



REFERENCE: 16/3/3/1/B4/12/1027/25
NEAS REFERENCE: WCP/EIA/0001642/2025
DATE OF ISSUE: 17 NOVEMBER 2025

The Board of Directors
Klompwinkel (Pty) Ltd
4 Oak Avenue
Erinvale Golf Estate
7130

Attention: Ms. H. Nutbey

Cell: 082 570 5153
Email: nutbey@mweb.co.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF THE FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED ESTABLISHMENT OF THE VAL DU LAC BOUTIQUE HOTEL AND AGRICULTURE LIFESTYLE ESTATE ON PORTION 2 OF FARM NO. 1669, PAARL

1. With reference to the above application, the Competent Authority hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, 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, 2025, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. E. Visagie (Guillaume Nel Environmental Consultants)
(2) Mr. A. Gouws (Guillaume Nel Environmental Consultants)
(3) Mr. B. de la Bat (Stellenbosch Municipality)
(4) Mr. S. van der Merwe (Stellenbosch)
(5) Mr. C. van der Walt (WCG: Department of Agriculture)

Email: eg@gnec.co.za
Email: a.p@gnec.co.za
Email: Bernabe.DeLaBat@stellenbosch.gov.za
Email: schalk.vandermerwe@stellenbosch.gov.za
Email: Cor.VanderWalt@westerncape.gov.za

REFERENCE: 16/3/3/1/B4/12/1027/25
NEAS REFERENCE: WCP/EIA/0001642/2025
DATE OF ISSUE: **17 NOVEMBER 2025**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF THE FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED ESTABLISHMENT OF THE VAL DU LAC BOUTIQUE HOTEL AND AGRICULTURE LIFESTYLE ESTATE ON PORTION 2 OF FARM NO. 1669, PAARL

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 authorised development specified in Section B below with respect to the **Layout Alternative 1: Two Cottages Design**, described in the Basic Assessment Report ("BAR"), dated 22 July 2025.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for the maintenance activities associated with the two unnamed tributaries of the Franschoek River.

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

Klompwinkel (Pty) Ltd
% Ms. J. Nutbey
4 Oak Avenue
Erinvale Golf Estate
7130

Cell: 082 570 5153
Email: nutbey@mweb.co.za

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

B. LISTED ACTIVITIES APPLIED FOR:

| Listed activities | Activity/Project Description |
|---|---|
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12: 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 <p>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> | <p>The proposed development aims to construct a road along the western boundary of the property, which may occur within 32m of the river and exceed the 100m² threshold.</p> |
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number 28: 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:</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; <p>or</p> | <p>The proposed development will occur on land that is larger than 1ha, outside of the urban area, which was previously used for agricultural purposes.</p> |

| | |
|---|---|
| <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p> | |
| <p>EIA Regulations Listing Notice 3 of 2014: Activity Number 6: The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <p>i. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</p> <p>ii. Outside urban areas;</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</p> <p>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</p> <p>excluding the conversion of existing buildings where the development footprint will not be increased.</p> | <p>The proposed development aims to develop a tourist facility to accommodate more than 15 people in total, that will be located outside of an urban area and within 5km from a protected area identified in terms of NEMPAA.</p> |

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

The holder is herein authorised to undertake the development in respect of the following alternative:

Layout Alternative 1: Two Cottages Design

This alternative comprises the following components:

- The renovation and expansion of the existing second dwelling house, located adjacent to the northern dam, into a restaurant with deck;
- The demolition of the stables and the construction of 1 new single cottage (108m²) and one new luxury cottage (122m²) on the demolished stable's footprint;
- A planting room; and
- Farm sheds.

The following existing buildings would remain on the farm:

- The main dwelling house;
- The foaling barn (to be renovated);
- The farm building; and
- The manager's cottage (to be renovated).

The total building coverage of this layout alternative amounts to 4843m². All other landscaping features would remain as per the applicant's Preferred Layout Alternative.

