

**OUTDSHOORN GROOTKOP MIXUSE DEVELOPMENT PROJECT**

**PRE-APPLICATION DRAFT SCOPING REPORT**

**in support of an**

**Application for Environmental Authorization in terms of the  
National Environment Management Act (Act 107 of 1998)  
and  
an amendment to the Oudtshoorn Landfill Site license  
in terms of Regulations under GN 718 of the National Environment  
Management: Waste Act 2008 (No 59 of 2008)**

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## **Executive Summary**

The Oudtshoorn Municipality for the Oudtshoorn Grootkop Development is applying for the development of a new cemetery area to increase burial space of ± 40 ha on remainder of Erf 2 and urban development on remainder of erf 130 (± 137 ha), consisting of Open Space erven to accommodate water courses, roads, services and stormwater infrastructure on a total area of approximately 177 ha. The application also requires the amendment of the existing landfill site buffer area from 800m to 150m to accommodate the development.

Enviro-EAP is appointed as independent Environmental Assessment Practitioners to undertake the Environmental Impact Assessment Process for the proposed development.

This Environmental Authorization is undertaken in terms of the Environmental Impact Assessment (EIA) Regulations (2014, as amended) made under Section 24 (5) and 44 of the National Environmental Management Act (NEMA), Act No. 107 of 1998 (as amended), Waste License amendment for the landfill site to amend the buffer to accommodate the development in terms of Government Notices 718 of the National Environmental Management: Waste Act 59 of 2008 and National Water Act. The nature of the activities to be undertaken requires that a Scoping and Environmental Impact Assessment (EIA) process be undertaken.

Below is a summary of some of the main anticipated impacts related to the proposed development:

- Biodiversity impacts;
- Heritage impacts;
- Waste impacts
- Erosion impacts
- Pollution impacts; and
- Nuisance impacts (including noise, dust and traffic congestion).

### **Operational phase impacts:**

- Traffic Impacts
- Services availability
- Storm water management

### **Closure and decommissioning phase impacts:**

- Soil and groundwater contamination;
- Nuisance impacts (including noise, dust and traffic congestion).
- Waste Impacts; and
- Erosion impacts

These aspects are addressed in the following sections and will be further assessed in the EIR phase.

**No Go or No Development option:**

The No-Go option will result in the site remaining as is presently.

The EIA will be evaluated by (Department of Forestry, Fisheries and the Environment (DFFE) who will either issue an Environmental Authorization (usually with conditions), or alternatively, refuse the application for authorization.

The nature and extent of this development, as well as potential environmental impacts associated with the development phase are explored in more detail in the Scoping Report.

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## GLOSSARY

" <b>Activity</b> " means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity.
" <b>Alternatives</b> ", in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to property, activity, design, operation or technology.
" <b>Applicant</b> " means a person who has submitted or intends to submit an application.
" <b>Application</b> " means an application for an Environmental Authorization in terms of the EIA regulations, 2014 as amended.
" <b>Associated Infrastructure</b> ," means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility.
" <b>Biodiversity</b> " The variety of life occurring in an area, including the number of different species, the genetic wealth within each species, and the natural habitat where they are found.
" <b>Cultural significance</b> " This means aesthetic, architectural, historical, scientific,

social, spiritual, linguistic or technological value or significance.

**“Cumulative impact”** in relation to an activity, means the impact of an activity that in itself may not be significant but may become significant when added to the existing and potential impacts eventuating from similar or diverse activities or undertakings in the area.

**“Environmental Impact Assessment”** in relation to an application to which scoping must be applied, means the process of collecting, organizing, analysing, interpreting and communicating information that is relevant to the consideration of that application.

**“Environment”** The environment has been defined as “The external circumstances, conditions and objects that affect the existence and development of an individual, organism or group”. These circumstances include biophysical, social, economic, historical, cultural and political aspects.

**“Environmental Assessment Practitioner”** Person or company, independent of the applicant (developer), that manages the environmental assessment process of a proposed project on behalf of the applicant.

**“Environmental Impact Report”** In-depth assessment of impacts associated with a proposed development. This forms the second phase of an Environmental Impact Assessment and follows on from the Scoping Report.

**“Environmental Management Programme”** means a programme presenting management and mitigation measures in relation to identified or specified activities envisaged in Chapter 5 of the National Environmental Management Act and described in regulation 34.

**“Heritage resources”** This means any place or object of cultural significance. It also includes archaeological resources.

**“Interested and Affected Party”** means an interested and affected party contemplated in section 24(4) (d) of the Act, and which in terms of that section includes -

(a) Any person, group of persons or organization interested in or affected by an activity; and

(b) Any organ of state that may have jurisdiction over any aspect of the activity.

**“Public Participation Process”** means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters; *“Registered Interested and Affected Party”, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 57.*

**“Species of Conservation Concern”** All those species included in the categories of endangered, vulnerable or rare, as defined by the International Union for the Conservation of Nature and Natural Resources.

**“Significant impact”** means an impact that by its magnitude, duration, intensity or probability of occurrence may have a notable effect on one or more aspects of the environment.

## ABBREVIATIONS

<b>CBA:</b>	Critical Biodiversity Area
<b>DFFE:</b>	Department of Forestry, Fisheries and Environment
<b>DEA&amp;DP</b>	Department of Environmental Affairs and Development Planning
<b>DWS:</b>	Department of Water and Sanitation
<b>EMF:</b>	Environmental Management Framework
<b>EAP:</b>	Environmental Assessment Practitioner
<b>EMP:</b>	Environmental Management Programme
<b>EIA:</b>	Environmental Impact Assessment
<b>EIR:</b>	Environmental Impact Report
<b>FSR:</b>	Final Scoping Report
<b>HIA:</b>	Heritage Impact Assessment
<b>I&amp;APs:</b>	Interested and Affected Parties
<b>IDP:</b>	Integrated Development Plan
<b>MAR:</b>	Mean Annual Rainfall
<b>NEMA:</b>	National Environmental Management Act No. 107 of 1998
<b>NWA:</b>	National Water Act No. 36 of 1998
<b>PPP:</b>	Public Participation Process
<b>PHRA:</b>	Provincial Heritage Resources Agency
<b>SACNASP:</b>	South African Council for Natural Scientific Professions
<b>SANBI:</b>	South African National Biodiversity Institute
<b>SDF:</b>	Spatial Development Framework
<b>ToR:</b>	Terms of Reference

# SCOPING REPORT

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## SECTION 1: INTRODUCTION

This report has been prepared in compliance with the requirements of the following legislation:

- The National Environmental Management Act, 1998 (Act No. 107 of 1998) ["NEMA"];
- Government Notices 718 of the National Environmental Management: Waste Act 59 of 2008. Category A: Activity 19. The expansion of facilities of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new per or license in terms of legislation governing the release of pollution, effluent or waste. Currently the housing development layout makes provision for a 400m buffer. The license issued by Department of Water Affairs and Forestry (DWAF) stipulates an 800m buffer and we wish to amend the existing license to reduce the buffer area from 800m to an appropriate buffer area to be determined by an Air Pathway study.
- The Environmental Impact Assessment ("EIA") Regulations contained in Government Notice (GN) No. R983, 984 and 985 of 2014 as promulgated in terms of the NEMA ["EIA Regulations"] as amended on 11 June 2021.
- National Water Act 36 of 1998 and relevant regulations for the development within the regulated zone require a Water Use Authorization.

The purpose of these Regulations is to regulate procedures and set criteria as contemplated in Chapter 5 of the Act to enable the submission, processing, consideration and decision-making regarding applications for environmental authorization of activities and matters pertaining thereto.

### 1.1 APPLICATION FOR ENVIRONMENTAL AUTHORIZATION AND PROPOSED PROJECT DESCRIPTION

The Oudtshoorn Municipality for the Oudtshoorn Grootkop Development is applying for the development of a new cemetery area to increase burial space of ± 40 ha on remainder of Erf 2 and urban development on remainder of erf 130 (± 137 ha), consisting of Open Space erven to accommodate water courses, roads, services and stormwater infrastructure on a total area of approximately 177 ha. The application also requires the amendment of the existing landfill site buffer area from 800m to 150m to accommodate the development.

**Table 1: Listed activities identified are as follows:**

Activity No(s):	Provide the relevant <b>Basic Assessment Activities</b> as set out in <b>Listing Notice 1</b>	Describe the portion of the <u>proposed development</u> to which the applicable listed activity relates.
Activity 9: The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—		The stormwater and bulk water infrastructure to service the development longer than 1km will result in pipelines and infrastructure with an internal diameter of more than 0,36

<p>(i) with an internal diameter of 0,36 metres or more; or  (ii) with a peak throughput of 120 litres per second or more;  <del>excluding where—  (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or  (b) where such development will occur within an urban area.</del></p>	<p>metres and with a peak throughput of more than 120 litres per second</p>
<p>Activity 10: The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes—  (i) with an internal diameter of 0,36 metres or more; or  (ii) with a peak throughput of 120 litres per second or more;  <del>excluding where—  (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or  (b) where such development will occur within an urban area.</del></p>	<p>The development sewerage infrastructure will be longer than 1km and have a throughput of more than 120 l per second.</p>
<p>Activity 12: The development of—  <del>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or  (ii) infrastructure or structures with a physical footprint of 100 square metres or more;  where such development occurs—  (a) within a watercourse;  (b) in front of a development setback; or  (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse—  excluding—  (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</del></p>	<p>The proposed development footprint will be bigger than 100 square meters within a water course or its 32m buffer area.</p>

<p><del>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</del>  <del>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</del>  <del>(dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or</del>  <del>( ff )the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared.</del></p>	
<p>Activity 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;  <del>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</del>  <del>(a) will occur behind a development setback;</del>  <del>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</del>  <del>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</del>  <del>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</del>  <del>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</del></p>	<p>The construction of stormwater infrastructure, roads and services will result in the infilling or depositing of any material of more than 10 cubic metres within the onsite water courses.</p>
<p>Activity 23: The development of cemeteries of 2 500 square metres or more in size.</p>	<p>A new area to expand the cemetery outside the existing cemetery area of approximately 40 ha has been identified.</p>
<p>Activity 24: The development of a road—</p>	<p>The access roads and internal roads to the development areas will result in the</p>

<p><del>(i) 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 Government Notice 545 of 2010; or</del></p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding a road—</p> <p><del>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</del></p> <p><del>(b) where the entire road falls within an urban area; or</del></p> <p><del>(c) which is 1 kilometre or shorter.</del></p>	<p>construction of roads wider than 8m and longer than 1km.</p>
<p>Activity 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, <del>except where such clearance of indigenous vegetation is required for—</del></p> <p><del>(i) the undertaking of a linear activity; or</del></p> <p><del>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</del></p>	<p>The development of the area will result in the clearing of approximately 177ha of Eastern Little Karoo vegetation with an endangered ecosystem status as per the revised list published in November 2022.</p>
<p>Activity 28: Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development—</p> <p><del>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</del></p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <del>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</del></p>	<p>The proposed development of approximately 177ha will result in residential, mixed, retail, commercial, industrial or institutional developments and the area/land was used for agriculture, on or after 01 April 1998 and where such development. It is currently not use for agriculture, except grazing by small farmers on the bigger area.</p>
<p>Activity 44: The expansion of cemeteries by 2 500 square metres or more.</p>	<p>A new area to expand the cemetery outside the existing cemetery area of approximately 40 ha has been identified.</p>
<p>Activity No(s):</p>	<p>Provide the relevant <b>Basic Assessment Activities</b> as set out in <b>Listing Notice 3</b></p> <p>Describe the portion of the proposed development to which the applicable listed activity relates.</p>
<p>Activity: 4 The development of a road wider than 4</p>	<p>The proposed roads as part of the development will be wider than 8m on</p>

<p>metres with a reserve less than 13,5 metres.</p> <p>(i) Western Cape</p> <p><del>(i) Areas zoned for use as public open space or equivalent zoning;</del></p> <p>(ii) Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p><del>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</del></p> <p><del>(iii) Inside urban areas:</del></p> <p><del>(aa) Areas zoned for conservation use; or</del></p> <p><del>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</del></p>	<p>areas that consists of indigenous vegetation.</p>
<p>Activity 12:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation <del>except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</del></p> <p><u>(i) Western Cape</u></p> <p>(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;</p> <p><del>(ii) Within critical biodiversity areas identified in bioregional plans;</del></p> <p><del>(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;</del></p> <p><del>(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</del></p> <p><del>(v) On land designated for protection or conservation purposes in an Environmental Management Framework</del></p>	<p>The development of the area will result in the clearing of approximately 177ha of Eastern Little Karoo vegetation with an endangered ecosystem status as per the revised list published in November 2022.</p>

<p><del>adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</del></p>	
<p>Activity 14: The development of— (i) <del>dams or weirs, where the dam or weir, including Infrastructure and water surface area exceeds 10 square metres;</del> or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs— (a) within a watercourse; <del>(b) in front of a development setback; or</del> (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p><b>(i) Western Cape</b> (i) Outside urban areas: <del>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</del> <del>(bb) National Protected Area Expansion Strategy</del> Focus areas; <del>(cc) World Heritage Sites;</del> <del>(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;</del> (ee) Sites or areas listed 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; or <del>(hh) Areas on the estuary side of the development setback line or in an</del></p>	<p>The proposed development of roads and infrastructure will result in infrastructure with a physical footprint of 10 square metres or more inside the water courses and 32m buffer areas mapped as CBA and ESA's.</p>

<del>estuarine functional zone where no such setback line has been determined.</del>		
Activity No(s):	Provide the relevant <b>Scoping and EIR Activities</b> as set out in <b>Listing Notice 2</b>	Describe the portion of the proposed development to which the applicable listed activity relates.
<p>Activity 15: The clearance of an area of 20 hectares or more of indigenous vegetation, <del>excluding where such clearance of indigenous vegetation is required for—</del></p> <p><del>(i) the undertaking of a linear activity; or</del></p> <p><del>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</del></p>		The development of the area will result in the clearing of approximately 177ha of Eastern Little Karoo vegetation with an endangered ecosystem status as per the revised list published in November 2022.
<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Only those activities listed which will be applied for shall be considered for authorisation. The onus is on the Applicant to ensure that all applicable listed activities are included in the application. Environmental Authorisation must be obtained prior to commencement with each applicable listed activity. If a specific listed activity is not included in an Environmental Authorisation, a new application for Environmental Authorisation will have to be submitted.</li> <li>• The Minister responsible for mineral resources is the Competent Authority to deal with all applications where the listed or specified activity is directly related to- <ul style="list-style-type: none"> <li>(a) prospecting or exploration of a mineral or petroleum resource; or</li> <li>(b) extraction and primary processing of a mineral or petroleum resource.</li> </ul> </li> </ul>		

INDICATE THE NO. & DATE OF THE RELEVANT NOTICE	ACTIVITY NUMBERS (AS LISTED IN THE WASTE MANAGEMENT ACTIVITY LIST)	DESCRIBE EACH LISTED ACTIVITY	
GN R.718, 2009	Category A: Activity 19	The expansion of facilities of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new per or license in terms of legislation governing the release of pollution, effluent or waste.	Currently the housing development layout makes provision for a 400m buffer. The license issued by Department of Water Affairs and Forestry (DWAF) stipulates a 800m buffer and we wish to amend the existing license to reduce the buffer area from 800m to an appropriate buffer area to be determined by an Air Pathway study.

Property size(s) of all proposed cadastres:	Remainder of erf 2 = 2157125.4 m <sup>2</sup> Remainder of erf 130 = 4047547.4m <sup>2</sup>
Development footprint of the proposed development and associated infrastructure size(s) for all alternatives:	Remainder of erf 2 (Cemetery) = ± 40 ha Remainder of erf 130 (Urban Development) = ± 137 ha
SG Digit code(s) of the proposed site(s) for all alternatives:	
C 0 5 4 0 0 0 5 0 0 0 0 0 0 2 0 0 0 0 0	
C 0 5 4 0 0 0 5 0 0 0 0 0 1 3 0 0 0 0 0	
Coordinates of the proposed site(s) for all alternatives:	
Latitude (S)	33° 35' 19.57"
Longitude (E)	22° 14' 37.71"

## 1.2 BACKGROUND AND PURPOSE OF THE SCOPING REPORT

In accordance with the requirements of the EIA Regulations (“The investigation, assessment and communication of the potential impact of activities must follow the procedure as prescribed in regulations 21, 22, 23 and 24 of the Environmental Impact Assessment Regulations published in terms of [sections 24\(5\)](#) of the Act, unless otherwise indicated by the Minister in a government notice”) as amended on 11 June 2021, also having considered the provisions of Section 24(5) of NEMA, it was determined that a scoping process be undertaken.

This report fulfils the requirement of the EIA Regulations for the documentation in the scoping phase. The structure of this report is based on regulation 21 of GN R.982 (“A scoping report must contain all information set out in [Appendix 2](#) to these Regulations or comply with a protocol or minimum information requirements relevant to the application as identified and gazetted by the Minister in a government notice”), of the EIA Regulations as amended on 11 June 2021, which clearly specifies the required content of a scoping report.

### **1.3 ENVIRONMENTAL ASSESSMENT PRACTITIONER**

#### **1.3.1 Role and Competence of the EAP**

The role of the Environmental Assessment Practitioner (“EAP”) is to manage the application for an Environmental Authorization (EA) on behalf of the applicant. The EAP must adhere to all relevant legislation and guidelines, ensuring that the reports contain all the necessary and relevant information required by the competent authority to decide. It is the responsibility of the EAP to perform all work relating to the application in an objective, appropriate and responsible manner. The EAP must comply with Regulation 13 of the EIA Regulations R982 of 2014 as amended, detailing the requirements for an EAP.

Nicolaas Hanekom of Enviro-EAP drafted the scoping report and is the registered EAP on the project.

Enviro EAP (Pty) Ltd is an environmental consultancy practice that is well placed to assist clients with:

- Environmental Management Systems and Programmes (Implementation and Auditing);
- Integrated Waste Management Plans;
- Environmental Compliance Auditing;
- Environmental Impact Assessments;
- Environmental Control Officers;
- On-Site Environmental Management;
- Ecology Specialist Studies (Terrestrial and Fresh Water Ecology)
- Air Quality Monitoring;
- Atmospheric emissions License Applications
- Water Use Authorization administration
- Search and rescue
- Freshwater and Terrestrial Ecology Monitoring
- Training Workshops Incorporating Environmental Compliance Matters.
- Game Farm management and monitoring
- Game introduction programmes

#### **1.3.2 Professional Team**

The following are the project team members:

- Nicolaas Hanekom –Environmental Assessment Practitioner

**Nicolaas Hanekom** is a qualified Environmental Assessment Practitioner and a registered Professional Natural Scientist (Ecologist) who holds a M. Tech, Nature Conservation from the CPUT. Nicolaas Hanekom is a registered Professional Natural Scientist in the ecological science field with the South African Council for Natural Scientific Professions (“SACNASP”), Pri Sci Nat (Reg. No. 004415) Ecological Science (Pri.Sci.Nat); Aquatic Science & Conservation Science (Cand.Sci.Nat) and a qualified registered Environmental Assessment Practitioner (“EAP”) who holds a Masters Technologiae, Nature Conservation (“Vegetation Ecology and Biodiversity Assessment”) degree from the Cape Peninsula University of Technology (Refer to Appendix A, CV). Nicolaas Hanekom is suitably qualified SACNASP registered specialist. He further qualified in Environmental Management Systems ISO 14001:2004 and completed the Internal Auditors Course to ISO 19011:2003 level, at the North-West University, qualifying him to audit to ISO/SANS environmental compliance and EMS standards. As the principal EAP, he is responsible for EIAs, waste licence and atmospheric emission licence and Section 24G applications. He also implements environmental management systems. Nicolaas conducts both fresh water and biodiversity assessments as well as baseline air quality monitoring.

