



Corner Belmont Terrace and Castle Hill, Central, Port Elizabeth 6001
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Reference: EC08/C/LN1&3/M/37-2016
Enquiries: N. Nazo

Patricia Anne Briscoe
P.O. Box 95
St Francis Bay
6312

Email: anne.briscoe@soh.co.za

Attention: Patricia Anne Briscoe

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998, AS AMENDED, TO UNDERTAKE LISTED ACTIVITIES AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED EXTENSION OF AN EXISTING RESIDENTIAL DWELLING ON ERF 62 (PANAGHIA STREET), CAPE ST FRANCIS WITHIN THE KOUGA MUNICIPAL AREA.

1. With reference to the above-mentioned application (Reference number EC08/C/LN1&3/M/37-2016), 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, 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 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. Should you decide to appeal, you must serve a copy of the appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

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

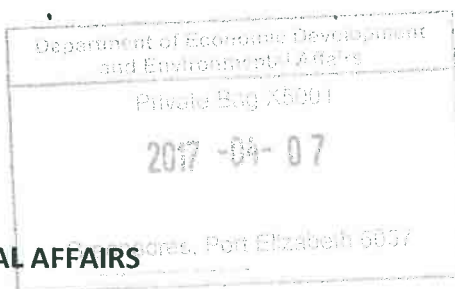
5. An appeal against the decision contained in this Authorisation must be submitted in writing in to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the Appeal Regulations, 2014 and within twenty (20) days after the appellant has been notified in terms of paragraph 3 and 4 of the decision. 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 deliveries at: | Beacon Hill Hockley Close King William's Town 5601 |
| In order to facilitate efficient administration of appeals copies of an appeal and any supporting documentation must also be submitted as follows: | |
| General Manager: Environmental Affairs per fax: | [043] 605 7300 |
| Manager: Mr. S. Gqalangile - Environmental Impact Management per fax: | [043] 605 7300 |
| It is strongly recommended that electronic copies of all appeal documentation also be e-mailed | E-mail addresses will be supplied on request |

6. 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
CACADU REGION

DATE: 07/04/2017





Corner Belmont Terrace / Castle Hill Central Port Elizabeth 6001
Private Bag X5001 Greenacres 6057 Republic of South Africa

Contact Person: *Ndileka.Nazo*

Tel: 041 5085800/5 Fax: 041 5085865 Email: Ndileka.Mjacu@dedea.gov.za

Environmental Authorisation

| | |
|---------------------------------------------|--------------------------------------------------------------------------------|
| AUTHORISATION NOTICE REGISTER NUMBER | Provincial Ref No: EC08/C/LN1&3/M/37-2016 Neas Ref No: ECP/EIA/0000205/2016 |
| LAST AMENDED | Not applicable |
| HOLDER OF AUTHORISATION | Patricia Anne Briscoe |
| LOCATION OF ACTIVITY | Erf 62 (Panaghia Street), Cape St Francis within the Kouga Municipal Area. |

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"CEMPr" - Construction Environmental Management Programme.

"Commencement" – Any physical activity on site that can be viewed as associated with the extension of an existing dwelling, inclusive of initial site preparation.

"EAP" – Environmental Assessment Practitioner.

"EIA regulations" – These are the Environmental Impact Assessment Regulations published in Government Notice R982 of 4 December 2014 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

"FBAR" - Final Basic Assessment Report titled "The proposed Construction of a Single Residential dwelling on Erf 62 Cape St Francis Eastern Cape," read together with all the appendices thereto, dated November 2016 as compiled by Eco-Route Environmental Consultancy

"ICMA" – National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008.

"NEMA" – National Environmental Management Act, Act 107 of 1998.

