

From: Dept. Environmental Affairs

To: 0448740432

11/08/2011 10:27

#674 P.001/020

From:

To: 00448742423

05/08/2011 14:38

#950 P.001/020



DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING
Provincial Government of the Western Cape

Directorate Land Management

(Region 1)

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York Park Building, York Street,

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REFERENCE: EG12/2/3/2-D5/15 - 441/06

ENQUIRIES: Shireen Pullen

DATE:

2011-08-05

The Director

Wonderdeals (Pty) Ltd

P.O. Box 2479

SOMERSET WEST

7129



Attention: Mr. NJE Horwood

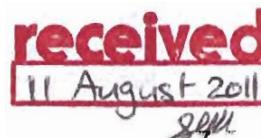
Telefax: (021) 852 4508

Dear Sir

**APPLICATION: THE PROPOSED DEVELOPMENT ON FARM PLATTEBOSCH 485/51, STILL BAY,
DIVISION RIVERSDALE**

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

ENVIRONMENTAL AUTHORISATION



A. DESCRIPTION OF ACTIVITY:

The proposed development entails the establishment of a residential development, which will include single residential erven, transport zones, internal road networks and other infra-structure services (i.e. water, sewage, electricity etc.). The proposal also includes the construction of a new pump station to serve lower areas from where sewage will be pumped to the existing sewer connection point via a proposed 100mm diameter pipeline, connecting directly to the existing waste water treatment works (WWTW). The largest part of the site (more than 75%) will remain undeveloped private open space and will be managed as a private nature/eco-reserve.

The layout of the proposed development will be approximate to the lay-out plan dated December 2008, amended in May 2011 and submitted as an addendum to the Final Amended EIR for the proposed development, but excluding erven 113, 114, 115, 116, 123, 124, 125 and 126.

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

Activity 1(k): The construction of facilities or infrastructure, including associated structure or infrastructure, for – the bulk transportation of sewage and water, including storm water in pipelines with –

- (i) and internal diameter of 0,36 metres or more; or
- (ii) a peak throughput of 120 litres per second or more

Activity 12: The transformation or removal of indigenous vegetation of three hectares or more, or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management Biodiversity Act No 10 of 2004.

Activity 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 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:

Activity 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:

Activity 23: The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5ha or more, but less than 20ha.
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares;

except where such transformation takes place for

- (i) linear activities;
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.

Activity 24: The transformation of land bigger than 1 000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.

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

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Activity 15: Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or 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.

The following activity as identified in terms of Government Notice R546 of 18 July 2010 was also considered during the assessment process. These are:

Activity 12: The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

- (a) 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;
- (b) Within critical biodiversity areas identified in bioregional plans;
- (c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas.

Activity 13: The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.
- (2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No 544 of 2010. In the Western Cape
 - i. In an estuary;
 - ii. Outside urban areas, the following:
 - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
 - (bb) National Protected Area Expansion Strategy Focus areas;
 - (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
 - (dd) Sites or areas identified in terms of an International Convention;
 - (ee) Core areas in biosphere reserves;
 - (ff) 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;
 - (gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
 - iii. In urban areas, the following:

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- (aa) Areas zoned for use as public open space;
- (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
- (cc) Areas seawards of the development setback line;
- (dd) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined

hereinafter referred to as "the activity".

B. LOCATION:

The development site is located in the southwestern perimeter of the coastal town Stilbaai. The site is surrounded with a road (Jongensfontein Road) and low density residential development (Bokmakierie) to the north, a resort development (Bosbokduin) and the Indian Ocean located to the south and south-east.

Co-ordinates:

Latitude (S): 34° 23' 35.70" Longitude (E): 21° 24' 19.35"

SG21: CO6400060000048500051

hereinafter referred to as "the site."

C. APPLICANT:

Wonderdeals (Pty) Ltd
C/o Mr. NJE Horwood
P.O. Box 2479
SOMERSET WEST
7129

Telefax: (021) 852 4508

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Doug Jeffrey Environmental Consultancy (Pty) Ltd
C/o Mr D. Jeffrey/ Ms. L. M. van Zyl
P.O. Box 2070
GEORGE
6530

Tel (021) 875 5272/ (044) 8740365
Fax: (021) 875 1554/ (044) 873 0432

E. SITE VISIT(S):

Date: 2 March 2011

Persons present: Ms. Shireen Pullen and Mr. A. Oosthuizen from the Department of Environmental Affairs and Development Planning.

