


 Nokulunga Ludidi
 041 508 5806
 060 311 8881
 Nokulunga.Ludidi@dedea.gov.za
Ref: EC08/C/LN1&3/M/53-2024



Mr Daniel E. Van Schalkwyk
PO Box 603
Humansdorp
6300

E-mail: erica@oceansun.co.za

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED: PROPOSED RESIDENTIAL DWELLING ON ERF 1731, ST FRANCIS BAY, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE

1. With reference to the above-mentioned application (Reference number **EC08/C/LN1&3/M/53-2024**), please be advised that the Department has decided to grant authorisation as set out in the attached Environmental Authorisation. The Authorisation Notice and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of this letter, of the Department's decision in respect of your application.
3. The written notification referred to above must -
 - 3.1. Specify the date on which the Environmental Authorisation was issued;
 - 3.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 as amended in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 3.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
4. In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 2 and 3 of the decision.
5. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal

Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 2 and 3 of the decision.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

6. An Appeal Submission must be made on a form obtainable from the Departmental Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
7. The Appellant must also serve a copy of the appeal to the regional office that processed the application.
8. The address to which the **originals** of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administration: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

9. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
SARAH BAARTMAN/NMB REGION
DATE: 10 June 2025

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial: EC08/C/LN1&3/M/53-2024 NEAS: ECP/EIA/0001653/2024
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Daniel Erasmus van Schalkwyk.
LOCATION OF ACTIVITY	Erf 1731, Sea Vista, St Francis Bay, seawards of Tom Brown Boulevard.

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

“Audit” - as used in the context of this Environmental Authorisation refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements/stipulations of a Construction and/or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.

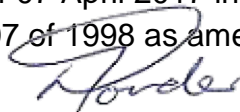
“CEMPr” – refers to the Construction Environmental Management Programme titled “Final Construction Environmental Management Programme: Proposed Residential Development on Erf 1731, St Francis Bay, Kouga Municipality, Eastern Cape” undated as attached to the FBAR as Appendix F.

“Commencement” – Any physical activity on site that can be viewed as associated with development of a residential dwelling on Erf 1731, Sea Vista inclusive of any site preparation and infrastructure as described in Section 2 of this Environmental Authorisation.

“EAP” – refers to the appointed Environmental Assessment Practitioner represented by Irma van der Merwe from CEN Integrated Environmental Management Unit.

“ECO” – Environmental Control Officer.

“EIA regulations” – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.



“Innovation for Sustainable Development”

"FBAR" - Final Basic Assessment Report titled "Final Basic Assessment Report: Proposed residential dwelling on Erf 1731, St Francis, Kouga Municipality, Eastern Cape" dated February 2025.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

1. Decision

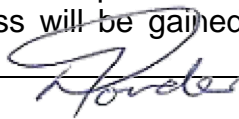
The Department is satisfied, based on information available to it, and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4 of this Environmental Authorisation.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998, and the Environmental Impact Assessment Regulations, 2014 as amended the Department hereby authorizes **Daniel Erasmus van Schalkwyk** to be the legal or natural person who has applied for this authorization, with the following contact details:

Name	Daniel Erasmus van Schalkwyk		
Address	PO Box 603, Humansdorp, 6300		
Telephone	042 2951676	Email	erica@oceansun.co.za
Fax	042 2951699	Cell	082 6570423
Contact Person	Mr Daniel E. Van Schalkwyk		

To undertake the following activities (hereafter referred to as "the activity"), in terms of the scheduled activities listed in the table below:

Detailed description of activity
<p>The proposed development entails the clearing of vegetation and the construction of a residential dwelling with a footprint size of approximately 304m². The proposed dwelling will consist of two stories, with a combined floor plan of approximately 479m².</p> <p>Erf 1731 is located on Tom Brown Avenue (accessed via a panhandle) in St. Francis Bay. The site is currently vacant but is surrounded by residential developments to the south, west and east, with some intact thicket vegetation present adjacent to the northern (seaward) side of the site. The majority of the site has been previously cleared but some regrowth of St. Francis Dune Thicket elements has occurred in the interim.</p> <p>Water and electricity will be sourced from the existing municipal bulk supply while sewage will be disposed of via a conservancy tank. Access will be gained from Tom Brown Boulevard.</p> 

Listed Activities in terms of the amended NEMA EIA Regulations 2014 as contained in the application form:	
GNR. 324 Listing Notice 3: Activity 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- (a) In Eastern Cape: (ii) Within the littoral active zone or 100 metres inland from the high-water mark of the sea, whichever distance is the greater.
GNR. 327 Listing Notice 1: Activity 19A:	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 of more than 5 cubic metres from- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater.

