

REFERENCE: 16/3/3/5/E2/35/1093/25
NEAS REFERENCE: WCP/EIA/AMEND/0001008/2025
DATE OF ISSUE: **06 JANUARY 2026**

The Board of Directors
De Zandt Development (Pty) Ltd
P O Box 315
DURBANVILLE
7530

Attention: Mr Johan Andries le Roux

Tel: 021 9141330
Email: jalr@dagbreeksa.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 7 MARCH 2019: THE PROPOSED URBAN DEVELOPMENT ON ERF NO. 2834 (PREVIOUSLY DESIGNATED ERF NO. 1291), SANDBAAI.

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amendment of the amended Environmental Authorisation issued on 7 March 2019 (Amended Environmental Authorisation reference: 16/3/3/E2/1040/18) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2025 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached environmental authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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

Email: michelle@lornay.co.za
Email: paplon@overstrand.gov.za

REFERENCE: 16/3/3/5/E2/35/1093/25
NEAS REFERENCE: WCP/EIA/AMEND/0001008/2025
DATE OF ISSUE: 06 JANUARY 2026

AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 7 MARCH 2019: THE PROPOSED URBAN DEVELOPMENT ON ERF NO. 2834 (PREVIOUSLY DESIGNATED ERF NO. 1291), SANDBAAI.

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

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Department herewith **grants** the amendment of the amended Environmental Authorisation issued on 7 March 2019 (amended Environmental Authorisation reference: 16/3/3/5/E2/35/1040/18), in terms of Part 1 of the EIA Regulations, 2014.

The Environmental Authorisation is amended as set out below:

1. The description of the activity under 'Section A: DESCRIPTION OF ACTIVITY' and the description of the preferred alternative under 'Section I: REASONS FOR THE DECISION: Alternatives':

The proposal entails the development of the De Zandt Village in Sandbaai, which will comprise of the following:

- 196 Residential Zone 1 erven of approximately 437 m² (23 dwelling units/hectare);
- 29 General Residential Zone 1 erven of approximately 280 m² (33 dwelling units/hectare);
- 1022 dwelling units on 28 General Residential Zone 3: Bulk Zone 2 erven (70 dwelling units/hectare);
- 164 dwelling units on one General Residential Zone 3: Bulk Zone 3: Bulk Zone 2 Retirement Village erf (78 dwelling units/hectare);
- 50 dwelling units on two Business Zone 3 erven (20 dwelling units/hectare);
- 3 Open Space Zone 2 erven;
- 11 Open Space Zone 3 erven; and
- 5 Transport Zone 3 erven"

is amended to read:

The preferred alternative entails the development of a mixed-use development on the Remainder of Erf 2834 Sandbaai, comprising the following:

- Portion A (approximately 5.6ha in size): Town houses with a maximum density of approximately 28 units/ha located on the north-eastern section of the site, and to include residential (including freehold erven and sectional titles), a private clubhouse, guardhouse and private open spaces.
- Portion B (approximately 0.8ha in size): situated towards the eastern section of the site, and to accommodate retail, recreational and/or a medical centre.
- Portion C (approximately 1.8ha in size): Retail, recreational and /or medical centre located in the eastern section of the site.
- Portion D (approximately 1.9ha in size): Educational use with a maximum density of 21 units/ha. Portion D is located centrally in the site.
- Portions E (approximately 11.7ha in size): A Residential precinct with a maximum density of 40 units/ha comprising freehold erven, sectional titles, private and public clubhouse and recreational use, a guardhouse, and private and public open spaces located on the site's western section.
- Portions F (approximately 12.3ha in size): A Residential precinct with a maximum density of 40 units/ha comprising freehold erven, sectional title, retirement village including private and public clubhouse and recreational use, a guardhouse, and private and public open spaces located on the site's south-eastern section.
- Portions G (approximately 2.1ha in size): A Residential section with a maximum density of 78 units/ha located centrally within Portion F to accommodate residential sectional title retirement units, as well as a possible medical, frail care and assisted living facilities.
- The remaining area (approximately 3.3ha in size) will be used for public roads.

The maximum overall density over the entire development will not exceed 32units/ha and a maximum of 1311 dwelling units.

2. SECTION C. APPLICANT:

The Board of Directors
Pinaroux International Holdco (Pty) Ltd
c/o Mr J. Pienaar
PO Box 14152

BREDELL

1623

Tel: 011 571 3901
Fax: 011 396 2708

is amended to read:

The Board of Directors
De Zandt Development (Pty) Ltd
c/o Mr Johan Andries le Roux
P O Box 315
DURBANVILLE
7551
Tel: 021 914 1330
Email: jalr@dagbreeksa.co.za

3. Annexure A: Amended Layout Site Plan is replaced with the following amended Site Development Plan:

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the Environmental Authorisation issued on 7 March 2019.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The name of the company was recently changed from "Pinaroux International HoldCo (Pty) Ltd" to De Zandt Development (Pty) Ltd, effective 08/08/2025". This is a name change only, and the company registration information remains the same.
4. Due to a change in the market demand, it is now proposed to marginally change the land use on the site. The amendment applied for relates to technical details of the development and a reduction in the number of residential opportunities. Free standing dwelling units are preferred over high-density apartment blocks and is more in line with adjacent developments and the general trend for the area. The end-use remains residential. The reduction in density allows for the provision of Open Spaces within the subject area, which was not previously allocated.
5. The project footprint will not be expanded, and the environmental constraints identified in the application process will still be adhered to. It will therefore not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
6. The updated project description and corresponding layout is depicted in the amended Site Development Plan ("SDP") included this amended EA. This will allow the applicant to carry out the approved development without the need to apply for ongoing amendments for minor possible changes, as long as the development is in accordance with the amended description and SDP.
7. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the amended Environmental Authorisation issued on 7 March 2019 (attached as Annexure A) still remain unchanged and in force.

