



REFERENCE: 16/3/3/1/D5/18/0001/17
NEAS REFERENCE: WCP/EIA/0000220/2017
ENQUIRIES: Ms Jessica Christie
DATE OF ISSUE: 2018 -02- 06

ENVIRONMENTAL AUTHORISATION

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 PREEKSTOEL COASTAL ESTATE ON ERF 1028 AND PORTION 2 OF ERF 599, STILL BAY EAST, WESTERN CAPE

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **a part of the Preferred Alternative** (Alternative 1), described in the Basic Assessment Report ("BAR"), dated May 2017 as prepared and submitted by the environmental assessment practitioner, *Withers Environmental Consultants*.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
Vivren Properties (Pty) Ltd.
% Mr. Robert Meinesz
Suite 86, Private Bag X16
CONSTANTIA
7848

Tel: 021 683 9616
Fax: 021 461 0878
E-mail: classicodev@wbs.co.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the holder**").

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. 983 of 4 December 2014 - Activity Number: 17 Activity Description:</p> <p>Development—</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) <u>within the littoral active zone;</u> (iv) in front of a development setback; or (v) <u>if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</u> <p>in respect of—</p> <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) <u>infrastructure or structures with a development footprint of 50 square metres or more —</u> <p>but excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or (dd) where such development occurs within an urban area. 	<p>The development of buildings, structures and infrastructure within 100 metres of the high water mark of the sea in order to establish a residential development with associated infrastructure and private open space to be collectively known as Preekstoel Coastal Estate.</p> <p><i>This infrastructure does not include fixed or floating jetties and slipways; tidal pools; embankments; rock revetments or stabilising walls.</i></p>
<p>Government Notice No. 983 of 4 December 2014 - Activity Number: 18 Activity Description:</p> <p>The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —</p> <ul style="list-style-type: none"> (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or (j) such planting of vegetation or placing of material will occur behind a development setback. 	<p>The planting of vegetation on exposed dunes during the repair and rehabilitation of the frontal dune system of the Preekstoel Coastal Estate.</p>
<p>Government Notice No. 983 of 4 December 2014 - Activity Number: 19A Activity Description:</p>	<p>The excavation and moving of sand within 100 metres of the high water mark of the sea in order to establish a residential development with associated infrastructure and</p>

<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <ul style="list-style-type: none"> (i) the seashore; (ii) <u>the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</u> (iii) the sea; — <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or <p>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>private open space to be collectively known as Preekstoel Coastal Estate.</p>
<p>Government Notice No. 983 of 4 December 2014 - Activity Number: 24 Activity Description:</p> <p>The development of a road—</p> <ul style="list-style-type: none"> (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; <p>but excluding a road—</p> <ul style="list-style-type: none"> (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter. 	<p>The development of roads with a reserve wider than 13.5 metres and roads wider than 8 metres in order to establish a residential development to be collectively known as Preekstoel Coastal Estate.</p>
<p>Government Notice No. 983 of 4 December 2014 - Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The clearance of more than 1 hectare of indigenous vegetation in order to establish a residential development with associated infrastructure and private open space to be collectively known as Preekstoel Coastal Estate.</p>
<p>Government Notice No. 985 of 4 December 2014 - Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <ul style="list-style-type: none"> i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; 	<p>The development of roads wider than 4 metres in order to establish a residential development to be collectively known as Preekstoel Coastal Estate.</p>

<ul style="list-style-type: none"> ii. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. 	
<p>Government Notice No. 985 of 4 December 2014 - Activity Number: 6 Activity Description: The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <ul style="list-style-type: none"> i. Western Cape <ul style="list-style-type: none"> i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas; <ul style="list-style-type: none"> (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p>	<p>The development of a boutique hotel that will sleep more than 15 people outside the urban area of Still Bay in a residential development with associated infrastructure and private open space to be collectively known as Preekstoel Coastal Estate.</p>
<p>Government Notice No. 985 of 4 December 2014 - Activity Number: 12 Activity Description: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <ul style="list-style-type: none"> i. Western Cape <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister. 	<p>The clearance of more than 300 square metres of indigenous vegetation within 100 metres of the high water mark of the sea in order to establish a residential development with associated infrastructure and private open space to be collectively known as Preekstoel Coastal Estate.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development and development footprint area:

The development of a residential estate on Erf 1028 and a Portion of Portion 2 of Erf 599, Still Bay. The development site is 137 691 square metres in extent and will comprise the following:

- ❖ Residential buildings: 114 single residential stands (58 540 square metres);
- ❖ Boutique Hotel (25 bedrooms) and Restaurant (3 147 square metres);
- ❖ Roads (16 608 square metres);
- ❖ Private Open Space (22 083 square metres), comprising a coastal ecological zone parallel to the high water mark and an open space system within the development (conservation corridor) and small clubhouse facilities (330 square metres);
- ❖ Utility Zone: comprising maintenance/security building, boat/trailer storage area (2 468 square metres).
- ❖ A single wooden boardwalk across the frontal dune from the public road, providing access to the beach for the general public and residents of the Preekstoel Coastal Estate (1.5 metre wide);
- ❖ Public Open Space (coastal corridor) (32 838 square metres);
- ❖ Biological Waste Water Treatment Plant (BWWT) or Package Sewage Plant (300 square metres);
- ❖ Public Ablution Facility (75 square metres); and
- ❖ Public Parking (1 225 square metres).

C. SITE DESCRIPTION AND LOCATION

The development site is located on Erf 1028 and a Portion of Portion 2 of Erf 599, Still Bay which is situated in Still Bay East and can be accessed by Kabeljou street off Main Road 335.

The Development setback line as determined has been delineated as approximately 55 metres and 65 metres from the high water mark of the sea. (See Figure 1 in Annexure 2)

The centre points of the erven where the listed activities will be undertaken on Erf 1028 and a Portion of Portion 2 of Erf 599, Still Bay are:

Portion 2 of Erf 599:	34°	21'	50.49"	South
	21°	27'	33.32"	East

Erf 1028:	34°	21'	58.39"	South
	21°	27'	27.97"	East

The Biological Waste Water Treatment Plant (BWWT) will be undertaken on a Portion of Portion 2 of Erf 599, Still Bay, approximate to:

	34°	21'	57.17"	South
	21°	27'	15.40"	East

SG digit codes:	Erf 599:	C06400050000059900000
	Erf 1028	C06400050000102800000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan of this Environmental Authorisation. The current access road to the Geelkrans Nature Reserve traverses the property and its alignment is approximate to the route depicted on the plan in Annexure 3 of this Environmental Authorisation.

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Withers Environmental Consultants (Pty) Ltd.

% Mr. Aubrey Withers

P.O. Box 6118

Uniedal

7612

Tel: 021 887 4000

Fax: 021 883 2952

E-mail: info@withersenviro.co.za / aubrey@withersenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Alternative B1 described in the BAR dated May 2017 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative for the site which entails:

The development of a residential estate on Erf 1028 and a Portion of Portion 2 of Erf 599, Still Bay. The development site is 137 691 square metres in extent and will comprise the following

- ❖ Residential: 114 single residential stands (58 540 square metres)
- ❖ Boutique Hotel and Restaurant (3 147 square metres) (maximum 25 bedrooms)
- ❖ Roads (16 608 square metres)
- ❖ Private Open Space (22 083 square metres), comprising a coastal ecological zone parallel to the high water mark and an open space system within the development (conservation corridor) and small clubhouse facilities (330 square metres).
- ❖ Utility Zone: comprising maintenance/security building, boat/trailer storage area (2 468 square metres).
- ❖ Wooden boardwalk across the frontal dune from the public road, providing access to the beach for the general public and residents of the Preekstoel Coastal Estate (1.5 metre wide).
- ❖ Public Open Space (coastal corridor) (32 838 square metres)
- ❖ Package Sewage Plant (300 square metres)
- ❖ Public Parking (1 225 square metres)
- ❖ Public Ablution Facility (75 square metres)

The Development setback line as determined has been delineated as approximately 55 metres and 65 metres from the high water mark of the sea. (See Figure 1 in Annexure 2)

The development layout must be carried out as depicted in the site development plan (drawing reference S/2011/16L (aerial), Preferred Development Option 1 as drawn by Sibane, dated 7 April 2017) in Figure 2 of Annexure 2 of this Environmental Authorisation.

