Sean Ranger

Sel: 083 294 8776
Faks: 086 655 8060
sean.ranger1@gmail.com
Laboriestr 3, Courtrai
Suid-Paarl 7646

Charl du Plessis

Sel: 079 172 4340
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charlduplessis2@afrihost.co.za
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Porterville 6810

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SECTION 24G

APPLICATION AND CHECKLIST REPORT

THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

DEA&DP – 14/2/4/2/1/F2/4/0025/22

CLIENT: MR. IAN TURNER

JANUARY 2023





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Western Cape Government
Environmental Affairs and Development Planning
BETTER TOGETHER.

NEMA SECTION 24G APPLICATION COMPLETENESS CHECKLIST

IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.

Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.

No.	Application Requirements	Please tick for confirmation
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. **(Note: Failure to meet the Regulation 8 will result in rejection of the application)**	√
2.	Application form has been completed and attached, which includes among others:	
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	√
	2.2. A list of all **similarly listed** activities in terms of the current EIA regulations (if applicable).	√
	2.3. A description of the receiving environment **before** commences of the activity(ies).	√
	2.4. A description of the receiving environment **after** commences of the activity(ies).	√
	2.5. All appendices and annexures:	√
	2.5.1. Locality map	√
	2.5.2. Site plans or/and Layout plan	√
	2.5.3. Building plans (if applicable)	√
	2.5.4. Colour photographs	√
	2.5.5. Biodiversity overlay map	√
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	√
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	√
	2.5.8. Environmental Management Programme	√
	2.5.9. Certified copy of Identity Document of Applicant	√
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	√
	2.6. Signed declaration forms.	
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	**Y**
	3.1. If yes, has the specialist assessment report been attached to the application?	√
4.	An assessment of the impacts of the activity or activities in terms of the following categories:	√
	• Socio-economic	√
	• Biodiversity	√
	• Sense of place &/or Heritage/ Cultural	√
	• Any pollution or environmental degradation which has been, is being, is being or may be caused	√
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	√
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	√
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	√

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8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	√
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	√
9.	Compliance history of the applicant:	
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	√
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	√
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	√
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	√
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	√
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	√
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	√
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	√
	10.1 Proof of Consultation with relevant State departments, including, *inter alia*, notices, adverts etc.	√
	10.2 Copies of comments and responses included in the application.	√
	10.2 Comments and Response report attached to the application.	√
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") *(GN No. R.326 of 7 April 2017)* **(if conducted/undertaken)**	√

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Western Cape Government
Environmental Affairs and Development Planning
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Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:

- **National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA");**
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM: WA")**

April 2018

Form Number S24GAF/04/2018

Kindly note that:

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.

2. This **Application Form** must be completed for all section 24G applications, by an independent Environmental Assessment Practitioner ("EAP").

3. This Application Form is current as of 01 April 2018. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 01 April 2018.

4. **The contents of this Application Form includes the following:**

   PART 1 -
   Section A: Background Information
   Section B: Activity Information
   Section C: Description of Receiving Environment
   Section D: Need and Desirability
   Section E: Alternatives
   Section F: Impact Assessment, Management, Mitigation and Monitoring Measures
   Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties
   Section H: Recommendations of the EAP
   Section I: Representations - Response to an Incident or Emergency Situation
   Section J: Public Participation Process

   PART 2 –
   ANNEXURE A of Fine Regulations
   Section A: Directives
   Section B: Deferral of the Application
   Section C: Quantum of the section 24G fine
   Section D: Preliminary advertisement

   PART 3 –
   Appendices and Declarations

   PART 4 –
   ANNEXURE B: Waste Management Activity Supporting Information (if relevant)

5. An independent EAP must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence.

6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted.

7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website https://www.westerncape.gov.za/eadp/

8. The use of "not applicable" in the Application Form must be done with circumspection.

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9. **No faxed or e-mailed application forms will be accepted.**

10. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.

11. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

PROCESS TO BE FOLLOWED:

a) **Prior to submission of an Application Form,** the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").

b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.

c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.

d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G(1)(i-viii) of the NEMA.

e) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.

f) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.

g) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.

h) **Proof of payment of the fine must be submitted to the Department**. Upon payment of the administrative fine, the MEC/Competent Authority may-

- refuse to issue an environmental authorisation; or
- issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
- direct the applicant to provide further information or take further steps prior to making a decision provided for above;
- together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

PLEASE NOTE THE FOLLOWING:

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.

2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—
   (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
   (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.

3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
   (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
   (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
   (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

4. A person is guilty of an offence if that person:

   - Prior to submission of a section 24G application:

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- fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
- fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
- fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
- fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.

- Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.

5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

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DEPARTMENTAL DETAILS

Department of Environmental Affairs and Development Planning,
Directorate: Environmental Governance
Attention: Sub-directorate: Rectification
Private Bag X9086
Cape Town, 8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street, Cape Town

Queries should be directed to the Sub-directorate: Rectification at:
Tel: (021) 483-5827 Fax: (021) 483-4033

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

DEPARTMENTAL REFERENCE NUMBER(S) (to be completed by the EAP)

File Reference number (Enforcement), if applicable	DEA&DP REF No. 14/1/1/E1/10/3/3/0612/19
File reference number (EIA), if applicable:	DEA&DP REF No. 14/2/4/2/1/F2/4/0025/22
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on http://www.westerncape.gov.za/eadp for the latest version of the documents

PART 1

PROJECT TITLE

THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "☒" in which region the unlawful activity/ies has commenced.

REGION 1 City of Cape Town and West Coast District	~~REGION 2~~ ~~Cape Winelands District and Overberg District~~	~~REGION 3~~ ~~Central Karoo District and Eden District~~
X		

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SECTION A: BACKGROUND INFORMATION

1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)					YES
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)					NO
1.2.1	If a firm, please tick the relevant box below:					
	~~Body Corporate~~	~~Partnership~~	~~Trust~~	Parastatal	Organ of State	
	~~Directors of a Company~~	~~Members of a Board~~	~~Other, please specify~~	NONE		

Applicant's details (duplicate this section where there is more than one applicant)	Ian Turner		
Applicant Name:	Ian Turner		
RSA Identity Number/ Passport Number of Applicant, if natural person:	7210285220081		
Name of Firm (if applicable):	N/A		
Firm Registration Number:	N/A		
Contact Person at the Firm:	N/A		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – **(In the list below, delete the firms that are not applicable to this application)**		
● Directors of a company; or ● Members of the board; or ● Executive committee or other managing body of a corporate body or parastatal; or ● Members of close corporation; or ● Partners of a partnership; or ● Trustees of a trust	~~Name:~~ ~~RSA ID No.~~ ~~Name:~~ ~~RSA ID No.~~ ~~Name:~~ ~~RSA ID No.~~ ~~Name:~~ ~~RSA ID No.~~ ~~Name:~~ ~~RSA ID No.~~		
Postal address:	PO Box 49, Lamberts Bay		
		Postal code:	8130
Telephone:	(027) 432 1017	Cell:	083 370 0400
E-mail:	info@muisbosskerm.co.za	Fax:	(NONE)
Project Consultant			
Contact person:	Ian Turner		
Postal address:	PO Box 49, Lamberts Bay		
		Postal code:	8130
Telephone:	(027) 432 1017	Cell:	083 370 0400
E-mail:	info@muisbosskerm.co.za	Fax:	(NONE)
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:	Sean Ranger		
Company name (if any):	FOOTPRINT Environmental Services		
Postal address:	PO Box 454, Porterville		
		Postal code:	6810
Telephone:	083 294 8776	Cell:	083 294 8776

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E-mail:	Sean.ranger1@gmail.com	Fax:	NONE
EAP Qualifications	M Inst Agrar. Sustainable Ecological Management		
EAP Registrations/Associations	EAPASA Reg No: 2020/1062, SACNASP No: 400215/16 and IAIAsa No 3694		
Name of the Landowner:			
Name of the contact person for the land owner (if other):	Danie Claassen		
Postal address:	SANLAM Head Office, 2 Strand Road, Bellville.		
		Postal code:	7530
Telephone:	(021) 947 4810	Cell:	082 462 1088
E-mail:	Danie.claassen@sanlam.co.za	Fax:	( )
Person in control of land:	Ian Turner		
Contact person:	Ian Turner		
Postal address:	PO Box 49		
	Lamberts Bay	Postal code:	8130
Telephone:	(027) 432 1017	Cell:	083 370 0400
E-mail:	malkoppanfarm@gmail.com	Fax:	(NONE)

Please note:

In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.

A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.

Municipality in whose area of jurisdiction the activity falls:	Cederberg Municipality		
Contact person, if known:	Danne Joubert		
Postal address:	PO Box X2		
	Clanwilliam	Postal code:	8135
Telephone	(027) 482 8000	Cell:	072 443 6623
E-mail:	danne@cederbergmun.gov.za	Fax:	(NONE)

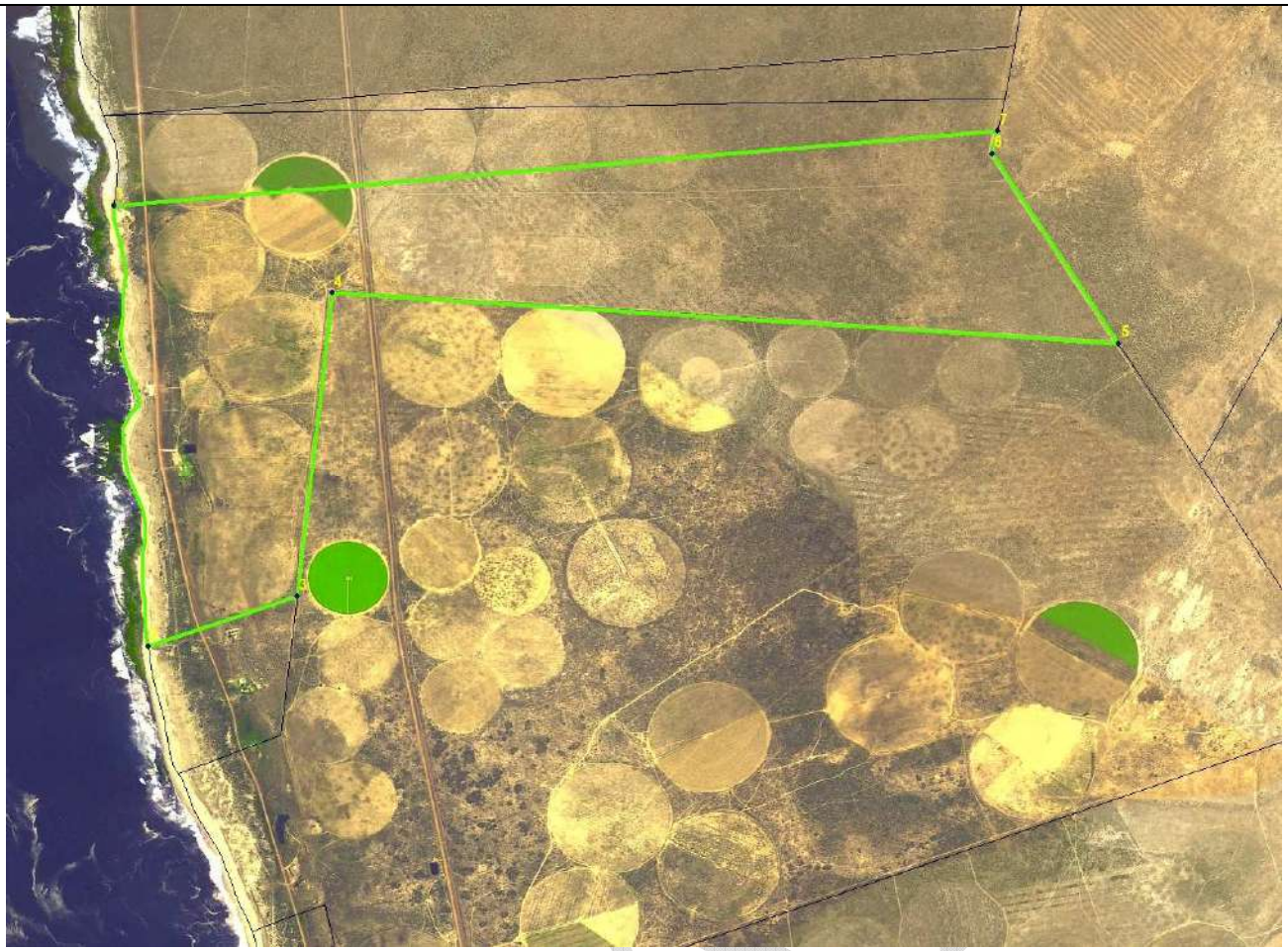
Please note:

In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.

Property location(s):	The property is located just south of the coastal town of Lamberts Bay. Please refer to the inserted Google Maps with directions for the exact location. See Appendix A – Locality Map.
Farm/Erf name(s) & number(s) including portion(s)	Farm 19/92
Property size(s) (m^2)	139 620 000 m^2
Development footprint size(s) (m^2)	489 000 m^2
SG21 Digit code(s)	C02000000000009200019

Property boundary:

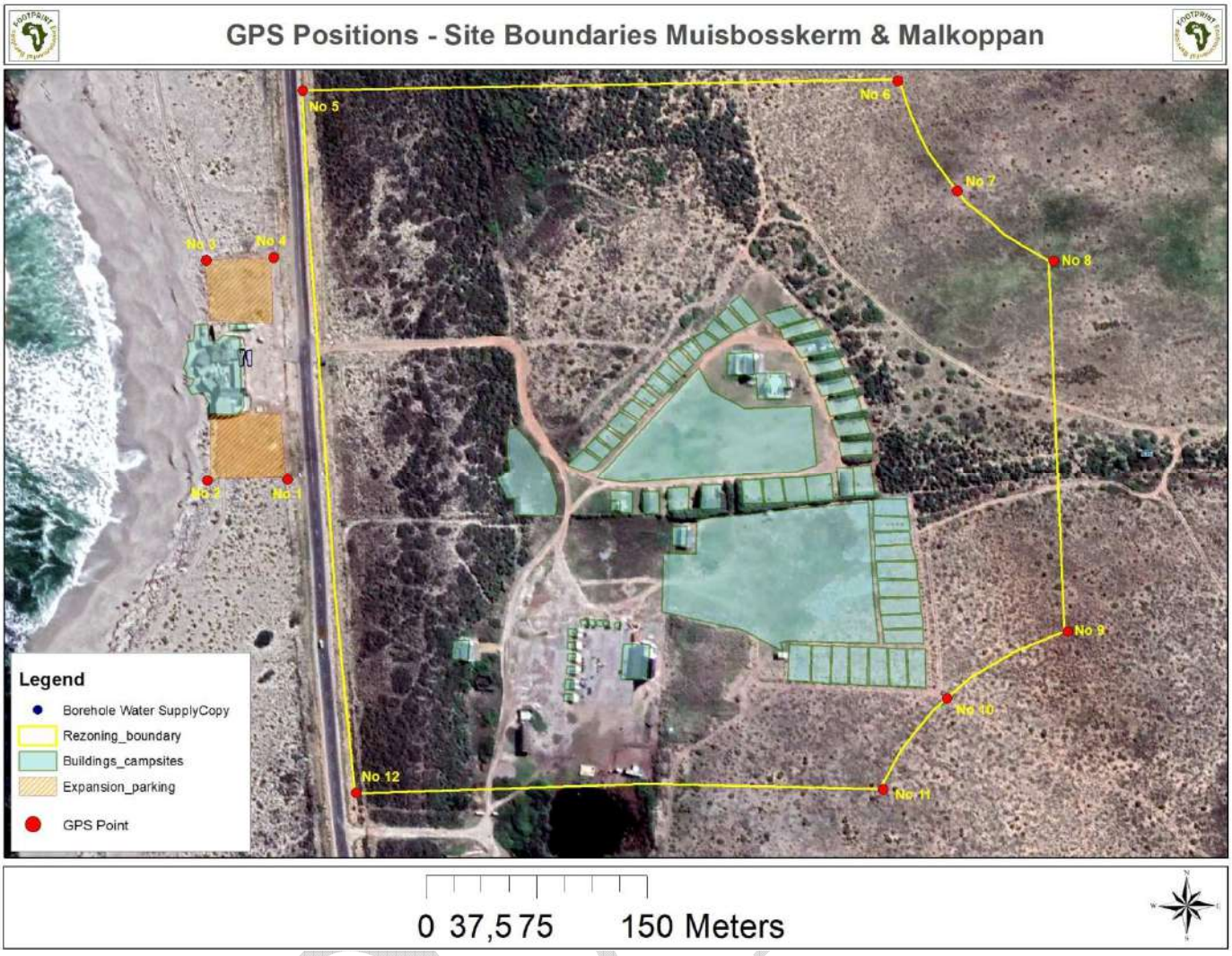
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Point	Latitude (S)	Longitude (E)
1	32 ° 07 ' 29.474 " South	18 ° 18 ' 13.766 " East
2	32 ° 08 ' 44.809 " South	18 ° 18 ' 20.008 " East
3	32 ° 08 ' 36.313 " South	18 ° 18 ' 47.195 " East
4	32 ° 07 ' 44.352 " South	18 ° 18 ' 53.579 " East
5	32 ° 07 ' 53.003 " South	18 ° 21 ' 16.863 " East
6	32 ° 07 ' 20.566 " South	18 ° 20 ' 53.763 " East
7	32 ° 07 ' 16.745 " South	18 ° 20 ' 54.751 " East

The co-ordinates for the site boundary are:

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Point	Latitude (S)	Longitude (E)
1	32 ° 08' 3.535" South	18° 18' 21.344" East
2	32 ° 08' 3.585" South	18° 18' 19.585" East
3	32 ° 07' 58.710" South	18° 18' 19.585" East
4	32 ° 07' 58.659" South	18° 18' 21.042" East
5	32 ° 07' 54.990" South	18° 18' 21.696" East
6	32 ° 07' 54.764" South	18° 18' 34.764" East
7	32 ° 07' 57.227" South	18° 18' 36.071" East
8	32 ° 07' 58.785" South	18° 18' 38.181" East
9	32 ° 08' 6.902" South	18° 18' 38.483" East
10	32 ° 08' 8.360" South	18° 18' 35.819" East
11	32 ° 08' 10.220" South	18° 18' 34.261" East
12	32 ° 08' 10.446" South	18° 18' 22.827" East

Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	N/A – Rural property outside the urban edge.		
Magisterial District or Town:	Cederberg Municipality		
Closest City/Town:	Lamberts Bay	Distance	4.5 (km)
Zoning of Property:	Agriculture 1		

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities?	~~YES~~	NO
If yes, what was the previous zoning?		
N/A – The planning application will follow should the S24G Application be authorised by the Competent Authority.		
Is a rezoning application required?	~~YES~~	NO
Is a consent use application required?	YES	~~NO~~

Locality map:	A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following: • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)
Landowner(s) Consent:	If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated. **Note:** The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the *Infrastructure Development Act, 2014 (Act No. 23 of 2014)*.

2. APPLICATION HISTORY

(Cross out the appropriate box "☒" and provide a description where required).

Has any national, provincial or local authority considered any development applications on the property previously?	**Yes**	
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
The application was made for an open air restaurant "skerm" on the foredune above the high water mark. This has become known as the Muisbosskerm.		
Which authority considered the application:		
Provincial Administration of the Cape of Good Hope		
Has <u>any</u> one of the previous application/s on the property been approved **or** refused? If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).	**Yes**	
The Muisbosskerm is a legally permitted business in terms of "Die Wet op Omgewingsbewaring" Act 100 of 1982. The permit was issued on the 6th June 1988		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		
It would appear that the permission is still valid and does not have an expiry date.		

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SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

Applicant (Full names): _____ **Signature:** _____

Place: _____ **Date:** _____

EAP (Full names): _____ **Signature:** _____

Place: _____ **Date:** _____

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the Environmental Conservation Act, Act 73 of 1989 ("ECA")			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	N/A	N/A
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
N/A	N/A	N/A	N/A
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998			
GN R386 Activity No(s): **(Listing Notice 1 of 2006)**	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
N/A	N/A	While the activity had commenced within this time period it had not exceeded the threshold by August of 2010.	2009
Government Notice No. R387 Activity No(s): **(Listing Notice 2 of 2006)**	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014			
Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998			
GN No. R. 544 Activity No(s): **(Listing Notice 1 of 2010)**	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

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GN No. R. 545 Activity No(s): **(Listing Notice 2 of 2010)**	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 546 Activity No(s): **(Listing Notice 3 of 2010)**	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
12	Listed activity 12 of GN 546 (2010) - The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.	The activity had commenced in a phased approach since mid 2009 and at this juncture was still underway and had exceeded this threshold.	2009
13	Listed Activity 13 of GN 546 (2010) - The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.	The activity had commenced in a phased approach since mid 2009 and at this juncture was still underway and had exceeded this threshold.	2009
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998			
GN No. R. 327 Activity No(s): **(Listing Notice 1 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
27	The clearance of an area of 1 hectares or more of indigenous vegetation.	The activity had commenced in a phased approach since mid 2009 and at this juncture was still underway and had exceeded this threshold.	2009
17	Development, (i) in the sea;(ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (a) fixed or floating jetties and slipways;(b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres or more .	The activity commenced in a phased approach since mid 2009.	2009
18	The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement	No new structure or infrastructure was built during this period hence the omission of Listed Activity 17 of GNR 327. The areas cleared to the north and south of the Muisbosskerm appear to have been	2017

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	of sand, erosion or accretion, excluding where — (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or (ii) such planting of vegetation or placing of material will occur behind a development setback.	covered with a different soil hence the applicability of listed activity 18 of GNR 327..	
19A	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from— (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea;	The areas cleared to the north and south of the Muisbosskerm appear to have been covered with a different soil. These areas are located within 100m of the high water mark. The area indicated appears to have required > 5 cubic metres of this material.	2017
GN No. R. 325 Activity No(s): **(Listing Notice 2 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 324 Activity No(s): **(Listing Notice 3 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013			
Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008			
GN No. 718 – Category A Activity No(s):	Describe the relevant Category A waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

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GN No. 718 – Category B Activity No(s):	Describe the relevant Category B waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921 - Category A Activity No(s):	Describe the relevant Category A waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 921 – Category B Activity No(s):	Describe the relevant Category B waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

Please note:

The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

The similarly listed activities in terms of the EIA Regulations, 2014 promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): **(Listing Notice 1 of 2017)**	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
27	The clearance of an area of 1 hectares or more of indigenous vegetation.	The activity had commenced in a phased approach since mid 2009 and at this juncture was still underway and had exceeded this threshold. The clearing of vegetation had commenced previously and exceeded the threshold during this period.
17	Development, (i) in the sea;(ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (a) fixed or floating jetties and slipways;(b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres or more .	The activity commenced in a phased approach since mid 2009.
18	The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within	The areas cleared to the north and south of the Muisbosskerm appear to have been covered with a different soil.

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	the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where — (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or (ii) such planting of vegetation or placing of material will occur behind a development setback.	
19A	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from— (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea;	The areas cleared to the north and south of the Muisbosskerm appear to have been covered with a different soil. These areas are located within 100m of the high water mark. The area indicated appears to have required > 5 cubic metres of this material.
GN No. R. 325 Activity No(s): **(Listing Notice 2 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
GN No. R. 324 Activity No(s): **(Listing Notice 3 of 2014)**	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.

Please note:

Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.

2. ACTIVITY DESCRIPTION

(Cross out the appropriate box "☒" and provide a description where required).

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	~~Completed~~	Incomplete
(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced as well as the original date of commencement if the application is an upgrade.	New	~~Upgrade~~
No specific date is available but the original campsites that marked the commencement of the activity is dated 2008.		

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.
Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on the farm Steenboksfontein no 92, Portion 19 in the Cederberg Municipality, Clanwilliam. The total extent of the property is 139, 0331 ha's. Consultation with the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site were as follows:

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Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue with farming (in 2007) and shift the focus to tourism accommodation with a resultant reduction in the impacted footprint overall and the use of less water. The first accommodation that was rented was the existing unused cottage on the property which began in 2003. Some campsites were let from 2008. In 2009 the ablution facilities were completed and following this, in 2015 the recreational building (reception and restaurant) was completed. In this year too a monthly local community market was initiated. The development footprint as indicated in the appendices is now complete and will not be extended any further. The balance of the property including the old potato irrigation circles will be retained as an agricultural area.

Historical development of the site as seen off sequential GOOGLE Earth Imagery:

The development footprint appears to remain unaltered between 1985 and 2009. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced.

At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 ha's of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009, by September of that year the ablution facilities are well advance and the next available image from 2012 shows then as they are today.

The footprint of the development remains unaltered thereafter until September of 2009. The next image from Feb 2016 shows and expansion on the footprint by clearing of additional natural vegetation over an extent of approx. 2 ha's. By this time the reception, restaurant facility had been erected. An additional expansion of the footprint occurs in 2019 when an additional 0.22 ha's of natural vegetation is cleared. This is followed by a further expansion of 0.53 ha's of natural vegetation being cleared by March of 2019 which is the current footprint of the facility.

The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 ha's of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 Ha's cleared to the south east of the facility, this footprint is further expanded by February 2019 by approx. 0.057 ha's.

The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approx. 4.89 ha's.

The Muisbosskerm is a legally permitted business in terms of "Die Wet op Omgewingsbewaring" Act 100 of 1982. The permit was issued on the 6th June 1988. A copy of the permit is appended in **Appendix F – Permits and Licenses**. A trade license and liquor license have additionally been approved for the facility.

The Muisbosskerm is a large open-air restaurant / cooking shelter reminiscent of the historical shelters used in the past. It comprises of cooking, braai and storage facilities serviced by ablution infrastructure and a fenced off parking area that extends to the north and south of the "skerm" between the road and the high-water mark of the ocean. The Muisbosskerm is known across the world and services numerous visitors from overseas, has featured in numerous international films and has been the subject of numerous cooking programs and publications.

The parking area was historically used for the drying of kelp but this practice has been discontinued.

The Malkoppan tourism facility comprises of the following:

- 60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night.
- Each site has its own electricity connection.

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- The camp sites are serviced by two ablution facilities comprised of nine (9) showers, six (6) toilets and two (2) baths. There are also separate washing / dishwashing facilities.

"Die Stalle" Campsite comprises of the following:

- 40 individual sites with each site serviced by an electrical point;
- These sites are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men's side and four (4) showers and four toilets on the women's side.

Temporary "Stalletjies":

These 15 stalletjies are used during the monthly farmers market hosted on the property. Each of the stalletjies are hired by participants on the market who then display and sell their waters. The event is hosted on the last Saturday of each month and is a well-supported and successful event. Each of the stalletjies are built of wood with a zinc roof and each is supplied with an electrical connection.

The Fisherman accommodation facility:
This is an old refurbished and furnished labourers house that has been operational since 2012 to accommodate visitors. The furnishings provided are those typically found and historically from the Sandveld.

Recreational Building.

This is a large freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities.

