



REFERENCE: 16/3/3/1/D5/18/0021/22
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 10 March 2023

The Board of Directors
Quickstep 596 (Pty) Ltd
23 Oliehouth Avenue
STILL BAY
6674

Attention: Ms. A. Pieterse

Cell: 0823208673

Email: annelize@stilbaaivismark.co.za

Dear Madam

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED FLEUR DE VIE LIFESTYLE VILLAGE ON PORTION 1 OF DUINEKROON 591, STILL BAY, HESSEQUA MUNICIPALITY

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 1 November 2022 as prepared and submitted by Ms Louise-Mari van Zyl of Cape EAPrac (Pty) Ltd, the appointed Environmental Assessment Practitioner ("EAP") on 2 November 2022.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Quickstep 596 (Pty) Ltd
Ms. A. Pieterse
23 Oliehouth Avenue
STILL BAY
6674

Cell: 0823208673

Email: annelize@stilbaaivismark.co

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014	
<p>Activity Number: 24 Activity Description: The development of a road—</p> <ul style="list-style-type: none"> (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; <p>but excluding a road—</p> <ul style="list-style-type: none"> (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (a) which is 1 kilometre or shorter. 	<p>The proposal includes the extension of Buitekant Street to the main entrance of the development.</p>
<p>Activity Number: 27 Activity Description: The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; (ii) or maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The proposed site is approximately 10ha in extent and consists of a mixture of pastures and secondary regrowth that will be removed when the site is developed. The proposal will therefore result in the clearance of more than 1 hectare of indigenous vegetation.</p>
<p>Activity Number: 28 Activity Description: Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; (iii) excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes. 	<p>The development of a residential and mixed development consisting of land developed for use as residential, business and open space areas. The site falls within the designated ‘urban edge’ of Still Bay as per the local Spatial Development Framework (SDF). It is outside the ‘urban area’ as per the Environmental Regulations. The property is approximately 10ha in size and the development will result in a residential development of more than 5 hectares.</p>

Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014	
<p>Activity Number: 4 Activity Description: The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p> i) Areas zoned for use as public open space or equivalent zoning;</p> <p> ii) Areas outside urban areas;</p> <p> iii) Areas containing indigenous vegetation;</p> <p> iv) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p> v) Inside urban areas:</p> <p> a) Areas zoned for conservation use; or</p> <p> b) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The property is zoned Agriculture and although designated for urban expansion, it falls outside the urban area as per the EIA Regulations and extending and formalising Buitekant Street will exceed 4m in width.</p>

The abovementioned list is hereinafter referred to as "**the listed activities**".

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development and development footprint.

The proposal entails the development of a lifestyle village consisting of the following:

- Approximately 146 x General Residential Zone II (Group Housing) erven;
- 1 x General Residential Zone IV erf to accommodate approximately 38 x double-bedroom villa-apartments;
- 1 x Business Zone III (Office & Sport & Recreation/Club House) erf for a communal recreation centre, neighbourhood shop, heated indoor pool, and office space;
- 7 x Open Space Zone II (Private Open Space) erven;
- 2 x Transport Zone II (Public Road) erven; and
- 7 x Transport Zone III (Private Road) erven.

The proposal also includes the upgrade of the Main/Buitekant Street and the extension of Buitekant Street to the main access point of the development. Water and sewer reticulation will be connected into the existing municipal services that runs along Buitekant Street. The development will be implemented approximate to the site development plan contained in Annexure 2 of this authorisation.

C. SITE DESCRIPTION AND LOCATION

The site which is approximately 10 hectares in size and the land directly north of the site is partially developed with an established township directly to the East of the property. Agricultural land use continues to the South and West. The property is bordered by the approved Still Bay Ring Road on the western side, which forms the interim urban edge of Still Bay West. The site is not deemed environmentally sensitive with the vegetation characterised by a mixture of pastures and secondary regrowth indigenous vegetation.

