



REFERENCE: 16/3/3/5/D5/19/0001/22
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 03 May 2022

The Director
WH van Schalkwyk Vervoer BK
Post box 687
RIVERSDALE
6670

Attention: Mr. W. H. van Schalkwyk

Cell: 082 533 9637

Email: info@vsvgroup.co.za

Dear Sir

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (EA) REF: EG 12/2/1-100 (4935) ISSUED ON 28 SEPTEMBER 2012 FOR THE FOR THE APPROVED DEVELOPMENT OF A RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF PORTION 60 OF THE FARM PLATTEBOSCH NO. 485, STILL BAY, WESTERN CAPE

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to split the EA Ref: EG 12/2/1-100 (4935) issued on 28 September 2012 to represent WH van Schalkwyk Vervoer BK as the holder for remainder of the subdivision/s (Plattebosch RE/60/485) and all the relevant works, conditions and measures pertaining to the implementation of the rest of the EA (Portion 60 except for development on Erf 196 (Kloofpark)).

The application is for a Part 1 amendment as it will not change the scope of the valid Environmental Authorisation, nor increase the level or nature of the impact which was initially assess as part of the valid Environmental Authorisation. The application also involves a proposed change of ownership and transfer of rights and obligations. The proposed development will consist of the following:

- Approximately 240 Residential Zone 1 Erven (Single Residential).

- Three (3) Residential Zone III Erven (Group Housing) with a total area of +-4.5 Ha and densities of 25 dwellings units per Ha;
- 1 Residential Zone IV Erf (Apartments / Flats) standard densities as allowed in Still Bay Zoning Scheme on 0.8Ha.
- 1 Resort Zone II Erf (Holiday housing) – 10 units on 2.3Ha.
- Open Space Zone I (Public Open Space) of +- 25Ha.
- Infrastructure associated with the proposed residential development including an internal road network (Transport Zone III / Public Road, bulk water and storm water networks, sewage pipe network and internal electricity reticulation.
- Church Street will also be extended over Portion 73 of Plattebosch 485 to link the main access road on Portion 60 of Plattebosch 485.

The proposed development will be undertaken approximate to the site development plan contained in Annexure 2 of this amended authorisation, with the exclusion of development on Erf 196.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
 WH van Schalkwyk Vervoer BK
 Post box 687
 % Mr. W. H. van Schalkwyk
 RIVERSDALE
 6670

Cell: 082 533 9637

Email: info@vsvgroup.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities (Listing Notice 1)	Activity/Project Description
<p>Activity Number: 9</p> <p>Activity Description:</p> <p>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water —</p>	

<p>(i) with an internal diameter of 0,36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where—</p> <p>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p> <p>Activity Number: 10</p> <p>Activity Description:</p> <p>The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –</p> <p>(i) with an internal diameter of 0,36 metres or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more;</p> <p>excluding where—</p> <p>(a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p>	<p>The associated infrastructure includes bulk water and stormwater networks.</p> <p>The associated infrastructure includes sewage pipeline networks.</p> <p>The northern valley includes a drainage line and a wetland.</p>
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<p>such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared. <p>Activity Number: 19</p> <p>Activity Description:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p>	<p>Infilling and depositing of material may occur in the drainage line and wetland during the construction phase.</p>
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- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity Number: 24

Activity Description

The development of a road—

(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or

(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;

but excluding a road—

(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;

(b) where the entire road falls within an urban area; or

(c) which is 1 kilometre or shorter.

Activity Number: 27

Activity Description

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—

The proposed development includes internal roads of varying widths and lengths.