2. The non-operational component of the Environmental Authorisation is subject to the following:
 - 2.1. The holder must commence with all the listed activities within a period of **two (2) years** from the date of issue of this Environmental Authorisation;
 - 2.2. The development activities (construction phase) must be concluded within a period of **five (5) years** from the date of commencement of the first listed activity; and
 - 2.3. The post construction rehabilitation and monitoring requirements must be finalised within a period of 12-months from the date the development activities (construction phase) are concluded.
3. The operational aspects of this Environmental Authorisation are granted until **31 January 2028** during which period all rehabilitation and monitoring requirements and final environmental auditing and reporting must be finalised.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 4;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;

6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;

6.4. provide the registered I&APs with the:

- 6.4.1. name of the holder (entity) of this Environmental Authorisation,
- 6.4.2. name of the responsible person for this Environmental Authorisation,
- 6.4.3. postal address of the holder,
- 6.4.4. telephonic and fax details of the holder,
- 6.4.5. e-mail address, if any, of the holder,
- 6.4.6. 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).

6.5. The listed activities, including site preparation, must not commence within **20 (twenty) calendar** days from the date the holder notifies the registered I&APs of this decision.

6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

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

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

7.2. The notice must also include proof of compliance with the following conditions described herein: **Condition no.: 6, 8, 10, 17 and 21.**

Management of activity

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects, and must then be re-submitted to the Competent Authority and approved prior to commencement of construction.

- 8.1. Incorporate all the conditions given in this Environmental Authorisation;
- 8.2. Comply with section 24N of the National Environmental Management Act, 1998 and Appendix 4 of the Environmental Impact Assessment Regulations, 2014;
- 8.3. Clearly list the impact management outcomes and impact management actions for the proposed development;
- 8.4. Incorporate the recommendations from specialist reports (i.e. Botanical, HIA, Visual & Traffic)
- 8.5. Include detail on soil protection and rehabilitation measures that can be installed in areas where erosion may occur.
- 8.6. Include a site plan that —

- (a) indicates the services on the site in terms of the sewer pipelines, water supply and electrical infrastructure; and
 - (b) provides a distinction between the private open space and the public open space.
- 8.7. Include a detailed Storm Water Management Plan that shows exactly where the specific water features / ponds will be located and associated infrastructure will be constructed.
- 8.8. Include a rehabilitation plan for the Frontal Dune System on Erf 1028. The "Rehabilitation Guidelines" for the Frontal Dune System on Erf 1028 may serve as reference for such a plan.
The plan must *inter alia* address the following:
 - (a) Only locally indigenous vegetation species may be planted on exposed sand surfaces, dunes or blow-out areas. This must clearly include locally indigenous dune vegetation.
 - (b) Planting Marram Grass (*Ammophila arenaria*) or any other identified alien invasive species must be strictly forbidden.
 - (c) The irrigation plan during the non-operational phase must be detailed. The irrigation of the frontal dune with effluent must be prohibited. Only potable water or effluent treated to potable standard may be used and only for the initial establishment of the planted vegetation.
- 8.9. Include an Alien Vegetation Management / Eradication plan for the removal of alien invasive species and on-going management of the open space areas on the property. This plan must include targets that must be achieved. This plan must include fire management too;
- 8.10. Operational Aspects –
 - 8.10.1. Provide an implementation plan with clear impact management outcomes and which highlights when each phase of the development will be handed over to a Homeowner's Association or Body Corporate for management of the open spaces etc.
 - 8.10.2. Incorporate a schedule for the ECO to conduct site inspections during the operational phase of the development to monitor compliance with the Environmental Management Programme and the Environmental Authorisation.
 - 8.10.3. Include a conservation management plan for the private open space area in the estate and Erf 593; and
 - 8.10.4. An indication of the persons who will be responsible for the implementation of the impact management actions.

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

Monitoring

- 10. The holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
- 11. The ECO must–
 - 11.1. be appointed prior to commencement of any vegetation clearing or construction activities commencing;
 - 11.2. ensure compliance with the EMPr and the conditions contained herein;
 - 11.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 11.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.

12. 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.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. The holder must, for the period during which the environmental authorisation and EMPr remain valid—

- 14.1. ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;
- 14.2. during the construction phase, the holder must undertake annual environmental audit(s) and submit these Environmental Audit Report(s) to the Competent Authority.

The final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within **two (2)** months of completion of construction;

- 14.3. during the operation phase, the holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.

During the operational phase the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr **may not exceed intervals of 5 years**;

- 14.4. the environmental audit report must be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise;

15. The Environmental Audit Report, must –

- 15.1. provide verifiable findings, in a structured and systematic manner, on—
 - 10.1.1 the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 10.1.2 the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 15.2. identify and assess any new impacts and risks as a result of undertaking the activity;
- 15.3. evaluate the effectiveness of the EMPr;
- 15.4. identify shortcomings in the EMPr;
- 15.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

- 15.6. 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;
 - 15.7. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 15.8. include a photographic record of the site applicable to the audit; and
 - 15.9. be informed by the ECO reports.
16. The holder must, within 7 days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

17. Prior to commencing with the listed activities, the holder must ensure that all bulk services (i.e. water, electricity, solid waste and sewerage) and bulk infrastructure will be made available for the proposed development. Such services must be made by the Hessequa Municipality at such point or points and on such terms and conditions as may be determined and agreed upon with the Hessequa Municipality.

Further to this:

- 17.1. Should the municipal bulk sewer connection and bulk sewage treatment at a licenced facility not be available from the Hessequa Municipality, prior to commencement of the listed activities, the holder must construct, maintain and operate a Biological Waste Water Treatment Plant (BWWT) / Sewage Package Plant until the municipal bulk sewer connection can be made available.
 - 17.2. The holder must ensure the correct operation and maintenance of the Biological Waste Water Treatment Plant (BWWT) / Sewage Package Plant to treat the sewage effluent generated by the proposed development to the prescribed final effluent standard.
 - 17.3. The holder shall be responsible for the monitoring and reporting on the operation of the BWWT.
 - 17.4. The BWWT must be completed and operational (operation ready) prior to, or at least in conjunction to the completion of service infrastructure for *Phase 1a* of the proposed Preekstoel Coastal Estate.
 - 17.5. The holder may enter into an agreement with the Hessequa Municipality to transfer the BWWT and operation requirements thereof to the Hessequa Municipality.
18. The holder must ensure that vehicular and pedestrian access to the Geelkrans Nature Reserve is established and maintained across the property during all phases of the proposed Preekstoel Coastal Estate. Further to this—

- 18.1. any member of the public must be allowed to gain vehicular or pedestrian access to the Geelkrans Nature Reserve across the site;
 - 18.2. the holder of the authorisation must have an access servitude registered across the portion of Erf 599 for the access road along the proposed alignment. Such servitude must be registered against the title deed of the portion of land of Erf 599 and must be applicable to the successors in title of the portion of Erf 599;
 - 18.3. the holder must formalise the road access to the Geelkrans Nature Reserve at his own cost;
 - 18.4. the Geelkrans Nature Reserve must be accessible to the public (both vehicular and pedestrian access) at all times during the construction phase of the development.
19. An integrated open space system must be established incorporating all the open space areas identified in the Final Basic Assessment Report dated May 2017 (including *inter alia* the portions of land along the beach); within the estate and Erf 593.

