



EXTERNAL AUDIT REPORT – Final

FOR

DEVELOPMENT OF MELKHOUT ESTATE

ERF 2839, GREAT BRAK RIVER



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DATE:	2024/09/05
SUBMITTED TO:	DEA&DP (Competent Authority) Sharples Environmental Services (ECO) Langdon Johnston (EA Holder)

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STATEMENT OF INDEPENDENCE

I, **Justin Brittion** of Eco Route Environmental Consultancy, in terms of section 33 of the NEMA, 1998 (Act No. 107 of 1998), as amended, hereby declare that I provide services as an independent Candidate Environmental Assessment Practitioner (**Can. EAPASA Reg: 2023/6648**) and receive remuneration for services rendered for undertaking tasks required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014 (as amended). I have no financial or other vested interest in the project.



EAP SIGNATURE: _____

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CONTENT OF AN ENVIRONMENTAL REPORT

Appendix 7 of the amended Environmental Impact Assessment Regulations, 2014, published under Government Notice No. 982 in Gazette No. 3822 of 4 December 2014, in terms of sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) contains the required contents of an Environmental Audit Report.

The following table serves as a checklist indicating how the requirements were incorporated throughout this Audit Report.

Table 1: Checklist on the content of an Environmental Audit Report Requirement Description

Requirement	Description
Appendix 7 (3): 1 - An environmental audit report prepared in terms of these Regulations must contain	
a) Details of – i. The independent person who prepared the environmental audit report; and The expertise of the independent person that compiled the environmental audit report	Justin Brittion CV (Appendix A)
b) A declaration that the independent auditor is independent in a form as may be specified by the competent authority.	Page 2
c) An indication of the scope of, and the purpose for which, the environmental audit report was prepared.	Section 1
d) A description of the methodology adopted in preparing the environmental audit report.	Section 2
e) An indication of the ability of the EMPr, and where applicable, the closure plan to – i. sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an ongoing basis. ii. sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the closure of the facility; and iii. ensure compliance with the provisions of environmental authorisation, EMPr, and where applicable, the closure plan.	Section 4 Section 5 Section 8
f) A description of any assumptions made, and any uncertainties or gaps in knowledge.	Section 3
g) A description of any consultation process that was undertaken during the course of carrying out the environmental audit report.	Section 2
h) A summary and copies of any comments that were received during any consultation process; and	-
i) Any other information requested by the competent authority	-

SUMMARY OF REPORT

Compliance with the EA (16/3/3/1/D6/17/0001/20) as amended (16/3/3/5/D6/17/0006/21) was found to be effective (Figure 3). There were two major non-compliances (Table 3), related to the termination of the ECO employment, and during such time, unauthorised vegetation clearance in the NO-GO area.

Table 1: Summary of non-compliance against conditions of the EA.

EA Condition	Content of Condition	Comment
2	The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative described in the FBAR dated 6 July 2020 on the site as described in Section C above in accordance with the development footprint depicted in Annexure 2 of this Environmental Authorisation	<p><u>Non-Compliance (Major – 2)</u></p> <p>It has been noted that unapproved clearance of vegetation was done upon establishment of the property fence. This action falls outside of the Preferred Alternative.</p> <p>This action was documented as a major non-compliance as the environmental impact may relate to the loss of faunal habitat, increased soil erosion risk, and a reduction in protected tree species, such as <i>Pittosporum viridiflorum</i> (Cheesewood).</p>  <p>The reason that this was not document as critical is because the transgression was immediately rehabilitated with replaced topsoil and chipped wood material. The transgression was also reported to the competent authority on 28 May 2024.</p> 
13.4	The ECO must –	<u>Non – Compliance</u> (major – 2)

	<p>remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.</p>	<p>Upon completion of the services infrastructure construction phase, the ECO submitted a completion report, marking the termination of their contract. Further construction of the top structures has continued since then. The ECO was only reappointed in June 2024, resulting in a gap of over a year without their oversight during development activities.</p> <p>This non-compliance was identified as a major non-compliance issue, as a significant transgression involving unauthorised vegetation clearance occurred during the period without the ECO's appointment. Continued appointment of the ECO might have aided in the prevention of this transgression.</p>
17.1	<p>The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme During the period which the activities have been commenced with on site until the construction of the bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water) has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.</p> <p>A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the construction of bulk internal services and the post construction rehabilitation and monitoring requirements thereof.</p>	<p>Non – Compliance (Minor – 1)</p> <p>No audit has been conducted during the period in which on-site activities commenced until the construction of bulk internal service infrastructure (i.e., internal roads, water, sewer, electricity reticulation, and bulk storm water) was completed.</p> <p>This non-compliance has been noted as minor due to its administrative nature. The non-compliance itself has no environmental impact, and there is currently an audit in progress. progress.</p>
20.1	<p>The Holder must prior to the transfer of any individual erf to a third party, register the following legally binding provisions or obligations on the land earmarked for open space (represented by figure A, B, C, D, E, F and G) on the Site Development Plan in Annexure 2 of the Environmental Authorisation, to limit the use of the proposed open space area for a conservation use –</p>	<p>Non – Compliant (minor – 1)</p> <p>According to the General Plan No. 135/2022 (surveyed by T. Visagie in 2021), the servitude notes do not mention any Non-User Conservation Servitude. Although the area has been appropriately rezoned, no evidence has been provided to suggest that such a process is ongoing.</p>

	<p>"Non-User Conservation Servitude" The Holder is required to register, in favour of the Homeowners of the proposed development on Erf 2839, a conservation servitude over the identified land which requires protection from development in perpetuity and in order to secure the conservation of the site. The conditions of the conservation servitude must inter alia address the following measures—</p> <p>(a) Fire management requirements (i.e. protective and ecological);</p> <p>(b) No earthworks or any form of development is permitted within the area, except in accordance with an approved conservation management plan and environmental authorisations;</p> <p>(c) No landscaping or planting except for rehabilitation in terms of an approved management plan;</p> <p>(d) An Alien Invasive Plant Control Programme for the portion of land;</p> <p>(e) No collection or damaging of fauna, flora and soil;</p> <p>(f) No vehicles of any type are permitted, except for rehabilitation and management in terms of an approved management plan;</p>	<p>This non-compliance is administrative in nature and does not have a direct impact on the environment; therefore, it is noted as a minor non-compliance.</p>
21	<p>The security fencing must be aligned to the perimeter of the development footprint area. The security fencing may not be installed within or around the conservation area, unless approved by the Competent Authority.</p>	<p>Non - Compliance (minor – 1)</p> <p>It seems that there has been Municipal approval to erect a fence around the conservation area for security purposed. However, the approval does not come from the Competent Authority, and is therefore non – compliant against this specific condition.</p> <p>It is however the opinion of the auditor that this a minor non – compliance.</p>

Compliance with the Environmental Management Programme (EMPr - 19/EMPR/ERF2839/GBR/WC) was less effective than that of the EA. However, it is expected that addressing the requests of this audit report, in correlation with requests made by the ECO, compliance levels will be elevated.

