



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA 0001- Environment House 473 Steve Biko Road, Arcadia- PRETORIA

DFFE Reference: 12/12/20/486/AM1

Enquiries: Ms Juliet Mahlangu

Telephone: (012) 399 9320 E-mail: jmahlangu@environment.gov.za

Mr Andries Fourie
Sandpiper Nature Reserve (Pty) Ltd
P O Box 1215
KNYSNA
6570

Telephone Number: (044) 382 7053
Email: mlkemb@cndv.co.za

PER EMAIL / MAIL

Dear Mr Fourie

AMENDMENT OF THE RECORD OF DECISION ISSUED ON 29 SEPTEMBER 2004, AS AMENDED, FOR THE DEVELOPMENT OF ERF 4982 SEDGEFIELD, A PORTION OF ERF 4884 (CONSOLIDATED ERVEN 1632 AND 1633) IN THE WESTERN CAPE PROVINCE.

The Record of Decision (RoD) issued for the above application by this Department on 29 September 2004, the amendment to the RoD dated 28 October 2021, your application for amendment and draft amendment report to the RoD received by this Department on 01 September 2021, Comments on the draft report dated 02 October 2021 and final amendment report received by the Department on 01 December 2021 refer.

Based on a review of the reason for requesting an amendment to the above RoD, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the RoD dated 29 September 2004 as amended, as follows:

Amendment 1: Amendment to the project description under condition 2 of RoD :

From

"Lepton Park Development (Pty) Ltd and Wavelengths 254 (Pty) Ltd propose to undertake the combined development on erven 1632 and 1633 in Sedgefield which will comprise of 2 single residential erven, a 23 unit residential or holiday housing component with associated private open space, recreational area, parking and access boardwalk, two remaining undeveloped sections, roads, parking and public facilities. The proposed development site lies on the eastern bank of the Sedgefield Lagoon and extends from estuary, along the coast to Myoli Beach. The total extent of the site is 14.74 ha, while ERF 1632 and ERF 1633 are approximately 5.95 ha and 8.79 ha in extent, respectively"

MS

To:

"Sandpiper Nature Reserve (Pty) Ltd is located on Erf 4981 (Phase A) and Erf 4982 (Phase B) in Sedgefield, Western Cape. Erf 4981 & 4982 comprises of 2 single residential erven and is split into Phase A and B.

Phase A has 18 unit residential or holiday housing component. Phase B which comprises of a Boutique Retirement Resort with 42 residential opportunities including dining and recreational facilities for residents. Other administrative facilities such as a nurse's station, gym, reception and back up services are included in Phase B.

Both Phase A and B has associated private open space, recreational area, parking and access boardwalk, two remaining undeveloped sections, road, parking and public facilities."

Amendment 2: Amendment to condition 6.2.12 of RoD:

From:

"Special residential stands should not exceed 500m² and building footprints should not exceed 300m² in extent"

To:

"Residential stands should not exceed 500m² and building footprints should not exceed 300m² in extent. Two residential stands maybe consolidated however the building footprint on consolidated erven may not exceed 300m²."

Amendment 3: Approval of amended Environmental Management Programme (EMPr) and the amended Site Development Plan

The amended EMPr and the amended Site Development Plan submitted as part of the application for amendment of RoD is hereby approved. The approved EMPr must be implemented and adhered to. This EMPr approval must be read in conjunction with the conditions contained within the abovementioned RoD dated 29 September 2004 as amended. This EMPr should be regarded as a 'living document', which may be amended from time to time as and when the need arises. For future amendments to this EMPr, your attention is drawn to the processes as outlined in the EIA Regulations, 2014, as amended.

Reasons for amendment:

There is a definite, and growing demand for retirement facilities in South Africa, and especially in the Western Cape. According to Statistics South Africa, South Africans aged 60 and over comprise 8.1% of SA's 55.5m population. Courtesy of the almost 10-year increase in the lifespan of the average South African, they are living longer (FinWeek July 2017). "The percentage of South Africans over the age of 60 is set to double to 15.4% of the total population by 2050. However, the market has not yet provided enough housing stock to meet these needs", says Sandra Gordon, senior research analyst at Pam Golding Properties. South Africa also has many merits as an international retirement destination. Retirement in South Africa is very affordable for international retirees. House prices are relatively cheap, the climate is excellent, good medical facilities and many attractions and activities make the country a popular destination. Peter Cameron, sales director, Home and Country Property says that the number of retirees moving to the Western Cape increases annually because of its relaxed lifestyle, scenic routes, its well-run municipalities and first world amenities.

