Western Cape Government

Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
Directorate: Development Management, Region 1
Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/1/E2/1/1046/26
NEAS REFERENCE: WCP/EIA/0001842/2026
DATE OF ISSUE: **19 OCTOBER 2026**

Mr. Geoffrey Francois Fourie
PO Box 4414
EMPANGENI
3880

Cell: 082 857 5288
Email: gfranfour@gmail.com

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 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A SINGLE RESIDENTIAL DWELLING AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 125 AND 126 OF FARM NO. 559 AND THE REMAINDER OF FARM NO. 562, BETTY'S BAY, CALEDON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") 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

Digitally signed by Zaahir Toefy
Date: 2026.10.19 13:55:09 +02'00'

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

CC:(1) Ms. Michelle Naylor (Lornay Environmental Consulting — Email: michelle@lornay.co.za
(2) Mr. T Europa (Overstrand Municipality) — Email: teuropa@overstrand.gov.za
(3) Mr. Rhett Smart (CapeNature) — Email: rsmart@capenature.co.za
(4) Mr. Vhengani Ligudu (BOCMA) — Email: vligudujezilev@bocma.co.za

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED DEVELOPMENT OF A SINGLE RESIDENTIAL DWELLING AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 125 AND 126 OF FARM NO. 559 AND THE REMAINDER OF FARM NO. 562, BETTY'S BAY, CALEDON.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Alternative 3 described in the Basic Assessment Report ("BAR"), received on 5 July 2026.

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

c/o Mr. Geoffrey Francois Fourie
PO Box 4414
EMPANGENI
3880
Cell: 082 857 5288
Email: gfranfour@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
Listing Notice 1 – **Activity Number: 12** *The development of—* *(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;* *where such development occurs—* *(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; —* *excluding—* *(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;* *(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;* *(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;* *(dd) where such development occurs within an urban area;* *(ee) where such development occurs within existing roads, road reserves or railway line reserves; or* *(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.*	The proposed jeep track will be located within 32m of the wetland present on the site.
Listing Notice 1 – **Activity Number: 19** *The infilling or depositing of any material of more than 10 cubic metres into, or the dredgi, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;* *but excluding where such infilling, depositing, dredging, excavation, removal or moving—* *(a) will occur behind a development setback;*	Activities associated with the development of the access road will encroach into the wetland, resulting in the movement of more than 10m^3 of material.

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; *(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;* *(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or* *(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.*	
Listing Notice 3 – ***Activity Number: 12*** *The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.* *i. 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. Within critical biodiversity areas identified in bioregional plans;* *iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;* *iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or* *v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.*	More than 300m^2 of critically endangered indigenous vegetation will be cleared for the proposed development.
Listing Notice 3 – ***Activity Number: 14*** *The development of—*	The proposed jeep track will be located within 32m of a wetland and the development footprint falls within a Critical Biodiversity Area ("CBA") and a formally protected area.

(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or *(ii) infrastructure or structures with a physical footprint of 10 square metres or more;* *where such development occurs—* *(a) within a watercourse;* *(b) in front of a development setback; or* *(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;* *excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.* *i. Western Cape* *i. Outside urban areas:* *(aa) A protected area identified in terms of NEMPAA, excluding conservancies;* *(bb) National Protected Area Expansion Strategy Focus areas;* *(cc) World Heritage Sites;* *(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;* *(ee) Sites or areas listed in terms of an international convention;* *(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;* *(gg) Core areas in biosphere reserves; or* *(hh) (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.*	

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

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

The proposed development entails the clearance of indigenous vegetation to develop a single residential dwelling and associated infrastructure within an 800m^2 development footprint on Portion 126 of Farm No. 559, and an access road over the Remainder of Farm No. 562, Pringle Bay (as shown in the Site Plan attached as Annexure 2). Access to the proposed dwelling will be via an unpaved jeep track to minimise environmental disturbance, with certain sections potentially requiring minor stabilisation. The proposed access road will be from the R44, directly opposite the Wastewater Treatment Works ("WWTW") turn-off, and will traverse municipal land (the Remainder of Farm No. 562) via a registered servitude to reach the residential site on Portion 126. The access road will have a total length of approximately 220m and will be 3m wide. The remaining undeveloped areas of Portions 125 and 126

