



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/1/F2/5/2058/17
ENQUIRIES: RONDINE ISAACS
DATE: 2018 -05- 03

Fair Resort Properties
Postnet Suite 46
Private Bag X7
SEA POINT
8060

Attention: Mr John Mountain

Tel.: (021) 930 4444
E-mail: john@strawberry.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 195, ELANDS BAY

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: (1) Ms Ashlin Bodasing (Arcus Consultancy Services)

E-mail: ashlin@arcusconsulting.co.za



REFERENCE: 16/3/3/1/F2/5/2058/17
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2018 -05- 03

Fair Resort Properties
Postnet Suite 46
Private Bag X7
SEA POINT
8060

Attention: Mr John Mountain

Tel.: (021) 930 4444
E-mail: john@strawberry.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 195, ELANDS BAY

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the Basic Assessment Report ("BAR") dated 26 January 2018.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Fair Resort Properties
 c/o Mr John Mountain
 Postnet Suite 46
 Private Bag X7
 SEA POINT
 8060
 Tel.: (021) 930 4444
 E-mail: john@strawberry.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p>Activity 17: <i>"Development -</i> <i>(i) in the sea;</i> <i>(ii) in an estuary;</i> <i>(iii) within the littoral active zone;</i> <i>(iv) in front of a development setback; or</i> <i>(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</i></p> <p><i>in respect of -</i> <i>(a) fixed or floating jetties and slipways;</i> <i>(b) tidal pools;</i> <i>(c) embankments;</i> <i>(d) rock revetments or stabilising structures including stabilising walls; or</i> <i>(e) infrastructure or structures with a development footprint of 50 square metres or more -</i></p> <p><i>but excluding –</i> <i>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development</i></p>	<p>Residential dwellings will be established within a distance of 100 metres inland of the high-water mark of the sea.</p>

<p>and where coral or indigenous vegetation will not be cleared; or (dd) where such development occurs within an urban area".</p>	
<p>Activity 19A: "The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from –</p> <p>(i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea; -</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <p>(f) will occur behind a development setback; (g) is for maintenance purposes undertaken in accordance with a maintenance management plan; (h) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</p>	<p>Infilling or depositing of material of more than 5m³ from a distance of 100m inland of the high water mark of the sea will be undertaken.</p>

Government Notice No. R. 985 of 4 December 2014 –

<p>Activity 4: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no</p>	<p>A new access road with a width wider than 4m will be constructed outside an urban area containing indigenous vegetation.</p>
--	---

<p>such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority".</p>	
<p>Activity 12:</p> <p>"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.</p> <p>i. Western Cape</p> <p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <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>	<p>More than 300 square metres of vegetation will be cleared.</p>
<p>Activity 15:</p> <p>"The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</p> <p>f. Western Cape</p>	<p>The transformation of land of bigger than 1000m² in size that was previously zoned open space will be undertaken.</p>

<ul style="list-style-type: none"> i. <i>Outside urban areas, or</i> ii. <i>Inside urban areas:</i> <ul style="list-style-type: none"> (aa) <i>Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</i> (bb) <i>A protected area identified in terms of NEMPAA, excluding conservancies; or</i> (cc) <i>Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority".</i> 	
--	--

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

The holder is herein authorised to undertake the following related to the listed activities:

The proposed project entails the establishment of a residential development of approximately 10 residential erven, an 8m wide access road and associated infrastructure on Erf No. 195, Elands Bay.

C. LOCATION AND SITE DESCRIPTION

The listed activities will take place on Erf No. 195, Elands Bay.

The site is located approximately 2.4km southwest of Elands Bay. The site is bordered by the Atlantic Ocean to the north and the Main Road R366 to the south. Vacant land abuts the property to the west and single residential properties are located to the east of the site.

