



DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING

Provincial Government of the Western Cape

Directorate Land Management

(Region 1)

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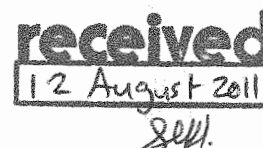
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REFERENCE: EG12/2/3/2-D6/27-653/07

ENQUIRIES: A. Oosthuizen

DATE: 2011 - - 12 2011 -08- 12

The Directors
Amanzi Moya Developments (Pty) Ltd
P.O. Box 1807
BELLVILLE
7535



Attention: Mr. W. Haywood

Tel: (021) 919-9056/ 9042

Fax: 086 618 4883

Dear Sir

**APPLICATION: PROPOSED DEVELOPMENT OF THE AMANZI MOYA
RESIDENTIAL DEVELOPMENT ON REMAINDER OF FARM
VLEESCHBAAI 251 & FARM MISGUNST AAN DE GOURITZ NO
257, MOSSEL BAY**

With reference to your application, find below the environmental authorization in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposal entails the establishment of a residential area on a portion of the Remainder of Farm Vleeschbaai 251 and associated infrastructure on a portion of the Farm Misgunst aan de Gouritz 257, Mossel Bay. The development will occupy a total area of approximately 36.73Ha and consists of the following:

- 164 Residential I (Single Residential) erven that will occupy a total area of approximately 11Ha;
- Residential II (Group Housing) erven that will occupy an area of approximately 5.50Ha providing for a maximum density of 20 units per hectare ("du/Ha");

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- Residential III (Town housing) erven that will occupy an area of approximately 0.37Ha and will consist of 15 social housing units;
- Private Open Space that will constitute an area of approximately 15.57Ha;
- A clubhouse and associated recreational facilities;
- Associated service-infrastructure for stormwater management, water provision, roads, etc.; and
- A 500kl reservoir on a portion of the Farm Misgunst aan de Gouritz 257, occupying an area of approximately 625m².

The proposed development will be approximate to Plan No.: V/C/201/7 dated 11 October 2010, as compiled by Nel & de Kock Town and Regional Planners (Represented as Layout Alternative 5b in the Final Environmental Impact Report "EIR"). The above description must be reflected in an amended layout plan that must be submitted to this Department for approval, prior to construction commences.

The following listed activities are identified in Government Notice No. R386 of 21 April 2006, being

- Item 1(k): The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with -*
- (i) an internal diameter of 0,36 metres or more; or*
 - (ii) a peak throughput of 120 litres per second or more;*
- Item 1m: The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -*
- (i) canals;*
 - (ii) channels;*
 - (iii) bridges;*
 - (iv) dams; and*
 - (v) weirs*
- Item 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall*

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within the ambit of another listed activity or which are access roads of less than 30 metres long.

The following listed activities are identified in Government Notice No. R387 of 21 April 2006, being:

Item 2: Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

The following activity identified in terms of Government Notice R544 of 18 July 2010 was also considered during the assessment process. These are:

Item 9: The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -

(i) with an internal diameter of 0,36 metres or more; or
(ii) with a peak throughput of 120 litres per second or more, excluding where:

a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or

b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.

Item 11: The construction of:

(i) canals;

(ii) channels;

(iii) bridges;

(iv) dams;

(v) weirs;

(vi) bulk storm water outlet structures;

(vii) marinas;

(viii) jetties exceeding 50 square metres in size;

(ix) slipways exceeding 50 square metres in size;

(x) buildings exceeding 50 square metres in size; or

(xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

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- Item 18: 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 or more than 5 cubic metres from:
- (i) a watercourse;
 - (ii) the sea;
 - (iii) the seashore;
 - (iv) 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-
But excluding where such infilling, depositing, dredging, excavation, removal or moving;
 - (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
 - (b) occurs behind the development setback line.

The following activity as identified in terms of Government Notice R545 of 18 July 2010 was also considered during the assessment process. These are:

- Item 2: The construction of reservoirs for bulk water supply with a capacity of more than 250 cubic metres.
- i. In an estuary;
 - ii. A protected area identified in terms of NEMPAA, excluding conservancies;
 - iii. All areas outside urban areas;
 - iv. In urban areas:
 - (aa) Areas zoned for use as public open space; and
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.
- Item 4: The construction of a road wider than 4 metres with a reserve less than 13,5 metres.
- i. In an estuary;
 - ii. All areas outside urban areas;
 - iii. In urban areas:
 - (aa) Areas zoned for use as public open space within urban areas; and

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(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.

Item 16:

The construction of:

- (i) jetties exceeding 10 square metres in size;
- (ii) slipways exceeding 10 square metres in size;
- (iii) buildings with a footprint exceeding 10 square metres in size; or
- (iv) infrastructure covering 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

i. In an estuary;

ii. Outside urban areas, in:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) World Heritage Sites;
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (ee) Sites or areas identified in terms of an International Convention;
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves;
- (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;

Item 18:

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or

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institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

(i) linear development activities; or

(ii) agriculture or afforestation where activity 16 in this Schedule will apply.

hereinafter referred to as "the activity".

B. LOCATION:

The proposed site is located on the Remainder of the Farm Vleeschbaai 251, which is approximately 23km south-west of Mossel Bay and adjacent to the existing coastal town of Vleeschbaai. Associated infrastructure (i.e., reservoir) is also proposed on Farm Misgunst aan de Gouritz No 257, Mossel Bay.

Co-ordinates:

Latitude (S): 34°17'18.34" Longitude (E): 21°54'23.22"

SG Digit codes: CO5100000000025100000

hereinafter referred to as "the site."

C. APPLICANT:

Amanzi Moya Developments (PTY) Ltd
C/o Mr. Wynand Haywood
P.O. Box 1807,
BELLVILLE
7535

Tel: (021) 919-9056/ 9042

Fax: 086 618 4883

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP"):

Cape Environmental Assessment Practitioners (Pty) Ltd
C/o Ms. L. van Zyl
P.O. Box 2070
GEORGE
6530

Tel: (044) 874-0365

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Directorate: Land Management (Region 1)

Fax: (044) 874-0432

E. SITE VISIT(S):

Date: 24 June 2010

Persons present: Messrs. A. Oosthuizen, D. Swanepoel & F. Naude
(Department of Environmental Affairs and Development Planning).

