



**EIA REFERENCE NUMBER:** 16/3/3/1/D1/8/0007/19  
**NEAS REFERENCE:** WCP/EIA/0000610/2019  
**ENQUIRIES:** Mr Steve Kleinhans  
**DATE OF ISSUE:** **03 MAR 2020**

The Managing Director  
CAIRNBROGIE FARMS (PTY) LTD  
Airport Road  
**Plettenberg Bay**  
6600

Attention: Mr. A. Hill

Tel: (044) 533 9192  
E-mail: info@cairnbrogie.co.za

Dear Sir

**NOTICE OF DECISION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CAIRNBROGIE RESORT ON REMAINDER OF THE FARM KRANSHOEK No. 432, PLETTENBERG BAY**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to:

(1) EAP: HillLand Environmental cc  
(2) Bitou Municipality  
(3) CapeNature

Ms. Inge Delpont  
Ms. Anje Taljaard  
Mr. Colin Fordham

E-mail: environmental2@hilland.co.za  
E-mail: ataljaard@plett.gov.za  
E-mail: landuseadvicesouth@capenature.co.za



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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CAIRNBROGIE RESORT ON REMAINDER OF THE FARM KRANSHOEK NO. 432, PLETTENBERG BAY

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

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 22 October 2019 as prepared and submitted by *HillLand Environmental*, the appointed environmental assessment practitioner ("EAP").

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

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director  
Cairnbrogie Farms (Pty) Ltd  
% Mr. Andrew Hill  
Airport Road  
Plettenberg Bay  
6600

Tel: (044) 533 9192  
E-mail: info@cairnbrogie.co.za

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</b>	
<p>Activity Number: 12 Activity Description:</p> <p>The development of -</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</li> </ul>	<p>The proposed dam camp (area 1) is located adjacent to the farm dam built in a perennial drainage line that flows from east to west. The proposed units and associated infrastructure fall approximately 22 metres from the full supply level of the dam.</p> <p>Parts of the development zone of the Coastal camp are located within 32 metres of the non-perennial drainage line. These are not likely to exceed 100 square metres.</p>
<b>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)</b>	
<p>Activity Number: 6 Activity Description:</p> <p>The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <ul style="list-style-type: none"> <li>i. Western Cape <ul style="list-style-type: none"> <li>i. Inside a protected area identified in terms of NEMPAA;</li> <li>ii. Outside urban areas; <ul style="list-style-type: none"> <li>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</li> <li>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased.</li> </ul> </li> </ul> </li> </ul>	<p>The proposed tourist accommodation on Cairnbrogie will sleep more than 15 people. The Dam camp will sleep a maximum of 24 guests while the Coastal camp will sleep a maximum of 12 guests.</p>

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

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

The proposal entails the development of two camp areas in addition to the existing working farm and recreational activities on Remainder of the Farm Kranshoek No. 432, Plettenberg Bay, which will involve the following:

- The development of two separate development zones each providing for the establishment of a tourism accommodation facility which will have the capacity to sleep 24 people in Area 1 and 12 people in Area 2 respectively; and
- The installation of associated infrastructure within the respective development zones (including communal ablution facilities; reticulation services; parking bays; walkways);
- The installation of associated infrastructure outside the development zone but directly linked to the tourism accommodation facility (including a parking area; walkways; water reticulation).
- Sanitation services: On-site sanitation services will be provided at the respective camp areas by means of a conservancy tank. The ablution facilities will connect to these tanks and the sewage will be periodically emptied by the Bitou Municipality or a contracted service provider.
- Potable Water Supply: Water for the operation of the units and associated infrastructure will be sourced from the existing boreholes on the property.
- Energy, power and electricity supply: The existing Eskom power supply infrastructure on the property will supply the energy needs for the Dam Camp (Area 1); whereas gas and solar panels will be installed at Coastal camp (area 2) as this camp will not connect to Eskom electricity for power.

### **Dam Camp (Area 1)**

The proposed *Dam Camp* (Area 1) is to be located on the northern part of the property and south of the existing farm dam. The Development Zone for this camp will be approximately 2 800 square metres. Within this Development Zone, the units will be set out consisting of six fully furnished north-facing containers, sleeping approximately 24 guests in total. The units will be installed on concrete plinths above the full supply level of the dam and behind the planted Yellowwood trees. The approximately footprint of transformation within the Development Zone will be 270 square metres.