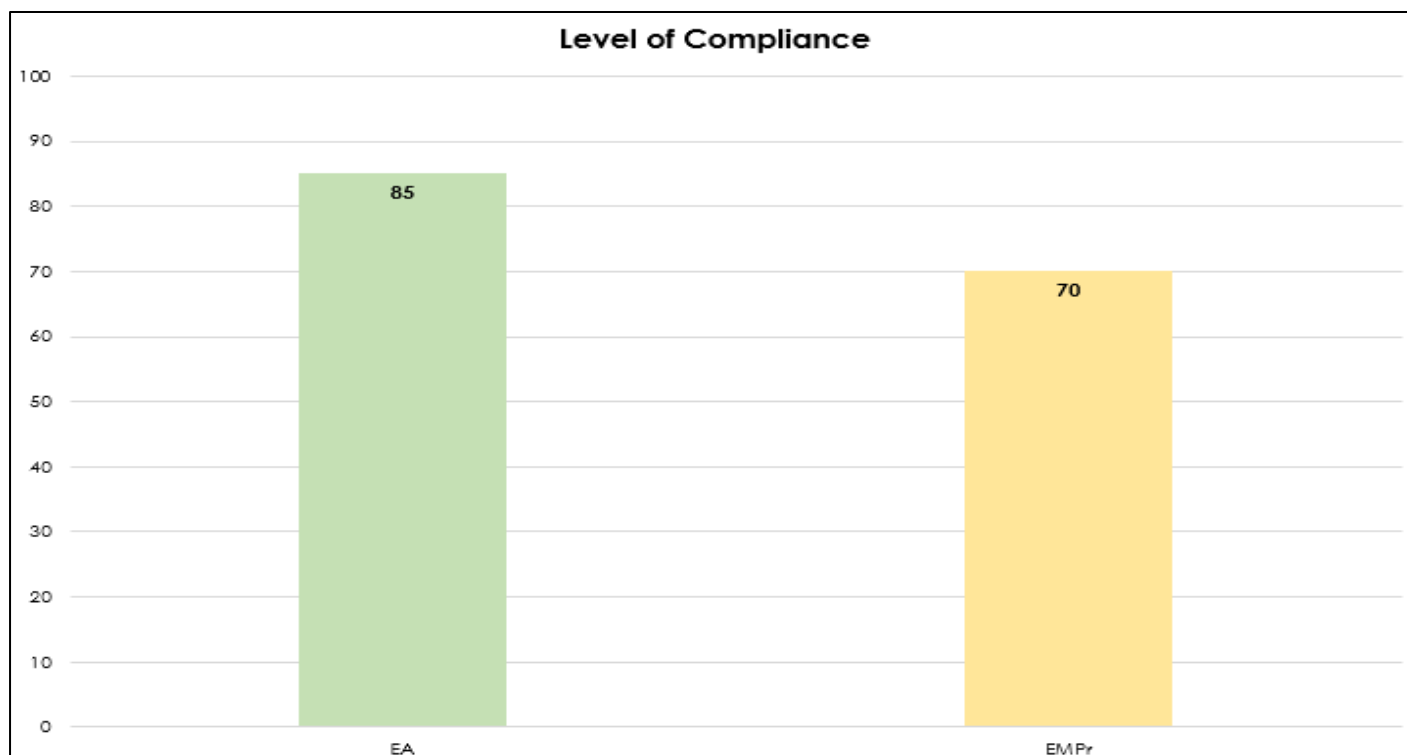


Figure 1: Level of compliance with the EA and EMPr

1. INTRODUCTION

Eco Route Environmental Consultancy has been appointed to conduct the external environmental audit for the proposed establishment of a residential development on Erf 2839, Great Brak River. The original environmental authorisation, dated 15 October 2020, was amended and approved on 7 September 2021. As part of the amendment, the EA holder changed to Mr. Langdon Johnston, the current representative of Outeniqua Game Farm cc.

The initiation of the external audit was prompted by a transgression related to vegetation clearance in a NO-GO area. Mr. Langdon reported that a significant amount of vegetation was cleared for the installation of a security fence during his absence over the Easter period of 2024. The Department of Forestry, Fisheries, and the Environment (DFFE) was notified of the transgression on 28 May 2024. Since then, Mr. Langdon has undertaken extensive rehabilitation, which includes the planting of approximately 2000 seedlings of milkwood (*Sideroxylon inerme*), yellowwood (*Podocarpus falcatus*), and keurboom (*Virgilia divaricata* Adamson). The entire transgression (including payment of a fine) has been dealt with during the duration of this audit report.

According to Appendix 7 of the amended Environmental Impact Assessment Regulations, 2014, published under Government Notice No. 982 in Gazette No. 3822 of 4 December 2014, in terms of sections 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

The objectives of this audit report are to –

Objective
a) Report on – <ul style="list-style-type: none">• The level of compliance with the conditions of the environmental authorisation and the EMPr, and where applicable, the closure plan; and• The extent to which the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan achieves the objectives and outcomes of the EMPr, and closure plan
b) Identify and assess any new impacts and risks as a result of undertaking the activity.
c) Evaluate the effectiveness of the EMPr, and where applicable, the closure plan.
d) Identify shortcomings in the EMPr, and where applicable, the closure plan; and
e) Identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan.

2. METHODOLOGY

- The audit was done based on the conditions and recommendations as set out in the Environmental Authorisation (EA - 16/3/3/1/D6/17/0001/20) as amended (16/3/3/5/D6/17/0004/21) (07 September 2021), as well as the Environmental Management Programme (EMPr - 19/EMPR/ERF2839/GBR/WC). Provided documents (Table 2) were systematically reviewed to determine compliance based on the following criteria -

Full Compliance (1) – Implemented actions fully comply with the requests and conditions as set out in the EA / EMPr, supported by evidence justifying the outcomes.

Partial Compliance (0.5) - Implemented actions partially comply with the requests and recommendation as set out in the EA / EMPr. In one way or another it does not meet the full

requirements set out in the specified recommendations and / or mitigation measures, supported by evidence justifying the outcomes

Non – Compliance (0) – Implemented actions do not comply with the requests and condition as set out in the EA / EMPr, supported by evidence justifying the outcomes

Non - compliance actions will be assigned into three sub-criteria based on the impact on the environment.

Minor	The impact has no effect on the environment
Major	The impact has some (to be specified) effect on the environment
Critical	The impact has extreme (to be specified) effect on the environment

Assumptions (Not scored) – Certain stages throughout the audit may require the Auditor to make assumptions. All assumptions will be noted.

Not Monitorable (N/M) (Not scored) – The requests and condition outlined in the EA / EMPr is not monitorable and will be noted as such.

Noted (N) (Not Scored) – Additional to the actionable requests and condition outlined in the EA / EMPr, some requests and condition need to be included for general awareness and will be documented as noted.

- Each level of compliance will be assigned a score, after which total compliance will be calculated. The total compliance will be communicated based on the categories defined in the EA / EMPr.

Level of effectiveness	Score
Full Compliance	1
Partial Compliance	0.5
Non - Compliance	0
Assumptions	-
Not Auditable (N/A)	-
Noted (N)	-

* Only scored conditions will add towards the compliance score.

Calculations:

$$\begin{aligned} & (\text{Number of conditions}) - (\text{Number of assumptions, N/M, and N conditions}) \\ & = \text{Total usable conditions} \end{aligned}$$

$$\begin{aligned} & ((\text{Score of full compliance} + \text{partial compliance}) / \text{Total Usable conditions}) \times 100 \\ & = \text{Percentage Compliance} \end{aligned}$$

- The audit will be completed according to / as close as possible to the following timeline (Figure 2) -

No	Action\description	Date
1.	Opening meeting <ul style="list-style-type: none"> Discuss audit programme Communicate timelines Identify involved parties The holder (Auditee) Auditor ECO Etc.	01 – 05 July 2024
2.	Request information <ul style="list-style-type: none"> Provided list of information required to Auditee 	08 – 12 July 2024
3.	Provide information <ul style="list-style-type: none"> All information requested during this time must be provided in a timely fashion 	15 – 19 July 2024
4.	Site visit <ul style="list-style-type: none"> Conduct a site visit to confirm findings 	22 – 24 July 2024
5.	Complete Audit Report <ul style="list-style-type: none"> Once all findings have been confirmed, the audit report will be finalised 	24 – 26 July 2024
6.	Close out meeting / Circulation of report <ul style="list-style-type: none"> The opportunity will be presented to discuss findings. Final audit report will first be circulated internally, and then sent to the relevant authorities and I&APs. 	29 – 31 July 2024

- The following key elements were used during the audit, with evidence provided in Section 6. This table does not include all the information received for the audit but is available upon request.

Table 2: Key Elements that were used during the internal audit

Source	Context	Reference
EA	First environmental authorisation (15 Oct 2020)	16/3/3/1/D6/17/0001/20
EA Addendum #2	Second addendum to the environmental authorisation (07 Sept 2021)	16/3/3/5/D6/17/0006/21
Site development plan / layout plan	Indication of site layout	SDP 2839/GBR/2019 – Jan Vrolijk 2020
EMPr	Management practices associated with the development	19/EMPR/ERF2839/GBR/WC
	Approval of the amended environmental management programme (EMPR)	05 August 2021
I&AP notification	First notification of EA produced by (SES)	27 October 2020
I&AP notification	Amendment notification produced by Outeniqua Game Farm	Appendix 2 – Proof of notification (09 September 2021)
ECO report #1	First ECO report (Sharples Environmental Services)	EMR/ERF2839/GBR/WC/03/22 (April 2022)

ECO completion report	Final report upon completion of Sharple's ECO services.	EMR/ERF2839/GBR/WC/01/23 (January 2023)
Latest ECO report	ECO report after reinstatement as ECO.	EMR/ERF2839/GBR/WC/06/24
General Plan	General plan of subdivision of Erf 2839 Great Brak.	No. 135/2022
Rezoning and subdivision approval	Approval notification and confirmation of no appeal related to rezoning and subdivision	15/4/34/5;15/4/34/2; R Fernandez (C7325305)
New Boundary fence approvals	Municipal approvals of the erected boundary fence	286-22 Final Plan (May 2022)



Figure 2: Predictive External Audit Timeline (extracted from audit programme 2024/07/01)

3. ASSUMPTIONS, UNCERTAINTIES, AND GAPS IN KNOWLEDGE

1. It is assumed that all activities will be concluded by 30 November 2030 as specified in condition 1 of the EA.
2. Rehabilitation and monitoring requirements are assumed to be finalised at the site within 6 months from the conclusion of construction activities, but no later than 30 May 2030, as specified in condition 1.2 of the EA.
3. No information regarding appeals has been provided. Therefore, it is assumed that no appeals have been lodged against the Environmental Authorisation or the associated amendments.
4. No evidence was provided regarding the seven calendar days' notice, in writing, to the Competent Authority concerning the completion of the construction activities of the bulk internal infrastructure. It is assumed that this notice was not sent.
5. It is assumed that the seven calendar days' notice, in writing, to the Competent Authority regarding the completion of the final phase of the mixed/residential development will be sent.
6. There is no documentation evident to support the start of operational phase. This was during the time of no appointed ECO.
7. It could not be determined whether the EMPr was included in all contract documentation for all phases of implementation.
8. The information required to audit condition 20.2 has not been provided. The condition will therefore be noted not auditable.

