

EIA REFERENCE NUMBER: 16/3/3/1/D6/21/0011/23
NEAS REFERENCE: WCP/EIA/0001291/2023
DATE OF ISSUE: 08 January 2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED KIBOKO LANDING STRIP ON PORTION 1 OF THE FARM HONIG KLIPS KLOOF, HERBERTSDALE

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 28 August 2023 as prepared and submitted by *Cape EAPrac*, the appointed environmental assessment practitioner ("EAP").

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

THE DIRECTOR
MORNING TIDE INVESTMENTS (PTY) LTD
% Mr. R. van der Horst
6 Milkwood Lane
Gondwana Game Reserve
HERBERTSDALE
6505

Cel: 082 056 8293

E-mail: rein@mondaycloud.com

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Environmental Impact Assessment Regulations Listing Notice 3 of 2014 (Government Notice No. 985 of 4 December 2014, as amended)</p>	
<p>Activity Number: 7 Activity Description:</p> <p><i>The development of aircraft landing strips and runways 1,4 kilometres and shorter.</i></p> <p>i. Western Cape <i>i. All areas outside urban areas.</i></p>	<p>The development of a landing strip of 1154.73 metres in length.</p>
<p>Activity Number: 12 Activity Description:</p> <p><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></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <i>i. 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;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> <i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i> 	<p>The clearance of indigenous vegetation within an endangered ecosystem - Swellendam Silcrete Fynbos - for the development of a landing strip, hanger and a small water reservoir, and the brush-cutting of the land strip safe zone.</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of Endangered Swellendam Silcrete Fynbos for the development of a grassed landing strip on Portion 1 of the Farm Honig Klips Kloof 172.

The development must be implemented in accordance with the Site Development Plan developed by *Tommie Visagie Landmeter* (dated 20 September 2022), appended as Annexure 2 to this Environmental Authorisation.

C. SITE DESCRIPTION AND LOCATION

The proposed development will take place on Portion 1 of Farm 172 which is situated approximately 9.5 km east of Herbertsdale and 1 km north of Gondwana Game Reserve. Access to the property is from the R327 and then off a gravel District road through Gondwana Game Reserve.

Coordinates of the landing strip site:

Position:	Latitude (South)	Longitude (East)
Starting Point	34° 00' 43.65"	21° 52' 40.20"
Middle Point	34° 00' 39.48"	21° 52' 19.56"
End Point	34° 00' 34.81"	22° 25' 56.44"

SG digit code of Portion 1 of Farm 172: C05100000000017200001

Refer to Annexure 1: Locality Plan of this Environmental Authorisation; and Annexure 2 for the Site Development Plan ("SDP").

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Mrs Louise-Mari van Zyl
EAPASA Registration number: 2019/1444
Assisted by: Mrs Mariska Nicholson
EAPASA Registration number: 2023/6593

CAPE EAPRAC (PTY) LTD.
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E-mail: mariska@cape-eaprac.co.za
Website: www.cape-eaprac.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 January 2029** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded at the site;
 - (b) construction monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed at the site; and
 - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

2. The non-operational phase (construction phase) of the Environmental Authorisation is subject to the following:

2.1 The Holder must finalise the post construction rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (construction phase) is concluded, but such activities must be finalised at least six (6) months prior to expiry of the validity period.

3. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 28 August 2023 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative which entails:

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of Endangered Swellendam Silcrete Fynbos for the development of a grassed landing strip on Portion 1 of the Farm Honig Klips Kloof 172.

The development must be implemented in accordance with the Site Development Plan developed by *Tommie Visagie Landmeter* (dated 20 September 2022) (Annexure 2).

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").

5. 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.

6. Any changes to, or deviations from the scope of the alternative described 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 information in order 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.