The SG 21-digit codes for the eleven portions are:

Erf No. 713: C05800040000071300000
 Erf No. 714: C05800040000071400000
 Erf No. 715: C05800040000071500000
 Erf No. 716: C05800040000071600000
 Erf No. 717: C05800040000071700000
 Erf No. 718: C05800040000071800000
 Erf No. 719: C05800040000071900000
 Erf No. 720: C05800040000072000000
 Erf No. 721: C05800040000072100000
 Erf No. 722: C05800040000072200000
 Erf No. 723: C05800040000072300000

Co-ordinates:

Latitude: 32° 19' 06.49" S

Longitude: 18° 19' 27.51" E

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

hereinafter referred to as "the site".

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

Arcus Consultancy Services South Africa (Pty) Ltd
c/o Ms Ashlin Bodasing
Office 220
Cube Work Space
24 Hans Strijdom Avenue
CAPE TOWN
8001
Tel.: (021) 412 1529
E-mail: ashlinb@arcusconsulting.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 26 January 2018 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority. This Environmental Authorisation is granted for–
 - (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4 provide the registered Interested and Affected Parties with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.

- 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14 and 21.

Management of activity

10. The draft EMPr submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must—

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid—
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited; and
 - 15.2 submit at least two environmental audit reports to the relevant competent authority. The holder must submit one audit report six months after

commencement of the construction phase and another audit report six months after completion of the construction period.

16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014.

In addition to the above, the environmental audit report, must -

- 16.1 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 extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 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;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine

shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

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

21. The plants of *Babiana hirsute* and *Ferraria cf. foliosa* (if possible) must be removed before commencement of construction activities and must be relocated to a suitable site with the same habitat conditions and must be carried out by a qualified horticulturalist or ecological restoration specialist.
22. The holder of the Environmental Authorisation must install water saving mechanisms and/or water recycling systems in order to reduce water consumption that include *inter alia*, the following:
 - 22.1 A dual-flush toilet system.
 - 22.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 22.3 Water-wise landscaping must be done.
 - 22.3.1 Indigenous plants and/or plants that require little water must be used.
 - 22.3.2 The use of kikuyu grass must be prohibited in all landscaped areas. Non-invasive, low-water use grass must be used for any lawns on site.
23. The holder of the Environmental Authorisation must ensure that the development incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 23.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed and replacement bulbs must also be of the low energy consumption type.
 - 23.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Street light must be switch off during the day.
 - 23.3 All geysers must be covered with geyser 'blankets'.
24. A permeable fence must be constructed along the northern (sea facing) boundary of Erven 715 to 719.
25. Dwellings must be placed as far south as possible from the sea facing boundary fence, *i.e.*, dwellings may not be placed within 6m from the northern boundary of Erven 715 to 719.
26. An access path must be created between Erven 715 and 719 in order to create a direct access point to the sea.
27. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

28. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
29. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
30. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
31. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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 Interested and Affected Parties, 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 Interested and Affected Parties -
 - 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 Interested and Affected Party, 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 Interested and Affected Party 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 address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (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 Jaap.DeVilliers@westerncape.gov.za.

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

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 03/05/2018

CC: (1) Ms Ashlin Bodasing (Arcus Consultancy Services)

