



DRAFT BASIC ASSESSMENT REPORT

For

PATRY'S DEVELOPMENT

on

Erf 3927 Stilbaai

In terms of the

National Environmental Management Act (Act No. 107
of 1998, as amended) & 2014 Environmental Impact
Regulations

Prepared for Applicant: Daily Double
Trading 447 cc

Date: 28 March 2022

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Report Reference: HES651/07

Department Reference: 16/3/3/6/7/1/D5/19/0117/21

Case Officer: Mrs Shireen Pullen

Cape EAPrac

Cape Environmental Assessment Practitioners

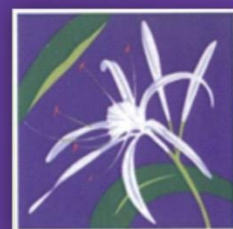
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Report written & compiled by: Ms Louise-Mari van Zyl (MA Geography & Environmental Studies from University of Stellenbosch).

Registration: EAPASA 2019/1444

Ms van Zyl has 18 years' experience as an environmental practitioner.

PURPOSE OF THIS REPORT:

Draft Basic Assessment Report

Daily Double Trading 447 cc

CAPE EAPRAC REFERENCE NO:

HES651/07

SUBMISSION DATE

28 March 2022

PUBLIC PARTICIPATION


By participating in this environmental process, whether it be through written submissions, telephonic enquiries, registrations or attendance of meetings, you are automatically giving consent for your full contact details and/or any submissions/inputs to be used and published in all matters pertaining to this application i.e. reports/notifications/communication for review or decision-making.

DOCUMENT TRACKING

DOCUMENT HISTORY

DOC REF	REVISION	DATE	AUTHOR
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APPROVAL FOR RELEASE

NAME	TITLE	SIGNATURE
Ms Louise-Mari van Zyl	MS	

DISTRIBUTION

DESIGNATION	NAME	EMAIL / FAX
Registered Stakeholders	Stakeholder Register	Preferred communication
Riversdale Municipal Office	Hendrik Visser	Courier
DEADP, George	Shireen Pullen	Electronic submission

DRAFT BASIC ASSESSMENT REPORT

in terms of the
National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended &
Environmental Impact Regulations 2014

PATRYS DEVELOPMENT

Erf 3927, Still Bay West

Submitted for:
Stakeholder Review & Comment

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1. CONTENT OF BASIC ASSESSMENT REPORTS

Appendix 1 of the 2014 EIA Regulations (as amended) contains the required contents of a Basic Assessment Report. The checklist below serves as a summary of how these requirements were incorporated into this Basic Assessment Report.

Requirement	Details
<p>(a) Details of -</p> <p>(i) The EAP who prepared the report; and</p> <p>(ii) The expertise of the EAP, including, curriculum vitae.</p> <p>(iii) Applicant Details</p>	Ms Louise-Mari van Zyl
<p>(b) The location of the activity, including –</p> <p>(i) The 21 digit Surveyor General code of each cadastral land parcel;</p> <p>(ii) Where available, the physical address and farm name;</p> <p>(iii) Where the required information in items (i) and (ii) is not available, the coordinates of the boundary of the property or properties.</p>	C0640006000003927000
<p>(c) a plan which locates the proposed activity or activities applied for as well as the associated structures and infrastructure at an appropriate scale, or, if it is</p> <p>(i) A linear activity, a description and coordinates of the corridor in which the proposed activity or activities is to be undertaken; or</p> <p>(ii) On land where the property has not been defined, the coordinates within which the activity is to be undertaken.</p>	Refer to Appendix B for site plans
<p>(d) a description of the scope of the proposed activity, including -</p> <p>(i) All listed and specified activities triggered and being applied for; and</p> <p>(ii) A description of the activities to be undertaken including associated structures and infrastructure.</p>	Refer to main report
<p>(e) A description of the policy and legislative context within which the development is proposed, including –</p> <p>(i) An identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report; and</p> <p>(ii) How the proposed activity complies with and responds to the legislation and policy context,</p>	Refer to main report

Requirement	Details
<i>plans, guidelines, tools frameworks and instruments.</i>	
<i>(f) A motivation for the need and desirability for the proposed development, including the need and desirability of the activity in the context of the preferred location.</i>	Refer to main report
<i>(g) A motivation for the preferred site, activity and technology alternative.</i>	Refer to Appendix G for Planning Report
<i>(h) A full description of the process followed to reach the proposed preferred alternative within the site, including -</i> <ul style="list-style-type: none"> <i>(i) Details of all alternatives considered;</i> <i>(ii) Details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;</i> <i>(iii) A summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;</i> <i>(iv) The environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;</i> <i>(v) The impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts:</i> <ul style="list-style-type: none"> <i>(aa) can be reversed;</i> <i>(bb) may cause irreplaceable loss of resources; and</i> <i>(cc) can be avoided, managed or mitigated.</i> <i>(vi) The methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives;</i> <i>(vii) Positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;</i> <i>(viii) The possible mitigation measures that could be applied and level of residual risk;</i> <i>(ix) The outcome of the site selection matrix;</i> <i>(x) If no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such; and</i> <i>(xi) A concluding statement indicating the preferred alternatives, including preferred location of the activity.</i> 	Refer to main report
<i>(i) A full description of the process undertaken to identify, assess and rank the impacts the</i>	Refer to main report

Requirement	Details
<p>activity will impose on the preferred location through the life of the activity, including –</p> <p>(ii) A description of all environmental issues and risks that were identified during the environmental impact assessment process; and</p> <p>(iii) An assessment of the significance of each issue and risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures.</p>	
<p>(j) An assessment of each identified potentially significant impact and risk, including -</p> <p>(i) Cumulative impacts;</p> <p>(ii) The nature, significance and consequences of the impact and risk;</p> <p>(iii) The extent and duration of the impact and risk;</p> <p>(iv) The probability of the impact and risk occurring;</p> <p>(v) The degree to which the impact and risk can be reversed;</p> <p>(vi) The degree to which the impact and risk may cause irreplaceable loss of resources; and</p> <p>(vii) The degree to which the impact and risk can be mitigated.</p>	Refer to main report
<p>(k) Where applicable, a summary of the findings and impact management measures identified in any specialist report complying with Appendix 6 to these Regulations and an indication as to how these findings and recommendations have been included in the final assessment report.</p>	Refer to main report
<p>(l) An environmental impact statement which contains:</p> <p>(i) A summary of the key findings of the environmental impact assessment;</p> <p>(ii) A map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and</p> <p>(iii) A summary of the positive and negative impacts and risks of the proposed activity and identified alternatives.</p>	Refer to main report
<p>(m) Based on the assessment, and where applicable, impact management measures from specialist reports, the recording of proposed impact management objectives, and the impact management outcomes for the development for inclusion in the EMP.</p>	Refer to main report and Appendix H for EMP
<p>(n) Any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of authorisation.</p>	Refer to main report
<p>(o) A description of assumptions, uncertainties and gaps in knowledge which relate to the assessment and mitigation measures proposed.</p>	Refer to main report

Requirement	Details
(p) <i>A reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation.</i>	Refer to main report
(q) <i>Where the proposed activity does not include operational aspects, the period for which the environmental authorisation is required, the date on which the activity will be concluded and the post construction monitoring requirements finalised.</i>	Refer to main report
(r) <i>An undertaking under oath or affirmation by the EAP in relation to:</i> (i) <i>The correctness of the information provided in the reports;</i> (ii) <i>The inclusion of comments and inputs from stakeholders and I&APs;</i> (iii) <i>The inclusion of inputs and recommendations from the specialist reports where relevant; and</i> (iv) <i>Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties.</i>	Refer to Appendix M (in Final Basic Assessment Report version)
(s) <i>Where applicable, details of any financial provisions for the rehabilitation, closure and ongoing post decommissioning management of negative environmental impacts.</i>	Not applicable to this application
(t) <i>Any specific information that may be required by the competent authority.</i>	
(u) <i>Any other matters required in terms of section 24(4)(a) and (b) of the Act.</i>	



BASIC ASSESSMENT REPORT

**THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND
THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS.**

NOVEMBER 2019

(For official use only)	
Pre-application Reference Number (if applicable):	
EIA Application Reference Number:	
NEAS Reference Number:	
Exemption Reference Number (if applicable):	
Date BAR received by Department:	
Date BAR received by Directorate:	
Date BAR received by Case Officer:	

GENERAL PROJECT DESCRIPTION

(This must Include an overview of the project including the Farm name/Portion/Erf number)

The applicant is proposing the rezoning and subdivision of Erf 3927 which forms part of the existing Patrys residential development, to develop 12 individual erven on the property.

The property is currently zoned Private Open Space (as per the original subdivision of the greater Patrys Development).

Erf 3927 is $\pm 8\,010\text{m}^2$ in size, Average Erf sizes are expected to be $\pm 440\text{m}^2$ in size.

The property is located inside the urban edge of Still Bay West, immediately adjacent to the Jongensfontein road. Access exist via Bessie Street that service the Patrys development and other residential homes in the vicinity.

Because Erf 3927 is part of the greater Patrys Development, municipal services are available along the road already. Municipal confirmation of services provision has been requested from Hessequa Municipality.

Zoning	Quantity	Land Use	± Area (m²)	%
General Residential II	12	Group Housing	5,275.71	66
Open Space II	1	Private Open Space	1,635.79	20
Private Road	1	Private Road	1,098.50	14



Figure 1: Provisional layout plan proposed with surveyed milkwood trees avoided (Nel & De Kock).

IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS BASIC ASSESSMENT REPORT

1. **The purpose** of this template is to provide a format for the Basic Assessment report as set out in Appendix 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) in order to ultimately obtain Environmental Authorisation.
2. The Environmental Impact Assessment ("EIA") Regulations is defined in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") hereinafter referred to as the "NEMA EIA Regulations".
3. The required information must be typed within the spaces provided in this Basic Assessment Report ("BAR"). The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided.
4. All applicable sections of this BAR must be completed.
5. Unless protected by law, all information contained in, and attached to this BAR, will become public information on receipt by the Competent Authority. If information is not submitted with this BAR due to such information being protected by law, the applicant and/or Environmental Assessment Practitioner ("EAP") must declare such non-disclosure and provide the reasons for believing that the information is protected.
6. This BAR is current as of **November 2019**. It is the responsibility of the Applicant/ EAP to ascertain whether subsequent versions of the BAR have been released by the Department. Visit this Department's website at <http://www.westerncape.gov.za/eadp> to check for the latest version of this BAR.
7. This BAR is the standard format, which must be used in all instances when preparing a BAR for Basic Assessment applications for an environmental authorisation in terms of the NEMA EIA Regulations when the Western Cape Government Department of Environmental Affairs and Development Planning ("DEA&DP") is the Competent Authority.
8. Unless otherwise indicated by the Department, one hard copy and one electronic copy of this BAR must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. Reasonable access to copies of this Report must be provided to the relevant Organs of State for consultation purposes, which may, if so indicated by the Department, include providing a printed copy to a specific Organ of State.
9. This BAR must be duly dated and originally signed by the Applicant, EAP (if applicable) and Specialist(s) and must be submitted to the Department at the details provided below.
10. The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations, any subsequent Circulars, and guidelines must be taken into account when completing this BAR.
11. Should a water use licence application be required in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA"), the "One Environmental System" is applicable, specifically in terms of the synchronisation of the consideration of the application in terms of the NEMA and the NWA. Refer to this Department's Circular EADP 0028/2014: One Environmental Management System.
12. Where Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA") is triggered, a copy of Heritage Western Cape's final comment must be attached to the BAR.
13. The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Tool Report. The screening tool report must be attached to this BAR.
14. Where this Department is also identified as the Licencing Authority to decide on applications under the National Environmental Management: Air Quality Act (Act No. 29 of 2004) ("NEM:AQA"), the submission of the Report must also be made as follows, for-

Waste Management Licence Applications, this report must also (i.e., another hard copy and electronic copy) be submitted for the attention of the Department's Waste Management Directorate (Tel: 021-483-2728/2705 and Fax: 021-483-4425) at the same postal address as the Cape Town Office.

