



REFERENCE: 16/3/3/1/D6/25/0000/18
NEAS REFERENCE: WCP/EIA/0000360/2018
ENQUIRIES: Ms. Jessica Christie
DATE OF ISSUE: 2018 -09- 19

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: PROPOSED EXPANSION OF THE RESORT ON FARM BOTLIERSKOP NO. 341 AND 382, MOSSEL 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 Alternative 1 (Preferred Alternative – Plan KB/G/205-2 September 2017), described in the Basic Assessment Report ("BAR"), dated March 2018.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Botlierskop Private Nature Reserve
% MR Arnold Neethling
PO BOX 564
LITTLE BRAK RIVER
6503
Tel: (044) 696 6055
Fax: (044) 696 6272

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

B. LIST OF ACTIVITIES AUTHORISED

LISTED ACTIVITIES	ACTIVITY/PROJECT DESCRIPTION
<p>Government Notice No. R. 983 of 4 December 2014 –</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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. 	<p>The construction of accommodation units U11, U12, U13, U14, U15 and U16 within 32 metres from the edge of the Moordkuyl River of which the units will exceed an area of 100 square metres (as depicted in the site development plan attached as Annexure 2 to this Environmental Authorisation).</p>
<p>Government Notice No. R. 983 of 4 December 2014 –</p> <p>Activity Number: 28</p> <p>Activity Description:</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or 	<p>The activity will be part of the development of the existing residential, mixed and commercial tourist facility development known as Botlierskop Nature Reserve on portions of the site which has recently been established as a resort zone, namely -</p> <ul style="list-style-type: none"> Area A: 11.8 hectares Area B: 0.27 hectares Area C: 2.75 hectares

<p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	
<p>Government Notice No. 985 of 4 December 2014 -</p> <p>Activity Number: 12</p> <p>Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i> <i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i> <i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i> 	<p>The clearance of approximately 2400 square metres of indigenous vegetation for the proposed expansion of the resort on portions of the Farm Botlierskop no. 341 and Farm Botlierskop no. 382, Mossel Bay.</p> <p>More than 300 square metres indigenous vegetation (but less than 1 hectare) will be cleared in an endangered ecosystem listed in terms of section 52 of the NEMBA, namely: <i>Groot Brak Dune Strandveld</i> and <i>Garden Route Granite Fynbos</i>.</p> <p>The remaining vegetation in node A; B and C (as depicted on the site development plan in Annexure 2) will remain as indigenous vegetation.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The establishment of a residential, mixed use, commercial development on land used for agriculture or game farming. This will also entail the clearance of indigenous vegetation in an endangered or critically endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), namely *Garden Route Granite Fynbos* and *Groot Brak Dune Strandveld*, in order to expand the tourist hospitality and accommodation facilities at Botlierskop Private Game Reserve.

The above includes the following:

- ❖ The day visitor centre will be expanded from its current footprint of 390 square metres to 710 square metres (i.e. 320 square metres increase)
- ❖ The main building with a footprint of 920 square metres will be expanded to 1320 square metres (i.e. increase in footprint of 400 square metres)
- ❖ The addition of 14 new self-catering accommodation units with a maximum building footprint of 120 square metres each (i.e. 14 x 120 = 1680 square metres).

The total development footprint requiring authorization is approximately 2400 square metres on a portion of land of approximately 14.82 hectares which has been set aside for resort purposes.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Botlierskop Private Game Reserve situated on portions of the Farm Botlierskop no. 341 and Farm Botlierskop no. 382 , Mossel Bay. Access to the farm is from an existing dirt road that turns off from Blesbok road just off the N2 in the opposite direction of Klein Brak River.

The centre points of the areas on the respective farm portions where the listed activities will be undertaken on Farms Botlierskop 341 and 382 are:

Farm Botlierskop 341: 34° 02' 13.23" South
 22° 08' 21.39" East

Farm Botlierskop 382: 34° 01' 53.79" South
 22° 08' 34.42" East

SG digit codes: Farm Botlierskop 341: C051000000000034100000
 Farm Botlierskop 382: C051000000000038200000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

HillLand Environmental
% Ms. Cathy Avierinos
P.O. Box 590
GEORGE
6530

Tel: 044 889 0229
Fax: 086 542 5248

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Alternative 1 described in the BAR dated March 2018 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative for the site which entails:

The establishment of a residential, mixed use, commercial development on land used for agriculture or game farming. This will also entail the clearance of indigenous vegetation in an endangered or critically endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), namely *Garden Route Granite Fynbos* and *Groot Brak Dune Strandveld*, in order to expand the tourist hospitality and accommodation facilities at Botlierskop Private Game Reserve. This includes the following:

