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ENQUIRIES: Dorien Werth
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ADDENDUM TO THE ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): AMENDMENT OF THE RECORD OF DECISION ("ROD") REF.: 3/6/3 PROPOSED PARADISE COAST RESIDENTIAL ESTATE ON THE REMAINDER OF PORTION 1 OF THE FARM DROOGFONTEIN NO. 245, MOSSEL BAY ISSUED ON 13 FEBRUARY 2008 AND ADENDUM , AMENDMENT OF THE APPEAL RECORD OF DICISION (REF.: 3/6/3) ISSUED ON 13 JUNE 2013 FOR THE PROPOSED CONSTRUCTION OF PARADISE COAST RESIDENTAIL ESTATE ON THE REMAINDER OF PORTION 1 OF THE FARM DROOGFONTEIN NO, 245, MOSSEL BAY

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

A. DECISION

1. By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the environmental impact assessment ("EIA") regulations, 2014, the competent authority in terms of part 2 of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, herewith **grants the following amendments to** the Record of Decision (Ref.: 3/6/3) Proposed Paradise Coast Residential Estate on the Remainder of Portion 1

of the Farm Droogfontein No. 245, Mossel Bay issued on 13 February 2008 and the Addendum, Amendment of the Appeal Record of Decision (Ref.: 3/6/3) issued on 13 June 2013 for the proposed construction of Paradise Coast Residential Estate on the Remainder of Portion 1 of the Farm Droogfontein No, 245, Mossel Bay.

1.1 "Condition 14" on page 005 must read as follows;

A conservation buffer of approximately 50m must be created on either side of the St Blaize Trail. Corridors between the proposed buildings must remain untouched and areas visible from the St Blaize Trail must have no, or minimal gardening areas or lawns. The proposed fence line must be placed outside this buffer, except for the following places where the fence will be within the 50m buffer: From the eastern boundary, the fence will be placed on the sewer line servitude and along the road along the southern side of the road, except on erven 20538 and 20539 where the fence may not be closer than 35m from the St Blaize Trail, and erven 20551 to 20556 where the fence may not be closer than 40m from the St Blaize Trail, proximate to the Site Development Plan (Attached as Annexure 1), subject to the description above. The Management Recommendations contained in the Biodiversity Assessment of the proposed electric fence for the Paradise Coast Development by Dr Dabrowski of Confluent Environmental must be implemented. This includes that an opening in the fence or gate in the western most valley must be open for the recommended periods, to allow for the movement of wild animals. The operational phase Environmental Management Programme must be amended to include these Management Recommendations.

1.2 "Condition 15" on page 005 must read as follows:

The applicant must strictly comply with the mitigation measures described under Section 10.1 of the Visual Impact Assessment report, dated October 2006, compiled by VRM Africa, which specifically relates to Lighting, Roads, Vegetation, Fencing and signage for those areas where the Stone Haven Buildings and the Hotel complex will be developed, as well as the following mitigation measures contained in the Visual Impact Assessment: Suitability Statement: Dated 14 September 2023, compiled by VRM Africa:

- Realign the fence line so that it is not closer than 35m at the eastern point and not closer than 40m at the western side, but still avoid Milkwood trees.
- Rehabilitate the thicket between the fence and the St Blaize trail by supplementary planting of locally indigenous thicket species seedlings in the areas currently devoid

of vegetation where alien trees have been removed. Species to plant to include (*Sideroxylon inerme*, *Pterocelastrus tricuspidatus*, *Chrysanthemoides monilifera*, *Diospyros dicrophylla*, *Azima tetracantha*, *Carissa bispinosa*, *Gymnosporia buxifolia*, *Scutia myrtine*, *Schotia affra*, *Putterlikia pyracantha*). The selection of species includes fast growing pioneers that will provide shelter for the climax thicket species and spiny creeping species that will effectively "tie" the thicket together and prevent casual access into the area of rehabilitation.

- Brushpack over the planted seedlings so that they do not get trampled and are afforded protection while they grow.
- Regular inspections to remove any alien seedlings that may compete with the young thicket species.
- Reduce the height of the pole structure to 1.8m in height to reduce vertical line contrast, which with the proposed setback would reduce visual intrusion.
- Paint all the security fence poles a mid grey-green colour, to reduce colour contrast.

1.3 "Condition 16" on page 005 must read as follows:

The coastal thicket in front of all the erven, particularly those closest to the coast, must be maintained to assist with visual screening and the thicket between the fence and the St. Blaize trail must be rehabilitated with supplementary planting of locally indigenous thicket species seedlings in the areas where alien trees have been removed. Species to plant must include; (*Sideroxylon inerme*, *Pterocelastrus tricuspidatus*, *Chrysanthemoides monilifera*, *Diospyros dicrophylla*, *Azima tetracantha*, *Carissa bispinosa*, *Gymnosporia buxifolia*, *Scutia myrtine*, *Schotia affra*, *Putterlikia pyracantha*).