D. APPEALS

Appeals must comply with the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025. Please note the provisions of Regulation 1(2) & (3) of the National Appeal Regulations 2025 when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's), and the decision maker (Competent Authority who issued the decision) within **20 calendar days** from the date this decision was sent by the decision maker.

2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision, and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within 5 calendar days after the 20-day appeal period ends.
 - b. Submit proof of this notification to the Appeal Administrator within **5 calendar days** after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the National Appeal Regulations, 2025 may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za.

D. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 06 JANUARY 2026

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

Email: michelle@lornay.co.za
Email: paplon@overstrand.gov.za

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Annexure A: Amended Environmental Authorisation

From:

To: 00865132141

07/03/2019 19:29 #823 P.001/028



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/5/E2/35/1040/18
NEAS REFERENCE: WCP/EIA/AMEND/0000287/2018
ENQUIRIES: Arabel McClelland
DATE OF ISSUE: 2019 -03- 07

The Board of Directors
Pinaroux International Holdco (Pty) Ltd
P.O. Box 14152
BREDELL
1623

Attention: Mr. J. Pienaar

Tel: (011) 571 3901
Fax: (011) 396 2708

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 SEPTEMBER 2010: PROPOSED URBAN DEVELOPMENT ON ERF NO. 2834 (PREVIOUSLY DESIGNATED ERF NO. 1291), SANDBAAI

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to, and reasons for, the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully


DIRECTOR, DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. C. Bruwer Snr (EnviroAfrica) Fax: (086) 513 2141
(2) Ms. P. Aplon (Overstrand Municipality) Fax: (028) 316 4953
(3) Mr. R. Le Roux (Breede Gouritz Catchment Management Agency) Email: rleroux@bgcma.co.za
(4) Ms. W. Dhansay (Heritage Western Cape) Email: Waseefa.Dhansay@westerncape.gov.za
(5) Mr. E. Danzfuss (Mulfri Projects) Email: erich@kinahu.com
(6) Mr. A. Wiehahn (InterActive Town and Regional Planning) Email: wiehahn.a@gmail.com

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 2660 Fax: +27 21 483 3098
E-mail: Arabel.McClelland@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp



Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/5/E2/35/1040/18
NEAS REFERENCE: WCP/EIA/AMEND/0000287/2018
ENQUIRIES: Arabel McClelland
DATE OF ISSUE: 2019-03-07

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 29 SEPTEMBER 2010: PROPOSED URBAN DEVELOPMENT ON REMAINDER ERF NO. 2834 (PREVIOUSLY DESIGNATED ERF NO. 1291), SANDBAAI

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

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Department herewith grants the amendment of the Environmental Authorisation issued on 29 September 2010 (DEA&DP Ref: E12/2/3/2-E2/34-0134/09), in terms of Part 2 of the EIA Regulations, 2014 (as amended).

1) The Environmental Authorisation is amended as set out below:

a) Section A: DESCRIPTION OF ACTIVITY:

The description of the activity, which read as follows:

"The Overstrand Municipality proposes to subdivide and rezone Erf 1291, Sandbaai in order to establish urban development. The proposed development will entail:

- 97 residential zone I erven ~550 – 650m²;
- 160 residential zone II erven distributed in two clusters each consisting of two open space erven;
- 295 residential zone III erven in an area of ~5.9 hectares at a density of ~50 units per hectare;
- A school situated on ~6.38 hectares;
- Business area on ~0.91 hectares consisting of *inter alia* convenience store and launderette;
- Retirement village which further consists of 46 buffer erven, 82 transition erven, 115 small units, frailcare apartments and service centre;
- Open spaces consisting of walkways, landscaping and community space; and
- Associated roads and infrastructure."

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 2660 Fax: +27 21 483 3098
E-mail: Arabel.McClelland@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

is amended to read:

The development of the De Zandt Village in Sandbaai, which will comprise of the following:

- 196 Residential Zone 1 erven of approximately 437m² (23 dwelling units/hectare);
- 29 General Residential Zone 1 erven of approximately 280m² (33 dwelling units/hectare);
- 1022 dwelling units on 28 General Residential Zone 3: Bulk Zone 2 erven (70 dwelling units/hectare);
- 164 dwelling units on one General Residential Zone 3: Bulk Zone 2 Retirement Village erf (78 dwelling units/hectare);
- 50 dwelling units on two Business Zone 3 erven (20 dwelling units/hectare);
- 3 Open Space Zone 2 erven;
- 11 Open Space Zone 3 erven; and
- 5 Transport Zone 3 erven.

b) **Section G: CONDITIONS OF AUTHORISATION:**

Condition 9:

"The Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is accepted and must be implemented."