(approximately 46ha) will be conserved as a contract nature reserve through CapeNature's stewardship programme.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Portions 125 and 126 of Farm No. 559, and the Remainder of the Farm No. 562, Caledon, with the following co-ordinates:

Co-ordinates:	**Latitude (S)**	**Longitude (E)**
Proposed site co-ordinates	34˚ 20' 14.90" South	18˚ 58' 55.70" East

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

SG Digit code(s) of the proposed site: C01300000000055900125
C01300000000055900126
C01300000000055200000

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 & Aarde Wine Village
HERMANUS
7600
Cell: 083 245 6556
Email: 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 Alternative 3 (as shown in the Site Plan attached as Annexure 2) described in the Basic Assessment Report ("BAR"), received on 5 July 2026 on the site as described in Section C above.

2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

   This Environmental Authorisation is granted for-
   (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activities.

   (b) A period of **ten (10) years,** from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities 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.

    5.1 The notice must make clear reference to the site details and EIA Reference number given above.
    5.2 The notice must also include proof of compliance with the following conditions described herein:

    Conditions: 6, 7, 10, 17, 19 and 20

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;

    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,
        6.4.6 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.

7. 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

8. The Environmental Management Programme ("EMPr") dated June 2026 is hereby approved and must be implemented.

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

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

11. The ECO must conduct monthly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a quarterly basis during the construction phase.

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 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, the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and 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 the first Environmental Audit Report to the Competent Authority within three months of commencement of the construction activities and then annually during the construction phase. The final environmental audit report must be submitted within six months of completion of the construction activities.

    The holder must, within 7 days of the submission of each of the above-mentioned reports 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 botanical specialist's approval of the final building plans and access road alignment must be obtained before the building plans are submitted to the Overstrand Municipality Building Control for approval. A copy of the botanical specialist's written approval must be submitted to this Directorate for record-keeping purposes prior to the commencement of construction.

18. All remaining undeveloped parts of Portions 125 and 126 (approximately 46 ha) must be registered as a contract nature reserve (a Level 3- Nature Reserve) with Cape Nature through a Stewardship Agreement within 1 year of the date of issue of this Environmental Authorisation. A copy of the Stewardship Agreement must be submitted to this Directorate for record-keeping purposes within one month of the nature reserve being registered.

19. A status update on the progress with the Stewardship Agreement must be provided with the written notification that must be summitted prior to commencement of construction (i.e. Condition 5).

20. A copy of the Department of Infrastructure's approval of the detailed design drawings for the access road must be submitted with the written notification prior to commencement of construction (i.e. Condition 5).

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 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 listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, 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 with 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