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Sarah Baartmaan	
Municipal Area	Kouga Municipality	
Farm Name	N/A	
Farm Number and Portion	N/A	
Erf Number and Township Extension or Suburb	Erf 1731	
Co-ordinates of the points of the study area	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
	34° 10'53.78"S	24°50'51.57"E
	34°10'54.47"S	24°50'52.34"E
	34°10'55.53"S	24°50'51.20"E
	34°10'55.50"S	24°50'51.04"E
	34°10'54.85"S	24°50'51.73"E
	34°10'54.32S	24°50'51.51"E
Physical address	Erf 1731, Tom Brown Boulevard, St Francis Bay	

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

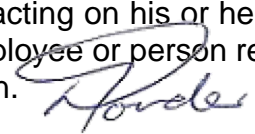
The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

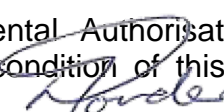
- 3.1.1. The activities as authorised as described in Section 2 of this Environmental Authorisation must commence within a period of 24 months from the date of issue of this Authorisation. If the commencement of the activity does not occur within this period, this Environmental Authorisation lapses, and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.2. Construction of all components inclusive of service infrastructure to be completed within 18 months from date of commencement.
- 3.1.3. Amendment of the Environmental Authorisation to extend the validity thereof may be applied for in writing provided that the Environmental Authorisation is still valid at the time of submission of such application. If no request for amendment is received prior to the date of expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for extension, the Department reserves the right to request such information as it may deem necessary to consider the application for extension which may include but not limited to:
 - 3.1.4.1. An updated EMP; and
 - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.5. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions and declarations

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to **comply with any other statutory requirements** that may be applicable to the undertaking of the activity, including but not limited to:
 - 3.2.3.1. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
 - 3.2.3.2. The Integrated Coastal Management Act, Act 24 of 2008;
 - 3.2.3.3. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974;
 - 3.2.3.4. The National Water Act, Act 36 of 1998;
 - 3.2.3.5. The Occupational Health and Safety Act, Act 85 of 1993; and
 - 3.2.3.6. The Conservation of Agricultural Resources Act, Act 43 of 1983.
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.



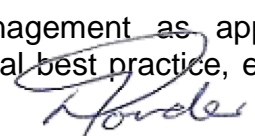
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 3.2.6. Mr. Daniel Erasmus Van Schalkwyk will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion as provided in official correspondence will prevail.
- 3.2.8. This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or withdraw this authorisation, in the event that such impacts exceed its significance as predicted in the consultant's FBAR and supporting documentation referenced in Section 4.1 of this Environmental Authorisation.
- 3.2.9. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation read together with the Final BAR. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.**
- 3.2.10. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer are to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.
- 3.2.11. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party including the neighbouring landowners within 14 (fourteen) days of receiving this Environmental Authorisation.
- 3.2.12. This Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the site. In this regard, **the Environmental Authorisation or a certified copy thereof must be kept on site for the duration of the construction period.**
- 3.2.13. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.14. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not

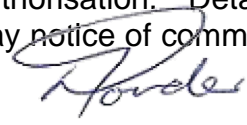


adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

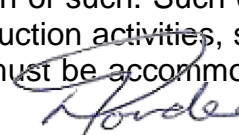
- 3.2.15. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.

