

REFERENCE: 16/3/3/5/E2/40/1057/26
NEAS REFERENCE: WCP/EIA/AMEND/0001074/2026
DATE: 09 JULY 2026

JAKAT Holdings
18 Fulmar Sreet
VERMONT
7200

Attention: Ms. Kathryn McMahon

Cell: 084 556 6644
E-mail: Kathrynmcmahon7@icloud.com

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 NOVEMBER 2024: THE RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1446, VERMONT.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 21 November 2024 (DEA&DP Ref.: 16/3/3/1/B3/40/1040/24) attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2025, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully



Digitally signed by Zaahir
Toefy
Date: 2026.07.09 12:18:35
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MR. ZAAHIR TOEFY
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)

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

REFERENCE: 16/3/3/5/E2/40/1057/26
NEAS REFERENCE: WCP/EIA/AMEND/0001074/2026
DATE:

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 NOVEMBER 2024: THE RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1446, VERMONT.

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 Environmental Authorisation ("EA") issued on 21 November 2024 (DEA&DP Ref.: 16/3/3/1/B3/40/1040/24) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. SECTION A: DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

JP van Gemert Testamentary Trust
c/o Ms. Kathryn McMahon
18 Fulmar Street
VERMONT
7200

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

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

Is amended to read:

JAKAT Holdings
c/o Ms. Kathryn McMahon
18 Fulmar Sreet
VERMONT
7200

Cell: 084 556 6644

E-

E-mail: KathrynmcMahon7@icloud.com

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

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 EA issued on 21 November 2024.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. 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 EA issued on 21 November 2024 (Reference No.: 16/3/3/1/B3/40/1040/24) (attached as Annexure A), remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2025.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2025 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any previously registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the previously registered I&APs–

2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2025 to the Appeal Administrator; and

2.2 Submit a copy of the appeal to the holder of the decision, any previously registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the previously registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (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 DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@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 EA 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



Digitally signed by Zaahir Toefy
Date: 2026.07.09 12:19:13
+02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 09 JULY 2026

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

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

ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 21 NOVEMBER 2024



REFERENCE: 16/3/3/1/B3/40/1040/24
NEAS REFERENCE: WCP/EIA/0001478/2024
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: **21 NOVEMBER 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

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1446, VERMONT.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2024.11.21 08:50:13
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MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (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



REFERENCE: 16/3/3/1/B3/40/1040/24
NEAS REFERENCE: WCP/EIA/0001478/2024
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 21 NOVEMBER 2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 1446, VERMONT.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated 15 August 2024.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

JP van Gemert Testamentary Trust
c/o Ms. Kathryn McMahon
18 Fulmar Street
VERMONT
7200

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

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Project Description
Listing Notice 1 – Activity Number: 27 The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance if indigenous vegetation is required for – (i) The undertaking of linear activity; or (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.	The development will result in the clearance of approximately 2ha of indigenous vegetation.
Listing Notice 3 – Activity Number: 12 The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (i) 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; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;	The development will result in the clearance of indigenous vegetation types, classified as endangered and critically endangered ecosystems.

The abovementioned activities are hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The development entails the clearance of indigenous vegetation for the development of 33 residential units, open spaces and associated infrastructure (roads and pipelines) on Erf No. 1446, Vermont. The development will have a footprint of approximately 21 578m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 1446, Vermont and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates	34° 24' 40.82"	19° 8' 50.91"

The SG digit codes are: C013 0023 0000 1446 0000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting
c/o Ms. Michelle Naylor
P.O. Box 1990
HERMANUS
7200

Cell: 083 245 6556
E-mail: michelle@lornay.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Layout Alternative 2 described in the BAR dated 15 August 2024 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **fifteen years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before

such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

- 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
- 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11, 17 and 18.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

- 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 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.

8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct site visits and must submit ECO reports on a quarterly basis to the competent authority.
12. A copy of the Environmental Authorisation, EMPr, audit report and compliance monitoring report must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. 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 the MMP. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake environmental audits and submit an Environmental Audit Report to the Competent Authority once a year during the construction phase. A final

Environmental Audit Report must be submitted to the Competent Authority within six months after the construction activities have been completed.

