



24G APPLICATION REF: 14/2/4/2/1/F2/4/0009/20

ENQUIRIES: Shafeeq Mallick

REGISTERED MAIL

The Owner
Farm Misgunt 499 (Ptn 6)
PO Box 249
CITRUSDAL
7340

Tel: (022) 921 3952
Email: kobus@dievlei.co.za

Attention: Mr N.J. van der Merwe

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL DEVELOPMENT OF TOURISM FACILITIES AND ASSOCIATED INFRASTRUCTURE ON MISGUNT, FARM 499, PORTION 6, CLANWILLIAM

With reference to your application dated 21 July 2020 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred alternative as described in the application and environmental assessment dated 21 July 2020.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

C/o Mr N.J. van der Merwe
 PO Box 249
 CITRUSDAL
 7340

Tel: (022) 921 3952
 Cell: (082) 558 5694
 Email: kobus@dievlei.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as “the holder”.

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R544 of 18 June 2010 – Activity Number: 18 Activity Description: <i>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></p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the sea; (iii) the seashore; 	<p>In 2013 part of the riparian area and banks of the watercourse were modified to provide for the construction of a suspension bridge that provides access across the river.</p>

<p>(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <p>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</p> <p>(b) occurs behind the development setback line.</p>	
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 6</p> <p>Activity Description: The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</p> <p>In Western Cape:</p> <p>i. In an estuary;</p> <p>ii. All areas outside urban areas;</p> <p>iii. In urban areas:</p> <p>(aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</p> <p>(bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p>	<p>Chalets, caravan parks and camping type accommodation units were constructed that sleep more than 15 people. The resort/tourism facilities were constructed between 2011 and 2013.</p>
<p>Similarly listed in Government Notice No. R. 983 of 4 December 2014, as amended 7 April 2017 -</p> <p>Activity Number: 19</p> <p>Activity Description: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p>	<p>As above</p>

<p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(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.</i></p>	
<p><i>Similarly listed in Government Notice No. 985 of 4 December 2014 as amended 7 April 2017</i></p> <p>-</p> <p>Activity Number: 6</p> <p><i>Activity Description: The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</i></p> <p><i>In Western Cape:</i></p> <p><i>i. Inside a protected area identified in terms of NEMPAA;</i></p> <p><i>ii. Outside urban areas;</i></p> <p><i>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>or</i></p> <p><i>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</i></p> <p><i>excluding the conversion of existing buildings where the development footprint will not be increased.</i></p>	<p>As above</p>

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 6 Farm Misgunt No. 499, Clanwilliam.

The SG digit code is: C02000000000049900006

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 46' 37.79" South	19° 03' 13.29" East
2	32° 46' 42.76" South	19° 03' 13.61" East
3	32° 46' 51.03" South	19° 04' 44.40" East
4	32° 46' 47.28" South	19° 04' 43.80" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 46' 40.26" South	19° 03' 33.90" East
2	32° 46' 40.52" South	19° 03' 34.53" East
3	32° 46' 42.20" South	19° 03' 34.07" East
4	32° 46' 42.37" South	19° 03' 34.46" East
5	32° 46' 42.88" South	19° 03' 34.36" East
6	32° 46' 43.02" South	19° 03' 33.88" East
7	32° 46' 44.65" South	19° 03' 33.39" East
8	32° 46' 44.15" South	19° 03' 32.62" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

CEDERBERG CONSERVATION SERVICES (t/a FOOTPRINT ENVIRONMENTAL SERVICES)

C/o Mr Sean Ranger

PO Box 454

PORTERVILLE

6810

Tel: (083) 294 8776

Fax: (086) 655 8060

Email: sean.ranger1@gmail.com

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

Misgunt, Farm 499 Portion 6, Clanwilliam is situated about 23 kilometres south of Citrusdal. The farm is 32.40ha in size and has 19ha area available for citrus production. The remaining area is comprised of riverine vegetation and a small 3ha section is enclosed and houses a small population of Springbuck.

Between 2011 and 2013, four chalets were constructed adjacent to the banks a perennial river for the establishment of overnight tourism accommodation. The tourism facilities at the farm started in 2011 and coincided with a boom in tourism development in the Cederberg region that started between 2008-2009. The impetus for this was the fall in market prices in the citrus sector and specifically the market for lemons. To diversify the business and generate additional income the applicant decided to remove two rows of an unproductive orchard adjacent to the Olifantsrivier to establish a rustic, low impact but viable tourism business. The building of chalet 1 and 2 commenced in 2011 and the entire development was completed by 2013.

