

**REFERENCE:** 16/3/3/1/D6/29/0041/24  
**DATE OF ISSUE:** 11 June 2025

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED ON 7 APRIL 2017): PROPOSED HOUSE COMBRINK PORTION 30 OF FARM MISGUNST, GOURITZ RIVER NO. 257, FRANSMANSHOEK CONSERVANCY

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**, described in the Final Basic Assessment Report ("FBAR") Ref: MOS823/08, dated 20 February 2025, prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Ms. Louise-Marie (EAPASA No: 2019/1444) of Cape EAPrac Environmental Assessment Practitioners (Pty) Ltd.

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 Director  
Comcor Invest (Pty) Ltd.  
PO Box 91  
**SINKSA BRUG**  
6530

Attention: Mr. T. Combrink  
Tel.: 044 874 0365  
E-mail: [combrinktehan@gmail.com](mailto:combrinktehan@gmail.com)

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
<b>Environmental Impact Assessment Regulations Listing Notice 3 of 2014,</b> Government Notice No. 985 of 4 December 2014 (as amended)	
<p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><b>I) Western Cape</b></p> <ul style="list-style-type: none"> <li>i. Areas zoned for use as public open space or equivalent zoning;</li> <li>ii. Areas outside urban areas; <ul style="list-style-type: none"> <li>(aa) Areas containing indigenous vegetation;</li> <li>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</li> </ul> </li> <li>iii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for conservation use; or</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</li> </ul> </li> </ul>	<p>The proposed new road will be developed outside an urban area within an area containing indigenous vegetation.</p> <p>The new road that will be developed will mainly be less than 4-metres wide and will be developed within a servitude which will vary from 3.5 to 6 metres wide (depending on the steepness of the slope). The road and stabilising structures will developed within the 6m wide servitude.</p>
<p>Activity Number: <b>12</b> Activity Description:</p> <p>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.</p> <p><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>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 even in urban areas;</li> <li>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 On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a</li> </ul>	<p>The site is located within a threatened ecosystem mapped as <i>Hartenbos Dune Thicket</i> which has an endangered (EN) threat status. The site also lies within a Critical Biodiversity Area (CBA).</p> <p>The proposed development will result in the clearance of more than 300m<sup>2</sup> of indigenous vegetation, but will be limited to and area of less than 1 800m<sup>2</sup>, of which an area of ±298m<sup>2</sup> (temporary) will be rehabilitated with indigenous vegetation.</p>

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

The Holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development and development footprint area:

The preferred alternative entails:

- A Primary Dwelling
- An access Road
- A 10 000ℓ Water Reservoir (for borehole water)
- Ten (10) 5000 litre Rainwater Tanks (totalling to 50 000 ℓ) – for potable and rainwater
- An Off Grid Solar System
- An Artificial Wetland System as part of sewage handling and filtration
- Associated Infrastructure for Services: Water, Sewer and Tele-communication infrastructure

#### Services

- reservoir tank (maximum 10 000 ℓ) and water for consumption and general residential use will be provided by a 32mm diameter private water pipeline which will be connected to the Municipal water connection point.
- Grey water from bathrooms, laundry and kitchen will be directly diverted to the small artificial wetland for polishing and re-used for irrigation to infiltrate the sand medium.
- Black water from the bathrooms will be diverted to the household bio-gas digester with an overflow to the artificial wetland.

The development will be implemented in accordance with the site development plan in Annexure 2 of this environmental authorisation.

### **C. SITE DESCRIPTION AND LOCATION**

The site is located within the Fransmanshoek Conservancy area which is situated approximately 3km south-east of Vleesbaai. The property is approximately 8.62ha in size, zoned Agriculture I and is accessed via the existing District Road 4979 from where an existing gravel road traverses the property.

POSITION		Latitude (S)			Longitude (E)		
Site		34°	17'	48.54"	21°	55'	28.88"

SG digit code for the relevant properties:

SG21 DIGIT CODES
C 0 5 1 0 0 0 0 0 0 0 0 0 2 5 7 0 0 0 3 0

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.  
The above is hereinafter referred to as **"the site"**.

### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)**

Ms. Louise-Marie van Zyl  
EAPASA Registration No.: 2019/1444

Assisted by: Ms. Mariska Byleveld (Candidate EAP)  
EAPASA Registration Number: 2023/6593

Cape EAPrac (Pty) Ltd  
PO Box 2070  
GEORGE  
6530

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Website: <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 July 2030** (validity period), during which period the Holder must ensure that the—
  - (a) physical implementation of the authorised listed activities is started with within 5 years and concluded by the date stipulated for the non-operational aspects;
  - (b) construction monitoring and reporting requirements are undertaken 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) the operational aspects are undertaken and concluded within the stipulated period; and
  - (e) 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 a part of the Preferred Alternative, as described in Section C above.

