



LORNAY
ENVIRONMENTAL CONSULTING

PROOF OF PUBLIC PARTICIPATION

Proposed Rezoning and Subdivision to create single residential erven on erf 1446,
Vermont, Overstrand Municipality

5 July 2024

Consultant:

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PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

CONTENTS

CONTENTS	2
1. INTRODUCTION	3
2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE	4
3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:	5
4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE	7
5. NEWSPAPER ADVERTISEMENT	9
6. NOTICEBOARDS	10
7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS	12
8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION.....	45
9. FINAL ROUND OF PUBLIC PARTICIPATION	56
10. REGISTERED INTERESTED AND AFFECTED PARTIES.....	57
11. NOTICE OF FINAL PUBLIC PARTICIPATION.....	58
12. PROOF OF NOTICE OF FINAL ROUND OF PPP	58
13. COMMENTS RECEIVED DURING THE FINAL ROUND OF PUBLIC PARTICIPATION	58

1. INTRODUCTION

The Public Participation Process was conducted in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended). All potential interested and affected parties (I&APS) and applicable organs of state were notified of the DRAFT / pre-application Basic Assessment Report (BAR). The DRAFT BAR was made available for a 30-day period to I&APS and organs of state, to register and comment. Noticeboards were placed on site and a newspaper advertisement was placed in the local newspaper. All comments were recorded in a comments and response report and a register for I&APS was opened. Once the 30-day public participation on the DRAFT BAR was complete, all comments made were attended to and the FINAL BAR amended as required. The Application for Environmental Authorisation was then submitted to the Department of Environmental Affairs and Development Planning (DEA&DP), and the mandatory fee payment was made.

Please note that a Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape confirmed that no further Heritage assessment is required.

The FINAL BAR was circulated to all registered I&APS and organs of state for a further 30-day public participation period. All comments received during this period were recorded and responded to in the Comments and Response Report and Register for I&AP's. This document serves as proof of the public participation carried out in line with Section 41 of the EIA Regulations (2014).

2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE

In line with the requirements of NEMA, all potential Interested and Affected Parties (I&APS) were notified of the project and provided with an opportunity to comment. This included applicable organs of state. See list of I&AP's identified for the project:

PRE-APPLICATION PUBLIC PARTICIPATION	
<p>WC Government Env Affairs & Dev Planning Development Management B. Osbourne Registry Office 1st Floor, Utilitas Building 1 Dorp Street 8001</p> <p>Cape Nature Rhett Smart rsmart@capenature.co.za</p> <p>Overstrand Municipality P. Aplon PO Box 20 Hermanus 7200 paplon@overstrand.gov.za gbenvironmental@overstrand.gov.za</p> <p>Heritage Western Cape Complete</p>	<p>Overberg District Municipality F. Kotze / R. Volschenk Private Bag x 22 Bredasdorp 7280 F. Kotze</p> <p>Whale Coast Conservation wcc@ocf.org.za patmiller@telkomsa.net</p> <p>Vermont Ratepayers and Environmental Association Vermont Conservation Trust duncanheard@telkomsa.net vermontratepayers@gmail.com</p> <p>Ward 13 Councillor C. Resandt resandtc@overstrand.gov.za</p>
IAPS	
1447	<p>HENQUE 3030 CC walkerbayplumbers@hermanus.co.za</p>
2253	<p>KRIO FAMILIE TRUST coengroenewald@haygrove.net</p>
2241	<p>KRICO FAMILIE TRUST coengroenewald@haygrove.net</p>
2240	<p>KRICO FAMILIE TRUST coengroenewald@haygrove.net</p>
2242	<p>KRICO FAMILIE TRUST coengroenewald@haygrove.net</p>
2239	<p>KRICO FAMILIE TRUST coengroenewald@haygrove.net</p>

1498	PETER GRAHAM & PETRO petro.steere@ymail.com / gmail.com
1497	REEFF PROPS (PTY) LTD jaco@greeff.co.za
1496	WERNER THEODOR & JANET wtschmidt@gmail.com / ymail.com
2588	REEFF PROPOS (PTY) LTD jaco@greeff.co.za
2589	REEFF PROPS (PTY) LTD jaco@greeff.co.za
2586	REEFF PROPS (PTY) LTD jaco@greeff.co.za
FARM RE/573	Hoek van Der Berg - Michael Raimondo
2515	AMANDLAGCF CONSTRUCTION CC sue@amandlaconstruction.co.za
2520	HENQUE 3030 CC walkerbayplumbers@hermanus.co.za
2527	Mr. DRICUS MICHAEL dricusk@gmail.com
2528	RICHARD WILLIAM & PREMILLA rwcurtis@imagnet.co.za
2535	THE YDMK TRUST accounts@thedonsconsulting.co.za
2536	Mr. DRICUS MICHAEL dricusk@gmail.com

3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:

The I&AP's identified above were given written notice of the proposed development, via registered mail or courier, as appropriate. The written notice included details of the applicable legislation, the proposed expansion and means to provide comment or register as I&AP. See written notice below:



13 March 2024

DE&DP Ref. No.: 16/3/3/6/7/1/E2/40/1684/23
Lornay Ref. No.: 1446V

**NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS:
PROPOSED CONSOLIDATION AND SUBDIVISION OF ERF 1446, VERMONT, TO CREATE RESIDENTIAL ERVEN**

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended).

Proposal: Subdivision and rezoning to create single residential erven
Location: Erf 1446, Vermont, Caledon RD
Applicant: JP van Gemert Testamentary Trust

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1

(27) The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation

Listing Notice 3

(12) The clearance of an area of 300 square metres or more of indigenous vegetation

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before 16 April 2024 via the following contact details:

LORNAY ENVIRONMENTAL CONSULTING
ATT. Michelle Naylor
Tel. 083 245 6556
Email: michelle@lornay.co.za | Website: www.lornay.co.za

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA
cell: 083 245 6556 | fax: 086 585 2461 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE

Written notice was provided to I&APs and Organs of State via registered mail or courier, as indicated in the proofs below:

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Wednesday, 13 March 2024 08:46
To: 'DEADP EIA Admin'; 'Bernadette Osborne'
Cc: 'Rulien Volschenk'; 'Rhett Smart'; 'patmiller@telkomsa.net'; 'Sheraine Van Wyk'; 'Penelope Aplon'
Subject: NEW | Notice of Pre-APP Public Participation | Erf 1446 Vermont
Attachments: Notice of Draft PPP 1446V.pdf

Dear I&AP and Organ of State,

DEA&DP REF: 16/3/3/6/7/1/E2/40/1684/23

DEADP: B. Osbourne
ODM: R. Volschenk
CN: R. Smart
OM: P. Aplon
WCC: P. Miller / S. van Wyk

Please see attached notice of public participation and commenting opportunity for proposed expansion of tourism on Rusty Gate Mountain Retreat.