The Development Zone will allow for the installation of either two (2) communal ablution containers set back behind the individual units (for sleeping) or the installation of en-suite bathrooms within each unit.

Wooden boardwalks/walkways/steps will be used to access the accommodation units (refurbished containers) and two (2) demarcated parking bays will be provided behind each accommodation unit which will be surfaced with a permeable material (i.e. loose pavers / wood chips).

Access from the parking bays to the containers will be gained via a pathway linking to the boardwalk.

### **Coastal Camp (Area 2)**

The proposed Coastal Camp (Area 2) is to be located on the southwestern part of the property overlooking the ocean and bordering the Robberg Coastal Corridor Protected Environment (RCCPE).

The Development Zone for this camp is located within the pasture area adjacent to the coastal fynbos and a fence keeping livestock out of the area is already in place. The entire development zone will be set back from the boundary of RCCPE, and no part thereof will encroach on the protected area.

The Development Zone of camp area 2 will be approximately 2 000 square metres, which entails the installation of container units equipped with *en-suite* bathrooms or the provisioning of a communal ablution facilities, a communal central area, decking areas (boardwalks etc.). A communal parking

area is located behind the existing container with the radar equipment. Guest movement will be restricted to boardwalks which will connect the units and the communal central area.

The development footprint within the DZ will allow for the installation of either six (6) smaller containers (sleeping two (2) guests each) or three (3) larger containers (each sleeping four (4) guests).

### C. SITE DESCRIPTION AND LOCATION

The proposed Cairnbrogie Resort Camps will be located on the Remainder of the Kranshoek No. 432, Plettenberg Bay situated in the Kranshoek rural area. The property is an existing working farm with pastures, pine plantations, small-scale dairy activities and associated dwelling and maintenance infrastructure. Other uses on the property includes student accommodation, tourist accommodation, a coffee shop, additional farmhouse and a function venue. Furthermore, hiking- and mountain bike trails and a bike park have been created for recreational purposes.

The camp areas will be located on previously transformed areas. Dam Camp (Area 1) will be located south of the existing farm dam behind a row of planted Yellowwood trees. Coastal Camp (Area 2) will be located on the pasture area which borders the Robberg Coastal Corrido Protected Environment.

Coordinates of the site:

Description / Point	Latitude (S)			Longitude (E)		
<b>Dam Camp (Area 1)</b>	34°	04'	36.87"	23°	16'	45.62"
<b>Coastal Camp (Area 2)</b>	34°	05'	22.65"	23°	15'	47.19"

SG digit code: C03900000000043200000

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

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

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

HILLAND ENVIRONMENTAL CC

% Ms. Inge Delport

P.O. Box 590

George

6560

Tel: 044 889 0229

Fax: 086 542 5248

E-mail: [environmental2@hilland.co.za](mailto:environmental2@hilland.co.za)

Website: [www.hilland.co.za](http://www.hilland.co.za)

### E. CONDITIONS OF AUTHORISATION

#### **Scope and Validity Period of authorisation**

1. This Environmental Authorisation is granted for the period from date of issue until **31 March 2025**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation of all the authorised listed activities on the site by 31 March 2023.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 3-months from the date the construction activities (construction phase) are concluded; but by no later than 15 December 2024.

**Note:** Failure to complete the post construction rehabilitation and monitoring requirements at least three months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

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

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 22 October 2019 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative, excluding the ten square metre viewing deck in the Robberg Coastal Corridor Protected Area, and entails:

The development of two camp sites with container accommodation units and associated infrastructure on the Remainder of the Farm Kranshoek No. 432 near Plettenberg. The camp sites will consist of the following:

#### **Dam Camp (Area 1)**

The Dam Camp (Area 1) is to be located on the northern part of the property and south of the existing farm dam. The Development Zone for this camp will be approximately 2 800 square metres. Within this Development Zone, the units will be set out consisting of six fully furnished north-facing containers, sleeping approximately 24 guests in total. The units will be installed on concrete plinths above the full supply level of the dam and behind the planted Yellowwood trees. The approximate footprint of transformation within the Development Zone will be 270 square metres (270m<sup>2</sup>).

The Development Zone will allow for the installation of either two (2) communal ablution containers set back behind the individual units (for sleeping) or the installation of *en-suite* bathrooms within each unit.

Wooden boardwalks/walkways/steps will be used to access the containers and two (2) parking bays will be provided behind each container which will be demarcated with permeable/loose pavers / wood chips.

