



REFERENCE: 16/3/3/1/D5/18/0001/17
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The Managing Director
Vivren Properties (Pty) Ltd.
Suite 86, Private Bag X16
CONSTANTIA
7848

Attention: Mr R. Meinesz

Tel: 021 683 9616
Fax: 021 461 0878

Dear Sir

COMPLIANCE MONITORING WITH THE ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED PREEKSTOEL COASTAL ESTATE ON ERF 1028 AND PORTION 2 OF ERF 599, STILL BAY EAST, WESTERN CAPE

1. The above-mentioned matter, the Environmental Authorisation ("EA") issued on 6 February 2018 in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the appeal Environmental Authorisation issued on 2 February 2018 and the compliance monitoring site inspection held on 8 September 2022 attended by Ms. Jessica Christie, Mr Francois Naudé and Mr. Danie Swanepoel from the Directorate: Development Management (hereinafter referred to as "this Directorate") and your appointed Environmental Control Officer, Mr Aubrey Withers, refers.
2. It was noted during the compliance site inspection major earthworks has commenced for the installation of bulk services by a civils contractor, ASLA Construction. However, no material proof or documentation is on the Department's record to confirm whether the following conditions of authorisation have been complied with, being:

Condition numbers: 5, 7, 8, 18 and 21.

3. You are reminded of Conditions 4 which states:

"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."

4. Furthermore, this Directorate is unclear whether the following conditions have been complied with and requires proof of compliance of Conditions 9, 17 and 26.
5. Notwithstanding the above, it was also noted that major earthworks in the form of relocating sand from the development footprint to seaward of the ecological development setback line has taken place. This is considered non-compliance with the Environmental Authorisation specifically Condition 21. It was understood from the site inspection that this occurred on instruction by your appointed ECO. In light hereof, this matter will be referred to the Department's Directorate Environmental Law Enforcement for

further action as a person is guilty of an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") if that person fails to comply with or contravenes a condition of an environmental authorisation granted for a listed activity or an approved environmental management programme (EMPr). The latter which is not proved to have been approved by the competent authority.

A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

6. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully

HEAD OF COMPONENT**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3****DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING****CC:**

Mr. Aubrey Withers
Mr. Jean du Plessis
Mr. Rhett Smart
Ms Jaqueta Keet

(ECO)
(CapeNature)
(CapeNature)
(DEA&DP: Environmental Appeals Management)

E-mail: aubreywithers@mweb.co.za
E-mail: jduplessis@capenature.co.za
E-mail: rsmart@capenature.co.za
E-mail: Jaqueta.Keet@westerncape.gov.za