This proposed amendment letter must be read in conjunction with the RoD dated 29 September 2004 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@dffe.gov.za

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment

Date: *09/04/2022*

cc:	Janet Ebersohn	Eco Route	E-mail: janet@ecoroute.co.za
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ROD

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

HOOFDIREKTORAAT: OMGEWING- EN GRONDBESTUUR
DIREKTORAAT: GEINTEGREERDE OMGWINGSBESTUUR
(STREEK A)

CHIEF DIRECTORATE: ENVIRONMENTAL AND LAND MANAGEMENT
DIRECTORATE: INTEGRATED ENVIRONMENTAL MANAGEMENT
(REGION A)

DOKUMENT VIR DEURSENDING MET FAKSIMILEEMASJIE
DOCUMENT FOR DESPATCH BY FACSIMILE MACHINE

TO/AAN: Dr Colleen Ebersohn	
FAX NO/FAKS NR:	Fax: 044 381 0515
CC:	
INSTITUTION/INSTANSIE:	
YOUR REFERENCE/U VERWYSING:	
FOR ATTENTION/VIR AANDAG:	
TEL. NO:	

VAN/FROM: Danie Swanepoel	FAKS NR/FAK NO: (044) 874-2423
DATUM/DATE:	
PERSOON/PERSON:	
OUR REFERENCE/ONS VERWYSING:	
TEL. NO/NR.:	(044) 874-2160
AANTAL BLADSYE (DEKBLAD INGESLUIT) NUMBER OF PAGES (COVER INCLUDED)	10
IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL AS SOON AS POSSIBLE: TEL. NO. / INDIEN AL DIE BLADSYE NIE ONTVANG IS NIE, SKAKEL SO GOU MOONTLIK: TEL. NR	(044) 874-2160

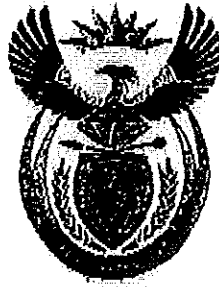
SUBJECT/DESCRIPTION/MESSAGE:

RE: Rekord van Besluit: Erwe 1632 & 1633, Sedgefield.

Colleen,

Soos versoek, hiermee die Rekord van Besluit vir die voorgestelde ontwikkeling op erwe 1632 & 1633, Sedgefield, wat op 29 September 2004 uitgereik is.

Groete
Danie Swanepoel
Direktoraat: Geïntegreerde Omgewingsbestuur (Streek A)



**DEPARTMENT: ENVIRONMENTAL AFFAIRS AND TOURISM
REPUBLIC OF SOUTH AFRICA**

Private Bag X417, Pretoria, 0001 Tel: (27-12) 310 3811 Fax: (27-12) 322 2482
Fedure Forum Building, North Tower, cor. Van der Wall and Pretorius Streets, Pretoria
www.deat.gov.za

Ref: 12/12/20/486

Enquiries: Ms Elizabeth Ramalase

Tel: 012 310 3815 Fax: 012 310 3886 E-mail: Ermaalase@deat.gov.za

Mr M Maughan-Brown
Lepton Park Development (Pty) Ltd & Wavelengths 254 (Pty) Ltd
PO Box 1215
KNYSNA
6570

Fax No.: (044) 982 7054

Dear Mr Maughan-Brown

AUTHORISATION FOR THE DEVELOPMENT OF ERVEN 1632 AND 1633, SEDGEFIELD.

Your application for authorisation of 19 August 2003, in terms of Section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of Section 21 of the said Act, dated September 1997 regarding the above matter refers.

This department and the provincial Department of Environmental Affairs & Development Planning (DEA&DP) has evaluated the environmental impact report dated February 2004 and has considered your application.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

The proposed development of erven 1632 and 1633 in Sedgefield, subject to conditions listed in the record of decision, Schedule 1 of Government Notice No. R. 1182: Item 1 (c) (d) and 2 (c).

Enclosed please find the record of decision and the conditions under which your application is authorised.

In terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and regulation 11 of Government Notice R 1183, appeals on the record of decision can, within 30 days from the date of this authorisation be lodged with:

The Minister of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

Fax: (012) 322 0082

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notice No. R. 1183 of 5 September 1997) which reads as follows:

- 1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
- 2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them, which are certified as true by commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the department's offices at tel. (012) 310 3590 or email: cveeden@deat.gov.za



CHIEF DIRECTOR

DATE: 29/09/2009

RECORD OF DECISION

DECISION IN TERMS OF SECTION 22 (3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R. 1183 OF 6 SEPTEMBER 1997.

1. **REFERENCE NUMBER:** 12/12/20/466

2. **BRIEF DESCRIPTION OF ACTIVITY**

Lepton Park Development (Pty) Ltd and Wavelengths 254 (Pty) Ltd propose to undertake the combined development of erven 1632 and 1633 in Sedgefield which comprises 2 single residential erven, a 23-unit residential or holiday housing component with associated private open space, recreational area, parking and access boardwalk, two remaining undeveloped sections, road, parking and public facilities. The proposed development site lies on the eastern bank of the Sedgefield Lagoon and extends from the estuary, along the coast to Myoli Beach. The total extent of the site is 14,74 ha, while Erf 1632 and Erf 1633 are approximately 5,95 ha and 8,79 ha in extent, respectively.