- The day visitor centre will be expanded from its current footprint of 390 square metres to 710 square metres (i.e. 320 square metres increase)
- The main building with a footprint of 920 square metres will be expanded to 1320 square metres (i.e. increase in footprint of 400 square metres)
- Addition of 14 new self-catering units (max 120 square metres each) $14 \times 120 = 1680$ square metres

The proposal also includes the development of a Biological Waste Water Treatment Plant (BWWTP) or Package Sewage Plant (19.3 kℓ per day) adjacent to the staff parking area;

The development layout must be carried out as depicted in the site development plan (drawing reference KB/G/205-2), Preferred Alternative as drawn by Nel & de Kock, dated September 2017) in Annexure 2 of this Environmental Authorisation.

The following portions of land situated in the Mossel Bay magisterial district will serve as the unique resource of the Botlierskop Private Game Reserve resort / tourism accommodation and hospitality facility, of namely:

- (a) Remainder of Farm Botlierskop no. 341;
- (b) Remainder of Farm Botlierskop no. 382;
- (c) Remainder of Portion 4 of the Farm Rheeboksfontein no. 140; and
- (d) Remainder of Portion 2 of the Farm Rheeboksfontein no. 142

2. The non-operational aspects of this Environmental Authorisation are granted for the period from date of issue until **30 September 2023** during which period all the development activities (construction phase) must be concluded.

The non-operational component of the Environmental Authorisation is subject to the following:

- 2.1. The holder must commence with all the approved listed activities within a period of **two (2) years** from the date of issue of this Environmental Authorisation;
- 2.2. The post construction rehabilitation and monitoring requirements must be finalised within a period of 12-months from the date the development activities (construction phase) are concluded.

3. The operational aspects of this Environmental Authorisation are granted for the period from date of issue until **30 September 2028** during which period all rehabilitation and monitoring requirements and final environmental auditing and reporting must be finalised.
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).
7. The listed activities, including site preparation, must not commence within **20 (twenty)** calendar days from the date of issue of this Environmental Authorisation.
8. 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

9. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein: Condition no.: **6, 7, 10** and **12**

Management of activity

10. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects, and must then be re-submitted to the Competent Authority and approved prior to commencement of construction.
 - 10.1. Incorporate all the conditions given in this Environmental Authorisation;
 - 10.2. Comply with section 24N of the National Environmental Management Act, 1998 and Appendix 4 of the Environmental Impact Assessment Regulations, 2014;
 - 10.3. Clearly list the impact management outcomes and impact management actions for the proposed development;
 - 10.4. Include detail on soil protection and rehabilitation measures that can be installed in areas where erosion may occur.
 - 10.5. Include a site plan that indicates the services on the site in terms of the sewer pipelines, water supply; electrical infrastructure and areas where effluent will be disposed of.
 - 10.6. Include a location plan that shows the areas where treated effluent will be irrigated. This plan must also show the specific parameters and / or buffers that have been set by this Environmental Authorisation as well as the General Authorisation(s) in terms of the National Water Act, 1998 (Act No. 36 of 1998).
 - 10.7. Include a monitoring programme for the sewage treatment and disposal systems, including the existing septic tanks and the proposed Biological Waste Water Treatment Plant (BWWTP). The monitoring programme must also address the biodiversity composition.
 - 10.8. An amended environmental auditing programme must be included in the EMPr which will address the requirements of the Environmental Impact Assessment Regulations, 2014.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
 - 12.1. The ECO must–
 - 12.1.1. be appointed prior to commencement of any vegetation clearing or construction activities commencing;
 - 12.1.2. ensure compliance with the EMPr and the conditions contained herein;
 - 12.1.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;

12.1.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.

12.2. 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.

12.3. 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.

13. The holder shall, for the duration of the operational phase of the resort, be responsible for the monitoring and reporting on the operation of the sewage treatment and disposal systems. This must include the existing septic tanks as well as the Biological Waste Water Treatment Plant (BWWTP) / Sewage Package Plant and the disposal of the treated effluent (i.e. French Drains and irrigation of treated effluent).

Auditing

14. The holder must, for the period during which the environmental authorisation and EMPr remain valid—

14.1. ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;

14.2. during the construction phase, the holder must undertake annual environmental audit(s) and submit these Environmental Audit Report(s) to the Competent Authority.