The coordinates of the centre of the proposed development footprint site:

Latitude (S)	Longitude (E)
34° 22' 39.77" South	21° 23' 143.95" East

SG 21 Digit code: C0640000000059100001

Refer to Annexure 1: Locality Plan and Annexure 2 of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms Louise-Mari van Zyl
Cape EAPrac (Pty) Ltd.
P.O. Box 2070
GEORGE
6530

Tel: 044 874 0365
E-mail: louise@cape-eaprac.co.za
Website: www.cape-eaprac.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from the date of issue until **13 March 2028** to commence with all the listed activities. A further 5 years is granted **until 13 March 2033** to complete all the listed activities, including post construction rehabilitation and monitoring requirements.

Failing which, this Environmental Authorisation shall lapse, unless the Environmental Authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative, as described in Section C above.

The development constitutes the establishment of a lifestyle village consisting of the following:

- Approximately 146 x General Residential Zone II (Group Housing) erven;
- 1 x General Residential Zone IV erf to accommodate approximately 38 x double-bedroom villa-apartments;
- 1 x Business Zone III (Office & Sport & Recreation/Club House) erf for a communal recreation centre, neighbourhood shop, heated indoor pool, and office space;
- 7 x Open Space Zone II (Private Open Space) erven;
- 2 x Transport Zone II (Public Road) erven; and
- 7 x Transport Zone III (Private Road) erven.
- Upgrading of the Main/Buitekant Street and the extension of Buitekant Street to the main access point of the development.

Water and sewer reticulation will be connected into existing municipal services that runs along Buitekant Street. The development will be implemented approximate to the site development plan contained in Annexure 2 of this authorisation.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. 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.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

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 decision reached on 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 Appeal Regulations, 2014 (as amended) detailed in Section G 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 the:
 - 6.4.1. 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,
 - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions Number: 9 and 11

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities of the—
 - 8.1. bulk internal service infrastructure (i.e. internal roads; water, sewer, electricity reticulation and bulk storm water); and
 - 8.2. final phase of the mixed/residential development.

Management of activity

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval, The EMPr must be amended to incorporate the following —
 - 9.1 The conditions of this authorisation
 - 9.2 The monthly submissions of compliance reports by the Environmental Control Officer to this Directorate.

The amended EMPr must be submitted to the Competent Authority and be approved, prior to the construction activities commencing on site.

Note: The revised EMPr should be submitted to the Competent Authority at least 90-days prior to the construction activities commencing on site to ensure the competent authority is able to process / review the revised EMPr prior to the intended date of commencement.

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

Monitoring

11. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
12. The ECO must—
 - 12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing;
 - 12.2. ensure compliance with the EMPr and the conditions contained herein;
 - 12.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 16.1. During the period which the activities have been commenced with on site until the construction of the bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water) has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.

A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the construction of bulk internal services and the post-construction rehabilitation and monitoring requirements thereof.

- 16.2. During the period the development of the mixed/residential phases (i.e. construction of top structures) is undertaken, the Holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.

During this phase of the development, the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr **may not exceed intervals of 5-years.**

Note: The final auditing requirements should be completed at least three months prior to expiry of the validity period of the environmental authorisation to ensure the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

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

- 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 17.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 17.9. include a photographic record of the site applicable to the audit; and
 - 17.10. be informed by the ECO reports.
18. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

- 19. The upgrade of Main Street/Buitekant Street three-way stop must be undertaken in accordance with the Hessequa Arterial Management Plan (2020).
- 20. The property boundary fence/wall must be erected only after the ECO has been appointed to monitor construction activities relating to the wall, but prior to earth works/construction activities relating to the lifestyle village development commencing to isolate construction activities.
- 21. The single milkwood tree located on the property may not be disturbed and should be incorporated into the development layout.