### **1.3.3 Terms of Reference**

Enviro-EAP is appointed as environmental consultant with the following Terms of Reference:

- Undertake an environmental evaluation of the applicable options and sites to get an understanding of biophysical characteristics and natural processes prevailing and to assess the proposed development proposals in terms of environmental characteristics by assessing the constraints and opportunities of the situation;
- Identify any anticipated impacts that might be considered at this early stage of the EIA process to suggest any specialist studies that may be required to provide additional information on the significance of these impacts and mitigation that may be necessary to reduce negative impacts and enhance positive impacts of the proposed development;
- Co-ordinate the early start of the recommended specialist studies with the view to informing the compilation of the initial Environmental Opportunities and Constraints;
- In association with the specialist consultants, assist the development of the optimum vegetation clearing areas that will have the least impact on the both the biophysical and social environments. It is understood that as more detailed information is provided by the various specialist studies and I&APs, that the Environmental Opportunities and Constraints may need revision, and similarly, the vegetation clearing areas may need to be adapted;
- Undertake the applicable Scoping and EIA Process in terms of the Regulations of the NEMA to provide the relevant information for the DFFE and any other government officials, to be able to make informed decisions and to issue an Environmental Authorisation for the proposed development;
- As part of the Scoping and EIA Process, a comprehensive public participation process must be entered into. This process is to provide all the relevant information to the public, NGO’s, CBO’s and government officials, and to allow for adequate time for the public to respond to such information. The issues as

raised by I&AP's must be taken into consideration in assessing the impacts of the proposed development and, making amendments to the proposed development;

- Assess alternative development options for the property in order to reduce any significant impacts that may arise. Prescribe the necessary mitigation to enhance any positive impacts and reduce any negative impacts that may arise as a result of the proposed development must be suggested;
- Facilitate any additional specialist studies that may be required to assist with the planning and future management of the proposed development; and
- Make the necessary environmental management recommendations (mitigation/enhancement) for the clearing of vegetation area, to ensure a sustainable and protected biodiversity in the future.

## 1.4 LEGISLATIVE ASPECTS

### 1.4.1 Legislation

The following legislation is applicable to this project and has been considered in the preparation of the Scoping Report.

**Table 2: Applicable legislation**

List any other legislation that is applicable to the proposed activity or development.		
LEGISLATION	ADMINISTERING AUTHORITY and how it is relevant to this application	TYPE Permit/license/authorisation/comment / relevant consideration
Constitution of the Republic of South Africa, 1996	General application to individual rights of all on and adjacent to the sites.	Public Participation Process to be conducted
National Environmental Management Act, 1998 (Act No. 107 of 1998) [NEMA] and relevant regulations	Department of Forestry, Fisheries and Environment	Environmental Authorisation Application
National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) [NEMWA] and relevant regulations	Department of Forestry, Fisheries and Environment	Amended Waste License

National Environmental Management: Biodiversity Act 10 of 2004 [NEMBA]	Department of Forestry, Fisheries and Environment	N/A
National Water Act, 1998 (Act No. 36 of 1998) [NWA] and relevant regulations	Breede Olifants Catchment Management Agency	Activities within water and in regulated zone require Water Use Authorization.
National Health Act, 61 of 2003 [NHA]		N/A
National Building Regulations and Building Standards Act 103 of 1977 [NBRBSA] and relevant regulations		N/A
National Heritage Resources Act 25 of 1999 [NHRA]	Heritage Western Cape South African Heritage Resource Agency	NID
National Veld and Forest Fire Act 101 of 1998 [NVFFA]		N/A
Western Cape Noise Control Regulations [P.N. 200/2003]		NA

### Protocols

The protocol (Published in Government Notice No. 648 GOVERNMENT GAZETTE 4542110 MAY 2019. Published in Government Notice No. 1150 GOVERNMENT GAZETTE 43855 30 October 2020. Published in Government Notice No. Government Notice No. 320, Government Gazette 43110: 20 March 2020. These gazettes are also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za)) provides the criteria for the reporting of requirements for the assessment and reporting of impacts as identified in the environmental Screening tool report.

Published in Government Notice No. 320 GOVERNMENT GAZETTE 43110 20 MARCH 2020 GAZETTED FOR IMPLEMENTATION: BIODIVERSITY PROTOCOL FOR THE SPECIALIST ASSESSMENT AND MINIMUM REPORT CONTENT

**REQUIREMENTS FOR ENVIRONMENTAL IMPACTS ON TERRESTRIAL BIODIVERSITY**

Published in Government Notice No. 320 GOVERNMENT GAZETTE 43110 20 MARCH 2020 GAZETTED FOR IMPLEMENTATION: BIODIVERSITY PROTOCOL FOR THE SPECIALIST ASSESSMENT AND MINIMUM REPORT CONTENT REQUIREMENTS FOR ENVIRONMENTAL IMPACTS ON AQUATIC BIODIVERSITY

Published in Government Notice No. 1150 GOVERNMENT GAZETTE 43855 30 OCTOBER 2020 GAZETTED FOR IMPLEMENTATION: PLANT SPECIES PROTOCOL FOR THE SPECIALIST ASSESSMENT AND MINIMUM REPORT CONTENT REQUIREMENTS FOR ENVIRONMENTAL IMPACTS ON PLANT SPECIES

Published in Government Notice No. 1150 GOVERNMENT GAZETTE 43855 30 OCTOBER 2020 GAZETTED FOR IMPLEMENTATION: ANIMAL SPECIES PROTOCOL FOR THE SPECIALIST ASSESSMENT AND MINIMUM REPORT CONTENT REQUIREMENTS FOR ENVIRONMENTAL IMPACTS ON ANIMAL SPECIES

#### **1.4.2 Policies**

An environmental policy is derived from the guiding principle whereby an organization first defines the scope of its commitment to the environment. The policy is a public document that communicates the organization's overall approach to managing its interaction with the environment.

Various components of Environmental Management are strongly influenced by the environmental policies in terms of their scope and level of resource allocation. As a rule, objectives and targets are set to achieve compliance with the environmental policy, and overall environmental performance is evaluated against the organization's stated intent reflecting a level of commitment.

Policy must meet the following criteria:

- It must be relevant to the nature of an organization's activities, and the specific environmental aspects associated with those activities;
- It must consider specific local environmental conditions;
- It must consider relevant environmental legislation;
- It must define and formulate the organization's fundamental approach to environmental management; and
- It must set a precedent for communication and liaison with all stakeholders.

Policies considered in the compilation of this document include:

- National Spatial Development Framework;
- Provincial Spatial Development Framework for the Western Cape;
- Oudtshoorn Municipal Spatial Development Framework
- CapeNature (2024). 2023 Western Cape Biodiversity Spatial Plan and Guidelines. Biodiversity Capabilities.
- Garden Route Biosphere Reserve -Area is a Core Area

### **1.4.3 Guidelines**

The following guidelines are applicable to this project, and have been considered in the preparation of the Scoping Report:

- Guideline on Public Participation;
- Information of Generic Terms of Reference and Project Schedules;
- Circular EADP 0028/2014: One Environmental Management System;
- Guideline for Involving a Heritage Specialist in an EIA Process (2005);
- Guideline for the Review of Specialist Input in the EIA process (June 2005);
- Guideline for Environmental Management Plans (June 2005);
- Guideline on Alternatives (March 2013); and
- Guideline on Need and Desirability (March 2013).
- The National Biodiversity Offset Guideline (23 June 2023)

### **1.5 SPECIFIC INFORMATION REQUIRED BY THE COMPETENT AUTHORITY**

Appendix D, Comments and response table will include detail on competent authority requirements once available.

## **SECTION 2: DESCRIPTION OF THE PROPERTY**

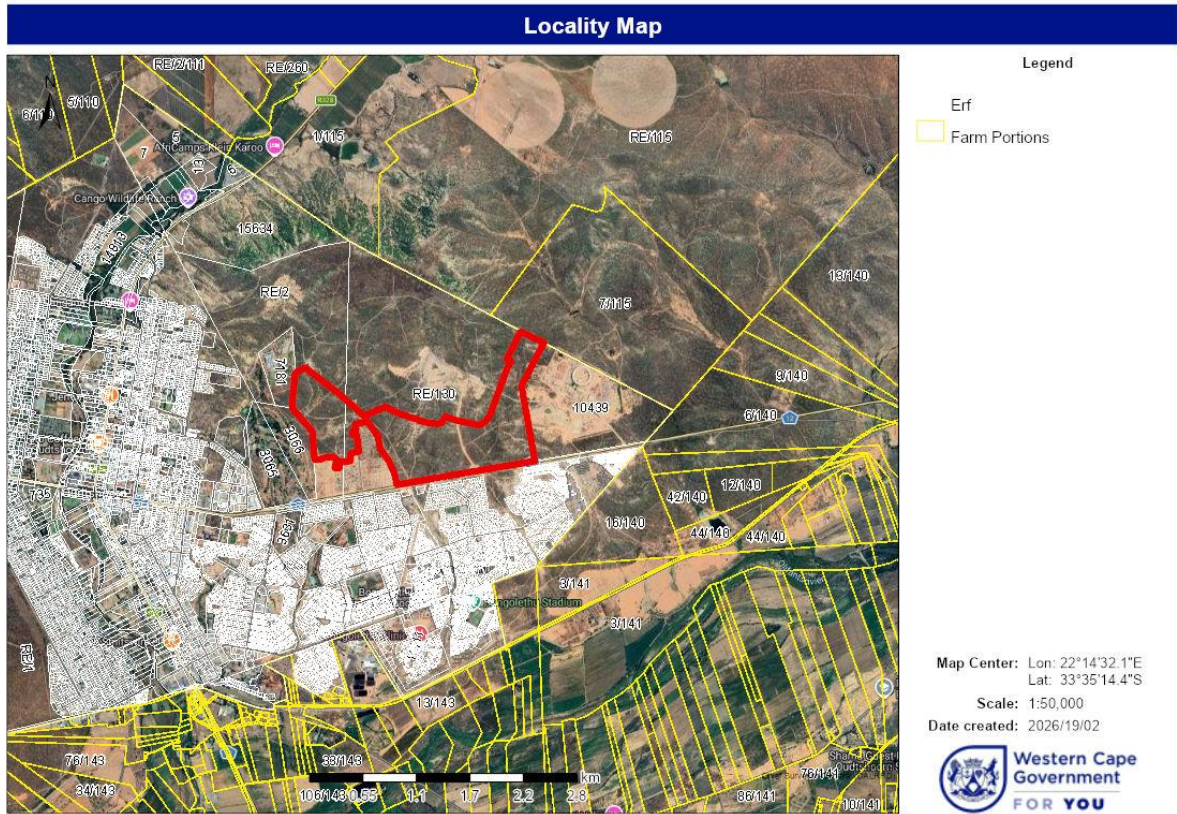
### **2.1 PROPERTY DESCRIPTION AND LOCATION**

The area is situated within the magisterial district of the Oudtshoorn Municipality falling within the Garden Route District Municipality. The proposed development is situated on a portion of erf 2 and erf 130, Oudtshoorn C05400050000001300000&C05400050000000200000.

The site for the proposed development is located approximately 3km east of the Central Business Area (“CBD”) of Oudtshoorn in the Western Cape Province. The topography of the site is characterised by gently sloping terrain which drains via small ephemeral streams towards the south and then under the N12 road. The regional climate is semi-arid and the Grootkop landfill site is located north of the site.

### **2.2 GENERAL CHARACTERISTICS AND LAND USE**

At a regional level the study area falls within the Klein Karoo region of the Western Cape. The Klein Karoo is bordered by two parallel mountain chains. Along its southern boundary is a chain of coastal mountains (Langeberg to Tsitsikama) and the northern boundary is represented by a second mountain chain further inland (Wittberg to Swartberg Mountains). The area lies roughly between the towns of Montagu in the west and Uniondale in the east. It is approximately 23 500 km<sup>2</sup> in extent. It is largely an extended valley, but with several isolated mountains that rise from the lowlands (Warmwaterberg, Touwsberg, Rooiberg, Gamkaberg and Kammanassie Mountains). The site is a core area in terms of the Garden Route Biosphere Reserve.



**Figure 1: Locality Map.**



**Photograph 1: View of landfill site boundary and buffer area between development and landfill site.**



**Photograph 2:** View of area development area.



**Photograph 3:** View of area development area.



**Photograph 4:** View of area development area.



**Photograph 5:** View of area development area.



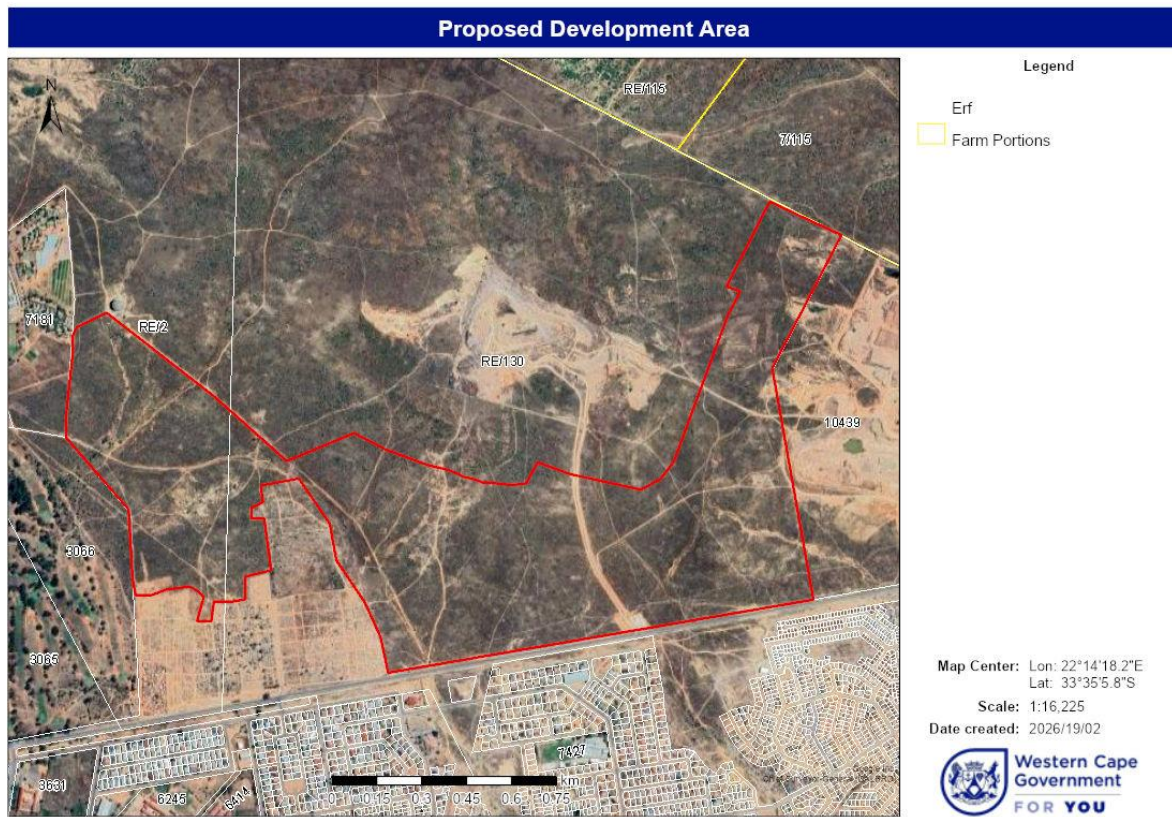
**Photograph 6:** View of area development area.



**Photograph 7:** View of area development area.



**Photograph 8:** View of area development area.



**Figure 2:** Google earth image of proposed development area.

## 2.3 SPECIFIC CHARACTERISTICS

### 2.3.1. Biophysical Elements

#### 2.3.1.1 Climate

Oudtshoorn normally receives about 172mm of rain per year, with rainfall occurring throughout the year. It receives the lowest rainfall (10mm) in January and the highest (22mm) in March. The average midday temperatures for Oudtshoorn range from 18.9°C in July to 32°C in January. The region is the coldest during July when the mercury drops to 4.9°C on average during the night.

#### 2.3.1.2 Topography

The site surveyed is located on an undulating hill area. Non-perennial drainage lines cross the proposed site draining from north to south towards the N12.

The site is surrounded by a drainage line along the western border; the N12 road along the southern border; drainage line along the eastern border; and an indigenous vegetation buffer area 400m wide in between the proposed development site and the landfill site along the northern border. The topography of the site is characterised by gently sloping terrain which drains towards the south.

The highest point of the site is ±440m and the lowest 365m above mean sea level.

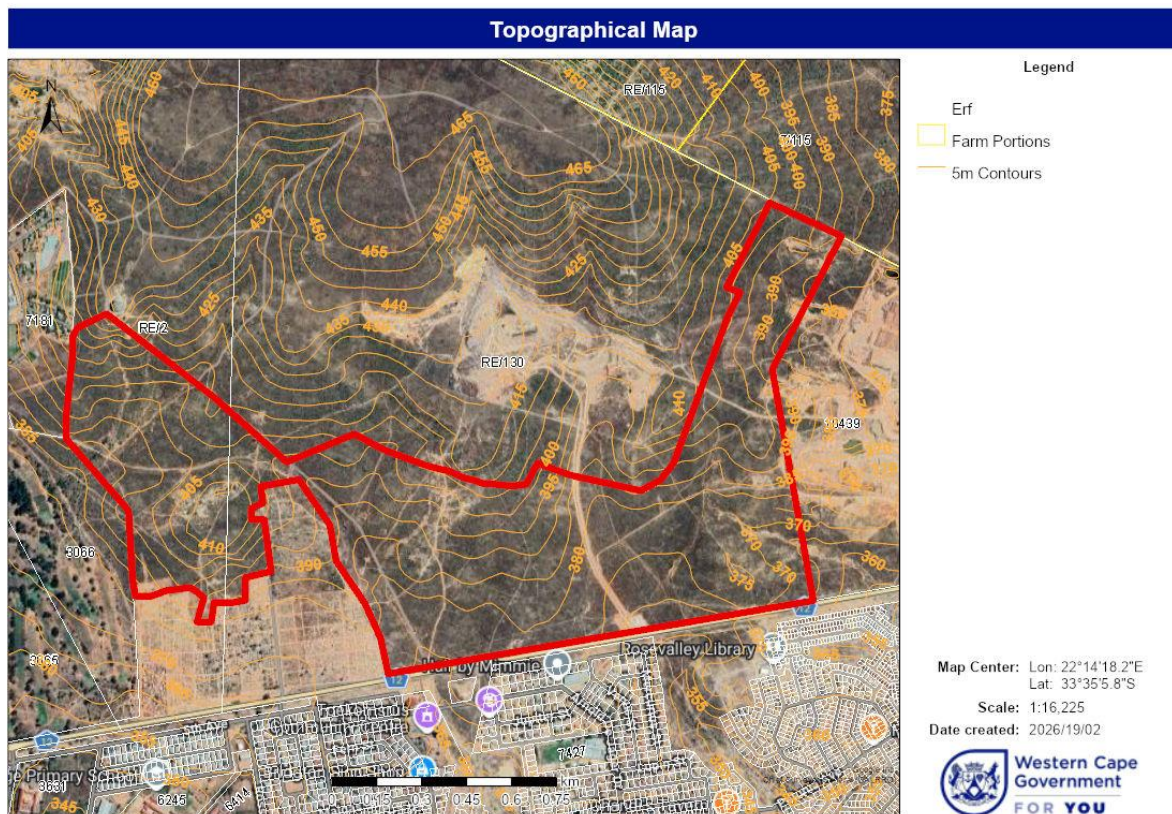


Figure 3: Topographical Map.

### **2.3.1.3 Geology and Geohydrology**

The site is underlain by partially lithified sedimentary rocks of the Uitenhage Group including conglomerate, sandstone and siltstone. The expected soil cover consists of a mixture of reworked/transported granular soils (sands & gravels) with a significant percentage of fine particles (silt and clay). These surficial soils may be underlain at a shallow depth by very dense conglomeratic soil or completely weathered siltstone which has weathered into clay. The development of localised calcrete hardpan or calcareous gravel is also likely but no hard bedrock is expected within a 2m depth zone. Due to the arid climate, near-surface subsoil seepage is uncommon.