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation that the applicant should be authorized to undertake the activity specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorizes the activity described. The applicant has applied for Activity 18 listed in Government Notice No. R386 of 21 April 2006, being: *"The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less."* but as the new Environmental Impact Assessment Regulations, 2010 came into effect on 02 August 2010 this activity is no longer listed anymore and is regarded as being withdrawn.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

- 1. The activity, including site preparation, may not commence within 20 (twenty) days after having received this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.**
- 2. The applicant, must, in writing, within 20 days of the issue of this authorisation, confirm acceptance of the conditions of this authorisation, failing which the Environmental Authorisation may be suspended until such time that these conditions of authorisation are accepted.**
- 3. One week's notice, in writing, must be given to the Directorate: Land Management (Region 1), (hereinafter referred to as "this Directorate"),**

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before commencement of construction activities.

- 3.1 Such notice shall make clear reference to the site location details and reference number given above.
- 3.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 2, 4, 12, 13, 14 & 18

4. An amended layout plan must be submitted to this Department for approval, prior to the commencement of any construction activities. Such layout plan must take due cognisance of the description of the development proposal in Section A above, as well as the conditions contained in this environmental authorisation.
5. The existing Memorandum of Understanding (MOU) between the developer, the Vleesbaai Community Association ("Vleesbaai Gemeenskapsvereniging (VGV)") and the Trustees of the Amanzi Moya Community Trust must be strictly implemented and adhered to. This Department must be informed of any amendment to the said MOU in advance (30 days) and granted an opportunity to provide comment thereon.
6. No two-storey units must be constructed on the minor ridge lines that occur on the plateau section of the site. (See Figure 4a of the Visual Impact Assessment compiled by Cave, Klapwijk & Associates attached hereto as Annexure 1.)
7. The 42 meter contour line must be surveyed and utilised as a buffer area between the endorheic pan and development of the group housing units. This buffer area must be clearly demarcated during the construction phase. In order to improve stormwater management from developed areas the construction of stormwater management measures is allowed in this area. No buildings, except for any rehabilitation and stormwater management measures, may be allowed within this buffer area.
8. The applicant must compile and submit a management plan for continual clearance of alien vegetation to ensure that the open spaces (ecological corridors) remains free from alien infestation. This plan must form part of the Environmental Management Programme referred to in condition 11 of this environmental authorisation and must be enforced by a Home Owners Association.
9. All erven bordering the natural areas must be fenced in accordance with Architectural Guidelines [dated 15 July 2010, compiled by Cala Moller

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Architects) on the building line boundary to protect the integrity of the natural areas and also to prevent the encroachment of residential gardens into the natural areas. See Annexure 2 to this authorisation for a site layout plan indicating these relevant erven.

10. An ecological corridor of approximately 20 metres wide must be maintained between the endorheic pan and the northern drainage line.
11. The recommendations as contained in the correspondence received from the Department of Transport and Public Works dated 25 October 2010 must be implemented and adhered to.
12. The Environmental Management Programme ("EMP") submitted as part of the Final EIR for environmental authorisation must be amended. The contents of such an EMP must:
 - 12.1 be approved by the Department before the commencement of any construction activities;
 - 12.2 be submitted to the Directorate for consideration at least three weeks prior to the commencement of construction activities;
 - 12.3 meet the requirements outlined in Section 24N (2) & (3) of the National Environmental Management Act, 1998 (Act no 107 of 1998, as amended) ("NEMA") and regulation 34 of the Environmental Impact Assessment Regulations 2006;
 - 12.4 incorporate the conditions of authorisation given in this Environmental Authorisation;
 - 12.5 set out an environmental policy, objectives and targets;
 - 12.6 include architectural guidelines for the construction of all buildings;
 - 12.7 include operating activities (Operational Environmental Management Programme) which includes, but is not limited to:
 - management of the built environment;
 - utilisation of resource conservation measures, including rainwater harvesting from hardened surfaces and solar heating devices;
 - an integrated waste management approach which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal where appropriate;
 - waste management and pollution control measures, including disposal of any solid waste which must be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) or the National Environmental Management: Waste Act (Act No. 59 of 2008);
 - management of the open space;
 - management of landscaped areas; and

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- clearance of invasive alien vegetation and management of ecological corridors. The operating activities must include detail on monitoring programmes, frequency and procedures and must be compiled by a qualified botanical specialist.
- 12.8 include corrective action procedures;
- 12.9 describe the level and type of competency required of the Environmental Control Officer, ("ECO"); and
13. The holder of this authorisation must appoint a suitably experienced Environment Control Officer for the construction phase of the development, before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
14. Archaeological and paleontological monitoring must be conducted by a professional archaeologist during the construction phase. Proof of appointment of such a professional must be provided to this Department, prior to the commencement of construction activities.
15. All excavations of approximately 2.5 metres or more in depth must be inspected for fossils, by the appointed professional archaeologist.
16. Should any heritage remains be discovered during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape ("HWC") (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage or archaeological remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from HWC.
- 16.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to HWC and must not be disturbed further until the necessary approval has been obtained from HWC.
- 16.2 If any graves or unmarked human burials are discovered, they must be treated with respect and SAHRA must be notified immediately and must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.