The applicant decided to remove two rows of lemons since the existing lemon orchard had become unproductive and was in the process of dying off. The income per hectare for lemons was R900/ton – far below the input cost at that time, and the expected income generated by the tourism facilities were predicted to be higher than the income generated by the loss of the two rows within the old orchard.

The following structures and infrastructure form part of the tourism accommodation and facilities:

- Chalet 1 & 2 (8m x 5m = 40m²)
- Chalets 3 & 4 (12m x 6m = 72m²)
- Lapa (braai facility) (6m x 4m = 90m²)
- Ablution facilities (12m x 3m = 18m²)
- Suspension bridge (36m x 1.5m = 54m²)
- Campsite (7m x 12m = 84m²)

The entire development is linked to a sewerage system using 110mm PVC pipelines, buried at a depth of 600mm. The system comprises of various strategically placed subsurface purpose-built sewerage plastic tanks (2000ℓ /tank). 3 X 2000ℓ tanks are used to handle the sewerage and effluent from the ablution facility and from chalet 1 and 2. Chalets 3 and 4 are linked to their own sewerage storage tank (1 X 2000ℓ). All these tanks are buried within the adjacent orchard and are linked to a French drain system.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to the preferred Alternative described in the application and assessment report dated 21 July 2020 on the site as described in Section D above.
2. 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.
3. Any changes to, or deviations from the scope of the alternative described in Section F 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 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.

PART II

Written notice to the competent authority

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of the activities.
 - 4.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 4.2 The notice must also include proof of compliance with condition 5.

PART III

Notification and administration of an 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 outcome of 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 Appeals Regulations, 2014* detailed in Section I 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:
 - 5.4.1 the 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; and
- 5.4.6 the 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 *National Appeal Regulations, 2014*.

6. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. 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.

PART IV

Management of the activity/development

- 7. The draft Environmental Management Programme ("EMPr") dated 06 July 2020 compiled by Footprint Environmental Services and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
- 8. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

- 9. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
- 10. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to anyone on request.
- 11. Access to the site referred to in Section D 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.

PART VI

Auditing

12. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

13. 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 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; and/or graves or unmarked human burials including grave goods and/or associated burial material.

14. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
15. Having been constructed within the 1 in 100-year flood line, in the event that the chalets/infrastructure are damaged due to floods or any other natural cause, they should be completely removed and set further back from the river edge.

16. Please note that no water may be abstracted from any surface water body and groundwater unless authorised by the Department of Water and Sanitation.
17. No surface water or groundwater may be polluted as a result of activities on the site.
18. Maintenance of the riverine vegetation and removal of the alien vegetation must be undertaken in accordance with the EMPr. This must be undertaken under the supervision of the appointed ECO.

H. 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.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
 - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below:
By post: Attention: Marius Venter
 Western Cape Ministry of Local Government, Environmental Affairs &
 Development Planning
 Private Bag X9186, Cape Town, 8000; or
By facsimile: (021) 483 4174; or
By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
 Room 809, 8th floor Utilitas Building
 1 Dorp Street, Cape Town, 8000; or
By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPR may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, 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.

