

REFERENCE: 16/3/3/1/D5/8/0032/24**NEAS REFERENCE:** WCP/EIA/0001549/2024**DATE OF ISSUE:** 09 May 2025

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF 6 TOURIST COTTAGES ON A PORTION OF PORTION 11 OF THE FARM MELKHOUTEFONTEIN NO. 449, GOURITSMOND (RIVERSDALE)

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative (Alternative 1)**, described in the Final Basic Assessment Report ("FBAR"), 16 January 2025 as prepared by your appointed registered Environmental Assessment Practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) and assisted by Ms Mariska Byleveld (EAPASA No: 2023/6593) of Cape Environmental Assessment Practitioners (Pty) Ltd. (Cape EAPrac).

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
M&P Distributors (Pty) Ltd.
No.11 Uitzicht Park
No. 2 Bellingham Street
Highveld Ext 1
CENTURION
0157

Attention: Mr. Chris Coetzee
Cell: 082 902 1845
Tel: 021 665 0995
Email: chris@resonant.co.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 (Government Notice No. 983 of 4 December 2014 (as amended))	
<p>Activity Number: 12 Activity Description:</p> <p>The development of –</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square meters; or (ii) infrastructure or structures with a physical footprint of 100 square meters or more:</p> <p>(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</p> <p>excluding –</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area; [or]</p> <p>(ee) where such development occurs within existing roads, [or] road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>Three (3) of the cottages will be located within 32 meters of the wetland delineated by the Aquatic Specialist.</p>
<p>Activity Number: 17 Activity Description:</p> <p>Development—</p> <p>(i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</p>	<p>The River Node consisting of three (3) cottages will be developed within 100m inland from the Estuarine Functional Zone (EFZ)</p>



in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures with a development footprint of 50 square metres or more —

but excluding—

- (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or
- (dd) where such development occurs within an urban area.

Activity Number: **19A**

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. the seashore;
- ii. 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; or
- iii. the sea; —

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

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

More than 5 cubic meters will be moved for the development of three (3) cottages within 100m inland from the estuary.



Environmental Impact Assessment Regulations Listing Notice 3
(Government Notice No. 985 of 4 December 2014 (as amended))

Activity Number: **6**

Activity Description:

The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.

i. Western Cape

- i. Inside a protected area identified in terms of NEMPAA;
- ii. Outside urban areas;
 - (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or
 - (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -

excluding the conversion of existing buildings where the development footprint will not be increased.

Each cottage will sleep a maximum of 4 guests, totalling 24 guests at full capacity. Furthermore, the property with the six (6) cottages will be located within a terrestrial Critical Biodiversity Area (CBA).

Activity Number: **12**

Activity Description:

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- 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, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework

The clearance of indigenous vegetation will be more than 300 square meters within an Endangered Ecosystems. The development of both the Eucalyptus and River Node consisting of six (6) cottages with associated infrastructure will not exceed 3000 square meters in total.



<p><i>adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	
<p>Activity Number: 14 (ii) Activity Description:</p> <p><i>The development of –</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square meters; or</i> <i>(ii) infrastructure or structures with a physical footprint of 10 square meters or more</i> <p><i>where such development occurs –</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or;</i> <i>(c) if no development setback has been adopted within 32 meters of a watercourse</i> <p><i>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</i></p>	<p><i>Three (3) of the cottages will be developed within 32 meters from the edge of the wetland, delineated by the Aquatic Specialist, and the physical footprint of the cottages will exceed 10 square meters in extent, but will be less than 315 square metres in extent.</i></p>

The abovementioned list is hereinafter referred to as “**the listed activity**” or “listed activities”.

The Holder is herein authorised to undertake the following alternative Preferred Alternative (Alternative 1) that includes the listed activities as it relates to the development of six (6) cottages in two distinct development nodes on Portion 11 of the Farm Melkhoutefontein No. 449, Hessequa Municipal District.