The final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within **three (3)** months of completion of construction;

14.3. during the operation phase, the holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.

During the operational phase the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 5 years;

15. The Environmental Audit Report, must –

15.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise;

15.2. provide verifiable findings, in a structured and systematic manner, on–

15.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

- 15.2.2. 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.
 - 15.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 15.4. evaluate the effectiveness of the EMPr;
 - 15.5. identify shortcomings in the EMPr;
 - 15.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 15.7. 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;
 - 15.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 15.9. include a photographic record of the site applicable to the audit; and
 - 15.10. be informed by the ECO reports.
16. The holder must, within 7 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

17. The holder must prior to commencement of the listed activities on the site, register a legally binding provision or obligation to associate the unique resource with the land upon which the Botlierskop Private Game Reserve resort / tourism accommodation and hospitality facility is situated. Further to this condition—
- 17.1. The following parcels of land in the Mossel Bay magisterial district must be associated as the unique resource, namely:
 - (a) Remainder of Farm Botlierskop no. 341;
 - (b) Remainder of Farm Botlierskop no. 382;
 - (c) Remainder of Portion 4 of the Farm Rheeboksfontein no. 140; and
 - (d) Remainder of Portion 2 of the Farm Rheeboksfontein no. 142

The extent of the unique resource may be expanded by associating additional parcels of land with the resort.
 - 17.2. The portions of land listed above must remain associated with the resort as it's unique resource for the duration that a resort or tourism accommodation and hospitality facility remains operational on the Botlierskop Private Game Reserve.
 - 17.3. The legally binding provision/obligation must be registered by means of one or more of the following mechanisms:
 - 17.3.1. a binding agreement;

- 17.3.2. a notarial tie; or
- 17.3.3. consolidation of the properties.

Whereas an agreement or notarial tie must include a restrictive condition prohibiting the disassociation of properties as the identified resource from the facility unless approved by this Department or the facility is decommissioned. The condition must address the following as a minimum:

"The properties which form part of the associated resource, may not be divided or separated from one another without the written approval of the Western Cape Government Department of Environmental Affairs and Development Planning or its successors".

18. No further tourism accommodation and hospitality development may take place on the site or the parcels of land associated as the unique resource, unless approved by the Competent Authority. Further to this—

18.1. The holder must identify appropriate land-use management objectives to promote the recreational and tourism resource. Such objectives and the associated land-use practices to achieve said objectives must be included in the EMPr.

19. The holder must construct a Biological Waste Water Treatment Plant (BWWTP) / Sewage Package Plant to service the resort, specifically the section of the resort depicted in Section A of the site layout plan. In addition—

19.1. The design of the BWWTP must incorporate the requirements set (or which may be set) by the respective organs of state, including the Mossel Bay Municipality; the WCG: Department of Health and the Department of Water and Sanitation / Breede Gouritz Catchment Management Agency.

19.2. The BWWTP must be completed and operational (operation ready) prior to, or at least in conjunction to, the completion of service infrastructure for the resort.

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 include: meteorites, archaeological and/or palaeontological 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.

21. 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.

Operational Aspects

22. The BWWTP/sewage package plant must be properly maintained and correctly operated. The effluent must be treated to the prescribed final effluent standard and disposed of in accordance with the prescribed standard. The operation and maintenance of the BWWTP / Sewage Package Plant must be monitored and reported on to the relevant competent authority during this period.
- 22.1. The operation of the BWWTP must incorporate the requirements that may be set by the respective organs of state, including the Mossel Bay Municipality; the WCG; Department of Health and the Department of Water and Sanitation / Breede Gouritz Catchment Management Agency.
- 22.2. The holder must comply with this requirement for the duration of the operational phase, unless the facility and its maintenance and operational requirements are lawfully transferred to the Mossel Bay Municipality, or the facility is decommissioned.
23. Sewage effluent or treated effluent from the BWWTP may not be disposed of / irrigated in areas identified on the Western Cape Biodiversity Spatial Plan 2017 which require safeguarding to ensure the continued existence and functioning of species and ecosystems, these areas include:
- (a) Critical Biodiversity Areas (CBA);
 - (b) Critical Biodiversity Areas (Degraded);
 - (c) Ecological Support Areas (ESA);
 - (d) Ecological Support Areas (Restore), and
 - (e) Other Natural Areas

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 commence with a 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 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.

In assessing whether to grant such 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.

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

4. The period within which commencement must occur, may not be extended unless the required process to amend the environmental authorisation as contemplated in the Environmental Impact Assessment Regulations, 2014 (or subsequent notice) is followed.
5. 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 EMP 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.

