



REFERENCE NUMBER: 14/2/4/2/2/A3/20/0019/18

ENQUIRIES: Shafeeq Mallick

BY REGISTERED MAIL

The Managing Director
Fersham Properties (Pty) Ltd
Unit 6 and 8 Melomed Office Park
KENILWORTH
7708

Tel: 021 699 0950
Fax: 086 515 2624
Email: ebhorat@melomed.co.za

Attention: Mr E Borat

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL ALTERATIONS AND ADDITIONS TO A DWELLING ON ERF 7933, 193 BEACH ROAD BIKINI BEACH GORDON'S BAY

With reference to your application dated 28 March 2019 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the application and environmental assessment dated 28 March 2019.

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

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

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Fersham Properties (Pty) Ltd.

C/o Mr Ebrahim Bhorat

Unit 6 and 8 Melomed Office Park

KENILWORTH

7708

Tel: (021) 699 0950

Fax: (086) 515 2624

Email: ebhorat@melomed.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R544 of 18 June 2010 –</p> <p>Activity Number: 18</p> <p>Activity Description: <i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:</i></p> <p><i>(i) a watercourse;</i></p>	<p>The alterations and additions to the dwelling included the external stairs, pavement and paved area, raising of retaining wall (stone), addition of a bedroom, addition of balconies, braai and a feature wall. The addition of these features required excavation for footings and foundations for each of the structures which were constructed, with excavations resulting in the removal and</p>

<p>(ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving; (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line.</p>	<p>moving or more than 5 cubic meters of material from a distance of within 100m inland of the highwater mark of the sea.</p> <p>The alterations and additions was undertaken between the period of 2010 and 2013.</p>
<p>Government Notice No. R544 of 18 June 2010 – Activity Number: 45 Activity Description: The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for – (i) fixed or floating jetties and slipways; (ii) tidal pools; (iii) embankments; (iv) rock revetments or stabilising structures including stabilising walls; (v) buildings by more than 50 square metres; (vi) infrastructure by more than 50 square metres; (vii) facilities associated with the arrival and departure of vessels and the handling of cargo; (viii) piers; (ix) inter- and sub-tidal structures for entrapment of sand; (x) breakwater structures; (xi) coastal marinas; (xii) coastal harbours or ports;</p>	<p>See above</p>

(xiii) structures for draining parts of the sea or estuary;

(xiv) tunnels; or

(xv) underwater channels – where such expansion will result in an increase in the development footprint of such facilities but excluding where such expansion occurs:

(a) behind a development setback line; or

(b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour.

As similarly listed in terms of Government Notice No. R. 983 of 4 December 2014

Activity Number: 19

Activity Description: The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-

- (i) a watercourse;*
- (ii) the seashore; or*
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving-*
 - (a) will occur behind a development setback;*
 - (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or*
 - (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.*

The alterations and additions to the dwelling included the external stairs, pavement and paved area, raising of retaining wall (stone), addition of a bedroom, addition of balconies, braai and feature wall.

Excavation for footings and foundations for each of these structures resulted in an expansion of the infrastructure on the property, precipitating the removal and moving of more than 5 cubic meters of material from a distance of within 100m inland of the highwater mark of the sea.

<p>As similarly listed in terms of Government Notice No. 327 of 7 April 2017 -</p> <p>Activity Number: 19A</p> <p>Activity Description: The <i>infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i></p> <ul style="list-style-type: none"> <i>(i) the seashore;</i> <i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</i> <i>(iii) the sea; —</i> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(f) will occur behind a development setback;</i> <i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or 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.</i> 	<p>See above</p>
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Erf 7933, situated at 193 Beach Road, Bikini Beach, Gordon's Bay.

The SG digit code is: C01600240000793300000

The co-ordinates for the site are:

Point	Latitude (S)	Longitude (E)
1	34° 10' 01" South	18° 51' 23" East

Refer to Annexure 1: Locality Plan

Herein-after referred to as "the site".

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

Andre van der Spuy Environmental Consultants CC

c/o Mr Ross Cameron

42 Afrikander Road

Murdoch Valley

SIMON'S TOWN

7975

Tel: (021) 790 1532

Fax: (086) 546 7986

Email: ross@cybersmart.co.za / rosscameron101@telkomsa.net

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The development entails the unlawful alterations and additions to a dwelling on Erf 7933, 193 Beach Road Bikini Beach Gordon's Bay.

