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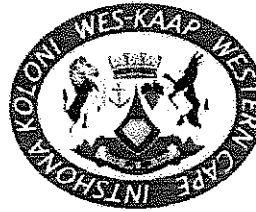
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Of issue:
2010 -08- 03



Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEbe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

The Director
Sector 5 Trading 76 (Pty) Ltd.
PO Box 6353
Uniedal
7612

Attention: Mr Francois Klomp

Tel : 021 886 6895
Fax: 021 882 8207

Dear Sir

**APPLICATION: PROPOSED RESIDENTIAL DEVELOPMENT ON PLOT 2833,
GREAT BRAK RIVER**

With reference to your application, find below the environmental authorisation including exemption notice, hereinafter referred to as "the environmental authorisation" in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed development entails the establishment of a residential area consisting of approximately 35 residential erven, a group housing site for approximately 15 units, private open space that incorporates a natural drainage line through the property and associated infrastructure on Plot 2833, Great Brak River, proximate to layout plan Drawing No. 2833/Dev4/01. Access will be off the existing Sandhoogte Road. The main internal road will have a road reserve of 13 metres, with a permanent surface of 6 metres wide, while the other internal roads will have a reserve of 10 metres and a "blacktop" width of at least 5 metres. Water supply will link up to the existing Municipal water supply system, sewage will link to the existing sewerage network for Great Brak River and electricity will be provided from the existing electricity grid.

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

Government Notice R386

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

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

Activity Number 1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for – any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -

- (iii) canals;
- (iv) channels;
- (v) bridges;
- (vi) dams; and
- (v) weirs;

Activity Number 12: The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

Activity Number 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long;

and

Activity Number 16: The transformation of undeveloped, vacant or derelict land to –

- (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

hereinafter referred to as “the activities”

B. LOCATION:

Plot 2833, Great Brak River is approximately 7ha in extent and borders on other residential and smallholding developments on the south-western border of Great Brak Rive, as indicated on the locality map included as Appendix A in the revised Basic Assessment Report by Ecobound;

Co-ordinates: 34° 03’ 15” South & 22° 12’ 10” East;

hereinafter referred to as “the property”

C. APPLICANT:

The Director
c/o Mr Francois Klomp
Sector 5 Trading 76 (Pty) Ltd.
PO Box 6353
Uniedal
7612

Tel: 021 886 6895
Fax: 021 882 8207

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Ecobound Environmental & Tourism Agency
c/o Mr Wikus van der Walt
PO Box 10274
George
6530

Tel: 044 871 4455
Fax: 044 871 2274

E. SITE VISIT(S):

Date: 7 November 2008

Persons Present: Mr D Swanepoel of the Department of Environmental Affairs & Development Planning ("DEA&DP")

F. DECISION:

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises the activities described above and grants exemption from the provisions of the regulations specified below.

- Regulation 56 (2) (b)(iii) – “giving written notice to the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represents the community in the area”
- *Regulation 56 (2) (c)(ii)* – “placing an advertisement in any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations”; *and*
- *Regulation 56 (2) (d)* – “placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official *Gazette* referred to in subregulation (c)(ii)”.

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

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after receipt of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 8, 11 & 14
3. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of operation activities.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 13
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
5. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) or in terms of the National Environmental Management: Waste Act, 2008, (Act No. 59 of 2008).
6. The mitigation/rehabilitation measures and recommendations as detailed in the revised Basic Assessment Report dated 17 may 2009 compiled by Mr Wikus van der Walt of Ecobound Environmental & Tourism Agency, and the Traffic Statement by ICE Group, must be adopted and implemented.
7. Road must be constructed and maintained by filling from the top and not by digging out (to avoid the disturbance of the current drainage regime).
8. The property must be cleared of all invasive alien vegetation before earth works and construction commence.
9. Earth works and vegetation clearing must be monitored by an archaeologist. Deeper excavations, exposing approximately 3 metres or more of vertical section, must be inspected by a palaeontologist. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks

must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

9.1. If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape..

9.2. If any graves or unmarked human burials are discovered, they must be treated with respect and SAHRA must be notified immediately and must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.