6. 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

7. 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).
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

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

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 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: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th 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 Jaap.DeVilliers@westerncape.gov.za.

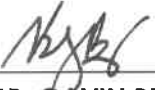
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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 (REGION3)

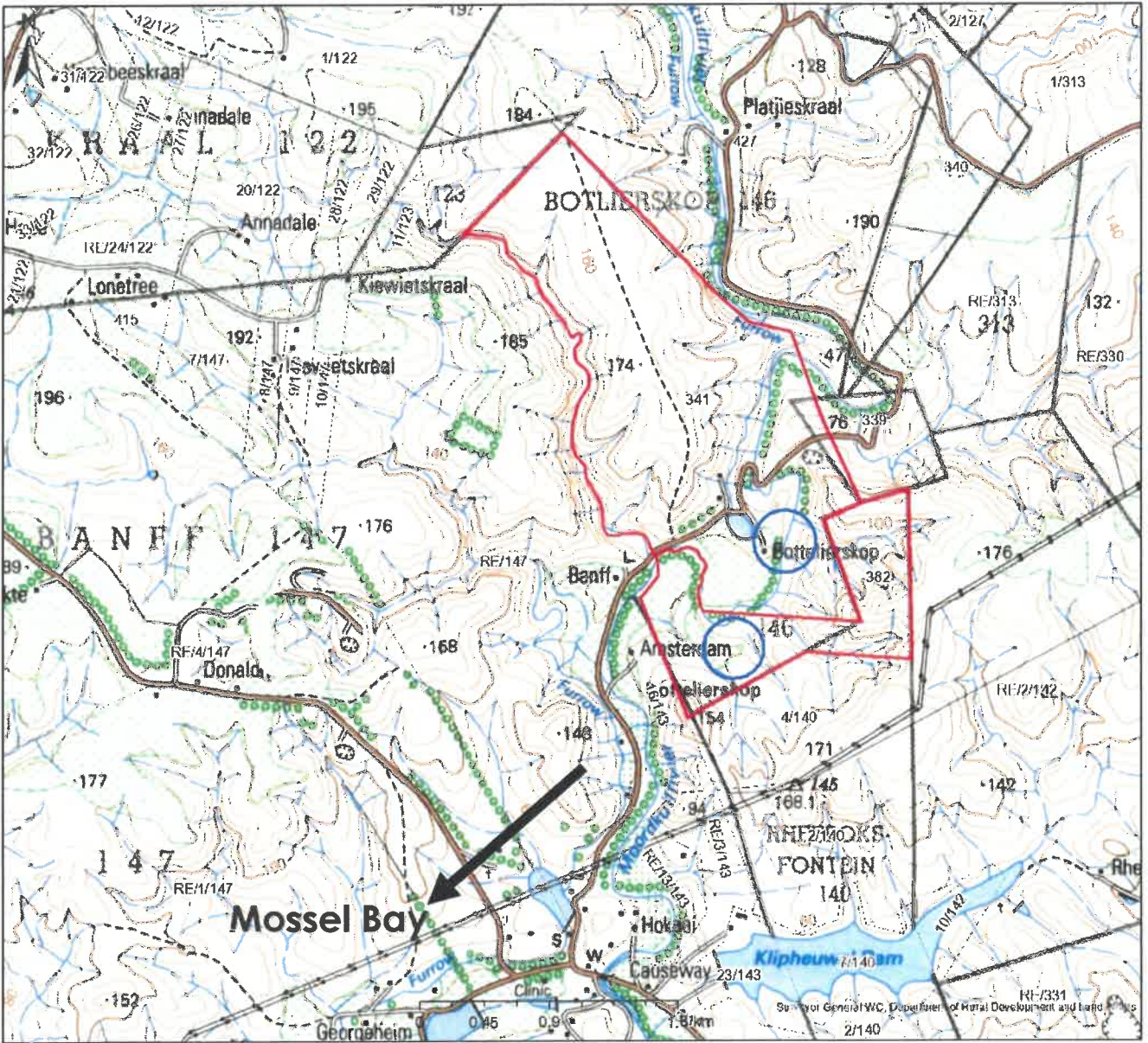
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 19/09/2018

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D6/25/0000/18
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000360/2018

