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# **Audit Report**

**Village on Sea Estate**

**Mossel Bay**

**Environmental Management Plan Audit**

**November 2018**

## **Qualifications of the auditor**

BSc Forestry (Nature Conservation) US

MPhil Environmental Science UCT

ISO Management System Audit Techniques and Best Practices Online Course with Alison

10 years' experience in nature conservation and nature reserve planning and ecological management.

17 years' experience in environmental assessment and planning

Involved in environmental planning for the following golf estates: Arabella Country Estate, Fernkloof Golf Estate; Atlantic Beach Golf Estate

## **Declaration of Independence**

I, Desireé du Preez am in no way financially or otherwise involved with or connected to the Village On Sea Estate or any person living in the Estate, apart from undertaking professional service for remuneration as and when appointed by the Homeowners' Association.

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## **Executive Summary**

The audit of the environmental aspects of Village on Sea Estate as stipulated in the Environmental Management Plan Part 2 (Long Term Management) by C. Gaigher (1998) was requested and undertaken in accordance with the legal requirements stipulated in the 2014 regulations of the National Environmental Management Act (NEMA), Act no 108 of 1998.

The Record of Decision was not available and the conditions of approval of the planning application became available during the audit. Compliance to any of the conditions were therefore not specifically audited.

The Homeowners' Association (HOA) complied with most of the specifications of the Environmental Management Plan and the environment of the estate looks healthy. The HOA should make an effort to find the Record of Decision for the estate and ensure that those conditions are complied with, along with the planning approval conditions.

The HOA further needs to give attention to the development of new residences according to the 75% footprint rule, the rehabilitation and revegetation of disturbed areas, the parking of vehicles on the road side and the making of gardens up to the road verge. Further improvements can also be made to the fire contingency plan.

## **1. Introduction**

The audit of the environmental aspects of Village on Sea Estate as stipulated in the Environmental Management Plan Part 2 (Long Term Management) by C. Gaigher (1998) was requested and undertaken on 23 November 2018. The audit has been undertaken in accordance with the legal requirements stipulated in Regulation No. R. 98 of 24 December 2014 (audit regulations) of the National Environmental Management Act (NEMA), Act no 108 of 1998. The terms of reference, methodology and the findings of the audit and recommendations are detailed in the relevant sections hereafter.

## **2. Terms of Reference**

The specific terms of reference for the audit, as requested by the Village On Sea Homeowners' Association, are the following:

- Audit the implementation of the Environmental Management Plan Part 2
- Audit the planting of non-indigenous plants in gardens
- Comment on necessary rehabilitation of burnt areas.
- Comment on the adequacy of fire fighting equipment for emergencies.
- Comment on the need to do block burns.

In addition to these terms of reference, the objectives of the environmental audit report as stipulated in the audit regulations need to be met. These are attached in Appendix 1 of this report.

### **3. Methodology**

In order to undertake the audit, the Environmental Management Plan (EMP) and House Rules for the estate were read. The specifications of the EMP were copied into an audit table on which compliance or non-compliance was noted and comments and/or recommendations made. The estate was visited for visual checking that the specifications are complied with and the estate manager was interviewed on management issues.

### **4. Gaps in Knowledge and uncertainties**

The Record of Decision (ROD) for the estate was not available. Attempts to find the ROD were unsuccessful, as the estate was approved prior to the promulgation of the NEMA Act. The conditions of the planning approval were made available during the site visit for the audit. Compliance to these conditions was therefore not audited in detail.

### **5. Findings of the Audit**

The estate was found to be in a neat condition with a healthy natural environment. The EMP and conditions of approval was not implemented strictly, although the HOA did make an effort towards proper environmental management.

The management specifications that were not complied with are the following:

#### **1. Development of the Site:**

The erven are supposed to be footprint erven with only 75% of the erf developed and 25% remaining natural. Although it was not possible to audit the erven in detail due to the lack of plot boundary markers, it is questioned whether the development of all the erven follow these rules. Development plans for undeveloped erven should be scrutinised by the HOA to ensure that this condition is implemented.