22. A 10m buffer along the southern boundary must be established and a 2m solid wall along the western boundary of the site must be constructed by the holder to protect the agricultural activities on the adjacent properties.
- 22.1. All prospective buyers along the southern and western boundaries must be informed before any sales that they will be purchasing next to what is currently still farm portions and the 'right-to farm'.
 - 22.2. The Constitution of the Property Owners Association of the development must include clauses that prohibit residents from interfering or jeopardising farming activities.
23. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where a validity period has been specified for operational aspects, such as for the development and related operation of the facilities or infrastructure for the storage and handling of a dangerous goods, the onus is on the Holder to ensure the facility is operating at all times in terms of a valid environmental authorisation.

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

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
- (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.
- (d) On application, if the competent authority decides to grant environmental authorisation, the competent authority may issue a single environmental authorisation or multiple environmental

authorisations in the name of the same or different applicants covering all aspects for which authorisation is granted.

3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

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

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

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

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

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

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from the date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 9 and 11 under Section E above). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

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

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

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT

DATE OF DECISION: 10 MARCH 2023

Copies to: Ms. L. van Zyl
Mr. H. Visser

Cape EAPrac
Hessequa Municipality

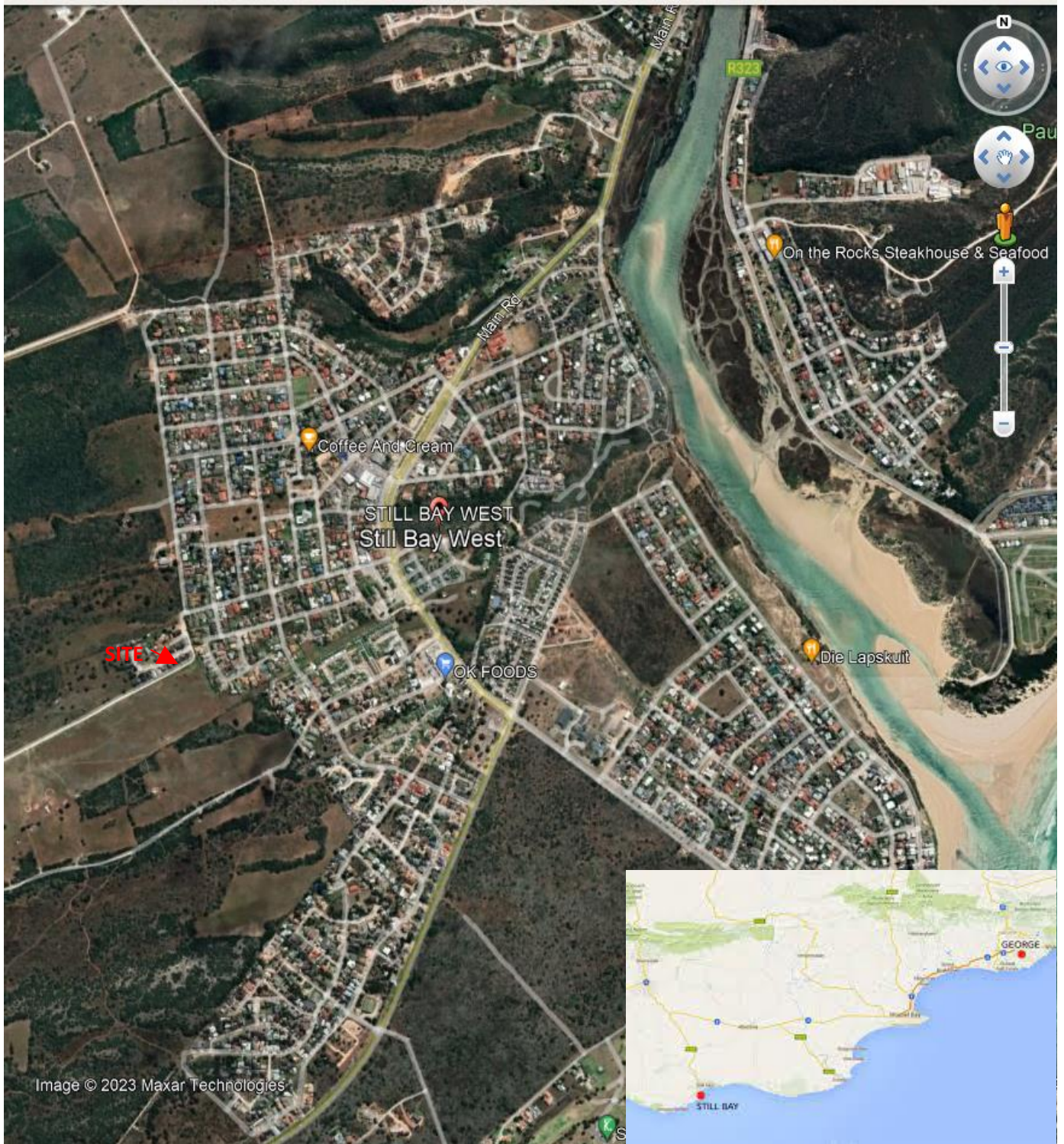
Email: louise@cape-eaprac.co.za
Email: hendrik@hessequa.gov.za

