



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/5/E2/39/1018/18  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2018 -04- 25

The Board of Directors  
Kleinbaai Eiendomme (Edms) Bpk  
22 Waterkant Street

**STILBAAI**  
6674

**Attention: Mr T. le Roux**

Cell: (083) 463 9383

Fax: (086) 693 3272

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR A PART 1 AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JANUARY 2014: THE RESIDENTIAL DEVELOPMENT ON PORTION 31 OF FARM NO. 711, KLIPFONTEIN, VANDYKSBAAI**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** amendment of the Amended Environmental Authorisation issued on 21 January 2014 (Reference No. 16/3/1/5/E2/39/2135/13), attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. C. Bruwer (EnviroAfrica)  
(2) Mr. R. Kuchar (Overstrand Municipality)

Fax: (086) 513 2141

Fax: (028) 313 2093



**REFERENCE:** 16/3/3/5/E2/39/1018/18  
**ENQUIRIES:** D'mitri Matthews

## ENVIRONMENTAL AUTHORISATION

### **APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JANUARY 2014: THE RESIDENTIAL DEVELOPMENT ON PORTION 31 OF FARM NO. 711, KLIPFONTEIN, VANDYKSBAAI**

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

#### **A. DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the Amended Environmental Authorisation issued on 21 January 2014 (Reference No. 16/3/1/5/E2/39/2135/13), in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

#### 1. Section A. DESCRIPTION OF ACTIVITY

*"The proposed activity entails the change of land use of Portion 31 of the Farm Klipfonteyn No. 711 from Agriculture 1 to Residential Zone 1, Transport Zone 2, Authority Zone and Open Space 1 for the purpose of a residential development comprising of: 305 Group Housing units/erven on 8.725ha; 1 refuse yard on 0.0021ha; Roads totaling 3.75ha of the total area; 1 frail care centre of 0.357ha of the total area; 1 electrical substation of 0.0132ha and Private Open Space collectively totaling 8.5467ha of the total area. Services such as potable water, sewerage, electricity supply and solid waste removal will be provided by the Overstrand Municipality. The footprint for this development totals 12.85ha while the total area of Portion 31 is approximately 21.4ha. Access to the property will be gained via the road that links Van Dyksbaai to the Gaansbaai/Franskraal road."*

is amended to read:

The proposed activity entails the change of land use of Portion 31 of the Farm Klipfonteyn No. 711 from Agriculture 1 to Residential Zone 1, Transport Zone 2, Authority Zone and Open Space 1 for the purpose of a residential development comprising of: 305 Group Housing units/erven on approximately 9.3ha; Roads totaling approximately 3.5ha of the total area; 1 frail care centre of approximately 0.4ha of the total area; 1 electrical substation of approximately 130m<sup>2</sup> and Private Open Spaces collectively totaling approximately 8.3ha of the total area. Services such as potable water, sewerage, electricity supply and solid waste removal will be provided by the Overstrand Municipality. Access to the property will be gained via the road that links Van Dyksbaai to the Gaansbaai/Franskraal road.

## **B. REASONS FOR THE DECISION**

In reaching its decision, the Department took, inter alia, the following into consideration:

1. Although the proposed development has been approved in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), no new additional listed activities in terms of the NEMA EIA Regulations 2014 (as amended), are triggered by the proposed amended layout of the area.
2. The original layout of the erven was long and narrow, which limits the building design of each erf. The amended layout will allow for more width for each erf that will enhance the building designs.
3. The Milkwood trees on site will be conserved and incorporated into the amended layout.
4. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) will not change the scope of the Amended Environmental Authorisation, issued on 21 January 2014 (Reference No. 16/3/1/5/E2/39/2135/13) (attached as Appendix A).
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

## **C. CONDITIONS**

1. The conditions contained in the Amended Environmental Authorisation issued 21 January 2014 (Reference No. 16/3/1/5/E2/39/2135/13) (attached as Appendix A), remain in force.

## **D. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.



**E. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



**MR. HENRI FORTUIN**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**

DATE OF DECISION: 25-4-18

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## **Appendix A**



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: LAND MANAGEMENT  
REGION 2**

**REFERENCE:** 16/3/1/5/E2/39/2135/13

**ENQUIRIES:** Adrian Pietersen

**DATE OF ISSUE:** 2014-01-21

The Board of Directors  
Kleinbaai Eiendomme (Edms) Bpk  
22 Waterkant Street  
STILBAAI  
6674

**Attention: Mr. T le Roux**

Tel: 083 463 9383

Fax: 086 693 3272

Dear Sir,

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT,  
1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT  
AMENDMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL  
AUTHORISATION FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 31 OF  
FARM NO. 711, KLIPFONTEYN, VANDYKSBAAI**

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation ("EA") with respect to this application.