The development of six (6) single/double bedroom cottages with an individual building footprint of 105 square meters for each cottage within a development footprint of 408 square metres per cottage (i.e., ‘Project Area of Influence’). Furthermore, each individual cottage will have its own additional permanent structures with landscaping features inclusive of the following:

- Carport
- Deck
- Limited landscape / Fire-scape area of 408 square metres;
- 2500l Water Tank
- 2500l Septic Tank
- Maximum 3m wide two-track access road (Concrete/grass blocks/gravel)

Engineering Services (water, sewage, electricity and solid waste)

- Water provision–
 - The property is already serviced through an existing municipal potable water connection point and metered Ø22mm diameter water pipeline, that supplies the existing farmhouse with potable drinking water.
 - A new 10m³ water tank will be erected to service/connect to the six (6) cottages. From the water tank, water lines will be installed along the access tracks, supplying each



cottage with water. Each cottage will be provided with a 2500l tank to fed from the new 10m³ water tank via a Ø32 - 50mm HDPE pipe.

● **Emergency/Fire Water Supply: Natural Spring Dam**

- Water will be abstracted from the existing dam on the property, which gets fed from an on-site spring, via a short new water pipeline connection to the existing 120m³ concrete water reservoir on the property that will then be utilised for emergency water supply. Water from this water supply will be used on an *ad-hoc* basis when emergency water supply is required. The water pipeline will be above ground and not buried to ensure minimal impact. A valve will be installed which will be opened in case of firefighting purposes.

● **Sewage treatment and disposal:**

- All grey and black water from each of the six (6) cottages will be diverted to a dedicated 2500l (maximum capacity) septic tank. Once capacity is reached the grey and black water will be diverted to a dedicated nodal ECOROCK submerged bioreactor sewer system. The maximum capacity of the ECOROCK units will be 3000 litres. Outflow from the ECOROCK bioreactor will be connected to a dedicated underground holding tank (6000 litres capacity) from where the sewage will be collected by either the municipality or a private service provider.

● **Electricity**

- Each cottage will be equipped with rooftop solar panels to be entirely self-sufficient and not dependent on the municipal electrical grid. Water pumps will also be solar powered.

This EA will be implemented in accordance with the Site Development Plan attached as Annexure 2 to this EA.

C. SITE DESCRIPTION AND LOCATION

The proposed development of six (6) tourist accommodation cottages in two separate nodes on a portion of Portion 11 of Farm Melkhoutefontein No. 449, Hessequa Municipality. The property is located approximately 5km northwest of the coastal / holiday town of Gouritsmond via the R325. The site can be accessed via the tarred R325 road leading towards Gouritsmond, via two existing farm entrances.

Site Coordinates:

Development site:	Latitude (South)	Longitude (East)
Cottage 1 (River Node)	34° 19' 18.10"	21° 50' 08.63"
Cottage 2 (River Node)	34° 19' 18.04"	21° 50' 09.89"
Cottage 3 (River Node)	34° 19' 18.96"	21° 50' 10.26"
Cottage 4 (Eucalyptus Node)	34° 19' 24.06"	21° 49' 05.56"
Cottage 5 (Eucalyptus Node)	34° 19' 23.43"	21° 49' 09.42"
Cottage 6 (Eucalyptus Node)	34° 19' 24.44"	21° 49' 13.42"

SG digit code: C06400000000044900011

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan (SDP) of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms. Louise-Mari van Zyl
EAPASA No: 2019/1444
E-mail: louise@cape-eaprac.co.za

Cape Environmental Assessment Practitioners (Cape EAPrac)
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Tel: (044) 874 0365
E-mail: info@cape-eaprac.co.za
Webpage: <https://www.cape-eaprac.co.za/>

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 May 2030** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities, is started with and concluded;
 - (b) construction, monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed;
 - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Alternative 1 described in Section B above and on the site as described in Section C above. The development may only take place in the areas identified and depicted on the Site Layout Map in Annexure 2 of this Environmental Authorisation.
3. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
4. Any changes to, or deviations from the scope of the preferred alternative described 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 information in order 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.