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17. The holder of this authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate annually from the date of commencement of construction activities until one year after completion of construction activities.
 - 17.1 The audit report must indicate the date on which the construction commenced, and detail compliance with the conditions of this authorisation and the status of the rehabilitation programme.
 - 17.2 The audit must be conducted by a suitably qualified independent person.
 - 17.3 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 17.4 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
18. The applicant must in writing, within 12 (twelve) calendar days of the date of the decision on the application –
 - 18.1 notify all registered interested and affected parties of –
 - 18.1.1 the outcome of the application;
 - 18.1.2 the reasons for the decision; and
 - 18.1.3 the date of the decision;
 - 18.2 Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the Regulations.
 - 18.3 Inform all registered interested and affected parties of the manner in which they can access the decision;
 - 18.4 Advise all registered interested and affected parties that, should they wish to appeal, they must lodge a notice of intention to appeal with the Minister within 20 (twenty) days of date of the Department's decision and must submit their appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.
 - 18.5 Inform all registered interested and affected parties that the prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office at telephone number (021) 483 3721, email jaap.deVilliers@pgwc.gov.za or via the URL <http://www.capegateway.gov.za/eadp>.
 - 18.6 Inform all registered interested and affected parties that should they wish to appeal, the appellant must serve on the applicant, within 10 (ten) days of having submitted the notice of intent to appeal with the Minister, a copy of the Notice of Intention to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

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- 18.7 If the applicant should decide to appeal the decision, the applicant must -
- 18.7.1 lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision.
 - 18.7.2 submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.
 - 18.7.3 within 10 (ten) days of having lodged the notice of intention to appeal, provide each person and organ of State registered as an interested and affected party in respect of the application, with -
 - 18.7.3.1 a copy of the Notice of Intention to appeal form; and
 - 18.7.3.2 a notice indicating where and for what period the appeal submission will be made available for inspection by such person or organ of State, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister. A person, organ of state or applicant who submits a responding statement in terms of regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.
19. The holder of this authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of this authorisation.
20. Any changes to, or deviations from the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
21. The holder of this authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
22. A copy of this authorisation must be kept at the property where the activities

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will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

23. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
24. Non-compliance with a condition of this authorisation may result in the suspension of the authorisation and may render the holder liable for criminal prosecution.
25. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following manner:
 - (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activities was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - (ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation. If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.
26. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
27. The activities which are authorised may only be carried out at the property

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indicated above.

28. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
29. The activities must commence within a period of **five (5) years** from the date of issue of this authorization. If commencement of the activities do not occur within this period, this authorization lapses and a new application for environmental authorization must be made in order for the activities to be undertaken, unless the holder of this environmental authorization has lodged a valid application for the amendment of the duration of expiry of this authorization before the expiry of this authorization, in which case, the validity of this environmental authorization is automatically extended from the day before this environmental authorization would otherwise have expired until the amendment application for extension is decided ("the period of automatic extension"). The activities including site preparation may not commence during the period of automatic extension.

H. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Final Scoping Report, Environmental Impact Report and Environmental Management Plan;
- b) The comments received from interested and affected parties during the assessment process; and
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

Biophysical

The botanical assessment conducted by Bergwind Botanical Surveys and Tours cc (July 2011) describes the site as being highly transformed due to historical use for livestock farming. The vegetation on-site has been totally removed with only short grassland remaining, as a result of the conversion to grazing land over time.

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Despite the highly transformed plateau areas (Pasture land), the site is also characterised by moderate to steep valleys in the eastern, northern, north-western and the western sections of the property. These valleys consist mostly of intact Herbertsdale Renoster Thicket vegetation. Despite partial infestation by invasive alien vegetation (*Acacia Cyclops*) and disturbance due to livestock grazing, the thicket vegetation is considered natural and largely intact. The thicket containing areas are mostly confined to steep or moderately steep slopes that are not suitable for cultivation. Development is proposed entirely outside the thicket vegetation areas and will be restricted to the highly transformed plateau areas of the site. The botanical assessment states that the impact on remaining Renoster Thicket vegetation will be moderately to highly positive. This is largely because development will be restricted to the already disturbed plateau of the development site and not in the areas containing intact thicket vegetation. Furthermore, livestock will be removed and there will be active implementation of conservation measures such as erosion control, management of footpaths and removal of invasive alien plant species. A setback line of approximately 10 metres will also be established and maintained to buffer the development from the natural vegetation, but also to allow for space for bulk services to be installed.

A depression, below the 42 meter contour, acts as an ephemeral water body, which is currently being utilised as a water point for livestock. The Wetland Assessment (May 2010) conducted by DH Environmental Consulting recognised the said water body as an ephemeral pan, which has historically been highly modified to act as a perennial water source for livestock. Despite the modified state and the fact that it cannot be restored to its original form, the pan falls within the definition of a wetland and therefore merits conservation and remediation in accordance with the protections offered for this type of aquatic environment. The importance of rehabilitating and incorporating the wetland into the stormwater management plan for the proposed development is therefore warranted.

The maintenance of a 20 meter wide ecological corridor between the said pan and the existing drainage line has also been provided. This has been a requirement by the Department of Water Affairs (DWA) as well as the faunal study conducted by JAH Consultants (dated June 2010).

Visual impact

According to the Visual Impact Assessment (June 2010), conducted by

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Cave, Klapwijk and Associates cc the proposed development layout alternative is considered most appropriate, as it proposes development on the transformed pasture land plateau of the site. It further excludes development of the most natural valleys and maintains the visual quality of the site, as represented by the said valleys on-site. The visual impact of the development phase of the project is considered to be moderate with a moderate effect on the setting and surroundings of the development site.

The study highlighted visual issues pertaining to (i) potential development that will be too close to the visually sensitive valley areas, (ii) development of two-storey units on the minor ridges of the site, (iii) a 11kV electrical transmission line that is still to be constructed; and (iv) the potential visual impacts of development on the endorheic pan on-site.

General mitigation measures have been proposed to reduce the identified visual impacts and to address the concerns highlighted in the abovementioned paragraph. No development of two storey units is allowed along the minor ridges identified on-site. A further visual mitigation measure has been provided in the form of building height restrictions to a maximum of 4.5 metres along the drainage lines on-site. A surface water filter has also been proposed to retain visual integrity of the endorheic pan. Furthermore, development will be in accordance with specific Architectural guidelines.

