

14/3/1/D6/29/0366/18

Mr. J. Ellis  
Pansy Villas Home Owners Association  
P.O. Box 197  
**HARTENBOS**  
6520

Tel/Fax: (044) 695 0527

Dear Mr Ellis

**APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE REFUSAL OF ENVIRONMENTAL AUTHORISATION ISSUED FOR THE PANSY VILLAS RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF NO. 5216, DIAZ BEACH, MOSSEL BAY**

The appeal lodged by Stadler & Swart Attorneys on your behalf against the decision in the above regard, refers.

Having considered the information at my disposal I, the Provincial Minister of Local Government, Environmental Affairs and Development Planning, have decided in terms of section 43(6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") and the 2014 National Appeal Regulations (Government Notice No. R. 993 of 8 December 2014) (as amended), to partially uphold your appeal, set aside the Refusal of Environmental Authorisation of the delegated officer and grant an Environmental Authorisation as set out herein below:

**ENVIRONMENTAL AUTHORISATION**

**DECISION**

By virtue of the powers conferred on the Provincial Minister by the NEMA, the 2010 Environmental Impact Assessment ("EIA") Amendment Regulations and the 2014 National Appeal Regulations (Government Notice No. R. 993 of 8 December 2014) (as amended), I, the Provincial Minister, herewith grant an Environmental Authorisation to the applicant to undertake the list of activities specified in section B below as per the Amended Basic Assessment Report ("BAR") received on 19 July 2018, the

appeal, the responding statements and the additional information received from Stadler & Swart Inc Attorneys (on your behalf) to answer the responding statements.

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

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORIZATION**

The Chairman  
Pansy Villas Home Owners Association  
P.O. Box 197  
HARTENBOS  
6520  
Contact person: Mr. J. Ellis  
Tel/Fax: (044) 695 0527

The above-mentioned company is the holder of this Environmental Authorisation and is here after referred to as "the applicant".

**B. LIST OF ACTIVITIES AUTHORIZED**

Regulation 53 of the current 2014 EIA Regulations states that:

- (1) *"An application submitted in terms of the previous NEMA regulations and which is pending when these Regulations take effect must despite the repeal of those Regulations be dispensed with in terms of those previous NEMA regulations as if those previous NEMA regulations were not repealed..."*
- (3) *Where an application submitted in terms of the previous NEMA regulations, is pending in relation to an activity of which a component of the same activity was not identified under the previous NEMA notices, but is now identified in terms of section 24(2) of the Act, the competent authority must dispense of such application in terms of the previous NEMA regulations and may authorise the activity identified in terms of section 24(2) as if it was applied for, on condition that all impacts of the newly identified activity and requirements of these Regulations have also been considered and adequately assessed."*

The following listed activities are being authorised in relation to **Annexure 1**:

**Government Notice No. R. 544 of 18 June 2010 as corrected on 10 December 2010:**

**Activity Number 11:**

*"The construction of:*

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

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

Construction of buildings (i.e. on Erven 6202 to 6209) on the estuary side of the development within 32m of a watercourse but outside the 20m buffer zone.

**Activity Number 16:**

*"Construction or earth moving activities 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, in respect of –*

- (i) fixed or floating jetties and slipways;*
- (ii) tidal pools;*
- (iii) embankments;*
- (iv) rock revetments or stabilising structures including stabilising walls;*
- (v) buildings of 50 square metres or more; or*
- (vi) infrastructure covering 50 square metres or more –*

Construction of the buildings (i.e. on Erven 6202 to 6209) and earth moving activities for the relocation of the single access boardwalk within 100m of the high-water mark of the sea. For the development proposed outside the 25m buffer zone from the high-water Mark.

but excluding

- (a) if such construction or earth moving activities will occur behind a development setback line; or
- (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
- (c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or
- (d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies."

**Activity Number 18:**

"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) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) 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) 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."

Development will involve excavation and or the removal or moving of sand within a distance of 100m inland from the high-water mark or the Pansy River or Pansy Cove estuary.

**Government Notice No. R. 546 of 18 June 2010 as corrected on 10 December 2010:**

**Activity Number 16:**

*"The construction of:*

- (i) jetties exceeding 10 square metres in size;*
- (ii) slipways exceeding 10 square metres in size;*
- (iii) buildings with a footprint exceeding 10 square metres in size; or*
- (iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.*

**(d) In Western Cape:**

- i. In an estuary;*
- ii. Outside urban areas, in:*
  - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;*
  - (bb) National Protected Area Expansion Strategy Focus areas;*
  - (cc) World Heritage Sites;*
  - (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;*
  - (ee) Sites or areas identified in terms of an International Convention;*
  - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;*
  - (gg) Core areas in biosphere reserves;*
  - (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of*

Buildings and infrastructure within 32m of a watercourse (stream) within an urban area and within 100m of the high-water mark of the sea. More than 10m<sup>2</sup> but outside the 20m buffer zone from the watercourse.