The preferred alternative entails the clearance of an area of less than 1 800m<sup>2</sup> of indigenous vegetation and the development of:

- A Primary Dwelling
- An access Road
- A 10 000ℓ Water Reservoir (for borehole water)
- Ten (10) 5000 litre Rainwater Tanks (totalling to 50 000ℓ) – for potable and rainwater
- An off grid solar system
- An Artificial Wetland System as part of sewage handling and filtration
- Associated Infrastructure for Services: Water, Sewer and Tele-communication infrastructure

### Engineering Services

- reservoir tank (maximum 10 000ℓ) and water for consumption and general residential use will be provided by a 32mm diameter private water pipeline which will be connected to the Municipal water connection point.

- Grey water from bathrooms, laundry and kitchen will be directly diverted to the small artificial wetland for polishing and re-used for irrigation to infiltrate the sand medium.
- Black water from the bathrooms will be diverted to the household bio-gas digester with an overflow to the artificial wetland.

(See site development plan contained in Annexure 2 of this authorisation).

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. 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.
5. Any changes to, or deviations from the scope of the 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**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.
  - 6.2. 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 detailed in Section G below;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,
    - 6.4.3. postal address of the Holder,
    - 6.4.4. telephonic and fax details of the Holder,
    - 6.4.5. e-mail address, if any, of the Holder,
    - 6.4.6. 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 2014 National Appeals Regulations (as amended).
  - 6.5. 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.
  - 6.6. 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**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
  - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 7.2. The notice must also include proof of compliance with the following conditions described herein:

#### **Conditions Number: 6 and 14**

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.
9. 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. Further to the above, the Holder must notify the competent authority in writing within—
  - 9.1. thirty (30) calendar days of the cessation of the activities on site; and
  - 9.2. seven (7) calendar days prior to any activities physically continuing on the site again.

### **Management of activity**

10. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved.
11. The requirements for the avoidance, management, mitigation, monitoring, rehabilitation 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.
12. 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, rehabilitation 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.

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

### **Monitoring**

14. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO") for the duration of the construction and rehabilitation phases of the development (i.e., non-operational phase).
15. The ECO must—
  - 15.1. be appointed prior to the commencement of any activities on site, including site preparation (i.e. clearance of vegetation, removal and movement of soil or rubble or construction activities)
  - 15.2. ensure compliance with the EMPr and the conditions contained therein;
  - 15.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
  - 15.4. submit compliance monitoring reports (ECO reports) to the competent authority on a monthly frequency;

- 15.5. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
16. A copy of the Environmental Authorisation, EMPr, and any independent assessments of financial provision for rehabilitation and environmental liability, 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.
17. 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.

### **Auditing**

18. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr, is audited.
19. The frequency of reporting the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
- 19.1. Auditing during the non-operational phase (construction activities):
- 19.1.1. During the period which the activities have been commenced with on site, the Holder must ensure annual Environmental Audit Report(s) are undertaken and submitted to the Competent Authority within 30-days of either—
- (a) the environmental audit being completed, or
  - (b) the findings and recommendations of the environmental audit report, which had been subjected to a public participation process agreed to with the competent authority, has been completed.
- 19.1.2. 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 six 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.
20. The Environmental Audit Report(s), must –
- 20.1. 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;
- 20.2. provide verifiable findings, in a structured and systematic manner, on–
- 20.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
  - 20.2.2. 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.
- 20.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 20.4. evaluate the effectiveness of the EMPr;



- 20.5. identify shortcomings in the EMPr;
  - 20.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 20.7. 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;
  - 20.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
  - 20.9. include a photographic record of the site applicable to the audit; and
  - 20.10. be informed by the ECO reports.
21. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I and APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

### **Specific Conditions**

22. Prior to the commencement of construction, the Holder must ensure that a walk-through search and rescue exercise is undertaken by qualified specialist(s) with experience in the field of practise relevant to terrestrial plants species and animal species.

Any protected plant or animal species or species of conservation concern, found during such an exercise must be collected and relocated to a predetermined area with suitable habitat.

**Note:** The removal or movement of such species may require a permit from CapeNature.

23. Prior to the site preparation / physical commencement of the activities on site, all the environmentally sensitive areas on the site must be identified and clearly demarcated.

