

EIA REFERENCE: 16/3/3/1/E2/29/1003/21
NEAS REFERENCE: WCP/EIA/0000858/2021
DATE: 19 July 2021

The Board of Directors
Arawen Properties (Pty) Ltd.
65 Kloof Road
CLIFTON
8005

Attention: Mr. O. W. Hennig

Cell: (083) 603 0182
E-mail: wh@tmg.na

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 332, PEARLY BEACH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are hereby instructed to ensure, within fourteen (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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

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

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: Mrs. Mische Molife (GroenbergEnviro (Pty)Ltd)
Ms. Penelope Aplon (Overstrand Municipality)

E-mail: Mische@groenbergenviro.co.za
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EIA REFERENCE: 16/3/3/1/E2/29/1003/21
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 332, PEARLY BEACH

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 (as amended), 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 that is described in the Basic Assessment Report ("BAR") received by the Department on 28 April 2021.

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

Arawen Properties (Pty) Ltd.
c/o Mr. O. W. Hennig
65 Kloof Road
CLIFTON
8005

Cell: (083) 603 0182
E-mail: wh@tmg.na

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1</p> <p>Activity Number: 17 Activity Description: <i>“Development—</i> <i>(i) in the sea;</i> <i>(ii) in an estuary;</i> <i>(iii) within the littoral active zone;</i> <i>(iv) in front of a development setback; or</i> <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> <i>in respect of—</i> <i>(a) fixed or floating jetties and slipways;</i> <i>(b) tidal pools;</i> <i>(c) embankments;</i> <i>(d) rock revetments or stabilising structures including stabilising walls; or</i> <i>(e) infrastructure or structures with a development footprint of 50 square metres or more —</i> <i>but excluding—</i> <i>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(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;</i> <i>(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</i> <i>(dd) where such development occurs within an urban area.”</i></p>	<p>Buildings and infrastructure with a development footprint that exceeds 50m² will be located within 100m of the high- water mark of the sea.</p>
<p>Listing Notice 1</p> <p>Activity Number: 19A Activity Description: <i>“The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i> <i>(i) the seashore;</i> <i>(ii) 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; or</i> <i>(iii) the sea; —</i> <i>but excluding where such infilling, depositing , dredging, excavation, removal or moving—</i> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.”</i></p>	<p>More than 5m³ of material will be moved/removed within 100m of the high-water mark of the sea.</p>

<p>Listing Notice 1</p> <p>Activity Number: 27 Activity Description: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</i></p>	<p>1ha or more of indigenous vegetation (clearance for residential Erven and road) will be cleared.</p>
<p>Listing Notice 3</p> <p>Activity Number: 12 Activity Description: <i>"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></p> <p>i. Western Cape</p> <p>i. <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;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>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;</i></p> <p>iv. <i>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</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</i></p>	<p>More than 300m² of Indigenous vegetation will be cleared within 100m of the high-water mark of the sea.</p>

The abovementioned listed activities are hereinafter referred to as "**the Listed Activities**".

The holder is herein authorised to undertake the following alternative that includes the Listed Activities relating to the development:

The proposed development will entail a residential development and associated infrastructure on Erf 332, Pearly Beach which comprises of the following:

- Fourteen (14) residential erven with a development footprint of approximately 0.86ha;
- The establishment of 3 private Open Space Erven with a footprint of approximately 0.34ha; and
- A private road of approximately 8m wide and approximately 170m in length with a development footprint approximately 0.14ha.

The development footprint of the proposed development will be approximately 1.3ha.

C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on Erf 332, Pearly Beach.

The SG 21-digit code: C0110006000003320000

The co-ordinates of the site are given below:

Site	Latitude (S)	Longitude (E)
Erf 332, Pearly Beach	34° 39' 48.45" S	19° 29' 29.10" E

Refer to Annexure 1: Locality Map(s). Refer to Annexure 2: Site Development Plan(s).

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

GroenbergEnviro (Pty) Ltd.
c/o Mrs. M. Molife
P. O. Box 1058
WELLINGTON
7654

Cell: 082 776 3422

E-mail: Mishe@groenbergenviro.co.za

E. CONDITIONS OF ENVIRONMENTAL AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the Listed Activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above.
2. The holder must commence with the Listed Activities on site within a period of five (5) years from the date of issue of this Environmental Authorisation.
3. The development must be concluded within ten (10) years from the date of commencement of the Listed Activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing 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 approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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.