10. The Environmental Management Plan/Programme ("EMP") submitted as part of the application for environmental authorisation must be implemented.
11. The holder of the authorisation must appoint a suitably experienced Environment Control Officer for the construction phase of the development before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
12. The following Resource Conservation Measures must be implemented and included the Architectural and Landscape Design Manual and in the all sales agreements:
 - 12.1 Rainwater from roofs must be collected and stored in rainwater tanks.
 - 12.2 All houses must be fitted with and use low flow showerheads and double flush toilets.
 - 12.3 Power saving measures, i.e. gas stoves, solar geysers and energy efficient lighting must be utilised in all the houses as far as possible.
13. The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate (six months) after construction has been completed and also one year after the commencement of operation.
 - 13.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation, and the status of the rehabilitation programme.
 - 13.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 13.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
14. The applicant must, in writing, within 10 (ten) calendar days of receiving notice of the Department's decision –

- 14.1 notify all registered interested and affected parties of the decision and the reasons for the decision; and –
- 14.2 specify the date on which the authorisation was issued;
- 14.3 inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
- 14.4 advise all registered interested and affected parties that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By post: Provincial Minister for Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001

14.5 inform all registered interested and affected parties that a signed Appeal form obtainable from the Minister's office at tel (021) 483 3721/3195, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp>; must accompany the appeal.

14.6 inform all registered interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

14.7 If the applicant should decide to appeal, the applicant must –

- lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of this decision and,
- serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection and,
- submit the appeal within 30 days of the lodging of the notice of intention to appeal.

15. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.

16. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
17. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
18. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
19. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
20. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
21. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
 - (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activities was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - (ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.

If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.

22. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
23. The activities which are authorised may only be carried out at the property indicated above.

24. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
25. This activities must commence within a period of three (3) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. REASONS FOR THE DECISION:

All the following information that was available to the Department was taken into account in the Department's consideration of the application -

- a) The information contained in the application form and revised Basic Assessment Report by Ecobound Environmental & Tourism Agency dated 17 May 2009;
- b) The information contained in the Addendum to the revised Basic Assessment Report Ecobound Environmental & Tourism Agency dated February 2010);
- c) The comments received from interested and affected parties as included in the revised basic assessment report;
- d) Relevant information contained in the Departmental information base including the Mossel Bay / Riversdale Regional Structure Plan. The draft Mossel Bay Spatial Development Framework;
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

A summary of the issues which, in the Department's view, were of the most significance is set out below.

Exemption:

The applicant has applied for and is exempted from:

- giving notice to the ward councillor because sufficient notice was given to the Municipality;
- advertising in an official gazette as there is no gazette specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations; and
- placing an advertisement in at least one provincial newspaper or national newspaper because the proposed development will not have an impact beyond the boundaries of the local municipality.

Biodiversity / Ecology:

A botanical assessment was done by MM. Zietsman of Marzie Ecological Services. The vegetation of the site is described as Great Brak Dune Strandveld. According to the South African National Spatial Biodiversity Assessment (2004), this vegetation type is an endangered, unprotected vegetation type with a very high conservation priority. The botanical assessment has divided the vegetation on site into three different plant communities: Shrubland vegetation, ravine vegetation and low forest vegetation. The Shrubland community is heavily invaded by alien invader plant infestation, but will recover if the alien vegetation is removed. The report states that it can be used for development, but in accordance to the suggested mitigation measures, which includes footprint developments and building on stilts, to avoid the disturbance of the current

