



REFERENCE: 16/3/3/2/F4/20/3017/22
NEAS REFERENCE: WCP/EIA/0001077/2022
DATE: 15 September 2023

The Board of Directors
Weskus Seeplotte (Pty) Ltd
P. O. Box 7066
NORTHERN PAARL
7623

Attention: Mr. Laurent Borel-Saladin

Tel: 021 873 1664
E-mail: laurent@ezinet.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REZONING AND SUBDIVISION FOR THE ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 460, ST. HELENA BAY.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to:

- 1) A. Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd)
- 2) Ms. N. Duarte (Saldanha Bay Municipality)

E-mail: adel@dougjeff.co.za
E-mail: nazeema.duarte@sbm.gov.za



REFERENCE: 16/3/3/2/F4/20/3017/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REZONING AND SUBDIVISION FOR THE ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF NO. 460, ST. HELENA BAY.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the final Environmental Impact Assessment Report ("EI R"), dated 30 May 2023.

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

Weskus Seeplotte (Pty) Ltd
% Mr. Laurent Borel-Saladin
P. O. Box 7066
NORTHERN PAARL
7623

E-mail: laurent@ezinet.co.za

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

B. AUTHORISED ACTIVITIES

Listed activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 9</p> <p><i>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; or</i></p> <p><i>(ii) with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where—</i></p> <p><i>a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p><i>b) where such development will occur within an urban area.</i></p> <p>Activity Number: 24</p> <p><i>The development of a road—</i></p> <p><i>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i></p> <p><i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i></p> <p>Activity Number: 28</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The proposal entails the rezoning and subdivision of more than 1 ha of land zoned for agriculture for the establishment of a residential development and associated infrastructure.</p>

<p>Listing Notice 2 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 15</p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-</i></p> <ul style="list-style-type: none"> <i>i. the undertaking of a linear activity; or</i> <i>ii. maintenance purposes undertaken in accordance with a maintenance management plan.</i> 	<p>The proposed residential development will result in the clearance of more than 20 hectares of undeveloped land containing indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <ul style="list-style-type: none"> <i>i. <u>Western Cape</u></i> <i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i> <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>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;</i> <i>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</i> <i>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.</i> 	<p>The site is comprised of remnants indigenous vegetation comprised of Saldanha Granite Strandveld and Saldanha Flats Strandveld, ecosystems categorised as critically endangered and endangered in terms of the Revised National List of Ecosystems that are Threatened and in Need of Protection, 2022, and the proposed development will result in the clearance of an area containing more than 300m² indigenous vegetation.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

The development of 315 residential erven, private open spaces, private roads and associated infrastructure on the Remainder of Erf 460, St Helena Bay.

The Remainder of Erf 460 St Helena Bay is to be subdivided into:

- (a) Portion 1 (35.4698 ha): Subdivisional Area; and
- (b) The Remainder of Erf 460 (49.7683 ha): Agricultural Zone.

Portion 1 is to be rezoned from Agricultural Zone to Subdivisional Area. Portion 1 will then be subdivided into eight portions (Portions A - E and G - J), the portions are:

- Portion A: entails the development of 157 residential erven from 360m² to 546m² in extent, a private open space with an area of 32 809m² in extent and a private road, measuring 20 633m² in extent. The total extent of the residential component is 72 894m².
- Portion B: entails the development of 158 residential erven from 398m² to 549m² in extent, a private open space with an area of 31 512m² in extent and a private road, measuring 18 781m² in extent. The total extent of the residential component is 73 532m².
- Portion C: entails the development of a new municipal road with a total development footprint of approximately 11 260m² located in the northern part of the property. The road will separate the existing residential erven of Britannia Bay from the proposed development and serve as an access road to Golden Mile Boulevard.
- Portion D: entails the development of a new municipal road with a total development footprint of approximately 9 730m² that will link to Minor Road No. 7664 and separates the development area into Portions A and B. This road will serve as a main access road to the two development portions of the property.
- Portion E: entails the development of a portion of Minor Road No. 7664 with a total development footprint of 17 783m² which traverses the property. With this development, Portions C, D and E will be transferred to the relevant Roads Management Authority.
- The Remainder of Erf No. 460 with an approximate area of 497 683m² in extent, represents the portion of the property located south of Minor Road No. 7664. This area does not form a component of the proposed development and will remain zoned as Agriculture.
- Portion G: is located in the northern part of the property abutting Golden Mile Boulevard and is approximately 64 690m² in extent. This portion of land will remain undeveloped and does not form a component of the development.
- Portions H and J: these portions are 324m² and 750m² in extent and are located adjacent to Minor Road No. 7 664 and is reserved for the development of the electrical sub-stations which will be transferred to the Saldanha Bay Municipality.

The proposed development is situated to the north of Minor Road No. 7664, west of Main Road 533 and to the south of Golden Mile Boulevard. A 6.8m wide municipal link road within a 20m wide road reserve will be provided between these two roads.