#### **Coastal Camp (Area 2)**

The proposed development zone of camp area 2 is to be located on the southwestern part of the property overlooking the ocean and bordering the Robberg Coastal Corridor Protected Environment (RCCPE).

The Development Zone is located within the pasture area adjacent to the coastal fynbos and a fence keeping livestock out of the area is already in place. The camp area will be viewed against the higher ground (pasture areas behind) which will form a visual backdrop.

The Development Zone of camp area 2 will be approximately 2 000 square metres, which entails the installation of container units equipped with *en-suite* bathrooms or the provisioning of a communal ablution facility(ies), a communal central area, decking areas (boardwalks etc.). A communal parking area is located behind the existing container with the radar equipment. Guest movement will be restricted to boardwalks which will connect the units and the communal central area.

The development footprint within the DZ will allow for the installation of either six (6) smaller containers (sleeping two (2) guests each), three (3) larger containers (each sleeping four (4) guests) or a combination of larger and smaller containers, sleeping no more than 12 guests and the camp.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

#### **Notification and administration of appeal**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.
  - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,
    - 6.4.3. postal address of the Holder,
    - 6.4.4. telephonic and fax details of the Holder,
    - 6.4.5. e-mail address, if any, of the Holder,
    - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
  - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.

6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

### **Written notice to the Competent Authority**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.

7.1. The notice must make clear reference to the site details and EIA Reference number given above.

7.2. The notice must also include proof of compliance with the following conditions described herein:

**Condition no.: 6, 8 and 10.**

### **Management of activity**

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby **approved**, subject to the following requirements:

8.1. The EMPr must be amended to incorporate the following —

8.1.1. Incorporate all the conditions given in this Environmental Authorisation;

8.1.2. Incorporate the final layout plans indicating the position of container units and infrastructure (with the exclusion of the viewing deck in the Robberg Coastal Corridor Protected Environment) as well as the development footprint (extent of physical alteration as a result of the undertaking of the listed activity) within each Development Zone.

Note: The combination of container units (i.e. small and large) within the Development Zone at the Coastal Camp (Area 2) must be clearly depicted.

8.1.3. Indicate that the final monitoring and post-construction rehabilitation report must be submitted to the competent authority within three (3) months of the completion of construction (construction phase) activities.

8.1.4. Indicate that an audit report, prepared by an independent person with the relevant environmental auditing expertise and which person may not be the ECO or EAP who conducted the EIA process, be submitted to the competent authority within three (3) months of the completion of post-construction rehabilitation activities. The audit report must comply with Regulation 34 of the EIA Regulations, 2014 (as amended) and adhere to the content requirements of Appendix 7 of the EIA Regulations, 2014 (as amended).

8.2. The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.

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

### **Monitoring**

10. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.

11. The ECO must—

11.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);

11.2. ensure compliance with the EMPr and the conditions contained herein;



- 11.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
  - 11.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.
12. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
15. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the approved EMPr must as a minimum address the following:
- 15.1. the final Environmental Audit Report must be submitted to the Competent Authority within six (6) months of completion of the development activities (construction phase) and the post construction rehabilitation requirements, but by no later than 15 January 2025 (whichever date is earlier).
16. The Environmental Audit Report(s), must –
- 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
  - 16.2. provide verifiable findings, in a structured and systematic manner, on–
    - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
    - 16.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
  - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
  - 16.4. evaluate the effectiveness of the EMPr;
  - 16.5. identify shortcomings in the EMPr;
  - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;

16.9. include a photographic record of the site applicable to the audit; and

16.10. be informed by the ECO reports.

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

### **Specific Conditions**

18. The units at Coastal Camp (Area 2) must not create a visual contrast with the surrounding area and natural vegetation.

To promote this goal, the following mitigation measures must be implemented:

18.1. Appropriate material and/or appropriate colour must be used to achieve this, such as mottled or dark coloured surfaces with non-reflective material; and

18.2. The units at Coastal Camp (Area 2) must be cladded with latte / timber which must be left to weather to a natural grey. The cladding or slats must undulate against the container, creating natural lines to break up the rigid roofline.

19. A fire break of between 10 to 15 metres must be established between the Coastal Camp (Area 2) and the Robberg Coastal Corridor Protected Environment (RCCPE).

20. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

## **F. GENERAL MATTERS**

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

### **Amendment of Environmental Authorisation and EMP**

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:



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

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

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

Note:

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

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

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

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

#### **Compliance with Environmental Authorisation and EMPr**

- 6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
- 7. Failure to comply with all the peremptory conditions (i.e. 6, 7, 8 or 10) prior to the physical implementation of the activities (including site preparation) is an offence. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and may be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
- 8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.

9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

## G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post:                      Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:              (021) 483 4174; or

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

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

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

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



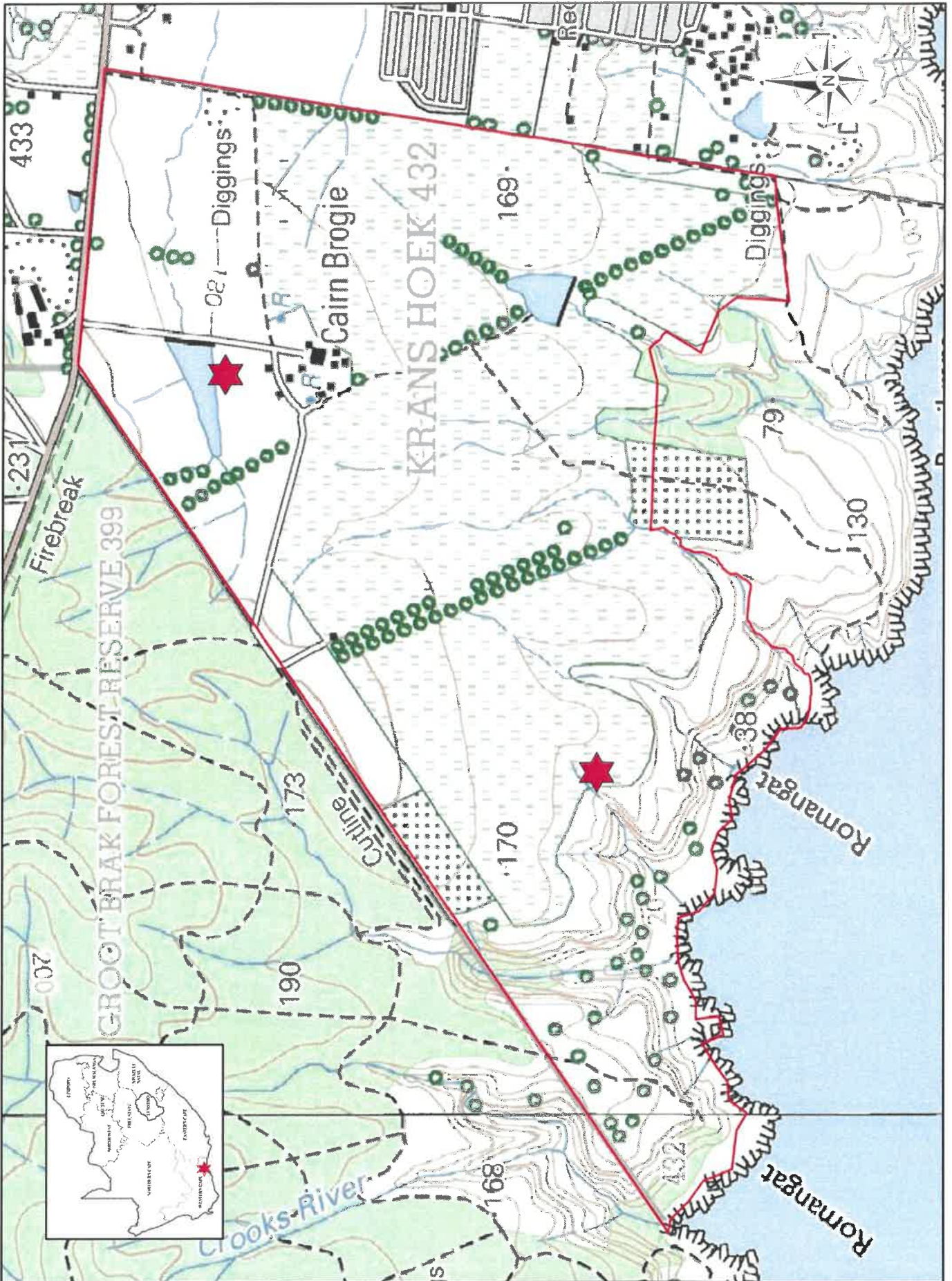
**MR. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**

