

TP A Theart
(Suid Merwe)

NuPLAN AFRICA

INNOVATIVE PLANNING SOLUTIONS



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Overstrand Munisipaliteit
Gansbaai Administrasie
Posbus 26
GANSBAAI
7220

2.515.TS.03
22 Januarie 2015

Vir aandag: Alida Calitz

Geagte Mevrou Calitz

ERF 332 PEARLEY BEACH: OPHEFFING VAN BEPERKINGS, WYSIGING VAN OVERSTRAND SDF, WYSIGING VAN DIE GROTER GANSBAAI RUIMTELIKE PLAN, HERSONERING EN ONDERVERDELING: KOMMENTAAR OP BESWARE ONTVANG NA HERADVERTERING

Publieke kommentaar is vanaf die volgende partye ontvang:

1. Pearly Beach Conservancy
2. J & R Stonehewer
3. E. Versfeld
4. Robin Stonehewer
5. Werksmans
6. P & V Burton-Moore
7. A & I Smith

FILE NO:	EL 332-PB
SCAN NO:	01
COLLABORATOR NO:	707032

Kommentaar op bovermelde insette word in die onderstaande kommentaar tabel opgesom:

Nr	Entiteit	Inset	Kommentaar van aansoeker
1	Pearley Beach Conservancy	Erf 332 lê binne die bewaringsnetwerk en ekologiese groen strook en Melkhoutbome moet bewaar word	Die ligging is deeglik in ag geneem met die ontwikkeling van die projek en was die aansoek ook onderworpe aan Omgewingsmagtiging wat reeds uitgereik is. Die ontwikkelingsvoorstel is juis so gedoen om die bewaring van die Melkhoutbome te verseker.
		Die "setback line" moet 100m wees	'n Spesialis is aangestel om die ontwikkelingssterugsetlyn wetenskaplik te bepaal en sodoende 'n objektiewe onafhanklike bepaling te verkry. Die ontwikkeling is landwaarts van die terugset lyn.

African Town Planning Services (Pty) Ltd. Reg Nr. 88 0609007 T/A

DIREKTEUR:

T. L. STEYN Pr. Pln BA M(S&S) LSABI LVRSS
D. K. LARSEN Pr. Pln BA M(S&S) LSABI LVRSS

BYGESTAAN DEUR:

D. Jones Pr. Pln BA (S&S) LVRSS
A Vrijen
A Roux

DIRECTORS:

T. L. STEYN Pr. Pln BA M(TRP) MSAPI MACTRP
D. K. LARSEN Pr. Pln BA M(TRP) MSAPI MACTRP

ASSISTED BY:

D. Jones Pr. Pln BA (TRP) MCA TRP
A Vrijen
A Roux

		Bou van huise bo-op die duin moet vermy word ten einde uitsigte te beskerm en wind en sand erosie te voorkom	Die plasing van die huise is in oorleg met die botaniese, visuele- en terugsetlyn spesialiste gedoen en is deur Cape Nature aanvaar.
		Voorwaarde moet in titelakte geplaas word dat geen inheemse plante aangeplant mag word nie en ook nie kikoejoe gras nie. Nuwe aanplantings moet tot inheemse plante beperk word. Skoonmaak van die erwe moet nie meganies geskied nie en met hand gedoen word.	Die voorstel word ondersteun en kan dit 'n voorwaarde van goedkeuring word. Die Aktekantoor sal egter nie so 'n voorwaarde in die titel plaas nie en moet eerder deel van die konstitusie van die huiseienaarsvereniging wees.
		Die ontwikkeling moet nie ommuur word nie, maar lae reelingheining langs alle grense aangebring word sodat diere meer vrylik kan beweeg	Die beginsel van die voorstel is aanvaarbaar en 'n kompromie voorstel van 'n pallasade heining sal die balans tussen sekuriteit en die beweging van klein diere verseker
		Daar word voorgestel dat die hoogte tot 6m beperk word en dakspasie moet nie gebruik word nie	Die ontwikkelingsvoorstel van 7,5m hoogte is reeds 'n substansiële verlagings van die hoogte wat toelaatbaar vir die hotel sou wees en is ook direk verwant aan die ontwerp van die eenhede om die vereiste vloer ruimte te akkomodeer sonder om die dekking te verhoog en die bewaringsruimtes te verklein. Die Visual Impact Assessment is ook gedoen met 7,5m as die hoogte, en aanvaarbaar gevind.
		Een septiese tenk sal te min wees	Die septiese tenk sal tot die standaard soos deur die owerhede vereis word, gebou word.
		Geen afwyking van die 50% dekking behoort toegelaat te word nie	Aanvaarbaar
		Buiteligte moet tot 'n minimum beperk word met afwaartse kaatsing.	Aanvaarbaar
		Geen toegang toe te laat na Esplanade Straat om die versteuring van duine en die "groen strook" te vermy.	Die padowerheid het reeds die voorgestelde toegang vanaf Esplanadestraat ondersteun.
2	Jason & Robin Stonehewer	Housing on top of primary/secondary dune	The erven are located beyond the development setback line of approximately 75 meters. The primary and secondary dune system is located between the high water mark and the erf boundary, within the 75 meters setback.
		Owner's history of disregard for conservation	Land owners and developers are often not the same entity. The maintenance of the developed area will be done by the HOA in accordance with the EMP
		Pearley Beach needs a hotel development more than another holiday housing project	A Hotel is not financially feasible in Pearley Beach
3	E. Versfeld	Erf 332 located in green belt and special care must be taken for minimum disturbance of pristine coastal fynbos.	The location of the development was taken into account and an environmental impact assessment was done to ensure environmental integrity.

African Town Planning Services (Pty) Ltd. Reg Nr. 88 06090/07 T/A

DIREKTORE:

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BYGESTAAN DEUR:

D. Jones Pr. Pln BA (S&S) LVRSS
A Vijojoen
A Roux

DIREKTORE:

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D. K. LARSEN Pr. Pln BA M(TRP) MSAPI MACTRP

ASSISTED BY:

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A Vijojoen
A Roux

		No development to take place within 100 coastal setback lines.	A scientific assessment was done by a professional to establish the suitable setback lines for the proposed development and was subsequently approved by the Department of Environmental Affairs.
		No development on secondary dune to avoid visual disturbance, wind and sand erosion.	The placement of the houses is in accordance with the specialist botany, visual impact and setback line assessments which are accepted by Cape Nature.
		Consider height restriction of 6 meters with no lofts.	The 7,5 meters was already an major height decrease compared to that allowed for the hotel and is directly associated with the design of the units to fulfill the building requirements. The Visual Impact assessment was done at 7, 5 meter and was accepted.
4	Robin Stonehewer	Half of the 14 proposed plots are located on sensitive secondary dunes that may cause disturbance to the foot print of the dune system.	The placement of the houses is in accordance with the specialist botany, visual impact and setback line assessment specialist's recommendations which were accepted by Cape Nature and DEA&DP
		Development will reduce coastal corridor to less than 70 meters, hindering animal migration.	The entire development is proposed on erf 332 and the units sited in accordance with the recommendations of the botanical, visual and setback line specialists to ensure environmental integrity.
		Seaward plots are less than 100 meters from high tide mark.	A scientific assessment was done by a professional to establish the suitable setback lines for the proposed development which was approved by the Department of Environmental Affairs.
		The small plot sizes will reduce the surrounding property value.	Speculation. A Hotel will more probable lead to reduction in surrounding property values.
		Pearly Beach consists of many empty plots that are for sale, making this development seem senseless.	The empty plots are single residential erven and the proposed development on erf 332 is a group housing development.
		The construction of a hotel seems more economically sustainable than the proposed development.	A Hotel is not financially feasible in Pearley Beach
		Plot 332 falls within new setback lines, restricting new development	The placement of the houses is in accordance with the specialist's setback line assessment which was approved by the Department of Environmental Affairs.
		The possible construction process of the proposed development will disturb the surrounding residents.	The CEMP will address ensure disturbance control during the construction phase of the project
		Windblown sand and dust can disturb surrounding residents and cause health	The CEMP will address ensure disturbance control during the