See **Appendix D - Site photos**

Existing Sewerage and waste water treatment

Malkoppan Main Campsite Male and Female Ablutions

Black water from both male and female ablutions is collected in a constructed 2 chamber septic tank, ±5000 litres in total. The super-natant overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the municipal wastewater treatment works.

Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the treatment facility.

Malkoppan Perdestalle Campsite Male and Female Ablutions.

Black and grey water is collected in a 2500 litre conservancy tank and emptied with a municipal vacuum tanker as and when required and disposed of at the municipal wastewater treatment plant.

Malkoppan Recreational Building (Brouery) Ablutions.

Black and grey water is collected in a constructed 3-chamber septic tank, ±5000 litre in total. The supernatant overflows to a soak-away system, while the solids fraction that collects in the 1st 2 chambers is removed with a municipal vacuum tanker as and when required, and disposed of at the municipal wastewater treatment works.

Muisbosskerm Open Air Restaurant Ablutions.

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Black and grey water is collected in a 5000 litres conservancy tank and emptied with a municipal vacuum tanker as and when required and disposed of at the municipal wastewater treatment plant.

Muisbosskerm Open Air Restaurant food preparation and fish cleaning area.

Kitchen wastewater is discharged into the same 5000 litre conservancy tank as the sewage.

Proposed new treatment facility.

It is further proposed that the sewerage, foul effluent and wate water be treated on site. This will require the construction of a single integrated a waste treatment facility. Water and Wastewater Africa were appointed to recommend and design the proposed facility. They have recommended the construction of a BioSub™ Sewage Treatment Plant (Aerobic Model), see also **Appendix B – Site Plan**, where we have attached the report generated by Water and Waste Africa. The upgrade of the treatment facility will entail:

Pump Station 1 Muisbosskerm

Kitchen effluent from the food preparation and fish cleaning area will gravitate through a newly installed fat/grease trap where the fat, oil and grease (FOG) will be separated from the liquid fraction of the wastewater before it gravitates into the existing 5000 litre conservancy tank.

Sewage (black and grey water) will gravitate from the ablutions into the same 5000 litre conservancy tank. A new 2500 litre conservancy tank will be added and both tanks installed underground, with a concrete slab over the top. The 5000 litre tank will act as the 1st chamber/zone where the floatable and settleable solids collect, while the 'middle cut' will flow over into the 2nd tank (chamber/zone).

A submersible sewage pump with automatic float switch will pump the wastewater without the solids fraction via a non-return valve into a 50mm HDPE sewer pipeline that will run underground in trenches to an existing culvert underneath and from there to the BioSub™ Sewage Treatment Plant.

The solids that accumulate in the 1st chamber/zone (5000 litre tank) will be removed with the municipal vacuum tanker, as and when required, and disposed of at the municipal wastewater treatment works.

Pump Station 2 (Malkoppan Recreational Building)

The existing constructed septic tank will be refurbished to function as a 3-chamber sewage pump station. Sewage (black and grey water) will gravitate from the ablutions into the 1st chamber/zone, where the floatable and settleable solids fractions will be retained. The 'middle cut' will overflow to the 2nd and 3rd chambers/zones. A submersible sewage pump with automatic float switch will pump the wastewater without the solids fraction via a non-return valve into a 50mm HDPE sewer pipeline that will connect with the sewer pipeline at the Perdestalle Campsite Male and Female Ablutions.

Pump Station 3 (Malkoppan Perdestalle Campsite Male and Female Ablutions)

A new 2500 liter conservancy tank will be installed and connected to the existing 2500 litre conservancy tank to function as a 2-chamber sewage pump station. Sewage (black and grey water) will gravitate from the ablutions into the 1st chamber/zone, where the floatable and settleable solids fractions will be retained. The 'middle cut' will overflow to the 2nd chamber/zones. A submersible sewage pump with automatic float switch will pump the wastewater without the solids fraction via a non-return valve into a 50mm HDPE sewer pipeline to the BioSub™ Sewage Treatment Plant.

Pump Station 4 (Malkoppan Main Campsite Male and Female Ablutions)

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The existing grey water tanks will be bypassed and the grey water from both the male and female ablutions will be diverted to the existing black water septic tank. The grey water tanks will be decommissioned.
The existing constructed septic tank will be refurbished to function as a 2-chamber sewage pump station. Sewage (black and grey water) will gravitate from the male and female ablutions into the 1st chamber/zone, where the floatable and settleable solids fractions will be retained. The 'middle cut' will over-flow to the 2nd chamber/zone. A submersible sewage pump with automatic float switch will pump the wastewater without the solids fraction via a non-return valve into a 50mm HDPE sewer pipeline that will connect into the sewer pipeline from the Recreational Building/Brouery and Perdestalle Campsite Male and Female Ablutions to the BioSub™ Sewage Treatment Plant.

Pump Station 5 (Treated Effluent)

The BioSub™ Sewage Treatment Plant comes with its own submersible pump which will pump the treated effluent directly to irrigation or to the irrigation dam, depending on the time of year and specific irrigation requirements.

Sewer Pipeline

The Sewer Pipeline will consist of 50mm Class VI HTPE pipe with compression fittings and will be reticulated below ground.

BioSub™ Sewage Treatment Plant

The BioSub™ Sewage Treatment Plant will have a footprint of approximately 3m x 20m x 2.5m deep. The exact measurements of each zone will be finalized prior to installation. See also the Appendices attached to the facility plan "Brochure of the BioSub™".

Irrigation of Treated Effluent - The areas that will be irrigated are;

The camp sites when not occupied. This will usually occur during the off-peak season, from February to November.

The area at the back of the Main Camp Site and the Perdestalle Camp Site. This will usually occur during peak season only (December and January) when the camp sites are occupied.

The total area to be irrigated is between 2 and 4 Ha, depending on the season. During peak season the area at the back of the camp sites (±2 Ha) will be irrigated. This equates to a maximum precipitation of ±2 mm per day during the peak season. Since this is also the warmest time of year, the evapotranspiration rate is also the highest.

It is expected that treated effluent volumes will vary between 0 to 20% during the off-peak periods, except over the Easter Weekend and with ad-hoc events, such as the annual Rooibos-to-Muisbos cycling event, etc.

During off-peak periods the total area is available for irrigation, which equates to a maximum precipitation of <0.1mm per day. Irrigation will be performed manually with drag lines and impact sprayers. See Appendix H – Specialist Reports.

In addition to this a WULA is also underway to ensure compliance regarding the use of treated effluent for irrigation purposes.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).		
Buildings	YES	NO
Provide brief description:		

Recreational Building:

This is a large single storey freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities. Its approximate spatial extent is 328 m^2. The building is plastered brick and mortar with a zinc roof.

"Die Stalle" Ablution facility:

This is a small single storey building housing the men's and women's ablutions facility for the campsite and has a spatial extent of approx. 90 m^2. The building is a mixed materials building of plastered brick and mortar and timber.

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Reception office:

This is a small wooden "Wendy House" type building located at the southern end of the campsite adjacent to the entrance access road. The building is a single storey and approx. 33 m² in spatial extent.

Men's and Womens Ablution Blocks:

These are two large free-standing buildings with a pergola along the front of each building and an open courtyard at the back. The spatial extent of these buildings are each approx. 273 m² or 546 m² in total. The buildings are plastered brick and mortar with a zinc roof.

Please refer to **Appendix B– Site Map** and in **Appendix D – Site photo's**.

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO
Provide brief description:		
Power has been reticulated to each of the communal buildings and to the campsites. There are water supply points throughout the developed area and at the ablution and recreational buildings. Old existing access roads appear to have been used and no new road were developed.		

Processing activities (e.g. manufacturing, storage, distribution)	YES	NO
Provide brief description:		
N/A		

Storage facilities for raw materials and products (e.g. volume and substances to be stored)		
Provide brief description	YES	NO
N/A		

Storage and treatment facilities for solid waste and effluent generated by the project	YES	No
Provide brief description		
It is proposed that the current conservancy tanks and soak away system are replaced by a BioSub™ Sewage Treatment Plant which will have a footprint of approximately 3m x 20m x 2.5m deep. The exact measurements of each zone will be finalized prior to installation. Annexure 1 of the report from Water and Waste Africa contains the brochure of the BioSub™ which has all of the specifications.		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	YES	No
Provide brief description		
Water from the existing borehole located to the east of the development is used to provide ablution / flushing and showering facilities and is additionally used as irrigation water for the lawns and windbreaks within the camping area. Drinking water / potable water is provided through municipal bulk supply of water.		

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	48 900	m²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	48 900	m²
Total area:	**48 900**	m²

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4. SITE ACCESS

Was there an existing access road?	YES	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length)	m
	(width)	m
Describe the type of access road constructed:		
N/A - This is a historical farm and the existing access road off the public road between Elandsbaai and Lamberts Bay provides the access point to the property.		

Please Note:

Indicate the position of the access road on the site plan (See Section 5 below)

5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form. **See Appendix D.**

Please note:

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
Land Use Planning Ordinance (LUPO) of 1985	Cederberg Municipality	Rezoning Application from Agriculture 1 to Resort Zone and Consent Use Areas.	Will follow should the S24G be approved.
Subdivision of Agricultural Land Act of 1970	Department of Agriculture Forestry and Fisheries	None required as a subdivision is not required.	N/A
National Environmental Management Act of 1998	Department of Environmental Affairs and Development Planning	Environmental Authorisation	Initiated by this application under NEMA S 24G.
National Environmental Management Waste Act of 2008	Department of Environmental Affairs	None required	N/A
National Water Act of 1998	Department of Water and Sanitation	General Authorisation required for the tourism facility and the maintenance activities associated with the facility.	In process.

POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Guideline on Public Participation	DEA&DP
Guideline on Needs and Desirability	DEA&DP
Guideline on Transitional Arrangements	DEA&DP
Provincial Spatial Development Framework	DEA&DP
Cederberg Municipality IDP	Cederberg Municipality
Cederberg Municipality SDF	Cederberg Municipality
CAPE Fine-scale Conservation Plans	SANBI
Biodiversity Sector Plans	SANBI

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7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMAs")

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	NO
If yes, has an application been submitted to the licensing authority?	~~YES~~	~~NO~~
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.		
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	NO
If yes, has an application been submitted to the licensing authority?	~~YES~~	~~NO~~
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	YES	NO
If yes, has an application been submitted to the relevant competent authority?	~~YES~~	~~NO~~
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		
This is a terrestrial site above the high-water mark of the sea and is therefore mandated to NEMA EIA Regulations and listing notices for listed activities. No discharge or dumping of waste at sea will occur.		

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8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	NO

If yes, please complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)
Permits for renovation to a building older than 60 years	Heritage Western Cape	No	Pending review of the submitted integrated HIA and the decision from HWC.

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SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3):

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

GRANITE		QUARTZITE	X
SHALE	X	DOLOMITE	
SANDSTONE	X	DOLERITE	
OTHER (specify)	X		

DESCRIPTIOIN: PIEKENIERSKLOOF, GRAAFWATER AND SARDINIA BAY FORMATIONS

Thick-bedded quartz arenite, conglomerate, reddish sandstone, siltstone and shale, phyllite and small-pebble conglomerate

2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5

3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("☒") the appropriate boxes).

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
If other, please describe									

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following (cross out ("☒") the appropriate boxes)?

Shallow water table (less than 1.5m deep)	YES	NO	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO	UNSURE
Soils with high clay content	YES	NO	UNSURE
Any other unstable soil or geological feature	YES	NO	UNSURE
An area sensitive to erosion	YES	NO	UNSURE

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4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

Shallow water table (less than 1.5m deep)	YES	NO	UNSURE
Seasonally wet soils (often close to water bodies)	YES	NO	UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES	NO	UNSURE
Dispersive soils (soils that dissolve in water)	YES	NO	UNSURE
Soils with high clay content	YES	NO	UNSURE
Any other unstable soil or geological feature	YES	NO	UNSURE
An area sensitive to erosion	YES	NO	UNSURE

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department.
(Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

5. SURFACE WATER

5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	NO	UNSURE
Non-Perennial River	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland	YES	NO	UNSURE
Estuarine / Lagoonal wetland	YES	NO	UNSURE

5.2 SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	NO	UNSURE
Non-Perennial River	YES	NO	UNSURE
Permanent Wetland	YES	NO	UNSURE
Seasonal Wetland	YES	NO	UNSURE
Artificial Wetland	YES	NO	UNSURE
Estuarine / Lagoonal wetland	YES	NO	UNSURE

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6. VEGETATION AND/OR GROUNDCOVER

Please note: The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult http://bgis.sanbi.org.za or BGIShelp@sanbi.org.za. Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

Indigenous Vegetation - good condition X Describe the vegetation type above: Cape Seashore Vegetation & Lamberts Bay Strandveld.	Indigenous Vegetation with scattered aliens X Describe the vegetation type above: The site has scattered Manatoka throughout. These are alien invasive trees that are used throughout the west costs as windbreaks.	Indigenous Vegetation with heavy alien infestation Describe the vegetation type above:
Provide ecosystem status for above: Cape Seashore Vegetation : Gazetted as Least Threatened Lamberts Bay Strandveld : Gazetted as Least Threatened	Provide ecosystem status for above: The same vegetation units are applicable.	Provide Ecosystem status for above:
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	CBA : In the 2010 CBA layer the property has neither CBA's nor ESA's identified that overlay either Muisbosskerm or Malkoppan. CBA : In the 2014 CBA layer the property has neither CBA's nor ESA's identified that overlay either Muisbosskerm or Malkoppan. CBA: In 2017 the entire development site including all the bare soil areas and built infrastructure are identified as a CBA 1.
				ESA: No ESA is identified for the site between 2010 and 2014 In 2017 the ESA is identified to the north of the developed site.

(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	72.8%	The dune areas to the west and vegetation to the north appears to have remained natural throughout. Much of the area was an old agricultural development that had been lying fallow for at least 24 years. Thus one can accept that it had returned to a more natural state and by definition should have been regarded as natural vegetation.
Near Natural (includes areas with low to moderate level of alien invasive plants)	24.3%	Low to moderate degradation due to 4x4 roads within frontal dune area and litter from R365 road.
Degraded (includes areas heavily invaded by alien plants)		
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	2.9%	This comprises the building footprints and the bare areas surrounding the recreation facility.

(c) Complete the table to indicate:
(i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
(ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems				
Ecosystem threat status as per the National Environmental Management: Biodiversity Act,2004 (Act No. 10 of 2004)	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)			Estuary	Coastline
	Endangered					
	Vulnerable					
	Least Threatened	YES	NO	UNSURE	YES NO	YES NO

(d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

Both Cape Seashore Vegetation and Lamberts Bay Strandveld are recorded as being Least Threatened in the gazetted Ecosystem Status publication. In subsequent assessments of ecosystem threat status Lamberts Bay Strandveld has been elevated to a status of Vulnerable. The site of the historic Muisbosskerm is located within metres of the high-water mark. There is an irrigation dam to the south of the developed area that may be considered an artificial wetland system.

6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition X	Indigenous Vegetation with scattered aliens X	Indigenous Vegetation with heavy alien infestation
Describe the vegetation type above: The intact fynbos habitat occurs adjacent to the development (between the public road and the development) and represents the original intact Cape Seashore Vegetation and Lamberts Bay Strandveld. Much of the area was transformed historically to agricultural production but then lay fallow for many years and for this application was regarded as natural vegetation.	Describe the vegetation type above: The windbreaks around campsites have been planted to Manatoka which is commonly used along the West Coast for this purpose.	Describe the vegetation type above:
Provide ecosystem status for above:	Provide ecosystem status for above:	Provide Ecosystem status for above:

The gazetted status of the vegetation types is Least Concern, however as noted above Lamberts bay Strandveld has been elevated to Vulnerable in the latest status (ungazetted) assessments.		
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil Much of the site has been totally transformed and all natural vegetation cleared and replaced with lawns under irrigation.	Building or other structure Numerous buildings and structures have been erected including open air restaurant, cottage accommodation, recreation facilities, ablutions and offices – see description above for detail. Cultivated land All cultivated land has been withdrawn due to the build-up of salinity which has made irrigated potato farming impossible for the proponent.	Sport field
Other (describe below)		Paved surface

(a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	49.7%	Intact Natural Vegetation
Near Natural (includes areas with low to moderate level of alien invasive plants)		
Degraded (includes areas heavily invaded by alien plants)	21%	Former areas to the north and south that were used as crop circles to cultivate potatoes. Native plant species have started to re-colonize these areas.
Transformed (includes cultivation, dams, urban, plantation, roads, etc)	29.3%	Camping sites and related infrastructure.

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

As noted above much of the area that has been developed was historically used as an agricultural farm farming operations were discontinued many years ago and natural vegetation recolonised old disturbed areas. Throughout there were areas that had been undisturbed and which appear to have been extant natural vegetation. These areas were totally transformed by the development and amounted to an area > 1 ha.

The specialist botanical report notes that approximately 0.4 ha's of extant Cape Seashore Vegetation has been transformed to parking areas at the Muisbosskerm. It also notes that approximately 4.9 ha's of Lamberts Bay Strandveld was transformed by the development at Malkoppan. This amounts to 0.013% transformation of the vegetation unit over its full extent.

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

Existing historically operational roads have been used to gain access to the site this is an adequate mitigation measure to prevent additional impact on natural vegetation. Bare soil areas such as those within the area used for the monthly community market and the areas more recently developed for camping have been covered with netting to provide some protection of the denuded surface from wind erosion. The netting does reduce erosion to a certain extent but is not adequate enough to prevent accelerated erosion from wind. The proponent is irrigating the camping areas to establish lawns, once established these stabilise the sands and are an effective mitigation measures within the campground areas.

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7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

(a) Please provide a description.

As noted previously the property used to be a commercial agricultural farm. Farming operations were ceased and the centre pivots were allowed to return to natural vegetation. These areas have been lying fallow for many years and may be regarded as natural vegetation. Within the development footprint some areas appear to have been undisturbed historically and here it appears that extant natural vegetation was cleared to make way for the development. The property has a historical open-air restaurant, the Muisbosskerm, that provided for tourism and hospitality services well before Malkppan was developed. There is an old irrigation supply dam adjacent to the site.

8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("☒") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

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9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("☒") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):				

10. SOCIO-ECONOMIC CONTEXT

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

The regional economy of the Cederberg Municipality, within which this development commenced, is based primarily on agriculture, eco-tourism and tourism related to the paleontological, archaeological and unique cultural heritage of the Cederberg. Closer to the site of the development landuse is almost exclusively used for potato production under centre pivot irrigation and strip cultivation or Rooibos Tea and / or some limited cereal cropping.

The agricultural activities are reasonably diversified and include both intensive and extensive agricultural production systems. Intensive agricultural business is primarily located along the main river system flowing through the area namely the Olifants River, that is further inland from this site. Here the main agricultural crops are table and wine grapes, citrus and to a lesser extent vegetable and other irrigation crops. Dryland farming in this area is confined almost entirely to winter cereals and Rooibos Tea under these dryland conditions. Irrigated areas dependent on subterranean water grown primarily potatoes. Historically the area was primarily utilised for grazing of small stock a situation that resulted in significant impacts from overgrazing in certain areas.

Agriculture, forestry and fisheries' share, in 2011, made up nearly 25% of the Municipalities GDP, with the remaining sectors making up 75% (with wholesale and retail being the second largest sector). The agricultural and manufacturing sectors' share decreased from 54% of GDP in 2001 to 37% of GDP in 2011. Cederberg is a resource poor economy with an unemployment rate of almost 10% of population.

For the property itself consultation with the proponent revealed that the once productive commercial farm was rendered unsustainable due to an escalation in the salinity of the borehole water used for irrigation. As a result the commercial farming operation was ceased and the switch made to an income stream from tourism and hospitality sector

10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

The facility has created permanent employment for people and temporary / volunteer staff who have gainful employment.

However at a municipality scale the picture would remain little changed as above Agriculture, forestry and fisheries' share, in 2011, made up nearly 25% of the Municipalities GDP, with the remaining sectors making up 75% (with wholesale and retail being the second largest sector). The agricultural and manufacturing sectors' share decreased from 54% of GDP in 2001 to 37% of GDP in 2011. Cederberg is a resource poor economy with an unemployment rate of almost 10% of population.

Opportunities and initiatives focussing on investing in the agricultural & tourism sectors are to be welcomed, especially where it results in a wider benefit to the community.

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11. HISTORICAL AND CULTURAL ASPECTS

(a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "*38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-*

(a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
(b) the construction of a bridge or similar structure exceeding 50m in length;
(c) any development or other activity which will change the character of a site-
(i) exceeding 5 000 m² in extent; or
(ii) involving three or more existing erven or subdivisions thereof; or
(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
(d) the re-zoning of a site exceeding 10 000 m² in extent; or
(e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."

(b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "*3(2) Without limiting the generality of subsection (1), the national estate may include—*

(a) places, buildings, structures and equipment of cultural significance;
(b) places to which oral traditions are attached or which are associated with living heritage;
(c) historical settlements and townscapes;
(d) landscapes and natural features of cultural significance;
(e) geological sites of scientific or cultural importance;
(f) archaeological and palaeontological sites;
(g) graves and burial grounds, including—
(i) ancestral graves;
(ii) royal graves and graves of traditional leaders;
(iii) graves of victims of conflict;
(iv) graves of individuals designated by the Minister by notice in the Gazette;
(v) historical graves and cemeteries; and
(vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
(h) sites of significance relating to the history of slavery in South Africa;
(i) movable objects, including—
(i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
(ii) objects to which oral traditions are attached or which are associated with living heritage;
(iii) ethnographic art and objects;
(iv) military objects;
(v) objects of decorative or fine art;
(vi) objects of scientific or technological interest; and
(vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO / UNCERTAIN
If YES, explain:	*(c) any development or other activity which will change the character of a site-* ***(i) exceeding 5 000 m² in extent;***		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		NO	YES / UNCERTAIN
If YES, explain:	A full HIA has been undertaken to discern the impact on Heritage Resources at this site.		
Was any building or structure older than 60 years affected in any way?		YES	NO / UNCERTAIN

DRAFT

If YES, explain:	
	The old laborers cottage on site has been renovated and is older than 60 years.

Please Note:

If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.

12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

(a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).
If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

AREA	YES	NO	UNSURE	If "YES": Distance to nearest area (m)
An area within 100m of the high water mark of the sea	YES	NO	UNSURE	The new parking areas are within 10 m of the high water mark
An area within 100m of the high water mark of an estuary/lagoon	YES	NO	UNSURE	
An area within the littoral active zone	YES	NO	UNSURE	The historic Muisbosskerm is located within the beach head dune field which is litorally active. The new parking areas are covered with gravel to make them accessible to two wheel drive vehicles.
An area in the coastal public property	YES	NO	UNSURE	
Major anthropogenic structures	YES	NO	UNSURE	
An area within a Coastal Protection Zone	YES	NO	UNSURE	It is located within this zone.
An area seaward of the coastal management line	YES	NO	UNSURE	It is noted that the historical infrastructure of the Muisbosskerm is located in an area seaward of the coastal management line.
An area within the high risk zone (20 years)	YES	NO	UNSURE	Regraded as a Low Risk Zone
An area within the medium risk zone (50 years)	YES	NO	UNSURE	Regraded as a Low Risk Zone
An area within the low risk zone (100 years)	YES	NO	UNSURE	Regraded as a Low Risk Zone
An area below the 5m contour	YES	NO	UNSURE	
An area within 1km from the high water mark of the sea	YES	NO	UNSURE	The entire development of Muisbosskerm and Malkoppan is located within 1 km of the high water mark of the sea.
A rocky beach	YES	NO	UNSURE	
A sandy beach	YES	NO	UNSURE	This section of coastline is a sandy beach and the high water mark is <10m from the new parking areas.

(b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

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13. REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property's existing land use rights?	YES	NO	Please explain
A tourism and hospitality business such as this will require both a rezoning and consent use application.			
An application to the Local Authority for a rezoning and Consent Use Application will be required.			
Will the activity be in line with the following?			
Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
The PSDF, 2014, is an expression of how the Provincial Government envisage the spatial development for the Province. The PSDF builds on OneCape 2040's vision of "*a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society*. To deliver on the WCG's strategic objectives the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. The "first spatial agenda" item detailing what is to be done in order to achieve this, pertain to actions aimed at growing the province's economy in partnership with private sector, non-governmental and community-based organisations. The PSDF lists six items making up this agenda item, of which the last is about "*Boosting land reform and rural development, securing the agricultural economy and the vulnerability of farm workers, and diversifying rural livelihood and income earning opportunities.* The development is aligned to the diversification of a rural livelihood on a property that does not have the agricultural capacity to be sustainable from due to water quality issues. The development at is indicative of private sector investment in the diversification of an agricultural business that provides alternative income derived from a natural resource of a location at the seashore thus providing a lifeline and economic contribution to a failed commercial agricultural farm i.e. providing a livelihood for the owners and sustaining rural jobs. Additionally, it feeds directly into income generating opportunities to a variety of locally based service providers (builders, plumbers, mechanics, electricians, hospitality and service industry related jobs etc.) in the context of a small eco-tourism development in and around the destination of the West Coast and as a gateway to Namaqualand, the Cederberg and the Clanwilliam area. As a major attraction it offers the rare experience of being able to enjoy fresh seafood in a rustic / historic skerm / restaurant overlooking the sea. Seen in this light the proposed development is therefore aligned with the proposed planning categories contained in the PSDF in that it fulfils the essential role of contributing to the cash economy locally but catering for visiting guests and through that retain its ability to be a contributor to the Western Cape economy and the conservation economy of the surrounding areas. It therefore additionally is a small but key contributor to the sector supplying job opportunities to rural communities with low skills levels. Additionally, as a bona-fide ecotourism development it aligns with the policy for permitted development outside the urban edge through its investment in hard infrastructure.			
Urban edge / Edge of Built environment for the area	YES	NO	Please explain
N/A located on a rural farm outside the urban edge.			
Integrated Development Plan of the Local Municipality	YES	NO	Please explain
DRAFT IDP 2020 / 2021 is available - Alignment is evident with the municipal Vision & Mission Statement – "*A development-centred municipality committed to the eradication of poverty, rural development and excellence in service delivery*". This is achieved through the development's contribution to the diversification of the agricultural landuse without loss of agricultural potential (none sustainably possible here due to water quality deterioration) thus it may be viewed as rural development. The development is additionally aligned with Strategic Objective 4 : "*Facilitate economic growth in the municipal area*". The West Coast and in season the West Coast flowers are "must see" destinations and have been steadily gaining popularity over many years, this is providing for service such as the expansion of the hospitality sector that will contribute to economic development. The development at this property is directly in line with this strategic objective and is also supporting the local municipality to reach this target. In terms of the specific development it would find alignment with the need to recapitalise rural agricultural infrastructure. As			

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a service provider the development is aligned with the stated Local Economic Development role identified by the municipality to encourage and develop the tourism sector within the municipality.