The open space areas on the site must –

- 19.1. for the duration of the construction phase be managed in accordance with an approved conservation management plan ("CMP"). Where such CMP defines how the open space area is managed in an integrated manner to promote biodiversity management objectives and a conservation use.

The CMP must also address access points and access control.

- 19.2. be cleared of all alien invasive plants species within 5-years from the date the activities commence on site. The alien invasive clearing programme must include a dedicated follow-up programme to be completed during said period;
 - 19.3. be rehabilitated and managed. Specific attention must be given to blow-outs and pathways crossing the dunes.
20. The remainder of Erf 593 must be cleared of all alien vegetation prior to the handover of the land to the Hessequa Municipality.
21. The holder must, prior to the activities commencing on site, register the following legally binding provisions or obligations on the land between the development setback line and the high water mark of the sea (i.e. private and public open space) to limit the use of the proposed open space area for a conservation use.

Such provisions must as a minimum be a –

- 21.1. "Non-User Conservation Servitude"

The holder is required to register, in favour of the Hessequa Municipality and the Home Owners Association, 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 -

- (a) No earthworks or any form of development is permitted within the area, except if environmental authorisation is granted and in accordance with an approved conservation management plan;
- (b) No landscaping; encroachment by gardens (albeit deliberate or inattentive) or planting except for rehabilitation in terms of an approved management plan;
- (c) No collection or damaging of fauna and flora;
- (d) No vehicles of any type are permitted, unless ORV permit has been issued by the competent authority for the purpose thereof;
- (e) Access points and access control.

22. All structures and infrastructure must be setback landwards (i.e. to the north) from the "ecological management line" or "low risk management line" as determined in the BAR (dated 31 May 2017).

Further to this —

22.1. except for the public coastal access point, no buildings, structures or infrastructure may be established on the seaward side of the ecological management line (low risk management line) depicted on the layout plan (Appendix 2 of this Environmental Authorisation refers).

The 5-metre building setback should serve as reference for no development seaward of said line. The area between the low risk management line and 5-metre building line should be utilised as a buffer between the Non-User Conservation Servitude and the proposed buildings/structures. Where the area between the 5-metre building line and Non-User Conservation Servitude is landscaped and vegetated, only locally indigenous dune vegetation may be established.

22.2. no pathways, boardwalks or lookout decks may be established on the seaward side of the ecological management line (low risk management line), except for —

- (c) the public coastal access point south of the existing road and its associated single boardwalk to the beach; and
- (d) an informal pathway above the high water mark (HWM) of the sea along a section of the toe of the steep scarp to protect the fragile vegetation growing along this section, so as to provide access to the beaches and fishing spots to the east when the tides are high.

Note: If necessary, a boardwalk providing transversal access parallel to the ecological management line (low risk management line), may be established northward of the low risk line or ecological setback on Erf 1028.

23. No abstraction of water may occur to supplement the supply for the water features / ponds on the estate.

24. The frontal dune system may only be irrigated with potable water during the non-operational phase to rehabilitate the dune. No effluent may be irrigated on the frontal dune system on Erf 1028, unless such effluent is treated to a potable drinking standard for domestic use as indicated in the South African Water Standards Volume 1 Domestic Use developed by the Department of Water and Sanitation in 1996.

25. The holder must appoint a suitably qualified and experienced archaeologist for the duration of the construction phases (i.e. while alien vegetation clearing, bulk earthworks and the excavations for the services are performed) contained herein.

Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

Operational Aspects

26. The BWWT/ sewage package plant must be properly maintained and correctly operated and the effluent treated to the prescribed standard. The operation and maintenance of the BWWT must be monitored and reported on to the relevant competent authority during this period.

The holder must comply with this requirement for the duration of the operational phase, unless the facility and its maintenance and operational requirements are lawfully transferred to the Hessequa Municipality.

27. The frontal dune system on Erf 1028 may not be irrigated with water (regardless if it is potable water or treated effluent) during the operational phase.
28. For the duration of the operational phase, the open space area must be managed in an integrated manner to promote conservation and biodiversity management objectives.

The open space areas must–

- 28.1. be managed in accordance with an approved conservation management plan ("CMP"). The CMP must incorporate the principles, objectives and management measures of the CapeNature Stewardship Programme;
- 28.2. be maintained clear of all alien invasive plant species, with a dedicated long-term follow-up clearing programme.

29. The holder must ensure that for the financing of environmental management tasks as outlined in this Environmental Authorisation and an approved EMPr, will become the responsibility of HOA.

It is recommended that future funding for the Environmental Management Fund is to be raised as part of the levy paid by all property owners and at least 10% of the net proceeds (after deduction of administration costs) go towards this fund (i.e. a trust).

F. GENERAL MATTERS

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

Amendment of Environmental Authorisation and EMPr

2. If the holder does not commence with a listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

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

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The holder is required to submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to grant such 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.

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

4. The period within which commencement must occur, may not be extended unless the required process to amend the environmental authorisation as contemplated in the Environmental Impact Assessment Regulations, 2014 (or subsequent notice) is followed.
5. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMP has been approved by the competent authority.

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

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

Compliance with Environmental Authorisation and EMPr

7. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

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

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

CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



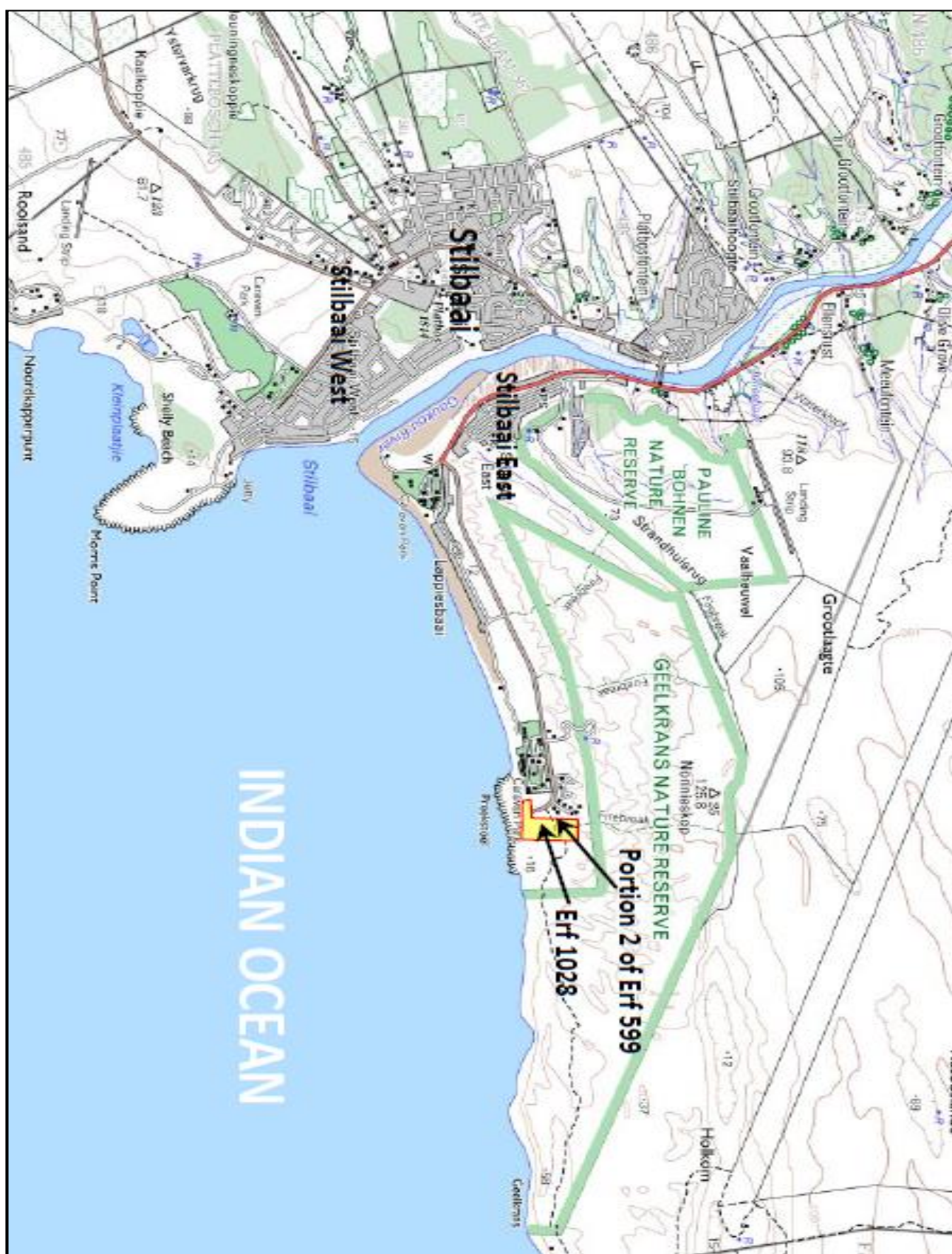
MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

