



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: LAND MANAGEMENT  
REGION 3**

**REFERENCE:** EG12/2/4/1/D1/14/0035/11  
**ENQUIRIES:** Marianne Lesch  
**DATE OF ISSUE:** 26 NOV 2012

The Trustees  
The Dippenaar Family Trust  
P O Box 784500  
SANDTON  
2146

**Attention:** Mr. Lauritz Lanser Dippenaar

Tel: (011) 282 8066  
Fax: (011) 282 4770

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED DIPPENAAR BOARDWALK ON PORTION 111 OF FARM BRAKKLOOF 443 AND A PORTION OF ERF 2132, PLETTENBERG BAY**

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

### **ENVIRONMENTAL AUTHORISATION**

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Alternative 1 described in the Basic Assessment Report ("BAR") dated April 2012.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

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**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

The Trustees  
The Dippenaar Family Trust  
% Mr. Lauritz Lanser Dippenaar  
P O Box 784500  
SANDTON  
2146

Tel: (011) 282 8066  
Fax: (011) 282 4770

The abovementioned company is the holder of this Environmental Authorisation and is hereinafter also referred to as "**the applicant**".

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R544 of 18 June 2010–

Activity Number: 16

Activity Description:

*Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –*

- (i) fixed or floating jetties and slipways;*
- (ii) tidal pools;*
- (iii) embankments;*
- (iv) rock revetments or stabilising structures including stabilising walls;*
- (v) buildings of 50 square metres or more; or*
- (vi) infrastructure covering 50 square metres or more –*

*but excluding*

- (a) if such construction or earth moving activities will occur behind a development setback line; or*
- (b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;*
- (c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.*

Activity Number: 18

Activity Description:

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:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) 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 the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving;

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line.

The abovementioned list is hereinafter referred to as "**the listed activity**".

The applicant is herein authorised to undertake the following alternative related to the listed activity:

**The proposal entails the construction of a boardwalk and a viewing deck, situated on Portion 111 of Farm Brakkloof 443 and in the coastal public property, on portion of Erf 2132, Plettenberg Bay.**

#### C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Portion 111 of Farm Brakkloof 443 and in the coastal public property on a portion of Erf 2132, in the town of Plettenberg Bay.

The linear activity will be constructed at the following co-ordinates:

Starting point:	34° 05' 37.05" South;	23° 22' 19.64" East
Middle point:	34° 05' 36.63" South;	23° 22' 21.09" East
End point:	34° 05' 36.18" South;	23° 22' 22.86" East

hereinafter referred to as "**the site**".

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco-Route Environmental Consultancy cc  
% Janet Ebersohn  
P.O. Box 3511  
KNYSNA  
6570

Tel: (044) 381 0515  
Fax: (044) 381 0515

## E. CONDITIONS OF AUTHORISATION

1. The Environmental Authorisation is for the construction of a boardwalk and viewing deck situated Portion 111 of Farm Brakkloof 443 and in the coastal public property, on Erf 2132, Plettenberg Bay. The activity entails -
  - the construction of a boardwalk of 80 metres in length and 1 meter in width;
  - the construction of a viewing deck of 1.5 x 1.5 meter to be constructed at the highest point of the board walk
  - the proposed boardwalk will be constructed along an existing natural pathway and will be raised off the ground minimizing the extent of the impact.
  - The boardwalk will be constructed to provide access to the Robbeberg Bay Beach
2. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity, including site preparation, may not commence during the period of administrative extension.
3. The listed activity, including site preparation, **may not commence within 20 (twenty) calendar days** of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
4. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)-
  - 4.1 notify all registered interested and affected parties of -
    - 4.1.1 the outcome of the application;
    - 4.1.2 the reasons for the decision as included in Annexure 1;
    - 4.1.3 the date of the decision; and
    - 4.1.4 the date of issue of the decision;
  - 4.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Regulations, 2010 detailed in section F below;