Further to the above—

- 23.1. The environmentally sensitive areas including areas containing indigenous trees/forest areas, must be depicted on a map which must be included in the EMPr.
  - 23.2. The position of each Milkwood tree (*Sideroxylon inerme*) or group of Milkwood trees, as well as forested areas which contain indigenous tree species, on the site, must be recorded and the areas with such trees clearly demarcated.

The global position system (GPS) coordinates of the trees and forest areas must be recorded in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system, and the record must be maintained for the duration of the environmental authorisation.
  - 23.3. All environmental sensitive areas may not be disturbed, unless the necessary environmental authorisation is obtained, and such areas must be managed as 'no-go' areas for the duration of the construction phase.
  - 23.4. No machinery is permitted in such sensitive no-go areas.
24. 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 and complete all listed activities rehabilitation, and monitoring requirements within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

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.
  - (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.
3. 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.

4. The manner and frequency for updating the EMPr is as follows:
  - (a) Any further amendments to the EMPr, 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.

5. 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**

6. Non-compliance with a condition of this environmental authorisation or provisions of the 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).
7. This Environmental Authorisation is granted for a set period from the date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
8. This Environmental Authorisation is subject to compliance with all the suspensive conditions (i.e. 6 and 14). 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.
9. 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.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

#### **G. APPEALS**

1. Appeals must comply the *National Appeal Regulations, 2025* (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025. Please note the provisions of Regulations 1(2) & (3) of the *National Appeal Regulations, 2025* when calculating the period of days.
2. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's) and the decision maker (Competent Authority who issued the decision) within 20 calendar days from the date this decision was sent by the decision maker.
3. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within 20 calendar days from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
4. All appeals submitted must:
  - 4.1. be in writing in the appeal form obtainable from the Departmental website;
  - 4.2. include supporting documents referred to in the appeal; and
  - 4.3. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
5. The holder (applicant) of the decision must:

- 5.1. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within 5 calendar days after the 20-day appeal period ends.
- 5.2. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.
6. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within 20 calendar days from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
7. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:

7.1. By **e-mail**: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or

7.2. By **hand** where that person submitting does not hold an electronic mail account:

Attention: Mr Marius Venter  
Room 809, 8<sup>th</sup> Floor Utilitas Building,  
1 Dorp Street, Cape Town, 8001

**Note:**

You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

Documents to be submitted to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at: [Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za); and copied to [DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## 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

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**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**

**WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 11 JUNE 2025**

**FOR OFFICIAL USE ONLY:**

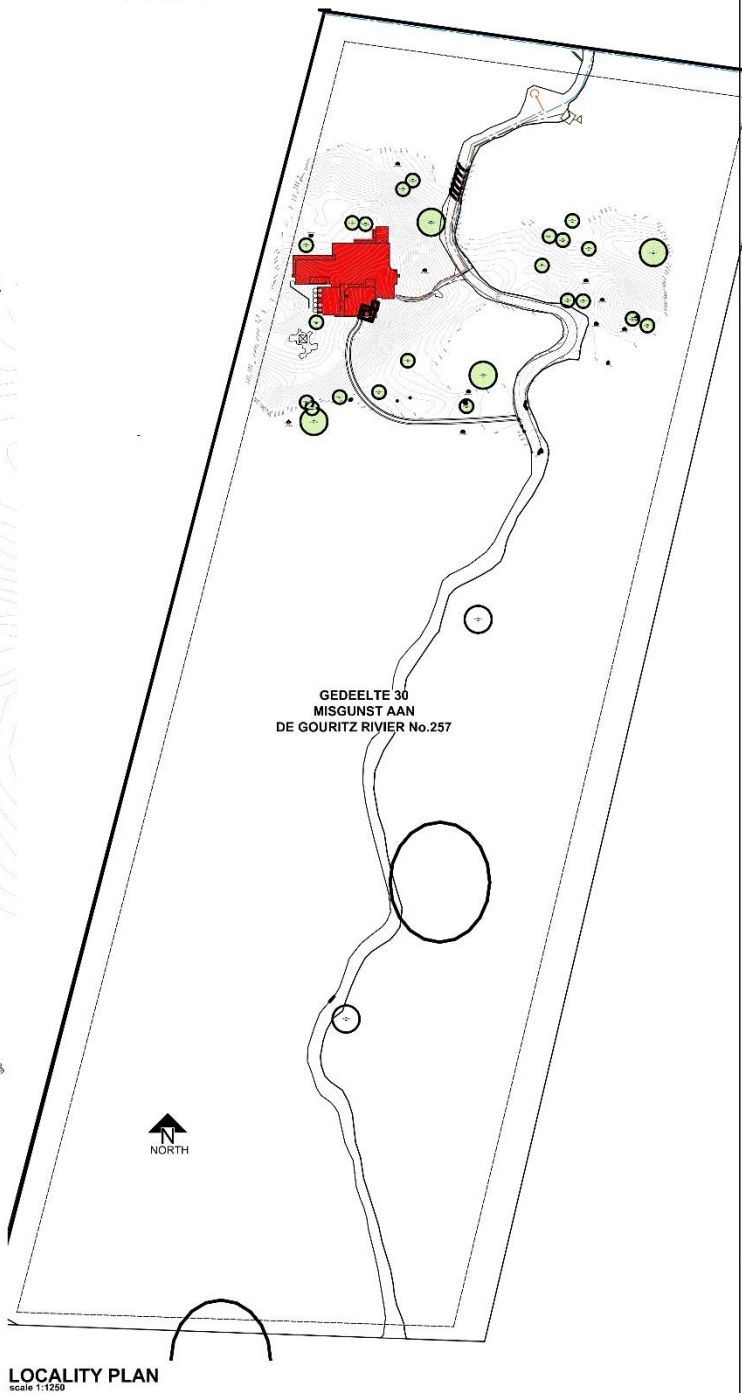
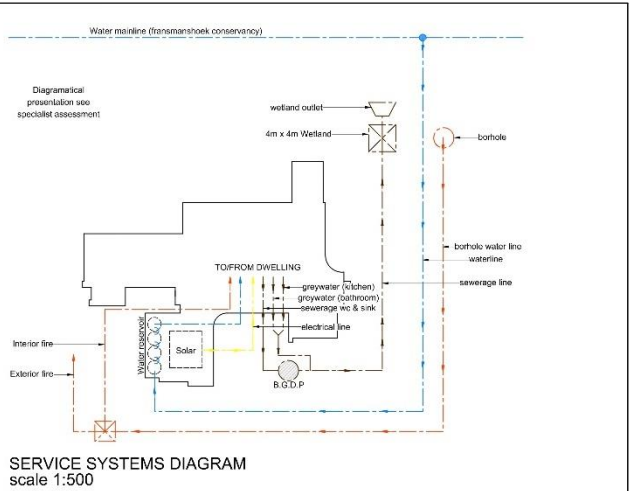
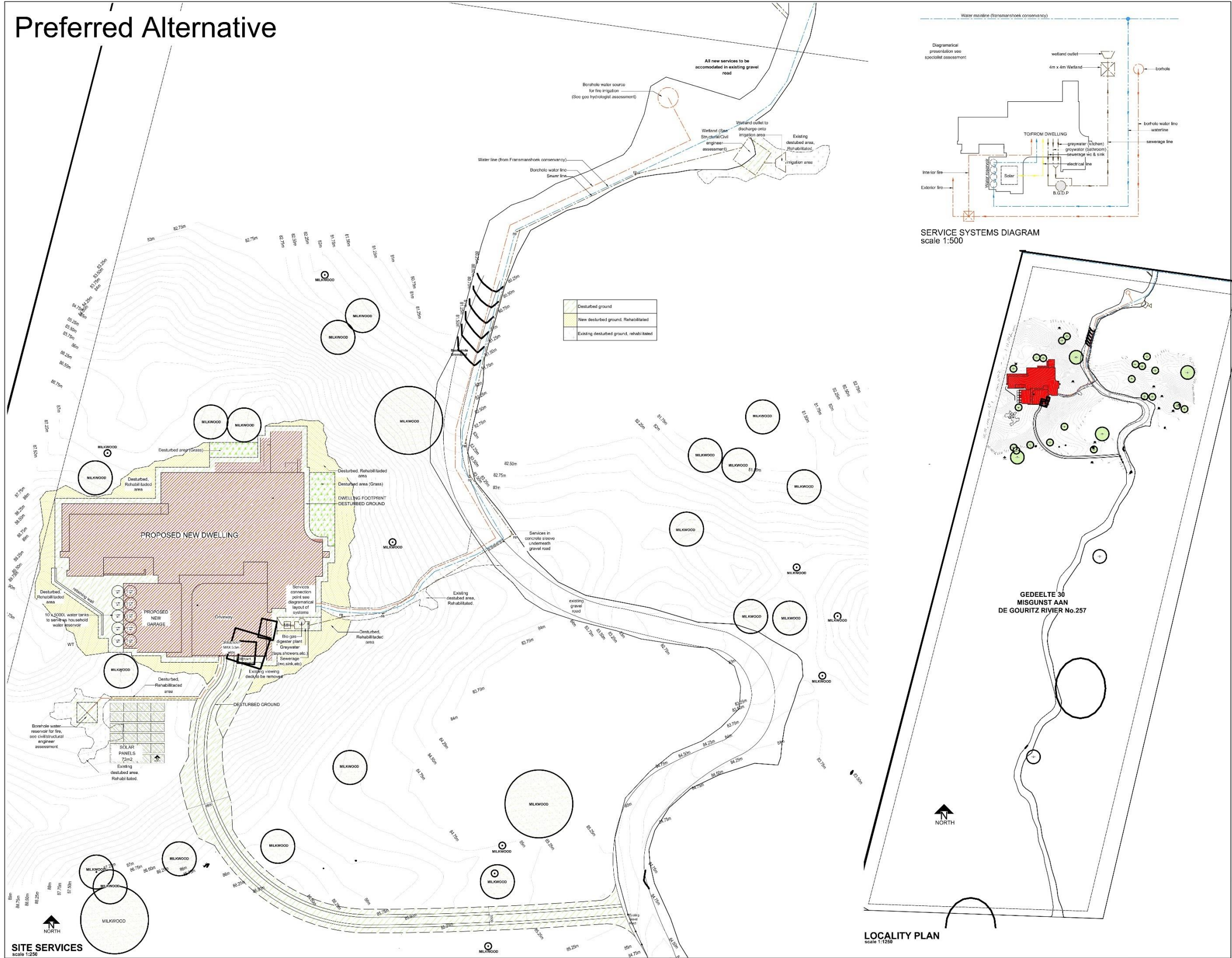
**EIA REFERENCE NUMBER:** 16/3/3/1/D6/29/0041/24