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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 activities specified above, but excluding the activity on erven 113, 114, 115, 116, 123, 124, 125 and 126 as indicated on the lay-out plan dated December 2008, amended in May 2011, submitted as an addendum to the Final Amended EIR for this application.

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 and 2010, the Department hereby authorizes the activity described above but excluding the activities on erven 113, 114, 115, 116, 123, 124, 125 and 126 as indicated on the lay-out plan dated December 2008, amended in May 2011, submitted as an addendum to the Final Amended EIR for this application.

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 refuses authorization for the activity on erven 113, 114, 115, 116, 123, 124, 125 and 126 as indicated on the lay-out plan dated December 2008, amended in May 2011, submitted as an addendum to the Final Amended EIR for this application.

Where an authorisation is granted for an alternative, such alternative must, for the purposes of subregulation 25(1), be regarded as having been applied for.

The applicant has applied for Activity 13 and Activity 18 listed in Government Notice No. R386 of 21 April 2006, being: "The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act will be exceeded" and "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 these activities are no longer listed 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.

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3. One week's notice, in writing, must be given to the Directorate: Land Management (Region 1), (hereinafter referred to as "this Directorate"), before commencement of any construction activities.

2.1 Such notice shall make clear reference to the site location details and reference number given above.

2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 2, 13, 14 & 17

4. No buildings may be constructed on 1:4 slopes or slopes steeper than 1:4.
5. The following Resource Conservation Measures must be implemented and included in all sales agreements:
 - 5.1. All units must be fitted with a rainwater tank with a minimum capacity of 5000 liters for the collection and storage of rainwater from roofs.
 - 5.2. Rainwater collected from roofs must receive preferential use in the irrigation of gardens or other outdoor requirements.
 - 5.3. All units must be fitted with and use low flow showerheads, tap aerators and dual-flush toilets.
 - 5.4. All units must be fitted with and use energy-efficient lighting and appropriate heating designs.
6. A search and rescue mission must be undertaken on site, prior to the commencement of the installation of services. All plants gathered during the search and rescue, must be moved to a suitable nursery, until such time it could be re-planted or utilised for landscaping.
7. Boundary fencing around the site must be of such a nature that it supports the ecological corridor provided for within the lay-out of the development.
8. The height of all units must be restricted to 5m measured from natural ground level to the apex of the roof and all units must be designed with suitable materials and colour schemes.
9. The re-cycle material must at all times be kept separate from the normal domestic household waste and appropriately placed at an area on the site where it will not pose any undesirable nuisance to residents.
10. The applicant must compile and submit a management plan for continual clearance of alien vegetation to ensure that the open spaces (ecological corridors) remain free from alien infestation. This plan must form part of the Environmental Management Programme referred to in condition 13 of this environmental authorisation and the management plan must clearly indicate how often clearance will take place.
11. The developer is responsible for the upgrade and on-going maintenance of the access road until such time an agreement is reached between the applicant, Bosbokduin and Bokmakierie residents.
12. The recommendations contained in the Traffic Impact Assessment dated 15 February 2007 compiled by ITS Engineers (Pty) Ltd must be implemented to the satisfaction of the roads authorities.

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13. The Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation must be amended. The contents of the amended EMP must:
- 13.1 be approved by the Department before the commencement of any construction activities;
 - 13.2 be submitted to the Directorate: Land Management (Region 1) for consideration at least three weeks prior to the commencement of construction activities;
 - 13.3 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;
 - 13.4 incorporate the conditions of authorisation given in this Environmental Authorisation;
 - 13.5 include, adopt and implement the mitigation/rehabilitation measures and recommendations as detailed in the Final Amended Environmental Impact Report and addendum thereto, dated February 2011 and May 2011 respectively, as compiled by Cape EAPrac;
 - 13.6 set out an environmental policy, objectives and targets;
 - 13.7 set out how the applicant and the property owners / body corporate of the proposed development will adopt and implement the approved Environmental Management Programme;
 - 13.8 identify and allocate environmental management roles, responsibilities and accountability within the organisation, as well as funding requirements, measurable targets and timeframes for the implementation of the EMP;
 - 13.9 include environmental procedures which cover the construction activities for every phase of the development (Construction Environmental Management Programme ("CEMP")) pertaining to major services (roads, water sewage and electricity) as well as the individual plots;
 - 13.10 describe the method and program for hand excavation within the highly sensitive conservation areas;
 - 13.11 describe the method and program, including clear targets and remedies for invasive alien vegetation clearance within two years of commencement of construction activities;
 - 13.12 include a generic method statement for any construction activities within demarcated buffer areas;
 - 13.13 Make provision for the compilation of method statements to the satisfaction of the appointed Environmental Control Officer ("ECO");
 - 13.14 Provide for the utilisation of local labour as far as possible. This may include, record keeping and reporting procedures for monitoring purposes;
 - 13.15 architectural guidelines for the construction of all buildings;
 - 13.16 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)

