



REFERENCE: 16/3/3/1/E4/12/1033/25
NEAS REFERENCE: WCP/EIA/0001655/2025
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 10 October 2025

The Board of Directors
Rusty Gate Mountain Retreat (Pty) Ltd.
PO Box 90
GREYTON
7233

Attention: Mr. Stefanus Johannes De Wet Fourie (Bokkie Fourie)

Cell: 072 476 9058

E-mail: bokkie@rustygate.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE EXPANSION OF THE RUSTY GATE TOURISM FACILITY ON FARM NO. 826, GREYTON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2025, which prescribes the appeal procedure to be followed. This procedure is summarised 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. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Colleen Charles (Theewaterskloof Municipality)
(3) Mr. Car van der Walt (Department of Agriculture)
(4) Mr. Corné Claassen (CapeNature)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE EXPANSION OF THE RUSTY GATE TOURISM FACILITY ON FARM NO. 826, GREYTON.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative 3 described in the Basic Assessment Report ("BAR"), dated 27 June 2025.

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

Rusty Gate Mountain Retreat (Pty) Ltd.
c/o Mr. Stefanus Johannes De Wet Fourie (Bokkie Fourie)
PO Box 90
GREYTON
7233

Cell: 072 476 9058
E-mail: bokkie@rustygate.co.za

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

B. ACTIVITIES AUTHORISED

Listed Activity	Project Description
Listing Notice 3 Activity Number 12 <i>The clearance of an area of 300 square meters 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> Western Cape 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; ii. <i>Within critical biodiversity areas identified in bioregional plans;</i> iii. <i>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 or even in urban areas;</i> iv. <i>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> v. <i>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>	The development entails the clearance of more than 300 square meters of endangered and critically endangered indigenous vegetation.
Listing Notice 3 Activity Number 17 <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> Western Cape i. Inside a protected area identified in terms of NEMPAA;	The facility will be expanded to accommodate more than 15 people and is partially located within a protected area.

ii. Outside urban areas: (aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; - excluding the conversion of existing buildings where the development footprint will not be increased.	
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The abovementioned activities are hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The proposed development will entail the clearance of indigenous vegetation for the expansion of the Rusty Gate tourism facility on Farm No. 826, Greyton. The proposed development will include the following:

- 6 camping sites with an internal road;
- 4 eco pods;
- 11 eco cabins;
- 1 sundowner boma; and
- A conference facility and a main dwelling.

The tourist accommodation units will be solar powered (roof mounted solar panels). Water will be sourced from rainwater harvesting and other existing water sources on the farm. Sewage will be piped to on-site closed conservancy tanks. The proposed expansion will have a footprint of approximately 3538m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 826, Greyton:

	Latitude (S)	Longitude (E)
Co-ordinates:	34° 2' 2.83" South	19° 22' 43.84" East

The SG digit codes are: C01300000000082600000

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

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting
c/o Ms. Michelle Naylor
Unit 5/1F, Hemel en Aarde Wine Village
HERMANUS
7200

Cell: 083 245 6556
E-mail: michelle@lornay.co.za

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 the Preferred Layout Alternative 3 described in the BAR dated 27 June 2025 on the site and according to the Site Development Plan as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
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 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, 2025 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;
 - 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,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2025 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The construction phase 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 construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct monthly site visits and must submit ECO reports on a quarterly basis to the competent authority.
12. A copy of the Environmental Authorisation, EMPr, audit report and compliance monitoring report 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 above 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, 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 (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within 6 months of commencement of the development phase. Thereafter the holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority annually during the development phase of the project.

A final Environmental Audit Report must be submitted within 3 (three) months after development activities have been completed.

The holder must, within 7 days of the submission of the above-mentioned 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 development footprints must be clearly demarcated prior to the commencement of development activities. All areas outside the demarcated areas must be regarded as “no-go” 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.
2. Non-compliance with any condition of this Environmental Authorisation or 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 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.

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&AP's) 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&AP's (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&AP's 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&AP's 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.
 - 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 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)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 10 OCTOBER 2025

Cc: (1) Ms. Michelle Naylor (Lornay Environmental Consulting)
(2) Ms. Colleen Charles (Theewaterskloof Municipality)
(3) Mr. Car van der Walt (Department of Agriculture)
(4) Mr. Corné Claassen (CapeNature)

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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 16 May 2025 and the EMPr submitted together with the final BAR dated 27 June 2025;
- 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 27 June 2025; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted by officials of this Department, together with officials from the Department of Agriculture, Theewaterskloof Municipality and CapeNature on 16 September 2024.