C. SITE DESCRIPTION AND LOCATION

The authorised development will be undertaken on Portion 2 of Farm No. 1669, Franschhoek, at the following co-ordinates:

| Latitude (S) | Longitude (E) |
|----------------|----------------|
| 33° 55' 54.66" | 19° 07' 40.13" |

The SG digit code is: C0550000000166900002

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

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

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

Guillaume Nel Environmental Consultants

% Mr. A. Gouws / Ms. E. Visagie

P.O. Box 2636

PAARL

7620

Tel.: (021) 870 1874

Email: a.p@gnec.co.za / eg@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the authorised development specified in Section B above in accordance with, and restricted to Layout Alternative 1: Two Cottage Design, described in the Basic Assessment Report ("BAR"), dated 22 July 2025, at the site as described in Section C above, and in accordance with the Site Development Plan included as Annexure 2 of this Environmental Authorisation.
2. The holder must commence with and conclude the authorised development within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised development.
 - (b) A period of ten (10) years, from the date the holder commenced with the authorised development, during which period the authorised development must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in Section 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

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 5.1. make clear reference to the site details and EIA Reference number given above; and
 - 5.2. include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 11

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 outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2025 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; and
 - 6.4. provide the registered I&APs with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. name of the responsible person for this Environmental Authorisation;
 - 6.4.3. postal address of the holder;
 - 6.4.4. telephonic and fax details of the holder;
 - 6.4.5. e-mail address, if any, of the holder; and
 - 6.4.6. 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 2025 National Appeals Regulations.
7. The authorised development, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notifies 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 authorised development, including site preparation, may not commence until the appeal is decided.

Management of activity

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation, insofar as it is relevant to the authorised development, is hereby approved and must be implemented.
9. The MMP submitted as part of the application for Environmental Authorisation must be implemented.
10. The EMPr and MMP 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"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. The ECO must conduct a site visit prior to the commencement of construction activities. Thereafter, monthly monitoring inspections must be undertaken during both the site clearance phase and the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every two (2) months for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction and site rehabilitation having been completed.
13. 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.
14. 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

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 11 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three (3) months after the commencement of construction activities and every six (6) months thereafter, during the construction phase. A final Environmental Audit Report must be submitted three (3) months after completion of construction activities.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

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

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

17. 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.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the authorised development.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the authorised development within the period referred to in Condition 2, this Environmental Authorisation shall lapse 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 (as amended) or any relevant legislation that may be applicable at the time.

G. Appeals

Appeals must comply the *National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025)*. Please note the provisions of Regulation 1(2) & (3) of the *National Appeal Regulations, 2025* when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&APs) and the decision maker (Competent Authority who issued the decision) within **20 calendar** days from the date this decision was sent by the decision maker.
2. The I&APs (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&APs by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:

- a. notify registered I&APs and affected organs of state of any appeal received, and make the appeal available to them, within 5 calendar days after the 20-day appeal period ends; and
 - b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
- a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za

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 EA 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)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 17 NOVEMBER 2025

CC: (1) Ms. E. Visagie (Guillaume Nel Environmental Consultants)
(2) Mr. A. Gouws (Guillaume Nel Environmental Consultants)
(3) Mr. B. de la Bat (Stellenbosch Municipality)
(4) Mr. S. van der Merwe (Stellenbosch)
(5) Mr. C. van der Walt (WCG: Department of Agriculture)

Email: eg@gnec.co.za
Email: a.p@gnec.co.za
Email: Bernabe.DeLaBat@stellenbosch.gov.za
Email: schalk.vandermerwe@stellenbosch.gov.za
Email: Cor.VanderWalt@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



Figure 1: Locality Map.

ANNEXURE 2: SITE DEVELOPMENT PLAN



Figure 2: Site development plan.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 8 May 2025, the final BAR dated 22 July 2025, the MMP and the EMPr submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 22 July 2025; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted by officials of the Department on 8 March 2024.