<p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>Activity Number: 56</p> <p>Activity Description</p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres;</p> <p>excluding where widening or lengthening occur inside urban areas.</p>	<p>The proposed development would result in the clearance of more than 1ha of indigenous vegetation.</p> <p>The proposed development includes the extension of Church Street over Portion 73 of Plattebosch 485 to link to the main access road on Portion 60 of Plattebosch 485.</p>
<p>Listed Activities (Listing Notice 3)</p>	<p>Activity/Project Description</p>
<p>Activity Number: 4</p> <p>Activity Description</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;</p> <p>or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use;</p> <p>or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The proposed development includes internal roads of varying widths and lengths outside of the urban area containing indigenous vegetation.</p>

<p>Activity Number: 12</p> <p>Activity Description</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p> <p>Activity Number: 14</p> <p>Activity Description</p> <p>The development of—</p>	<p>The proposed development would result in the clearance of indigenous vegetation within a Critical Biodiversity Area.</p>
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<p>i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p>	<p>The proposed development includes the construction of infrastructure exceeding 10 square metres within 32m of the watercourse on site.</p>
<p>Activity Number 15</p> <p>Activity Description:</p> <p>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</p> <p>Western Cape</p> <p>i. Outside urban areas, or</p> <p>ii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</p> <p>(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</p>	<p>The proposed development includes the transformation of land to residential, exceeding 1000 square metres in size outside of an urban area.</p>

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

D. SITE DESCRIPTION AND LOCATION

The abovementioned listed activities will take place on Farm Plattebosch 485/60, which is located in Still Bay West, along the western bank of the Goukou River.

The SG 21 digit code is: C06400000000048500060

Co-ordinates: 34° 21' 39" South
 21° 24' 01" East

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

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

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Director
Sharples Environmental Services cc
Ms. B. Ditchem
PO Box 443
MILNERTON
6530

Tel.: (021) 554 5195

Email: betsy@sescs.net

F. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **18 February 2032**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

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

1.1. The installation of bulk services and top structures is subject to the following:

- (a) The holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 18 August 2026; and
- (b) Rehabilitation and monitoring must be finalised at the site within a period of 3-months from the date the construction activities are concluded; but by no later than 18 November 2031.

1.2. The construction phase must commence by the 18 August 2026 and conclude within five (5) years.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above on the site as described in Section C above.

The proposed development will consist of the following:

- Approximately 240 Residential Zone 1 Erven (Single Residential).
- Three (3) Residential Zone III Erven (Group Housing) with a total area of +-4.5 Ha and densities of 25 dwellings units per Ha;
- 1 Residential Zone IV Erf (Apartments / Flats) standard densities as allowed in Still Bay Zoning Scheme on 0.8Ha.
- 1 Resort Zone II Erf (Holiday housing) – 10 units on 2.3Ha.
- Open Space Zone I (Public Open Space) of +- 25Ha.
- Infrastructure associated with the proposed residential development including an internal road network (Transport Zone III / Public Road, bulk water and storm water networks, sewage pipe network and internal electricity reticulation.
- Church Street will also be extended over Portion 73 of Plattebosch 485 to link to the main access road on Portion 60 of Plattebosch 485.

The proposed development will be undertaken approximate to the site development plan contained in Annexure 2 of this amended authorisation, with the exclusion of development on erf 196.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.

5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
- 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
- (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) the date when the decision was issued.
- 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
- (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
- 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.

7.1. The notice must make clear reference to the site details and EIA Reference number given above.

7.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions : 6, 9 and 11.

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the remainder of the construction activities of the—

8.1. bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water).

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval, subject to the following requirements:

9.1. The existing EMPr for the approved development on portion 60 must be amended to incorporate the following —

a) The mitigation measures that will be implemented for the rest of the development as described in section A of this Authorisation.

b) Clear management outcomes and how it relates to the impact management actions for the proposed development. The impact management outcomes and actions must be linked timeframes for monitoring purposes.

c) An amended site development plan which depicts what is still to be developed with the exclusion of Erf 196. The final Site Development Plan must be included in the EMPr;

d) Environmental Control Officer compliance reports must be submitted monthly to this Directorate.

e) Incorporate all the conditions contained in this Environmental Authorisation;

f) The section dealing with the management and demarcation of the No-Go area's (including the open space areas) must clearly state how the areas will be demarcated prior to any earthworks / commencement of construction;

g) Details regarding the search and rescue to be undertaken,

9.2. The amended EMPr must be submitted to the Competent Authority and be approved, prior to the construction activities commencing on site.