Notification and administration of appeal

5. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 5.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1. the decision reached on the application;
 - 5.1.2. the reasons for the decision as included in Annexure 3;
 - 5.1.3. the date of the decision; and
 - 5.1.4. the date when the decision was issued.
 - 5.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2025 (as amended) detailed in Section G below;
 - 5.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 5.4. provide the registered I&APs with the:
 - 5.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 5.4.2. name of the responsible person for this Environmental Authorisation,
 - 5.4.3. postal address of the Holder,
 - 5.4.4. telephonic and fax details of the Holder,
 - 5.4.5. e-mail address, if any, of the Holder,
 - 5.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2025 National Appeals Regulations (as amended).
 - 5.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 5.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided (i.e. the listed activities, including site preparation, must not commence until the appeal is decided).

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 5, 11, and 13.
7. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.
8. The Holder must notify the competent authority if the non-operational phase (construction activities and rehabilitation measures) has been abandoned prior to completion thereof, or if the construction activities and rehabilitation process will be placed on hold for a period of six (6) months or longer.

The competent authority must be notified in writing—

- 8.1. within 30-calendar days of the cessation of the activities on site; and

8.2. seven calendar days' notice, must be given prior to any activities continuing on site again.

Management of activity

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith approved in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended).
10. The requirements for the avoidance, management, mitigation, monitoring and reporting of the impacts of the activity on the environment, which have been identified in this Environmental Authorisation additional to those contained in the approved EMPr, must be implemented together with the EMPr.
11. The EMPr must be updated to incorporate all the conditions contained in this Environmental Authorisation and all those measures for the avoidance, management, mitigation, monitoring and reporting as identified in this Environmental Authorisation additional to those contained in the approved EMPr.

The updated EMPr must be re-submitted to the Competent Authority prior to commencement of the construction activities.

12. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), prior to commencement of any works (i.e., removal and movement of soil) and for the duration of the clearance and rehabilitation phases of the implementation contained herein.
14. The ECO must–
 - 14.1. be appointed prior to commencement of any works (i.e., demarcation of the remaining natural area, relocation of bulbs; and disturbance, cutting and / or damage to protected trees);
 - 14.2. perform site inspections;
 - 14.3. ensure compliance with the EMPr and the conditions contained herein;
 - 14.4. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 14.5. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
15. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
16. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above 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.

Environmental Auditing

17. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
18. The frequency of auditing of compliance with the conditions of the environmental authorisation and compliance with the provisions of the EMPr, must adhere to the following programme:
 - 18.1. During the non-operational phase (construction phase and completion of the post construction rehabilitation and monitoring requirements) the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 12-months as reckoned from the date on which the activities have been commenced on site.

The Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.
 - 18.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within **three (3) months** of completion of the post construction rehabilitation and monitoring requirements.

Note: Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements.
19. The Environmental Audit Report(s), must –
 - 19.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 19.2. provide verifiable findings, in a structured and systematic manner, on–
 - 19.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 19.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 19.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 19.4. evaluate the effectiveness of the EMPr;
 - 19.5. identify shortcomings in the EMPr;
 - 19.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 19.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 19.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
 - 19.9. include a photographic record of the site applicable to the audit; and
 - 19.10. be informed by the ECO reports.

20. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

21. The Holder must ensure that the following development parameters including the identification and management of "No-Go" areas, are adopted and implemented.
 - 21.1. The clearance of indigenous vegetation must be restricted to the area approved for the development footprint as per the Site Development Plan attached as Appendix 2 to this Environmental Authorisation.
 - 21.2. The remainder of the property (i.e., outside of the development footprint) must remain undisturbed, and no indigenous vegetation may be cleared, unless environmental authorisation and the necessary permits are first obtained.
 - 21.3. The 15-meter buffer area from the wetland, as determined by the Aquatic Biodiversity Assessment dated September 2024, must be managed as a no-go area.
22. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and conclude the physical implementation of each listed activity within the period referred to in Section E1, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.
3. If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
4. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information 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.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially.

5. The manner and frequency for updating the EMPr is as follows:
- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

6. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

7. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
8. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-development rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:



- Failure to complete the post construction rehabilitation and monitoring requirements at least three months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
9. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e., 5, 11, and 13). Failure to comply with all the peremptory conditions, prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
10. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
11. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2025.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2025 to the Appeal Administrator;
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e., the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za; and copied to
DEADPEIAadmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2025 to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision.
3. The holder of the decision (the applicant) must–
 - 3.1. notify, and make a copy of the appeal(s) received in respect of section 2.2 above available to registered interested and affected parties, and to affected organs of state, within 5 calendar days of the expiry of the 20-day period in section 2 above; and
 - 3.2. submit proof of the notification contemplated in section 3.1 above to the appeal administrator within 5 calendar days of sending the last notification.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

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: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL: <https://d7.westerncape.gov.za/eadp/resource-library/forms>.