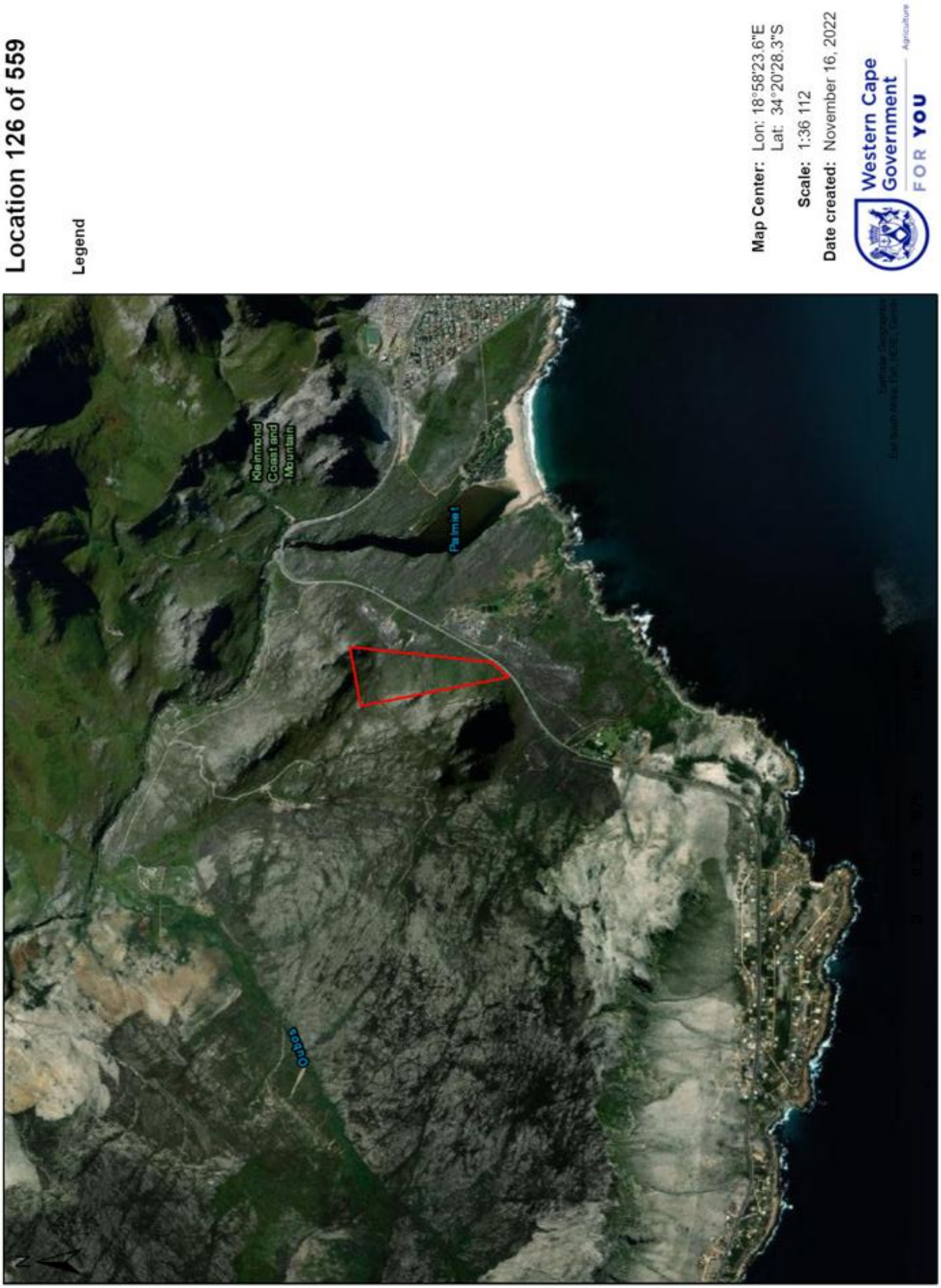


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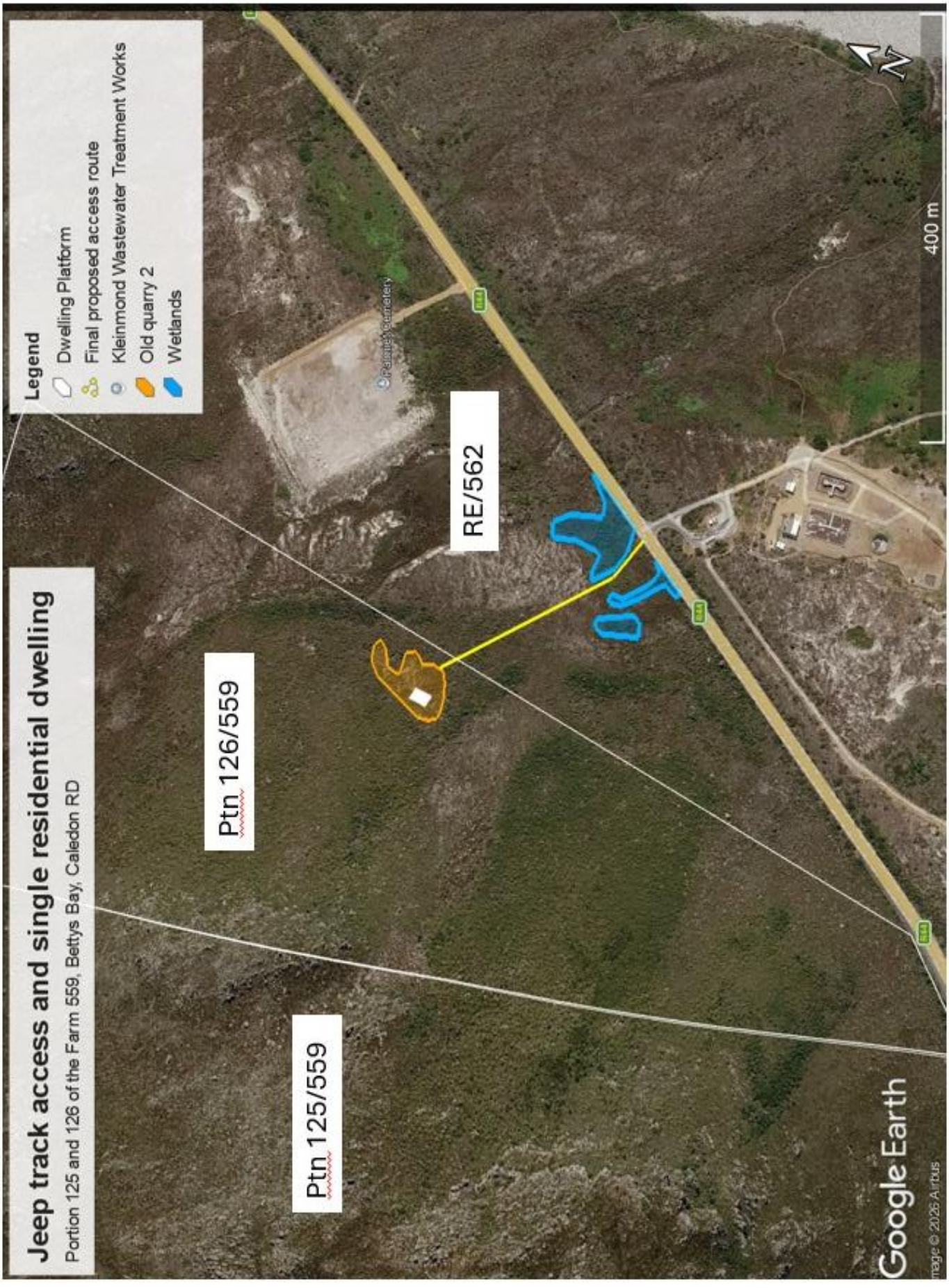
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 19 OCTOBER 2026

CC:(1) Ms. Michelle Naylor (Lornay Environmental Consulting) Email: michelle@lornay.co.za
(2) Mr. T Europa (Overstrand Municipality) Email: teuropa@overstrand.gov.za
(3) Mr. Rhett Smart (CapeNature) Email: rsmart@capenature.co.za
(4) Mr. Vhengani Ligudu (BOCMA) Email: vligudujezilev@bocma.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

a) The information contained in the Application Form received on 18 May 2025, and the EMPr submitted together with the final Basic Assessment Report on 5 July 2026.

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 final Basic Assessment Report received on 5 July 2026;

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.

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 ("PPP") included:

- identification of and engagement with I&APs;
- placing noticeboards at the site where the listed activities are to be undertaken;
- 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 councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 10 May 2023;
- placing of a newspaper advertisement in the Overstrand Herald on 11 May 2023 and the Hermanus Times on 20 May 2026; and
- circulating the pre-application draft BAR from 11 May 2023 and 30 May 2025, and the in-process draft BAR to registered I&APs for a 30-day commenting period from 20 May 2026.

The Department is satisfied that the PPP 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 EMPr to adequately address the concerns raised.

2. Alternatives

The proposed development is located on both the applicant's and municipal land between Kleinmond and Betty's Bay along the R44. During the initiation of the project, the landowner identified the impacted quarry situated on Portion 126 for the placement of a single residential dwelling. The preferred site was found to be suitable for development based on specialist assessments, due to its medium sensitivity rating and previously disturbed nature.