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;
- the placement of site notices;
- giving written notice to the owners and occupiers of land adjacent to the 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;
- the placing of a newspaper advertisement in the '*Hermanus Times*' on 13 March 2024;
- making the pre-application Draft BAR available for a 30-day commenting period from 12 March 2024 until 16 April 2024;
- making the revised pre-application Draft BAR available for a 30-day commenting period from 13 November 2024 until 13 December 2024; and
- making the in-process Draft BAR available for a 30-day commenting period from 15 May 2025 until 19 June 2025.

The Department 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.

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

2. Alternatives

Layout Alternative 1

This alternative entails the expansion of the Rusty Gate tourism facility on Farm No's. 824, 826 and 887, Greyton and includes the following:

- 6 camping sites,
- 5 eco pods,
- 10 eco cabins,
- 1 conference facility,
- 1 main dwelling, and
- 1 sundowner boma.

This alternative was not preferred, as it did not take the sensitive freshwater, botanical, and faunal habitats into account.

Layout Alternative 2

This alternative is similar to Alternative 1 in terms of the number of tourism facilities and the Farm numbers. However, the location of some units was shifted outside the sensitive freshwater, botanical, and faunal habitats.

This alternative was not preferred due to concerns raised by Organs of State regarding the dispersed nature of the proposed layout.

Layout Alternative 3 (Preferred and herewith authorised)

This alternative entails the expansion of the Rusty Gate tourism facility on Farm No. 826, Greyton and includes the following:

- 6 camping sites with an internal road;
- 4 eco pods;
- 11 eco cabins;
- 1 sundowner boma; and
- A conference facility and a main dwelling.

The proposed expansion will have a footprint of approximately 3538m².

This alternative was preferred as it addresses the issue of the dispersed layout by locating all structures and associated infrastructure on Farm No. 826 only, while retaining the natural state of the other two farms. Furthermore, the development footprints are mostly located in previously disturbed or degraded areas.

"No-go" Alternative

The “No-go” alternative entails that the *status quo* remains on site, with no further expansion. This alternative was not preferred as the benefits associated with the proposed expansion will not be realised.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The expansion addresses the need for an increased demand for remote overnight tourism accommodation in the existing Rusty Gate tourism facility. The expansion is aligned with the Provincial Spatial Development Framework (“SDF”), the Municipal SDF and Integrated Development Framework. The expansion will create employment opportunities and the preservation of the remainder of the properties through Nature Reserve status and a Stewardship Agreement with CapeNature.

3.2. Biophysical Impacts

According to the Botanical Impact Assessment (dated 23 February 2024, compiled by Nick Helme Botanical Surveys), the site is mapped to contain Western Coastal Shale Band vegetation which is classified as an endangered ecosystem and South Sonderend Sandstone Fynbos vegetation, which is classified as a critically endangered ecosystem. The majority of the proposed sites are in areas of Low and Medium botanical sensitivity. Layout changes were implemented to limit development in higher sensitivity areas. The botanical specialist regards the overall botanical impact of the preferred layout alternative to be of low to medium negative significance after mitigation. The recommended mitigation measures have been included in the EMP for implementation.

The proposed development will no longer be located within 32 metres of a watercourse, and the associated impacts on watercourses are not considered to be significant.

3.3. Heritage Impacts

According to the Heritage Impact Assessment (dated February 2024, compiled by ACRM) the expansion does not pose a threat to local archaeological heritage resources since no archaeological heritage resources were recorded on the site. The specialist further indicates that no significant impacts on local palaeontological heritage resources are anticipated because of the proposed development. Heritage Western Cape, in comment dated 18 July 2024, indicated that it endorses the HIA prepared by ACRM (dated February 2024) as having met the provisions of Section 38(3) of the National Heritage Resources Act.

3.4. Agricultural Impacts

According to the Agricultural Compliance Statement (dated 4 December 2023, compiled by Johann Lanz) the expansion is acceptable, since it leads to negligible loss of future agricultural production potential. The site is limited by steep slopes and predominantly shallow, rocky soils on mountainous land. The use of the site for non-agricultural purposes will cause insignificant loss of agricultural production potential in terms of national food security. The overall negative agricultural impact of the expansion was assessed as being of very low significance and as acceptable.

3.5. Faunal Impacts

According to the Faunal Specialist Study (dated April 2025, compiled by Mr. Jan A. Venter and Mr. Rudi Swart), the proposed expansion of the Rusty Gate tourism facility presents a moderate ecological risk, which can be effectively managed through the implementation of targeted mitigation measures. The study concluded that, following mitigation, the impacts on fauna are considered to be of low negative significance. The recommended mitigation measures have been included in the EMPr for implementation.

The development will result in both negative and positive impacts.

Negative Impacts:

Loss of indigenous vegetation.

Positive impacts:

- The expansion will provide additional overnight tourism accommodation in the Rusty Gate Mountain Retreat.
- The expansion will create employment opportunities and the preservation of the site through Nature Reserve status.

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, 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.

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