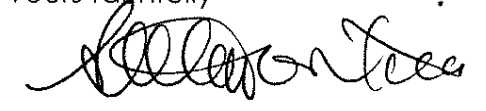
4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. HENRI FORTUIN
DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 2-7-14

CC: (1) Mr. David Douglas (ASLA Devco)
(2) Mr. Nicolaas Hanekom (Eco Impact Legal Consulting (Pty) Ltd)
(3) Ms. Keshni Rughoobee (DEA&DP: Directorate Development Facilitation)

Fax: (021) 845 8552
Fax: (088) 021 671 1660
Fax: (021) 483 8311

FOR OFFICIAL USE ONLY:**EIA REFERENCE NUMBER:****16/3/1/1/B1/10/1044/13****NEAS EIA REFERENCE NUMBER:****WCP/EIA/0001362/2013****ANNEXURE 1: REASONS FOR THE DECISION**

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

- a) The information contained in the application form dated 30 May 2013, the Environmental Management Programme ("EMP") submitted together with the Final Basic Assessment Report ("BAR") and amended application form, dated April 2014, received by the competent authority on 4 April 2014, and the additional information dated 30 April 2014, as received by the Department on 13 May 2014;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, and in particular section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the Final BAR and additional information received by the competent authority on 4 April 2014 and 13 May 2014 respectively;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- g) The site visit conducted by officials from this Department and the Environmental Assessment Practitioner, Mr. Nicolaas Hanekom, on 24 April 2014.

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

The public participation process included:

- Distribution of an initial notification letter to neighbouring landowners and occupiers of Erf No. 360 and to the residents of the informal settlement on 15 July 2013 to allow for a 30 day Interested and Affected Parties ("I&AP's") registration period.
- Placing of site notices on the subject site and at the existing informal settlement on 15 July 2013.
- An advertisement was placed in "The Breederivier Gazette" newspaper on 16 July 2013.

- The posting of notices via registered mail on 20 July 2013 to those properties for which addresses were sourced.
- Notifying registered I&AP's, relevant State Departments and Organs of State of the availability of the draft BAR for comment for a period of 40 days ending on 10 October 2013.
- The placing of an advertisement in "The Breederivier Gazette" newspaper on 3 September 2013 notifying the public of an Open Day to be held on 16 September 2013.
- An Open Day held on 16 September 2013 at the McGregor Community Hall.
- Circulating the final BAR to registered I&AP's for comment for a further 21 days on 17 February 2014.
- The distribution of additional information to registered I&AP's for comment for seven days, as requested by the Department, on 30 April 2014.

Authorities Consultation:

The following authorities commented:

- CapeNature;
- Heritage Western Cape;
- Breede Overberg Catchment Management Agency;
- Western Cape Department of Human Settlements;
- Western Cape Department of Agriculture;
- Western Cape Department of Transport and Public Works;
- Western Cape Department of Health;
- Cape Winelands District Municipality;
- Langeberg Municipality;
- Department of Environmental Affairs and Development Planning: Waste Management Directorate;
- Department of Environmental Affairs and Development Planning: Pollution Management Directorate;

At the end of the commenting period the following issues were raised and were adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP, to adequately address the concerns raised. Issues and a summary of the EAP's responses, accepted by the Department, are presented below:

Comment	Response
Agriculture	
<ul style="list-style-type: none"> • Loss of high production and irrigation potential/value agricultural land that is considered an asset. 	<ul style="list-style-type: none"> • The soil specialist identified site five as having high potential soil for agriculture. However, the landowner has sold the property to the municipality and farming activities are coming to an end. The agricultural potential of the site is therefore limited as no further farming is envisioned. It is, however, proposed to include market gardens with the intention of maintaining an agricultural