DATE OF DECISION: 02/03/2020

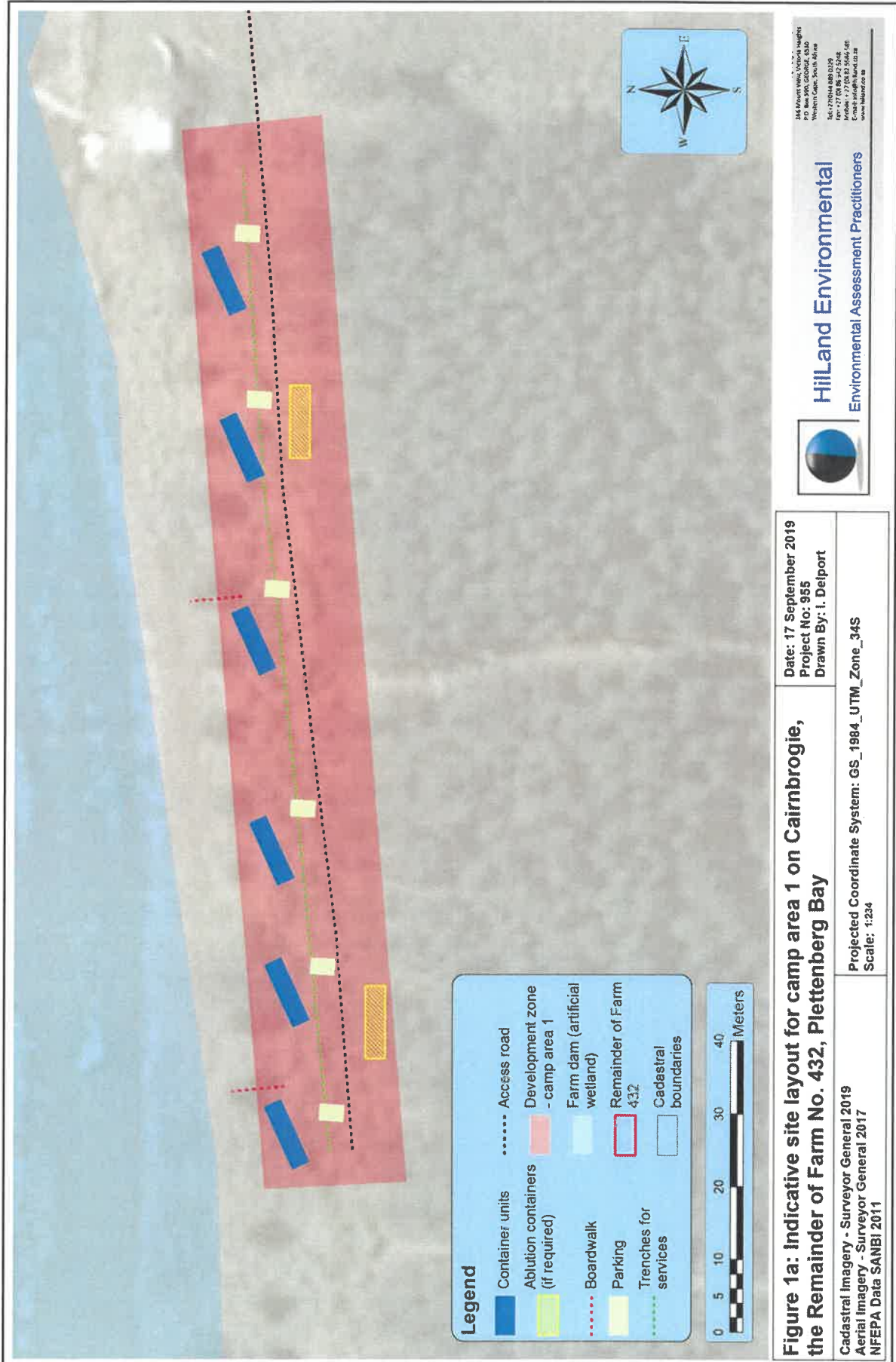
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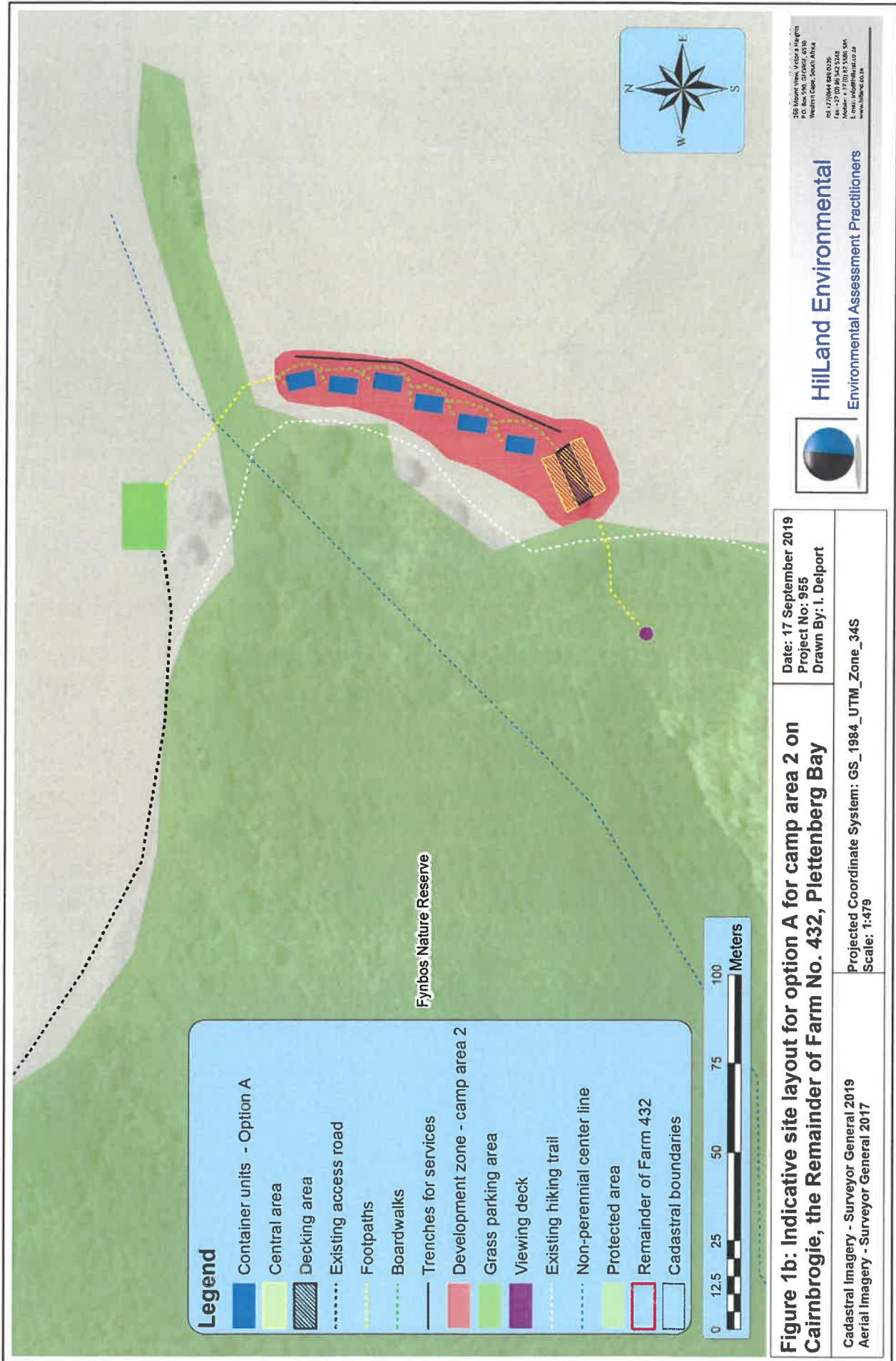
**EIA REFERENCE NUMBER:** 16/3/3/1/D1/8/0007/19  
**NEAS REFERENCE:** WCP/EIA/0000610/2019

