
REFERENCE: 16/3/3/1/D5/19/0008/22
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 03 October 2022

Daily Double Trading 447 cc
Unit 19
Eden Mall

STILBAAI
6674

Attention: Mr. Ben Bekker

Cell: 082 331 0281

Email: Benbekker25@gmail.com

Dear Sir

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 (AS AMENDED): PROPOSED REZONING AND SUBDIVISION OF ERF 3927 FOR PATRYS DEVELOPMENT, STILL BAY WEST, 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 10 June 2022, received by the Directorate: Development Management (Region 3)

hereinafter referred to as "this Directorate" on 13 June 2022 as prepared and submitted by Cape EAPrac, the appointed Environmental Assessment Practitioner ("EAP").

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

Daily Double Trading 447 cc

% Ben Bekker

Unit 19

Eden Mall

STILBAAI

6674

Cell: 082 331 0281

Email: Benbekker25@gmail.com

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 3 of 2014, (as amended)	
Activity Number 12 Activity Description: 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;	The property is currently zoned private open space and the proposal will result in the removal of more than 300m ² of indigenous vegetation on land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space.

<p>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;</p> <p>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</p> <p>v. 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.</p>	
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The abovementioned list is hereinafter referred to as “**the listed activity**”.

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

The proposal entails the rezoning and subdivision of Erf 3927 to Group Housing with internal Open Space to develop 12 individual erven on the property. The development will connect to existing services located in Bessie Street.

The development proposal will be implemented approximate to the Site Development Plan attached to this Environmental Authorisation as Annexure 2.

C. SITE DESCRIPTION AND LOCATION

The development is proposed on Erf 3927, a portion of the private open space which formed part of the initial Patrys development. The property is located immediately adjacent and to the North of the Jongensfontein Road. The site contains numerous individual milkwood trees which is incorporated into the proposal. Road access already exists via Bessie Street for the Patrys Development and other residential homes in the vicinity.

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

Latitude (S)	Longitude (E)
34° 23'09" South	21° 24' 10" East

SG Digit Code: C06400060000392700000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Cape EAPrac (Pty) Ltd
% Ms Louise-Marie van Zyl
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 date of issue until **03 October 2032**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site. The holder must:
 - 1.1. Start with the physical implementation of the authorised listed activities and exceed the threshold of all the authorised listed activities on the site by 03 October 2027; and
 - 1.2. Conclude the authorised listed activities on the site and post construction rehabilitation and monitoring and auditing requirements by no later than 03 October 2032; 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 described in the FBAR received by this Directorate on 13 June 2022 on the site as described in Section C above. The proposal entails the rezoning and subdivision of Erf 3927 to Group Housing with internal Open Space to develop 12 individual erven on the subject property. The development will connect to existing connections to services located in Bessie Street. This requires the clearance of more than 300m² of indigenous vegetation. **The development proposal will be implemented approximate to the Site Development Plan attached to this Environmental Authorisation as Annexure 2.**
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 of this authorisation 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 –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) 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:
 - (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) 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: 6, 7, 8, 10 and 22

Management of activity

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval, subject to the following requirements:

8.1. The EMPr must be amended to incorporate the following —

- (a) The milkwood trees on site must be surveyed by a global positioning system (GPS) to determine the location of each milkwood tree in the open space to be affected by the proposed development. The placement of each individual residential unit in relation to the location of the milkwood trees must be indicated on a plan. The placement of the residential units must be done in such a way that the milkwood trees remain undisturbed. This must be done in cooperation with the Forestry Section of the Department of Forestry, Fisheries and Environment (DFFE).
- (b) Environmental Control Officer compliance reports must be submitted monthly during the construction phase to this Directorate.
- (c) Incorporate all the conditions contained in this Environmental Authorisation. The section dealing with the management and demarcation of the No-Go area's (including the open space areas) must clearly state how the areas will be demarcated prior to any earthworks / commencement of construction.
- (d) Details regarding the search and rescue to be undertaken.
- (e) The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must be included in the EMPr.

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.

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

Monitoring

10. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO") for the duration of the construction and rehabilitation phases of the proposed development.

11. The ECO must–

11.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing;

11.2. ensure compliance with the conditions of the environmental authorisation and provisions of the EMPr;

11.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;

11.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

12. 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.

13. 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

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr, is audited.

15. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must be included in the EMPr for approval by the competent authority, and 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.

