



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION**

**REFERENCE NUMBER:** 14/2/4/2/1/F2/4/0021/18

**ENQUIRIES:** Shafeeq Mallick

**BY REGISTERED MAIL**

Tel: (027) 482 2700

The Managing Director  
Diamond Duo Properties 250 CC  
PO Box 369  
CLANWILLIAM  
8135

Email: [alphaexcelsior@mylan.co.za](mailto:alphaexcelsior@mylan.co.za)

**Attention: Mr CJF Du Doit**

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL DEVELOPMENT OF TOURISM FACILITIES AND ASSOCIATED INFRASTRUCTURE ON FARM ALPHA EXCELSIOR 134, PORTIONS 5 AND 11, CLANWILLIAM**

With reference to your application dated 15 December 2018 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 agreed alternative as described in the application and environmental assessment dated 15 December 2018.

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

Diamond Duo Properties 250 CC  
 c/o Mr CJF Du Doit  
 PO Box 369  
 CLANWILLIAM  
 8135

Tel: (027) 482 2700

Email: alphaexcelsior@mylan.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. R546 of 18 June 2010 –</p> <p><b>Activity Number: 6</b></p> <p><i>Activity Description: The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</i></p> <p><b>(d) In Western Cape:</b></p> <p>i. In an estuary;</p>	<p>The property contains facilities for accommodation in the form of a guest house, chalets and permanent caravan type accommodation that sleeps more than 15 people. A number of these facilities have been constructed within 100 metres of a watercourse. This activity commenced sometime in 2013.</p>

<p>ii. <b>All areas outside urban areas;</b></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>Government Notice No. R546 of 18 June 2010 –</p> <p><b>Activity Number: 7</b></p> <p>Activity Description: The conversion of existing structures to resorts, lodges or tourism accommodation facilities that sleep 15 people or more.</p> <p><b>(d) In Western Cape:</b></p> <p>i. In an estuary;</p> <p>ii. <b>All areas outside urban areas;</b></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>As above</p>

<p>Government Notice No. R. 983 of 4 December 2014 (As amended 07 April 2017) -</p> <p><b>Activity Number: 19</b></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>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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.</p>	<p>In 2016 part of the wetland system was deepened and cleared to provide for a shallow water body near the applicant's residence. A road and bridge to get across the river was also constructed. More than 10 cubic metres of soils were removed during this activity from the watercourse.</p>
<p>As similarly listed in Government Notice No. 985 of 4 December 2014 (As amended 07 April 2017) -</p> <p><b>Activity Number: 6</b></p> <p>Activity Description: The development of</p>	<p>As above</p>

<p>resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <p><b>i. Western Cape</b></p> <p>ii. Outside urban areas;</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</p> <p>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve</p>	
<p>Government Notice No. 985 of 4 December 2014 (As amended 07 April 2017) -</p> <p><b>Activity Number: 14</b></p> <p>Activity Description: The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more where such development occurs –</p> <p>(a) within a watercourse;</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, Measured from the edge of a watercourse;</p> <p><b>i. Western Cape</b></p> <p>i. Outside urban areas:</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by</p>	<p>The applicant constructed a weir in 2016 in order to limit flood damage during flood events. The work consisted of modifying a water body with a surface area that exceeds 10 square metres. The associated infrastructure included a bridge, weir, boardwalks over the watercourse exceed 10 square metres and are within 32m of the watercourse. Parts of the area impacted by the weir and bridge across the road are identified as a CBA.</p>

<p><i>the competent authority or in bioregional plans;</i></p>	
<p><i>Government Notice No. 985 of 4 December 2014 (As amended 07 April 2017) -</i></p> <p><b>Activity Number: 17</b></p> <p><i>Activity Description: The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the Development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.</i></p> <p><b>i. Western Cape</b></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; 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>The property owner developed tourism facilities that sleep more than 15 people. Areas impacted overlap with small portions of CBA 1. The property is located within 5 km of the Cederberg Wilderness Area, a World Heritage Site.</p>

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

#### **D. PROPERTY DESCRIPTION AND LOCATION**

The listed activities commenced on Farm Alpha Excelsior, Portions 11 & 5 of Farm 134, Clanwilliam.