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- or the National Environmental Management: Waste Act (Act No. 59 of 2008);
 - management of the open space;
 - management of landscaped areas; and
 - management of ecological corridors and conservation areas.
- 13.17 make provision for environmental training of staff, including contractors/service providers both for the construction phase and in relation to on-going operations;
- 13.18 include procedures for communication and reporting on environmental performance;
- 13.19 include corrective action procedures;
- 13.20 be included in all contract documentation for the construction phase of the development;
- 13.21 describe the level and type of competency required of the Environmental Control Officer, ("ECO");
- 13.22 define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable;
- 13.23 determine the frequency of site visits;
- 13.24 address the need for the establishment of a Home Owners Association (HOA); and
- 13.25 define and allocate the roles and responsibilities of the HOA
14. The holder of this authorisation must appoint a suitably experienced Environment Control Officer ("ECO") for the construction phase of the development, before commencement of any land clearing or construction activities, to ensure compliance with the provisions of the EMP and conditions relevant to the role and function of the ECO as contained in this environmental authorisation.
15. 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 (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 Heritage Western Cape.
- 15.1 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 Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
- 15.2 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.
16. The holder of this authorisation must submit an Environmental Audit Report, ("audit report") to the Directorate: Land Management (Region 1) annually from the date of commencement of construction activities until two years after completion of construction activities.

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- 16.1 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;
 - 16.2 Provide this Department with details regarding the rehabilitation and ongoing maintenance of the wetlands on site;
 - 16.3 The audit must be conducted by a suitably qualified independent person;
 - 16.4 This Department may require remedial action should the audit report reflect that rehabilitation is inadequate; and
 - 16.5 If the audit report is not submitted, this Department 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.
17. The applicant must in writing, within 12 (twelve) calendar days of the date of the decision on the application –
- 17.1 notify all registered interested and affected parties of –
 - 17.1.1 the outcome of the application;
 - 17.1.2 the reasons for the decision; and
 - 20.1.3 the date of the decision;
 - 17.2 Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the Regulations;
 - 17.3 Inform all registered interested and affected parties of the manner in which they can access the decision;
 - 17.4 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;
 - 17.5 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@gowc.gov.za or via the URL <http://www.capecgateway.gov.za/eadp>;
 - 17.6 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;
 - 17.7 If the applicant should decide to appeal the decision, the applicant must –
 - 17.7.1 lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision;

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- 17.7.2 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;
- 17.7.3. 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 –
 - 17.7.3.1 a copy of the Notice of Intention to appeal form; and
 - 17.7.3.2 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.
- 18. The holder of the 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 the authorisation.
- 19. 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.
- 20. The holder of this authorisation must notify this Department and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
- 21. A copy of this authorisation must be kept at the property where the activities 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.
- 22. 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.
- 23. 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.
- 24. 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

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obligations contained in this environmental authorisation must be submitted in the following way:

- (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. valldity 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.

- 25. Departmental officials shall be given access to the property referred to in section B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
- 26. The activitles which are authorised may only be carried out at the property indicated above.
- 27. 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.
- 28. The activitles must commence within a period of **five (5) years** from the date of issue. If commencement of the activitles does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

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 Amended Environmental Impact Report ("FEIR") and Environmental Management Programme;
- b) Information received as an addendum to the FEIR dated May 2011;
- c) The comments received from interested and affected parties during the public participation process; and
- d) The objectives and requirements of all relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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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:

Environment

The property is characterized by a natural average slope from west to east. The property forms part of a Critical Biodiversity Area ("CBA"), but the site was "ground truthed" by a botanical specialist who found that (i) the associated impacts; (ii) the demand on services and natural resources; (iii) the change in character and landscape; and (iv) the increase in traffic and access to the coast, will all be within acceptable limits and not have any detrimental impact on the receiving environment. All the units of the proposed development will be located /concentrated in the areas that have a moderate to low conservation status.