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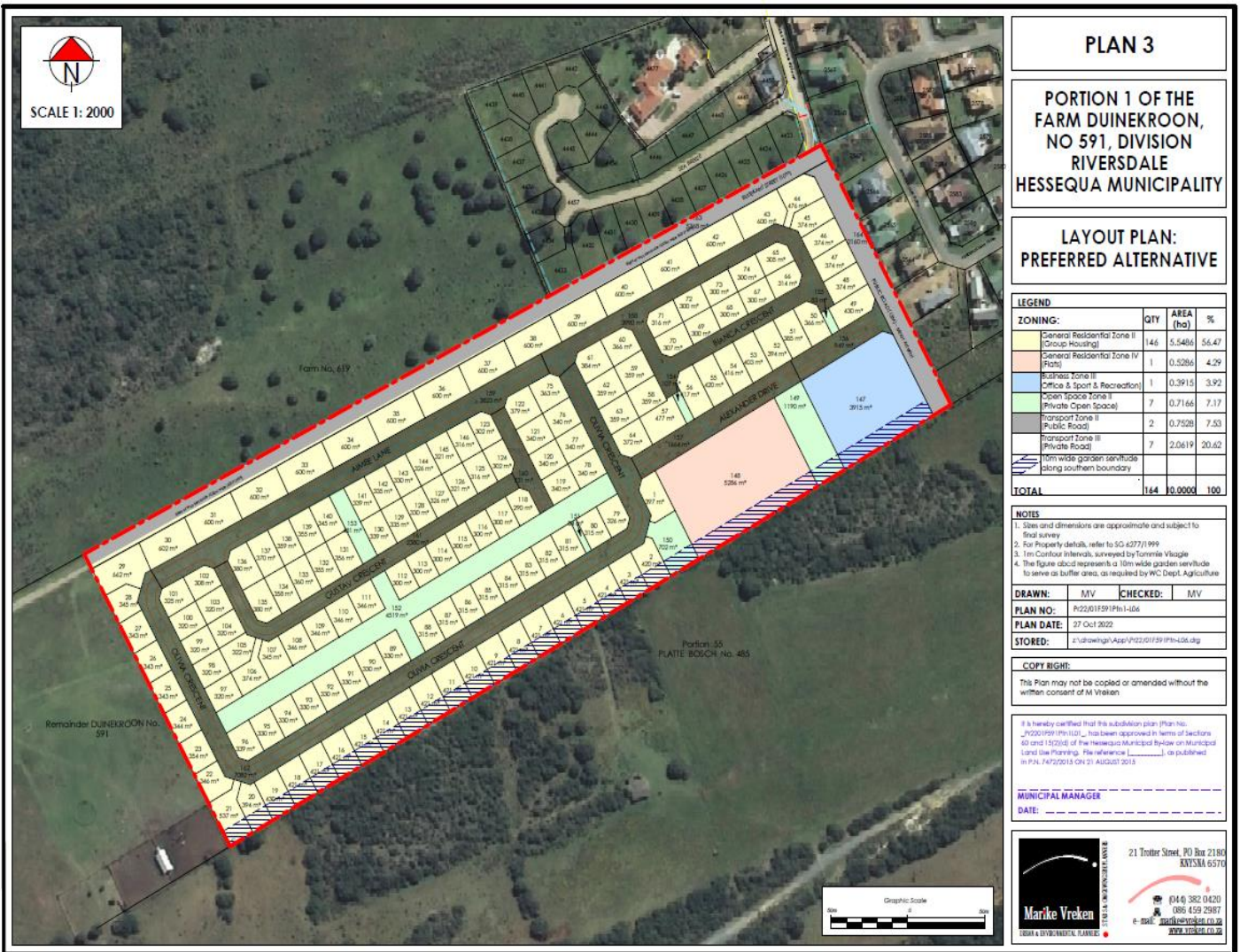
EIA REFERENCE NUMBER: 16/3/3/1/D5/18/0021/22