Heritage

The Archaeological Impact Assessment ("AIA") conducted by the Centre for Heritage and Archaeological Resource Management cc (dated 30 March 2010) stated that despite the restriction of development to already disturbed areas of the site the occurrence of subsurface archaeological materials is certain. This is evident from the amount of Stone Age artefacts discovered on-site, which has been exposed due to the historical disturbance. The study further states that it is most likely that more archaeological materials will be uncovered during the construction phase. As such, this study and the Palaeontological Impact Assessment (dated 5 March 2010) conducted by Mr. J. Pether emphasised the importance of Archaeological and Paleontological monitoring during the construction phase by, or under the supervision of a professional archaeologist.

The Archaeological Impact Assessment further recognised the northern sections of the site, as being of high archaeological significance and very sensitive. The existing farmstead and grave yard will also be retained as part of the proposed development due to its HISTORICAL significance.

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The Heritage Impact Assessment (phases 1 and 2) conducted by Perception Heritage Planning highlights the need to maintain the historical character of the site by avoiding the construction of two-storey units bordering onto the ravine sections of the site. This aspect has been addressed in the conditions of this authorisation.

HWC provided recommendations with regard to the preferred layout alternative. These pertained to, inter alia,:

- The implementation of development set back lines between the development and the existing access road to Vleesbaai;
- Implementation of setback lines between the existing farm house and proposed development units; and
- Alternative orientation of residential units to mitigate visual impact on views into the development site.

This Department is satisfied that the preferred development alternative as detailed in the EIR has taken due cognisance of the visual mitigation measures proposed by the relevant specialist and also the heritage specialist. Furthermore, considering the local heritage significance assigned to the existing farmstead and associated outbuildings, this Department is also satisfied that appropriate setback lines has already been incorporated into the preferred development alternative as detailed in the EIR.

To address the aforementioned concern the group housing units that were initially proposed have been excluded to allow sufficient space for the existing farmstead, and its associated outbuildings. The site, which covers an aerial extent of approximately 0.5Ha will therefore be retained as a single residential erf. Any proposed modification to the said farmstead will therefore need to be approved by HWC, in advance.

Traffic

The Traffic Impact Assessment conducted by ITS Traffic Solutions (dated July 2010) confirmed that all intersections, both current and proposed, will operate at acceptable levels during peak hours. The study also confirms that all existing intersections have adequate spare capacity to accommodate the higher demand during peak holiday periods, including the additional traffic generated by the proposed development.

The study did however highlight the need for an alternative access route to the beach area in light of the current access restrictions presented by the security gate at the entrance to the existing town. A second access route

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has been proposed along the dry drainage line to the north of the development site. This was however not considered viable, taking into consideration the definite impacts that would result from the required removal of intact thicket vegetation.

The study also recognised that there are no facilities for pedestrians and cyclists in the area and proposed that the stretch between Main Road 336 and the access road to the proposed development and the gated Vleesbaai access/ District Road 1533 be upgraded with hard surfaced sidewalks/ cycle paths to enable safe movement.

Regional/Planning Context

The acceptability of the proposed development from a planning perspective was contested throughout the assessment process. The objections and concerns highlighted, questioned the consistency of the proposed development with the Mossel Bay Riversdale Regional Structure Plan, the Western Cape Provincial Development Framework ("WCPSDF") and the draft Mossel Bay Spatial Development Framework, 2008 ("MSDF").

The Regional Structure Plan for the area is presented schematically and not to scale. Initial input received from Mossel Bay Municipality in this regard stated that the proposed development concept is not considered to be consistent with the Regional Structure Plan and has not been included within the urban edge of Vleesbaai, as detailed in the draft MSDF, although it was initially included as part of the urban edge according to the draft MSDF compiled in 2006.

Initially this Department indicated that the proposal was not consistent with the Regional Structure Plan's demarcation of "Urban Development". However, more detailed information regarding the exact locality of the proposed development site was made available to the Department, after the initial determination was done. Based on the analysis of the new information the proposed development was found to comply with the Regional Structure Plan as it promotes urban development of Vleesbaai in an inland direction and is considered to fall within the area demarcated for "Urban Development". Subsequently, Mossel Bay Municipality reconsidered their initial input and accepted the determination of this Department.

The Directorate: Environmental and Spatial Planning of this Department further supports the proposed residential development. The proposal is considered as being aligned with the WCPSDF. The areas of alignment are

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detailed as follows:

- The development encourages the inland growth of Vleesbaai as opposed to the linear expansion of development along the coast. Furthermore, the proposed development abuts the existing residential settlement (Vleesbaai) and does not constitute leapfrog development. The regional structure plan also recommends that further development of Vleesbaai should take place in an inland direction.
- Provision is made for 15 houses aimed specifically at previously disadvantaged low income earners currently located a few kilometres from Vleesbaai. Although the provision of 15 "social housing" units in comparison to approximately 290 residential opportunities can be considered minimal, the proposal at least demonstrates an attempt and willingness to address integration. Furthermore, the proposed location of these units at the entrance to the proposed development establishes the integration within the development.
- The proposed development not only includes housing opportunities for lower and upper ends of the income scale, but also housing opportunities for middle income households, through the provision of group housing. The development is therefore considered to be in line with the principle of a socio-economic gradient, where the complete range of socio-economic groupings is located within a 1 kilometre walking radius from each other.

Need and Desirability

The relevant specialist impact assessments have reported that, in principle, development of the site is acceptable from an environmental perspective. Adequate mitigation measures have been proposed to manage potential impacts as highlighted by the said specialists.

Despite its current exclusion from the current draft urban edge for Mossel Bay, the development has shown its alignment with the PSDF (See Planning/ Regional Context). The proposal also responds to the need for low to middle income housing in Vleesbaai, as confirmed in the Integrated Development Plan (2010/2011) for Mossel Bay Municipality.

Socio-economic

The independent assessment of the socio-economic impacts conducted by Multi-Purpose Business Solutions (dated June 2010) states that various short-term jobs will be created during the construction phase of the development, while a smaller number of sustainable employment opportunities would be

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created once operations commence.