Atmospheric Emissions Licence Applications, this report must also be (i.e., another hard copy and electronic copy) submitted for the attention of the Licensing Authority or this Department's Air Quality Management Directorate (Tel: 021 483 2888 and Fax: 021 483 4368) at the same postal address as the Cape Town Office.

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: REGION 1 and REGION 2 (Region 1: City of Cape Town, West Coast District) (Region 2: Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Garden Route District)
<p>BAR must be sent to the following details:</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1 or 2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 1 and 2) at: Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>BAR must be sent to the following details:</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 805 8650</p>

MAPS

Provide a location map (see below) as Appendix A1 to this BAR that shows the location of the proposed development and associated structures and infrastructure on the property.	
<p>Locality Map:</p>	<p>The scale of the locality map must be at least 1:50 000. For linear activities or development proposals of more than 25 kilometres, a smaller scale e.g., 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; and • a linear scale. <p>For ocean based or aquatic activity, the coordinates must be provided within which the activity is to be undertaken and a map at an appropriate scale clearly indicating the area within which the activity is to be undertaken.</p> <p>Where comment from the Western Cape Government: Transport and Public Works is required, a map illustrating the properties (owned by the Western</p>

	Cape Government: Transport and Public Works) that will be affected by the proposed development must be included in the Report.
Provide a detailed site development plan / site map (see below) as Appendix B1 to this BAR; and if applicable, all alternative properties and locations.	
Site Plan:	<p>Detailed site development plan(s) must be prepared for each alternative site or alternative activity. The site plans must contain or conform to the following:</p> <ul style="list-style-type: none"> • The detailed site plan must preferably be at a scale of 1:500 or at an appropriate scale. The scale must be clearly indicated on the plan, preferably together with a linear scale. • The property boundaries and numbers of all the properties within 50m of the site must be indicated on the site plan. • On land where the property has not been defined, the co-ordinates of the area in which the proposed activity or development is proposed must be provided. • The current land use (not zoning) as well as the land use zoning of each of the adjoining properties must be clearly indicated on the site plan. • The position of each component of the proposed activity or development as well as any other structures on the site must be indicated on the site plan. • Services, including electricity supply cables (indicate aboveground or underground), water supply pipelines, boreholes, sewage pipelines, storm water infrastructure and access roads that will form part of the proposed development must be clearly indicated on the site plan. • Servitudes and an indication of the purpose of each servitude must be indicated on the site plan. • Sensitive environmental elements within 100m of the site must be included on the site plan, including (but not limited to): <ul style="list-style-type: none"> ◦ Watercourses / Rivers / Wetlands ◦ Flood lines (i.e., 1:100 year, 1:50 year and 1:10 year where applicable); ◦ Coastal Risk Zones as delineated for the Western Cape by the Department of Environmental Affairs and Development Planning ("DEA&DP"); ◦ Ridges; ◦ Cultural and historical features/landscapes; ◦ Areas with indigenous vegetation (even if degraded or infested with alien species). • Whenever the slope of the site exceeds 1:10, a contour map of the site must be submitted. • North arrow <p>A map/site plan must also be provided at an appropriate scale, which superimposes the proposed development and its associated structures and infrastructure on the environmental sensitivities of the preferred and alternative sites indicating any areas that should be avoided, including buffer areas.</p>
Site photographs	<p>Colour photographs of the site that shows the overall condition of the site and its surroundings (taken on the site and taken from outside the site) with a description of each photograph. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide a recent aerial photograph. Photographs must be attached to this BAR as Appendix C. The aerial photograph(s) should be supplemented with additional photographs of relevant features on the site. Date of photographs must be included. Please note that the above requirements must be duplicated for all alternative sites.</p>

Biodiversity Overlay Map:	A map of the relevant biodiversity information and conditions must be provided as an overlay map on the property/site plan.
Linear activities or development and multiple properties	<p>GPS co-ordinates must be provided in degrees, minutes and seconds using the Hartebeeshoek 94 WGS84 co-ordinate system.</p> <p>Where numerous properties/sites are involved (linear activities) you must attach a list of the Farm Name(s)/Portion(s)/Erf number(s) to this BAR as an Appendix.</p> <p>For linear activities that are longer than 500m, please provide a map with the co-ordinates taken every 100m along the route to this BAR</p>

ACRONYMS

DAFF:	Department of Forestry and Fisheries
DEA:	Department of Environmental Affairs
DEA& DP:	Department of Environmental Affairs and Development Planning
DHS:	Department of Human Settlement
DoA:	Department of Agriculture
DoH:	Department of Health
DWS:	Department of Water and Sanitation
EMPr:	Environmental Management Programme
HWC:	Heritage Western Cape
NFEPA:	National Freshwater Ecosystem Protection Assessment
NSBA:	National Spatial Biodiversity Assessment
TOR:	Terms of Reference
WCBSP:	Western Cape Biodiversity Spatial Plan
WCG:	Western Cape Government

ATTACHMENTS

Note: Appendices must be attached to the BAR as per the list below. Please use a ✓ (tick) or a x (cross) to indicate whether the Appendix is attached to the BAR.

The following checklist of attachments must be completed.

Basic Assessment Report

Appendix A	:	Maps & Biodiversity Overlays✓
Appendix B	:	Site Plans✓
Appendix C	:	Photographs✓
Appendix D	:	Approved plans for greater Patrys Development ✓
Appendix E	:	Heritage Western Cape approval & NID ✓
Appendix F	:	Public participation information:
Appendix F1	:	Stakeholder Register (POPIA)✓
Appendix F2	:	Written Notifications✓
Appendix F3	:	Site Notice✓
Appendix F4	:	Newspaper Advert ✓
Appendix G1	:	Botanical Compliance Statement✓
Appendix G2	:	Terrestrial Biodiversity Compliance Statement✓
Appendix G3	:	Faunal Compliance Statement✓
Appendix G4	:	Archaeology Impact Assessment✓
Appendix G5	:	Palaeontological Impact Assessment✓
Appendix G6	:	Civil Engineering Report✓
Appendix G7	:	Planning Rpoert✓
Appendix H	:	Environmental Management Programme✓
Appendix I	:	Screening tool report✓
Appendix J	:	Public Participation Plan✓
Appendix K	:	Site Sensitivity Verification Report✓
Appendix L1	:	Communication with delegated authority✓
Appendix L2	:	Windeed Property Report✓
Appendix L3	:	Zoning Map ✓

SECTION A: ADMINISTRATIVE DETAILS

	CAPE TOWN OFFICE:		GEORGE OFFICE:
Highlight the Departmental Region in which the intended application will fall	REGION 1 (City of Cape Town, West Coast District)	REGION 2 (Cape Winelands District & Overberg District)	REGION 3 (Central Karoo District & Garden Route District)
Duplicate this section where there is more than one Proponent Name of Applicant/Proponent: Name of contact person for Applicant/Proponent (if other): Company/ Trading name/State Department/Organ of State: Company Registration Number: Postal address: Telephone: E-mail:	Daily Double Trading 447 cc		
	Mr Ben Bekker		
	2002/079200/23		
	Unit 19, Eden Mall		
	Still Bay	Postal code:	6674
	Telephone:	Cell:	082 331 0281
	E-mail:	Benbekker25@gmail.com	Fax:
	Company of EAP:	Cape Environmental Assessment Practitioners (Cape EAPrac)	
EAP name:	Ms Louise-Mari van Zyl		
Postal address:	PO Box 2070		
	George	Postal code:	6530
Telephone:	044 874 0365	Cell:	071 603 4132
E-mail:	louise@cape-eaprac.co.za	Fax:	044 874 0432
Qualifications:	MA Geography & Environmental Studies		
EAPASA registration no:	2019/1444		
Duplicate this section where there is more than one landowner Name of landowner:	Hessequa Municipality		

Name of contact person for landowner (if other):	Hendrik Visser			
	Postal address:	PO Box 29 Riversdale		
		(028) 713-8075/8000	Postal code:	6670
		hendrik@hessequa.gov.za	Cell:	083 269 3107
		E-mail:	Fax:	
Name of Person in control of the land: Name of contact person for person in control of the land: Postal address:	Daily Double Trading 447 cc			
	Same as Applicant details			
		Postal code:		
	Telephone:	()	Cell:	
	E-mail:	Fax:		

Duplicate this section where there is more than one Municipal Jurisdiction Municipality in whose area of jurisdiction the proposed activity will fall: Contact person: Postal address: Telephone: E-mail:	Hessequa Municipality		
	Hendrik Visser		
	PO Box 29		
	Riversdal	Postal code:	6670
	(028) 713-8075/8000	Cell:	083 269 3107
	hendrik@hessequa.gov.za	Fax:	

SECTION B: CONFIRMATION OF SPECIFIC PROJECT DETAILS AS INLCUDED IN THE APPLICATION FORM

1.	Is the proposed development (please tick):	New✓		Expansion
2.	Is the proposed site(s) a brownfield of greenfield site? Please explain.			

The applicant is proposing the rezoning and subdivision of Erf 3927 which forms part of the existing Patrys residential development, to develop 12 individual erven on the property.

The property is currently zoned Private Open Space (as per the original subdivision of the greater Patrys Development).

Erf 3927 is $\pm 8\,010\text{m}^2$ in size, Average Erf sizes are expected to be $\pm 440\text{m}^2$ in size.

The property is located inside the urban edge of Still Bay West, immediately adjacent to the Jongensfontein road. Access exist via Bessie Street that service the Patrys development and other residential homes in the vicinity.

Because Erf 3927 is part of the greater Patrys Development, municipal services are available along the road already. Municipal confirmation of services provision has been requested from Hessequa Municipality.




Figure 2: Site location bordering Jongensfontein Road, located within Stilbaai West (part of the original Patrys Development).



Figure 3: The greater Patrys Development subdivisional plan with study site as Private Open Space.



Figure 4: Photograph of the site under consideration for rezoning from private open space to subdivisional.

3.	For Linear activities or developments																		
3.1.	Provide the Farm(s)/Farm Portion(s)/Erf number(s) for all routes:																		
3.2.	Development footprint of the proposed development for all alternatives.												m ²						
3.3.	Provide a description of the proposed development (e.g. for roads the length, width and width of the road reserve in the case of pipelines indicate the length and diameter) for all alternatives.																		
3.4.	Indicate how access to the proposed routes will be obtained for all alternatives.																		
3.5.	SG — Digit codes — of the Farms/Far m Portions/Erf numbers for — all alternatives																		
3.6.	Starting point co-ordinates for all alternatives																		
	Latitude (S)	°																	
	Longitude (E)	°																	
	Middle point co-ordinates for all alternatives																		
	Latitude (S)	°																	
	Longitude (E)	°																	
	End point co-ordinates for all alternatives																		
	Latitude (S)	°																	
	Longitude (E)	°																	
Note: For Linear activities or developments longer than 500m, a map indicating the co-ordinates for every 100m along the route must be attached to this BAR as Appendix A3.																			
4.	Other developments																		
4.1.	Property size(s) of all proposed site(s):																	±8 010m ²	
4.2.	Developed footprint of the existing facility and associated infrastructure (if applicable):																	N/A	
4.3.	Development footprint of the proposed development and associated infrastructure size(s) for all alternatives:																	±6 374m ²	
4.4.	Provide a detailed description of the proposed development and its associated infrastructure (This must include details of e.g. buildings, structures, infrastructure, storage facilities, sewage/effluent treatment and holding facilities).																		
<ul style="list-style-type: none"> Rezoning & subdivision from Private Open Space to Subdivisional Area (for Group Housing development) 12 (twelve) erven Access and internal roads 																			

- Link to existing 100mm AC municipal water supply line running along Bessie Road



Figure 5: Existing Municipal 100mm water line for connection purposes (Element Engineers).