Since the quarry site was identified as the least sensitive and therefore preferred location for the establishment of the dwelling, various access alternatives were explored. Access to the subject property presented a significant constraint for development on the applicant's land, being Portions 125 and 126 of Farm No. 559. There is a registered servitude access which takes direct access off the R44 onto the adjacent property (Portion 124 of Farm No. 559). This access road is however not developed. At the early stages of the project planning, the botanist walked this route as a possible access point for Portions 125 and 126, where the residential dwelling is proposed. Findings from this initial site inspection conducted, concluded that the development of an access road along this servitude that extended to the quarry site, would result in the disturbance of numerous highly sensitive botanical areas, numerous Species of Conservation Concern ("SCC") and would require disturbance and crossing of multiple hillslope seep wetlands. The botanist concluded, from his site survey, that this access is not feasible from an ecological impact perspective. Given these findings, this option was scoped out and not investigated further.

Options to access the properties directly off the R44 from Portion 125 were also considered, however the Western Cape Government Department of Infrastructure's Directorate: Road Planning refused this access due to the curve in the road and line of sight implications. In terms of the 2020 Access Management Guidelines, specific distances need to be provided for access points off provincial roads relative to line of sight or bends in the road. Given the location of both Portions 125 and 126, access directly off the R44 is not permitted due to lack of shoulder-sight distance.

The evolution of the access alternatives was informed by environmental constraints, the need to access the proposed dwelling in an environmentally appropriate manner, and the requirements of the relevant provincial road and traffic authorities.

Alternative 1 (Cemetery Road)

This option formed the formal starting point for the evolution of layouts in the project proposal, keeping in mind that access directly off the R44 is not possible as outlined above. There is existing and lawful access off the R44 to the municipal graveyard site to the east of Portion 126 via the Remainder of Farm No. 562. The extension of the existing road to access the proposed dwelling site on Portion 126 would require traversing a drainage line and wetland area. Botanically, the area also supports critically endangered Hangklip Sand Fynbos and at least five SCC. It was therefore not preferred from a botanical impact perspective at the time. Subsequent to the first round of public participation, the Overstrand Municipality also revoked a previous access agreement, necessitating the investigation of other access options.

Alternative 2 (Portions 125/126)

This alignment would obtain access directly from the R44, traversing the Remainder of Farm No. 562. Although it would avoid wetland crossings, it would still impact areas mapped as having a high botanical sensitivity (CBA1) and therefore did not achieve sufficient avoidance of impacts on ecological features. Furthermore, the Department of Infrastructure raised concerns regarding unsafe sight lines at this access point from the R44, making this option unfeasible from a road safety perspective, as well.

Alternative 3 (Preferred Alternative herewith authorised):

Based on input from the Overstrand Municipality and the Department of Infrastructure, access off the R44 directly opposite the Kleinmond WWTW was also investigated. Alternative 3 was identified as the preferred alternative following consideration of recommendations from the local and road authorities

and specialist assessments. It provides the most direct route to the dwelling and avoids direct wetland crossings as per the freshwater specialist findings.

This alternative entails the clearance of indigenous vegetation to develop a single residential dwelling and associated infrastructure within an 800m^2 development footprint on Portion 126 of Farm No. 559, and an access road over the Remainder of Farm No. 562, Pringle Bay (as shown in the Site Plan attached as Annexure 2). Access to the proposed dwelling will be via an unpaved jeep track to minimise environmental disturbance, with certain sections potentially requiring minor stabilisation. The proposed access road will be from the R44, directly opposite the WWTW turn-off, and will traverse municipal land (the Remainder of Farm No. 562) via a registered servitude to reach the residential site on Portion 126. The access road will have a total length of approximately 220m and will be 3m wide. The remaining undeveloped areas of Portions 125 and 126 (approximately 46ha) will be conserved as a contract nature reserve through CapeNature's stewardship programme.