The documents can be downloaded at the following link: <https://we.tl/t-ffzVHmb3Ba> or from our website, or upon request. Documents relating to the NEMA Basic Assessment process as well as the Heritage Application in terms of the NHRA, are available for comment.

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAsa

Hemel & Aarde Wine Village – Unit 3A

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T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Wednesday, 13 March 2024 10:10
To: 'Duncan Heard'; 'vermontratepayers@gmail.com'; 'resandtc@overstrand.gov.za'; 'walkerbayplumbers@hermanus.co.za'; 'Coen Groenewald'; 'petro.steere'; 'petro.steere@gmail.com'; 'jaco@greeff.co.za'; 'wschmidt@gmail.com'; 'wschmidt@ymail.com'; 'michael@greenrenaissance.co.za'; 'sue@amandlaconstruction.co.za'; 'dricusk@gmail.com'; 'rwcourtis@imagnet.co.za'; 'accounts@thedonsconsulting.co.za'
Subject: NEW | Notice of Pre-APP Public Participation | Erf 1446 Vermont
Attachments: Notice of Draft PPP 1446V.pdf

Dear I&AP,

DEA&DP REF: 16/3/3/6/7/1/E2/40/1684/23

Please see attached notice of public participation and commenting opportunity for proposed expansion of tourism on Rusty Gate Mountain Retreat.

The documents can be downloaded at the following link: <https://we.tl/t-ffzVHmb3Ba> or from our website, or upon request. Documents relating to the NEMA Basic Assessment process as well as the Heritage Application in terms of the NHRA, are available for comment.

Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

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Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAso

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Reg No. 2015/445417/07

5. NEWSPAPER ADVERTISEMENT

An advertisement was placed in the local newspaper, the Hermanus Times, regarding the proposed development:



The easiest way to support us

Hermanus Times

SPORT

13 Maart 2024 | Bladsy B



Rugby in O'berg skop af

Caledon op 'Anne Level' teen die span van Grabouw

Die stadions oor die Overberg heen was die naweek (9 Maart) weer stampvol nadat die liga verlede week begin het.

Tydens die tweede wedstryd van die 2024-liga het spanne wat aan die Gemeenskapskild, Streekuitdaagbeker en die Grootuitdaagbeker deelneem, met hart en siel gespeel om as wenners uit die stryd te tree.

In die wedstryd tussen Grabouw en Caledon (Grootuitdaagbeker) het die span van Caledon gewys wat in hom steek. Nie net het hy voorlans oorheers nie, maar die agterlyn was ook baie giftig en het die bal baie lug gegee.

Grabouw het te veel foute gemaak en kon nie die geleentheid benut wat oor sy pad gekom het nie. Hy het dus op die



ou einde 8-36 in die stof gebly. Ander uitslae is soos volg:

- **Grootuitdaag:** Genadendal 26-47 Safcol; Riviersonderend 14-25 Hawston; Black Leaves 0-34 Rangers Bredasdorp; Botrivier 23-40 Kleinmond.
- **Streekuitdaagbeker:** Struisbaai 24-18 Atlantics; Napier 9-14 Sea Hawks; Helderstroom 5-57 Universals Stanford; Elim 47-21 Greyton.
- **Gemeenskapskild:** Rangers 24-20 Oak Valley; Standards 52-12 Mortru; Zebras 9-32 Evergreens; Klipdale 12-22 Black Birds.

Die spanne van Grabouw en Caledon het sake op die veld uitgespoek. Caledon was te sterk vir die span van Grabouw en het die wedstryd maklik 36-8 gewen. Foto: Mariëtte Stydom

NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS
ERF 1446, VERMONT
DEA&DP Ref.: 16/3/3/6/7/1/E2/40/1684/23

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended):

Proposal: Subdivision and rezoning to create single residential erven
Location: Erf 1446, Vermont
Applicant: JP van Gemert Testamentary Trust

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1
The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation

Listing Notice 3
(12) The clearance of an area of 300 square metres or more of indigenous vegetation in Western Cape 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.

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before 16 April 2024 via the following contact details:



LORNAY ENVIRONMENTAL CONSULTING
For Att. Michelle Naylor
Unit 3A, Hemel & Aarde Wine Village, Hermanus, 7200
Tel. 083 245 6556
Email. michelle@lornay.co.za | www.lornay.co.za

NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS
RUSTY GATE MOUNTAIN RETREAT
DEA&DP Ref.: 16/3/3/6/7/1/E4/12/1151/23

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended):

Proposal: Proposed addition of tourism overnight accommodation and campsites on Rusty Gate Farm
Location: Farm 824, Farm 887 and the Remainder of the Farm 826, Caledon RD
Applicant: Rusty Gate Mountain Retreat

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1
(12) The development of - (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs - (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

Listing Notice 3
(6) The development of resorts, lodges, hotels, and tourism or hospitality facilities that sleeps 15 people or more. i. Western Cape i. Inside a protected area identified in terms of NEMPAA; ii. Outside urban areas; (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, - excluding the conversion of existing buildings where the development footprint will not be increased.

(12) The clearance of an area of 300 square metres or more of indigenous vegetation in Western Cape 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.

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before 16 April 2024 via the following contact details:



LORNAY ENVIRONMENTAL CONSULTING
For Att. Michelle Naylor
Unit 3A, Hemel & Aarde Wine Village, Hermanus, 7200
Tel. 083 245 6556
Email. michelle@lornay.co.za | www.lornay.co.za

6. NOTICEBOARDS

Noticeboards were placed on site, as required in terms of the legislation:





7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS

A Register was opened during the first round of public participation, to list all I&APs which wished to be registered as such. The Register included contact details, date and comment made.

A Comments and Response report was also opened at the onset of the public participation. This report contains the comment made by the I&AP, as well as formal response by the Environmental Assessment Practitioner (EAP).



REGISTER FOR INTERESTED AND AFFECTED PARTIES

PROJECT: ERF 1446 Vermont

NAME:	ORGANISATION:	POSTAL ADDRESS:	TEL:	EMAIL:	COMMENT:	DATE & REF:
Bernadette Osborne	DEA&DP	Private Bag X 9086 Cape Town, 8000	021 483 3679	Bernadette.Osborne@westerncape.gov.za	<p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS FOR THE PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT.</p> <p>1. The electronic copy of the pre-application Draft BAR received by the Department on 13 March 2024, this Department’s acknowledgement thereof issued on 5 April 2024, refer.</p> <p>2. Following the review of the information submitted to</p>	<p>Ref: 16/3/3/6/7 /1/E2/40/1 684/23</p> <p>DATE: 15/04/2024</p>