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

1. 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 **Patricia Anne Briscoe** should be allowed to undertake the activity, specified below. Details regarding the basis on which the Department reached this decision are set out in Sections 4 and 5 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 NEMA Environmental Impact Assessment Regulations, 2014, the Department hereby authorises Patricia Anne Briscoe being the legal or natural person who has applied for this Authorisation, with the following contact details:

| | | | |
|------------------|------------------------------|---------------|--------------------------------------------------------------------|
| Name | Patricia Anne Briscoe | | |
| Address | P.O Box 95, St Francis, 6312 | | |
| Telephone | N/A | Fax | N/A |
| Cell | 082 467 8752 | | |
| Contact | Patricia Anne Briscoe | E-mail | anne.briscoe@soh.co.za |

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

| Detailed description of activity | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The activity as proposed will entail the extensions to an existing dwelling on Erf 62, Cape St Francis within the Kouga Municipality. Erf size is 1062.67 m ² and the existing dwelling has a development footprint of 132 m ² . The proposed new extensions will have a development footprint of 98.76 m ² . The total building foot print will however be approximately 350m ² and will include a new concrete patio area of 79 m ² and a pool of 20 m ² . The new dwelling will be a double storey. | |
| Listed Activities | |
| R 983 – 19 | The infilling or depositing of any material of more than 5 cubic metres into, or dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from- (iii) 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 greater. |
| R. 985 - 12 | The clearance of an area of 300 square metres or more of indigenous vegetation- (a) In the Eastern Cape: (iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater. |

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

| | |
|-----------------------|--------------------|
| District | Sarah Bartman |
| Municipal Area | Kouga Municipality |
| Farm Name | N/A |

| | |
|---------------------------------------------|---------------------------------------------|
| Farm Number and Portion | N/A |
| Erf Number and Township Extension or Suburb | Erf 62, Cape St Francis |
| Co-ordinates | 34°12'28.09"S and 24°50'3.86"E |
| Physical address | Erf 62, Cape St Francis, Kouga Municipality |

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. Construction of the new dwelling as authorised in this Environmental Authorisation must commence within a period of 12 (twelve) months from the date of issue of this Authorisation. If 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 to be completed within 12 (twelve) months of commencement.
- 3.1.3. Extension of the Environmental Authorisation may be applied for in writing at least 3 (three) months prior to the expiry thereof as required in Regulation 28(1) of the 2014 EIA Regulations. If no request for extension is received at least three months prior to the expiry of this Environmental Authorisation, it may result in the lapsing of the Environmental Authorisation.
- 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 CEMP; 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. General 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.
- 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.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department 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 of this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. 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), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.2.9. 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.
- 3.2.10. 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.**
- 3.2.11. 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.
- 3.2.12. 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.

- 3.2.13. 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.
- 3.3.2. 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.
- 3.3.3. Further in this Environmental Authorisation as well as all Condition 3.3.2, Patricia Anne Briscoe 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 EMPr
- 3.3.4. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered into between the applicant and any contractor(s) and or any sub-contractor(s).
- 3.3.5. The Construction Environmental Management Programme (CEMP) contained in the FBAR must be revised and submitted to DEDEAT for approval prior to the commencement of construction; and to be implemented for the construction phase of the project. The CEMP to include, amongst others if it is not already specifically and explicitly contained therein:
- 3.3.5.1. Applicable conditions contained in this Environmental Authorisation;
 - 3.3.5.2. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, minimization of dust, etc.:
 - 3.3.5.3. A general code of conduct for any contractor carrying out any work on the development site;
 - 3.3.5.4. All mitigation measures and recommendations contained in the Final Basic Assessment Report; and
 - 3.3.5.5. Contingency plans for any emergencies that may affect the public open space during construction, such as fuel spills, from the construction equipment and sewage spills from on site sanitary facilities.
- 3.3.6. General principles of environmental management as contemplated in Condition 3.3.5.2 to include, amongst others, the following :
- 3.3.6.1. No construction, storage of materials or topsoil or development to take place beyond the municipal building lines; and no relaxation of the stipulated 3m building lines are to be allowed.
 - 3.3.6.2. Water required must be sourced from the local Municipal supply.