### **Geohydrology**

Aquifer Classification: Minor

Aquifer Type and Yield: Fractured 0.0 - 0.1 l/s

Groundwater Recharge (mm/a): 13.93

Groundwater Quality EC (mS/m): 150 - 370

Aquifer Susceptibility: Medium-high

Aquifer Vulnerability: Moderate

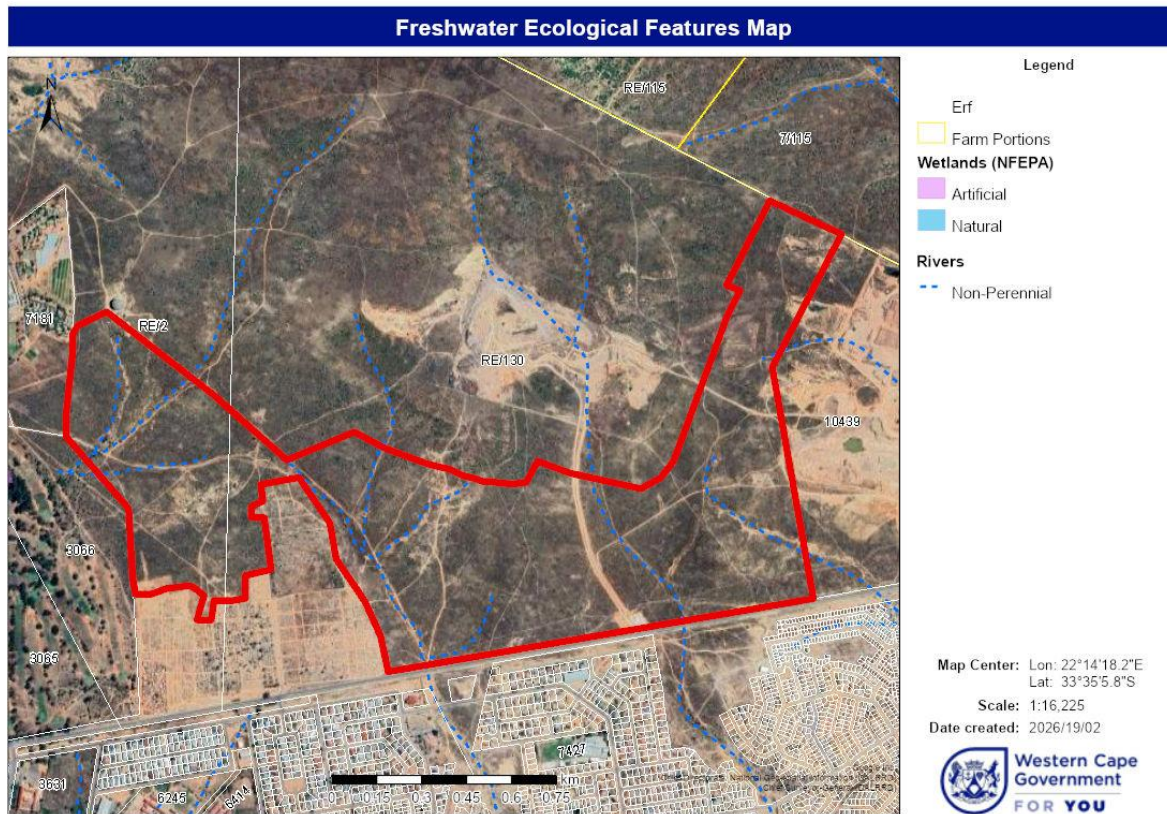
Depth to Groundwater (mbgl): 13.31

**Source:** CapeFarmMapper dated 19 February 2026

### **2.3.1.4 Surface Water Features**

The National Freshwater Ecosystem Priority Areas (“NFEPA”) map has identified strategic spatial priorities for conserving South Africa’s freshwater ecosystems and supporting sustainable use of water resources. The Olifants River (Driver et al, 2011) is designated as a Largely Modified NFEPA Class D Watercourse with its sub-quaternary catchment, including the property, an important Fish Support Area (Fish Corridor), warranting protection from anthropogenic disturbances; as it is an important migration corridor for threatened fish species as part of a fish sanctuary network. The implication for management for River FEPA’s, including Fish Corridors is that the surrounding land and smaller stream network need to be managed to maintain the current condition of the river reach; and improve the condition of the river and rehabilitate the river to its former condition where required. River FEPA’s may require restoration of the riparian zone from Invasive Alien Plant species and / or rehabilitation of a river bank. As part of an Environmental Management Programme (“EMP”) the long term maintenance of the hydrological and ecological structure and functioning of the river must therefore be addressed. According to the Implementation Manual for Freshwater Ecosystem Priority Areas (Driver et al, 2011) sufficient buffers around Rivers need to be determined on site and delineated to mitigate the impacts of proposed development activities in a catchment.

Non-perennial tributaries feeding into the Olifants River crosses the site from the north to the south. The tributary is the only water feature identified on the proposed development area and divides the site into sections.



**Figure 4:** Freshwater Ecological Features

### 2.3.1.5 Flora

The official National Vegetation Map of Southern Africa, Lesotho, and Swaziland (Mucina & Rutherford, 2006) with subsequent updates (Dayaram et al., 2018) mapped three vegetation types that will be impacted by the development as Eastern Little Karoo with an endangered ecosystem status in the revised national list of ecosystems that are threatened and in need of protection, published under the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004), published under government gazette no. 2747, dated 18 November 2022. Eastern Little Karoo is characterised by Succulent Karoo vegetation and the ecosystem condition data for Eastern Little Karoo show severe disruption of biotic processes and interactions over more than 50% of its extent in the last 50 years.

The Klein Karoo is remarkably rich in plant species. Almost 3 200 plant species have been recorded from the area, of which more than 400 may occur in this area. The site surveyed and its surrounds are characterised by undulating landscapes.

The site is not isolated as it forms part of surrounding extended natural veld areas especially to the northeast and northwest. Take note that the sensitive areas containing species of conservation concern mapped occurs mostly north of the proposed development area on the property. The fine-scale vegetation map for the Little Karoo (Vlok et al, 2005) has described the vegetation occurring to the north as: mostly Critically Endangered Grootkop Apronveld; and Critically Endangered Oudtshoorn Gannaveld.

### **2.3.1.6 Fauna**

The environmental screen tool report listed - *Polemaetus bellicosus* and *Afrotis afra* (high sensitivity), and *Physemacris papillosa* and *Aneuryphymus montanus* (medium sensitivity). None of the above species were recorded or observed at the time of the field surveys.

#### **Description of the Animal (Fauna) Species**

Fauna occurring on site include assemblages within the ecosystem and these could include mammals, birds, reptiles, amphibians, fish and invertebrates.

The following sensitive species were recorded in the environmental screen report:

#### ***Polemaetus bellicosus* Endangered<sup>1</sup>**

##### **Rationale**

The regional population of the majestic Martial Eagle *Polemaetus bellicosus* is estimated at c. 800 mature individuals and is believed to be undergoing a continuous population decline of greater than 20% over a period of two generations. In addition, there appears to have been a suspected population size reduction of greater than 30% over the last three generations where the reduction or its causes may not have ceased or may not be understood or may not be reversible. For these reasons, it is listed as regionally Endangered.

##### **Distribution**

The Martial Eagle is found throughout sub-Saharan Africa, only being absent from the lowland forests of West Africa (Ferguson-Lees and Christie 2001). With the exception of Lesotho, the species is widespread in the region but is more commonly encountered in protected areas such as in the Lowveld and Kalahari (Barnes 2000). Two conservation areas, the Kruger National Park and the Kgalagadi Transfrontier Park, together hold a substantial proportion of the region's population.

Outside of protected areas in the former Transvaal, Martial Eagle territory sizes are on average between 300 and 1 000 km<sup>2</sup> in extent; however, such territory sizes are probably not natural, and may be attributable to persecution and human-induced alteration of primary productivity (van Zyl 1992). In more natural situations, Martial Eagles still require an exceptionally large home range, in excess of 130 km<sup>2</sup> (Brown et al. 1982). Densities in areas stocked with indigenous game are higher than in areas supporting only domestic stock, and the species is virtually absent from cultivated areas (Machange et al. 2005).

Breeding adults are thought to be sedentary; juveniles and immature birds, however, wander widely from their natal areas (Simmons 2005). The recent SABAP2 maps indicate a decrease in EoO (13.99%) while the AoO estimates show an alarming decrease of 53.47% indicating that it has not been detected in more than half of its former range. The pressure that this species is facing outside of the large protected areas is even more dramatic with reporting rates from the SABAP2 project showing

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<sup>1</sup> <http://speciesstatus.sanbi.org/assessment/last-assessment>

large decreases or even absence from large areas of their former range. According to Parker (1999) it is scarce in neighbouring Sul do Save, southern Mozambique.

### **Population**

The global population has not been estimated (BirdLife International 2014) although tens of thousands seems probable (Ferguson-Lees and Christie 2001). Despite this large population size, the Martial Eagle is threatened across its range and has experienced a decline in population numbers within the region (Boshoff 1997), as well as outside the region, with declines reported in Namibia (Brown 1991), southern Mozambique (Parker 1999), and possibly Zimbabwe. No regional population estimate currently exists. Figures from 1982 suggested approximately 300 mature individuals occurred in Western, Eastern and Northern Cape provinces combined (Brooke 1984). However, a survey of a single electricity pylon line of 1 400 km in the central and south-western Karoo by Machange et al. (2005) estimated 34 active Martial Eagle territories indicating that the estimate provided by Brooke (1984) was more than likely an underestimate. Although Tarboton and Allan (1984) suggested 1 000 mature individuals occurred in the former Transvaal, with 137 pairs in Kruger National Park, numbers must be much less than this today. Murn et al. (2012) estimated a breeding population of 110 mature individuals in the Kruger National Park based upon their 2011 aerial survey of nests, a decrease of at least 50%. In 1994, the Swaziland total was estimated at 40 mature individuals (Parker 1994) while more recently Monadjem and Rasmussen (2008) estimated that there were 14 mature individuals within protected areas in Swaziland representing a decline of greater than 50%. In summary, Brooke (1984) suggested a total regional population of less than 2 000 mature individuals while Barnes (2000) estimated there to be less than 1 200 mature individuals in the region. Taking into account historical as well as reported decreases, the present regional population is estimated to be c. 800 mature individuals. The confidence in this regional population estimate is medium.

### **Population trend**

The global population trend is difficult to quantify but is suspected to have undergone a moderately rapid decline over the past 56 years (BirdLife International 2014). Lower reporting rates outside protected and sparsely inhabited areas suggest a dramatic decrease in densities throughout the region. Worryingly, reporting rates for large protected areas, such as Kruger National Park, also show a large decrease. The large number of checklists available for pentads in these areas means that the differences in protocol between SABAP1 and SABAP2 cannot be responsible for the consistent decrease in reporting rates. Based upon this, the decline seen in past years is probably ongoing and is believed to have been greater than 40% over the past three generations (56 years). This reduction in population size has not ceased and may not be reversible. The confidence in this regional population trend estimate is medium.

### **Threats**

The Martial Eagle was probably the most severely persecuted raptor in the former Cape Province (Boshoff et al. 1983). Barnes (2000) attributes the main causes for the decline in numbers to activities which occurred outside of the protected areas, with the main causes being direct persecution (shooting and trapping) by small-stock farmers, indirect persecution by poisoning, drowning in sheer-walled farm reservoirs, reduction of natural prey through habitat alteration and degradation, nest site disturbance and electrocution on electricity pylons. Monadjem and Rasmussen (2008) suspected that

eaglets in Swaziland, outside of protected areas, are removed from their nests and sold to traditional healers for medicinal purposes. The process of rangeland modification and degradation (primarily by overgrazing) affects eagle populations, at least indirectly by influencing the distribution, abundance, and accessibility of prey (Machange et al. 2005). Habitat transformation is only likely to increase and as a result this species may become even more restricted to large protected areas in the future.

## **Conservation**

### **Underway**

The Martial Eagle is listed as Vulnerable under the National Environmental Management: Biodiversity Act (Act 10 of 2004) and under the Swaziland Game Act of 1991. The species is the focus of a range of projects and initiatives of the Endangered Wildlife Trust's Birds of Prey Programme. The Kalahari Raptor Project has used the species as one of its flagship species in creating greater awareness for the need to conserve this and other raptors in the southern Kalahari for almost 25 years. The Platberg Karoo Raptor Project has fulfilled the same function in the Eastern Karoo since 2002. The Northern Cape Raptor Conservation Forum acknowledges land-owners who have active nests of this species on their property and provides information on how to conserve such sites to the benefit of the birds. Regular surveys are undertaken of pairs nesting on infrastructure associated with transmission power-lines and cell-phone towers in the Karoo. Data of nesting sites throughout the species' range is used to advise Eskom concerning the routing of power-lines via the Endangered Wildlife Trust's Wildlife Energy Programme. The Lowveld/Kruger National Park Large Bird Project includes this species in its annual aerial survey of the Kruger National Park and is in the process of obtaining a reliable estimate of the breeding population of this species in the Lowveld. So far, these initiatives seem inadequate to reverse the population decline. The Martial Eagle is listed under Schedule 2: Specially Protected Wild Animal under the Limpopo Environmental Management Act No 7 of 2003.

### **Proposed**

A Population and Habitat Viability Assessment (PHVA) is recommended, as is a Biodiversity Management Plan, culminating in a National Species Recovery Plan. Conservation interventions required include adequately enforcing protection of breeding sites outside of the protected area network via land-use agreements. Regular monitoring of the species is required in order to more accurately determine the regional population and conservation status. Implementation of an awareness programme involving land-owners and local communities to highlight the threats facing this species is recommended.

### **Research**

\* An investigation into the potential causes of declines within protected areas, with a focus on post-fledging dispersal and foraging range of immature birds, should be undertaken.

\* Genetic studies to model regional relationships between populations/individuals and assess the roles of immigration and emigration with surrounding countries is required.

## **Black Korhaan *Afrotis afra*<sup>2</sup>(VU)**

### **Rationale**

The population of the endemic Southern Black Korhaan *Afrotis afra* is suspected to have undergone a greater than 30% decline over the past three generations, qualifying it as regionally Vulnerable.

### **Distribution**

The species is endemic to the region, being confined to the winter- and mixed winter-summer rainfall areas of the Albany Thicket, Fynbos and Succulent Karoo biomes, and the southern extreme of the Nama Karoo Biome, in South Africa's Western, Northern and Eastern Cape provinces (Crowe et al. 1994, Allan 2005). Records in Limpopo, Gauteng, Free State and northern extremities of Northern Cape are attributable to misidentifications of the Northern Black Korhaan. A comparison of SABAP1 and SABAP2 reporting rates indicates a decrease in 226 of the 284 QDSs in which the species was reported in either project (Hofmeyr 2012). The species has been recorded in 20 IBAs in the region.

### **Population**

The global population size has not been quantified and requires urgent investigation.

### **Population trend**

Historically described by Stark and Sclater (1906) as very common and certainly the most abundant of all game birds throughout the Cape Colony; by Uys and Macleod (1967) as one of the dominant species of Coastal Fynbos; by Clancey (1973) as locally common to common; and by Hockey et al. (1989) as a common resident. Although the Southern Black Korhaan still occurs at relatively high densities in small patches of optimal habitat, it is now generally scarce and localised, and the population is undergoing a decline. Comparing reporting rates from SABAP1 and SABAP2, populations in Western Cape showed the most widespread reduction in reporting rates (86% of QDSs), followed by Northern Cape (73%), and Eastern Cape (71%). It is unlikely that these declines were an artefact of the change in atlas protocol (Hofmeyr 2012), as the species is conspicuous.

Coordinated Avifaunal Roadcounts (CAR) data suggest that the Overberg and Swartland populations declined between 1998 and 2010, while a small portion of the Eastern Cape population showed an increase in numbers after a period of initial decline during a similar period (Hofmeyr 2012). These data showed a higher density in Eastern Cape, which may be explained by the smaller extent of habitat transformation in the Karoo, or may be an artefact of greater detectability in Karoo vegetation compared to Fynbos. Overall, based on data from both SABAP and CAR, the population is thought to have declined by greater than 30% since SABAP1 (1987-1993). The confidence in this estimate is medium.

### **Threats**

The primary threat to the species is probably habitat loss and degradation due to cultivation (Hofmeyr 2012). Further research is required to understand the reasons for the decline of this species; however, climate change, human disturbance and increased nest predation by corvids may have also played a role (Hofmeyr 2012).

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<sup>2</sup> <http://speciesstatus.sanbi.org/assessment/last-assessment/2965/>

## Conservation

### Underway

Young et al. (2003) advocated engagement with land-owners to develop and implement appropriate measures to protect large terrestrial birds. Following consultation and discussions with land-owners, the Animal Demography Unit of the University of Cape Town published a booklet titled "Farming for the future: farming sustainably with nature" which includes information on conservation measures to be put in place for large terrestrial bird species such as the Southern Black Korhaan. The conservation of natural veld on farms and the prevention of excessive disturbance of natural veld by livestock are advocated for this species in particular.

### Proposed

Biodiversity stewardship programmes to formalise the protection of key habitats are a priority. Additionally, where possible, degraded or disused lands should be allowed to revert to natural vegetation. Human disturbance and disturbance by domestic animals should also be minimised. Corridors of indigenous vegetation linking isolated patches of natural veld would also benefit this species. Coordinated Avifaunal Roadcounts (CAR) participants should ideally collect basic habitat availability data along the length of routes to improve habitat use models.

## Bladder grasshopper *Physemacris papillosa*<sup>3</sup> (EN)

### Rationale

*Physemacris papillosa* is found within the Little Karoo region of the Western Cape Province of South Africa. It is assessed as Endangered (EN) because of the small geographic distribution of the species with an extent of occurrence (EOO) below 2,000 km<sup>2</sup>, a limited number of locations (3-5) and a severely fragmented population. Furthermore, a continuing decline in the population is inferred based upon the few encounters of this species in the field. Only a handful of specimens have ever been collected, and none in recent years. Very little is known about the species and further research is needed on its population trends, ecology and threats.

### Distribution

*Physemacris papillosa* is endemic to South Africa. It has a small geographic distribution along the southern cape coastline. Its extent of occurrence (EOO) is ca 2,000 km<sup>2</sup>.

### Habitat

*Physemacris papillosa* inhabits the Fynbos vegetation biome, a type of shrubland.

### Population trend

The species is extremely rare and likely to be declining. It has been documented only three times in over 118 years in an areas which have been extensively surveyed.

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<sup>3</sup> <https://speciesstatus.sanbi.org/assessment/last-assessment/4380/>

Therefore, it seems likely that the number of mature individuals is low. As the subpopulations appear to be very small and isolated, exchange between them is very unlikely. The population is, therefore, considered extremely fragmented.

### **Threats**

Potential threats to *Physemacris papillosa* include habitat destruction due to agriculture (livestock farming) and urban development, as well as climate change leading to droughts. A drier climate will negatively impact the species as the distribution of pneumorids is believed to be restricted by moisture availability. Furthermore, it will result in loss or change of vegetation type and thus reduced availability of host plants on which the species depends. The number of locations based upon the threat of livestock farming is between three and five.

### **Uses and trade**

This species is not utilised.

### **Conservation**

There are no conservation actions for the species, and it has not been recorded from a protected area. The species is described from only male specimens, and a female thus needs to be identified, as there is extreme sexual dimorphism with the Pneumoridae. Research into its ecology, population trends and threats is needed.

### ***Aneuryphymus montanus* Vulnerable<sup>4</sup>**

#### **Rationale**

The Yellow-winged Agile Grasshopper (*Aneuryphymus montanus*) is endemic to the Cape region of South Africa. Its area of occupancy (AOO) is between 100 and 1,000 km<sup>2</sup> and there is a continuing decline in the quality of habitat, from which a continuing decline in the number of mature individuals is inferred. The number of locations (based upon the threat of invasions of non-native plant species) is between six and ten. Therefore, the species is assessed as Vulnerable.

#### **Distribution**

This species is only known from six localities in the Cape region of South Africa. Its estimated extent of occurrence (EOO) is ca 170,000 km<sup>2</sup>, while its area of occupancy (AOO) is probably between 100 and 1,000 km<sup>2</sup>. A record from Maclear (Armstrong and van Hensbergen 1999) is considered here uncertain as it is quite far away from the rest of the range.

#### **Habitat**

The species is associated with fynbos vegetation, where it has been collected "amongst partly burnt stands of evergreen Sclerophyll in rocky foothills" (Brown 1960). It prefers south-facing cool slopes (Kinvig 2005).

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<sup>4</sup> <http://speciesstatus.sanbi.org/assessment/last-assessment>

### **Population trend**

Data on population size or trends are not available. According to Brown (1960) it is locally common, but according to Kinvig (2005) it is rare. The species has rarely been collected, even though some intensive research has been carried out in the region recently. A continuing decline in the number of mature individuals is inferred from the ongoing threats.

### **Threats**

The main threats to this species are conversion of its habitat into farmland and invasions of non-native plant species.

### **Uses and trade**

The species is not utilised.