The SG digit codes are: 134/11 – C0200000000001340011  
134/5 - C0200000000001340005

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 07' 0.34" South	19° 03' 15.84" East
2	32° 07' 0.66" South	19° 03' 38.76" East
3	32° 07' 57.06" South	19° 03' 35.23" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 06' 49.34" South	19° 03' 23.34" East
2	32° 06' 50.29" South	19° 03' 39.45" East
3	32° 06' 44.24" South	19° 03' 39.58" East
4	32° 06' 43.07" South	19° 03' 24.16" 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")**

Cedarberg 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**

Farm Alpha Excelsior was originally purchased in 2003. The main objective was to make an income from the farming activities, with guest accommodation and tourism as a secondary income. Over a period, it was discovered that farming production was unprofitable (due to the small-scale nature of the farming). The vineyards produce an average of 3000 – 4000ℓ of wine a year. Olive trees were planted in 2004 and produced their first commercial crop in 2012. The olive harvest was affected due to the long-horned borer beetle pests, with no harvests in 2016 and 2017. Rooibos tea crop cultivation was introduced, but due to the drought, only 30% of the plants survived their first summer. A larger emphasis was then placed on the accommodation and tourism aspects of the farm, i.e. the resort activities.

The resort activities had both elements of upgrading and refurbishing of existing buildings, as well as the construction of additional accommodation units.

Additionally, a weir was constructed in a section of the Pakhuys River to alleviate potential flood dangers. An estimate of 100m<sup>3</sup> of soil was removed from the river in 2016. The area above the weir has been deepened and widened. The weir was thereafter constructed using stones unearthed from previous building and site clearing activities. The primary intent of the weir was to mitigate impacts of floods on tourism infrastructure located adjacent and downstream of the weir.

## **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 activity/ies specified in Section C above in accordance with and restricted to the agreed Alternative described in the application and assessment report dated 15 December 2018 on the site as described in Section D above (see Annexure 2: Site Plan).



2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision; as it relates to the redesign and reconstruction of the weir.
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 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**

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of construction activities related to the redesign of the weir.
  - 5.1 The notice must make clear reference to the site details and 24G Reference number given above.
  - 5.2 The notice must also include proof of compliance with the following conditions:  
Condition 6, 10, 18 & 19

## **PART III**

### **Notification and administration of an 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 outcome of 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 Appeals Regulations, 2014* detailed in Section I 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:

- 6.4.1 the 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; and
- 6.4.6 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*.

7. 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**

8. The draft Environmental Management Programme ("EMPr") of December 2018 compiled by Footprint Environmental Services and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

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

10. A Maintenance and Management Plan (MMP) for the infrastructure related to the resort development and weir, affecting the watercourses, on the farm should be compiled and submitted to the competent authority for approval within **six months** of the date of this decision.

## **PART V**

### **Monitoring**

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of commencement of any construction activities; as it relates to the redesign of the weir, to ensure compliance with the EMPr and the conditions contained herein.
12. 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.
13. 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**

14. 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**

15. 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.

16. 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.
17. Sediment, material and reed removal from the watercourse should be restricted to the site of the existing infrastructure and immediately up and downstream of thereof. No new areas of disturbance should be created. This material should be removed away from these aquatic features and disposed of at suitable disposal sites.
18. A mechanism must be installed to allow low flow through the weir. It must be designed in such a way as to not obstruct the natural flow of the river and allow for the water flow to diffuse. The design of this modification must be submitted to the competent authority for approval, **at least three months**, before continuation of commencement.
19. The septic tank should be regularly serviced and should not be allowed to overflow. Records of the septic tank services must be kept on site for compliance monitoring purposes and be made available upon request from the competent authority.

## 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. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the 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 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.

5. 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](mailto: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](mailto: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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

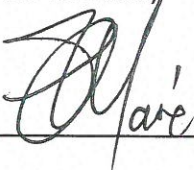
#### **J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS**

