

Navrae
Enquiries J Du Plessis

Verwysing
Reference 16/2/R

Datum
Date 28 April 2010



Mr. Seth Anderson
Private Bag X15
Suite #55
Hermanus
7200

RE: UPGRADE OF SUPPLY - ERF 1477, SANDBAAI

Your application for the upgrade of electrical supply to 800 K.V.A. has been approved. This is subject to the payment of the normal extension fees.

Finer details in the decrease of supply (300 K.V.A.) to the existing Gateway Centre will be discussed at a later stage, but are indicated in attached letter from NetGroup.

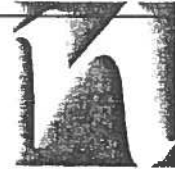
Please note that no further upgrades will be considered until the new 66 KV Substation in Swartdam Road is operational.



(pp) Stephen Muller
DIRECTOR: INFRASTRUCTURE AND PLANNING

Our Ref.: NC08010/Stand 1447 Sandbaai

Your Ref.:



NETGroup



The City Engineer
Overstrand Municipality
PO Box 20
HERMANUS
7200

24 March 2010

Attention: Mr K. du Plessis

Stand 1447 Sandbaai: Application for increased supply from 500kVA to 800kVA

The owner of stand 1447 has previously applied for 500kVA supply to stand 1447, Sandbaai. The application of 500kVA was approved at the time. A new application has now been received to increase the previously applied for supply from 500kVA to 800kVA by decreasing his current approved supply capacity to the Gateway shopping centre by 300kVA.

We have evaluated the impact on the Sandbaai networks as well as the load readings of the current Gateway transformers. Based on the information available to us we can confirm that the Sandbaai networks have sufficient capacity to supply the total demand of 800kVA to stand 1447. The installation of a new 800kVA minisub, RMU and HV cables to accommodate the new Minisub will be for the cost of the developer/owner.

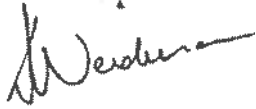
It must however be noted that the bulk supply to Overstrand Municipality from Eskom is still under pressure and this will be the case until Eskom has build the new 66/11kV supply point applied for. As a result of this the Municipality will not be in a position to increase the supply to stand 1447 beyond 800kVA until the second supply point is in operation.

I also have to point out to you the risk in decreasing the approved supply to the Gateway centre. Since the centre is not metered with a bulk meter, but the individual shops are metered separately by the municipality, it is almost impossible to enforce the 300kVA decrease at the Gateway centre. The risk and admin burden lies with the municipality. In order to facilitate the enforcing of the 300kVA supply decrease I propose that metering of the Gateway centre be changed from individual metering to bulk metering on the Minisub LV side. The approved supply can then be limited with a single breaker on the Minisub side and metering and distribution to shop owners will then be the responsibility of the Gateway complex owner. Should you be in agreement of the proposal you need to make sure that the cost of the bulk metering as well as the cost of transferring the existing individual meters to the complex owner

(except if the meters were paid for by the developer at the development stage) and any other applicable costs are quoted in the approval letter to owner.

Please contact us if you have any further queries in this regard.

Thank you.



Dirk Weldeman



MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS and
DEVELOPMENT PLANNING

Provincial Government of the Western Cape

Tel: +27 21 483-3721 – Fax: +27 21 483-4174
1 Dorp Street, Cape Town
Private Bag 9186, Cape Town, 8000
www.capegateway.gov.za

M 3/6/5

Mr. L. Anderson
The Board of Directors
ZAMAR Investments (Pty) Ltd
Private Bag X15, Suite No. 55
HERMANUS
7200

Tel.: (028) 313 1555
Fax: (028) 313 1222

Dear Mr Anderson

APPEALS AGAINST THE ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A SHOPPING CENTRE ON ERF 1447, SANDBAAI

The appeals against the environmental authorisation issued by the Department of Environmental Affairs and Development Planning on 26 November 2009 for the above-mentioned proposed development, as well as your electronic correspondence dated 7 March 2011 and that from PHS Consulting dated 2 March 2011 that is attached hereto for ease of reference, refer.