The holder must, within 7 days of the submission of the above-mentioned report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. A copy of the permit for the removal of Milkwood trees from the National Department of Agriculture, Forestry and Fisheries must be submitted to the Department for record purposes prior to the commencement of construction activities or removal of trees, whichever occur first.
18. A Search and Rescue operation of all transplantable indigenous plants, reptiles and other fauna that occur on the site must be undertaken by a suitably qualified specialist before the commencement of site clearing activities. The rescued species must be relocated to the adjacent Hoek van die Berg Nature Reserve (with the relevant permission).

F. GENERAL MATTERS

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

2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and

- 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By Email: DEADP.Appeals@westerncape.gov.za; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
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 DEADP.Appeals@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 DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir Toefy

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Toefy
Date: 2024.11.21 08:50:37
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MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 21 NOVEMBER 2024

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

ANNEXURE 1: LOCALITY MAP

Erf 1446, Vermont

Legend



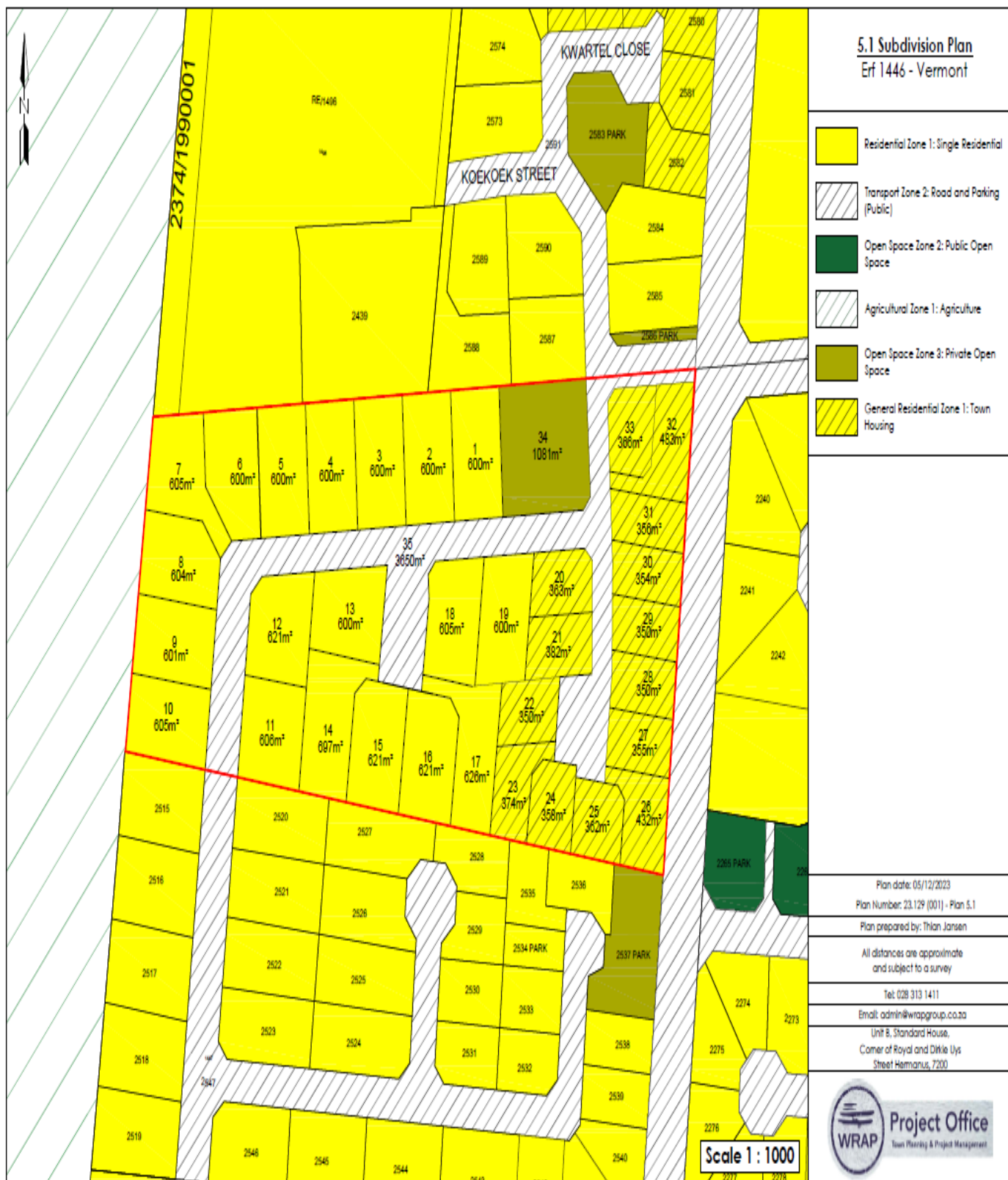
Map Center: Lon: 19°9'18.9"E
Lat: 34°24'44.3"S