Specific Strategic Objectives have been developed for this sector to realise this planning strategy -- *(b) Development of an Integrated Tourism Development and Marketing Strategy for Cederberg*

The following strategic objectives and sub- objective were identified and will guide the delivery plan for the next five years.

- Strategic Objective 1: Tourism Development: Unlock the true tourism potential of the Cederberg through the development of a range of new and existing tourism products, experiences and events that fulfil visitor requirements and maximize income, contributing to local economic development and growth.

The existing development at this site links directly to this SO as it offers a tourism destination that is popular due to its adjacency to the natural feature of the Atlantic Coast and provides accommodation and hospitality services and facilities for local and international guests. An example being the proponent hosting the annual Rooibos to Muisbos MTB Challenge.

Niche Tourism: Develop viable niche tourism sectors specifically birding, mountain biking routes, cultural and heritage routes, botanical/herb-tourism and agro-tourism.

Spatial Development Framework of the Local Municipality	YES	NO	Please explain

The proposed development is aligned with the stated spatial vision for the Cederberg which is:

"To sustainably exploit the municipality's wide variety of agricultural, tourist and cultural resources including: • the West Coast; • the potato and grain lands of the coastal plain; • the fertile Olifants river valley with its dual purpose Clanwilliam dam feeding both agriculture and tourism; and, • the Cederberg mountain range offering scenic, biodiversity conservation and cultural tourism opportunities"

Furthermore the development is aligned with the SDF Spatial Theme 1: Maximize Economic Opportunities and Comparative advantages - Facilitate economic sector growth (including mining, agriculture, tourism, commercial and industry) in accordance with their potential.

Strategy 1: Support growth in areas of economic potential.
Strategy 2: Grow and diversify the agricultural sector through support of alternative and intensive uses like agri-processing, agri-tourism, product development and support of smaller agricultural units.
Strategy 4: Development and support of urban and rural based Tourism development, and;

THEME 2 : Enable sustainable Rural and Agricultural Development. Support the Cederberg as a primary agricultural production area in the West Coast region and in Western Cape. Capitalize on existing agricultural activities and support diversification in the agricultural sector. Promote land reform and urban agriculture to support food security.

Strategy 1: Grow and diversify the agricultural sector through support of alternative and intensive uses like agri-processing, agri-tourism, product development and support of smaller agricultural units.

Alignment with the development proposals per Cederberg towns is achieved through -
a) Strengthen agricultural service activity;
b) Strengthen tourism and agri-tourism in the surroundings and
c) Enhance the integration of agriculture and conservation

Approved Structure Plan of the Municipality	YES	NO	Please explain
N/A			

An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
N/A - The proposed development was completed prior to the adoption of the Sandveld EMF.			

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Any other Plans	YES	NO	Please explain

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SECTION D: NEED AND DESIRABILITY

Please Note: Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (**http://www.capegateway.gov.za/eadp**).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES	NO	Please explain
The property is zoned Agriculture 1 and the use of the property as an eco-tourism & hospitality facility will require a rezoning and consent use application.			

2. Was the activity in line with the following?			
(a) Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
The PSDF, 2014, is an expression of how the Provincial Government envisage the spatial development for the Province. The PSDF builds on OneCape 2040's vision of "*a highly-skilled, innovation driven, resource efficient, connected, high opportunity and collaborative society*. To deliver on the WCG's strategic objectives the PSDF focuses on growing the economy, building greater environmental resilience and much better inclusion. The "first spatial agenda" item detailing what is to be done in order to achieve this, pertain to actions aimed at growing the province's economy in partnership with private sector, non-governmental and community-based organisations. The PSDF lists six items making up this agenda item, of which the last is about "*Boosting land reform and rural development, securing the agricultural economy and the vulnerability of farm workers, and diversifying rural livelihood and income earning opportunities.* The development is aligned to the diversification of a rural livelihood on a property that does not have the agricultural capacity to be sustainable from a purely agricultural landuse. The development at is indicative of private sector investment in the diversification of an ceased agricultural business that provides increased income derived from a natural resource of a destination in close adjacency to the Atlantic coastline thus making a significant economic contribution to an agricultural farm that can no longer sustain itself from commercial agricultural production and through that providing a livelihood for the owners and sustaining rural jobs. Additionally it feeds directly into income generating opportunities to a variety of locally based service providers (builders, plumbers, mechanics, electricians, hospitality and service industry related jobs etc.) and increase in bed nights that overflow into other accommodation facilities in the context of a small agricultural farm in and around the destination of the West Coast and as a gateway to Namaqualand, the Cederberg and the Clanwilliam area. Of importance also to this application is the extent to which attention is paid to protect biodiversity and agricultural resources – PSDF Agenda Item 3: *Improving oversight of sustainable use of the Western Cape's spatial assets.* Seen in this light the development is therefore aligned with the proposed planning categories contained in the PSDF in that it proposes to retain its ability to be a contributor to the Western Cape economy and the conservation economy of the surrounding areas. It therefore additionally is a small but key contributor to the sector supplying job opportunities to rural communities with low skills levels. Additionally, as a bona-fide agricultural and ecotourism development it aligns with the policy for permitted development outside the urban edge through its investment in hard infrastructure.			
(b) Urban edge / Edge of Built environment for the area	YES	NO	Please explain
N/A – this is a rural agricultural farm.			
(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO	Please explain
DRAFT IDP 2020/2021is available - Alignment is evident with the municipal Vision & Mission Statement – "*A development-centred municipality committed to the eradication of poverty, rural development and excellence in service delivery*". This is achieved through the development's contribution to the diversification of the agricultural landuse to compensate for the loss of agricultural potential thus it may be viewed as rural development.			

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The development is additionally aligned with Strategic Objective 4 : "*Facilitate economic growth in the municipal area*". The West Coast and in season the West Coast flowers are "must see" destinations and have been steadily gaining popularity over many years, this is providing for service such as the expansion of the hospitality sector that will contribute to economic development. The development at this property is directly in line with this strategic objective and is also supporting the local municipality to reach this target.

In terms of the specific development it would find alignment with the need to recapitalise rural agricultural infrastructure. As a service provider the development is aligned with the stated Local Economic Development role identified by the municipality to encourage and develop the tourism sector within the municipality.

Specific Strategic Objectives have been developed for this sector to realise this planning strategy -- *(b) Development of an Integrated Tourism Development and Marketing Strategy for Cederberg*

The following strategic objectives and sub- objective were identified and will guide the delivery plan for the next five years.

- Strategic Objective 1: Tourism Development: Unlock the true tourism potential of the Cederberg through the development of a range of new and existing tourism products, experiences and events that fulfil visitor requirements and maximize income, contributing to local economic development and growth.

Extreme Sports Tourism: Develop the Cederberg's extreme and adventure sports potential as a vibrant tourism sub-sector in the region.

The existing development at this site links directly to this SO as it offers a tourism destination that is popular due to its adjacency to the natural feature of the Atlantic Coastline and provides accommodation facilities for local and international guests and are annually hosting the Rooibos to Muisboskerm MTB challenge .

Niche Tourism: Develop viable niche tourism sectors specifically birding, mountain biking routes, cultural and heritage routes, botanical/herb-tourism and agri-tourism.

This development is located near to Bird Island, an important breeding and roosting site for seabirds, particularly Cape gannets and cormorants. However this breeding colony is 4.92 km distant and located to the north of much of the town of Lamberts Bay.
The following strategic objectives and sub- objective were identified and will guide the delivery plan for the next five years.

- Strategic Objective 1: Tourism Development: Unlock the true tourism potential of the Cederberg region through the development of a range of new and existing tourism products, experiences and events that fulfil visitor requirements and maximize income, contributing to local economic development and growth.

Niche Tourism: Develop viable niche tourism sectors specifically birding, mountain biking routes, cultural and heritage routes, botanical/herb-tourism and agro-tourism.

(c) Approved Structure (d) Plan of the Municipality	YES	NO	Please explain
N/A – this is a rural agricultural farm			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO	Please explain
N/A – No EMF adopted by the Competent Authority is available for the area at the time of development.			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
NONE			

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3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?	YES	NO	Please explain

The proposed development is aligned with the stated spatial vision for the Cederberg which is:

"To sustainably exploit the municipality's wide variety of agricultural, tourist and cultural resources including: • the West Coast; • the potato and grain lands of the coastal plain; • the fertile Olifants river valley with its dual purpose Clanwilliam dam feeding both agriculture and tourism; and, • the Cederberg mountain range offering scenic, biodiversity conservation and cultural tourism opportunities"

Furthermore, the development is aligned with the SDF Spatial Theme 1 : Maximize Economic Opportunities and Comparative advantages - Facilitate economic sector growth (including mining, agriculture, tourism, commercial and industry) in accordance with their potential.

Strategy 1: Support growth in areas of economic potential.
Strategy 2: Grow and diversify the agricultural sector through support of alternative and intensive uses like agri-processing, agri-tourism, product development and support of smaller agricultural units.
Strategy 4: Development and support of urban and rural based Tourism development.
and
THEME 2 : Enable sustainable Rural and Agricultural Development

Support the Cederberg as a primary agricultural production area in the West Coast region and in Western Cape. Capitalize on existing agricultural activities and support diversification in the agricultural sector. Promote land reform and urban agriculture to support food security.

Strategy 1: Grow and diversify the agricultural sector through support of alternative and intensive uses like agri-processing, agri-tourism, product development and support of smaller agricultural units.

Alignment with the development proposals per Cederberg towns is achieved through -
a) Strengthen agricultural service activity;
b) Strengthen tourism and agri-tourism in the surroundings and
c) Enhance the integration of agriculture and conservation

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	YES	NO	Please explain

This is an agricultural farm that requires additional income to supplement that which would be possible if production agriculture was the only form of landuse. The bottom line here is that this property does not have the agricultural capacity to be farmed commercially in a sustainable way and the activity was ceased in 2007, due to the escalation in the salinity of the irrigation water which forced the applicant to further invest in the tourism to ensure a financial income from the property,.

However the property is situated closely adjacent to a must see coastline and for the unique experience of eating at the Muisbosskerm and seasonally to the flower displays of the West Coast and Namaqualand. This has resulted in an opportunity to provide accommodation facilities to visitors, either local or international.

For this property the diversification into eco-tourism through a hospitality and accommodation facility is the only remaining sustainable option according to the proponent and will make the business more sustainable and provide core income to support the owner and his family and secure the employment opportunities for the labour present on the property.

The findings of the specialist heritage assessment indicate that very high impacts have occurred to archaeological resources

DRAFT

on site.

5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES	NO	Please explain
As noted in section 2 (a), (c) and section 3 above this proposed development is strategically aligned with planning strategies contained in the Provincial Development Framework, the Local Authority Spatial Development Framework and the Integrated Development Plan. As noted in Section 4 above eco-tourism and hospitality facilities are evident within the broader community. This would point to an alignment with the surrounding community need which has addressed the need to provide accommodation for local and foreign tourists in within the Cederberg and the West Coast region. . The popularity of this destination and the fact that it hosts a monthly market is indicative of its need at the local scale of the community.			

6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.)	YES	NO	Please explain
No additional capacity needed to be created at the time of commencement. Currently the development has been completed and the municipality services the property i.e. sewerage removal and transport to the municipal treatment plant..			

7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.)	YES	NO	Please explain
N/A - Development is located on a rural farm outside of the urban edge.			

8. Was this project part of a national programme to address an issue of national concern or importance?	YES	NO	Please explain
N/A			

9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)	YES	NO	Please explain
As noted above the Atlantic Coastline and seasonal flower displays are a nationally and internationally known and important natural heritage and are important destinations for eco-tourism, adventure sport, and for those who desire to experience true wilderness. Seasonally the west coasts flower displays are world renown. The site therefore has the potential to have year round tourist traffic. While there are numerous accommodation destinations available locally the overspill or customers seeking more rustic accommodation are therefore in the market for such accommodation in close proximity to the ocean and for those interested in agricultural tourism or a unique dining experience. The accommodation facility offers self-catering and camping accommodation for their guests. Thus there is alignment of the landuse as an eco-tourism business. As an uneconomical farming unit (agriculturally speaking) it is in particular need of this form of diversification to provide for a core income to this business.			

10. How did/does the activity or the land use associated with the activity applied	YES	NO	Please explain

DRAFT

for, impact on sensitive natural and cultural areas (built and rural/natural environment)?		
The primary impact on biodiversity relates to the impacts caused through the transformation of natural vegetation to make way for the parking areas, accommodation facilities and associated infrastructure. The outcomes of the heritage specialist assessment in this regard are that these impacts are localised and at a site scale but have resulted in significant impacts. Greater detail on the nature and significance of these impacts is contained further down in this report.		
Terrestrial vegetation units impacted are Cape Seashore Vegetation and Lamberts Bay Strandveld.		

11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)?	YES	NO	Please explain
As a low key rustic eco-tourism related hospitality and accommodation facility on a rural farm that is a distance from the nearest neighbour and where this landuse option is present on adjacent and neighbouring properties on can safely assume that (1) impacts related to people health and well being are aligned with those of the surrounding properties and (2) people seek out an escape to properties with the express purpose of escaping noisy, polluted and anthropogenic landscapes. The continued occupancy of the facility, its low key nature and alignment to surrounding landuse would indicate that impacts here may be considered low.			

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO	Please explain
The opportunity cost here relates to the establishment of a alternative eco-tourism business on an uneconomical agricultural unit that can provide a sustainable business from a non-consumptive renewable resource (Seasonal flowers and ocean / coastline) in a landscape where the landuse is aligned to those of adjacent and / or neighbouring properties for no significant loss to vegetation (approx. 4.89 ha's). With further mitigation these impacts are regarded as low and as such it would appear that the opportunity cost favours the retention of the facility.			

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
Cumulative impacts would relate to the use of the facility by visitors, thus potential trampling and degradation of natural vegetation, and adjacent dune systems, the accumulation of waste, pollutants and refuse on site without suitable management. The resultant degradation of the habitat would have two potential cumulative impact outcomes. Firstly, should the site become polluted it may result in the loss of the fundamental attraction of the facility as a low key environmentally friendly destination away from human impacted landscape and close to the coast line. Failure to deal with these cumulative impacts has the potential to fundamentally undermine the business associated with the accommodation facility. The second impact would relate to the use of the site, trampling and denuding of areas of natural vegetation, the dune systems and or habitats thus an erosion of habitat suitability and the mitigating controls of a functional habitat, species loss etc. Finally, cumulatively at a landscape scale should the same failure to manage the sites be a common practice it could result in the compounding of these impacts at a much larger spatial extent.			

14. Is/was the development the best practicable environmental option for this land/site?	YES	NO	Please explain
As noted above the combination of a sub-economic agricultural farm, the need for alternative income streams through the diversification of the business and the access that this property provides to a non-consumptive renewable resource that attracts people from all over, appears to be a viable, sustainable, aligned and suitable environmental option.			

15. What are/were the benefits to society in general and to the local communities?	Please explain
At the scale of the property direct benefits relate to the retention of an agriculturally sub-economic farming unit that can	

DRAFT

remain productive and provide a niche tourism product, thus a retention of the natural system which over time will rehabilitate. Furthermore, with diversification provide a sustainable income through an ecotourism business that would secure the economic model for the property as a whole and via this sustain the owner, the owner's family and all labour associated with the property. Thus, a perpetuation of livelihoods on an sub-economic agricultural unit.

At community to local authority scale this property provides for employment and an accommodation facility that is aligned with the stated intent of forward spatial planning. As noted above this is true for the larger planning scales provincially.

Finally, as the site is nationally renowned it provides for easy and suitable access to a non consumptive renewable resource and foreign exchange from visitors from all over the world. Thus, too a draw card for other businesses and tourism / retail related services in the local towns or on adjacent properties.

16. Any other need and desirability considerations related to the activity?	Please explain
NONE	

DRAFT

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:

1. to promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities.

This is addressed through the provision of an Environmental Management Programme (EMPr) with this Section 24G Report where the roles and responsibilities of the applicant and the Environmental Control Officer (ECO) are articulated in detail to ensure that the development and operational phases of these facilities happens in an integrated and well managed fashion.

2 (a) promote the integration of the principles of environmental management set out in section 2 into the making of all decisions which may have a significant effect on the environment;

Ensuring that the recommendations for mitigation of environmental impact contained within this report under Section F adhere to the principles of a precautionary approach that aims first to avoid environmental impact and secondly where impacts are unavoidable to mitigate environmental impact for an activity that will have significant impact on the environment. To consider the opportunity cost in proceeding with the development above. Furthermore, that these mitigatory measures are made practicably implementable in the EMPr and monitored to ensure compliance. Finally, to recognise in the recommendations supplied that the environment is interlinked and to give adequate consideration to these linkages and how they proposed development may impact over the short term but also cumulatively over the long term.

(b) identify, predict and evaluate the actual and potential impact on the environment, socioeconomic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management set out in section 2;

The identification of potential impacts is contained under Section F of this report. The evaluation of the identified impact follows a process of predicting the actual or potential impact in terms of sustainability criteria for each of the alternatives being considered. Thereafter the impact is quantified is terms of its severity in the absence of any mitigatory measures to avoid an impact, mitigation measures are then proposed that would or could reduce the impacts to within acceptable levels, in instances where environmental impacts cannot be suitably mitigated to weigh the opportunity costs of proceeding against those of the potential benefit to people and the economy, to evaluate the linkages that exist between identified impact and determine if these linkages have the potential to amplify impact through synergies that may exist between them and after this process always follow the option that delivers the best possible benefit for the least possible impact. In instances where the cost significantly outweighs the opportunity to consider a recommendation for not proceeding with the proposed development.

(c) ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them;

This is addressed through the process of identifying and evaluating environmental impacts either individually or through complimentary associations that may amplify the severity of impacts. Proposing mitigatory measures and translating those mitigatory measures into practically implementable actions within an EMPr.

DRAFT

(d) ensure adequate and appropriate opportunity for public participation in decisions that may affect the environment;

To follow the guidelines for public participation in accordance with the requirements of NEMA legislation, to honour and reflect all reasonable objections raised by key stakeholders and other interested and affected parties, to propose solutions to address those concerns and present them for further comment in the Section 24 G Report. To resolve all reasonable objections as a matter of process.

(e) ensure the consideration of environmental attributes in management and decision-making which may have a significant effect on the environment; and

This is addressed through the provision of an EMPr that must be implemented as part of the operational and maintenance phase of the development.

(f) identify and employ the modes of environmental management best suited to ensuring that a particular activity is pursued in accordance with the principles of environmental management set out in Section 2.

This is addressed through the provision of an EMPr that must be implemented as part of the operational and maintenance phase of the development.

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

DRAFT

Section 2 of NEMA is addressed through the involvement of all key government stakeholders in the public participation process to allow time and opportunity for them to adequately comment on a proposal and act on their mandate to respect, promote and protect people's social, developmental, physical, cultural and economic rights. The requirement is further addressed through the engagement with I&AP's as part of the public participation process, and the provision of an opportunity for all I&AP's the provide input into the assessment process and respond to all reasonable comments on an individual basis. Responses and decisions made must and do take cognisance of the individual concerns of I&AP's. Adherence to these principles are addressed through the execution of the Guidelines on Public Participation by DEA 2017. Consultation and consideration of the planning documentation of the DEA&DP, CapeNature, SANBI and the Local Authorities are also included to address this principle.

As this assessment rests on the three tenets of sustainability adequate consideration is given to the interaction between the environment that forms the basis for the delivery of goods and services to the economic sector which in turn delivers social benefit and livelihoods to people. In particular that the process of assessment attempts first to avoid negative environmental impact (including pollution, disturbance to the landscape, impacts on cultural heritage, the generation of waste and its disposal) and if impacts are unavoidable to mitigate these impacts or remedied. Here the assessment would make use of the guideline on needs and desirability of the proposed development to assess the cost/benefit equation for the proposed development and through the evaluation of the different alternatives available to the proponent and through this process the determination of the best possible practically implementable alternative.

The assessment will also address the type of resources being used whether renewable or non-renewable and assess the resource availability in terms of equitable distribution of resource allocation or to ensure that every effort is made to ensure that the demand on the resource does not exceed its ability to regenerate, as is the case with ecologically based environmental goods and services. In particular investigate the conservation status of the particular ecosystem or special habitat that may be impacted by the development by investigating the National Spatial Biodiversity Assessment, Biodiversity Sector Plan for the local authority, Fine-scale Conservation Plans and the listed ecosystems in Government Notice 1477 of 2009. Here also consideration is given to the DEA&DP Guideline on Alternatives for Aug 2010. To ensure that a precautionary approach is followed at all times with due consideration to knowledge gaps and assumptions that are made in relation to the proposed development. In instances where impacts are anticipated to ensure that these are mitigated or remedied to a point that they do not infringe on basic human rights.

Furthermore this section of NEMA is addressed through the provision of an EMPr that aims to provide an integrated environmental management programme that recognises the linkages between environmental elements and puts forward the most applicable and practically reasonable means to achieve the objectives of the EMPr. In particular the EMPr must ensure environmental health and safety, not only to the broader community but also to workers involved in the execution of the activity to ensure that their rights are not ignored. As and where necessary include environmental education to skill those responsible for the implementation of the EMPr to undertake the required training to fully dispense with their responsibility in terms of requirements of the EMPr. The assessment addresses issues that extend well beyond the borders of the property concerned to ensure that environmental impacts resulting from a development are not disproportionately felt by a person while always ensuring that equitable access to environmental resources to meet basic human needs is ensured for all persons.

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SECTION E: ALTERNATIVES

Please Note: Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (**http://www.capegateway.gov.za/eadp**).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

(a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;
(b) the type of activity to be undertaken;
(c) the design or layout of the activity;
(d) the technology to be used in the activity;
(e) the operational aspects of the activity; and
(f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "*identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management*" set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

Please note:

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The development is already in existence thus any property related alternative would result in additional impacts and is therefore not feasible as an alternative.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

DRAFT

Intensive agriculture proved to be unsustainable on this property. As a must see destination i.e. having a proven drawcard a tourism based use of the land does translate into the most practicable and economically sustainable landuse for this locality. This mix of this particular landuse activity is common on properties throughout the West Coast and there are viable businesses such as this one that have been pursuing this business opportunity for many years, In our evaluation the opportunity cost weighs in favour of the proposed development due to its adjacency to a world renowned non-consumptive eco-tourism must see destination as discussed above. Additionally that the development is a low key with rustic accommodation and hospitality related development that is not out of character with the surrounding land-use practices.

Historically sustainable landuse options for people in this area are limited to intensive agricultural pursuits and this in turn to a minimum viable size for a commercially successful farm. This property does not have the requisite agricultural capability due to declining water quality and is therefore in the consultation with the proponent not viable as a commercial agricultural production farm.

Therefore on evaluation as an activity we believe it to be a feasible alternative should there be practically implementable mitigation measures that could be applied to ensure that impact significance remains manageable and that there are no fatal flaws in terms of impacts that may occur to important biodiversity and cultural & heritage values on site.

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

Design and layout alternatives are not possible as the development is nearly complete i.e. the upgrade of the sewerage and effluent facility is still required.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

An appropriate technology by way of the Biosub waste water and Sewerage treatment system is being proposed to ensure that the facility in no way pollutes the surrounding environment as occasionally occurs with the current system.

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

Designated no-go areas:

To prevent impacts on sensitive areas utilised by guest may require the designation of no-go areas to prevent and mitigate increased disturbance regimes and elated degradation of these areas with loss of functionality.

Organic waste:

Organic waste generated through the use of the facility or maintenance of the lawns and other communal areas could be recycled. This could be accomplished by waste separation and composting of vegetable waste.

Recycling:

The applicant will promote recycling at the accommodation units and other facilities and all recycled materials will be stored in marked bins for different recyclable goods (Plastic, Glass, Paper and Tin). The bins will be readily accessible to guests. Guest will be encouraged to recycle during the operational phase of the development All recycled materials will be taken to the recycling depot in Lamberts Bay or Graafwater. The volume will dependent on the occupancy experienced.

Effluent:

Effluent from the facility will be treated through the deployment of the Biosub technology which is able to treat water to standards that are acceptable to the DWS as the Competent Authority.

DRAFT

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

The salient point is that the farm requires the diversification and expansion to remain economically sustainable as a business. As explained in detail above, this relates to an agricultural business that is no longer sustainable and to respond to a situation where a property cannot be farmed sustainably as a commercial agricultural farm but which is scenic and within easy reach of the must see tourism destinations associated with the Atlantic / West Coast seasonal flower displays and sites of cultural and heritage significance. Thus ensuring core income through diversified products and hospitality services with a higher value seasonally during the year.

Furthermore in terms of the PSDF and the Cederberg Municipality SDF & IDP this development is aligned to the forward planning of the Province and the local authority.

For these reasons we consider the No-go option to be unfeasible.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

As the development is completed and as the impacts have been found to be in the low order of magnitude the only remaining intervention is to deploy more effective and better suited technologies for the treatment of waste water and sewerage on the property.

In our opinion the point is well made in the discussion above, this is a part of the landscape that has limited other viable landuse opportunities, thus limited alternatives. In general sustainable farming here depends of a very narrow mix of potato and Rooibos tea production versus no habitat transformation but is ultimately limited by water quantity and quality. The intent here is to explore what appears to be a viable alternative and opportunity for a eco-tourism based system that has proven to be suitable in an area closely adjacent to a globally known tourism destinations.

To sustain livelihood off the natural vegetation from a purely agricultural business would require much larger areas than those available to this landowner due to the low carrying capacity of the Fynbos Biome. Consultation with the applicant is clear in that this property is entirely unsuited to agricultural production which was the primary reason for proceeding with this development.

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

Please note: If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

DRAFT

To summarise, there is no property alternative nor are there feasible site alternatives.

The primary feature for the identification of a suitable site in the landscape is driven by the adjacency of the property to an attractive natural feature, here the Atlantic Coastline and the near proximity to the World Heritage Site of the Cederberg, a Cultural and Heritage site of National significance (Heerenloggement) and the seasonal flower displays along the West Coast in spring. Activity alternatives are not considered feasible due to the very limited viable landuse opportunities available to landowners in this specific area, the alignment of the landuse with that of surrounding properties and its low key development footprint. Additionally it would make little sense in a situation such as this where the development has been completed. The pursuit of tourism translates into the most practical and economically sustainable landuse for this locality.

Design and layout alternatives do not exist as the site in terms of the accommodation has been completed.

Impacts are related to the mitigation of negative impact on the remaining natural vegetation and will effectively be dealt with in the EMPr.

Considering the ecosystem status, proximity to important biodiversity features, the nature of the current agricultural production system, forward planning, available landuse opportunities, the size of the current property, market realities and resultant business model we do not consider the no-go option or the demolition of the facility to be unfeasible in this instance.