A building plan application for alterations and additions to the existing dwelling was approved on 02 August 2010. The approval permitted the removal and replacing of the pitched roof of the existing dwelling, an extension of the seaward-facing balcony by way of granting of departures to permit a relaxation of the building line from 4.5m in lieu of 0m, construction of a staircase on the eastern side of the property, and internal alterations and additions in accordance with the approved plans. Various aspect of the approval was completed, but not all. A subsequent amended building application was made in 2012 but was not approved. Structures constructed during 2011 and 2012 (i.e. stairs, retaining wall and paved area) were never approved but were indicated as existing and approved on a further building plan application dated 2013. The

alterations resulted in the increase of the development footprint by approximately 100m².

The *EIA Regulations, 2014* were however amended to exclude expansion of facilities where such expansion occurs within an urban area. The relevant similarly listed activity in respect of this environmental authorisation (as specified above) relates to 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 distance of 100 metres inland of the highwater mark of the sea.

G. CONDITIONS OF AUTHORISATION

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

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the approved building plans described in the application and assessment report dated 28 March 2019 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or

deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of construction activities.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

5.2 The notice must also include proof of compliance with conditions 6 and 7 of this Environmental Authorisation.

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision –

6.1 notify all registered Interested and Affected Parties ("I&APs") of –

6.1.1 the outcome of the application;

6.1.2 the reasons for the decision as included in Annexure 3;

6.1.3 the date of the decision; and

6.1.4 the date when the decision was issued.

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

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

6.4 provide the registered I&APs with:

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

6.4.2 name of the responsible person for this Environmental Authorisation;

6.4.3 postal address of the holder;

- 6.4.4 telephonic and fax details of the holder;
- 6.4.5 e-mail address, if any, of the holder; and
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

- 7. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

- 8. The Demolition and Construction Phase Environmental Management Programme of October 2018 ("EMPr") compiled by AVDS Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
- 9. The EMPr must be included in all contract documentation for the construction and demolition phases of implementation.

PART V

Monitoring

- 10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before continuation of commencement of any construction and decommissioning activities to ensure compliance with the EMPr and the conditions contained herein.
- 11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request.
- 12. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised

official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

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

PART VII

Activity/ Development Specific Conditions

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

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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

H. GENERAL MATTERS

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

Note that:

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

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

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

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

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

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

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

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below-

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

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

K. DISCLAIMER

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

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

Yours faithfully



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 29 AUGUST 2019

CC: (1) Ross Cameron (Andre van der Spuy Environmental Consultants)

Fax: (086) 546 7986

Email: ross@cybersmart.co.za

ANNEXURE 1: LOCALITY MAP



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/2/A3/20/0019/18
ENFORCEMENT REFERENCE : 14/1/1/E1/3/3/3/0479/18

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R10 000 (Ten thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The information contained in the application dated 28 March 2019 and the Demolition and Construction Phase Environmental Management Programme ("EMPr") compiled by AVDS Environmental Consultants of October 2018 submitted together with the application form dated 28 March 2019.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on 5 March 2019 attended by the applicant, EAP and the officials of this Department.

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

1. Public Participation Process

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

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

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 13 July 2018.
- the placing of a newspaper advertisement in the **DistrictMail** on 19 July 2018.

Two registered I&APs provided comment on this application:

- Mrs. Florence Meiring
- Mr. Hein and Mrs. Elizabeth Odendaal

Mrs. F. Meiring indicated that previous experiences with regards to buildings erected in the area has affected herself, and other residents, negatively. This is with respect to privacy concerns, traffic in the area as well as noise disturbances.

Mr and Mrs Odendaal, the neighbouring property owner, raised various concerns regarding the unlawful extension, specifically to their obstruction of the sea view, having a visual and 'sense of place' impact, as well as concerns relating to privacy. Plans for a pool and balcony right next to Mr and Mrs Odendaal could cause noise problems. Subsequent owners might not keep to reasonable hours of use.

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

The following organs of state provided comment on the application:

- City of Cape Town: Environmental and Heritage Management Branch on behalf of the Coastal Policy Development and Management Programmes branch

The City of Cape Town had no objection to the application, provided that the open areas where vegetation was removed be rehabilitated with indigenous vegetation.

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

2. Alternatives

2.1 Design / Layout Alternatives

Alternative 1

It is difficult to assess design alternatives as the majority of the work contemplated on the property has been completed, with the exception of the proposed swimming pool, jacuzzi and other smaller features of the upgrade. The assessment is therefore largely 'after the fact' as most of the work is a *fait accompli*. The assessment of whether the alterations and additions which have been carried out are appropriate in terms of design and whether they mitigate avoidable impacts is a value judgement.