### **Conservation**

No specific conservation action is in place for this species, but it has been recorded from protected areas. Research into its distribution, ecology, threats and population trend is needed. A careful control of invasive plant species is needed to avoid future declines of the species.

## **2.3.2. Historical and Archaeological Characteristics**

Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to the proposed development. Because of its harsh climate and poor soils the first farms were only established in this part of the Klein Karoo in the late 18th Century. A small settlement developed on a tributary of the Olifantsrivier at the beginning of the 19th Century and was known as Grobelaarsrivier until it was re-named Oudtshoorn in 1843. The early town consisted of two parallel dog-legged grids on either side of the Grobelaars River leaving a wide strip of irrigated farmland that even today is largely undeveloped. The town grew slowly with development mostly on the eastern side of the river. The late 19th Century boom in ostrich feathers led to more intensive development with warehouses, businesses and residential development.

In the post World War 1 (WWI) period following the collapse of the feather industry growth slowed but tobacco production in the area contributed to the town's economy.

The proposed development is to take place at some distance from the historic core of the town. It is north of the apartheid era township of Bongulethu at the eastern edge of the town.

An Archaeological Impact Assessment (AIA) found that the 3 large sites on the eastern and western edges of the town; Spekkop, Rosebank and Zeelandsnek yielded a mix of isolated Early Stone Age (ESA) and Middle Stone Age (MSA) stone tools. It was concluded that all of the sites are deemed of local significance and have been sufficiently recorded.

The Mesozoic bedrocks in the Oudtshoorn region are extensively blanketed by Late Caenozoic superficial sediments, notably coarse, quartzitic pediment gravels of braided fluvial or colluvial origin and probable Neogene to Quaternary age as well as younger silty alluvium. These superficial deposits are unlikely to contain significant

fossil material, although robust vertebrate remains (e.g. rolled teeth, bones, horn cores) and freshwater molluscs may occur here. Satellite images demonstrate that dense populations of ancient calcretised termitaria (heuweltjies), of probable Late Pleistocene to Holocene age, are ubiquitous in the Oudtshoorn region, including all three field study areas. Given their abundance and widespread occurrence in the Little Karoo, these large trace fossils are not regarded as palaeontologically sensitive, however. No body fossils were recorded within the Cenozoic superficial sediments during this scoping study.

It is concluded that the palaeontological sensitivity of the sedimentary rocks in the study areas near Oudtshoorn, is low. The proposed housing projects are unlikely to have a significant impact on local fossil heritage and no further specialist palaeontological mitigation is recommended on the basis of the data currently available.

However, there remains a possibility that palaeontologically significant fossils may be exposed at any of the proposed housing sites during the construction phase of development, especially in deeper excavations into the Kirkwood Formation. Should any substantial fossil remains, such as vertebrate bones, teeth, plant material or petrified wood, be found or exposed during development, Heritage Western Cape and / or a professional palaeontologist should be informed at the earliest opportunity so that appropriate mitigation can be undertaken at the developer's expense.

### **2.3.3. Terrestrial Biodiversity**

According to the CapeNature (2024). 2023 Western Cape Biodiversity Spatial Plan and Guidelines. Biodiversity Capabilities, CapeNature. Link: <https://www.capenature.co.za/western-cape-biodiversity-spatial-plan>, approximately 95% of the area was mapped as an terrestrial CBA.

#### **Critical Biodiversity Areas**

Name: Eastern Little Karoo

Condition: Natural

Category 1: CBA: Terrestrial

Category 2: CBA: Threatened Ecosystem

Definition: Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.

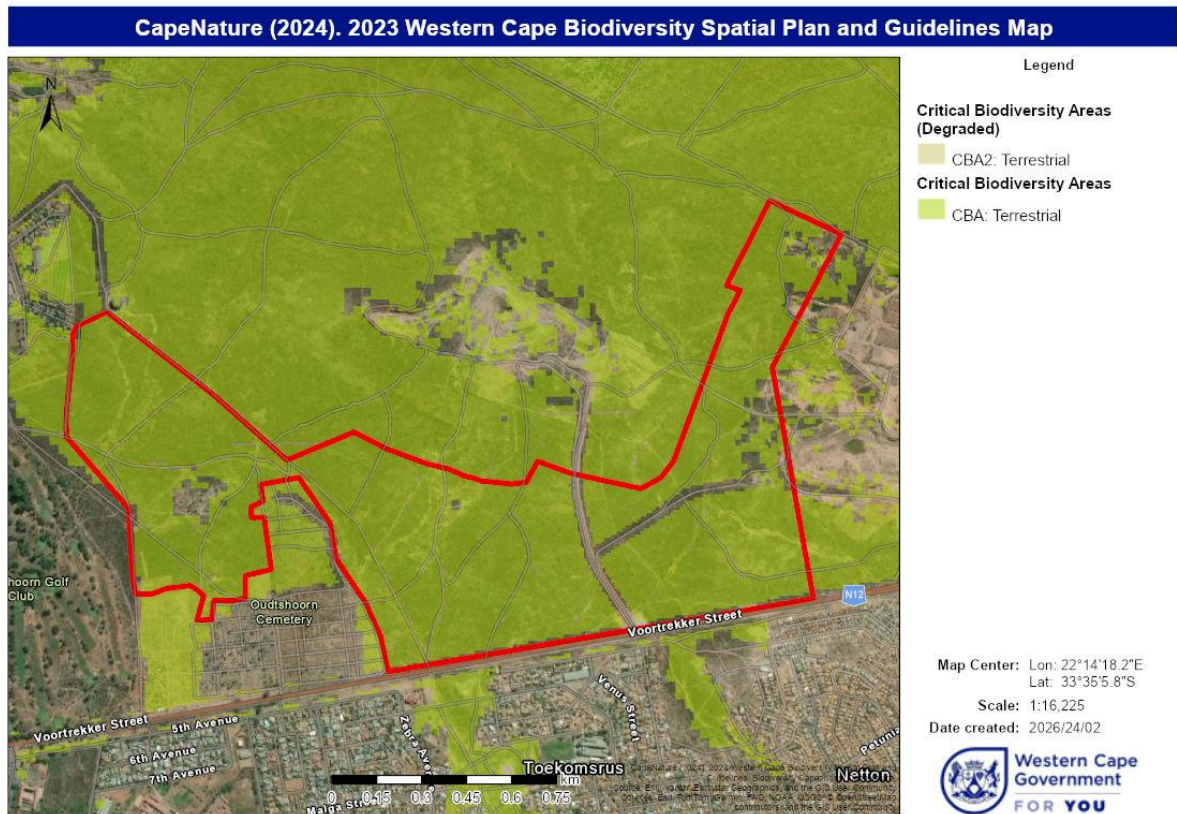
Objective: Maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.

<b>Biodiversity Priorities</b>	<b>Hectares Lost</b>	<b>Is the proposed development aligned with the land management objectives</b>	<b>Proximity to Biodiversity Priority Area</b>
CBA1	NA	No. Maintain in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.	Located inside CBA area
CBA2	Approximately 140ha		
ESA1	NA		
ESA2	NA		
PA	NA		
Forest	NA		
River NFEPA including 32m buffer	NA		
Strategic water source area	NA		
Threatened species and Red Data listed	None recorded, but specialist studies must still be conducted		

The site is located inside a National Protected Areas Expansion Strategy (NPAES) Priority Focus Areas

The site is located on a mapped core area of the Gouritz Cluster Biosphere Reserve.

However, although located inside a mapped core area, NPAES and CBA area mapped, detail specialist studies will be conducted to determine the correct areas. The core, NPAES and CBA areas mapped include the known landfill site and operations and therefore need to be ground truth and correctly mapped which will be part of detailed terrestrial biodiversity assessment report which will form part of the Environmental Impact Assessment report and specialist terms of reference.



**Figure 5: Biodiversity Map**

### 2.3.4. Socio-Economic Elements

This publication is produced by the Provincial Treasury for each of the Western Cape municipalities on an annual basis. These socio-economic profiles provide each municipality with up to date socio-economic data as well as analysis pertaining to the municipal area, to assist in planning, budgeting and the prioritisation of municipal services.

The profiles include information on recent trends in GDP and labour market performance, demographics, education and health outcomes. It further unpacks per capita income, inequality and poverty, access to housing and basic services as well as crime levels. A new addition to the profile is the inclusion of risk and vulnerability indicators related to climate change which is critical to development.

Valuable insight can be gained as to the developmental challenges faced by communities residing within a specific geographical area. While some developmental challenges are not within the municipality's mandate to address, these profiles also provide spatial information for other spheres of Government in order to improve the quality of lives of people within each municipal area. This profile uses data primarily sourced from Statistics South Africa, administrative data from sector departments, the Municipal Review and Outlook (MERO), Global Insight Regional Explorer and Quantec. The data sourced from sector departments are the most recent that is available. The Statistics South Africa 2022 Census contains the latest survey data available at municipal level. The format of the profile allows for easy readability with the data being displayed in infographics, followed by the relevant trend analyses. The information

contained in this profile highlights information for the Oudtshoorn Municipality in relation to the broader Garden Route District.

### **Population and Household Growth**

In 2022, the Oudtshoorn Municipality was home to 138 257 individuals, making it the third most populated municipal area within the region. The Mid-year population estimates (MYPE) released by Stats SA in February 2023 reflects that the municipal population is anticipated to decline at an annual average rate of 0.4 per cent over the 2023 to 2027 period. This demographic decline is potentially driven by semigration from this locale into more developed regions. The only areas within the municipal area that are estimated to have seen increases over the decade between 2011 and 2021 are Bongoletu and Bridgeton. With a total of 31 795 households recorded in 2022, the Oudtshoorn municipal area exhibits an average household size of 4.3 persons. This is significantly greater than the district average of 3.3. With the high levels of poverty in the municipal area (highest in the district) the large household sizes stem mainly from the challenge faced by individuals to afford separate living arrangements. Multiple family members therefore share a single household. The average household size recorded a slight decline from 4.4 persons in 2011. This is reflective of outmigration by members of the household and declining fertility rates. Household growth is therefore forecast to stagnate over the 2023 to 2027 period, while the outmigration and declining fertility rates leads to a forecasted population decline. Furthermore, it is noteworthy that the number of households recorded during the 2022 Census exceeds the count employed in the Local Government Equitable Share calculations by 25.4 per cent, signifying a higher-than-projected rise of households over the interval from 2011 to 2022. The divergence bears implications for the provisioning of municipal services and the requisite infrastructure.

### **Gender, Age and Race Dynamics**

A more in-depth analysis of the demographic composition within the municipal area reveals that 66.9 per cent of its residents fall within the economically active age group of 15 to 64 years. The overall population distribution leans in favour of females only from age group 25 to 29 and upward, reflecting an outmigration of working aged males from the municipal area after the age of 24, ostensibly in pursuit of employment opportunities elsewhere. Moreover, a segment comprising 25.2 per cent of the population is aged below 14 years, thereby engendering a comparatively high dependency on the working-age cohort. This sizable youth contingent underscores a mounting demand for educational resources and future employment prospects within the municipal area. Additionally, a relatively sizable elderly population, constituting 8.0 per cent of the total, signifies that the municipal area is an attractive destination for retirement, a pattern observed across the scenic expanse of the Garden Route. The insights derived from the age distribution patterns are instrumental for municipal planning, particularly concerning the availability of housing and government services tailored to meet the diverse needs of distinct age groups. Sustainable employment expansion holds paramount significance for the municipal area to mitigate the outmigration of the working-age populace, capable of actively fostering economic growth. Furthermore, the prominent racial demographic category in the municipal area is the coloured population, representing 76.1 percent of the total population, followed by the white population at 8.9 per cent and the black African population at 8.0 per cent. The Indian or Asian demographic group is the minority, accounting for merely 0.3 per cent of the municipal populace.

### **Level of Urbanisation and Population Density**

The Oudtshoorn municipal area spans 3 537.1 km<sup>2</sup> and is situated in the semi-arid Klein Karoo. In 2023, it had a relatively low population density of 25.2 persons per km<sup>2</sup> and is expected to decrease to 24.9 persons per km<sup>2</sup> by 2025. Oudtshoorn experienced the most significant decline in urbanisation of 12.6 percentage points over the 2001 to 2021 period, accompanied by an increase in the rural population during the same period as agricultural activity expanded in the municipal area. The population is concentrated within the towns of Oudtshoorn, Bridgeton and Bongolethu, with Bridgeton and Bongolethu having the highest population densities. Bridgeton has shown a substantial increase in density over the 2001 to 2021 period, fueled by the comparatively greater affordability of housing options, drawing individuals into the town.

### **GDPR Per Capita**

During the timeframe spanning from 2016 to 2022, the regional economy exhibited a growth rate surpassing that of the population, resulting in a notable upswing in the GDPR per capita i.e., GDPR per person. Over this period, GDPR per capita experienced a robust increase of 28.8 per cent, indicative of enhanced standards of living and heightened economic well-being within the Oudtshoorn municipal area. It has however grown from a low base. At R88 227, the GDP per capita remains below the District (R97 562) and the Western Cape (R113 327) average, pointing to potential areas for further improvement. It is imperative to acknowledge that the distribution of GDP per capita within the municipal area is not uniform. Disparities prevail, with a segment of the population enjoying affluence, while others grapple with financial challenges in an economic landscape characterized by inflation, escalating interest rates, and unemployment.

### **Income Inequality**

South Africa suffers among the highest levels of inequality in the world when measured by the commonly used Gini index. Inequality manifests itself through a skewed income distribution, unequal access to opportunities, and regional disparities. The National Development Plan (NDP) has set a target of reducing income inequality in South Africa, endeavouring to lower the Gini coefficient from 0.7 in 2010 to 0.6 by 2030. The Oudtshoorn municipal area meets that goal at 0.57 and has amongst the most equally distributed incomes in the Province. When viewed in conjunction with the low GDP per capita, it reflects that the majority of the population are grappling with limited economic opportunities and resources. By global standards, the Gini coefficient of 0.57 is still high and reflects the discrepancy between persons with well remunerated jobs in the town of Oudtshoorn, compared to the lower income earned by farm workers as well as backyard dwellers and households residing in the informal settlements across the municipal area. Income inequality is also more pronounced among the coloured and black African demographic groups where some households have built wealth, whilst others have yet to escape the poverty trap.

### **Poverty**

The Upper Bound Poverty Line (UBPL) head count ratio is the proportion of the population living below the UBPL i.e., that cannot afford to purchase adequate levels of food and non-food items. The UBPL in South Africa is R1 417 (in April 2022 prices) per person per month. In 2022, 63.8 per cent of the municipal population fell below the UBPL. This figure improved marginally from the 64.1 per cent recorded in 2019, indicating some progress despite the challenging economic conditions facing households across the

country. The municipal area exhibits the highest levels of poverty in the District but is slightly lower when compared to the Western Cape rate. This points to a significant number of households being confronted with the adverse effects of poverty. These consequences include lower life expectancy, malnutrition, food insecurity, heightened exposure to crime and substance abuse, reduced educational attainment, and substandard living conditions. Therefore, the NDP sets the ambitious goal of eradicating poverty by 2030. To alleviate these negative impacts of poverty, the Department of Social Development Oudtshoorn SASSA office issues grants to 51 362 individuals. Beneficiaries of child support grants constituted 63.2 per cent of this total, with 11 464 pensioners receiving old age grants, thus offering vital income support to these households.

The Constitution stipulates that every citizen has the right to access to adequate housing and that the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right. Access to housing also includes access to services such as potable water, basic sanitation, safe energy sources and refuse removal services, to ensure that households enjoy a decent standard of living. This section assesses the extent to which this objective has been realised by examining the progress reflected in the 2022 Census data.

### **Housing and Household Services**

There has been a slight rise in the percentage of households with access to formal housing, escalating from 88.5 per cent in 2011 to 89.5 per cent in 2022. This achievement is largely attributed to housing units constructed by the state, catering to the housing needs of low-income households, while the growth in households are subdued. The access to formal housing is slightly above the GRD average which has been dragged downward due to the large proportion of informal housing in the George municipal area. With 8.5 per cent of households living in informal dwellings, 1.7 per cent in traditional dwellings and 0.3 per cent in other/unspecified housing, it reflects further room for improvement to see enhanced living conditions for vulnerable households in the municipal area. The increase in the proportion of households residing in formal dwellings was accompanied by an 8.1 per cent surge in households equipped with flush toilets, an 8 per cent increase in access to regular refuse removal, a 7.1 per cent upswing in households using electricity for lighting, and a substantial 10.1 per cent increment in households enjoying access to piped water within their dwellings. However, it remains pertinent to acknowledge that the municipal area still lags in terms of providing essential services across all categories excluding access to piped water within the dwelling. This lag underscores the Municipality's difficulties associated with extending services to rural farmlands and informal settlements, as well as the lack of access to these basic services within backyard dwellings within the municipal area.

### **Free Basic Services**

Municipalities also provide a package of free basic services to households who are financially vulnerable and struggle to pay for services. There was a significant surge (16.7 per cent) in registered indigent households in 2020 attributable to the adverse economic impact of the COVID-19 pandemic, which resulted in income losses impeding households' capacity to cover their municipal service expenses. While the pace of growth decelerated, an upward trajectory persisted in 2021 (4.6 per cent) and endured into 2022 (0.6 per cent), indicative of a sustained departure from pre-pandemic levels. This is contrary to the trend observed in municipal areas with a decrease in the number of

registered indigent households. The stressed economic conditions continue to exert pressure on household incomes and thereby keep demand for free basic services at elevated levels.

### **Labour Market Performance**

The Oudtshoorn municipal area has three main towns fuelling the labour market: Oudtshoorn, known as the ostrich capital of the world; Dysselsdorp, established as a British mission station in the 19th century; and De Rust, a quaint village just north of the Olifants River. The Ostrich Industry in the Oudtshoorn municipal area is one of the largest in the global market and therefore has a well-developed local value chain. As such, mixed farming and meat processing are amongst the largest employers in the municipal area, with 1 197 and 924 formal jobs, respectively, but the single largest employer in the municipal area remains public administration (1 820 jobs). There are numerous government offices offering employment in the municipal area including the Oudtshoorn Municipality, the Garden Route District Municipality, Department of Social Development, Department of Agriculture, Department of Home Affairs, Department of Labour, a magistrate court, and post office, amongst others. The agriculture sector's precarious performance has resulted in some subsectors creating jobs while others shed jobs. For example, the employment of mixed farming and non-perennial crop cultivators increased while those working in animal production and agricultural support activities lost their jobs. However, the most significant job losses were recorded for retail workers and those working in short-term accommodation facilities, underscoring both the importance of tourism for local jobs and the slow recovery of tourism in the area. Labour in the Oudtshoorn municipal area is mostly semi-skilled (30.9 per cent) and low-skilled (27.9 per cent). Semi-skilled workers tend to be concentrated in the trade, finance and manufacturing sectors. By contrast, low-skilled workers are usually employed in agriculture and community services. Semi-skilled and low-skilled employment have yet to reach pre-pandemic levels, with a -6.5 and -6.3 per cent backlog still existing. As tertiary sector activities in the Oudtshoorn municipal area have grown over the past decade, the number of skilled workers in the area has increased, especially in the finance sector. Skilled employment marks as the only category that has reached its pre-pandemic level of employment. Informal employment constitutes only 16.4 per cent of employment in the municipal area and was the hardest hit by the pandemic, showing the slowest recovery, with 11.7 per cent less jobs than its 2019 level. 2022 reflects the first year since the COVID-19 pandemic where there was net job growth in the municipal area, largely boosted by employment in the informal sector in that year. This contributed to a welcome reduction in the unemployment rate by 1.2 percentage points. At 22.2 per cent in 2022, it however remains above the District average, and contributes to the high poverty rate in the municipal area. In addition to this, the Oudtshoorn municipal area had the largest proportion of people in the District who were not economically active (42.6 per cent). This places strain on the state for financial support and provision of services as reflected in the 3.5 percentage point rise in housing demand in 2023 and the rise in the number of indigent households. It should be noted that the proportion of economically inactive persons may be worsened by the presence of the South African Army Infantry School and the South Cape TVET College campus in Oudtshoorn as people are studying and therefore are not part of the job market.

