



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

EIA REFERENCE: 16/3/3/1/B1/14/1019/18

NEAS REFERENCE: WCP/EIA/0000389/2018

ENQUIRIES: Lorretta Osborne

DATE OF ISSUE: 2018 -09- 13

The Board of Directors
Res Rei Trading (Pty) Ltd

PO Box 987

ROBERTSON
6705

Attention: Ms T Cooper

Tel: (023) 626 3965

E-mail: goodhopefarm@breede.co.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE ESTABLISHMENT OF A CAMPSITE ON PORTION 1 OF FARM POESPAS VALLEY NO. 149 (GOOD HOPE GUEST FARM), ROBERTSON

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, (as amended), 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr N Wullshleger (Boland Environmental Consulting)
(2) Mr K Brand (Langeberg Municipality)

Fax: (086) 668 0241
Fax: (023) 614 1841



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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE ESTABLISHMENT OF A CAMPSITE ON PORTION 1 OF FARM POESPAS VALLEY NO. 149 (GOOD HOPE GUEST FARM), ROBERTSON

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in Section B below with respect to the Preferred Site Alternative, described in the Basic Assessment Report ("BAR"), dated June 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 Board of Directors
Res Rei Trading (Pty) Ltd
% Ms T Cooper
PO Box 987
ROBERTSON
6705

Tel: (023) 626 3965
E-mail: goodhopefarm@breede.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

| Listed Activity | Activity/Project Description |
|---|---|
| <p>Listing Notice 3 of 2014 -</p> <p>Activity Number: 17</p> <p><i>The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.</i></p> <p>i. Western Cape</p> <p>i. <i>Inside a protected area identified in terms of NEMPAA;</i></p> <p>ii. <i>Outside urban areas:</i></p> <p>(aa) <i>Critically biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</i></p> <p>(bb) <i>Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</i></p> <p><i>excluding the conversion of existing buildings where the development footprint will not be increased.</i></p> | <p>The expansion of a resort facility by the establishment of a campsite outside an urban area within 5km from a NEMPAA site.</p> |

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

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

The proposal entails the establishment of a campsite with a physical footprint of 0.87ha in extent on Portion 1 of Farm Poespas Valley No. 149, Robertson. The campsite will comprise the following:

- Maximum of 28 campsites ranging between 120 square metres to 150 square metres;
- A kitchen and lapa facility of approximately 400 square metres;
- Two ablution facilities of approximately 100 square metres each;
- Three closed septic tank sewage systems;
- A fenced area of approximately 100 square metres will be provided behind each ablution facility for the storage of bins, gas bottles, washing line and dishwashing basins;
- An existing jeep track located to the north of the site will be extended by approximately 450 metres to access the campsite.
- Electricity and sewage services will be provided by the municipality; and
- Water will be obtained from water tanks on the farm.

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Portion 1 of Farm Poespas Valley No. 149, Robertson.

The co-ordinates of the campsite are:

| Latitude (S) | Longitude (E) |
|----------------------|---------------------|
| 33° 58' 59.29" South | 19° 36' 19.02" East |

The co-ordinates for the extension of an existing jeep track are:

| | Latitude (S) | | | Longitude (E) | | |
|----------------|--------------|-----|--------|---------------|-----|--------|
| Starting point | 33° | 58' | 44.54" | 19° | 36' | 16.31" |
| Middle point | 33° | 58' | 52.71" | 19° | 36' | 18.91" |
| End point | 33° | 59' | 01.21" | 19° | 36' | 19.11" |

The SG digit code is: C06500000000014900001

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Boland Environmental Consulting CC
% Mr N Wullschleger
PO Box 250
WORCESTER
6849

Tel: (023) 347 0336

Fax: (086) 668 0241

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Site Alternative, described in the BAR, dated June 2018, on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The construction phase of the development must be concluded within **ten (10) years** from the date of commencement of the listed activity.

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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any land clearing and construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11 and 17.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder, and

7.4.6 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).

8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. 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 activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a 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. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of the 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

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The site must be clearly demarcated prior to commencement of land clearing and construction activities. All areas outside the development footprint must be treated as no-go areas.

GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation and EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

Please note that to ensure the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity, the Competent Authority may request amendments to the EMPr, as deemed necessary.

F. 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 on which 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 on which 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 Organs 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 Organs 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>.

G. 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. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 13/09/2018

CC: (1) Mr N Wullshleger (Boland Environmental Consulting)
(2) Mr K Brand (Langeberg Municipality)

Fax: (086) 668 0241
Fax: (023) 614 1841

ANNEXURE 1: LOCALITY MAP

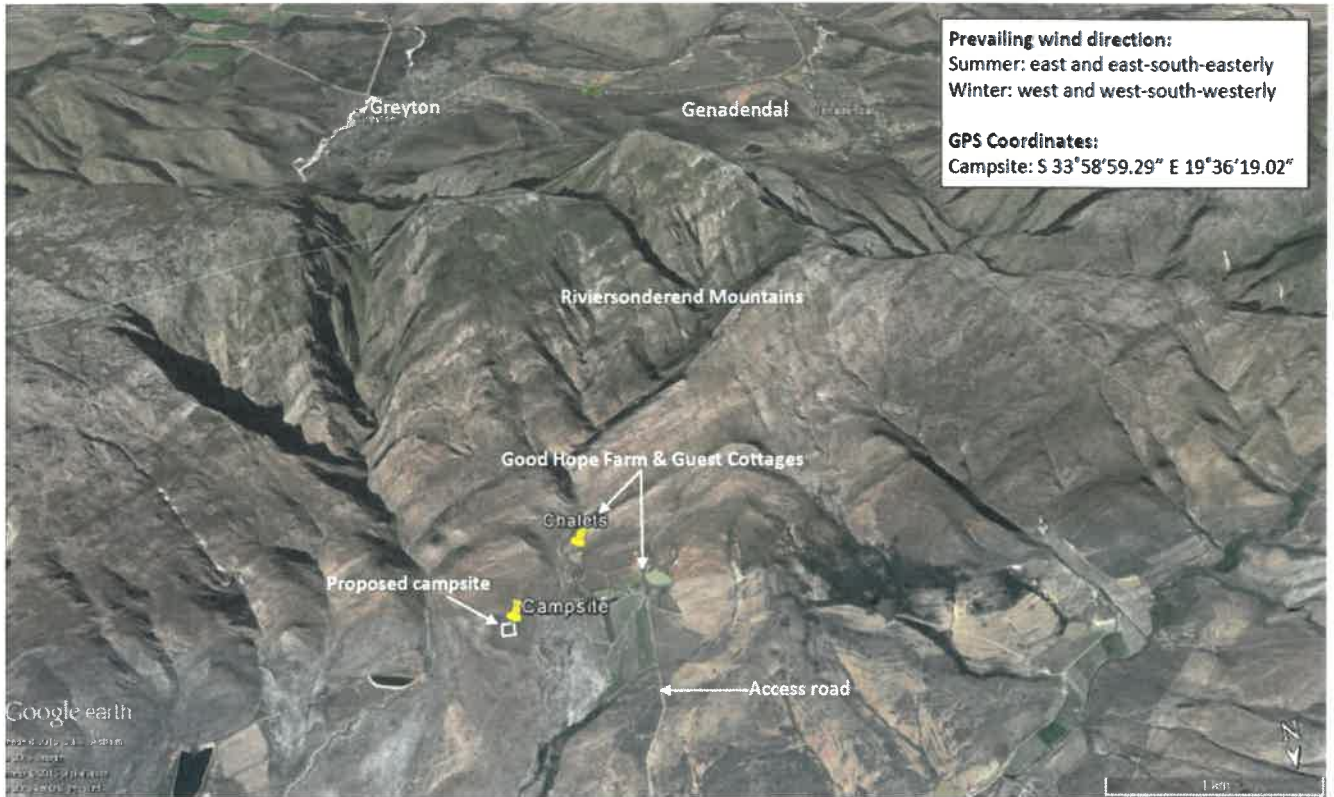


Figure 1: Locality map of the proposed campsite on Portion 1 of Farm Poespas Valley No. 149, Robertson