- Link existing 160mm sewage line running along Bessie Road



Figure 6: Sewer connection point onto 160mm municipal line (Element Engineers).

- Access directly off Bessie Street



Figure 7: Proposed access point directly off Bessie Street (Element Engineers).

- Stormwater will be via surface flow directed to internal street network from where it will be collected in Bessie Street, as well as the remaining open space areas in the northern portion of the site.



Figure 8: Direction of internal stormwater flow and direction indicated with blue arrows (Element Engineers).

- Link to existing municipal electrical network via a the existing Strandloper mini-substation, with new underground cabling within the existing road reserves of Geelhout Street into Bessie Street (via underground cabling between erven 3566/3565), as proposed by Element Engineers (servitude registration may be required).

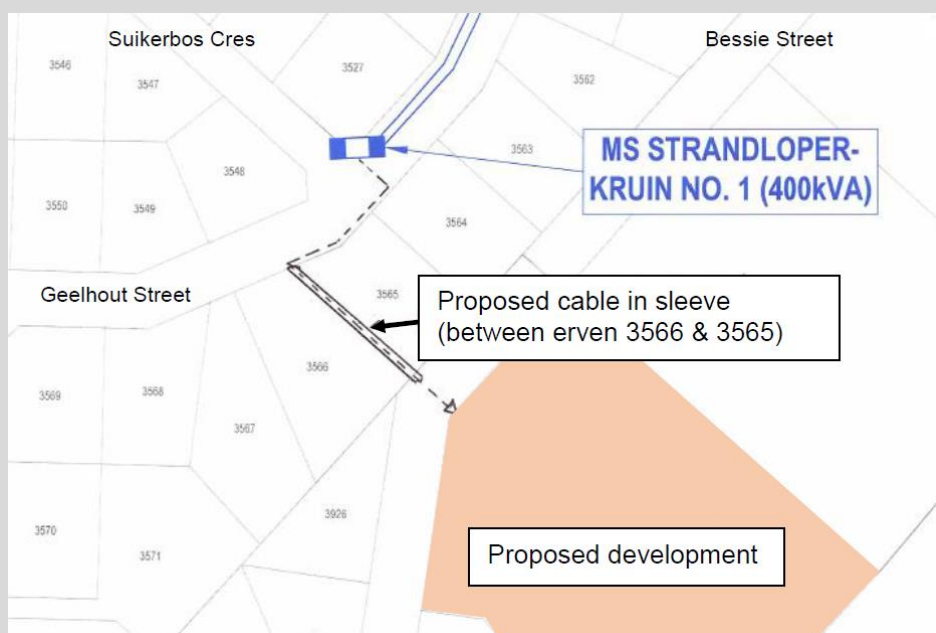


Figure 9: Proposed underground cabling from Strandloper mini-substation in Geelhout Street to Bessie Street to service the development site.

Refer to the services plans and report included with the Element Engineering Report attached as Appendix G6 forming part of this report.

4.5. Indicate how access to the proposed site(s) will be obtained for all alternatives.

Access to the greater Patrys Development is via Bessie Street. The site will therefore obtain access from Bessie Road also. No direct access is permitted off the Jongensfontein Road.

According to Element Engineers the proposed development will add 9 vehicles to peak hour traffic which is deemed very low. Element Engineers have motivated for exemption from needing to conduct a traffic impact assessment for such a low traffic volume.

4.6.	SG Digit code(s) of the proposed site(s) for all alternatives:	C	0	6	4	0	0	0	6	0	0	0	0	4	7	8	4	0	0	0	0	0
4.7.	Coordinates of the proposed site(s) for all alternatives:																					
	Latitude (S)	34°					23'					09"										
	Longitude (E)	21°					24'					10"										

SECTION C: LEGISLATION/POLICIES AND/OR GUIDELINES/PROTOCOLS

1. EXEMPTION APPLIED FOR IN TERMS OF THE NEMA AND THE NEMA EIA REGULATIONS

Has exemption been applied for in terms of the NEMA and the NEMA EIA Regulations. If yes, include a copy of the exemption notice in Appendix E18.	YES	NO
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2. IS THE FOLLOWING LEGISLATION APPLICABLE TO THE PROPOSED ACTIVITY OR DEVELOPMENT

The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA"). If yes, attach a copy of the comment from the relevant competent authority as Appendix E4 and the pre-approval for the reclamation of land as Appendix E19.	YES	NO
The National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA"). If yes, attach a copy of the comment from Heritage Western Cape as Appendix E1.	YES	NO
The National Water Act, 1998 (Act No. 36 of 1998) ("NWA"). If yes, attach a copy of the comment from the DWS as Appendix E3.	YES	NO
The National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) ("NEM:AQA"). If yes, attach a copy of the comment from the relevant authorities as Appendix E13.	YES	NO
The National Environmental Management Waste Act (Act No. 59 of 2008) ("NEM:WA")	YES	NO
The National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004 ("NEMBA").	YES	NO
The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) ("NEMPAA").	YES	NO
The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). If yes, attach comment from the relevant competent authority as Appendix E5.	YES	NO

3. OTHER LEGISLATION

List any other legislation that is applicable to the proposed activity or development.

3.3. Spatial Planning and Land Use Management , 2013 (ACT 16 OF 2013)

Section 42 of SPLUMA prescribe certain aspects that have to be taken into consideration when deciding on a land development application. These are:

- (1). Development principles set out in Chapter 2 of SPLUMA
- (2). Protect and promote the sustainable use of agricultural land (not applicable since zoning is Private Open Space)
- (3). National and provincial government policies the municipal development framework and take into account:
 - (i) The public interest
 - (ii) The constitutional transformation imperatives and the related duties of the State.
 - (iii) The facts and circumstances relevant to the application
 - (iv) The respective rights and obligations of all those affected

- (v) The state and impact of engineering services, social infrastructure and open space requirements and
- (vi) Any factors that may be prescribed, including timeframes for making decisions.

3.4. National Forest Act

A number of protected tree species are present within the development footprint. They have been surveyed and mapped and the Planner designed the layout in such a manner that removal of protected trees **are avoided**.

Trimming of roots and branches may be required during construction phase.

Forestry Permits will be required prior to any trimming being permitted. Such forestry permit applications will be submitted to the Department of Forestry when building plans for the proposed development are approved by the Hessequa Municipality (as per the Department's requirements).

The Department is registered as a key stakeholder in the environmental application process and has been approached for early comment and input to help guide the application process. It is noted that the Departments comment on the planning application by Nel & De Kock objected to the proposed change in land use on the grounds that it is public open space and the development will therefore result in additional rights. The records and SDF confirms that the site is indeed zoned *private* open space which does not have the same planning restrictions (ito changing land use) as public open space areas have.



Figure 10: Trees visible on the aerial image represent mostly lose standing Milkwood Trees.

4. POLICIES

Explain which policies were considered and how the proposed activity or development complies and responds to these policies.

4.1 Western Cape Provincial SDF

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as a strategic spatial planning tool that "communicates the provinces spatial planning agenda". The PSDF puts in place a coherent framework for the Province's urban and rural areas that:

- Gives spatial expression to National and provincial development agendas.
- Serves as basis for coordinated and integrated planning alignment on National and Provincial Departmental Programmes.
- Supports municipalities to fulfil their mandates in line with national and provincial Agendas.
- Communicates government's spatial development agenda.

The proposed development compliments the SDF's spatial goals that aim to take the Western Cape on a path towards:

- Greater productivity, competitiveness and opportunities within the spatial economy (optimising urban development within the urban edge).
- More inclusive developments and strengthening the economy in rural areas (Stilbaai is a prominent urban node and smaller erven with smaller units are deemed to be in demand).
- Strengthening resilience and sustainable development (the property is not being utilised for its original intended purposes and poses a management and safety challenge which the Applicant believes will be addressed by changing the land use).

4.2. Eden Spatial Development Framework (2017)

The Eden District Spatial Development Framework was approved in 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and providing guidance to local municipalities in the District regarding future spatial planning, strategic decision making and regional integration. The vision and strategic direction identify four key drivers of spatial change within the District. These four strategies lie at the heart of this SDF and the problem statement, spatial concept, spatial proposals and implementation are organised around these directives.

According to the regional SDF, Stilbaai has a residential and tourism role, and therefore the proposed development will strengthen this existing role of Stilbaai. The proposed development of the property is regarded as being consistent with the Eden District SDF.

4.3. Hessequa Spatial Development Framework (2017)

The Spatial Development Framework (SDF) is one of the sectoral plans of an Integrated Development Plan. Hessequa has identified towns which has high growth potential. According to the results of the growth potential study that was conducted by provincial authority, growth and development strategies must be focused on towns that has relatively growth potential towards other towns, Stilbaai being one of the town with a high growth potential.

Stilbaai is one of the biggest coastal towns in from Gansbaai until Mossel Bay. The application area is located inside a demarcated urban edge of Stilbaai. Although originally intended as functional open space area to the greater Patrys Development, it has not been managed and/or utilised as such.

The proposed development is indicated as Open Space in the SDF and Nel & De Kock prepared and submitted a planning motivation for the change in land use to the Hessequa Municipality in

September 2020 to address the reasons why consideration can be given to changing the designated land use. The Municipality's planning Directorate has been approached for comment in this regard.

4.4. Hessequa Integrated Development Plan (2017-2022)

The key pillars of sustainability for the Hessequa Municipality's are Social well-being, Economic Viability and Environmental Integrity. According to the Municipal IDP, the key development priorities for Stilbaai include:

- Commercial Development
- Industry Development
- Bulk Infrastructure Development
- Property Development
- Water security

The IDP highlights the following aspects for Stilbaai in the IDP:

- There has been a change in the attitude of most residents towards positive growth.
- Growth is inevitable and the focus should be on managing the growth to protect what is important to residents whilst optimising development of vacant land within the urban edge so as to reduce unwanted urban sprawl.

According to the IDP, most of the population in Stilbaai is older than 55 years. This emphasises the need for smaller, more manageable housing that it within the urban area/edge and within short distance from the central business area.

The IDP recognises the need for property development in Stilbaai, and also the need for growth and development. Due to the fact that the study site is not being managed or utilised as originally intended, the alternative land use of township development, within an already built-up area, is considered a reasonable alternative, mostly because the layout will still ensure protection of the remaining protected tree species on the property.

5. GUIDELINES

List the guidelines which have been considered relevant to the proposed activity or development and explain how they have influenced the development proposal.

The following Spatial Policy Statements & Guidelines are applicable to the proposed land development planning application:

Strategy: Growth management

Policy 3.3. Optimize existing infrastructure capacity and economic opportunity by directing mixed use, higher density development to areas of opportunity.

Guideline 3.3.7. Promote compact development

- Density should occur within 800-1600 m or 10-20 minutes from transport hubs and areas with mixed use activity (the site is within these ranges).
- The promotion of a more compact city form requires an increase in average gross density. However, an increase in density should maintain the character and form certain heritage areas and natural environments so as to not damage or negatively impact the surroundings (smaller erven within an already built-up area complies with this objective).
- Appropriate urban density is key to achieving the Eden SDF's policy objectives (the site does not form part of a greater ecological corridor or open space system, it is isolated and not being used in line with its original intent).

It is the view of the Urban Planner that the proposed development will therefore be in line with the intention of an integrated and compact urban area for Stilbaai.

6. PROTOCOLS

Explain how the proposed activity or development complies with the requirements of the protocols referred to in the NOI and/or application form

According to the DEA&DP series of guidelines for the involvement of specialists in EIA processes (2005), one of the underpinning generic principles is to **eliminate the unnecessary specialist involvement** through proactive project planning and design to avoid or sufficiently reduce negative impacts. Another is to **maximise the use of existing relevant information** prior to involving a specialist. This includes the input from the EAP and specialists, in the form of site photographs and site inspections. These principles apply to the specialist studies that have been identified in the screening tool and motivated as not necessary in this report.