- 4.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and
- 4.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
  - 4.4.1 informs all interested and affected parties of the decision;
  - 4.4.2 informs all interested and affected parties where the decision can be accessed; and
  - 4.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
5. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 5.1 The notice must make clear reference to the site details and EIA Reference number given above;
  - 5.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 3, 4, 9 and 10.
6. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
7. Any changes to, or deviations from the scope of the description set out in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority 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 to apply for further authorisation in terms of the applicable legislation.
8. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
9. The draft Environmental Management Programme ("EMP") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects and must then be re-submitted to the competent authority, and–
  - 9.1. be approved by the Department before the commencement of any construction activities;
  - 9.2. be submitted to the Directorate for consideration at least three weeks prior to construction activities commencing;
  - 9.3. meet the requirements outlined in Section 24N (2) & (3) of the National Environmental Management Act, 1998 (Act no 107 of 1998, as

amended) ("NEMA") and Regulation 33 of the Environmental Impact Assessment Regulations 2010;

- 9.4. incorporate the conditions of authorisation given in this Environmental Authorisation;
- 9.5. clearly define and map the area of alien vegetation control, rehabilitation and landscaping;
- 9.6. be included in all contract documentation for the construction phase of the development;
- 9.7. describe the level and type of competency required of the Environmental Control Officer, ("ECO") or Environmental Site Agent where applicable;
- 9.8. define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable; and
- 9.9. determine the frequency of site visits; and
- 9.10. address mitigation measures regarding the following aspects, but not be limited thereto, namely:
  - 9.10.1. access control to the site. Note: no members of the public or any unauthorised persons should gain access to the site during the construction phase of the development;
  - 9.10.2. all areas exposed or disturbed as a result of site preparation or construction activities, must be fully rehabilitated after construction has been completed;
  - 9.10.3. the rehabilitation of damage caused to roads or kerbs due to construction activities and heavy transport vehicles, as well as the timeframe of such a rehabilitation programme;
  - 9.10.4. procedures to be followed when concrete works (if any) are to be performed on site during construction;

An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority.

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase/ all phases/ of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
11. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activity will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for

- inspection by any employee or agent of the applicant who works or undertakes work at the site.
12. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activity authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
    - 12.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
    - 12.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
  13. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
  14. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity. In this regard, the following is highlighted:
    - 14.1. A lease agreement must be obtained from the Department of Public Works, for the structure on the state owned land;
  15. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
  16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including 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; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

## F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Regulations, 2010.

1. An appellant must –
  - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
  - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
  - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
    - 1.3.1. a copy of the notice of intention to appeal form; and
    - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

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 J. de Villiers  
 Room 305 A  
 3rd Floor Leeusig Building  
 (Entrance at: Ufilitas Building, 1 Dorp Street, Cape Town, 8001)

5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at:
- Tel.: (021) 483 3721;  
 E-mail: Jaap.DeVilliers@westerncape.gov.za; or  
 URL: <http://www.westerncape.gov.za/eadp>.

**G. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his 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. KOBUS MUNO**  
**DIRECTOR: LAND MANAGEMENT (REGION 3)**

DATE OF DECISION: 26.11.2012

Copied to:

(1) Ms Janet Ebersohn	(Eco Route Environmental Consultancy)	Fax: 044 381 0515
(2) Mr Dupré Lombaard	(Bitou Municipality)	Fax: 044 533 3487
(3) Mr Johnson Poto	(Department of Public Works)	Fax: 086 211 5745
(4) Mr Potlako Khatj	(Department Environmental Affairs: Oceans & Coasts)	Fax: 021 819 2445