16. The Environmental Audit Report(s), must –
- 16.1. 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;
 - 16.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) 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.
 - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.4. evaluate the effectiveness of the EMPr;
 - 16.5. identify shortcomings in the EMPr;
 - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.7. indicate the date on which the construction work (or phases if it is a phased development) was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.8. the progress of the rehabilitation;
 - 16.9. include a photographic record of the site applicable to the audit; and
 - 16.10. be informed by the ECO reports.
17. Environmental auditing must comply with the relevant legal requirements applicable at the time.

Specific Conditions

18. The northern corner of the site contains the highest concentration of protected milkwood trees and must remain private open space and also demarcated as a No-Go area prior to and during construction.
19. No protected milkwood trees may be removed and should any trimming be required, the necessary Permits must be obtained from the relevant competent authority.
20. The following Resource Conservation Measures must be implemented and included in all sales agreements:
- 20.1. All group housing units must be fitted with a rainwater tank with a minimum capacity of 5000 litres for the collection and storage of rainwater from roofs.
 - 20.2. Rainwater collected from roofs must receive preferential use in the irrigation of gardens or other outdoor requirements.

- 20.3. All units must be fitted with and use low flow showerheads, tap aerators and dual-flush toilets.
- 20.4. All units must be fitted with and use energy-efficient lighting and heating designs.
21. All solid waste generated by the authorised development during the construction phase must be disposed of at a landfill site licensed in terms of the relevant legislation.
22. Construction activities may only commence once the necessary upgrades to the sewage works in Still Bay has been made or once the Hessequa Municipality has confirmed sufficient unallocated capacity to handle sewage resulting from the proposed development.
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.

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 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. conditions 6, 8, 10 and 22). 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 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: 03 OCTOBER 2022

COPIED TO:

Copies to: Ms L. van Zyl

Mr. H. Visser

Cape EAPrac

Hessequa Municipality

Email: louise@cape-eaprac.co.za

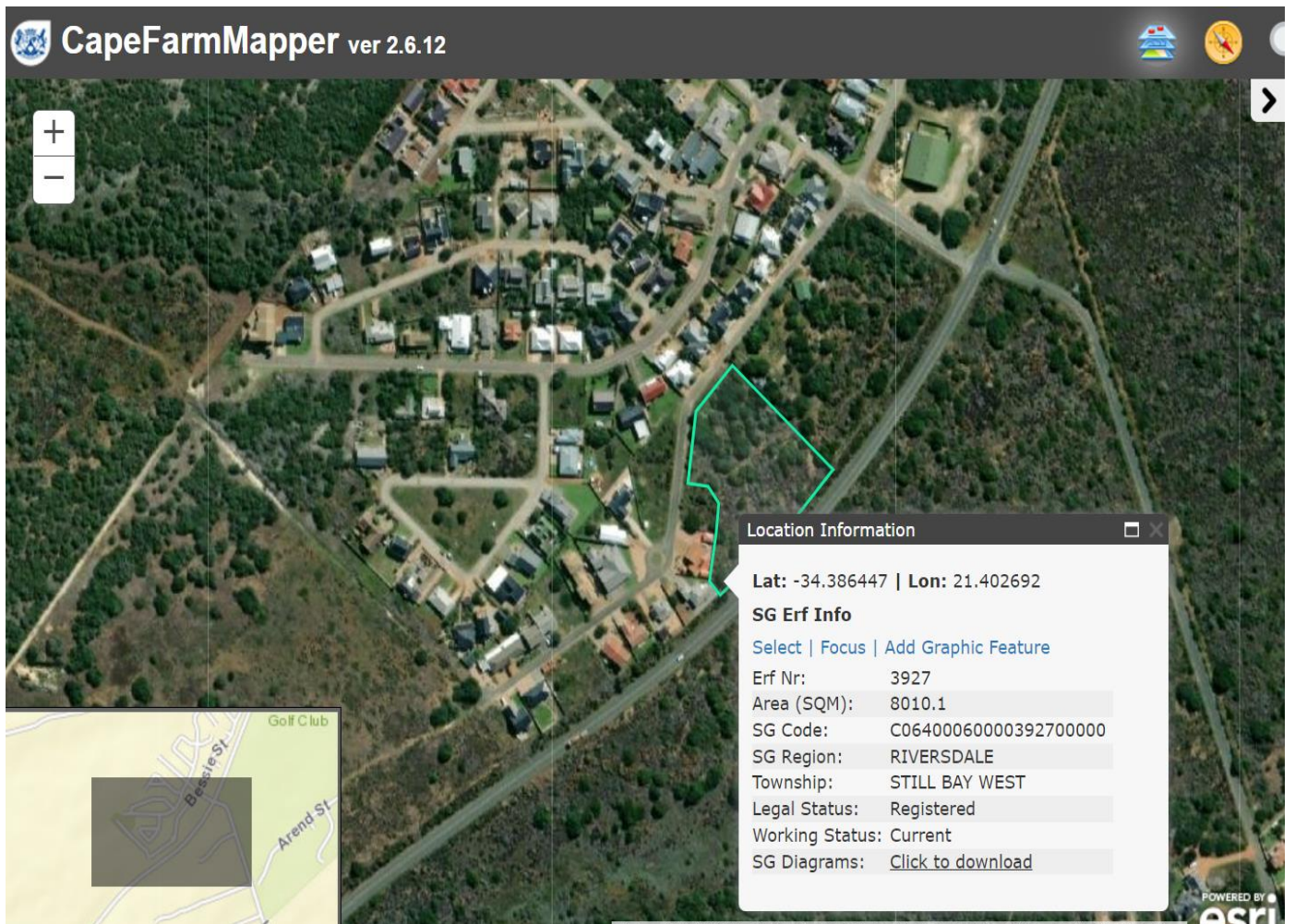
Email: hendrik@hessequa.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D5/19/0008/22