This new road link will be developed in two parts. The first part (Portion C Road) will be developed with Phase 1 from the northern section of the link towards Golden Mile Boulevard, approximately 300m in length. The second part (Portion D Road) is to be developed as part of the development of Phase 2, approximately 450m in length to Minor Road No. 7664.

C. SITE DESCRIPTION AND LOCATION

The Remainder of Erf No. 460, St. Helena Bay is located within the Saldanha Bay Municipality. The site forms part of the Britannia Bay development and is located south of Golden Mile Boulevard which is

approximately 10 kilometres (km) northwest of the St. Helena Bay harbour. The site is accessible via Minor Road No. 7664.

The site co-ordinates:

Latitude (S)	32°	43'	28.13"
Longitude (E)	17°	57'	32.13"

The SG digit code:

Remainder of Erf No. 460, St. Helena Bay	C04600130000046000000
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The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants (Pty) Ltd
% Ms. Adél Groenewald
P.O. Box 44
SOMERSET WEST
7130

Cell.: 021 875 5272
E-mail: adel@dougjeff.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 EIR dated 30 May 2023 on the site as described in Section C above.
2. Authorisation for 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 fifteen (**15**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.
4. The authorised activities must 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 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 Appeal Regulations, 2014 (as amended);
 - 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 Appeal Regulations, 2014 (as amended).

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. A minimum of 7 (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 activities

10. The draft EMPr (dated May 2023) submitted as part of the application for Environmental Authorisation is herewith 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 (as amended) 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 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.
15. The ECO must–
 - 15.1. be appointed prior to commencement of any land clearing or construction activities commencing;
 - 15.2. ensure compliance with the EMPr and the conditions contained herein;
 - 15.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 15.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
 - 15.5. provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

16. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid–
 - 16.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 16.2. submit an audit report within six (6) months after completion of the construction period; and
 - 16.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
17. 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 (as amended).

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

- 17.1. 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;
 - 17.2. identify and assess any new impacts and risks as a result of undertaking the activities;
 - 17.3. evaluate the effectiveness of the EMPr;
 - 17.4. identify shortcomings in the EMPr;
 - 17.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.6. 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;
 - 17.7. include a photographic record of the site applicable to the audit; and
 - 17.8. be informed by the ECO reports.
18. The holder must, within 7 (seven) calendar 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

- 19. All deep excavations, must be inspected for fossil shells and shell beds, sampled and recorded. Any representative shell bed sections exposed in earthworks must be inspected, documented and sampled by a suitably qualified specialist.
- 20. Should a significant occurrence of fossil bones be discovered during excavation works, a suitably qualified paleontologist must be appointed to collect them, record their stratigraphic context and compile the report to Heritage Western Cape and the IZIKO S.A. Museum.
- 21. 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 ("HWC"). 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 and graves or unmarked human burials.
- 22. 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.
- 23. Surface and 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.
- 24. 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.
- 25. Water must be used wisely during all phases of the development. Non-potable water must be used as far as possible for construction related activities during the development phase and alternative methods to save water must be implemented. In addition, all taps are to be fitted with flow reduction devices and aerators that reduce the flow of water.

26. The development must incorporate energy saving measures which include, inter alia, the following:

26.1. Use of energy efficient lamps and light fittings. Replacement bulbs must also be of the low energy consumptions type.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. 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 activities, 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.
3. 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 (as amended) must be submitted.
 - 3.1. 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.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 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 -
 - a) Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

- b) 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: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

Note: For purposes of electronic database management, you are 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 Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/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: 15 SEPTEMBER 2023

Copies to:

- 1) A. Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd)
- 2) Ms. N. Duarte (Saldanha Bay Municipality)

E-mail: adel@dougjeff.co.za

E-mail: nazeema.duarte@sbm.gov.za

FOR OFFICIAL USE ONLY:

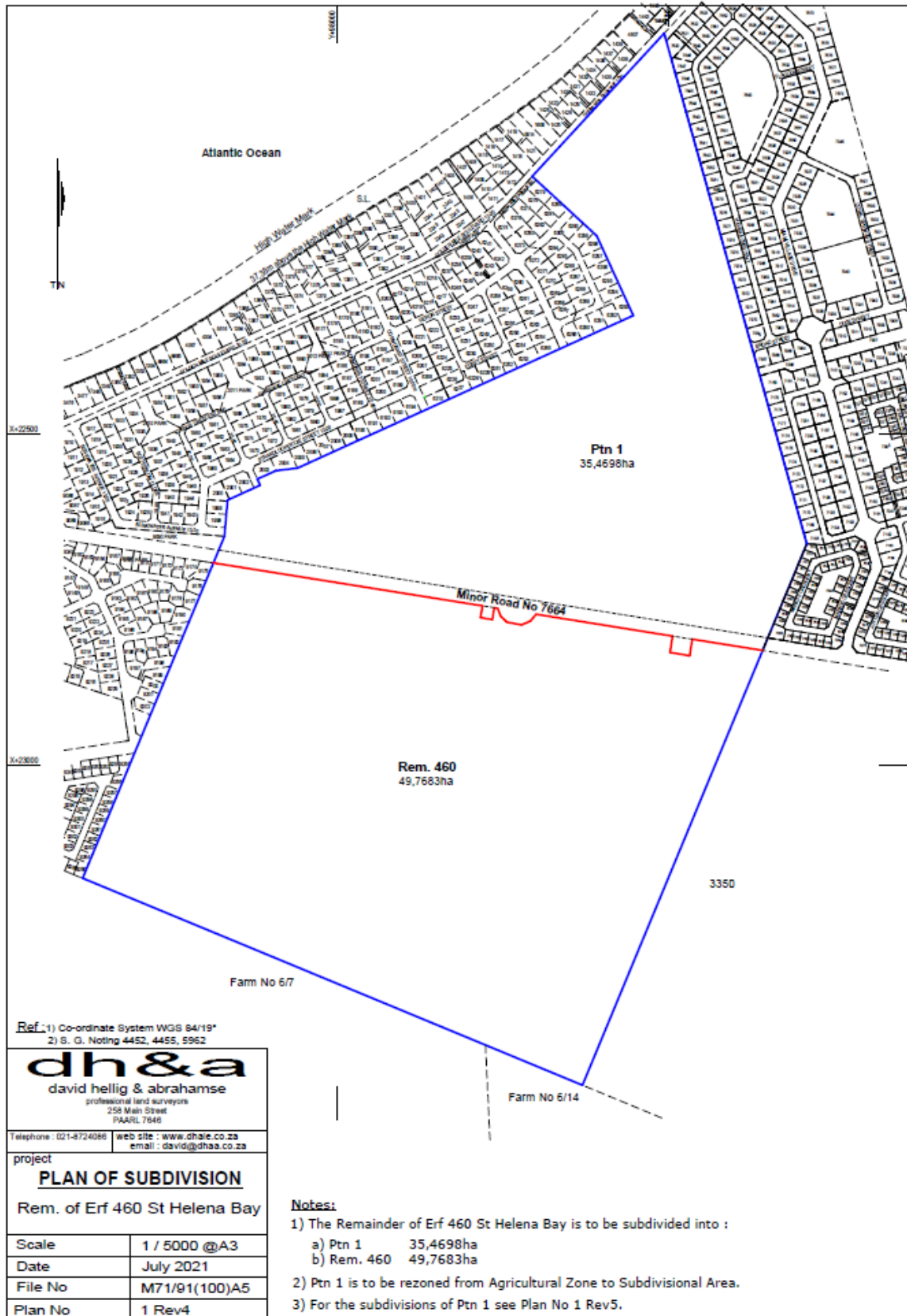
EIA REFERENCE NUMBER: 16/3/3/2/F4/20/3017/22

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



Ref.: 1) Co-ordinate System WGS 84/19°
 2) S. G. Noting 4452, 4455, 5962

dh&a
 david hellig & abrahamse
 professional land surveyors
 258 Main Street
 PAARL 7646