The *EIA Regulations, 2014* were amended to exclude expansion of facilities where such expansion occurs within an urban area. The relevant similarly listed activity in respect of this environmental authorisation relates to 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 distance of 100 metres inland of the highwater mark of the sea. The assessment of alternatives in this regard is therefore a limitation.

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

The 'no go' option, in which the unapproved alterations and additions to the house are reversed, has been assessed and it is determined that there would not be a benefit to the immediate environment to reverse the work which has been done and it would be of little significance to the neighbour as the unapproved features occur on the western side of the house and are not visible from the neighbour's vantage points. The unapproved features have minimal overall environmental impact as they occur on existing developed areas and are at a lower level than most of the infrastructure on the property. In the Applicant's opinion, reversing the work would be negatively impacting as he has invested considerable time and money into undertaking the alterations and additions and he benefits from what he considers to be improvements to his house. However,

conversely, in the opinion of the neighbour to the east, the work which has been done is negatively impacting as it affects views, 'sense of place' and possibly property value. If the 'no go' option is opted for, it would have deleterious impacts on the Applicant and evidently some positive impacts for the objecting neighbour.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

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

3.1. Waste Impacts

The activity gave rise to construction-related waste (rubble, debris, building materials packaging etc.) during the construction process. All waste taken to a municipal-approved landfill site as needed.

3.2. Biodiversity Impacts

The works have occurred on existing developed area, with no impacts on biodiversity undertaken. While the site falls within an area identified as being of critical biodiversity value, the site is ensconced within a highly developed urban setting, with neighbouring dwellings on either side of it and streets above and below it, with no possibility of enhancing the biodiversity of the immediate area.

3.3. Visual / Sense of Place

The house has benefited aesthetically from the alterations and additions but no obvious impact to the 'sense of place' of the area can be seen, given that the area is substantially built-up with large houses and apartment buildings which lie within the urban area surrounding the dwelling. There are no aspects of heritage significance in the immediate vicinity and the project has incurred no impact on the heritage of the area.

4. NEMA Principles

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other

law concerned with the protection or management of the environment), *inter alia*, provides for:

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

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

—END—

Nabeelah Khan

From: Shafeeq Mallick
Sent: Friday, August 30, 2019 10:00 AM
To: ebhorat@melomed.co.za
Cc: Ross Cameron; ross@cybersmart.co.za; Yusra Fakier; Nabeelah Khan
Subject: Environmental Authorisation: 193 Bikini Beach
Attachments: EA_193_Bikini_Beach.pdf

Good morning

Please see attached EA for the unlawful alterations and additions to a dwelling on Erf 7933, 193 Beach Road Bikini Beach Gordon's Bay.

Thank you,

Shafeeq Mallick

Specialised Environmental Officer
Sub-Directorate: Rectification
Directorate: Environmental Governance
Department of Environmental Affairs and Development Planning

1st Floor, 1 Dorp Street, Leeusig Building, Cape Town, 8001

Telephone : 021 483 8339
Facsimile : 021 483 4033
Email : Shafeeq.mallick@westerncape.gov.za
Website : www.westerncape.gov.za/eadp

Addressee	Start Time	Time	Prints	Result	Note
*00865152624	30-08 10:22	00:55:48	020/020	OK	
*00865467986	30-08 11:18	00:55:49	020/020	OK	

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX, DPG:Page Separation TX, MIX:Mix Original TX, CALL:Manual TX, CSAC:CSAC, FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original, FCODE:IF-Code, RTX:RE-TX, RLY:Relay, MBOX:Confidential, BUL:Bulletin, SIP:SIP Fax, IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX FROM TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, H-Full:Memory Full, LOVR:Receiving length Over, POWR:Receiving page Over, Fil:File Error, DC:Decode Error, NDN:NDN Response Error, DSN:DSN Response Error, PRINT:Compulsory Memory Document Print, DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.



DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION

REFERENCE NUMBER: 14/2/4/2/2/A3/20/0019/18

ENQUIRIES: Shafeeq Mallick

BY REGISTERED MAIL

The Managing Director
Fersham Properties (Pty) Ltd
Unit 6 and 8 Melomed Office Park
KENILWORTH
7708

Tel: 021 699 0950
Fax: 086 515 2624
Email: ebhorat@melomed.co.za

Attention: Mr E Bhorat

Dear Sir

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ENVIRONMENTAL AUTHORISATION

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