The Screening Tool is a national tool that relies on national datasets generated for the entire country. Based on the site's location, the screening tool highlights various potential studies (this tool came into effect in 2019). According to the Specialist Protocol issued in May and October 2020, certain specialist themes require Compliance Statements and other detailed Impact Assessments. The determining factor for which level of specialist investigation is required is site specific verification by the Environmental Assessment Practitioner (EAP) and/or a suitably qualified and SACNASP registered specialist. The Screening Tool identified the following studies as potentially being applicable to the proposed development:

Theme	Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
Agriculture Theme			X	
Animal Species Theme		X		
Aquatic Biodiversity Theme				X
Archaeological and Cultural Heritage Theme	X			
Civil Aviation Theme		X		
Defence Theme				X
Paleontology Theme			X	
Plant Species Theme			X	
Terrestrial Biodiversity Theme	X			

With regards to these themes, the following applies:

Agricultural theme	Despite the 'MEDIUM' sensitivity theme allocated by the Screening Tool, the property is not zoned Agriculture, nor has it been utilised for agricultural purposes. The property does not have agricultural resources and because of its location within the urban edge of Stilbaai Act 70 of 70 does not apply. Therefore, there is no reasonable argument that justifies the need for an agricultural impact assessment. The Provincial Department of Agriculture has been approached for comment to confirm that Act 70 of 70 does not apply.
Animals species theme	The faunal specialist determined that none of the sensitive species (that could potentially occur on the property) were found there due to unsuitable habitat, isolation and lack of appropriate hunting grounds/food plants (not connected to any greater ecological

	corridor). It was concluded that the Screening Tool sensitivity allocation is incorrect and that it is rather classified as having a 'low' sensitivity. As such a Compliance Statement was compiled. CapeNature is a registered stakeholder and will comment on the application.
Aquatic Theme	The screening tool identifies the site as having 'low' sensitivity. The EAP conducted a site inspection and found no evidence of any surface water runoff or wetland habitat. The botanist and biodiversity specialists concurred. Furthermore the development will not utilise any groundwater for the development (dependent on municipal water supply only). Thus no listed activities are triggered in terms of the National Water Act either. Since there is no evidence of any aquatic features on, or in proximity to the site, and considering the DEADP 2005 Guideline series, no further studies are deemed necessary. Breede Gourits Catchment Management Agency is a registered stakeholder that will comment on the application.
Archaeological Heritage Theme /	Appointed specialist inspected the site and found no evidence of any noticeable archaeological features. The site is not deemed sensitive from an Archaeological perspective. The specialist determined that the Screening Tool classification is incorrect. Heritage Western Cape confirmed that the development may proceed without further studies.
Palaeontological Theme	Appointed specialist confirms that there is no evidence of any noticeable palaeontological trends/records for the site area. The site is not deemed sensitive from an Paleontological perspective. The specialist determined that the Screening Tool classification is incorrect. Heritage Western Cape confirmed that the development may proceed without further studies.
Plant species Theme	Due to the classification of the habitat as Vulnerable (ecosystem threat status) the Screening Tool identified botanical as having Medium Sensitivity. However due to the site's isolation, lack of ecological burning, it not being a threatened habitat and the absence of any rare/endangered species on the site, the specialist deems the Screening Tool classification to be incorrect and found instead that the site sensitivity is Low. Furthermore the protected trees found on the site will be avoided (with the exception of roots and branches that may require trimming during construction) with the development proposal in its current format. A Compliance Statement was compiled. CapeNature as the custodians of biodiversity have been approached for comment. Furthermore the Department of Forestry having the mandate to consider the impact on protected trees, woodland and forest have also been contacted and will provide their input on the application as part of the ongoing environmental application process.
Biodiversity Theme	Due to the classification of the habitat (originally) as Vulnerable (ecosystem threat status) the Screening Tool identified biodiversity as having Very High Sensitivity. However the 2018 SANBI (updated) classification reclassified the ecosystem threat status to Least

	<p>Threatened which is a more accurate reflection of site conditions according to the specialist.</p> <p>Due to the site's isolation, lack of ecological burning, it not being a threatened habitat, lack of any connectivity to other corridors or open spaces and the absence of any rare/endangered species on the site, the specialist deems the Screening Tool classification to be incorrect and found instead that the site sensitivity is Low. A Compliance Statement was compiled. CapeNature as the custodians of biodiversity have been approached for comment. Furthermore the Department of Forestry having the mandate to consider the impact on protected trees, woodland and forest have also been contacted and will provide their input on the application as part of the ongoing environmental application process.</p>
Civil Aviation Theme	<p>The screening tool was originally developed for wind and solar developments that are both vast (with glint and glare impacts), as well as very tall structures (i.e. 180m high wind turbines). These parameters are pulled through with most applications and therefore do not take into account the very different parameters of single level housing developments, within an urban area which is already developed. The development height of maximum 8.5m is below the minimum threshold that poses a threat to aircrafts and it lies outside of the flight paths for both the Stilbaai Airfield and the private airfield near Bosbokduin. No further detailed assessment is required despite the 'high' sensitivity theme. Civil Aviation has been approached for comment.</p>
Civil Aviation Theme	<p>The development site is located within an urban area with no military sites in proximity. No further studies are required to inform decision-making.</p>

SECTION D: APPLICABLE LISTED ACTIVITIES

List the applicable activities in terms of the NEMA EIA Regulations

Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 1	Describe the portion of the proposed development to which the applicable listed activity relates.
12(i)(iv)	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p>	<p>The property (Erf 3927) initially formed part of the Patrys Development to the and was set aside as Open Space II (Private Open Space) for recreational purposes as to act as a functional area for residents. Due to lack of management requirements this never materialised and challenges with ongoing maintenance, alien clearing, unwanted dumping it is the Applicant's intention is to rezone and subdivide the property to accommodate the 12 residential erven, leaving $\pm 1\,635.79\text{m}^2$</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>as Open Space II where the most milkwood trees are concentrated with remaining individual milkwood trees as part of the development layout.</p>
Activity No(s):	<p>Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 3</p>	<p>Describe the portion of the proposed development to which the applicable listed activity relates.</p>
<p>Note:</p> <ul style="list-style-type: none"> The listed activities specified above must reconcile with activities applied for in the application form. The onus is on the Applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, a new application for Environmental Authorisation will have to be submitted. Where additional listed activities have been identified, that have not been included in the application form, and amended application form must be submitted to the competent authority. 		

List the applicable waste management listed activities in terms of the NEM:WA

	Provide the relevant Basic Assessment Activity(ies) as set out in Category A	Describe the portion of the proposed development to which the applicable listed activity relates.

List the applicable listed activities in terms of the NEM:AQA

Activity No(s):	Provide the relevant Listed Activity(ies)	Describe the portion of the proposed development to which the applicable listed activity relates.

SECTION E: PLANNING CONTEXT AND NEED AND DESIRABILITY

1.	Provide a description of the preferred alternative.
<p>The applicant is proposing the rezoning and subdivision of Erf 3927 (to Group Housing with internal Open Space) which forms part of the existing Patrys residential development, to develop 12 individual erven on the property.</p> <p>The property is currently zoned Private Open Space (as per the original subdivision of the greater Patrys Development) and is indicated as such in the Hessequa SDF. This means that the proposed land use is not in line with the SDF in its current format. Nel & de Kock prepared and submitted an application with motivation to amend this designated land use to allow for group housing development (September 2020). A copy of the planning report is attached as Appendix G7.</p> <p>The property is located inside the urban edge of Still Bay West, immediately adjacent to the Jongensfontein road. Access exist via Bessie Street that service the Patrys development and other residential homes in the vicinity.</p> <p>Because Erf 3927 is part of the greater Patrys Development, municipal services are available along the road already. Municipal confirmation of services provision has been requested from Hessequa Municipality.</p> <p>Erf 3927 is ±8 010m² in size. Average Erf sizes are expected to be ±440m² in size with some smaller and some larger. Density is proposed at nearly 15 units/ha and erf sizes range from 270m² – 620m².</p> <p>Below Area Schedule provides an overview of the typical housing units that will fit on each of the proposed erven. Formal landscaping must be indigenous and minimised.</p>	

AREAS SKEDULE:

ERF1 (TIPE 1)	huis: stoep: motorhuis: afdak:	80.70m ² 19.00m ² 23.00m ² 20.00m ²	ERF 5 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 14.00m ² 23.00m ² 19.70m ²	ERF 9 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 18.00m ² 23.00m ² 31.30m ²
ERF 2 (TIPE1)	huis: stoep: motorhuis: afdak:	80.70m ² 19.00m ² 23.00m ² 21.00m ²	ERF 6 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 17.00m ² 23.00m ² 19.70m ²	ERF 10 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 15.00m ² 23.00m ² 15.00m ²
ERF 3 (TIPE 2)	huis: stoep: motorhuis: afdak:	85.75m ² 20.45m ² 23.00m ² 17.00m ²	ERF 7 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 26.70m ² 23.00m ² 18.40m ²	ERF 11 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 28.35m ² 23.00m ² 14.65m ²
ERF 4 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 14.00m ² 23.00m ² 19.70m ²	ERF 8 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 14.00m ² 23.00m ² 19.70m ²	ERF 12 (TIPE 3)	huis: stoep: motorhuis: afdak:	76.55m ² 17.80m ² 23.00m ² 19.70m ²

The proposed land use for the development is summarised in below table as provided by the Architects.

	Sonering	Ged.Nrs.	Getal	Grondgebruik	±Area (m ²)	%
	Alg. Woon II	1 - 12	12	Groepsbehuising	5,275.71	66
	Oop Ruimte II	13	1	Privaatoopruimte	1,635.79	20
	Privaatpad III	14	1	Privaatpad	1,098.50	14
	TOTAAL		14		8,010.00	100

Zoning	Quantity	Land Use	± Area (m ²)	%
General Residential II	12	Group Housing	5,275.71	66
Open Space II	1	Private Open Space	1,635.79	20
Private Road	1	Private Road	1,098.50	14

2. Explain how the proposed development is in line with the existing land use rights of the property as you have indicated in the NOI and application form? Include the proof of the existing land use rights granted in Appendix E21.

The site does not have any existing development rights/land uses as it is zoned private open space. It was originally intended to function as a recreational/functional open space to benefit residents of the Patrys Development. This never realised and the property was not transferred to the home owners association for maintenance and upkeep. The original Applicant continued to maintain the site over time, however financial implications for alien clearing, clearing of the site (dumping of material occurred in places) and access control requirements (ito liability) resulted in challenges. The proposal is to rezone the property to another land use (residential).

3. Explain how potential conflict with respect to existing approvals for the proposed site (as indicated in the NOI/and or application form) and the proposed development have been resolved.

According to the Town Planner, Mr Deon Nel from Nel & De Kock, when the existing Patrys development was laid out, the developers made an agreement with the owner of the neighbour

(Erf 2763) directly to the east, to keep Erf 3927 Private Open Space II, to provide a buffer between the properties.

Erf 2763 has subsequently been sold and the new owner is proposing their own development and does not require Erf 3927 to retain its buffer status.



Figure 11: Erf 3927 as a buffer between Patrys Development and Erf 2763 at the time of approval.

It is submitted that the zoning was thus never for conservation or biodiversity requirements. The new owner of Erf 2763 will be requested to provide comment on this application.

A review of the 2003 Google imagery (prior to the Patrys Development) confirms that the site condition(s) of Erf 3927 was similar to that of the rest of the Patrys Development albeit with a slightly higher concentration of milkwood trees further confirming that ecological considerations were not the reason for zoning it as *private* open space at the time.



Figure 12: Google Aerial image from 2003 (prior to Patrys Development) indicating similar site conditions for the entire site.