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SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:

(a) Geographical and physical aspects:

Geographical and physical impacts will be expressed in impacts to unstructured sandy soils with negligible impact on soils structure. There are no discernible or significant impacts on geology.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	NO
If yes, please describe:		
Natural vegetation was impacted and cleared entirely for all areas where there is built infrastructure or where there are communal use areas such as the campsite. It should however be noted that many of these areas were historically impacted by commercial agriculture. The development of the tourism facility has taken place in previously intact Lamberts Bay Strandveld and within the belt of Cape Seashore vegetation. The opinion of the specialist botanist appointed to assess impacts on botanical values is that the development has impacted on CBA's see also **Appendix H – Specialist Reports**. There are no aquatic features or drainage lines in near adjacency to the developed area, this is supported by the findings of the specialist botanist. See **National Screening and site verification Report – Appendix M.**		
Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?	YES	NO
If yes, please describe:		
The development has resulted in the transformation of 0.4 ha's of Cape Seashore vegetation and 4.89 ha's of Lamberts Bay Strandveld. The new parking areas created around the Muisbosskerm are located within the coastal dune system above the high water mark.		
Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES	NO
If yes, please describe:		
Four SoCC's occur on site. The specialist botanist however found that all these species still occur on or adjacent to the site. Thus perpetuating the population at the site scale. Overall the impact conclusion by the specialist points to low to insignificant impacts on these SoCC's over their full distribution due to the small scale of the development footprint.		
Please describe the manner in which any other biological aspects were impacted:		
No other biological impacts were specifically identified by the specialist and the EAP.		

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	R10 000 000.00

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What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	R 2 500 000.00	
Has/will the activity have contributed to service infrastructure?	YES	NO
How many new employment opportunities were/will be created in the construction phase of the activity?	Minimum of ten	
What was the value of the employment opportunities during the construction phase?	R 2 000 000.00	
What percentage of this accrued to previously disadvantaged individuals?	90 %	
How was this ensured and monitored (please explain):		
Only used local builders and contractors.		
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	20	
What is the current/expected value of the employment opportunities during the first 10 years?	R 1 000 000.00	
What percentage of this accrued/will accrue to previously disadvantaged individuals?	80%	
How was/will this be ensured and monitored (please explain):		
The applicant only employed local from the Lamberts Bay community. This will be monitored by employment contracts and attendance registers		
Any other information related to the manner in which the socio-economic aspects was/will be impacted: Temporary jobs will be created during peak seasons and hosting of events such as the Cederberg - Muisbos		
NONE		

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(d) Cultural and historic aspects:

The Sandveld region stretches from the Berg River in the south to Lamberts Bay in the North. The area is bounded by the Cederberg Mountains in the east and the Atlantic Ocean in the west. The Piketberg Mountains are situated in the middle of this region.

The underlying geology and ecology, is ubiquitous from Milnerton in the south up until the point at which the mountains meet the sea north of Lamberts Bay. The landscape is open and sparse with few water sources, many of which are slightly brackish even at the best of times.

This distinctive landscape has given rise to a distinctive vernacular architecture. The design and construction of buildings here has been constrained by available materials, the local economy, the relative isolation of the community and by functional requirements for shelter in a harsh climate. The buildings have a "homespun" and elemental quality that remains in evidence today, although is under threat.

The combination of natural and man-made elements has led to the creation of a very specific sense of place, which has not been greatly impacted by modernization and development in the past century.

The subject site is one that traverses the dune environment, and is exposed to the coastline, with its cold Benguela current, thick mists and scarce rainfall.

Development of the Site

Malkoppan is located between the central Wadrifsoutpan mouth and Lambert's Bay, and forms a portion of the historic farm Steenboksfontein. Steenboksfontein was granted to G.E. Smit on the 31st December 1831. The Smit family's presence in the Sandveld dates to 1750, when Erasmus Smit was loaned the farm "Wagenpad" on the slopes of the Piketberg for the grazing of cattle.

There is no clear evidence as to the origins of the name "Malkoppan" but it is likely that the site name references the geographic location and features of the site. The 1930 Surveyor General Diagram was the earliest diagram of any detail that could be found for Malkoppan. The diagram clearly shows the original extent of Steenboksfontein form, as well as the subsequent subdivisions (of which Portion 19 is Malkoppan).

The 1942 aerial photography available for the site indicates that a dirt road ran through the four homesteads, from Steenboksfontein werf to Lambert's Bay. The farmhouse and rectangular barn structure seem to be in evidence, as does the pan. Cultivation to the north and east are in evidence, which supports the determination that the two structures identified would be in place by this time.

By 1964, the tarred road had been constructed and by 1980 the railway line had joined the road as a linear infrastructure cutting the coastline off from the interior. From 1986, circular areas of cultivation speak to the introduction of more intensive agricultural irrigation. The 2010 Topographical map indicates a greater number of structures at all the settlement nodes along the coastline, while the extent of agriculture remains constant.

The analysis indicates a landscape that has seen slow and incremental development over the course of the 20th century, both in terms of the extent of cultivation and the number of structures at each node. It is clear that all of the structures located at Malkoppan today are within areas that have been cultivated at least since the 1940s.

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Archaeology

The development lies along the West Coast about 5km south of Lamberts Bay. A series of archaeological sites lie 1.5km south of the property at Grootvlei and the very well-known sites at Steenbokfontein are about 4km south of Malkoppan. Much of the coastline between Elands Bay and Lamberts Bay has been regularly studied by archaeologists based at the University of Cape Town as well as various impact assessments conducted since the late 1980s.

In particular, the coastal archaeology found here has been part of Jeradino's core area on mega middens. Jerardino sampled the large black mussel (Choromytilus meridionalis) middens and most of these sites have been dated between 2 - 3 000 years ago with a date at Malkoppan older than 4000 years. Manhire's Sandveld survey is also relevant as much of the ground inland of Lamberts Bay and south of the Jakkalsrivier was thoroughly researched and most of the sandstone koppies and deflation bays dotting the area have been inspected as they hold many rock art sites and open air scatters of Later and Middle Stone Age material. More recent work by Orton and Shaw has identified Late Early Stone Age/Early Middle Stone Age material buried a few metres below the aeolian sands stretching along the coast at Hondeklipbaai.

Later Stone Age shell middens are the dominant archaeological site type at Malkoppan and Grootvlei but rock paintings and stratified MSA deposits are also found at Steenbokfontein in the complex of shelters found in the koppie. Steenbokfontein also holds one of the only dated rock paintings in the Western Cape due to a fallen painted slab that was uncovered during excavations. The paintings are at least 3500 years old and the site is part of ongoing research work. San hunter-gatherers and their ancestors were therefore well established in the area and made extensive use of the marine resources found nearby on the beach and rocky shoreline.

The advent of pastoralism in the area around 2000 years ago led to the introduction and use of pottery and sheep, and cattle were introduced into the economy by indigenous Khoisan groups by around 1000 years ago. The ACO (1995) found that "The Malkoppan area, being very close to the coast, is rich in archaeological material. Almost all the raised ground on the foredune to the west of the Lamberts Bay road is covered with a scatter of midden material. In some places this has affected the vegetation of the area giving rise to colonies of succulent plants that seem to thrive in the ashy shelly soil. The only way to establish the significance of the scatters was to dig test excavations to locate areas where there are stratified sequences. Very little stone artifactual material was noted on any of the sites."

The report by ACO (1998) concludes that "While archaeological material is present within the demarcated area, most of the sites are rather ephemeral suggesting very short term use by the pre-colonial inhabitants. The general paucity of either artifactual material or bone on all the sites (except MKP18) means that they have little research potential and do not need substantial mitigation. It has been suggested that small samples of the surface shell at these sites be collected for possible future radiocarbon dating."

Palaeontology

According to the SAHRIS Palaeosensitivity Map contained in the HIA, the area proposed for development is underlain by geological sediments of low and moderate sensitivity for impacts to palaeontology. These are mainly aeolian sands that consist of light grey to red sandy soil across the bulk of the development area (eastern end) with a narrow strip of sandstone (pebbly in places) and conglomerate of Piekenierskloof Formation on the immediate coastline (western end) and generally unconsolidated, calcareous dune sand of the Witzand Formation sandwiched in between. The Witzand Formation is the most likely area to contain fossils of tortoise shells/bones, land snail shells and the bones of moles.

Heritage Resources identified - Cultural Landscape

None of the structures making up the site are even of a medium level of heritage significance. The old farmhouse is protected under Section 34 of the National Heritage Resources Act, and its context does adhere to the historic pattern of settlement in this area. At most, it and the adjacent pan might receive a grading of IIIC, along with the small guest cottage nestled in the dunes, which is representative of the typology, and older than the other fabric surrounding the campsite. None of the other structures making up the site have sufficient significance to warrant grading. As a whole, the site would also not warrant grading. However, the site does contribute to a broader cultural landscape that was only settled in the early 20th century, but that does have a mild degree of significance in that it comprises a linear coastal dune system with a string of brackish perennial water bodies behind the seaward dunes. The location of these pans has determined the location of structures in this otherwise sparse and expansive semi-desert landscape, that is so typical of the West Coast. The structures comprising Malkoppan today follow and reinforce this landscape pattern.

**What is contained above comprises a direct extract and summary from the HIA compiled by the specialists. Please refer to this report for greater detail in the appendices as required.

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2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	m^3	
N/A – Construction has been completed – no waste is evident on site.		

Does the activity produce waste during its operational phase?	YES	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? The waste produced would be similar to that of a residential home but at larger volumes. There is a large amount of organic waste generated through the mowing and maintenance of the accommodation areas but this is organic waste and will compost on site. The EMPr will recommend that guests have organic compost bins at their disposal and are encouraged to use them according to the available information booklet. Additionally that there are two recycling areas with clearly marked bins for different recyclable goods (Plastic, Glass, Paper and Tin). The areas are easily accessible to guests, and guests are encouraged to recycle as much as possible and done according to the information booklet.	$8.33m^3$	

Where and how was/will the waste be treated / disposed of (describe)?		
All general waste from the property is transported to the waste disposal site in Lamberts Bay.		
Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority. See **Appendix F – Permits and Licenses**.	YES	NO
Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	YES	NO
If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility:	N/A	N/A
Does the facility have an operating license? (If yes, please attach a copy of the license.)	N/A	N/A
Contact person: Nolan Titus		
Postal address: 2A Voortrekker Road, Clanwilliam / Private Bag x2, Clanwilliam		
	Postal code: 8135	
Telephone: (027) 482 8000	Cell: None provided	
E-mail: Alyssa@cederbergraad.co.za	Fax: 027 482 1933	

Describe the measures that were/will be taken to reduce, reuse or recycle waste:

Organic waste:

Organic waste generated from the maintenance of the lawns and other public spaces in the camping area will be composted on site.

Recycling:

The applicant will promote recycling at the camping and restaurant facilities and all recycled materials will be stored in marked bins for different recyclable goods (Plastic, Glass, Paper and Tin). The bins will be readily accessible to guests. Guest will be encouraged to recycle during the operational phase of the development All recycled materials will be taken to the recycling depot in Lamberts Bay. The volume will dependent on the occupancy experienced.

Effluent:

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See detailed description of the Biosub Treatment Facility and associated infrastructure above and in **Appendix H- Specialist Reports.**

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO
If yes, does it require approval in terms of relevant legislation?	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
N/A		

3. WATER USE

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity did/does/will not use water

If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate	
the volume that was extracted per month:	Stimate based on the volume of waste water to be treated approx.. 1433 m^3/month

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)		
Did/does the activity require a water use permit / license from DWA?	YES	NO
If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.		
Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:		
The Biosub Treatment Facility produces water that is of sufficient quality for use a supplementary irrigation. This recycled water will be irrigated to lawns and gardens within the site and adjacent to it. Proof of the application to the DWS for the required permitting will be undertaken by Water and Wastewater Africa and will be appended to the final report in **Appendix F – Permits and Licenses**.		

4. POWER SUPPLY

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

Power is provided through a connection to the ESKOM grid. No additional power capacity is required for the facility.

If power supply is not available, where will power be sourced from?
N/A

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
All light bulbs will be low energy LED lights.

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

NONE

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6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION

Please note:

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
- Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.

(a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

Impacts on geographical and physical aspects:	
Nature of impact:	Low - Disturbance of the soil in the areas where the camping and services facilities were built. The soils are unstructured and no areas where the geology is near the surface has been impacted. Impacts may be associated with the access roads to and within the site. These too are expected to be low in terms of the potential impact as basic management interventions such as, restricting clients to existing roads, road contouring, storm water controls and maintenance are proven means to prevent erosion from these road surfaces and allow natural water flows. The consequence of these impacts are that the denuded surfaces created on site could result in erosion of top soil and ultimately in the alteration of the site scale hydrology and surface and in an instance where the road becomes a hollowed out channel the loss of diffuse water flows if not mitigated.
Extent and duration of impact:	This is a local impact restricted to the site cleared and would occur during the preparation of the development area for the establishment of the buildings and associated infrastructure as well as the road within the site. In terms of duration it would be relevant for the full duration of the development phase and would carry over to the operational phase.
Probability of occurrence:	100%
Degree to which the impact can be reversed:	The development is low key and relatively small in scale. If decommissioned and over time we consider the probability that the sites may rehabilitate as high all be it at lower levels of diversity in these degraded areas i.e. structural ecological functionality. If other factors identified as impacts have been efficiently managed and / or mitigated then the current diversity would conceivably be restored in the long term. In the case of development there is a high degree of probability that the impact can be reversed due to the fact that the use is not consumptive of this resource and spatially at a small scale.
Degree to which the impact may cause irreplaceable loss of resources:	Low - The cleared areas will cause no irreplaceable loss of the sandy substrate. The underlying rocky substrate has not been impacted. If good practices are followed and the current cover is maintained loss of soil resulting from wind erosion should be well controlled at normal background levels.
Cumulative impact prior to mitigation:	Low - Cumulative impacts associated with this proposed development would primarily revolve around the retention of the soil. Loss of topsoil may be regarded as irreversible and cumulatively can alter entire ecosystems.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	High
Proposed mitigation:	Establishment of vegetative cover will be achieved via the EMPr around the communal areas, accommodation facilities & no–go areas. Ensure that the access roads are continually maintained to prevent erosion in line with the recommendations for erosion control contained in the EMPr. Strictly enforce no-go areas that would be sensitive to foot traffic such as the dunes within the Malkoppan and Muisbosskerm sites.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low to insignificant

Impact on biological aspects: Terrestrial	
Nature of impact:	As the facility is located in what was once natural vegetation (albeit cutting of natural vegetation and the disturbance of soil micro fauna and flora communities.

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	Consequence - Primarily loss of biodiversity pattern through the loss of species and populations of species both floral and faunal assemblages associated with the particular ecosystem. Loss of micro to site scale ecological services.
Extent and duration of impact:	Extent would be restricted to the area cleared but the loss/ duration would be permanent as long as the landuse option is exercised.
Probability of occurrence:	100% for clearing and difficult to supply probability for uncontrolled fire but with management this risk should remain low.
Degree to which the impact can be reversed:	There is a high degree of probability that the impact can be reversed due to the fact that the surrounding area has remnant and connected natural systems surrounding the development. Recolonisation, by adapted species from these areas will be a source area. This would hold true for an instance where the current development is decommissioned. Additionally, the areas directly adjacent to the impacted sections of natural vegetation contain much of the plant species diversity that is associated with the extent vegetation. There is a good chance therefore that the present terrestrial plant and animal diversity within the tourism facility footprint will be restored if mitigation measures are implemented and good management practice is followed or if the facility were to close its doors for some reason. Finally the vast bulk of the property, outside the current development footprint, has already been and will be left to rehabilitate this will provide a ready source area for new colonisers. Impacts on ecological functioning at the small scale here would be insignificant other ecological functioning such as pollination services will be maintained through the retention of the extensive areas of natural vegetation and by virtue of the fact that the development does not impact on any identified aquatic feature.
Degree to which the impact may cause irreplaceable loss of resources:	Low – One would expect the ecology associated with the healthy functioning ecosystem to be retained by dint of the retained diversity in the plant community that is extensive and fully surrounds the facility.
Cumulative impact prior to mitigation:	Medium – Cumulative impacts would be associated with the movement peopleThe area has and is in the process of being stabilised and evidence of these cumulative impacts is not evident.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.
Degree to which the impact can be mitigated:	Impacts on cleared vegetation cannot be mitigated and this resource has been permanently lost. The physical impacts on remaining vegetation can be well controlled through active management guidelines that restrict vehicles and people in natural areas, including the dunes,and reduce edge impacts on the natural areas and along access roads.
Proposed mitigation:	As stated above mitigation of the clearing of extant vegetation is not possible and has been permanently lost. These species are resilient and present in large numbers in the surrounding extant vegetation and within the facility site. The impacted areas already show colonisation by a large number of species associated with historical vegetation units that were present on site. Effective management of the remaining natural areas through preventing people from entering them unnecessarily should maintain enough diversity to provide a source area for natural rehabilitation of transformed areas in the event that the facility closes its doors. Colonisation could be further improved and supplemented by active planting of naturally occurring species. Under no circumstances should vehicles and or visitors be allowed to cross over these areas of natural vegetation. Management of people should be well controlled to ensure that the natural areas are not trampled or over utilised.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

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Impacts on biological aspects – Invasion by Alien Invasive Plants:	
Nature of impact:	As stated above the site has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site has listed invasive alien plant species present i.e. Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning Consequence - Primarily loss of biodiversity pattern through the physical supplanting of species and populations of species both floral and faunal assemblages associated with the particular ecosystem due to the invasion of the area by an invasive species. This could result in the local extinction of indigenous species with broader distribution ranges but could cause extinction of narrowly distributed species.
Extent and duration of impact:	Extent would not be restricted to the area of the current development footprint. These invasive plant species have well developed dispersal systems and are able to colonise other areas well beyond the boundaries of the current development and the boundaries of the property if left unchecked.
Probability of occurrence:	100%.
Degree to which the impact can be reversed:	High – The area is not characterised by particularly aggressive invasion but these invasive plant species are highly resilient and require control measures for extended periods of time over many years. However the control and eradication of invasive plant species is possible.
Degree to which the impact may cause irreplaceable loss of resources:	Definite – invasive species cause significant rates of extinction globally.
Cumulative impact prior to mitigation:	The greater the areas invaded by invasive alien plant species the greater the loss of indigenous vegetation and species by being physically supplanted by these species. Cumulatively in a landscape this would result in higher extinction rates of range restricted species and higher local extinction rates for more widely distributed species. The greater biomass of infested areas results in fires that are hotter and that burn more intensely, this has a cumulative and synergistic impact of reducing the ability of indigenous species to colonise these areas and preventing the expansion of invasions by these alien plant species. The presence of invasive alien species can and does result in a more fire prone system and fires occurring in vegetation types that historically would not have supported a fire. Thus an impact to a vegetation type that is not fire adapted.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	High – with a well-planned and co-ordinated effort to control these invasive alien species over a number of years.
Proposed mitigation:	Adhere to the recommendations contained in the EMPr and control all invasive alien plant species present currently on the property. Ensure that the control programme is maintained until the maintenance phase has been achieved. Seek advice should a more detailed and robust plan will be required.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on socio-economic aspects:	
Nature of impact:	Temporary construction employment would have been available during the construction phase and the benefit to the local community would have extended to local business for material purchases and appliance installations.
Extent and duration of impact:	For the period when the clearing, preparation and the construction of the new accommodation facilities was undertaken up to the completion and sign off by the owner on the completion of the development.
Probability of occurrence:	100%
Degree to which the impact can be reversed:	These services were required and are therefore irreversible.
Degree to which the impact may cause irreplaceable loss of resources:	N/A.

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Cumulative impact prior to mitigation:	Medium - Cumulative Impacts would be associated with the greater number of people being temporarily been employed over the period of time it would take to complete construction. The relationship between the landowner and temporary staff willing to work could result in longer term temporary employment opportunities.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	N/A the projected benefit would be a positive contribution to rural poor livelihoods and the local economy. Mitigation of the potential effects of increased income into poor households falls within the realms social welfare and well outside the scope of this assessment.
Proposed mitigation:	N/A – positive impact.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on cultural-historical aspects:	
Nature of impact:	Destruction of significant archaeological and cultural landscape heritage resources.
Extent and duration of impact:	At a site scale and permanent
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Very High
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Very High
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	For the remaining heritage resources on the property a dedicated Heritage Agreement and Management Plan must be drafted.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very High

Noise impacts:	
Nature of impact:	Associated with the presence of construction staff and machinery during the construction phase.
Extent and duration of impact:	Ongoing as long as the construction phase was ongoing.
Probability of occurrence:	100%
Degree to which the impact can be reversed:	None
Degree to which the impact may cause irreplaceable loss of resources:	None, envisioned this is an rural agricultural farm and the noises associated with the development are low key and a long distance away from any neighbours (closest appears to be approx. 1.5 km distant to the south.
Cumulative impact prior to mitigation:	None required
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	None required
Proposed mitigation:	None required
Cumulative impact post mitigation:	None required
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Visual impacts / Sense of Place:	
Nature of impact:	The removal of natural vegetation and its replacement by the restaurant, the camping facility and associated infrastructure does constitute potential visual impacts.
Extent and duration of impact:	Permanent as long as the facility remains operational.
Probability of occurrence:	100%
Degree to which the impact can be reversed:	High – All structures can be fully dismantled and resultant rubble and waste material can be removed from the site.
Degree to which the impact may cause irreplaceable loss of resources:	Low – Most of infrastructure have been historically placed on natural vegetation but as highlighted above these areas can be restored.
Cumulative impact prior to mitigation:	Low – this is an agricultural area and similar facilities are present on some neighbouring properties. At closer quarters the camping area and the chalet are screened to some extent by the topography.

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	While additive the development is well aligned with the general view shed of this rural agricultural landscape in the Lamberts Bay to Elands Bay landscape. This is borne out by the recommendation of the Heritage Specialist that notes that no Visual Impact Assessment is required in this instance.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.
Degree to which the impact can be mitigated:	Medium to High.
Proposed mitigation:	Much of the mitigation that could have been undertaken cannot as the development and associated infrastructure is already in existence. Retention of the natural vegetation adjacent to these facilities, screening using indigenous trees has and will screen off the facilities mitigating visual impacts to a great degree. Passive and active rehabilitation aligned to recommendations made in the EMPr will further mitigate impacts. The maintenance of the integrity and health of the intervening and adjacent natural vegetation would further serve to mitigate impacts. The active planting of indigenous trees will also mitigate impacts, caused by the development
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.

Visual impacts / Glare and Reflection	
Nature of impact:	It is probable that some day time glare and reflection of sunlight may occur in terms of buildings and vehicles.
Extent and duration of impact:	Permanent as long as the facility remains operational.
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	High – All structures can be fully dismantled and resultant rubble and waste material can be removed from the site.
Degree to which the impact may cause irreplaceable loss of resources:	High – All structures can be fully dismantled and resultant rubble and waste material can be removed from the site.
Cumulative impact prior to mitigation:	Low –as noted these types of facilities are present on some neighbouring properties. At closer quarters the camping, chalets and associated infrastructure are screened to some extent by the topography and will be further screened by the planting of indigenous trees. It must be noted that the development is well aligned with the general view shed of the rural agricultural landscape associated with this stretch of coastline. This is borne out by the recommendation of the Heritage Specialist that notes that no Visual Impact Assessment is required in this instance.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	Medium to High.
Proposed mitigation:	Much of the mitigation that could have been undertaken cannot as the facility is already in existence. Retention of the natural vegetation adjacent to the development, screening using indigenous trees has and will screen off the facilities mitigating visual impacts to a great degree. Passive and active rehabilitation must be aligned to recommendations made in the EMPr. Maintenance of the integrity and health of the intervening and adjacent natural vegetation would serve to mitigate impacts. Active planting of indigenous trees will additionally mitigate impacts.
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.

Visual impacts / Light Pollution	
Nature of impact:	It is highly probable that night time light pollution may occur in terms of buildings and security lighting.

DRAFT

Extent and duration of impact:	Permanent as long as the facility remains operational.
Probability of occurrence:	Probable.
Degree to which the impact can be reversed:	High – All structures can be fully dismantled and resultant rubble and waste material can be removed from the site.
Degree to which the impact may cause irreplaceable loss of resources:	High – The proposed mitigation measures result in a low impact significance.
Cumulative impact prior to mitigation:	Low – As noted these type of accommodation facilities are present on some neighbouring properties. These properties are however distant (1.5 km) and host the exact same accommodation and hospitality facilities. The site of this development is not visible from any adjacent neighbour. At closer quarters the camping and chalet are screened to some extent by the topography. While additive the development is well aligned with the general view shed of the rural agricultural landscape along this stretch of Atlantic coastline. This is borne out by the recommendation of the Heritage Specialist that notes that no Visual Impact Assessment is required in this instance.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	Medium to High.
Proposed mitigation:	Mitigation Measures- Landscape Architectural Guidelines: • Neon security lights may not be used; and • Along the site boundary, lighting should be permitted at the entrance gateways only – but not along the length of the access road. • To preserve the rural quality, the access road must to remain unlit. Mitigation Measures- Architectural Guidelines: • Avoid light 'pollution' by reducing lighting to the minimum necessary; • Lighting is to be discrete, and well-integrated into the buildings; • Use only low-wattage bulbs lights with a warm white illumination to minimise light pollution; • Lights should feature a bulb with a hood, which enables light to be channelled down, reducing wasted light; Lighting is to be discrete, and well-integrated into the buildings; and • Up-lightning onto the outer sides of the buildings may not be used.
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.

Visual impacts / Visual Scarring	
Nature of impact:	Visual scarring has occurred during the construction period and this should be further minimised as far as possible.
Extent and duration of impact:	Local - Medium term as long as the scars are visible and as long as it takes for the plant cover to regenerate within these visual scars.
Probability of occurrence:	Probable and has occurred.
Degree to which the impact can be reversed:	High – All structures can be fully dismantled and resultant rubble and waste material can be removed from the site. The visual scars can be rehabilitated.
Degree to which the impact may cause irreplaceable loss of resources:	High – The proposed mitigation measures result in low impact significance.
Cumulative impact prior to mitigation:	Low – As noted these type of accommodation facilities are present on some neighbouring properties. At closer quarters the camping and chalet are screened to some extent by the topography. While additive the development is well aligned with the general view shed of this rural agricultural landscape associated with the landscape.