**Wage Distribution** The Oudtshoorn municipal area had the highest proportion of people living below the food poverty line: at 33.4 per cent in 2021 and 32.1 per cent in 2022. Of the three main towns in the area, only Oudtshoorn, the epicentre of the services sector

in the municipal area, had a median income above the municipal average. Dysseisdorp and De Rust are small towns that serve surrounding agricultural communities, which are mainly involved in ostrich farming. Of those with formal employment, 51.4 per cent earn less than R6 400 per month, which is above the District average of 45.3 per cent. Poverty has therefore become a significant factor in these towns, as most young people have jobs in Oudtshoorn or work as seasonal labourers on neighbouring farms. The lack of diversity in employment opportunities and low incomes make individuals in this area vulnerable to economic shocks and impact on their standard of living.

### SECTION 3: NEED AND DESIRABILITY

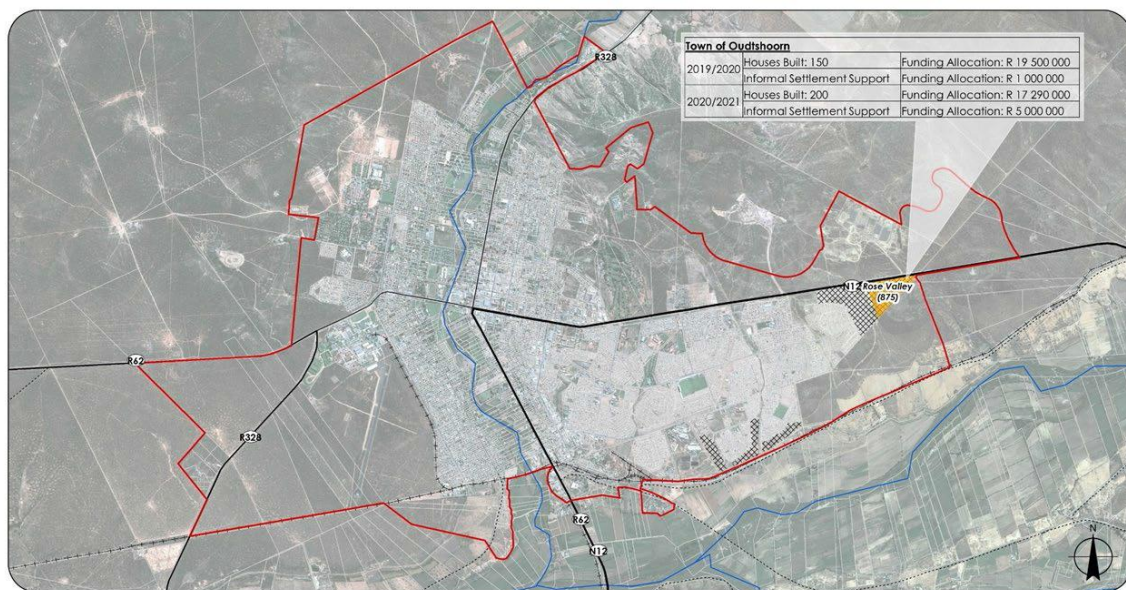
#### 3.1 NEED AND DESIRABILITY

##### MOTIVATION FOR APPLICATION:

The municipality did a housing investigation assessment (Urban Dynamics 2010) to identify parcels of land suitable to develop and ensure that the housing needs of Oudtshoorn are met. The developable sites, including infill development was already constructed or in process of being serviced in terms of the GG Kamp informal settlements area. The other sites identified in the report is not at present available for development. The municipality has a huge waiting list of beneficiaries and this site will meet the bulk of these requirements. Although within the current buffer area of the landfill site, specialist studies were conducted and will be reviewed and updated to accommodate a scientific base buffer that will then open up valuable land area to meet in the housing demand requirements. Access to bulk services is available. It is within close proximity of the CBD. The property is currently zoned as Undetermined. A rezoning application will be made for the proposed development. Primary access to the proposed development will be obtained from the N12. The proposed access routes should be able to be accommodated by the existing street network and infrastructure without any foreseeable complications.

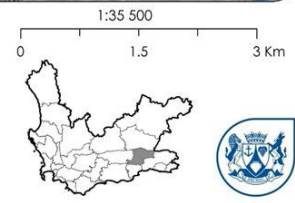
<b>1. Is the activity permitted in terms of the property's existing land use rights?</b>	<input checked="" type="checkbox"/>	<b>N O</b>	<b>Please explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>2. Will the activity be in line with the following?</b>			
<b>(a) Provincial Spatial Development Framework (PSDF)</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Proposed property falls within the urban edge as proposed in local SDF. The most recent spatial policy directive is the Provincial Spatial Development Framework (PSDF) which was approved as a structure plan in June 2009 in terms of Section 4(6) of the Land Use Planning Ordinance, 1985 (no. 15 of 1985). The PSDF is a policy, which reflects principles for development. The following policies of the PSDF document apply to the land identified for the proposed development. (Note PSDF policy numbers are indicated in brackets).			
(i) Public land should be made available to assist in achieving urban restructuring			

- (UR 10).
- (ii) To contain outward growth of urban settlements, to promote urban restructuring, to address apartheid patterns and urban influences – an interim urban edge shall be considered around all towns (RC7).
  - (iii) The average gross density in urban settlements experiencing urban growth must be encouraged to increase to 25u/ha before further extensions to the urban edge are considered (UR2).
  - (iv) Urban settlements should be restructured to break down the spatial barriers created by apartheid and make them more convenient and pleasant to live in while creating economic opportunities close (within walking distance) to where people live (UR1).
  - (v) Settlements which show high economic growth potential and have high population thresholds should be prioritized as locations for fixed infrastructure investment (HR4).
  - (vi) A complete range of socio-economic groupings within an urban settlement should be located within walking distance radius according to the Principle of Socio-Economic Gradient (UR5).



WCG Dept. of Human Settlements 5-Year Delivery Plan Map: Town of Oudtshoorn

Road Type	Legend Item
— National Route	— Railways (Abandoned)
— Arterial Roads	— Urban Edge (2015)
— Main Roads	— Permanent River
— Secondary Roads	— Human Settlements Projects
	— Informal Settlements



<b>(b) Urban edge / Edge of Built environment for the area</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
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Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.

<b>(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application compromise the integrity of the</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
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<b>existing approved and credible municipal IDP and SDF?).</b>			
The proposed land use is in line with the Existing Spatial Development Framework, and IDP. Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>(d) Approved Structure Plan of the Municipality</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application compromise the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)</b>	<input checked="" type="checkbox"/>	<b>NO</b>	<b>Please explain</b>
No EMF adopted for area.			
<b>(f) Any other Plans (e.g. Guide Plan)</b>	<input checked="" type="checkbox"/>	<b>NO</b>	<b>Please explain</b>
NA			
<b>3. Is the land use (associated with the activity being applied for) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. is the proposed development in line with the projects and programmes identified as priorities within the credible IDP)?</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) occur here at this point in time?</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>5. Does the community/area need the activity and</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please</b>

<b>the associated land use concerned (is it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)</b>			<b>explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>6. Are the necessary services with adequate capacity currently available (at the time of application), or must additional capacity be created to cater for the development?</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Housing development will link to existing municipal infrastructure with the necessary capacity to service the development.			
<b>7. Is this development provided for in the infrastructure planning of the municipality, and if not what will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)?</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>8. Is this project part of a national programme to address an issue of national concern or importance?</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Provision of houses and basic services.			
<b>9. Do location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the proposed land use on this site within its broader context.)</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Area included and indicated as suitable for the development of subsidy housing. Area currently not zoned for these purposes and an amendment to the landfill site waste license is required to reduce the current 800m buffer zone. The area is however situated on municipal land included in the urban edge area for Oudtshoorn.			
<b>10. How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?</b>	<b>Please explain</b>		
EIR and specialist studies will identify, assess and ensure that the proposed development does not impact on sensitive natural and cultural areas. The draft proposed site development plan identified the water features on site and provided for a 32m buffer area to protect them.			
<b>11. How will the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc)?</b>	<b>Please explain</b>		

Positively. Provide houses and basic services to people of Oudtshoorn living in squatter infrastructure or as back yard dwellers.			
<b>12. Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?</b>	<input checked="" type="checkbox"/>	<b>N O</b>	<b>Please explain</b>
The proposed development will fall under the government subsidy housing scheme.			
<b>13. What will the cumulative impacts (positive and negative) of the proposed land use associated with the activity applied for, be?</b>	<b>Please explain</b>		
Cumulative impacts relate to demand on natural and social resources such as water, waste generation and electricity usage. This should however be low since the project intends to accommodate business and housing needs that link to existing services for the Oudtshoorn area. The feasibility study that the municipality conducted proves its need and desirability from the local authority and community standpoint.			
<b>14. Is the development the best practicable environmental option for this land/site?</b>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>Please explain</b>
Municipal land identified for housing purposes			
<b>15. What will the benefits be to society in general and to the local communities?</b>			<b>Please explain</b>
Housing and infrastructure for people in squatter houses outside formal infrastructure. Improved services delivery.			
<b>16. Any other need and desirability considerations related to the proposed activity?</b>			<b>Please explain</b>
N/A			

#### SECTION 4: ALTERNATIVES ASSESSMENT

Regulation 21(3) of EIA Regulations, 2014 as amended requires that the Scoping Report include a description of any feasible and reasonable alternatives that have been identified. Regulation 1 of EIA Regulations, 2014 as amended defines alternatives as follows:

*“alternatives”, in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the—*

- (a) property on which or location where the activity is proposed to be undertaken,*
  - (b) type of activity to be undertaken,*
  - (c) design or layout of the activity,*
  - (d) technology to be used in the activity, or*
  - (e) operational aspects of the activity,*
- and includes the option of not implementing the activity.*

The alternatives considered for this project are described below.

## **4.1 PROPERTY AND LOCATION/SITE ALTERNATIVES**

### **DETAILS OF ALTERNATIVES**

#### **LOCATION / SITE / PROPERTY ALTERNATIVE**

The municipality did a housing investigation assessment (Urban Dynamics 2010) to identify parcels of land suitable to develop and ensure that the housing needs of Oudtshoorn are met. Access to bulk services is available. It is within close proximity of the CBD. The property is currently zoned as Undetermined. A rezoning application will be made for the proposed development. Primary access to the proposed development will be obtained from the N12. The proposed access routes should be able to be accommodated by the existing street network and infrastructure without any foreseeable complications. No other site alternatives were considered as they are deemed not feasible or reasonable. The proposed site was identified as a suitable area for the development of this housing project and it meets all the criteria and requirements.

## **4.2 ACTIVITY ALTERNATIVES**

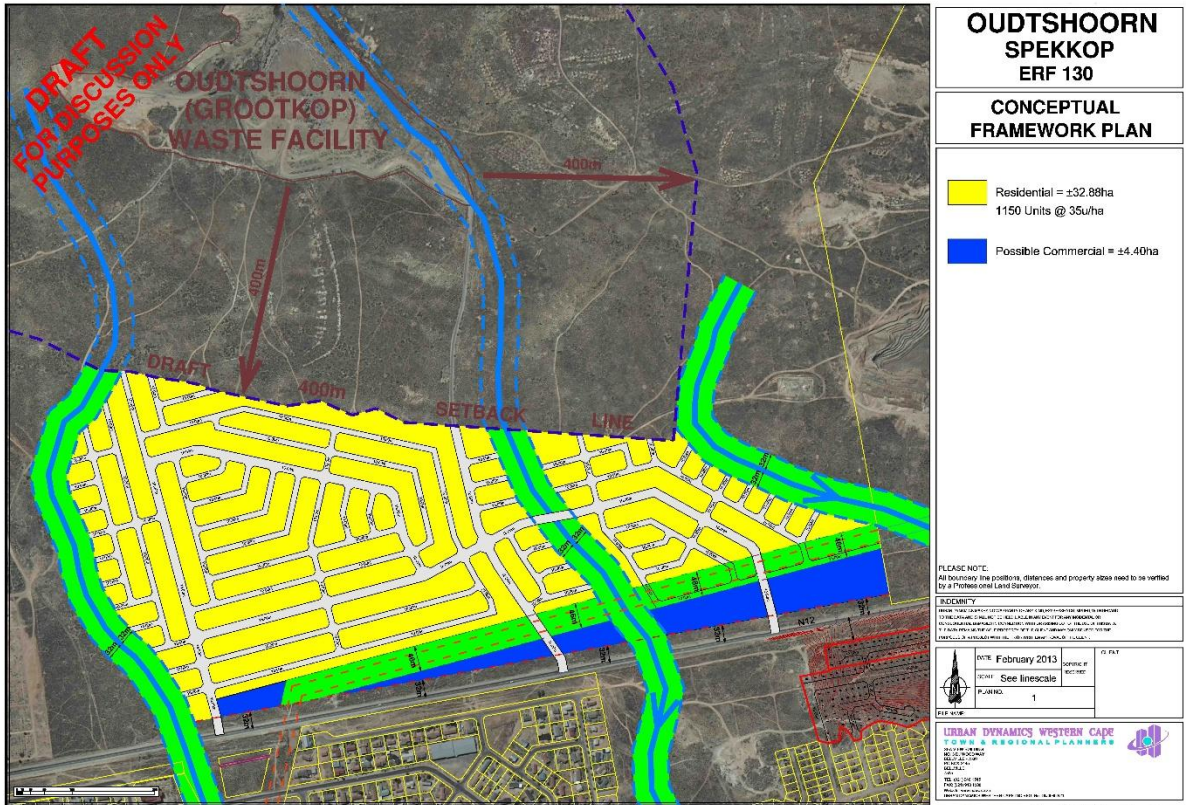
The only activity alternative is for a mix use development to accommodate land use needs identified by the municipality and provided by land use constraints identified for the impact area.

## **4.3 DESIGN OR LAYOUT ALTERNATIVES**

Two layout alternatives will be assessed. This may change when the specialist studies input is received and incorporated within the layout.

### **Layout Alternative A1**

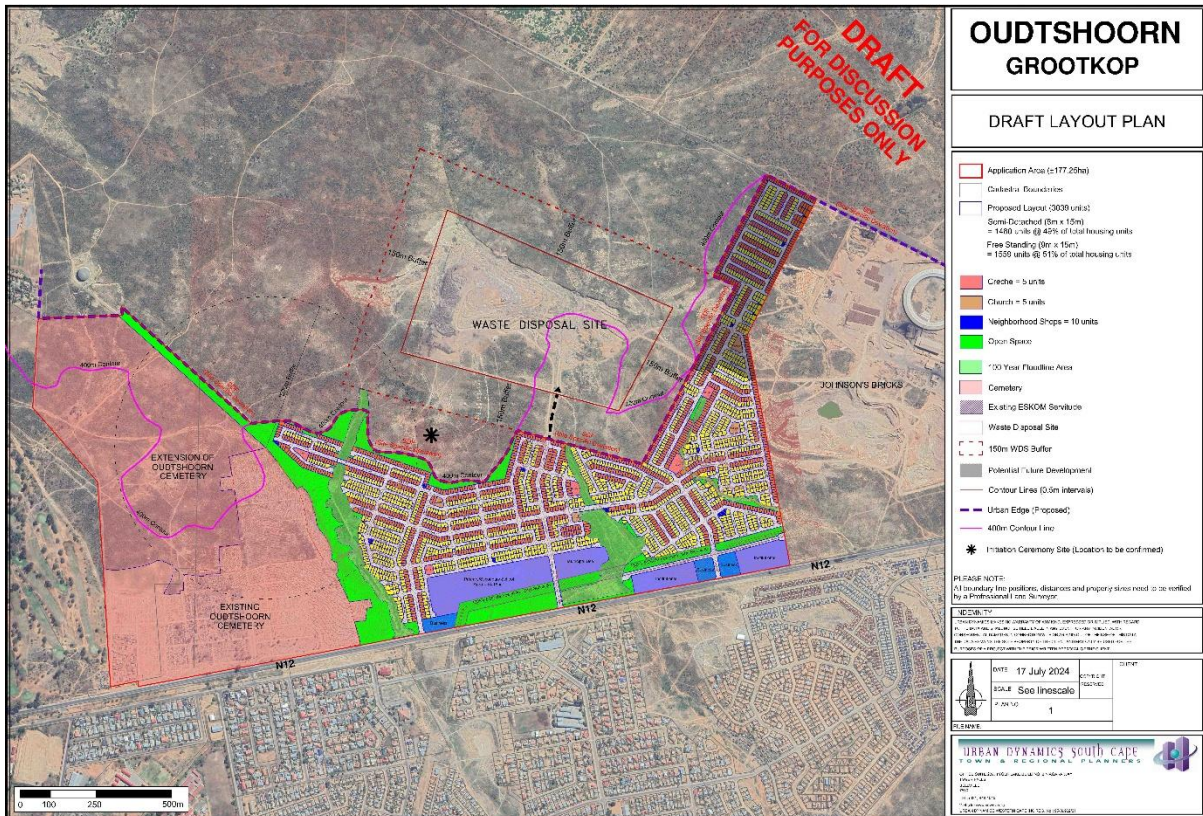
The proposed development entails the establishment of 1150 subsidized housing units on approximately 37.28ha and possible commercial on approximately 4.40ha. Electricity, sewerage and water will be connected to the existing Oudtshoorn services network.



**Figure 6: Alternative Site Development Plan**

**Layout Alternative A2 (Preferred Layout)**

The Oudtshoorn Municipality for the Oudtshoorn Grootkop Development is applying for the development of a new cemetery area to increase burial space of ± 40 ha on remainder of Erf 2 and urban development on remainder of erf 130 (± 137 ha), consisting of Open Space erven to accommodate water courses, roads, services and stormwater infrastructure on a total area of approximately 177 ha. The application also requires the amendment of the existing landfill site buffer area from 800m to 150m to accommodate the development.



**Figure 7: Preferred Site Development Plan**

Alternative land uses, i.e. land uses that are not consistent with the relevant IDP, are not being considered, as this would be contrary to the Municipalities IDP and will not provide for the communities' needs.

**4.4. Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:**

The energy requirements of the development will be reduced by the introduction of the following energy saving methods.

1. All units will be provided with energy saving compact fluorescent lamps (CLF's).
2. All electric geysers should be insulated with geyser blankets.
3. All electric geyser thermostats should be set at the most optimal temperature.
4. All fitted appliances should have an energy rating and the most efficient models will be considered.
5. Energy efficient streetlight technology should be used as far as possible to reduce the energy requirements of the streetlight network.

The non-implementation of energy and water reducing technologies was considered as an alternative.

The implementation of the water and electricity demand and reduction management technologies was deemed the most feasible and reasonable alternative. It will help with the minimization and reduction of electricity and water use.

**4.5. Operational alternatives to avoid negative impacts mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:**

Operational alternatives are to be considered at the EIA phase to include all specialist requirements and recommendations.

**4.6. The option of not implementing the activity (the No-Go Option):**

The no go option will result in the site remaining as it is presently. A look at the Need and Desirability input will both indicate popular local support for both the concept and place as manifested in IDP and SDF. The site is ideally situated for development in terms of availability of all basic services and location next to existing development.

**Environmental Opportunities and Constraints associated with the site to be taken in consideration when the specialist assess the proposed clear areas.**

**Location**

The property belongs to the municipality and the site is ideally situated for development in terms of availability of all basic services and location next to existing development.

**Terrestrial Biodiversity**

Although located inside a mapped Biosphere Core Area, NPAES and CBA mapped area, detail specialist studies will be conducted to determine the correct areas. The Core Area, NPAES and CBA areas mapped include the known landfill site and cemetery, and operations and therefore need to be ground truth and correctly mapped which will be part of detailed terrestrial biodiversity assessment report which will form part of the Environmental Impact Assessment report and specialist terms of reference.

**Existing Landfill Site and Brick Factory**

An air pathway study was conducted and will be updated and with proper management in terms of the authorizations conditions and amendment to the waste license for the landfill site buffer area will ensure that the development, with its different landuses will ensure that the impact of these areas can be accommodated.

**Heritage**

There are no archaeological or cultural heritage features on the site. The site is however located within 2km of a Grade II Heritage site.