E-mail: ashlin@arcusconsulting.co.za

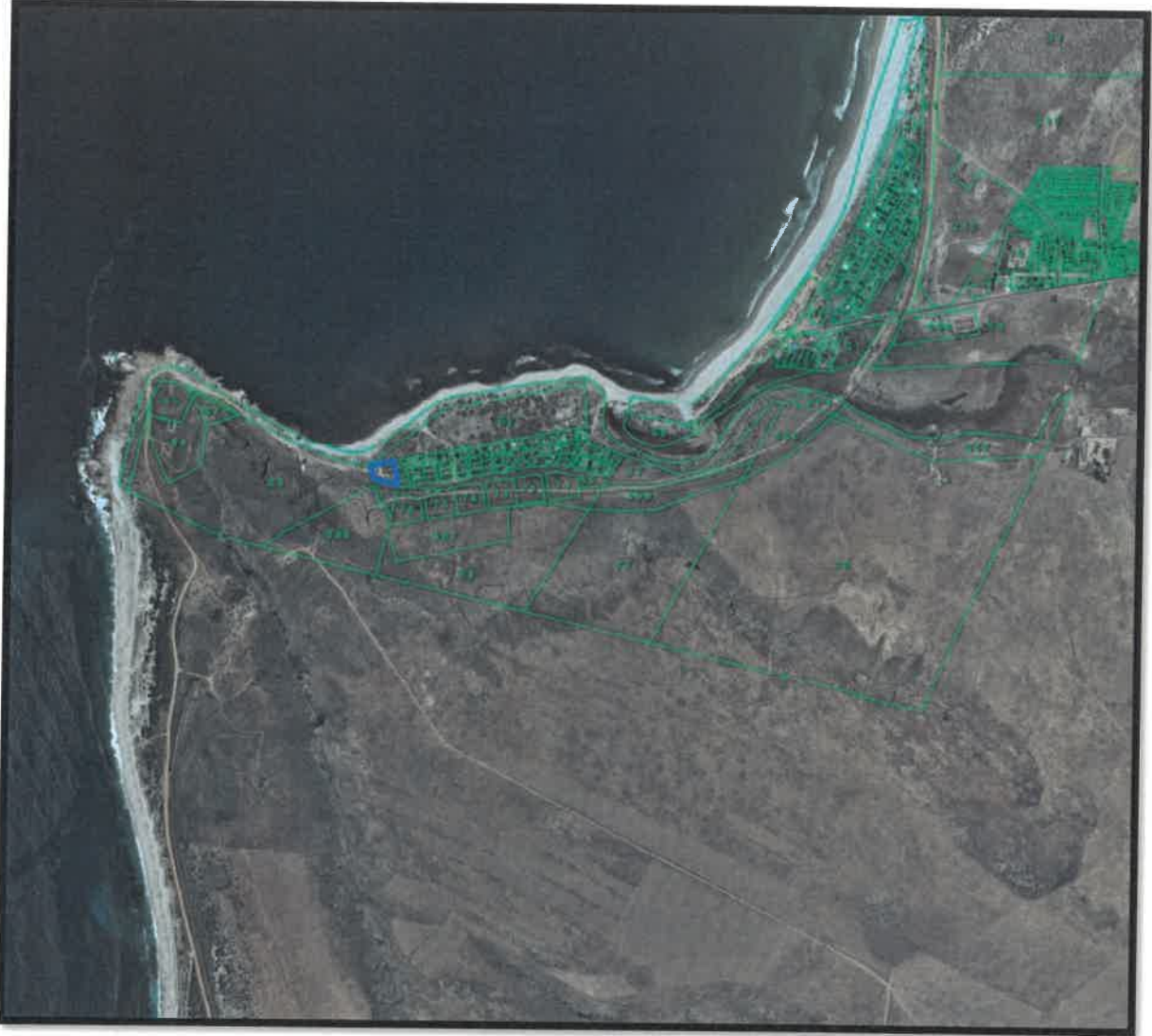
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F2/5/2058/17