				<p>this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposed development entails the rezoning and subdivision to create single residential erven on Erf No. 1446, Vermont. • The proposed development includes 33 single residential erven varying between 300m² and 700m², open space of 651m² and an internal road of 3741m². • The proposed development will have a development footprint of approximately 21558m². • No watercourses are present on the site or within 32m of the site. • The site is mapped to contain Overberg Dune Strandveld vegetation, which is classified as endangered and Hangklip Sand Fynbos vegetation, which is classified as critically endangered. • The site is located adjacent to the Hoek van de Berg private nature reserve, which is a protected area. • The site is zoned Single Residential Zone 1 and is located inside the urban area of Vermont. <p>3. This Directorate's comments are as follow:</p> <p>3.1 As indicated in this Department's letter dated 11 December 2023, written confirmation is required that the local authority has sufficient, spare, unallocated capacity to provide the proposed development with water, electricity, sewage treatment and solid waste management.</p> <p>3.2 According to the Terrestrial Biodiversity Assessment (dated 26 January 2024, compiled by Nick Helme Botanical Surveys) milkwood trees is present on the site. The study indicated that all milkwood trees taller than 1m should be demarcated and avoided. Please clarify how this has been addressed and included in the</p>	
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					<p>design of the proposed development.</p> <p>3.3. Comment from CapeNature must be obtained and included in the BAR.</p> <p>3.4. Please provide a clear motivation why Layout Alternative 2 was not preferred.</p> <p>3.5 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR.</p> <p>3.6. A comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.</p> <p>3.7. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>3.8. Please be advised that a signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have</p>	
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					<p>taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>3.9. In addition to the above, please ensure that a signed and dated Environmental Assessment Practitioner (“EAP”) and Specialist declarations are also submitted with the final BAR for decision-making.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>5. Please note that it is an offence in terms of Section 49A(1)(a) of the 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.</p> <p>6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.</p> <p>7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	
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Richard Curtis	Erf 2528:	-	-	rwcurtis@imagine.net.co.za	As the owner of Erf 2528 Vermont , which is sited immediately adjacent to the proposed housing complex on Erf 1446, I have no objection to this development given the data attached to your Notice. However, it is necessary for me to point out that double-storey houses must not be permissible on those stands adjoining Erf 1447 (Vermont Views complex), since any such would destroy the aspect to the north from those homes such as mine that are situated on the border.	DEA&DP REF: 16/3/3/6/7/1/E2/40/1684/23 Date: 15/04/2024
Rhett Smart	Cape Nature	16 17th Avenue, Voëlklip, Hermanus, 7200	087 087 8017	rsmart@capenature.co.za	<p>Pre-Application Basic Assessment Report for the Proposed Residential Development on Erf 1446, Vermont, Hermanus</p> <p>CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.</p> <p>The property is mapped as Other Natural on the Western Cape Biodiversity Spatial Plan apart from the north-eastern corner which is Ecological Support Area (ESA) 1. The vegetation types present are Overberg Dune Strandveld, listed as endangered correlating with Other Natural and Hangklip Sand Fynbos listed as critically endangered correlating with ESA. There are no freshwater features mapped for the site.</p> <p>The results from the screening tool indicate that the terrestrial biodiversity theme is very high sensitivity, animal species theme and plant species theme are high sensitivity and low sensitivity for the aquatic biodiversity theme. The site sensitivity verification</p>	REF: LS14/2/6/1/7/2/1446_residential_Vermont DATE: 17/04/2024

				<p>report indicates that the plant species and terrestrial biodiversity themes are addressed in the botanical compliance statement in accordance with their screening tool sensitivity. For the animal species theme, it states that although it is high sensitivity no further assessment is required as the property is not viable agricultural land, which is not a relevant motivation (it is assumed to be a typographical error). For aquatic biodiversity it is motivated that it is of low sensitivity and there are no wetlands present therefore no further assessment is required.</p> <p>The terrestrial biodiversity assessment provides a description of the two vegetation types occurring on the site according to the National Vegetation Map (NVM). The description of the vegetation does not specifically refer to verification of the NVM mapping, however the species listed are mostly strandveld species and disturbance tolerant species. The vegetation is described as senescent due to fire exclusion with a dense infestation of alien invasive species (<i>Acacia cyclops</i> and <i>Acacia saligna</i>). The list of indigenous species also includes a species which is indigenous to South Africa but not locally indigenous, namely <i>Harpephyllum caffrum</i> (wild plum), and is most likely a garden escape. No plant SCCs were recorded or considered likely to occur.</p> <p>The terrestrial biodiversity assessment includes a discussion of the fauna present on site and references the screening tool. The bird species which triggered a high sensitivity are not specifically mentioned, however it states that bird species of conservation concern (SCCs) are unlikely to be present, and we agree that the</p>	
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				<p>four species listed (martial eagle, African marsh harrier, black harrier and Denham’s bustard) are unlikely to occur on a disturbed urban site without wetlands. The only faunal SCC which is considered likely to be present on site is the Cape dwarf chameleon (<i>Bradypodion pumilum</i>), listed as vulnerable.</p> <p>The site sensitivity verification report should be amended to reflect that the terrestrial biodiversity assessment also addresses the animal species theme. The protocols indicate that a compliance statement should be compiled for themes which are assessed to be low sensitivity. From a CapeNature perspective there is sufficient information available regarding the aquatic biodiversity theme (the terrestrial biodiversity assessment indicates no wetlands are present) and animal species theme even if not fully compliant with the protocols.</p> <p>The impact assessment of the loss of plant and faunal habitat is rated as medium significance. The potential mitigation measures are considered limited and restricted to no disturbance to the milkwood trees (<i>Sideroxylon inerme</i>) present on site and search and rescue of fauna. The impact after mitigation is therefore still rated as medium significance. The conclusion correctly states that the residual impact of medium significance requires a biodiversity offset in accordance with the National Biodiversity Offset Guidelines.</p> <p>With regards to the need for an offset we wish to note that the site is mapped as Other Natural, located within the urban edge and surrounded by urban development</p>	
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				<p>apart from the Hoek van de Berg Nature Reserve to the west. Further the habitat on site is heavily invaded by alien invasive species and in poor condition. Although Overberg Dune Strandveld is endangered due to the threat from alien invasive species (more or less), this vegetation type is less diverse and has much fewer threatened species than other threatened vegetation types in the area as indicated in the assessment (e.g. Overberg Sandstone Fynbos, Elim Ferricrete Fynbos, Hangklip Sand Fynbos) and has a high remaining extent and protection level.</p> <p>We therefore wish to query the rating for a residual impact of medium and not lower, unless the fauna is the reason. Other precedents of similar sites and development proposals should also be referenced. This is relevant should the option of a biodiversity offset be considered further. The mitigation hierarchy must be thoroughly followed and investigated before the option of a biodiversity offset can be followed. This should include investigation of alternative layouts.</p> <p>With regards to the presence of Cape dwarf chameleon on site, we are aware of a project implemented by a local non-governmental organisation (NGO) for search and rescue of this species from sites which are proposed to be developed or burnt. While the value of search and rescue of fauna is queried, the NGO has designed the project so as to ensure that it could potentially have a positive impact, as well as an awareness and education component.</p> <p>In conclusion, CapeNature does not object to the</p>	
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					<p>application as presented, however there should be further investigation of the mitigation hierarchy in order to reduce the residual impact. Should it be verified that a biodiversity offset is required, a separate biodiversity offset study should be undertaken in accordance with the National Biodiversity Offset Guidelines. The site sensitivity verification report should be amended in accordance with recommendations provided and we wish to promote compliance with the protocols.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	
Bernadette Osborne	Department of Environmental Affairs and Development Planning			<p>Bernadette.Oborne@westerncape.gov.za</p>	<p>ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT.</p> <p>The electronic copy of the Application Form received by this Directorate on 27 June 2024, refers.</p> <p>This letter serves as an acknowledgement of receipt of the abovementioned document.</p> <p>Please note that since an application has been lodged with the Department, the pre-application file (DEA&DP Reference: 16/3/3/6/7/1/E2/40/1684/23) has been</p>	<p>New ref number; 16/3/3/1/E4/40/1040/24</p> <p>DATE: 5 July 2024</p>