<ul style="list-style-type: none"> • Objection to the development of site alternatives 4 and 5 and support for 1, 2, 3. • A further site alternative was proposed to the west of McGregor. 	<p>component for the benefit of the residents on the site.</p> <ul style="list-style-type: none"> • The preferred site meets the requirements of the draft Langeberg Spatial Development Framework and is within the proposed urban edge. The site is considered the most reasonable and feasible from the alternatives considered based on its size, proximity to McGregor and developable attributes. • The suggested site does not fall within the proposed urban edge of McGregor, contains sensitive biophysical aspects and encroaches on the Krans Nature Reserve, which therefore prohibits development.
Services and infrastructure	
<ul style="list-style-type: none"> • Adequacy of the existing sewer and water network and concern relating to the current capacity constraints at the McGregor WWTW. • Internal placement of cables, reticulation and queries regarding road surfacing. 	<ul style="list-style-type: none"> • Currently there is insufficient capacity in the existing water and sewer networks. Upgrades will be required to reinforce the system to accommodate the development. These upgrades and connections are proposed as part of the services for the development through an upgrade to the sewerage network and connection to the existing outfall sewer. • There is sufficient reservoir capacity. • There is sufficient capacity at the McGregor WWTW once minor refurbishment work has been undertaken. This has been factored into the 2014/2015 municipal budget. • The engineering services report details required works for the development. • Roads will not be tar or bitumen surfaced.
Biophysical impacts	
<ul style="list-style-type: none"> • The inclusion of a separate operational EMP to address river maintenance and monitoring. • Concern over the lack of detail, methods, timeframes and roles and responsibilities for the proposed 	<ul style="list-style-type: none"> • A separate "River and Riparian Zone Operational EMP" has been included. • Additional clarity has been included in the Operational EMP, although it remains relatively generic and broad. A

<p>rehabilitation of the river and riparian areas and the areas below the 1:100 year flood line. Insufficient information was provided on the proposed removal of the informal settlement and subsequent rehabilitation.</p> <ul style="list-style-type: none"> Concern over management of storm water on the site having a significant impact on the flood plain of the river and the aquatic CBA. 	<p>condition of authorisation has been included in this environmental authorisation to ensure this aspect is addressed.</p> <ul style="list-style-type: none"> A storm water management plan has been compiled by the engineers for implementation. A buffer area has been designated and no development will occur within the buffer area or below the 1:100 year flood line.
Heritage, Visual, aesthetic, sense of place impacts	
<ul style="list-style-type: none"> A landscaping plan was requested to show proposed tree planting and other elements. Concern was raised with respect to the proposed layout, housing typologies used, road network configuration, integration with the existing town, buffering the adjacent properties and lighting. 	<ul style="list-style-type: none"> Provisional tree planting locations have been included on the Site Development Plan ("SDP") and included in the recommendations of the urban design and visual specialist reports, in accordance with Heritage Western Cape ("HWC"). Specialist input included Heritage Impact Assessments, a Visual Impact Assessment and Urban Design report. The SDP was revised to take into consideration the recommendations of the specialists along with the requirements from HWC. HWC approved the revised layout plan as proposed once urban design input had been obtained. The housing architecture and typologies have been amended to integrate with the existing "onder-dorp" style; market erven have been positioned along Buitekant Street and the food gardens are positioned along the edges of the site.
Traffic	
<ul style="list-style-type: none"> Access points for the development and use of existing roads and the accesses during construction were noted as a concern. 	<ul style="list-style-type: none"> A Traffic Statement was undertaken noting that more than one access is required. During adjustments to the design during the process, additional access was provided from Kerk, Bree and Hartzenberg Streets as well as Van Reenen Street to a lesser degree. The EMP includes additional traffic mitigation measures for the construction phase.

