



**Western Cape
Government**
Environmental Affairs and
Development Planning

Land Management
(Region 3)

REFERENCE: 16/3/1/1/D5/18/0047/13
NEAS REF: WCP/EIA/0001400/2013
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 2014-11-25

The Director
Quickstep 596 (Pty) Ltd
PO Box 2200
GEORGE
6530

Attention: Mr. J. T. Wessels

Tel: (044) 874 0349
Fax: (044) 884 0822

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: PROPOSED DEVELOPMENT ON PORTION 1 OF DUINEKROON 591, STILL BAY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

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, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorization** to the applicant to undertake the list of activities specified in section B below with respect to the preferred alternative as described in the Final Basic Assessment Report ("FBAR") dated June 2014.

The granting of this environmental authorisation and exemption (hereinafter referred to as the "environmental authorization") is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director

Quickstep 596 (Pty) Ltd

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93 York Street, George, 6529

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The abovementioned person is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 22

Activity Description:

The construction of a road, outside urban areas,

- (i) with a reserve wider than 13,5 meters or,
- (ii) where no reserve exists where the road is wider than 8 metres, or
- (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.

Activity: 23

Activity Description:

The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; –
except where such transformation takes place –
 - (i) for linear activities; or
 - (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.

The abovementioned list is hereinafter referred to as "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

Departmentally approved Alternative

This alternative entails the first phase of the applicant's preferred alternative and consists of 14 residential units; 5 bed in frail care unit and a 1000 -1500m² day hospital as indicated on Layout Plan: "QO1-d" done by Design Centre and Associates dated 13 March 2014), on Farm Duinekroon 591/1, Still Bay

PROPERTY DESCRIPTION AND LOCATION,

The proposed development will take place on Farm Duinekroon 591/1 and an existing access road over farm Fisantekraal 567/2, located directly adjacent to existing

residential development and in close proximity of the Central Business District of Still Bay.

| Property | SG21 Digit Code | Co-ordinates |
|-----------------------|----------------------|---------------------------------|
| Farm Duinekroon 591/1 | C0640000000059100001 | 34° 22 ' 37" S 21° 23' 51" E |

Hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Piet Groenewald Environmental Consultant
C/o Dr. P. Groenewald
P.O. Box 559
STILL BAY
6674

Tel: (028) 754 1858
Fax: 0866583073

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with at least one of 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.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue 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 is suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)-
 - 3.1 notify all registered interested and affected parties of -
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision.
 - 3.2 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 F below;

- 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision. And
- 3.4 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 –
 - 3.4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, and 9
5. This authorization is only for phase 1 of the proposed development and entails 14 residential units; 5 bed in frail care unit and a 1000 -1500m² day hospital on Farm Duinekroon 591/1, Still Bay. The establishment will take place approximate to the layout supported by Hessequa Municipality (Layout Plan: "QO1-d" done by Design Centre and Associates dated 13 March 2014) and submitted as part of the Basic Assessment Report dated June 2014.
6. The holder is responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
7. Any changes to, or deviations from the scope of the description set out in condition 5 and in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request 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 to apply for further authorisation in terms of the applicable legislation.
8. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
9. The holder must appoint a suitably experienced environmental control officer ("ECO") for the construction phase before commencement of any land clearing

or construction activities to ensure compliance with the Environmental Management Programme ("EMP") and the conditions contained herein.

10. The draft Environmental Management Programme submitted as part of the application for environmental authorisation is hereby approved on condition that the following amendments are made to the EMP:

- 10.1. Incorporate all the conditions contained in this Environmental Authorisation;

- 10.2. Describe the level and type of competency required of the Environmental Control Officer ("ECO"), or Environmental Site Agent where applicable;

- 10.3. Determine the frequency of site visits for ECO;

The EMP must be included in all contract documentation for all phases of the development. An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.

11. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
12. Should any detail with respect to the environmental authorisation have to be amended, added; substituted; corrected; removed or updated; including the transfer of rights and obligations attached to this Environmental Authorisation, the holder of the environmental authorisation must –
 - 12.1. submit an originally signed notification to the competent authority detailing the aforementioned; and
 - 12.2. receive written confirmation from the competent authority permitting such changes to the Environmental Authorisation or transfer of rights and obligations, prior to such changes to the Environmental Authorisation being effected.
13. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.

14. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
15. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
16. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
17. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

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. 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 (Tel: 021-483 3721)
Room 809
8th Floor 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>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. KOBUS MUNRO

ACTING DIRECTOR: LAND MANAGEMENT (REGION 3)

DATE OF DECISION: 25.11.2014

Dr. P. Groenewald

Piet Groenewald Consultants

Fax: 086 5803073

Mr. H. Visser

Hessequa Municipality

Fax: (028) 713 3146

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EIA REFERENCE: 16/3/1/1/D5/18/0047/13
NEAS REFERENCE: WCP/EIA/0001400/2013

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *Inter alia*, considered the following:

- a) The information contained in the application form dated and received by the competent authority on 4 July 2013, the Final Basic Assessment Report dated June 2014 and received by the competent authority on 3 July 2014, the draft EMP submitted together with the aforementioned Final Basic Assessment Report.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the Final Basic Assessment Report dated June 2014;

No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The public participation process included:

- 23 September 2013: Advertisement was placed in the Suid-Kaap Forum;
- 23 September 2013: Site Notice was placed on the boundary of the site;
- 22 September 2014: Registered letters were sent to surrounding land owners; and
- 21 February 2014: State Departments and Organs of state were notified and requested to comment on the proposal.