ANNEXURE 2: SITE PLAN

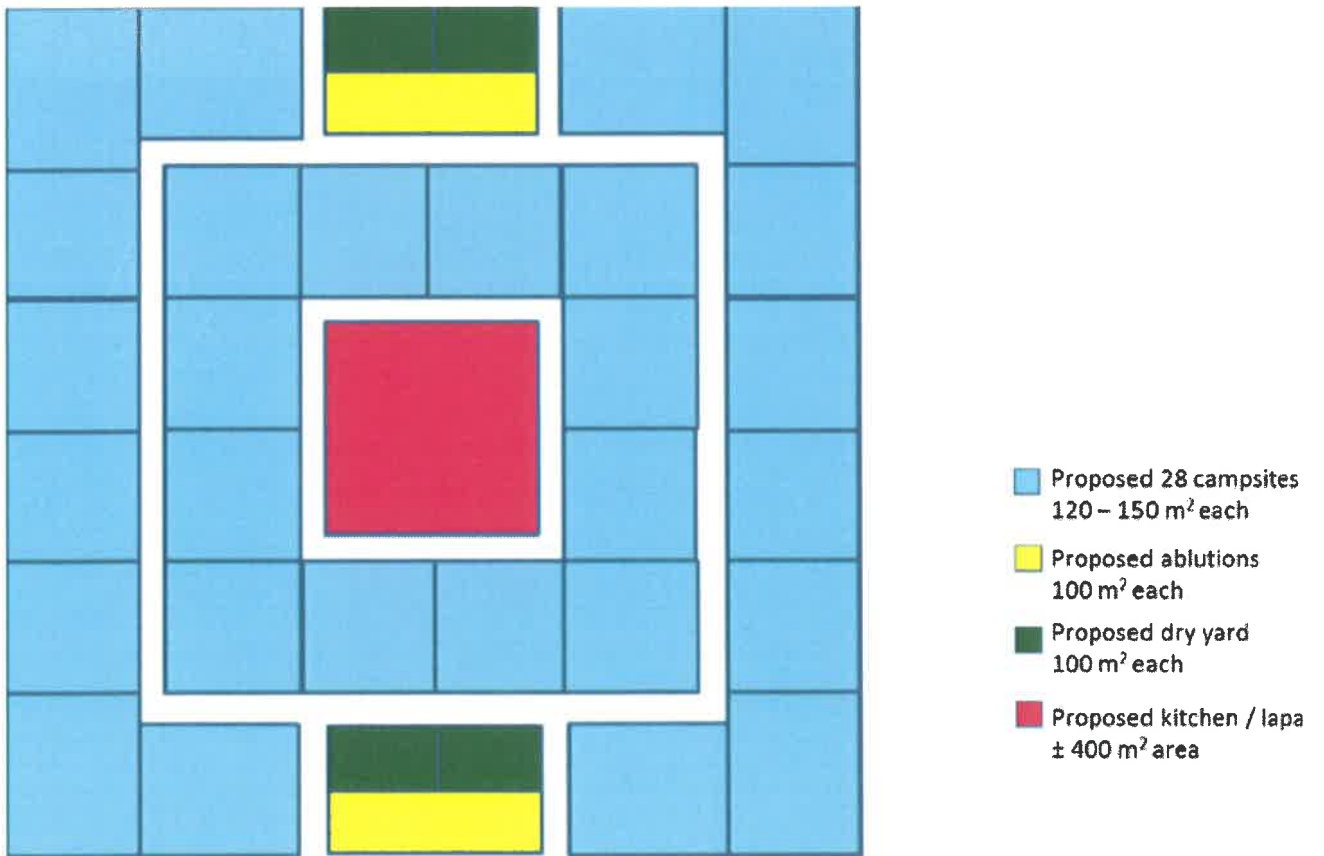


Figure 2: Site Plan of the proposed campsite.