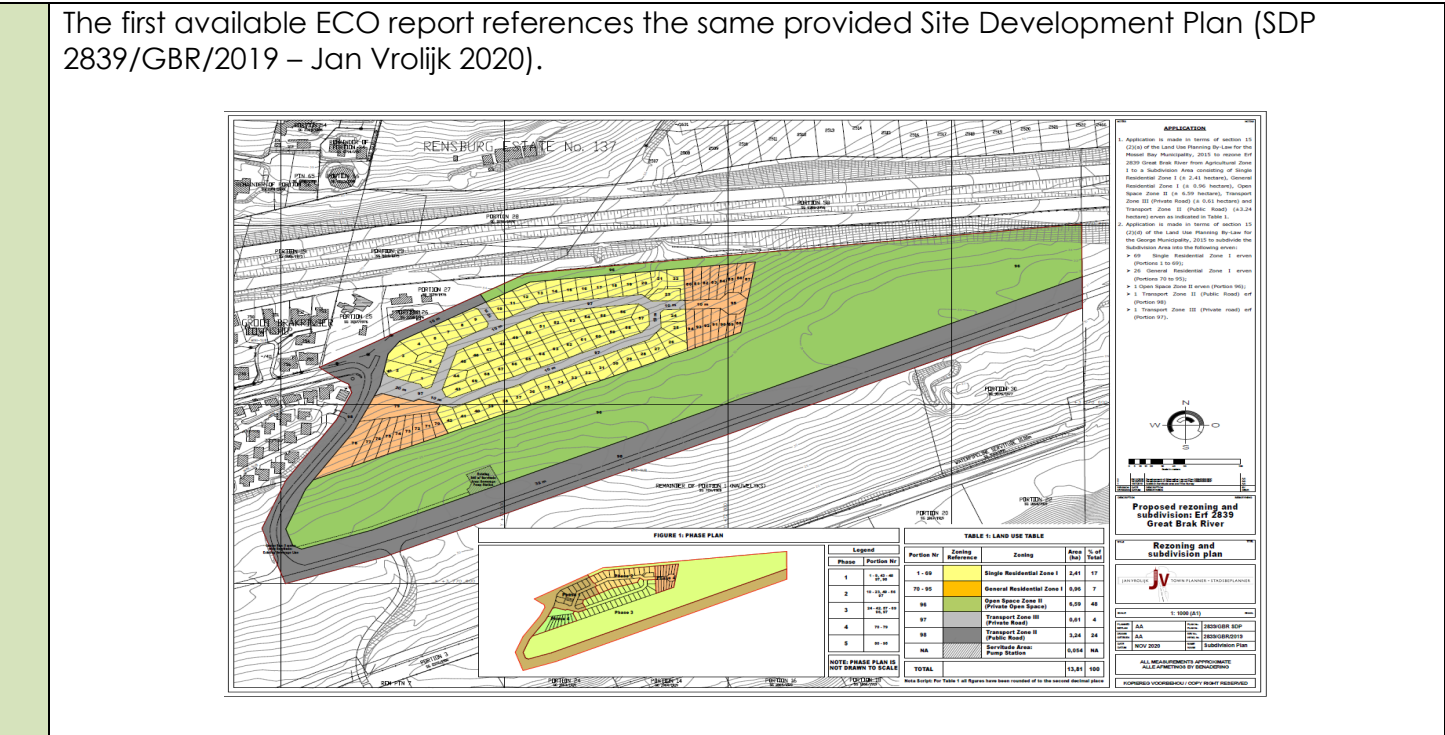
4. EA (16/3/3/1/D6/17/0001/20) AS AMENDED (16/3/3/5/D6/17/0006/21) COMPLIANCE

Scope and Validity Period of authorisation			
No.	Conditions	C	Notes
1	This Environmental Authorisation is granted for the period from date of issue until 30 November 2030, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.		<u>Assumption</u> It is assumed that all activities will be concluded by the date specified in this condition.
1.1	The Holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 30 November 2022.	1	<u>Full Compliance</u> The first available ECO report (4 April 2022) states that Construction activities commenced in February 2022 by means of vegetation clearance to access the site.
1.2	The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 6-months from the date the construction activities (construction phase) are concluded; but by no later than 30 May 2030.		<u>Assumption</u> Rehabilitation and monitoring requirements are assumed to be finalised at the site within 6 months from the conclusion of construction activities, but no later than 30 May 2030, as specified in condition 1.2 of the EA.
2	The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative described in the FBAR dated 6 July 2020 on the site as described in Section C above in	0	<u>Non-Compliance (Major – 2)</u> It has been noted that unapproved clearance of vegetation was done upon establishment of the property fence. This action falls outside of the Preferred Alternative. This action was documented as a major non-compliance as the environmental impact may relate to the loss of faunal habitat, increased soil erosion risk, and a reduction in protected tree species, such as <i>Pittosporum viridiflorum</i> (Cheesewood).

	accordance with the development footprint depicted in Annexure 2 of this Environmental Authorisation.		 <p>The reason that this was not document as critical is because the transgression was immediately rehabilitated with replaced topsoil and chipped wood material. The transgression was also reported to the competent authority on 28 May 2024.</p> 
3	The holder must adopt and implement the following development parameters, restrictions and measures to the proposed development. The following must be addressed—		
3.1	A revised proposal and detailed site development plan / layout plan must be	1	<u>Full Compliance</u>

	submitted to the competent authority for approval prior to site preparation or construction activities commencing on site.
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The first available ECO report references the same provided Site Development Plan (SDP 2839/GBR/2019 – Jan Vrolijk 2020).



3.2	<p>In accordance with the assessment of Alternative 1, the revised proposal must be restricted to the number of erven initially proposed with the following uses:</p> <ul style="list-style-type: none"> • Single Residential Zone I; • General Residential Zone II; • Open Space Zone II; • Transport Zone II (Public Road); • Transport Zone III (Private Road).
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1	<u>Full Compliance</u> The provided SDP includes the requested restriction.
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3.3	The proposed development layout plan must be amended to address the following:
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3.3.1	<p>The residential erven and internal roads and infrastructure must be restricted to the development footprint depicted on the Site Development Plan in Annexure 2 of this Environmental Authorisation.</p>	<p>1 <u>Full Compliance</u></p> <p>The development layout (SDP 2839/GBR/2019 – Jan Vrolijk 2020) addresses residential erven, internal roads, and is restricted to the development footprint.</p> <p>Available arial photography and a site visit conducted on (23 July 2024) confirms that residential erven, internal roads, and infrastructure is restricted to the development footprint depicted on the Site Development Plan in Annexure 2 of the Environmental Authorisation.</p> 
3.3.2	<p>The demarcated area depicted as figure A B C D E F G in Annexure 2 of this Environmental Authorisation, must be excluded from the development area. This area must be zoned as an open space and managed for a conservation use. No residential or other development may take place in the open space area,</p>	<p>0 <u>Partial Compliance</u></p> <p>5 This area has been excluded from the development area and rezoned to Open Space II (private open space).</p> <p>However, there have been service installations in this area communicated with the Department of Environmental Affairs and Development Planning (DEA&DP), of which no feedback was received. As well as recent vegetation clearance associated with the fence installation.</p>

	except for fencing and approved reticulation infrastructure or unless authorised by the Competent Authority.		
3.3.3	The neighbourhood shop (Business Zone III) area must be excluded from the proposed development.	1	<u>Full Compliance</u> Business Zone III was excluded from this development
3.3.4	All services must be installed directly adjacent to erf boundaries.		<u>Not auditable</u> There is some contradiction regarding the installation of services. While the installation of services was communicated upon approval of the EA, no work was supposed to be done within the open space area. However, the approved installation of services within this area directly contradicts the stipulation that no work should be done there. Upon installation, this situation was communicated to the competent authority, but no feedback was provided. The area where installations occurred has been fully rehabilitated without any impact on the surrounding environment, and no protected trees were removed during the installation.
4	This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").	1	<u>Full Compliance</u> Sharples Environmental Services wrote the approved EMPr (19/EMPR/ERF2839/GBR/WC), which is implemented alongside the EA.
5	The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.		<u>Noted</u>
6	Any changes to, or deviations from the scope of the		<u>Noted</u>

	alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.		
Notification and administration of appeal			
7	The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision –		
7.1	notify all registered Interested and Affected Parties ("I&APs") of –		
7.1.1	the decision reached on the application;	1	<u>Full Compliance</u> Sharples Environmental Services (SES) satisfied this condition upon receiving the original Environmental Authorisation (EA), dated 15 October 2020, by sending the notification on 27 October 2020. Upon the amendment received on 7 September 2021, Outeniqua Game Farm (the amended EA holder) satisfied this condition by sending the notification on 9 September 2021.
7.1.2	the reasons for the decision as included in Annexure 3;	1	
7.1.3	the date of the decision; and	1	
7.1.4	the date when the decision was issued.	1	
7.2	draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal	1	

	Regulations, 2014 (as amended) detailed in Section G below;		
7.3	draw the attention of all registered I&APs to the manner in which they may access the decision.	1	
7.4	provide the registered I&APs with the:		
7.4.1	name of the Holder (entity) of this Environmental Authorisation,	1	
7.4.2	name of the responsible person for this Environmental Authorisation,	1	
7.4.3	postal address of the Holder,	1	
7.4.4	telephonic and fax details of the Holder,	1	
7.4.5	e-mail address, if any, of the Holder	1	
7.4.6	contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).	1	
7.5	The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.	1	<p><u>Full Compliance</u></p> <p>ECO reports indicate that Construction activities commenced in February 2022 by means of vegetation clearance to access the site.</p>

7.6	In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.		<u>Assumption</u> No information regarding appeals has been provided. Therefore, it is assumed that no appeals have been lodged against the Environmental Authorisation or the associated amendments.
WRITTEN NOTICE TO THE COMPETENT AUTHORITY			
8	Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.	1	<u>Full Compliance</u> A seven calendar days' notice was provided by Mr Michael Bennett on 26 October 2021. This notice included all the information to satisfy this condition.
8.1	The notice must make clear reference to the site details and EIA Reference number given above.	1	
8.2	The notice must also include proof of compliance with the following conditions described herein: Conditions no.: 3, 7, 10, 12 and 20.	1	
9	Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities of the -		
9.1	bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water); and		<u>Noted</u> Internal service installation of phase 3 is still ongoing. The ECO will be involved in ensuring that this condition is required with after installation is complete.