2 All the remaining conditions in the Record of Decision (Ref: 3/6/3) for the proposed Paradise Coast Residential Estate on the Remainder of Portion 1 of the Farm Droogfontein No. 245, Mossel Bay issued on 13 February 2008 and addendum to the Appeal Record of Decision (Ref: 3/6/3) issued on 13 June 2013 for the proposed construction of Paradise Coast Residential Estate on the Remainder of Portion 1 of the Farm Droogfontein no, 245, Mossel Bay will remains in force.

B. REASONS FOR THE DECISION

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

1. The information contained in the Application Form received on 30 October 2023, the Final Impact Report (FIR) dated 13 December 2023;

2. The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
3. The comments received from Interested and Affected Parties (I&APs) and responses to these, included in the FIR received by this Department on 13 December 2023;
4. The balancing of negative and positive impacts and proposed mitigation measures;
5. All relevant information that was made available in the FIR to understand the environmental and spatial context.
6. The findings of the Final Impact Report with respect to the Need and Desirability of the proposal, which focusses on the safety of residents. The specialist recommendation with respect to the measures provided for the impacts on the terrestrial biodiversity, plant and animal species, and which were included in the Environmental Management Programme. The findings of aquatic ecosystem assessment, which confirms the presence of two non-perennial streams and that the proposed fence will allow for sufficient flow. The findings of the heritage and cultural aspects assessment which shown that the heritage resources along the proposed fence have a rating of "Not Conservation Worthy". The findings of the visual impact assessment that identified certain risks and mitigation measures to inform the approved routing of the fence. The proposed measures that were included in the Environmental Management Programme.
7. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations 2014 relating to public involvement.

The public participation process included:

- 7.1 A newspaper advert that was placed in the Mossel Bay Advertiser on 03 November 2024.
- 7.2 The placement of 3 Site Notice Boards at visible and accessible locations surrounding the site boundaries on 03 November 2024.
- 7.3 The draft Impact Report that was made available for comment from 08 November 2023 to 08 December 2023.
- 7.4 The following State Departments were notified of the availability of the draft Impact Report:
 - a) Breede Olifants Catchment Management Agency ("BOCMA")

- b) Department of Forestry and Fisheries ("DFFE")
- c) CapeNature
- d) Mossel Bay Municipality (Ward Councillor)

BOCMA

The BOCMA stated that the proposed fence will cross over two streams, and this will trigger a section 21(c) and (i) of the water uses activities in terms of the National Water Act, 1998. The General Authorisation ("GA") is currently in process. Furthermore, there was no objections to the proposed fence.

DFFE

The DFFE confirmed following their site inspection that there are protected trees on site, and these must be conserved as they are protected under the National Forestry Act. Furthermore, DFFE does not have any objection against the proposed fence.

Cape Nature

Cape Nature does not have any objections against the proposed fence. Additionally, they did support the proposed fence and the recommendations made by the aquatic and terrestrial specialists. Furthermore, Cape Nature made recommendations, and these were included in the design and Environmental Management Programme ("EMPr").

Mossel Bay Municipality (Ward Councillor)

The Ward Councillor requested that the proposed fence must not impede any access to the St' Blaze hiking trail. The fence is located above the hiking trail on Paradise coast property.

This Directorate is therefore satisfied that all the comments and inputs that were captured in the Impact Report has been adequately responded to by the EAP and that appropriate mitigation measures have been included in the EMPr to adequately address the issues and concerns raised.

Recommendation 2, which recommends that no fence be erected between the adjacent open spaces at Paradise Coast and Pinnacle Point, and that management of the adjacent open spaces/nature areas should be combined or aligned, is not removed. The reason for this is, while there is currently a fence between the Paradise Coast and Pinnacle Point, the hope remains that when the security of both estates allows for the removal of the fence between the two estates, the recommendation will be implemented.

C. CONDITIONS

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
 - 1.1 notify all registered interested and affected parties registered in the previous EIA process of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 1.2 draw the attention of all registered interested and affected parties registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) in section D below;
 - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with Condition 1 of Section C above.
3. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified immediately.

D. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –

- 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
- 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:
- By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
CAPE TOWN
8000
- By facsimile: (021) 483 4174; or
- By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

E. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT

DATE OF DECISION: 13 MARCH 2024

Copy:

Mr. C. Avierinos
Mr. R. Minnie

Hilland Environmental
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Annexure 1: Approved Fence: Site Development Plan