H. 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/her 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

DIRECTOR: DEVELOPMENT MANAGEMENT

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 09 MAY 2025



FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/D5/8/0032/24

NEAS REFERENCE:

WCP/EIA/0001549/2024



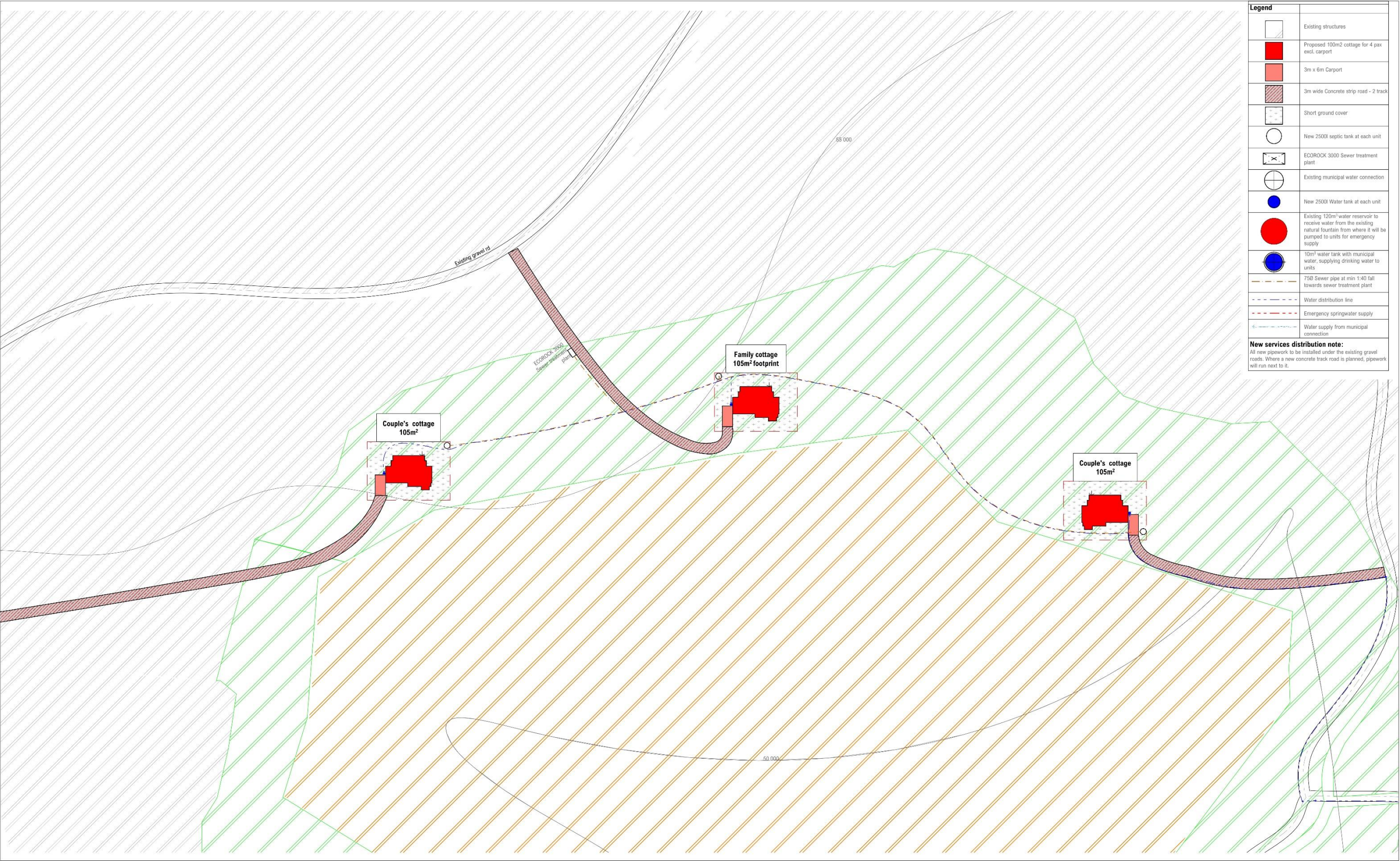


QUALITY PLAN



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CLIENT: M & P Distributors	SCALE: 1:200, 1:500	DRAWN: RP	DRAWING STATUS ISSUED FOR [APPROVAL][INFORMATION][COUNCIL][CONSTRUCTION]		
DRAWING TITLE: Site Layout_Forest node	SHEET SIZE: A1	CHECKED: RP	PROJECT TITLE: Typical cottage concepts		
STAND DESCRIPTION: Erf 11/449, Melkhoutfontein, Gourits	REV: 1b	APPROVED: RP	PROJECT No. #PIn	DRAWING No. 002	DATE: 2025/01/09

ENGINEER

GENERAL NOTES

ANY ERRORS, DISCREPANCIES OR OMISSIONS TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.

THIS DRAWING IS NOT TO BE SCALED. FOURIED DIMENSIONS TO BE USED AT ALL TIMES.