Written Notice to the Competent Authority

6. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 12, 20, 21 and 23

Notification of Environmental Authorisation and Administration of Appeal

7. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 7.1. notify all registered Interested and Affected Parties (“I&APs”) of –
 - 7.1.1. the decision reached on the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. 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;
 - 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. provide the registered I&APs with the:
 - 7.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. 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 National Appeals Regulations, 2014 (as amended).

Commencement

8. The Listed Activities, including site preparation, may not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
9. 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.

Management of Activities

10. The Environmental Management Programme (“EMPr”) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. The EMPr, including the abovementioned appendices must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced Environmental Control Officer (“ECO”) before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor’s site office and must be made available to any authorised official of the Competent Authority on request.
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 the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the updated Rehabilitation Plan. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
16. The audit reports must be compiled and subsequently submitted to the Department in the following manner:
 - 16.1. The first audit report must be submitted to the Competent Authority within three (3) months after clearing the indigenous vegetation and every six (6) months thereafter; and
 - 16.2. A final audit report must be submitted to the Competent Authority within six (6) months of the completion of the development;
17. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
18. The holder must, within seven (7) calendar days of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request.

Specific Conditions

19. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, 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 artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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

20. The archaeological deposits comprising of archaeological sites 332/4 and 332/5 on the dune alongside Arcadia Street must be sampled by a professional archaeologist before the commencement of land clearing activities on the site.
21. The areas required for land clearing (such as the footprints of the residential dwellings and the internal road system) must be clearly demarcated and all areas outside the demarcated land clearing area must be demarcated as "no-go" areas prior to the commencement of land clearing activities.
22. The footprint of the dwellings proposed on the seaward side of the property must be sufficiently set back from the seaward property boundary to ensure that footprints of dwellings do not compromise the integrity of the adjacent frontal dune system.

23. A search and rescue operation of the "*Brubsvigia orientalis*" and other locally found geophytes must be carried out by a suitably qualified person prior to the construction phase. These bulbs must be transplanted to a similar habitat that is free of disturbance and development.
24. No access points to the coastal area must be permitted from the site across Erf 163, Pearly Beach, in order to ensure that the ecological infrastructure on the frontal dune remain intact. Access to the coastal area must be obtained from existing access points along Arcadia and Tower Streets, only.
25. The applicable requirements with respect to relevant legislation pertaining to cutting, damaging, disturbing or destroying protected trees or trees from a natural forest, particularly with relevance to the milkwood trees present on the site, must be adhered to.
26. The residential dwellings must adopt an organic architectural style through the use of natural materials, subdued earthy colours and slate roofing.

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.
2. Non-compliance with any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. 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 twenty (20) 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 twenty (20) 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 twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to 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: Attention: Mr Marius Venter (Tel.: 021 483 2659)
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 at 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 Authority 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 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 19 JULY 2021

CC: Mrs. Mische Molife (GroenbergEnviro (Pty)Ltd)
Ms. Penelope Aplon (Overstrand Municipality)