Notification and administration of 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 decision reached on 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 Appeal Regulations, 2014 (as amended) detailed in Section G 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 the:
 - 7.4.1. 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,
 - 7.4.6. 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 2014 National Appeals Regulations (as amended).
- 7.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 7.6. 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 (i.e., the listed activities), including site preparation, must not commence until the appeal is decided and authorisation granted.

Written notice to the Competent Authority

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 8.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions no.: 7 and 12.**
9. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

Management of activity

10. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith approved. Provided: the EMPr must be read with this Environmental Authorisation and the EMPr does not substitute any requirements for the avoidance, management, mitigation, monitoring and reporting of the impacts of the activity or conditions contained therein.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
13. The ECO must–
 - 13.1. be appointed prior to commencement of any works (i.e. removal of indigenous vegetation);
 - 13.2. ensure compliance with the EMPr and the conditions contained herein;
 - 13.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 13.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised; and
 - 13.5. the ECO must conduct site inspections at least every 2 (two) weeks and must submit ECO Monitoring Reports on a monthly basis to the competent authority.
14. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
15. Access to the site referred to in Section C 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.

Environmental Auditing

16. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
17. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 17.1. Auditing during the non-operational phase (construction activities):
 - 17.1.1. During the period which the development activities have been commenced with on the site, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.
 - 17.1.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within **three (3) months** of completion of the construction phase.

18. The Environmental Audit Report(s), must–

- 18.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
- 18.2. provide verifiable findings, in a structured and systematic manner, on–
 - 18.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 18.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 18.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 18.4. evaluate the effectiveness of the EMPr;
- 18.5. identify shortcomings in the EMPr;
- 18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 18.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 18.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
- 18.9. include a photographic record of the site(s) applicable to the audit; and
- 18.10. be informed by the ECO reports.

19. The Holder must, within 7 calendar days of the submission of the audit 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).

Specific Conditions

20. The clearance of indigenous vegetation must be restricted to the approved development footprint. No vegetation may be cleared beyond the development footprint, unless environmental authorisation is granted to do so.
21. Should any heritage remains be exposed during excavations or any other actions on the site(s), 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. 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.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with the listed activity and conclude the activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of 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.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, 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.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

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

- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
- (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

- 5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

- 6. Non-compliance with a condition of this environmental authorisation or the approved EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
- 7. This Environmental Authorisation is granted for a set period from date of issue, during which period the listed activity must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example the following milestones should not be missed:

- Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
- Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
- Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.

Note: It is advised that if any of the milestones as indicated above, might not be achieved, the Holder must consider extending the validity period through an amendment process.

8. This Environmental Authorisation is subject to compliance with all the suspensive conditions (**i.e., 7 and 12**). Failure to comply with all the suspensive conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAadmin.George@westerncape.gov.za
Gavin.Benjamin@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision and any registered I&AP including any Organ of State with an interest in the matter; and
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAadmin.George@westerncape.gov.za
Gavin.Benjamin@westerncape.gov.za
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

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: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. 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