<ul style="list-style-type: none"> The potential volume of traffic and the impact on the existing road network. 	<ul style="list-style-type: none"> The requirement has been noted by the traffic specialist that following the construction phase the roads are returned to their pre-construction condition as a minimum. This has been included as a condition of this environmental authorisation.
Property Values	
<ul style="list-style-type: none"> Property values for adjacent residences will decrease. 	<ul style="list-style-type: none"> It is anticipated that property values will decrease although it is expected that, with proper implementation of the mitigation measures and EMP, these will recover in the long-term.
Socio-economic	
<ul style="list-style-type: none"> A number of concerns were raised with regards to the discrepancies in the number of housing opportunities provided and the number of applicants. The potential influx of people to McGregor in search of jobs and housing and that the development would be inappropriate in attracting people to the small rural town with very limited economic opportunities was also highlighted. 	<ul style="list-style-type: none"> Relevant forward planning documents were referenced to show that the need existed for housing in the town and the proposed development will only cater to those already on the housing application list from McGregor and its surrounds. The municipality presented a list of applicants which was subsequently revised and confirmed by the Department of Human Settlements.
Alternatives	
<ul style="list-style-type: none"> Inadequate consideration of alternative sites with the "Swanepoel Farm" and a further site alternative west of the town suggested as an alternative sites. 	<ul style="list-style-type: none"> The sites chosen for consideration were identified by the municipality. The Swanepoel Farm was not considered as it is located outside of the urban fabric of McGregor, across the Hoeks River, is very large, thereby providing opportunity for an influx of people to the area, and entrenches "apartheid" planning. The site to the west of McGregor contains sensitive biophysical aspects and encroaches on the Krans Nature Reserve.

2. Alternatives

Five site alternatives for the proposed development were considered, as outlined below:

Site Alternative 1

The proposed establishment of a housing development on a Portion of Erf No. 330 and Erven 389, 921, 922, 923, 924, 925, 926, 1174 and 1175, McGregor.

This alternative is not preferred for the following reasons:

- The site is approximately 1.35ha in extent and can only accommodate an estimated 25 housing units, which falls short of the minimum number of units required in terms of meeting the housing need for McGregor.

Site Alternative 2

The proposed establishment of a housing development on a Portion of Erf No. 330, McGregor.

This alternative is not preferred for the following reasons:

- Approximately sixty percent of the site remains covered with indigenous vegetation characterised as Breede Alluvium Renosterveld.
- Furthermore, the site is approximately 1.93ha in extent and can only accommodate an estimated 55 housing units, which falls short of the minimum number of units required in terms of meeting the housing need for McGregor.

Site Alternative 3

The proposed establishment of a housing development on Erf No. 946 and Erven No's. 968 - 994, McGregor.

This alternative is not preferred for the following reasons:

- Approximately forty percent of the site remains covered with indigenous vegetation characterised as Robertson Karoo.
- Approvals are already in place for low-density residential development on the site.
- Furthermore, the site is approximately 3.14ha in extent and can only accommodate an estimated 90 housing units, which falls short of the minimum number of units required in terms of meeting the housing need for McGregor.

Site Alternative 4

The proposed establishment of a housing development on a Portion of Erf No. 330, McGregor.

This alternative is not preferred for the following reasons:

- Approximately eighty percent of the site remains covered with indigenous vegetation.
- The proposed site is located outside of the McGregor urban edge and a natural extension of the town's existing urban footprint is not possible.
- The site contains steep slopes and would warrant high development costs.

Site Alternative 5 (herewith authorised)

The proposed establishment of a housing development on Erf No. 360, McGregor.

This alternative is preferred for the following reasons:

- The site is situated within a valley with a gentle slope.
- The site is transformed through cultivation and associated agricultural uses with no natural vegetation remaining.

- It is located outside of the 1 in 100 year flood line.
- The erf is of a sufficient size to accommodate the full extent of the housing need on a single site.

During the public consultation process two further site alternatives were proposed. These included the following:

Site Alternative 6

The proposed establishment of a housing development on Erf 363, McGregor, referred to as the "Swanepoel Farm".