9.2	final phase of the mixed/residential development.		<u>Assumption</u> It is assumed that the seven calendar days' notice, in writing, to the Competent Authority regarding the completion of the final phase of the mixed/residential development will be sent.
MANAGEMENT OF ACTIVITY			
10	The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval, subject to the following requirements -		
10.1	The EMPr must be amended to incorporate the following		
10.1.1	Environmental Control Officer compliance reports must be submitted monthly to this Department's Regional Office for attention the Directorate Development Management (Region 3).	1	<u>Full Compliance</u> Part of the ECO roles and responsibilities entail submission of reports to the Competent Authorities (EMPr – section 15.3).
10.1.2	Incorporate all the conditions contained in this Environmental Authorisation; The section dealing with the management and demarcation of the No-Go area's (including the open space areas) must clearly state how the areas will be demarcated prior to any earthworks / commencement of construction;	1	<u>Full Compliance</u> All conditions of the EA are included (EMPr – section 6.4).
10.1.3	The revised Site Development Plan must be included in the EMPr;	1	<u>Full Compliance</u> The background and site description includes the site development plan (EMPr – section 4.1)

10.1.4	Incorporate an alien invasive vegetation clearing plan detailing timelines for the phased clearing and follow-up schedule for the property.	1	<u>Full Compliance</u> Appendix D of the EMPr satisfies this condition. The alien management plan is dated March 2021.
10.1.5	Incorporate the final recommendations from Heritage Western Cape	1	<u>Full Compliance</u> All comment made by Heritage Western Cape are included (EMPr – section 6.3).
10.2	The amended EMPr must be submitted to the Competent Authority and be approved, prior to the construction activities commencing on site.	1	<u>Full Compliance</u> The EMPr approval letter is date 05 August 2021. Which is well before the start of construction.
11	The EMPr must be included in all contract documentation for all phases of implementation		<u>Not Auditable</u> It could not be determined whether the EMPr was included in all contract documentation for all phases of implementation.
MONITORING			
12	The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.	0 5	<u>Partial Compliance</u> Sharples Environmental Services cc (SES) was initially appointed by Hey Innovations Pty Ltd as the Environmental Control Officer (ECO) to monitor the construction activities on site for the Establishment of a Residential Development on Erf 2839, Great Brak River, Western Cape. SES was instructed to end monitoring of site. The last report generated by SES was dated January 2023. Since the clearance of vegetation along the fence line, SES have been reappointed in June 2024.
13	The ECO must -		
13.1	be appointed prior to commencement of any works (i.e. site clearance; removal and movement of soil and / or rubble or construction activities commencing);	1	<u>Full compliance</u> Mr. M. Bennett from Sharples Environmental Services was employed as the ECO prior to the start of commencement of works.

13.2	ensure compliance with the EMPr and the conditions contained herein	1	<u>Full compliance</u> ECO site visits and reports marks the commitment of the ECO to ensure compliance with the EMPr and the conditions contained in the EA.
13.3	keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;	0 5	<u>Partial Compliance</u> During the periods of employment this condition has been satisfied. However, since there has been a period in which no operating ECO was on site, this condition has been partially complied with.
13.4	remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.	0	<u>Non – Compliance</u> (major – 2) Upon completion of the services infrastructure construction phase, the ECO submitted a completion report, marking the termination of their contract. Further construction of the top structures has continued since then. The ECO was only reappointed in June 2024, resulting in a gap of over a year without their oversight during development activities. This non-compliance was identified as a major non-compliance issue, as a significant transgression involving unauthorised vegetation clearance occurred during the period without the ECO's appointment. Continued appointment of the ECO might have aided in the prevention of this transgression.
14	A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.	1	<u>Full compliance</u> A site file is available on the site of the authorised activities and is available to anyone on request.

15	Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.	1	<u>Full Compliance</u> Access to the site is available to anyone authorised for assessing and/or monitoring compliance with the conditions outlined in the EA. As mentioned above, a site file is present containing all the required information.
AUDITING			
16	The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;	0 5	<u>Partial Compliance</u> This audit marks the first audit for the period during which the environmental authorisation and EMPr remain valid. Although there should have been at least one audit, this audit includes revision of work done during that period and is being conducted now. Therefore, this is considered partial compliance rather than total non-compliance. The non-compliance will be noted concerning the frequency of audits (17.1). Take note that one audit remains. Where a final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the final phase of the residential development and the post construction rehabilitation and monitoring requirements thereof
17	The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:		
17.1	During the period which the activities have been commenced with on site until the construction of the bulk	0	<u>Non – Compliance</u> (Minor – 1) No audit has been conducted.

	<p>internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water) has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.</p> <p>A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the construction of bulk internal services and the post construction rehabilitation and monitoring requirements thereof.</p>		<p>This non-compliance has been noted as minor due to its administrative nature. The non-compliance itself has no environmental impact, and there is currently an audit in progress.</p>
17.2	<p>During the period the development of the residential phases (i.e. construction of top structures) is undertaken, the Holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.</p> <p>During this phase of the development, the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the</p>	1	<p><u>Full Compliance</u></p> <p>The ECO environmental completion report from January 2023 indicated the start of construction of top structures. This document constitutes the first audit report as of July 2024, falling within the required minimum interval of three years.</p> <p>Take note that one audit remains. Where a final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the final phase of the residential development and the post construction rehabilitation and monitoring requirements thereof</p>

	<p>EMPr may not exceed intervals of three (3) years.</p> <p>A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the final phase of the residential development and the post construction rehabilitation and monitoring requirements thereof.</p>		
18	The Environmental Audit Report(s), must		
18.1	be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;	1	<p><u>Full Compliance</u></p> <p>Eco Route Environmental Consultancy has been appointed as independent, competent, external auditors to complete the environmental audit.</p> <p>This report and all its findings will be submitted to the Competent Authority upon completion.</p>
18.2	provide verifiable findings, in a structured and systematic manner, on -		
18.2.1	the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and	1	<p><u>Full Compliance</u></p> <p>Review of the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not is done according to the methodology explained in this report.</p>
18.2.1	the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental	1	<p><u>Full Compliance</u></p> <p>Section 5</p>

	impacts associated with the undertaking of the activity.		
18.3	identify and assess any new impacts and risks as a result of undertaking the activity;	1	<u>Full Compliance</u> Section 7
18.4	evaluate the effectiveness of the EMPr;	1	<u>Full Compliance</u> Section 5
18.5	identify shortcomings in the EMPr	1	<u>Full Compliance</u> Section 5
18.6	identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr	1	<u>Full Compliance</u> Section 5
18.7	indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation	1	<u>Full Compliance</u> The exact start date of construction could not be determined; however, the earliest available ECO report indicates that construction started February 2022. From the site visit conducted on 23 July 2024, it was observed that phase 4 is currently undergoing service installations, while the rest of the development is in the operational phase. Rehabilitation and communication with the competent authority are ongoing regarding the clearance of vegetation transgression.
18.8	indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;		<u>Not Monitorable</u> There is no documentation evident to support the start of operational phase. This was during the time of no appointed ECO.
18.9	include a photographic record of the site applicable to the audit; and	1	<u>Full compliance</u> Section 6
18.10	be informed by the ECO reports	1	<u>Full compliance</u> See Table 2 for reference of ECO report.

19	The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).		<u>Assumption</u> It is assumed that the Holder will notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable) within 7 days of submission to the Competent Authority.
SPECIFIC CONDITIONS			
20 (as specified in the EA amendment)	The Holder must prior to the transfer of any individual erf to a third party, register the following legally binding provisions or obligations on the land earmarked for open space (represented by figure A, B, C, D, E, F and G) on the Site Development Plan in Annexure 2 of the Environmental Authorisation, to limit the use of the proposed open space area for a conservation use		
20.1	"Non-User Conservation Servitude" The Holder is required to register, in favour of the Homeowners of the proposed development on Erf 2839, a conservation servitude over the identified land which requires protection from development in perpetuity and in order to secure the	0	<u>Non – Compliant (minor – 1)</u> According to the General Plan No. 135/2022 (surveyed by T. Visagie in 2021), the servitude notes do not mention any Non-User Conservation Servitude. Although the area has been appropriately rezoned, no evidence has been provided to suggest that such a process is ongoing. This non-compliance is administrative in nature and does not have a direct impact on the environment; therefore, it is noted as a minor non-compliance.