DIRECTOR: DEVELOPMENT MANAGEMENT

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 20 DECEMBER 2023

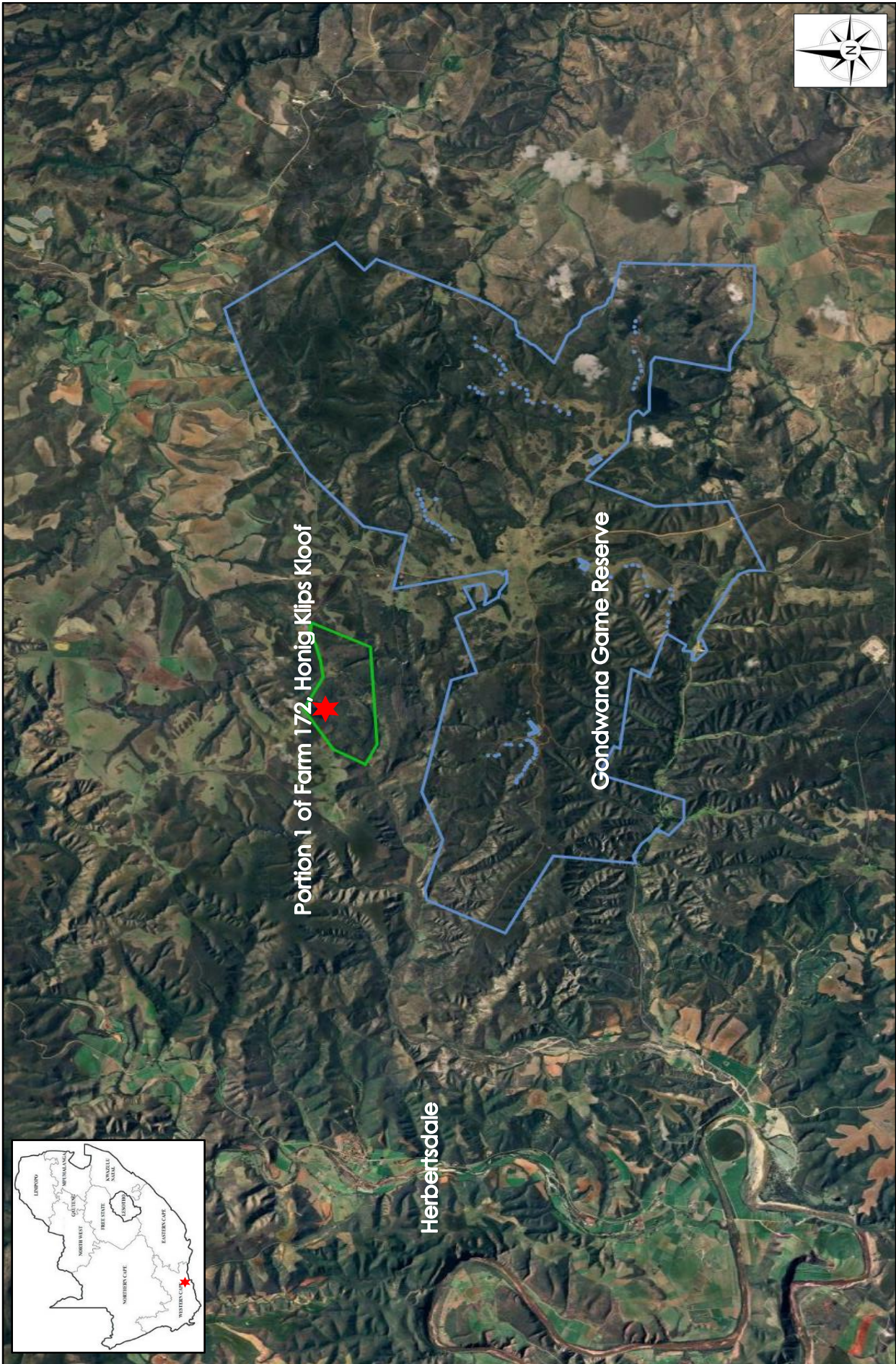