Yours faithfully

ZAIDAH TOEFY

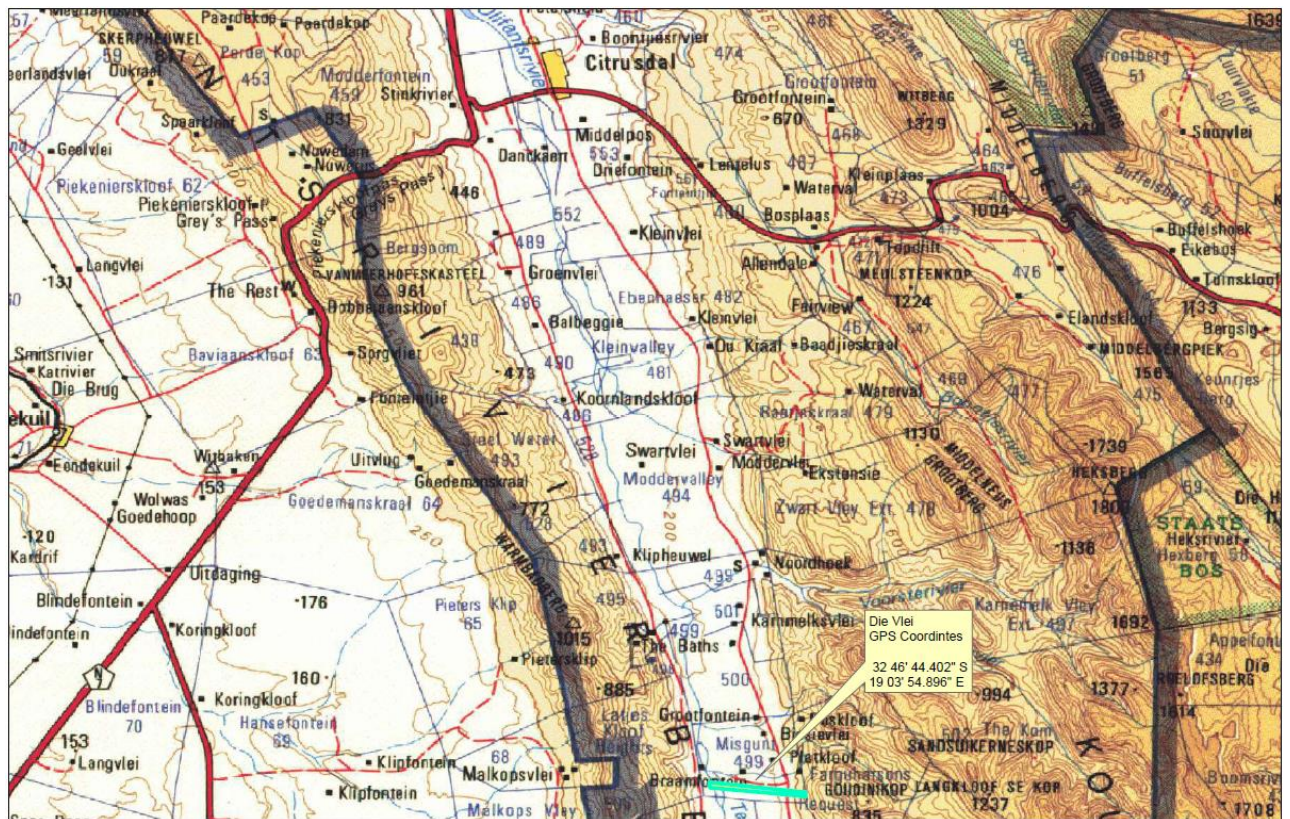
ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 11 March 2021

cc: (1) Sean Ranger (FOOTPRINT Environmental Services)

Email: sean.ranger1@gmail.com

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/1/F2/4/0009/20

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R10 000 (Ten thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The information contained in the application form dated 21 July 2020 with included Impact Assessment Report and Environmental Management Programme ("EMPr").
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on 26 November 2020
Attended by: Officials of the Rectification sub-directorate

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

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Ons Kontrei** newspaper on 15 March 2019;
- A site notice was erected on site; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 19 May 2019 and 21 September 2020.
- I&APs were afforded the opportunity to provide comments on the application.

An I&AP, Mr Allan Hall, indicated that he has no objection to this development. The only concerns he raised were linked to potential noise impacts associated with resort activities. He advised that vegetation can be used as a sound barrier to mitigate this impact. He indicated however, that this development is good for the economy if current standards are maintained.

Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- CapeNature (CN)
- Department of Water and Sanitation (DWS)
- Heritage Western Cape (HWC)
- Department of Agriculture (DoA)
- West Coast District Municipality (WCDM)

CN does not support any hard development footprints within the 1:100-year flood line, including raised platforms as this is still considered as a footprint. In addition, no sewerage or ablution facilities should be within the 1:100-year flood line and only sealed systems should be used – French drains are not considered appropriate near any freshwater resources as they are not fully sealed systems. The EAP indicated that the sewerage system is linked to an underground plastic tank and is concealed. Once the sewerage reaches a certain capacity level, the owner will ensure that the tank is pumped out.

The DWS indicated that any development within the 1 in 100 year flood line, or 100m from the riparian habitat, whichever is the greatest or within a 500m boundary of a wetland or water resource triggers water uses in terms of Section 21c “impeding or diverting the flow of water in a watercourse” and (i) “altering the bed, course or characteristics of a watercourse” of the *National Water Act, 1998 (Act No. 36 of 1998)*. The EAP indicated that the applicant will apply for a Water Use License or General Authorisation once the development is approved. Additionally, no surface water or groundwater may be polluted as a result of activities on the site.

As there is no reason to believe that the built tourism facilities will impact on heritage resources, HWC confirmed that no further action under Section 38 of the *National Heritage Resources Act, 1999 (Act 25 of 1999)* is required.

The DoA has no objection to the proposed development.

The WCDM's Current policy favours the establishment of tourism facilities on agricultural land for two reasons:

- to afford tourists the opportunity to enjoy the great outdoors and rural setting offered by tourism facilities on agricultural land; and
- to enable farmers to supplement income through diversification.