**NEAS REFERENCE:** WCP/EIA/0001567/2024

ANNEXURE 1: LOCALITY MAP:







### GENERAL NOTES

This document is the property of the architect and may not be reproduced, altered or used for any purpose other than the specific purpose for which it was originally intended.

All materials and construction methods must comply with the National Building Regulations (part no. 102 or 107) including all amendments as well as the by-laws of the applicable Local Authority.

All materials must be fixed and finished off in accordance with the specifications of the manufacturer of such materials.

All dimensions must be checked on site. Any inaccuracies or discrepancies must be pointed out to the architect for modification or confirmation before work is taken into hand.

Never scale from this drawing.

All building work must comply with the most up to date national building regulations SANS 10400.

All building material must be SABS approved or have an agreement certificate.

Plumbing and water reticulation installations must be installed by a certified and registered plumber and a plumbing CDC must be provided for the installation.

Electrical installation must be done by a registered and certified electrician and an electrical CDC must be provided for the installation.

A structural engineer must be appointed for the necessary design and specification of structural elements of foundations, ground conditions, super-structure, retaining walls, retaining structures, concrete walls and structural steel work. Structural drawings must be read in conjunction with engineers' drawings and specifications.

No buildings may be demolished prior to applying for permission and approval is obtained from the relevant governing bodies.

All timber used in the building must be SABS approved, treated against termites and other. Timber must also be treated with preservative treatment.

### Statutory notes

Erf 30/257	
Zoning	Agricultural Zone 1
Erf Size	8.66 ha

### MAIN DWELLING RESTRICTIONS

Coverage	total floor area of dwelling house including all ancillary buildings to the dwellinghouse, may not exceed 1500m²
Height restriction	8.5m max
Building Lines	if smaller than 10ha and not located next to scenic routes 10m building lines will apply

### COVERAGE

Disturbed Ground (MAX 1500m²)	1498m²
Disturbed ground, rehabilitated	298m²
Existing disturbed ground, Rehabilitated	106m²

this drawing must be read in conjunction with other drawings of this set.

Architect  
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KONGA STUDIO  
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project  
New proposed dwelling for Mr. T, Combrink on Portion 30, of the farm Misgunst aan de Gouritz rivier, no. 257

drawing  
SITE SERVICE SYSTEMS & LOCALITY PLAN

drawn as indicated	drawn E.R / Z.K
date 2024_04_23	checked hb
approved by 23067/SDP/2101	approved 002

## 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 01 November 2024, the Final Basic Assessment Report (FBAR) and EMPr submitted on 20 February 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 the 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 and APs and responses to these, included in the FBAR received on 20 February 2025;
- e) The balancing of negative and positive impacts and proposed mitigation measures;
- f) No site inspection was undertaken as the case officer is familiar with the site and the photographs contained in the BAR is sufficient to make an informed decision.