<p>NEMPAA or from the core area of a biosphere reserve;</p> <p>(ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line."</p>	
<p><b>Government Notice No. R. 983 of 4 December 2014 as amended by Government Notice No. R. 327 of 7 April 2017:</b></p>	
<p><b>Listed activities</b></p>	<p><b>Activity/project description</b></p>
<p><b>Activity Number 12:</b></p> <p>"The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) 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>The development of buildings, structures and infrastructure within 32 metres of the Pansy River in order establish residential units (i.e. on Erven 6202 to 6209) with associated infrastructure on a primary dune.</p>

<p><i>(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;</i></p> <p><i>(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;"</i></p> <p><i>(dd) where such development occurs within an urban area;</i></p> <p><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p><i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."</i></p>	
<p><b>Activity Number 17:</b></p> <p>"Development—</p> <p><i>(i) in the sea;</i></p> <p><i>(ii) in an estuary;</i></p> <p><i>(iii) within the littoral active zone;</i></p> <p><i>(iv) in front of a development setback; or</i></p> <p><i>(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</i></p> <p>in respect of—</p> <p><i>(a) fixed or floating jetties and slipways;</i></p> <p><i>(b) tidal pools;</i></p> <p><i>(c) embankments;</i></p> <p><i>(d) rock revetments or stabilising structures including stabilising walls; or</i></p> <p><i>(e) infrastructure or structures with a development footprint of 50 square metres or more —</i></p> <p>but excluding—</p>	<p>The development of buildings of more than 50 m<sup>2</sup>, and infrastructure within 100 metres of the high-water of the sea in order to establish residential units (i.e. buildings on Erven 6202 to 6209) with associated infrastructure on a primary dune.</p>

(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) 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;

(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or

(dd) where such development occurs within an urban area.”

**Activity Number 19A:**

“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) the seashore;
- (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
- (iii) the sea; —

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;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or

The excavation and moving of sand within 100 metres of the high-water mark of the sea in order to establish a residential development (i.e. buildings on Erven 6202 to 6209) with associated infrastructure.



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.”

**Government Notice No. R. 985 of 4 December 2014 as amended by Government Notice No. R. 324 of 7 April 2017:**

**Activity Number 12:**

*“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.*

**i. Western Cape**

*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;*

*ii. Within critical biodiversity areas identified in bioregional plans;*

*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;*

*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*

*v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the*

The clearing of the site to establish a residential development (i.e. buildings on Erven 6202 to 6209) with associated infrastructure.

<p>prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</p>	
<p><b>Activity Number 14:</b></p> <p>"The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted,</p> <p>within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>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></p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(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;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine</p>	<p>The development entails the construction of structures within 32 meters of the Pansy River.</p>

<i>functional zone where no such setback line has been determined."</i>	
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The applicant is authorised, as per the preferred layout alternative, to undertake the part of the preferred alternative recommended by the environmental assessment practitioner in the Amended Basic Assessment Report ("BAR"), the appeal and the additional information, in relation to the listed activities:

- The construction of 8 residential units (buildings on Erven 6202 to 6209) in the form of individual units on Erf No. 5216 and the construction of an internal road that will extend from Beach Boulevard East to the approved 8 residential units (on the southern part of the site along the Pansy Cove estuary) of the proposed development.
- The construction of timber pillars (only on the approved 8 residential units) to limit the disturbance on the dune and to allow for the continual movement of sediments under the residential units.
- The relocation of the single access boardwalk leading to the high-water mark of the sea.
- Associated infrastructure such as electricity lines, water, stormwater and sewage pipelines, etc. only in relation to the approved 8 units on the southern part of the site.

Environmental Authorisation is **refused** for the remainder of the 14 residential units (buildings on Erven 6188 to 6201) and associated infrastructure on the eastern part of Erf No. 5216 (as only the single access boardwalk is authorised) along the high-water mark of the sea side of the site.

### **C. PROPERTY DESCRIPTION AND LOCATION**

The entire site is about 24000m<sup>2</sup> in size and is bordered by the coast line (Diaz Beach) on the eastern side, Pansy Cove Estuary on the southern side and Pansy Cove Sectional Title Scheme to the north and the west of the site.

The listed activities will be undertaken on Erf No. 5216, Mossel Bay (**Annexure 2**) at the following co-ordinates:

**Co-ordinates:**

34° 16' 22" South

22° 10' 95" East

**Surveyor General 21 Digit Code:**

C05100040000521700000

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

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

HillLand Environmental  
c/o Ms. C. Avierinos  
P.O. Box 590  
GEORGE  
6530

Tel: (044) 889 0229

Fax: 086 542 5248

Email: info@hilland.co.za

**E. CONDITIONS OF AUTHORISATION**

1. This Environmental Authorisation is valid for a period of five **(5)** years from the date of this Appeal decision. 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. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The applicant must, in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 2.1 notify all registered Interested and Affected Parties of –
    - 2.1.1 the outcome of the appeal;
    - 2.1.2 the reasons for the decision as included in **Annexure 3**;
3. Seven calendar days' notice, in writing, must be given to the competent authority before the commencement of the construction activities. The notice must make clear reference to the site details and EIA reference number given above and it must also include proof of compliance with the following conditions described herein:

Conditions: 2 and 17.
4. As per preferred layout alternative contained in the Amended Final Basic Assessment Report, the applicant is authorised to develop only 8 residential units (buildings on Erven 6202 to 6209) along the Pansy Cove estuary, associated infrastructure only for the 8 residential erven along the Pansy Cove estuary, the internal access road and the relocation of the single access boardwalk to provide access to the coastal environment.