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 submitted on 23 March 2018, the amended application form and the BAR dated June 2018 and the EMPr submitted together with the BAR on 13 June 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and 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);
- d) The comments received from I&APs and responses to these, included in the BAR, dated June 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

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. Public Participation

The public participation process included:

- Identification of and engagement with I&APs;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity on 17 February 2016 and 20 March 2018;
- The placing of newspaper advertisements in the "*Breederivier Gazette*" on 2 February 2016 and 20 March 2018;
- Fixing a notice board at the site where the listed activity is to be undertaken;
- Copies of pre-application draft BAR were made available for public review at Robertson library;
- Circulating the pre-application draft BAR to I&APs for public review from 17 February 2016;
- Circulating the in-process draft BAR to I&APs for public review from 20 March 2018.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process. Specific management and mitigation measures

have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The following alternatives were considered:

Site Alternative 1:

This alternative is similar to the Preferred Site Alternative with the exception that it will be located adjacent to the irrigation dam on Portion 1 of Farm Poesjenels Rivier No. 147, Robertson.

This alternative was not preferred for the following reasons:

- This option will be in close proximity to a water source, which will be a safety risk for people.
- There is a potential risk of pollution from sewage leaking into the dam.

Site Alternative 2:

This alternative is similar to the Preferred Site Alternative with the exception that it will be located next to the existing chalets on Farm De Hoek No. 189, Robertson.

This alternative was not preferred for the following reason:

- This option will result in the removal of natural vegetation as opposed to the Preferred Site Alternative.

Preferred Site Alternative:

This alternative entails the establishment of a campsite with a physical footprint of 0.87ha in extent on Portion 1 of Farm Poespas Valley No. 149, Robertson. The campsite will comprise the following:

- Maximum of 28 campsites ranging between 120 square metres to 150 square metres;
- A kitchen and lapa facility of approximately 400 square metres;
- Two ablution facilities of approximately 100 square metres each;
- Three closed septic tank sewage systems;
- A fenced area of approximately 100 square metres will be provided behind each ablution facility for the storage of bins, gas bottles, washing line and dishwashing basins;
- An existing jeep track located to the north of the site will be extended by approximately 450 metres to access the campsite.
- Electricity and sewage services will be provided by the municipality; and
- Water will be obtained from water tanks on the farm.

This alternative is preferred for the following reasons:

- This alternative is not located near any water sources, thereby lowering the potential impact.
- It will be located away from other accommodation on the farm.
- The campsite will be developed on transformed land.

"No-Go" Alternative:

The "no-go" option was also investigated and was not preferred as the *status quo* would be maintained, where the development site would continue to be largely underutilized.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Portion 1 of Farm Poespas Valley No. 149, Robertson is zoned Agriculture Zone I. The campsite will form part of an expanded resort, Good Hope Farm and Guest Cottages, which is already in operation. It is well located for tourism, at the foot of the Riviersonderend Mountains on previously cultivated land. The development will also promote private nature reserves and resort developments, advance economic growth and employment creation in the tourism sector.

3.2 Biophysical Impacts

The property forms part of a larger working wine, olive and guest farm. The Riviersonderend Mountain Catchment Area borders the property to the south. Historically, the proposed development site would have been covered with Breede Alluvium Renosterveld and Breede Shale Renosterveld, which are considered vulnerable and least threatened in terms of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004). Although the majority of the site is classified as a terrestrial Critically Biodiversity Area, the preferred site for the proposed campsite is completely transformed by previous agricultural activities. The areas where the remnant indigenous vegetation exist will be demarcated and regarded as no-go areas prior to commencement of construction activities. From a botanical perspective, the site has low biodiversity significance. The closest watercourse is an ephemeral river flowing 250m east of the site and is classified as an aquatic Critically Biodiversity Area. The site, and particularly the ablution facilities, will be located further than 100m away from any watercourses. The potential impacts that may result from the proposed development will also be mitigated by the implementation of the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in elevated noise and dust levels during the construction period. This will be effectively addressed through the implementation of the EMPr and the conditions in this Environmental Authorisation.

Positive impacts:

- The development will create temporary and permanent employment opportunities during the construction and operational phases. It will ensure the economic viability of the farm and assist in the continued conservation of the sensitive areas on the farm.

4. 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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr and the Competent Authority is satisfied that the proposed listed activity 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 activity can be mitigated to acceptable levels.

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