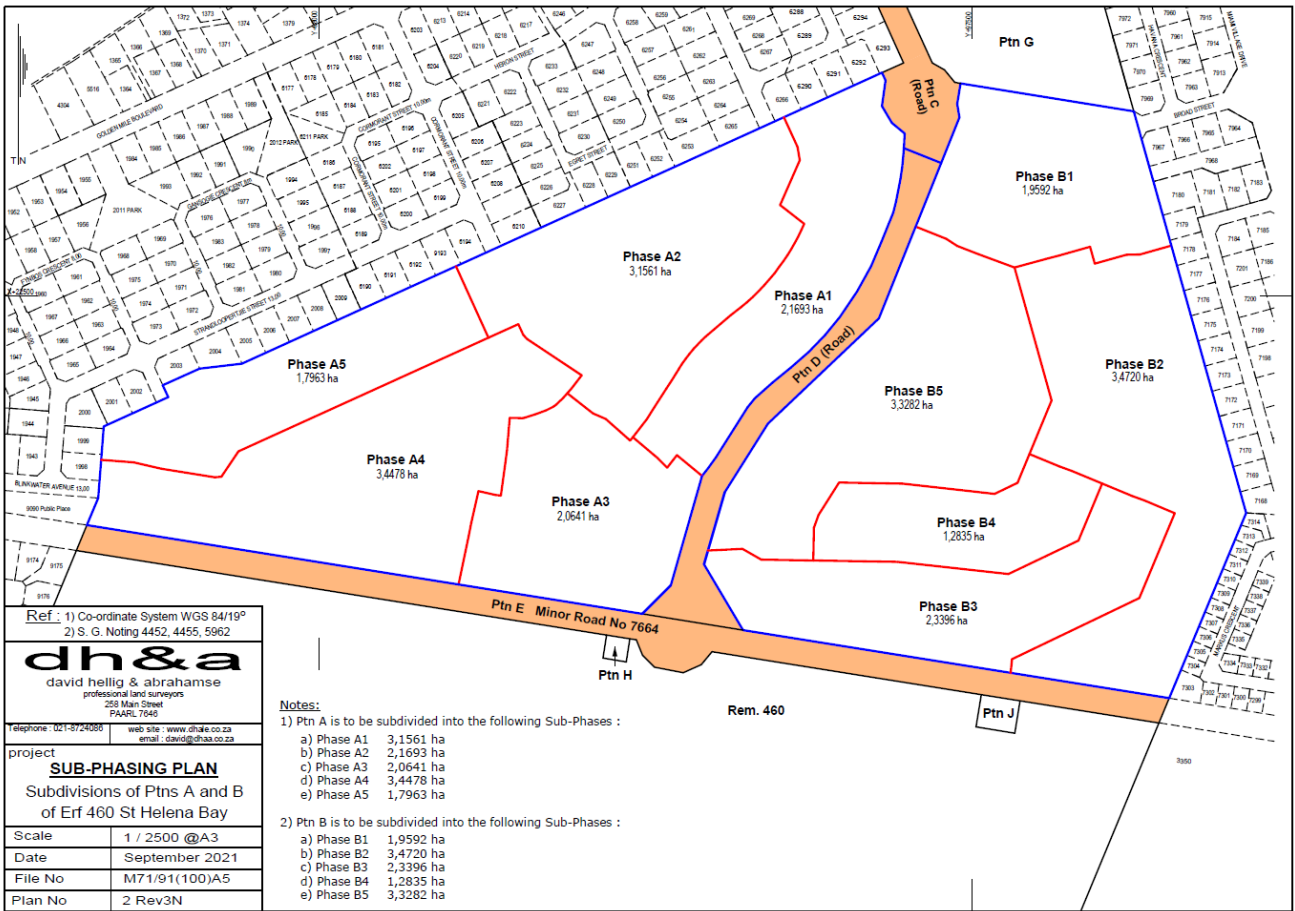
Telephone: 021-8724086 | web site: www.dh&a.co.za
 email: david@dh&a.co.za

project
PLAN OF SUBDIVISION
 Rem. of Erf 460 St Helena Bay

Scale	1 / 5000 @A3
Date	July 2021
File No	M71/91(100)A5
Plan No	1 Rev4

Notes:

- 1) The Remainder of Erf 460 St Helena Bay is to be subdivided into :
 - a) Ptn 1 35,4698ha
 - b) Rem. 460 49,7683ha
- 2) Ptn 1 is to be rezoned from Agricultural Zone to Subdivisional Area.
- 3) For the subdivisions of Ptn 1 see Plan No 1 Rev5.





SUBDIVISIONS OF PTN A : SUB-PHASES A1 - A5				SUBDIVISIONS OF PTN B : SUB-PHASES B1 - B5			
Subdivisions of Phase A1				Subdivisions of Phase A4			
Pin Nos	NO OF LOTS	AREA (sqm)	% zoning	Pin Nos	NO OF LOTS	AREA (sqm)	% zoning
115, 17, 78	28	1,309	81,13 Single Residential	114,132	42	1,889	91,78 Single Residential
154, 113	1	4,274	12,25 Phase Open Space	154	1	1,094	24,78 Phase Open Space
		1,309	81,13 Single Residential			1,094	24,78 Phase Open Space
Total	29	2,683	100	Total	43	2,983	100
Subdivisions of Phase A2				Subdivisions of Phase A5			
Pin Nos	NO OF LOTS	AREA (sqm)	% zoning	114,133	31	1,393	78,98 Single Residential
115, 17, 78	28	1,309	81,13 Single Residential	114,134	1	1,094	24,78 Phase Open Space
154, 113	1	4,274	12,25 Phase Open Space				
		1,309	81,13 Single Residential				
Total	29	2,683	100	Total	32	2,487	100
Subdivisions of Phase A3				Subdivisions of Phase B1			
Pin Nos	NO OF LOTS	AREA (sqm)	% zoning	115, 17, 78	28	1,309	81,13 Single Residential
115, 17, 78	28	1,309	81,13 Single Residential	115, 17, 78	28	1,309	81,13 Single Residential
154, 113	1	4,274	12,25 Phase Open Space	154, 113	1	4,274	12,25 Phase Open Space
		1,309	81,13 Single Residential			1,309	81,13 Single Residential
Total	29	2,683	100	Total	29	2,683	100
Subdivisions of Phase B2				Subdivisions of Phase B3			
Pin Nos	NO OF LOTS	AREA (sqm)	% zoning	115, 17, 78	28	1,309	81,13 Single Residential
115, 17, 78	28	1,309	81,13 Single Residential	115, 17, 78	28	1,309	81,13 Single Residential
154, 113	1	4,274	12,25 Phase Open Space	154, 113	1	4,274	12,25 Phase Open Space
		1,309	81,13 Single Residential			1,309	81,13 Single Residential
Total	29	2,683	100	Total	29	2,683	100
Subdivisions of Phase B4				Subdivisions of Phase B5			
Pin Nos	NO OF LOTS	AREA (sqm)	% zoning	115, 17, 78	28	1,309	81,13 Single Residential
115, 17, 78	28	1,309	81,13 Single Residential	115, 17, 78	28	1,309	81,13 Single Residential
154, 113	1	4,274	12,25 Phase Open Space	154, 113	1	4,274	12,25 Phase Open Space
		1,309	81,13 Single Residential			1,309	81,13 Single Residential
Total	29	2,683	100	Total	29	2,683	100