Is amended to read:

The amended Environmental Management Programme ("EMPr"), dated December 2009 and revised September 2018, submitted as part of the application for the amendment of the authorisation, is herewith accepted and must be implemented.

The following additional conditions of authorisation are included:

Condition 24:

The storm water management plan compiled by Deca Consulting Engineers, dated 13 November 2018, must be implemented.

Condition 25:

Alien vegetation along the Onrus River must be removed in order to promote growth of indigenous vegetation. Cleared areas remaining following construction must be rehabilitated with indigenous vegetation immediately upon completion of the construction phase.

Condition 26:

An archaeologist must be appointed to undertake an archaeological impact assessment for each phase of clearance of the site, with proof of such appointment submitted to Heritage Western Cape prior to construction work commencing on each phase. A full report, including proof of monitoring, must be submitted to Heritage Western Cape and the Department, for record-keeping purposes, at the end of each phase.

c) **Section I: REASONS FOR THE DECISION:**

The description of the preferred alternative, which read as follows:

"Option 2 (preferred alternative):

In terms of this alternative, the sewage reticulation from the entire development will consist of a small bore gravity uPVC piped system, which will be connected to the existing sewerage reticulation system of Sandbaai. The existing pump station in Sandbaai will be upgraded in order

to ensure supply of 60l/s with a single pump. The stormwater will be discarded into a 4500m³ attenuation facility south of Erf 2834. The outlet of the pond is a 750mm diameter pipe culvert which in turn discharges into a 900mm diameter pipe culvert within the road reserve of Laubie and Nico van der Merwe streets. From this point, stormwater will be discarded via an existing outlet into the ocean."

is amended to read:

Preferred Alternative (herewith authorised)

The internal sewerage reticulation system will consist of a gravity uPVC piped system, which will be connected to the existing external sewerage reticulation system. The existing pump station in Sandbaai will be upgraded in order to ensure capacity of 63l/s. Three of the four storm water drainage areas on the site will drain storm water runoff directly into the Onrus River. Runoff quality control measures include enhanced swales, which incorporate stilling and sedimentation chambers, and permeable paving. The fourth area will require a 1200mm diameter pipe culvert within the road reserves of Dwar- and Nico van der Merwe Streets to convey storm water to the existing storm water outlet at the public open space near the southern end of West End Street.

d) Addition of Annexure 1: De Zandt Layout Plan

The layout plan, titled "De Zandt – RE 2834 Sandbaai", Revision 16, dated 12 June 2018, is herewith attached as Annexure A.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The nature of the proposed development remains largely unchanged and within the bounds of that previously authorised in terms of the spatial extent and land use types. However, the development will be substantially amended through the change in layout, densification of the residential development and concomitant increase in the total number of units. The proposed amended development proposal will, however, be undertaken on the existing approved footprint.
2. Overstrand Municipality has confirmed sufficient available bulk service capacity to cater for the amended development proposal and increased number of units. Installation of, and upgrades to, service infrastructure remains a component of the development, as previously approved.
3. Heritage Western Cape has indicated support for a phased approach to clearance of the site and construction thereof. The Overstrand Municipality's Heritage and Aesthetics Committee confirmed there are no objections to the amended development in the meeting held on 17 January 2019.
4. CapeNature does not object to the amendment provided storm water management is sufficient, for which specific runoff control measures and management have been prepared by the project engineers for implementation.
5. The Breede Gouritz Catchment Management Agency has confirmed in correspondence dated 25 January 2019 that the water use associated with the proposed development, in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998), falls within the ambit of General Authorisation.
6. A Transport Impact Assessment ("TIA"), dated June 2018, was compiled by Deca Consulting Engineers to assess the potential transport impacts associated with the amended development proposal. As the proposed De Zandt Village was assessed to have a significant traffic impact, various recommendations have been made in order to mitigate this potential impact and upgrade and improve the surrounding road network, specifically access and intersection control.

to the development. Comments obtained from the Department of Transport and Public Works, dated 13 December 2018, and the relevant section of the Overstrand Municipality, dated 23 January 2019, indicate the recommendations made in the TIA will mitigate the potential impact of the amended development proposal and must be undertaken.

7. No-go areas and buffers have been retained within the amended development layout, as per the original environmental authorisation.
8. Construction on site in furtherance of the original environmental authorisation has commenced.
9. As required in terms of Regulation 41 of the NEMA EIA Regulations 2014 (as amended), a public participation process was conducted for the amendment application which comprised of the following:
 - Potential Interested and Affected Parties ("I&APs") identified, including owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, and all previous registered I&APs, including the municipality, ward councillor, local organisations and ratepayers' associations, and Organs of State, which have jurisdiction in respect of any aspect of the relevant activities, were notified of the amendment application on 29 June 2018;
 - A site notice was placed on site on 10 June 2018;
 - An advertisement was placed in the local newspaper, 'Hermanus Times', on 28 June 2018;
 - A 30-day commenting period on the Draft Amendment Report was allowed from 29 June 2018; and
 - A 30-day commenting period on the revised Draft Amendment Report was allowed from 28 August 2018.