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:

- 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;
- Notices were given to neighbours on 4 November 2024;
- Notices to the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- The placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 8 November 2024,
- The draft BAR was made available to the public for 30 days from 13 November 2024 until 13 December 2024;

The following Organs of State were approached for comment on the proposal:

- Western Cape Government: Department of Environmental Affairs and
- Development Planning (DEADP) – Directorate: Development Management (Region 3)
- DEADP- Directorate: Biodiversity and Coastal Management
- Western Cape Government Department of Agriculture (Agriculture) – Sustainable Resource Use and Management
- Agriculture- Land Use
- Mossel Bay Local Municipality - Planning
- Garden Route District Municipality
- Department of Forestry
- Heritage Western Cape
- Civil Aviation Authority
- Breede-Olifants Catchment Management Agency (BOCMA)
- CapeNature

CapeNature stated that they do not support development which results in the fragmentation of CBAs which in turn will lead to the loss of ecological connectivity. The preferred alternative was designed in such a way that it has a minimal to negligible effect on the objective and goals of terrestrial CBA as the majority of the property (8.66ha) will remain natural and undisturbed. The preferred alternative also



excluded the development of a second dwelling was excluded to further address CapeNature's concerns.

Mossel Bay Municipality indicated that there is no Municipal infrastructure to service this farm. To address this, the proposal includes the installation of 10X 5 000l rainwater tanks, which will be filled by a combination of rainwater and potable municipal supply water (only when sufficient is available). In addition, an existing borehole can also supplement the water required for the residential dwelling.

DDFE Forestry highlighted that "the property consists of Coastal Forest (containing species such as Milkwood, Guarrie, Dune Olive, Candlewood, Monkey plum etc.) with protected Milkwood trees/ shrubs being the predominant species". The preferred alternative has been developed in such a way as to avoid the Milkwood trees as far as possible. A condition is included that all milkwood trees must be kept undisturbed.

Forestry also requested that the preferred layout incorporate the protected trees as well as the coastal forest patches as far as possible. The EAP responded indicating that vegetation on the property is defined as thicket and not as coastal forest. This Directorate is satisfied that the preferred alternative takes into account the biodiversity site sensitivity analysis, protected tree survey, as well as slope analysis, inclusive of the position of protected tree species.

The BOCMA raised concerns regarding the abstraction of groundwater and the availability of services. The proponent has commenced with the GA process and the outcome will serve as final comment on the proposal.

Fransmanshoek Conservancy indicated that they do not have any objection to the proposed development.

All Inputs provided during the PPP were responded to and adequately addressed. This Department is satisfied that all the comments and inputs that were captured in the Basic Assessment Report has been adequately responded to by the EAP and that appropriate mitigation measures have been included in the EMP to adequately address the issues and concerns raised.

## **2. Consideration of Alternatives**

### The Preferred Alternative

- A Primary Dwelling
- An access Road
- A 10 000l Water Reservoir (for borehole water)
- Ten (10) 5000 litre Rainwater Tanks (totalling to 50 000l ) – for potable and rainwater
- An Off Grid Solar System
- An Artificial Wetland System as part of sewage handling and filtration
- Associated Infrastructure for Services: Water, Sewer and Tele-communication infrastructure.

(See site development plan contained in Annexure 2 of this authorisation).

- Water for construction purposes will be provided by an existing borehole with dedicated surplus/fire reservoir tank (max 10 000l) and water for consumption and general residential use will be provided by a 32mm diameter private water pipeline which will be connected to the Municipal water connection point.
- Grey water from bathrooms, laundry and kitchen will be directly diverted to the small artificial wetland for polishing and re-used for irrigation to infiltrate the sand medium.

- Black water from the bathrooms will be diverted to the household bio-gas digester with an overflow to the constructed / artificial wetland.

#### Non-Preferred Alternative

This alternative entails the development of a primary and consent use secondary (two dwellings) on the property

- Two (2) x Dwellings (Primary & Secondary)
- Two (2) x Access Roads to each of the dwellings
- Five (5) x 2500 litre Rainwater Tanks (Totalling to 12500 litres)
- One (1) x Off Grid Solar System
- Services: Water, Sewer and Tele-communication lines

This is not preferred as the impact significance score is slightly higher compared to the preferred alternative and this alternative will also result in the disturbance of more protected tree species compared to the preferred alternative.

According to the fauna specialist, the secondary dwelling is proposed directly adjacent to intact thicket areas which might result in indirect impacts on the Knysna Warbler that may prefer this habitat (temporarily during the construction phase). Two dwellings will also require more services. This is not the preferred alternative.

#### The "No-Go" Alternative

This alternative entails no development of the site. This is not the applicant's preferred alternative as he would not be able to exercise his primary property right.