3. **LOCALITY**

Province:	Western Cape
Magisterial District:	Knysna
Location:	Sedgefield
Farm Name:	Erven 1632 (5,9484 ha) and 1633 (8,7891 ha), Sedgefield

4. **APPLICANT**

Lepton Park Development (Pty) Ltd & Wavelengths 254 (Pty) Ltd
 PO Box 1216
 KNYSNA
 6670

Contact person: Mr M Maughan-Brown
 Tel: (044) 382 7053
 Fax: (012) 382 7054
 E-mail: mikemb@cndv.co.za

5. **CONSULTANT**

Doug Jeffrey Environmental Consultants
 P.O. Box 44
 KLAPMUTS
 7625

Contact person: Mr D Jeffrey
 Tel: (021) 875 5272
 Fax: (021) 875 5272
 E-mail: dougleff@iafrica.com

6. DECISION

Authorisation is granted in terms of section 22(3) of the Environment Conservation Act (Act No 73 of 1989) for the proposed development of erven 1632 and 1633 in Sedgefield, subject to the conditions listed in the record of decision. (Schedule 1 of Government Notice No. R. 1182: Item 1 (c), (d) and 2 (v)).

This authorisation is granted subject to the following conditions:

6.1 General

- 6.1.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 6.1.2 This authorisation refers only to the activity as specified and described above. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No. 73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the Act, Government Notice R. 1183 and its amendments.
- 6.1.3 The authorisation is subject to the approval of the affected local authorities in terms of any legislation administered by those authorities.
- 6.1.4 One week's notice, in writing, must be given to this department before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
- 6.1.5 The conditions of this authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of this activity and the applicant must take such measures necessary to bind such persons to these conditions. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorisation. In the event of non-compliance the applicant should institute a penalty.
- 6.1.6 The applicant must, within 5 calendar days of receipt of this record of decision:
- a) Inform all interested and affected parties registered during the EIA process of the outcome of this application and, if requested, provide copies of this record of decision, including all the conditions attached thereto.
 - b) Include in such information the explicit provisions of regulation 11 of the Environmental Impact Assessment Regulations (Government Notice No. R. 1183 of 5 September 1997) which reads as follows:
 - (1) An appeal to the Minister of provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

!! NFA!

- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them, which are certified as true by a commissioner of oaths.
- c) Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- d) Inform all registered interested and affected parties that a signed and certified appeal questionnaire, obtainable from the department's offices at tel. (012) 310 3590 or e-mail: ovveden@deat.gov.za, must accompany the appeal.
- 6.1.7 The applicant must notify this department, in writing, within 24 hours thereof if any condition of the authorisation is not complied with.
- 6.1.8 A copy of the authorisation shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation.
- 6.1.9 Records relating to the compliance and non-compliance with the conditions of the authorisation must be kept in good order. Such records shall be made available to this department within seven days of receipt of a written request by the department for such records.
- 6.1.10 Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this department.
- 6.1.11 This department may add to, change and/or amend any of the conditions in this authorisation if, in the opinion of the department, the addition, change or amendment is environmentally justified.
- 6.1.12 This department must be notified, within 30 days thereof, of any change of ownership and /or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
- 6.1.13 This department must be notified of any change of address of the applicant.
- 6.1.14 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
- 6.1.15 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).

- 6.1.16 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 6.1.17 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 6.1.18 Any complaint from the public during the construction of the facilities must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be produced upon request.

6.2 Project specific conditions

- 6.2.1 The applicant must compile and submit an acceptable construction phase environmental management plan (EMP) to this department and the Department of Environmental Affairs and Development Planning (DEA&DP). The applicant must compile and submit an acceptable construction phase environmental management plan (EMP) to this department and DEA&DP for approval prior to commencing with any land clearing and construction. An environmental management plan (EMP) for the construction and operational phases must be compiled and implemented by the applicant. The EMP should provide a clear indication with respect to liabilities.
- 6.2.2 The EMP is to be seen as a dynamic document and any substantial changes; updates or upgrades must be submitted to this department as well as to DEA&DP for approval.
- 6.2.3 The provisions of the EMP are binding on contractors operating on the site during the life of the project (including the rehabilitation phase).
- 6.2.4 Mitigation measures addressed in the environmental impact report and its appendices should be adhered to and compliance must be monitored, subject to the provision of the EMP contemplated in 6.2.1 above.
- 6.2.6 An environmental manager/control officer must be appointed to ensure that the conditions stipulated in this record of decision (ROD) and the environmental impact report dated February 2004, are complied with. The name and contact details of such a manager/officer must be announced and forwarded to this department before construction commences.
- 6.2.6 The EMP must address, but not be limited to the following aspects within the four phases, i.e. pre-construction, construction, post-construction, operational phase and decommissioning:
- The actual significance and perceived duration of identified impacts.
 - Different categories of impacts in terms of phases (pre-construction, construction, operational and decommissioning phases) of the development during which they are likely to occur.
 - Actual methods in which identified impacts will be addressed/ mitigated/ rehabilitated.
 - The party (ies) accountable for the implementation of recommended mitigation and rehabilitation measures at each phase of the development.