- 3.3.6.3. 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;
- 3.3.6.4. 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 site and disposed of at a registered waste disposal site;
- 3.3.6.5. 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;
- 3.3.6.6. No servicing of vehicles and other machinery to take place on site and no fuel or other hazardous material to be stored on site;
- 3.3.6.7. 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;
- 3.3.6.8. The contractor must provide adequate waste disposal facilities and must ensure that these facilities are properly used and maintained;
- 3.3.6.9. Clear stipulations as to who is responsible and accountable for what actions.
- 3.3.6.10. Sufficient erosion control measures must be stipulated and adhered to.
- 3.3.7. The dimensions of the house are to conform to the relevant building regulations of the Kouga Municipality inclusive of adherence to applicable building lines and height restrictions.
- 3.3.8. The actual footprint of the proposed dwelling must be demarcated prior to commencement of construction activities on site and all activities inclusive of the stockpiling of any material/soil to be restricted to within this demarcated area.
- 3.3.9. 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.
- 3.3.10. Excavations are to be limited to what is absolutely necessary for the house, foundations and the pool.
- 3.3.11. Sewage disposal to be by means of a conservancy tank. Installation of the tank to be in accordance with the relevant SANS and municipal specifications and to be located in such a manner as to facilitate access thereto by municipal vehicles used for the servicing of conservancy tanks.
- 3.3.12. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any archaeological findings be discovered during the course of the development.
- 3.3.13. 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.
- 3.3.14. The ECO is amongst others responsible for the following;
 - 3.3.14.1. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.14.2. 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;

- 3.3.14.3. To keep copies of all reports submitted to the Department on site; and
- 3.3.14.4. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.15. Patricia Anne Briscoe will be held liable in the event of non-compliance with any condition of this Authorisation Notice or any stipulation of the CEMPr by any contractor associated with this activity.
- 3.3.16. Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.17. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the FBAR must be adhered to.
- 3.3.18. A post construction environmental audit to be completed and submitted to the Department within six months of termination of the construction phase.

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 documentation:
 - Completed application form dated 19 July 2016 and submitted to the Department on 16 September 2016;
 - The FBAR dated November 2016 submitted to the Department and received on 30 November 2016.
- 4.1.2 Observations made during a site visit on 7 July 2016 conducted by Andries Struwig from the Department in the capacity of Dr. Ebersohn from Eco Route and Mr. Skelton, the architect.
- 4.1.3 The EIA regulations of 2014 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

4.2 Key factors considered in making the decision

- 4.2.1. The property is already transformed as it contains an existing house which will be extended and the subject site does not contain any vegetation of conservation significance. Furthermore the house does not border on the beach, it is set back and located behind the list row of house. It is thus not foreseen that there will be a significant impact on the immediate biophysical environment.

- 4.2.2. The proposed demolition and construction of the new dwelling is in line with the land use of the area as well and conforms to the Spatial Development Framework of the Kouga Municipality.
- 4.2.3. Conditions are stipulated in this Environmental Authorisation to ensure that development on the site will conform to the applicable municipal building regulations and by-laws. Furthermore, services in the form of electricity and water supply is already available on the subject site. A conservancy tank will be installed to facilitate sewage removal by the Kouga Municipality.
- 4.2.4. The project has been advertised and no objections were lodged against the proposed activity. The Department is satisfied that the information contained in the FBAR read together with conditions contained in this Environmental Authorisation has satisfactorily addressed concerns.
- 4.2.5. 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 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

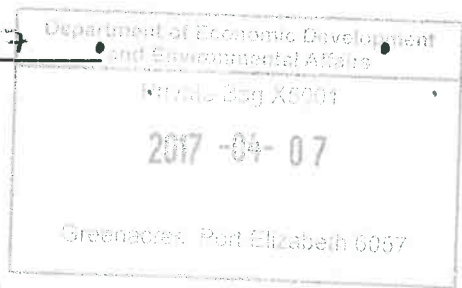
- 5.1 In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 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 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.
- 5.4 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 and Tourism |
| Attention | General Manager: Environmental Affairs |
| Postal Address | Private Bag X0054, BHISHO , 5605 |
| By Hand | Beacon Hill, Hockey Close, King Williams Town |
| In order to facilitate efficient administration of appeals <u>copies</u> of any appeal and supporting documentation must also be submitted as follows: | |
| General Manager, Mr Albert Mfenyana: Environmental Affairs per fax: | [043] 605 7300 |
| Manager Environmental Affairs: Mr S. Gqalangle per fax: | [043] 605 7300 |
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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.


NDILEKA NAZO
ENVIRONMENTAL OFFICER: EIM
CACADU REGION

DATE: 7 April 2017




DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION

DATE: 07/04/2017