**4.7. “(G) A FULL DESCRIPTION OF THE PROCESS FOLLOWED TO REACH THE PROPOSED PREFERRED ACTIVITY, SITE AND LOCATION OF THE DEVELOPMENT FOOTPRINT WITHIN THE SITE, INCLUDING—  
(V) THE IMPACTS AND RISKS WHICH HAVE INFORMED THE IDENTIFICATION OF EACH ALTERNATIVE, INCLUDING THE NATURE, SIGNIFICANCE, CONSEQUENCE, EXTENT, DURATION AND PROBABILITY OF SUCH IDENTIFIED IMPACTS, INCLUDING THE DEGREE TO WHICH THESE IMPACTS—  
(AA) CAN BE REVERSED;  
(BB) MAY CAUSE IRREPLACEABLE LOSS OF RESOURCES; AND  
(CC) CAN BE AVOIDED, MANAGED OR MITIGATED;  
(VIII) THE POSSIBLE MITIGATION THAT COULD BE APPLIED AND LEVEL OF RESIDUAL RISK;  
(IX) THE OUTCOME OF THE SITE SELECTION MATRIX.”**

#### **4.7.1. IMPACTS AND RISKS ASSOCIATED WITH EACH ALTERNATIVE**

The potential impacts and risks as identified by the EAP has been summarised and described below.

#### **4.7.2. POSITIVE AND NEGATIVE IMPACTS ASSOCIATED WITH EACH ALTERNATIVE**

Refer to the assessment of alternatives in section 6.1. of the report which assesses the positive and negative impacts associated with all alternatives assessed.

#### **4.7.3. MITIGATION MEASURES**

The mitigation measures to reduce negative impacts will be informed by the specialist investigations (where required) as well as standard EMP conditions as set out by applicable legislation, guidelines, policy and through consultation with stakeholders and I&APs to reduce negative impacts where such impacts could not be avoided. This will be detailed in the EIR phase report.

#### **4.7.4. OUTCOME OF SITE SELECTION MATRIX**

A new cemetery area to increase burial space of ± 40 ha on remainder of Erf 2 and urban development on remainder of erf 130 (± 137 ha), consisting of Open Space erven to accommodate water courses, roads, services and stormwater infrastructure on a total area of approximately 177 ha area was selected as part of the outcome site selection matrix roses. The application also requires the amendment of the existing landfill site buffer area from 800m to 150m to accommodate the development.

#### **4.7.5. MOTIVATION FOR NOT CONSIDERING ALTERNATIVES**

The no go option will result in the site remaining as it is presently. A look at the Need and Desirability input will both indicate popular local support for both the concept and place as manifested in IDP and SDF. The site is ideally situated for development in terms of availability of all basic services and location next to existing development.

## **IMPACTS AND RISKS ASSOCIATED WITH EACH ALTERNATIVE**

The following potentially significant impacts associated with the proposed development have been identified by the EAP and project team:

### **Construction phase impacts:**

Construction activities in sensitive environments need to be carefully managed or they lead to significant environmental impacts. Construction activities, particularly site clearing and excavations, impact on existing infrastructure can lead to damage and/or destruction of flora and displace fauna. Stone-age artefacts could be unearthed and damaged. Also associated with construction sites are nuisance impacts such as noise and dust.

A comprehensive Environmental Management Programme (EMP) which focuses on managing construction phase-related impacts should sufficiently manage the potential construction phase impacts under supervision of a competent Environmental Control Officer (ECO).

- Biodiversity impacts;
- Heritage impacts;
- Waste impacts
- Erosion impacts
- Pollution impacts; and
- Nuisance impacts (including noise, dust and traffic congestion).

### **Operational phase impacts:**

- Traffic Impacts
- Services availability
- Storm water management

### **Closure and decommissioning phase impacts:**

- Soil and groundwater contamination;
- Nuisance impacts (including noise, dust and traffic congestion).
- Waste Impacts; and
- Erosion impacts

These aspects are addressed in the following sections and will be further assessed in the EIR phase.

No Go or No Development option:

The No-Go option will result in the site remaining as is presently.

## **SECTION 5: PUBLIC PARTICIPATION PROCESS**

### **5.1 INTRODUCTION**

Public participation is an integral part of the environmental assessment process and

affords potentially interested and affected parties (I&APs) an opportunity to participate in the EIA process, or to comment on any aspect of the development proposals. The public participation process to be undertaken for this project complies with the requirements of the EIA Regulations. The description of the public participation process as included below specifies the steps and actions undertaken to date and as appropriate at this stage of the project.

## **5.2 IDENTIFICATION AND REGISTRATION OF KEY DEPARTMENTS AND OTHER I&APS**

Liaison with the relevant authorities plays a crucial role in the successful completion of any environmental assessment process. In addition to the Department of Forestry, Fisheries and Environment (DFFE), the key departments such as the provincial departments having jurisdiction in respect of any aspect of the project, the local municipality and municipal councillor as well as other potentially affected I&APs, including adjacent property owners and dwellers, were identified.

The parties listed in the table below were identified as potential I&APs to date as per the requirements of the Regulation 42 of R982 of 2014 as amended. A list with complete details of the I&APs is kept by the EAP and will be updated as the project progresses. Refer to Appendix D.

### **Key Departments identified to date**

DFFE

DEA&DP: Development Facilitation Unit

CapeNature

DEA&DP: Pollution & Chemicals Management

DEA&DP: Waste Management

Department of Agriculture, Western Cape

Heritage Western Cape

Garden Route District Municipality

Department of Water and Sanitation

Oudtshoorn Municipality

ESKOM

Garden Route Biosphere reserve - [admin@gardenroutebiosphere.org.za](mailto:admin@gardenroutebiosphere.org.za)

## **5.3 NOTIFICATION OF I&APS**

Potential I&AP's were notified about the project. The notification took place in the following manner (this is in compliance with Regulation 41 of the EIA Regulations, 2014).

- Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of the site where the activity to which the application relates is or is to be undertaken and any alternative site;
- Written notifications sent to potential I&APs inviting them to register and give comments on the proposed development. These notifications were in line with the requirements of Regulation 41 of GN R982 of 2014 as amended; and
- Placing an advertisement in the local newspaper in compliance with Regulation 41(2)(c)(i) of GN R982 of 2014 as amended.

All potential I&APs are afforded the opportunity to register for the project. All registered I&APs will be informed of further activities regarding the project.

#### **5.4 PUBLIC MEETINGS AND WORKSHOPS**

No public meetings have been held yet and none required or requested.

#### **5.5 AVAILABILITY OF THE SCOPING REPORT**

As per the requirements of Regulation 43 of GN R982 of 2014 as amended, the draft Scoping Report was made available for a 30-day commenting period. A copy of the draft scoping report and EIR will be made available on the Enviro-EAP website.

The report will be included for statutory comment with the written notice as sent to the commenting organs of state.

Electronic copies (CDs) will be made available to any I&AP on request. Proof of delivery and document placement will be attached to the final Scoping Report. Additionally, the report will be made available to any I&AP upon request, as advised on the notice boards, notices and advertisements referred to in Section 5.3 above.

#### **5.6 COMMENTS AND REPONSES DURING THE SCOPING PHASE**

Comments received will be responded to as per the requirements of Regulation 44 of GN R982 of 2014 as amended. The comments and response report as well as all comments received will be attached to the Scoping Report.

#### **5.7 PUBLIC PARTICIPATION DURING THE EIA PHASE**

Public participation during the EIA phase involves submitting the draft EIR to the registered I&AP's and Key Departments for a 30-day period to discuss the findings of the report. Once all comments have been received, the EIR will be finalised considering the comments.

The final EIR will then be submitted to the DFFE for approval. As per the requirements of GN R982 of 2014 as amended, should any additional comments be received during this stage, these will be submitted to DFFE.

#### **5.8 DECISION AND APPEAL PERIOD**

Once DFFE has reviewed the final EIR and are satisfied that it contains sufficient information to make an informed decision, they will use the information contained within the EIR to determine the environmental acceptability of the applicant's preferred options. A decision on the applications and associated reports will be made by the DFFE based on the findings of the EIR.

Following the issuing of the decision, I&APS will be notified. All I&APs will be provided with the opportunity to appeal the decision to the Minister in terms of the NEMA.

## **SECTION 6: ENVIRONMENTAL ISSUES IDENTIFIED TO DATE**

The potentially significant impacts associated with the proposed development have been identified by the EAP. Issues identified by Key Departments and I&APs will be considered in the determination of impacts. A detailed impact assessment and environmental impact statement will be provided in the EIA. The assessment will be based on the criteria as set out below in the Plan of Study (PoS).

### **6.1 DEVELOPMENT PHASE IMPACTS**

Construction activities in sensitive environments need to be carefully managed or they lead to significant environmental impacts. Construction activities, particularly site clearing and excavations, impact on existing infrastructure can lead to damage and/or destruction of flora and displace fauna. Stone-age artefacts could be unearthed and damaged. Also associated with construction sites are nuisance impacts such as noise and dust.

A comprehensive Environmental Management Programme (EMP) which focuses on managing construction phase-related impacts should sufficiently manage the potential construction phase impacts under supervision of a competent Environmental Control Officer (ECO).

- Biodiversity impacts;
- Heritage impacts;
- Waste impacts
- Erosion impacts
- Pollution impacts; and
- Nuisance impacts (including noise, dust and traffic congestion)
- Socio-Economic Impacts.

### **6.2 OPERATIONAL PHASE IMPACTS**

Three potentially significant impacts have been identified as being associated with the operational phase.

- Traffic Impacts
- Services availability
- Storm water management
- Socio-Economic Impacts

### **6.3 CLOSURE AND DECOMMISSIONING PHASE IMPACTS**

Closure and decommissioning impacts are likely to be similar to the construction phase impacts and therefore should also be satisfactorily accommodated in the EMP.

These aspects are addressed in the following sections, and will be further assessed in the EIR phase.

## **SECTION 7: PLAN OF STUDY FOR ENVIRONMENTAL IMPACT ASSESSMENT**

### **7.1 TASKS TO BE UNDERTAKEN**

The EIA report is informed by the scoping phase. Should the need for specialist studies be identified, input from specialists will be obtained to further advise on the potential impacts that may occur due to the proposed activities. The specialists will identify opportunities and constraints as associated with the site and the proposed development and provide their input to the concept design.

The following steps will be undertaken as part of the EIA phase:

- Alternatives will be further investigated, in a re-iterative manner, so as to avoid or minimize negative impacts and maximize potential benefits;
- The entire project team, including the specialist consultants, will be involved in the evaluation of alternatives;
- Statements regarding the potential significance of residual impacts, taking into account proposed mitigation measures will be provided in the EIA; and
- An Environmental Management Programme (EMP) covering construction, operational and decommissioning phases of the proposed development will be prepared after input from specialists, incorporating recommendations for mitigation, monitoring and evaluation are received.

### **7.2 CONSULTATION WITH COMPETENT AUTHORITY**

DFFE as the Competent Authority regarding the Environmental Authorization application will be consulted throughout the application process.

All documentation (Draft and Final) will be sent to DFFE. Communication with DFFE will be attached to the documents to be submitted.

### **7.3 ASSESSMENT OF ENVIRONMENTAL ISSUES AND ALTERNATIVES**

The objective of an impact assessment is to find the alternative having the least negative environmental impact, and which best benefits society. The assessment and evaluation of potential impacts associated with the development would thus be undertaken in a re-iterative manner, to optimally inform pro-actively the development proposal. The following methodology for assessing alternatives has been developed and will be used during the application process. GN R982 of 2014 as amended requires, in part, that the Scoping and EIA Reports include a description of any feasible and reasonable alternatives that have been identified. Regulation 1 of GN R982 of 2014 as amended defines alternatives as follows:

*“alternatives”, in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to –*

- (a) the property on which or location where it is proposed to undertake the activity (alternative properties as well as alternative sites on the same property);*
- (b) the type of activity to be undertaken*
- (c) the design or layout of the activity;*

- (d) *the technology to be used in the activity (consideration of such alternatives is to include the option of achieving the same goal by using a different method or process); and*
- (e) *the operational aspects of the activity;*

The following additional alternative types (as applicable to this project) have also been suggested for inclusion, where applicable, by the Department of Forestry, Fisheries and the Environment in the EIA guidelines and information documents on alternatives. These alternatives are discussed where applicable.

Demand - when a demand for a certain product or service can be met by some alternative means;

Input - applicable to applications that may use different raw materials or energy sources in their process;

Scheduling and Timing - a number of measures might play a part in an overall programme, but the order in which they are scheduled will contribute to the overall effectiveness of the end result; and

Scale and Magnitude - activities that can be broken down into smaller units and can be undertaken on different scales, each may have a different impact.

These were considered as well.

All the above alternative types, including the no-go option (i.e. the option of not implementing the activity) have been investigated according to the methodology described below.

### **7.3.1 Alternative determination methodology**

Alternatives are described in terms of the various types of alternatives (“alternative types”) as listed above, as well as the proposed and alternative project activity(ies) (“project alternatives”) which includes a combination of all the separate factors. Both the identification, investigation, and assessment of alternatives, and the generation and consideration of modifications and changes to activities must be well documented. A reasoned explanation as to why an alternative was or was not found to be reasonable and feasible has been provided for each alternative type. The criteria in 6 was used during the identification and assessment of alternatives.

### **7.3.2 Role of the various parties in the consideration of alternatives**

#### **7.3.2.1 The role of the Applicant**

- Consider the strategic planning and environmental context within which the development and alternatives are to be considered;
- Consider all feasible and reasonable alternatives (not only the preferred option); and Provide the EAP with access to all information at the disposal of the applicant regarding the application.

#### **7.3.2.2 The role of the EAP**

- Consider the strategic planning and environmental context within which the

development and alternatives are to be considered;

- Identify, investigate and assess alternatives;
- Afford opportunities for interested and affected parties to provide input into the identification, investigation and assessment of alternatives;
- Disclose all information relevant to the consideration of alternatives to the applicant and competent authority;
- Document the process of identification, investigation and assessment of alternatives (including providing the methodology and criteria used, and how the level of investigation applied to each alternative was established); and
- Provide a comprehensive consideration of the impacts of each of the alternatives assessed.

### **7.3.2.3 The role of specialists**

- Assess impacts, especially the direct footprint as well as indirect and potential cumulative impacts of the development;
- Take into account the context and the intensity of the impact as related to their specific field of expertise;
- Highlight any impacts that could be irreversible or result in an irreplaceable loss of resource;
- Evaluate the significance of residual impacts associated with the proposed development, taking into account scientific information, local community and societal values attached to the environment as being impacted upon;
- Use accepted or formal standards, thresholds or targets for environmental quality, where available, as a key indicator of potential significance, since these measures reflect societal values. Where these benchmarks are absent, specialists should draw on a combination of criteria used to assess potential impacts, to indicate their potential significance, as well as feedback from key stakeholders; and
- Assess and respond to all comments made by Key Departments and Registered I&APs.

### **7.3.2.4 The role of I&APs**

- Declare their interests;
- Assist in the identification, investigation and assessment of alternatives, particularly where local knowledge is required;
- Within the specified timeframes, provide comment on the consideration of alternatives.

**Table 3: Alternatives assessment methodology**

<b>Criteria</b>	<b>General description / methodology for alternatives assessment</b>	<b>Project specific action taken for alternatives assessment</b>
Identification of alternatives	<p>Alternatives have been identified as early as possible in the process (planning and design phase). Alternatives will further be considered and assessed throughout the project life as amendments to the alternatives are made. Assessment of the alternatives will only cease once final alternatives have been decided upon. These will be the final alternatives for which Environmental Authorisation will be applied for. The identification of alternatives should be broad, objectively done and well documented.</p>	<p>Due to the nature of the project, not all alternative types as listed above could be assessed as some of the activities have only one option for implementation. Where possible, alternatives were considered.</p>
Comparative assessment	<p>The project alternatives will be determined according to the alternative types identified as feasible and reasonable and assessed comparatively.</p>	
Reasonability and feasibility	<p>All alternatives were considered in terms of reasonability, feasibility, practicability, relevancy and viability. As determined throughout the process, not all alternatives will be reasonable or feasible. These will in subsequent reports be mentioned as being considered but will not be described in detail.</p>	<p>Only alternatives considered reasonable and feasible at the scoping phase have been included in this report. Alternatives discarded prior to this phase have not been included and will not be considered further.</p>
Sustainability considerations and effectiveness of alternatives	<p>The alternatives identified have taken into account the triple bottom-line of sustainability i.e. meeting the socio-economic and ecological needs of the public. The alternatives aim to maximise the benefits and avoid or minimise the negative impacts. The primary objective has been to avoid all negative impacts (where possible), rather than to minimise them. The alternatives further took into consideration the need to maximise resource use efficiency.</p>	<p>Alternatives with regards to the proposed development considered the best practical environmental option in terms of timeframes and implementation methods/ designs.</p>
Discrete vs. incremental alternatives	<p>Initial alternatives identified, also known as discrete alternatives were identified during the early stages of a project (pre-feasibility and feasibility) and comparatively assessed during the assessment phases. During subsequent</p>	

Criteria	General description / methodology for alternatives assessment	Project specific action taken for alternatives assessment
	consideration, as the project progresses, incremental modifications and changes to activities will occur. These incremental changes will be considered during the amendment to the project activities during project progression. Impacts and issues of these changes will also be considered, as and when they are identified	
Advantages and disadvantages	For each alternative, the related advantages and disadvantages have been considered for each alternative type. These have not been discussed in terms of the project alternatives.	
Impacts and aspects	Impacts and aspects related to the implementation of each alternative are listed with the alternative type descriptions. Detailed impacts are described in Section 7 for each project alternative. The aim is to address the key impacts of the proposed alternative by maximising benefits and avoiding or minimising the negative impacts. The primary objective must be to avoid all negative impacts, rather than to minimise them.	Main impacts identified to be considered in determining alternatives are as follows: <ul style="list-style-type: none"> <li>• fauna and flora</li> <li>• Surface water quality</li> <li>• Health and safety</li> <li>• Social aspects</li> <li>• Heritage Impact</li> </ul>
Other considerations	The “feasibility” and “reasonability” of and the need for alternatives should be determined by considering, amongst others: <ol style="list-style-type: none"> <li>(a) the general purpose and requirements of the activity;</li> <li>(b) need and desirability;</li> <li>(c) opportunity costs;</li> <li>(d) the need to avoid negative impact altogether;</li> <li>(e) the need to minimise unavoidable negative impacts;</li> <li>(f) the need to maximise benefits; and</li> <li>(g) the need for equitable distributional consequences.</li> </ol> Also refer to Section 4 for a detailed description of the need and desirability of the project.	The need and desirability of the project took into account various strategic planning documents applicable to the area as well as socio-economic priorities. This determined the feasibility and reasonability of the project. The need and desirability influenced the timeframes and design specifications considered for the project.
I&APs	I&APs have to be notified of both the preferred and alternative activities. They should also be allowed to comment on both.	Public participation will be undertaken in line with the requirements of Regulations 39 to 44 of

Criteria	General description / methodology for alternatives assessment	Project specific action taken for alternatives assessment
		GN R982 of 2014 as amended.
No-go option	The option of not implementing the activity has been to the same level of detail as the other feasible and reasonable alternatives.	The option of not proceeding with the activity (no-go option) provides a reliable baseline against which to compare and evaluate feasible and reasonable alternatives.

#### 7.4 CRITERIA FOR ASSESSMENT OF IMPACTS

Below is the assessment methodology utilized in determining the significance of the construction, operational and decommission impacts of the proposed activities, and where applicable the possible alternatives, on the biophysical and socio-economic environment. The methodology is broadly consistent to that described in Integrated Environmental Management Series.

For each impact, the significance is determined by various factors. Significance is described prior to mitigation as well as with the most effective mitigation measure(s) in place.

The mitigation described in the Environmental Management Programme (EMP) document, to be attached to the EIA, represents the full range of plausible and pragmatic measures *but does not necessarily imply that they all should or will be implemented*. The decision as to which mitigation measures to implement lies with the applicant and ultimately with the competent authority. To facilitate informed decision-making, EIAs must endeavour to come to terms with the significance of the potential environmental impacts associated with particular development activities. Despite the attempts at providing a completely objective and impartial assessment of the environmental implications of development activities, EIA processes can never completely escape the subjectivity inherent in attempting to define significance.

Recognising this, potential subjectivity in the EIA process will be addressed as follows:

- Be clear about the difficulty of being completely objective in the determination of significance;
- Develop an explicit methodology for assigning significance to impacts and outlining this methodology in detail. Having an explicit methodology not only forces the assessor to come to terms with the various facets contributing toward determination of significance, thereby avoiding arbitrary assignment, but also provides the reader of the EIA Report with a clear summary of how the

- assessor derived the assigned significance; and
- Wherever possible, differentiating between the likely significance of potential environmental impacts as experienced by the various affected parties.