All information presented to the Competent Authority was taken into account during 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;
- the placing of newspaper advertisements in the 'Paarl Post' on 27 July 2023 and 8 May 2025;
- fixing notice boards at a location within and around the area where the authorised development is to be undertaken on 27 July 2023 and 8 May 2025;
- giving written notice to the owners and occupiers of land adjacent to the site where the authorised development is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the authorised development on 28 July 2023, 27 March 2024, 5 July 2024 and 8 May 2025;
- making the pre-application process BAR available for comment on from 28 July 2023;
- making the in-process draft BAR available for comment from 27 March 2024 and 5 July 2024 (previously lapsed application); and
- making the in-process draft BAR available for comment from 9 May 2025.

The Competent Authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised, and responses thereto were included in the comments and response report.

The following concerns and objections to the applicant's Preferred Alternative were raised during the PPP by various organs of state:

| Organ of state | Issue |
|--|---|
| Western Cape Government: Depart of Agriculture | The proposed development is not consistent with the Zoning Scheme By-Law or the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 and therefore did not support the proposed development. From the proposal it appears that the proposed development is not |

| | |
|---|--|
| | aligned with either municipal policy nor provincial policy. |
| Stellenbosch Municipality: Spatial Planning | The proposed development on the farm is aimed at an extensive tourist facility that is not in compliance with the approved Stellenbosch Municipal Spatial Development Framework ("MSDF"), 2023 or Heritage Inventory and would in all detract from the significant cultural area. |
| Stellenbosch Municipality: Heritage Resource Management | This application has been before the heritage section on a previous occasion, where we turned it down; our opinion still stands. This application is located in a Grade II heritage landscape and will not be suitable for the nature of this area. |
| Western Cape Government: Department of Environmental Affairs and Development Planning: Directorate: Development Management (Region 2) | <ul style="list-style-type: none"> • The current proposal, which comprises various clusters (main dwelling, restaurant, tourist accommodation clusters) is spread out across the property and is inconsistent with the principles contained in the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 that recommend that ancillary land uses be located within or peripheral to the farmstead precinct and that such used be clustered together. • The impact of the current layout is intensified by the fact that the property is a small agricultural land unit. The current proposal and the way in which it is distributed across the property is not subservient to the primary agricultural purpose of the property. • The scale of the proposed tourist accommodation facility comprising 18 units is similar to a small/medium-sized resort. Resort developments are not entertained on properties smaller than 50ha and the resort should be closely associated with a unique resource that clearly distinguishes it from the surrounding properties in terms of its amenity value. • From a provincial perspective, the cumulative impact of similar applications will have a negative impact on the rural landscape. Whilst each application is considered on its own merit, the subject property does not have any unique features that distinguish it from the surrounding properties and the approval may, therefore, set a precedent. • In consideration of the above, the proposed development on Portion 2 of the Farm Val de Lac No. 1669, Paarl is, therefore, not supported. |

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMP to adequately address the concerns raised.

2. Alternatives

The proposed development involves the development of tourist accommodation facilities and associated tourist buildings and infrastructure on Portion 2 of Farm No. 1669. Therefore, various layout alternatives and the "no-go" alternative have been assessed as part of this application.

2.1 Preferred Layout Alternative (applicant's preferred layout alternative – **not authorised**):

This alternative entails the establishment of the Val Du Lac Boutique Hotel & Agriculture Lifestyle Estate, which will comprise the following components:

- Boutique hotel cottages consisting of 9 single suites ($\pm 110\text{m}^2$ per suit), 3 luxury suites ($\pm 120\text{m}^2$) and 6 two-bedroom suites ($\pm 130\text{m}^2$);
- Reception building including a guest dining area, bar, terrace, small kitchen, office, spa and gym ($\pm 966\text{m}^2$);
- Restaurant (694m^2) with a restaurant terrace ($\pm 780\text{m}^2$) and deck ($\pm 900\text{m}^2$);
- Transformation of some existing paddocks into orchards, olive groves and berry/herb/grass fields ($\pm 1\text{ha}$);
- Outdoor games and recreation area ($\pm 1\,800\text{m}^2$);
- Sewerage Treatment Package Plant ($\pm 12\text{m}^2$, 55m^3 , 30kl/day);
- Plant room and farm shed ($\pm 750\text{m}^2$); and
- The remainder of the farm is occupied by dams, landscaped areas, associated infrastructure and vineyards.

