



24G Application: 14/2/4/2/2/E4/5/0004/22

ENVIRONMENTAL AUTHORISATION

The Owner
PO Box 141
GANSBAAI
7220

Email: fourie@strandskloofpark.co.za

Attention: Mr. Lambert Hendrik Fourie

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CLEARANCE OF INDIGENOUS VEGETATION AND COMMENCEMENT OF THE EXPANSION OF A RESORT AND THE ADDITIONAL DEVELOPMENT AT STRANDSKLOOF PARK, THE REMAINDER OF PTN 23 OF FARM NO.695, CALEDON

With reference to your application dated 30 March 2022 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.

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 30 March 2022.

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. Lambert Hendrik Fourie

P.O. Box 141

GANSBAAI

7220

Tel: (076) 101 3251

Email: fourie@strandskloofpark.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><i>Government Notice No. R546 of 18 June 2010 –</i></p> <p>Activity Number: 6</p> <p>Activity Description: <i>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</i></p> <p><i>In Western Cape:</i></p> <p><i>All areas outside urban areas.</i></p>	<p>The initially constructed resort offered facilities for more than 15 people and falls outside an urban area. The resort entailed at least four (4) chalets and more than fifty (50) caravan stands. The activity commenced in 2011.</p>

<p>Government Notice No. R. 983 of 4 December 2014</p> <p>Activity Number: 27</p> <p>Activity Description: <i>The clearance of an area of 1 ha or more, but less than 20 ha of indigenous vegetation.</i></p> <p><i>"Indigenous vegetation" refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.</i></p>	<p>The expansion of the resort resulted in the clearing of an area of at least 1.37 ha highly degraded, but mapped as, indigenous vegetation, and later in 2019 and onwards, ± 0.9 ha was also cleared. A total area of ± 2.3 ha was cleared within an expanded resort area of ± 2.5 ha. This triggered the "Phased Activities" listed activity (GN R 327 Activity 67).</p>
<p>Government Notice No. 984 of 4 December 2014 -</p> <p>Activity Number: 17</p> <p>Activity Description: <i>The expansion of a resort, lodge, hotel and tourism or hospitality facilities where the development footprint will be expanded.</i></p> <p><i>(f) In Western Cape:</i></p> <p><i>i) A protected area identified in terms of the NEMPAA;</i></p> <p><i>ii) 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>iii) All areas outside urban areas.</i></p>	<p>The additional area to the south of the resort (which is located outside an urban area) was a development footprint expansion, and therefore this listed activity required prior authorisation. Eight (8) chalets were constructed, and more caravan stands were added, within a ± 1.37 ha area.</p> <p>Later, since 2019 and onwards, the resort footprint was further expanded by ± 0.9 ha, making the total expanded area ± 2.5 ha. This might have triggered the "Phased Activities" listed activity (GN R 327 Activity 67).</p>
<p>Government Notice No. 327 of 7 July 2017 -</p> <p>Activity Number: 67</p> <p>Activity Description: <i>Phased activities for all activities—</i></p> <p><i>(i) listed in this Notice, which commenced on or after the effective date of this Notice</i></p>	<p>The resort was further expanded to the south of the resort by adding a road loop and by clearing areas of vegetation (± 0.9 ha). The total expansion, which started in 2015/2016 totalled an area of ± 2.5 ha. No</p>

<p><i>or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices.</i></p> <p><i>[Where any phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.] Exclusions to this activity is not applicable.</i></p>	<p>additional accommodation units have been constructed in this expanded area.</p>
<p><i>Government Notice No. 324 of 7 July 2017 -</i></p> <p>Activity Number: 17</p> <p>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.</p> <p>i. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</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 5 km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</p> <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p>	<p>The combined actions of the expansion of the resort footprint in 2019 and onwards, as well as the proposed additional chalets (33) and caravan stands (10) that will accommodate more than 15 people, will trigger this listed activity, as the site falls outside an urban area, within 3.5 km from the Uilkraalsmond Nature reserve located south of the site and the Grootbos Private Nature reserve located 3.2 km north-west of the development site.</p>

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on the remainder of Portion 23 of Farm No. 695, Caledon.

The SG digit code is: C01300000000069500023

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 34' 53.47" South	19° 26' 01.44" East
2	34° 35' 13.83" South	19° 27' 08.51" East
3	34° 34' 45.14" South	19° 26' 55.14" East
4	34° 34' 51.12" South	19° 27' 19.44" East
5	34° 34' 31.57" South	19° 27' 19.32" East
6	34° 34' 31.25" South	19° 26' 43.59" East

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

Herein-after referred to as "the site/development footprint".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Cornerstone Environmental Consultants (Pty) Ltd

c/o Mr Pieter de Villiers

PO Box 12606

DIE BOORD

7613

Tel: (021) 887 9099

Fax: (086) 435 2174

Email: pieter@cornerstoneenviro.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

Strandskloof Park was originally, pre-2008, zoned as agricultural land, and contained a farmhouse complex with its ancillary outbuildings and stores, and was used as a farming entity with the dominant uses being the cultivation of fynbos vegetation and keeping cattle and horses.