REF: 1 Co-ordinate system 1902 54m²
 2 1:0 Co-ordinate 4402, 4402, 582
 3 1:0 Co-ordinate 4402, 4402, 582

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PLAN OF SUBDIVISION
 Subdivisions of
 Erf 400 St Helena Bay
 Phases : A1 - A5
 B1 - B5

Scale 1 / 1500 @A1
 Date September 2021
 File No M7151(100)A5
 Plan No 4 Rev4

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 11 April 2023, the final EIR and the EMPr submitted together with the final EIR received on 31 May 2023 and the additional information received on 30 August 2023;
- 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 NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the final EIR dated 30 May 2023.

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;
- notification letters to all potential and registered Interested and Affected Parties including Saldanha Bay Municipality, West Coast District Municipality, and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities, about the availability of the pre-application draft Scoping Report;
- the distribution of the pre-application draft Scoping Report for public review for a 30-day commenting period from 10 June 2021 until 12 July 2021;
- fixing notices at the site where the listed activities will be undertaken including places conspicuous and accessible to the public at the boundary of the site;
- the availability of an electronic copy of the pre-application draft Scoping Report on the Doug Jeffery Environmental Consultants' website;
- the placing of English and Afrikaans newspaper notices in the "Weslander" on 10 June 2022;
- notification of the availability of the draft Scoping Report for public review for a 30-day commenting period from 13 April 2022 until 17 May 2022;
- the placing of the draft Scoping Report on the Environmental Assessment Practitioner's website for public review;
- the distribution of the draft Heritage Impact Assessment Report for a 30-day commenting period from 2 June 2022 until 4 July 2022;
- A Focus Group Meeting facilitated by the Environmental Assessment Practitioner ("EAP") with the leaders of the Cochoqua Family Tribe to clarify and understand the heritage concerns on 30 September 2022 at the St. Helena Bay Community Hall;
- A site visit with the attendees of the Focus Group Meeting, the EAP, the heritage consultant and social facilitator was undertaken on 18 November 2022;
- the distribution of the draft EIR to Interested and Affected Parties for public review 14 April 2023 until 16 May 2023.

Responses to the comments raised during the public participation process were included in the final EIR and comments and responses report. This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

Site Alternatives

No other site alternatives were investigated as the location was selected based on its proximity to existing services and accessibility to amenities. The site is preferred as it has low environmental sensitivity, as the remaining indigenous vegetation is degraded and offers no ecological function or connectivity.

Activity Alternatives

No other activity alternatives were considered as the proposed residential development is aligned with the surrounding land uses.

Layout Alternatives

Each layout alternative entails the rezoning and subdivision of the Remainder of Erf No. 460 St Helena Bay for the proposed development of a residential development comprising single residential erven, private open spaces and private roads.

Layout Alternative A

The alternative entailed the development of 372 residential erven, private open spaces and private roads. The portion of the Remainder of Erf No, 460, St. Helena Bay located south of Minor Road No. 7664 would retain its agricultural zoning and would not form part of the proposed development.

This alternative was however screened out of the assessment due to the archaeological constraints identified on the northern portion of the site located adjacent to the Golden Mile Boulevard.

Layout Alternative B

This layout alternative entailed the development of 316 residential erven, private open spaces, private roads and associated infrastructure.

The proposal requires the rezoning and subdivision of the Remainder of Erf No. 460, St. Helena Bay into nine portions as follows:

- Portion A: entails the development of 158 residential erven from 360m² to 546m² in extent, a private open space with an area of 32 325m² in extent and a private road, measuring 20 633m² in extent. The total extent of the residential component is 73 378m².
- Portion B: entails the development of 158 residential erven from 398m² to 549m² in extent, a private open space with an area of 31 512m² in extent and a private road, measuring 18 781m² in extent. The total extent of the residential component is 75 323m².
- Portion C: entails the development of a new municipal road with a total development footprint of approximately 11 206m² located in the northern part of the property. The road will separate the existing residential erven of Britannia Bay from the proposed development and serve as an access road to Golden Mile Boulevard.
- Portion D: entails the development of a new municipal road with a total development footprint of approximately 9 730m² that will link to Minor Road No. 7664 and separates the development area into Portions A and B. This road will serve as a main access road to the two development portions of the property.
- Portion E: entails the development of a portion of Minor Road No. 7664 with a total development footprint of 17 783m² which traverses the property. With this development, Portions C, D and E will be transferred to the relevant Roads Management Authority.
- Portion F: is the Remainder of Erf No. 460 with an approximate area of 497 683m² in extent, represents the portion of the property located south of Minor Road No. 7664. This does not form part of the proposed development.