## ADDENDUM TO ENVIRONMENTAL AUTHORISATION

### A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 11 November 2009.

The Environmental Authorisation is amended as set out below:

1. The Description of the Activity is amended to accommodate the newly revised layout for the proposed development.

The Description of the Activity of the EA dated 11 November 2009:

*"The proposed activity entails the change of land use of Portion 31 of the Farm Klip Fonteyn No. 711 from Agricultural 1 to Residential Zone 1, Transport Zone 2, Authority Zone and Open Space 1 for the purpose of a residential development comprising of: 139 single residential erven, 50 group housing units, public open space (8.5 hectares) and transport zones in three nodes of the proposed site. Residential units of the proposed development will be constructed in two nodes and group housing units in the other node. Services such as potable water, electricity and solid waste removal will be provided by the Overstrand Municipality. The total footprint for this development will be approximately 13ha while the total area of Portion 31 is approximately 21ha. Access to the property will be gained via the road that links Van Dyksbaai to the Gansbaai/Franskraal road"*

The Description of the Activity is amended to read:

*"The proposed activity entails the change of land use of Portion 31 of the Farm Klip Fonteyn No. 711 from Agricultural 1 to Residential Zone 1, Transport Zone 2, Authority Zone and Open Space 1 for the purpose of a residential development comprising of: 305 Group Housing units/erven on 8.725 ha; 1 refuse yard on 0.0021 ha; Roads totaling 3.75ha of the total area; 1 frail care centre of 0.357ha of the total area; 1 electrical substation of 0.0132ha and Private Open Space collectively totaling 8.5467ha of the total area. Services such as potable water, sewerage, electricity supply and solid waste removal will be provided by the Overstrand Municipality. The footprint for this development totals 12.85ha while the total area of Portion 31 is approximately 21.4ha. Access to the property will be gained via the road that links Van Dyksbaai to the Gansbaai/Franskraal road"*

All of the other conditions contained in the Environmental Authorisation issued on 11 November 2009, still remain unchanged and in force.



## B. REASONS FOR THE DECISION

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The application is for a non-substantive amendment to the Environmental Authorisation.
2. The amendment relates to the alteration in the layout of erven on the existing footprint that was previously approved. This new layout does not affect the electrical substation and the total area for Private Open Space.
3. The newly included frail care centre is located on previously approved Group Housing area. In addition, the location of the original Erf 1 is now to be used as a short section of road providing access to the road that links Van Dyksbaai to the Gansbaai/Franskraal road.
4. Investigations and assessments were carried out by the applicant as part of the LUPO application process and submitted to the Overstrand Municipality. This resulted in a meeting at the Department of Environmental Affairs & Development Planning on 10 August 2013.
5. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.
6. There are no other proposed changes to the original application.

## C. CONDITIONS

1. The applicant must, in writing, within **12 (twelve)** calendar days from the date of the Department's decision –
  - 1.1 notify all registered interested and affected parties of –
    - 1.1.1 the outcome of the application;
    - 1.1.2 the reasons for the decision;
    - 1.1.3 the date of the decision; and
    - 1.1.4 the date of issue of the decision;
  - 1.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section D below;
  - 1.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision, and
  - 1.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –

- 1.4.1 informs all interested and affected parties of the decision;
- 1.4.2 informs all interested and affected parties where the decision can be accessed;  
and
- 1.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;

## D. APPEALS

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

1. An appellant must –
  - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
  - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
  - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
    - 1.3.1. a copy of the notice of intention to appeal form; and
    - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.

4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs  
and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr J. de Villiers  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

#### **E. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



**MR. ZAAHIR TOEFY**

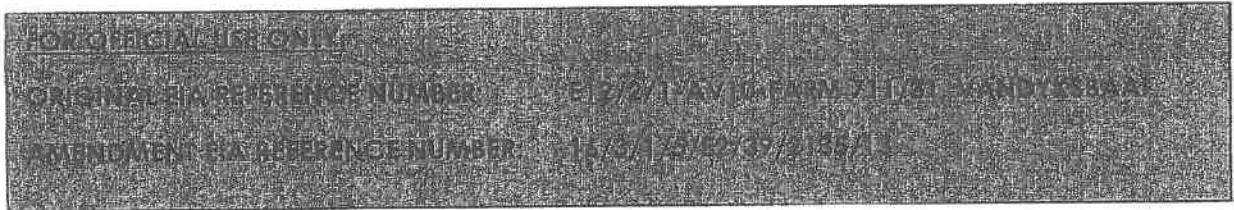
**DIRECTOR: LAND MANAGEMENT (REGION 2)**