NEAS REFERENCE: WCP/EIA/0001145/2022

ANNEXURE 1: LOCALITY MAP: STILL BAY WEST



ANNEXURE 2: SITE DEVELOPMENT PLAN



PLAN 3

PORTION 1 OF THE FARM DUINEKROON, NO 591, DIVISION RIVERSDALE HESSEQUA MUNICIPALITY

LAYOUT PLAN: PREFERRED ALTERNATIVE

LEGEND

ZONING:	QTY	AREA (ha)	%
General Residential Zone II (Group Housing)	148	5.5486	56.47
General Residential Zone IV (Plots)	1	0.5286	4.29
Business Zone II (Office & Sport & Recreation)	1	0.3915	3.92
Open Space Zone I (Private Open Space)	7	0.7166	7.17
Transport Zone II (Public Road)	2	0.7528	7.53
Transport Zone III (Private Road)	7	2.0619	20.62
10m wide garden servitude along southern boundary			
TOTAL	164	10.0000	100

NOTES

- Site and dimensions are approximate and subject to final survey
- For Property details, refer to SG 4277/1999
- 1m Contour intervals, surveyed by Terence Vraaghe
- The figure above represents a 10m wide garden servitude to serve as buffer area, as required by WC Dept. Agriculture

DRAWN: MV CHECKED: MV
 PLAN NO: P22010191Ph-L06
 PLAN DATE: 27 Oct 2022
 STORED: 2:\drawing\App\P22010191Ph-L06.dwg

COPY RIGHT:

This Plan may not be copied or amended without the written consent of M Vreken

I, hereby certify that this subdivision plan (Plan No. P22010191 Ph-L06) has been approved in terms of sections 60 and 157(2)(c) of the Hessequa Municipal By-law on Municipal Land Use Planning, the reference _____, as published in PAL 7472/2013 ON 21 AUGUST 2013

MUNICIPAL MANAGER
 DATE: _____

21 Trotter Street, PO Box 21180
 8XYSNA 6570

Marika Vreken
 CIVIL & ENVIRONMENTAL ENGINEER

046 352 0420
 086 452 2967
 e-mail: marika@vreken.co.za
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ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 10 August 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR dated 1 November 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 1 November 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures;
- f) Adequate/Sufficient information was made available in the report to understand the environmental and spatial context and the case officer is familiar with the area; and
- g) The observations that were made during the site inspection conducted on 01 February 2023 by the EAP, Ms. Shireen Pullen and Ms. Dorien Werth from this Directorate.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Background

There was a previous Environmental Authorisation (EG16/3/1/1/D5/18/0047/13) issued on the subject property for a frail care, day hospice and retirement units (Phase 1 authorised only, due to services/traffic restriction at the time). However, this EA lapsed, hence this new application. Hessequa Municipality also confirmed availability of services to support the proposed development.

2. Public Participation

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

- Identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- Fixing a notice board at the site in January 2020;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken;
- Site Notices were placed along the dirt road boundary (northern boundary) and at the entrance to the site (from Buitekant Street) calling for I&APs to register and review the DBAR;
- Notices to the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 5 August 2022; and
- The placing of a newspaper advertisement in the 'South Cape Forum' on 5 August 2022, making the draft BAR available from 10 August to 8 September 2022.