NEAS REFERENCE: WCP/EIA/0001055/2022

ANNEXURE 1: LOCALITY MAPS



ANNEXURE 2: SITE DEVELOPMENT PLAN



AREAS SKEDULE:

ESDP 1 (TYPE 1)	ESDP 2 (TYPE 1)	ESDP 3 (TYPE 1)	ESDP 4 (TYPE 1)	ESDP 5 (TYPE 1)	ESDP 6 (TYPE 1)	ESDP 7 (TYPE 1)	ESDP 8 (TYPE 1)	ESDP 9 (TYPE 1)	ESDP 10 (TYPE 1)	ESDP 11 (TYPE 1)	ESDP 12 (TYPE 1)	ESDP 13 (TYPE 1)
huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²	huiskap: 80,70m²
motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²	motarhuiskap: 23,00m²
afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²	afval: 20,00m²



JAANSOEK OM HERSONERING EN ONDERVERDELING:

Hiermee word aantoek gegee om die volgende in terme van die relevante Artikels van die Verordening op Grondwetlike Reguleer van die Munisipaliteit van Houtbaai, 2016:

- Hersonering kragtens Art. 15.2 (a) van Erf 3927, Stilbaai, vanaf Oop Ruimte II na Onderverdelingsgebied; en
- Onderverdeling van b.g. Onderverdelingsgebied kragtens Art. 15.2 (d) soos aangepas op Plan en uitgewys in Tabel A hieronder.

GELES IN DIE MUNISIPALITEIT HESSEQUIA EN ADMINISTRATIEWE DISTRIK WESERSON.

Sonering	Grond Nrs.	Grondgebruik	Area (m²)	%
Alig. Woon II	1 - 12	12	5.275.771	86
Oop Ruimte II	13	1	1.685.729	20
Privatiseering II	14	1	1.081.500	14
TOTAAL			8.043.000	100

Digtheid: 14,98 eenhede/ha
 Erfgrootte: 27 0m² - 620m²
 Gemiddelde #grasie: 440m²

OPMERKINGS:

- Die Melkhuiskom (Skedule 10 in rems) is deur Bekker & Houtman Land Surveyors opgeneem en getoets; en
- Die voorgeelde groep behuisingsoortede sal 'n hoër motorisatie ontwerpe argitektoniese se omland vorm.

NOTAS:

- Opmerking: Bekker & Houtman Land Surveyors;
- Argitektoniese in rems: Atrio Architectural Designs; en
- Konstruksietekening: 0,5m

ABOEFON J.K. - Erf 3927, Stilbaai Wes
 Erfgrootte: 800m²
 Konstruksie: 500m²

Soos voorgedra op areas skedule	Erf pennis	
3 Grondse huis tipes	Riool mangat	⊕
Type 1: 80,70m² (steeg huis)	Melkhuiskom	⊕
Type 2: 80,70m² (steeg huis)		
Type 3: 76,50m² (steeg huis)		

huis met enkel motor
 addisionele motor afval
 oordelike steeg
 oort

ATRIO ARCHITECTURAL DESIGNS (Pty) Ltd.
 Yolanda Hamilton
 082 203 0385
 yhamilton@atrio.net
 SACAP: PSAT20994

HERSONERING EN ONDERVERDELING VAN ERF 3927 STILBAAI - WES

SKAAL: 1:500 (A3) SCALE

dek & co Town and Regional Planners
 State - en Streekbeplanners
 Yorkstraat 50, York Street
 P.O. Box 1139 / P.O. Box 1196
 George 6513
 Tel: (044) 814 5207
 Fax: (044) 813 6204
 E-pos: E-mail: info@dek.co.za

Beplan	D.N.	Plan
Geplan	Y.H.	SB/C/207-1
Datum	Augustus 2018	PREFERRED ALTERNATIVE

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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 March 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 13 June 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 submitted to this Directorate on 13 June 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) All relevant information was made available in the FBAR to understand the environmental and spatial context and the case officer is familiar with the area.