Employment opportunities in the Mossel Bay Area for the anticipated 15 year construction phase has been estimated at approximately 1 691 taking into considering an expected increase in Gross Geographical Product of approximately R243.3 million. This averages almost 113 construction phase employment opportunities per annum. Due to the indirect/induced effects associated with the development, approximately 1 893 direct/indirect/induced jobs would be generated in the Mossel Bay Municipal area over the construction period or 126 indirect/induced employment opportunities per annum on average. Operational Phase employment opportunities have been estimated to reach a potential maximum ranging between 225 to 266 direct, indirect/induced jobs to the workforce of Mossel Bay by the end of 2025. An analysis of the direct employment opportunities related to each component indicates that 58 direct and seasonal employment opportunities will be created on completion of the Amanzi Moya Farm Estate.

The Socio-Economic Impact Assessment concludes that the project would add value to the existing community of Vleesbaai and that the socio-economic benefits outweigh the social costs emanating from the development of the Amanzi Moya development.

I&APs highlighted socio-economic issues pertaining to, inter alia, (i) the need and desirability for the proposed development (See *Need and Desirability for further detail in this regard*), (ii) potential impact on the sense of place (See *Visual impact & Heritage for further detail in this regard*), (iii) crime during the construction phase, (iv) uncertainty regarding the social contribution by the developer (e.g. social housing); and (v) impact on the beach area in terms of capacity constraints and lack of amenities.

The issues pertaining to need and desirability are discussed in detail under the headings, *Need and Desirability* and *Regional/ Planning Context*. With regard to sense of place, the relevant specialist assessments have concluded that the proposed development will have an acceptable level of impact on the social, heritage and visual aspects of the landscape. The potential of crime during the construction phase has been addressed in the EMP and will be further mitigated by the existing access and security controls exercised by Vleesbaai village.

The issues pertaining to access to the beach has been adequately

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addressed during the EIA process. The development proposal has made provision for parking (i.e., approximately 81 parking bays) and ablution facilities to address concerns regarding capacity constraints and lack of amenities. Provision has also been made for a shuttle service for future residents and their visitors during peak holiday seasons. The EIR states that surfaced sidewalks / cycle paths are to be provided on the site frontage between the proposed main access to Amanzi Moya and the MR 336/ DR1533/ Vleesbaai intersection. This will further improve accessibility as well as promote non-motorised transport while ensuring safety of pedestrians

The social contribution of the developer has been confirmed through the establishment of the Vleesbaai Community Association representing the previously disadvantaged community of Vleesbaai that will benefit from the proposed development. A formal memorandum of agreement has also been entered into between the developer and the Vleesbaai Community Association which, inter alia, details the undertaking of the developer with regards to preferential employment, housing provision, financial contributions, training and skills development.

Services

It has been confirmed that potable water for human consumption and domestic use will be provided by Mossel Bay Municipality from their bulk water network at a point close to PetroSA. According to the services report compiled by MVD Consulting Engineers (Pty) Ltd it is estimated that a total of 92310m³ per annum is required for domestic usage, which equates to 255kl/day. In their correspondence dated 4 August 2009, Mossel Bay Municipality confirmed that sufficient spare capacity exist to supply 295kl/day, which is in excess of that required by the Amanzi Moya development.

Due to capacity constraints experienced in the Vleesbaai township a new 160mm diameter bulk supply water pipeline will be constructed from the Bartelsfontein reservoir to the proposed development, with a link to the Boggomsbaai reservoir from where the 160mm UPVC line follows the Vleesbaai access road (MR 336). Although this pipeline has been approved as part of another EIA process for an adjacent development on Portion 8 of the Farm Buffelsfontein 250, Mossel Bay (Kloofsig), a written undertaking between the respective developers has been entered into to share this service infrastructure.

Bulk sewage generated by the proposed development will be

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accommodated by a new dedicated Facultative Aerobic Pond sewage system with three sewer oxidation dams that has been approved as part of the neighbouring Kloofsig residential development. It has been confirmed that the design for this system can accommodate the bulk sewage to be generated by the proposed development. Average daily flows are estimated at 1 000 litres per day per dwelling with the hydraulic loading of the sewage system estimated at 210 kl/day.

The stormwater generated as part of the proposed development will be managed in accordance with a specific stormwater management plan.

According to the appointed electrical engineers, CVW Electrical Engineers, Eskom has agreed to an additional 100kVA supply to be made available for the first extension of the proposed development (roughly the first 50 units), whilst the remainder of the proposed development will receive power from the newly approved 66kV Vleesbaai substation to be constructed on Portion 4 of Farm 251, Vleesbaai.

Cumulative effects

The cumulative impact on the existing beach area has been highlighted as a major concern. This relates mainly to how the proposed development will (i) affect access to the beach, (ii) impact negatively on the current capacity of the beach to accommodate more visitors and residents, (iii) place further pressure on the current availability and provision of parking; and (iv) place further pressure on the provision of public amenities, which are key impacts of a cumulative nature.

The cumulative effect of stormwater runoff during both the construction and operational phase has been adequately addressed as part of the planning and design of the proposed development. Adequate mitigation measures for stormwater management have also been provided as part of the Environmental Management Plan.

Bulk services for the proposed development have been secured through a confirmation of service availability by the Mossel Bay Municipality. Furthermore a written agreement has also been settled between the applicant and the developers of the adjacent Kloofsig development with regards to the utilization of service infrastructure.

Alternatives

The alternatives considered during the assessment process represent a mixture of operational, activity and layout alternatives. The PPP did highlight a suggestion by an I&AP to subdivide the property into 50 agricultural small holdings. This was however refuted by the appointed agricultural specialist, because the water that has been allocated by the Mossel Bay Municipality is not for agricultural purposes. The expected sizes of these units (approximately 0.78Ha each) are also not considered as economically viable farming units. This alternative was therefore not considered further.

