



EIA REFERENCE NUMBER: 16/3/3/1/D5/18/0010/20
NEAS REFERENCE: WCP/EIA/0000832/2020
ENQUIRIES: Mr Steve Kleinhans
DATE OF ISSUE: 15 APRIL 2021

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: THE PROPOSED STILBAAI LIFESTYLE VILLAGE ON ERF 4784 (A PORTION OF ERF 657), INCLUDING ERF 4785 (ACCESS ROAD), STILL BAY WEST

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 **Alternative 2 (preferred alternative)**, described in the Final Basic Assessment Report ("FBAR"), dated 4 December 2020, as prepared and submitted by Cape Environmental Assessment Practitioners ("Cape EA-Prac"), 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

The Managing Director
ELLENRUST PROPERTIES (PTY) LTD
% Mr. Ernest de Villiers Neethling
Bergsig Villas 10, 305 Jan van Riebeeck Street
ODTSHOORN
6625

Tel: (044) 050 4273
E-mail: devilliers@dnpgroup.co.za

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

B. LIST OF ACTIVITY/IES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)	
<p>Activity Number: 27 Activity Description:</p> <p>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—</p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposed development of the Stilbaai Lifestyle Village will require the clearance of approximately 4.9 hectares of indigenous vegetation.</p>

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 activity as it relates to the development:

The proposal entails the development of a lifestyle village inclusive of a residential component with a frail care facility on Erf 4784. Furthermore, a new six-metre-wide public street will be developed over Erf 4785 to provide access to the proposed development and will link to the MR331/MR332 to form a four way stop. The development will also include internal private open space of approximately 0.8 hectares. The proposed development will require the clearance of approximately 5.7 hectares of vegetation and be implemented in three over a period five years (depending on market conditions), which entails the following:

- **Phase 1:** 42 residential units (free hold title) and 16 Frail care beds;
- **Phase 2:** 38 residential units (free hold title) and service / communal centre; and
- **Phase 3:** 40 residential units (free hold title), eight (8) assisted living units), six (6) frail care units and the remainder of the service/communal centre

In addition, hereto the following associated infrastructure will be constructed:

- An internal paved road network with roads of 5.5m wide and bell mouths with 8m radius;
- Water connection to an existing 150mm water main in Main Road and internal water reticulation consisting of 75mm and 110mm diameter pipes;
- Internal sewer consisting of 160mm diameter mains and 110mm (minimum) house connections. Sewage will gravitate to existing manhole in Paling street via a 193m long link sewer.
- Storm water infrastructure consisting of pipeline and reno-matras structures; and
- Electrical reticulation infrastructure

The proposal will be implemented approximate to Site Development Plan (*PROJECT NO: 1733; DRAWING NO: S001; DATED 13 March 2019*) as drafted by SDK Architects.

C. SITE DESCRIPTION AND LOCATION

The proposed development will be located on Erf 4784 in Still Bay West, directly behind the South African Police Service Station, Municipal office, Stilbaai Community Hall and Library. The property can be accessed by driving along Main Road from the Still Bay CBD in a south-easterly direction to the

MR331/MR332 intersection near the SAPS Station. At the intersection the gravel road to the left (north) is taken to the site.

Coordinates of the site:

Latitude (S)			Longitude (E)		
34°	22'	31.9"	21°	24'	40.0"

SG digit code: C06400060000478400000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

CAPE ENVIRONMENTAL ASSESSMENT PRACTITIONERS

% Ms. Louise-Mari van Zyl

Tel: (044) 874 0365

PO Box 2070

Fax: (044) 874 0432

George

E-mail: louise@cape-eaprac.co.za

6530

URL: <https://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 **30 April 2027**, the date on which the listed activity, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.
2. The holder is authorised to undertake the listed activity specified in Section B above in accordance with *the Alternative 2* described in the BAR, dated 4 December 2020, on the site as described in Section C above.

Further to the above, the Environmental Authorisation is subject to the following:

- 2.1. The Holder must start with the physical implementation of the authorised listed activity on the site by 30 April 2022.
- 2.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 3-months from the date the development activities (construction phase) are concluded; but by no later than 31 October 2026.

Note: Failure to complete the post construction rehabilitation and monitoring requirements at least six-months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

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).