DATE OF DECISION: 20/01/2014

Cc: (1) Charel Bruwer  
(2) Mr Kuchar

EnviroAfrica  
Overstrand Municipality

086 513 2141  
028 384 0241





Western Cape  
Government  
Environmental Affairs and  
Development Planning

DIRECTORATE: LAND MANAGEMENT  
REGION 2

**REFERENCE:** 16/3/1/5/E2/38/2015/12  
**ENQUIRIES:** RUEBEN MOLALE  
**DATE OF ISSUE:** 2012 -10- 31

The Director  
Kleinbaai Eendamme (EDMS) Bpk  
22 Waterkant Street  
STILBAAI  
6674

**Attention: Mr. T. le Roux**

Cell: (083) 4639383

Fax: (086) 6933272

Dear Sir

**AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED  
RESIDENTIAL DEVELOPMENT ON PORTION 31 OF THE FARM KLIPFONTEYN NO. 711 VAN  
DYKSBAAI (E12/2/1-AV10-FARM 711/31, VANDAKSBAAI)**

With reference to your application, find below the amended environmental authorisation in respect of this application.

**AMENDED ENVIRONMENTAL AUTHORISATION**

With reference to the above-mentioned application, the Department, in terms of the powers vested in it by Regulation 45 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations of 18 June 2010, has decided to amend the existing environmental authorisation issued on 11 November 2009 (Reference No.: E12/2/1-AV10-Farm 711/31, Vandyksbaai) as follows –

10th Floor, 1 Dorp Street, Cape Town, 8001  
tel: +27 21 483 5826 /3185 fax: +27 21 483 4372

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

**SECTION C: APPLICANT**

*Kleinbaai Eiendomme (EDM) Bpk*

*c/o Mr. J. Le Roux*

*1 Van Dyk Street*

*KLEINBAAI*

*7220*

must be substituted with:

*Kleinbaai Eiendomme (EDM) Bpk*

*c/o Mr. T. Le Roux*

*22 Waterkant Street*

*STILBAAI*

*6674*

**SECTION J: DURATION AND DATE OF EXPIRY**

*"This authorisation shall lapse if the activity does not commence within three (3) years of the date of the issue of this authorisation."*

must be substituted with:

*"This environmental authorisation is valid for a period of three (3) years from the date of issue of this amendment. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension."*

**Reasons for the decision to amend the environmental authorisation:**

- (a) This amendment is for a non-substantive amendment to the previous environmental authorisation ("EA").
- (b) The environment and the rights and interests of other parties are not likely to be adversely affected by this decision.
- (c) There are no proposed changes to the original application.

- (d) The conditions of the existing environmental authorisation issued on 11 November 2009 (Reference No.: E12/2/1-AV10-FARM 711/31, Van Dyksbaai) will remain unchanged.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. If the applicant should decide to appeal, the applicant must, in terms of, Regulation 60(1), lodge a Notice of Intention to Appeal with the Minister, within 20 (twenty) days after the date of the decision, and must within 10 (ten) days of having submitted the notice contemplated in Regulation 60(1), provide each person and organ of State (registered as an interested and affected party in respect of the application) with a copy of the Notice of Intention to Appeal; a notice indicating where and for what period the appeal submission will be made available for inspection by such person or organ of State on the day of lodging it with the Minister, and indicate that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

A person, organ of State or applicant who submits a responding statement in terms of Regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the responding statement on the appellant.

If the applicant should decide to appeal, the applicant must submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1), for the lodging of the notice of intention to appeal.

Should any other person, or an interested and affected party, decide to appeal, they must, in terms of, Regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1).

The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in Regulation 60(1), with a copy of the notice referred to in Regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

The prescribed Notice of Intention to Appeal; and Appeal forms are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone numbers (021) 483 3721, email [Jaap.deVilliers@westerncape.gov.za](mailto:Jaap.deVilliers@westerncape.gov.za) or via the URL <http://www.westerncape.gov.za/eacp>.