Layout Alternatives – Alternatives 1, 2, 3, 4 described in Final EIR compiled by Cape EAPrac (Pty) Ltd

Development was initially proposed on both Farm Keerom 264 and the Remainder of the Farm Vleeschbaai 251. Layout alternatives proposed a mixture of residential, group housing (including social housing), private open space and associated recreational facilities, as well as a proposed access route along the northern drainage line on-site. The assessment of these layout alternatives however highlighted that the proposals would be in conflict with the relevant forward planning framework and principles for the area as it did not, inter alia, promote integrated development (i.e., the social housing component was removed from the main development) and extended beyond the area designated for township development (i.e., proposed private open space areas extended into areas considered to be earmarked for agricultural purposes according to the Regional Structure Plan for the area.). It was also contended that a proposed access along the northern drainage line, as well as a linkage between the social housing component and the main area to be developed would result in significant environmental impacts on intact thicket vegetation, which is of high conservation value.

The layout alternatives were refined taking due cognisance of the relevant planning and biophysical constraints that are of relevance to the site. This resulted in the development being restricted to only a portion of the Remainder of the Farm Vleeschbaai 251. Further incorporation of the various specialist inputs resulted in the development layout being amended to make provision for setback lines along ecological corridors characterised by intact thicket vegetation and features such as (i) the on-site endorheic pan; (ii) setback lines to accommodate landscaped berms; (iii) provision of secondary emergency access; and (iv) restricting building heights along ecological corridors to limit visual intrusion. Subsequent concerns raised by

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I&APs regarding the preferred location of the social housing component resulted in the re-location of this development component to address this particular concern.

The applicant's preferred development alternative (Alternative 5(b), Figure 7 in the EIR

This alternative represents inputs received and mitigation measures proposed by the relevant stakeholders and specialists during the EIA process. This development proposal is restricted to 36.73% of the Remainder of the Farm Vleesbaai 251 and will entail the following:

- 163 Single Residential (Res I) erven that will occupy approximately 10,54ha;
- Group Housing (Res II) erven that will occupy approximately 6,02ha;
- 1 Town house erf (social housing) (Res III) that will occupy approximately 0,37ha;
- 2 Private Open Space II areas that constitute approximately 15,57ha; and
- Internal Private Roads (including road reserve) that will occupy approximately 4,20ha

Department's approved development alternative

In light of the heritage value that has been assigned to the existing homestead, and based on subsequent feedback received from the relevant Heritage specialist and the EAP, the group housing erf proposed where the homestead is located (Erf 166 on Plan No.: V/C/201/7 (dated 11 October 2010) will be retained as a single residential erf. It is therefore required that a revised amended layout plan to this effect be submitted to this Department for approval, prior to construction commences.

Operational/ Implementation alternatives

Implementation alternatives have been considered for the following aspects of the proposed development:

- Timing for the establishment of the social housing component in relation to the other components of the development;

In order to confirm the social commitment by the developer, it has been decided to construct 5 social housing units with the sale of every 20 units within the development. This has been considered more acceptable than constructing this component only once all

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properties are sold and transferred.

- Implementation of the ablution facilities and internal parking area;
Due to the concern raised regarding the lack of ablution facilities for beach visitors, it was considered necessary that these facilities be completed, prior to occupancy.
- Implementation of the beach shuttle service;
Implementation of this service at an early stage has been preferred to ensure that it is available for use by future residents.
- Installation of bulk services
In light of the existing pressure on services in Vleesbaai, it has been proposed that bulk services for water and sewage be completed and be operational, prior to the occupation of the first unit.

No-Go option – Status Quo

This represents the continuation of agricultural activities on the property in line with its current land use zoning. The Agricultural Soil Potential Report (dated July 2006) concluded that only approximately 22% of the site is considered of high potential, 30% of medium potential and 50% of low potential for most agricultural crops. In light of this, the agricultural practices have shifted to focus mainly on livestock grazing as the most viable practice. However, dust pollution resulting from these agricultural activities practiced on the property, have been highlighted as issues by surrounding residents of Vleesbaai. Furthermore, the occurrence of pests and invasive alien vegetation has resulted in lower capital investment for agricultural activities on the property. In addition, the botanical, faunal and freshwater specialists reported that, in comparison to the proposed development, the continuation of agricultural practices on the property will result in greater degradation of the property. The Department of Agriculture also commented that they have no objection to the proposed development of the property. This option was therefore not considered feasible.

Public Participation

The public participation process entailed the following:

- Consultation with key government departments and other authorities such as the Department of Health, Department of Water Affairs and Forestry, CapeNature, Eden District Municipality, District Roads Engineer, Department of Transport and Public Works, Great Brak River Museum Association and Mossel Bay Municipality, Department of Agriculture,

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- Distribution of a Background Information Document (BID) to all registered I&APs,
- Placement of a notice in the George Herald of 30 August 2007 advertising the availability of the Draft Scoping Report for comment;
- A public meeting held on 27 September 2007;
- Placement of a notice in the Mossel Bay Advertiser and Die Burger informing the public of the availability of an Amended Final Scoping Report ("AFSR");
- Placement of notices on-site, the Vleesbaai community hall and The Vleesbaai entrance security office;
- Issuing of written notices to all registered I&APs regarding the availability of the AFSR for comment;
- Issuing of written notices to all key Authorities and relevant Non-Government Organisations (NGOs) regarding the availability of the AFSR for comment;
- Placement of a notice in the Mossel Bay Advertiser (23 July 2010) regarding the availability of the draft Environmental Impact Report ("DEIR") for comment;
- Issuing of written notices to registered I&APs regarding the availability of the DEIR for comment;
- Provision of a commenting period of 21 days to all registered I&APs to review the Final EIR.

The public participation process elicited a wide range of comments from I&APs. The most significant issues raised during the environmental impact assessment process related to, inter alia:

- the acceptability of the proposed development within the existing forward planning framework of relevance to the area and the province (i.e., Need and Desirability);
- The impact of the proposed development on the "sense of place";
- Bulk service infrastructure capacity;
- Traffic and access;
- Impact of the proposed development on sensitive areas;
- Land use issues;
- Socio-economic issues pertaining to safety and security during the construction phase, impacts on property values and uncertainty regarding the social contribution of the developer;
- Potential visual impact on the receiving environment; and

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- Cumulative impacts with specific reference to capacity constraints related to the beach and existing amenities and services.