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



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**ADV. CHARMAINE MARÉ**

**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

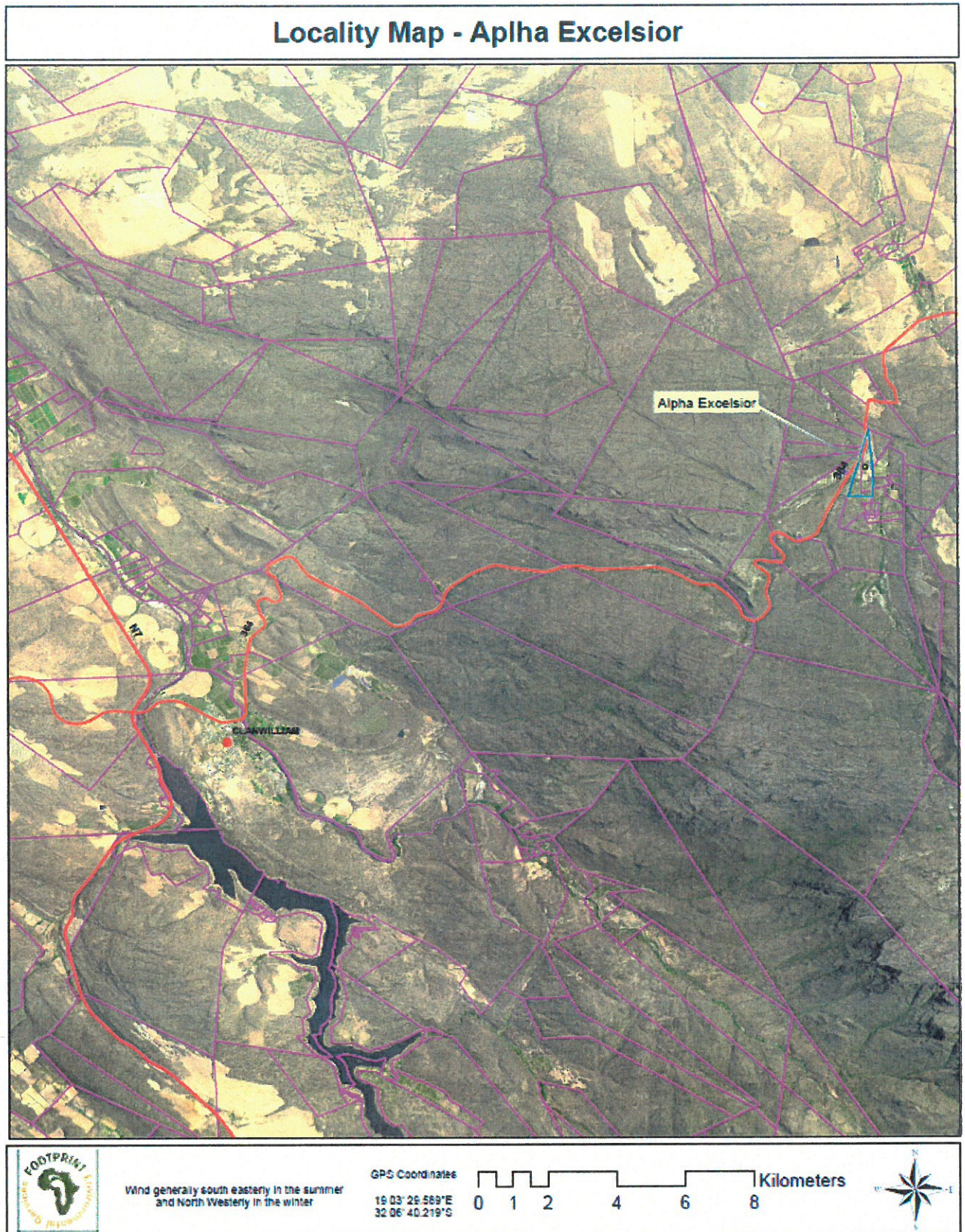
DATE OF DECISION: 30 October 2019

CC: (1) Sean Ranger (EAP)