Botanical

The Botanical Assessment that was done by Nick Helme Botanical Surveys was conducted at a finer scale than the Fine Scale Biodiversity Mapping for the Hessequa Municipality. Generally, the bulk of the site was found to be of Low to Moderate conservation value. However, the study did recognize patches of pristine thicket vegetation, which is of high conservation value and characterized by Milkwood (*Sideroxylon inerme*). The previous disturbances, which are reflected by the relatively low species diversity and dominance of bletou (*Chrysanthemoides monillifera*), which is a widespread and rather invasive (but indigenous) species is however evident on the site.

According to the findings of the botanical assessment, the development (preferred alternative) will have a local, temporary to permanent effect with a medium extent and a high probability. This alternative was found to have a low negative effect on the vegetation on site. This alternative also allows for wider ecological corridors and less fragmentation of the remaining natural areas that has conservation value. All botanical constraints of the site were taken into account in the process of determining the preferred alternative.

The final preferred layout omitted all the units from the area indicated as being of high conservation value. The initial development proposal included a sewer network consisting of four lines traversing the highly sensitive vegetation. In light of the findings of the botanical assessment and the inputs from Forestry, an alternative alignment for sewer lines was proposed. The new proposal combines the 4 lines into one higher capacity sewer line in order to reduce the amount of earthworks that will be required within the sensitive conservation worthy area. All construction activities in this area will be done by hand to minimize disturbance. The entire development will take place in areas indicated as moderate, and low to moderate conservation value.

Faunal

The faunal assessment concluded that the preferred alternative is also the alternative with the least negative impact on the fauna residing on the site. The development may also have a positive effect on fauna inhabiting land that is not developed, if the land is given secure, permanent conservation status and if it is properly managed for conservation purposes, as indicated in the development proposal. Given that a large portion of the site is to be left in an undisturbed state.

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Critical Biodiversity Areas

In principle, fine scale biodiversity mapping aims to avoid loss of natural habitat in Critical Biodiversity Areas (CBA) and to prevent degradation of Ecological Support Areas (ESA), whilst encouraging sustainable development in other natural intact and transformed areas. Taking into account scale, the need to verify CBA information on site does exist and although a CBA map does not replace an on-site assessment for land-use applications, it must be used in conjunction with a site visit to inform the competent authority on the site specifics for decision making. The sensitivity map identified areas characterised by previous disturbances and classified these to be of low to moderate conservation value. The botanical study, however, recognised patches of pristine thicket vegetation, which is of high conservation value and characterized by Milkwood (*Sideroxylon inerme*).

- 2.1 The Department therefore applied its mind and took into account (i) the CBA map; (ii) the Botanical Assessment and Ecological Sensitivity Map for the site; (iii) the site-specific parameters and constraints; (iv) the findings and recommendations of the botanical and faunal specialists to inform its decision regarding the acceptability of the final layout, within the context and functioning of the CBA.
- 2.2 The Department further requested the applicant to revise the preferred layout plan by further excluding the erven proposed in the high conservation area in order to avoid any form of disturbance that would negatively impact on the integrity of the largely intact vegetation, but also to maintain ecological connectivity by allowing sufficient corridor space between the areas that will be developed. Upon submission of the revised layout, the Department decided to exclude erven 123, 124, 125 and 126 from the final revised layout plan, dated December 2008 and amended May 2011, as these erven will have a high visual impact from the beach area. Erven 113, 114, 115 and 116 must also be omitted from the aforementioned lay-out plan to provide for a corridor linkage of at least 100 metres. As such, no fences will be allowed that will hinder free movement within the required corridor space and surrounding open erven.

Loss of indigenous vegetation

Numerous I&APs, including CapeNature raised concerns regarding the loss of indigenous vegetation and ecological processes and pattern. CapeNature highlighted that the area consists of natural vegetation and thicket / forest patches that are required to meet national conservation threshold targets for the persistence of vegetation units in order to maintain habitat for animal species and wetland clusters.

Visual

The visual impact assessment done by CNdV Africa found that the overall visual impact that will be incurred by the development is acceptable for a development of this nature, provided that the proposed mitigation measures are strictly/fully implemented.

The site is shielded from Jongensfontein and the steep dunes along the beach further prevent visibility from the beach. Looking from Morris Point, most of the proposed development will be shielded by the beach dunes in the foreground. Views of the

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highest portion of the site will be visible at a distance of 2km and further. Various ridges and high points will prevent long distance views over the site from the west.