It was the intention to transfer the site to the Patrys Development Home Owners Association. This never happened and the HOA has since been disbanded. A decision was however taken by the HOA prior to disbandment that the proposed study site be rezoned to allow the proposed development. It is believed that the formal Resolution in this regard addresses and resolves potential conflict with respect to existing approvals (read development of Patrys Development) and the proposed alternative land use.

RESOLUSIE / RESOLUTION

**HELD AT STILBAY LIONS CLUB ON THE 13th DAY OF APRIL 2021 /
GEHOU TE STILBAY LIONS CLUB OP DIE 13de DAG VAN APRIL 2021**

Regarding the Agenda points as set hereunder / Met betrekking tot die Agendapunte soos hieronder uiteengesit

1. **Final termination of the above HOA and the legal steps to be taken to remove such conditions from the Title Deeds of each owner / Finale beëindiging van bogemelde HEV en die regstappe wat geneem moet word om sodanige voorwaarde uit die Titel Aktes van elke eienaar te verwyder.**

RESOLVED / BESLUIT:

That the decisions taken on the Annual General Meeting dated 12 December 2019 for the termination of the HOA be implemented / Dat die besluite wat op die Algemene Jaarvergadering van 12 Desember 2019 geneem is, om die HEV te beëindig geïmplementeer word

Figure 13: Extract from the formal Resolution to disban the HOA and approve the proposed rezoning and change in land use (Source: Scholtz Bruwer Attorneys).

4.	Explain how the proposed development will be in line with the following?
4.1	The Provincial Spatial Development Framework.

The proposed development is aligned to the PSDF's spatial goals that aim to take the Western Cape on a path towards:	
<ul style="list-style-type: none"> (i) Greater productivity, competitiveness and opportunities within the spatial economy; (ii) More inclusive development and strengthening the economy in rural areas; (iii) Strengthening resilience and sustainable development. 	
4.2	The Integrated Development Plan of the local municipality.
<p>The IDP supports local economic development and investment in support of socio-economic upliftment and growth in tourism.</p> <p>The key pillars of sustainability for the Hessequa Municipality's are Social Well-Being, Economic Viability and Environmental Integrity. According to the Municipal IDP, the key development priorities for Stilbaai include:</p> <ul style="list-style-type: none"> • Commercial Development • Industry Development • Bulk Infrastructure Development • Property development • Water Scarcity <p>According to the IDP, most of the population in Stilbaai is older than 55 years. This emphasises the need for smaller erven that is affordable and within easy access to the central business district.</p> <p>The development will amount to a number of temporary employment opportunities during construction, as well as a number of permanent employment opportunities, for skilled, semi-skilled and unskilled persons through opportunities in administration, healthcare, landscaping and security.</p>	
4.3.	The Spatial Development Framework of the local municipality.
<p>Stilbaai has been identified by the Hessequa SDF as one of the towns which has high growth potential. The application area is located inside the demarcated urban edge of Stilbaai and the proposed alternative land use is deemed appropriate considering the site's isolated location, lack of use (as originally intended) and avoidance of protected tree species remaining on the site.</p>	
4.4.	The Environmental Management Framework applicable to the area.
Not applicable	
5.	Explain how comments from the relevant authorities and/or specialist(s) with respect to biodiversity have influenced the proposed development.
<p>Comment from authorities will be considered once received in response to the DBAR. These will be considered and responded to in the Final BAR.</p> <p>Specialist input has given guidance on the following:</p> <ul style="list-style-type: none"> • Site sensitivity is low and all specialists have confirmed that the proposed alternative of changing the land use from private open space to subdivisional is deemed acceptable • Maximise avoidance of protected tree species (the layout will not result in the removal of protected trees) • Resource conservation measures 	
6.	Explain how the Western Cape Biodiversity Spatial Plan (including the guidelines in the handbook) has influenced the proposed development.
Plant species identification helped to reduce the impact on protected tree species.	
7.	Explain how the proposed development is in line with the intention/purpose of the relevant zones as defined in the ICMA.
Not applicable	

8.	Explain whether the screening report has changed from the one submitted together with the application form. The screening report must be attached as Appendix I.
The screening tool has not changed. It is still the same screening tool submitted with the application form.	
9.	Explain how the proposed development will optimise vacant land available within an urban area.
The vacant land will be developed into a development with 12 erven and private open space. Land that is situated so close to public amenities, transport routes and commercial businesses is ideal for urban densification.	
10.	Explain how the proposed development will optimise the use of existing resources and infrastructure.
<ul style="list-style-type: none"> • Access into the proposed development will be from an existing public street. • Water and sewer reticulation will be connected into existing municipal services. • Water heating will be by means of solar or heat pumps (or similar). • Lighting to make use of LED lamps only. • Use of motion sensor lighting controls. • 1000 litre water tanks at each residential unit. 	
11.	Explain whether the necessary services are available and whether the local authority has confirmed sufficient, spare, unallocated service capacity. (Confirmation of all services must be included in Appendix E16).
Hessequa Municipality has confirmed availability of all services according to Element Engineers. Refer to Appendix G6 for a copy of their report. Hessequa Municipality has been approached for written confirmation of services availability.	
12.	In addition to the above, explain the need and desirability of the proposed activity or development in terms of this Department's guideline on Need and Desirability (March 2013) or the DEA's Integrated Environmental Management Guideline on Need and Desirability. This may be attached to this BAR as Appendix K.
<p>Need, as defined by DEADP refers to the timing of the proposal.</p> <p>The figure below shows demographic profile of the Stilbaai population, as contained in the Hessequa IDP. From the figure below, it is clear that 64% of Stilbaai population is older than 55 years, this is a clear indication of the need for age-appropriate accommodation that focusses on smaller properties that require less maintenance.</p> <p>More affordable houses are in demand in most residential areas, especially coastal towns. It is safe to say that the development it is conveniently situated close to commercial/recreational facilities within the CBD.</p> <p>The development proposal is consistent with applicable spatial planning policies, that promote the utilisation and optimisation of open/vacant land within urban areas.</p>	

Table 1: Stilbaai demographic as per Hessequa IDP.

Category	2011 Census Data			Projections for 2016 based on 2001 and 2011 Census data		
Age	Male	Female	Total	Male	Female	Total
0 - 4	58	35	93	62	37	99
5 - 9	32	41	73	33	42	75
10 - 14	43	53	96	44	53	98
15 - 19	66	59	125	63	58	122
20 - 24	31	46	77	36	53	89
25 - 29	42	60	102	50	69	119
30 - 34	41	54	95	40	49	89
35 - 39	53	56	109	54	56	110
40 - 44	83	97	180	97	111	208
45 - 49	77	77	154	91	91	183
50 - 54	56	98	154	64	117	181
55 - 59	95	180	275	113	212	325
60 - 64	179	236	415	202	276	477
65 +	689	873	1562	847	1104	1953
	1545	1965	3510	1690	2144	3834

SECTION F: PUBLIC PARTICIPATION

The Public Participation Process ("PPP") must fulfil the requirements as outlined in the NEMA EIA Regulations and must be attached as Appendix F. Please note that If the NEM: WA and/or the NEM: AQA is applicable to the proposed development, an advertisement must be placed in at least two newspapers.

1. ~~Exclusively for linear activities:~~ Indicate what PPP was agreed to by the competent authority. Include proof of this agreement in App J.

Public Participation Plan attached as Appendix J.

2. Confirm that the PPP as indicated in the application form has been complied with. All the PPP must be included in Appendix F.

Refer to Appendix F for copies of advert, site notices, notifications & stakeholder register. Report will be updated with comments received once the comment period on the DBAR ends.

3. Confirm which of the State Departments and Organs of State indicated in the Notice of Intent/application form were consulted with.

Department of Health
 Department of Transport
 SANRAL
 Department of Water Affairs (via BGCMA)
 Hessequa Municipality
 Eden District Municipality
 CapeNature
 Department of Forestry
 SACAA

4. If any of the State Departments and Organs of State were not consulted, indicate which and why.

5. if any of the State Departments and Organs of State did not respond, indicate which.

6. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues were incorporated into the development proposal.

DBAR will be updated with comments received and reflected in the Issues & Response Report that will be included with the Final Scoping Report.

Note:

A register of all the I&AP's notified, including the Organs of State, and all the registered I&APs must be included in Appendix F. The register must be maintained and made available to any person requesting access to the register in writing.

The EAP must notify I&AP's that all information submitted by I&AP's becomes public information.

Your attention is drawn to Regulation 40 (3) of the NEMA EIA Regulations which states that *"Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but **must** be provided with an opportunity to comment on such reports once an application has been submitted to the competent authority."*

All the comments received from I&APs on the pre -application BAR (if applicable and the draft BAR must be recorded, responded to and included in the Comments and Responses Report and must be included in Appendix F.

All information obtained during the PPP (the minutes of any meetings held by the EAP with I&APs and other role players wherein the views of the participants are recorded) and must be included in Appendix F.

Please note that proof of the PPP conducted must be included in Appendix F. In terms of the required "proof" the following is required:

- a site map showing where the site notice was displayed, dated photographs showing the notice displayed on site and a copy of the text displayed on the notice;
- in terms of the written notices given, a copy of the written notice sent, as well as:
 - if registered mail was sent, a list of the registered mail sent (showing the registered mail number, the name of the person the mail was sent to, the address of the person and the date the registered mail was sent);
 - if normal mail was sent, a list of the mail sent (showing the name of the person the mail was sent to, the address of the person, the date the mail was sent, and the signature of the post office worker or the post office stamp indicating that the letter was sent);
 - if a facsimile was sent, a copy of the facsimile Report;
 - if an electronic mail was sent, a copy of the electronic mail sent; and
 - if a "mail drop" was done, a signed register of "mail drops" received (showing the name of the person the notice was handed to, the address of the person, the date, and the signature of the person); and
- a copy of the newspaper advertisement ("newspaper clipping") that was placed, indicating the name of the newspaper and date of publication (of such quality that the wording in the advertisement is legible).

SECTION G: DESCRIPTION OF THE RECEIVING ENVIRONMENT

All specialist studies must be attached as Appendix G.

1. GROUNDWATER

1.1.	Was a specialist study conducted?	YES	NO
1.2.	Provide the name and/or company who conducted the specialist study.		
1.3.	Indicate above which aquifer your proposed development will be located and explain how this has influenced your proposed development.		
1.4.	Indicate the depth of groundwater and explain how the depth of groundwater and type of aquifer (if present) has influenced your proposed development.		

2. SURFACE WATER

2.1.	Was a specialist study conducted?	YES	NO
2.2.	Provide the name and/or company who conducted the specialist study.		
2.3.	Explain how the presence of watercourse(s) and/or wetlands on the property(ies) has influenced your proposed development.		
The site does not contain any watercourses.			

3. COASTAL ENVIRONMENT

3.1.	Was a specialist study conducted?	YES	NO
3.2.	Provide the name and/or company who conducted the specialist study.		
3.3.	Explain how the relevant considerations of Section 63 of the ICMA were taken into account and explain how this influenced your proposed development.		
3.4.	Explain how estuary management plans (if applicable) has influenced the proposed development.		
3.5.	Explain how the modelled coastal risk zones, the coastal protection zone, littoral active zone and estuarine functional zones, have influenced the proposed development.		