CONTRACTORS ARE TO LOCATE AND IDENTIFY EXISTING SERVICES ON SITE AND TO PROTECT THEM FROM DAMAGE THROUGHOUT THE DURATION OF THE WORKS. THESE SERVICES TO REMAIN THE SOLE RESPONSIBILITY OF CONTRACTOR.

CONTRACTOR IS RESPONSIBLE FOR THE CORRECT SETTING OUT OF THE BUILDINGS, ALL EXTERNAL AND ALL INTERNAL WALLS WITH PARTICULAR REFERENCE TO BOUNDARIES, BUILDING LINES ETC.

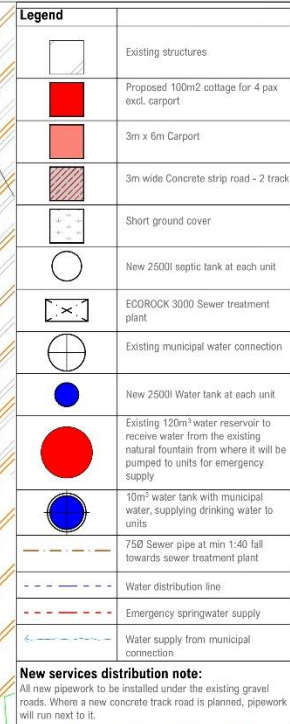
QUALITY OF ALL MATERIAL, WORKMANSHIP AND CONDITIONS TO COMPLY WITH RELEVANT NBR AND THE SABS 10400 MINIMUM STANDARD SPECIFICATIONS.

TRADE NAMES AND CODE NUMBERS ARE AS A GUIDE ONLY. SIMILAR OR EQUAL ITEMS MAY BE USED BY PRIOR APPROVAL OF OWNER OR ARCHITECT.

ANY QUERIES ARISING FROM ALL THE ABOVE MUST BE REPORTED TO THE ARCHITECTS FOR CLARIFICATION BEFORE ANY WORK IS PUT TO HAND.

REV	DATE	BY	DESCRIPTION
1b	2025.01.09	RV	Sewer plant position

REV	DATE	BY	DESCRIPTION



GENERAL NOTES

ANY ERRORS, OMISSIONS OR OVERSIGHTS TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.

THIS DRAWING IS NOT TO BE SCALED. FIGURED DIMENSIONS TO BE USED AT ALL TIMES.