- Portion G: is an area of land located in the northern part of the property adjacent to Golden Mile Boulevard with an approximate area of 64 690m². This portion of land will remain undeveloped and does not form of the development.
- Portions H and J: these portions are 324m² and 750m² in extent and are located adjacent to Minor Road No. 7664 and is reserved for the development of the electrical sub-stations which will be transferred to the Saldanha Bay Municipality.

The layout is not preferred and was revised based on comments received during the pre-application phase which, resulted in the reconfiguration of erven in Portion A. The reconfiguration is detailed in Layout Alternative C.

Layout Alternative C (preferred alternative) herewith authorised:

This layout alternative entails the development of 315 residential erven, private open spaces, private roads and associated infrastructure.

The proposal entails the establishment of a residential development comprising single residential erven, private open spaces, private roads, and associated infrastructure on the Remainder of Erf No. 460, St. Helena Bay.

The Remainder of Erf 460 St Helena Bay is to be subdivided into:

- (a) Portion 1 (35.4698 ha): Subdivisional Area; and
- (b) The Remainder of Erf 460 (49.7683 ha): Agricultural Zone.

The proposal requires the rezoning and subdivision of the Remainder of Erf No. 460, St. Helena Bay into nine portions representing the phasing of the proposed development in which it will be developed as follows:

- Portion A: entails the development of 157 residential erven from 360m² to 546m² in extent, a private open space with an area of 32 809m² in extent and a private road, measuring 20 633m² in extent. The total extent of the residential component is approximately 72 894m².
- Portion B: entails the development of 158 residential erven from 398m² to 549m² in extent, a private open space with an area of 31 512m² in extent and a private road, measuring 18 781m² in extent. The total extent of the residential component is approximately 73 532m².
- Portion C: entails the development of a new municipal road with a total development footprint of approximately 11 260m² located in the northern part of the property. The road will separate the existing residential erven of Britannia Bay from the proposed development and serve as an access road to Golden Mile Boulevard.
- Portion D: entails the development of a new municipal road with a total development footprint of approximately 9 730m² that will link to Minor Road No. 7 664 and separate the development area into Portions A and B. This road will serve as a main access road to the two development portions of the property.
- Portion E: entails the development of a portion of Minor Road No. 7664 with a total development footprint of 17 783m² which traverses the property. With this development, Portions C, D and E will be transferred to the relevant Roads Management Authority.
- The Remainder of Erf No. 460 with an approximate area of 497 683m² in extent, represents the portion of the property located south of Minor Road No. 7664. This does not form a component of the proposed development, as it is located outside the urban edge and will remain an Agricultural Zone

- Portion G: is an area of land located in the northern part of the property adjacent to Golden Mile Boulevard with an approximate area of 64 690m². This portion of land will remain undeveloped and does not form a component of the development.
- Portions H and J: these portions are 324m² and 750m² in extent and are located adjacent to Minor Road No. 7664 and is reserved for the development of the electrical sub-stations which will be transferred to the Saldanha Bay Municipality.

This alternative is preferred as the reconfiguration of the erven of Portion A of the proposed development resulted in the omission of one erf (Erf No. 79) from Portion A and the reconfiguration of the erven surrounding Erf No. 48 of Portion A. Erf No. 79 of Portion A is now regarded as a Public Open Space erf.

“No-Go” Alternative (Rejected)

The “no-go” alternative implies that the site would remain vacant. This alternative is not preferred as the proposed development will not result in any high negative impacts and is aligned with the surrounding land uses. The “no-go” alternative is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability and Planning Context

The proposal entails the development of a residential development on the Remainder of Erf No. 460, St. Helena Bay. The property is surrounded by residential erven and the development intends to strengthen the existing character by introducing new design layouts which include large centralised open spaces. The proposed development aligns with the principles and objectives contained in the Saldanha Bay Municipal Spatial Development Framework (“SDF”), 2019 and is therefore regarded as desirable from a spatial planning perspective.

The property is currently as zoned Agriculture, and is undeveloped with no agricultural activities present on site. The property is wedged between two existing residential developments which further complies with the principles preventing urban sprawl and optimisation of existing service infrastructure.