drainage regime, which will largely influence the vegetation of the lower parts of the site. It further recommends that it be burnt every 12 to 15 years to maintain biodiversity of the plant community. The Closed Woodland community on the banks of the ravine has a very high conservation priority and should not be used for development at all, but included in the conservation area. The report recommends that the part of the community infested by alien vegetation could be used for development in accordance with the mitigation measures, but the rest of the community must be conserved. Mr Ken Coetzee of Conservation Management Services agrees that no development should be allowed in the Closed Woodland (thicket) community on the edge of the ravine and recommended that no disturbance of any kind should be allowed within 8m of the edge of the thicket. Mr Coetzee is of the opinion that a sensitively and footprint-constructed brick and mortar house is acceptable option to wooden houses on stilts proposed by Ms M.M. Zietsman. He also added that they will need expert advice about burning the veld. A Fire Management Plan for Erf 2833 was prepared by Christiaan Pool *et.al.* from NMMU, Saasveld, which suggests that houses should not be built on wooden stilts as this endangers the entire structure of collapse should a fire burn the wooden supports. The plan further makes provision for a 10m wide fire belt on the western boundary of Erf 2833 as this property is situated in the urban fringe and borders on open veld on its western boundary. The optimal preparation method would be to slash above ground and care should be given to erosion mitigation measures should erosion occur. The fire management plan does not identify internal fire belts due to the two closed woodland (ravine) and low forest vegetation bearing little fire danger. The applicant has confirmed that he will become a member of the local fire protection association.

Soil & landform:

A study of the Soil-Landform resources was done by Dr Theo van Rooyen. This study has identified sensitive areas as a result of steep slopes, high water erosion susceptibility and high swell-shrink potential of the dominant soils. He recommends that these areas should preferably be excluded from any development while it is still well stabilized with predominantly natural vegetation. It is recommended rather to improve the vegetation cover by removing invading aliens selectively. This is the best mitigation measure (prevention is better than cure) for the project area. He recommends that only four soil-landform units should be considered for residential development purposes, which comprises approximately 1.7ha of the project area. These areas are mainly located in the south-western corner of the property and correspond more or less with the 26 erven indicated on the alternative layout. However, Dr. Van Rooyen has confirmed that the proposed erf layout for the proposed development (drawings 2833/Dev4/01 and 2833/Dev4/02) are acceptable in terms of the soil-landform study conducted by him.

Archaeological:

Heritage Western Cape required that a desktop palaeontological impact assessment (PIA) be done. A PIA was done by Mr John Pether of Geological and Palaeontological Consultant. Erf 2833 is situated on the flanks of a hill comprised of Kirkwood Formation sediments. The Kirkwood Formation forms part of the late Jurassic and early Cretaceous Uitenhage Group, comprised of sediments deposited between about 155 Ma and 134 Ma (Ma – million years ago). Overall, the paleontological sensitivity of the Kirkwood formation is rated as high. The Kirkwood Formation is the most palaeontologically interesting unit in southern

Africa that yields terrestrial biotas of Cretaceous age. The fossils include vascular plants, tetrapods (notably dinosaurs) and freshwater invertebrates, among others. Recent palaeontological research as yielded a number of new dinosaur taxa, for the most part from the Algoa Basin to the northeast of Port Elizabeth, but also from the Oudtshoorn Basin of the Little Karoo. Although not specifically mapped in the vicinity of Erf 2833, it is nevertheless possible that remnants of Mio-Pliocene marine deposits of the De Hoopvlei Formation are locally preserved on the flanks and tops of the coastal hills formed on the Uitenhage Group sequence. Although cemented remnants could occur on Erf 2833, this is regarded as unlikely. However, it is recommended that deeper excavations be inspected by a palaeontologist.

Storm water:

Storm water management was raised during the public participation process as a major issue, as storm water systems in the Sandhoogte road area were insufficient to control regular storm water run-off. The Mossel Bay Municipal Council resolved, in February 2005 (Resolution T22-02/2005) that no further subdivision of erven along this road be approved, until such time as the storm water problems have been addressed. The storm water channel in the Sandhoogte Road area has recently been upgraded and the Mossel Bay Municipality requires that all infrastructure as defined in the Storm Water Master Plan (third revision) must be installed. The proposed development also includes a retention dam. Two off-stream storm water retention dams will be built on Erf 2833 that will relay existing storm water runoff from the Avonddans development during peak floods. These retention dams will be built during phase 1 of the development and will have a storage capacity of 377m³. A storm water channel alongside Sandhoogte road between Erf 2833 and the existing channel will be constructed. The proposed residential dwellings on the proposed development will also be fitted with rainwater tanks of at least 5000l capacity to reduce storm water runoff.