ANNEXURE 1: LOCALITY MAP



**ANNEXURE 2: SITE DEVELOPMENT PLANS FOR THE PROPOSED RESORT CAMP SITES ON THE REMAINDER OF THE FARM KRANSHOEK NO. 432**









## ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 30 May 2019, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 22 October 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and section 63 of National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 22 October 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

A site inspection was conducted by Mr Steve Kleinhans and Mr Francois Naudé from the Directorate Development Management (Region 3), Mr Colin Fordham from CapeNature and Mr Andrew Hill, representing Cairnbrogie Farms (Pty) Ltd on 18 July 2019.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### 1. Legislative Aspects

Although the following listed activity was applied for, the amended alternative does not result in the clearance of indigenous vegetation in any critically endangered or endangered ecosystem or within 100 metres from the high-water mark of the sea. As such the activity is no longer applicable, namely:

- ❖ Activity no. 12 of Listing Notice 3 (GN. R.985 of 4 December 2014, as amended 7 April 2017);

In light of the available information, only parts of the development zone of the Coastal Camp are located within 32 metres of the non-perennial drainage line, and it must be concluded that the development is unlikely to exceed 100 square metres in extent. Activity 12 of Listing Notice 1 (GN. R.983 of 4 December 2014, as amended 7 April 2017) does not apply to this area.