DATE OF DECISION: 06/02/2018

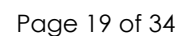
FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D5/18/0001/17
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000220/2017

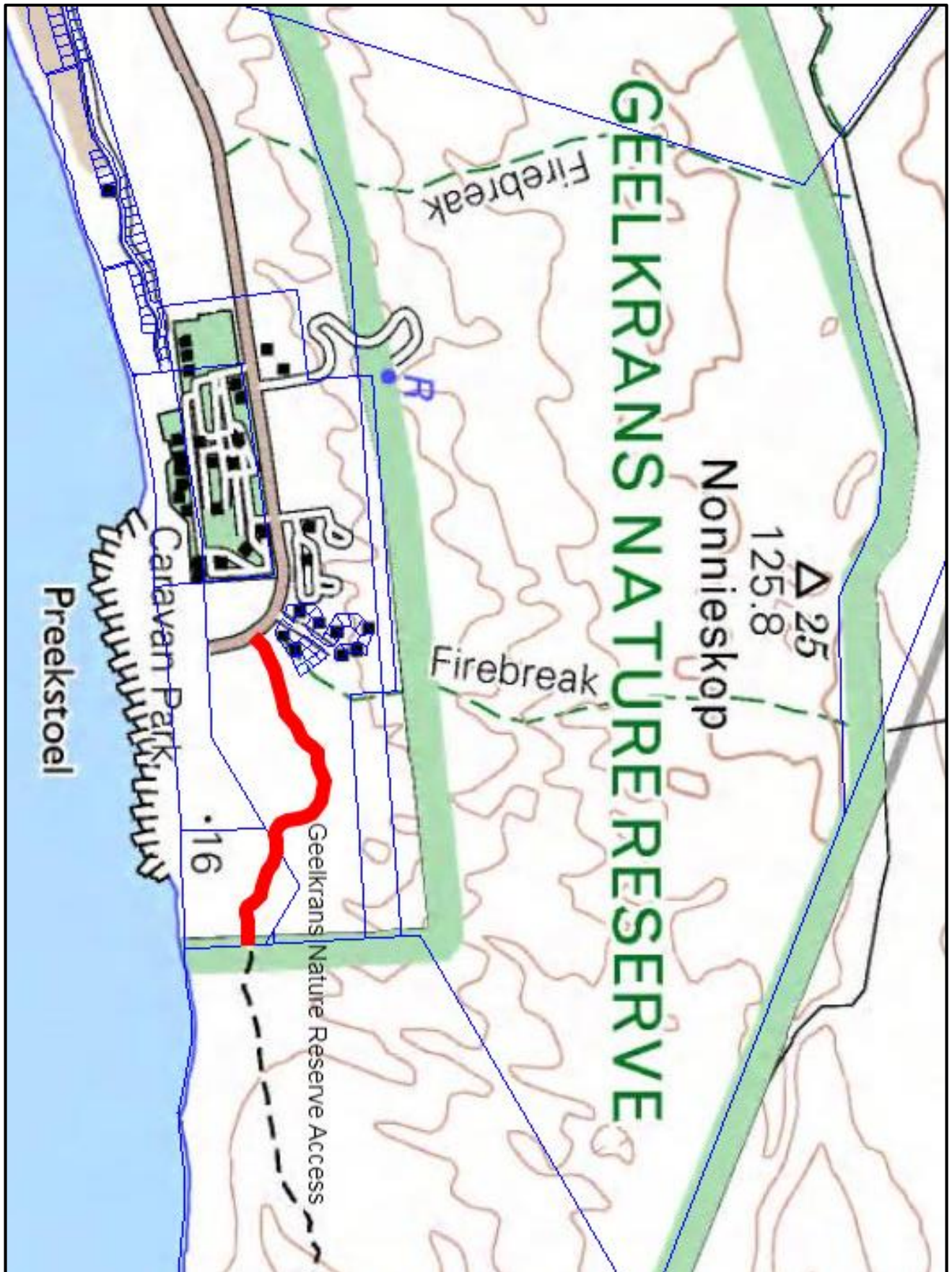
ANNEXURE 1: LOCALITY MAP



Page 19 of 34



ANNEXURE 3: GEELKRANS NATURE RESERVE ACCESS ROAD



ANNEXURE 4: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated December 2017, the Basic Assessment Report (BAR) and EMPr submitted together with the BAR on 31 May 2017;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, 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 I&APs and responses to these, included in the BAR dated May 2017;
- e) The application of the "One Environmental System" and the relevant information which was submitted to the authorities;
- f) The balancing of negative and positive impacts and proposed mitigation measures; and
- g) The site visits conducted on:
Dates and Attended by:
 - ❖ 25 January 2016 - Ms Jessica Christie (DEA & DP), Mr. Francois Naudé (DEA & DP), Mr. Gavin Benjamin (DEA & DP), Mr. Benjamin Walton (CapeNature), Mr. Clement Arendse (CapeNature) and Mr. Paul Louw (Hessequa Municipality)
 - ❖ 7 March 2016 - Mr. Aubrey Withers (EAP), Mr. Francois Naudé (DEA & DP), Ms Jessica Christie (DEA & DP), Mr. Danie Swanepoel (DEA & DP), Mr. Jean du Plessis (CapeNature), Mr. Jeffrey Sass (DAFF), Mr. Shagon Carelse (Hessequa Municipality) and Mr. Paul Louw (Hessequa Municipality)
 - ❖ 9 June 2016 – Mr. Aubrey Withers (EAP), Ms Jessica Christie (DEA & DP), Mrs. Dalene Carstens (DEA & DP), Mr. Stiaan Carstens (DEA & DP), Mr. Francois Naudé (DEA & DP) and Mr. Danie Swanepoel (DEA & DP).
 - ❖ 19 January 2017 - Mr. Francois Naudé (DEA & DP) and Mr. Colin Fordham (CapeNature).