This alternative is not preferred for the following reasons:

- Utilising this site for housing would create leapfrog development and reinforce apartheid-type development.
- Development of this site would go against the objectives of densification and integration promoted by the Provincial Spatial Development Framework.
- The farm is 91ha and considered too extensive in size to cater for the proposed housing development.
- Developing such a large site for the purpose of housing would result in substantially increasing the size of McGregor and would create potential for the influx of people to the town in search of housing opportunities.

Site Alternative 7

The proposed establishment of a housing development on a combination of site three and an area to the west of the western built up edge of McGregor, as proposed by the Department of Agriculture.

This alternative is not preferred for the following reasons:

- The site is located outside the urban edge.
- The site comprises uneven terrain.
- The site encroaches on the Krans Nature Reserve, situated to the north west of McGregor.

Four layout alternatives for the preferred site (Site Alternative 5 as referred to above) were considered, as outlined below:

Layout Alternative 1 (LA1)

The proposed establishment of a housing development entailing the following:

- Approximately 619 subsidised erven of 150m²;
- A sports field of approximately 1.03ha;
- Community facilities covering an area of approximately 0.83ha, including a crèche, clinic, community hall, training centre and a church;
- Retaining the gravel farm dam;
- Storm water and internal road infrastructure;
- Electricity, sewerage, water and solid waste management services.

- The total development footprint would cover approximately 17.41ha.

This alternative is not preferred for the following reasons:

- An engineering investigation identified that the existing gravel dam wall is unsafe and retention of the dam was not recommended.
- The proposed layout does not take into consideration the potential visual impact of the development on the sense of place and surrounding developments.
- The proposed layout does not provide an adequate Critical Biodiversity Area buffer between the development and the 1 in 100 year flood line along the eastern boundary of the site.

Layout Alternative 2 (LA2)

The proposed establishment of a housing development entailing the following:

- 583 residential erven comprising 50 GAP housing opportunities and 533 subsidy housing units;
- A sports field of approximately 1.03ha;
- Community facilities covering an area of approximately 0.83ha, including a crèche, clinic, community hall, training centre and a church;
- Retaining the gravel farm dam;
- Storm water and internal road infrastructure;
- Electricity, sewerage, water and solid waste management services.
- The total development footprint would cover approximately 17.41ha.
- The removal of the existing informal settlement and subsequent rehabilitation of the affected area, which is located to the north east of the site and is approximately 1.5ha in extent.

This alternative is not preferred for the following reasons:

- An engineering investigation identified that the existing gravel dam wall is unsafe and retention of the dam was not recommended.
- The proposed layout does not take into consideration the potential visual impact of the development on the sense of place and surrounding developments.

Layout Alternative 3 (LA3)

The proposed establishment of a housing development entailing the following:

- 525 residential erven comprising five large single erven, 17 GAP housing opportunities and 503 subsidy housing units;
- Food gardens;
- A market and event arena;
- An agricultural training institute;
- Commercial and religious erven;
- Storm water and internal road infrastructure;
- Infilling of the existing gravel farm dam; and
- Electricity, sewerage, water and solid waste management services.
- The total development footprint would cover approximately 17.41ha.

- The removal of the existing informal settlement and subsequent rehabilitation of the affected area, which is located to the north east of the site and is approximately 1.5ha in extent.

This alternative is not preferred for the following reasons:

- The proposed layout would have negative implications for the heritage significance of the town of McGregor.
- The urban design of the layout did not support the urban structure of McGregor.

Layout Alternative 4 (LA4) (herewith authorised)

The proposed establishment of a housing development entailing the following:

- 547 residential erven comprising 32 market related erven, 287 subsidy housing as "walk-ups" and 228 single storey subsidy housing units;
- Urban agriculture areas;
- A market and event arena;
- An agricultural training institute;
- Commercial and religious erven;
- Storm water and internal road infrastructure;
- Infilling of the existing gravel farm dam; and
- Electricity, sewerage, water and solid waste management services.
- The total development footprint would cover approximately 17.41ha.
- The removal of the existing informal settlement and subsequent rehabilitation of the affected area, which is located to the north east of the site and is approximately 1.5ha in extent.