#### **2. Roads and Road Reserves:**

- Some erosion was found originating from the optic fibre cable trenching currently being undertaken and still requiring rehabilitation. This is due to heavy rains being experienced. This erosion needs rehabilitation and roads need to be cleaned.
- Some vehicles were found parked in the road verge where vegetation is short. It was commented that not sufficient parking is available. Driveways do not provide enough parking spaces for visitors and service vehicles. Parking on the verge is more likely to have an impact on fynbos than strategically placed gravel surfaced parking bays. Consider rewriting the EMP specification.
- Some gardens were made up to the edge of the road. The EMP prohibits this, but the House Rules allow it depending on a written approval by the HOA. The specific landowners were not asked to show such approval. It is recommended that the HOA audit the individual erven involved and resolve the matter. The two documents should also contain similar specifications. In light of existing impacts, it is recommended that the EMP be revised.

#### **3. Private erven**

- Upon the audit of garden plants, it was found that there is no restrictive condition of approval in terms of the type of plants used. The Record of Decision was not

available, and those conditions still need to be confirmed. The EMP only recommends the use of locally indigenous plants and places no prohibition on the use of other plants, apart from potentially invasive species. It should be noted that palm trees are found to be a specific risk factor during veld fires and are therefore not recommended species in areas prone to fires.

#### **4. Open Spaces**

- Areas disturbed for services need to be rehabilitated by mulch and planting of indigenous vegetation. An unvegetated sewer pipe track was found. It is clearly not recently backfilled. Estate Management need to improve monitoring of rehabilitation of disturbed areas after work on private erven.
- A fire contingency plan exists as required. Fire breaks have been prepared in strategic positions. A fire break along the southern boundary of the property has been questioned. It is recommended that an area around the St Blaise trail to the north thereof be cleared as a fire break. The St Blaise trail is the most likely point of ignition of fires. Keeping the vegetation short should also add to the safety of hikers.
- The estate is dependent on the fire services for extinguishing fires. During the 2017 and 2018 fires the fire services were under great strain. It is therefore recommended that the HOA acquire fire fighting equipment to act immediately in the event of a fire, trying to contain it until the fire services arrive. Fire hydrants on the property must be clearly marked and supplied with an adequate parking bay nearby. The installation of fire hoses at the properties on the western and eastern proximities of the estate is also recommended. Staff should be trained in basic fire fighting and safety to ensure safe and effective use of the firefighting equipment.
- It is further recommended that all structures or residences on the estate be provided with defensible open space for protection from veld fires. This means that natural vegetation and garden plants should be short within 5 m of a structure.
- A large portion of the estate has burnt within the last 2-3 years. Most of the fynbos on the estate have been burnt, with mainly dune strandveld remaining. It is not recommended that dune strandveld be burnt, as this is not a vegetation type that depends on fire for rejuvenation.
- The burnt areas are recovering well with a high density of seedlings observed. The dead remains of shrubs do, however, not look appealing. It will not do harm to remove the dead material, provided that the roots of resprouting plants are not disturbed. The carcasses of the resprouting shrubs can remain as bird perches, which have a positive ecological function.
- One of the conditions of the planning approval is that there should be no fence on the eastern boundary of the estate, next to the golf Estate. There currently is a bonnox fence that restricts the movement of animals. This fence should be removed.
- The western fence, next to Pinnacle Point, must allow free movement of animals. This is currently a palisade fence that does not allow through movement of larger antelope. This is, however, problematic, since the fence abuts an uncontrolled thoroughfare to the coast. Any fencing that allows animals through will also pose a security risk as well as allow stray dogs through.