The Applicant, after rezoning the property and acquiring the necessary municipal authorisations and permissions from the Overstrand Local Municipality in 2009, established a caravan park / resort (Strandskloof Park). The approved facilities did not require Environmental Authorisation (EA) in terms of the *Environmental Impact Assessment (EIA) Regulations* that was relevant at that time (*EIA Regulations of 2006, GN No. R. 386 and 387 of 2006*).

The resort, which covered an area of ± 8 ha, was however only established during 2011, which was after the promulgation of the EIA Regulations of 2010, and as a result, triggered a listed activity. After this, the resort was expanded during 2015/2016 to the south-east by adding additional caravan stands, ablution facilities and chalets, extending the development footprint by ± 1.37 ha. This triggered listed activities in terms of the *EIA Regulations of 2014 (GN No. R. 983 and 985 of 2014)*.

In 2020 the resort's development footprint was further expanded to the south by clearing an area of ± 0.9 ha, adding more recreational areas and a road loop. Due to the nature of the vegetation and the size of the area that was cleared, this activity did not trigger listed activities in terms of the EIA Regulations of 2017 relating to vegetation clearing. The total expanded area of the resort is ± 2.5 ha. The resort currently holds approximately 60 caravan / camping stands, 5 ablution blocks and 12 chalets.

Due to the ongoing demand, the Applicant proposes to further develop the Strandskloof Park Resort by adding thirty-three (33) additional chalets and ten (10) caravan stands. The proposed additional accommodation features, plus the resort footprint that was expanded since 2020, will trigger a listed activity in terms of the current EIA Regulations.

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 preferred alternative described in the application and assessment report dated 30 March 2022 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 development 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 the following condition:
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 October 2021 compiled by Cornerstone Environmental Consultants 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 commencement of any land clearing or development 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. No further expansion of the development footprint, as per the approved site layout plan (Annexure 2), should occur on site without prior environmental authorisation from the relevant competent authorities.

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

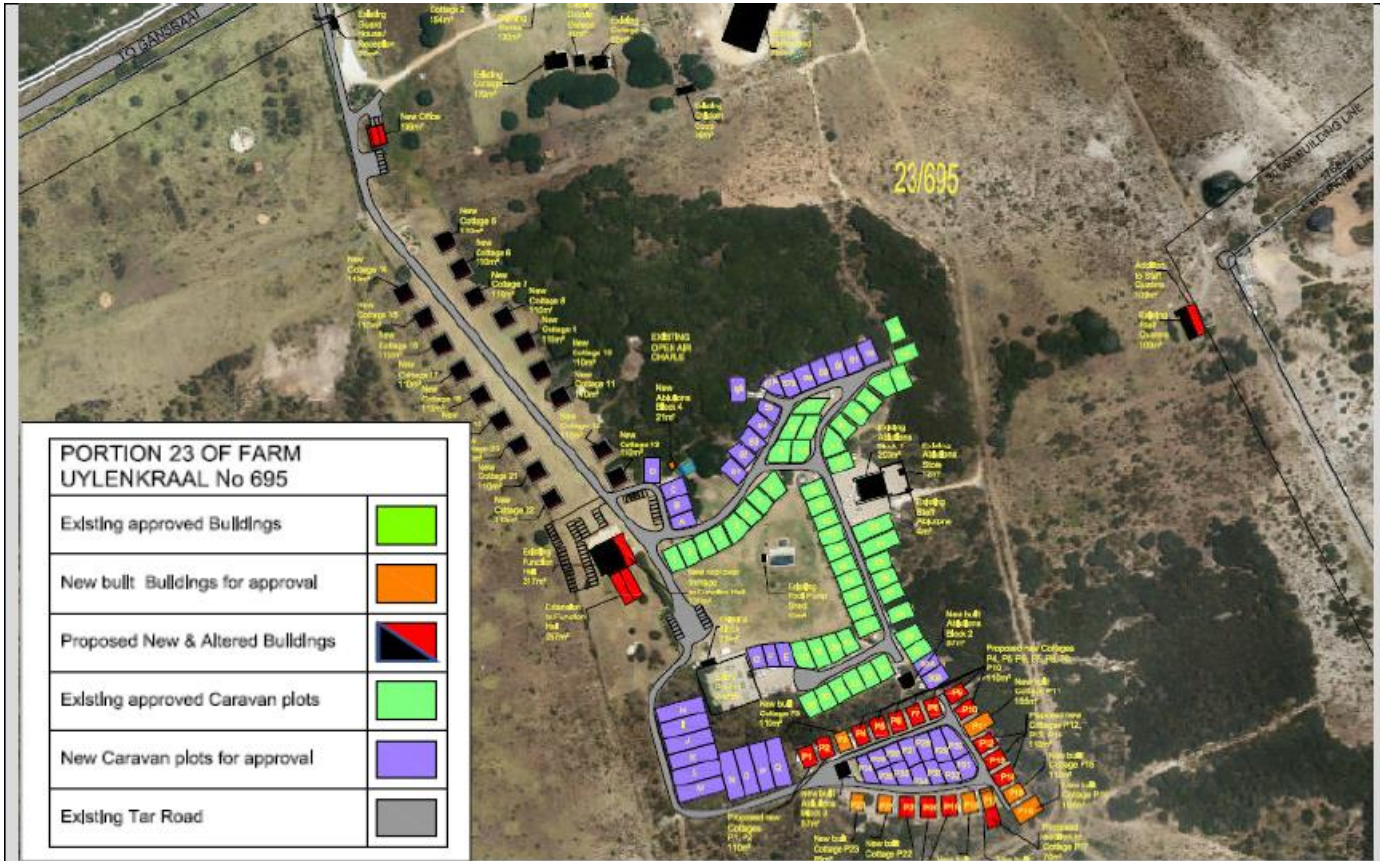
ZAIDAH TOEFY
ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to:

(1) Pieter de Villiers (EAP)

Email: pieter@cornerstoneenviro.co.za

ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/2/E4/5/0004/22

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 section 24G application dated 30 March 2022 with supporting environmental impact assessment and mitigation measures.
- b) Public participation conducted for the application by the Environmental Assessment Practitioner.
- c) The Environmental Management Programme dated October 2021 submitted for the application.
- d) Relevant information contained in the Departmental EIA Guideline and Information Document Series (March 2013), including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- e) The site inspection conducted on 25 April 2022, attended by officials of the Directorate: Environmental Governance.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.

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:

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced on 14 February 2021.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 21 January 2022.
- the placing of a newspaper advertisement in the **Hermanus Times** on 10 March 2021.
- I&APs were afforded the opportunity to provide comments on the application.

An I&AP, Mr Francois le Roux, director of Mystic Pearl 133 (Pty) Ltd the owner of the farm Duinefontein which is adjacent to Strandskloof requested clarity on the s24G application process.

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

The following organs of state provided comment on the application:

- Overberg District Municipality (ODM)
- CapeNature (CN)
- Heritage Western Cape (HWC)

The Environmental Management Services Department of the Overberg District Municipality (ODM) stated that they had taken cognisance of the NEMA: Section 24G Report.

The ODM indicated their support of the mitigation measures as described in the specialist's reports which included:

- 1) No further expansion of the development footprint.
- 2) The protection of the Milkwood tree forest from any development.
- 3) The implementation of an alien vegetation management plan that includes initial and follow-up clearing.

CapeNature (CN) confirmed that the only section which consists of natural vegetation is the milkwood (*Sideroxylon inerme*) forest patch which was retained. It is however noted that a section of the milkwood forest was cleared for the open-air chapel as mapped on the spatial development plan (SDP) and visible on CapeFarm Mapper and Google Earth. The applicant indicated that only invasive plants, including Australian myrtle (*Leptospermum laevigatum*) and Rooikrans (*Acacia cyclops*), were removed in order to clear an area to be used as the open-air chapel, and that no milkwood trees were harmed or removed.

Apart from the milkwood forest as referred to above, CN agrees with the determination that no listed activity was triggered for clearing of indigenous vegetation for the establishment of the resort, and also applies to the expansion which has not yet taken place.

Although there is a wetland mapped within the footprint of the resort, no freshwater ecology impact assessment has been undertaken. The terrestrial biodiversity impact assessment indicates that the area mapped as wetland does not exhibit any wetland features and was transformed through historical farming activities. Further confirmation is required whether the furrow would have triggered Listing Notice 1 Activity 19 for infilling or excavation of more than 10 m³ of material from a watercourse. The presence of a watercourse currently and historically should be determined by a freshwater ecological specialist. Diversion of a watercourse is not included within the NEMA listed activities however this does require authorisation in terms of the *National Water Act, 1998 (Act 38 of 1998)*.

The EAP indicated that the channelling of the furrow is shown to be as a result of the provincial road, which was established before 2006, and later tarred (before 2012) by the Department of Transport and Public Works. It is therefore concluded the construction of the road is irrelevant to the Section 24G Application. It is, however, relevant to note that even before the provincial road was constructed, agricultural activities were evident in that area, and also, that the furrow leads water away from the resort development. Management of alien and invasive species is a requirement of all landowners in terms of the *Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)* (CARA) and the *National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)* (NEM:BA) Alien and Invasive Species Regulations. An alien and invasive management plan would be beneficial and comply with this legislation and can be considered within the mitigation for the unlawful activities.