All Notice of Intention to Appeal; and Appeal forms must be submitted by means of one of the following methods:

16/3/15/E2/38/2015/12

By post: Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Jaap de Villiers  
Tel: (021) 483 3721  
Room 305A  
3rd Floor Leeusig Building (entrance Ufilitas Building)  
1 Dorp Street  
CAPE TOWN  
8001

Email: [Jaap.deVilliers@westerncape.gov.za](mailto:Jaap.deVilliers@westerncape.gov.za)

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

  
**ZAKHILTOEFY**

**DIRECTOR: LAND MANAGEMENT (REGION 2)**

DATE OF DECISION: 30/10/2012

CC: (1) C. Bruwer

(EnvironAfrica)

Fax: (086) 513 2141



*Verwysing*  
*Reference*  
*Isalathiso* E12/2/1-AV10-FARM 711/31, VANDYKSBAAI

*Navrae*  
*Enquiries*  
*Imibuzo* LIZO MATI

*Datum*  
*Date*  
*Umhla* Of Issue  
2009-11-11

*Departement van Omgewingsake en Ontwikkelingsbeplanning*  
*Department of Environmental Affairs and Development Planning*  
*ISEbe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso*



The Director  
Kleinbaai Eiendomme (EDM) Bpk  
1 Van Dyk Street  
KLEINBAAI  
7220

**Attention: Mr. J. Le Roux**

Tel : (028) 384 2244  
Fax: (028) 384 2245

Dear Sir

**APPLICATION: PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 31 OF THE FARM KLIPFONTEYN NO. 711, VAN DYKSBAAI.**

With reference to your application, find below the Record of Decision ("RoD") in respect of this application.

**RECORD OF DECISION**

**A. DESCRIPTION OF ACTIVITY:**

The proposed activity entails the change of land use of Portion 31 of the Farm Klipfonteyn No. 711 from Agricultural 1 to residential zone 1, transport zone 2, authority zone and open space 1 for the purpose of a residential development comprising of: 139 single residential erven, 50 group housing units, public open space (8.5 hectares) and transport zones in three nodes of the proposed site. Residential units of the proposed development will be constructed in two nodes and group housing units in the other node. Services such as potable water, electricity and solid waste removal will be provided by the Overstrand Municipality. The total footprint for this development will be approximately 13ha while the total area of Portion 31 is approximately 21ha.

Access to the property will be gained via the road that links Van Dyksbaai to the Gransbaai/Franskraal road.

These are activities identified in Schedule 1 Government Notice No. R1182 of 5 September 1997 (as amended) being:

- Item 1 (d) "The construction, erection or upgrading of roads, railways, airfields and associated structures";

**Department of Environmental Affairs & Development Planning  
Directorate: Integrated Environmental Management (Region B)**

(k) "The construction, erection or upgrading of reservoirs for public water supply"; and

Item 2 (c) "The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use".

hereinafter referred to as "the activity".

**B. LOCATION:**

The activity will be located adjacent to the east of the road which links Van Dyksbaai to the Gansbaai/Franskraal road on portion 31 of the Farm Klipfonteyn 711.

co-ordinates:       34°   36'   30" S  
                          19°   21'   00" E

hereinafter referred to as "the property".

**C. APPLICANT:**

Kleinbaai Eiendomme (EDM) Bpk  
% Mr. J. Le Roux  
1 Van Dyk Street  
KLEINBAAI  
7220

Tel: (028) 384 2244  
Fax:(028) 384 2245

**D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:**

EnviroAfrica cc  
% Mr. Charl Bruwer  
P.O. Box 4  
ONRUS RIVER  
7201

Tel: (028) 316 2888  
Fax:(086) 513 2141

**E. SITE VISIT(S):**

No site visit was conducted. The information submitted in the application documentation (i.e. photographs and maps of the site) together with relevant information contained in the Departmental information base, were considered sufficient to provide adequate information on the nature of the receiving environment.

***Department of Environmental Affairs & Development Planning  
Directorate: Integrated Environmental Management (Region B)***

**F. DECISION:**

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

**G. CONDITIONS OF AUTHORISATION:**

1. The activity, including site preparation, may only commence once the statutory thirty (30) days appeal period expires. In the case of an appeal being submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region B), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
  - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
  - 2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1 and 10.
3. An integrated waste management approach must be used that is based on waste minimization and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill that is considered legal in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
4. The mitigation/rehabilitation measures and recommendations as detailed in the Scoping Report dated April 2009 compiled by EnviroAfrica for Kleinbaai Eiendomme (Pty) LTD must be adopted and implemented.
5. The applicant must appoint a suitably experienced Environment Control Officer ("ECO") or Site Agent where appropriate before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the construction phase Environmental Management Plan ("EMP"). This Directorate must be notified of the appointment of the ECO as soon after the appointment as possible.