				<p>closed for administrative purposes.</p> <p>According to the information submitted to this Department, it is noted that the proposal entails the following:</p> <p>The proposed development entails the rezoning and subdivision to create single residential erven with a footprint of approximately 21558m² on Erf No. 1446, Vermont.</p> <p>The proposed development includes 33 residential erven, 1 public open space and 1 road and parking.</p> <p>No watercourses are present on the site or within 32m of the site.</p> <p>The site is mapped to contain Overberg Dune Strandveld vegetation, which is classified as endangered and Hangklip Sand Fynbos vegetation, which is classified as critically endangered.</p> <p>The site is located adjacent to the Hoek van de Berg private nature reserve, which is a protected area.</p> <p>The site is zoned Single Residential Zone 1 and is located inside the urban area of Vermont.</p> <p>Screening Tool 5.1 The “Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation” (“the Protocols”) were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and it is noted that some of the Protocols are applicable to</p>	
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				<p>your proposed development. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking a site sensitivity verification. The outcome of the site sensitivity verification must be recorded in the format of a report and must be appended to the Basic Assessment Report.</p> <p>5.2 This Directorate notes that the Screening Report (dated 16 November 2023) has identified eight specialist studies to be conducted. Confirmation of the relevant specialist studies and a motivation as to why some of these specialist studies will not be conducted have been included in a Site Sensitivity Verification Report (“SSVR”) (dated 17 November 2023 and updated on 23 May 2024). The amended SSVR refers to a Botanical Statement that was conducted. This must be amended to indicate that a Terrestrial Impact Assessment was conducted. The amended SSVR must be included in the Draft BAR.</p> <p>5.3 Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence. Where a specialist assessment is required and a specific environmental theme protocol has been prescribed, the requirement of Appendix 6 of the EIA Regulations, 2014 are replaced by the Protocols. The relevant specialist assessments must therefore comply with the</p>	
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				<p>requirements of the Protocols.</p> <p>6. Please note the following advice pertaining to the application:</p> <p>6.1. Applicable listed activities Having considered the information contained in the Application Form, you are hereby advised that only the activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process. Omission of any activity may invalidate the application.</p> <p>7. Please note the following requirements to be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998) (“NEMA”) and the EIA Regulations, 2014:</p> <p>7.1. Alternatives Be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of</p>	
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				<p>not proceeding with the proposed activity (the “no-go” option) in addition to the other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department’s Guideline on Alternatives available on the Department’s website www.westerncape.gov.za).</p> <p>7.2 Public participation The Public Participation Process (“PPP”) must meet the requirements of Regulations 41 of the NEMA EIA Regulations, 2014.</p> <p>7.3. Environmental Management Programme (“EMPr”) In accordance with Section 24N of NEMA and Regulation 19 of the EIA Regulations 2014, the Department hereby requires the submission of an Environmental Management Programme (“EMPr”). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA and Appendix 4 of the EIA Regulations 2014. The EMPr must</p>	
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				<p>proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department’s Guideline on Need and Desirability (March 2013).</p> <p>7.6. NEMA Principles In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.</p> <p>7.7. BAR Requirements The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations 2014 and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused.</p> <p>The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations, 2014. In accordance with Regulation 19 of the EIA Regulations 2014, the Department hereby stipulates that the BAR must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department, calculated from 27 June 2024. If however, significant changes have been made or significant new information has been added to the</p>	
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				<p>BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application-as calculated above) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.</p> <p>If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.</p> <p>Please note that the BAR must be submitted electronically to the Department.</p> <p>8. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>9. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an</p>	
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					<p>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.</p> <p>10. The Department reserves the right to revise initial comments and request further information based on the information received.</p>	
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LORNAY
ENVIRONMENTAL CONSULTING

COMMENTS AND RESPONSE REPORT

PROJECT: Erf 1446 Vermont

FINAL BAR / APPLICATION

NAME:	COMMENT:	RESPONSE:	DATE & REF:
Bernadette Osborne	<p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS FOR THE PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT.</p> <p>1. The electronic copy of the pre-application Draft BAR received by the Department on 13 March 2024, this Department’s acknowledgement thereof issued on 5 April 2024, refer.</p> <p>2. Following the review of the information submitted to this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposed development entails the rezoning and subdivision to create single residential erven on Erf No. 1446, Vermont. • The proposed development includes 33 single residential erven varying between 300m² and 700m², open space of 651m² and an internal road of 		<p>REF: 16/3/3/6/7/1/E4/1684/23</p> <p>Date: 15 April 2024</p>