3. The Holder is authorised to undertake the listed activity specified in Section B above in accordance with Alternative 2 (preferred alternative) described in the FBAR, dated 4 December 2021, on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the *Alternative 2 (preferred alternative)* which entails:

The development of a lifestyle village inclusive of a residential component with a frail care facility on Erf 4784. Furthermore, a new six-metre-wide public street will be developed over Erf 4785 to provide access to the proposed development and will link to the MR331/MR332 to form a four way stop. The proposed development will require the clearance of approximately 4.9 hectares of vegetation and be implemented in three over a period five years (depending on market conditions), which entails the following:

- **Phase 1:** 42 residential units (free hold title) and 16 Frail care beds;
- **Phase 2:** 38 residential units (free hold title) and service / communal centre; and
- **Phase 3:** 40 residential units (free hold title), eight (8) assisted living units), six (6) frail care units and the remainder of the service/communal centre

Furthermore, the proposed development also includes the installation of associated service infrastructure i.e. internal roads, sewer, water reticulation and storm water management infrastructure. The proposal will be implemented approximate to Site Development Plan (*PROJECT NO: 1733; DRAWING NO: S001; DATED 13 March 2019*) as drafted by SDK Architects.

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. 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.
6. 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

7. The Holder must in writing, within 14 (fourteen) 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 2014 National Appeals Regulations (as amended).
- 7.5. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
- 7.6. 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

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.
 - 8.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2. The notice must also include proof of compliance with the following conditions described herein:
Condition no.: 7, 10 and 11
9. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity/activities

10. 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:
 - 10.1. The amended EMPr must —
 - 10.1.1. incorporate all the conditions given in this environmental authorisation;
 - 10.1.2. stipulate that Environmental Control Reports must be submitted monthly to the competent authority;
 - 10.1.3. stipulate that completion reports for each phase of the proposed development must be submitted to the competent authority within three months of the completion of each phase; and
 - 10.1.4. be submitted to the Competent Authority prior to the commencement of the development activities (construction phase), including site preparation commencing.

Note: 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.

Environmental Auditing

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid, ensure—
 - 15.1. the compliance with the conditions of the environmental authorisation and the EMPr, is audited; and
 - 15.2. that an Environmental Audit Report is submitted to the Competent Authority within six (6) months of completion of the development activities (construction phase), during which period the post construction rehabilitation and monitoring requirements must be concluded too, but by no later than 31 January 2027.

Note: Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements.

16. The Environmental Audit Report, 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—
 - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

- 16.2.2. 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.
 - 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 was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.8. indicate the date on which the operational phase was commenced with and 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. 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

- 18. The existing *Sideroxylon inerme* (milkwood) trees must be retained and incorporated into the development layout. These trees may only be removed with approval from the relevant authorities.
- 19. 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 activity.

Amendment of Environmental Authorisation and EMPr

- 2. If the Holder does not start with the listed activity and exceed the threshold of the 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.

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 subject to compliance with all the peremptory conditions. 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.

8. 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.
9. 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;
 - 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; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAadmin.George@westerncape.gov.za
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.
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAadmin.George@westerncape.gov.za
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.