4. BIODIVERSITY

4.1.	Were specialist studies conducted?	YES	NO
4.2.	Provide the name and/or company who conducted the specialist studies.		
Dr Marius vd Vyfer (Chipri Consulting), SACNASP registered.			
4.3.	Explain which systematic conservation planning and other biodiversity informants such as vegetation maps, NFEPA, NSBA etc. have been used and how has this influenced your proposed development.		
<p>NSBA</p> <p>NFEPA</p> <p>CapeFarm Mapper</p> <p>SANBI</p> <p>Protected Tree Species List</p> <p>Consideration of rare/endangered species</p> <p>Site and species specific surveys conducted by the specialist to determine applicability and correctness of the Screening Tool.</p>			
4.4.	Explain how the objectives and management guidelines of the Biodiversity Spatial Plan have been used and how has this influenced your proposed development.		
Please refer to the specialist Botanical and Biodiversity Reports attached for a detailed summary of the considerations/findings.			
4.5.	Explain what impact the proposed development will have on the site specific features and/or function of the Biodiversity Spatial Plan category and how has this influenced the proposed development.		
<p>CBA and ESA are indicators of biodiversity sensitivity and the management objectives associated with similar categories aim to improve overall biodiversity.</p> <p>The site is not indicated as a CBA, ESA or FPA. Due to the low ecological sensitivity of the site and its isolated position the impact at biodiversity spatial planning level is deemed negligible.</p> <p>The layout plan avoids protected trees, however trimming may be required roots/branches during construction. A Forestry Permit will be required should such be deemed necessary.</p>			
4.6.	If your proposed development is located in a protected area, explain how the proposed development is in line with the protected area management plan.		
4.7.	Explain how the presence of fauna on and adjacent to the proposed development has influenced your proposed development.		
<p>The botanical assessment determined that the site sensitivity and habitat provided by plant species are low with no evidence of food plants/appropriate habitat for the faunal species identifies in the Screening Tool. This is set against the backdrop of surrounding land use types being of a high density urban nature and no inter-connection with any other remaining natural area, thus the ecological patterns and processes deemed important to biodiversity have already been disrupted by human activities and development surrounding the study site.</p>			

5. GEOGRAPHICAL ASPECTS

Explain whether any geographical aspects will be affected and how has this influenced the proposed activity or development.

None will be affected.

6. HERITAGE RESOURCES

6.1.	Was a specialist study conducted?	YES	NO
6.2.	Provide the name and/or company who conducted the specialist study.		
Dr Peter Nilssen			
6.3.	Explain how areas that contain sensitive heritage resources have influenced the proposed development.		
<p>No archaeological or potential archaeological materials of historic or prehistoric origin within any cultural context were identified on the affected property.</p> <p>Heritage Western Cape considered the specialist submissions and issued their decision confirming that no further assessments are required.</p>			

7. HISTORICAL AND CULTURAL ASPECTS

Explain whether there are any culturally or historically significant elements as defined in Section 2 of the NHRA that will be affected and how has this influenced the proposed development.

None will be affected.

8. SOCIO/ECONOMIC ASPECTS

8.1.	Describe the existing social and economic characteristics of the community in the vicinity of the proposed site.
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The Hessequa municipality has identified the population contribution in the form of coloured circles with the size representing the population contribution to the region. Riversdale and Stilbaai are the two towns with the largest contribution in terms of population and economic activity. The proposed development is within a driving distance from community services (SAPS, Community Hall, Municipal Offices, Library) and business in the CBD.

Stilbaai is a well-known and popular tourism and retirement destination within the Southern Cape. It is well managed by the Municipality and has a low crime rate. The town has access to the river and coastline which creates ample opportunity for a number of recreational activities.

COVID conditions and restrictions that have been in place since 2019 have spurred an increased semi-gration to coastal areas and there is an update in demand for housing in all local urban nodes that drive both the rental and primary residence market.



Figure 14: Spatial rationale of Hessequa Municipality.

8.2. Explain the socio-economic value/contribution of the proposed development.

The development will create temporary employment opportunities during the construction phases to semi- and unskilled workers. Full time workers will be required in semi-skilled positions for landscaping and homecare services.

8.3. Explain what social initiatives will be implemented by applicant to address the needs of the community and to uplift the area.

It is recommended that preference be given to local contractors and workers from Melkhoutfontein, Stilbaai and Riversdale to ensure that maximum economic benefit can be transferred to the local community.

8.4. Explain whether the proposed development will impact on people's health and well-being (e.g. in terms of noise, odours, visual character and sense of place etc) and how has this influenced the proposed development.

The development will result in temporary impacts during the construction phase. The removal of vegetation will most likely cause dust particles to become airborne which may result in dust pollution for a limited period of time. Construction activities are associated with noise that will impact on immediate neighbouring residences.

SECTION H: ALTERNATIVES, METHODOLOGY AND ASSESSMENT OF ALTERNATIVES

1. DETAILS OF THE ALTERNATIVES IDENTIFIED AND CONSIDERED

1.1.	Property and site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
Provide a description of the preferred property and site alternative.	
Alternative 1: No-Go option (property remains Private Open Space). Alternative 2: (Preferred alternative): Development of 12 (twelve) group housing erven with private open space.	
Provide a description of any other property and site alternatives investigated.	
No property/site alternative sites were considered.	
Provide a motivation for the preferred property and site alternative including the outcome of the site selection matrix.	
Provide a full description of the process followed to reach the preferred alternative within the site.	
<ul style="list-style-type: none"> Town Planner prepared and submitted a planning application to change the spatial land use designation from private open space to group housing (with internal open space) which was circulated for comment in 2019 and submitted to the Hessequa Municipality in September 2020; The HOA for Patrys Development consented to the change in land use; The HOA was disbanded and the Applicant maintains control over the land which remains a challenge for maintenance; The reason for originally designating the site as private open space has changed (originally put aside as a buffer between the proposed Patrys Development and the neighbouring Erf 2763 with a change in ownership and the latter being subjected to a township development application as well; Site specific investigations confirms the site to have low environmental sensitivity, as well as low heritage/archaeological/palaeontological sensitivity which implies an acceptable level of impact associated with the proposed change in land use; Planner was able to compile a site development layout that avoids the protected tree species on the property; Site falls within the urban edge of Stilbaai and conforms to the broad spatial planning principles of optimising vacant land within urban edges to combat unwanted urban sprawl. <p>As a result, the option of changing the land use, compared to the responsibilities of maintaining it as private open space, is deemed the preferred alternative.</p>	
Provide a detailed motivation if no property and site alternatives were considered.	
No alternative site was considered.	
List the positive and negative impacts that the property and site alternatives will have on the environment.	
POSITIVE	NEGATIVE

Income generation for the Municipality from additional development through rates and taxes.	Loss of natural vegetation (approximately 5300m ² which amounts to approximately 66% of the site).
Income generation for the Applicant with sale of properties.	Continued maintenance cost for private open space not utilised by Patrys Development (alien clearing, access control, clearing of dumped materials).
Optimising of vacant land in an urban context.	Temporary noise and dust pollution during construction period.
Temporary employment opportunities during construction (to semi-skilled and unskilled workers mostly).	Temporary risk of increase in crime during construction.
Permanent employment opportunities during operational phase (to skilled and semi-skilled workers mostly).	Temporary increase in construction vehicular traffic along Bessie Street during construction.
Provision of safety (through development) of an otherwise vacant piece of land with no access control.	Additional pressure on non-renewable services.
1.2.	Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
Provide a description of the preferred activity alternative.	
The preferred activity alternative is Group Housing as a land use instead of Private Open Space.	
Provide a description of any other activity alternatives investigated.	
Provide a motivation for the preferred activity alternative.	
<ul style="list-style-type: none"> • The site is not deemed to be sensitive from an ecological/biodiversity perspective; • The site does not contain any rare/threatened species; • The site does not contain any sensitive watercourses; • The Municipality will benefit from development through additional rates and taxes that can be utilised to adhere to their mandate(s) which in turn will benefit the greater area and Stilbaai; • The existing road network can accommodate the proposed development given the very low contribution to traffic; • Protected trees will remain protected and more can be planted with landscaping; • The land use is similar to surrounding land use types and will not deter from the character of the area. • The current land use does not achieve the original intention of recreational/functional open space as a buffer area. 	
Provide a detailed motivation if no activity alternatives exist.	
Development of the site is the preferred alternative to the current land use.	
List the positive and negative impacts that the activity alternatives will have on the environment.	

1.3.	Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts
Provide a description of the preferred design or layout alternative.	
The preferred layout avoids the protected trees on site which is of conservation value. There are no other constraints for this property that necessitate the development of an alternative layout plan.	
Provide a description of any other design or layout alternatives investigated.	
Provide a motivation for the preferred design or layout alternative.	
<ul style="list-style-type: none"> • Milkwood trees on the site was properly surveyed and used to inform the layout; • The site is not deemed to be sensitive from an ecological/biodiversity perspective, since it is mostly transformed and surrounded by existing township, thus natural processes have been severely transformed over time through urbanisation; • The site does not contain any sensitive watercourses; • The Municipality will benefit from the sale of the land and can use the funds to adhere to their mandate(s) which in turn will benefit the greater area and Stilbaai; • The protected trees can be protected and more can be planted with landscaping; • The land use is similar to surrounding land use types and will not deter from the character of the area. 	
Provide a detailed motivation if no design or layout alternatives exist.	
List the positive and negative impacts that the design alternatives will have on the environment.	
1.4.	Technology alternatives (e.g., to reduce resource demand and increase resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
Provide a description of the preferred technology alternative:	
<ul style="list-style-type: none"> • Solar and heat pumps (or similar) for heating of water • 1000l water tanks at each residential house • LED lights 	
Provide a description of any other technology alternatives investigated.	
Provide a motivation for the preferred technology alternative.	
The use of solar/heat pumps reduces the demand on (municipal) electricity.	
The use of rainwater tanks provides households with water for gardening or other uses that reduces the demand on municipal water supply.	
The use of LED lights reduces the demand for municipal electricity.	
Provide a detailed motivation if no alternatives exist.	
List the positive and negative impacts that the technology alternatives will have on the environment.	
1.5.	Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
Provide a description of the preferred operational alternative.	

<ul style="list-style-type: none"> Potential buyers must be made aware that no protected trees may be removed. Their presence on the property (and within erven) must be noted as part of sales agreements to avoid ad hoc applications for future removal of said trees; Indigenous landscaping only; Resource conservation measures must be implemented for each unit; No internal fencing may be permitted to ensure that remnant indigenous vegetation can continue to provide habitat for fauna – this must be noted as part of sales agreements to avoid future challenges and conflicts with residents wanting to erect fences around their properties. 	
Provide a description of any other operational alternatives investigated.	
Provide a motivation for the preferred operational alternative.	
Provide a detailed motivation if no alternatives exist.	
List the positive and negative impacts that the operational alternatives will have on the environment.	
1.6.	The option of not implementing the activity (the 'No-Go' Option).
Provide an explanation as to why the 'No-Go' Option is not preferred.	
<p>Continued maintenance of the site, which is not being utilised according to its original intent, is viewed as unnecessary expenditure on behalf of the Applicant who remains responsible for alien invasive vegetation removal, clearing of dumped material and access control.</p> <p>The site is not deemed environmental sensitive, hence it is not reasonable, nor feasible to insist on a conservation use as opposed to a development alternative.</p>	
1.7.	Provide an explanation as to whether any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist.
<p>The property can be developed with less units to reduce the physical disturbances and transformation. However given that the preferred layout option avoids the remaining sensitive features (protected trees), coupled with specialist opinions that the site is not deemed ecological sensitive, the benefit of optimising the property for development within the urban edge outweighs the environmental arguments that may support a lower density development.</p>	
1.8.	Provide a concluding statement indicating the preferred alternatives, including the preferred location of the activity.
<ul style="list-style-type: none"> Site suitability – the property is located in proximity to the CBD of Stilbaai making it accessible for future buyers wanting to be close to amenities; The property is located within the urban edge of Stilbaai; Services are readily available for connection; The site is already accessible via Bessie Street i.e. existing infrastructure; The site is not deemed environmental sensitive and the remaining protected trees have been avoided in the preferred layout alternative. 	

2. “NO-GO” AREAS

Explain what “no-go” area(s) have been identified during identification of the alternatives and provide the co-ordinates of the “no-go” area(s).

The northern corner of the site contains the highest concentration of protected trees. This area will remain zoned as private open space and although it will be accessible to residents, this area will be demarcated during construction as a No-Go area (indicated with the blue circle).