ANNEXURE 1: LOCALITY MAP



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 dated January 2018, as well as the BAR and EMPr submitted together on 9 April 2018.
- b) The additional representations received from the Applicant and EAP on 27 July 2018 and 30 August 2018.
- c) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- d) 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);
- e) The comments received from I&APs and responses to these, included in the BAR dated March 2018;
- f) The balancing of negative and positive impacts and proposed mitigation measures; and
- g) The site visit conducted on:
Date/s: 07 June 2017
Attended by: Ms. Jessica Christie (DEA&DP)
Mr. Francois Naudé (DEA&DP)
Mr. Colin Fordham (CapeNature)
Ms. Anje Taljaard (HilLand Environmental)
Ms. Cathy Avierinos (HilLand Environmental)

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 Requirements

Due consideration has been given to the applicability of the activities listed in terms of the Environmental Impact Assessment Regulations Notice 1, 2 and 3 of 2014. The applicant has amended his application to reflect the applicable listed activity. As such, it must be noted that Activity 28 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014 has been included in the EA and the EAP has confirmed that all impacts of the identified activity and requirements of the Regulations have also been considered and adequately assessed.

In light of the proposed development and applicability of another Specific Environmental Management Act (SEMA), the "One Environmental System" principle was applied to the application.

2. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the site where the listed activities are to be undertaken on 16 March 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 24 January 2018;

- the placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 17 March 2017; and
- making the BAR available to I&APs for public review from 24 March 2018 to 12 March 2018.

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 following Organs of State provided comment on the proposal:

❖ *Breede-Gouritz Catchment Management Agency*

The BGCMA had no objection against the proposed development, provided that the following conditions were adhered to:

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- Special care should be taken with the proposed construction, near and in close proximity to the perennial Moordkuil River. In as far as possible, the EMPr should ensure that any impact on the river be minimised and properly managed.
- It is furthermore advised that alien vegetation be cleared as far as possible, and attempts be made to follow-up on this. The proposed development should as far as possible, not have detrimental impacts on the natural flow and the quality of the Moordkuil River.
- No pollution of surface water or ground water resources may occur due to any activity.
- The removal of French drains in close proximity to water resources (both surface and groundwater) is commendable. Special care however, should be taken with the installation of a new sewage treatment system and it furthermore should be ensured that the new sewage treatment system should have enough capacity to treat, be located/installed above the 1:100 flood line or at least 100m away from a water resource (whichever is the greatest); and that contingency plans be put in place in case of an emergency. Should conservancy tanks be installed, a copy of the Service Level Agreement between the applicant and the local municipality should be made available for the pump and removal of sewage and sewage sludge.
- Polluted storm water should not be allowed to enter the sewerage system and should be contained. The storm water master plan for Botlierskop Private Game Reserve should incorporate the proposed development.
- The minimising of waste must be promoted and alternative methods for waste management must be investigated.
- The monitoring of water resources in the designated area needs to be done on a regular basis. This monitoring initiative should be managed and driven in a cooperative manner. Any impact on water resources, emanating from the proposed development, should be reported to the BGCMA.

❖ *CapeNature*

CapeNature did not object to the proposed expansion of the resort but had the following comments:

- CapeNature would like to remind the landowner that in terms of the Alien and Invasive Species Regulations, NEM:BA, 2014, specific alien plant species (e.g. *Acacia mearnsii* (black wattle) and *Pennisetum clandestinum* (kikuyu grass)) are either prohibited or listed as requiring a permit, aside from restricted activities concerning, inter alia, their spread, and

should be removed. CapeNature recommends that all such plants be systematically eradicated from the properties. It is understood that the applicant is already undertaking alien clearing operations on his property and it is recommended that this process remain ongoing.

- CapeNature understands that any indigenous vegetation that requires removal will be rescued and used for rehabilitation purposes. CapeNature would like to reiterate that all endangered species or protected species listed in Schedules 3 and 4 respectively, in terms of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit, which must be obtained from CapeNature. This is also to ensure that rescued plant material is accounted for and used in the rehabilitation or relocation process. To obtain such permits please contact the relevant Conservation Services Officials at the George CapeNature Regional Office or use the following website address <http://www.capenature.co.za/permitsinformation/>.