African Town Planning Services (Pty) Ltd. Reg Nr. 88 06090/07 T/A

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A Viljoen
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D. K. LARSEN Pr.Pln BA M(TRP) MSAPI MACTRP

ASSISTED BY:

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A Roux

		hazards and damage to property. On 13 March 2008 the Department of Environmental Affairs and Development Planning (Province) refused an application to rezone and subdivide erf 332. The proposed changes and permitted use of the property was not regarded as desirable.	construction phase of the project The Department of Environmental Affairs and Development Planning subsequently approved the environmental authorization for this application.
5	Werksmans	Current zoning and title deed restriction solely allow for a hotel development that will enhance tourism and the status of the surrounding residential areas. The site is perfectly positioned for a hotel and not residential dwellings.	A Hotel is not financially feasible in Pearley Beach
		Holiday orientated residential properties will not help with job local creation. However a hotel will	A Hotel is not financially feasible in Pearley Beach
		The proposed development on erf 332 located on top of the dunes will have a detrimental effect on the views and property values of surrounding properties. A hotel will have less of an effect in this regard.	The placement of the houses is in accordance with the specialist botany, visual impact and setback line assessments which were accepted by Cape Nature. A hotel will have a more adverse effect on property values.
		No formal mitigation measures are stipulated with regard to the proposed double storey houses and the visual impact they might have.	The Visual Impact assessment was done at 7, 5 meter and was considered adequate. No doubley storey units are proposed.
		No restrictions and little was proposed in the environmental impact assessment on the aesthetics of the development, dust suppression, noise pollution suppression and harmonizing the development with surrounding sensitive vegetation.	The CEMP will address ensure disturbance control during the construction phase of the project.
		The current owner has let in alien invasive plants which has spread to adjacent properties and abutting greenbelt.	Land owners and developers are often not the same entity. The maintenance of the developed area will be done by the HOA in accordance with the EMP.
		There might be material impacts on the environment as a result of the development.	The environmental impact of the proposed development was assessed by the Department of Environmental Affairs and Development Planning and an Environmental Authorization was issued.
		The construction of the development will hinder the free movement of sand; expose sand surfaces within a 100meters of the high tide mark, cause sand dune erosion and damage indigenous vegetation.	A scientific assessment was done by a professional to establish the suitable setback lines for the proposed development which was approved by the Department of Environmental Affairs. The environmental impact of the proposed development was assessed by the Department of Environmental Affairs and Development Planning and an Environmental Authorization was issued.

African Town Planning Services (Pty) Ltd. Reg Nr. 88 06090/07 T/A

DIREKTORE:T. L. STEYN Pr.Pln BA M(S&S) LSABI LVRSS
D. K. LARSEN Pr.Pln BA M(S&S) LSABI LVRSSBYGESTAAN DEUR:D. Jones Pr.Pln BA (S&S) LVRSS
A Vrijoen
A RouxDIRECTORS:T. L. STEYN Pr.Pln BA M(TRP) MSAPI MACTRP
D. K. LARSEN Pr.Pln BA M(TRP) MSAPI MACTRPASSISTED BY:D. Jones Pr.Pln BA (TRP) MCA TRP
A Vrijoen
A Roux