This alternative is preferred for the following reasons:

- The proposed layout provides for a greater number of erven and offers sufficient opportunities to meet the housing needs of McGregor.
- The street layout provided for within the proposal effectively repeats and extends the built form of McGregor and utilises the "superblock" concept, which is in line with the character of the town, thereby creating a straight extension of Kerk and Bree Street, with accessibility and further integration also occurring at Meyer Crescent.
- The developable area has increased as a result of the decommissioning of the dam and inclusion of this area into the layout in order to create a grid layout design.
- The proposed layout takes into consideration the potential impact on sense of place and surrounding existing development. The large single residential erven situated along Buitekant Street promote better aesthetic views and blend in with the adjacent historical buildings. The development of the interiors of the "superblocks" will give visual linkages to the surrounding agricultural area with social and play areas occurring within these blocks.
- The proposed layout allows the change in density and scale to be absorbed within the street and block structure of the town.
- Various housing typologies have been proposed in the layout to prevent a monotonous layout that detracts from the built character of McGregor.
- A mix of different land uses, such as residential, community facilities, open space and commercial use is provided, as well as allowing for urban agriculture.

- A lower density of 30 units per hectare is proposed, which is considered more appropriate for the built character of McGregor. The proposed development will therefore not detract from the town's built environment.
- The layout promotes a sense of integration with connections and linkages to the historic town provided.
- Multiple vehicle access points are proposed to minimise undesirable funneling of traffic.
- The public fronts of the buildings will address public space, thereby maximising public surveillance, while private backs do not back onto public open space. This in turn avoids compromising security and privacy.
- The layout provides an adequate Critical Biodiversity Area buffer between the development and the 1 in 100 year flood line along the eastern boundary of the site, with sufficient area to implement storm water management measures.

"No-Go" Alternative

The "no-go" option was considered, however, it is not preferred. The informal settlement situated to the north east of the site would persist, along with its potential continued expansion into the floodplain of the Hoeks River. This would result in ongoing risks for the occupants and the river. As the municipality has already purchased Erf 360 with the intent on developing subsidy housing, the agricultural potential of the land is limited. Should the development not go ahead, due to its landowner status, current farming activities on the site would cease over time and the site may fall derelict as no further farming is envisioned. As it is not likely that the municipality will itself undertake agricultural activities on the site, an alternative use for the site would be sought. Significantly, the no-go option would result in the housing need of McGregor not being addressed or met.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The Langeberg Municipality has a database of applicants for subsidy housing which was submitted to the Western Cape Government: Department of Human Settlements. This list of applicants was verified by the Department and confirmation provided that a total of 519 applicants qualify as residents in the McGregor area. The proposed housing development will accommodate beneficiaries of the waiting list that already reside in McGregor and its surrounding area and provide formal housing to those currently occupying informal housing. The housing development is in line with the principles of sustainable development and is considered ecologically justifiable, socially equitable and economically viable as per the Provincial Spatial Development Framework. The land on which the development will occur has already been purchased by the Langeberg Municipality for the purpose of constructing the subsidy housing development in order to meet the needs of the local community. Although the site currently falls outside the urban edge, the proposed development is in line with recommendations of the draft Spatial Development Framework (SDF, 2014). In addition, following future adoption of this SDF, the site will fall within the revised urban edge. Furthermore, a strategic objective of the 2013-2014 Integrated Development Plan ("IDP") for the Langeberg Municipality is the provision of sustainable integrated human settlements. These settlements will aim to provide access to affordable and low cost housing opportunities to all citizens within the municipal area. Erf 360 has been earmarked

for housing development by the municipality in the current IDP for this purpose. The development of these housing opportunities will allow for the removal of the current informal settlement situated along the Hoeks River and rehabilitation of the affected section of the river's floodplain.