Although these measures may not totally eliminate subjectivity, they do provide an explicit context within which to review the assessment of impacts.

**Table 4: Assessment criteria for the evaluation of impacts**

Criteria	Description		
<b>Nature</b>	A description of what causes the effect, what will be affected, and how it will be affected.		
	<b>Type</b>	<b>Score</b>	<b>Description</b>
<b>Extent (E)</b>	None (No)	1	Footprint
	Site (S)	2	On site or within 100 m of the site
	Local (L)	3	Within a 20 km radius of the centre of the site
	Regional (R)	4	Beyond a 20 km radius of the site
	National (Na)	5	Crossing provincial boundaries or on a national / land wide scale
<b>Duration (D)</b>	Short term (S)	1	0 – 1 years
	Short to medium (S-M)	2	2 – 5 years
	Medium term (M)	3	5 – 15 years
	Long term (L)	4	> 15 years
	Permanent(P)	5	Will not cease
<b>Magnitude (M)</b>	Small (S)	0	will have no effect on the environment
	Minor (Mi)	2	will not result in an impact on processes
	Low (L)	4	will cause a slight impact on processes
	Moderate (Mo)	6	processes continuing but in a modified way
	High (H)	8	processes are altered to the extent that they temporarily cease
	Very high (VH)	10	results in complete destruction of patterns and permanent cessation of processes.
<b>Probability (P)</b> the likelihood of the impact actually occurring. Probability is estimated on a scale, and a score assigned	Very improbable (VP)	1	probably will not happen
	Improbable (I)	2	some possibility, but low likelihood
	Probable (P)	3	distinct possibility
	Highly probable (HP)	4	most likely
	Definite (D)	5	impact will occur regardless of any prevention measures
<b>Significance (S)</b>	Determined through a synthesis of the characteristics described above: <b>S = (E+D+M) x P</b> Significance can be assessed as low, medium or high		

Criteria	Description		
<b>Low: &lt; 30 points:</b>	The impact would not have a direct influence on the decision to develop in the area		
<b>Medium: 30 - 60 points:</b>	The impact could influence the decision to develop in the area unless it is effectively mitigated		
<b>High: &lt; 60 points:</b>	The impact must have an influence on the decision process to develop in the area		
<b>No significance</b>	When no impact will occur or the impact will not affect the environment		
<b>Status</b>	Positive (+)		Negative (-)
<b>The degree to which the impact can be reversed</b>	Completely reversible (R)	90-100%	The impact can be mostly to completely reversed with the implementation of the correct mitigation and rehabilitation measures.
	Partly reversible (PR)	6-89%	The impact can be partly reversed providing that mitigation measures as stipulated in the EMP are implemented and rehabilitation measures are undertaken
	Irreversible (IR)	0-5%	The impact cannot be reversed, regardless of the mitigation or rehabilitation measures taking place
<b>The degree to which the impact may cause irreplaceable loss of resources</b>	Resource will not be lost (R)	1	The resource will not be lost or destroyed provided that mitigation and rehabilitation measures as stipulated in the EMP are implemented
	Resource may be partly destroyed (PR)	2	Partial loss or destruction of the resources will occur even though all management and mitigation measures as stipulated in the EMP are implemented
	Resource cannot be replaced (IR)	3	The resource cannot be replaced no matter which management or mitigation measures are implemented.
<b>The degree to which the impact can be mitigated</b>	Completely mitigatable (CM)	1	The impact can be completely mitigated providing that all management and mitigation measures as stipulated in the EMP are implemented
	Partly mitigatable (PM)	2	The impact cannot be completely mitigated even though all management and mitigation measures as stipulated in the EMP are implemented. Implementation of these measures will provide a measure of mitigatability
	Un-mitigatable (UM)	3	The impact cannot be mitigated no matter which management or mitigation measures are implemented.

*Cumulative impact:* Consideration must be given to the extent of any accumulative impact that may occur due to the proposed development. Such impacts must be evaluated with an assessment of similar developments already on the environment. Such impacts will be either positive or negative, and will be graded as being of negligible, low, medium or high impact.

*Degree of confidence in predictions:* The specialist should state what degree of confidence (low, medium or high) is there in the predictions based on the available information and level of knowledge and expertise.

## **7.5 PUBLIC PARTICIPATION PROCESS**

Public participation processes was undertaken as follows:

- The public and adjacent neighbours will be further advised as to the application process underway;
- Responding members of the public and neighbours (I&APs) are registered to the application data base and will be informed throughout the Scoping – EIA process;
- Registered I&APs will be appraised of the draft and final Scoping Reports and Plan of Study for EIA; and
- During the EIA phase, the draft EIA Report will be open for comment and input from registered I&APs.

The project team will evaluate any comment and input as may be forthcoming and will respond as appropriate to issues and concerns as raised by I&APs.

Should amendments to any Draft Reports be substantive, or should the Final Report contain substantive information that was not included in the Draft Report, registered I&APs will be afforded an opportunity to again comment on the Final Report before it is submitted to the competent authority as provided for by Regulation. Once all comments have been addressed, the Final EIA Report will be submitted to the competent authority for evaluation.

## **7.6 TERMS OF REFERENCE (TOR) FOR SPECIALIST STUDIES TO BE UNDERTAKEN IN THE EIA PHASE**

The specialists will be provided with set criteria for undertaking their assessments, to allow for comparative assessment of all issues, inclusive of input as received from IA&Ps. These criteria are inclusive of the need to consider the no go option as the base line option. These criteria are defined in the EIA Regulations: Guideline and Information Document Series: Generic Terms of Reference for Environmental Assessment Practitioners: For Basic Assessment and Scoping-EIA. Specialists will also comply with Regulation 23 of the EIA Regulations. The “Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”), when applying for Environmental Authorisation” (“the Protocols”) (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 9 May 2020 and will be used.

The following specialist studies are proposed to be undertaken during the EIA phase:

### **Heritage Impact Assessment**

A Notice of Intent to Develop will be submitted to HWC together with the formal draft scoping report in order to determine whether and what Heritage studies are required, if any.

### **Preliminary Geotechnical Report**

A preliminary geotechnical site investigation involves a site visit and desktop study of available information pertaining to the proposed site in order to determine the general suitability of the land for feasibility purposes and project enrollment with the Department of Human Settlements. The preliminary study also facilitates a broad understanding of the physical nature of the site for the project engineers and planners. No subsurface investigation is conducted at this stage and any recommendations are based purely on other available information.

### **Air Pathway Study**

The proposed scope of work is based on the EIA Guidelines issued by the Department of Environmental Affairs & Development Planning (DEA&DP) of the Provincial Government of the Western Cape. The guideline stipulates the completion of the following three principal tasks:

1. Establishment of Baseline Conditions;
2. Predicting the Air Quality Impact of the proposed facility and the construction thereof; and
3. Mitigation and Preparation of a Management Plan (in this case also by way of delineating Buffer Zones for town planning purposes)

The proposed enabling tasks to fulfil these terms of reference for the project are therefore as follows:

1. Identification and quantification of air pollutants applicable to the proposed development, which includes
  - a. Baseline air sampling study in order to accurately report on the potential cumulative effects that the proposed development may have. This is only included since it is not known if measurements of landfill gas and/or air quality sampling have been conducted.
  - b. establishment of an emissions inventory, including potential pollutant compounds present within the existing ambient air as well as those compounds likely to be emitted during the future operational phases of the landfill.
2. Application of an atmospheric dispersion model and prediction of incremental air pollutant concentrations of the identified pollutants occurring as a result of the operation of the landfill.
3. Air quality impact assessment including:
  - a. analysis of the potential for local air quality impacts (including odour and visual plumes) given sensitive receptor locations;

- b. review of the project in terms of its contribution to national greenhouse gas emissions;
  - c. cumulative effects of the identified pollutants on the existing air quality; and
  - d. Delineation of health and management buffer zones that should be implemented.
4. Recommendations must be made on the mitigation measures that must be implemented to reduce the identified impacts.

The specific steps to complete these three tasks are listed below.

### **Baseline Assessment**

Guided by the Terms of Reference and the DEA&DP guidelines, the baseline assessment would include the following enabling steps:

- Description of the regional climate and site-specific atmospheric conditions impacting on the dispersion potential of the landfill sites;
- Identification of potentially sensitive receptors within the vicinity of the existing and proposed sites susceptible to air quality impacts;
- Overview of the legislation and regulatory context as it pertains to the regulation of atmospheric emissions and air pollutant concentrations, including the recently published Minimum Requirements for Landfill Operations;
- Analysis of the baseline air quality, based on all available observational data.

### **Air Quality Impact Assessment**

The predicted air quality assessment includes the following tasks:

- Since the landfill is already in operation, construction emissions will not be necessary other than those normally associated with the landfill preparation;
- Estimation of fugitive dust and landfill gas emissions (including greenhouse gas) emanating from operations up to and including the closure phase;
- Preparation of topographical, meteorological, land use, source and emissions data required for input to the dispersion model.
- Simulation of ambient air pollutant concentration and dust fall rate based on the period of maximum landfill gas and fugitive dust emissions;
- Evaluation of predicted air pollutant concentrations and dust fall rates based on local and international air quality guidelines and standards, dose-response relationships and odour thresholds.

### **Mitigation and Management Plan (Buffer Zone Projection)**

- Given the predicted impacts, identify mitigation and/or management measures aimed at reducing fugitive dust and landfill gas emissions.
- Determine buffer zone delineations, satisfying the following:
  - Delineation of health, odour and dust impact areas associated with the period of maximum emissions associated with the proposed landfill site.
  - Recommendation of buffer zones and impact management zones based on the health, odour and dust impact areas identified.

## **The Socio-Economic Impact Assessment**

- Provide an overview of economic development patterns in the Garden Route District and Oudtshoorn Municipality;
- Prepare a socio-demographic and -economic profile of the population (and communities) residing within specified concentric zones from the centroid of the site;
- Description and understanding of the nature and scope of the proposed project, location, layout, etc.;
- Place the envisaged project in the context of spatial planning regulations and other guideline documents and assess the fit from an economic perspective;
- Identify possible social and economic impacts / consequences / implications associated with the proposed development; and
- Ascertain the overall monetary benefits, i.e. Gross Value Added (GVA) and job creation potential on the Oudtshoorn economy during the construction and operational phases.

## **Traffic Impact Assessment (TIA)**

The TIA is aimed at determining the traffic impact of the proposed land development proposal and whether such development can be accommodated by the external transportation system. The report deals with the items listed below and focuses on the surrounding road network in the vicinity of the site:

- The proposed development(s),
- The existing road network,
- Trip generation for the proposed development during the construction, operation, and decommissioning phases of the facility,
- Traffic impact of the proposed development,
- Access requirements and feasibility of access points,
- Determine a main route for the transportation of components to the proposed site,
- Determine a preliminary transportation route for the transportation of materials, equipment, and workers to site,
- Recommend alternative or secondary routes if necessary,
- Mention of existing Public Transport and Non-motorised Transport facilities, and
- Road Safety Principles.

## **Animal Species**

### ***Scope and Objectives***

The assessments entailed both a literature review of the region, as well as on site evaluations, during which specific primary data will be collected and evaluated. In addition, the identification of animal species features will be undertaken allowing for the interpretation of the prevailing habitat form and associated processes.

All data collected in the field and during the literature review will be evaluated and interpreted in order to provide an understanding of the nature of the prevailing environment at a landscape and habitat level. In addition, specific evaluation of data relating to habitat form and structure will be undertaken, aiding in the identification of

bio-physical anomalies within the prevailing environment. Such variance may be considered to be indicative of differing habitat forms, which under consideration, may be of higher order ecological value in relation of the prevailing environment. The protocol<sup>5</sup> provides the criteria for the reporting of requirements for the assessment and reporting of impacts on animal species for activities requiring environmental authorisation.

## **General Information**

An applicant intending to undertake an activity identified in the Scope of this Protocol, on a site identified as being of “high sensitivity” for animal species on the national web based environmental screening tool must submit an animal species impact assessment report. Where the information gathered from the Initial Site Sensitivity Verification and the specialist assessment differs from the designation of “very high, high or medium” animal species sensitivity from the national web based environmental screening tool and it is found to be of a “low” sensitivity, then an animal species impact assessment is not required. Should this apply, an animal species Compliance Statement is to be provided.

## ***Terms of Reference***

The assessment must be undertaken by a suitably qualified and SACNASP registered specialist, within the preferred development site and on the preferred development footprint. The description of the preferred site must include the following aspects, as a minimum and must be considered in the baseline description:

- The assessment must be undertaken in accordance with the *Species Environmental Assessment Guideline*<sup>6</sup>; and must; identify the SCC which were found, observed or are likely to occur within the study area;
- provide evidence (photographs or sound recordings) of each SCC found or observed within the study area, which must be disseminated by the specialist to a recognized online database facility<sup>7</sup>, immediately after the site inspection has been performed (prior to preparing the report contemplated in paragraph 3);
- identify the distribution, location, viability<sup>8</sup> and provide a detailed description of population size of the SCC, identified within the study area;
- identify the nature and the extent of the potential impact of the proposed development on the population of the SCC located within the study area;
- determine the importance of the conservation of the population of the SCC identified within the study area, based on information available in national and international databases, including the IUCN Red List of Threatened Species, South African Red List of Species, and/or other relevant databases;
- determine the potential impact of the proposed development on the habitat of the SCC located within the study area;
- include a review of relevant literature on the population size of the SCC, the conservation interventions as well as any national or provincial species

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<sup>5</sup> Published in Government Notice No. 1150. GOVERNMENT GAZETTE 43855 30 OCTOBER 2020. This gazette is also available free online at [www.gpwonline.co.za](http://www.gpwonline.co.za)

<sup>6</sup> Available at <https://bgis.sanbi.org/>

<sup>7</sup> The preferred platform is iNaturalist.org but any other national or international virtual museum

<sup>8</sup> the ability to survive and reproduce in the long term

management plans for the SCC. This review must provide information on the need to conserve the SCC and indicate whether the development is compliant with the applicable species management plans and if not, include a motivation for the deviation;

- identify any dynamic ecological processes occurring within the broader landscape that might be disrupted by the development and result in negative impact on the identified SCC, for example, fires in fire-prone systems;
- identify any potential impact of ecological connectivity in relation to the broader landscape, resulting in impacts on the identified SCC and its long term viability;
- determine buffer distances as per the *Species Environmental Assessment Guidelines* used for the population of each SCC;
- discuss the presence or likelihood of additional SCC including threatened species not identified by the screening tool, *Data Deficient* or *Near Threatened Species*, as well as any undescribed species<sup>9</sup>; or roosting and breeding or foraging areas used by migratory species where these species show significant congregations, occurring in the vicinity; and
- identify any alternative development footprints within the preferred site which would be of “low” or “medium” sensitivity as identified by the screening tool and verified through the site sensitivity verification.

The findings of the Animal Species Impact Assessment must be written up in an Animal Species Impact Assessment Report. This report must include as a minimum the following information:

- Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise and their curriculum vitae;
- A signed statement of independence by the specialist;
- Duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;
- A description of the methodology used to undertake the impact assessment and site inspection, including equipment and modelling used where relevant; a description of the mean density of observations/number of sample sites per unit area<sup>10</sup> and the site inspection observations;
- a description of the assumptions made and any uncertainties or gaps in knowledge or data;
- details of all SCC found or suspected to occur on site, ensuring sensitive species are appropriately reported;
- the online database name, hyperlink and record accession numbers for disseminated evidence of SCC found within the study area;
- the location of areas not suitable for development and to be avoided during construction where relevant;
- a discussion on the cumulative impacts;
- impact management actions and impact management outcomes proposed by the specialist for inclusion in the Environmental Management Programme (EMPr);
- a reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the development and if the development should receive approval or not, related to the specific theme being considered, and any conditions

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<sup>9</sup> Undescribed species are to be assessed as “High Sensitivity”

<sup>10</sup> Species Environmental Assessment Guideline

- to which the opinion is subjected if relevant; and
- a motivation must be provided if there were any development footprints identified as above that were identified as having “low” or “medium” animal species sensitivity and were not considered appropriate.

## **The Terrestrial Biodiversity Impact Assessment**

### **General Information**

- 1.1. An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified on the screening tool as being of “very high sensitivity” for terrestrial biodiversity, must submit a Terrestrial Biodiversity Specialist Assessment.
- 1.2. An applicant intending to undertake an activity identified in the scope of this protocol on a site identified by the screening tool as being “low sensitivity” for terrestrial biodiversity, must submit a Terrestrial Biodiversity Compliance Statement.
- 1.3. However, where the information gathered from the site sensitivity verification differs from the designation of “very high” terrestrial biodiversity sensitivity on the screening tool and it is found to be of a “low” sensitivity, then a Terrestrial Biodiversity Compliance Statement must be submitted.
- 1.4. Similarly, where the information gathered from the site sensitivity verification differs from that identified as having a “low” terrestrial biodiversity sensitivity on the screening tool, a Terrestrial Biodiversity Specialist Assessment must be conducted.
- 1.5. If any part of the proposed development footprint falls within an area of “very high” sensitivity, the assessment and reporting requirements prescribed for the “very high” sensitivity apply to the entire footprint, excluding linear activities for which impacts on terrestrial biodiversity are temporary and the land in the opinion of the terrestrial biodiversity specialist, based on the mitigation and remedial measures, can be returned to the current state within two years of the completion of the construction phase, in which case a compliance statement applies. Development footprint in the context of this protocol means the area on which the proposed development will take place and includes any area that will be disturbed.

2.1. The assessment must be undertaken by a suitably qualified and SACNASP registered specialist, within the preferred development site and on the preferred development footprint.

2.2. Description of the preferred site -the following aspects, as a minimum, must be considered in the baseline description:

- 2.2.1. A description of the ecological drivers/processes of the system and how the proposed development will impact these;
- 2.2.2. Ecological functioning and ecological processes (e.g. fire, migration, pollination, etc.) that operate within the proposed development site;
- 2.2.3. The ecological corridors that the development would impede including migration and movement of flora and fauna;
- 2.2.4. The description of any significant landscape features (including rare or important flora/faunal associations, presence of Strategic Water Source Areas (SWSAs) or Freshwater Ecosystem Priority Areas (FEPA) sub catchments;
- 2.2.5. A description of terrestrial biodiversity and ecosystems on the proposed development site, including –a) Main vegetation types; b) Threatened ecosystems, including Listed Ecosystems as well as locally important habitat types identified; c) Ecological connectivity, habitat fragmentation, ecological processes and fine-scale habitats; and

d) Species, distribution, important habitats (e.g. feeding grounds, nesting sites, etc.) and movement patterns identified.

2.3. Identify any alternative development footprints within the preferred development site which would be of a “low” sensitivity as identified by the national web based environmental screening tool and verified through the Initial Site Sensitivity Verification;

2.4. The Terrestrial Biodiversity Impact Assessment must be based on the results of a site inspection undertaken on the preferred development site and must identify:

2.5. Terrestrial Critical Biodiversity Areas (CBAs), including: 2.5.1. The reasons why an area has been identified as a CBA; 2.5.2. An indication of whether or not the development is consistent with maintaining the CBA in a natural or near natural state or in achieving the goal of rehabilitation; 2.5.3. The impact on species composition and structure of vegetation with an indication of the extent of clearing activities; 2.5.4. The impact on ecosystem threat status; 2.5.5. The impact on explicit subtypes in the vegetation; 2.5.6. The impact on overall species and ecosystem diversity of the site; and 2.5.7. The impact on populations of species of special concern in the CBA.

2.6. Terrestrial Ecological Support Areas, including: 2.6.1. The impact on the ecological processes that operate within or across the site; 2.6.2. The extent the development will impact on the functionality of the ESA; and 2.6.3. Loss of ecological connectivity (on site, and in relation to the broader landscape) due to the degradation and severing of ecological corridors or introducing barriers that impede migration and movement of flora and fauna. 2.7. Protected Areas as defined by the National Environmental Management: Protected Areas Act, 2004 including: 2.7.1. An opinion on whether the proposed development aligns with the objectives/purpose of the Protected Area and the zoning as per the Protected Area Management Plan; 2.8. Priority Areas for Protected Area Expansion, including: 2.8.1. The way in which in which the development will compromise or contribute to the expansion of the protected area network. 2.9. Strategic Water Source Areas (SWSA) including: 2.9.1. The impact(s) on the terrestrial habitat of a Strategic Water Source Area, and 2.9.2. The impacts of the development on the SWSA water quality and quantity (e.g. describing potential increased runoff leading to increased sediment load in water courses). 2.10. Freshwater Ecosystem Priority Area (FEPA) sub catchments, including: 2.10.1. The impacts of the development on habitat condition and/or species in the FEPA sub catchment. 2.11. Indigenous Forests, including: 2.11.1. Impact on the ecological integrity of the forest; 2.11.2. Extent of natural or near natural indigenous forest area lost.