3.3. Project-specific Conditions

- 3.3.1. Fourteen days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notice may only be submitted once all pre-construction conditions have been complied with, and proof of such compliance is to be submitted with the fourteen-day notice.
- 3.3.2. A final, detailed layout plan to be submitted to the Department for approval prior to the commencement of the development. Such layout plan to be based on the facility illustrations contained in Appendix C of the FBAR, be appropriately referenced and numbered and at an appropriate scale to be clearly readable. This plan furthermore to provide for sewage disposal by means of a conservancy tank and the location of such conservancy tank to be such that it is easily accessible by service vehicles.
- 3.3.3. Further to Condition 3.3.3 construction of the residential dwelling and associated infrastructure are to be on the site as described in Section 2 of this Environmental Authorisation and in accordance with the layout plans to be submitted and approved in terms of Condition 3.3.2.
- 3.3.4. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.5. Further to Condition 3.3.5, Mr Daniel Erasmus Van Schalkwyk is to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the FBAR, in tabular format for inclusion in the Construction phase Environmental Management Programme and / or Operational Phase Environmental Management Programme as applicable.
- 3.3.6. Mr Van Schalkwyk will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.3.7. The CEMPr to updated, submitted to and approved by the Department prior to the commencement of construction. The CEMPr to include as a minimum:
- 3.3.7.1. Applicable conditions of this Environmental Authorisation.
 - 3.3.7.2. All recommendations, measures, responsibilities, key actions and other provisions contained in the FBAR;
 - 3.3.7.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion and prevention and control, etc;
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- 3.3.7.4. A rehabilitation plan inclusive of the rehabilitation of the dune ecosystem caused by excavation activities.
 - 3.3.7.5. Copies of all permits / licences issued to Mr Van Schalkwyk in relation to this project that have relevance to the environment;
 - 3.3.7.6. A general code of conduct for any contractor that may be carrying out any work on the relevant development sites;
 - 3.3.7.7. A clear description of the construction activities to be carried out on the site;
 - 3.3.7.8. Details regarding storage of construction material on site; and
 - 3.3.7.9. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts.
- 3.3.8. General principles of environmental management referenced in Condition 3.3.7.3 to be implemented during construction if not already included in the EMPr to include, amongst others, the following:
- 3.3.8.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.8.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.8.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.8.4. No servicing of vehicles and other machinery to take place on construction sites, and no fuel or other hazardous material to be stored on construction sites;
 - 3.3.8.5. All excess construction material and any waste generated during construction must be removed from site on an on-going basis and disposed of at a suitably registered waste disposal site;
 - 3.3.8.6. The contractor must provide adequate waste disposal facilities and must ensure that these facilities are properly used and maintained;
 - 3.3.8.7. Clear stipulations as to who is responsible and accountable for what actions.
 - 3.3.8.8. Sufficient erosion control measures must be stipulated and adhered to.
 - 3.3.8.9. All de-vegetated areas, and stockpiles of soil must have adequate erosion protection, such as silt fences, shade cloth etc.
- 3.3.9. An Environmental Control Officer (ECO) to be appointed for the duration of the construction activities to oversee implementation of the CEMPr, as well as adherence to the conditions contained within this Authorisation. Details of the appointed ECO to be submitted together with the 14 day notice of commencement contemplated in Condition 3.3.1.
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- 3.3.10. The ECO is amongst others responsible for the following;
- 3.3.10.1. A Pre-Commencement Audit of the conditions of this Environmental Authorisation, which must be submitted together with the notice of commencement as per Condition 3.3.1;**
- 3.3.10.2. Ensuring that the CEMPr is implemented and strictly adhered to inclusive of the relevant conditions contained within this Environmental Authorisation;
- 3.3.10.3. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
- 3.3.10.4. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;
- 3.3.10.5. To keep copies of all reports submitted to the Department on site; and
- 3.3.10.6. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.11. A plant “search and rescue”, to be conducted by a suitably qualified botanical specialist prior to commencement of any vegetation clearing for all protected species and species of special concern that may be affected by the development, as well as other indigenous plant specimens which can be relocated. Such specimens are to be relocated and appropriately transplanted, including in rehabilitation initiatives, where applicable and practical on site.
- 3.3.12. Further to Condition 3.3.11 any protected species which need to be removed or relocated require the necessary permits to be obtained from DEDEAT for those species protected under the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974), as well as those species listed under NEMBA.
- 3.3.13. A suitably qualified individual is to carry out a faunal “search and rescue”, which fauna are to be relocated to a suitably protected natural area prior to the commencement of vegetation clearing. Should any injured fauna be found, they are to be taken to be examined by a veterinarian and if deemed suitable for rehabilitation, these faunae are to be taken to a suitable faunal rehabilitation centre, in consultation with the Department's Biodiversity Unit. Any species protected in terms of the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974) or NEMBA, Act 10 of 2004 which need to be removed or relocated require the necessary permits to be obtained from DEDEAT.
- 3.3.14. All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays.
- 3.3.15. Any construction camp sites that may be necessary must be identified with the help of the ECO to ensure that they are in areas of low ecological and/or environmental sensitivity and on the streetside of the property.
- 3.3.16. The development footprint needed for the construction must be restricted to the absolute minimum necessary to facilitate construction of such. Such development footprint to be clearly demarcated with pegs. Construction activities, stockpiling of any building material and the storing of machinery must be accommodated within



such demarcated areas and in accordance with the relevant provisions of the CEMPr.

