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OUR REF NO: 08

DEADP REF: EG12/2/1-AM18-Farm Vaalevalley 219/b, Mossel Bay

30th July 2019

Western Cape Minister of Local Government
Environmental Affairs and Development Planning
Directorate: Development Management (Region 3)
809 Utilitas Building
Cape Town
8001

BY EMAIL

Dear Mr. Marius Venter

**HARTENBOS LANDGOED PHASE II DEVELOPMENT ON A PORTION OF THE REMAINDER OF FARM
 VAALEVALLEY 219, MOSSEL BAY**

Our email correspondence (26 July 2019) and the abovementioned development refers,

We (SES) we on site earlier today to conduct Environmental Awareness Training with the labourers on site and read through the conditions of the EA with the contractor on site highlighting the conditions that they need to comply with.

From our two site visits we have compiled the table below, as mentioned in my previous correspondence, to highlight the level of compliance with the EA for the development.

CONDITIONS OF THE EA (dated 18 August 2009)	COMPLIED	NOTES
1. One Week's notice, in writing must be given to the Department, before commencement of construction activities. 1.1 Such notice shall make clear reference to the site location details and reference number given above. 1.2 The said notice must also include proof of compliance with the following conditions described herein: Conditions 7, 8, 23, 25 & 27	No	Notice has now been given to the DEADP (26 July 2019). However, SES was not notified that construction activities commenced – It is understood that the Town Planning approvals would have lapsed if they did not commence in time to construct and transfer a complete unit.
2. An integrated waste management approach must be used that is based on waste minimization and	No, but we are	No bins marked for recycling purposes were noted during the

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must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environmental Conservation Act, 1989 (Act No. 73 of 1989). A system of waste separation at source must be implemented and the separated waste must be regularly transported to the various recycling companies.	working to ensure compliance as soon as possible.	1 st site inspection, housekeeping was however in a good condition and this condition can still be complied with.
3. The mitigation/rehabilitation measures and recommendations as detailed in the Environmental Impact Report dated 5 September 2008 compiled by Sharples Environmental Services, must be adopted and implemented.	Partially	A copy of the EMPr, EA and Fire Management Programme was issued to the contractor on site during the first site visit.
4. The recommendations made in the Vegetation and Vertebrate Fauna Sensitivity Analysis dated June 2005 by Conservation Management Services must be implemented.	Yes	The recommended Alternative was approved by the DEADP.
5. the recommendations included in the report by MAPCARM cc dated 28 September 2005 must be implemented. Permits as stipulated in the aforementioned report must be obtained from Heritage Western Cape (HWC) before commencement of each development phase.	No	Permits, as far as we can establish have not been obtained as per the Archaeological Heritage Impact Assessment
6. No new roads may be made within the nature area. No Parking for visitors to the beach may be made in the nature area. Parking can be provided on the transformed areas as indicated on the vegetation sensitivity Map (figure 3 of the Vegetation and Vertebrate Fauna Sensitivity Analysis dated June 2005) or within the disturbed area on Hartenbos Landgoed Phase 1. Existing roads or tracks that are required for the management of the nature area may be retained. All other roads that are not required for management must be rehabilitated. A system of hiking trails through the nature area may be established in accordance with the Operational Phase Environmental Management Plan.	Yes	Although not completely applicable yet, no new roads were noted in the Nature area
7. A Fire management Programme must be developed before any construction commences, except for the construction of the proposed Social housing development. The Fire Management Programme must be approved by CapeNature as well as the Mossel Bay Fire Chief and the Eden Fire Chief.	Yes	A Fire Management Programme has been developed however it has not been approved by CapeNature or the Local and District Fire Chiefs. This is in process depending on payment.
8. Chapter 12 of the Operational Management Plan must be expanded to include among other the following: 8.1. No cats may be allowed on the estate.	Yes	The requested inclusions are contained within the Operational Management Plan

8.2. The list of plant species which may not be planted must include Pine trees, Monkey puzzle trees, palm trees or any other exotic tree species with a growth form which is unlike the growth form of the locally indigenous vegetation and which may dominate the landscape. 8.3. the list of plant species that should be encouraged must include all the locally occurring indigenous plant species, as well as Kweek grass and buffalo grass for lawns.		
9. A property Owners Association must be established to which all property owners on Hartenbos Landgoed must belong. Each member of the POA must sign acceptance of the POA management plan/rules and regulations and operational phase Environmental Management Plan which they will abide to.	N/A	Not applicable at this stage
10. The applicant must approach CapeNature with a request to enter into some form of agreement or contract in terms of CapeNature's Stewardship programme.	No	This can however still be complied with
11. All invasive alien vegetation must be cleared from the site. The initial clearing of all alien invasive vegetation must take place within 24 months after commencement of construction work. Follow up clearing of invasive alien plants must be done annually.	N/A	The developer has 2 years to comply with this condition
12. The area with the natural vegetation must be managed as a nature reserve according to a management plan approved by CapeNature.	N/A at this stage	A nature reserve management plan must still be developed
13. With reference to layout plan no. HB/C/204/9 dated February 2009, the following erven must be removed from the proposed development: 1019 to 1053 and the two parking areas for 50 and 70 cars, These are to be included in the open space network. 13.1 An amended layout plan depicting these changes must be submitted to the Department for approval prior to commencement of construction activities.	Uncertain	Confirmation needs to be obtained from the Applicant.
14. Only single storey dwellings (6m height restriction from natural ground level) must be constructed on the following erven indicated on layout plan NB/C/204/9 dated February 2009: 1 & 2; 84 to 107; 523 to 544; 880 to 887; 1054 to 1087; 1287 to 1290; 1009 to 1018; 1253 to 1269; 1245 to 1247; 1284 to 1300; 1226 to 1228; 545 to 611; 656 to 681; 643 to 655 and 548 to 567.	N/A	Only services are being constructed at this stage.
15. A fire break or buffer of at least 10m must be maintained between erf boundaries and the existing	Uncertain – Can/will be	This condition will be brought to the attention of the developer.