		The timing of the development is worrisome as it might prolong for many years impacting on the environment and surrounding properties.	The proposed development will have no effect to the current status quo. The construction of the civil and electrical services will be done under the control of the CEMP.
		On 13 March 2008 the Department of Environmental Affairs and Development Planning (Province) refused an application to rezone and subdivide erf 332. The proposed changes and permitted use of the property was not regarded as desirable.	The Department of Environmental Affairs and Development Planning subsequently approved the environmental authorization for this application.
		Part of the development within 100 high tide mark	A scientific assessment was done by a professional to establish the suitable setback lines for the proposed development.
6	P & V Burton-Moore	The development will change the dune structure causing sand to drift and have a negative impact on the dunes, fynbos and milkwood trees.	The location of the development was taken into account and an environmental impact assessment was done to ensure environmental integrity, same which was subsequently approved by DEA&DP.
		The development will disrupt the movement of endangered animals and bird life.	The environmental impact of the proposed development was assessed by the Department of Environmental Affairs and Development Planning and an Environmental Authorization was issued.
		The smaller than average erf of the development could be detrimental to surrounding property values.	The erven are not smaller than average group housing erven.
		The timing of the development is worrisome as it might prolong for many years impacting on the environment and surrounding properties.	The proposed development will have no effect to the current status quo. The construction of the civil and electrical services will be done under the control of the CEMP.
		Pearly Beach has an overabundance of unbuilt residential properties that are for sale.	The empty plots are single residential erven and the proposed development on erf 332 is a group housing development.
		Windblown sand and dust can disturb surrounding residents and cause health hazards and damage to property.	The CEMP will address ensure disturbance control during the construction phase of the project.
		A similar development has been refused before and the rate payers think it should be refused again.	The Department of Environmental Affairs and Development Planning subsequently approved the environmental authorization for this application.
		The development will change the dune structure causing sand to drift and have a negative impact on the dunes and fynbos.	The environmental impact of the proposed development was assessed by the Department of Environmental Affairs and Development Planning and an Environmental Authorization was issued
		The development on the secondary dune will cause a visual disturbance to the beauty of the area.	The Visual Impact assessment was done at 7, 5 meter and was considered adequate.
7	A & I Smith	Pearly Beach has an overabundance of unbuilt residential properties that are for	The empty plots are single residential erven and the proposed development on

African Town Planning Services (Pty) Ltd. Reg Nr. 88 0509007 T/A

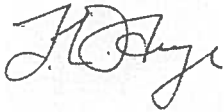
DIREKTORE:T. L. STEYN Pr.Pln BA M(S&S) LSABI LVRSS
D. K. LARSEN Pr.Pln BA M(S&S) LSABI LVRSSBYGESTAAN DEUR:D. Jones Pr.Pln BA (S&S) LVRSS
A Vrijoen
A RouxDIRECTORS:T. L. STEYN Pr.Pln BA M(TRP) MSAPI MACTRP
D. K. LARSEN Pr.Pln BA M(TRP) MSAPI MACTRPASSISTED BY:D. Jones Pr.Pln BA (TRP) MCA TRP
A Vrijoen
A Roux

		sale.	erf 332 is a group housing development.
		The smaller than average erf of the development could be detrimental to surrounding property values.	The erven are not smaller than average group housing erven. A Hotel will have a negative impact on surrounding property values.

Wanneer die insette van die publiek ontleed word, sal gesien word dat die meeste aanvaar dat die ontwikkeling gewens is, maar maak almal voorstelle oor hoe die ontwikkeling moet geskied indien dit voortgaan. Sommige van die publiek se voorstelle is aanvaarbaar, en meeste van die wat nie aanvaarbaar is nie, is omdat dit in stryd sou wees met die bevindings van die spesialiste en die daaropvolgende uitgereikte Omgewingsmagtiging.

Ons vertrou dat bovermelde die insette ontvang volledig aanspreek. Indien u enige verdere toeligting verlang, geliewe met ons te skakel.

Die uwe



T L Steyn
NuPlan Africa

African Town Planning Services (Pty) Ltd. Reg Nr. 88 06090/07 T/A

DIREKTORE:

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D. K. LARSEN Pr.Pln BA M(TRP) MSAPI MACTRP

ASSISTED BY:

D. Jones Pr.Pln BA (TRP) MCA TRP
A Viljoen
A Roux

Our Ref: HM/Overberg/Overstrand/Pearly Beach/Erf 332
 Enquiries: Jonathan Windvogel
 e-mail: jwindvog@hwc.gov.za
 Tel. (021) 483 9736
 Date: 16 February 2011



RECORD OF DECISION

Heritage Western Cape hereby notifies:

Mr Doug Jeffery
 P O Box 44
 KLAPMUTS
 7625

of its Comments and Recommendations in terms of
Section 38(2) of the National Heritage Resources Act, 1999 (Act 25 of 1999)

For: Proposed Rezoning, Subdivision and Residential Development

At: Erf 322 Pearly Beach

DECISIONS, COMMENTS AND RECOMMENDATIONS:

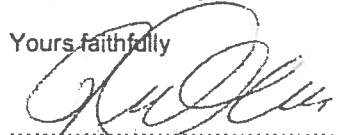
I can hereby confirm that your application submitted terms of Section 38 of the National Heritage Resources Act 25 of 1999 is hereby endorsed, as follows:

- That no further built environment assessments are required as the nature of the proposed development and contextual analysis reveals that the development does not warrant such action. The rezoning, subdivision and residential development may proceed subject to
 - (a) Archaeological sampling of sites bordering Arcadia Street to be done.
 - (b) Archaeological monitoring of construction activities to be done.
 - (c) The applicant must contract an archaeologist to apply for a permit to sample the archaeological sites as per the Record of Decision dated 6 April 2010
- If any archaeological material is discovered during earth moving activities all works must be stopped and HWC must be notified immediately.

NOTE:

- This decision is subject to an appeal period of 14 working days.
- The applicant is required to inform any party who has expressed a bone fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date of being informed. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- Work may not be initiated during this 14 day appeal period.

Yours faithfully


 Jonathan Windvogel
 For Accounting Officer: Heritage Western Cape

www.capegateway.gov.za/culture_sport

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: Private Bag X9067, Cape Town, 8001 • Tel: +27 (0)86 142 142 • Fax: +27 (0)21 483 9842 • E-mail: hwc@pgwc.gov.za

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DEPARTMENT of
TRANSPORT & PUBLIC
WORKS

Provincial Government of the Western Cape

ROAD NETWORK MANAGEMENT

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REFERENCE: 13/3/5/1-21/104 (Job 19000)

ENQUIRIES: Ms GD Swanepoel

NuPlan Africa
PO Box 165
WELLINGTON
7654

Attention: Mr TL Steyn

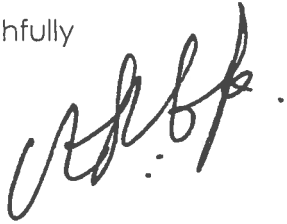
Dear Sir

REMOVAL OF RESTRICTIONS, REZONING, SUBDIVISION, AMENDMENT OF OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, AND AMENDMENT OF THE GREATER GANSBAAI SPATIAL PLAN: ERF 332 c/o ARCADIA AND ESPLANANDE STREET, PEARLY BEACH

1. Your letter with reference 2.515.HS.05, dated 10 January 2010 and received by this Branch on 15 March 2011 as forwarded to us by our Paarl office, refers.
2. The property is 1.34ha in extent and lies in the area of Pearly Beach which takes its access from DR 1211.
3. Erf 332 is zoned Central Business Zone restricted to a hotel.
4. The intention is to rezone and subdivide the property in order to establish 14 single residential erven, 3 private open spaces and 1 private road.
5. This Branch offers no objection to the removal of restrictions, rezoning, subdivision, amendment of Overstrand Municipal Wide Spatial Development Framework, and amendment of the Greater Gansbaai Spatial Plan in terms of Section 17 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the following conditions:-
 - 5.1 Not more than 14 single residential erven are created.
 - 5.2 The property concerned shall be subdivided and developed substantially in accordance with Drawing No. 2.515-S1-01 dated 8 April 2009.

6. The aforementioned conditions do not imply exemption from any other act, ordinance or regulations.

Yours faithfully



ML WATTERS

for EXECUTIVE MANAGER: ROAD & TRANSPORT MANAGEMENT

DATE: 23 MAY 2011



TP-ATheart
(S old Marwe)

The Municipal Manager
OVERSTRAND MUNICIPALITY
P.O. Box 20
HERMANUS
7200

Date:
14.11.2014

Enquiries:
Shaun Swanepoel
Tel 021 980-3913
Fax 086 660 0941

Dear Madame

ERF 332, C/O ARCADIA AND ESPLANADE STREETS, PEARLY BEACH: REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AMENDMNET OF THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, AMENDMENT OF THE GREATER GANSBAAI SPATIAL PLAN, REZONING AND SUBDIVISION.
OUR REF: 02207/14

I refer to your application received 04 November 2014

Eskom has no objection to the abovementioned application, provided the following conditions are adhered to:

1. Should it be necessary to move or support any of Eskom's services, at least 3 month's notice in writing is required and cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the property will not be affected.

Please contact us should you require further information.