❖ *WCG: Department of Health*

The Department of Health had no objection to the proposal subject to the following:

- An adequate supply of potable water that complies with the bacteriological and chemical quality standards must be available.
- Water samples must be taken on regular intervals and analysed at an accredited laboratory for bacteriological and chemical compliance.
- The results of these samples must be kept on record and made available to a competent authority upon request.
- The disposal of untreated sewage effluent is not allowed.
- All sewage is to be connected to a sewage treatment plant.
- The effluent from the treatment plant must comply with the bacteriological and chemical quality standards as prescribed by the Department of Water Affairs and Sanitation.
- Regular samples of the effluent must be taken to ensure compliance.
- All sewage sludge generated by the sewage treatment plant must be disposed of at an approved waste water treatment works.
- The use of the sewage effluent and sludge is subjected to this department's guide for the permissible utilization of sewage sludge and effluent.
- All sewage pumps to be used must have non electrical back-up pumps available in case of mechanical failure of the existing pumps or power outages or failures.
- All possible steps must be taken to protect the underground, surface water and the environment from pollution.
- If a problem with pollution does occur, then the owner/operator must rectify the problem without delay and rehabilitate the environment where necessary.
- If a problem with pollution does occur, then the owner must inform this office and the Eden District Municipal Health Services (Mossel Bay Office) without delay for monitoring purposes.
- All solid waste is to be disposed of at an approved solid waste disposal site.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

3. Alternatives

Alternative 1 (Herewith authorised)

The clearance of Endangered vegetation namely Garden Route Granite Fynbos and Endangered Groot Brak Dune Strandveld in order to expand the tourist facilities at Botlierskop Private Game Reserve. This includes the following:

- The day visitor centre will be expanded from its current footprint of 390 square metres to 710 square metres (i.e. 320 square metres increase)
- The main building with a footprint of 920 square metres will be expanded to 1320 square metres (i.e. increase in footprint of 400 square metres)
- Addition of 14 new self-catering units (max 120 square metres each) $14 \times 120 = 1680$ square metres
- Biological Waste Water Treatment Plant (BWWT) or Package Sewage Plant (19.3 kℓ per day) adjacent to the staff parking area;

The preferred alternative proposes a total of 29 accommodation units through the proposed conversion of existing staff accommodation and buildings. The layout and positioning of the proposed new accommodation units has been chosen to occur within areas that are the most transformed and do not contain many elements of the mapped protected ecosystem. The sites were also chosen based on the aesthetic appeal (view from accommodation units overlooks the dam and the Moordkuil river). The decrease in units was required due to the owner having formalized the shed storage areas into a Store. The preferred alternative makes most logical use of all existing infrastructure and buildings and can be seen to be the best practicable proposal.

The following portions of land situated in the Mossel Bay magisterial district have been identified as the unique resource of the Botlierskop Private Game Reserve resort / tourism accommodation and hospitality facility, of namely:

- (a) Remainder of Farm Botlierskop no. 341;
- (b) Remainder of Farm Botlierskop no. 382;
- (c) Remainder of Portion 4 of the Farm Rheebofsfontein no. 140; and
- (d) Remainder of Portion 2 of the Farm Rheebofsfontein no. 142.

Alternative 2

- Expansion of Visitor day centre by 320 m²
- Expansion of Restaurant, reception, etc. main centre by 400 m²
- Expansion of the main tourist facility to include a new spa area of 350m².
- Addition of 2 Units (size 120m²) on Area B of the SDP on footprints previously used for labour cottages.
- Addition of 15 new self-catering units (max 120 m² each) $14 \times 120 = 1680$ m² on Area A of the SDP. New units with new footprints.
- Converting the existing staff cottages, manor house and pool house to an additional 8 accommodation units, all within the existing footprints.
- Converting the existing main homestead and cottage to a boutique hotel with the addition of 5 accommodation units forming a node. (max 120 m² each) $5 \times 120 = 600$ m²

This alternative proposes a total of 33 accommodation units through the proposed conversion of existing staff accommodation and buildings. Two accommodation units (units 11 and 10) were however situated within an area that was used for storage as an existing shed, the applicant

decided on formalizing this shed area through the creation of a store and thus these units needed to be moved or removed. This alternative also sees an additional expansion of 350m² for a new spa building. The applicant has since decided that the existing stables could be converted to serve for this function thus eliminating the need for more vegetation clearing

Alternative 3

- Expansion of Visitor day centre by 320 square metres
- Expansion of Restaurant, reception, etc. main centre by 400 square metres
- Addition of 38 new self-catering units (max 240square metres each)
- No conversion of the existing stables, staff accommodation or pool house.
- No conversion of the existing main dwelling.

This alternative proposes a total of 38 accommodation units within new areas requiring new footprints and clearance of vegetation. No use of the existing infrastructure or buildings on the reserve is made and this opportunity is lost. This layout can be seen to result in more clearance of vegetation. This was not deemed favourable or logical.