3. The findings of the Terrestrial Biodiversity Impact Assessment must be written up in a Terrestrial Biodiversity Impact Assessment Report. This report must include as a minimum the following information:

3.1. Contact details and curriculum vitae of the specialist including SACNASP registration number and field of expertise and their curriculum vitae;

3.2. A signed statement of independence by the specialist;

3.3. Duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment;

3.4. A description of the methodology used to undertake the impact assessment and site inspection, including equipment and modelling used where relevant;

3.5. A description of the assumptions made and any uncertainties or gaps in knowledge or data as well as a statement of the timing and intensity of site inspection observations;

- 3.6. Areas not suitable for development, to be avoided during construction and operation (where relevant);
  - 3.7. Additional environmental impacts expected from the proposed development based on those already evident on the site and a discussion on the cumulative impacts;
  - 3.8. Impact management actions and impact management outcomes proposed by the specialist for inclusion in the EMPr; and
  - 3.9. A motivation where the development footprint identified as per section 2.3 in this Table were not considered stating reasons why these were not being not considered.
  - 3.10. A reasoned opinion, based on the findings of the specialist assessment, regarding the acceptability or not of the development and if the development should receive approval or not, and any conditions to which the statement is subjected.
4. The findings of the Terrestrial Biodiversity Impact Assessment must be incorporated into the Basic Assessment Report or the Environmental Impact Assessment Report, including the mitigation and monitoring measures as identified, which must be incorporated into the EMPr. A signed copy of the Assessment must be appended to the Basic Assessment Report or Environmental Assessment Report.

## **Plant Species**

### **1. General Information**

- 1.1. An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified by the screening tool as being of “very high” or “high” sensitivity for animal species must submit a Plant Species Specialist Assessment Report.
- 1.2. An applicant intending to undertake an activity identified in the scope of this protocol on a site identified by the screening tool as being of “medium sensitivity” for plant species must submit either a Plant Species Specialist Assessment Report or a Plant Species Compliance Statement, depending on the outcome of a site inspection undertaken in accordance with paragraph 4.
- 1.3. An applicant intending to undertake an activity identified in the scope of this protocol on a site identified by the screening tool as being of “low” sensitivity for plant species must submit a Plant Species Compliance Statement.
- 1.4. Where the information gathered from the site sensitivity verification differs from the screening tool designation of “very high” or “high”, for plant species sensitivity and it is found to be of a “low” sensitivity, then a Plant Species Compliance Statement must be submitted.
- 1.5. Where the information gathered from the site sensitivity verification differs from the screening tool designation of “low” plant species sensitivity and it is found to be of a “very high” or “high” plant species sensitivity, a Plant Species Specialist Assessment must be conducted.
- 1.6. If any part of the development falls within an area of confirmed “very high” or “high” sensitivity, the assessment and reporting requirements prescribed for the “very high” or “high” sensitivity, apply to the entire development footprint. Development footprint in the context of this protocol means, the area on which the proposed development will take place and includes the area that will be disturbed or impacted.
- 1.7. The Plant Species Specialist Assessment and the Plant Species Compliance Statement must be undertaken within the study area.

- 1.8. Where the nature of the activity is not expected to have an impact on species of conservation concern (SCC) beyond the boundary of the preferred site, the study area means the proposed development footprint within the preferred site.
- 1.9. Where the nature of the activity is expected to have an impact on SCC beyond the boundary of the preferred site, the project areas of influence (PAOI) must be determined by the specialist in accordance with Species Environmental Assessment Guideline, and the study area must include the PAOI, as determined.
2. Plant Species Specialist Assessment
  - 2.1. The assessment must be undertaken by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with a field of practice relevant to the taxonomic group (“taxa”) for which the assessment is being undertaken.
  - 2.2. The assessment must be undertaken in accordance with the Species Environmental Assessment Guideline; and must;
    - 2.2.1 identify the SCC which were found, observed or are likely to occur within the study area;
    - 2.2.2 provide evidence (photographs or sound recordings) of each SCC found or observed within the study area, which must be disseminated by the specialist to a recognized online database facility, immediately after the site inspection has been performed (prior to preparing the report contemplated in paragraph 3);
    - 2.2.3 identify the distribution, location, viability and provide a detailed description of population size of the SCC, identified within the study area;
    - 2.2.4 identify the nature and the extent of the potential impact of the proposed development on the population of the SCC located within the study area;
    - 2.2.5 determine the importance of the conservation of the population of the SCC identified within the study area, based on information available in national and international databases, including the IUCN Red List of Threatened Species, South African Red List of Species, and/or other relevant databases;
    - 2.2.6 determine the potential impact of the proposed development on the habitat of the SCC located within the study area;
    - 2.2.7 include a review of relevant literature on the population size of the SCC, the conservation interventions as well as any national or provincial species management plans for the SCC. This review must provide information on the need to conserve the SCC and indicate whether the development is compliant with the applicable species management plans and if not, include a motivation for the deviation;
    - 2.2.8 identify any dynamic ecological processes occurring within the broader landscape that might be disrupted by the development and result in negative impact on the identified SCC, for example, fires in fire-prone systems;
    - 2.2.9 identify any potential impact of ecological connectivity in relation to the broader landscape, resulting in impacts on the identified SCC and its long term viability;
    - 2.2.10 determine buffer distances as per the Species Environmental Assessment Guidelines used for the population of each SCC;
    - 2.2.11 discuss the presence or likelihood of additional SCC including threatened species not identified by the screening tool, Data Deficient or Near Threatened Species, as well as any undescribed species; or roosting and breeding or foraging areas used by migratory species where these species show significant congregations, occurring in the vicinity; and
    - 2.2.12 identify any alternative development footprints within the preferred site which would be of “low” or “medium” sensitivity as identified by the screening tool and verified through the site sensitivity verification.

- 2.3. The findings of the assessment must be written up in a Plant Species Specialist Assessment Report.

## **Aquatic Biodiversity**

### **General Information**

- 1.1. An applicant intending to undertake an activity identified in the scope of this protocol on a site identified on the screening tool as being of: 1.1.1. “very high sensitivity” for aquatic biodiversity, must submit an Aquatic Biodiversity Specialist Assessment; or 1.1.2. “low sensitivity” for aquatic biodiversity, must submit an Aquatic Biodiversity Compliance Statement.
- 1.2. Where the information gathered from the site sensitivity verification differs from the screening tool designation of “very high” aquatic biodiversity sensitivity, and it is found to be of a “low” sensitivity, an Aquatic Biodiversity Compliance Statement must be submitted.
- 1.3. Similarly, where the information gathered from the site sensitivity verification differs from the screening tool designation of “low” aquatic biodiversity sensitivity, and it is found to be of a “very high” sensitivity, an Aquatic Biodiversity Specialist Assessment must be submitted.
- 1.4. If any part of the proposed development footprint falls within an area of “very high” sensitivity, the assessment and reporting requirements prescribed for the “very high” sensitivity apply to the entire footprint, excluding a linear activity for which impacts on aquatic biodiversity are temporary and the land in the opinion of the aquatic biodiversity specialist, based on the mitigation and remedial measures, can be returned to the current state within two years of the completion of the construction phase, in which case a compliance statement applies. In the context of this protocol, development footprint means the area on which the proposed development will take place and includes any area that will be disturbed.

### **2. Aquatic Biodiversity Specialist Assessment**

- 2.4. The assessment must be prepared by a specialist registered with the South African Council for Natural Scientific Professionals (SACNASP), with expertise in the field of aquatic sciences.
- 2.5. The assessment must be undertaken on the preferred site and within the proposed development footprint.
- 2.6. The assessment must provide a baseline description of the site which includes, as a minimum, the following aspects: 2.3.1. a description of the aquatic biodiversity and ecosystems on the site, including; (a) aquatic ecosystem types; and (b) presence of aquatic species, and composition of aquatic species communities, their habitat, distribution and movement patterns; 2.3.2. the threat status of the ecosystem and species as identified by the screening tool; 2.3.3. an indication of the national and provincial priority status of the aquatic ecosystem, including a description of the criteria for the given status (i.e. if the site includes a wetland or a river freshwater ecosystem priority area or sub catchment, a strategic water source area, a priority estuary, whether or not they are free-flowing rivers, wetland clusters, a critical biodiversity or ecologically sensitivity area); and 2.3.4. a description of the ecological importance and sensitivity of the aquatic ecosystem including: (a) the description (spatially, if possible) of the ecosystem processes that operate in relation to the aquatic ecosystems on and immediately adjacent to

the site (e.g. movement of surface and subsurface water, recharge, discharge, sediment transport, etc.); and (b) the historic ecological condition (reference) as well as present ecological state of rivers (in-stream, riparian and floodplain habitat), wetlands and/or estuaries in terms of possible changes to the channel and flow regime (surface and groundwater).

- 2.7. The assessment must identify alternative development footprints within the preferred site which would be of a “low” sensitivity as identified by the screening tool and verified through the site sensitivity verification and which were not considered appropriate.
- 2.8. Related to impacts, a detailed assessment of the potential impacts of the proposed development on the following aspects must be undertaken to answer the following questions:
  - 2.5.1. is the proposed development consistent with maintaining the priority aquatic ecosystem in its current state and according to the stated goal?
  - 2.5.2. is the proposed development consistent with maintaining the resource quality objectives for the aquatic ecosystems present?
  - 2.5.3. how will the proposed development impact on fixed and dynamic ecological processes that operate within or across the site? This must include: (a) impacts on hydrological functioning at a landscape level and across the site which can arise from changes to flood regimes (e.g. suppression of floods, loss of flood attenuation capacity, unseasonal flooding or destruction of floodplain processes); (b) will the proposed development change the sediment regime of the aquatic ecosystem and its sub-catchment (e.g. sand movement, meandering river mouth or estuary, flooding or sedimentation patterns); (c) what will the extent of the modification in relation to the overall aquatic ecosystem be (e.g. at the source, upstream or downstream portion, in the temporary / seasonal / permanent zone of a wetland, in the riparian zone or within the channel of a watercourse, etc.); and (d) to what extent will the risks associated with water uses and related activities change;
  - 2.5.4. how will the proposed development impact on the functioning of the aquatic feature? This must include: (a) base flows (e.g. too little or too much water in terms of characteristics and requirements of the system); (b) quantity of water including change in the hydrological regime or hydroperiod of the aquatic ecosystem (e.g. seasonal to temporary or permanent; impact of over-abstraction or instream or off-stream impoundment of a wetland or river); (c) change in the hydrogeomorphic typing of the aquatic ecosystem (e.g. change from an unchannelled valley-bottom wetland to a channelled valley-bottom wetland); (d) quality of water (e.g. due to increased sediment load, contamination by chemical and/or organic effluent, and/or eutrophication); (e) fragmentation (e.g. road or pipeline crossing a wetland) and loss of ecological connectivity (lateral and longitudinal); and (f) the loss or degradation of all or part of any unique or important features associated with or within the aquatic ecosystem (e.g. waterfalls, springs, oxbow lakes, meandering or braided channels, peat soils, etc.);
  - 2.5.5. how will the proposed development impact on key ecosystems regulating and supporting services especially: (a) flood attenuation; (b) streamflow regulation; (c) sediment trapping (d) phosphate assimilation; (e) nitrate assimilation; (f) toxicant assimilation; (g) erosion control; and (h) carbon storage?
  - 2.5.6. how will the proposed development impact community composition (numbers and density of species) and integrity (condition, viability, predator-prey ratios, dispersal rates, etc.) of the faunal and vegetation communities inhabiting the site?
- 2.6. In addition to the above, where applicable, impacts to the frequency of estuary mouth closure should be considered, in relation to: (a) size of the estuary; (b) availability of sediment; (c) wave action in

the mouth; (d) protection of the mouth; (e) beach slope; (f) volume of mean annual runoff; and (g) extent of saline intrusion (especially relevant to permanently open systems). 2.7. The findings of the specialist assessment must be written up in an Aquatic Biodiversity Specialist Assessment Report that contains, as a minimum, the following information: 2.7.1. contact details of the specialist, their SACNASP registration number, their field of expertise and a curriculum vitae; 2.7.2. a signed statement of independence by the specialist; 2.7.3. a statement on the duration, date and season of the site inspection and the relevance of the season to the outcome of the assessment; 2.7.4. the methodology used to undertake the site inspection and the specialist assessment, including equipment and modelling used, where relevant; 2.7.5. a description of the assumptions made, any uncertainties or gaps in knowledge or data; 2.7.6. the location of areas not suitable for development, which are to be avoided during construction and operation, where relevant; 2.7.7. additional environmental impacts expected from the proposed development; 2.7.8. any direct, indirect and cumulative impacts of the proposed development on site; 2.7.9. the degree to which impacts and risks can be mitigated; 2.7.10. the degree to which the impacts and risks can be reversed; 2.7.11. the degree to which the impacts and risks can cause loss of irreplaceable resources; 2.7.12. a suitable construction and operational buffer for the aquatic ecosystem, using the accepted methodologies; 2.7.13. proposed impact management actions and impact management outcomes for inclusion in the Environmental Management Programme (EMPr); 2.7.14. a motivation must be provided if there were development footprints identified as per paragraph 2.4 above that were identified as having a “low” aquatic biodiversity sensitivity and that were not considered appropriate; 2.7.15. a substantiated statement, based on the findings of the specialist assessment, regarding the acceptability or not of the proposed development and if the proposed development should receive approval or not; and 2.7.16. any conditions to which this statement is subjected. 2.8. The findings of the Aquatic Biodiversity Specialist Assessment must be incorporated into the Basic Assessment Report or the Environmental Impact Assessment Report including the mitigation and monitoring measures as identified, that are to be included in the EMPr. 2.9. A signed copy of the assessment must be appended to the Basic Assessment Report or Environmental Impact Assessment Report.

## **Other Issues Raised**

Any further issues raised during the public participation process and not to date captured by process will be dealt with individually, or as needed by members of the project team.

## **SECTION 8: ASSUMPTIONS AND LIMITATIONS**

### **8.1 ASSUMPTIONS**

The assumption is that the information on which the report is based (such as base line studies and project information, as well as existing information) is correct. The baseline information provided is preliminary and may need more detailed investigation, which will form part of the subsequent stages of the Scoping - EIA process. Statements or indicators of significance must be considered in the light of uncertainty regarding the extent and significance of such resources on the site.

## 8.2 LIMITATIONS

This report is based on currently available information and, as a result, the following limitations are implicit:

- The report is based on a project description taken from design specifications for the proposed development that have not yet been finalised, and which may undergo a number of iterations and refinements before they can be regarded as definitive;
- A project description based on the final design will be provided in the EIA Phase; and
- Descriptions of the natural and social environments are based on limited fieldwork and local knowledge as well as available literature.

More information will be provided in the EIA phase based on the outcomes of the specialist studies.

## SECTION 9: CONCLUSION

The EIA phase will determine the most feasible alternatives according to the results of the specialist studies as well as the input from all I&As and key departments. Detail impacts will be determined accordingly and appropriate management and mitigation measures provided.

## SECTION 10: REFERENCES:

BASSON, W.A., THERON, J.N. & HILL, R.S. 1995. Lithostratigraphy of the Boplaas Formation (Bokkeveld Group). South African Committee for Stratigraphy, Lithostratigraphic Series No. 31. 10 pp. Council for Geoscience, Pretoria.

BOUCOT, A.J., & THERON, J.N. 2001. First *Rhipidothyris* (Brachiopoda) from southern Africa: biostratigraphic, paleoecological, biogeographical significance. *Journal of the Czech Geological Society* 46/3-4, 155-160.

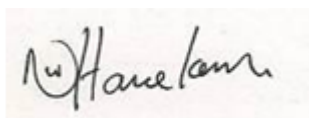
Cape Farm Mapper, ver. 2.6.

Dayaram, A., Harris, L., Grobler, B. A., van der Merwe, S., Rebelo, A. G., Powrie, L. W., Vlok, J. H. J., Desmet, P., Qabaqaba, M., Hlahane, K. M., & Skowno, A. L. (2018). Vegetation Map of South Africa, Lesotho and Swaziland 2018: A description of changes since 2006. *Bothalia*, 49(1), a2452. <https://doi.org/10.4102/abc.v49i1.2452>

## DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

I **Nicolaas Willem Hanekom**, EAPASA Registration number **2020/1146**, as the appointed EAP hereby declare/affirm the correctness of the:

- Information provided in this scoping report and any other documents/reports submitted in support of this report;
- The inclusion of comments and inputs from stakeholders and I&APs;
- The inclusion of inputs and recommendations from the specialist reports where relevant; and
- Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties, and that:
- In terms of the general requirement to be independent:
  - other than fair remuneration for work performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- In terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured that information containing all relevant facts in respect of the application was distributed or was made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- I have ensured that the comments of all interested and affected parties were considered, recorded, responded to and submitted to the Competent Authority in respect of this application;
- I have ensured the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- I have kept a register of all interested and affected parties that participated in the public participation process; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;



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Signature of the EAP:

25/02/2026

Date:

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Enviro-EAP (Pty) Ltd

Name of company (if applicable):

## DECLARATION OF THE APPLICANT

**Note:** Duplicate this section where there is more than one Applicant.

I, .....**MKHULULI YEKANI**..... declare that –

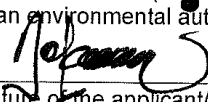
- I am, or represent<sup>11</sup>, the applicant in this application;
- I have appointed a valid, EAPASA registered Environmental Assessment Practitioner (EAP) to act as the independent EAP for this application / have obtained exemption from the requirement to obtain an EAP<sup>12</sup>;
- I will take all reasonable steps to verify whether the EAP and specialist/s appointed are independent, affiliated with the relevant professional body e.g. EAPASA/SACNASP etc and have expertise in conducting environmental impact assessments or undertaking specialist work as required, including knowledge of the Act, the EIA Regulations and any guidelines that have relevance to the proposed activity;
- I will provide the EAP and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the EIA Regulations, including but not limited to –
  - costs incurred in connection with the appointment of the EAP or any person contracted by the EAP;
  - costs incurred in respect of the undertaking of any process required in terms of the Regulations;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the Regulations;
  - costs in respect of specialist reviews, if the Competent Authority decides to recover costs; and
- the provision of security to ensure compliance with conditions attached to an environmental authorisation, should it be required by the Competent Authority;
- I will inform all registered interested and affected parties of any suspension of the application as well as of any decisions taken by the Competent Authority in this regard;
- I am responsible for complying with the conditions of any environmental authorisation issued by the Competent Authority;
- I hereby indemnify the Government of the Republic of South Africa, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action which the applicant or EAP is responsible for in terms of these Regulations;
- I will not hold the Competent Authority responsible for any costs that may be incurred by the applicant in proceeding with an activity prior to obtaining an environmental authorisation or prior to an appeal being decided in terms of these EIA Regulations;
- I will perform all obligations as expected from an applicant in terms of the EIA Regulations;
- All the particulars furnished by me in this form are true and correct;

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<sup>11</sup> If this is signed on behalf of the applicant, proof of such authority from the applicant must be attached. If the applicant is a juristic person, a signature on behalf of the applicant is required as well as proof of such authority.

<sup>12</sup> If exemption is obtained from appointing an EAP, the responsibilities of an EAP will automatically apply to the person conducting the environmental impact assessment in terms of the Regulations.

- I am aware of what constitutes an offence in terms of Regulation 48 and that a person convicted of an offence in terms of Regulation 48(1) is liable to the penalties as contemplated in section 49B of the NEMA Act; and
- I am aware that in terms of Section 24F of the National Environmental Management Act, as amended (Act No. 107 of 1998) that no listed activity may commence prior to an environmental authorisation being granted by the Competent Authority.

  
\_\_\_\_\_  
Signature of the applicant/ Signature on behalf of the applicant

**OUOTSHOORN MUNICIPALITY**  
Name of company (if applicable)

**10/03/2026**  
Date