Yours sincerely

Shaun Swanepoel
LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	EL 332 98
	15.11.2014
SCAN NO:	59
COLLABORATOR NO:	686037





DIRECTORATE: LAND MANAGEMENT
REGION 2
MUNISIPALITEIT
OVERSTRAND
23 MAY 2013
GANSBAAI
U-MASOPALA MUNICIPALITY

(S. vd Merwe)
I. le Roux
(R. Dickson)
m. Crafford

EIA REFERENCE NUMBER: E12/2/3/1-E2/29-0105/09

ENQUIRIES: N Bieding

DATE OF ISSUE: 2013-05-20

OVERSTRAND MUNICIPALITEIT
24 MAY 2013
OVERSTRAND MUNICIPALITY

The Board of Directors
Arawen Properties (Pty) Ltd
P O Box 15342
PANORAMA
7506

FILE NO: EL 332-PB

SCAN NO:

COLLABORATOR NO: 493903

L. Bezuidenhout

Attention: Piet Nieman

Tel: (021) 930 9270
Fax: (021) 930 9310

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 AND 2006: THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 332, PEARLY BEACH.

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2006 and 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Alternative 1 described in the Basic Assessment Report ("BAR") dated November 2010.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

Activity Description:

"The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea".

Activity Number: 15

Activity Description

"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".

Activity Number: 16(b)

Activity Description

"The transformation of undeveloped, vacant or derelict land to –
(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".

Government Notice No. R544 of 2010 –

Activity Number: 16

Activity Description:

"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;
- (iii) embankments;
- (iv) rock revetments or stabilising structures including stabilising walls;
- (v) buildings of 50 square metres or more; or
- (vi) infrastructure covering 50 square metres or more –

but excluding

- (a) if such construction or earth moving activities will occur behind a development setback line; or
- (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;
- (c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or
- (d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies".

Activity Number: 17

Activity Description:

"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".

Activity Number: 18

Activity Description:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- but excluding where such infilling, depositing, dredging, excavation, removal or moving;
 - (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
 - (b) occurs behind the development setback line".

Government Notice No. R546 of 18 June 2010-

Activity Number: 12

Activity Description:

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

- (a) 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;
- (b) Within critical biodiversity areas identified in bioregional plans;
- (c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas".

The abovementioned list is hereinafter referred to as "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The establishment of 14 residential erven, which will measure approximately 600m² each in size. The residential units will have maximum height of approximately 7,5m above natural ground level. The units will adopt an organic architectural style by means of using natural materials, subdued earthy colours and slate roofs. The residential development will cover approximately 50% of the site. The units will be strategically located/arranged in order to conserve the existing milkwood trees and to protect the interface between the Erf and the beachfront.

Access to the development will be provided for by means of an approximate 8m length road that will gain access from Esplanade Street. This street intersects with a cul-de-sac in an eastern and western direction and will provide access to the individual erven. Road widths will measure approximately 4,5m with permanent surfacing and kerbs/edging on both sides.

A single pedestrian walkway will provide controlled access to the beach for residents.

The development will be connected to an existing 100mm diameter water pipe. A bulk water meter will be provided at the entrance to the development.

A central conservancy tank will be provided. An internal pipe network will collect the effluent from each erf, which will then be discharged into the conservancy tank.

A refuse room will be provided at the entrance gate.

A formal boardwalk will be constructed to provide access to the sea.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Erf 332, located on the south-western corner of Esplanade and Arcadia Streets, Pearly Beach.

The SG 21 digit code is: C01100060000033200000

Co-ordinates:	34°	39'	42.46" South
	19°	29'	21.78" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants (Pty) Ltd
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KLAPMUTS
7625

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E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would

- otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue 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 may be suspended until such time as the appeal is decided.
 3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
 - 3.1. notify all registered interested and affected parties of –
 - 3.1.1. the outcome of the application;
 - 3.1.2. the reasons for the decision as included in Annexure 1;
 - 3.1.3. the date of the decision; and
 - 3.1.4. the date of issue of the decision;
 - 3.2. draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
 - 3.3. draw the attention of all registered interested and affected parties to the manner in which they may access the decision.
 4. Seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3 and 13.
 5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 6. Any changes to, or deviations from the scope of the description set out 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 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 to apply for further authorisation in terms of the applicable legislation.