E-mail: Mische@groenbergenviro.co.za

E-mail: paplon@overstrand.gov.za

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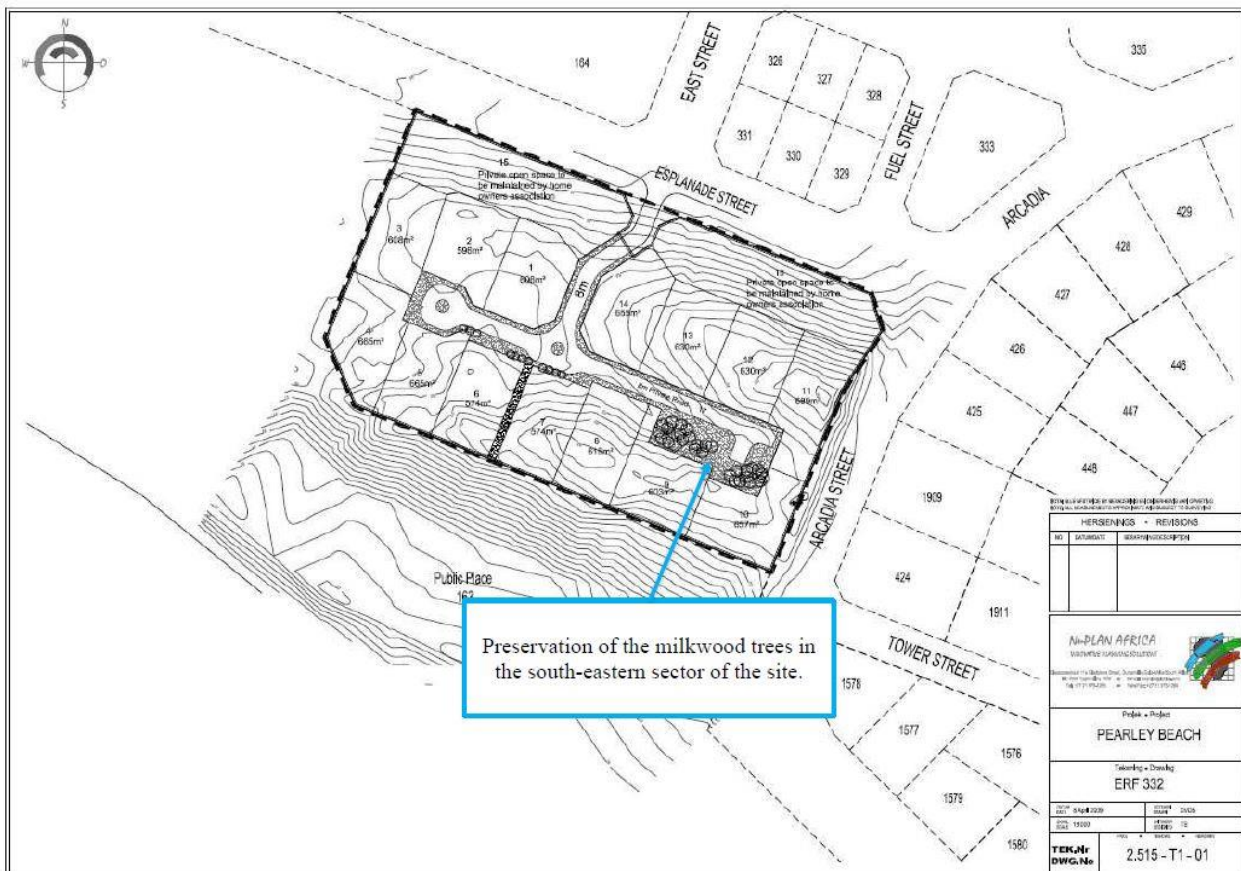
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ANNEXURE 1: LOCALITY MAP(S)



ANNEXURE 2: SITE DEVELOPMENT PLAN(S)



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 by this Department on 25 January 2021, and the EMPr submitted together with the BAR for decision-making on 28 April 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site visit was conducted by officials of the Department's Directorate: Development Management (Region 1) on 4 June 2021.

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. Public Participation

- identification of and engagement with I&APs;
- fixing a notice board at the site where the Listed Activities are to be undertaken on 28 January 2021;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the Listed Activities are to be undertaken, the Municipality, Organs of State and State Departments having jurisdiction in respect of any aspect of the proposed development; and
- the placing of a newspaper advertisement in the '*Hermanus Times*' on 27 January 2021.

Concerns regarding the potential environmental and visual impacts related to the proposed development were highlighted by I&APs. In order to address the concerns raised by I&APs, the recommendations of the various specialists' reports submitted along with the BAR were incorporated into the design of the Preferred Alternative. None of the authorities consulted offered any objections to the proposed development.

This Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Alternative 1 (Preferred Alternative Herewith Authorised)

The Preferred Alternative will entail a residential development and associated infrastructure on Erf 332, Pearly Beach which comprises of the following:

- Fourteen (14) residential erven with a development footprint of approximately 0.86ha;
- The establishment of 3 private Open Space Erven with a footprint of approximately 0.34ha; and
- A private road of approximately 8m wide and approximately 170m in length with a development footprint of approximately 0.14ha.

This alternative was preferred due to the fact that the visual impacts, as well as impacts on traffic and municipal services will be minimal. The preferred alternative will result in the retention of the milkwood trees on the proposed site. In addition to the above, this alternative was preferred by the botanical specialist.

Alternative 2

The alternative entails a three-storey hotel (9m high) with a coverage of 50% of the said property, extensive parking areas for clients and Private Open Space.

This alternative was not preferred, as it would result in extensive earth-moving activities on site to create the building footprint, loss of protected Milkwood trees, as well as greater visual and traffic impacts than the preferred alternative.

'No-Go' Alternative

The "no-go" alternative entails leaving the site undeveloped. This alternative was deemed unfeasible, as it was argued that the property will eventually be developed, given its location inside the urban edge and its existing planning rights to develop.