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site and at the Preekstoel Caravan site on 15 December 2016;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 15 December 2016;

- the placing of a newspaper advertisement in the 'Suid Kaap Forum' on 15 December 2016; and
- making the draft BAR available to I&APs for public review from 15 December 2016 to 6 February 2017.
- Making the revised BAR available to I&APs for public review from 20 April 2017 to 22 May 2017.
- A public meeting that was held on 9 May 2017
- A focus group meeting held with 3 residents of Galjoen street to go through their comments;
- A focus group meeting held with DEA: Oceans and Coasts on 23 May 2017.

The following Organs of State provided comment on the proposal:

❖ *Breede Gouritz Catchment Management Agency*

This agency stated that the effluent quality and quantity must meet the General Authorisation (GA) standards in terms of the National Water Act, 1998 (Act No. 36 of 1998). Through the water use licence application (WULA) process, the BGCMA has confirmed that the GA applies for the storage of treated effluent on specific portions of the proposed development. The GA only permits the irrigation of wastewater on land owned by the property owner in this case the applicant applied for irrigation. The BGCMA has confirmed that the stipulations of the GA will be applicable for a period of 5-years from date of issue of the GA.

This Directorate noted that the BGCMA authorised treated effluent to be discharged and irrigated on Erf 1028 only and since the impact of irrigation of the treated effluent on the frontal dune system and the effect it may or may not have on the MPA was not adequately assessed, this aspect has been refused by the competent authority.

❖ *CapeNature*

CapeNature objected to the irrigation of the frontal dune systems as it may negatively impact on the system in the long term regardless of if the irrigation water is treated effluent from the sewage package plant or potable water. CapeNature did also not support the cultivation of marram grass for any rehabilitation purposes. There was also a concern that the stabilization of the frontal dune system may lead to a sand deficit at a regional level and that this impact was not assessed.

Furthermore, CapeNature also said that the process of clearing alien vegetation and rehabilitating the site with indigenous vegetation will need to be undertaken in a systematic manner and continue into perpetuity (and not just for the construction phase and early part of the operational phase). This is considered essential mitigation for habitat loss and managing the site and is likely to be costly in terms of time and money. Given the surrounding level of alien infestation, the likelihood of successful and permanent removal of all Rooikrans (*Acacia cyclops*) and other alien invasive species from the site was questioned. They stated that a substantial management fund will need to be set aside up-front for alien clearing and establishment of indigenous vegetation and residents will need to understand the cost implications of these required actions.

CapeNature commented on the water use licence application (WULA) and had the following comments on that application:

- Irrigation of the frontal dune system –
The continued irrigation of dune systems leads to the succession of the plant species with the habitat concerned. Within the botanical report, the specialist described how the frontal dune systems are largely pristine and mapped that coastal strip as having medium to high

sensitivity rating, yet there was no additional comment from the specialist obtained with regard to the proposed stabilisation and the irrigation of the dune systems with treated effluent. As such, CapeNature objects to the irrigation of the dune systems.

- Maintenance Management Plan for rehabilitation of the Frontal Dune System –
CapeNature recommended that an alternative layout be considered for the worst case scenario should the Maintenance Management Plan not be implemented or poorly executed. They suggested that models regarding how far the blow-outs will continue and sea shore erosion would stretch illustrate the extent of potential erosion with implementing dune stabilisation methods. CapeNature also recommended an alternative site for the sewage package plant, further back from the frontal dune system.
- Stabilisation of mobile sand –
CapeNature is concerned that the stabilisation of mobile sand could lead to a deficit in other regions of the Marine Protected Area (MPA) at a regional level. The development area used to be a large mobile dune field. By permitting development in this region a portion of stabilised sand will not be accessible for future potential marine sand replenishment, which could result in the loss of erven within the town of Still Bay. CapeNature is of the opinion that without having conducted an assessment of the entire sand replenishment system of Still Bay CapeNature cannot support the loss of the resource.
- Access to Geelkrans Nature Reserve
CapeNature was concerned that the specific details and a detailed design of the access road to Geelkrans Nature Reserve especially over the neighbouring erven was not fully illustrated in the report and requested that the entire access road is to be completely formalised to the border of the reserve. This Directorate agrees with this request.

❖ *Western Cape Government Department of Environmental Affairs & Development Planning (DEA&DP) - Coastal Management*

The Sub-Directorate objected strongly to the proposed development. They stated that the proposed estate did not meet the requirements of Section 63 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (NEM:ICMA) nor meet the purpose of the Coastal Protection Zone (CPZ). Therefore, careful consideration of this aspect was required.

When any listed activities are to be carried out within the coastal zone which require an environmental authorisation in terms of the NEMA, the NEM:ICMA provides for additional criteria which must be considered when evaluating an application for an activity which will take place within the coastal zone.

There are many aspects that must be taken into account when the competent authority considers an application for authorisation:

- Representations made by the applicant and by interested and affected parties;
- The applicant's past record in complying with similar authorisations;
- If coastal public property, coastal access land or the coastal protection zone will be affected by the proposed action;
- Coastal management objectives;
- The socio-economic impact if that activity or action is authorised or not authorised;
- The likely impact on the coastal environment including the cumulative effect;

- The likely effect of coastal processes (such as wave, current and wind action, erosion, accretion, sea-level rise, storm surges and flooding) on the activity; and
- The objectives of the NEM:ICMA which apply to the activity.

With the various assessments conducted in this process, it was made clear that this development will affect the CPZ but not coastal public property nor any public coastal access. However, with the CPZ, the property is the only remaining piece of land that could be developed for residential purposes and will not destroy the ecological integrity, spoil the natural character nor the economic, social and aesthetic value of the coastal public property. It must be pointed out that the properties are identified within the Hessequa Municipality's Spatial Development Framework's (SDF) "urban edge" and the Hessequa Municipality has entered into a land-swop agreement with the proponent which will prevent development along the Geelkrans Nature Reserve. Further development beyond these properties are unlikely and will not be supported. Although the property falls entirely within the CPZ, the competent authority is confident that, based on the information received, the purpose of the CPZ in this area will be adequately met.

The development will also not increase the effect of natural hazards in the coastal zone. It is reported that the dune rehabilitation that will be done will most certainly protect and maintain the natural functioning of the littoral active zone as attempts will be made to reinstate hummock and primary dunes on Erf 1028.

A formalised public access with parking and an ablution facility will be constructed for use by the public at the existing public access to the beach making this beneficial to the public despite the negative effects on the coastal zone of which can be significantly mitigated.

❖ *DEA Oceans & Coast (DEA:O&C)*

The National Department of Environmental Affairs: Oceans and Coasts (DEA:O&C) provided comment on the proposal but unfortunately failed to submit the comment within the allotted public participation period. Nonetheless a summary of the comment is still included below to reflect the consultation process:

The DEA:O&C branch were concerned that the development is proposed on the primary dune system and that the area falls within a Critical Biodiversity Area (CBA) plus the proximity to the Geelkrans Nature Reserve and the MPA. They objected to the entire development in its current design and wanted more thorough investigation of reasonable and feasible alternatives. The DEA:O&C preferred the "No-Go" alternative. This Directorate has after much consultation confirmed that the development is not on a primary dune system and as such, the statement made by DEA:O&C is incorrect. Further to the comment above, the entire area does not fall within a CBA.

The DEA:O&C also had concerns that certain portions of the development are within the Coastal Protection Zone (CPZ) in terms of the NEM:ICMA and that the proposal does not meet the requirements of the CPZ. As stated above, based on the information received, the proposed development is deemed to be sufficiently consistent with the purpose of the CPZ.