This alternative is not approved, as the proposed development is inconsistent with the approved Stellenbosch Municipal Spatial Development Framework ("MSDF"), 2023, and the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. The scale and nature of the proposed development, including the density of newly built structures and the introduction of additional accommodation and commercial components, would not align with the spatial character and intended rural land-use pattern of the area. Furthermore, the proposed development would exceed the thresholds generally associated with low-intensity rural enterprise or agri-tourism activities envisaged by the relevant guiding policy documents.

2.2 Layout Alternative 1 (**herewith authorised**):

This alternative entails a development that comprises the following components:

- The renovation and expansion of the second dwelling house, located adjacent to the northern dam, into a restaurant with deck;
- The demolition of the stables and the construction of 1 new single cottage (108m^2) and one new luxury cottage (122m^2) on the demolished stable's footprint;
- A planting room; and
- Farm sheds.

The following existing buildings would remain on the farm:

- The main dwelling house;
- The foaling barn (to be renovated);
- The farm building; and
- The manager's cottage (to be renovated).

The total building coverage of this layout alternative amounts to 4843m^2 . All other landscaping features would remain as per the applicant's Preferred Layout Alternative.

This alternative is authorised/preferred because it entails the renovation and limited expansion of existing buildings within previously disturbed areas, as well as the establishment of a small-scale, tourism-related component ancillary to the primary agricultural use of the property. The proposed layout is therefore considered to be consistent with the spatial development objectives and land use policies contained in the Stellenbosch MSDF, which supports context-appropriate

diversification of rural economies where such activities remain subservient to agriculture and do not compromise the rural character of the area. Furthermore, the proposal aligns with the principles of the Western Cape Provincial Rural Land Use Planning and Management Guidelines, 2019, as the development is of limited scale, clustered within existing footprints, and does not result in the fragmentation or loss of high-value agricultural land. On this basis, the Competent Authority is satisfied that the preferred layout alternative is spatially and policy aligned, subject to the maintenance of the agricultural character and function of the property.

The application excluded the development of the agricultural component of the proposed development, i.e. transformation of all paddocks into vineyards, in order to separate the two primary development components, as they will function independently from each other. This was also done to ensure there is no direct link between the hospitality component and the agricultural component, as the agricultural component remains the primary land use on the property and the hospitality component will only supplement and diversify the financial feasibility on the farm as a secondary land use.

2.3 Layout Alternative 2:

This alternative was designed based on some of the principles of the Western Cape Provincial Rural Land Use Planning and Management Guidelines, 2019, which state that development on agricultural land should, ideally, be clustered around the existing farm "werf". Based on these guidelines, Layout Alternative 2 was developed as a combination between the spatial restrictions of the rural guideline and the Preferred Layout Alternative, to ensure a layout that is financially viable. This alternative includes the following components:

- A new restaurant and deck (located within the footprint of the existing second dwelling);
- A reception building;
- Two clusters of tourism units located close to the farm werf, one west of the foaling barn (Cluster 1) and another to the southwest of the northern dam (Cluster 2).
- Cluster 1 will contain four new single cottages (108m² per cottage), one new luxury cottage (124m² per cottage) and three new 2-bedroom suites (132m² each);
- Cluster 2 will contain five new single suites (108m² each), two new luxury suites (124m² each) and three new 2-bedroom suites (132m² each);
- Each cluster will be designed around a shared landscaped courtyard;
- A reception building with a guest dining area, bar, terrace, small kitchen, spa and gym;
- A plant room; and
- Farm sheds.

Although this alternative attempts to align with the principles of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019 by clustering new development around the existing farm "werf", it is not preferred as the overall scale, density, and nature of the proposed accommodation and hospitality components remain inconsistent with the rural character of the area and the spatial intent of the Stellenbosch MSDF, 2023. The extent of new tourist accommodation units, ancillary facilities, and associated infrastructure would result in an intensity of land use that exceeds what is generally supported for rural enterprise and agri-tourism activities on agricultural land. Accordingly, this alternative is not preferred, as it conflicts with the applicable spatial planning frameworks and policy guidelines intended to manage appropriate development within the rural landscape.