The following authorities were consulted:

- Department of Water and Sanitation;
- Breede Gouritz Catchment Management Agency;
- Department of Transport and Public Works;
- Heritage Western Cape;
- CapeNature; and
- Overstrand Municipality.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section D below;
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and

- 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
2. One week's notice must be given to the Directorate: Development Management (Region 1) before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this Environmental Authorisation.
3. All other conditions contained in the Environmental Authorisation issued on 29 September 2010 (DEA&DP Reference: E12/2/3/2-E2/34-0134/09) (attached as Annexure B) remain unchanged and in force.

D. APPEALS

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

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

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

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

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

E. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAHIER TOEY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 07/03/2019

| | |
|---|---|
| CC: (1) Mr. C. Bruwer Snr (EnviroAfrica) | Fax: (086) 513 2141 |
| (2) Ms. P. Aplon (Overstrand Municipality) | Fax: (028) 316 4953 |
| (3) Mr. R. Le Roux (Breede Gouritz Catchment Management Agency) | Email: rleroux@bgcma.co.za |
| (4) Ms. W. Dhansay (Heritage Western Cape) | Email: Waseefa.Dhansay@westerncape.gov.za |
| (5) Mr. E. Danzfuss (Multi Projects) | Email: erich@kinahu.com |
| (6) Mr. A. Wiehahn (InterActive Town and Regional Planning) | Email: wiehahn.a@gmail.com |

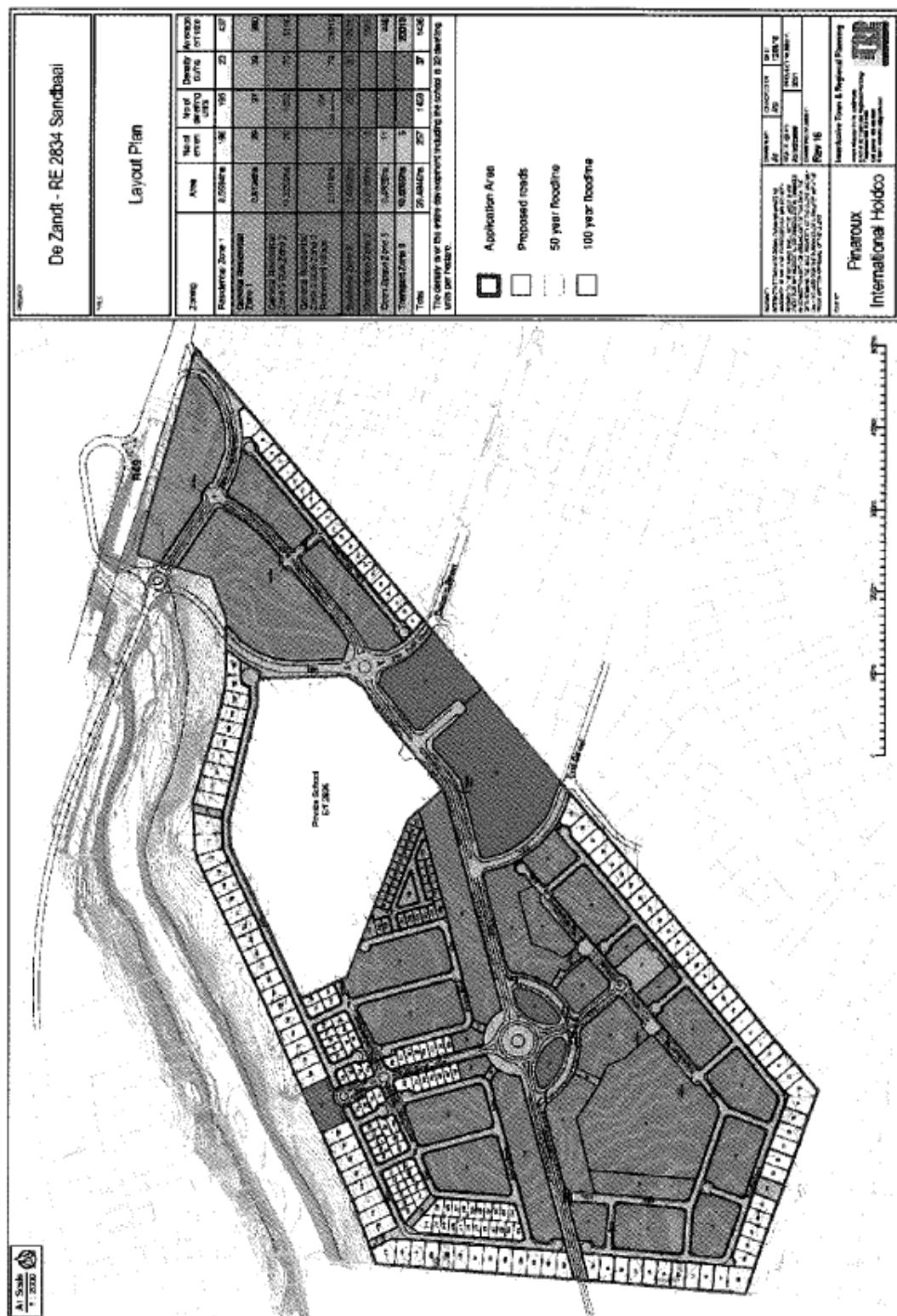
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From:

To: *00866132141

07/03/2019 19:41 #823 P.008/028

ANNEXURE A
AMENDED SITE LAYOUT PLAN



Reference No.: 16/3/3/5/E2/35/1040/18

Page 8 of 9

From:

To: *00866132141

07/03/2019 19:47

#823 P.010/028

ANNEXURE B
ENVIRONMENTAL AUTHORISATION ISSUED ON 29 SEPTEMBER 2010

29/09/2010 12:12 0000

PAGE 81/18



**DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING**
Provincial Government of the Western Cape

**DIRECTORATE: LAND MANAGEMENT
Region 2**

nbleding@pgwc.gov.za
tel: +27 21 483 5833/3785; fax: +27 21 483 4372
Uitbaas Building, 1 Dorp Street, 8001
Private Bag X9086 Cape Town 8000
www.capegateway.gov.za

REFERENCE: E12/2/3/2-E2/34-0134/09

ENQUIRIES:

DATE OF DECISION: 2010-09-29

**The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200**

For attention: R Kuchar

Tel: (028) 313 8000

Fax: (028) 313 1894

**THE PROPOSED URBAN DEVELOPMENT FOR THE PROPOSED URBAN DEVELOPMENT,
ERF 1291, SANDBAAI.**

With reference to your application, find below the environmental authorisation including exemption notice, hereinafter referred to as "the environmental authorisation" in respect of this application.

A. DESCRIPTION OF ACTIVITY:

The Overstrand Municipality proposes to subdivide and rezone ERF 1291, Sandbaai in order to establish urban development. The proposed development will entail:

- 97 residential zone I erven ~550 – 650m²;
- 160 residential zone II erven distributed in two clusters each consisting of two open space erven;
- 295 residential zone III erven in an area of ~5.9 hectares at a density of ~50 units per hectare;
- a school situated on ~6.38 hectares;
- business area on ~ 0.91 hectares consisting of inter alia convenience store and launderette;
- retirement village which further consists of 46 buffer erven, 82 transition erven, 115 small units, frailcare apartments and service centre;
- open spaces consisting of walkways, landscaping and community space; and
- associated roads and infrastructure.

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These are activities identified in Government Notice No. R. 386 of 21 April 2006, being:

Item Number 1(e): "The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose where lawns, playing fields or sports tracks covering an area of more than three hectares, but less than ten hectares, will be established".

Item Number 1(k): "The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with -

- (a) An internal diameter of 0,36 metres or more; or
- (b) A peak throughput of 120 litres per second or more".

Item Number 1(m): "The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams; and
- (v) weirs".

Item Number 1(v): "The construction of facilities or infrastructure, including associated structures or infrastructure, for advertisements as defined in classes 1(a), 1(b), 1(c), 3(a), 3(b), 3(l) of the South African Manual for Outdoor Advertising Control".

Item Number 15: "The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long".

Item Number 3: "The prevention of the free movement of sand, including erosion and accretion, by means of planting vegetation, placing synthetic material on dunes and exposed sand surfaces within a distance of 100 metres inland of the high-water mark of the sea".

Item Number 5: "The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea".

Item Number 12: "The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)".

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Item Number 16: "The transformation of undeveloped, vacant or derelict land to –

- (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare".

Item 18: "The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less".

Government Notice No. R387 of 21 April 2006, being:

Item 2: "Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more".

Government Notice No. R544 of 18 June 2010, being:

Item 9: "The construction of facilities or infrastructure exceeding 1000metres in length for the bulk transportation of water, sewage or storm water;

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more,

excluding where:

- (a) such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or
- (b) where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse".

Item 11: "The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

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where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line".

Item 16: "Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of-

- (i) fixed or floating jetties and slipways;
- (ii) tidal pools".

Item 17: "The planting of vegetation or placing of any material on dunes and exposed sand surfaces, within the littoral active zone for the purpose of preventing the free movement of sand, erosion or accretion, excluding where the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation or where such planting of vegetation or placing of material will occur behind a development setback line".

Item 23: "The transformation of undeveloped, vacant or derelict land to

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares;

except where such transformation takes place for linear activities".

Government Notice No. R545 of 18 June 2010, being:

Item 18: "Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply".

Government Notice No. R546 of 18 June 2010, being:

Item 4: "The construction of a road wider than 4 metres with a reserve less than 13,5 metres".

Item 12: "The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation".

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Item 13: "The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

(2) the undertaking of a linear activity falling below the thresholds.

Item 24: "The expansion of

(c) buildings where the buildings will be expanded by 10 square metres or more in size; or
(d) infrastructure where the infrastructure will be expanded by 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, excluding where such construction will occur behind the development setback line".

hereinafter referred to as "the activity".

B. LOCATION:

The proposed development will be located on Erf 2834 an unregistered Portion of Erf 1291, Sandbaai. The property is situated ~4 kilometres west of the central business district of Hermanus to the south of the R43.