3.2. **Biophysical**

The site contains no sensitive indigenous vegetation due to transformation of the site through agricultural use. No significant impact on vegetation is therefore anticipated. No significant breeding, roosting or habitats occur on site and it is anticipated that most species will move out of the area into similar adjacent habitats when construction activities commence. Strict adherence to the EMP under the supervision of an Environmental Control Officer ("ECO") is required during both construction and operational phases to ensure minimisation of potential impacts.

The proposed housing development will result in the loss of the agricultural potential for this site, as noted in the Soil Survey, compiled by the Mr. B. Scholms, and the Department of Agriculture's comments, dated 25 March 2014 and 29 April 2014 respectively. However, this potential is recognised as being limited, as the site has already been purchased by the municipality with the sole intention of developing Erf 360 for subsidy housing, in line with the regional needs and applicable strategic forward planning documents. It is noted, however, that sites for urban agriculture have been included within the proposed development. With respect to the soil conditions on site for construction, special precautionary measures must be implemented when removing the earthfill dam. This includes ensuring fill material is adequately compacted and foundations are taken down to bedrock.

3.3. **Surface water and groundwater**

The eastern boundary of the site has been identified as an Aquatic Critical Biodiversity Area in order to protect the non-perennial river, the Hoeks River, from surrounding impacts. The housing development is located outside of the riparian vegetation area, the river's floodplain and the 1 in 100 year flood line. Storm water management infrastructure will be located within a 32m buffer area that runs between the development and the river to prevent any potential significant detrimental impacts on the adjacent aquatic environment. Storm water runoff is to be accommodated in the design and construction of the storm water management system to link into the downstream systems to prevent flooding, erosion and siltation of the drainage lines and floodplains to the east. The implementation of the site specific storm water management plan along with the EMP, under the supervision of an ECO, will sufficiently mitigate potential impacts.

The informal settlement to be rehabilitated is located within the floodplain buffer area of the non-perennial river east of the site. The removal of the informal settlement and the rehabilitation of this area will have a positive impact on the aquatic environment. An operational EMP, including ongoing maintenance, monitoring and management procedures for the area to be rehabilitated, to be carried out by the municipality, addresses the need for future rehabilitation and management.

3.4. **Traffic**

It is anticipated that traffic impacts will result from the proposed housing development. These would not only be associated with construction-related vehicle movement, but also increased traffic volumes and public transport, owing to the scale of the development and catering for the transport needs of the residents. Mitigation measures to address construction phase traffic impacts have been included in the EMP. Although these impacts will be of a temporary nature, provision has been made within the conditions of this environmental authorisation to further mitigate construction related impacts on the existing road network. The recommendations of the traffic assessment, undertaken by ICE Boland, have also been incorporated into the design of the development to alleviate potential traffic impacts that may be experienced once the development is completed.

3.5. **Noise**

It is anticipated that noise impacts will occur as a result of the construction phase of the development, as well as the eventual occupation of the housing units in the future. Noise control measures during the construction phase are to be implemented in accordance with the EMP.

3.6. **Heritage, Urban Planning and Visual**

Through an iterative process between the project team, in consultation with Heritage Western Cape, the proposed housing development has evolved to address the potential significant negative impacts from a heritage, urban planning and visual perspective. A Visual Impact Assessment, and a Phase One Heritage Impact Assessment Report, compiled by Urban Dynamics and Aikman Associates respectively, identified a range of potential impacts associated with the proposed development's location and layout on the outskirts of McGregor. The most notable is the proposed development's impact on the sense of place, particularly in relation to the existing properties and cultural-historic context of the town itself. A Phase Two Heritage Impact Assessment Report, also undertaken by Aikman Associates, used design indicators to protect the integrity of the historic townscape of McGregor. As such, the revised layout mirrors the 19th Century settlement pattern through extensions of Kerk and Bree Streets and use of a geometric spatial configuration and a grid pattern to preserve heritage resources and promote the integration of communities. Larger residential erven have been placed along Buitekant Street, to which strict architectural design guidelines will apply. Market gardens have been positioned along the south western boundary of the site abutting the adjacent farm, along with the re-use of the farmstead on Erf No. 360 as an agricultural training institute. Landscaping has been proposed to provide avenues, windbreaks and shaded public open space.