The preferred alternative was chosen based on the following:

The expansion of the resort on Botlierskop Private Game Reserve is the only logical manner to increase capacity for tourists as well as increasing the influx of visitors to the local area. The areas that have been proposed for the expansion and creation of accommodation units can be seen favourable as they are already situated on an existing resort with existing infrastructure required to support them. The proposed expansions of the resort will occur on transformed areas and within existing development footprints. In order to enlarge the tourism capacity of the resort expansion thereof is critical.

"No-Go" Alternative

Not developing the proposed accommodation and expansion sites will fail to meet the applicant's requirement for additional income through increased accommodation facilities. Thus failing to meet the needs of the property owner. The 'No-Go' option will also not be beneficial to job creation and the local tourism economy. The Game Reserve will not be able to support an increased number of guests and the local area will not benefit from an increase of visitors and tourism income.

Besides these aforementioned points, not-implementing the proposed development will not really have a greatly significant effect on the local area as it is a relatively small scale project with primary benefits to Botlierskop Nature Reserve. This said, not-implementing will also not have a greatly positive impact as the development would likely facilitate better management of the property and vegetation.

4. Impact Assessment and Mitigation measures

4.1 Activity need and desirability

The expansion of the resort on Botlierskop Private Game Reserve is the only logical manner to increase capacity for tourists as well as increasing the influx of visitors to the local area. The pristine natural environment is this resort's greatest asset and attraction; a lot of work has been done to restore previously degraded and alien infested areas to their natural state, as such, all alternatives taken into account are aimed at inflicting minimal harm to the natural environment.

According to the Guidelines for Resort Developments in the Western Cape, Botlierskop Private Game Reserve would constitute as a large resort. Large resorts are recommended to contain 30 – 50 units. Botlierskop will have a total of 48 units of which 15 are tents (including 2 tents which will not be used for accommodation purposes) and a Boutique hotel which will offer limited accommodation. As such the proposal does not exceed the recommended amounts contained within the applicable guidelines.

The development of accommodation units and conversion of existing buildings into accommodation and associated tourism facilities contributes to the area's growing tourism industry. The proposed development is non-invasive and low impact which will be further mitigated by implementation of the EMPr and by adopting sustainable practices for its operation which include alternative power supply and recycling wherever possible. As such, this option to develop is seen as a positive use for the property that will not only be advantageous for the owner but also to the surrounding communities and area.

4.2 Regional/ planning context

Botlierskop Private Game Reserve is an existing functional resort with Municipal Approval. The municipal approval and SDP would need to undergo amendment to accurately reflect what will be constructed and the location of the units. The Botlierskop Private Game Reserve has not been formally demarcated for resort development in terms of an officially approved SDF; however, the areas where the additional units will be constructed were rezoned to the applicable zoning in September 2017, thereby establishing a formal resort development area. These three areas on the layout plan were identified as the core areas of the reserve where tourists overnight and where all activity originates from.

In accordance with the Department's Resort Guideline, 2005, the Applicant identified an area of approximately 1 037 hectares which can be regarded as the unique resource associated with the resort, this area consists of following parcels of land namely:

- (a) Remainder of Farm Botlierskop no. 341;
- (b) Remainder of Farm Botlierskop no. 382;
- (c) Remainder of Portion 4 of the Farm Rheebofsfontein no. 140; and
- (d) Remainder of Portion 2 of the Farm Rheebofsfontein no. 142.

This Environmental Authorisation has set a requirement to formalise the association of a unique resource with the resort to ensure that the exploitation and management of the recreational and tourism resources, takes place in a sustainable manner. The Botlierskop Private Game Reserve resort will consist of approximately 50 units, which is regarded as a "large resort size". There should be no further expansion of the resort or approval of resort units of more than the 50 units on the site or the land identified as the associated resource. Although further expansion is not impossible, it is not considered to be the norm and only if exceptional circumstances exist, should any further expansion be considered.

The proposed activity to construct accommodation units is not directly linked to any of the objectives of the Western Cape Provincial Spatial Development Framework (PSDF); however, the PSDF does promote the sustainable management of the Province's assets which do not threaten ecological integrity, landscape quality or tourism value. These assets include the natural landscape. This project promotes sustainable, minimal impact use of an area that benefits local tourism by providing guest accommodation.

4.3 Services/ bulk infrastructure

Water supply - The existing supply is from the Moordkuil river. Water is treated at the existing reservoir and is then pumped to existing 150 000ℓ tanks for pressure. An additional usage of 23kℓ/day will be sourced from the Mossel Bay Municipality. Botlierskop will need to be connected to the municipal supply using a pipeline that is to be installed within the existing road reserve.