Fax: (086) 655 8060

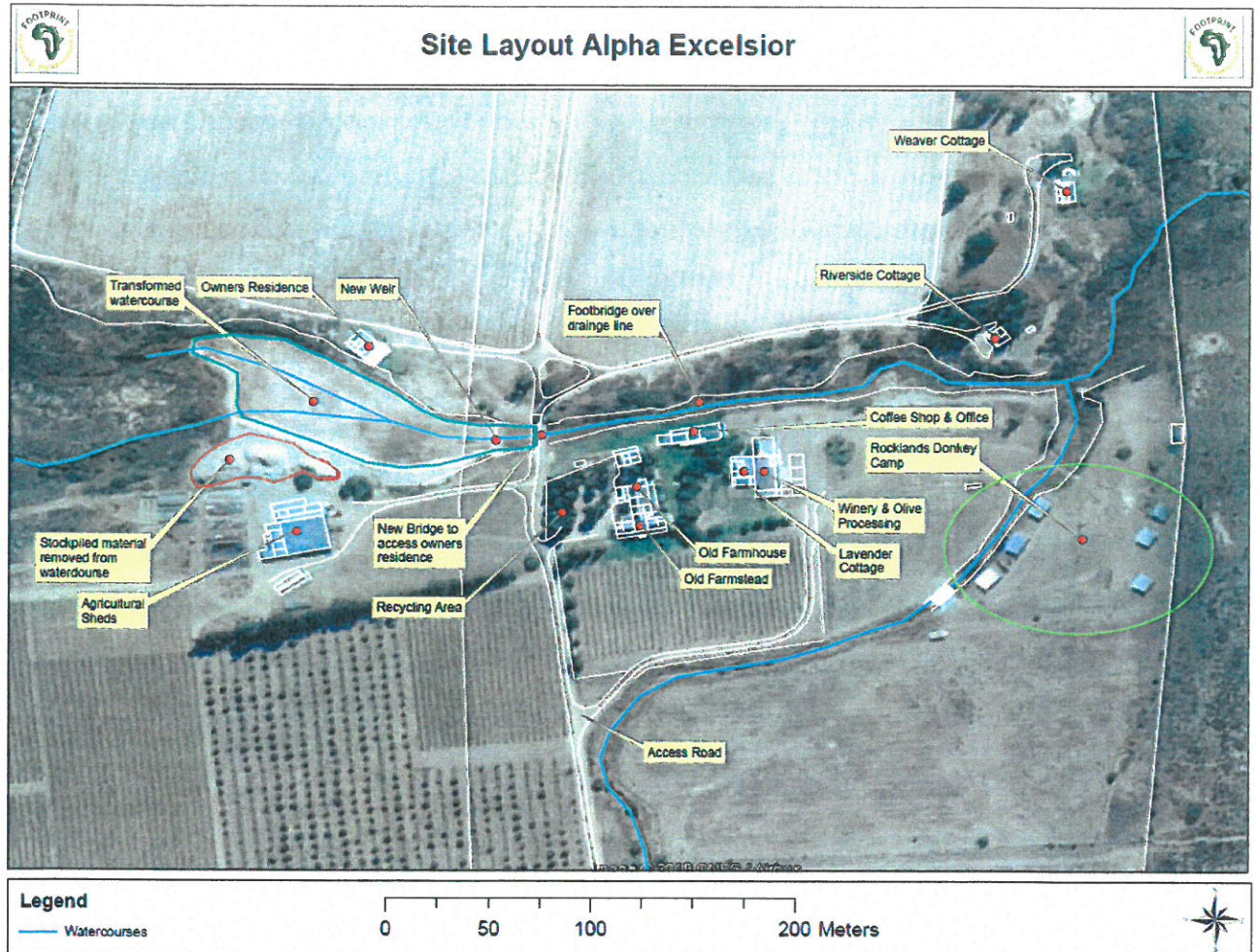
Email: [sean.ranger1@gmail.com](mailto:sean.ranger1@gmail.com)

ANNEXURE 1: LOCALITY MAP





# ANNEXURE 2: SITE PLAN



**FOR OFFICIAL USE ONLY:**

**S24G REFERENCE:**

**14/2/4/2/1/F2/4/0021/18**

**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 R25 000 (twenty-five 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 section 24G application with the Environmental Impact Assessment and Mitigation Measures as outlined in the application dated 15 December 2018, as well as the Environmental Management Programme ("EMPr") of December 2018, submitted together with the section 24G application.
- 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 04 April 2019 attended by officials of this Department.

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 **Die Kontrei** newspaper on 2 March 2018;
- A site notice was erected on site; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 31 October 2018.
- I&APs were afforded the opportunity to provide comments on the application and assessment reports.

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

The following organs of state provided comment on the application:

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

It was noted that initially HWC ascertained that the development would not impact on heritage resources in terms of section 38 of the *National Heritage Resources Act, 1999 (Act 25 of 1999)*. However, as unauthorised work commenced on a structure older than 60 years, a separate section 34 application assessing the impacts to the heritage resource is thus required.