This is considered the best practicable environmental option and is the preferred alternative. Although a 10m buffer, as referenced in the 2017 Buffer Zone Guidelines, has been applied, certain sections of the access track will pass in close proximity of the wetland present on the site, as identified by the freshwater specialist. The freshwater specialist indicated that the impact would be site-specific and limited to the hillslope seep wetland, with the construction-related impacts being of short duration. The dwelling itself is located within an existing historic quarry on Portion 126 to limit the potential botanical impact. The freshwater specialist indicated that the dwelling site, approximately 100m from the nearest wetland, would not pose a significant risk to wetland habitats due to the small scale of the construction and the distance from it. From a botanical perspective, the specialist confirmed that this alternative would ensure that more than 90% of the site populations of all 11 SCC recorded on the property remain undisturbed under the current layout. Therefore, the impact rating of the development, as presented in the current preferred alternative, is considered to be medium-low for botanical impacts, subject to strict implementation of and adherence to all the recommended mitigation measures. In addition, the access alignment provides the safest access point from a road engineering perspective, offering adequate line of sight and turning distances. The applicant has also committed to the voluntary long-term conservation of the remaining natural areas of Portions 125 and 126. This commitment will be formalised as a contract nature reserve through a Stewardship Agreement with CapeNature, ensuring the protection of approximately 46ha of largely intact indigenous vegetation. The process to enter into a Stewardship Agreement with CapeNature has already commenced, with the presentation of the properties to CapeNature's Stewardship Review Committee, who supported the proposed conservation status of a nature reserve.

No-go Option

The no-go option was also assessed but was not deemed a feasible option. The opportunity to construct a single residential dwelling would be lost with the implementation of this option. In addition, the remainder of the site will not be formally conserved. There would also be no associated additional employment opportunities created during the development and operational phases.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed dwelling addresses a need arising directly from the nature and location of the landholding. The establishment of a permanent on-site residence will enable the landowner to exercise direct, continuous management and monitoring of Portions 125 and 126, which is not practically achievable from an off-site location. The dwelling has deliberately been located within an existing historic quarry to utilise a previously disturbed area and limit additional disturbance to the surrounding natural vegetation. This is in line with one of the primary objectives of the Spatial Development

Framework which is to promote sustainable land use and development practices that respect the natural environment. Furthermore, the development incorporates off-grid sustainable infrastructure, including rainwater harvesting, solar power, and a conservancy tank for sewage management, reducing reliance on municipal services and minimising further environmental impact. These measures align with the Environmental Management Framework's objectives of promoting sustainable development and protecting ecological integrity of the natural landscapes. The development will provide job opportunities during the construction phase. Furthermore, the preferred development proposal was informed by specialist and engineering input and comments received during the public participation process. The remainder of the site will also be formally conserved to further address the potential biophysical impact.

During the pre-application process, it came to light that the Remainder of Farm No. 562, which is a municipal property that forms part of the Kleinmond Local Authority Nature Reserve, is located within the core of the Kogelberg Biosphere Reserve. Therefore, the Department of Fisheries, Forestry and the Environment ("DFFE") is the competent authority for the proposed application in terms of Section 24C(2)(a)(ii) of the NEMA and the EIA Regulations, 2014 (as amended) related to the portion of the development located within the core of the Kogelberg Biosphere Reserve (i.e. the section of the proposed access road traversing the Remainder of Farm No. 562). Since the DFFE is the Competent Authority for the aforementioned road section, the DFFE formally agreed in terms of Section 24(C)(3)(b) of the NEMA on 30 March 2026 that the Department of Environmental Affairs and Development Planning administer the application for the proposed development in its entirety. The formal application was lodged once the delegation was granted by the DFFE.

3.2 Biophysical Impacts

The Botanical Assessment dated 21 Aug 2023, compiled by Nick Helme Botanical Surveys, and the addendum thereto dated 15 September 2025, included a detailed site survey, mapping of botanical sensitivities, identification of plant SCC and assessment of various access alternatives. Portions 125 and 126 of Farm 559 are predominantly mapped to contain Kogelberg Sandstone Fynbos, with the Remainder of Farm No. 562 containing Hangklip Sand Fynbos. Both vegetation types are classified as critically endangered ecosystems. These ecosystems fall within a CBA1 and the Remainder of Farm No. 562 further forms part of the Kleinmond Local Authority Nature Reserve within the core of the Kogelberg Biosphere Reserve. SCC were recorded on the entire site, particularly near the cemetery access alternative. The botanical specialist confirmed that the area close to the eastern boundary of Portion 126 contains highly sensitive Hangklip Sand Fynbos that is not present anywhere else onsite. The cemetery access alternative was therefore not suitable due to the ecological sensitivity of this area. The area proposed for the dwelling is, however, located within an old quarry with low botanical sensitivity and no SCC. The proposed dwelling and road extension have been strategically located to limit disturbance to sensitive areas. As a precautionary measure, a search and rescue operation will be conducted prior to construction to relocate any potential SCC within the footprint.