- The inclusion of the terms of the environmental management plan in the construction tender documents between the developer and the contractor so that the financial implications are budgeted for, and are part of any contractual agreements entered into.

6.2.7 All recommendations presented by specialists, based on the results of their research findings, must be adhered to.

6.2.8 Disturbance to vegetation must be restricted to the absolute minimum and areas disturbed as a result of construction must be rehabilitated as soon as possible to the satisfaction of this department and DEA&DP. This must be done in co-operation with the appointed environmental manager.

6.2.9 All rare, endangered and provincial protected vegetation species identified in the ecological studies must be clearly marked to avoid their removal during clearing.

6.2.10 Areas identified as of possible cultural/heritage significance must be clearly demarcated prior to and during construction activities to avoid any damage to the sites.

6.2.11 No development should take place on land steeper than 1:4.

6.2.12 Special Residential stands should not exceed 500m² and building footprints should not exceed 300m² in extent.

6.2.13 No development should take place directly on ridge lines. The measures as suggested in the visual impact assessment must be adhered to.

6.2.14 All buildings must comply with a comprehensive design manual, and all construction will take place under the supervision of an environmental control officer (ECO).

6.2.15 The current boardwalk and surrounding area, as well as sufficient land for parking shall be donated to the Municipality, to ensure unrestricted public access to the seashore.

6.2.16 A copy of this authorisation shall be available at the construction site at all times. All staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation and the environmental management plan.

6.2.17 This department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it adheres to all the conditions and mitigation measures included in the environmental impact report and its appendices dated February 2004.

6.2.18 The recommendations and mitigation measures contained in the environmental impact report and its appendices dated February 2004 must be implemented and adhered to.

6.2.19 The conditions stipulated in this ROD, the recommendations and mitigation measures contained in the environmental impact report and its appendices shall be a legally binding component of any contract and should therefore be legally enforceable.

→ 6.2.20 All recommendations contained in the environmental impact report and its appendices, which are not covered under the conditions contained in this ROD, must be regarded as conditions in terms of this ROD.

6.2.21 The applicant must appoint an Independent environmental control officer to ensure that the conditions stipulated in this ROD, the mitigation measures and recommendations contained in the environmental impact report are complied with. The name and contact details of such an officer must be announced and forwarded to this department before construction commences.

6.2.22 An independent post-construction environmental audit must be conducted to ensure that the conditions stipulated in this ROD, the mitigation measures and recommendations contained in the environmental impact report and its appendices are complied with before operation commences. The results of this audit must be submitted to this department within 10 days after completion of the audit. Should the audit indicate that there are significant detrimental environmental impacts, this department reserves the right to review its decision as indicated in the letter of authorisation.

6.2.23 Records of monitoring and/or auditing must be made available for inspection to any relevant authority inspecting the development.

7. KEY FACTORS AFFECTING THE DECISION

The department's authorisation is based upon a review of the environmental impact report and its appendices dated February 2004. The environmental impact report concludes that, provided the applicant implements the mitigation measures and recommendations as outlined and contained in the report, the proposed development will have a minimal impact on the environment. While a number of environmental impacts have been identified, none of these are considered to be severe after mitigation as to prevent the planning, design and construction of the proposed development.

The environmental impact assessment complies with the requirements of the EIA regulations. Information submitted by the independent environmental consultant is deemed to be sufficient and adequate to make an informed decision. No fatal flaws have been identified during the EIA process and review of the environmental impact report dated February 2004. Negative environmental impacts associated with the project can be sufficiently mitigated provided the conditions contained in this record of decision are implemented and adhered to.

X
The NFA was
not complied
with!

8. SITE VISIT


A site visit was attended on 24 June 2003 by the following:

Ms E Rametsetse
Dr S du Toit

Department of Environmental Affairs & Tourism
Department of Environmental Affairs & Development Planning

9. DURATION AND DATE OF EXPIRY

If construction does not commence within a period of two years, this authorisation will be invalidated.



CHIEF DIRECTOR
DATE: 29/09/2004