Further concerns were raised regarding the row of erven along the northern boundary of the property. The visual assessment reveals that these erven/houses will have a significant visual impact. It is however submitted that the mitigation measures pertaining to lighting during night time will lower the intensity of the impact, but during the day, the impact will remain high. It is thus the opinion of this Department that the proposed measures to address this concern will not be sufficient to mitigate the impact. Consequently, these four erven (123, 124, 125 and 126) are refused.

Notwithstanding the afore-mentioned, the visual impact assessment concludes that the overall visual impact of the proposed development will be acceptable. The Department is further of the opinion that the detailed Architectural Guideline that deals with density, coverage, colour schemes and height in a particular manner will satisfactorily address any other concerns pertaining to visual impact. The final building plans will be referred to the Still Bay Ratepayers Association and the appointed Architect, prior to consideration by the local authority for approval.

Heritage

Dr. Peter Nilsson from the Centre of Heritage and Archaeological Resources Management conducted a heritage impact assessment and identified several occurrences of archaeological and potential heritage resources that are protected by the National Heritage Resources Act, No. 25 of 1999 (NHRA of 1999) when investigating the site.

The archaeological heritage impact assessment identified the potential presence of both archaeological and heritage resources on site. Following the initial assessment, additional and extensive examinations were conducted on site to determine whether or not the development proposal would affect such resources. Low density scatters of marine shells and stone artefacts do occur on the surface, but they do not occur at depth. Various observation points were assessed, but the excavations in the area failed to uncover an *in situ* archaeological layer of marine shells in any of the test holes and apart from a very limited number of stone artefacts found in some of the holes. However, it is recommended that a Heritage Specialist is present during excavation activities on site to monitor whether any further artefacts are discovered.

Services

Potable water

Groundwater has been proposed as potable water resource for the proposed development and the geo-hydrological assessment confirmed that sufficient groundwater could be obtained from the on site boreholes. The Department of Water Affairs indicated in their letter dated 13 July 2009 that the water licence application for the volume of water applied for by Hessequa Municipality can be recommended.

Sewage

The existing Stilbaai Waste Water Treatment Works (WWTW) was upgraded in 2005. According to the calculations at the time, it was thought that this Phase 1 upgrade will accommodate for peak sewage flows during holiday periods up to 2010. Hessequa Municipality confirmed that they have excess capacity to accommodate

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the sewage that will be generated by the development. The Municipality also indicated that approval for further upgrades of the WWTW is expected shortly.

Electricity

Hessequa Municipality confirmed available capacity to supply the proposed development with electricity.

Solid waste

Hessequa Municipality has confirmed that sufficient airspace is available at the Melkhoutfontein Landfill site to accommodate solid waste from the proposed development (SSI, July 2008). According to the 2010/2011 IDP, 'Recycling at Source' started in April 2008 in Stilbaai and Riversdale with great success. This will also be extended to other towns in the future. It is recommended that the proposed development supports this initiative by also ensuring recycling at source (household level) and that provision be made at the entrance gate for designated recycling holds for easy collection. The re-cycle material must be kept separate from the normal domestic household waste at all time.

Access Issue

Access to the development will be via the existing access road, which leads to Bosbokduin. This access road is indicated on the Stilbaai Urban Structure Plan as a local distributor. Access to portions of Farm 485/51 (previous and existing portions) has been secured by the registration of a 10m access servitude, which stretches along the eastern boundary of the property towards Bosbokduin Resort and down to the coast. This road will be upgraded to improve safety and storm water management (e.g. addition of road curbs, alignment and stormwater inlets). In order to improve the already stressed Intersection of the MR 331 (Jongensfontein Road) and the MR 332 the existing four-way stop will be upgraded to a round-about. This access was approved by the provincial Department of Transport and Public Works as well as Hessequa Municipality.

Bosbokduin Home owners Association raised concerns regarding the access to the development and proposed several other access routes for the development. According to a legal opinion obtained by the applicant, confirmed ownership of the road and indicated that the access proposed is a servitude and does not belong to Bosbokduin Home Owners Association. However, Bosbokduin have a right of way over this servitude and although they have contributed to the construction of this road, the applicant accepted in writing all financial responsibilities pertaining to the upgrades to the access road. This authorisation also indicates that the applicant will be responsible for the maintenance of the road until such time an agreement is reached with Bosbokduin and Bokmaklerie.