7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental is hereby approved and must be implemented, and must be implemented.

An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.

9. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.

11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
14. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
16. The applicable requirements with respect to relevant legislation pertaining to cutting, damaging, disturbing or destroying protected trees or trees from a natural forest must be adhered to.
17. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

18. The development must incorporate water and energy saving technologies. This must include, but not be limited to, the following:
 - 18.1. Low-energy light bulbs must be installed on the grounds of the proposed development. Replacement bulbs must also be low-energy.
 - 18.2. External lighting must be kept to a minimum to reduce energy wastage. All external lighting must be switched off during the day.
 - 18.3. All toilets installed on the property must be dual-flush toilets.

- 18.4. 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.
19. The residential units must adopt an organic architectural style by means of using natural materials, subdued earthy colours and slate roofing.
20. Signage must be erected to notify residents to avoid walking on the dunes and remain on the allocated walkway to gain access to the beach area.
21. A 70m buffer zone/setbackline between the development and coastal edge which must remain free of any physical development (except for the purpose of infrastructure, such as sewer/water/electricity) must be maintained.
22. The following recommendations adapted from the BAR compiled by S Durrant of Doug Jeffery Environmental Consultants (Pty) Ltd. must be adopted and implemented:
- 22.1. A minimum setback line of 3m in which the existing natural vegetation is maintained must be implemented along the boundary of Arcadia Street.
- 22.2. All plant species to be used in landscaping must come from a list that was compiled by a botanist or suitably qualified person. The plant species must be locally found indigenous, waterwise species and have the ability to easily spread into the fynbos areas.
- 22.3. A search and rescue operation of the *Brubsvigia orientalis* and other locally found geophytes must be carried prior to the construction phase. These bulbs must be transplanted to a similar habitat that is free of disturbance and development.
23. The following mitigation measures adapted from the Botanical Assessment dated March 2010 compiled by Dr D J McDonald of Bergwind Botanical Surveys & Tours must be adopted and implemented:
- 23.1. Provisions must be made for open spaces in which Dune Strandveld vegetation can continue to exist as part of the overall development layout.
- 23.2. A formal boardwalk from the residential precinct must be constructed to provide demarcated access to the sea.
24. The following mitigation measures adapted from the Archaeological Impact Assessment dated February 2010 compiled by J Kaplan of the Agency for Cultural Resource Management must be adopted and implemented:
- 24.1. Bulk earthworks (including excavations for services) must be monitored by a professional archaeologist. Any archaeological deposits that are intersected or exposed during earthmoving activities must be sampled by a professional archeologist.

- 24.2. Vegetation clearing operations must be inspected by a professional archeologist.
25. The following mitigation measures adapted from the Development setback line assessment dated February 2010 compiled by Pieter Badenhorst must be adopted and implemented:
- 25.1. The established Home Owners Association must ensure that the groundwater levels and vegetation in the buffer area is not negatively impacted on by residents.
- 25.2. Only formal paths through the setback zone must be used.
- 25.3. A long term monitoring programme must be compiled to quantify any changes in the trends of erosion. The programme must also include methods to remedy the impacts of erosion, wherever required. A copy of the monitoring programme must be submitted to this Directorate prior to implementation.
26. The mitigation measures as detailed in the Basic Visual Assessment dated October 2010 compiled by Albert van der Stok of Arawen Properties (Pty) Ltd must be adopted and implemented (refer to Appendix A).
27. The following mitigation measures as adapted from the correspondence dated 29 September 2011 compiled by S Durrant of Doug Jeffery Environmental Consultants (Pty) Ltd. must be adopted and implemented:
- 27.1. A geotechnical study must be conducted prior to any land clearing. This study must first be submitted to this Department for approval before it is implemented.
- 27.2. The stormwater system must be designed to ensure that the stormwater from hardened surfaces is directed to the internal street.
- 27.3. The stormwater system must incorporate trash traps to prevent possible pollution.
- 27.4. Provisions must be made to utilise porous paving to ensure natural drainage.