	<p>3741m².</p> <ul style="list-style-type: none"> • The proposed development will have a development footprint of approximately 21558m². • No watercourses are present on the site or within 32m of the site. • The site is mapped to contain Overberg Dune Strandveld vegetation, which is classified as endangered and Hangklip Sand Fynbos vegetation, which is classified as critically endangered. • The site is located adjacent to the Hoek van de Berg private nature reserve, which is a protected area. • The site is zoned Single Residential Zone 1 and is located inside the urban area of Vermont. <p>3. This Directorate’s comments are as follow:</p> <p>3.1 As indicated in this Department’s letter dated 11 December 2023, written confirmation is required that the local authority has sufficient, spare, unallocated capacity to provide the proposed development with water, electricity, sewage treatment and solid waste management.</p> <p>3.2 According to the Terrestrial Biodiversity Assessment (dated 26 January 2024, compiled by Nick Helme Botanical Surveys) milkwood trees is present on the site. The study indicated that all milkwood trees taller than 1m should be demarcated and avoided. Please clarify how this has been addressed and included in the design of the proposed development.</p>	<p>3.1. The Overstrand Municipality consulting engineers (GLS Engineers) have completed their assessment of the situation and generated a service infrastructure report for the proposed development. They have confirmed that there is sufficient municipal capacity to can accommodate the proposed development. However, minor upgrade of the existing sewer reticulation system of a small section of 110 mm diameter outfall sewer in Malmok crescent that has to be upgraded to a 200 mm diameter outfall sewer. These minor works are located within the existing Malmok road. The report is attached as Appendix G2.</p> <p>3.2. The Milkwood trees have been surveyed and overlaid onto the preferred alternative – see updated Botanical Report Figure 1B</p> <p>3.3. Cape Nature comment below</p> <p>3.4. There are three layouts assessed in the Basic</p>	
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	<p>3.3. Comment from CapeNature must be obtained and included in the BAR.</p> <p>3.4. Please provide a clear motivation why Layout Alternative 2 was not preferred.</p> <p>3.5 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR.</p> <p>3.6. A comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.</p> <p>3.7. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The</p>	<p>Assessment Report. Alternative 1, Alternative 2 (preferred) and Alternative 3 (No Go). The Preferred layout had evolved through the impact assessment process. General Municipality planning factors such as existing development alongside the properties and the connecting roads and need and desirability in the suburb of Vermont have played a role in the evolution of the preferred layout. The Overstrand Municipality requested that the open space on site be enlarged and the road access be amended – as seen in the current preferred Alternative. In addition to this, as recommended by the Botanist, the Milkwood tree survey was conducted and this has been overlaid onto the preferred alternative, with the aim to maintain as many >1m trees as possible. Given the type of development proposed, the municipal SDP and the location of the erf within the existing suburb of Vermont, there are not many significantly different and feasible layout alternatives available for the proposed development.</p> <p>3.5. Refer to PPP attached as Appendix F.</p> <p>3.6. Noted.</p> <p>3.7. Noted</p>	
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	<p>Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>3.8. Please be advised that a signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>3.9. In addition to the above, please ensure that a signed and dated Environmental Assessment Practitioner (“EAP”) and Specialist declarations are also submitted with the final BAR for decision-making.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>5. Please note that it is an offence in terms of Section 49A(1)(a) of the 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.</p> <p>6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.</p> <p>7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	<p>3.8. Noted.</p> <p>3.9. Noted</p>	
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<p>Richard Curtis</p>	<p>Email date 15/04/2024</p> <p>As the owner of Erf 2528 Vermont , which is sited immediately adjacent to the proposed housing complex on Erf 1446, I have no objection to this development given the data attached to your Notice. However, it is necessary for me to point out that double-storey houses must not be permissible on those stands adjoining Erf 1447 (Vermont Views complex), since any such would destroy the aspect to the north from those homes such as mine that are situated on the border.</p>	<p>The application was submitted to Overstrand Municipality to align with the development parameters of the zoning scheme, with a maximum height of 8,0m.</p>	<p>-</p>
<p>Rhett Smart</p>	<p>Pre-Application Basic Assessment Report for the Proposed Residential Development on Erf 1446, Vermont, Hermanus</p> <p>CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.</p> <p>The property is mapped as Other Natural on the Western Cape Biodiversity Spatial Plan apart from the north-eastern corner which is Ecological Support Area (ESA) 1. The vegetation types present are Overberg Dune Strandveld, listed as endangered correlating with Other Natural and Hangklip Sand Fynbos listed as critically endangered correlating with ESA. There are no freshwater features mapped for the site.</p> <p>The results from the screening tool indicate that the terrestrial biodiversity theme is very high sensitivity, animal species theme and plant species theme are high sensitivity and low sensitivity for the aquatic biodiversity theme. The site sensitivity verification report indicates that the plant species and terrestrial biodiversity themes are addressed in the botanical compliance statement in accordance with their screening tool sensitivity. For the animal</p>	<p>Error has been rectified. A comment to the animal species theme has been addressed in the Terrestrial Impact Assessment conducted by Nick Helme.</p>	<p>REF: LS14/2/6/1/7/2/1446_residential_Vermont</p> <p>DATE: 17/04/2024</p>

	<p>species theme, it states that although it is high sensitivity no further assessment is required as the property is not viable agricultural land, which is not a relevant motivation (it is assumed to be a typographical error). For aquatic biodiversity it is motivated that it is of low sensitivity and there are no wetlands present therefore no further assessment is required.</p> <p>The terrestrial biodiversity assessment provides a description of the two vegetation types occurring on the site according to the National Vegetation Map (NVM). The description of the vegetation does not specifically refer to verification of the NVM mapping, however the species listed are mostly strandveld species and disturbance tolerant species. The vegetation is described as senescent due to fire exclusion with a dense infestation of alien invasive species (<i>Acacia cyclops</i> and <i>Acacia saligna</i>). The list of indigenous species also includes a species which is indigenous to South Africa but not locally indigenous, namely <i>Harpephyllum caffrum</i> (wild plum), and is most likely a garden escape. No plant SCCs were recorded or considered likely to occur.</p> <p>The terrestrial biodiversity assessment includes a discussion of the fauna present on site and references the screening tool. The bird species which triggered a high sensitivity are not specifically mentioned, however it states that bird species of conservation concern (SCCs) are unlikely to be present, and we agree that the four species listed (martial eagle, African marsh harrier, black harrier and Denham’s bustard) are unlikely to occur on a disturbed urban site without wetlands. The only faunal SCC which is considered likely to be present on site is the Cape dwarf chameleon (<i>Bradypodion pumilum</i>), listed as vulnerable.</p> <p>The site sensitivity verification report should be amended to reflect that the terrestrial biodiversity assessment also addresses the</p>	<p>The Search and Rescue prior to vegetation clearance and site preparation , of slow-moving fauna such as chameleons and tortoises has been added to the mitigation measures in the Basic Assessment Report as a condition of authorisation, as well as the CEMP.</p> <p>SSVR amended accordingly.</p>	
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	<p>animal species theme. The protocols indicate that a compliance statement should be compiled for themes which are assessed to be low sensitivity. From a CapeNature perspective there is sufficient information available regarding the aquatic biodiversity theme (the terrestrial biodiversity assessment indicates no wetlands are present) and animal species theme even if not fully compliant with the protocols.</p> <p>The impact assessment of the loss of plant and faunal habitat is rated as medium significance. The potential mitigation measures are considered limited and restricted to no disturbance to the milkwood trees (<i>Sideroxylon inerme</i>) present on site and search and rescue of fauna. The impact after mitigation is therefore still rated as medium significance. The conclusion correctly states that the residual impact of medium significance requires a biodiversity offset in accordance with the National Biodiversity Offset Guidelines.</p> <p>With regards to the need for an offset we wish to note that the site is mapped as Other Natural, located within the urban edge and surrounded by urban development apart from the Hoek van de Berg Nature Reserve to the west. Further the habitat on site is heavily invaded by alien invasive species and in poor condition. Although Overberg Dune Strandveld is endangered due to the threat from alien invasive species (more or less), this vegetation type is less diverse and has much fewer threatened species than other threatened vegetation types in the area as indicated in the assessment (e.g. Overberg Sandstone Fynbos, Elim Ferricrete Fynbos, Hangklip Sand Fynbos) and has a high remaining extent and protection level.</p> <p>We therefore wish to query the rating for a residual impact of medium and not lower unless the fauna is the reason. Other</p>	<p>The milkwood trees over 1m have been surveyed and overlaid onto the Alternative 2 (preferred) layout. These trees will be avoided as far as practically possible, as per comments in the Terrestrial Impact Assessment.</p> <p>Regarding the property at hand due to its scale and location within the built-up area of Vermont does not</p>	
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	<p>precedents of similar sites and development proposals should also be referenced. This is relevant should the option of a biodiversity offset be considered further. The mitigation hierarchy must be thoroughly followed and investigated before the option of a biodiversity offset can be followed. This should include investigation of alternative layouts.</p> <p>With regards to the presence of Cape dwarf chameleon on site, we are aware of a project implemented by a local non-governmental organisation (NGO) for search and rescue of this species from sites which are proposed to be developed or burnt. While the value of search and rescue of fauna is queried, the NGO has designed the project so as to ensure that it could potentially have a positive impact, as well as an awareness and education component.</p> <p>In conclusion, CapeNature does not object to the application as presented, however there should be further investigation of the mitigation hierarchy in order to reduce the residual impact. Should it be verified that a biodiversity offset is required, a separate biodiversity offset study should be undertaken in accordance with the National Biodiversity Offset Guidelines. The site sensitivity verification report should be amended in accordance with recommendations provided and we wish to promote compliance with the protocols.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>qualify for the Biodiversity Offset protocol. The Botanist has reviewed his findings and reduced the impact to Low-Medium negative. He has also removed the recommendations relating to a Biodiversity Offset and recommended a contribution to a suitable local Conservation Group. Given this, no Biodiversity Offset process is applicable and will not be pursued.</p> <p>The Whale Coast Conservation runs the chameleon project and will be consulted prior to groundbreaking to assist with the correct protocol for the search and rescue.</p> <p>As above, no Biodiversity Offset is applicable.</p>	
	<p>ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE</p>		<p>Ref number; 16/3/3/1/E4/40/1040/24</p> <p>DATE: 5 July 2024</p>