DRAFT

	This is borne out by the recommendation of the Heritage Specialist that notes that no Visual Impact Assessment is required in this instance.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	Medium to High.
Proposed mitigation:	Mitigation Measures- Landscape Architectural Guidelines: • Careful environmental management measures should be enacted to prevent damage to surrounding natural vegetation and drainage lines; • Dust control measures should be put in place; and • The use of heavy machinery should be minimised as far as is practically possible to prevent scarring and erosion of the site, and cut and fill operations should be minimized.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

(b) **Impacts that result from the operational phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.**

Impacts on the geographical and physical aspects:	
Nature of impact:	Alteration of run-off characteristics may be caused by the development during the operational phase that are related to land surface disturbance, the creation of hardened surfaces, the diversion of water parallel to roads or within the hollowed out road surface and vegetation removal. Erosion may cause a loss and deterioration of soil resources over the operational lifetime of the proposed development if not managed and mitigated correctly. The consequence will be the loss of topsoil, loss of soil fertility and the creation of erosion ditches.
Extent and duration of impact:	Local as this would be confined to the areas cleared for the development footprint.
Probability of occurrence:	Improbable – As there are known and accepted mitigation measures such as contouring and cross drains for the access roads and erosion control measures around accommodation units and associated infrastructure. Additionally the imposition of no-go areas. Please refer to the section dealing with erosion control in the EMPr.
Degree to which the impact can be reversed:	Low – Topsoil lost in a temperate / dry environment such as this would essentially be irreplaceable.
Degree to which the impact may cause irreplaceable loss of resources:	Soil formation is a very slow process and once lost from the site at unnaturally high rates would constitute an irreplaceable loss.
Cumulative impact prior to mitigation:	Here the cumulative impact would be the gradual loss of soil fertility as noted above.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	High – There are well established mitigation and management measures to ensure the conservation of topsoil and the prevention of erosion.
Proposed mitigation:	Ensure that erosion controls as outlined in the EMPr are implemented and maintained continuously. Regular monitoring of the site for signs of sheet and gulley erosion would be the most effective mitigatory measure. In instance where accelerated levels of erosion are occurring, repairing faulty mitigation measures should this be the cause, stabilizing these areas either with natural vegetation, geo-textiles / nets and or with basket gabion structures could mitigate further soil loss and gulley erosion. Minimizing disturbance of denuded areas would further mitigate deterioration of the impacted site. The establishment of a vegetative cover of indigenous plants / pioneer species to begin the process of slow natural regeneration of indigenous species complex.
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.

DRAFT

Impact on biological aspects: Terrestrial	
Nature of impact:	The nature of impact on biological aspects would be tied to disturbance of natural vegetation along the development footprint and along the access roads. The development has the potential to impact on sensitive biodiversity values. These would stem from impacts caused by visitors such as pollution, trampling and the increase in fire regimes. The occupancy of the site could additionally result in less optimal fire frequencies which is regarded as the primary operational phase botanical impact of concern. Operational impacts would additionally be associated with the minor loss of ecological connectivity. The probability that these impacts will occur would be 100% for edge effect impacts, which cannot be avoided. Disturbed areas are readily invaded by invasive alien plant species that are currently present on site. The impacts are considered reversable as on-site evidence from old disturbed areas and along the existing access roads, indicates that some diversity can return to highly disturbed areas, the irreplaceable loss of biodiversity from a structural perspective should therefore be low. Very low intensity habitat fragmentation may occur on site during the operational phase
Extent and duration of impact:	The entire disturbed area would be affected and the impact would be permanent.
Probability of occurrence:	Probable.
Degree to which the impact can be reversed:	High, the site adjacent has an extensive area of natural vegetation and the extant sensitive areas must be avoided during the operational phase. The management of these areas would probably allow for indigenous species and communities to be retained and thus they could and will become source areas for recolonisation.
Degree to which the impact may cause irreplaceable loss of resources:	Low.
Cumulative impact prior to mitigation:	If similar edge effects were to occur in the surrounding landscape this would compound the loss of ecosystem productivity at broader scales. Thus compounding and enlarging the effective impact area of this landuse. In an instance where no mitigation measures were put in place, the site would experience the loss of vegetative cover in and around the development, the disruption of the soil profile, the loss of topsoil through sheet (wind) and gulley erosion, the increase in sediment load in run-off water into buffer areas around drainage lines. Alien invasive plants are well adapted to colonising disturbed areas and cumulatively could replace the current vegetation on the site, altering the diversity and structure of the vegetative community on the site and ecosystem processes. Effectively supplanting natural vegetation and altering the hydrological and fire dynamics of the sensitive areas identified. Alteration in the fire regime would cumulatively result in the loss of species diversity over time.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium – the natural vegetation is still in good condition
Degree to which the impact can be mitigated:	High.
Proposed mitigation:	• Ensure that accidental fires are prevented with the implementation of fire awareness strategies. • Supress accidental fires immediately. • Uncontrolled burns should be mitigated through active management of staff and clear guidelines regarding smoking and the making of cooking fires etc. must be drawn up and enforced. These issues should be captured and dealt with in more detail in the EMPr. • Effective management of the remaining natural vegetation by controlling access or entering these areas unnecessarily and adhering to best practice when using these areas. Under no circumstances should vehicles be allowed to cross over these natural areas, in particular close to the edge of

DRAFT

	the proposed development. Access routes to the various areas of the development should be similarly managed. • Mitigation measures relating to the control of alien invasive plant species is of relevance here too. All woody alien invasive plants on the greater property area must be controlled. Cut material should ideally be removed from site or chipped on site, or alternatively stacked on site with cut ends upwards. If it is stacked it should be stacked in lower sensitivity areas. Where applicable all cut stumps should be immediately hand painted with a suitable herbicide (such as Garlon), stained with a dye, in order to prevent resprouting. • No listed NEMBA invasive alien plant species may be cultivated anywhere on the property or the development sites. • No garden clippings that cannot be composted may be deposited on site, and must all be transported to an approved organic dump off-site. This is to avoid build-up of fuel load and to minimise pathogen and invasion risk. • Ongoing environmental monitoring and auditing of the property will be required, for at least the first 3 years after project authorisation. • The applicant must allocate sufficient funding to ensure compliance with all the above mitigation requirements, on an ongoing basis.
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Negative - Low**

Impacts on biological aspects – Invasion by Alien Invasive Plants:	
Nature of impact:	As stated above the site has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site has listed invasive alien plant species present i.e. Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning Consequence - Primarily loss of biodiversity pattern through the physical supplanting of species and populations of species both floral and faunal assemblages associated with the particular ecosystem due to the invasion of the area by an invasive species. This could result in the local extinction of species with broader distribution ranges but could cause extinction of narrowly distributed species.
Extent and duration of impact:	Extent would not be restricted to the area demarcated for the operational phase of the development. These invasive plant species have well developed dispersal systems and are able to colonise other areas well beyond the boundaries of this property if left unchecked.
Probability of occurrence:	100%.
Degree to which the impact can be reversed:	High – The area is not characterised by particularly aggressive invasion but these alien invasive species are highly resilient and require control measures for extended periods of time over many years. However eradication of invasive species is possible.
Degree to which the impact may cause irreplaceable loss of resources:	Definite – invasive plant species cause significant rates of extinction globally.
Cumulative impact prior to mitigation:	The greater the areas invaded by invasive alien plant species the greater the loss of indigenous vegetation and species by being physically supplanted by these species. Cumulatively in a landscape this would result in higher extinction rates of range restricted species and higher local extinction rates for more widely distributed species. The greater biomass of infested areas results in fires that are hotter and that burn more intensely, this has a cumulative and synergistic impact of reducing the ability of indigenous to re-colonise these areas and facilitating the expansion of invasions by the alien invasive plant species.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.

DRAFT

Degree to which the impact can be mitigated:	High – with a well-planned and co-ordinated effort, control of these invasive plant species over a number of years are possible..
Proposed mitigation:	Adhere to the recommendations contained in the EMPr and control all invasive alien plant species present currently on the property. Ensure that the control programme is maintained until the maintenance phase has been achieved. Seek advice should a more detailed and robust plan be required.
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.

Impacts on the socio-economic aspects: Employment (Permanent)	
Nature of impact:	High - Permanent employment and commercial opportunity for owners.
Extent and duration of impact:	The extent of the impact will be limited to the landowner and his staff for as long as it the facility remains operational.
Probability of occurrence:	Definite.
Degree to which the impact can be reversed:	Improbable – commercial opportunity for the landowner and employment for his staff will remain for the duration of the operational life of the tourism facility.
Degree to which the impact may cause irreplaceable loss of resources:	NONE
Cumulative impact prior to mitigation:	Low - Cumulative impacts in this instance would relate primarily to a situation where employment opportunities were not preferentially offered to local community members. If provided though there would be a net positive benefit to homes and families of the owners and staff on site.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	High through ensuring preferential employment opportunity to local people.
Proposed mitigation:	Ensure that people from the local community are employed at this facility to provide services such as maintenance, cleaning and bedding. Special attention should be given to women from the unskilled and semi-skilled sector.
Cumulative impact post mitigation:	Medium - as employment opportunities would be taken up by local people that will result socio-economic benefits.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Positive - Medium** Impact at a local scale with increased opportunity and income to the owners and the staff members they employ.

Impacts on the socio-economic aspects: Criminality, vandalism and theft	
Nature of impact:	Vandalism, destruction and theft can impact on the owners and employed staff's lives, economic well-being and could potentially drain the owners maintenance budget.
Extent and duration of impact:	The extent could impact the broader community and would remain for the duration of the life of the facility should no mitigation be instituted.
Probability of occurrence:	Probable if no mitigation activities are implemented.
Degree to which the impact can be reversed:	High – the accommodation and hospitality services could be rebuilt at significant expense. However they could conceivably effect repair and / or replace stolen items.
Degree to which the impact may cause irreplaceable loss of resources:	Low – items stolen or vandalised are replaceable and facilities can be rebuilt.
Cumulative impact prior to mitigation:	Cumulatively acts of vandalism, criminality and theft could result in the total lack of on-site accommodation and hospitality services.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	High - Adequate security measures.
Proposed mitigation:	Adequate security measures would include access controls, stock taking, law enforcement and the deployment of visible security staff when needed to curb vandalism or criminality.
Cumulative impact post mitigation:	Low.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Negative – Low.

Impacts on the cultural-historical aspects:	
** No operational impacts should occur I the mitigation of a Heritage Agreement and Management Plan are in place.	
Nature of impact:	Impacts to remaining intact heritage resources on site.
Extent and duration of impact:	NONE – Impacts would only occur during construction.
Probability of occurrence:	Low – If the terms of the Heritage Agreement and the management plan are met.
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable	Definite - If the terms of the Heritage Agreement and the

DRAFT

loss of resources:	management plan are not met.
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	High - If the terms of the Heritage Agreement and the management plan are met.
Proposed mitigation:	The Competent Authority should ensure full compliance with the terms and conditions of the heritage Agreement and Management Plan through spot checks.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Noise impacts:	
Nature of impact:	Noise associated with an eco-tourism facility within a rural agricultural context.
Extent and duration of impact:	Limited to the site and its adjacent surrounds but permanent as long as the facility is in operation.
Probability of occurrence:	Definite.
Degree to which the impact can be reversed:	High – with surrounding noise from the local residents and tourists may be screened by planting of trees to dampen noise. Mitigation measures could additionally be improved with a set of ground rules specifically addressing potential noise impacts from music, cars etc.
Degree to which the impact may cause irreplaceable loss of resources:	Low – the facility is within a rural agricultural landscape well removed from neighbouring properties that may be disturbed.
Cumulative impact prior to mitigation:	Low – this is a small additional noise impact within a rural setting.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.
Degree to which the impact can be mitigated:	High.
Proposed mitigation:	Automatic due to the placement of the facility at an extended distance from other residences on neighbouring farms. Not considered necessary but included for completeness sake the planting of screening plants to dampen noise.
Cumulative impact post mitigation:	Low – as above with mitigation this impact is low to negligible in a rural environment placed a significant distance from neighbours.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low to negligible *(not expected)*.

Visual impacts / Sense of Place:	
Nature of impact:	The removal of natural vegetation and its replacement by accommodation facilities may constitute a potential visual impact.
Extent and duration of impact:	Permanent as long as the facility remains operational.
Probability of occurrence:	100%.
Degree to which the impact can be reversed:	High – All structures can be fully dismantled and resultant rubble and waste material can be removed from the site.
Degree to which the impact may cause irreplaceable loss of resources:	Low – as noted in the heritage recommendation.
Cumulative impact prior to mitigation:	Low – this is an area that is characterised by intensive Potato and Rooibos Tea production , with package stores, farm sheds, storage areas and residences for owners and their staff. As noted the same type of buildings and accommodation facilities are present on some neighbouring properties. This landuse has resulted in vast areas of natural vegetation being cleared. The current footprint is insignificantly small by comparison. While additive the development is well aligned with the general view shed of this rural agricultural landscape in the Lamberts Bay to Elands Bay landscape. This is borne out by the recommendation of the Heritage Specialist that notes that no Visual Impact Assessment is required in this instance.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Medium-High – Retention of the natural vegetation within the facility will, a few years, screen off the accommodation facilities mitigating visual impacts and improve the sense of place to a great degree. The facilities are located on a recognised tourist route but the popularity of this type of accommodation in the area evidences its suitability and the acceptance for people visiting the area both in terms of visual and sense of place (isolation and away from normal activities and sounds associated with cities).
Proposed mitigation:	Maintenance of the integrity and health of both the natural vegetation would serve to mitigate impacts. Active planting of the

DRAFT

	accommodation sites with indigenous trees will further mitigate impacts.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

(c) Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.

Potential impacts on the geographical and physical aspects:	
Nature of impact:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Extent and duration of impact:	**NONE –** Conceivably if the site was to be decommissioned all would be demolished and removed and the site rehabilitated.
Probability of occurrence:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Degree to which the impact can be reversed:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Degree to which the impact may cause irreplaceable loss of resources:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Cumulative impact prior to mitigation:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure stalls would be demolished and removed and the site rehabilitated.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Degree to which the impact can be mitigated:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure stalls would be demolished and removed and the site rehabilitated.
Proposed mitigation:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Cumulative impact post mitigation:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.

Potential impact on biological aspects: Terrestrial	
Nature of impact:	Restoration of the natural ecosystem that occupied the transformed areas prior to the development.
Extent and duration of impact:	Local. Permanent as long as the area remains decommissioned.
Probability of occurrence:	High – Should the site be decommissioned and a rehabilitation project initiated.
Degree to which the impact can be reversed:	High.
Degree to which the impact may cause irreplaceable loss of resources:	Not relevant – this activity would be focussed on a restorative action.
Cumulative impact prior to mitigation:	The intent with decommissioning would be the re-establishment of natural or near natural ecosystem function thus a positive impact that would not be intentionally mitigated.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Under normal circumstance mitigation of the positive impact would not be sought as the restorative intent would be the mitigating factor.
Proposed mitigation:	Implementation of a detailed rehabilitation plan.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very Low to negligible

Potential impacts on the socio-economic aspects	
Nature of impact:	The decommissioning would conceivably impact on the socio-economic wellbeing of the local community by providing opportunities for employment on the positive side but would potentially result in significant negative impacts resulting from the loss of income to the applicant and his staff. Specialised services will be required for the assessment of the

	procedure for decommissioning of the site and this income could flow to services. Furthermore a contractor firm will be appointed to undertake the decommissioning with an inflow of income into his/her business and the jobs it supports. Finally deconstruction jobs will be available to the local unskilled and semi-skilled labour during the decommissioning phase with an increase in income into those households.
Extent and duration of impact:	The extent of the impact will be limited to the local community and will persist for as long as it takes to complete the decommissioning of the accommodation facilities and associated infrastructure.
Probability of occurrence:	Definite, if preferential procurement is given to local employment seekers and probable as people such as the owner and his family have livelihood connections with the site.
Degree to which the impact can be reversed:	Improbable – within the commercial agricultural context suitable land is at a premium and if decommissioned it would probably be used for another landuse able to generate income thus the activity would be lost.
Degree to which the impact may cause irreplaceable loss of resources:	Socio-economic wellbeing as a renewable resource would conceivably recover or migrate elsewhere with time.
Cumulative impact prior to mitigation:	Low - Cumulative impacts in this instance would relate primarily to a situation where economic / employment opportunities were not preferentially offered to local community members.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low – Medium.
Degree to which the impact can be mitigated:	High through preferential employment to local people .
Proposed mitigation:	The decommissioning service provider should preferentially employ local people, in particular the unskilled and semi-skilled labour who do not have the opportunity to be as mobile as those contractors who have high skills levels and income.
Cumulative impact post mitigation:	Low- as jobs would be taken up by locals with resultant socio-economic benefit flowing to residents.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Positive – Low - Medium** Impact at a local scale with employment and increased income to those employed. **Negative – Very low** If the site is not decommissioned.

Impacts on biological aspects – Invasion by Alien Invasive Plants:	
Nature of impact:	As stated above the site has impacted on natural vegetation associated with the ecosystem type present on site. As noted too the site is invaded by listed invasive alien plant species, specifivcally Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning . If left unchecked these species will increase and physically supplant indigenous species and negatively impacted on ecosystem processes. Consequence - Primarily loss of biodiversity pattern and processes through the physical supplanting of species and populations of indigenous species both floral and faunal assemblages and alter the entire environment. This could result in the local extinction of species and may cause the entire ecosystem to fail in delivering must needed functions.
Extent and duration of impact:	Extent would not be restricted to the area demarcated for decommissioning. These species have well developed dispersal systems and are able to colonise other areas well beyond the boundaries of the decommissioning site if left unchecked.
Probability of occurrence:	100%.
Degree to which the impact can be reversed:	High – The area is not characterised by particularly aggressive invasion plant species, but these invasive species are highly resilient and require control measures for extended periods of time over many years. However eradication of invasive species is possible during the decommissioning phase.
Degree to which the impact may cause irreplaceable loss of resources:	Definite – invasive plant species cause significant rates of extinction globally.
Cumulative impact prior to mitigation:	The greater the areas invaded by invasive alien plant species the greater the loss of indigenous species by being physically supplanted by these invasive species. s Cumulatively in a landscape this would result in higher extinction rates of range restricted species and higher local extinction rates for

DRAFT

	more widely distributed species. The greater biomass of infested areas results in fires that are hotter and that burn more intensely, this has a cumulative and synergistic impact of reducing the ability of indigenous to colonise these areas and facilitating the expansion of invasions by these invasive species.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium.
Degree to which the impact can be mitigated:	High – with a well-planned and co-ordinated effort, control of these invasive species over a number of years during the decommissioning phase will be possible.
Proposed mitigation:	Adhere to the recommendations contained in the EMPr. Ensure that the control programme is maintained until the maintenance phase has been achieved. Seek advice should a more detailed and robust plan be required.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Potential impacts on the cultural-historical aspects:	
Nature of impact:	Impacts to remaining intact heritage resources on site.
Extent and duration of impact:	NONE – Impacts would only occur during construction.
Probability of occurrence:	Low – If the terms of the Heritage Agreement and the management plan are met.
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Definite - If the terms of the Heritage Agreement and the management plan are not met.
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	High - If the terms of the Heritage Agreement and the management plan are met.
Proposed mitigation:	The Competent Authority should ensure full compliance with the terms and conditions of the heritage Agreement and Management Plan through spot checks.
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Potential noise impacts:	
Nature of impact:	Increase in noise levels would be associated with deconstruction activities, such as vehicles, increase in people and equipment used for deconstruction. The potential for this noise can reduce the quality of life of adjacent landowners.
Extent and duration of impact:	Limited to the decommissioning phase only.
Probability of occurrence:	Definite.
Degree to which the impact can be reversed:	N/A – The noise would only be produced for the deconstruction but would not take on any physical form.
Degree to which the impact may cause irreplaceable loss of resources:	None – transitory and ephemeral nature.
Cumulative impact prior to mitigation:	None – conjecture.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low.
Degree to which the impact can be mitigated:	High – Confining the deconstruction activities to normal working hours.
Proposed mitigation:	Confine the deconstruction activities to normal working hours.
Cumulative impact post mitigation:	N/A as above.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**Negative - Very Low**

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Potential visual impacts:	
Nature of impact:	**NONE** – return the site to the original viewshed
Extent and duration of impact:	**NONE** – return the site to the original viewshed.
Probability of occurrence:	**NONE** – return the site to the original viewshed.
Degree to which the impact can be reversed:	**NONE** – return the site to the original viewshed.
Degree to which the impact may cause irreplaceable loss of resources:	**NONE** – return the site to the original viewshed.
Cumulative impact prior to mitigation:	**NONE** – return the site to the original viewshed.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	**NONE** – return the site to the original viewshed.
Degree to which the impact can be mitigated:	**NONE** – return the site to the original viewshed.
Proposed mitigation:	**NONE** – return the site to the original viewshed.
Cumulative impact post mitigation:	**NONE** – return the site to the original viewshed.
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**NONE** – return the site to the original viewshed.

(d) Any other impacts:

Potential impact:	**NONE**	
Nature of impact:	**NONE**	
Extent and duration of impact:	**NONE**	
Probability of occurrence:	**NONE**	
Degree to which the impact can be reversed:	**NONE**	
Degree to which the impact may cause irreplaceable loss of resources:	**NONE**	
Cumulative impact prior to mitigation:	**NONE**	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	**NONE**	
Degree to which the impact can be mitigated:	**NONE**	
Proposed mitigation:	**NONE**	
Cumulative impact post mitigation:	**NONE**	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	**NONE**	

Please note: If any of the above information is not available, specialist input may be requested.

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

Please note: Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (**http://www.capegateway.gov.za/eadp**). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

Botanical:
1. The development was responsible for the loss of less than 0.4 ha Cape Seashore Vegetation (Least Concern) and 4.9 ha of Lamberts Bay Strandveld (Vulnerable). These are relatively small developments and the impact on these vegetation units are rated medium-low. (medium before mitigation). 2. The developments took place in areas mapped as Critical Biodiversity and Ecological Support Areas. 3. Four plant Species of Conservation Concern were recorded on the property and would most likely have been affected by the development. All four species have a large distribution area. The impact on the total population on the property is rated as medium. 4. No threatened animal species would have been significantly affected by the development.

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5. Rehabilitation of the developed areas is not seen as a viable option.

6. No further development of any natural areas on the property should be allowed.

7. Vehicle access in the coastal area should be prevented by closing all vehicle access roads, except for the access road that leads to the Muisbosskerm.
8. Treated sewage water should not be discharged into the high sensitivity areas but could be utilized for irrigating lawns in the low sensitivity area.

Heritage:

A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property.

This management plan must include the following stipulations:

a. That all new development must receive the required approvals at Heritage Western Cape.
b. That new development should not be permitted along the coastal side of the road.
c. In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
d. That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
e. Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources be outlined.

HWC has previously indicated that they wish to explore the imposition of "compensatory actions" in terms of S38(d)(4) of the NHRA related to this development. These actions could include the CMP, further detailed engagements between HWC and the landowner and/or fines determined by the heritage authority as archaeological sites damaged by the completed clearing and construction activities have ruled out the option of carrying out archaeological excavations to analyse the impacted middens. We await the decision from HWC in this regard.

8. IMPACT ASSESSMENT SUMMARY

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

8.1 Impacts that resulted from the planning, design and construction phases	
Impacts on geographical and physical aspects: Disturbance of the soil in the areas where the tourism facilities and the associated infrastructure were built. The soils are unstructured and those areas where the geology is near the surface have been avoided. Impacts may be associated with the access roads to and within the site. These too are expected to be low in terms of the potential impact as basic management interventions such as, only driving on existing roads, road contouring, storm water controls and maintenance are proven means to prevent erosion from these road surfaces and allow natural water flows. The consequence of these impacts are that the denuded surface created on site could result in erosion of top soil and ultimately in the alteration of the site scale hydrology and surface and diffuse water flows if not mitigated.	Negative : Low to insignificant
Impact on biological aspects: Terrestrial: As the facility is located in what was once natural vegetation cutting of natural processes and the disturbance of soil micro fauna and flora communities. The presence of people on the property could carry with it the potential for increased disturbance regimes, increased fire risk and more frequent fires that could undermine biodiversity and ecosystem processes. Consequence - Primarily loss of biodiversity pattern and processes through the loss	Negative: Medium to Low

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of species and populations of species both floral and faunal assemblages associated with the particular ecosystem. Loss of micro to site scale ecological services.	
Impact on biological aspects: Invasion by Alien Invasive Plants: As stated above the development has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site is invaded by listed invasive alien plant species and if left unchecked these species will increase and physically supplant indigenous species. Consequence - Primarily loss of biodiversity pattern and processes through the physical supplanting of species and populations of species both floral and faunal assemblages associated with the particular ecosystem due to the invasion of the area by an invasive species. This could result in the local extinction of species with broader distribution ranges but could cause extinction of narrowly distributed species.	Negative: Low
Impacts on socio-economic aspects: Temporary construction employment would have been available during the construction period and benefit to the local community would have extended to local business for material purchases and appliance installations.	Positive: Low
Impacts on cultural-historical aspects:	
Impacts to Heritage Resources: Heritage resources irreversibly impacted.	Negative : Very High
Noise impacts: Associated with the presence of visiting people and the presence of people on the property.	Negative: Low
Visual impacts / Sense of Place: Loss of sense of place, glare and reflection from the buildings, light pollution and visual scarring	Negative: Low
8.2 Impacts that result from the operational phase	
Impacts on the geographical and physical aspects: Alteration of run-off characteristics may be caused by development related land surface disturbance, the creation of hardened surfaces, the diversion of water parallel to roads and vegetation removal. Erosion may cause a loss and deterioration of soil resources over the operational lifetime of the proposed development if not managed and mitigated correctly. Consequence - Loss of topsoil and loss of soil fertility and the creation of erosion ditches.	Low
Impacts on biological aspects: Terrestrial: The nature of impact on biological aspects would be tied to disturbance of natural vegetation along site boundaries and along access roads. The development has the potential to impact on sensitive biodiversity values. These would stem from impacts caused by visitors such as pollution, trampling and increase in fire regimes. The occupancy of the site could additionally result in less optimal fire frequencies which is regarded as the primary operational phase botanical impact of concern. Operational impacts would additionally be associated with the minor loss of ecological connectivity. The probability that these impacts will occur would be 100% for edge effect impacts, which cannot be avoided. Disturbed areas are readily invaded by invasive alien plant species that are on site. The impacts are considered reversable as on site evidence from old disturbed areas and along the existing jeep paths indicates that some diversity can return to highly disturbed areas, the irreplaceable loss of biodiversity should therefore be low. Very low intensity habitat fragmentation may occur on site.	Negative: Medium to Low
Impact on biological aspects: Invasion by Alien Invasive Plants: As stated above the site has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site is invaded by listed invasive alien species. If left unchecked these species will increase and physically supplant indigenous species. Consequence - Primarily loss of biodiversity pattern through the physical supplanting of species and populations of species both floral and faunal assemblages associated with the particular ecosystem due to the invasion of the area by an invasive species. This could result in the local extinction of species with broader distribution ranges but could cause extinction of narrowly distributed species.	Negative: Low
Impacts on the socio-economic aspects: Employment (Permanent): Financial sustainability for the owner and permanent employment of his staff.	Positive - Medium
Impacts on the socio-economic aspects: Criminality, vandalism and theft: Vandalism, destruction and theft to the facility. Consequent impact owners and employed staff's lives through the damage to the accommodation units and associated infrastructure and loss of income from theft. This can potentially drain the owners maintenance budget.	Negative - Low
Impacts on the cultural-historical aspects:	NONE

DRAFT

Impacts to Heritage Resources: Potential for Heritage resources to be irreversibly impacted.	Low
Noise impacts: Noise associated with an eco-tourism facility within a rural agricultural context.	Negative: Low
Visual impacts / Sense of Place: NONE	NONE
Noise Impacts: Noise associated with an eco-tourism facility within a rural agricultural context.	Low
Impacts that may result from the decommissioning and closure phase	
Potential impacts on the geographical and physical aspects:	NONE
Potential impact on biological aspects: Terrestrial: Restoration of the site to an approximation of the natural state it was in prior to transformation.	Positive: Low
Impact on biological aspects: Invasion by Alien Plants: As stated above the site has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site is invaded by listed invasive alien species. If left unchecked these species will increase and physically supplant indigenous species. Consequence - Primarily loss of biodiversity pattern through the physical supplanting of species and populations of species both floral and faunal assemblages associated with the particular ecosystem due to the invasion of the area by an invasive species. This could result in the local extinction of species with broader distribution ranges but could cause extinction of narrowly distributed species.	Negative: Low
Potential impacts on the socio-economic aspects: The decommissioning would conceivably impact on the socio-economic wellbeing of the local community by providing opportunities for employment on the positive side but would potentially result in significant financial impact on the owner that will filter down the staff and their families. Specialised services will be required for the assessment of the procedure for decommissioning of the site and this income could flow to services. Furthermore a contractor firm will be appointed to undertake the decommissioning with an inflow of income into the business and the jobs it supports. Finally deconstruction jobs will be available to the local unskilled and semi-skilled labour from the local community during the decommissioning phase with an increase in income into those households.	Positive: *Low- Medium Impact at a local scale with employment and increased income to those employed.* Negative: *Very low If the site is not decommissioned.*
Potential impacts on the cultural-historical aspects:	NONE
Impacts to Heritage Resources: Potential for Heritage resources to be irreversibly impacted.	Low
Potential noise impacts: Increase in noise levels would be associated with deconstruction activities, such as vehicles, increase in people and equipment used for deconstruction. The potential for this noise can reduce the quality of life of adjacent property owners.	Negative: Very Low
Potential visual impacts:	NONE

9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

Summary:

Impacts that resulted from the planning, design and construction phases:

Impacts on geology are not considered to be significant due to the nature of the site. Impacts are therefore related on impacts on the soil. The soils are unstructured and sandy and therefore we conclude that impacts related to their disturbance are low as the soils will rapidly return to the former state. Importantly there is no significant evidence of erosion and loss of soil on site currently.