The necessary consent and approval from the managing authority for the development of a viewing deck and associated footpath within the Robberg Coastal Corridor Protected Environment (RCCPE) was not obtained during the environmental impact assessment process. This component therefore does not form part of this Environmental Authorisation.

### 2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site and at the site in 22 November 2017;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the

various organs of state having jurisdiction in respect of any aspect of the listed activities on 5 June 2019;

- the placing of newspaper advertisements in the 'Knysna-Plett Herald' on 28 September 2017 and 19 September 2019; and
- making the pre-application Basic Assessment Report available to I&APs for public review from 14 December 2017 to 6 February 2018, draft Basic Assessment Report from 29 May 2019 to 19 July 2019, and the revised draft basic Assessment Report from 18 September 2019 to 21 October 2019,
- A site inspection / meeting by the EAP with relevant stake on 8 August 2019

The following State Departments / Organs of State provided comment on the proposal:

- ❖ *Breede Gouritz Catchment Management Agency*
- ❖ *CapeNature*
- ❖ *Heritage Western Cape*
- ❖ *Department of Agriculture, Forestry and Fisheries*
- ❖ *Department of Health*
- ❖ *South African National Parks*
- ❖ *Bitou Municipality*
  
- ❖ *Non-Governmental Organisations*
  - *Robberg Coastal Corridor Landowners Association*
  - *Eden to Addo Corridor Initiative*
  
- ❖ *General Public / Interested & Affected Parties (I&APs) included:*
  - *Bitou Municipality Ward Councillor – Ward 7*
  - *Neighbouring Property Owner – C von Christerson*

All the comments and issues raised by the respective *Organs of State* that were captured in the Basic Assessment Report were responded to by the EAP. The Directorate: Development Management (Region 3) is satisfied with the responses provided by the EAP to these other organs of state.

### 3. Alternatives

#### Preferred Alternative – Alternative 1 (Herewith Partially Approved):

The development of two camp sites with container accommodation and associated infrastructure on the Remainder of the Farm Kranshoek No. 432 near Plettenberg. The camp sites will consist of the following:

#### **Dam Camp (Area 1)**

The Dam Camp (Area 1) is to be located on the northern part of the property and south of the existing farm dam. The Development Zone for this camp will be approximately 2 800 square metres. Within this Development Zone, the units will be set out consisting of six fully furnished north-facing containers, sleeping approximately 24 guests in total. The units will be installed on concrete plinths above the full supply level of the dam and behind the planted Yellowwood trees. The approximately footprint of transformation within the Development Zone will be 270 square metres.

The Development Zone will allow for the installation of either two (2) communal ablution containers set back behind the individual units (for sleeping) or the installation of en-suite bathrooms within each unit.

Wooden boardwalks/walkways/steps will be used to access the containers and two (2) parking bays will be provided behind each container which will be demarcated with permeable/loose pavers / wood chips.

#### **Coastal Camp (Area 2)**

The proposed development zone of camp area 2 is to be located on the southwestern part of the property overlooking the ocean and bordering the Robberg Coastal Corridor Protected Environment (RCCPE).

The Development Zone is located within the pasture area adjacent to the coastal fynbos and a fence keeping livestock out of the area is already in place. The camp area will be viewed against the higher ground (pasture areas behind) which will form a visual backdrop.

The Development Zone of camp area 2 will be approximately 2 000 square metres, which entails the installation of container units equipped with en-suite bathrooms or the provisioning of a communal ablution facility(ies), a communal central area, decking areas (boardwalks etc.). A communal parking area is located behind the existing container with the radar equipment. Guest movement will be restricted to boardwalks which will connect the units and the communal central area.

The development footprint within the DZ will allow for the installation of either six (6) smaller containers (sleeping two (2) guests each), three (3) larger containers (each sleeping four (4) guests) or a combination of larger and smaller containers, sleeping no more than 12 guests and the camp.