	<p>PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT.</p> <p>The electronic copy of the Application Form received by this Directorate on 27 June 2024, refers.</p> <p>This letter serves as an acknowledgement of receipt of the abovementioned document.</p> <p>Please note that since an application has been lodged with the Department, the pre-application file (DEA&DP Reference: 16/3/3/6/7/1/E2/40/1684/23) has been closed for administrative purposes.</p> <p>According to the information submitted to this Department, it is noted that the proposal entails the following:</p> <p>The proposed development entails the rezoning and subdivision to create single residential erven with a footprint of approximately 21558m² on Erf No. 1446, Vermont.</p> <p>The proposed development includes 33 residential erven, 1 public open space and 1 road and parking.</p> <p>No watercourses are present on the site or within 32m of the site.</p> <p>The site is mapped to contain Overberg Dune Strandveld vegetation, which is classified as endangered and Hangklip Sand Fynbos vegetation, which is classified as critically endangered.</p> <p>The site is located adjacent to the Hoek van de Berg private nature reserve, which is a protected area.</p> <p>The site is zoned Single Residential Zone 1 and is located inside the urban area of Vermont.</p> <p>Screening Tool 5.1 The “Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental</p>		
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	<p>Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation”</p> <p> (“the Protocols”) were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and it is noted that some of the Protocols are applicable to your proposed development. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking a site sensitivity verification. The outcome of the site sensitivity verification must be recorded in the format of a report and must be appended to the Basic Assessment Report.</p> <p>5.2 This Directorate notes that the Screening Report (dated 16 November 2023) has identified eight specialist studies to be conducted. Confirmation of the relevant specialist studies and a motivation as to why some of these specialist studies will not be conducted have been included in a Site Sensitivity Verification Report (“SSVR”) (dated 17 November 2023 and updated on 23 May 2024). The amended SSVR refers to a Botanical Statement that was conducted. This must be amended to indicate that a Terrestrial Impact Assessment was conducted. The amended SSVR must be included in the Draft BAR.</p> <p>5.3 Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence. Where a specialist assessment is required and a specific environmental theme protocol has been prescribed, the requirement of Appendix 6 of the EIA Regulations, 2014 are replaced by the Protocols. The</p>	<p>The SSVR has been amended.</p> <p>Noted.</p> <p>Noted.</p>	
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	<p>relevant specialist assessments must therefore comply with the requirements of the Protocols.</p> <p>6. Please note the following advice pertaining to the application:</p> <p>6.1. Applicable listed activities Having considered the information contained in the Application Form, you are hereby advised that only the activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process. Omission of any activity may invalidate the application.</p> <p>7. Please note the following requirements to be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998) (“NEMA”) and the EIA Regulations, 2014:</p> <p>7.1. Alternatives Be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the “no-go” option) in addition to the other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed.</p>		
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	<p>If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department’s Guideline on Alternatives available on the Department’s website www.westerncape.gov.za).</p> <p>7.3 Public participation The Public Participation Process (“PPP”) must meet the requirements of Regulations 41 of the NEMA EIA Regulations, 2014.</p> <p>7.3. Environmental Management Programme (“EMPr”) In accordance with Section 24N of NEMA and Regulation 19 of the EIA Regulations 2014, the Department hereby requires the submission of an Environmental Management Programme (“EMPr”). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA and Appendix 4 of the EIA Regulations 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. When compiling the EMPr, the Department’s Guideline for Environmental Management Plans (June 2005), available on the Department’s website http://eadp-westerncape.kznsshf.gov.za/your-resource-library must be taken</p>		
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	<p>into account.</p> <p>7.4. Guidelines When undertaking the EIA process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (http://eadp-westerncape.kznsshf.gov.za/your-resource-library). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:</p> <ul style="list-style-type: none"> • Guideline for the Review of Specialist Input in the EIA process (June 2005). • Guideline for Environmental Management Plans (June 2005). • Guideline on Alternatives (March 2013). • Guideline on Need and Desirability (March 2013). <p>7.5. Need & desirability In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including inter alia the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).</p> <p>7.6. NEMA Principles In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.</p>		
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	<p>7.7. BAR Requirements</p> <p>The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations 2014 and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused.</p> <p>The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations, 2014. In accordance with Regulation 19 of the EIA Regulations 2014, the Department hereby stipulates that the BAR must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department, calculated from 27 June 2024. If however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application-as calculated above) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.</p> <p>If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.</p> <p>Please note that the BAR must be submitted electronically to the Department.</p> <p>8. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p>		
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	<p>9. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.</p> <p>10. The Department reserves the right to revise initial comments and request further information based on the information received.</p>		
IN PROCESS FINAL PUBLIC PARTICIPATION			

8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION



Western Cape
Government

Department of Environmental Affairs and Development Planning
Bernadette Osborne

Directorate: Development Management, Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/7/1/E2/40/1684/23
DATE OF ISSUE: 15 April 2024

The Trustee
JP van Gemert Testamentary Trust
18 Fulmar Street
VERMONT
7200

Attention: Ms. Kathryn McMahon

Cell: (084) 556 6644
E-mail: kathrynmcmahon7@icloud.com

Dear Madam

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS FOR THE PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT.