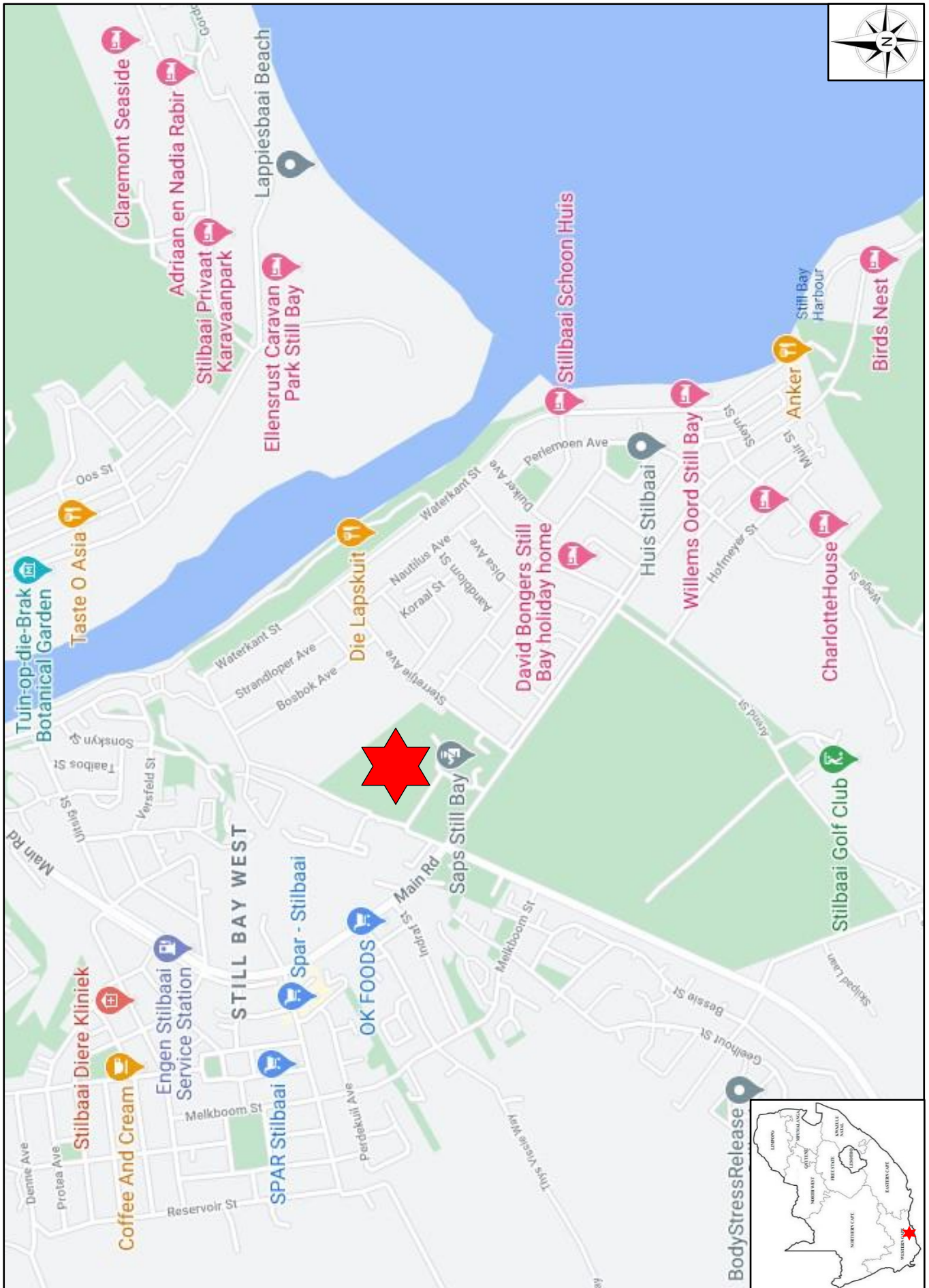
Yours faithfully

MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: **15 APRIL 2021**

FOR OFFICIAL USE ONLY:	
EIA REFERENCE NUMBER:	16/3/3/1/D5/18/0010/20
NEAS REFERENCE:	WCP/EIA/0000832/2020

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN(S)



REVISION	REVISION DESCRIPTION	DATE	BY
E	USE LAYOUT TO ACCOMMODATE EXISTING TREES.	25.10.2018	AD
F	REVISION OF SERVICE CENTRE TO POSSIBLE BORDERLINE.	25.10.2018	AD
F	REVISION OF SERVICE CENTRE TO POSSIBLE BORDERLINE.	25.10.2018	AD
F	REVISION OF SERVICE CENTRE TO POSSIBLE BORDERLINE.	25.10.2018	AD
F	REVISION OF SERVICE CENTRE TO POSSIBLE BORDERLINE.	25.10.2018	AD

PLEASE NOTE: THIS SITE PLAN IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. ANY DISCREPANCIES BETWEEN THIS DRAWING AND THE ORIGINAL DRAWING SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE ARCHITECTS ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING. THE ARCHITECTS SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.

SDK ARCHITECTS
 131 Mitchell Street
 PO Box 645
 George 6530
 Tel: 044 874 2304/5
 Fax: 044 874 2307
 Cell: 082 898 9647
 www.sdkarchitects.com
 info@sdkarchitects.com

reason	check	scale	scale
ADT	JJK	1:750	1:750
date	13/10/2018	drawing no.	S001
work no.	1733	proj no.	F

SITE DEVELOPMENT PLAN scale 1:750

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 14 September 2020, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 8 December 2020;
- 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 on 8 December 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

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 notice boards at various locations on 17 September 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, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 14 and 16 September 2020;
- the placing of a newspaper advertisement in the 'Mossel Bay Advertiser / Suid-Kaap Forum' on 11 September 2020; and
- making the Draft Basic Assessment Report available to I&APs for public review and comment from 17 September to 19 October 2020.