- CONTRACTORS ARE TO LOCATE AND IDENTIFY EXISTING SERVICES ON SITE AND TO PROTECT THEM FROM DAMAGE THROUGHOUT THE DURATION OF THE WORKS. THESE SERVICES TO REMAIN THE SOLE RESPONSIBILITY OF CONTRACTOR.
- CONTRACTOR IS RESPONSIBLE FOR THE CORRECT SETTING OUT OF THE BUILDINGS, ALL EXTERNAL AND ALL INTERNAL WALLS WITH PARTICULAR REFERENCE TO BOUNDARIES, BUILDING LINES ETC.
- QUALITY OF ALL MATERIAL, WORKMANSHIP AND CONDITIONS TO COMPLY WITH RELEVANT NEW AND THE SABS 1040 FULLY STANDARD SPECIFICATIONS.
- TRADE NAMES AND CODE NUMBERS ARE TO BE USED ONLY. SIMILAR OR EQUAL ITEMS MAY BE USED BY PRIOR APPROVAL OF OWNER OR ARCHITECT.
- ANY QUERIES ARISING FROM ALL THE ABOVE MUST BE REPORTED TO THE ARCHITECTS FOR CLARIFICATION BEFORE ANY WORK IS PUT TO HAND.

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DRAWING STATUS				
ISSUED FOR	APPROVAL	INFORMATION	COUNCIL	CONSTRUCTION

das
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CLIENT: M & P Distributors

STAND DESCRIPTION:
Erf 11/449, Melkhoutfontein, Gourits

PROJECT TITLE:
Typical cottage concepts

DRAWING TITLE:
Site layout_River node

SCALE: 1:200	CHECKED: RP	APPROVED: RP
SHEET SIZE: A1	DRAWN: RP	DATE: 2024/12/11
DRAWING No. 001	PROJECT No. #PIn	REV:

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 26 September 2024, the Final Basic Assessment Report (FBAR) and EMPr dated 16 January 2025;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) 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);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 16 January 2025;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

The Department had sufficient information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. 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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- a) identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- b) fixing a notice board at the sites on 14 October 2024;
- c) giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 16 October 2024;
- d) the draft BAR was made available for comment from 16 October 2024 until 14 November 2024;
- e) the placing of a newspaper advertisement in the 'Suid-Kaap Forum' on 11 October 2024.

The following Organs of State provided comment on the proposal:

- a) Breede Olifants Catchment Management Agency ("BOCMA")
- b) South Africa Civil Aviation Authority ("SACAA")
- c) Cape Nature ("CN")
- d) Biodiversity and Coastal Management
- e) Chief Directorate: Road Planning
- f) Hessequa Municipality (Technical Services)

Breede Olifants Catchment Management Agency ("BOCMA")

BOCMA indicated that the proposal will trigger water uses in terms of the National Water Act, 1998. The Aquatic Specialist applied for a water use authorisation and the application will be processed as General Authorisation ("GA").

South Africa Civil Aviation Authority Agency (“SACAA”)

SACAA does not have any objection to the proposal as the proposal is away from aviation infrastructures. SACAA also indicated that there will be no significant negative impacts on airport operations.

Cape Nature (“CN”)

CN indicated that the impacts with the proposed development have been adequately assessed and the proposed is acceptable.

Biodiversity and Coastal Management (Sub-Directorate: Coastal Management (“SD:CM”))

From the information provided it is noted that the SD:CM does not object to the proposed six cottages of Farm 11/449 provided that the applicant can confirm that the proposed development layout is indeed completely landward of the coastal protection zone. Confirmation was provided that the permanent development footprint of the cottages remains landward of the coastal protection zone.

Chief Directorate: Road Planning

Road Planning indicated that on an Environmental Point of view there is no objection towards the proposed development, provided that the branch will be offered an opportunity to issue comments and approvals during the land use application stage.

Hessequa Municipality (Technical Services)

Hessequa Municipality confirmed that there will be sufficient services for the development of six (6) cottages and associated infrastructure for the proposed two (2) nodes on the proposed site.

Heritage Western Cape (“HWC”)

Heritage Western Cape confirmed in a letter dated; 24 January 2025 that the proposed tourism development on a portion of the farm Melkoutefontein 449/11 (Gourits River), Riversdale District and Hessequa Municipality met the provision of Section 38(3) of the National Heritage Resources Act (NHRA). HWC made several recommendations that were included in the Environmental Management Programme.

All the comments and issues raised by the respective Organs of State that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses from the EAP to the I&APs comments and concerns.

2. Alternatives**(a) Location Alternative**

No location alternatives were considered. The motivation provided for not considering other location alternatives was deemed acceptable.