Traffic

The traffic impact assessment (TIA) that was undertaken concluded that the existing road infrastructure can accommodate the additional traffic. The existing access road will be upgraded to better accommodate stormwater and safety features (i.e. road curbs, storm water inlets etc.). The existing four-way stop at the Stilbaai/Jongensfontein Intersection will be upgraded to a round-about to alleviate potential traffic congestion. These upgrades will be undertaken as part of the civil construction phase. The TIA has been accepted by both the Local Authority and the

From: Dept. Environmental Affairs To: 0448740432 11/08/2011 10:31 #674 P.016/020

From: To: 00448742423 06/08/2011 14:42 #960 P.016/020

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Provincial Department of Roads. It is further submitted that SSI has confirmed in their letter dated 31 August 2010 that the findings of the TIA are still relevant.

Regional/Planning Context

The development was recently included within the urban edge and the proposal is in line with all the relevant planning documents and policies. In this Department's view, all planning issues have been adequately addressed.

Socio-economic

In terms of employment opportunities, it is estimated that approximately 250 temporary jobs will be created during the construction phase (civils and housing). The majority of these jobs are likely to be taken up by local Historically Disadvantaged Individuals (HDIs), specifically the low and semi-skilled skills categories. The employment split will be in the region of 50% (low-skilled), 20% (semi-skilled) and 30% skilled. The average monthly wage will be between R 2000 and R 5 000. Based on a construction period of 5 years the total wage bill earned by the 250 construction phase related jobs will be in the region of R 37 million. This is based on 70% of 250 workers working over the 5 year period at an average monthly wage of R 3 500 per month.

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.

The development site was recently included in the urban edge of Still Bay and is earmarked for residential development. The development proposal is also in line with all relevant planning documents. Taking the afore-mentioned into account, this Department submits that the proposed development adequately addresses the issues pertaining to need and desirability.

Cumulative effects

The provision of additional bulk service capacity and infrastructure will limit the potential pressure on other service users, and the proposed upgrades to the road infrastructure and public intersections will ensure that associated traffic impacts are managed and current problems alleviated. Focussing development within the designated urban edge will counteract any unwanted urban sprawl.

Alternatives

No-Go Alternative

Currently, the site is vacant with a combination of disturbed land parcels caused by previous farming practices. The remaining natural vegetation is rated 'vulnerable' and 'least threatened' in terms of its conservation status. With proper management the ideal scenario would be to maintain the status quo.

Due to the fact that this alternative has no socio-economic benefit, this alternative was deemed not feasible by the applicant.

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Alternative 1

This alternative entails the construction of 140 single residential units and 22 group housing units covering 25% of the site with access via a circulate route directly off the main access road to Bosbokduin Resort development. The investigation of this alternative was discontinued as it does not take into account the need for appropriate ecological corridors.

Alternative 2

This alternative entails the construction of 153 single residential units with access via a circular route directly, off the main access road to Bosbokduin Resort development. The investigation of this alternative was discontinued as some of the units encroach into the sensitive butterfly habitat along the western edge of the property.

Alternative 3 (Preferred Alternative)

This alternative entails the construction of 153 single residential erven in accordance with the lay-out dated December 2008. Access to the development will be via a circular route, directly off the main access road to Bosbokduin Resort. Although this alternative accommodates the previous butterfly habitat and more suitable fire breaks, it was not regarded to be the most environmentally feasible alternative, as some of the units and the internal road network were still proposed in areas of high conservation significance. In response to these concerns raised, the applicant decided to amend the preferred lay-out plan and excluded the units and road network proposed in the areas of high conservation significance.

Departmental Approved Alternative

This alternative entails the construction of a residential development, which will include transport zones, internal road networks and other infra-structure services (i.e. water, sewage, electricity etc.). The largest part of the site (more than 75%) will remain undeveloped private open space and will be managed as a private nature/eco-reserve.

The layout of the proposed development will be approximate to the lay-out plan dated December 2008, amended May 2011, submitted as an addendum to the Final Amended EIR for the proposed development, but will exclude the development of erven 123, 124, 125 and 126 and 113, 114, 115 and 116 indicated on the aforementioned plan for visual impact reasons as described above.