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

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 refers.
 - fixing a notice board at the site in March 2022;
 - 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, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
 - making the draft BAR available for 30 days from 28 March 2022 until 3 May 2022,
 - placing of a newspaper advertisement in the 'Suidkaap Forum' on 25 March 2022.
- The following Organs of State provided comment on the proposal:
- ❖ Hessequa Municipality
 - ❖ CapeNature
 - ❖ Department of Agriculture
 - ❖ South African Civil Aviation Authority (SACAA)
 - ❖ Department of Environmental Affairs & Development Planning
 - ❖ Heritage Western Cape

The following State Departments were contacted to comment but no comment was received.

- ❖ Department of Health
- ❖ Department of Transport
- ❖ SANRAL
- ❖ Eden District Municipality
- ❖ Department of Forestry
- ❖ Department of Water Affairs (via Breede Gouritz Catchment Management Agency or BGCMA)

The Department of Agriculture confirmed that Act 70 of 70 does not apply to the proposed development. No further soil studies or agriculture potential studies were required.

Heritage Western Cape confirmed that the site is not deemed sensitive, and they issued their approval without the need for any further investigations/assessments.

The SACAA commented that the proposed development must comply with all civil aviation regulations and protocols, however, the EAP has confirmed that the proposed development, due to its nature, does not trigger any civil aviation regulations or protocols.

The BGCMA was contacted but provided no comment.

No comment was received from the Department of Environment, Fisheries and Forestry (DEFF) on the EIA application, however, in response to the Land Use Planning Application an objection was raised by DEFF in response to the incorrect zoning. The development lay-out also avoids all milkwood trees situated on the property.

The “Stilbaai Belangeforum” raised a question as to why the site was excluded from the initially approved development and zoned open space. The EAP responded and explained that, at the time of the initial application, the owner of the adjacent erf (Erf 2763) objected to the proposal and the required area was set aside as a buffer between Patrys and Erf 2763. Erf 2763 has since been sold and there is also development currently proposed on this erf. The buffer or open space area between Patrys and Erf 2763 is therefore no longer required.

This Department is satisfied that all comments and issues raised by the respective Organs of State and I&APs that were captured in the revised Basic Assessment Report were adequately responded to by the EAP.

2. Alternatives

No property or site alternatives were considered as part of the assessment of the proposed development.

Preferred Alternative

The preferred alternative entails the clearance of more than 300m² of indigenous vegetation on land (Erf 3729), where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space in order to develop 12 individual erven on the property. The development will connect to existing connections to municipal services located in Bessie Street.

Although the site is zoned open space, the site does not contain any rare or threatened species and does not contain any sensitive watercourses. Although the site contains numerous individual milkwood trees, these have been incorporated into the lay-out plan and will not be lost because of the proposed development. The area where the highest density of milkwood trees occur on the property have been kept open and will be available to residents as an internal open space. The proposal will fit in with the surrounding residential area and will not deter from the character of the area.

Technology Alternatives

Instead of the normal technologies, the applicant has considered and will be implementing the following technologies:

- The use of solar or heat pumps which will reduce the demand on municipal electricity.
- The use of rainwater tanks which will provide the households with water for gardening or other uses that reduces the demand on municipal water supply.
- The use of LED lights which will reduce the demand on municipal electricity.
- The implementation of Sustainable Drainage Systems (SUDS) is supported as part of overall stormwater management requirements.

"No-Go" Alternative

This alternative entails 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.

3. Impact Assessment and Mitigation Measures

3.1 The Site

The site is situated within an established residential area on its northern and western boundaries and flanked by a main access road between the town of Still Bay and the coastal village of Vermaaklikheid to the West. The site is situated close to an existing residential development and within close proximity of the Still Bay central business district. The development can therefore be considered infill development to optimise vacant land within the urban edge.

The site contains a number of individual milkwood trees, but besides that it is not considered sensitive from an environmental perspective as it contains no threatened or rare species nor any watercourses. The site also does not form part of any Critical Biodiversity Area (CBA) or Ecological Support Area (ESA). The milkwood trees has been retained within the lay-out plan and the area where most of the milkwood trees occur will remain public open space.