1. The electronic copy of the pre-application Draft BAR received by the Department on 13 March 2024, this Department’s acknowledgement thereof issued on 5 April 2024, refer.
2. Following the review of the information submitted to this Department, the following is noted:
 - The proposed development entails the rezoning and subdivision to create single residential erven on Erf No. 1446, Vermont.
 - The proposed development includes 33 single residential erven varying between 300m² and 700m², open space of 651m² and an internal road of 3741m².
 - The proposed development will have a development footprint of approximately 21558m².
 - No watercourses are present on the site or within 32m of the site.
 - The site is mapped to contain Overberg Dune Strandveld vegetation, which is classified as endangered and Hangklip Sand Fynbos vegetation, which is classified as critically endangered.
 - The site is located adjacent to the Hoek van de Berg private nature reserve, which is a protected area.
 - The site is zoned Single Residential Zone 1 and is located inside the urban area of Vermont.
3. This Directorate’s comments are as follow:
 - 3.1 As indicated in this Department’s letter dated 11 December 2023, written confirmation is required that the local authority has sufficient, spare, unallocated capacity to provide the proposed development with water, electricity, sewage treatment and solid waste management.
 - 3.2 According to the Terrestrial Biodiversity Assessment (dated 26 January 2024, compiled by Nick Helme Botanical Surveys) milkwood trees is present on the site. The study indicated



that all milkwood trees taller than 1m should be demarcated and avoided. Please clarify how this has been addressed and included in the design of the proposed development.

- 3.3. Comment from CapeNature must be obtained and included in the BAR.
 - 3.4. Please provide a clear motivation why Layout Alternative 2 was not preferred.
 - 3.5. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR.
 - 3.6. A comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.
 - 3.7. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.
 - 3.8. Please be advised that a signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.
 - 3.9. In addition to the above, please ensure that a signed and dated Environmental Assessment Practitioner ("EAP") and Specialist declarations are also submitted with the final BAR for decision-making.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
 5. Please note that it is an offence in terms of Section 49A(1)(a) of the 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**Melanese
Schippers**

Digitally signed by
Melanese Schippers
Date: 2024.04.15
10:35:00 +02'00'

**pp HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Penelope Aplon (Overstrand Municipality)

E-mail: michelle@lornay.co.za
E-mail: paplon@overstrand.gov.za



CONSERVATION INTELLIGENCE

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website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS 14/2/6/17/2/1446_residential_Vermont
date 16 April 2024

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

Attention: Michelle Naylor
By email: michelle@lornay.co.za

Dear Ms Naylor

Pre-Application Basic Assessment Report for the Proposed Residential Development on Erf 1446, Vermont, Hermanus

CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.

The property is mapped as Other Natural on the Western Cape Biodiversity Spatial Plan apart from the north-eastern corner which is Ecological Support Area (ESA) 1. The vegetation types present are Overberg Dune Strandveld, listed as endangered correlating with Other Natural and Hangklip Sand Fynbos listed as critically endangered correlating with ESA. There are no freshwater features mapped for the site.

The results from the screening tool indicate that the terrestrial biodiversity theme is very high sensitivity, animal species theme and plant species theme are high sensitivity and low sensitivity for the aquatic biodiversity theme. The site sensitivity verification report indicates that the plant species and terrestrial biodiversity themes are addressed in the botanical compliance statement in accordance with their screening tool sensitivity. For the animal species theme, it states that although it is high sensitivity no further assessment is required as the property is not viable agricultural land, which is not a relevant motivation (it is assumed to be a typographical error). For aquatic biodiversity it is motivated that it is of low sensitivity and there are no wetlands present therefore no further assessment is required.

The terrestrial biodiversity assessment provides a description of the two vegetation types occurring on the site according to the National Vegetation Map (NVM). The description of the vegetation does not specifically refer to verification of the NVM mapping, however the species listed are mostly strandveld species and disturbance tolerant species. The vegetation is described as senescent due to fire exclusion with a dense infestation of alien invasive species (*Acacia cyclops* and *Acacia saligna*). The list of indigenous species also includes a species which is indigenous to South Africa but not locally indigenous, namely *Harpephyllum caffrum* (wild

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

plum), and is most likely a garden escape. No plant SCCs were recorded or considered likely to occur.

The terrestrial biodiversity assessment includes a discussion of the fauna present on site and references the screening tool. The bird species which triggered a high sensitivity are not specifically mentioned, however it states that bird species of conservation concern (SCCs) are unlikely to be present, and we agree that the four species listed (martial eagle, African marsh harrier, black harrier and Denham's bustard) are unlikely to occur on a disturbed urban site without wetlands. The only faunal SCC which is considered likely to be present on site is the Cape dwarf chameleon (*Bradypodion pumilum*), listed as vulnerable.

The site sensitivity verification report should be amended to reflect that the terrestrial biodiversity assessment also addresses the animal species theme. The protocols indicate that a compliance statement should be compiled for themes which are assessed to be low sensitivity. From a CapeNature perspective there is sufficient information available regarding the aquatic biodiversity theme (the terrestrial biodiversity assessment indicates no wetlands are present) and animal species theme even if not fully compliant with the protocols.

The impact assessment of the loss of plant and faunal habitat is rated as medium significance. The potential mitigation measures are considered limited and restricted to no disturbance to the milkwood trees (*Sideroxylon inerme*) present on site and search and rescue of fauna. The impact after mitigation is therefore still rated as medium significance. The conclusion correctly states that the residual impact of medium significance requires a biodiversity offset in accordance with the National Biodiversity Offset Guidelines.

With regards to the need for an offset we wish to note that the site is mapped as Other Natural, located within the urban edge and surrounded by urban development apart from the Hoek van de Berg Nature Reserve to the west. Further the habitat on site is heavily invaded by alien invasive species and in poor condition. Although Overberg Dune Strandveld is endangered due to the threat from alien invasive species (more or less), this vegetation type is less diverse and has much fewer threatened species than other threatened vegetation types in the area as indicated in the assessment (e.g. Overberg Sandstone Fynbos, Elim Ferricrete Fynbos, Hangklip Sand Fynbos) and has a high remaining extent and protection level.

We therefore wish to query the rating for a residual impact of medium and not lower, unless the fauna is the reason. Other precedents of similar sites and development proposals should also be referenced. This is relevant should the option of a biodiversity offset be considered further. The mitigation hierarchy must be thoroughly followed and investigated before the option of a biodiversity offset can be followed. This should include investigation of alternative layouts.

With regards to the presence of Cape dwarf chameleon on site, we are aware of a project implemented by a local non-governmental organisation (NGO) for search and rescue of this species from sites which are proposed to be developed or burnt. While the value of search and rescue of fauna is queried, the NGO has designed the project so as to ensure that it could potentially have a positive impact, as well as an awareness and education component.