### **3. Impact Assessment and Mitigation Measures**

#### *3.1 Activity need and desirability*

The site is located outside the urban area and holds a zoning of Agriculture Zone I. According to the Western Cape Spatial Development Framework (PSDF), the site is located in a rural development node, with agricultural activities of grain and pastures highlighted. Notwithstanding this, the applicant has no intention of actively farming the property but will rather follow the management prescripts promoting the Fransmanshoek conservancy within which it is located that supports and promotes conservation outcomes.

Furthermore, the preferred alternative is in line with the 2022 – 2027 Integrated Development (Plan IDP) Mossel Bay Municipality.

#### *3.2 Services*

##### Potable Water

A service provider, Tubacure (Pty) Ltd., has been established exclusively to provide municipal water to the properties within the Fransmanshoek Conservancy, and the holder will also make use of this service. The company manages an existing water pipeline which can only be filled once the nearby water reservoir is full. Properties along District Road 4979 can connect to the 32mm diameter water pipeline (per a signed agreement involving installation fees, annual admin- and ranger costs) to fill their storage tanks with potable water. In light of the issues with regards to water availability from the existing water pipeline, a further mitigation measure that has been proposed is to develop additional water storage facilities in the form of rainwater tanks with a combined capacity of 50 000l. In addition hereto, the

existing borehole on the property will be utilised to supply water for fire management services and if necessary to be able to mix with municipal/rainwater for household uses.

#### Sewage

Sewage on the property will be handled by means of a small bio-reactor system that must treat domestic sewage daily. Due to existing boreholes in the general area that are in use, a septic system is not supported due to the risk of groundwater system.

#### Electricity

According to the report, the proposed dwelling will be supplied from a suitable sized inverter, battery, photo voltaic system which will be integrated into the house. The off grid solar system will be augmented by a suitably sized generator to assist with battery charging during days not conducive to solar generation.

### *3.3 Agricultural Impact*

The specialist found that proposed development is acceptable as it results in a negligible loss of future agricultural production potential and confirms the low to medium sensitivity rating of the site by the screening tool. This was informed by factors like climate constraints, terrain, soil capability which all constrain the potential of the property to practically deliver agricultural produce and therefore influence its agricultural production potential of the site.

### *3.4 Aquatic Impacts*

The property is within sub-quaternary catchment (SQC) 9292, and the main unnamed river reach for which a FEPA status was assigned runs south of the Petro SA refinery into the Indian Ocean .Given its coastal location, the SQC includes additional minor coastal rivers and streams that flow directly into the Indian Ocean, most of which do not flow into the main river reach that has been identified as a Freshwater Ecosystems Priority Area (FEPA).

The aquatic specialist found that, while the development falls within a FEPA, the site falls well outside of the catchment area of the river reach for which the FEPA status was determined. Furthermore, no freshwater features were identified within the footprint area of the site or within close proximity (i.e. within 2 km) of the site. The specialist compliance statement therefore found that the sensitivity rating of the proposed development on the aquatic biodiversity should be low instead.

### *3.5 Geohydrological Impact*

Groundwater recharge in the property area underlain by dune sand is expected to be in the region of 25% of the mean annual precipitation or 112,5 mm/a. Furthermore, the annual volume of recharge to the property area alone is estimated to be approximately 9 700 m<sup>3</sup> /a. The intended groundwater abstraction is approximately 1.5 m<sup>3</sup>/day ( $\pm 550$  m<sup>3</sup>/annum), which represents approximately 6% of the recharge to the property.

Based on the results of a short duration pumping test that was conducted, it was found that the borehole has sufficient capacity to fulfil the domestic water requirements of the proposed development. Furthermore, the basic groundwater impact assessment concluded that impacts from the proposed groundwater abstraction on potential nearby users are expected to be negligible.

### *3.6 Stormwater Management Impact*

Stormwater management on the site is important to prevent unnecessary erosion and/or flooding, however considering the sandy substrate such measures are limited to infiltration The proposed

development will make use of Sustainable Urban Drainage System as a stormwater management system. According to the information provided, the area is naturally drained to a southern direction with several local low and high points all over the property. which is typical of natural dune habitat. Several local depressions create a situation that almost all stormwater runoffs will drain via the in-situ sandy soil conditions into the underground.

To create a more sustainable stormwater management system, source control in the form of stormwater collection tanks at the building, will be used on site for stormwater to be reused for irrigation and domestic purposes. These tanks will be placed "in-line" on the building's gutter system. Additionally, the building will be equipped with a surrounding pipe network to accommodate downpipes.