***Department of Environmental Affairs & Development Planning  
Directorate: Integrated Environmental Management (Region B)***

6. An Environmental Liaison Committee ("ELC") must be established at the cost of the Applicant, prior to commencement of the activity.
  - 6.1 The applicant must draw up the ELC's draft terms of reference ("TOR") and submit it to this Directorate. This must be approved by this Directorate prior to any land clearing or construction commencing.
  - 6.2 The TOR must include but is not limited to the following:
    - 6.1.1 the frequency of meetings and reports
    - 6.1.2 chairmanship/membership
    - 6.1.3 auditing requirements
    - 6.1.4 duties and responsibilities during the construction phase
    - 6.1.5 the termination of such ELC
    - 6.1.6 the frequency of providing feedback to the local community.
7. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate six months after construction has been completed / and also after the site and approach road have been rehabilitated.
  - 7.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation and the status of the rehabilitation programme.
  - 7.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
  - 7.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
8. No surface or ground water may be polluted due to any activity on the property/site especially during the construction phase. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
9. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or approval has been obtained from Heritage Western Cape.
  - 9.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape

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and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

9.2 If any graves or unmarked human burials are discovered, they must be treated with respect and the South African Heritage Resource Agency ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.

10. The applicant must, **within five days** of the date of issue of this Record of Decision:

- Inform the relevant local authority as well as all interested and affected parties (I&AP'S) registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
- Include in such information the provisions of Regulation 11 of Government Notice No. 1183 of 5 September 1997, as amended which reads as follows:
  1. An appeal to the Minister or provincial authority under section 35 (3) of the Act must be done in writing within 30 days from the date on which the Record of Decision was issued to the applicant in terms of regulation 10 (1);
  2. An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
- Include the date on which the Record of Decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- Inform all I&AP's that a signed and certified Appeal Questionnaire obtainable from the Minister's office at tel. (021) 483 3721, email [jedevill@pgwc.gov.za](mailto:jedevill@pgwc.gov.za), or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.
- If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

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11. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
12. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, **within 24 hours** thereof if any condition of this authorisation is not adhered to.
13. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
14. The activity which is authorised may only be carried out at the property indicated above.
15. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and /or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

**H. RECOMMENDATIONS:**

- None

**I. REASONS FOR THE DECISION:**

All the following information that were available to the Department was taken into account in the Department's consideration of the application -

- a) The information contained in the Application Form and Checklist dated July 2005, Scoping Report dated December 2007 and the Revised Scoping Report dated April 2009 all compiled by EnviroAfrica;
- b) The comments received from I&APs as included in the Scoping Report;
- c) Relevant information contained in the Departmental information base including -
  - Guideline for determining the scope of specialist involvement in the EIA process, June 2005; and
  - Guideline on Transitional Arrangements, September 2007.

Sufficient information was contained in the Scoping Checklist, Scoping Report, Revised Scoping Report and additional information which fulfil the requirements as prescribed by Regulation 6 of GN No. R1183 of 5 September 1997, (as amended), in order to consider the application.

A summary of the issues which, in the Department's view, were of the most significance is set out below.

**Biophysical**

The residential units of the proposed development will be located on the periphery of Portion 31 of the Farm Klip Fonteyn No. 711 and will leave approximately 8 hectares of the site as open space. This, together with the amended layout of the

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proposed development which links the proposed open space corridor to Gansbaai Peninsula ecological corridor, will reduce the visual impact of the development as well as assist in maintaining the general character of the surroundings. Development on the site will follow guidelines that are complimentary to the traditional built environment of the area (thereby incorporating the historical heritage of the area into the building design). In addition, small clusters of milkwood trees located on the property will not be removed during any phase of the proposed development.

The vegetation type of the proposed development can be characterised as Overberg Dune Strandveld. This vegetation type is well conserved in natural reserves and protected areas along the Agulhas Plain coastline. This vegetation type is also least threatened and has a low to moderate conservation value.

**Regional planning context**

The proposed site is currently zoned Agriculture Zone I. An application will be submitted in terms of the Land Use Planning Ordinance 1989, (Ordinance No. 15 of 1989) ("LUPO") in order to rezone and subdivide the subject land portion to permit the proposed activity. The proposed site falls within the urban edge and is earmarked for urban extension in terms of the Greater Gansbaai Structure Plan.