The proposed development allows for storm water from the proposed development and from Avonddans that runs down the existing natural drainage line through the property, to be piped through the lower section (most southerly part) of the proposed development. In times of extreme flood events this may result in flooding of the lower lying parts of the proposed development. However, KCWC Consulting Engineers and Project Managers has calculated the 1:50 years peak flood to be 1.9m³/s and is of the opinion that the proposed infrastructure would be able to handle 1:100 year flood events.

Cultural historic:

The Great Brak River Museum Association stated that the original wagon trail out of Great Brak River on the way to Mossel Bay runs below the erf in the Sandhoogte valley (now Sandhoogte Road), but no remains of the wagon trail were found.

Traffic:

A Traffic Statement was done by ICE Group (Pty) Ltd. Found that the intersection of Sandhoogte Road and Lang Street should continue to operate at existing service levels with the addition of Erf 2833 traffic without any geometric improvements being required, but found that existing access spacings on Sandhoogte Road are not ideal. It recommends that an effort should be made to reduce the number of access points by combining some accesses where new

development applications are submitted. The proposed entrance will be located approximately 30 metres from the western erf boundary, where the gradient is most level. The existing entrance to the property just west of Erf 2833 is located right on the erf boundary. The two access points will thus be approximately 35 metres apart. The proposed Erf 2833 access will also serve as access point to the property directly to its east. The existing access to that property will only be used as a service entrance. The Mossel Bay Municipality has confirmed that the TIA is acceptable and that all the recommendations in the TIA must be conformed to.

Policy: Regional/planning context:

The site is designated for "urban development" in terms of the Mossel Bay / Riversdale Regional Structure Plan. The draft Mossel Bay Spatial Development Framework includes the site within the urban edge for Great Brak River. The site is visible from the N2 tourist route, but an architectural guideline document was drawn up to minimize the visual impacts of the proposed development.

Cumulative effects of the activity:

The Mossel Bay Municipality confirmed that Erf 2833 is situated within the urban edge of Great Brak River and confirmed the availability of services for the proposed development, including assurance of adequate water supply to the proposed development for up to 50 equivalent housing units, the capacity to accommodate effluent from this development and stated that all infrastructure as defined in the Storm Water Master Plan (third revision) as well as the Traffic Impact Assessment must be installed to the satisfaction of the Director: Technical Services.

Alternatives:

No other site alternatives have been considered, due to the site being owned by the applicant. A layout alternative consisting of 26 erven limited to the most southern part of the property and five small holdings on the remainder of the property, was also considered. Although the alternative layout will involve fewer units than the preferred alternative, it includes areas identified as environmentally sensitive and steep within the proposed smallholding plots. The proposed long narrow shaped portions of the smallholding plots may also lead to further road construction and further applications for subdivisions. The preferred development entails the establishment of 50 residential plots (5 group housing erven (24 units) and 26 single residential erven. The recommendations of the specialists have been incorporated in this layout. The most sensitive and steep areas of the property will be included in public open space areas.

Public Participation

A number of concerns and issues were raised during the public participation process, as discussed above. Outeniqualand Trust, who initially objected to the proposed development, indicated that they are satisfied that all the issues have been adequately addressed.

CapeNature raised a number of issues, including fire management and indicated that they do not support any development below the 1:100 year flood line of streams, rivers and drainage lines. The proposed development makes provision for water from the drainage line to be piped underneath the proposed residential dwellings to the Sandhoogte Storm water channel. The applicant, who is also Director of KCWC consulting engineers and project managers, has stated that the

proposed pipe underneath the proposed development will have sufficient capacity and that no erven in the proposed development will be affected by the 1:100 year flood line. The Department of Health has no objection to the proposed development.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

I. APPEAL:

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

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

By post: Provincial Minister for Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001

A signed Appeal form, obtainable from the Minister's office at tel (021) 483 3721/3195, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.