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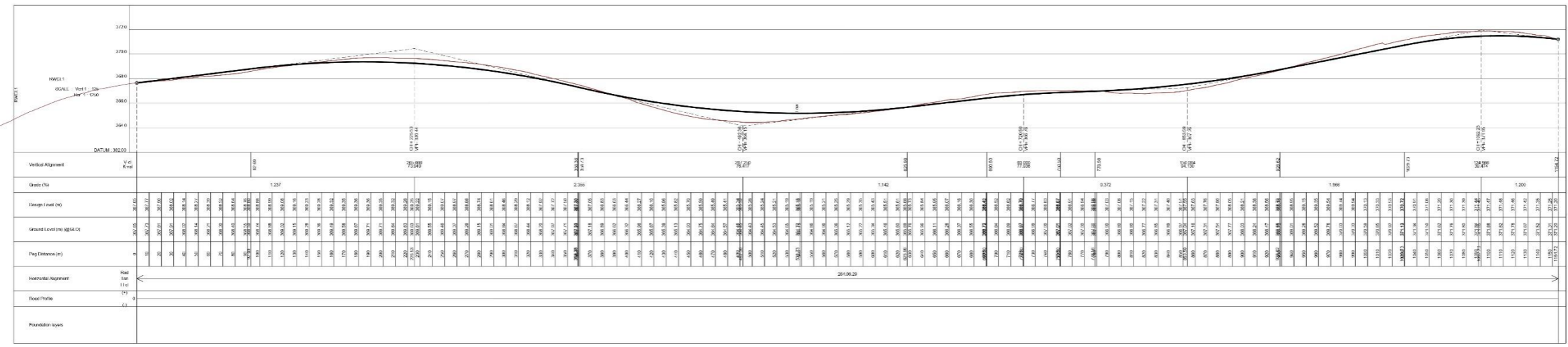
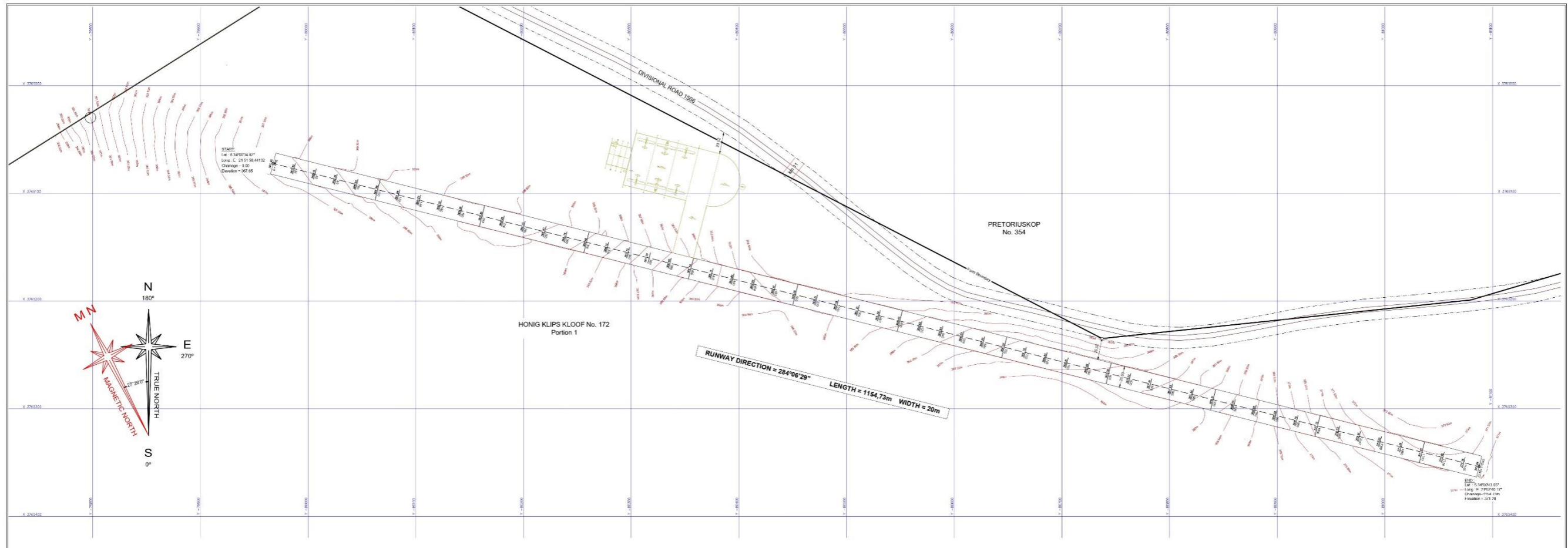
NEAS REFERENCE: WCP/EIA/0001291/2023