The following State Departments / Organs of State provided comment on the proposal:

- ❖ *Heritage Western Cape;*
- ❖ *Breede-Gouritz Catchment Management Agency;*
- ❖ *CapeNature;*
- ❖ *Western Cape Government: Department of Transport and Public Works*
- ❖ *Western Cape Government: Department of Agriculture;*
- ❖ *Western Cape Government: Department of Health;*
- ❖ *Department of Forestry, Fisheries and the Environment: Forestry Western Cape;*
- ❖ *South African Civil Aviation Authority; and*
- ❖ *South African Police Service: Still Bay*

Furthermore, comments from the following Interested and Affected Parties:

- ❖ Mr. N. van Wyk;
- ❖ The Stil Bay Heritage Conservation Trust; and

❖ Stilbaai Interest Group

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

2. Alternatives

Layout Alternatives considered:

Layout Alternative 1:

This alternative entails the development of 121 loose standing (single storey), freehold title retirement homes, ten semi-detached assisted living units and a frail care facility with 22 beds administrative and communal facilities. A new six-metre-wide public street will be developed over Erf 4785 to provide access to the proposed development and will link to the MR331/MR332 to form a four way stop. Internal private open space will also be provided. The development is proposed to be developed in three phases over a period of five years.

The alternative shall be implemented approximate to the Layout Plan (Plan No: Pr1915SB4787L01, dated 28 May 2019) drafted by *Marika Vreken Urban and Environmental Consultants*. This alternative will result in the removal of five milkwood trees to accommodate this alternative.

Layout Alternative 2: Preferred Alternative ("Herewith Approved")

This alternative entails the development of 120 loose standing (single storey), freehold title retirement homes, eight semi-detached assisted living units and a frail care facility with 22 beds and; administrative and communal facilities on Erf 4784 in Still Bay West. Furthermore, a new six-metre-wide public street will be developed over Erf 4785 to provide access to the proposed development and will link to the MR331/MR332 to form a four way stop. Internal private open space will also be provided. The development is proposed to be developed in three phases over a period of five years, depending on market conditions. The phases entail:

- **Phase 1:** 42 residential units (free hold title) and 16 Frail care beds;
- **Phase 2:** 38 residential units (free hold title) and service / communal centre; and
- **Phase 3:** 40 residential units (free hold title), eight (8) assisted living units), six (6) frail care units and the remainder of the service/communal centre

Furthermore, the proposed development also includes the installation of associated service infrastructure i.e. internal roads, sewer, water reticulation and storm water management infrastructure. The proposal will be implemented approximate to Site Development Plan (*PROJECT NO: 1733; DRAWING NO: S001; DATED 13 March 2019*) as drafted by SDK Architects. This is the applicant's preferred alternative since it retains and incorporates the existing *Sideroxylon inerme* (milkwood) trees within the development footprint and maximises the developable land.

"No-Go" Alternative

This alternative entails that the property remains vacant and that no development will be undertaken. According to the applicant the alternative is not considered to be feasible as the

3. Impact Assessment and Mitigation Measures

3.1 Activity need and desirability

The proposal entails the development of a residential development with frail care facilities on Erf 4784 in Still Bay West. The Spatial Development Framework ("SDF") for Still Bay (dated April 2017) indicates the property as a densification area which has been included in the urban edge of Still Bay.

According to the applicant the Hessequa Municipality undertook an alienation / tender process for the development of the subject property, specifically for urban development. This was done to optimise the use of vacant land within the urban edge, minimise urban sprawl. Consultation was undertaken with relevant interest groups within the community. The outcome of the consultation was that a residential development of this type would be the best suited for the subject property. The tender for the development of the property was subsequently awarded to the applicant. Furthermore, the applicant holds the view that the development of the property will be developed in future as it is earmarked for urban development in the SDF.

Furthermore, a description of the issues and risks were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered. With due consideration of the above it is concluded that the applicant has provided an acceptable motivation for the need and desirability for the proposed development and the information received has sufficiently demonstrated the need and desirability of the activities in the preferred location. In support of the above, the following has been considered relevant:

- (a) the property is earmarked for urban development (densification area) in the Hessequa Municipality SDF and located within the urban edge for Still Bay;
- (b) the Hessequa Municipality has confirmed that sufficient unallocated bulk services are available to accommodate the development of Erf 4784:
 - ❖ Potable water: the annual average daily demand for Still Bay is 2 135kℓ per day and the total existing capacity of municipal potable water supply is 3 868kℓ per day. The total annual average daily demand for the proposed development is 102.8kℓ per day;
 - ❖ Sewer network and wastewater treatment: the present average daily sewage flow for existing erven in Still Bay that contributes to domestic sewer flow is 1284kℓ per day and the capacity of the wastewater treatment plant is 4000kℓ per day.
 - ❖ Solid waste disposal: domestic waste will be transported to the Steynkloof landfill site in Riversdale which has more than 22 years landfill space available;
 - ❖ Electricity: the total existing electrical distribution capacity in Still is 9 Mega-volt amperes ("MVA") while the current demand is 6 MVA. The maximum demand for the development is calculated at 560 kilo-volt amperes ("kVA").