3.2 Activity need and desirability

The property is located inside the urban edge of Still Bay West, immediately adjacent to the Jongensfontein Road. Access exists via Bessie Street that service the Patrys Development and other residential homes in the vicinity. Because Erf 3927 forms part of the greater Patrys Development, municipal services are readily available along the road already. Hessequa Municipality has confirmed the availability of municipal services and connections are available in Bessie Street. However, the Municipality could not confirm that there is sufficient unallocated capacity at the Waste Water Treatment Works. Condition 22 above addresses this issue.

According to the FBAR the location of the site is within close proximity of the CBD, main access and other residential developments, which makes this the ideal place and time for this type of development proposal. In light of the latter, this Department is of the opinion that the proposal satisfies both components (i.e. time and place) of need and desirability and therefore supports the development proposal.

3.3 Biophysical Impacts

According to the FBAR impacts on the biophysical environment of the preferred location or property are anticipated. However, the expected impact on the biophysical environment through the lifecycle of the proposed development is considered to fall within acceptable levels. Further to this, the construction phase of the proposed development will require earthworks for the installations of services, construction of internal roads and residential units. The required vegetation clearing will expose the soil to wind and erosion, which could potentially result in soil erosion. These activities will subsequently increase storm water runoff and potential sedimentation of the watercourse to some degree. However, the risks and impacts associated with the construction can be mitigated to acceptable levels through the sound implementation of the mitigation measures contained in the EMP.

3.4 Biodiversity

According to the FBAR the site is zoned open space I. Ground truthing of the site by a specialist revealed or confirmed that the site has no functioning ecological corridor, no rare or endangered fauna or flora species that occurs on it and does not have any connectivity to any other corridors or open space and is therefore considered to have a low biodiversity value. The retention of the milkwood trees within the lay-out also ensures that no additional loss takes place as a result of the proposed development.

All specialists have confirmed that the proposed alternative of changing the land use from private open space to subdivisinal area is deemed acceptable on condition that the protected tree species must be avoided and that any trimming of the said trees be subject to Forestry Permits. However, no removal of the trees must take place.

None of the comments received by authorities highlighted any need to investigate any other reasonable or feasible alternatives and none indicate any objection to the preferred alternative during the environmental impact process.

3.5 Heritage / Archaeological Aspects

Heritage Western Cape confirmed that the site is not deemed sensitive from a heritage perspective and issued an approval without the need for any further investigations/assessments.

In 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 or archaeological aspects. 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 and the comments and recommendations of the relevant heritage resources authority with regards to the proposed development have been taken into account.

3.6 Services

The FBAR submits that because Erf 3927 is part of the greater Patrys Development, municipal services are readily available and no bulk upgrades are required with regards to water supply. However, the Municipality has indicated in their letter dated 31 August 2022 that the existing sewage works does not have capacity to service the proposed development and that the Municipality is in the early phases of planning the proposed upgrade to the sewage works. The proposed upgrade of the waste water treatment works is unlikely to require prior environmental authorisation as the threshold for the expansion of an existing sewage works is increasing the capacity by 15 000 cubic metres or more per day and increasing the development footprint by 1 000 square meters or more. Furthermore, due to the fact that connections exist along Bessie Street, the linking up of the services is unlikely to trigger any listed activities as the threshold is 1000m in length. Due to the fact that the proposal is only for only 12 units, which represents a relatively small development, a condition has been included in this authorisation that construction activities may only commence once the necessary upgrades are made to the sewage works that will service the proposed development. Electricity will be installed within the building lines of erven directly to the North, to link up with the existing Strandloper mini-substation in Geelhout Street.

According to the FBAR stormwater that will be generated by the proposed development will be handled by means of the existing municipal stormwater systems. The FBAR submits that stormwater via surface

flow will be directed to the existing internal street stormwater network from where it will be collected in Bessie Street, as well as the remaining open space areas in the northern portion of the site.

3.7 Traffic

According to the FBAR access to the proposed development will be via Bessie Street and no direct access will be allowed from the Jongensfontein Road. According to Element Engineers, the proposed development will add 9 vehicles to the peak hour traffic, which is deemed very low and therefore this Directorate agrees that the traffic impact of the proposed development will be low.

3.8 Other Impacts

According to the FBAR no other impacts of significance are anticipated as a result of the proposed development.

Scope and Validity Period of authorisation

The applicant has indicated that the construction activities must be completed within a period of 10 years. The environmental authorisation's validity period has been granted for a period of ten years (10) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit.

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.

Conclusion

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

- (a) The identification and assessment of impacts are detailed in the FBAR received by this Department on 13 June 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (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 EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved 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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