- 3.3.17. The Public Open Space between Erf 1731 and the high-water mark is to be regarded as a no-go area and no transgression of any nature, inclusive of any construction related activities are allowed in this area.
- 3.3.18. Further to Condition 3.3.17 an appropriate physical barrier to be erected on the seaward boundary of the property to ensure the integrity of the Public Open Space and to prevent extension of any private garden onto the Public Open Space.
- 3.3.19. No boardwalk, steps or any other form of structure or pathway to access the beach or shoreline across the Public Open Space may be established / constructed. Access to the beach is to be gained via a formal public access point.
- 3.3.20. All sand, gravel, stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.
- 3.3.21. Any areas disturbed as a result of construction activities to be rehabilitated immediately using vegetation indigenous to the area.
- 3.3.22. The applicant will be held liable in the event of non-compliance by any contractor associated with this activity.
- 3.3.23. Compliance/non-compliance records must be kept and shall be made available on request from the authorities.
- 3.3.24. The South African Heritage Resources Agency (SAHRA) and the Eastern Cape Province Heritage Resources Agency (ECPHRA) must be contacted immediately should any archaeological findings be discovered during the course of the development.
- 3.3.25. Non-compliance with any stipulation in the CEMPr will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.26. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.
- 3.3.27. Prior to decommission all or part of the operations the applicant must submit a decommissioning plan to DEDEAT.
- 3.3.28. All decommissioned areas must be left in a state that is equal to or better than the original environment.

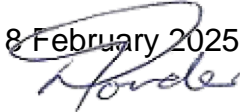
4 Reasons for Decision

4.1 Information considered in making the decision

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

4.1.1 The information contained in the following documents:

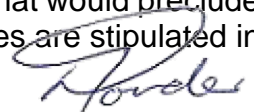
- The application form that was submitted on 25 October 2024;
- The DBAR that was submitted on 13 November 2024; and
- The FBAR that was submitted on 18 February 2025.



- 4.1.2 The EIA Regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies, and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998 accommodated in terms of the Transitional Arrangements provided for in terms of Chapter 8 of GN R. 982 (Section 53) of the EIA Regulations of 2014.

4.2 Key factors considered in making the decision

- 4.2.1. Erf 1731 is zoned as Residential, and the construction of a primary dwelling is permitted in terms of the existing land use rights and municipal zoning. Municipal services and infrastructure are already existing and the Municipality will have available capacity for the proposed dwelling. A conservancy tank will be used for sewage and will be emptied as required through a honeysucker.
- 4.2.1 Erf 1731 is furthermore surrounded by existing residential development except for the northeastern boundary that borders onto Public Open Space. The vegetation on Erf 1731 is comprised of secondary regrowth of indigenous vegetation as the site was cleared of natural vegetation within the last 10 years.
- 4.2.2 The site is within 100 meters of the HWM and therefore within a coastal dynamic area. With that being said it must be noted that Erf 1731 is approximately 22m above the high-water mark. Furthermore, there is a vegetated strip of coastal vegetation between Erf 1731 and the sea which borders a rocky coastline which is much less susceptible to coastal erosion than the sandy beaches located further north in St. Francis Bay. With that being said, the interface between Erf 1731 and the Public Open Space is deemed to be sensitive. No development will however occur within the 3m building line which implies that there will be a 3m area between any development and the property boundary that will remain undeveloped.
- Furthermore, Condition 3.3.17 requires the erection of an appropriate physical barrier on the boundary of Erf 1731 where it borders on the Public Open Space to ensure that no construction related activities or future gardening activities transgresses over the boundary of Erf 1731.
- 4.2.3 All services will link to existing service infrastructure in the area and to municipal bulk services which are available as stated in the report. In this regard it was stated that the services demand of the proposed development can be met.
- 4.2.4 The Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, Act 107 of 1998 including the requirements for public participation and how the EAP responded to comments and issues raised by Interested and Affected Parties.
- 4.2.5 Impacts during site establishment and construction will be managed through the implementation of a comprehensive Construction Environmental Management Programme as required in terms of Condition 3.3.7. Implementation of and adherence to this CEMPr as well as compliance to the conditions of this Environmental Authorisation are to be overseen by a dedicated Environmental Control Officer as stipulated in Condition 3.3.9.
- 4.2.6 No fatal flaws were discovered during the Environmental Impact Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, several other measures are stipulated in



the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.

- 4.2.7 The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- 4.2.8 The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.
- 4.2.9 In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
- 4.2.10 In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5 Appeal of authorisation

- 5.1 In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2 The written notification referred to in Condition 5.1 above must:
- 5.2.1. Specify the date on which the Authorisation was issued;
- 5.2.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
- 5.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3. In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2.
- 5.4. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism

(hereinafter referred to as “the MEC”) in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

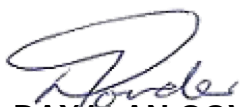
- 5.5. An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
- 5.6. The Appellant must also serve a copy of the appeal to the regional office that processed the application.”
- 5.7. The address to which the **original** of any appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administration: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

- 5.8. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department’s written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



NOKULUNGA LUDIDI
ENVIRONMENTAL OFFICER: EIM
SARAH BAARTMAN/NMB REGION
DATE: 10 June 2025



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
SARAH BAARTMAN/NMB REGION
DATE: 10 June 2025