2.4 "No-Go" Alternative

The "no-go" option was considered and is not the preferred alternative by the applicant because there will be no hospitality component that can supplement and diversify the financial feasibility of the farm as a secondary land use.

Best practicable environmental option:

According to section 23 (b) of NEMA, environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.

By definition, the best practicable environmental option is the alternative/option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term. Sustainable development amongst others, requires the integration of social, economic and environmental factors in decision-making. One of the NEMA Principles require that the social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in light of such consideration and assessment. In consideration of the above, the competent authority has assessed the various alternatives presented in the Basic Assessment Report and found that Layout Alternative 1 described above, as the best practicable environmental option.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

Need and desirability must be consistent with the principles of sustainability as contained in Section 2 of the NEMA. In this context, EIA's play an important role by evaluating the need and desirability of development proposals, appropriateness of alternatives and cumulative implications. These aspects are integrally linked and must be informed by the strategic context within which the site/development proposal is situated.

The proposed development site is located outside of the urban area as well as the urban edge of Franschhoek, as identified in the Stellenbosch MSDF, 2023, and is currently zoned for agricultural purposes. Large portions of the site are currently fallow and uncultivated, with no active agricultural use occurring. The applicant's intention is to reinstate agricultural production while supplementing and diversifying farm income through selective, non-agricultural land uses. With the implementation of the authorised development, the agricultural component will remain dominant, with the hospitality element—comprising a fine-dining restaurant and two cottages—serving to enhance the financial viability of the farm and create local employment opportunities.

The applicant's preferred layout alternative disperses tourism-related infrastructure across the property, which is inconsistent with the principles of the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. These guidelines recommend that ancillary, non-agricultural land uses be located within or adjacent to the existing farmstead precinct and spatially clustered to maintain the primacy of agricultural activity and rural character. The dispersed layout also conflicts with the guideline restrictions of one additional dwelling unit per 10 hectares (up to a maximum of five units, each not exceeding 175 m²) and with the principle that large-scale, resort-type developments that detract from the functionality of agricultural landscapes should not be supported.

In contrast, Layout Alternative 1: Two Cottages Design, as described in the Final Basic Assessment Report ("BAR") dated 22 July 2025, reflects appropriate clustering of land uses around the existing farmstead precinct, maintains agriculture as the dominant activity, and limits the extent of tourism-related infrastructure. By combining reinstated agricultural activities with complementary hospitality uses at a limited scale and intensity, Layout Alternative 1: Two Cottages Design promotes sustainable rural diversification consistent with the Stellenbosch MSDF, 2023 and the Western Cape Land Use Planning Guidelines for Rural Areas, 2019.

Accordingly, Layout Alternative 1: Two Cottages Design is regarded by the Competent Authority as the preferred and most desirable development option, as it aligns with the applicable spatial planning frameworks and supports both agricultural and economic viability while preserving the rural character and function of the area.

3.2 Biophysical Impacts

From a botanical perspective, the proposed site is mapped as containing Swartland Alluvium Fynbos, an ecosystem classified as endangered in terms of Section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). However, no remnant indigenous vegetation characteristic of Swartland Alluvium Fynbos is present on the property. Most of the site comprises previously cultivated agricultural land, including vineyards and other crops, which was subsequently cleared for the establishment of horse paddocks.

According to the Aquatic Biodiversity Assessment dated May 2023, compiled by Ms. T. Belcher, the only visible surface water features at the site are the two unnamed tributaries of the Franschhoek River that flow along the western and northern boundaries of the site. Both watercourses are overgrown with primarily alien trees such as Eucalyptus spp., oaks and black wattles. The unnamed tributaries of the Franschhoek River at the site can best be described as seasonal cobble bed streams. They are in a largely to seriously modified ecological condition with a moderate ecological importance and sensitivity. Furthermore, through the implementation of the specialist's recommendations contained in the EMPr (accepted in Section E, Condition 8) and the Rehabilitation MMP (adopted in Condition 9), the impacts on the two unnamed tributaries of the Franschhoek River can be adequately mitigated.