Impacts on terrestrial values is considered low due to the fact that the ecosystem type, Lamberts Bay Strandveld and Cape Seashore Vegetation are a Least Concern vegetation unit and that there are SoCC's present that have very large distribution ranges. Impacts to SoCC's across the full distribution of the plant is regarded as medium. Thus these species populations have not been significantly impacted by the development. Additionally, the development is located in a very large expanse of extant and rehabilitating natural vegetation (older than 10 years) of the same vegetation unit. Thus, impacts from ecological connectivity or functioning should not be significant either and / or should improve as time passes and more plant species associated with the historical vegetation unit return. Impacts related to terrestrial vegetation associated with aquatic systems are considered not applicable as the development is not located close to any important aquatic feature or aquatic buffer.

Socio-economic impacts would have be a positive low to medium impact during this phase due to the temporary nature of construction employment opportunities. However new permanent positions will result.

Impacts on cultural heritage are Very High resulting from the permanent loss of damaged heritage sites on the property.

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Noise impacts from construction have already occurred and the current impact is associated with the presence of visitor and staff on site. This is a rural agricultural farm and its isolation and alignment with similar landuse of adjacent properties means that there is a very low likelihood that impacts will be anything other than low.

Impacts on sense of place are considered low as this is an area that is characterised by intensive cultivation of potatoes and Rooibos Tea buildings such as package stores, sheds and storage areas or residences of owners and staff. As noted these accommodation facilities are present on some of the neighbouring properties as well. This tourism facility is partially screened off by the topography and additional screening plants (indigenous) will be planted to further screen off the development. The development is visible from the surrounds but no further studies in terms of visual impacts were requested by Heritage Western Cape or recommended by the appointed specialist who found that the development remains aligned with the sense of place for a West Coast viewshed such as this. in line with the recommendations of the appointed specialists. We therefore conclude that, while additive, the development is well aligned with the general view shed of this rural agricultural landscape with farm buildings and residences.

Impacts that result from the operational phase:

No significant impacts for geology and the physical environment are expected or have occurred to date. Adequate mitigation measures are available for implementation to curb impacts on this environmental value.

Impacts on terrestrial values during the operational phase are possible primarily relating to the degradation of these areas through human impacts of trampling, pollution and waste (plastics and sewerage) and changes in the disturbance regime (accidental fires).

However, there are already effective mitigation and management measures in place and impacts from this avenue are considered low if these management measures are continued and those outlined in the EMPr implemented.

For the operational phase impacts related to the socio-economic opportunity is considered to be a medium positive impact simply because should the facility remain operational employment of the current staff and additional local service providers will be required during the full term of operation. Importantly the employment of people would be significantly extended as it would be required for a much longer period than the traditional harvest period alone (all year income VS seasonal income).

On the negative side socio-economic impacts may be expressed in criminality, vandalism and theft escalating operational costs and threatening the viability of the operation at very severe thresholds. This is still regarded as a low negative impact as the site is remote. Crime has low prevalence and mitigation is possible through improved access control and security.

No significant impacts are expected in historical or cultural values as noted in the specialist recommendations. This primarily due to the fact that impacts would already have occurred and cannot be quantified post fact. Additionally supported by the Heritage Agreement and Management Plan which, if implemented, would avoid further impacts in future.

Noise impacts are considered low to insignificant as a result of the remoteness of the site, the low key development, supported by the strict enforcement of rules and regulations such as music, vehicles driving around and finally due to the alignment with the same landuse on neighbouring properties.

Impacts on the sense of place are considered low due to the low-key small-scale development footprint situated within natural vegetation and aligned with the general viewscape of the surrounding properties i.e. aligned with similar landuse in the surrounds.

Impacts that may result from the decommissioning and closure phase:

No impacts would be expected for geology and the physical environment.

Low positive impacts would be expected for terrestrial systems as they are rehabilitated.

Impacts on the socio-economic front would be primarily medium negative with loss of permanent financial income for the owner that well negatively influence employment opportunities and associated livelihoods for his staff. Low positive impacts would be generated through deconstruction activities.

No additional impacts are expected on culturally or historically important values. Additionally supported by the Heritage Agreement and Management Plan which, if implemented, would avoid further impacts in future.

Noise impacts from deconstruction will be medium to low due to the presence of people on site and machinery that will be used for the demolition of the site and its rehabilitation.

No impacts on sense of place are expected as the site would be returning to a previously acceptable historical landuse.

10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

NONE

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(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

Considering that the applicant has successfully developed this facility to this point and will manage this facility for its remote, natural aesthetic would be required would indicate that the retention of the site in good natural condition is central to the long-term success of the endeavour in this market segment i.e. eco-tourism. As noted in this application and checklist, and expanded upon in further detail in the EMPr, practical measures for management and mitigation are available and can be implemented i.e. they are not significantly complex to implement. This too would allow the applicant a good probability of successfully implementing and monitoring the outcome of recommended interventions. The EAP recommendations for long term monitoring by an independent party to ensure that an objective understanding of the interventions recommended are successful would add further support to a successful outcome.

Please note: A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

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SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES

(a) Please describe adequacy of the assessment methods used.

It is our opinion that this approach is adequate in relation to the scope of the potential impacts posed by this proposed development.

(b) Please describe the assessment criteria used.

In assessing the potential impacts from this development a hierarchical process was followed that began at national scales with the South African Vegetation Map to determine the ecosystem type that was being investigated, the Western Cape BSP 2017 to determine the national conservation status of the ecosystem type, consultation of the list of threatened ecosystems, at a provincial scale through planning documents such as the Provincial Spatial Development Framework and the Local Authority SDF and IDP documents to check alignment with national, provincial and local scale forward planning. At a more local scale the WC BSP was consulted to determine the localised finer resolution scale impacts on Critical Biodiversity Areas and Ecological Support Areas. Planning documentation and best practice within the industry was used as an informant to guide recommendation in particular of layout and design which constituted the most important impacts of this proposed development. From this approach it was deemed necessary to appoint a Botanical Specialist to discern the importance of the site from this specialist perspective. As the area is an important cultural and heritage landscape we additionally viewed the appointment of heritage specialists important to provide recommendations for further studies and mitigation measures related to this environmental value. This site was then assessed in relation to a no-go option. At the smallest scale impacts stemming from the development itself were evaluated in terms of layout and design and mitigation recommended for potential significant environmental impacts assessed and evaluated. In the event of closure the system as a whole was evaluated to determine its resilience in terms of being able to rehabilitate post closure.

(c) Please describe the gaps in knowledge.

Any assessment is by its very nature an approximation of the full reality. The assessment relies to a great degree of the objective opinion of suitably qualified specialists and EAPs accessing the latest and most up to date information. The knowledge of natural systems and how they will behave over the long term is not complete and represents a general and generic knowledge gap.

(d) Please describe the underlying assumptions.

It is assumed that the spatial planning for the SDF and Biodiversity informants and the supporting documentation and specialist inputs that were included in compiling this assessment were robust. These constitute assumptions as it relates to the completeness of knowledge noted in (c) above.

(e) Please describe the uncertainties.

Predicting the long-term impacts of a development such as this in dynamic and ever-changing natural system requires objective opinion supported by the latest and best information available at this point in time. As, admittedly, this information is not complete it carries with it the understanding that the actual outcome is uncertain to a certain degree. The recommendations contained in this application reflect our current knowledge and dealing with uncertainty is built into the EMPr through the mechanism of adaptability and the principle of using the document as a dynamic tool that is able to respond to unexpected change.

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SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for.	YES	NO

If "NO", list the aspects that should be further assessed through additional specialist input/assessment:

N/A

If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:

Applicant should be directed to cease the activity:	YES	NO

Please provide reasons for your opinion

Primarily our opinion is that the nature of the impacts associated with this tourism facility and the restaurant is in the range of low to negligible on the negative side. These impacts are moreover of such a nature that they can be efficiently mitigated and managed.

Furthermore, the applicant has instituted many of the management and mitigation measures on own initiative as he is intent on causing minimal damage to the environment and run an eco / adventure accommodation facility for clients who prefer accommodation facilities that are low key, environmentally friendly and have small development footprints. The very success of the business is premised on this profile.

Furthermore, this landuse is a common feature for agricultural properties in the adjacent landscape thus the landuse is aligned to what people resident in the area consider to be normal landuse.

Finally, the opportunity to establish a viable business dependent on non-consumptive resource utilisation (natural feature of a scenic landscape and mountain) and through that secure employment opportunities and livelihoods that are aligned to the strategic forward planning of the local authority would favour the continuation of this activity in the landscape.

If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.

The Environmental Management Programme as attached to this Report should be adhered to and fully implemented to ensure that effective guidelines are provided to mitigate environmental impact through appropriate management intervention.

All reasonable recommendations be they mitigation interventions detailed in the impact assessment portions and appendices of this report or the management recommendations contained in the Environmental Management Programme should be adhered to and fully implemented.

Any other permitting or licenses required must be obtained for the activity.

Adherence to conditions of any other South African Resource Use legislation applicable to this development should be mandatory.

Required mitigation measures for heritage resources include the following

- In the event that excavations and earthmoving activities expose significant archaeological or heritage resources, such activities must stop and Heritage Western Cape must be notified immediately.
- If significant archaeological or heritage resources are exposed during construction activities, then they must be dealt with in accordance with the National Heritage Resources Act (No. 25 of 1999) and at the expense of the developer.
- In the event of exposing human remains during construction, the matter will fall into the domain of the South African Heritage Resources Agency and will require a professional archaeologist to undertake mitigation if needed. Such work will also be at the expense of the developer.

Additional heritage recommendations include:

A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property.

This management plan must include the following stipulations:

- That all new development must receive the required approvals at Heritage Western Cape.
- That new development should not be permitted along the coastal side of the road.
- In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.

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- That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
- Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources be outlined.

HWC has previously indicated that they wish to explore the imposition of "compensatory actions" in terms of S38(d)(4) of the NHRA related to this development. These actions could include the CMP, further detailed engagements between HWC and the landowner and/or fines determined by the heritage authority as archaeological sites damaged by the completed clearing and construction activities have ruled out the option of carrying out archaeological excavations to analyse the impacted middens. We await the decision from HWC in this regard.

At all times avoidance of impact on areas outside of the development should be achieved through the adequate demarcations of no-go areas and enforcement ensured through on-site management action. At all times the aim should be to keep the developed area to the absolute minimum required.

The owner, contractors, sub-contractors and staff permanently employed on the site must be made aware of the provisions for the mitigation of impact and the conditions contained in the EMPr. The applicant must collaborate with the appointed ECO to ensure that the required awareness raising and education is undertaken when and where appropriate.

Clearly articulated method statements for some of the provisions within the EMPr must be developed e.g maintenance of the sewerage plant

In terms of the flow of socio-economic benefit derived from the development – preferentially appoint or use local people or businesses and in particular women, youth and disabled persons.

An appropriately qualified Environmental Control Officer must be appointed by the proponent to ensure that the conditions of the EMPr are fulfilled and that regular monitoring of the development is undertaken as outlined in the EMPr, this to include the operational phase for at least two years.

That the appointed ECO provide a final report to DEA&DP on completion of the activity to report on adherence to the conditions of the Environmental Authorisation.

If any changes to the EMPr or any incident occurs that may impact on water resource the Department of Water and sanitation must be informed immediately.

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SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that where taken in response to the incident or emergency situation.
NONE

Please note:

Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to the followed in the case of emergency situations.

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SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

"The applicant must place a preliminary advertisement in-
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.
(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
(3) The applicant must open and maintain of a register of interested and affected parties.
*(4) The **register must be attached to the application form and included in the report**, or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of-* *(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;* *(b) all persons who have requested the applicant, in writing, to place their names on the register; and* *(c) all organs of state that have jurisdiction in respect of the activity to which application relates."*

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.		
A public participation plan was submitted as part of the Section 24G Consultation Applications for approval. This Plan was approved by the Directorate: Environmental Governance Sub-directorate: Rectification on the 28th October 2021. See **Appendix N: Approved Public Participation Plan.** Public participation during the consultation process will include a preliminary advert in the local newspaper, site notification boards, the Draft report placed at the local library, notification to key-stakeholders and the electronic submission of the report to these I&AP. Public participation during the Draft Application Checklist Report all registered I&AP will receive a notification and a electronic copy to provide comments and inputs.		
Please indicate whether the applicant has a website (please tick relevant box):	YES	NO
If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.		

Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.

1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014 -		
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -		
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES	DEVIATION
(ii) any alternative site	YES	DEVIATION
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to –		

(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	
(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	DEVIATION	
(vi) any other party as required by the Department;	YES	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES	DEVIATION	
(ii) any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	N/A
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. **Provide a list of all the state departments that has been / will be consulted:**		
List of State Depts.	**Comment obtained (YES/NO**	**If not, provide reasons**
Department of Water and Sanitation	**NO**	No response could be obtained from the Department.
WC: Department of Agriculture	**YES**	
CapeNature	**YES**	
Department of Agriculture, Land Reform and Rural Development	**YES**	
DEA&DP Development Planning	**YES**	
Heritage Western Cape	**YES**	
Cederberg Municipality	**YES**	
West Coast District Municipality	**YES**	
DFFE	**YES**	

2. **Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed.** **(The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)**
See Public Participation Report – Appendix G.

3. **Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.**
See Public Participation Report – Appendix G.

Please note:

- **A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.**
- **All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.**
- **The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.**
- **Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.**

2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.
NONE

3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.			
State Department	Name of person	Contact details	
West Coast District Municipality	Mrs Doretha Kotze	Tel	022 433 8523
		Fax	
		E-mail	dkotze@wcdm.co.za
Cederberg Ward Councilor – Lamberts Bay	L. Scheepers	Tel	027 482 8000
		Fax	027 483 1933
			lornas@cederbergraad.co.za
Cederberg Municipality	Danne Joubert	Tel	027 482 8000
		Fax	027 483 1933
		E-mail	dannej@cederbergmun.gov.za
Department of Water and Sanitation	L. Nomjila	Tel	021 9416135
		Fax	021 941 6100
		E-mail	nomjilaL@dwa.gov.za
Department of Agriculture, Land reform and Rural development	Lutendo Netshilema	Tel	021 9441422
		Fax	021 9441427
		E-mail	LutendoN@dws.gov.za>
CapeNature	Ismat Adams	Tel	022 9312900
		Fax	021 866 1523
		E-mail	iadams@capenature.co.za
Heritage Western Cape	W. Dhansay	Tel	
		Fax	
		E-mail	waseefa.dhansay@westerncape.gov.za
Department of Agriculture	Mr C van der Walt	Tel	(021) 808 5093/9
		Fax	
		E-mail	CorvdW@elsenburg.com
Department of Forestry, Fisheries and the Environment (DFFE). Branch: Oceans and Coast	Thandeka Mbambo	Tel	074 083 6174
		Fax	
		E-mail	**Tmbambo@dffe.gov.za** / OCEIA@dffe.gov.za

Please note:

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A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

i	*immediately cease the activity pending a decision on the application submitted in terms of this subsection*	
ii	*investigate, evaluate and assess the impact of the activity on the environment*	
iii	*remedy any adverse effects of the activity on the environment*	
iv	*cease, modify or control any act, activity, process or omission causing pollution or environmental degradation*	
v	*contain or prevent the movement of pollution or degradation of the environment*	
vi	*eliminate any source of pollution or degradation*	
vii	*compile a report containing-*	
	aa	*a description of the need and desirability of the activity*
	bb	*an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity*
	cc	*a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity*
	dd	*a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed*
	ee	*an environmental management programme*
viii	*provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.*	

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

Please Note:

Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.

The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

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SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or
(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that is not subject to this application and in any province in the Republic?	*YES*	*NO*	*UNCERTAIN*
If yes provide details of the offence being investigated and authority conducting the investigation. *If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.*			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is not subject to this application and in any province in the Republic?	*YES*	*NO*	*UNCERTAIN*
If yes provide details of the offence being investigated and authority conducting the investigation. *If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.*			
Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA in terms of which this application directly relates?	*YES*	*NO*	*UNCERTAIN*
If yes provide details of the offence being investigated and authority conducting the investigation. *If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.*			

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

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SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES

Index **Socio Economic Impact** **Description of variable**	**Place an "x" in the appropriate box**
The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	X
The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	
The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
Motivation: At the scale of the property direct benefits relate to the retention of an agriculturally sub-economic farming unit that can remain productive and provide a niche tourism product, thus a retention of the agricultural potential as no resource extraction of potential future agricultural activity would be lost. Furthermore, with diversification this activity provides a sustainable income through an ecotourism and hospitality business that would secure the economic model for the property as a whole and via this sustain the owner, the owner's family and all labour and staff associated with the property. Thus, a perpetuation of livelihoods on an agricultural unit. At community to local authority scale this property provides for employment and an eco-tourism and hospitality facility that is aligned with the stated intent of forward spatial planning. As noted above this is true for the larger planning scales provincially. Finally, as the Muisboskerm restaurant is world renowned it provides for easy and suitable access to a open air restaurant situated on the beach front and these facilities already contribute to the local economy by providing financial spin off to other businesses and tourism / retail related services in the local towns or on adjacent properties. The business will therefore have a positive impact as it will ensure financial sustainability for the owner and permanent employment of his staff.	

Index **Biodiversity Impact** **Description of variable**	**Place an "x" in the appropriate box**
The activity is not giving, has not given and will not give rise to any impacts on biodiversity	
The activity is giving, has given or could give rise to localised biodiversity impacts	X
The activity is giving, has given or could give rise to significant biodiversity impacts	

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The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	

Motivation:

Impacts to terrestrial values are considered low due to the fact that the ecosystem type, Lamberts Bay Strandveld and Cape Seashore Vegetation are a Least Concern vegetation unit and that the botanist considers the impacts to SoCC's medium but overall impact to be medium to low due to the fact that they are widespread species. . It must be noted here that 4.89ha has been affected by this development on the property with a total size of 139.62 ha,

Furthermore, that this species population has not been significantly impacted by the development. Additionally, the development is located in a very large expanse of extant and rehabilitated natural vegetation of the same vegetation unit. Thus, impacts from ecological connectivity or functioning should not be significant either and / or should improve as time passes. Impacts related to terrestrial vegetation associated with aquatic systems are considered not applicable as the development is not located close to any important aquatic feature or aquatic buffer.

Impacts on biodiversity values during the operational phase are possible primarily relating to the degradation of natural areas through human impacts of trampling, pollution and waste (plastics and sewerage) and changes in the disturbance regime but with the implementation of the EMPr these will be mitigated.

Furthermore, the applicant has instituted many of the management and mitigation measures on own initiative as he is intent on causing minimal damage to the environment and run an ecotourism business facility for clients who prefer accommodation facilities that are low key and environmentally friendly.

Index	**Sense of Place Impact and / or Heritage Impact** **Description of variable**	**Place an "x" in the appropriate box**
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	x
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	

Motivation:

The development is visible from the surrounds but no further studies in terms of visual impacts were requested by Heritage Western Cape in line with the recommendations of the appointed specialists. We therefore conclude that, while additive, the development is well aligned with the general view shed of this rural agricultural landscape with farm buildings and residences as well as similar development on adjacent properties. Furthermore HWC did not request further studies and the institution has issued their final comment. See Appendix F.

Impacts to in situ sites of archaeological significance are regarded by the specialist as very high but are noted as being of low cumulative impact to the resource at wider scales hence the choice of impact significance indicated above.

Index	**Pollution Impact** **Description of variable**	**Place an "x" in the appropriate box**
	The activity is not giving, has not given and will not give rise to any pollution	

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The activity is giving, has given or could give rise to pollution with low impacts.	X
The activity is giving, has given or could give rise to pollution with moderate impacts.	
The activity is giving, has given or could give rise to pollution with high impacts.	
The activity is giving, has given or could give rise to pollution with major impacts.	

Motivation: The activity will not cause pollution, as a recycling programme will be implemented, other waste will fed into the Cederberg Local Municipality waste management system. Effluent will be managed by the construction of a BioSub™ Sewage Treatment Plant (Aerobic Model). The EMP'r also provides guidelines on how to prevent and manage possible pollution in the future.

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PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

Index	Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
	Description of variable	
	Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	X
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	
	Administrative action was **not** previously taken against the applicant in respect of the abovementioned provisions.	
	Explanation of all previous administrative action taken in respect of the above: The applicant was issued with a directive in terms of Section 28 (4) of NEMA, Act 107, 1998, DEA&DP Ref: 14/1/1/E1/10/3/3/0612/19. A Variation of Compliance Notice in terms of Section 31 L (3) of NEMA Act 107 of 1998 was thereafter issued to proceed with this S24 G application. DEA&DP Ref: 4/1/1/E1/10/3/3/0612/19.	

Index	Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
	Description of variable	
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	X
	Explanation of all previous convictions in respect of the above:	

Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
	Description of variable	
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	N/A
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	N/A
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	N/A
	Explanation in respect of all previous applications submitted in terms of section 24G:	

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

Index	Applicant's legal persona	Place an "x" in the appropriate
	Description of variable	

	box
The applicant is a natural person.	X
The applicant is a firm.	
Describe the firm:	

Index	Any other relevant information that the applicant would like to be considered.
See Appendix O.	

NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.

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SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

NOTE: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

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PART 3 -

APPENDICES

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	**Locality map**	√
Appendix B:	**Site plan(s)**	√
Appendix C:	**Building plans (if applicable)**	√
Appendix D:	**Colour photographs**	√
Appendix E:	**Biodiversity overlay map**	√
Appendix F:	**Permit(s) / license(s) from any other organ of state including service letters from the municipality**	√
Appendix G:	**Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information as required in Section J above.**	√
Appendix H:	**Specialist Report(s), if any**	√
Appendix I:	**Environmental Management Programme**	√
Appendix J:	**Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.**	√
Appendix K:	**Certified copy of Identity Document of Applicant**	√
Appendix L:	**Certified copy of the title deed (or title deeds in the case of linear activities)**	√
Appendix M:	**National Screening and Site Verification Report**	√
Appendix N:	**Approved Public Participation Process Plan**	√
Appendix O:	**Representation of the applicant**	√

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Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

Annexures for waste listed activity/ies supporting information		Tick the box if Annexure is attached
Annexure 1	**Waste listed activities supporting information (as in prescribed attached form)**	
Other	(please list accordingly)	

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DECLARATIONS

THE APPLICANT

Note: Duplicate this section where there is more than one applicant

- I ……., in my personal capacity or duly authorised as …… (state capacity)

  by ……..…… thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:

- am fully aware of my responsibilities in terms of t the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations to act as the independent Environmental Assessment Practitioner for this application;
- have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
- am aware that I may be issued with a directive and that I must comply with such a directive;
- am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
- will be responsible for the costs incurred in complying with the environmental legislation including but not limited to –
  - costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations);
  - costs incurred in respect of the undertaking of any process required in terms of this application;
  - costs in respect of any prescribed fee payable in respect of this application;
  - costs in respect of specialist reviews, if the competent authority decides to recover costs;
  - the provision of security to ensure compliance with the applicable management and mitigation measures; and
  - fine costs
- am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
- have the ability to implement the applicable management, mitigation and monitoring measures; and
- hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.

  am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014 (

Please Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the applicant:

Name:

Name of Firm (if applicable):

Date:

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THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I ....., as the appointed independent environmental practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this application to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and the relevant specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the EIA Regulations, the NEM:WA and any specific environmental management Act(s);
- am able to meet the responsibilities in terms of NEMA, the EIA Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations

Note: The terms of reference must be attached.

Signature of the environmental assessment practitioner:

Name of company:

Date:

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PART 4 -

ANNEXURE B - SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)

1. WASTE QUANTITIES

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

Note: In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)

Source of information supplied in the table above Mark with an "X"

Determined from volumes	
Determined with weighbridge/scale	
Estimated	

1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
		Tons/ Month	M^3/ Month	Method & Location	Method & Location and Contractor details	

2. GENERAL

Prevailing wind direction (e.g. NWW)

November – April	
May - October	

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

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LANDFILL PARAMETERS (If applicable)

The method of disposal of waste:

Land-building ☐ Land-filling ☐ Both ☐

The dimensions of the disposal site in metres

	At commencement	After rehabilitation

The total volume for the disposal of waste on the site:

Volume Available	Mark with "X"	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100-34 999		
35 000- 3,5 million		
>3,5 million		

The total volume already used for waste disposal on the site:

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	No	No

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

The Salvage method

Mark with an "X" the method to be used.