CN indicated that, due to the previously transformed nature of the site, the impact on terrestrial biodiversity was considered to be of low concern. The main impact relating to the activity would be the impact on the aquatic ecology and functioning of the unnamed tributary. The watercourse is classified as an aquatic Critical Biodiversity Area (CBA) and the freshwater specialist deemed it to be of high ecological importance, with the impact of the weir having a particularly significant impact on the watercourse. It is recommended that the weir design be changed to allow for low flow waters to be released through a diffuse mechanism.

Debris and sediment must be removed on a regular basis in accordance with the EMPr and Maintenance Management Plan (MMP) to ensure that the bridge structures do not negatively affect water flow and quality. CN also questions the French drains on site, which are not considered desirable. The EAP responded that this was common practice in this area and the tank should be regularly serviced and should not be allowed to overflow (therefore utilised as a conservancy tank).

DWS indicated that the development within the 1:100-year floodline or 100m from the riparian zone triggers listed activities in terms of the *National Water Act, 1998 (Act 36 of 1998)*. Additionally, the irrigation with treated water triggers a water use activity and must be authorised. The EAP indicated that the applicant is in the process of applying for a Water Use Licence for these activities.

The DWS highlighted the importance of the unnamed tributary and its importance regarding maintaining the ecological integrity of both the Olifants and Doring Rivers. It was therefore recommended that the weir be removed. It was also mentioned that the purpose of the weir was not clarified. The EAP responded saying that the weir was to endure safe access during the winter to the homes of the applicant and visitors and to gain access to the accommodation facilities. The Freshwater Ecological specialist indicated that a design change would be required in order to accommodate the low flow release mechanism, like a series of smaller pipes in the lower section of the weir. The Freshwater Ecological specialist indicated that the entire weir structure need not be removed. The EAP supports this recommendation and will be implemented as part of the MMP once completed.

DWS recommends that the MMP be compiled for the entire farm and should include all watercourses on the property, not just the ones affected by this application. The management of alien vegetation should also be included.

The wooden footbridges laid across the tributary must be properly constructed and must be moved away from the watercourse in the event that these structures are damaged.

The WCDM supports tourism as it is a key economic driver in the area, especially in the rural areas of the district. However, all developments should conform to the legislative requirements. Additional requirements of the WCDM will be conveyed once the land-use application is lodged with the Cederberg Municipality. This is noted by the EAP.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## **2. Alternatives**

### **2.1 Technology/Location/Site/Activity Alternatives**

#### **Alternative 1 (Herewith authorized)**

This entails the construction of the accommodation units and the modification of the weir to allow a low flow movement of water. This is in accordance with the EIA and specialist recommendations.

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

The farming business requires the diversification and expansion of its current productive footprint to remain economically sustainable. The capital investment in the purchase of the property needs to be recouped through the optimal development of the current property to a point where it becomes a profit generating business throughout the year. The applicant is therefore unable to financially sustain the business without the expansion of the tourism operation. Furthermore, in terms of the Provincial Spatial Development Framework ("PSDF"), Cederberg Municipality Spatial Development Framework ("SDF") and Integrated Development Plan ("IDP"), this development is fully aligned to the forward planning of the Province and the local authority. For these reasons the No-go option is unfeasible and not warranted.

## **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. Activity Need and Desirability

The development would align with the need to recapitalise rural agricultural infrastructure identified in terms of the specific needs for Ward 6 (within which this development is located). As a service provider the development is aligned with the Local Economic Development role identified by the municipality to encourage and develop the tourism sector in the municipality.

### 3.2. Biodiversity Impacts

The primary impact on terrestrial vegetation occurred with the transformation of the drainage line, construction on the weir and the vehicle access bridge over the drainage line. This has resulted in the total transformation of riparian and adjacent areas on the extant Cederberg Sandstone Fynbos and the transformation of the historical drainage line. Additionally, the tributary is of high ecological importance and sensitivity.

These impacts are not relevant across the site as the site has been fully transformed historically for agricultural production. The preparation of the site will require disturbance to the soil profile for foundations and the floor of the tourism accommodation.

### 3.3. Visual / Sense of Place

The removal of natural vegetation and its replacement by accommodation facilities does constitute potential visual impacts, but not considered to be a major impact as the structures can be dismantled and the site can return to its prior state. Impacts on the drainage line are not evident from any adjacent property or from the public roads.

## 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.

-----END-----





**Nabeelah Khan**

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## **Nabeelah Khan**

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