An MMP has been compiled for the rehabilitation of the site, and the maintenance and management of the two unnamed tributaries of the Franschhoek River. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3. Planning Context

The applicant's preferred layout alternative does not align with applicable spatial planning policies and guidelines, i.e. the Stellenbosch MSDF, 2023 and the Western Cape Land Use Planning Guideline for Rural Areas, 2019. The site is located outside of the urban edge, within the rural area earmarked primarily for agricultural use. The area in which the property is located falls within an area identified in the municipal Heritage Inventory and Management Plan as an area of "green transition zone". This classification refers to the agricultural character of the area and the sensitive transition from urban to rural.

The primary threat to the area was identified as the loss of agricultural land and the rural character of the area. The MSDF advocates for the maintenance and protection of the historically significant cultural and agricultural landscape in which the property is located. In terms of the Stellenbosch MSDF and Western Cape Land Use Planning Guidelines for Rural Areas, 2019, agricultural land must be preserved and utilized for agricultural purposes. To support the agricultural economy, subservient tourist related land uses, albeit on a limited scale, can be considered where appropriate. These are however restricted in size and number and primarily restricted to the re-use of existing structures. Should additional and/or new structures be considered, it would have to follow the Cape Vernacular “werf” character, clustering buildings around a single node rather than dispersing them across the property.

In assessing the proposed development, the Preferred Layout Alternative introduces 18 new tourism accommodation units, a restaurant, and associated facilities distributed across the property. The scale and spatial distribution of this layout are not subservient to the primary agricultural purpose and are inconsistent with the character and intensity of land use envisaged for agricultural zones in the Stellenbosch MSDF, 2023. The proposed layout, by virtue of its extent and form, resembles a resort-type development and does not align with the Western Cape Land Use Planning Guidelines for Rural Areas, 2019, which discourage large-scale tourism developments on agricultural properties smaller than 50 ha, particularly where no unique environmental or cultural feature distinguishes the site from its surroundings.

While Layout Alternative 2 presents an improved clustering of development around the existing farm “werf”, the scale and intensity remain largely unchanged and thus continues to conflict with the planning principles and policies applicable to the area. Both the Preferred Layout and Layout Alternative 2 would result in a loss of rural character, reduced agricultural functionality, and an undesirable precedent for intensified non-agricultural land use in the surrounding rural area.

Conversely, Layout Alternative 1: Two Cottages Design proposes a development of limited scale, confined to existing footprints and clustered within the existing farm precinct. This layout avoids the fragmentation of agricultural land, retains the agricultural character and function of the property, and is consistent with the spatial planning and land-use directives contained in the Stellenbosch MSDF, 2023 and the Western Cape Land Use Planning Guidelines for Rural Areas, 2019. It would also not detract from the cultural landscape of the area.

In terms of Section 24O(1)(b)(iv) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the Competent Authority must take into account any relevant provisions of a spatial development framework or land use plan when considering an application for environmental authorisation. Taking into consideration the applicable spatial planning policies and the intent to protect agricultural and rural landscapes, Layout Alternative 1: Two Cottages Design is regarded as spatially and policy-aligned, provided that the agricultural character and function of the property are maintained.

Negative Impacts:

- There will be an increase in noise and dust impacts during the construction phase. However, mitigation measures for these impacts are addressed in the EMPr.

Positive impacts:

- The proposed tourist facility will support the agricultural use of the property.
- Temporary employment opportunities will be created during the construction phase, and permanent employment opportunities will be created during the operational phase of the development

- The approved development layout alternative 1 will have no negative impact on agriculturally productive land.

4. National Environmental Management Act Principles

In reaching its decision to approve Layout Alternative 1, this Department also took *inter alia* the following into account:

The NEMA 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, the Competent Authority is satisfied that the authorised development will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the authorised development can be mitigated to acceptable levels.

-----END-----