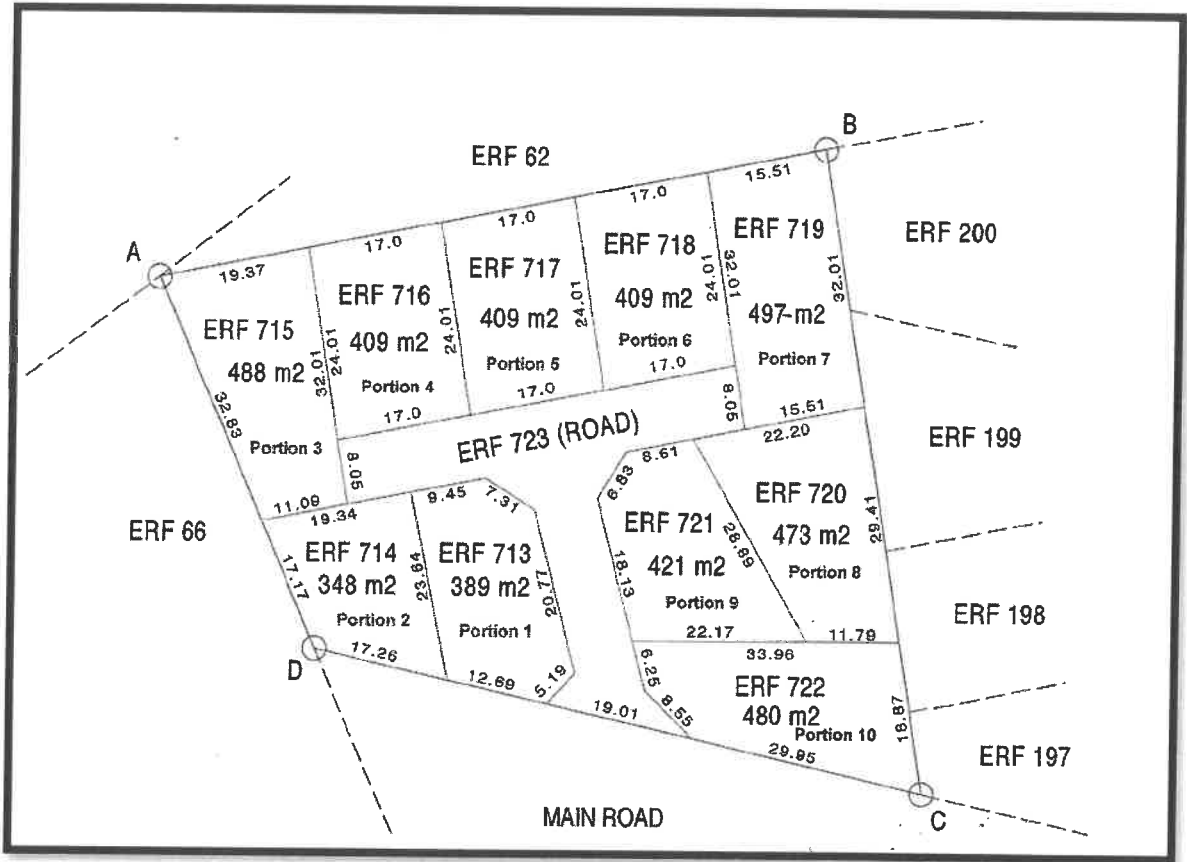
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000333/2017

ANNEXURE 1: LOCALITY PLAN

The approximate location of Erf No. 195, Elands Bay indicated by the blue polygon.



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the Application Form dated 13 November 2017, as received by the competent authority on 14 November 2017; the BAR dated 26 January 2018 and the EMPr submitted together with the BAR; the comment from CapeNature dated 22 February 2018, as received by the competent authority on the same date; and the information received on 23 April 2018;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated 26 January 2018;
- d) The site visit conducted on

Date: 14 December 2017

Attended by Mr Eldon van Boom and Mr Theo Engel of the Department of Environmental Affairs and Development Planning.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- Notices were placed on site on 6 November 2017;
- Notifications were sent to adjacent landowners and the ward councillor between 7 and 9 November 2017;
- Advertisements were placed in the "Die Weslander" newspaper on 9 November 2017;
- The post-application BAR was made available from 14 November 2017 until 13 December 2017.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- Provincial Department of Agriculture;
- Department of Agriculture, Forestry and Fisheries;
- Department of Economic Development and Tourism;
- Heritage Western Cape; and
- Department of Public Works.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the objections, comments and responses that were raised were included in the BAR.

2. Alternatives

The following layout alternatives were investigated:

Alternative 1 (preferred alternative – herewith authorised):

The preferred alternative entails the establishment of a residential development of approximately 10 residential erven, an 8m wide access road and associated infrastructure on Erf No. 195, Elands Bay. The access road is located in the middle of the property in a “T” shape connecting to the Main Road south of the property. This is the preferred layout since it is most similar to the layouts of the surrounding residential properties.

Alternative A:

In this alternative the access road is located in the middle of the property, however, the portion of the access road that connects to the Main Road is located on the right boundary.

Alternative B:

This alternative is similar to Alternative A, however, the portion of the access road that connects to the Main Road is located along the left boundary.

