



Letter

REFERENCE: 14/1/1/E3/8/2/3/L1280/22
ENQUIRIES: Raheem Dalwai

BY EMAIL: rakel@mweb.co.za
tjaart@missionholdinggroup.co.za

Managing Director
Vivren Properties (Pty) Ltd
6 Monaco Road
Killarney Gardens
7441

Attention: Mr Tjaart van der Walt

Dear Sir

ALLEGED NON-COMPLIANCE WITH ENVIRONMENTAL AUTHORISATION PREEKSTOEL COASTAL ESTATE ON ERF 1028 AND PORTION 2 OF ERF 599, STILL BAY EAST

1. The above matter, the Department's Letter dated 2 February 2024, and the rehabilitation plan received on 23 February 2024 refers.
2. The rehabilitation plan ("the Plan") has been reviewed and discussed by the Departmental Task Team, in conjunction with the abovementioned Letter which outlined the requirements for the rehabilitation plan.
3. Based on the review, the Plan cannot be approved as it does not meet the requirements set out in the abovementioned Letter.

4. Please take note of the following comments pertaining to the rehabilitation plan, and the requisite amendments which must be made:
- 4.1. The document fails to provide a concise plan for the execution and monitoring of the tasks to rehabilitate the frontal dune. It rather provides a discussion, and the Department has to decipher through sections of background information, motivations and allegations. The document's structure should be altered so that the implementation thereof is clearly understood by the implementor and anyone conducting compliance thereof.
 - 4.2. It is therefore advised that the content requirements in Appendix 4 of the EIA Regulations, 2014 be considered. Should the EAP (i.e. Withers Environmental Consultants) who compiled the document wish to motivate certain aspects which he disagrees with, this should be submitted in a separate document and properly cross-referenced in the rehabilitation plan.
 - 4.3. The Plan has not provided environmental impact actions and environmental impact outcomes which are SMART namely: Specific, Measurable, Achievable, Relevant and Time-bound.
 - 4.4. The EAP has also failed to clearly distinguish between the short-term and long-term actions and outcomes and has combined these aspects in certain sections of the Plan. This makes it very difficult for the Department, as the competent authority, to approve the Plan and monitor compliance therewith. Therefore, to avoid this from occurring again, it is advised that the EAP clearly distinguishes between the following, and re-submits two separate documents to the Department:
 - (1) short-term rehabilitation; and
 - (2) medium to long-term environmental maintenance management plan ("EMMP").
 - 4.5. Please note that the EMMP component need not be submitted immediately as the approval and implementation of the short-term rehabilitation will inform the Plan. A further consideration to separate the documents which must be pointed out is that the frontal dune must form

part of the open space area which must 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.

- 4.6. The EAP's statement that *the main objective of ensuring that the rehabilitated frontal dune system is robust and stable into the long-term future is to ensure that adequate sand volumes are available to protect the development against future sea erosion due to climate change* is acknowledged. The EAP is of the view that the sand which has already been deposited and the flattened dune will achieve this objective. However, the height of the dune, and not only the width will play an important role in ensuring the adequate sand volumes.
- 4.7. Notwithstanding the motivation and allegations made by the EAP, the Department maintains the view that the natural permanently vegetated dune slope and crest area presented in the EIA documentation indicated that the frontal dune was up to 14m AMSL.
- 4.8. The Department previously stated that the 5m height between the vegetation line (i.e., 9m AMSL) and the dune crest (up to 14m AMSL) should be the management objective for the main dune area that has been transformed and needs to be reinstated.
- 4.9. Given the information, a concession can be made regarding the height of the rehabilitated frontal dune, which should not be lower than 12m AMSL. **However, the medium to long-term objective should be to re-establish the dune to 14m AMSL.**
- 4.10. The EAP must include a plan which clearly depicts the area to be rehabilitated as well as the outcome of the dune profile.
- 4.11. 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.
- 4.12. Access to the dune area for possible use of machinery to reinstate the dunes must occur from the northern side of the dunes, (i.e., inland from the

frontal dune) and **no** activities may take place on the beach. The source of the material must also be identified in the plan.

5. Kindly amend the Plan to address the abovementioned, and the methodology to achieve it, and ensure that the requirements of the abovementioned Letter are met, in order to avoid further delays.
6. Kindly submit the revised rehabilitation plan to Mr. Raheem Dalwai on Raheem.Dalwai@westerncape.gov.za for the Department to consider and approve. If you are unsure of the requirements as stipulated above, you may contact Mr Raheem Dalwai on the email provided above.
7. Your cooperation in this regard is appreciated.



Mr A. Bassier

Grade 1 Environmental Management Inspector

Director: Environmental Law Enforcement

Date: 02/05/2024

Cc:

1. Aubrey Withers (Aubrey Withers Environmental Consultants)
2. Gavin Benjamin (Directorate: Development Management)
3. Danie Swanepoel (Directorate: Development Management)

aubreywithers@mweb.co.za

Gavin.Benjamin@westerncape.gov.za

Danie.Swanepoel@westerncape.gov.za