CASE OFFICER: Ms Jessica Christie | Jessica.Christie@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



Station	Height (m)	Grade (%)
0+00	387.71	1.237
100+00	385.36	2.355
200+00	383.22	1.142
300+00	381.85	0.372
400+00	381.18	1.666
500+00	380.98	1.200

SITE PLAN
PROPOSED RUNWAY ON PORTION 1 OF THE FARM HONIG KLIPS KLOOF No. 172
ADMINISTRATIVE DISTRICT OF MOSSEL BAY

NOTES:
 1. Elevations are given in meters above Mean Sea Level.
 2. Contour Interval : 0.50 meters.
 3. Co-ordinate System : WG21*

SCALE 1:1250 @ A0
 Plan No. SITE LAYOUT WITH PROPOSED ADDITIONS.DWG
 Date: 20 September 2022

Tommie Visagie
 Landmeter
 07344 1111
 1111-0000
 www.visagie.co.za

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 26 May 2023, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 28 August 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 28 August 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site inspection was conducted on 7 September 2023 by Ms. Jessica Christie, Mr. Francois Naudé and Mr. Steve Kleinhans.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 12 June 2023;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 9 June 2023 to comment on the Draft Basic Assessment Report from 13 June 2023 until 13 July 2023;
- the placing of a newspaper advertisement in the "Mossel Bay Advertiser" on 9 June 2023; and

The following Organs of State provided comment on the proposal:

- *South African Civil Aviation Authority*
- *Southern Cape Fire Protection Agency*
- *Heritage Western Cape*
- *Mossel Bay Municipality: Water and Sanitation*
- *Mossel Bay Municipality: Spatial Planning*
- *WCG: Department of Agriculture*
- *Breede Gouritz Catchment Management Agency*
- *CapeNature*

- *General Public / Interested & Affected Parties (I&APs) included:*
 - *Mr. Pieter Muller*
 - *Ronwyn Williams*

Key issues identified by I&APs and stakeholders:

- **Air Traffic and Disruptions**

The neighbouring property owners are concerned about increased flights and the disturbance to wildlife by noise pollution. However, the landing strip will be used at a low frequency (i.e., 4-8 flights per month).
- **Bird Collisions and Mortalities**

CapeNature raised a concern about possible bird collisions and mortalities. The South African Civil Aviation Authority has strict technical guidelines for ecosystems and species-wildlife control and reduction which is based on extensive research.

All the comments and issues raised by the respective *Organs of State and I&APs* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses from the EAP to the I&APs comments and concerns.

2. Alternatives

Preferred Layout Alternative (Herewith Approved):

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of Endangered Swellendam Silcrete Fynbos for the development of a grassed landing strip on Portion 1 of the Farm Honig Klips Kloof 172.

The development must be implemented in accordance with the Site Development Plan developed by *Tommie Visagie Landmeter* (dated 20 September 2022) (attached as Annexure 2 to this Environmental Authorisation).

No property alternative was assessed as the holder owns the property and requires the landing strip on the property. The motivation presented in the application was found to be acceptable.

Furthermore, the process followed to reach the preferred alternative included the following:

- Using available contour data, Portion 1 of the Farm 172 was initially surveyed by the Applicant, to identify what portion of the property will allow the development of a landing strip on a flat slope.
- Further surveying of the identified area indicated the preferred route and positioning of the landing strip.
- The preferred position of the landing strip was found to be the only suitable site because it is located on the only flat area on the property.
- The remainder of the property consist of steep slopes and valleys which are not suitable for a landing strip.
- The landing strip will also be grassed and a safe zone will be cleared and maintained by means of brush-cutting.

“No-Go” Alternative

The no-go alternative is to have the site remain in a natural state; however, the game (wild animals) from the Gondwana Game Reserve will still be able to roam the property, with or without the landing strip.