On perusal of the aforementioned correspondence from PHS Consulting, I hereby confirm that the following Listed Activities in the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations of 2010 are not applicable to the proposed development:

Item 9 in GN No. R. 543, i.e. "The construction of facilities or infrastructure exceeding 1000m in length for the bulk transportation of water, sewage or storm water-

- i. with an internal diameter of 0.36m 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,
 - b) sewage or storm water or storm water drainage inside a road reserve; or
 - c) where such construction will occur within urban areas but further than 32m from a water course, measured from the edge of the water course".

item 22 in GN No. R. 543, i.e. "The construction of a road, outside urban areas,

- i. with a reserve wider than 13.5m or,
- ii. where no road reserve exists where the road is wider than 8m, or

- iii. for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice R. 387 of 2006 or activity 18 in Notice R. 545 of 2010"

Item 4 in GN No. R. 546, i.e. "The construction of a road wider than 4m with a reserve less than 13.5m:

(d) in the Western Cape;

i. in an estuary

ii. All areas outside urban areas;

iii. in urban areas

(aa) Areas zoned for use as public open space within the urban areas; and

(bb) Areas designated for conservation use in spatial Development frameworks adopted by the competent authority, or zoned for a conservation purpose".

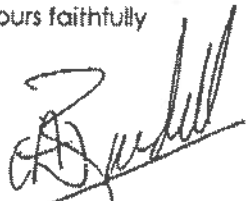
Given that the NEMA EIA Regulations of 2006 were replaced on 02 August 2010 by the NEMA EIA Regulations of 2010 and that the proposed development does not constitute any Listed Activity in terms of the NEMA EIA Regulations of 2010, the aforementioned environmental authorisation is superfluous, no longer of any force and effect and has therefore effectively lapsed. It therefore follows that the appeals lodged against the Environmental Authorisation issued on 26 November 2009 by the Department of Environmental Affairs and Development Planning are superfluous and of no force and effect and has therefore effectively lapsed. An appeal against such environmental authorisation is therefore not possible. I have therefore closed the matter, as there is no appeal to consider.

However, should the development proposal be revised in such a way that it falls within the ambit of any Listed Activity(ies) in the NEMA EIA Regulations of 2010, an application for an environmental authorisation must be lodged with the competent authority and the environmental authorisation obtained before the development proposal is commenced with. In this regard, please note that the onus is on the applicant to identify all the listed activities that are applicable to the proposed development.

Please be advised that it is the responsibility of the applicant to ensure that all the statutory requirements that are applicable to the proposed development are met.

Kindly note that even when no Listed Activities are applicable to any development proposal, the principles of sustainability that are detailed in Section 2 of the NEMA, must still be taken into account. Section 2 of the NEMA states that "the principles set out in Section 2 apply to the actions of all organs of state". The said principles must therefore be taken into account, should any decision be made by the Overstrand Municipality to approve the proposed development in terms of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985).

Yours faithfully



ANTON BREDELE
WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE 26/4/2011

Verwysing
Reference
Isalathiso E12/2/3/1-E2/34-0403/08

Navrae
Enquiries
Imibuzo Maboee Nthejane

Datum
Date
Umhla Of issue
2009-11-26

Department van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

The Board of Directors
ZAMAR Investments (Pty) Ltd
Private Bag X15, Suite No. 55
HERMANUS
7200

Attention: Mr. L. Anderson

FILE NO:	E2 1447
SCAN NO:	15
COLLABORATOR NO:	123046

Tel.: (028) 313 1555
Fax: (028) 313 1222

Dear Sir

APPLICATION: ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A SHOPPING CENTRE ON ERF 1447, SANDBAAL

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.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY

The proposed activity involves the rezoning of Erf 1447, Sandbaai from Agriculture Zone I to Business Zone I, Transport Zone I and Open Space Zone II portions.