The following key stakeholder/ State Department comments were received:

Department of Transport and Public Works – is not opposed to the proposed development and supports the proposed access off MR 336 and the proposed spacing of the security gate, with separate lanes for residents and visitors as proposed by ITS Consulting Engineers. The department states that one access to the development is sufficient to accommodate development traffic, even in emergency situations. The comment received highlights the need to either remove the existing security gate at Vleesbaai or to provide additional parking space. This authority further requires that hard-surfaced sidewalks/cycling paths between the proposed access and the gated entrance to Vleesbaai be constructed.

Department of Agriculture – Had no objection to the proposed development.

Department of Health – Had no objection to the proposed development subject to certain conditions pertaining to service delivery and sewage treatment.

Department of Water Affairs – Had no objection to the proposed development subject to compliance with certain conditions. Furthermore, this Department agrees with the findings of the Freshwater Ecologist, stating that the endorheic pan is not considered as a wetland and was created as a result of agricultural activity. The proposed buffer area up to the 42m contour is supported and a 20 meter wide ecological corridor is required as a link between the pan and the drainage line on-site. The Department proposes that the pan must be cleaned to improve its water quality, retained as a frog habitat and operate as a storm water facility.

Mossel Bay Municipality – Had no objection to the proposal and confirmed that sufficient bulk water service capacity exists to accommodate the proposed development. The Planning section of Mossel Bay Municipality initially commented that the proposal is not consistent with the Regional Structure Plan and the 2008 version of the MSDF. Following the subsequent submission of additional information, as well as an interpretation this Department, Mossel Bay Municipality conceded its initial position and accepted the determination by the Department.

Heritage Western Cape: The Archaeology, Palaeontology and Meteorites (APM) Permit Committee commented that the recommendations in the AIA

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and PIA be accepted and that the relevant monitoring be conducted during the construction phase. The Built Environment and Land Committee (BELCOM) resolved to endorse the recommendations in the relevant heritage related reports (HIA, AIA & PIA). A phase II HIA was further required and submitted by the applicant.

Driehoek Home Owners Association – Highlighted that the social housing units be relocated away from their property boundary. This has been addressed in the approved development proposal.

Smith, Ndlovu & Summers Environmental Law Specialists (SNS) submitted objections on behalf of Vleesbaai Dienste (Pty) Ltd, which includes the following:

- Questioned the manner in which the public participation has been conducted;
- The inadequacy of alternatives considered during the EIA process;
- Insufficient detail provided regarding the need and desirability of the proposed development;
- Questioned the manner in which cumulative impacts have been reported on and the perceived lack of assessment that was conducted for these impacts;
- Questioned the dependence of the proposed development on service infrastructure approved as part of the Kloofsig development; and
- Failure by the EAP to provide information required to inform comment on the documentation.

This Department is satisfied that the issues highlighted above have been adequately considered by the EAP during the assessment process.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

I APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the regulations.

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Any person who wishes to appeal against this environmental authorisation, must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of one of the following methods:

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

By facsimile: (021) 483 4174

By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 305 A
3rd Floor, Leeusig Building (Entrance Utilitas Building,
1 Dorp Street,
Cape Town,
8001

email : jaap.deVilliers@pgwc.gov.za

A signed Appeal form, obtainable from the Minister's office at tel. (021) 483 3721, email: jaap.deVilliers@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.

All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant should decide to appeal, the applicant must serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

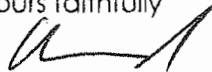
Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently

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stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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

Yours faithfully



AYUB MOHAMED

DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 2011-08-12

Copies to:

DEADP George

Cape EAPrac (Pty) Ltd)