Sewerage-The existing sewage network gravitates to septic tanks, settled sewage drains to three existing French drains which are to be decommissioned. Sewage (including that from the new units) will be diverted to existing 104kℓ septic tank by two new proposed sewage pump stations with stand-by-pump. The effluent from the 104kℓ septic tank will be treated in a new proposed package plant which will be compliant with general Department of Water Affairs and Sanitation standards and will flow into the existing dam. The proposed boutique hotel will be serviced by the existing septic tank and French drain currently servicing the homestead and the 5 new units will be serviced by a new septic tank. The sewage treatment and disposal system is required to comply with the relevant requirements and standards.

Electricity - Existing Eskom supply with an existing backup generator. In addition, the new accommodation units will have solar voltaic panels for lights and gas geysers.

Roads -Existing roads or tracks will be used. Where necessary concrete strips to be included (less than 4m). The guests for the units at the dam will park at the day visitor centre and others will park at their assigned unit. Minor additions will be made to the existing internal gravel track systems.

4.4 Biophysical Impacts

The sites where expansion is proposed for falls mainly on granite and sandstone derived soils with overlying topsoil varying in depth with a moderate to high erodibility factor. The proposed expansions of the day visitors centre, the main building as well as most of the 14 new accommodation units will be built on an area underlain by granite, units 1 and 2 will be built on existing footprints in an area underlain with sandstone and sandy areas. The expansions taking place at the main homestead with the addition of 5 accommodation units will be situated on an area underlain by sandstone.

Most of the development and expansion will take place on land that is already transformed or within existing development footprints. As such no significant disturbance or damage to geographical nor physical aspects are anticipated. The units situated adjacent to the Moordkuil River are specifically proposed to occur above the 1:100-year flood line in order to negate any potential risk of the units flooding over time. The units are also not proposed within any areas that contain any riparian vegetation or which may have an effect on the watercourse.

Some earth works will be required for the development and expansion of new facilities. Excavation and construction will be done in such a way as to minimise environmental impacts. Topsoil will be stock-piled, protected from damage and clearly demarcated and will be used to landscape the area into gardens once the construction phase is complete.

4.5 Biodiversity

The proposed expansion of the day visitor centre and the addition of the 5 accommodation units along the man-made dam, as well as the expansion of the tourist facility is situated within areas that have been mapped as a mixture between a terrestrial Critical Biodiversity Area and a degraded CBA. The proposed new accommodation units U11 – 16 are situated within an area that

has been mapped as mixture between aquatic Critical Biodiversity Area and an Ecological Support Area (ESA).

According to the National Biodiversity Assessment (NBA) mapping, the proposed location of the expansion falls within threatened ecosystems with a threat status of Critically Endangered (CR) and Endangered (EN). The vegetation types are mapped as *Garden Route Granite Fynbos (CR)* and *Groot Brak Dune Strandveld (EN)*. The biodiversity assessment found that all the proposed expansions and development will take place within transformed areas that have few elements of the threatened ecosystems.

No red data listed protected species were observed during any site inspection. Should clearing of any indigenous vegetation be necessary, plant rescue of indigenous species will take place where feasible and those areas will be rehabilitated with locally occurring indigenous vegetation.

The impact associated with clearance of vegetation is regarded as very low significance as the sites selected for the specific units are in disturbed areas and post mitigation significance is therefore regarded as insignificant.

4.6 Visual / sense of place

There may be a visual impact associated with the expansion of the resort during the construction phase however, the resort is existing and the only visual impact will be the construction of the units and the significance regarded as very low.

4.7 Noise

It is anticipated that there will be a noise impact during the construction phase however, the significance is drastically reduced as the resort will be temporarily closed for the period in which construction will occur; thus reducing the significance to very low.

4.8 Socio-economic

A small number of temporary employment opportunities will be created during the construction phase. This positive impact is considered of medium significance.

The development will result in both negative and positive impacts.

Positive Impacts Include:

- Increased tourist accommodation for the area.
- Limited number of job opportunities for local population during the construction and operational phase of the development.
- Reduced exploitation of the recreational and tourism resources and improved management thereof.

Negative Impacts Include:

- Clearing of limited areas of vegetation / loss of vegetation within the proposed footprint.
- Noise and visual impacts associated with construction phase.
- Risk of flooding of proposed accommodation Units (this risk is reduced due to the fact that the units are proposed to be situated above the 1:100-year flood line).

5. National Environmental Management Act Principles

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

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

6. Conclusion

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 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** -----