3.2 Socio-economic aspects

A description of the socio-economic issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each identified issue and risk of the proposed development and the levels of acceptable change have been considered. With due consideration of the socio-economic information that has been provided it is concluded that the proposed development will generate positive socio-economic impact, inter alia:

- ❖ an estimated 111 direct jobs will be created during the construction phase of civil services over a 12-month period with a monthly salary of R779 000;
- ❖ an estimated 112 direct jobs will be created during the construction of housing over a 48-month period with a projected monthly salary total of R879 000;

- ❖ an estimated 28 permanent jobs will be created by village operations (frail care and assisted living) with a projected monthly salary of R221 400;
- ❖ the total project expenditure for local labour and material is estimated to be R149 060 000;
- ❖ the total development costs are projected to be R257 000 000

In addition to the above the proposed development will provide frail care and assisted living facilities will also providing additional secure retirement living to the town of Still Bay.

3.3 *Biophysical Impacts*

The biophysical issues and risks are mainly associated with the construction phase of the development as a result of earthworks for the installation of services, construction of internal roads and residential units. The clearance of approximately 5.7 hectares of vegetation will expose the soil to water and wind erosion; and increased storm water runoff. However, it is this Department's considered view that the risks and issues associated with the biophysical aspects can be mitigated to acceptable levels through the implementation of the EMPr.

3.4 *Biodiversity*

A description of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

Botanical Impact Assessment / Biodiversity Compliance Statement

The applicant commissioned a Botanical Impact Assessment in order to inform the application for environmental authorisation. In consideration of the above the Department is satisfied that sufficient information has been provided to make an informed decision in respect of the botanical aspects of the proposal. In support of the above, the following has been considered relevant:

- the vegetation units present on the site earmarked for development are classified as Vulnerable (VU) Albertinia Sand Fynbos and Least Threatened (LT) Canca Limestone Fynbos;
- the majority of the site (approx. 3.7 hectares) consists of regularly mowed grass and therefore considered to be transformed from its natural condition;
- an area of approximately 1.6 hectares of intact natural vegetation will be lost. The area is dominated by *Osteospermum monilliferum* (bietou) and *Thamnochortus insignis* (dekriet); however, the vegetation is relatively species poor and slightly invaded by *Opuntia ficus-indica* (prickly pear);
- the existing six *Sideroxylon inerme* (milkwood) trees will be incorporated within the development by reducing the size of units in close vicinity of the trees and swapping open space and units in some areas. No other Species of Conservation Concern ("SCC") are present on the site; and
- the comments from CapeNature and the DFFE: Western Cape Forestry regarding the exclusion of the 1.6 hectares of intact vegetation has been considered. However, the area is situated in the middle of an urban environment which has lost connectivity due to the surrounding urban development.

In considering the above, the view is held that the proposed development of Erf 4784 in Still Bay will not result in significant negative botanical impacts.

Faunal Compliance Statement

A Faunal (Animal Species) Compliance Statement was commissioned by the applicant. The Department is satisfied that sufficient information has been provided to make an informed decision

in respect of the faunal impacts of the proposal. In support of the above, the following has been considered relevant:

- due to the transformed nature of the majority of the vegetation present, the site is considered suboptimal habitat for the bird species listed in the Screening Tool Report;
- the 1.6 hectares of intact natural vegetation is fragmented and therefore unlikely to be considered as thoroughfare for larger vertebrate species; and
- no evidence of listed invertebrate species were found on site.

3.5 Heritage / Archaeological Aspects

A description of the heritage related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered. A Heritage Background Information Document, inclusive of an Archaeological Baseline Statement, was included in the assessment report. The information concludes that the proposal will not impact on any heritage resource of cultural significance and that no further heritage related studies are required. In support of the above, the following has been considered relevant:

- the site is surrounded by urban development;
- the majority of the site has been transformed due to regular mowing;
- the Baseline Archaeological Study indicates that marine shells occur at two localities; however, the shells occur at low densities and restricted to small areas. The study further recommends that archaeological test excavations should be undertaken prior to vegetation clearing at excavations being undertaken in close proximity to the localities. This has been included in the EMPr.