At source	
Recycling installation	
Formal salvaging	
Contractor	
No salvaging planned	

Fatal flaws for the site:
Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No

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Within 100 m of the source of surface water	Yes	No
Within 1km from the wetland	Yes	No

Indicate the distance to the boundary of the nearest residential area metres
Indicate the distance to the boundary of the industrial area metres

Wettest six months of the year

November- April
May -October

For the wettest six-month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	**Total rainfall for 6 months**	**Total rainfall for 6 months**
For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

Location and depth of ground water monitoring boreholes:

Codes of the boreholes	**Borehole locality**	**Depth (m)**	**Latitude**	**Longitude**
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "

Location and depth of landfill gas monitoring test pit:

Codes of the boreholes	**Borehole locality**	**Latitude**	**Longitude**
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "

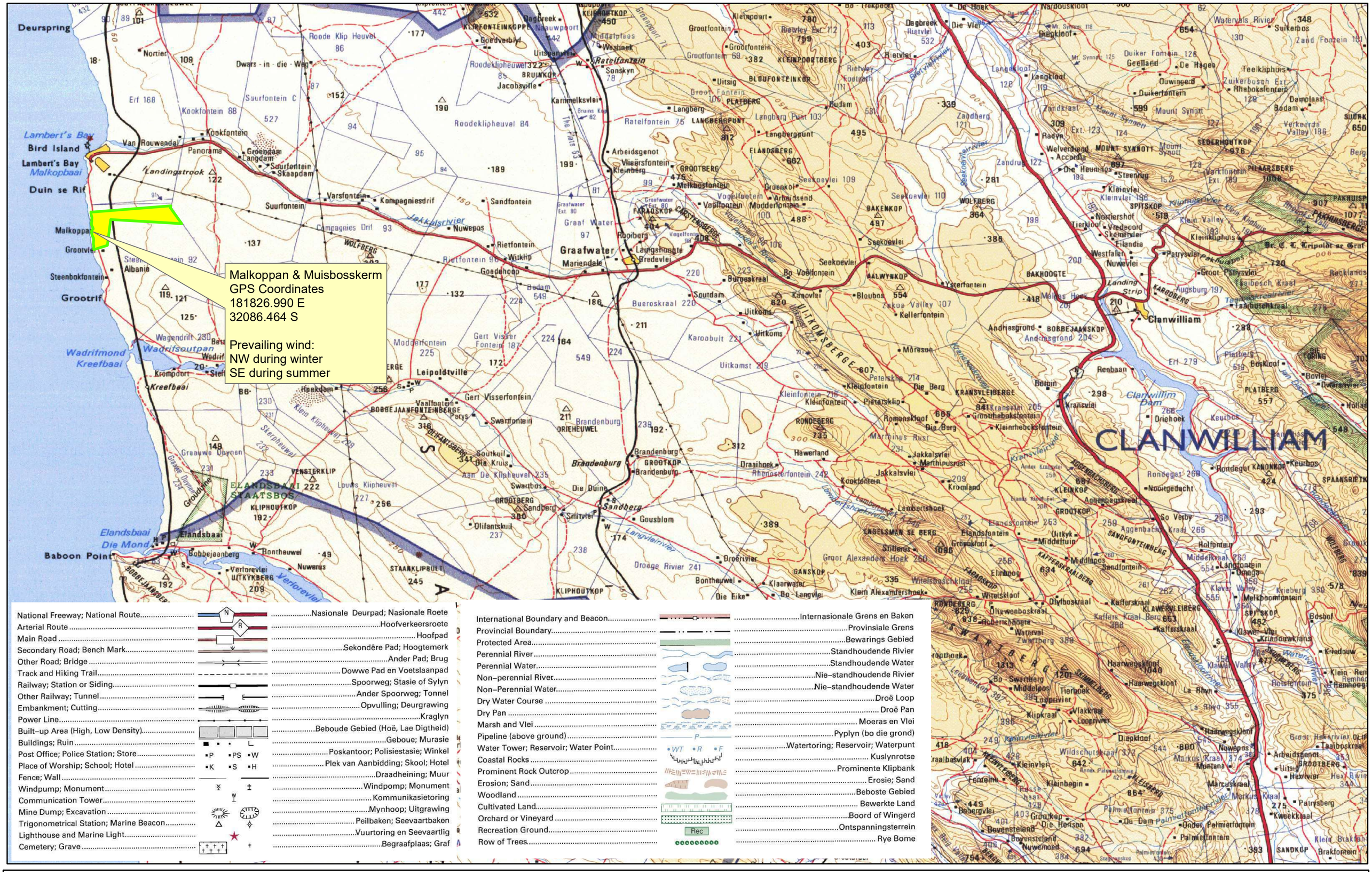
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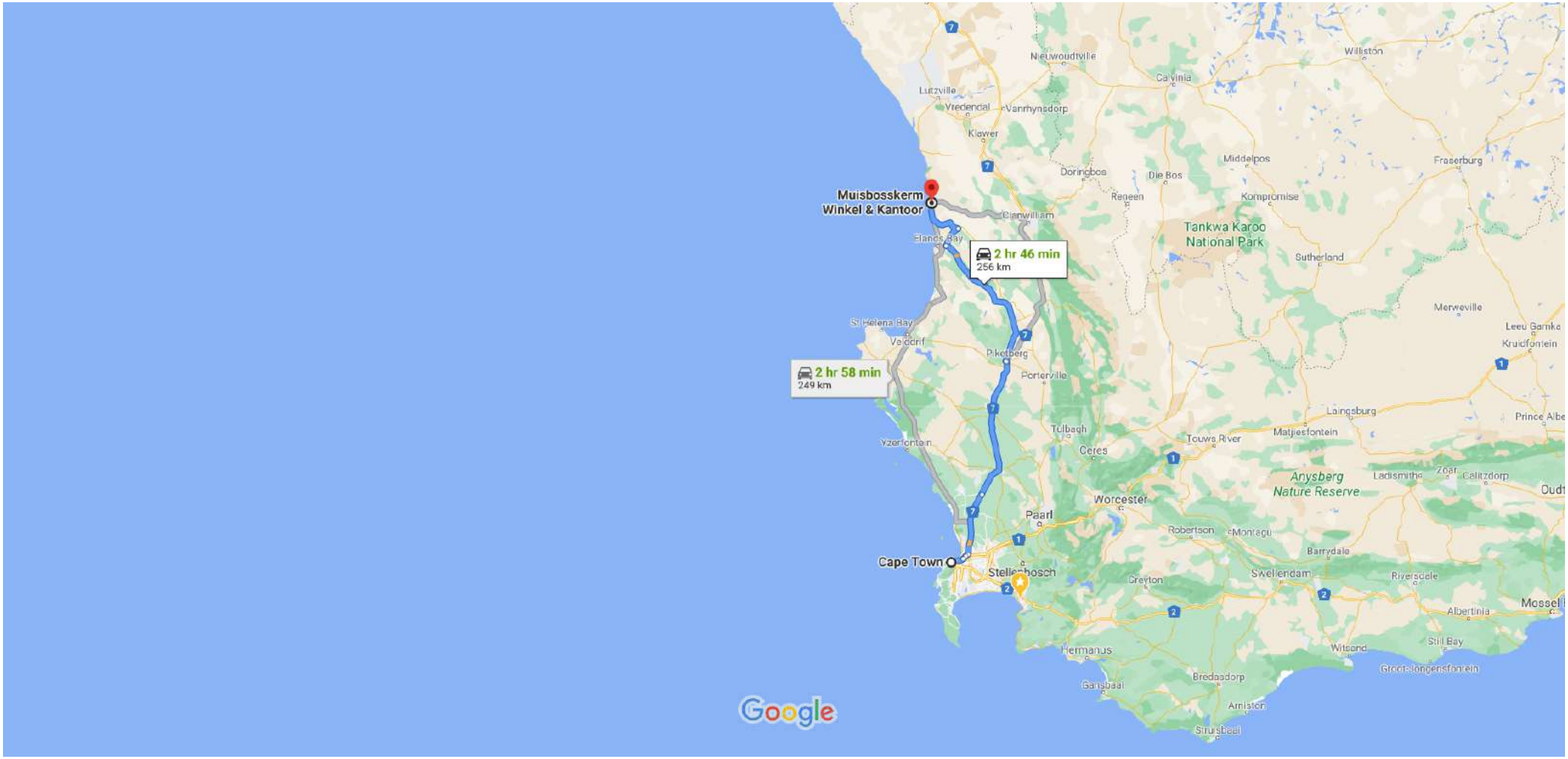
DRAFT

APPENDIX A – LOCALITY MAP

Locality Map Malkoppan & Muisbosskerm


Malkoppan & Muisbosskerm
GPS Coordinates
181826.990 E
32086.464 S
Prevailing wind:
NW during winter
SE during summer
CLANWILLIAM
Deurspring
Lambert's Bay
Bird Island
Lambert's Bay
Malkopbaai
Duin se Rif
Malkoppan
Grootvlei
Steenbokfontein
Grootrif
Wadrifmond
Kreefbaai
Wadrifsoutpan
Elandsbaai
Die Mond
Baboon Point
Graafwater
Leipoldtville
Brandenburg
Sandberg
Elandsbaai
Clanwilliam
Clanwilliam Dam
Graauwe Duynen
Groulyfire
ELANDSBAAI STAATSBOS
Landingstrook
Jakkalsrivier
Verloorevlei
Olifantskuil
Aan De Klipheuvel
Louws Klipheuvel
Droëge Rivier
Langvleirivier
Seekoevlei
Kliphuisrivier
Klein Kliphuisrivier
Elandsfontein
Groenkloof
Middelpos
Sandfontein
Middelkraal
Langfontein
Omega
Melkboomfontein
Kriedouwkrans
Haarwegskloof
Loopvlei
Klipkraal
Vlakkraal
Diepkloof
Nuwepos
Arbeidsgenot
Markuskraal
Montana
Hexrivier
Patrysberg
Kweekkraal
Bobbejaanberg
Bontheuwel
Nuwerus
Verloorevlei
Uitkykberg
Staanklipbult
Kliphoutkop
Groutkop
Die Henson
Du Dam
Onder Palmiettontein
Palmiettontein
Bovensteland
Nuwemoed
Sandkop
Brakfontein
Rondegat Kanonkop
Keurbos
Spaanskietk
Nooitgedacht
So Verby
Aggenbagskraal
Holfontein
Middelkraal
Langfontein
Omega
Klaver Valley
Krieberg
Melkboomfontein
Kriedouwkrans
Boshof
Kliphuisrivier
Klein Kliphuis
Klein Valley
Spitskop
Kleinvlei
Nuwevlei
Westfalen
Patrysvlei
Groot Patrysvlei
Taaibosch Kraal
Taaibuschkraal
Augsburg
Karoobergen
Landing Strip
Melkbos Heuf
Bakhoogte
Bakenkop
Wolfberg
Spitskop
Tierkloof
Vredepoord
Skemerylei
Filandia
Nortiershof
Accordia
Die Heuwels
Steenvlei
Welverdiend
Mount Synnot
Radyn
Ext. 123
Duikerfontein
Geelland
De Hagen
Ouwingeni
Teelkliphuis
Zuikerbosch Ext.
Rhaboksfontein
Damslaas
Bodam
Verkeerde Valley
Pakhuisberge
Pakhuisrivier
Platberg
Boskloof
Bovlei
Die Toring
Renbaan
Botrin
Erf 278
Platberg
Kransvlei
Kransvleiberge
Kransvleirivier
Groutheboksfontein
Kleinrheboksfontein
Romanskloof
Die Berg
Marthinus Rust
Jakkalsvlei
Marthinusrust
Kromland
Kookfontein
Lambertshoek
Engelsman se Berg
Stilterus
Groenkloof
Middeltuin
Middelpos
Sandfontein
Elimboom
Witteldoschkloof
Olifantboskraal
Kafferskraal
Kafferskraalberg
Klawervlei
Klawer Valley
Kafferskraal Berg
Swartberg
Bo-Swartberg
Middelpos
Looprivier
Tierhoek
Vlakkraal
Looprivier
Klipkraal
Diepkloof
Haarwegskloof
Haarwegskloof
Nuwepos
Arbeidsgenot
Markuskraal
Montana
Hexrivier
Patrysberg
Kweekkraal
Wildschutskraal
Kleinvlei
Kleinbegin
Fontein
Boberg vlei
Bovensteland
Die Henson
Nuwemoed
Palmiettontein
Onder Palmiettontein
Palmiettontein
Du Dam
Groutkop

Google Maps Cape Town to Muisbosskerm Winkel & Kantoor Drive 256 km, 2 hr 46 min



Map data ©2021 AfriGIS (Pty) Ltd 50 km

Cape Town

Get on N1 in Foreshore from Christiaan Barnard St/M60

6 min (2.2 km)

1. Head southeast on Darling St toward Parade St

350 m

2. Use the left lane to turn slightly left onto Sir Lowry Rd/M4

240 m

3. Turn left onto Christiaan Barnard St/M60

1.1 km

4. Use any lane to turn right onto the N1/Table Bay Boulevard ramp to Paarl

500 m

Follow N7, R366 and R365 to Burrell St in Lambert's Bay

2 hr 37 min (254 km)

5. Merge onto N1

6.0 km

6. Use the left 2 lanes to take exit 10 for Century City Drive/N7 toward Goodwood/Malmesbury

1.9 km

7. Keep right, follow signs for N1

1.6 km

8. Keep left at the fork to continue on Exit 13A, follow signs for N7/Malmesbury and merge onto N7

35.6 km

9. Keep right to stay on N7

82.2 km

10. At the roundabout, take the 1st exit onto Kerk St/R366

750 m

11. Turn right onto Lang St/R366

Continue to follow R366

86.5 km

12. Turn right

12.4 km

13. Turn left onto Graafwater - Lambert's Bay - Vredendal Rd/R365

Continue to follow R365

27.2 km

Follow Burrell St to Church St

44 s (170 m)

14. Turn left onto Burrell St

160 m

15. Turn right onto Church St

Destination will be on the left

14 m

Muisbosskerm Winkel & Kantoor

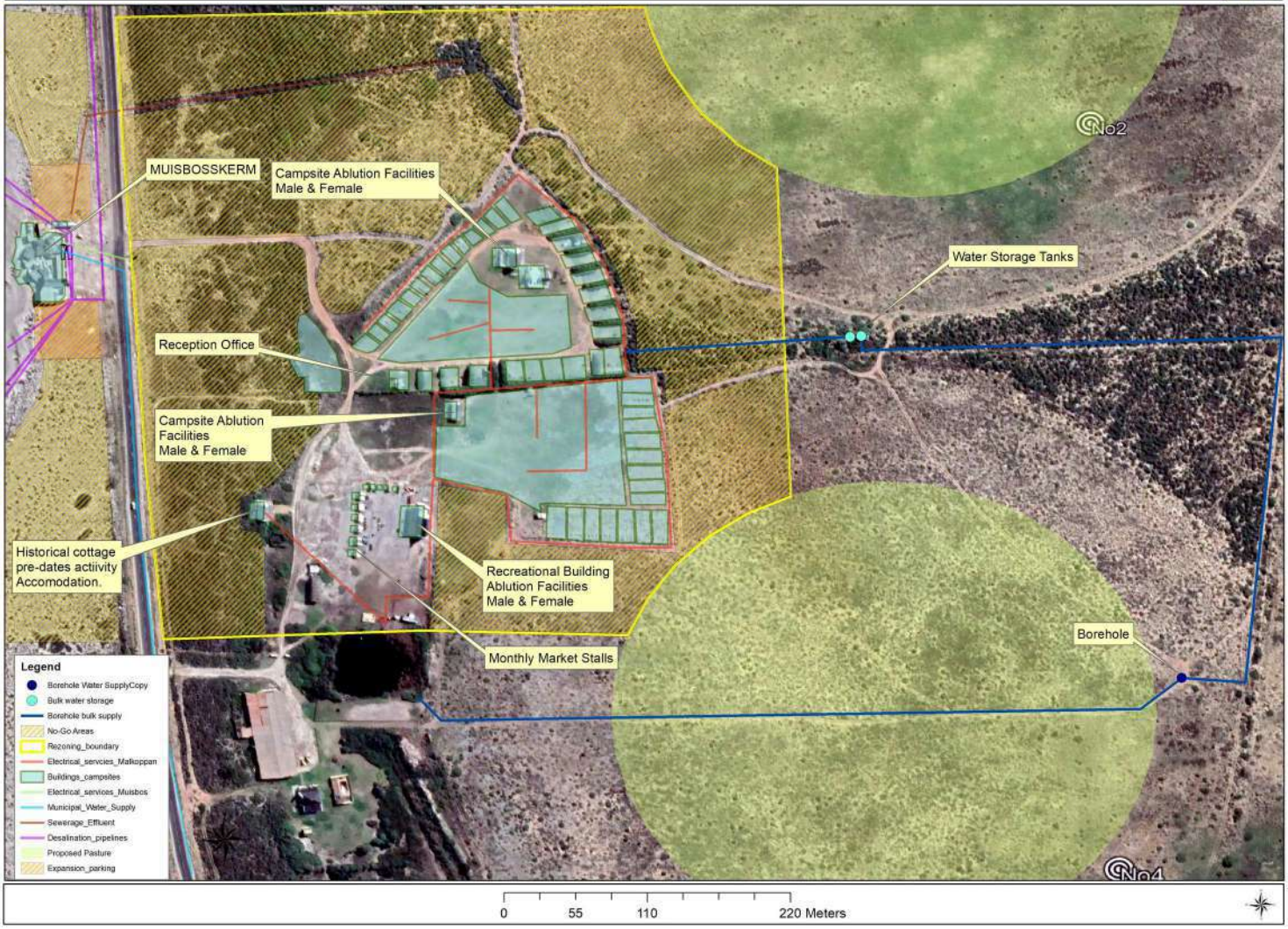
C/O Burrell and, Church St, Lambert's Bay, 8130

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.


1
2
3
4
5
6
7

APPENDIX B – SITE MAPS

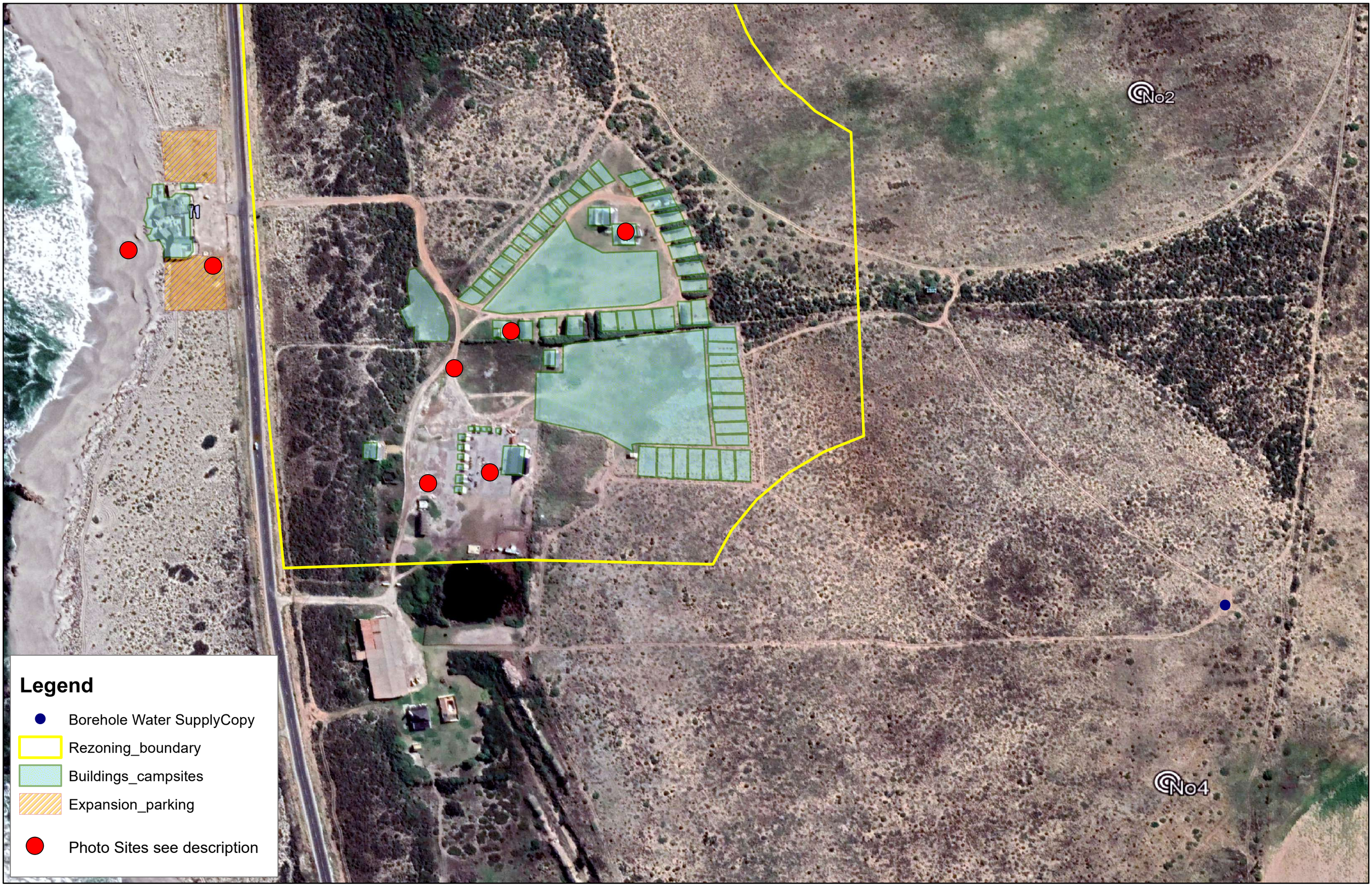
SDP - Muisbosskerm & Malkoppan



APPENDIX C – BUILDING PLANS

APPENDIX D – COLOUR PHOTOGRAPHS

Photo Positions - Muisbosskerm & Malkoppan



0 50 100 200 Meters

N
W
E
S



Muisbosskerm from the high water mark



Muisbosskerm from the parking area on the eastern side of the facility.



Muisbosskerm from the parking area looking northwards.



Muisbosskerm from the parking area looking east.



Muisbosskerm from the parking area looking southward.



Malkoppan view of the old existing cottage that was refurbished for accommodation.



Malkoppan view of the open area northwards to the east of the recreational building which is used from the community market.



Malkoppan view of the open area to the north east of the recreational building which is used from the community market.



Malkoppan view of the open area to the east of the recreational building which is used from the community market.



Malkoppan view of the open area to the south east of the recreational building which is used from the community market.



Malkoppan view of the open area to the south of the recreational building which is used from the community market.



Malkoppan view of the open area to the south west of the recreational building which is used from the community market.



Malkoppan view of the open area to the west of the recreational building which is used from the community market.



Malkoppan view of the open area to the north west of the recreational building which is used from the community market.



Malkoppan view of the market stalls



Malkoppan view of the recreational building.



View of the temporary marquee tent erected monthly for the community market.



View of the entrance access road.



View of the entrance access road towards the ablution facilities in the camping ground.



View of the Wendy house that is used as a reception



View from the southern edge of the main camp ground northwards towards the ablution facilities.



View from the southern edge of the main camp ground north eastwards



View from the southern edge of the main camp ground eastwards.



View from the southern edge of the main camp ground south eastwards



View from the southern edge of the main camp ground southwards.



View from the southern edge of the main camp ground south westwards.



View from the southern edge of the main camp ground westwards



View from the southern edge of the main camp ground north westwards.



Detail view of the northern elevation of an ablution facility.



Detail view of the northern elevation of an ablution facility.

APPENDIX E – BIODIVERSITY OVERLAY

Biodiversity Overlay - Muisbosskerm & Malkoppan

Legend

- Rezoning_boundary
- Buildings_campsites
- Expansion_parking
- BSP_CBA1_Cederberg
- BSP_ESA1_Cederberg

0 60 120 240 Meters

N
W E
S

APPENDIX F – PERMITS & LICENSES

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

An English version is available following.

Posbus 26
Lamberts bay
8130

Geagte Meneer / Mevrou / Mejuffrou

C02000000000009100000: VOORLOPIGE BEVINDINGS TOV DIE BEPALING VAN BESTAANDE WETTIGE WATERGEBRUIK VAN DIE EIENDOM BINNE DIE BERG-OLIFANTS WATERBESTUURSGEBIED IN TERME VAN ARTIKEL 35 VAN DIE NASIONALE WATERWET, 1998 (WET 36 VAN 1998)

'n Aansoek vir die validasie en verifikasie van watergebruik vir bogenoemde eiendom is ontvang en en ge-eëvalueer. Die voorlopige bevindings vir die volume en wettigheid van die watergebruik(e) is bepaal en word in die tabelle hieronder aangedui.

Die voorlopige bevindings is ten opsigte van die volgende eiendom:

Tabel 1: Eiendomsbeskrywing

Farm Name *Plaasnaam*	**Registration Division** *Registrasie Afdeling*	**Farm Number** *Plaasnommer*	**Portion Number** *Gedeelte*	**Property Extent (ha)** *Eiendom Grootte (ha)*
	Clanwilliam			58.8

	Name of Owner *Naam van Eienaar*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Title Deed Number** *Titelakte Nommer*
Property Owner *Eienaar van Eiendom*			

	Name of Water User *Naam van Watergebruiker*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Departmental Register Number** *Departementele Registrasie Nommer*
Registered Water User *Geregistreerde Watergebruiker*			A00003723

Die bestaande wettige watergebruik (BWW) word afsonderlik uitgebeeld in terme van Artikels 33 en 35 van die Nasionale Waterwet, 1998 (Wet No 36 van 1998) (NWW):

- Artikel 33 dek die watergebruik soos geadministreer deur 'n besproeiingsraad of Watergebruikersvereniging, wat as 'n BWW verklaar is.
- Artikel 35 dek ander watergebruike wat mag voorkom soos aangedui onder Artikel 35 van die NWW.

Tabel 2: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 33 van die NWW

Type of water use *Watergebruik Tipe*	**Irrigation Board / Water User Association name** *Naam van Besproeiingsraad / Watergebruikersvereniging*	**Scheduled Area (ha)** *Ingelyste Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			
Taking of water for non-irrigation purposes *Plaasnaam*			

Tabel 3: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 35 van die NWW

Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			**Taking of water for non-irrigation purposes** *Neem van water vir ander doeleindes*	
Volume (m3/annum) *Volume (m3/jaar)*	**Source** *Bron*		**Volume (m3/annum)** *Volume (m3/jaar)*	**Source** *Bron*
0	Surface Water		0	Surface Water
0	Groundwater		0	Groundwater

Tabel 4: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 35 van die NWW vir die stoor van water en stroomvloeivermindering aktiwiteit

Storing of water *Stoor van Water*			**Stream Flow Reduction Activity (Afforestation)** *Stroomvloeivermindering Aktiwiteit*	
Volume (m3/annum) *Volume (m3/jaar)*	**River/Stream** *Rivier/Stroom*		**Area (ha)** *Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*

Die volgende aanhangsels word ingesluit met besonderhede ten opsigte van die metodes wat gebruik is om bogenoemde waardes te bepaal:

Aanhangsel A – Tabelle wat watergebruik tydens die kwalifikasieperiode aandui
Die tabelle dui op die verdeling van die vasgestelde watergebruik gedurende die Kwalifiserende Tydperk. Dit beteken die twee jaar tydperk voor die implementering van die Nasionale Waterwet en is soos volg:

- **1 Oktober 1996 tot 30 September 1998 vir grondwater, bv. water uit boorgate;**
- **1 Oktober 1997 tot 30 September 1999 vir oppervlakwater, bv. water van damme of riviere**

Annexure B – Kaart wat watergebruik tydens die kwalifiserende tydperk toon
Die kaart illustreer die omvang van besproeiing gedurende die Kwalifiserende Tydperk.