“No-Go” Alternative:

This alternative implies that the residential development will not be established and that the site will remain vacant. This alternative was rejected since the Cederberg Municipality has already approved the closure of the Public Open Space, and the rezoning and subdivision thereof.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

During December 2014 the Cederberg Municipality advertised municipal owned pockets of land for sale for the purpose of economic housing opportunities. The need to alienate the underutilized properties was aimed at generating capital to sustain the municipality. Land parcels were thus sold on public tender and the bid for a Proposal Call on Erf No. 195, Elands Bay was awarded to Fair Resort Properties.

Fair Resort Properties submitted an application to obtain land use rights in terms of the Land Use Planning Ordinance No. 15 of 1985 and the Municipal Ordinance No. 20 of 1974 for the following:

- The closure of the public place located on Erf No. 195 in order to establish a residential development;
- The rezoning of Erf No. 195 from Open Space Zone 1 to Subdivisional Area; and
- The subdivision of Erf No. 195 into eleven portions.

The Cederberg Municipality approved the closure of the Public Open Space, rezoning and subdivision of Erf No. 195 on 4 June 2015. As such, Erf No. 195 was subdivided into eleven portions as follows:

- Portions 1 – 10 (Erven 713 to 722 which are zoned Residential Zone 1); and
- Portion 11 (Erf No. 723 which will be used as an access road with a Transport Zone II zoning).

The Cederberg Municipality also granted permission for the transfer of ownership of the subdivided erven. The holder of this Environmental Authorisation is responsible for

the installation of all services to the subdivided erven before any residential dwellings may be constructed.

3.2 Biophysical Impacts

Impacts on vegetation:

The vegetation on the site is mostly Lambert's Bay Strandveld with only a narrow strip of Cape Seashore Vegetation outside the erf boundary along the beach immediately above the high water mark. A small portion in the western corner of the property is mapped as a Critical Biodiversity Area ("CBA"). The botanical investigation indicated that the CBA is not critical for conservation.

The vegetation is intact over approximately 50% of the site, whilst the remaining 50% has been lost or heavily disturbed due to invasion and clearing of woody alien invasive trees. Although 54 plant species were recorded at the site, the vegetation is not considered to be botanically sensitive.

Impacts on the coast:

The site is situated within the coastal protection zone since it is partially situated within 100m of the high water mark of the sea. The proposed development will not impact on the ecological integrity, natural character, and the economic, social and aesthetic value of the coastal public property. The site is not located within the 100-year Coastal Hazard Line risk zone. The site lies outside of the high, medium and low risk zones and will not contribute towards sea level rise or increase the risk of dynamic coastal processes. The natural functioning of the littoral active zone will not be affected.

3.3 Heritage impacts:

A Heritage Impact Assessment dated May 2017 was conducted for the proposed development. The study revealed that in heritage terms the site will not impact on views from or to the Baboon Point Provincial Heritage Site. Furthermore, due to the proposed development's small size and limited bulk, it will not be unreasonably noticeable from the Baboon Point Provincial Heritage Site.

One of the erven within the proposed development site (Erf No. 721) was considered potentially archaeologically sensitive in terms of buried heritage. However, the surface indicators could not be deemed to be securely archaeological in origin as historic camping or gull drops may have played a role. A series of trial excavations revealed that the area of the find was sterile below surface and likely to not be archaeological in origin. Campers, bait collection and gull drops may be the likely origin of the shell.

3.4 Visual impacts:

The proposed development will be directly visible from the Main Road, but will not be overtly visible from the Baboon Point Provincial Heritage Site. The Baboon Point Provincial Heritage Site does not have a declared buffer zone, however, there is approximately 200m between the proposed development and Hail Storm Midden, which is the closest component of the Provincial Heritage Site.

The plot sizes of the proposed development are moderate and the position of the site immediately adjacent to the existing urban development of Elands Bay will not

create excessive new intrusion into the visual environment. The scheme is compatible with the use for the area as indicated in the guidelines for the proposed Baboon Point buffer zone.

National Environmental Management Act Principles

The National Environmental Management Act 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.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-----END-----