No objections were raised against the proposed development. Specific management and mitigation measures and conditions have been included in the EMP and this environmental authorization to adequately address the concerns that were raised.

The Department concurs with the environmental assessment practitioner's responses to the issues raised during the public participation process and has included appropriate conditions and provisions in this environmental authorization and in the EMP.

Alternatives:

No site alternatives were investigated as no feasible or reasonable alternative sites exist. Three lay out alternatives and the no-go alternative were investigated.

Alternative 1

This alternative entails the establishment of a retirement village and medical care facilities approximate to layout "Q11-oc" done by Design Centre and Associates dated 18 November 2013 and submitted as part of the final Basic Assessment Report dated June 2014.

Alternative 2

This alternative entails a suburban residential development with business development constructed approximate to lay-out "Q11-01c" done by Design Centre and Associates dated 18 November 2013 and submitted as part of the final Basic Assessment Report dated June 2014.

This alternative was decided against since it does not satisfy the immediate need and business development on the proposed site does not qualify for a suburban shopping centre, because of its proximity to the CBD of Still Bay.

Alternative 3 (Applicant's Preferred Alternative)

This alternative entails the construction a retirement village consisting of group housing units, single residential units and medical care facilities, implemented in 5 phases approximate to alternative layout "Q-01d" done by Design Centre and Associates dated 13 March 2014 and submitted as part of the final Basic Assessment Report dated June 2014. This alternative is proposed to be implemented in 5 phases.

This alternative was decided against since the Traffic Statement was only done for the first phase and the Municipality can only provide phase 1 of the development with water at this stage.

Departmentally approved Alternative

This alternative entails the construction of phase 1 of the proposed Duinekroon development, consisting of 14 residential units, 5 bed in frail care unit and day hospital of 100m² – 1500m² approximate to alternative layout "Q-01d" (phase 1 only) done by Design Centre and Associates dated 13 March 2014 and submitted as part of the final Basic Assessment Report dated June 2014.

The reason for authorising only the first phase of the proposed development includes:

- The Municipality can only provide water for the first phase of the proposed development and
- The Traffic Statement was done for only the first phase of the proposed development.

"No-Go" Alternative

The "no-go" alternative entails the status quo. This is not presently considered by the property owner and what is desired. The final Basic Assessment Report notes that no development is not acceptable, because it does not contribute to site enhancement, job creation and provision of medical facilities.

3. Impacts, assessment and mitigation measures**3.1. The Site**

According to the BAR the site has no sensitive features and there will be no impact on any Critical Biodiversity Areas, Freshwater Protected Areas of Ecological Support Areas. No significant or conservation worthy vegetation exists on site, except for the one solitary milkwood tree.

3.2 Activity Need and Desirability

According to the Municipal IDP and SDF the development site falls within the urban area and the proposed land use is compatible with present surrounding land uses. The local Municipality already destined this area for residential development.

The development of Group Housing with consent for retirement village will provide in an existing need for residential and medical care facilities of this nature in Still Bay a town with a relative high percentage of retired and elderly population.

3.4 Visual / Sense of Place

The proposal is for a retirement village next to an existing residential development. Due to the nature of the proposed development and the existing character of the surrounding area, no negative visual impacts are anticipated.

3.5 Heritage / Archaeological / Built Environment

No heritage resources would be impacted upon and no further heritage-related studies would therefore be necessary. The final BAR notes that there is no special heritage features present on this vacant undeveloped farm land, as it is mainly covered with grass.

3.6 Services

3.6.1 Water

The Municipality can only provide water for the first phase of the development and Hessequa Municipality confirmed that they can provide the proposed development with potable water in their letter dated 14 May 2014. The proposed development is phased in order to accommodate Hessequa Municipality's upgrade of their water supply. This Department therefore only approves the first phase of the proposed development.

3.6.2 Sewage

Sewage will be connected to an existing sewage line that is located on the Eastern side of the development.

3.6.3 Stormwater

Stormwater resulting from the proposed development will be channelled via an existing stormwater servitude that exists on the South-Eastern section of the property.

3.6.4 Electricity

Hessequa Municipality will provide the proposed development with electricity.

3.6.5 Access

The existing access road over portion 2 of Farm Fisantekraal 567 will be utilised and an internal road network will be constructed to provide access to all the residential units.

The Traffic Statement done by SMEC dated 20 March 2014 found that the traffic that will be generated by phase 1 will be minimal and that it will not have a significant impact on the operation of Buitekant Street. Recommendations was made that the curve connecting the access road to the proposed development and Buitekant Street be widened to 6 meters, that the intersection be changed to a 3 way stop, and that appropriate warning signage be erected .

4. Impact Assessment and Significance

According to the BAR the proposed development will result in no significant impacts on the social, biophysical or economic environment. All impacts can be mitigated to an acceptable level by strict adherence to the provisions of the approved Environmental Management Programme (EMP) and compliance with the conditions imposed in this authorization.

5. National Environmental Management Act Principles

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

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

The development will result in both negative and positive impacts.

Negative Impacts:

The development is proposed next to an existing residential area and no sensitive environmental features exist within close proximity of the site. All possible negative impacts associated with the development will be limited to the site and can be appropriately mitigated or avoided.

Positive Impacts:

Still Bay is a town with a relative high percentage of retired and elderly population. The development of a retirement village will provide in an existing need for residential and medical care facilities of this nature for the retired population of Still Bay.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the provisions of the EMP, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

END