	<p>conservation of the site. The conditions of the conservation servitude must inter alia address the following measures—</p> <p>(a) Fire management requirements (i.e. protective and ecological);</p> <p>(b) No earthworks or any form of development is permitted within the area, except in accordance with an approved conservation management plan and environmental authorisations;</p> <p>(c) No landscaping or planting except for rehabilitation in terms of an approved management plan;</p> <p>(d) An Alien Invasive Plant Control Programme for the portion of land;</p> <p>(e) No collection or damaging of fauna, flora and soil;</p> <p>(f) No vehicles of any type are permitted, except for rehabilitation and management in terms of an approved management plan;</p>	
20.2	<p>“Restrictive Title Conditions”</p> <p>The title conditions must be registered against the Title Deed(s) of the respective portion(s) of land on which the open space (i.e. Open Space Zone II) associated with the proposed development on Erf</p>	<p><u>Not Auditable</u></p> <p>The information required to audit this condition has not been provided. This condition will therefore be noted not auditable.</p>

	<p>2839, Great Brak River, will be established.</p> <p>The restriction must contain the following as a minimum –</p> <p>(a) the conservation servitude; and</p> <p>(b) the properties must be managed together for a conservation use in accordance with a Conservation Management Plan ("CMP") approved by the Western Cape Provincial department responsible for environmental affairs.</p> <p>Note:</p> <p>(a) The CMP should, inter alia, include financial provisions for the management and upkeep of the conservation area.</p> <p>(b) Relevant organs of state, including CapeNature should be provided an opportunity to comment on the CMP before submitting it for approval to the relevant authority.</p>		
21	<p>The security fencing must be aligned to the perimeter of the development footprint area. The security fencing may not be installed within or around the conservation area, unless approved by the Competent Authority.</p>	0	<p><u>Non - Compliance (minor – 1)</u></p> <p>It seems that there has been Municipal approval to erect a fence around the conservation area for security purposed. However, the approval does not come from the Competent Authority, and is therefore non – compliant against this specific condition.</p> <p>It is however the opinion of the auditor that this a minor non – compliance.</p>
22	<p>Should any heritage remains be exposed during excavations or any other actions on the site,</p>	1	<p><u>Full compliance</u></p> <p>No heritage remains were exposed during the excavations or any other activity on the site.</p>



<p>these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority. Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.</p>		
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5. EMPr (19/EMPR/ERF2839/GBR/WC) COMPLIANCE

Section 8 of the EMPr specifies certain conditions and recommendations to protect environmental resources from pollution and degradation during all phases of the project life cycle. These measures must be implemented as and where applicable, reasonable and practicable during the pre-construction, construction and post-construction and rehabilitation phases of the proposed development.

8. GENERAL ENVIRONMENTAL MANAGEMENT			
No.	Conditions	C	Notes
8.1	Site access and traffic management		
	All site access must be gained from Fynbos Avenue	1	<u>Full compliance</u> The only available access to the site is from Fynbos Avenue.
	As far as possible care must be taken to ensure that the local traffic flow pattern is not too significantly disrupted and all vehicle operators therefore need to be educated in terms of "best-practice" operation to minimise unnecessary traffic congestion or dangers.	1	<u>Full compliance</u> No complaints regarding traffic congestion have been reported. It is therefore assumed that site access and traffic management is sufficient.
8.2	Site demarcation		
	Prior to the commencement of any land-clearing or construction activities, all No-Go and Open Space areas, must be demarcated and must not be disturbed during the construction phase.	0	<u>Non – Compliance (major – 2)</u> Vegetation clearance occurred in the No-Go area during the installation of the fence line toward the south of the property, despite the presence of demarcations.
	The area chosen for the site camp and associated facilities must be the minimum area reasonably required to	1	<u>Full compliance</u> The site camp has been established adjacent to the main site access gain, in a future development zone (Phase 4).

	accommodate the site camp facilities, and which will involve the least disturbance to the environment. It is recommended that easily accessible, transformed areas are used for the site camp.		
8.3	Site camp and associated facilities		
	A temporary site camp must be established within the area to be developed. Open Spaces and No-Go areas may not be used for the establishment of the site camp or any storage facilities.	1	<u>Full compliance</u> The site camp is situated within the development area.
8.4	Vegetation clearing		
	The AMP must be implemented in the time frames specified in the AMP. <ul style="list-style-type: none"> Alien clearing activities must commence within 3 months of starting the construction of the residential development. Clearing should begin in Unit 1 within these 3 months and include follow-up clearing every 3 months. This pattern continues with Unit 2 within 6 months, Unit 3 within 9 months, and Unit 4 within 12 months of the construction start. 	1	<u>Non – Compliance (Minor – 1)</u> According to the environmental monitoring report of July 2022, a patch of rooikrans (Acacia cyclops) was cleared outside the development footprint. However, the latest report from June 2024 indicates that no further alien clearing has occurred. The impact of this lack of alien clearing is currently minor, as there is still time to eradicate alien species on the property according to the timeframes assigned to the different phases of the alien management plan.
	Vegetation should be trimmed rather than completely cleared	1	<u>Non-Compliance (Major – 2)</u>

	<p>when possible, using hand tools for trimming and stockpiling cut vegetation for mulch or brush-packing during site rehabilitation. Only areas necessary for construction activities and access should be cleared, while vegetation outside the construction footprint and No-Go areas must remain untouched.</p>		<p>It has been noted that further unapproved clearance of vegetation was done upon establishment of the property fence.</p> <p>This was documented as a major non-compliance as the environmental impact may relate to the loss of faunal habitat, increased soil erosion risk, and a reduction in protected tree species, such as <i>Pittosporum viridiflorum</i> (Cheesewood).</p>  <p>The reason that this was not document as critical is because the transgression was immediately rehabilitated with replaced topsoil and chipped wood material. The transgression was also reported to the competent authority on 28 May 2024.</p> 
8.5	Topsoil and subsoil management		
	It is recommended that topsoil be removed from any area	1	<u>Full compliance</u>

	where physical disturbance of the surface will occur, including within the footprint of the development site (working area) and possibly within the site camp, ablution area, vehicle maintenance yard, refuelling area and temporary waste storage area. Topsoil removal and stockpiling must be undertaken only after consultation with the ECO.		Topsoil is removed and stockpiled according to the recommendations of the EMPr.
8.6	Integrated waste management approach		
	An integrated waste management system is recommended for the site, focusing on waste minimisation through reduction, recycling, re-use, and appropriate disposal. Waste bins for different recyclable categories (paper, plastic, metal) should be provided and regularly emptied, with waste taken to a registered recycling facility. Receipts from the facility must be kept on file and made available upon request.	0.5	<u>Partial - Compliance</u> Sufficient bins and waste skips are present on site however, these are unmarked and therefore no evidence of an integrated waste management system could be found on site.
8.7	Hazardous substances and fuels		
	If hazardous substances and fuels such as diesel, oil, lubricant, detergents etc. are to be stored on site for construction purposes, a designated area must be set aside for this within the site camp.	1	<u>Full Compliant</u> No storage of hazardous material was noted during the site visit

8.8	Cement and concrete batching		
	Cement and concrete batching is permitted on site, but may only take place on designated impermeable, bunded surfaces, as agreed with the ECO.	1	<u>Full Compliant</u> As far as the auditor could discern, cement batching is done on impermeable boards according to the EMPr.
8.9	Erosion control and stormwater management		
	Appropriate measures must be implemented to control stormwater flow across the construction site to prevent flooding, soil loss, and pollutant dispersion.		<u>Not Auditable</u> No erosion has been reported / noted.
8.10	Excavations and Earthworks		
	Any major earthworks with heavy machinery must be under constant supervision and operators are to be aware of all the environmental obligations.	1	<u>Full Compliance</u> Excavation and Earthworks within the development area is done according to the recommendations of the EMPr.
8.11	Site closure and rehabilitation		
	Upon completion of the construction phase, all disturbed areas, including the working area (disturbance corridor), temporary access roads, and all areas utilised for the site camp and associated site camp facilities will require rehabilitation.		<u>Noted</u>

It was found that the EMPr is sufficiently effective and achieves the objectives thereof. According to the compiler of this report, there are currently no shortcomings, and no changes recommended to the EMPr. The partial – and non – compliances of the EMPr relate mostly to the clearance of vegetation that was done during the absence of an ECO. Addressing ECO requests will resolve many of the non / partial – compliances.