3. Impact Assessment and Mitigation Measures

3.1 Activity Need and Desirability

The property zoned Agriculture 1 and under a consent use approval, a landing strip is allowed. The landing strip will primarily be used by the landowner for private use. The landowner has also offered use of the landing strip to the Southern Cape Fire Protection Agency for emergency firefighting and for anti-poaching operations of Gondwana Game Reserve. The Mossel Bay IDP (2022-2027) identifies veld fires as a high risk where the likelihood and/or consequence must be reduced. The landing strip will allow water bomber planes to provide veld fire suppression services to the surrounding rural areas that will assist in the protection of biodiversity and infrastructure.

3.2 Biophysical Impacts

The vegetation on the property is classified as *Endangered Swellendam Silcrete Fynbos* and according to the Terrestrial Biodiversity Specialist, the vegetation is degraded. The extent of the vegetation that will be lost is 0.01% of the remaining extent and regarded as having a low significance.

Thirty-three (33) plant species were recorded on the site, and none are Species of Conservation Concern (SCC) and ten (10) are listed as Schedule 4 species that require a permit from CapeNature before removal.

According to the Western Cape Biodiversity Spatial Plan shows that the entire property contains Critical Biodiversity Area (CBA) 1, CBA 2, Ecological Support Areas (ESA) 1 and ESA 2, however no CBA1, CBA2 or ESA2 areas overlap with the proposed development site. Only on the western portion of the proposed site does the site fall within an ESA 1 and the reasons are that it falls within the Bontebok extended distribution range and within South Outeniqua Sandstone Fynbos, of which it does not. Also, since the fence between Gondwana Game Reserve and the property has been dropped, there are bontebok and other threatened animal species that occur on the property.

No threatened or near-threatened reptile and amphibian species have a distribution which includes the project area. Two bird SCC's were highlighted in the Screening Tool Report, namely the Denham's Bustard and Knysna Warbler and are listed as vulnerable due to the property having suitable habitat within the distribution range of the species. The field survey however, confirmed that there is no suitable habitat for the Knysna Warbler and Sensitive Species 8.

The specialists confirmed the presence of alien invasive species and suggested a plan be implemented for the on-going control of the species. Also, further recommendations by the specialist and the SACAA were that monitoring takes place prior to a plane landing and

before take-off for any animals that may be on the landing strip and safe zone to prevent collisions and mortalities. All these recommendations made have been included in the EMPr that has been approved in this Environmental Authorisation. The development of the landing strip and safe zone will require the clearance of indigenous species. Once this area has been cleared it will be maintained by means of brush-cutting and the landing strip to be grassed. Should the area not be maintained for a period of 10-years or more, it may be regarded as indigenous vegetation again.

3.3 *Aquatic Biodiversity*

The Aquatic Biodiversity Compliance Statement indicated that the landing strip and hangar are on relatively flat terrain and that there are two drainage lines north of the proposed landing strip on the adjacent property. The assessment confirmed that the landing strip and hangar area have a low sensitivity for the aquatic theme. The Breede Olifants Catchment Management Agency (BOCMA) confirmed that no General Authorisation or Water Use Licence is required and has a low risk to the drainage lines.

3.4 *Heritage / Archaeological Aspects*

Heritage Western Cape issued comment 22 March 2023 on a Notice of Intent to Develop (NID) and confirmed that the proposal will not negatively impact on heritage resources and that no further studies are required. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

3.5 *Agricultural Aspects*

The agricultural specialist found that the impact on agricultural resources is acceptable as it results in no, or negligible of future agricultural potential.

3.6 *Other Impacts*

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts this Department is satisfied that the activity will not negatively impact on the receiving environment, subject to strict implementation of conditions of this EA and the mitigation measures proposed in the EMPr.

4. *Scope and Validity Period of authorisation*

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. Considering the proposed

implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

5. National Environmental Management Act 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.

6. Conclusion

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts are detailed in the FBAR dated 28 August 2023 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

Due consideration is also given to the person's duty of care described in Section 28 of NEMA:

“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment”.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, 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) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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