edge of the natural vegetation. All buildings must be set back at least 10m from the edge of the natural vegetation. This 10m buffer must not be bulldozed but the grass in this area must be regularly cut. A 20m buffer must be provided for all erven located closest to the N2 Highway. This buffer may also serve as an access for fire fighting vehicles.	complied with	
16. The following Resource Conservation Measures must be implemented: 16.1 Rainwater from roofs must be collected and stored in rainwater tanks. No taps linked to piped, potable water may be installed outside buildings. Any water used in gardens or outside buildings must only be collected rainwater. 16.2 All buildings must be fitted with water saving devices such as low flow showerheads and double flush toilets. 16.3 All residential dwellings must be fitted with and use solar hot water systems.	N/A	Will only apply to construction of the housing units
17. A stormwater management plan must be prepared and approved by the Mossel Bay Municipality. Hard surfaces must be limited or reduced where possible. Measures must be implemented to slow down the flow of storm water, dissipating energy and increased infiltration of storm water, thereby reducing stormwater and replenishing groundwater. Storm water may not be allowed to run down steep slopes on the north-eastern boundary towards the Kleinbrak River.	Uncertain	This can be complied with if it hasn't been already.
18. No buildings are allowed on slopes of 1:4 and steeper.	Yes	This condition will be complied with
19. Permits must be obtained from the Department of Water Affairs and Forestry before any protected tree species (including Milkwood trees, Sideroxylon inerme) or forest may be disturbed, pruned or damaged in any way.	Uncertain	This can still be compiled with if no such protected trees have been damaged yet
20. The existing indigenous hedgerows on the property must be retained.	No/partial	Some of the natural hedgerows may have been cleared
21. The guidelines contained in the Economic Impact Assessment by Urban-Econ must be implemented. Preference must be given to local labour. The applicant must provide ample opportunity for training and skills transfer.	Uncertain	Applicant to comment
22. Bulk earthworks and excavations must be monitored by a professional archaeologist. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of	No	Not as far as we are aware

the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape. 22.1. If any archaeological remains (including but not limited to fossil bones and fossil shells, coins, indigenous and /or colonial ceramics, any articles of value or antiquity, marine shell heaps, stone artefacts and bone remains, structures and other built features, rock art and rock engravings) are discovered during construction they must immediately be report to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape. 22.3 If any graves or unmarked human burials are discovered, or any human remains be disturbed, exposed or uncovered during excavations and earthworks, they must be treated with respect and SAHRA must be notified immediately and must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contacted to remove the remains at the expense of the developer.		
23. The applicant must appoint a suitably experienced Environment Control Officer before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the construction phase EMP.	Partial	It is uncertain when construction activities commenced on site. SES was officially appointed on 15th July 2019.
24. The Construction Phase Environmental Management Plan for the proposed development dated March 2008 and the Operational Phase Environmental Management Plan for the proposed development dated June 2008 by Sharples Environmental Services must be implemented. Any amendments to the environmental management plans must be submitted to the Department for approval.	Uncertain at this stage	Monitoring and monthly reporting will reveal whether the EMP_r is being implemented. A copy of the EMP_r (including operational management programme) and EA were delivered to site by the ECO on 22nd July 2019.
25. An Environmental Liaison Committee ("ELC") must be established at the cost of the Applicant, prior to commencement of site preparation and construction. 25.1. The applicant must draw up the ELC's draft terms of reference ("TOR") or draft construction and submit it to the Department. This must be approved by the Department prior to any land clearing or	Uncertain	The draft ToR was submitted to the DEADP. A newspaper advert was placed in a local paper to invite members to join the ELC – No requests to join were received.

construction commencing. 25.2 The TOR must include but is not limited to the following: 25.2.1 the frequency of meetings and reports 25.2.2 chairmanship/membership 25.2.3 auditing requirements 25.2.4 duties and responsibilities during the construction phase 25.2.5 the termination of such ELC 25.2.6 the frequency of providing feedback to the local community		
26. The applicant must submit an Environmental Audit Report, to this Department within six months after installation of the services of each phase has been completed. 26.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation, and the status of the rehabilitation programme. 26.2 The department may require remedial action should the audit report reflect that rehabilitation is inadequate 26.3 If the audit report is not submitted, the Department may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorize any person to take such measures necessary for this purpose.	N/A	Compliance only required 6 within 6 months of completing the services
27. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from: The Director: Environmental Impact Management Department of Environmental Affairs and Tourism Private Bag X447 Pretoria 0001	Yes	No outdoor advertising noted on site
29. The owner and/or developer must notify this Department and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorization is not adhered to.	No	It is uncertain that the developer is aware of this condition. No such notification has been sent to SES
30. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.	N/A	No Officials have visited the site to our knowledge

Please could you recommend the way forward and don't hesitate to contact me if you have any queries.

Yours sincerely,



Michael Bennett

Environmental Assessment Practitioner

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