6. PHOTOGRAPHIC RECORD



Vegetation clearance before rehabilitation



Retained material from clearing



Vegetation clearance before rehabilitation



Clearance area after rehabilitation



Erected fence around open space area



Environmental site file present







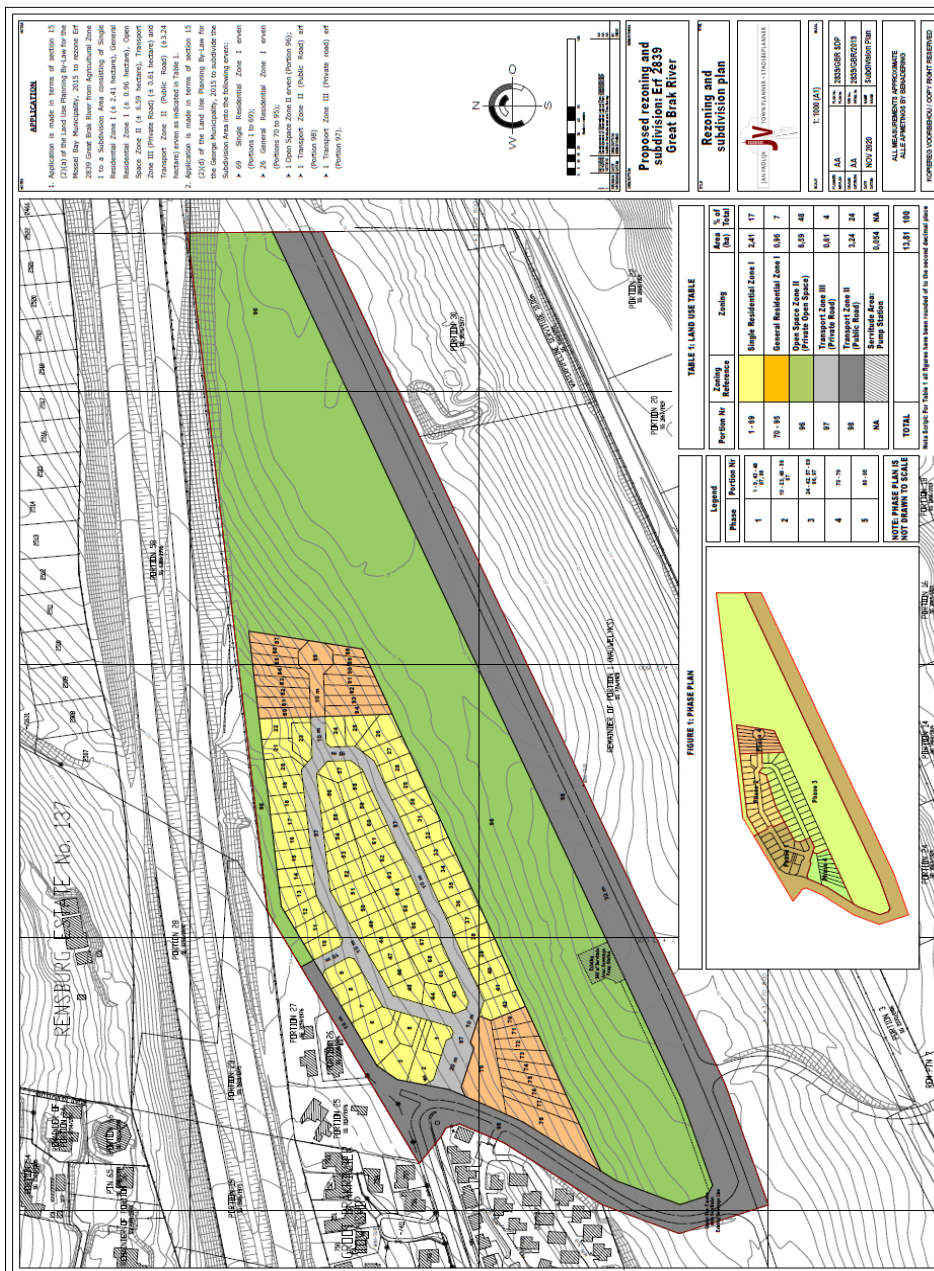
Individual erven demarcated prior to construction



Cement batching on impermeable surface

6.1. DOCUMENTATION EVIDENCE

<div>Western Cape Government</div> <div>Department of Environmental Affairs and Development Planning Development Management (Region 3) Jessica.Christie@westerncape.gov.za Tel: +27 44 805 8600 Fax.: +27 44 8058650 Private Bag X6509, George, 6530 4th Floor, York Park Building, 93 York Street, George, 6529</div>	<div>Western Cape Government</div> <div>Department of Environmental Affairs and Development Planning Development Management (Region 3) DEADPEAdmin.george@westerncape.gov.za Jessica.Christie@westerncape.gov.za Tel: +27 44 814 2013 Private Bag X6509, George, 6530 4th Floor, York Park Building, 93 York Street, George, 6529</div>
<div>EIA REFERENCE NUMBER: 16/3/3/1/D6/17/0001/20 NEAS REFERENCE: WCP/EIA/0000724/2020 ENQUIRIES: Ms Jessica Christie DATE OF ISSUE: 15 OCTOBER 2020</div>	<div>REFERENCE: 16/3/3/5/D6/17/0006/21 NEAS REF: WCP/EIA/AMEND/0000554/2021 ENQUIRIES: Ms Jessica Christie DATE OF ISSUE: 7 SEPTEMBER 2021</div>
<h3>ENVIRONMENTAL AUTHORISATION</h3> <p>APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF 2839, GREAT BRAK RIVER</p> <p>With reference to your application for the abovementioned, find below the outcome with respect to this application.</p> <p>DECISION</p> <p>By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith grants Environmental Authorisation to the applicant to undertake the listed activities specified in section 8 below with respect to a part of the Preferred Alternative (Alternative A), described in the Final Basic Assessment Report ("FBAR"), dated 6 July 2020 as prepared and submitted by Sharples Environmental Services, the appointed environmental assessment practitioner ("EAP").</p> <p>The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.</p> <p>A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION</p> <div><div>The Managing Director HEY INNOVATIONS (PTY) LTD % Mr. K. Maloney P.O. Box 791 HARTENBOS 6520</div><div>Tel: 044 620 6409 E-mail: admin@seeplaas.co.za / kenmaloney8888@gmail.com</div></div> <p>The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "the Holder").</p>	<h3>ADDENDUM TO ENVIRONMENTAL AUTHORISATION</h3> <p>APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT ISSUED ON 15 OCTOBER 2020: THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF 2839, GREAT BRAK RIVER.</p> <p>With reference to your application for the abovementioned, find below the outcome with respect to this application.</p> <p>A. DECISION</p> <p>By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the competent authority in terms of Part 1 of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 grants a second addendum with an amendment to the Environmental Authorisation issued on 15 October 2020 (DEA&DP Ref. No. 16/3/3/1/D6/17/0001/20).</p> <p>The Environmental Authorisation issued on 15 October 2020 is amended as set out below:</p> <ol style="list-style-type: none">In Section E of the Environmental Authorisation, the substitution of Condition 20, with the following: "20. The Holder must prior to the transfer of any individual erf to a third party, register the following legally binding provisions or obligations on the land earmarked for open space (represented by figure A, B, C, D, E, F and G) on the Site Development Plan in Annexure 2 of the Environmental Authorisation, to limit the use of the proposed open space area for a conservation use."
<div><div>www.westerncape.gov.za Department of Environmental Affairs and Development Planning</div><div>16/3/3/1/D6/17/0001/20</div></div>	<div><div>www.westerncape.gov.za Department of Environmental Affairs and Development Planning</div><div>16/3/3/5/D6/17/0006/21</div></div>



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Sharples Environmental Services cc
OBO The Managing Director
Hey Innovations (Pty) Ltd
% Mr. K. Maloney
PO Box 791
Hartenbos
6520

DEADP REF NO: 16/3/3/1/D6/17/0001/20

27 October 2020

Dear Commenting Authorities and registered Interested and Affected Parties

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF 2839, GREAT BRAK RIVER

This letter serves to notify you of the Environmental Authorisation (EA) issued to HEY INNOVATIONS (PTY) LTD for the establishment of a residential development on Erf 2839, Great Brak River. The EA was issued 15 October 2020.

In the EA the Western Cape Government: Department of Environmental Affairs and Development Planning (DEADP) grants environmental authorisation for Government Notice No. R.983 of 4 December 2014, as amended. Listing Notice 1: Activities 24, 27 and 28, Listing Notice 3: Activities 4 and 12, in respect of:

The proposal entails the transformation of a portion of Erf 2839, Great Brak River for the development of a residential estate. The proposed development will comprise the following:

- ◆ Single Residential Erven;
- ◆ General Residential Zone II erven;
- ◆ Open Space Zone II erven;
- ◆ 1 Transport Zone II erf (Public Road);
- ◆ 1 Transport Zone III erf (Private Road).

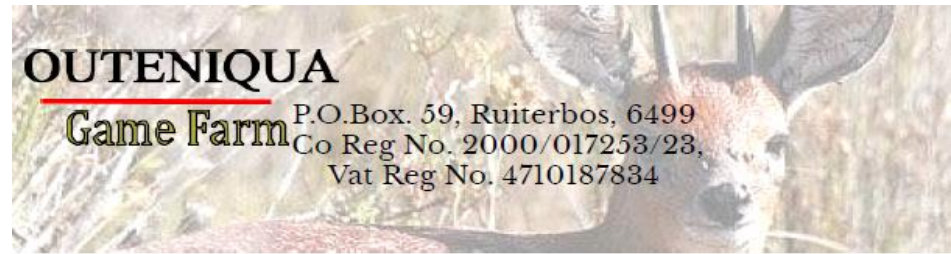
In addition, hereto the following associated infrastructure will be constructed:

- ◆ An internal road network with roads of 10 metres and wider.
- ◆ An intersection with Main Road 344 and upgrade a collector road to provide access to the property from the Divisional Main Road no. 344.