From a visual perspective, the proposed development will have a high visual intrusion factor but this can be successfully mitigated to an acceptable level. Through the Urban Design Report: Principles and Guidelines, compiled by Urban Dynamics, mitigation of the negative impacts associated with the development is shown through implementing the landscaping plan, adherence to the historic urban and architectural guidelines specified by the McGregor Heritage Society, the inclusion of a transitional zone and unit typology variations.

3.7. **Socio-economic**

Both potential positive and negative socio-economic impacts may occur. The construction phase of the development will provide employment, an income to families and the potential for beneficial skills development to the local community, although it may result in an influx of job-seekers.

The housing development's most significant positive impact is the provision of housing to those currently on the housing application list in the community of McGregor and its surrounds. It will improve access to housing opportunities and services and notably the quality of lives for the residents through addressing the poor living conditions currently experienced within the existing informal settlements. It is likely that such positive opportunities will enhance community accountability and cohesion and social integration. Access to recreational and community facilities along with a more stable and secure residential environment will be beneficial to the residents of the development and in the long term enable the community to become more economically active. The provision of the agricultural training institute will also enable the transferring of skills within the agriculture sector. Potential negative impacts associated with the development include the potential increase of inward migration to McGregor in search of housing opportunities, although this is not anticipated to be of a significant volume. It is also likely that the property prices of residences along Meyer and Buitekant Streets will decrease over the long term. However, it is likely that the property market will restore over a longer period with the implementation of the proposed mitigation measures and the ongoing management of the development.

3.8. **Services**

The Langeberg Municipality has confirmed that sufficient service capacity exists to accommodate the proposed development with respect to water supply. Once minor refurbishment works of the McGregor Wastewater Treatment Plant and upgrades to the sewer infrastructure have been completed, for which the municipal planning and implementation process is currently underway, sufficient capacity will also exist for sewer and wastewater treatment.

In summary, the proposed development is predicted to have both negative and positive impacts.

Negative Impacts:

- Temporary construction related impacts, such as dust, visual, noise and increased heavy vehicle traffic.
- The loss of irrigated agricultural land and soil with a high agricultural potential.
- The potential disturbance of the Aquatic Critical Biodiversity Area to the east of the site and the Hoeks River floodplain.
- The potential for erosion, siltation and mismanagement of storm water on site.
- The increased traffic volumes and requisite provision of public transport associated with the development.
- The likely increase in noise impacts associated with a new residential area.
- The visual intrusion of the development and impact on the sense of place to McGregor.

- During the construction and operational phases, there is the potential for an influx of persons to the area in search of work and housing opportunities.
- The potential decrease in property values for those residences along Meyer and Buitekant Street.

Positive impacts:

- The proposal will provide housing opportunities and adequately address the housing needs of the community of McGregor and its surrounding area through one development.
- The security, stability, improved living conditions and provision of services will enhance the quality of life for residents.
- The provision of the opportunity for the transfer of skills through the agricultural training institute.
- Access to community and recreational facilities as well as urban agricultural gardens for the residents.
- Implementation of the EMP along with the removal of the existing informal settlement and subsequent rehabilitation of the affected area will result in the improved management and rehabilitation of the Hoeks River floodplain and riparian zone.
- The construction and operational phase of the proposal will provide employment and skills training opportunities.

This Department is satisfied that the negative impacts are sufficiently addressed by the conditions contained in the environmental authorisation, including the implementation of the EMP.

4. National Environmental Management Act Principles

The National Environmental Management Act 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.

5. Conclusion

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 proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National

Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

- Adherence to the NEMA principles;
- Compliance with the conditions stipulated in this environmental authorisation; and
- Compliance with the mitigation measures in the EMP.

-END-