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

**EG12/2/4/1/D1/14/0035/11**

**NEAS EIA REFERENCE NUMBER:**

**WCP/EIA/0000347/2011**

## ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- (a) The information contained in the application form dated and received by the competent authority on 10 June 2011, the BAR received by the competent authority on 11 April 2012, the EMP submitted together with the BAR;
- (b) 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);
- (c) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR dated April 2012;
- (d) The applicability of listed activities which were applied for by the applicant. In this regard only those activities which would be triggered by the proposed activity may be authorised. Therefore any activities which fall below the specified threshold in the respective Listing Notices (see GN R.544, R.545 and R.546 of 18 June 2010, as amended) have been excluded from this Environmental Authorisation. A separate environmental authorisation will need to be obtained once these activities are triggered;
- (e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

### 1. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity;
- the Draft Basic Assessment Report was sent to the Bitou Municipality, Plettenberg Bay Environmental Forum, Plettenberg Bay Ratepayers Association, Western Cape Heritage, Robberg Bay Nature Reserve, Department of Public Works; Department of Environmental Affairs: Oceans & Coasts; DEA&DP: Coastal Management unit, SA National Parks, Cape Nature;
- the placing of a newspaper advertisement in the 'CX press' of 29 June 2011;
- a third round of public participation was applied to allow I&APs to comment on new information.

## 2. Alternatives

### Alternative 1 (Herewith authorised)

The proposal entails the construction of a boardwalk and viewing deck situated on Portion 111 of Farm Brakkloof 443 and in the coastal public property, on Erf 2132, Plettenberg Bay.

The boardwalk of 80 metres in length and only 1 meter in width and with The viewing deck of 1.5 meter x 1.5 meter will be constructed at the highest point of the board walk to gain access to the Robbeberg Bay Beach.

The proposed boardwalk will be constructed along the natural pathway and will be raised off the ground to minimise the extent of the impact.

### Alternative 2

This alternative entailed the construction of a similar boardwalk, however, and investigation and assessment of two options relating to the routing or design of the boardwalk were addressed, namely:

- An alternative is to place the boardwalk directly upon the dune sand, but the preferred alternative would be to raise the boardwalk to ensure ecological corridors are kept intact and to re-establish natural indigenous vegetation along the footpath; and
- A shorter route was investigated and assessed, namely a straight line ("as the crow flies"), but the impact on the natural vegetation will be enhanced. By following the longer route and establishing the board walk along the already disturbed current footpath, will maximize the positive impacts

### No-go alternative

The No-Go Option was also considered however this will lead to the existing footpath being used for beach access which will aggravate any possible erosion and trampling of vegetation in the immediate vicinity of the footpath.

## 3. Impact Assessment and Mitigation measures

### 3.1. Activity Need and Desirability

The proposed activity will ensure the promotion of access to Robbeberg Bay through the construction of a boardwalk. The proposed boardwalk will ensure that residents use the access path. The proposed activity will protect the biodiversity along the coast and enhance the coastal corridor and ensure that the impact on the environment is limited.

The boardwalk will be a benefit to the broader community and will prevent degradation of natural vegetation.

### 3.2. Biophysical/ Environment

The property site is situated behind the frontal dune on Robbeberg Bay and is one of the sea-front properties. The general gradient of the site is flatter than 1:10.

The land use character of the surrounding area typically comprises low density residential use with only a couple of houses, bordering the Robbeberg Bay Nature

Reserve. The properties are all situated behind the frontal dune with beach access and ocean views.

According to "The Garden Route Biodiversity Sector Plan, 2010" the site is identified as a critical biodiversity area ("CBA") for which the desired management objectives are to maintain natural land, rehabilitate degraded to natural or near natural and manage the land for no further degradation. The proposed activity will take place on a disturbed area and will not detract from the desired management objectives. Formalising the access to the beach is likely to reduce the number of unplanned/informal paths leading to the beach and provide an opportunity for the natural vegetation cover to improve.

**3.3. Visual / Sense of Place**

The proposed boardwalk will not be visible due to the natural meandering through the vegetation following the existing foot path.

**3.4. Socio-economic**

The activity may result in temporary employment opportunities for individuals from the local community and will ensure that these individuals have an income for a determined period of time.

**4. National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, the competent authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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