The WCDM fully endorses both goals. The applicant was reminded that a land use application must be submitted to Cederberg Municipality in terms of that Municipality's Bylaw on Land Use Planning which has replaced the previous *Land Use Planning Ordinance, 1985 (No. 15 of 1985)* application process. This was noted by the EAP. A town planner had already been appointed by the applicant to lodge these applications.

2. Alternatives

2.1 Activity Alternatives

Authorised Alternative (as specified in application)

The following structures and infrastructure form part of the tourism accommodation and facilities:

- Chalet 1 & 2 (8m x 5m = 40m²)
- Chalets 3 & 4 (12m x 6m = 72m²)
- Lapa (braai facility) (6m x 4m = 90m²)
- Ablution facilities (12m x 3m = 18m²)

- Suspension bridge (36m x 1.5m = 54m²)
- Campsite (7m x 12m = 84m²)

The entire development is linked to a sewerage system using 110mm PVC pipelines, buried at a depth of 600mm. The system comprises of various strategically placed subsurface purpose-built sewerage plastic tanks (2000ℓ /tank). 3 X 2000ℓ tanks are used to handle the sewerage and effluent from the ablution facility and from chalet 1 and 2. Chalets 3 and 4 are linked to their own sewerage storage tank (1 X 2000ℓ). All these tanks are buried within the adjacent orchard and are linked to a French drain system.

The mix of intensive agriculture and tourism-based use of the land results in the most practicable and economically sustainable land use for this locality. In the evaluation of this usage, the opportunity cost weighs in favour of the proposed development due to its location. Additionally, the development is a low key, rustic accommodation and hospitality related development that is not out of character with the surrounding land-use practices. The area is economically active due to its suitability for the cultivation of citrus. Even with maximising the potential income, the operation remains vulnerable to market fluctuations in the citrus sector. This required the owner to consider diversification into the tourism sector to increase income generation over a greater portion of the year. Historically sustainable land use options for people in this area are limited to intensive agricultural pursuits and this in turn to a minimum viable size for a commercially successful farm. In this instance agricultural production as the sole source of income is marginal as the farming unit is too small.

2.2 Operation Alternatives

Authorised Alternative (as per the application)

Designated no-go areas:

To prevent impacts on sensitive areas utilised by guests, the development may require the designation of no-go areas to prevent and mitigate increased disturbance regimes and related degradation of these areas with loss of functionality.

Organic waste:

Organic waste generated using the facility or maintenance of the lawns could be recycled. This could be accomplished by waste separation and composting of vegetable waste.

Recycling:

The applicant has promoted recycling at the facilities and all recycled materials are stored in marked bins for different recyclable goods. The bins are readily accessible to guests. Guest are encouraged to recycle as much as possible in the information booklet provided. All recycled materials are taken to the recycling depot in Citrusdal the volume being dependent on the occupancy experienced.

Effluent:

Effluent from the facility all goes into a grey water tank/French drain system, specifically designed and manufactured for this purpose. The applicant only uses environmentally friendly cleaning products which should be highlighted to all visiting guests.

2.3 The option of not implementing or continuing with the activity ("No-Go" Alternative)

In this regard, the consideration was, that the most important aspect to consider is that the business requires the diversification and expansion of its productive footprint to remain economically sustainable. This relates to an agricultural business that is able to respond to the small uneconomical agricultural footprint in an environment with high market price fluctuations. Ensuring income through diversified products and hospitality services with a higher value is therefore required.

Furthermore, in terms of the Provincial Spatial Development Framework and the Cederberg Municipality Spatial Development Framework & Integrated Development Plan, this development is aligned to the forward planning of the Western Cape Province and the Cederberg local authority. For these reasons the No-go option was considered unfeasible.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Cumulative Impacts

Cumulative impacts would relate to the use of "Die Vlei" area by the guests/visitors, thus potential trampling and degradation of sensitive riparian areas, the accumulation of waste, pollutants and refuse on site without suitable implementation of environmental management and mitigation measures.

3.2. Biodiversity Impacts

Most of the development was built on already disturbed agricultural land. Impacts to aquatic systems are primarily related to the loss of riparian habitat and the alteration of stream flow from the rock embankment. The findings of the specialist however indicate that with mitigation these impacts are low.

3.3. Visual / Sense of Place

Impacts on sense of place are considered low due to the low-key small-scale development footprint, the use and conversion of existing buildings for accommodation and the alignment with similar land-use of the surrounding area.

4. **NEMA Principles**

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

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

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives

of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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