## 6. Conclusions and Recommendations

It can be concluded that, while environmental management of the estate is receiving attention, more attention to the EMP and implementation of those specifications and of conditions of approval is required. The EMP does not address all the conditions of the planning approval, which is a shortcoming. Conditions that were not included and have environmental implications are listed below. These conditions were not audited:

- Contact must be made with the Lepidopterist Society to establish whether there are any rare or endangered butterflies in the area.
- An Environmental Monitoring Committee, under the guidance of an environmental consultant, must be established to ensure that disturbance to the natural vegetation is kept to an absolute minimum, that rehabilitation occurs where and if necessary and that all conditions as mentioned are adhered to, to the satisfaction of Cape Nature Conservation. Regular site inspections before, during and after construction must be carried out by the environmental consultant with site reports available to all relevant parties involved.
- Natural area must be made available for passive recreation (bird watching, walks, viewpoints, etc).
- The eastern boundary of the development abuts the proposed Golf Course development, which will also have security fencing. No fence must be erected between the two developments. The western fence must be designed to allow fauna free movement.
- Pedestrian access gates must allow the general public access to the coastal nature area.
- The Municipal property next to the coast, to the south of this site, will stay in public hands and be freely accessible to the general public to use, the Developer must incorporate the maintenance of this area in the development, as it form an integral part of and will add to the ambience of the proposed development.
- That the developer be requested that a trust fund, for financing conservation and the management of the development, be established to be administered by the local authority of which 0,05% of the sale of a plot or unit from the developer to be paid into the Trust Fund in perpetuity.

In addition to the specific recommendations made under the findings, it is recommended that the Record of Decision (ROD), which would have been issued by Cape Nature in 1997 or early 1998, be found. The next audit should then address the conditions of the ROD as well as the planning conditions. That audit report must be submitted to the Department of Environmental Affairs and Development Planning once a file number is available.

Amendment of the EMP is recommended. Such an amendment must, however, be undertaken in accordance with the requirements of the 2014 regulations under the NEMA. This requires that the audit report and amended EMP be made available for public comment prior to submission to the Department for approval. The EMP should therefore only be amended in response to the 2019 audit.

## **APPENDIX 1.**

### **AUDIT REGULATIONS No. R. 98, 24 December 2014**

#### *Part 3: Auditing and amendment of environmental authorisation, environmental management programme and closure plan*

#### **Auditing of compliance with environmental authorisation, environmental management programme and closure plan**

34. (1) The holder of an environmental authorisation must, for the period during which the environmental authorisation and EMPr, and where applicable the closure plan, remain valid-

(a) ensure that the compliance with the conditions of the environmental authorisation and the EMPr, and where applicable the closure plan, is audited; and

(b) submit an environmental audit report to the relevant competent authority.

(2) The environmental audit report contemplated in subregulation (1) must-

(a) be prepared by an independent person with the relevant environmental auditing expertise;

(b) provide verifiable findings, in a structured and systematic manner, on-

(i) the level of performance against and compliance of an organization or project with the provisions of the requisite environmental authorisation or EMPr and, where applicable, the closure plan; and

(ii) the ability of the measures contained in the EMPr, and where applicable the closure plan, to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity;

(c) contain the information set out in Appendix 7; and

(d) be conducted and submitted to the competent authority at intervals as indicated in the environmental authorisation.

(3) The environmental audit report contemplated in subregulation (1) must determine-

(a) the ability of the EMPr, and where applicable the closure plan, to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an ongoing basis and to sufficiently provide for the , avoidance, management and mitigation of environmental impacts associated with the closure of the facility; and



(b) the level of compliance with the provisions of environmental authorisation, EMPr and where applicable the closure plan.

(4) Where the findings of the environmental audit report contemplated in subregulation (1) indicate-

(a) insufficient mitigation of environmental impacts associated with the undertaking of the activity; or

(b) insufficient levels of compliance with the environmental authorisation or EMPr and, where applicable the closure plan; the holder must, when submitting the environmental audit report to the competent authority in terms of subregulation (1), submit recommendations to amend the EMPr or closure plan in order to rectify the shortcomings identified in the environmental audit report.