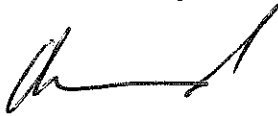
All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

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

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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

Yours faithfully



AYUB MOHAMED

DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 02/08/2010

Copies to: (1) Mr Dries Cilliers (Mossel Bay Municipality)
(2) Mr Wikus van der Walt (Ecobound)
(3) DEA&DP George Office

Fax: 044 606 5059

Fax: 044 871 2274

Fax: 044 874 2423



**Western Cape
Government**

Environmental Affairs and
Development Planning

SSZ
397
4
Directorate: Land Management
Region 3

EIA REFERENCE NUMBER: 16/3/1/5/D6/17/0009/13
ENQUIRIES: Mr S. Jokazi
DATE OF ISSUE: 2013-06-18

The Director
Sector 5 trading 76 (Pty) Ltd.
PO Box 6353
UNIEDAL
7612

Attention: Mr F. Klomp

Tel: (021) 886 6895
Fax: (021) 886 8207

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 3 AUGUST 2010: THE PROPOSED CONSTRUCTION OF RESIDENTIAL HOUSING PROJECT ON ERF 2833, GREAT BRAK RIVER.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith grants the amendment of the Environmental Authorisation issued on 3 August 2010 (Ref. no. EG12/2/3/1-D6/16-392/06).

The Environmental Authorisation is amended as set out below:

1. Condition 25, in Section G of the Environmental Authorisation is substituted with the following:

"This environmental authorisation is valid for a period of **five (5) years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension."

All other conditions contained in the Environmental Authorisation issued on 3 August 2010 (Reference Number EG 12/2/3/1/D6/16/392/06) for Erf 2833, Great Brak River, still remain unchanged and in force.

B. REASONS FOR THE DECISION

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

1. The application is for a non-substantive amendment to the Environmental Authorisation.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.
3. The Department accepts the applicant's motivation that the project had not yet commenced within the validity period due to the unforeseen worldwide recession which weakened the property market.

C. CONDITIONS

1. The applicant must, in writing, within **12 (twelve)** calendar days from the date of the Department's decision –
 - 1.1 notify all registered interested and affected parties of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 1.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section D below;
 - 1.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision, and

- 1.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 1.4.1 informs all interested and affected parties of the decision;
 - 1.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 1.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
2. The holder of the environmental authorisation must submit a written notice to the competent authority containing proof of compliance with Condition 1 described in this Addendum to the Environmental Authorisation. The written notice must be submitted **within 30 (thirty) calendar days** of the date of issue of this environmental authorisation.

D. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Regulations, 2010.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
 - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.

4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr J. de Villiers
Room 305 A
3rd Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street, Cape Town, 8001)

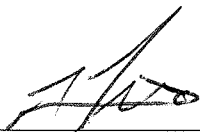
5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. KOBUS MUNRO
DIRECTOR: LAND MANAGEMENT (REGION 3)

DATE OF DECISION: 18.6.2013

Copied to: (1) Mr. Wikus van der Walt (EAP) EcoBound Environmental Agency

Fax: (044) 871 4455

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

EG12/2/3/1/D6/16/392/06

ADDENDUM 1:

EIA REFERENCE NUMBER:

16/3/1/5/D6/17/0009/13

NEAS EIA REFERENCE NUMBER:

WCP/EIA/AMEND/0000256/2013



BETTER TOGETHER

Directorate: Development Management
(Region 3)

REFERENCE: 16/3/3/5/D6/17/0015/15
ENQUIRIES: Ms. Jessica Christie
DATE OF ISSUE: 2015-08-24

The Director
Sector Five Trading 76 (Pty) Ltd
P.O. Box 6353
STELLENBOSCH
7612

received
24 Aug. 2015
Sub

Attention: Mr. Francois Klomp

Tel: 021 886 6895
Fax: 021 886 8207

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 03 AUGUST 2010: THE PROPOSED RESIDENTIAL HOUSING DEVELOPMENT ON ERF 2833, GREAT BRAK RIVER, MOSSEL BAY MUNICIPALITY

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as an "Environmental Authorisation") with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 3 August 2010.