It is also noted that the DEA:O&C do not support the removal of the alien vegetation and is of the view that it would further exacerbate the effects of the coastal processes in the area and should not be used as a positive impact or motivation for the removal thereof. The point made by DEA:O&C is noted; however, the competent authority disagrees with the statement. The developer

has to remove the alien vegetation of the development footprint in order to construct the building footprints. The alien vegetation on the aeolianite will systematically be removed and indigenous vegetation planted where the aliens will be removed. If all the alien vegetation is removed on the seaward side of the development setback line at once, the coastal erosion processes will most probably be exacerbated.

A further concern raised by DEA:O&C regarding the development setback line being as close as 60 metres from the high water mark of the sea, was noted. The EAP and coastal dune specialist motivated that the proposed rehabilitation of the frontal dune system would be successful and that the development setback line would be appropriate for this development.

Also, DEA:O&C were concerned that the report was silent on how access would be provided for the public to Geelkrans Nature Reserve and that they opposed the idea of having private beaches. This concern is noted, however, the report stated clearly that access to the nature reserve will not be hindered at all and a condition of this environmental authorisation states that the access to the nature reserve may not be hindered and the access road must be formalised at the expense of the developer.

❖ *WCG: Department of Health*

This Department stated that the Hessequa municipality must provide all the potable water to the development and that the sewage must be connected to the Hessequa Municipality system. However, since there will be a Biolytic Treatment Plant (BTP)¹, all sewage pumps must be installed at the BTP must have non-electrical pumps available in case of power failure/outages or mechanical breakdown of the existing pumps. In addition, a competent person must be appointed to operate and maintain the proposed BTP, alternatively the Hessequa Municipality must take responsibility for the maintenance of the Biolytic system. The owner must have an emergency plan (EMP) in place to combat any health nuisance that might occur with the operation of the BTP.

If a health nuisance does occur, the owner must repair the defect without delay and remove all sewage to an approved waste water treatment plant for the duration of the repairs. The disposal or utilization of the effluent must be in line with Department's "Guide for the Permissible Utilization of Sewage Effluent". They also stated that all sewage sludge generated by the BTP must be disposed of at an approved waste water treatment works (WWTW) and that the WWTW must have the capacity to handle the additional load without any adverse effect.

❖ *Heritage Western Cape (HWC)*

HWC stated that in order for the significance of the site to be assessed, a more detailed survey is required. This action will be done as soon as all the vegetation has been cleared off the site. The monitoring must also be done by an archaeologist with shell midden accreditation. A supplementary report must be submitted to HWC along with a work plan for mitigation of any resources that may be identified.

All the concerns raised by I&APs and Organs of State were responded to and adequately addressed during the public participation and consultation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMP to adequately address the concerns raised.

¹ Referred to as the biological waste water treatment plant (BWWTWP) in the Basic Assessment Report.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Alternative Layout: 1 (herewith authorised)

The development of a residential estate on Erf 1028 and a Portion of Portion 2 of Erf 599, Still Bay. The development site is 137 691 square metres in extent and will comprise the following:

- ❖ Residential: 114 single residential stands (58 540 square metres)
- ❖ Boutique Hotel and Restaurant (3 147 square metres) (25 rooms)
- ❖ Roads (16 608 square metres)
- ❖ Private Open Space (22 083 square metres), comprising a coastal ecological zone parallel to the high water mark and an open space system within the development (conservation corridor) and small clubhouse facilities (330m²).
- ❖ Utility Zone: comprising maintenance/security building, boat/trailer storage area (2 468 square metres).
- ❖ 1 Wooden boardwalk across the frontal dune from the public road, providing access to the beach for the general public and residents of the Preekstoel Coastal Estate (1.5m wide).
- ❖ Public Open Space (coastal corridor) (32 838 square metres)
- ❖ Package Sewage Plant (300 square metres)
- ❖ Public Parking (1 225 square metres)
- ❖ Public Ablution Facility (75 square metres)

The total development footprint is 80 863 square metres (without the POS).

Alternative Layout: 2

The proposed development comprises:

- ❖ 138 erven for residential units (69 330 square metres)
- ❖ Boutique Hotel & Restaurant (1 244 square metres)
- ❖ Roads (19 491 square metres)
- ❖ Private Open Space (45 199 square metres)
- ❖ Utility Zone (2 454 square metres)

The total development footprint is 92 492 square metres (without the POS).

Even though the layout alternatives are very similar, based on the findings of the specialist studies and the impact assessment conducted by the EAP, the recommendation by the EAP is that the Alternative Layout 1 is the preferred alternative option and this should be considered for approval. The preferred layout alternative provides a larger open space system which is expected to improve the ecological connectivity and function of the remaining open spaces.

"No-Go" Alternative

The land would remain undeveloped. As such alien vegetation infestation would continue, human activities and associated impacts (such as collection of fire wood, trampling of vegetation, dumping and littering) are also likely to gradually increase leading to a decline in the ecological integrity of the area. An alien clearing programme would need to be developed for the area, but would place a heavy financial burden on the landowner as the land would generate no income.

In addition, none of the formal conservation initiatives associated with the Preferred and Alternative Layout would be realised. There would also not be any positive impacts on the socio-economic environment of the Still Bay region. As such, the No - Go option is not considered a reasonable and feasible alternative when compared to the two development layout options.

Without the proposed development the potential socio-economic benefits that will result because of the development will not be realised. The applicant has confirmed that he is aware of the implications of CARA and NEM:BA with respect to the onus of the property owner to clear alien vegetation.

3. Impact Assessment and Mitigation Measures

3.1 Activity need and desirability

The current zoning of the Preekstoel site is "Undetermined". The property however falls within the urban edge depicted in the Hessequa Municipality's approved spatial development framework (SDF). The proposed rezoning to low and medium density residential complies with the intended zoning contained in the SDF. A subdivision and rezoning application will thus be lodged in terms of the Bylaws of the Land Use Planning Act to allow for the proposed residential use.

The Hessequa Spatial Development Framework (SDF) and associated Spatial Proposals for Still Bay were updated through the Built Environment Support Programme of the Department of Development Planning and Environment. The Spatial Development Framework was approved by Council in May 2013 in terms of the Municipal Systems Act (Act 32 of 2000). On the basis of the SDF Plan for Still Bay, the site has been identified for low and medium density housing. As such the proposed development concept of a low density residential estate of about 8 residential units per ha is in keeping with the SDF and Spatial Proposals for Still Bay.

The IDP facilitates the development of a set of strategic objectives and a roadmap at the hand of pre-determined objectives to ensure that focused impacts can be made in the coming 5 years. In this regard key bulk infrastructure upgrades have been planned for Still Bay which will also ensure adequate service capacity for the proposed development. The bulk services levies to be paid by the developer to the Municipality, will be used for such service upgrades and improvements.

3.2 Regional/ planning context

Provincial Spatial Development Framework (PSDF)

The following WCPSDF Objectives apply to the proposed development.

- ❖ *Objective 1: Align the future settlement patterns of the Province with areas of economic potential and the location of environmental resources.*

The IDP for Hessequa Municipality has identified Still Bay as being a future growth centre for the region. As such the proposed development will have access to a wide range of social infrastructure which in turn will realise the full economic potential of the site for development in that it is both well located and has a high market demand (coastal property on the sea). The proposed development also aligns itself with the approved SDF.