3. Key Factors Affecting the Decision

3.1 Need and Desirability

Subsequent to the original approval issued in terms of the NEMA EIA Regulations (2014, as amended) in 2014, the proposed site was rezoned from 'Central Business Zone' to 'Subdivisional Area' to permit the proposed development. The proposed site is located within the municipal urban edge and is surrounded by existing residential development. The proposed development is consistent with the Municipality's Spatial Development Framework, as the site has been earmarked for urban development. The proposed development aims to compliment and strengthen this existing built environment and urban character by means of the low-density and small scale nature of the development. The local authority has confirmed in correspondence (dated 23 April 2021) that sufficient capacity exists to provide the proposed development with water, sewage treatment and refuse removal. The local authority also confirmed in correspondence (dated 28 April 2021) that sufficient capacity exists to provide the proposed development with electricity.

3.2 Heritage Resources

According to the Archaeological Impact Assessment Report (compiled by Jonathan Kaplan from the Agency for Cultural Resource Management, dated February 2010), eight archaeological occurrences were documented on the said property. These occur mostly in the eastern portion of the site. The archaeological sites typically comprise small, mostly very low density scatters of fragmented shellfish. Stone artefacts frequencies in the area are also very low, comprising at most of one or two quartzite flakes and chunks. These archaeological occurrences have been rated as having low significance and no mitigation action is required. Several dumps of White Mussel and Perlemoen were also found on the site, but these are modern and the result of poaching. Heritage Western Cape has confirmed in writing (in comments dated 6 April 2010 and dated 21 September 2020) that they accept the recommendations of the above mentioned specialist report, which has been included in the EMPr and as a condition of this Environmental Authorisation.

3.3 Visual Impacts

According to the Visual Assessment (compiled by Albert van der Stok dated October 2010), the site falls well within the urban fabric of Pearly Beach both from a planning and a visual perspective and it is expected that over time the undeveloped areas of the town will be developed to their full potential. The proposed development will only significantly affect viewpoints within Pearly Beach itself and no specific tourist routes or facilities will be adversely affected. There will be a significant visual impact on a limited number of views from existing houses to the north and east of the site. The visual impact of the preferred alternative has been rated as having medium overall significance, with the implementation of all mitigation measures.

The development will not compromise the visual character and sense of place of the greater Pearly Beach, since the development will be located within the municipal urban edge and within an existing residential area.

3.4 Biodiversity/Botanical Impacts

According to the Botanical Impact Assessment (compiled by Dr Dave McDonald (Bergwind Botanical Surveys and Tours) dated March 2010 and confirmed by the same botanist in a botanical statement dated 15 October 2020), the site comprises well-developed Overberg Dune Strandveld, which is not classified as a critically endangered or endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEM: BA"), List of Threatened Ecosystems in Need of Protection, December 2011). One Red Data listed species has been found on the site. Milkwood trees are concentrated in the south-eastern corner of the site. The Preferred Alternative will protect the existing milkwood trees. The site has not been identified as a Critical Biodiversity Area. Although the site is located on a frontal dune, Pearly Beach is protected by a rocky coastline on the eastern side and rocky outcrops on the western side. The cumulative impact of the loss of Overberg Dune Strandveld is rated to be of low negative significance, since the development of Erf 332, Pearly Beach will result in the loss of a very small portion of this vegetation type within its regional extent.

3.5 Coastal Considerations / Climate Change Considerations

Development situated in close proximity to the coastal area must consider Section 63 of National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 84 of 2008) ("NEM: ICMA"). The proposed site falls within the Coastal Protection Zone, as delineated in accordance with Section 16 of the NEM: ICMA. A portion of the property's seaward boundary is located within 100m from the high water mark of the sea, however, the property falls behind the 1:50 year hazard line entirely. The site is located landward of the Overberg Coastal Management Line ("CML"), however, a portion of the site falls within the urban low risk zone, as modelled in the Overberg CML Refinement project, 2016. The footprint of the dwellings proposed on the seaward side of the property will be set back from the seaward property boundary. The EIA has considered climate change and its potential impact on the development. As such, the proposed development does not conflict with the objectives of NEM: ICMA.

The development proposal will result in both negative and positive impacts.

Negative impacts include:

- Loss of indigenous vegetation; and
- Potential impacts on the coast and frontal dune.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- The creation of additional temporary employment opportunities during the development phase;
- The development will protect existing milkwood trees;
- The development will have minimum earth-moving and excavation; and
- The development will have low trip generation and traffic impact.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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.

5. Conclusion

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

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