The following Organs of State provided comment on the proposal:

- Breede-Gouritz Catchment Management Agency (BGCMA)
- South African Civil Aviation Authority (SACAA)
- CapeNature
- Heritage Western Cape
- Department of Agriculture
- Garden Route District Municipality
- Hessequa Municipality
- Department of Health
- Provincial Roads
- Department of Forestry

The Department of Forestry and the Department of Health did not provide comment on the proposal. There is one single milkwood tree on the property which will be retained, however, there are milkwood trees located on the eastern fence of the property, which might have to be trimmed during construction. The Department of Forestry will be consulted, should this be required.

The findings of the Traffic Impact Assessment (TIA) indicated that Buitekant/Main Street intersection, which is currently a 3-way stop, must be upgraded to a circle. This must be done during the course of the construction period of the proposed development, as the intersection was already struggling during peak seasons (Easter and Christmas holidays). The Municipality however stated in their comment dated 5 October 2022 that the upgrading will be done as capital funds become available to the Municipality. The Provincial Roads Authority however stated in their comment that the required upgrades must be done before the transfer of any erven. This requirement has been included as a condition of approval of this authorisation.

The BGCMA and CapeNature have no objection to the proposed development. Heritage Western Cape also confirmed that there is no reason to believe that the proposed development will have any negative impact on any heritage resources. Hessequa Municipality confirmed the availability of services to support the proposed development.

The Western Cape Department of Agriculture indicated that an agreement must be established between the adjacent property owner and the landowner for the proposed development in order to protect agricultural farming rights of the adjacent landowner. The Department of Agriculture also recommended that a 10m buffer on the southern and western boundaries of the site must be maintained to protect farming activities on adjacent properties.

Concerns regarding how the proposed development will affect the farming activities on the adjacent property as well as possible dust nuisance during construction, were also raised by adjacent landowners. However, all these were captured in the Basic Assessment Report and responded to by the EAP with the inclusion of appropriate mitigation measures in the EMP to adequately address the concerns.

3. Consideration of Alternatives

According to the BAR, the Applicant considered the 2014 approvals and given the time lapse and the establishment of other retirement or medical facilities in the past, decided against applying for the same rights. According to the BAR township development is deemed appropriate and compatible with the urban context and since the site falls within the urban edge the logical application is for township development. The Basic assessment process and its supporting specialist input did not indicate the need for any other alternative and the public participation process did not highlight any other reasonable and feasible alternative compared to the preferred proposal.

The preferred alternative took into account specialist input and concerns raised during the public participation process and was amended to address potential dust pollution and to maintain a buffer area to not to interfere with the adjacent farming activities. A 10m wide 'garden servitude' has been introduced along the southern properties that border on Portion 55 of Farm Plattebosch No.485. The purpose of this servitude is to assist in protecting the 'right-to-farm' on Portion 55 of Farm Plattebosch 485 as this property falls outside the adopted urban edge.

The Department of Agriculture initially requested that the same 10m buffer strip be incorporated along the western boundary of the study site, however, following consultation with the Department of Agriculture, the Department concurred that the approved Stilbaai Ring Road that runs along the western boundary of the study site (servitude width = 30m) is sufficient to serve the same function as the proposed 10m buffer strip to protect the 'right-to-farm' on the neighbouring Duinekroon property.

The Preferred Alternative

The development of a lifestyle village consisting of the following:

- Approximately 146 x General Residential Zone II (Group Housing) erven;
- 1 x General Residential Zone IV erf to accommodate approximately 38 x double-bedroom villa-apartments;
- 1 x Business Zone III (Office & Sport & Recreation/Club House) erf for a communal recreation centre, neighbourhood shop, heated indoor pool, and office space;
- 7 x Open Space Zone II (Private Open Space) erven;
- 2 x Transport Zone II (Public Road) erven;
- 7 x Transport Zone III (Private Road) erven; and
- Upgrade of the Main/Buitekant Street and the extension of Buitekant Street to the main access point of the development.