❖ *Objective 2: Strategically invest scarce public resources where they will generate the highest socio-economic return*

Through the proposed swap of land-locked Municipal land for the Applicants coastline property (being Remainder Portion Erf 593) which will be included into a Municipal Nature Reserve, and could even form part of the Geelkrans Nature Reserve if need be, thereby:

- The ecological integrity of this portion of the coastline is being conserved, and linear coastal development on private land is being curtailed;
- The additional financial contribution being made by the applicant (as agreed in the land swap agreement between the applicant and the Municipality) will be used by the Municipality in upgrading local social infrastructure (recreational and holiday resort in Still Bay);
- The development potential of the balance of the land will be maximised through appropriate development adjacent to existing development, whilst still maintaining the coastal amenity for the public (i.e. no development within $\pm 65 - 100$ metres of the HWM, which will be conserved as a coastal corridor); and
- Resulting in an increase to the Municipal rates base.

❖ *Objective 3: Conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings.*

The development of a low density coastal estate and the inclusion of Erf 593 into a Municipal Nature Reserve will serve as and maintaining an appropriate urban edge on the eastern boundary of Portion 2 of Erf 599 and Erf 1028, thereby limiting urban expansion of the eastern coastline of Still Bay, as well as providing additional opportunities for tourists and the public to experience the unique coastal setting at Preekstoel Beach by means of the proposed boutique hotel and restaurant. In addition, the smaller duplex units will be put into a pool for short-term rentals, thereby making better use of such units out of season, providing an income for the investor, providing more job opportunities and increasing tourism.

Furthermore, the POS system of the proposed development will protect the sensitive area between the HWM and the low risk coastal management line in perpetuity; and create a coastal connectivity between the Geelkrans Nature Reserve and land to the east of the development site i.e. Erf 593. The developer and the HOA will ensure that the alien vegetation on the property, Erf 593 and the northern Portion of Portion 2 of Erf 599, will be cleared. Thus an important natural landscape (i.e. the coastline and historic dune landscape) will be protected and managed (i.e. removal of alien vegetation) in perpetuity.

❖ *Objective 4: Conveniently locate urban activities.*

A boutique hotel & restaurant is proposed as part of the development and will provide a much needed public facility at Preekstoel Beach and provide higher order job opportunities for the local community (upliftment and training).

❖ *Objective 5: Promote biodiversity and agricultural resources.*

As stated above it is proposed to incorporate Erf 593 and the portion north of Erf 593 and the northern portion of Portion 2 of Erf 599 into a Municipal Reserve or eventually incorporate them into the Geelkrans Nature Reserve and thereby fixing the urban edge of Still Bay east. The development site will also incorporate an ecological coastal corridor as POS (vegetated with indigenous vegetation) which will serve to uphold ecological connectivity in the area and the

removal of alien vegetation will promote improved biodiversity. In addition, the planting of 60% of the open area within the development with indigenous Blombos Strandveld will also assist to increase the biodiversity of the area.

- ❖ *Objective 6: Minimise the consumption of scarce environmental resources, particularly water, fuel, building material, mineral resources, electricity and land.*

The development proposal is for a low density coastal estate; as such the design consultants looked at ways to maximize the use of available green technologies (water-efficient showerheads, tap flow regulators, restrictors, aerators on faucets, dual flush toilets, and energy efficient fittings and the use of solar heaters). In addition, a BWWTP is to be constructed on the property to treat the sewage to be generated by the proposed development. The treated effluent will be reused for irrigation within the Estate.

3.3 Services/ bulk infrastructure

The engineering services report for the Proposed development clearly illustrated that the proposed development cannot be adequately serviced with external services, i.e. the Hessequa Municipality will need to upgrade their sewage reticulation system and expand the capacity of the waste water treatment works (WWTW), as was confirmed in their letter of 5 June 2015 and as outlined by their consulting engineers. As such, it has been recommended by the Department of Water & Sanitation (DWS) that a biological waste water treatment plant (BWWTP) could be installed by the developer to treat the sewage to be generated by the proposed development. It is proposed that the BWWTP should treat the sewage from the Galjoen and Dageraad Street houses. This will assist with reducing the sewage load on the Still Bay WWTW and its sewage infrastructure.

The Hessequa Municipality also encourages development, but points out that bulk services are under severe pressure. However, the development is provided for in the Municipality upgrades of the bulk electricity supply after which sufficient capacity will be available. According to the Municipality there is sufficient water supply for the proposed development but that network capacity upgrades must be undertaken in consultation with the recommendations of their Consulting Engineers, GLS. The bulk services levies to be paid by the developer to the Municipality will be used for such infrastructure upgrades (water and electricity).

3.4 Biophysical Impacts

Dune Reactivation: Re-activation would take place on a time scale of 10's of years, starting from the shoreline where the beach acts as a source of mobile dune sand that will transgress landward (if no mitigation is taken to limit or prevent this). Reactivation of the dunes is currently taking place in a zone with an average width of 30 metres from the high-water mark, to create a primary dune belt along the sandy shore west of the Preekstoel cliff shoreline. Uncontrolled human access to these dunes is causing blowouts in some places. Rooikrans plants are being removed in the areas where they were previously planted to stabilize mobile sand as well as from areas where it has naturally spread to. These alien invasive plants will be replaced with dune species typical of Blombos Strandveld vegetation.

To mitigate the above, human access to the dunes will be controlled and managed by means of a boardwalk and the blowouts will be rehabilitated as described elsewhere in this report. The development will be 60-90 metres from the high-water mark of the sea (HWM) as reported and where vegetation is removed it will be on a temporary basis and replanted to avoid the mobilisation of the exposed dune area.

Dune Stability: Once dunes are stabilized, they tend to remain stabilized, unless the vegetation is subjected to intensive destruction by human impacts, apart from along the coast where the beach acts as a source of mobile dune sand, as discussed above. As described in the BAR, it is proposed to do cut and fill on the site to create level and stable platforms for building, as has been done successfully at a number of other developments on former mobile coastal dunes along the south cape coast. The minimum elevation of the platforms is 10metres. the site has been surveyed accurately, and engineer's calculations have determined that there will most probably be a sufficient volume of sand on site; if there is a shortfall, material will be brought in.

To mitigate the impacts of site clearance and the establishment, when vegetation is cleared from an area for development, it must be re-vegetated as soon as the development is completed, so that the dunes do not become re-mobilized. Other than that, there is no reason why development should not take place on the vegetated inland dunes. Pedestrian and vehicular access to the beach have in the past badly damaged the frontal dunes at the road-end carpark at Preekstoel. These dunes must be rehabilitated by re-vegetating with indigenous dune vegetation. An irrigation system will probably be needed and constant maintenance of the dune system would be required, as described in the Maintenance Management Plan: Rehabilitation guidelines for the frontal dune system.

3.5 Biodiversity

The activity would result in the clearance of 8ha (60%) of partially natural, but mostly Rooikrans infested vegetation. As the underlying vegetation is least threatened and well conserved on a national basis, and as there are not likely to be any regionally significant populations of plant Species of Conservation Concern (SCC) on site, the overall impact of the proposed activity from a botanical point of view is likely to be medium negative. The swapping of coastal Erf 593 for more appropriate inland property to be developed and the conservation of the coastal corridor, together with the removal of alien vegetation and the planting of locally indigenous vegetation within 60% of the development area, will go a long way to improving the biodiversity of the area.