(5) When submitting recommendation in terms of subregulation (4), such recommendations must have been subjected to a public participation process, which process has been agreed to by the competent authority and was appropriate to bring the proposed amendment of the EMPr and, where applicable the closure plan, to the attention of potential and registered interested and affected parties, including organs of state which have jurisdiction in respect of any aspect of the relevant activity and the competent authority, for approval by the competent authority.

(6) Within 7 days of the date of submission of an environmental audit report to the competent authority, the holder of an environmental authorisation must notify all potential and registered interested and affected parties of the submission of that report, and make such report immediately available-

(a) to anyone on request; and

(b) on a publicly accessible website, where the holder has such a website.

(7) An environmental audit report must contain all information set out in Appendix 7 to these Regulations.

#### **Amendment of environmental management programme or closure plan as a result of an audit**

35. (1) The competent authority must consider the environmental audit report and amended EMPr and, where applicable the amended closure plan, contemplated in regulation 34 and approve such amended EMPr, and where applicable the amended closure plan, if it is satisfied that it sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity, or where applicable the closure of the facility, and that it has been subjected to an appropriate public participation process.

(2) Prior to approving an amended EMPr or closure plan contemplated in subregulation (1), the competent authority may request such amendments to the EMPr or closure plan as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity or to ensure that the closure plan sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the closure of the facility.

#### **Part 4: Other amendments of environmental management programme or closure plan**

36. (1) Where an amendment is required to the impact management actions of an EMPr, such amendments may immediately be effected by the holder and reflected in the next environmental audit report submitted as contemplated in the environmental authorisation and regulation 34.

(2) Where an amendment to the impact management outcomes or objectives of an EMPr or an amendment of the closure objectives of a closure plan is required before an audit is required in terms of the environmental authorisation, an EMPr or closure plan may be amended on application by the holder of the environmental authorisation.

#### **Appendix 7**

##### **Environmental audit report**

1. The environmental audit report must provide for recommendations regarding the need to amend the EMPr, and where applicable, the closure plan.

##### **Objective of the environmental audit report**

2. The objective of the environmental audit report is to-

(a) report on-

(i) the level of compliance with the conditions of the environmental authorisation and the EMPr, and where applicable, the closure plan; and

(ii) the extent to which the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan achieve the objectives and outcomes of the EMPr, and closure plan.

(b) identify and assess any new impacts and risks as a result of undertaking the activity;

(c) evaluate the effectiveness of the EMPr, and where applicable, the closure plan;

(d) identify shortcomings in the EMPr, and where applicable, the closure plan; and

(e) identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr, and where applicable, the closure plan.

### **Content of environmental audit reports**

3. (1) An environmental audit report prepared in terms of these Regulations must contain-

(a) details of-

(i) the independent person who prepared the environmental audit report; and

(ii) the expertise of independent person that compiled the environmental audit report;

(b) a declaration that the independent auditor is independent in a form as may be specified by the competent authority;

(c) an indication of the scope of, and the purpose for which, the environmental audit report was prepared;

(d) a description of the methodology adopted in preparing the environmental audit report;

(e) an indication of the ability of the EMPr, and where applicable, the closure plan to-

(i) sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an on-going basis;

(ii) sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the closure of the facility; and

(iii) ensure compliance with the provisions of environmental authorisation, EMPr, and where applicable, the closure plan;

(f) a description of any assumptions made, and any uncertainties or gaps in knowledge;

(g) a description of any consultation process that was undertaken during the course of carrying out the environmental audit report;

(j) a summary and copies of any comments that were received during any consultation process; and

(k) any other information requested by the competent authority.