The property is located within an urban setting surrounded by residential developments and transport routes. In the correspondence from West Coast District Municipality (“WCDM”) dated 7 July 2021, WCDM notes that according to the Saldanha Bay Municipal SDF, *there are 7500 vacant erven in the coastal strip from Duiker Eiland to Laingville and the need for additional residential erven is questioned given the large number of vacant erven in the area.* The concerns were addressed as it was confirmed that the Saldanha Bay Municipality forms part of the WCDM which has the mandate to ensure that the Integrated Development Plans (“IDP”) of each municipality is aligned with one another. The West Coast District Spatial Development Framework (2020) is aligned with the most current legislation, policies and guidelines. St Helena Bay is one of three development locations indicated as one of the main growth development and investment areas to achieve sustainable economic development. The proposed residential development will have a positive impact on the economic growth in the area. It will also contribute to the creation of both long-and short-term employment opportunities within the local community.

According to the Saldanha Bay Municipal SDF, the Remainder of Erf No. 460, St. Helena Bay is identified as a “New Development Area” and the land use proposed is a residential development. The proposal is aligned with all the Provincial and Municipal legislative spatial planning frameworks and policies. The proposed development will ensure the better utilisation of land within the urban fabric and will provide additional residential opportunities.

In terms of the Environmental Management Framework (“EMF”) for the Greater Saldanha Area (March 2021), the proposed development site (Portions A and B) falls within environmental management zone (“EMZ”) 5 – Urban Development Zone. This EMZ considers the need for service

delivery and aims to promote service-related development in less sensitive areas to ensure sustainable urban development.

This Urban Development Zone EMZ is included in the Urban Development Spatial Planning Category of the Saldanha Bay Municipality's SDF. According to the EMF, the purpose of establishing an urban development zone was to promote sustainable development within areas less vulnerable to urban development while decreasing urbanisation and urban sprawl. The selection of areas that are of less ecological importance, allows for the conservation of biodiversity and resources in areas more vulnerable to urban development.

The area south of Minor Road No. 7664 (Portion F) falls within **EMZ 3 – Agricultural Development Zone**. This EMZ is informed by existing agricultural areas and aims at protecting and retaining productive agricultural land that is vital for ensuring food security. This area has however been excluded from the development proposal, given that it is located outside the urban edge.

The proposed development is thus aligned with the EMF for the Greater Saldanha Area (March 2021).

From an environmental perspective, the site does not contain any watercourses and although the portions of the site are mapped in the Western Cape Biodiversity Spatial Plan, 2017 as containing Critical Biodiversity Areas and other Natural Areas, ground truthing done by the botanical specialist, concluded that the condition of the site is completely different from the classification in the Western Cape Biodiversity Spatial Plan. All Saldanha Granite Strandveld, apart from a few degraded clusters of representative plant species, has been lost and it is not going to be restored naturally due to the nearly complete loss of the soil-stored seed bank.

3.2 Service Capacity

The Saldanha Bay Municipality has confirmed that there is sufficient unallocated capacity to provide water supply, sewage supply, waste collection services to the proposed development. Electricity supply will be obtained from Eskom.

The planned Duyker Island Wastewater Treatment Works ("WWTW") will not be available in the short to medium term. The internal sewer network the development will be gravitational pipe systems that will discharge the foul sewage into an underground conservancy tank. This tank will be provided in terms of the Sewer Master Plan of Saldanha Bay and will in future be utilized as a sewer pump station to pump the sewage effluent of the bigger area to the planned Duyker Island WWTW. In the short- to medium-term, the Saldanha Bay Municipality will remove the sewage from the conservancy tanks and transport it to the Laingville WWTW where it will be treated.

Each erf will be provided with an erf connection from the proposed new internal sewer pipe network. Sewer pipes will be located in the road reserves or within servitudes if the crossing of private properties is required.

Two stormwater retention dams are proposed at the low points of Village 1 (Portion A) and Village 2 (Portion B). The first retention dam will have a capacity of 3 300m³ and the second dam will have a capacity of 6 300m³.

3.3 Biophysical Impacts

Based on the findings of the Botanical Impact Assessment undertaken in 2016 and the follow-up Botanical Assessment Report dated March 2021 compiled by Dr Dave McDonald of Bergwind Botanical Surveys and Tours, the specialist identified that the proposed development of the northern part of the Remainder of Erf No. 406, St Helena Bay, would result in a very small loss of degraded Saldanha Granite Strandveld. However, the specialist highlights that even though there are a number of indigenous plant species present in the study area, collectively, it does not constitute a community of Saldanha Granite Strandveld and the proposed development will result in a minimal loss of this vegetation. This area has been removed from the proposed developable area.

Further, comment from CapeNature dated 23 May 2023 notes that ideally, areas like the undeveloped Remainder of Erf No. 460, St Helena Bay, would serve as a natural link to other open areas in the landscape and serve as corridors for fauna and flora. However, based on the degraded nature of the remnant Saldanha Granite Strandveld on site, the ability of this natural adaptation corridor to function as a corridor is poor. The areas have little or no ecological function and conservation importance. Due to the lack of species of conservation concern located on site, the restoration potential of the affected areas is considered low. The potential botanical impacts were assessed as low negative.