### 3.7 Coastal Aspects

When any listed activities are to be carried out within the coastal zone which require an environmental authorisation in terms of the NEMA, the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (NEM:ICMA) provides for additional criteria which must be considered when evaluating an application for an activity which will take place within the coastal zone.

The coastal management risk lines are boundaries determined to protect coastal areas from erosion and flooding. They define areas where development and activities are restricted or prohibited to mitigate risks to people, property, and the environment. The proposed site is located above the coastal management risk area. The northern and southern boundaries of the property are respectively approximately 400 and 700 m away from the high-water mark of the sea, with surface elevations on the property varying from approximately the 75 to 90 metre topographical contour (referenced from the indicative mean sea level). In terms of the Coastal Risk Zones as delineated in terms of ICMA for the Western Cape by the Department of Environmental Affairs and Development Planning, the proposed site is located outside of this risk area.

The information which has been provided in the Final BAR and supporting documents, has satisfactorily addressed the coastal aspects. The FBAR has also adequately demonstrated the likely impact of coastal environmental processes on the proposed activity which is a specific aspect to be considered in this decision in terms of section 63 of the NEM:ICMA.

### 3.8 Climate Change Impacts

The effects of climate change include sea level rise, warming ocean temperatures, ocean acidification, changes to rainfall and runoff (which can cause drought), and more extreme weather events such as severe east coast lows (which can cause flooding). These changes will affect coastal landforms and ecosystems including oceans, beaches, estuaries, lagoons and rivers.

Water will become a very scarce resource as periods of drought will be longer. Rainfall intervals are likely to become less, but downpours may be more severe, hence the need to have storage capacity for when there is sufficient rainfall. The proposal includes the installation of a rainwater tanks. The proposed development will also re-use of filtered grey water for landscaping/irrigation and re-use in toilets/washing contributes to resource management to conserve potable water resources.

The proposed primary dwelling is unlikely to be impacted by climate change associated with coastal erosion or sea level rise due to it being outside the sand movement corridors and 500m from the High-Water Mark of the sea. In addition thereto, the majority of the site (natural ground cover) will remain intact.

### 3.9 Terrestrial Animal impact

During the site inspection by the specialist, none of the species of conservation concern (SCC). (*C. ranivorus*, *C. maurus*, *S. coronatus*, *N. denhami*, *A. montanus*, *L. littoralis*, *Bradypterus sylvaticus* and Sensitive Species 8) were observed, and therefore it is unlikely that the proposed development will have

a significant impact on any SCC highlighted by the screening tool. The first 5 species are unlikely to occur at the study site due to a lack of suitable habitat, or not being recorded near the study site), or have enough suitable habitat on the property to move to during construction. However, the thicket vegetation around the property is conducive for *Bradypterus sylvaticus* and Sensitive Species 8 although none was observed.

The compliance statement therefore recommends a low significance to the impact on terrestrial animals, instead of the high significance allocated in the screening tool report. The specialist recommended that the milkwood thicket (*Sideroxylon inerme*) should be left undisturbed. This is included as a condition of approval.

### 3.10 Botanical Biodiversity Impact

According to the screening tool report, the Terrestrial Biodiversity sensitivity theme and the Plant Species Theme is rated “high” due to the sensitivity and ecological importance of the site. The specialist indicates that implementation of the mitigation hierarchy is essential to preserve the biodiversity and habitat resilience on the site. Notwithstanding that the proposed development will lead to the inevitable loss of habitat, including portions of the Hartenbos Dune Thicket (EN), the mitigation measures outlined by the specialist in the Botanical Biodiversity Impact Assessment aim to minimize these impacts to a degree where the impacts are either minor, or negligible negative. The overall residual impact of the dwelling proposed is therefore minor negative, provided that the EMPr and the mitigation measures in the report be strictly implemented and adhered to.

### 3.11 Heritage / Archaeological Aspects

Heritage Western Cape confirmed that the proposed development will not require authorisation in terms of Sections 34 & 38 of the National Heritage Resources Act (Act 25 of 1999). Considering the aforementioned, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not result in significant negative impact on any heritage resources. This Department is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999.

## 4. Scope and Validity Period of authorisation

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of ca. 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 reports for the construction phase.

Considering the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase period provided for in the Environmental Authorisation. 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 (i.e., 10-years in total).

## 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:

- 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.

## 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 20February 2025 is sufficient.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The proposed mitigation measures included in the EMPr for the pre-construction, construction and rehabilitation phases of the development is considered adequate.

***In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the mitigation measures contained in the 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 -----