"No-Go" Alternative

The option of not implementing the activity means that development will be established and none of the impacts, positive or negative, associated with the construction of the development will be experienced.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

The proposed site is located within the urban edge of Still Bay and is earmarked for urban development. According to the BAR the proposal is in line with the Provincial Spatial Development goals as it optimises vacant land within an urban area, promotes inclusive development and strengthening the economy in a rural area and promotes sustainable development.

According to the BAR, the development will amount to several temporary employment opportunities during construction, as well as several permanent employment opportunities for skilled, semi-skilled and unskilled persons through opportunities in administration, landscaping and security.

4.2 Biophysical Impacts

According to the BAR the clearance of vegetation may result in dust pollution for a limited period during the construction phase. This will mostly cause a nuisance to the adjacent neighbouring property occupants. Hard surfacing of Reservoir Street from the Buitekant Street intersection to the western edge of Seebries Development will reduce existing dust pollution and implementation of the mitigation measures in the EMP, e.g dust suppression during construction will mitigate this impact to an acceptable level.

Construction activities are usually associated with noise that will impact on immediate neighbouring residences. Furthermore, the extension of Buitekant Street to the access point of Fleur de Vie will result in an increase in traffic and noise for residents living along the Eastern boundary of this site. This extension already approved as part of the Municipal Roads Master Plan to link Buitekant Street with Thys Vissie Street, and has already been assessed and mitigated.

According to the BAR the proposed development will change the character of the area from a rural setting to an urban setting. The proposed development will also introduce a residential-agricultural land use conflict. To mitigate this impact, the preferred layout allows for a 2m high solid wall along the western boundary and a 10m 'garden servitude' with building restrictions along the southern boundary.

4.3 Services

Hessequa Municipality has confirmed in their letter dated 5 October 2022 that there are sufficient services available, including sewage capacity, to provide the proposed development with supporting services.

4.4 Biodiversity

According to the BAR the site is not considered sensitive from a biodiversity perspective, is not part of an Ecological Support Area (ESA) or Critical Biodiversity Area (CBA) and does not contain any watercourses. The site also does not contain any conservation-worthy vegetation, except for a single milkwood tree that will be retained in the lay-out of the proposed development. The Terrestrial Biodiversity Compliance statement also concluded that the entire site consists of secondary grassland with low indigenous diversity, consisting primarily of weedy species. The proposed development is also supported from a botanical and zoological perspective as the site contains no conservation worthy plants or animals.

In addition to the above, despite the Screening Tool rating the animal species theme is rated as "Medium" sensitivity, because of the possibility of the occurrence of five butterfly species of conservation concern (SCC) on site, the Butterfly Compliance Statement found that there is no possibility of any of the 5 identified species to be found on site as there are none of the SCC butterfly host plants on the property.

4.5 Heritage / Archaeological Aspects

The site is not deemed sensitive from a heritage/archaeological/palaeontological perspective. This was confirmed by Heritage Western Cape in their decision dated 21 May 2014. According to the EAP, HWC has confirmed that their original comment is still valid and that no further studies are required.

Considering the above, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not result in significant negative impact on any heritage resources. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999.

4.6 Other Impacts

No other impacts of significance were identified and anticipated.

5. **Scope and Validity Period of authorisation**

This environmental authorisation defines specific operational aspects. The applicant has indicated that the construction activities will commence within 5 years from the date of issue of this environmental authorisation and should be completed (including the post-construction rehabilitation and monitoring, and submission of the final environmental audit) within an additional period of 5 years, thereafter. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. **National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must

exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

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

7. Conclusion

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

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 1 November 2022 is sufficient.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The proposed mitigation measures included in the EMPr for the pre-construction, construction and rehabilitation phases of the development is considered adequate.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the mitigation measures contained in the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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