The information was submitted to Heritage Western Cape which determined that no further studies in terms of Section 38 of the national Heritage Resources Act, Act No. 25 of 1999, are required. The comment (HWC Case No: 19081913SB0823E) in this regard was issued on 19 September 2019.

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 the on heritage and archaeological aspects.

3.6 Aquatic aspects

A description of the aquatic related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

In order to inform the impact assessment, the applicant commissioned an aquatic specialist study. The study found that there are no aquatic features present on the property. A wetland is located within 500m of the proposed development but will not be impacted. However, the development does fall within the regulated area of a watercourse which requires authorisation in terms of Section 21(c) and (i) of the National Water Act, Act No. 36 of 1998. The information was submitted to the Breede-Gouritz Catchment Management Agency, which confirmed that the proposed development falls within the ambit of the General Authorisation and that the applicant may continue with the water uses as permissible in terms of Section 22(1)(a)(iii) of the NWA. The registration of the water uses was subsequently issued on 11 August 2020.

In light of the above, it is this Department's considered view that the applicant has adequately considered aquatic related impacts and that the proposed development will not result in significant negative impact on the on aquatic features.

3.7 Traffic impact

A description of the traffic and road network issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue, risk, cumulative impacts of the proposed development and levels of acceptable change on traffic, have been considered. A Traffic Impact Assessment ("TIA") was commissioned to inform the proposal. The finding of the TIA indicate that the intersection MR332/MR332, which will provide access to the development, is currently operating at unacceptable poor levels of service ("LOS") and adding the additional trips from the proposed development (28 IN and 29 OUT, worst-case scenario) to the already saturated intersection had no substantial impact on the intersection and the LOS on the approaches remained unchanged. As such the TIA proposed three possible upgrades to improve the status of the intersection, namely:

- a) addition of a right turn lane on the MR331 approach;
- b) conversion of the current 4-Way Stop Controlled intersection to a 2-Way Controlled intersection; and
- c) conversion of the current 4-way Stop Controlled intersection to a traffic circle.

However, according to the information in the TIA, the Hessequa Municipality commissioned an Arterial Management Plan ("AMP") for the MR332 to evaluate the MR332 from a holistic and long-term point of view, with due consideration of all current and proposed future development. Specific focus was given to the MR332/MR332 intersection and the TIA recommends that the MR331/MR332 remain unchanged until the findings of the AMP has been determined.

The AMP was completed subsequent to the finalisation of the of the TIA. According to the applicant the AMP proposes that the MR331/MR332 intersection is upgraded to a traffic circle, regardless of the proposed development being approved. The findings of the TIA confirm that the traffic circle offers the best solution to improve the conditions at the intersection.

According to the correspondence from the Hessequa Municipality (Ref: SBW657, dated 24 February 2020 and 7 May 2020, respectively), R1 000 000 has been allocated in the 2020/21 municipal budget for the upgrade of the MR331/MR332 intersection to a traffic circle. The project is envisaged to be completed by mid-2021. The Western Cape Government: Department of Transport and Public Works Directorate: Road Network Management provided no objections to the proposed application, subject to conditions as stipulated in Point 2 of their letter (Ref: TPW/CFS/RP/LUD/REZ/SUB-16/95 Job 27700), dated 30 June 2020.

In light of the above, it is this Department's considered view that the traffic related aspects have adequately considered in the application and that the proposed development when the required upgrades completed.

3.8 Other Impacts

No other significant noise and visual impacts have been identified.

4. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period five (5) years, during which period the authorised listed activity and construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit.

Important milestones and dates:

- ❖ 30 April 2022, the last date by which the Holder must start with the physical implementation of the authorised listed activity on the site;

- ❖ 30 April 2027, the last date by which the non-operational aspects (construction phase) of the environmental authorisation must be concluded by. The construction phase may be concluded at a sooner date, depending on the execution of the implementation plan;
- ❖ A period of 3-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised, but by no later than 31 October 2026; and
- ❖ The final environmental audit must be submitted within three (3) months of completion of the post construction rehabilitation and monitoring requirements being completed, but by no later than 31 January 2027.

5. 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.

6. Conclusion

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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