Scale: 1:12,010

Date created: 2023/16/11



ANNEXURE 2: SITE PLANS



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 11 June 2024, the EMPr submitted together with the final BAR dated 15 August 2024;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 15 August 2024; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- site notices were placed at the site;
- the placing of a newspaper advertisement in the '*Hermanus Times*' on 13 March 2024;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 13 March 2024;
- making the pre-application Draft BAR available for comment from 13 March 2024; and
- making the in-process Draft BAR available for comment from 8 July 2024.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements, and the comments raised, and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Layout Alternative 1

This alternative entails the development of 33 erven on Erf No. 1446, Vermont consisting of the following:

- 31 Residential erven varying between 300m² and 700m²,
- 1 Open space erf of 551m²; and
- 1 internal road erf of 3741m².

This alternative was not preferred since it does not address the requirements of the Overstrand Municipality regarding the location of the access road and size of the Open space erf, and the Botanical Specialist's recommendations regarding the Milkwood trees that occur on the site.

Layout Alternative 2 (preferred and herewith authorised)

This alternative also entails the development of 33 residential erven, open spaces and associated infrastructure (roads and pipeline) on Erf No. 1446, Vermont, but with different erf sizes than proposed in Alternative 1. The development will have a footprint of approximately 21 578m².

This alternative is preferred since it addresses the requirements of the Overstrand Municipality for the location of the access road and the size of the Open space erf. It also accommodates the recommendation of the Botanical Specialist regarding the conservation of the Milkwood trees that occur on the site.

No-go Option

The no-go alternative entails refraining from constructing the development altogether. While this option would avoid all potential ecological impacts associated with the development, it was not preferred since it will not contribute to alleviate the housing shortage in the Overstrand area.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The subject property falls within the municipal urban edge of Vermont. The proposal is consistent with the Overstrand Municipality's Spatial Development Framework ("SDF"), which earmarks the land for urban development. The proposed development will assist in alleviating the housing shortage in the area and is in line with the relevant municipal planning principles related to urban densification.

3.2. Biophysical Impacts

The site is mapped to contain Overberg Dune Sandveld vegetation, which is classified as an endangered ecosystem and Hangklop Sand Fynbos vegetation, which is classified as a critically endangered ecosystem. According to the Terrestrial Biodiversity Impact Assessment Report (dated 22 May 2024, compiled by Nick Helme Botanical surveys), the site is mapped to

contain Overberg Dune Sandveld vegetation, and one species of conservation concern was found on the site. The report further states that the vegetation is partly degraded, and the site is regarded to be of medium sensitivity. The specialist regards the overall botanical and faunal impacts as being of low to medium negative significance after mitigation. The recommended mitigation measures have been included as a condition of the EA and included in the EMPr.

Negative Impacts:

- Loss of indigenous vegetation.

Positive impacts:

- The creation of temporary employment opportunities;
- The promotion of densification and more efficient use of resources and land; and
- The creation of housing opportunities to alleviate the housing shortage in the area.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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