5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such an acceptance/approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impact of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. A 20m wide coastal setback line, where no development must take place as per the preferred alternative layout contained in the Amended Final Basic Assessment Report, must be established between the authorised units and the Pansy Cove estuary on the southern portion of the site.
9. The requirements of section 13 of the *National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)* (as amended) with regard to access to the coastal public property must be complied with.
10. As detailed in the Coastal Report compiled by Fraser Consulting Civil Engineers, dated July 2012, the site must be rehabilitated immediately after the construction phase of the activities.
11. As detailed in the "*Report on the impact on the dune environment of the proposed site for the development of Pansy Villas, Erf 5216, Mossel Bay*", as compiled by the Dune and Coastal Ecology Consultant, Prof. R.A. Lubke, dated July 2016, the following measures must be implemented and complied with:
  - 11.1 Alien vegetation on the site must be removed and the dunes must be planted with indigenous species to restore the site to natural vegetation.
  - 11.2 The coastal setback line must be temporarily demarcated during the construction phase of the activities.
  - 11.3 The natural vegetation of the area must be allowed to return spontaneously with no active landscaping of the site so as to return the site to the indigenous coastal thicket or pioneering dune plants.
  - 11.4 Signposts must be erected to show that the dune vegetation is very sensitive and the access paths must be clearly demarcated. Signs must indicate that people must keep off the dune vegetation.
12. The Environmental Management Programme ("EMPr") submitted with the Amended Final Basic Assessment Report must be amended and re-submitted for approval as per the authorisation of only 8 residential erven along the Pansy Cove estuary, associated infrastructure only for the

8 residential erven along the Pansy Cove estuary and the relocation of the single boardwalk access to the coastal environment. The EMPr must amended to include *inter alia*:

- 12.1 All the recommended mitigation measures contained in Appendix 2 of the "Report on the impact on the dune environment of the proposed site for the development of Pansy Villas, Erf 5216, Mossel Bay", as compiled by the Dune and Coastal Ecology Consultant, Prof. R.A. Lubke, dated July 2016.
- 12.2 A Maintenance Management Plan for the coastal environmental and the Pansy Cove estuary on the site.
- 12.3 Rehabilitation of the disturbed areas and the replanting of indigenous vegetation on the site.

An application for the amendment to the EMPr (when it has been approved for implementation) must be submitted to the competent authority if any further amendments are to be made to the EMPr, and these may only be implemented once the amended EMPr has been authorized by the competent authority.

The EMPr must be included in all contract documentation for all phases of implementation.

13. Should any amendments to the EMPr (when it has been approved for implementation) be required before the required audit in terms of this Environmental Authorisation, the applicant must:
  - 13.1 Notify the competent authority of its intension to amend the EMPr at least sixty (60) days prior to the submission of the application for amendment to the EMPr;
  - 13.2 Obtain comment from any potential Interested and Affected parties, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
  - 13.3 Submit the amended EMPr to the competent authority for approval within 60 days of inviting comment on the proposed amendments.
14. The mitigation measures and recommendations made by the specialists involved in the EIA process, as contained in the Amended Final Basic Assessment Report and the EMPr, must be strictly adhered to.
15. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage

remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

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

17. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), or site agent where appropriate, for the construction phase of implementation before the commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
18. The holder must submit an Environmental Audit Report, ("audit report") to the competent authority within six months, and another, one (1) year after the completion of the construction phase of the development.
  - 18.1 The audit report must indicate the date(s) on which construction was completed, compliance with the conditions of this Environmental Authorisation and recommendations for improved environmental management.
  - 18.2 Records of the audit must be maintained for safekeeping and must be made available to the competent authority upon request.
  - 18.3 The competent authority may require remedial action should the audit report reflect that rehabilitation is inadequate.
  - 18.4 If the audit report is not submitted, the competent authority 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.
  - 18.5 The audit report must be prepared by an independent person.
19. An integrated waste management approach, which is based on waste minimization that incorporates the reduction, recycling, re-use and disposal, where appropriate, must be employed.
20. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. A permit must be obtained for the removal of the Milkwood trees on the site in terms of the applicable legislation.
22. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
23. The holder of the Environmental Authorisation must, at all times, ensure that the construction activities comply with the Noise Regulations in terms of the relevant legislation.

24. The activities which are authorised may only be carried out at the site indicated above.

#### **DISCLAIMER AND CONSEQUENCES OF NON-COMPLIANCE**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorization 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.

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

Your interest in the future of our environment is appreciated.

Yours faithfully



**ANTON BREDELL  
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 23/4 /2019

CC Ms. C. Avierinos

(HillLand Environmental)

E-mail: [info@hilland.co.za](mailto:info@hilland.co.za)