(b) Design Alternative**Design Alternative 1 (Preferred Alternative – herein authorised).**

The preferred design alternative entails the development of six (6) cottages within two (2) development nodes, namely, the River Node and the Eucalyptus Node. The cottages will have individual development footprint of approximately 105m² for each cottage, surrounded by additional permanent structures and landscaping within a predetermined ‘project area of influence’ including;

- Deck
- Carport



- 2500l Water Tank
- 2500l Septic Tank
- Limited Landscape Area

Inclusive of all these components, the project area of influence / assessed disturbance area is approximately 408 square meters per cottage which excludes the following associated development footprints;

- Internal Access Roads
 - Maximum 3m wide surfaced two-track access road to each cottage (concrete strips / grass blocks / gravel).
- Additional service infrastructure
 - The septic tanks for each node will have two (2) small ECOROCK 3000 Bioreactor Sewer Systems.
 - A new 10m³ water tank will be connected to the existing Ø22mm Municipal connection on the property. Each cottage will be provided with a 2500 litre tank to be fed from the new 10 000 litre tank via a surfaced laid
 - Each cottage will be provided with a 2 500-litre tank to be fed from the new 10 000 litre tank via a surfaced laid Ø32 - 50mm HDPE pipe provided the necessary flow via solar pump where required.
 - Sewage & Water Pipelines to be installed within existing gravel roads and adjacent to new internal access roads.

The above-mentioned preferred alternative is deemed feasible as the development site avoids that wetland & wetland buffers, areas with high fauna sensitivity, area with high botanical sensitivity and all the impact can be mitigated from medium negative significance to low/minor significance. Furthermore, this design alternative accommodated improved stormwater management. Therefore this Preferred design alternative is deemed acceptable.

The non-mitigated design alternative (not authorised)

This design alternative involved placing one (1) cottage closer to the wetland which increases the risk of leaking sewage into the wetland.

Further to the above this alternative has been mitigated to the (preferred design alternative) to move the cottage further away from the wetland as the potential for polluting the wetland was not deemed acceptable. Therefore, this non-mitigated design alternative is not deemed acceptable.

(c) “No-Go” or No-activity Alternative

This alternative was not deemed feasible as the property is zoned Agriculture II, and site is not viable utilised for agricultural production considering the constraints on the site which was identified by the soil scientist. In addition, the botanist confirmed that the proposed development (Preferred design alternative) is small enough that all the impacts can be mitigated to minor negative impacts, which is not significantly different from the no-go alternatives status quo. The “no-go” option is therefore not deemed the best practicable environmental option.

3. Impact Assessment and Mitigation Measures

3.1. Activity Need and Desirability

The need and desirability of the proposed activity in terms of this Department's guideline on Need and Desirability (March 2013) was taken into account in the Final Basic Assessment report. Factors such as the ecological integrity of the development was taken into account as the



applicant managed to stay clear of the highly sensitive vegetation, therefore the "placing" of the proposed development was taken into account. Only 0.43ha of the total property of 105 ha will be utilised for the proposed development. The remainder of 99 percent of the property will now have improved maintenance i.t.o. alien & fire management that can be monitored i.t.o. the conditions of this Environmental Authorisation. This Directorate has considered the timing and placing of this proposal as well and found it to be acceptable.

3.2. Western Cape Provincial Spatial Development Framework ("WCPsDF")

The proposed formalisation does is in line with the "Policy R1: Protect Biodiversity and Ecosystem Services" in the Western Cape PSDf (2014). The development of the tourist cottages is located within areas identified as having a low-medium Fauna Sensitivity and outside the wetland buffers delineated by the aquatic specialist. These cottages are also located in the least sensitive areas from a botanical & biodiversity perspective. Therefore, the proposed tourist accommodation contributes to the Western Cape's Space-Economy which is made up of diverse economic activities in both the province's urban centres and rural areas. This Directorate is in agreement that the proposal is aligned with the PSDf.