## **APPENDIX 2**

### **AUDIT CHECKLIST WITH COMMENTS**



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<b>Audit checklist: Village On Sea</b>			<b>Audit date: 23 November 2018</b>
TASK	COMPLY		COMMENT/ CORRECTION REQUIRED
	Yes	No	
<b><i>Development of the Site</i></b>			
Develop 75% of plot	<input type="checkbox"/>	<input type="checkbox"/>	It is unknown where plot boundaries are. Some houses seem to cover more than 75%.
Buffer area 25% of plot	<input type="checkbox"/>	<input type="checkbox"/>	Ditto
No boundary fences for erven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b><i>Roads and Road Reserves</i></b>			
No Road curbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
No stormwater erosion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Some erosion was found originating from the optic fibre cable trenching currently being undertaken and still requiring rehabilitation.
Controlled off-road parking within plots	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Some vehicles were parked in road verge where vegetation is short. Not sufficient parking for service vehicles cause parking
Effective rehabilitation of road verges and other open areas with appropriate locally indigenous species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Maintain vegetation cover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Control invasive alien plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No invasives observed. The Estate was cleared by a contractor in August
Control kikuyu grass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No kikuyu observed



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<b>Audit checklist: Village On Sea</b>		<b>Audit date: 23 November 2018</b>	
TASK	COMPLY		COMMENT/ CORRECTION REQUIRED
	Yes	No	
Road reserves checked annually for erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Re-establish bare patches using mulch or plant grass kweek ( <i>Cynodon</i> ) or buffalo ( <i>Stenotaphrum</i> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Only very narrow road edge open in some areas. Disturbed areas for services trenching needs rehabilitation.
No litter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The estate is generally free of litter, although a few pieces were observed
No gardening in road reserve	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Some gardens up to edge of road
Limited bush-cutting allowed for visibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dune Strandveld can be cut without a permit. Milkwood trees, however, are protected trees for which a permit is required for pruning.
<b>Private Erven</b>			
Gardening with locally indigenous plants (plant list) encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local indigenous species are used generally.
Only grass: kweek ( <i>Cynodon</i> ) or buffalo ( <i>Stenotaphrum</i> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sime kikuyu found in Cynodon lawn. Check the estate and control the kikuyu
Garden in the 75% development area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Unsure, as the erf boundaries are not visible
25% of erf remain natural	<input type="checkbox"/>	<input type="checkbox"/>	Unsure, as the erf boundaries are not visible
No informal footpaths through the natural area. Use communal paths.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	None observed



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TASK	COMPLY		COMMENT/ CORRECTION REQUIRED
	Yes	No	
<i>Open Spaces</i>			
Rehabilitate areas disturbed for services by mulch and planting indigenous vegetation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An unrehabilitated sewer pipe track was found
Rehabilitate other areas by allowing natural recovery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burnt fynbos shows healthy natural recovery
Rehabilitate erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Alien Plant removal: written-time-frame and strategy submitted to the local authority and Cape Nature for approval.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The EMP has a requirement for yearly clearing, which is adequate for the size of the Estate.
Desirable to burn any fynbos areas?	<input type="checkbox"/>	<input type="checkbox"/>	No. Recent fires entering from Pinnacle Point has burnt large portions of the Estate. It is desirable to have various veld ages. Do not burn any fynbos within the next 5 years.
Accidental fires extinguished	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An accidental fire from a Pinnacle Point block burn was sufficiently by the fire brigade. The Estate does not have equipment to extinguish fires.
Fire Management Contingency Plan approved by local authority	<input type="checkbox"/>	<input type="checkbox"/>	A fire contingency plan exists. A fire break should be made maintained western boundary. It is recommended that the fence next to the school be kept clear of large shrubs as a fire break. The positions of fire hydrants must be clearly marked. It is recommended that fire hoses be installed at the properties on the western and eastern proximities of the estate. Staff should be trained In Basic fire fighting.
Complaints submitted to the HOA and site inspections	<input type="checkbox"/>	<input type="checkbox"/>	Two site inspections were done in 2018



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**Audit checklist: Village On Sea**

**Audit date: 23 November 2018**

TASK	COMPLY		COMMENT/ CORRECTION REQUIRED
	Yes	No	
<i>Other Comments</i>			

St Blaise trail: a signboard indicates the trail down Num-num. But no link to the trail was found. The trail markers were burnt in the 2017 fire and should be replaced.