Figure 15: The area indicated in blue circle will be a No-Go area during construction.

3. METHODOLOGY TO DETERMINE THE SIGNIFICANCE RATINGS OF THE POTENTIAL ENVIRONMENTAL IMPACTS AND RISKS ASSOCIATED WITH THE ALTERNATIVES.

Describe the methodology to be used in determining and ranking the nature, significance, consequences, extent, duration of the potential environmental impacts and risks associated with the proposed activity or development and alternatives, the degree to which the impact or risk can be reversed and the degree to which the impact and risk may cause irreplaceable loss of resources.

Criteria for Assessment

These criteria are drawn from the EIA Regulations, published by the Department of Environmental Affairs and Tourism (April 1998) in terms of the Environmental Conservation Act No. 73 of 1989.

These criteria include:

- **Nature of the impact**

This is the appraisal of the type of effect the construction, operation and maintenance of a development would have on the affected environment. This description should include what is to be affected and how.

- **Extent of the impact**

Describe whether the impact will be: local extending only as far as the development site area; or limited to the site and its immediate surroundings; or will have an impact on the region, or will have an impact on a national scale or across international borders.

- **Duration of the impact**

The specialist / EAP should indicate whether the lifespan of the impact would be short term (0-5 years), medium term (5-15 years), long term (16-30 years) or permanent.

- **Intensity**

The specialist / EAP should establish whether the impact is destructive or benign and should be qualified as low, medium or high. The study must attempt to quantify the magnitude of the impacts and outline the rationale used.

- **Probability of occurrence**

The specialist / EAP should describe the probability of the impact actually occurring and should be described as improbable (low likelihood), probable (distinct possibility), highly probable (most likely) or definite (impact will occur regardless of any prevention measures).

The impacts should also be assessed in terms of the following aspects:

- **Legal requirements**

The specialist / EAP should identify and list the relevant South African legislation and permit requirements pertaining to the development proposals. He / she should provide reference to the procedures required to obtain permits and describe whether the development proposals contravene the applicable legislation.

- **Status of the impact**

The specialist / EAP should determine whether the impacts are negative, positive or neutral ("cost – benefit" analysis). The impacts are to be assessed in terms of their effect on the project and the environment. For example, an impact that is positive for the proposed development may be negative for the environment. It is important that this distinction is made in the analysis.

- **Accumulative impact**

Consideration must be given to the extent of any accumulative impact that may occur due to the proposed development. Such impacts must be evaluated with an assessment of similar developments already in the environment. Such impacts will be either positive or negative, and will be graded as being of negligible, low, medium or high impact.

- **Degree of confidence in predictions**

The specialist / EAP should state what degree of confidence (low, medium or high) is there in the predictions based on the available information and level of knowledge and expertise.

Based on a synthesis of the information contained in the above-described procedure, you are required to assess the potential impacts in terms of the following significance criteria:

No significance: the impacts do not influence the proposed development and/or environment in any way.

Low significance: the impacts will have a minor influence on the proposed development and/or environment. These impacts require some attention to modification of the project design where possible, or alternative mitigation.

Moderate significance: the impacts will have a moderate influence on the proposed development and/or environment. The impact can be ameliorated by a modification in the project design or implementation of effective mitigation measures.

High significance: the impacts will have a major influence on the proposed development and/or environment and will result in the "no-go" option on the development or portions of the development regardless of any mitigation measures that could be implemented. This level of significance must be well motivated.

4. ASSESSMENT OF EACH IMPACT AND RISK IDENTIFIED FOR EACH ALTERNATIVE

Note: The following table serves as a guide for summarising each alternative. The table should be repeated for each alternative to ensure a comparative assessment. The EAP may decide to include this section as Appendix J to this BAR.

BOTANICAL IMPACTS:

IMPACT	Extent	Duration	Intensity	Probability	Significance
Destruction of SOCC	Low	Low	Low	High	Low
Destruction of local habitat	Low	Long-Term	Low	High	Low
Loss of ecosystem services	Low	Low	Low	High	Low
Damage of protected tree species	Low	Long-Term	Low	Medium-High	Low
Mitigation recommended: <ul style="list-style-type: none"> Plant milkwood trees as part of landscaping. Conduct search and rescue for plant species that will transplant successfully especially geophytes prior to any earthworks. Appoint an ECO to monitor and oversee construction. Apply for Forestry Permits in advance should any trimming of roots/branches of protected trees be required during construction – minimum removal is recommended and where necessary contractors must revert to hand excavations. Make potential buyers aware of the presence of protected trees in the development and on the erven with stipulations that they may not remove said protected trees. Continue to undertake invasive alien management during operational phase. Do not permit internal fences – inform potential buyers of this stipulation in advance to avoid future conflict regarding requests for internal fencing. 					

FAUNAL IMPACTS:

IMPACT	Extent	Duration	Intensity	Probability	Significance
Destruction of local habitat	Low	Long-Term	Low	High	Low
Loss of ecosystem services	Low	Low	Low	High	Low
Mitigation recommended: <ul style="list-style-type: none"> None recommended. 					

BIODIVERSITY IMPACTS:

IMPACT	Extent	Duration	Intensity	Probability	Significance
Loss of connectivity	Low	Long-Term	Low	High	Low
Loss of ecosystem services	Low	Low	Low	High	Low
Mitigation recommended: <ul style="list-style-type: none"> Plant milkwood trees as part of landscaping. Conduct search and rescue for plant species that will transplant successfully especially geophytes prior to any earthworks. Appoint an ECO to monitor and oversee construction. Apply for Forestry Permits in advance should any trimming of roots/branches of protected trees be required during construction. Make potential buyers aware of the presence of protected trees in the development and on the erven with stipulations that they may not remove said protected trees. Continue to undertake invasive alien management during operational phase. Do not permit internal fences – inform potential buyers of this stipulation in advance to avoid future conflict regarding requests for internal fencing. 					

HERITAGE / ARCHAEOLOGICAL / PALEAONTOLOGICAL IMPACTS:

Assessment by specialists confirmed that potential impacts are deemed of low significance. HWC confirmed the statement that no further impact assessment was required.

SECTION I: FINDINGS, IMPACT MANAGEMENT AND MITIGATION MEASURES

1.	Provide a summary of the findings and impact management measures identified by all Specialist and an indication of how these findings and recommendations have influenced the proposed development.
<p>Heritage/Archaeology:</p> <ul style="list-style-type: none"> No recommendations that influenced the layout. <p>Botany/Biodiversity:</p> <ul style="list-style-type: none"> Avoid protected tree species on the site. <p>Fauna:</p> <ul style="list-style-type: none"> No recommendations that influenced the layout. 	
2.	List the impact management measures that were identified by all Specialist that will be included in the EMPr
<p>Heritage/Archaeology:</p> <ul style="list-style-type: none"> None recommended. <p>Botany/Ecology:</p> <ul style="list-style-type: none"> Plant milkwood trees as part of landscaping. Conduct search and rescue for plant species that will transplant successfully especially geophytes prior to any earthworks. Appoint an ECO to monitor and oversee construction. Apply for Forestry Permits in advance should any trimming of roots/branches of protected trees be required during construction – minimum removal is recommended and where necessary contractors must revert to hand excavations. Make potential buyers aware of the presence of protected trees in the development and on the erven with stipulations that they may not remove said protected trees. Continue to undertaken invasive alien management during operational phase. Do not permit internal fences – inform potential buyers of this stipulation in advance to avoid future conflict regarding requests for internal fencing. <p>Fauna:</p> <ul style="list-style-type: none"> None recommended. 	
3.	List the specialist investigations and the impact management measures that will not be implemented and provide an explanation as to why these measures will not be implemented.
4.	Explain how the proposed development will impact the surrounding communities.
<p>There will be mostly temporary impacts associated with the construction phase, namely noise and potentially dust pollution. The following key mitigation measures are submitted as part of the DBAR. Refer to the EMP for more details:</p> <ul style="list-style-type: none"> Construction activities must be limited to Mondays – Fridays (7h00 – 18h00) and Saturdays (8h00 – 13h00); Work may not take place on Sunday's or public holidays; Vegetation clearing must be done in phases to avoid large pieces of land being exposed to wind (which could result in unnecessary dust pollution); 	

	<ul style="list-style-type: none"> • Make use of wetting agents should dust be a problem. • Rehabilitation of work areas to take place as soon as possible to minimise dust pollution; • An ECO must be appointed to oversee construction and must keep record of any complaints regarding noise/dust pollution. • Construction traffic will be along Bessie Street, however this will be a temporary inconvenience. • Construction material must be stored on-site and construction and construction vehicles must not obstruct traffic flow by remaining stationary in Bessie Street for long periods of time.
5.	<p>Explain how the risk of climate change may influence the proposed activity or development and how has the potential impacts of climate change been considered and addressed.</p> <ul style="list-style-type: none"> • Water will become a very scarce resource as periods of drought will be longer. The use of rain water tanks for each residential house is important and owners may want to consider increasing their storage capacity from 1000l to more; • Rain fall intervals will become less, but downpours may be more severe. Stormwater management on the site is important to prevent unnecessary erosion and/or flooding thus exposed areas must be minimised; • Indigenous landscaping is recommended to reduce the need for irrigation; • Gardens may not be irrigated with potable water.
6.	<p>Explain whether there are any conflicting recommendations between the specialists. If so, explain how these have been addressed and resolved.</p> <p>None.</p>
7.	<p>Explain how the findings and recommendations of the different specialist studies have been integrated to inform the most appropriate mitigation measures that should be implemented to manage the potential impacts of the proposed activity or development.</p> <p>The specialists all agree that the site is not deemed to be sensitive. Therefore their recommendations for mitigation/management are limited and easy to incorporate without significant changes to the preferred layout.</p>
8.	<p>Explain how the mitigation hierarchy has been applied to arrive at the best practicable environmental option.</p> <p>1. AVOID IMPACTS</p> <p>Avoid protected tree species. This has been achieved with the preferred layout.</p> <p>2. MINIMISE IMPACTS</p> <p>The development site is not deemed to be sensitive from an biodiversity/ecological or heritage/archaeological perspective.</p> <p>Appointing an ECO to oversee construction will minimise the potential for unnecessarily damaging protected trees during construction.</p> <p>Implement the Environmental Management Plan under ECO supervision.</p> <p>3. RECTIFY</p> <p>None necessary</p> <p>4. REDUCE</p> <p>None necessary</p> <p>5. OFF-SITE</p> <p>None necessary</p>

SECTION J: GENERAL

1. ENVIRONMENTAL IMPACT STATEMENT

1.1.	Provide a summary of the key findings of the EIA. <ul style="list-style-type: none">• The site is not deemed sensitive from a botanical/ecological/faunal perspective.• The site is not deemed sensitive from a heritage/archaeological/paleaontological perspective.• Services are available through municipal supply.• Site falls within the urban edge of Stilbaai.• The original reason for keeping the site open has changed and it has not fulfilled the original purpose as a functional/recreational open space within the greater Patrys Development.• Protected trees on the property have been avoided with the preferred layout.
1.2.	Provide a map that that superimposes the preferred activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers. (Attach map to this BAR as Appendix B2)