Fax:(044) 874 2423

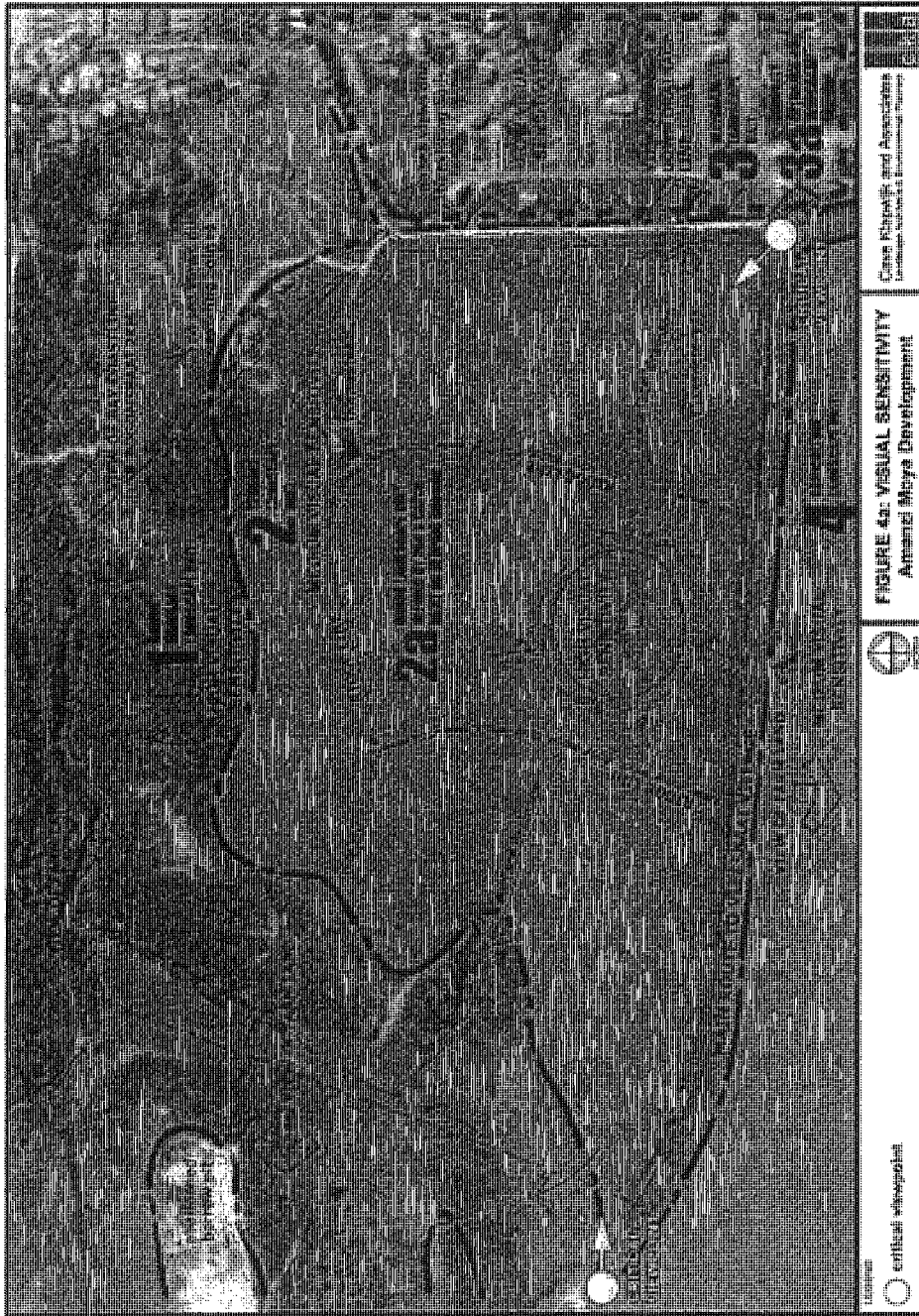
Fax:(044) 874-0432

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ANNEXURE 1

Visual Impact Assessment

Amanzi Moya



Cave Klapwijk and Associates

RX Date/Time

12/08/2011

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P.033

From: Dept. Environmental Affairs

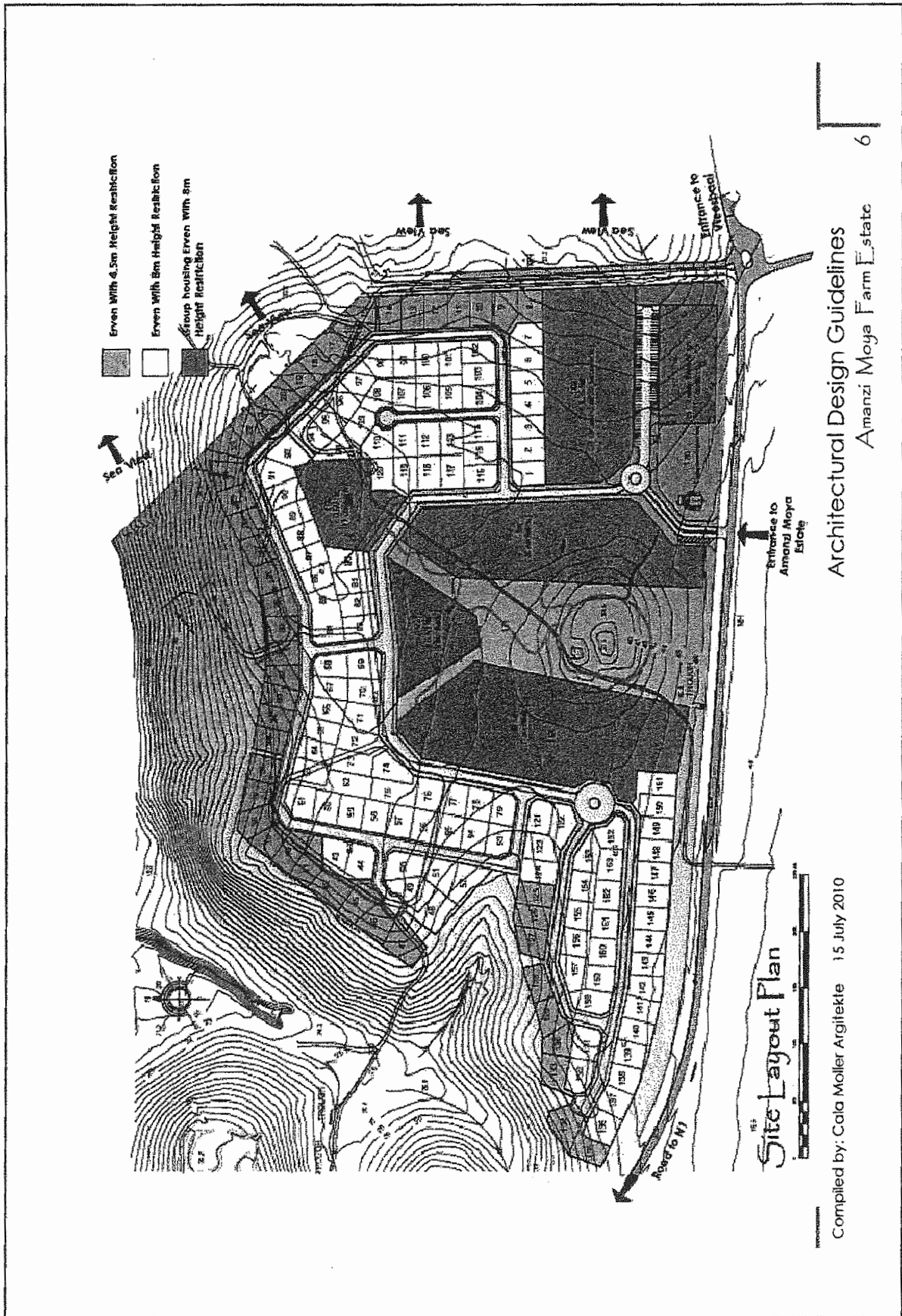
To: 0448740432

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ANNEXURE 2



Architectural Design Guidelines
 Amanzi Moya Farm Estate