#### Alternatives considered:

##### Alternative 2 – Tented camps

This alternative entails the development of two separate camp sites consisting of two tented camp sites with a total footprint of approximately 1 855 square metres. Tent Area 1 will consist of 12 tent structures (480 square metres), ablution facility (96 square metres) and walkways (648 square metres). Tent Area 2 will consist of six tent structures (240 square metres), ablution facilities (126 square metres), walkways (126 square metres) and a central area (217 square metres). It is proposed that the tents be positioned on raised wooden platforms which will only require excavation for the timber supports of the raised decks and the sewage infrastructure.

##### "No-Go" Alternative

This means that the status quo will remain and no resort will be established. This alternative fails to meet the applicant's needs for additional income source from the property as well as failing to contribute towards the local eco-tourism economy as the units can be used to provide overnight accommodation for hikers making use of the hiking trail through the Robberg Coastal Corridor Protected Area.

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

### **4.1 Activity need and desirability**

The safeguarding of high potential agricultural land is one of the policies of the Provincial Spatial Development Framework ('PSDF') for the Western Cape March 2014 and a high emphasis is placed on the protection of agricultural resources. Although the proposed camp sites are located on an existing farm land, the areas where the proposed sites are to be located does not form part of the existing cultivated land on the property. Furthermore, by implementing the proposed development and integrating it with the existing agricultural activities and uses on the property, the applicant ensures that the land is used efficiently.

### **4.2 Biophysical Impacts**

According to the aquatic specialist report the dam at which one of the camps will be located has been built on a perennial drainage line that flows from east to west. The containers will be placed on concrete plinths above the full supply level of the dam. The containers at Coastal Camp (Area 2) will also be placed on concrete plinths; however, earthworks will be required to create level areas for the placement of the containers at the footprint areas. Therefore, it is not expected that significant excavations will be required, therefore limiting the potential for localised disturbance and soil erosion.

Furthermore, in order to minimise the impact at the Dam Site (Area 1) it has been proposed to move the camp behind the planted Yellowwood trees.

A risk assessment for the impact of the construction and operational activities of the of Dam Camp (Area 1) on the dam, was undertaken to determine whether a Water Use License or General Authorisation would be required. The assessment concluded that the risk will be low and the Breede-Gourits Catchment Management Agency subsequently confirmed that the proposed water use falls within the ambit of the General Authorisation, Government Gazette, Notice No. 10229, Notice 509, dated 26 August 2016. The confirmation was issued on 2 August 2019 and included in the Basic Assessment Report (Appendix E).

The Coastal Camp (Area 2) is located on planted pastures and will border the Robberg Coastal Corridor Protected Environment, but will be sufficiently set back from the RCCPE to mitigate physical impacts, loss of biodiversity and the possible trampling effect of passing hikers. The placement of the camp will result in a loss of agricultural land of approximately 640 square metres, which is currently being utilised for grazing.

#### 4.3 Biodiversity

The proposed Dam Camp (Area 1) will be located within an area of recently burnt plantation, behind a row of planted Yellowwood trees. Furthermore, since the containers will be raised, the impact on any vegetation where the containers will be placed, is expected to be insignificant.

The proposed Coastal Camp (Area 2) will be located on pasture area adjacent to the coastal fynbos which forms part of the formally protected Robberg Coastal Corridor Protected Area. It is not expected that any fynbos will be impacted by the proposed development of the Coastal Camp (Area 2).

The sites for both the camps are previously transformed / disturbed areas. The impact of the proposed development is therefore not significant. Furthermore, the raised nature of the units will allow for the movement of small animals under and around the units.

#### 4.4 Heritage / Archaeological Aspects

There are not expected to be impacts on heritage / archaeological resources. This was confirmed in the Final Comment issued by Heritage Western Cape, dated 28 June 2019.

#### 4.5 Visual impact

A Visual Impact Assessment of the units at the Coastal Camp (Area 2) was undertaken due to its proximity to the Robberg Coastal Corridor Protected Area. In order to minimise the visual impact from the eastern neighbouring property, the development zone was moved. As such, there will be little to no direct line of site from the neighbouring property. Furthermore, mitigation measures have been proposed to minimise the visual impact of the units. No significant visual impact is therefore expected with the efficient implementation of the proposed mitigation measures.

### 5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. A period of 3-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised. The environmental authorisation's validity period has been granted for a period of 5-years, during which period the construction and post-post construction rehabilitation activities must commence and be concluded.

## 6. National Environmental Management Act Principles

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

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

## 7. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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