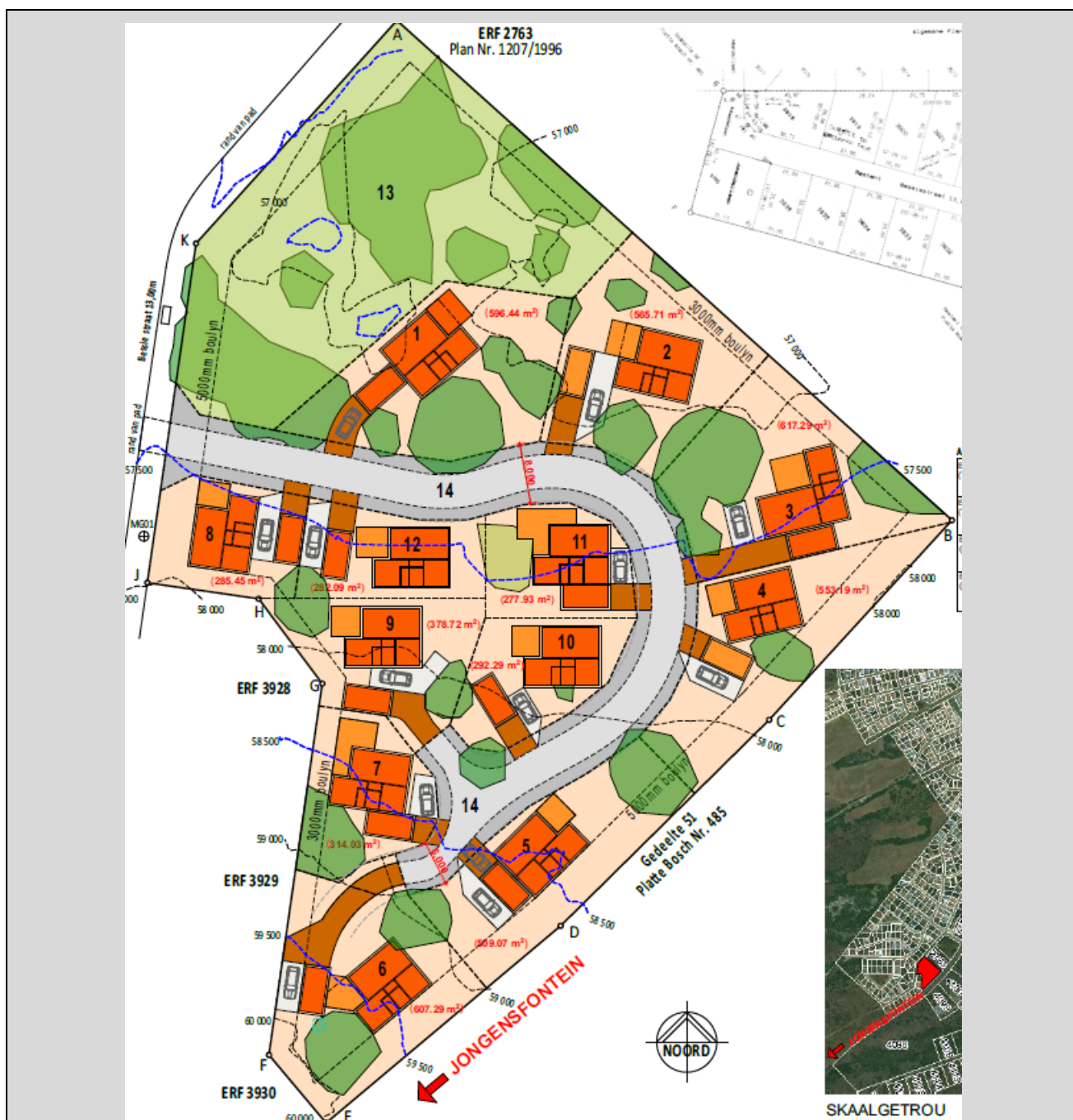


Figure 16: Site sensitivity of protected trees overlaid with layout plan (also refer to Appendix B for site plans) as surveyed by Bekker & Houterman Surveyors.

1.3.	Provide a summary of the positive and negative impacts and risks that the proposed activity or development and alternatives will have on the environment and community.
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POSITIVE	NEGATIVE
Income generation for the Municipality from sale of the land	Loss of intact natural vegetation (approximately 1.8ha).
Income generation for the municipality from future rates and taxes	Loss of habitat within intact vegetation (approximately 1.8ha).

Upgrade of the current 4-way controlled stop to a 2-way controlled stop at the MR322/MR311 intersection.	Loss of protected tree species (2 within frail care footprint).
Safe payment provided for approximately 300m along the northern edge of Main Road to improve and support non-motorised pedestrian transport/mobility.	Change in land use from vacant to developed.
Utilisation of vacant land in an urban context.	Temporary noise and dust pollution during construction period.
Temporary employment opportunities during construction (to semi-skilled and unskilled workers mostly).	Temporary risk of increase in crime during construction.
Permanent employment opportunities during operational phase (to skilled and semi-skilled workers mostly).	Temporary increase in heavy vehicular traffic along Main Road during construction.
Provision of safety (through development) of an otherwise vacant piece of land with no access control.	Additional pressure on non-renewable services.

2. RECOMMENDATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

2.1.	Provide Impact management outcomes (based on the assessment and where applicable, specialist assessments) for the proposed activity or development for inclusion in the EMPr
	<ul style="list-style-type: none"> o Ensure long-term protection of the protected tree species by ensuring that potential buyers are informed of their presence and legal status; o Prevent internal fencing by informing potential buyers of the restriction to avoid potential future conflict on this matter; o Applicant must appoint an ECO to oversee construction; o Applicant must apply for Forestry Permits should any root/branch trimming be required during construction; o Future homeowners must apply for Forestry Permits should any root/branch trimming be required during operational phase; o Home Owners Association must apply for Forestry Permits for remaining private open space during operational phase; o Home Owners Association must continue to eradicate invasive alien plant species within the private open space areas; o Indigenous landscaping only; o Implement resource conservation measures.
2.2.	Provide a description of any aspects that were conditional to the findings of the assessment either by the EAP or specialist that must be included as conditions of the authorisation.
	<ul style="list-style-type: none"> o Ensure long-term protection of the protected tree species by ensuring that potential buyers are informed of their presence and legal status; o Prevent internal fencing by informing potential buyers of the restriction to avoid potential future conflict on this matter;

	<ul style="list-style-type: none"> ○ Applicant must appoint an ECO to oversee construction; ○ Applicant must apply for Forestry Permits should any root/branch trimming be required during construction; ○ Future homeowners must apply for Forestry Permits should any root/branch trimming be required during operational phase; ○ Home Owners Association must apply for Forestry Permits for remaining private open space during operational phase; ○ Home Owners Association must continue to eradicate invasive alien plant species within the private open space areas; ○ Indigenous landscaping only; ○ Implement resource conservation measures.
2.3.	Provide a reasoned opinion as to whether the proposed activity or development should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be included in the authorisation.
	<p>The development as proposed (preferred Alternative 2) can be considered for environmental authorisation.</p> <p>The following conditions must be considered:</p> <ul style="list-style-type: none"> ○ Ensure long-term protection of the protected tree species by ensuring that potential buyers are informed of their presence and legal status; ○ Prevent internal fencing by informing potential buyers of the restriction to avoid potential future conflict on this matter; ○ Applicant must appoint an ECO to oversee construction; ○ Applicant must apply for Forestry Permits should any root/branch trimming be required during construction; ○ Future homeowners must apply for Forestry Permits should any root/branch trimming be required during operational phase; ○ Home Owners Association must apply for Forestry Permits for remaining private open space during operational phase; ○ Home Owners Association must continue to eradicate invasive alien plant species within the private open space areas; ○ Indigenous landscaping only; ○ Implement resource conservation measures.
2.4.	Provide a description of any assumptions, uncertainties and gaps in knowledge that relate to the assessment and mitigation measures proposed.
2.5.	The period for which the EA is required, the date the activity will be concluded and when the post construction monitoring requirements should be finalised.
	<p>5-year validity period for the EA.</p> <p>Date when activity will be concluded is unknown at this stage.</p> <p>Post-construction monitoring must be finalised within 6 months from when each phase is completed.</p>

3. WATER

Since the Western Cape is a water scarce area explain what measures will be implemented to avoid the use of potable water during the development and operational phase and what measures will be implemented to reduce your water demand, save water and measures to reuse or recycle water.

- Each residential dwelling must be fitted with 1000/ rainwater tank for operational phase.
- Potable water may not be used during construction or for gardening.
- Low flow shower heads must be installed in all units.
- Due flush toilets must be installed in all units.

4. WASTE

Explain what measures have been taken to reduce, reuse or recycle waste.

- The contractor must provide recycle bins on the property during construction and must ensure that his staff is aware of what products can be recycled/reused.
- Household waste must be collected and disposed of at a registered Municipal landfill site.

5. ENERGY EFFICIENCY

8.1. Explain what design measures have been taken to ensure that the development proposal will be energy efficient.

- Heat and/or solar pumps (or similar) to be used throughout the development.

SECTION K: DECLARATIONS

1. DECLARATION OF THE APPLICANT

Note: Duplicate this section where there is more than one Applicant.

TO BE COMPLETED AND SIGNED FOR FINAL BASIC ASSESSMENT REPORT

I ID number in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
 - meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
 - meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
 - costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
 - costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
 - Legitimate costs in respect of specialist(s) reviews; and
 - the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

date.

Click or tap to enter a

Signature of the Applicant:

Date:

Name of company (if applicable):

2. DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I **Ms Louise-Mari van Zyl**, EAPASA Registration number **2019/1444** as the appointed EAP hereby declare/affirm the correctness of the:

- Information provided in this BAR and any other documents/reports submitted in support of this BAR;
- The inclusion of comments and inputs from stakeholders and I&APs;
- The inclusion of inputs and recommendations from the specialist reports where relevant; and
- Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties, and that:
- In terms of the general requirement to be independent:
 - other than fair remuneration for work performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- In terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured that information containing all relevant facts in respect of the application was distributed or was made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- I have ensured that the comments of all interested and affected parties were considered, recorded, responded to and submitted to the Competent Authority in respect of this application;
- I have ensured the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- I have kept a register of all interested and affected parties that participated in the public participation process; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;



2022/03/28

Signature of the EAP:

Date:

Cape Environmental Assessment Practitioners (Cape EAPrac)

Name of company (if applicable):

3. DECLARATION OF THE REVIEW EAP

I EAPASA Registration number as the appointed Review EAP hereby declare/affirm that:

- I have reviewed all the work produced by the EAP;
- I have reviewed the correctness of the information provided as part of this Report;
- I meet all of the general requirements of EAPs as set out in Regulation 13 of the NEMA EIA Regulations;
- I have disclosed to the applicant, the EAP, the specialist (if any), the review specialist (if any), the Department and I&APs, all material information that has or may have the potential to influence the decision of the Department or the objectivity of any Report, plan or document prepared as part of the application; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations.

Click or tap to enter a date.

Signature of the EAP:

Date:

Name of company (if applicable):

4. DECLARATION OF THE SPECIALIST

Note: Duplicate this section where there is more than one specialist.

TO BE COMPLETED AND SIGNED FOR FINAL BASIC ASSESSMENT REPORT

I, as the appointed Specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that:

- In terms of the general requirement to be independent:
 - other than fair remuneration for work performed in terms of this application, have no business, financial, personal or other interest in the development proposal or application and that there are no circumstances that may compromise my objectivity; or
 - am not independent, but another specialist (the "Review Specialist") that meets the general requirements set out in Regulation 13 of the NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review specialist must be submitted);
- In terms of the remainder of the general requirements for a specialist, have throughout this EIA process met all of the requirements;
- I have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any Report, plan or document prepared or to be prepared as part of the application; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations.

Click or tap to enter a date.

Signature of the EAP:

Date:

Name of company (if applicable):

5. DECLARATION OF THE REVIEW SPECIALIST

I, as the appointed Review Specialist hereby declare/affirm that:

- I have reviewed all the work produced by the Specialist(s):
- I have reviewed the correctness of the specialist information provided as part of this Report;
- I meet all of the general requirements of specialists as set out in Regulation 13 of the NEMA EIA Regulations;
- I have disclosed to the applicant, the EAP, the review EAP (if applicable), the Specialist(s), the Department and I&APs, all material information that has or may have the potential to influence the decision of the Department or the objectivity of any Report, plan or document prepared as part of the application; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations.

Click or tap to enter a date.

Signature of the EAP:

Date:

Name of company (if applicable):