The applicability of biodiversity offsetting was considered in light of the location of the development within a CBA1, the critically endangered status of the affected vegetation types and the permanent transformation of indigenous vegetation associated with the development and the access route through a formally protected area. The proposed development is expected to result in medium-low botanical impacts with the implementation of standard avoidance and mitigation measures. The National Biodiversity Offset Guideline (2023) recommends that for developments resulting in residual medium to high negative impacts within a CBA, a Biodiversity Offset should be considered to compensate for habitat loss. For impacts within such areas, the guideline proposes a 30:1 offset ratio for critically endangered vegetation types. Applying this to the projected permanent loss of approximately 0.10 ha would theoretically result in a required offset of about 3ha. However, a detailed assessment by the botanical specialist confirmed that the residual terrestrial impact is medium-low, reflecting the small

scale of the disturbance and the limited ecological value of the quarry site. A formal biodiversity offset is therefore not required for the proposed development.

Notwithstanding the above, the applicant has committed to the long-term conservation of approximately 46ha of the remaining undeveloped portions of Portions 125 and 126 through CapeNature's Stewardship programme. CapeNature has supported the proposed conservation approach, including consideration of Level 3 – Nature Reserve status. The proposed stewardship commitment constitutes an additional conservation measure and is not regarded as a formal biodiversity offset. The conservation of the remaining natural areas will assist in maintaining ecological integrity and provide a long-term conservation benefit beyond the limited development footprint.

Since the potential botanical impacts associated with the proposed development can be reduced to an acceptable level with the implementation of the recommended mitigation measures, it is supported from a botanical impact perspective. The mitigation measures have been incorporated into the preferred alternative, this Environmental Authorisation, and the relevant sections of the EMPr.

Based on the findings of the Aquatic Biodiversity Assessment specialist report compiled by EnviroSwift, dated 4 March 2026, watercourses are present within the study area, including seasonal drainage lines traversing the north-eastern part of Portion 126, as well as seep wetlands located on the Remainder of Farm No. 562. However, these wetland features will not be directly impacted by the residential footprint. The proposed single residential dwelling will be situated more than 32m from the nearest delineated watercourses. The construction of the proposed access road from Clarence Drive (R44) to Portion 126 will pass in close proximity (i.e. within a few metres) to the hillslope seep wetland. Due to spatial constraints, it is not possible to align the access road in a manner that adheres to the recommended minimum 10m buffer from wetland habitat. Given the proximity of the road to the wetland, the likelihood of disturbance to wetland habitat is highly probable. However, the extent of the impact is assessed as site-specific, limited to the hillslope seep wetland, and the duration is expected to be short-term, correlating with the construction phase of the road. As such, the overall impact significance is assessed to be low negative in the absence of mitigation. To minimise risks, the specialist recommended that the road footprint be clearly demarcated with visible, weather-proof markers prior to construction, with all areas beyond the demarcated edge designated as No-Go zones. With these measures in place, disturbance to wetland habitat is expected to remain minimal and therefore the freshwater impact is deemed acceptable.

An application for a General Authorisation in terms of the National Water Act, 1998 (Act 38 of 1998) was submitted to the Beede-Olifant Catchment Management Agency, who will also consider and address the freshwater related impacts.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in impacts associated with vegetation clearance and freshwater ecosystems. The potential construction and operational phase impacts will be mitigated to an acceptable level through the implementation of the preferred alternative and EMPr, which have been informed by specialist and engineering input, as well as comments received during the public participation process.
- Construction phase impacts associated with the development are likely to be present, including traffic impacts, elevated noise and dust levels. These impacts will be of temporary duration, and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

Positive impacts:

- The proposal includes the formal conservation of the remainder of the site to compensate for the potential biophysical impact.
- The development will contribute towards the creation of temporary employment opportunities during the construction and future maintenance activities.

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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