3.3. Eden Spatial Development Framework - (2017) ("SDF")

The Eden District Spatial Development Framework 2017 and aims to establish a strong strategic direction and vision, towards increasing levels of detail in the spatial recommendations that are directive rather than prescriptive and providing guidance to local municipalities in the district regarding future spatial planning, strategic decision-making, and regional integration. This vision and strategic direction identify the four key drivers of spatial change within the district. These drivers are defined in terms of spatial legacies, current challenges, future risks and prospects. The proposed development is regarded as being consistent with the Eden District SDF by supporting tourism as a key economic driver of the Garden Route whilst the low-key scale of the proposal is deemed to be acceptable.

3.4. Surface Water

According to the Aquatic Specialist report dated September 2024 and updated January 2025, two (2) wetlands were found on the property. The **River Node** is located west of a channelled valley-bottom wetland with the Gourits River which created an ecotone of estuaries and freshwater habitat. The specialist delineated the wetland as a single unit including a 15m buffer. The River Node cottages fall well outside the 15m buffer from the wetland. Furthermore, the **Eucalyptus Node** is located north-west of an unclaimed valley-bottom wetland which adjoins the larger channelled valley-bottom wetland along the southern boundary. The Site Development Plan places all three (3) cottages to the north of the Eucalyptus stand with the closest 150m from the wetland. It is noted that with the mitigated preferred alternative the one (1) cottage closer to the wetland is moved further away from the wetland than in the non-mitigated alternative.

3.5. Botanical & Biodiversity Impacts

Based on the finding of the Botanist, the property has numerous ecosystems and a high diversity of plant species. The fynbos is part of the Endangered Albertina Sand Fynbos (around the Eucalyptus Node). The River Node occurs within a highly invaded Endangered Hartenbos Dune Thicket. Both of these nodes have been planned in the least sensitive areas, and the preferred alternative avoids most of the highly sensitive vegetation on the property. The main impact for this development is invasive plant species and fire risk. The botanist provided mitigation measures to minimise the impact, and these mitigation measures are included in EMPr. Furthermore, the "Applicant" is a member of the Southern Cape Fire Protection Agency (SCFPA). The SCFPA also provided input regarding the fire management on the property. These measure/input is included



in the EMPr. This Directorate does take note that the residual impact of the development is minor/low negative for both construction and operational impacts.

3.6. Fauna

According to the findings of the fauna specialist, the fauna site sensitivity map and recommendation's, the proposed locations of the cottages and associated infrastructure are not within any Fynbos or Estuarine Vegetation. Five (5) of the cottages are located within a low sensitive area, with one (1) in a medium sensitive area due to the potential presence of *B. sylvaticus* (*Knysna Warbler*). Furthermore, the specialist confirmed that the proposed placing of the cottages falls within area of low-medium sensitivity with minimal impact on fauna SCC. The specialist also provided additional mitigation measures to further reduce the impacts of the proposed development. These mitigation measures are included in the EMPr.

3.7. Heritage

Heritage Western Cape ("HWC") indicated in a letter dated: 24 January 2024 that the committee has resolved to endorse the Heritage Impact Assessment (HIA), titled "*Final Integrated Heritage Impact Assessment in terms of Section 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999): Proposed tourism development on a portion of the farm Melkoutefontein 449/11 (Gouritz River), Riversdale District and Hessequa Municipality*" dated January 2025, and prepared by Perception Planning, as having met the provision of Section 38(3) of the National Heritage Resources Act (NHRA). Furthermore, HWC also provided recommendations measures. These recommendations were included in the EMPr and the proposed is in line with the recommended Site Development Plan.

3.8. Other Impacts

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts this Directorate is satisfied that the activity will not negatively impact on the receiving environment, subject to the strict implementation of the conditions of this EA and the mitigation measures contained in the EMPr.

4. Scope and Validity Period of authorisation

The applicant has indicated that the construction activities (non-operational aspects) should be completed within a five (5) year period, by 31 May 2030. The validity period of the environmental authorisation has been granted for a period of five (5) years from the date of issue, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

5. 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:

- a) the effects of decisions on all aspects of the environment to be taken into account;



- b) 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;
- c) the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- d) the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- e) the selection of the best practicable environmental option.

6. Conclusion

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 16 January 2025 can be regarded as a sufficient assessment of the key identified issues and impacts.
- (b) The procedure followed for the impact assessment is considered adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities 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 activities can be mitigated to acceptable levels.

----- **END** -----