• Environmental Impact Assessments • Basic Assessments • Environmental Management Planning
• Environmental Control & Monitoring • Water Use License Applications • Aquatic Assessments



27 October 2020



The Director,
Outeniqua Game Farm cc
% Mr. L. Johnston
PO Box 675
Mossel Bay
6500

DEADP REF NO: 16/3/3/5/D6/17/0004/21

9 September 2021

Dear Commenting Authorities and registered Interested and Affected Parties

NOTICE OF DECISION: APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 15 OCTOBER 2020: THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON ERF 2839, GREAT BRAK RIVER

This letter serves to notify you of the Department Environmental Affairs and Development's decision to grant the second amendment of the Environmental Authorisation issued on 15 October 2020 to HEY INNOVATIONS (PTY) LTD for the establishment of a residential development on Erf 2839, Great Brak River. The first amendment was for the change of the holder of the EA to Outeniqua Game Farm cc. The addendum to the EA was issued 7 September 2021.

In the Addendum to the EA the Western Cape Government: Department of Environmental Affairs and Development Planning (DEADP) grants the amendment of the environmental authorisation in respect of:

In Section E of the Environmental Authorisation, the substitution of Condition 20, with the following:

"20. The Holder must prior to the transfer of any individual erf to a third party, register the following legally binding provisions or obligations on the land earmarked for open space (represented by figure A, B, C, D, E, F and G) on the Site Development Plan in Annexure 2 of the Environmental Authorisation, to limit the use of the proposed open space area for a conservation use."

Herewith the following information regarding the decision:

DATE OF THE DECISION: 7 September 2021

DATE OF ISSUE OF DECISION: 7 September 2021

Ogfcc1@gmail.com / ogfcc2@gmail.com, C. Smith: 0825646443 L Johnston 0846029701 Page 1

Appendix 2 – 09 September 2021

15/4/34/5;15/4/34/2; R Fernandez (C7325305)

18 March 2021

Jan Vrolijk Town Planner
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ianvrolijk@vodamail.co.za

Sir/Madam

APPLICATION FOR REZONING AND SUBDIVISION IN TERMS OF SECTION 15 OF THE MOSSSEL BAY BY-LAW ON MUNICIPAL LAND USE PLANNING, 2015 IN ORDER TO DEVELOP A GROUP HOUSING DEVELOPMENT ON ERF 2839, GREAT BRAK RIVER

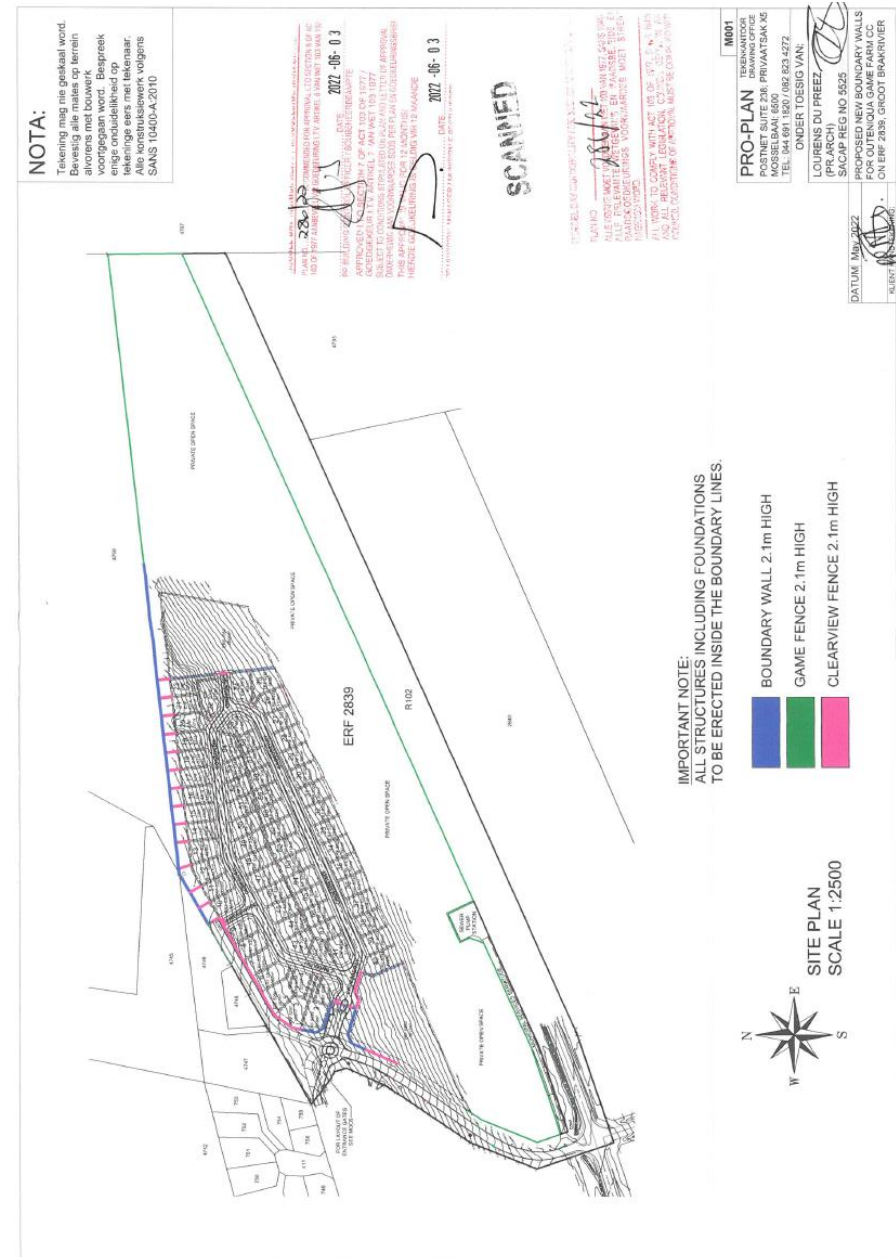
The above-mentioned application is resolved under Resolution DP9-01/2021, and letter of approval dated 17 November 2020 [ref: 15/4/34/5;15/4/34/2 15/4/34/4/M Engelbrecht] has reference.

The appeal period of 21 days, in terms of the Mossel Bay By-Law on Municipal Land Use Planning, 2015 has lapsed and it is hereby confirmed that no appeal has been submitted to the Mossel Bay Municipality.

Yours faithfully


 R. DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT
 If

15/4/34/5;15/4/34/2; R Fernandez (C7325305)



286/22 – May 2022

7. RECOMMENDATIONS

1. Unauthorised vegetation clearance was the most impactful non-compliance during this environmental audit. It is thereby recommended that the rehabilitation of the cleared area is closely monitored for success. It is further recommended that no unauthorised vegetation clearance commence.
2. Refrain from doing any work within the open space area without consulting with the ECO, and where applicable, the required authorisation.
3. Keep the ECO employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
4. Consult with a registered town planner regarding the registration of "Non-User Conservation Servitude" as per specific condition 20.1.
5. Consult with the ECO to further the commencement of alien invasive plant species clearing.
6. Attend to the ECO requests.

These requests relate to environmental best practice for the duration of the development. Addressing these requests will not necessarily rectify the non – compliances of this audit but will surely aid to a better compliance in the audits to come (Take note that one audit remains.

No amendments to the EA and EMPr are currently recommended. Instead, it is advised that the development continue in compliance with the existing EA and EMPr conditions. Many of the partial – and non – compliances can be resolved.



A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the final phase of the residential development and the post construction rehabilitation and monitoring requirements thereof.)

8. CONCLUSION

Compliance with the EA (16/3/3/1/D6/17/0001/20) as amended (16/3/3/5/D6/17/0006/21) was found to be effective (Figure 3). There were two major non-compliances (Table 3), related to the termination of the ECO employment, and during such time, unauthorised vegetation clearance in the NO-GO area.

Table 3: Summary of non-compliance against conditions of the EA.