The Department's refusal of erven 113, 114, 115 and 116 is to allow for a wider ecological corridor of at least 100 meters to ensure connectivity and to allow for pattern and process. This decision is based on the Fynbos Forum Ecosystems Guideline for environmental assessments in the Western Cape, which stipulates that ecological corridors should at least be 20 meters wide in Dune Thicket, which is representative of the vegetation type that exists in the area where the aforementioned erven were proposed.

Independent Fauna specialist, Mr. James as well as independent Botanical specialist Nick Helme confirmed that the important axes of ecological continuity and movement of animals are between the Plattebosch site and the coast, to the east and to the south, and between the site and undeveloped areas the west.

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Services Alternative

The possibility to connect sewage to the existing Bosbokduin pump station to accommodate the whole development was investigated, but due to financial constraints involving the construction of the pipeline to connect to the pump station, this alternative was deemed not feasible. It was therefore decided to construct a new pump station to serve lower areas from where sewage will be pumped to an existing sewer connection point via a proposed 100mm diameter pipeline, connecting directly to the existing waste water treatment works (WWTW).

Alternative alignment of sewer lines

Initially, 4 sewer lines were proposed through the pristine Milkwood thicket. Through various inputs provided by the botanist, Department of Water Affairs and Forestry, as well as this Department, an alternative sewer line proposal was developed. This entails substituting the 4 single sewer lines with one sewer line with a higher capacity to minimise disturbance. All earthworks in sensitive areas will be done by hand.

Public Participation

The public participation process entailed the following:

- Advertisements were placed in the *Cape Times* and the *Stilbaai Forum* to notify the public of the proposal and a Public Open House in February 2007.
- A Background Information Document (BID), together with an invitation to attend the open house was distributed to the public.
- Two site notices were placed on-site and an A3 notice was placed at the local Stilbaai municipal office.
- An Open House meeting was also held at the Stilbaai Community Hall on 1 March 2007 to present the initial proposal and identify further issues/concerns.
- The comment period closed on 15 March 2007. All comments received during this period were considered and all stakeholders that registered were included with the Stakeholder Register.
- A draft Scoping Report (DSR) was collated and reflected the various issues and concerns raised by participating stakeholders.
- The DSR was advertised in the *Cape Times* and the *Stilbaai Forum* to notify the public of the availability of the report for public review and comment.
- All registered I&APs received written notification of the availability of the report and were requested to submit comment in writing, within the specified 30-day comment period, which closed on 16 September 2007.
- The final Scoping Report (FSR) was completed and submitted to the Department on 31 July 2008.
- An Authority meeting was held with the local Hessequa Municipality (planning) and the Provincial Planning Department on 7 July 2009 to discuss and streamline both the planning and environmental processes.

The public participation process generated a number of concerns by registered Interested and affected parties relating to the vegetation, CBAs, provision of services and access to the proposed development.

The Department is however convinced that all the impacts have been adequately assessed and that the proposed development will not negatively impact on the receiving environment, subject to compliance with the conditions contained in this environmental authorisation and that the proposed activity will not conflict with the

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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. Authorisation is therefore granted for the activity described above but excluding the activities on erven 113, 114, 115, 116, 123, 124, 125 and 126 as indicated on the lay-out plan dated December 2008, amended in May 2011, submitted as an addendum to the Final Amended EIR for this application. Where an authorisation is granted for an alternative, such alternative must, for the purposes of subregulation 25(1), be regarded as having been applied for.

I APPEAL:

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

If the applicant should decide to appeal, the applicant must, in terms of, regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision, and must within 10 (ten) days of having submitted the notice contemplated in regulation 60(1), provide each person and organ of State registered as an interested and affected party in respect of the application with a copy of the Notice of Intention to Appeal; 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 indicate 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.

If the applicant should decide to appeal, the applicant must 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.

Should any other person, or an interested and affected party, decide to appeal, they must, in terms of, regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1).

The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in regulation 60(1), with a copy of the notice referred to in regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

The prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721, email jagp.deVilliers@pawc.gov.za or via the URL <http://www.capegateway.gov.za/eadp>.

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All Notice of Intention to Appeal and Appeal forms must be submitted 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

or

By facsimile: (021) 483 4174

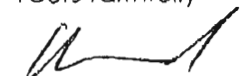
or

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

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

Yours faithfully



AYUB MOHAMED
DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 2011-08-05

Copies to: 1. Ms. Louise Marie van Zyl (EAP)
2. Mr. H. Visser (Hessequa Municipality)
3. DEA&DP (George)

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