The findings of the botanical impact assessment include the following:

- There is not likely to be any significant difference between the two development alternatives in terms of botanical impacts. There is thus currently no preferred development alternative from a botanical perspective, and the No Go alternative is the preferred alternative overall (Low negative impact) from a purely botanical and ecological perspective.
- The loss of about 8ha (or 60%) of the currently partly natural and largely rehabilitation worthy habitat is the primary direct and overall botanical impact. As the underlying vegetation is Least Threatened and well conserved on a national basis, and as there are not likely to be any regionally significant populations of plant Species of Conservation Concern (SCC) on site the overall botanical impact of the proposed development is likely to be Medium negative (before and after mitigation).
- The indirect botanical impacts can be reduced from an expected Medium-negative to Low-negative by the proposed mitigation.
- Minor (Low) positive botanical impacts could be expected if the proposed mitigation is implemented. These minor positive impacts would be the result of ongoing removal of alien invasive vegetation from the site, planting of suitable locally indigenous species in public and private areas on site.

3.6 Coastal impacts

Coastal Erosion: Dr Illenberger has confirmed that the coastal management lines proposed by Withers Environmental is realistic and accurate. Considering that the proposed development site is at least 50 metres from the shoreline, dune re-activation along the shoreline would not impact on the proposed development, even taking into account sea-level rise that will move the sandy shoreline landward by probably 40 metre over the next 100 years or so, assuming a 1 metre rise in sea level. The Preekstoel cliffed shoreline will retard coastal erosion to about 0.25 m/yr., (i.e. 25 m over the next 100 years). The Erosion setback line as proposed for this development is at least 40 metres from the current high-water mark in the eastern sector, expanding to more than 60 metres in the west where the shoreline is sandier (less dune rock in the intertidal area). The Erosion, Management and Building setback lines as proposed for this development are thus adequate.

All of the potential risks, including sea-level rise as a result of climate change, was taken into account in the determination of a low risk coastal management line and building setback line for the development site. Given that a risk-averse and cautious approach was adopted and that the development footprint is located behind the low risk coastal management line, adequate consideration has been given to the above potential risks associated with the proposed development and the environment in which the development is proposed to take place.

3.7 Visual / sense of place

In terms of the visual impacts, the visibility of the construction activities and visibility of the development will be restricted to a 1 km radius from the site to the south, east and north and up to 6kms to the west. Visual receptors include the adjacent residents, beach goers, resorts and the Geelkrans Nature Reserve.

The visual impacts of the activities will result in a change of landscape character from open to a built environment; visibility from receptors; some minor loss of sea views from existing residential units; and night lighting. The impact will however be restricted to a local area, less than 1 km, and to some degree will be mitigated by the adjacent existing developments. With additional mitigation (architectural design, creation of shadows, the use of natural building materials and landscaping), the visual impact will be medium to low. The loss of open, undeveloped visual resources will be moderate to high.

3.8 Traffic

It is inevitable that an increase in traffic in the area as a result of increased housing will occur, however, the traffic impact assessment (TIA) has determined that the existing road network can accommodate the proposed development. Thus the significance is regarded as low prior to mitigation.

3.9 Noise

Insignificant noise impacts are envisaged to result during the construction phase from the use of mechanical machinery, which will be of a temporary nature. It has been reported that the noise of the breaking waves are expected to "*drown out such construction noise*". No construction will take place on Sundays and on public holidays. Construction will be undertaken only during normal construction working hours.

3.10 Health issues

It has been reported that the proposed Biological Waste Water Treatment Plant (BWWTTP) will not produce any malodours and the aerobic bacteria and the recycling of effluent within the plant, which will be underground, will ensure that very little sludge is developed. These plants are also energy efficient and produce treated effluent that is free of pathogens and harmful bacteria and can therefore be stored and irrigated on the development site.

3.11 Heritage / archaeological / built environment

The only significant archaeological site documented is a small, well-preserved shell midden (Site 008) located 35m east of the boundary of the proposed development site, just a few meters in from the Geelkrans Nature Reserve access road in the northeast. No identified heritage sites will be impacted upon by the proposed development activities. The significant heritage sites of the area will be protected as they fall within Erf 593, which is to be conserved as a Municipal Nature Reserve.

Given the known archaeological sensitivity of the receiving environment it is maintained that shell middens/deposits may likely be exposed during vegetation clearing operations, while buried middens and Khoisan burials may also be uncovered or intercepted during excavations for bulk services, foundation construction and landscaping. If such heritage objects are discovered during the development's activities, they will be assessed by a Heritage Specialist, under a permit obtained from HWC and/or SAHRA (Appendix G 4), thus adding to the knowledge of our ancestral past.

The findings of the heritage impact assessment include the following:

- During the archaeological study, crushed and fragmented marine shellfish and a few quartzite stone flakes were encountered in the gravel access, and alongside the road that surrounds the proposed development site in the northeast. This road leads to the Geelkrans Nature Reserve which lies to the north of Erf 599. A thin, ± 10 cm thick layer of in-situ marine shellfish was also observed in the road cutting and is probably the remains of a larger shell midden that was destroyed when the road was first built, and periodically upgraded. All of these occurrences occur outside the development area.
- Diffuse scatters of shellfish and a few stone flakes were encountered on the steep, eroded coastal aeolianite (fossil dunes), as well as in the small footpath that runs alongside the beach, but these archaeological occurrences are also located outside the proposed development site.
- The most interesting archaeological site documented is a small, well-preserved shell midden (Site 008) located 35m east of the boundary of the proposed development site, just a few meters in from the Geelkrans Nature Reserve access road in the northeast. The mound of shellfish (measuring about 3 x 3 m in extent) is dominated by Black Mussel (*Choromytilus meridionalis*), with small amounts of *Turbo Sarmaticus* (South African turban) occurring. While no cultural remains such as stone tools, pottery or ostrich eggshell were found, a pecked slab of sandstone was found lying on top of the midden, which is surrounded by very dense vegetation. Site 008, which has been rated as having moderate-high (3B) significance, will not be impacted by proposed development activities. The site will be further protected as it falls within Erf 593.

The following recommendations were made by the EAP, which are subject to the approval of Heritage Western Cape:

- Monitoring of vegetation clearing operations and bulk earthworks must be carried out during the development Construction Phase and must form part of the Environmental Management

Plan (EMPr) for the project. Monitoring can be undertaken by the Environmental Control Officer (ECO), but this must be done in consultation with the archaeologist. The archaeologist must visit the site once all the vegetation has been cleared and removed. The archaeologist should also inspect the site once a week during excavations for foundations and services, or alternatively when the need arises.

- Should any surface archaeological deposits be exposed during vegetation clearing operations then a series of shovel test excavations may need to be carried out to determine the extent and significance of the potential sub surface middens. Furthermore, if significant sub surface deposits are exposed during excavations for foundations or bulk services, sampling/excavation and dating of these deposits may also need to be done.
- Any shovel testing or excavations can only be done under a permit issued by Heritage Western Cape, the provincial heritage authority.
- If any unmarked human remains are uncovered or exposed during earthworks, these must immediately be reported to the archaeologist (J Kaplan 082 3210172), or Heritage Western Cape (021 483 9543). In the case of human burials, these will have to be removed under a permit issued by the South African Heritage Resources Agency (SAHRA).

3.12 Socio-economic

It has been reported that opportunities for work in Still Bay are generally found as domestic; garden and building maintenance personnel. Other skilled personnel in the commercial, building and tourism industries have emerged in the recent past. As such the proposed development, and especially the proposed boutique hotel and restaurant, will contribute to these job opportunities during the construction and operational phases. The pooling of the smaller duplex units (town houses) for short term stays will also assist in spreading the tourist season thereby increasing job opportunities. It is expected that the proposed development will also facilitate the training of staff (skills development of locally employed persons during the construction phase and higher order jobs in the boutique hotel/restaurant).

Other economic benefits include the generation of rates and taxes for the Hessequa Municipality and the contribution from medium- high income home owners to the local economy (through supporting local businesses).

4. National Environmental Management Act Principles

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

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

- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, 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 -----