EA Condition	Content of Condition	Comment
2	The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative described in the FBAR dated 6 July 2020 on the site as described in Section C above in accordance with the development footprint depicted in Annexure 2 of this Environmental Authorisation	<u>Non-Compliance (Major – 2)</u> It has been noted that unapproved clearance of vegetation was done upon establishment of the property fence. This action falls outside of the Preferred Alternative. This action was documented as a major non-compliance as the

		<p>environmental impact may relate to the loss of faunal habitat, increased soil erosion risk, and a reduction in protected tree species, such as <i>Pittosporum viridiflorum</i> (Cheesewood).</p>  <p>The reason that this was not document as critical is because the transgression was immediately rehabilitated with replaced topsoil and chipped wood material. The transgression was also reported to the competent authority on 28 May 2024.</p> 
13.4	<p>The ECO must –</p> <p>remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.</p>	<p><u>Non – Compliance</u> (major – 2)</p> <p>Upon completion of the services infrastructure construction phase, the ECO submitted a completion report, marking the termination of their contract. Further construction of the top structures has continued since then. The ECO was only reappointed in June 2024, resulting in a gap of over a year without their oversight during development activities.</p> <p>This non-compliance was identified as a major non-compliance issue, as a significant transgression involving unauthorised vegetation clearance occurred during the period without the ECO's appointment. Continued appointment of the ECO might have aided in the prevention of this transgression.</p>

17.1	<p>The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme</p> <p>During the period which the activities have been commenced with on site until the construction of the bulk internal service infrastructure (i.e. internal roads; water-, sewer-, electricity reticulation and bulk storm water) has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.</p> <p>A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the construction of bulk internal services and the post construction rehabilitation and monitoring requirements thereof.</p>	<p>Non – Compliance (Minor – 1)</p> <p>No audit has been conducted.</p> <p>This non-compliance has been noted as minor due to its administrative nature. The non-compliance itself has no environmental impact, and there is currently an audit in progress. progress.</p>
20.1	<p>The Holder must prior to the transfer of any individual erf to a third party, register the following legally binding provisions or obligations on the land earmarked for open space (represented by figure A, B, C, D, E, F and G) on the Site Development Plan in Annexure 2 of the Environmental Authorisation, to limit the use of the proposed open space area for a conservation use –</p> <p>“Non-User Conservation Servitude” The Holder is required to register, in favour of the Homeowners of the proposed development on Erf 2839, a conservation servitude over the identified land which requires protection from development in perpetuity and in order to secure the conservation of the site. The conditions of the conservation servitude must inter alia address the following measures—</p> <p>(a) Fire management requirements (i.e. protective and ecological);</p> <p>(b) No earthworks or any form of development is permitted within the area, except in accordance with an approved conservation management plan and environmental authorisations;</p>	<p>Non – Compliant (minor – 1)</p> <p>According to the General Plan No. 135/2022 (surveyed by T. Visagie in 2021), the servitude notes do not mention any Non-User Conservation Servitude. Although the area has been appropriately rezoned, no evidence has been provided to suggest that such a process is ongoing.</p> <p>This non-compliance is administrative in nature and does not have a direct impact on the environment; therefore, it is noted as a minor non-compliance.</p>

	(c) No landscaping or planting except for rehabilitation in terms of an approved management plan; (d) An Alien Invasive Plant Control Programme for the portion of land; (e) No collection or damaging of fauna, flora and soil; (f) No vehicles of any type are permitted, except for rehabilitation and management in terms of an approved management plan;	
21	The security fencing must be aligned to the perimeter of the development footprint area. The security fencing may not be installed within or around the conservation area, unless approved by the Competent Authority.	Non - Compliance (minor – 1) It seems that there has been Municipal approval to erect a fence around the conservation area for security purposed. However, the approval does not come from the Competent Authority, and is therefore non – compliant against this specific condition. It is however the opinion of the auditor that this a minor non – compliance.

Compliance with the Environmental Management Programme (EMPr - 19/EMPR/ERF2839/GBR/WC) was less effective than that of the EA. However, it is expected that addressing the requests of this audit report, in correlation with requests made by the ECO, compliance levels will be elevated.

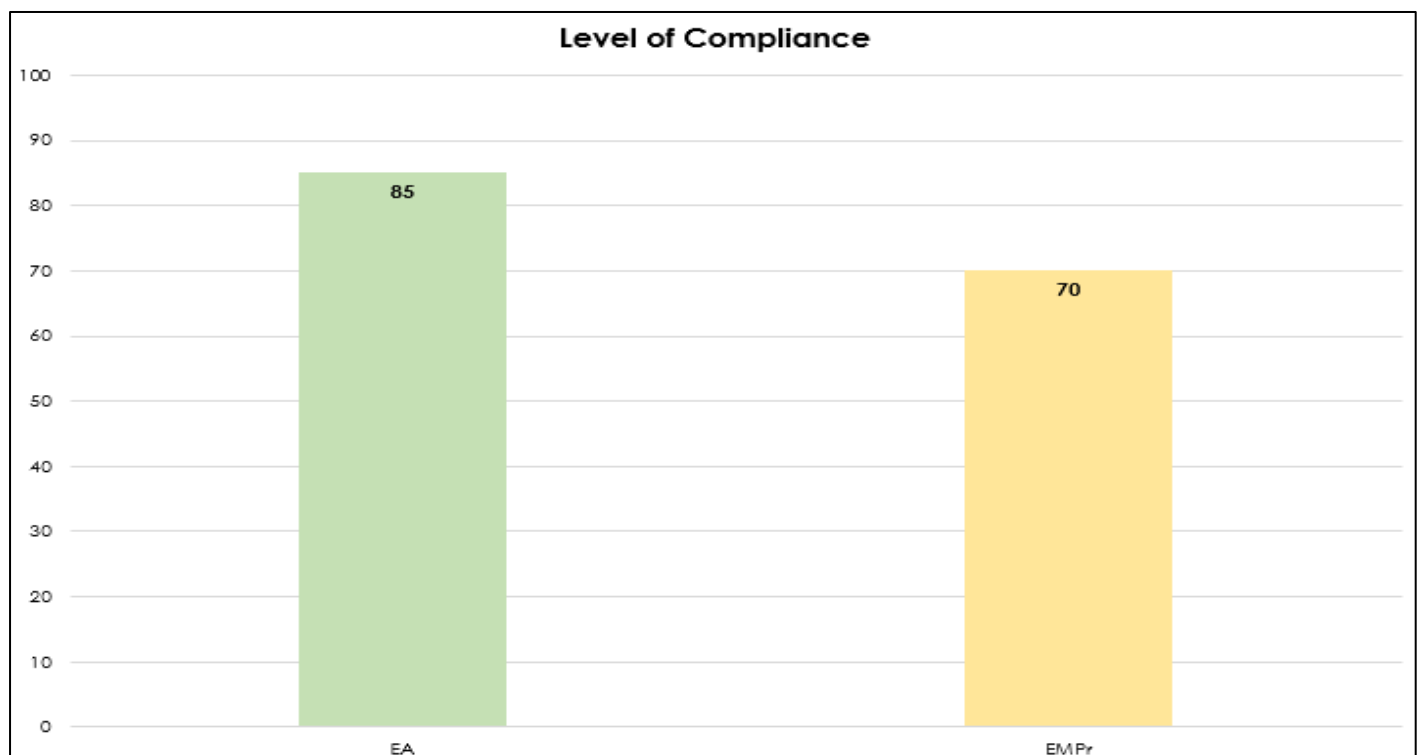


Figure 3: Level of compliance with the EA and EMPr

APPENDIX A:

JUSTIN BRITTION CV

Justin Brittion

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justin@ecoroute.co.za (W)



Personal Details:

Surname:	Brittion	Languages:	Afrikaans, English
Name:	Justin	Gender:	Male
ID number:	9804085067086	Driver's Licence:	Code B
Nationality:	South African		

Personal Profile:

I am an employee at Eco Route Environmental Consultancy and have been working towards becoming a registered Environmental Assessment Practitioner (EAP) since the beginning of 2023. I am currently in my second year as a registered Candidate EAP.

I am dedicated, optimistic, self-motivated, and a quick learner, striving to be an asset to any project or task. Beyond my professional career, I enjoy expanding my knowledge in fields relevant to my practice, such as researching the integration of drones into environmental assessment practices.

Outside of work, I lead an active lifestyle filled with hiking, exercising, and participating in social league netball and soccer.

Academic Background:

Tertiary qualifications:

- **Postgraduate**

Institution : North-West University (NWU), Potchefstroom Campus

Year : 2022 – 2024

Degree : (M.Sc.) Master of Science in Environmental Sciences

Project title: Evaluating the soil health and fertility status of conservation and regenerative agricultural systems across multiple ecotopes.

Institution : North-West University (NWU), Potchefstroom Campus

Year : 2021 (Complete)

Degree : (Hons. B.Sc.) Honours Bachelor of Science in Environmental Science
With Environmental Geology

Project Title: Evaluation of natural ameliorants for the improvement of non-arable soils.

- **Undergraduate**

Institution : North-West University (NWU), Potchefstroom Campus

Year : 2017-2020

Degree : (B.Sc.) Environmental Sciences with Geology and Geography

Majors : Environmental Geology

: Soil Science

: Geography

Secondary qualifications:

School : Hoërskool Waterkloof

Year : 2012-2016

Certificate : National Senior Certificate

Employment History:

Name of Employer: Eco Route Environmental Consulting

Appointed: February 2024 – Current (5 months)

Position: Candidate Environmental Assessment Practitioner

Responsibilities: Environmental Control and Monitoring

Environmental Screening

GIS Application

Internal Auditing

External Auditing

Assistance on Basic Assessment Reports

Client Liaison

Name of Employer: HilLand Environmental

Appointed: March 2023 – February 2024 (1 year)

Position: Candidate Environmental Assessment Practitioner

Responsibilities: Environmental Control and Monitoring

Environmental Screening

GIS Application

Internal Auditing

Society Membership:

2023: EAPASA Registered Candidate EAP (2023/6648)

2023: SACNASP Registered Candidate Environmental Scientist (156136)

2020: Golden Key

Attended Workshops / Conferences:

2024:

- Practical Implementation of Environmental Auditing and Monitoring (attendee)
- Combined Congress (presenter)

2023:

- Combined Congress (presenter)

2022:

- Landbouweekblad: Herlewings herlewingslandboukonferensie (attendee)