Co-ordinates:

Latitude: 34° 24' 44" S

Longitude: 19° 11' 44" E

The SG 21 Digit code for the site is C01300200000129100000

hereinafter referred to as "the property".

C. APPLICANT:

% R Kuchar

Overstrand Municipality

P O Box 20

HERMANUS

7200

Tel: (028) 313 8000

Fax: (028) 313 1894

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D. ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica Environmental Planning and Impact Assessment Consultants

Charel Bruwer Jnr.

P O Box 4

ONRUS

7201

Tel: (028) 316 2888

Fax: (086) 513 2717

E. SITE VISIT(S):

On 4 May 2010 officials from this Directorate undertook a site visit.

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2006 ("EIA") the competent authority hereby authorises the activities described above.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after receipt of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region 2), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:

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Conditions: 1 and 12.

3. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
4. Any solid waste shall be disposed of at a licensed landfill site.
5. No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
6. All landscaping must make use of indigenous plant species, and wherever practically possible, locally occurring indigenous plant species.
7. A buffer strip of 70m/more in width measured from the centre of the Onrus River must be implemented into the overall layout of the proposed development.
8. The license must be obtained from the Department of Agriculture, Forestry and Fisheries for the removal or pruning of milkwood trees.
9. The Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is accepted and must be implemented.
10. The development must incorporate water and energy saving technologies. This must include, but not be limited to, the following:
 - 10.1 Low-energy lighting must be installed on the grounds of the proposed development. Replacement bulbs must also be low-energy. Lighting must be carefully done to retain a simple character of the area that supports the fisherman village culture lifestyle.
 - 10.2 External lighting must be kept to a minimum to reduce energy wastage. All external lighting must be switched off during the day.
 - 10.3 Waterwise landscaping must be done. Indigenous plants and plants that require very little water must be used. The use of kikuyu grass must be prohibited. Non-invasive, low-water use grass must be used for lawns.
 - 10.4 All toilets installed on the property must be dual-flush toilets.
 - 10.5 All shower heads must be fitted with water-saving devices, i.e. low-flow showerheads. Tap aerators and/or flow restrictors must also be installed on all taps.

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- 10.6 All installed geysers must be covered with geyser "blankets" to improve the efficiency of the geyser. All electric geyser thermostats must be set at the most optimal temperature.
- 10.7 All fitted appliances must have an energy rating and only the most efficient models must be used.
- 10.8 Energy efficient streetlight technology must be used as far as possible to reduce the energy requirements of the streetlight network.
- 10.9 An automatic drip irrigation system must be installed and must be adjusted to reduce water application during cooler and wetter months.
11. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 [Act No. 25 of 1999]). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape:
 - 11.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and/or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 11.2 If any graves or unmarked human burials are discovered, they must be treated with respect and South African heritage Resource Agency ("SAHRA") must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
12. The applicant must, in writing, **within 10 (ten) calendar days** of being notified of the Department's decision to authorise the activity (the date of "being notified" is deemed to be the date the notice of the Department's decision was sent) –
 - 12.1 Notify all registered interested and affected parties of the outcome of the application and the reasons for the decision; and –
 - 12.2 Specify the date on which the authorisation was issued.
 - 12.3 Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations.

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- 12.4 Advise all registered interested and affected parties that, should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of being notified of the Department's decision (the 10 day period available to registered interested and affected parties is deemed to only start 10 calendar days after the date of issue of the Department's decision) and must submit their appeal within 30 days of the lodging of their notice of intention to appeal.
- 12.5 Inform all registered interested and affected parties that a prescribed Notice of Intention to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721/3195, email jedevill@pgwc.gov.za or <http://www.capegateway.gov.za/eadp>.
- 12.6 Inform all registered interested and affected parties that should they wish to appeal, the appellant must serve on the applicant, on the same day that the notice of intent is lodged with the Minister, a copy of the notice of intention to appeal form as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.
- 12.7 If the applicant should decide to appeal, the applicant must –
 - 12.7.1 lodge a notice of intention to appeal with the Minister, within 10 days of being notified of this decision (the date of "being notified" deemed to be the date the notice of the Department's decision was sent);
 - 12.7.2 submit the appeal within 30 days of the lodging of the notice of intention to appeal; and
 - 12.7.3 serve a copy of the notice of intention to appeal, on the same day that the notice of intent is lodged with the Minister, on all registered interested and affected parties as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

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13. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, subcontractor, employee or any person rendering a service to the holder of the authorisation.
14. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
15. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
16. A copy of this authorisation must be kept at the property where the activity(ies) will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
17. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
18. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
19. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
 - (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - (ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.

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If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.

20. Departmental officials shall be given access to the property referred to in 8 above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
21. The activities which are authorised may only be carried out at the property indicated above.
22. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.
23. These activities must commence within a period of 3 (three) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

H. RECOMMENDATIONS:

This Directorate recommends that the following should be considered in planning the development:

- Local labour especially consisting of previously disadvantaged individuals should be employed during the construction phase and operational phase of the proposed development.
- The stormwater from the proposed development should be treated (e.g. retention dams) before it enters the Onrus River.
- Urban Design concepts such as pedestrian and cycle trails along the corridor(s) should form part of the overall design layout.

I. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration-

- (a) The information contained in the Scoping Report and Plan of Study for EIA which was received on 28 January 2010;
- (b) Illustrative material which included location and site/layout plans;
- (c) Photographs of the site, the proposed layout and its immediate surrounding environment;
- (d) Correspondence from Heritage Western Cape dated 22 October 2009 and 1 December 2009;

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- (e) Correspondence from CapeNature dated 2 December 2009, 12 February 2010 and 17 February 2010;
- (f) Correspondence from the Overstrand Municipality dated 2 December 2009;
- (g) Correspondence from the Department of Agriculture dated 14 December 2009;
- (h) The Archaeological Impact Assessment prepared by Jonathan Kaplan from the Agency for Cultural Resource Management dated November 2009;
- (i) The Botanical Assessment prepared by Dr D J McDonald from the Bergwind Botanical Surveys & Tours dated 9 December 2009;
- (j) The information contained in the EIA Report dated May 2010 which was received on 11 May 2010.
- (k) The additional information submitted by Charel Bruwer Jnr. of EnviroAfrica Environmental Planning and Impact Assessment Consultants on 16 June 2010, 1 September 2010 and 7 September 2010.
- (l) Relevant information contained in the Departmental information base; and
- (m) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significant is set out below.

Environment

The area earmarked for the proposed development consists of vacant land which is covered in natural and alien vegetation. The area furthermore consists of a relatively flat topography with a shallow gradient sloping in the north east and south west of the site. The natural vegetation found on site is Overstrand dune Strandveld and Overberg Fynbos. Both of these vegetation types have a conservation status of least threatened. The southern as well as northern part of the site has been impacted by alien infestation as well as soil disturbance, with the latter having a certain amount of viable Overberg Sandstone Fynbos remaining. It is projected that the loss of vegetation will have a low impact due to the fact that natural vegetation being widespread and therefore classified as least threatened. Other impacts such as alien infestation, fire over a long period and uncontrolled soil disturbance have degraded the state of the local flora.

Given the extensive scale of the proposed development loss of ecological processes are inevitable during the construction and operational phases of the proposed development. The scale of the proposed development will therefore have a high negative impact on the connectivity and biological processes of the remaining local ecology, most notably flora.

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However, given the prevailing and ongoing negative impacts such as alien infestation the ecology was found to be fragmented.

In terms of the impacts on the Onrus River which borders the north-western side of the proposed site, a buffer of 70m/more must be implemented to serve as a corridor between the proposed development and the aquatic system (please refer to condition 7). This measure is also to ensure that the ecological integrity of the system is maintained and not impacted on by the proposed development.

Heritage

The Archaeological Impact Assessment for the proposed site found minimal archaeological occurrences, which included various chunks of tools of quartzite. These remnants were all found to be in a disturbed/degraded condition and were further rated as having low local significance. The receiving environment is therefore not considered to be archaeological significant.

Visual

The proposed development will have a visual impact with the focal impact on residents north of Erf 2834 and by-passers on the R43. The visual impact of the proposed development will be mitigated by means of adopting sensitive architectural style and maintaining the existing trees which would screen the proposed development (particularly from the residents north of Erf 2834 and by-passers on the R43).

Traffic

The proposed development is expected to generate a total of 2664 trips during the morning peak with a further 1188 trips during the afternoon peak. Several short and medium-term measures are proposed to address the traffic impact which includes: the development of an internal road alignment towards the Onrus River, the upgrade of the Onrus Main Road and an extension across Vermont Avenue at the end of the main road, extending the Bergsig Street through Sandbaai to the West of Zwelihle and general improvements at Sandbaai main road and Bergsig Street intersection. These mitigation measures (which forms part of the transport master plan for the Ovstrand area) will ensure that traffic levels will operate at acceptable levels.

Activity need and desirability

The proposed development is aimed at alleviating the current shortage in housing opportunities experienced in the area while also addressing the issues of spatial integration through the provision of integrated mix-used urban development (including 'GAP' housing and schooling infrastructure).

Directorate: Land Management (Region 2)**Policy: Regional/planning context**

The proposed site is currently zoned Residential Zone I, II and III. A rezoning application is required in terms the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) ("LUPO") to permit certain aspects of the proposed development. The site falls within the local urban edge accepted as part of a Structure Plan adopted under Section 4(6) and is also consistent with the greater Hermanus Spatial Development Framework (2000) which earmarked the land for urban development.

NEMA Principles

The Environmental Management Principles set out in Section 2 of the NEMA which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision in terms of the said Act. This Department adopted an integrated approach during its decision-making by taking cognisance of the three pillars (biophysical, social and economic) of sustainable development.

Alternatives

Alternatives investigated included the site alternative, design alternatives in respect of sewerage reticulation and stormwater design as well as the no-go option, which are as follows:

Site Alternative:

In terms of the site alternative, only one site alternative was assessed due to the site being owned by the applicant. All impact studies referred to in this authorisation therefore refers to Erf 1291, Sandbaai on which the proposed development will take place.