In conclusion, CapeNature does not object to the application as presented, however there should be further investigation of the mitigation hierarchy in order to reduce the residual impact. Should it be verified that a biodiversity offset is required, a separate biodiversity offset study should be undertaken in accordance with the National Biodiversity Offset Guidelines. The site sensitivity verification report should be amended in accordance with recommendations provided and we wish to promote compliance with the protocols.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Rhett Smart
For: Manager (Landscape Conservation Intelligence)

The Western Cape Nature Conservation Board trading as **CapeNature**
Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguente Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Reddinghuis, Mr Paul Slack



Department of Environmental Affairs and Development Planning
Bernadette Osborne
Directorate: Development Management, Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/1/E2/40/1040/24
DATE OF ISSUE: 5 July 2024

The Trustee
JP van Gemert Testamentary Trust
18 Fulmar Street
VERMONT
7200

Attention: Ms. Kathryn McMahon

Cell: (084) 556 6644
E-mail: kathrynmcmahon7@icloud.com

Dear Madam:

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED REZONING AND SUBDIVISION TO CREATE SINGLE RESIDENTIAL ERVEN ON ERF NO. 1446, VERMONT.

1. The electronic copy of the Application Form received by this Directorate on 27 June 2024, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned document.
3. Please note that since an application has been lodged with the Department, the pre-application file (DEA&DP Reference: 16/3/3/6/7/1/E2/40/1684/23) has been closed for administrative purposes.
4. According to the information submitted to this Department, it is noted that the proposal entails the following:
 - The proposed development entails the rezoning and subdivision to create single residential erven with a footprint of approximately 21558m² on Erf No. 1446, Vermont.
 - The proposed development includes 33 residential erven, 1 public open space and 1 road and parking.
 - No watercourses are present on the site or within 32m of the site.
 - The site is mapped to contain Overberg Dune Strandveld vegetation, which is classified as endangered and Hangklip Sand Fynbos vegetation, which is classified as critically endangered.
 - The site is located adjacent to the Hoek van de Berg private nature reserve, which is a protected area.
 - The site is zoned Single Residential Zone 1 and is located inside the urban area of Vermont.
5. Screening Tool
 - 5.1 The "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(S)(a) and (h) and 44 of the National



www.westerncape.gov.za
Department of Environmental Affairs and Development Planning

Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and it is noted that some of the Protocols are applicable to your proposed development. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking a site sensitivity verification. The outcome of the site sensitivity verification must be recorded in the format of a report and must be appended to the Basic Assessment Report.

- 5.2 This Directorate notes that the Screening Report (dated 16 November 2023) has identified eight specialist studies to be conducted. Confirmation of the relevant specialist studies and a motivation as to why some of these specialist studies will not be conducted have been included in a Site Sensitivity Verification Report ("SSVR") (dated 17 November 2023 and updated on 23 May 2024). **The amended SSVR refers to a Botanical Statement that was conducted. This must be amended to indicate that a Terrestrial Impact Assessment was conducted. The amended SSVR must be included in the Draft BAR.**
 - 5.3 **Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.** Where a specialist assessment is required and a specific environmental theme protocol has been prescribed, the requirement of Appendix 6 of the EIA Regulations, 2014 are replaced by the Protocols. The relevant specialist assessments must therefore comply with the requirements of the Protocols.
6. Please note the following advice pertaining to the application:
 - 6.1. Applicable listed activities
Having considered the information contained in the Application Form, you are hereby advised that only the activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process. Omission of any activity may invalidate the application.
 7. Please note the following requirements to be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998) ("NEMA") and the EIA Regulations, 2014:
 - 7.1. Alternatives
Be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to the other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed.

If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not

proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department's Guideline on Alternatives available on the Department's website www.westerncape.gov.za.

7.2. Public participation

The Public Participation Process ("PPP") must meet the requirements of Regulations 41 of the NEMA EIA Regulations, 2014.

7.3. Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and Regulation 19 of the EIA Regulations 2014, the Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA and Appendix 4 of the EIA Regulations 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website <http://eadp-westerncape.kznshf.gov.za/your-resource-library> must be taken into account.

7.4. Guidelines

When undertaking the EIA process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://eadp-westerncape.kznshf.gov.za/your-resource-library>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:

- Guideline for the Review of Specialist Input in the EIA process (June 2005).
- Guideline for Environmental Management Plans (June 2005).
- Guideline on Alternatives (March 2013).
- Guideline on Need and Desirability (March 2013).

7.5. Need & desirability

In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including inter alia the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

7.6. NEMA Principles

In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

7.7. BAR Requirements

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations 2014 and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused.



The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations, 2014. In accordance with Regulation 19 of the EIA Regulations 2014, the Department hereby stipulates that the BAR must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department, calculated from 27 June 2024. If however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application-as calculated above) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.

Please note that the BAR must be submitted electronically to the Department.

8. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
9. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.
10. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully

Melanes Schippers
Digitally signed by
Melanes Schippers
Date: 2024.07.05
07:59:09 +0200

pp HEAD OF COMPONENT
ENVIRONMENTAL IMPACT ASSESSMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

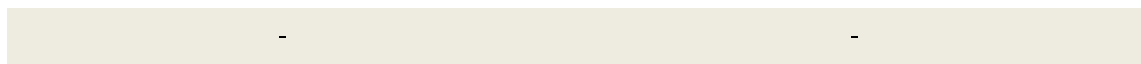
Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Penelope Aplan (Overstrand Municipality)

E-mail: michelle@lornay.co.za
E-mail: paplan@overstrand.gov.za

9. FINAL ROUND OF PUBLIC PARTICIPATION

The final round of public participation was conducted as outlined below: TO BE COMPLETED

10. REGISTERED INTERESTED AND AFFECTED PARTIES



WC Government Env Affairs & Dev Planning **Overberg District Municipality**

Development Management

F. Kotze / R. Volschenk

B. Osbourne

Private Bag x 22

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Bredasdorp

1st Floor, Utilitas Building

7280

1 Dorp Street

F. Kotze

8001

Bernadette Osborne

Bernadette.Osborne@westerncape.gov.za

Cape Nature

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Overstrand Municipality

P. Aplon

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paplon@overstrand.gov.za

gbenvironmental@overstrand.gov.za

Heritage Western Cape

Stephannie Barnardt

Stephanie.Barnardt@westerncape.gov.za



Erf 2528 Vermont

Richard Curtis

rwcurtis@imagnet.co.za

11. NOTICE OF FINAL PUBLIC PARTICIPATION

To be added

12. PROOF OF NOTICE OF FINAL ROUND OF PPP

To be added

13. COMMENTS RECEIVED DURING THE FINAL ROUND OF PUBLIC PARTICIPATION

To be added

*Please see section 7 above for final Comments and Response Report and Register for I&APS