The Environmental Authorisation is amended as set out below:

1. Section G : 20 of the Environmental Authorisation is substituted for the following:

"Non-compliance with a condition of this environmental authorisation or EMP is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended) and will render the holder liable for criminal prosecution."

4th Floor, York Park Building,
93 York Street, George, 6529
tel: +27 44 805 8600 fax: +27 44 805 8650

Private Bag X6509, George, 6530

www.westerncape.gov.za/eadp

2. Condition 25, in Section G of the Environmental Authorisation is substituted with the following:

"The holder must commence with, and conclude, all the listed activities within the stipulated validity period which this environmental authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.

*This environmental authorisation is granted for a period of **seven (7) years**, from the date of issue of the original Environmental Authorisation (viz until 3 August 2017), during which period the holder must commence with the authorised listed activities.*

Note: *Failure to lodge an application for amendment of an environmental authorisation at least three months prior to expiry may result in the competent authority not being able to process the application for amendment in time; and in the lapsing of the environmental authorisation. "*

All other conditions contained in the Environmental Authorisation issued on 20 September 2010 still remain unchanged and in force.

B. REASONS FOR THE DECISION

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

1. The application is for a non-substantive amendment to the Environmental Authorisation.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.
3. Editorial changes have been made to Condition 20 and Condition 25 of the Environmental Authorisation to comply with current legislative requirements.
4. The Competent Authority has considered the applicant's motivation that the economic decline has had a negative effect on the selling of serviced erven in Great Brak River, and this has influenced the project.
5. The holder of the Environmental Authorisation has already been granted an extension on the validity period in June 2013. Based on the date the original Environmental Authorisation was issued, a seven (7) year period within which commencement must occur has now been granted.

It must be noted that the current legislative framework provides that the validity period for an Environmental Authorisation should be determined by a date in which period the holder must commence with the authorised listed activities and this should not exceed a 10-year period, and by a second date during which period the authorised activities must be concluded.

The motivation that has been provided has shown that the development will commence within the 10-year period and the proposal will be developed in three phases, of which the first phase will be developed in 2016/2017.

The holder will be required to follow the process contemplated in the Environmental Impact Assessment Regulations, 2014 (or applicable regulations) for any further extension of the validity period, and may be required to specify the period within which the activities must be concluded. The onus is however on the holder to confirm the legislative process requirements for the above scenarios at that time.

C. APPEALS

Any appeal against this decision must comply with the provisions contained in the National Appeal Regulations 2014 (refer to Government Notice R.993 of 08 December 2014).

1. An appellant must –
 - 1.1. submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision.

NOTE: When a period of days must be reckoned in terms of the National Appeal Regulations 2014, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days (where applicable).

- 1.2. if the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
 - 1.3. if the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers
Western Cape Ministry of Local Government, Environmental
Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

By e-mail: Jaap.DeVilliers@westerncape.gov.za

4. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

D. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully


MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: 24 /08 /2015

Copied to: (1) Siân Holder (EAP) Fax: 044 874 0432
(2) Director of Development and Planning (Mosel Bay Municipality) Fax: 044 606 5062

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:	EG12/2/3/1-D6/16 - 392/06
EA ADDENDUM #1 REFERENCE NUMBER:	16/3/1/5/D6/17/0009/13
NEAS EXEMPTION REFERENCE NUMBER:	WCP/EIA/AMEND/0000256/2013
EA ADDENDUM #2 REFERENCE NUMBER:	16/3/3/5/D6/17/0015/15
NEAS EXEMPTION REFERENCE NUMBER:	WCP/EIA/AMEND/0000019/2015

END