A Notice of Intent to Develop (NID) was submitted on 20 September 2021 to Heritage Western Cape (HWC) and feedback was received, dated 14 October 2021.

HWC indicated that there is reason to believe that the proposed regularization of an existing caravan park, Ptn 23 of Farm 695, Caledon will impact on heritage resources. HWC required that a Heritage Impact Assessment that satisfies the provisions of Section 38(3) of the *National Heritage Resources Act, 1999 (Act 25 of 1999)* be submitted.

A Heritage Impact Assessment (HIA), entailing Heritage and Archaeological aspects, was compiled by Dr. Jayson Orton of ASHA Consulting (Pty) Ltd. Prof. Marion Bamford compiled the Palaeontological aspect of the study. All relevant information, as required by HWC, was included.

The committee approved the HIA by ASHA Consulting (date January 2022) for further development on site and the recommendations on page 28 &29 of the HIA:

“A palaeontological chance finds procedure must be in place in case of fossil finds; an if any archaeological material or human burials are uncovered during the course of development, then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.”

2. Alternatives

2.1 Location/Site Alternatives

Alternative property or site locations were not considered as the landowner is also the developer.

2.2 Activity Alternatives

No other activity alternatives were considered as the activity grew from the desire to provide adequate tourist accommodation. This activity was undertaken with the specific intent of utilising the available resources that the specific site offered, e.g. the surrounding milkwood forest and nearby coastline and beaches.

2.3 Design/Layout Alternatives

Alternative 1 (Herewith authorized)

Originally Completed Infrastructure

The original layout was designed around the layout of the natural milkwood forest on the property. The U-shaped forest formed a natural protected and secluded open area which was ideal for the caravan park and resort. Provision was made for 100 stands, each with an extent of 150 m² (10m x 15m). The layout consisted of two rectangular areas which are divided by a communal open recreational lawned area. Two ablution blocks, approximately 200 m² each, were provided and centrally located for easy access. Two swimming pools, a play area, a mini golf course, a kiosk and a recreational room were also constructed in this central area. An access road of 4 m wide was constructed from the main entrance to the accommodation area. As far as is known, this was the only layout alternative that was considered at that time.

Expanded Infrastructure

Since 2015/2016, due to increasing demand, the resort has been expanded to the south by the addition of a road loop, measuring approximately 460 m in length, with caravan stands in the centre of the loop, and 9 chalets constructed on the outside of the loop. The chalets measure between 85 m² and 194 m² in size. A function hall was also constructed. Since then, during 2019/2020, another road, which seems to be an old farm track, has been widened to form another loop, further south of the development.

Proposed Expansion of Infrastructure

Thirty-three (33) new chalets are proposed of which 15 are to be located around the road loop, in between the 9 chalets that have already been constructed, and 18 are to be located on both sides of the entrance road on the north-western side of the development. Ten (10) new caravan stands are also proposed as well as one ablution block, measuring 11 m² to be constructed at the sand borrow area / four-wheel drive course area, but this is irrelevant to this Application.

This is the only layout alternative being investigated for the proposed expansion of the resort. The chalets and new caravan stands are proposed on areas that have already been disturbed and transformed, and no new natural areas will be cleared to accommodate these buildings.

2.4 Technology Alternatives

No technology alternatives were investigated as part of this project, besides efforts made by the Applicant to save water and electricity.

2.5 Operational Alternatives

No Operational alternatives were investigated as part of this project.

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

The original character of the development site was predominantly a farming area with a number of tourist related activities in the area. The establishment of a tourist resort facility serves to address the growing demand in tourist accommodation, especially during the busy holiday season. Ceasing this activity would not be beneficial for the landowner due to loss of income, nor would it contribute to biodiversity as the site was already disturbed and infested with alien vegetation before construction commenced.

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 establishment and expansion of the resort gave rise to positive socio-economic impacts through income and job security. It also contributed to tourism development in rural areas, which is in line with the Western Cape Provincial Spatial Development Framework.

3.2. Biodiversity Impacts

The site itself was already transformed prior to the resort development. This was due to past farming practices on site. The specialist conclusions confirmed that the resort establishment did not result in a significant loss of biodiversity.

3.3. Visual / Sense of Place

The character of the area surrounding the application area is predominantly a farming area with a number of tourist-related activities, such as restaurants, entertainment area (dance hall), sea and river activities as well as the Uilkraalsmond caravan park. With this in context, the original caravan / camping park was viewed as compatible with the character and existing land use pattern of the surrounding area. No heritage features were disturbed due to the commenced activities. The development does not deviate from the characteristics of the surrounding area, nor does it differ from the surrounding tourist activities currently found within 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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