3.4 Heritage impacts

A Notice of Intent to Develop in terms of Section 38 (8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) was submitted to Heritage Western Cape ("HWC"). In HWC's correspondence dated 3 November 2016, it was advised that a Heritage Impact Assessment ("HIA") must be undertaken to assess the potential archaeological and visual/landscape impacts associated with the proposed development. A HIA dated November 2016 was undertaken and revised versions dated May 2022, July 2022 and February 2023 were compiled by Tim Hart and John Gribble from ACO Associates. Based on the findings of the HIA report, the proposed development site (Portions A and B) are not considered highly sensitive from an archaeological perspective, except for some very ephemeral scatters that do not require mitigation.

During the screening phase of the development, it was noted that the northern portion of the development site viz. Portion G is comprised of a significant midden site, which has since been removed from the proposed developable area and will remain undeveloped. The significant midden site on Portion G is not part of the development and will be preserved as is. However, there is potential for the development to impact heritage resources, including the loss of green space, low impacts on archaeology and palaeontology, and increased urbanization. In terms of palaeontological heritage the site is deemed to be of low to medium significance, considering the recommended mitigation measures are implemented.

In terms of archaeology, the proposed subdivision area is not considered to be archaeologically sensitive apart from some very ephemeral scatters that are not worthy of mitigation. The significant midden site on Portion G is not part of the development and will remain as is.

The HIA was presented at the HWC IACom meeting on 17 August 2022. The EAP undertook to engage further with the Cochoqua Family Tribe, to understand the concerns raised regarding the "sacredness of the site", or intangible heritage, and the IACom supported meaningful engagement on these issues.

As required by IACom, further engagements and consultation with the Cochoqua Family Tribe and other First Nations groups, have been undertaken by the EAP and heritage specialists.

According to the HIA, no intangible heritage indicators have been identified on the development site. A comment received from the Cochoqua Family Tribe stated that they view the site as sacred, but no reasons or supporting evidence for this claim have been forthcoming. Without such it is difficult to attach intangible heritage significance to the proposed development site. A focus group meeting, site visit and opportunity to provide the comments on the proposed development was provided to the Cochoqua Family Tribe. Subsequent to the site visit, a letter was received from the Cochoqua Family Tribe, which includes a request for the construction of an Aboriginal Cultural Heritage Museum on Portion G, the donation of one of the houses in the new development to the Cochoqua Family Tribe, to be used as an office, the employment of two young members of the Cochoqua Family Tribe to monitor construction activities for archaeological material, and the empowerment of local youth through employment during the construction of the proposed development on Erf 460.

However, the central issue, namely the reason for the claim that the development site is considered sacred has not been provided. The requests made mostly relates to Portion G of Erf

460, which will not be developed and therefore does not form part of the application for the proposed development.

Two items – 7 and 9 – are relevant to this HIA, being requests for information about protocols for dealing with and mitigating possible finds of human remains and/or significant archaeological material during the development of Erf 460. The HIA was discussed at the HWC Impact Assessment Committee (IACOM) held on 15 March 2023. In HWC's comment dated 23 March 2023, the Committee resolved to support the application as meeting the requirement of Section 38(3) of the NHRA and further support the recommendation of the HIA and in terms of intangible heritage, in the absence of a clear reason or evidence for the claim that the site is sacred, it is difficult to attach any intangible heritage significance to the proposed development site. The recommendations and mitigation measures proposed in the HIA are supported by HWC and have been included in the EMPr.

3.5 Traffic impacts

Based on the findings of the Transport Impact Assessment ("TIA") dated April 2020 compiled by Sturgeon Consulting, the existing road network surrounding the proposed development has sufficient capacity to accommodate the proposed development.

According to the TIA Report, it is anticipated that the proposed development will generate an approximate total of 101 trips during the weekday morning peak hour (40 in, 61 out) and 126 trips in the evening peak hour (69 in, 57 out).

Furthermore, the proposed development is located in close proximity to transport routes and will have sufficient access to public transport. The TIA report indicates that the proposed development can be accommodated by the adjacent transport network and is supported from a traffic engineering perspective provided that the recommendations provided are implemented. These recommendations have been included in the EMPr.

3.6 Socio-economic impacts

Based on the findings of the Socio-Economic Impact Assessment dated 2020 compiled by Urban-Econ Development Economists, it is noted that the proposed development will provide some temporary employment opportunities during the construction phase and potential permanent employment opportunities during the operational phase. To maximise these positive socio-economic benefits, the requirement for local labour and enterprises is encouraged to be used during all phases of the proposed development. have been made conditional to this Environmental Authorisation, by way of inclusion in the EMPr.

3.7 Dust and noise impacts

The EMPr includes dust and noise impact management actions that will be implemented in order to minimise potential impacts.

The development will result in negative and positive impacts.

Negative impacts:

- Heritage impacts; and
- Loss of degraded indigenous vegetation.

Positive impacts:

- Increase in housing opportunities ; and
- Employment opportunities.

4. 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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the 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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*"

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