The Business Zone I portion will be approximately 3.6195ha in size and will have a shopping mall constructed on it that has approximately 2ha of floor area that can be rented out for usage as shops. The maximum roof height of the mall on the northern side will be approximately 10m from the ground as opposed to 15m in the south. The mall will have a total of approximately 1200 parking spaces, of which approximately 750 will be situated at basement level. The remainder of approximately 350 parking spaces will be situated at ground level on the sides of the mall that face the R43 Provincial Road ("R43") and Sandbaai Main Road and three of them will be set aside for public transport purposes.

The 0.6285ha Transport Zone I portion of the development consists of a left turning road from the R43 that will be constructed to enable motorists to drive to the mall from the R43 and vice versa. This access road will be located approximately 220m west of the intersection of the R43 and Sandbaai Roads. Another access road will be constructed to enable motorists to drive from Sandbaai Main Road to the mall and vice versa. An internal road will be constructed to link the access roads with the basement as well as ground level parking areas.

Utiliteitsgebou, Dorpstraat 1
Privaatsak X9086 Kaapstad 8000

Utilitas Building, 1 Dorp Street
Private Bag X9086 Cape Town 8000

Tel No: (021) 483 2986
Fax No: (021) 483 4372
E-mail: mnthejan@pgwc.gov.za

26 NOV 2009

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Delivery vehicles will gain access to the loading zones by means of the road that will be constructed on the south-facing side of the mall. Pedestrian sidewalks will be constructed along the whole length of the western side of Erf 1447, Sandbaai to link the three public transport parking spaces with the mall.

The 0.3164ha Open Space II Zone together with the 12m road reserve will form a 27m wide green buffer between the development and the residential properties situated in the south and west of the Erf 1447, Sandbaai.

Storm water from the development will be directed into a 2000m³ storm water attenuation pond that will be provided in the south-western corner of the project site. A 300mm pipe will be provided to transmit storm water collected in the attenuation pond southwards into an existing 600mm storm water pipe on Bergsig Street. Waste water produced by the development will be transmitted through pipelines into the municipal sewerage system and solid waste will be disposed of at a municipal landfill site.

The development, including service infrastructure will cover a total area that is approximately 4.8626ha in size.

The proposed project incorporates activities identified in Government Notice No. R. 386 of 21 April 2006 as:

Item 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 with:*

- (i) *an internal diameter of 0.36 metres or more; or*
- (ii) *a peak throughput of 120 litres per second or more".*

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

hereinafter referred to as "the activities".

B. LOCATION:

The proposed project will be undertaken on Erf 1447, Sandbaai in Hermanus.

The SG 21 Digit code of the property is: C01300200000144700000

Co-ordinates: 34° 24' 26.52"S
19° 11' 57.53"E

hereinafter referred to as "the property"

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

C. APPLICANT:

The Board of Directors
% Mr. L. Anderson
ZAMAR Investments (Pty) Ltd
Private Bag X15, Suite No. 55
HERMANUS
7200

Tel.: (028) 313 1555
Fax: (028) 313 1222

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP"):

PHS Consulting
% Mr P. Slabbert
P.O. Box 1752
HERMANUS
7200

Tel.: (028) 312 1734
Fax: (028) 313 2554

E. SITE VISIT(S):

No site visits were conducted as the information submitted to this Department by the EAP that the applicant appointed was deemed to be adequate for a decision to be made on this application.

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 activity specified above and be exempted from the provisions of the Regulations specified below.

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 of 2006, the Department hereby authorises the activity described above and grants the applicant exemption from having to fulfil the following provisions of the Public Participation Process ("PPP"):

- Regulation 56(2)(c)(ii) – *"placing an advertisement in any official gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of the Regulations"*.
- Regulation 56(2)(d) – *"placing an advertisement in at least one provincial or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or local municipality in which it is or will be undertaken"*.

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