Note: The revised EMPr should be submitted to the Competent Authority at least 90-days prior to the construction activities commencing on site to ensure the competent authority is able to process / review the revised EMPr prior to the intended date of commencement.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must–

12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing;

12.2. ensure compliance with the EMPr and the conditions contained herein;

12.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;

12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

13. A copy of this amended Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.

14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:

16.1. During the period which the activities have been commenced with on site until the construction of the bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water) has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority. A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the construction of bulk internal services and the post construction rehabilitation and monitoring requirements thereof.

16.2. During the period that construction of the residential development (i.e. construction of top structures) is undertaken, the Holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority. During this phase of the development, the frequency of the auditing of compliance with the conditions of the amended environmental authorisation and compliance with the EMPr **may not exceed intervals of 5-years.**

A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the mixed/residential development and the post construction rehabilitation and monitoring requirements thereof, but by no later than 18 January 2032;

Note: The final auditing requirements should be completed at least three months prior to expiry of the validity period of the amended environmental authorisation to ensure the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

17. The Environmental Audit Report(s), must –

17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;

- 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 17.9. include a photographic record of the site applicable to the audit; and
 - 17.10. be informed by the ECO reports.
18. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

19. The holder of this amended authorisation must amend the lay-out plan to reflect the remainder of the development that will be implemented by the holder. This amended lay-out plan must be submitted to the Department along with the amended EMPr.
20. No buildings may be constructed on 1:4 slopes or slopes steeper than 1:4.
21. The following Resource Conservation Measures must be implemented and included in all sales agreements:
 - 21.1. 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.
 - 21.2. Rainwater collected from roofs must receive preferential use in the irrigation of gardens or other outdoor requirements.

- 21.3. All units must be fitted with and use low flow showerheads, tap aerators and dual-flush toilets.
- 21.4. All units must be fitted with and use energy-efficient lighting and environmentally friendly heating designs.
22. A plant 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 on the property.
23. Boundary fencing around the site must support the ecological corridor provided for within the lay out of the development.
24. The height of all units must be restricted to 5m measured from natural ground level to the apex of the roof and the units must be designed with suitable materials and colour schemes as specified under the mitigation measures in the Visual Assessment dated May 2011 done by Dr. Groenewald.
25. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
26. The applicable requirements with respect to relevant legislation pertaining to cutting, damaging, disturbing or destroying protected trees or trees from a natural forest must be adhered to.
27. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
28. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

D. GENERAL MATTERS

1. Notwithstanding this amended Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this amended Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where a validity period has been specified for operational aspects, such as for the development and related operation of the facilities or infrastructure for the storage and handling of a dangerous good, the onus is on the Holder to ensure the facility is operating at all times in terms of a valid environmental authorisation.

If the Holder wishes to extend a validity period specified in the amended Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
- (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.
- (d) On application, if the competent authority decides to grant environmental authorisation, the competent authority may issue a single environmental authorisation or multiple environmental authorisations in the name of the same or different applicants covering all aspects for which authorisation is granted.

3. The Holder is required to notify the Competent Authority where any detail with respect to the amended Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the amended EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the amended environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction

rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
 - ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 6, 8, 9 and 11). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

E. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –

- 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
- 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning

Private Bag X9186

CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator

Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

F. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

DATE OF DECISION: **03 MAY 2022**

COPIED TO:

Mr. L. Barnes
Ms. B. Ditchem
Mr. H. Visser

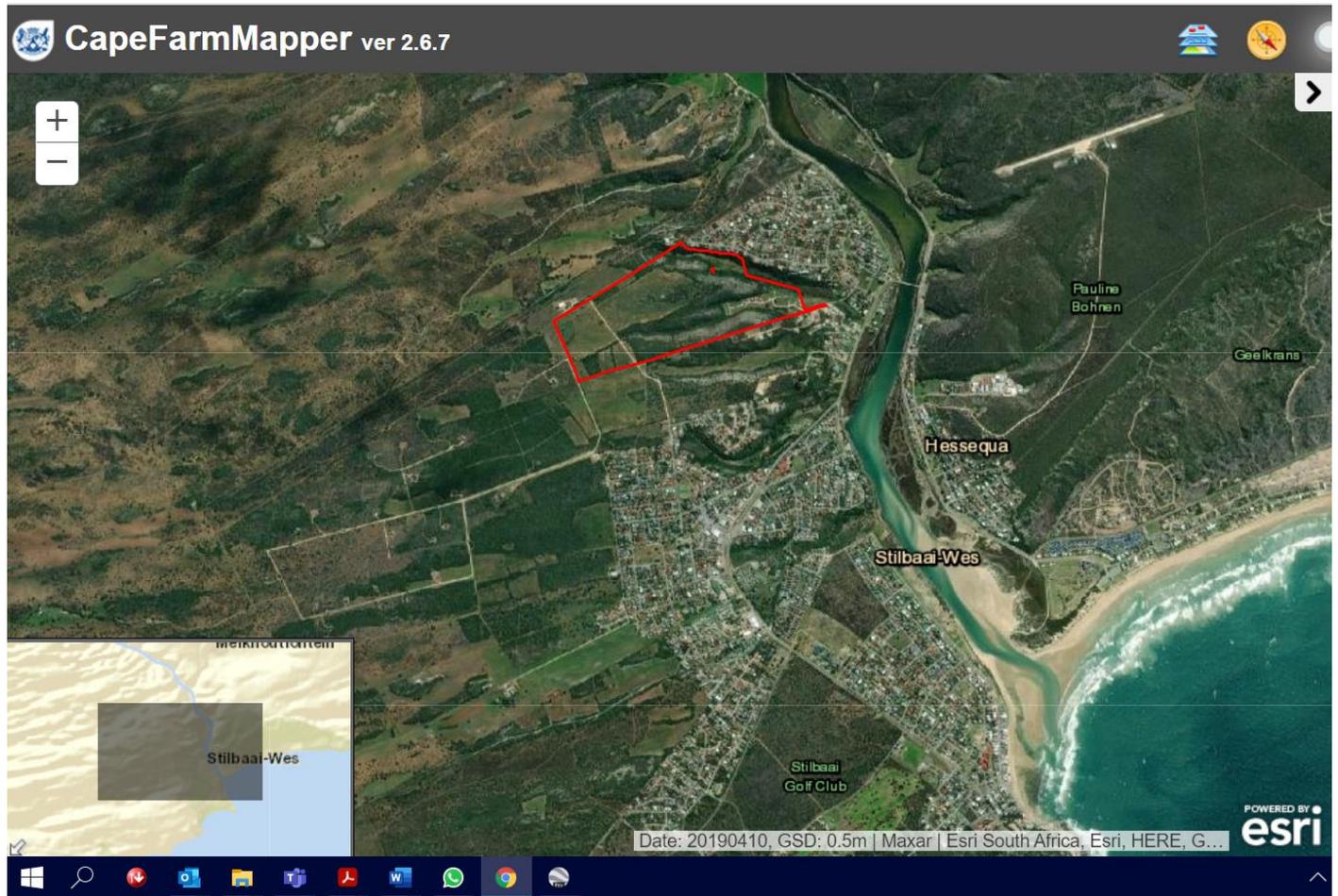
Sharples Environmental Services cc
Sharples Environmental Services cc
Hessequa Municipality

Email: loyd@sesc.net
Email: betsy@sesc.net
Email: hendrik@hessequa.gov.za

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EIA REFERENCE NUMBER: 16/3/3/5/D5/19/0000/22
NEAS REFERENCE:

ANNEXURE 1: LOCALITY MAP



ANNEXURE 3: REASONS FOR THE DECISION

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

1. The Environmental Authorisation EA Ref: EG 12/2/1-100 (4935) issued on 28 September 2012 has been implemented on Erf 196 (Kloofpark), with the rest of the authorized activities on Farm Plattebosch 485/60 not being implemented. Van Schalkwyk Vervoer recently bought the property on auction and wishes to implement the rest of the approved development on the property.
2. The application is for a non-substantive amendment to the Environmental Authorisation as the amendment would result in no change to the scope of the development nor the current approved layout. Instead, it will allow the new owner of the property to be the holder of an EA specific to their portion of the development allowing the responsibility for the requirements of their specific property subdivision to be complied with by the relevant party and holder of the EA.
3. No additional impacts other than those assessed during the previous environmental process is expected.
4. The conditions applicable to the new owners and holder of the EA are included in this amended authorization.

5. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act,

1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.