Design alternatives in respect of sewerage reticulation and stormwater design:

Option 1: (rejected alternative)

In terms of this alternative, the sewage produced by the proposed development would be piped across the Onrus River and fed into the existing sewerage reticulation. Existing sewerage reticulation situated adjacent to the Onrus River would be used to disperse sewage via a pumpstation to the existing sewage works situated in Zwelihle. The accumulated sewage would be drained by gravity via a series of ~150 millimetre pipes across the Onrus River. Pipelines crossing the Onrus River would be located subsurface and will be concrete cased. This alternative would require earthworks and construction activities in areas directly adjacent as well as underneath the bed of the Onrus River. Permanent structures would be positioned in the proposed buffer situated in the southern bank of the Onrus River. This alternative would also increase potential risk for contamination of the said river in the event of leakages. Maintenance would also add to the potential risk of pollution.

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This alternative is motivated from an engineering perspective since no upgrade in terms of the pumpstation infrastructure would be required, thus reducing initial capital cost. The fact that the stormwater would be led along a 1 200mm diameter pipe culvert along the Habonim erf boundary into the ocean is not preferred from an environmental perspective. This is mainly due to the extensive earthworks which will be required, the servitude which will be required on private land and the fact that a new outlet would be required into the ocean.

Option 2: (preferred alternative)

In terms of this alternative, the sewage reticulation from the entire development will consist of a small bore gravity UPVC piped system, which will be connected to the existing sewerage reticulation system of Sandbaai. The existing pump station in Sandbaai will be upgraded in order to ensure supply of 60l/s with a single pump. The stormwater will be discarded into a 4500m³ attenuation facility south of Erf 2834. The outlet of the pond is a 750mm diameter pipe culvert which in turn discharges into a 900mm diameter pipe culvert within the road reserve of Lauble and Nico van der Merwe streets. From this point, stormwater will be discarded via an existing outlet into the ocean.

No-go option

This alternative was assessed in terms of retaining the status quo which was found not feasible due to the following implication:

- all the much needed urban amenities as proposed will not be developed;
- the pressure on the local school and other existing social amenities will persist; and
- goals of urban densification through infilling development within the urban edge, as proposed will not be realised.

Public Participation

The public participation undertaken for the Scoping phase consisted of, *inter alia*, the following:

- the social profiling to determine the potential Interested and Affected Parties and organs of state who may have an interest in the proposed development;
- brainstorming session which was held with authorities to further identify key stakeholders who may have an interest in the proposed development;
- placing of an advertisement in the Hermanus Times publication on 23 October 2009;
- site notices being erected;
- the distribution of a Back Information Document to Interested and Affected Parties and organs of state; and
- the distribution of the Scoping Report and Plan of Study for EIA to registered Interested and Affected Parties and organs of state.

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The public participation undertaken for the EIA phase consisted of, *inter alia*, the following:

- availing a draft and final EIA Report to registered Interested and Affected Parties and organs of state.

At the end of the commenting periods, members of the public as well authorities delivered comment as well one overarching objection. This objection related to the fact that the scale of development should be taken into consideration in view of the other vacant erven in the greater Sandbaai area. The EAP response was that the total site, Erf 1291, Sandbaai is already zoned for residential purposes. In addition, the overall development concept is inclusive of urban facilities such as a school with sporting facilities, which the Overstrand area is in need of.

A register of I&APs was opened and maintained with comments received and responses given thereto. The Directorate is satisfied with the public participation process followed and that it met with the necessary legal requirements.

Authority(s) Consultation

The following authorities commented on the proposed development:

- Heritage Western Cape;
- Department of Agriculture;
- CapeNature; and
- Overstrand Municipality.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

J. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the Regulations.

If the applicant should decide to appeal, the applicant must lodge a Notice of Intention to Appeal with the Minister, within 10 days of being notified of this decision (the date of "being notified" deemed to be the date the notice of the Department's decision was sent, i.e. the date of issue), and serve a copy of the Notice of Intention to Appeal, on the same day that the Notice of Intent is lodged with the Minister, on all registered Interested and affected parties as well as a notice indicating that the appeal submission will be available for inspection for a

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period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

Should any other person decide to appeal, the person must lodge a Notice of Intention to Appeal with the Minister, within 10 days of being notified of the Department's decision (the 10 day period is deemed to only start 10 days after the date of issue of the Department's decision), and serve a copy of the Notice of Intention to Appeal, on the same day that the notice of intent is lodged with the Minister, on the applicant as well as a notice indicating that the appeal submission will be available for inspection for a period of 30 days, that must either start on or before the date the appeal is submitted to the Minister, and also indicate where the appeal submission will be available for inspection.

All appeals must be submitted, within 30 days of the lodging of the Notice of Intention to Appeal, by means of one of the following methods:

By post: The Provincial Minister for Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000

By facsimile: (021) 483 4174; or

By hand: 9th floor Utilitas Building
For Attention: Mr Jaap de Villiers
1 Dorp Street
Cape Town
8001

A prescribed Notice of Intent to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email ledevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eccdp>.

From:

To: *00865132141

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Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



ANTHONY BARNES

DIRECTOR: LAND MANAGEMENT REGION 2

DATE: 29/1/2010

CC: C Bruwer (EnviroAfrica)

Fax: (086) 513 2141

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