**Heritage & Traffic assessments**

Heritage Western Cape has indicated that they had no objections to the proposed development subject to certain condition(s) being adhered to. Such condition(s) has also been made conditional in this RoD.

Studies on vehicular access for the proposed development were conducted by EFG Engineers (Pty) Ltd. It was concluded that this development will at its peak, generate 90 peak hour trips, of which 60 will be by trips moving outside the proposed development, therefore there will be no interruption of traffic entering and exiting the proposed development.

**Alternatives**

Various layout alternatives have been considered and are as follows:

**Layout Alternative 1**

This alternative layout entailed the change of land use of Portion 31 of the Farm Klip Fonteyn No. 711 from Agricultural 1 to residential zone 1, transport zone 2, authority zone and open space 1 for the purpose of residential development comprising of: 192 single residential erven relating to a density of 8.9 erven per hectare with erven ranging from 640 to 800 m<sup>2</sup> in size. This layout alternative constituted 18% of the total site area to open space usage. This was not preferred due to the fact that the proposed open space for this development was completely isolated from the surrounding natural areas.

**Layout Alternative 2**

This alternative layout consisted of 193 residential erven in four nodes of the proposed site. These erven ranged from low density residential areas to middle income. The alternative entailed a centrally located open space in order to serve as a continuous and functional link with the main corridor. This alternative reduced the

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residential development footprint of the previous alternative from 64 to 50%. This alternative further reduced the average erf sizes from 713m<sup>2</sup> to 556m<sup>2</sup> to that of the original. This alternative's open space usage was increased from 18% to 30% to that of the original alternative. This alternative was not preferred due to its lack of a tighter development footprint and densification.

***Layout Alternative 3***

This is an alternative consisting of 163 residential erven and the introduction of a group housing component comprising of 53 units to a density of 30 units per hectare. This alternative comprised of 24 units more than the original alternative. Four different residential nodes with erf sizes ranging from 500 m<sup>2</sup>, 600 m<sup>2</sup> and 650–700 m<sup>2</sup> were proposed in this alternative. This alternative further proposed that the group housing component be surrounded by an open space corridor. This alternative was not preferred due to its lack of a tighter development footprint and rounding off of the urban edge.

***Layout Alternative 4 (Preferred Alternative)***

The preferred design alternative, herewith authorised, entails the reduction of single residential erven from 163 to 139 in two nodes on portion 31 of Farm Klipfonteyn, increase of the public open space from 3.8 (alternative 1) to 8.5 hectares and 50 group housing units in a third node of the proposed site. This alternative was deemed the most preferred due to its reduction to the overall development footprint and increase in the public open space than the abovementioned alternatives.

***No-go Option***

The no-go option was also considered. However, with proper application of the proposed mitigation measures, the proposed development (alternative four) would not cause significant impacts to the environment. With no unacceptable impacts associated with the proposed activity the further consideration of the no-go option was not warranted.

**Public Participation**

The public participation process entailed:

- An advertisement being placed in the "Gansbaai Courant" local newspaper on 3 November 2006;
- An on-site advert being displayed in a prominent position on the Farm Klipfonteyn 711/31; and
- The BID being sent to twelve immediate neighbours and other identified I&APs.

At the end of the commenting period, members of the public and the authorities provided comments. The comments were adequately addressed by the appointed Environmental Assessment Practitioner.

**J. DURATION AND DATE OF EXPIRY:**

This authorisation shall lapse if the activity does not commence within three (3) years of the date of issue of this authorisation.



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**K. APPEAL:**

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals must be directed within 30 days of the date of the issuing of this Record of Decision, to:

Provincial Minister for Environmental Affairs and Development Planning  
Private Bag X9086  
CAPE TOWN  
8000

Fax: (021) 483-6081

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

**If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.**

In terms of section 28A(4) of the aforesaid Act, the Minister or competent authority may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.

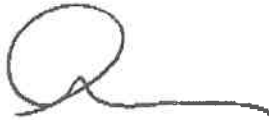
If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

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Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



**ANTHONY BARNES  
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)**

DATE OF DECISION: 11/11/2009

Copies to: (1) Mr. J. le Roux (Kleinbaai Eiendomme (Pty) Ltd)  
(2) Mr. R. Kuchar/Ms. M. G. van Vuuren (Overstrand Municipality)  
(3) Mr. C. Bruwer (EnviroAfrica)

Fax: (028) 384 2248  
Fax: (028) 384 0241  
Fax: (086) 513 2141