Indien u nie met die bostaande waardes saamstem nie, verskaf asseblief 'n skriftelike vertoë per e-pos aan Annemie Mynhardt na objections@aurecongroup.com of faks na 086 663 1343 binne 14 dae na ontvangs van hierdie brief. Merk asseblief die waardes en / of figure in Aanhangsels A en/of B om duidelik aan te toon met watter waardes u nie saamstem nie. Ondersteunende motivering moet verskaf word. Terugvoer sal nie oorweeg word indien dit nie in hierdie formaat verskaf word nie.

As geen vertoë ontvang word nie, sal u 'n brief van DWS ontvang wat u wettige watergebruik bevestig. Die waardes sal soortgelyk wees aan die waardes hierbo.

Let asseblief op dat die watergebruikwaardes wat in hierdie brief aangedui word, nie 'n reg op watergebruik is nie.

Die uwe

Ashia Petersen
Waarnemende hoof uitvoerende beampte: Berg-Olifants Proto-CMA
DEPARTEMENT VAN WATER EN SANITASIE

Datum: ____-__-__

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Posbus 26
Lamberts bay
8130

Dear Sir / Madam test

C02000000000009100000: PRELIMINARY FINDINGS FROM THE DETERMINATION OF THE EXISTING LAWFUL WATER USE ON PROPERTIES WITHIN THE BERG-OLIFANTS WATER MANAGEMENT AREA BEING UNDERETAKEN IN TERMS OF SECTION 35 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

An application for the validation and verification of water use has been received and assessed for the above-mentioned property. The preliminary findings for the extent and lawfulness of the water use(s) have been determined and are indicated in the tables below.

The preliminary findings are in respect of the following property:

Table 1: Property Description

Farm Name *Plaasnaam*	**Registration Division** *Registrasie Afdeling*	**Farm Number** *Plaasnommer*	**Portion Number** *Gedeelte*	**Property Extent (ha)** *Eiendom Grootte (ha)*
	Clanwilliam			58.8

	Name of Owner *Naam van Eienaar*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Title Deed Number** *Titelakte Nommer*
Property Owner *Eienaar van Eiendom*			
	Name of Water User *Naam van Watergebruiker*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Departmental Register Number** *Departementele Registrasie Nommer*
Registered Water User *Geregistreerde Watergebruiker*			A00003723

The Existing Lawful Water Use (ELU) is depicted separately in terms of Sections 33 and 35 of the National Water Act, 1998 (Act No 36 of 1998) (NWA):

- Section 33 covers the extent of water use as administered by an Irrigation Board or Water User Association, that has been declared as an ELU.
- Section 35 covers other water uses that may occur or are indicated under Section 35 of the NWA.

Table 2: Preliminary findings for lawful water use in terms of Section 33 of the NWA

Type of water use *Watergebruik Tipe*	**Irrigation Board / Water User Association name** *Naam van Besproeiingsraad / Watergebruikersvereniging*	**Scheduled Area (ha)** *Ingelyste Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			
Taking of water for non-irrigation purposes *Plaasnaam*			

Table 3: Preliminary findings for lawful water use in terms of Section 35 of the NWA for taking of water

Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			**Taking of water for non-irrigation purposes** *Neem van water vir ander doeleindes*	
Volume (m3/annum) *Volume (m3/jaar)*	**Source** *Bron*		**Volume (m3/annum)** *Volume (m3/jaar)*	**Source** *Bron*
0	Surface Water		0	Surface Water
0	Groundwater		0	Groundwater

Table 4: Preliminary findings for lawful water use in terms of Section 35 of the NWA for storing of water and stream flow reduction activities

Storing of water *Stoor van Water*			**Stream Flow Reduction Activity (Afforestation)** *Stroomvloeivermindering Aktiwiteit*	
Volume (m3/annum) *Volume (m3/jaar)*	**River/Stream** *Rivier/Stroom*		**Area (ha)** *Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*

The following annexures are included which shows the detail of how the values stated above were determined:

Annexure A – Tables depicting water use during the Qualifying Period
The tables indicate the breakdown of determined water use during the Qualifying Period, which is the two year period before implementation of the National Water Act as follows:

- **1 October 1996 to 30 September 1998 for groundwater, e.g. water from boreholes;**
- **1 October 1997 to 30 September 1999 for surface water, e.g. water from dams or rivers**

Annexure B – Figure showing water use during the Qualifying Period
The figure illustrates the extent of irrigation during the Qualifying Period.

If you do **not** agree with the values above please provide a written response to Annemie Mynhardt via e-mail to objections@aurecongroup.com or fax to 086 663 1343 within 14 days of receipt of this letter. Please mark up the values and/or figure in Annexures A and B to indicate clearly which values you do not agree with and provide supporting motivation. Feedback will not be considered if not provided in this format.

If no response is received you will receive a letter from DWS confirming your legal water use to be the values shown above.

Please note the water use values indicated in this letter are not an entitlement to water use.

Yours faithfully



Ashia Petersen
Acting CEO: Berg-Olifants Proto-CMA
DEPARTMENT OF WATER AND SANITATION

Date: ____-__-__

ANNEXURE A: TABLES DEPICTING WATER USE DURING THE QUALIFYING PERIOD

AANHANGSEL A: TABELLE VAN WATERGEBRUIK TYDENS DIE KWALIFISERENDE PERIODE

Note: Table numbers correspond with those in the initial application letter

Let wel: Tabel nommers stem ooreen met dié in die aanvanklike aansoekbrief

4.1 Abstraction / *Ontrekking van water*

4.1.1 Taking of water for irrigation / *Bespoeing vir Landboudoeleindes*

Field number on map *Veldnommer op kaart*	**Irrigated** *Besproei*	**Crop type *** *Gewas tipe **	**Area (ha)** *Oppervlakte (ha)*	**Rotation factor (%)** *Rotasiefaktor (%)*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m3/ha/jaar)*	**Volume (m³/year)** *Volume (m³/jaar)*
C1		Default	2.54			
C2		Default	2.51			
Total irrigated (m³/year) Totale besproeing (m³/year)						

4.1.2 Taking of water for other purposes / *Neem van water vir ander doeleindes as besproeiing*

4.1.2.1 Feedlots / *Voerkrale*

Animal type *Tipe diere*	**Number of animals** *Aantal diere*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal			

4.1.2.2 Domestic water use / *Huishoudelike watergebruik*

Number of households *Aantal huishoudings*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal		

4.1.2.3 Industrial water use / *Gebruik vir nywerhede*

Type of industry *Tipe nywerheid*	**Details of water use** *Besonderhede van watergebruik*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal		

4.1.3 Water Sources *Waterbronne*

Sector *Sektor*	**Annual volume actually used (m³/year)** *Jaarlikse volume eintlik gebruik (m³/jaar)*			**Total** *Totaal*	**Notes** *Notas*
	Surface water *Oppervlak water*	**Groundwater *** *Grondwater **	**Irrigation Board** *Besproeiingsraad*		
Agricultural irrigation Landboubesproeing	0	0	0	0	Total 4.1.1 *Totaal 4.1.1*
Feedlots Voerkraal	0	0		0	Total 4.1.2.1 *Totaal 4.1.2.1*
Domestic water use Huishoudelike watergebruik	0	0		0	Total 4.1.2.2 *Totaal 4.1.2.2*
Industrial water use Gebruik vir nywerhede	0	0		0	Total 4.1.2.3 *Totaal 4.1.2.3*

Summary *Opsomming*	
Total Scheduled Irrigation Board (from LBO list) *Totaal Besproeiingsraadtoekenning (van LBO lys af)*	0 m³
Total Irrigation Board volume used *Totaal Besproeiingsraadtoekenning eintlik gebruik*	0 m³
Total other sources volume used *Totaal ander waterbronne gebruik*	0 m³
Total volume used *Totaal volume gebruik*	0 m³

4.2 Storage *Opgaring*

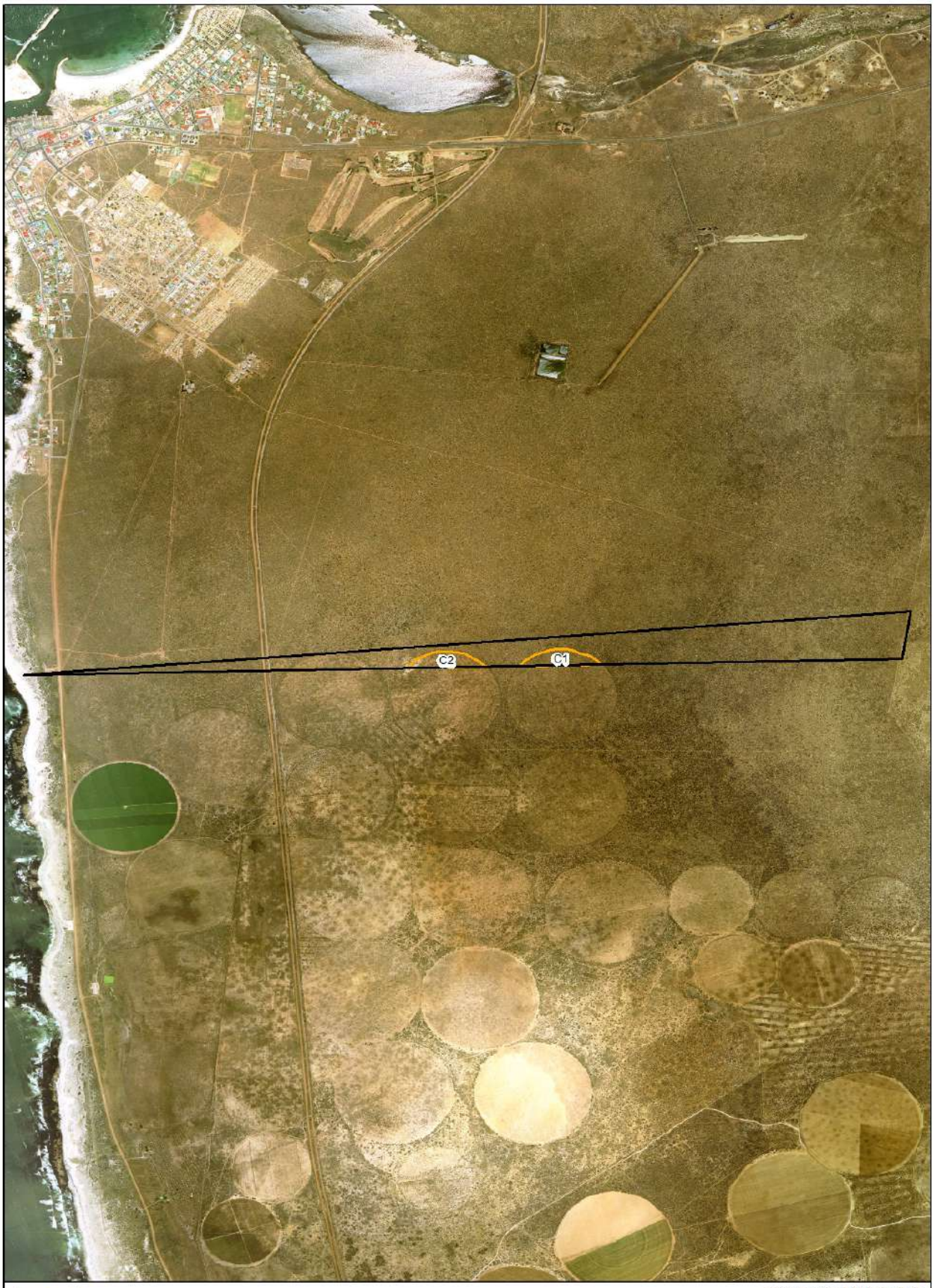
Map reference number *Veld nommer op kaart*	**Area (ha)** *Oppervlakte (ha)*	**Method for determining volume** *Metode vir volume bepaling*	**Maximum wall height (m)** *Maksimum walhoogte (m)*	**Average water depth at full supply level (m)** *Gemiddelde water diepte volvoorraadvlak (m³)*	**Crest length of wall (m)** *Kruin lengte van muur (m)*	**Volume (m³)** *Volume (m³)*
Total *Totaal*						

4.3 Stream Flow Reduction Activity *Stroomvloeivermindering Aktiwiteit*

Field number on map *Veld nommer op kaart*	**Type of trees in plantation** *Tipe bome in plantasie*	**Plantation area (ha)** *Plantasie oppervlakte (ha)*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Volume (m³)** *Volume (m³)*
Total *Totaal*				

Existing Lawful Use

Taking of water	Surface Water	Ground Water	Irrigation Board	Total
Agricultural irrigation	0	0	0	0
Non Irrigation:				
Feedlots	0	0	0	0
Domestic water use	0	0	0	0
Industrial water use	0	0	0	0
Total Taking of water	0	0	0	0
Storage of water				



Legend

Cadastre

C02000000000009100000

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

An English version is available following.

PO BOX 26
SAMBERDA BAAI
8130

Geagte Meneer / Mevrou / Mejuffrou

C02000000000009200000: VOORLOPIGE BEVINDINGS TOV DIE BEPALING VAN BESTAANDE WETTIGE WATERGEBRUIK VAN DIE EIENDOM BINNE DIE BERG-OLIFANTS WATERBESTUURSGEBIED IN TERME VAN ARTIKEL 35 VAN DIE NASIONALE WATERWET, 1998 (WET 36 VAN 1998)

'n Aansoek vir die validasie en verifikasie van watergebruik vir bogenoemde eiendom is ontvang en en ge-eëvalueer. Die voorlopige bevindings vir die volume en wettigheid van die watergebruik(e) is bepaal en word in die tabelle hieronder aangedui.

Die voorlopige bevindings is ten opsigte van die volgende eiendom:

Tabel 1: Eiendomsbeskrywing

Farm Name *Plaasnaam*	**Registration Division** *Registrasie Afdeling*	**Farm Number** *Plaasnommer*	**Portion Number** *Gedeelte*	**Property Extent (ha)** *Eiendom Grootte (ha)*
STEENBOKSFONTEIN	Clanwilliam	92	RE	472.1

	Name of Owner *Naam van Eienaar*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Title Deed Number** *Titelakte Nommer*
Property Owner *Eienaar van Eiendom*	MAFUTHA TRUST	2150/2003	T119266/2003
Registered Water User *Geregistreerde Watergebruiker*	**Name of Water User** *Naam van Watergebruiker*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Departmental Register Number** *Departementele Registrasie Nommer*
	MAFUTHA TRUST	2150/2003	A00002899

Die bestaande wettige watergebruik (BWW) word afsonderlik uitgebeeld in terme van Artikels 33 en 35 van die Nasionale Waterwet, 1998 (Wet No 36 van 1998) (NWW):

- Artikel 33 dek die watergebruik soos geadministreer deur 'n besproeiingsraad of Watergebruikersvereniging, wat as 'n BWW verklaar is.
- Artikel 35 dek ander watergebruike wat mag voorkom soos aangedui onder Artikel 35 van die NWW.

Tabel 2: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 33 van die NWW

Type of water use *Watergebruik Tipe*	**Irrigation Board / Water User Association name** *Naam van Besproeiingsraad / Watergebruikersvereniging*	**Scheduled Area (ha)** *Ingelyste Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			
Taking of water for non-irrigation purposes *Plaasnaam*			

Tabel 3: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 35 van die NWW

Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			**Taking of water for non-irrigation purposes** *Neem van water vir ander doeleindes*	
Volume (m3/annum) *Volume (m3/jaar)*	**Source** *Bron*		**Volume (m3/annum)** *Volume (m3/jaar)*	**Source** *Bron*
0	Surface Water		0	Surface Water
210135	Groundwater		0	Groundwater

Tabel 4: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 35 van die NWW vir die stoor van water en stroomvloeivermindering aktiwiteit

Storing of water *Stoor van Water*			**Stream Flow Reduction Activity (Afforestation)** *Stroomvloeivermindering Aktiwiteit*	
Volume (m3/annum) *Volume (m3/jaar)*	**River/Stream** *Rivier/Stroom*		**Area (ha)** *Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
2160	Jakkals River			

Die volgende aanhangsels word ingesluit met besonderhede ten opsigte van die metodes wat gebruik is om bogenoemde waardes te bepaal:

Aanhangsel A – Tabelle wat watergebruik tydens die kwalifikasieperiode aandui
Die tabelle dui op die verdeling van die vasgestelde watergebruik gedurende die Kwalifiserende Tydperk. Dit beteken die twee jaar tydperk voor die implementering van die Nasionale Waterwet en is soos volg:

- **1 Oktober 1996 tot 30 September 1998 vir grondwater, bv. water uit boorgate;**
- **1 Oktober 1997 tot 30 September 1999 vir oppervlakwater, bv. water van damme of riviere**

Annexure B – Kaart wat watergebruik tydens die kwalifiserende tydperk toon
Die kaart illustreer die omvang van besproeiing gedurende die Kwalifiserende Tydperk.

Indien u nie met die bostaande waardes saamstem nie, verskaf asseblief 'n skriftelike vertoë per e-pos aan Annemie Mynhardt na objections@aurecongroup.com of faks na 086 663 1343 binne 14 dae na ontvangs van hierdie brief. Merk asseblief die waardes en / of figure in Aanhangsels A en/of B om duidelik aan te toon met watter waardes u nie saamstem nie. Ondersteunende motivering moet verskaf word. Terugvoer sal nie oorweeg word indien dit nie in hierdie formaat verskaf word nie.

As geen vertoë ontvang word nie, sal u 'n brief van DWS ontvang wat u wettige watergebruik bevestig. Die waardes sal soortgelyk wees aan die waardes hierbo.

Let asseblief op dat die watergebruikwaardes wat in hierdie brief aangedui word, nie 'n reg op watergebruik is nie.

Die uwe

Ashia Petersen
Waarnemende hoof uitvoerende beampte: Berg-Olifants Proto-CMA
DEPARTEMENT VAN WATER EN SANITASIE

Datum: 2018-02-08

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

PO BOX 26
SAMBERDA BAAI
8130

Dear Sir / Madam test

C02000000000009200000: PRELIMINARY FINDINGS FROM THE DETERMINATION OF THE EXISTING LAWFUL WATER USE ON PROPERTIES WITHIN THE BERG-OLIFANTS WATER MANAGEMENT AREA BEING UNDERETAKEN IN TERMS OF SECTION 35 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

An application for the validation and verification of water use has been received and assessed for the above-mentioned property. The preliminary findings for the extent and lawfulness of the water use(s) have been determined and are indicated in the tables below.

The preliminary findings are in respect of the following property:

Table 1: Property Description

Farm Name *Plaasnaam*	**Registration Division** *Registrasie Afdeling*	**Farm Number** *Plaasnommer*	**Portion Number** *Gedeelte*	**Property Extent (ha)** *Eiendom Grootte (ha)*
STEENBOKSFONTEIN	Clanwilliam	92	RE	472.1

	Name of Owner *Naam van Eienaar*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Title Deed Number** *Titelakte Nommer*
Property Owner *Eienaar van Eiendom*	MAFUTHA TRUST	2150/2003	T119266/2003
Registered Water User *Geregistreerde Watergebruiker*	**Name of Water User** *Naam van Watergebruiker*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Departmental Register Number** *Departementele Registrasie Nommer*
	MAFUTHA TRUST	2150/2003	A00002899

The Existing Lawful Water Use (ELU) is depicted separately in terms of Sections 33 and 35 of the National Water Act, 1998 (Act No 36 of 1998) (NWA):

- Section 33 covers the extent of water use as administered by an Irrigation Board or Water User Association, that has been declared as an ELU.
- Section 35 covers other water uses that may occur or are indicated under Section 35 of the NWA.

Table 2: Preliminary findings for lawful water use in terms of Section 33 of the NWA

Type of water use *Watergebruik Tipe*	**Irrigation Board / Water User Association name** *Naam van Besproeiingsraad / Watergebruikersvereniging*	**Scheduled Area (ha)** *Ingelyste Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			
Taking of water for non-irrigation purposes *Plaasnaam*			

Table 3: Preliminary findings for lawful water use in terms of Section 35 of the NWA for taking of water

Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			**Taking of water for non-irrigation purposes** *Neem van water vir ander doeleindes*	
Volume (m3/annum) *Volume (m3/jaar)*	**Source** *Bron*		**Volume (m3/annum)** *Volume (m3/jaar)*	**Source** *Bron*
0	Surface Water		0	Surface Water
210135	Groundwater		0	Groundwater

Table 4: Preliminary findings for lawful water use in terms of Section 35 of the NWA for storing of water and stream flow reduction activities

Storing of water *Stoor van Water*			**Stream Flow Reduction Activity (Afforestation)** *Stroomvloeivermindering Aktiwiteit*	
Volume (m3/annum) *Volume (m3/jaar)*	**River/Stream** *Rivier/Stroom*		**Area (ha)** *Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
2160	Jakkals River			

The following annexures are included which shows the detail of how the values stated above were determined:

Annexure A – Tables depicting water use during the Qualifying Period
The tables indicate the breakdown of determined water use during the Qualifying Period, which is the two year period before implementation of the National Water Act as follows:

- **1 October 1996 to 30 September 1998 for groundwater, e.g. water from boreholes;**
- **1 October 1997 to 30 September 1999 for surface water, e.g. water from dams or rivers**

Annexure B – Figure showing water use during the Qualifying Period
The figure illustrates the extent of irrigation during the Qualifying Period.

If you do **not** agree with the values above please provide a written response to Annemie Mynhardt via e-mail to objections@aurecongroup.com or fax to 086 663 1343 within 14 days of receipt of this letter. Please mark up the values and/or figure in Annexures A and B to indicate clearly which values you do not agree with and provide supporting motivation. Feedback will not be considered if not provided in this format.

If no response is received you will receive a letter from DWS confirming your legal water use to be the values shown above.

Please note the water use values indicated in this letter are not an entitlement to water use.

Yours faithfully



Ashia Petersen
Acting CEO: Berg-Olifants Proto-CMA
DEPARTMENT OF WATER AND SANITATION

Date: 2018-02-08

ANNEXURE A: TABLES DEPICTING WATER USE DURING THE QUALIFYING PERIOD

AANHANGSEL A: TABELLE VAN WATERGEBRUIK TYDENS DIE KWALIFISERENDE PERIODE

Note: Table numbers correspond with those in the initial application letter

Let wel: Tabel nommers stem ooreen met dié in die aanvanklike aansoekbrief

4.1 Abstraction *Ontrekking van water*

4.1.1 Taking of water for irrigation *Bespoeing vir Landboudoeleindes*

Field number on map *Veldnommer op kaart*	**Irrigated** *Besproei*	**Crop type *** *Gewas tipe **	**Area (ha)** *Oppervlakte (ha)*	**Rotation factor (%)** *Rotasiefaktor (%)*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m3/ha/jaar)*	**Volume (m³/year)** *Volume (m³/jaar)*
C2	✓	0	22.85	25	7 000	**39 988**
C3	✓	0	21.59	25	7 000	**37 783**
C4		0	22.48			
C5	✓	0	23.03	25	7 000	**40 303**
C6	✓	0	23.30	24	7 000	**39 144**
C7	✓	0	20.83	25	7 000	**36 453**
C8		0	23.76			
C9	✓	0	5.43	25	7 000	**9 503**
C10	✓	0	3.98	25	7 000	**6 965**
C11		0	14.32			
Total irrigated (m³/year) Totale besproeing (m³/year)						**210 139**

4.1.2 Taking of water for other purposes *Neem van water vir ander doeleindes as besproeiing*

4.1.2.1 Feedlots *Voerkrale*

Animal type *Tipe diere*	**Number of animals** *Aantal diere*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal			

4.1.2.2 Domestic water use *Huishoudelike watergebruik*

Number of households *Aantal huishoudings*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal		

4.1.2.3 Industrial water use *Gebruik vir nywerhede*

Type of industry *Tipe nywerheid*	**Details of water use** *Besonderhede van watergebruik*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal		

4.1.3 Water Sources *Waterbronne*

Sector *Sektor*	**Annual volume actually used (m³/year)** *Jaarlikse volume eintlik gebruik (m³/jaar)*			**Total** *Totaal*	**Notes** *Notas*
	Surface water *Oppervlak water*	**Groundwater *** *Grondwater **	**Irrigation Board** *Besproeiingsraad*		
Agricultural irrigation Landboubesproeing	0	210135	0	210135	Total 4.1.1 *Totaal 4.1.1*
Feedlots Voerkraal	0	0		0	Total 4.1.2.1 *Totaal 4.1.2.1*
Domestic water use Huishoudelike watergebruik	0	0		0	Total 4.1.2.2 *Totaal 4.1.2.2*
Industrial water use Gebruik vir nywerhede	0	0		0	Total 4.1.2.3 *Totaal 4.1.2.3*

Summary *Opsomming*	
Total Scheduled Irrigation Board (from LBO list) *Totaal Besproeiingsraadtoekenning (van LBO lys af)*	0 m³
Total Irrigation Board volume used *Totaal Besproeiingsraadtoekenning eintlik gebruik*	0 m³
Total other sources volume used *Totaal ander waterbronne gebruik*	210135 m³
Total volume used *Totaal volume gebruik*	210135 m³

4.2 Storage *Opgaring*

Map reference number *Veld nommer op kaart*	**Area (ha)** *Oppervlakte (ha)*	**Method for determining volume** *Metode vir volume bepaling*	**Maximum wall height (m)** *Maksimum walhoogte (m)*	**Average water depth at full supply level (m)** *Gemiddelde water diepte volvoorraadvlak (m³)*	**Crest length of wall (m)** *Kruin lengte van muur (m)*	**Volume (m³)** *Volume (m³)*
D1	0.36	Calculated				2160
Total *Totaal*	0.36					2160

4.3 Stream Flow Reduction Activity *Stroomvloeivermindering Aktiwiteit*

Field number on map *Veld nommer op kaart*	**Type of trees in plantation** *Tipe bome in plantasie*	**Plantation area (ha)** *Plantasie oppervlakte (ha)*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Volume (m³)** *Volume (m³)*
Total *Totaal*				

5 ELU Summary *BWW Opsomming*

Existing Lawful Use

Taking of water	Surface Water	Ground Water	Irrigation Board	Total
Agricultural irrigation	0	210135	0	210135
Non Irrigation:				
Feedlots	0	0	0	0
Domestic water use	0	0	0	0
Industrial water use	0	0	0	0
Total Taking of water	0	210135	0	210135
Storage of water				2160


C10
C9
C11
C2
C6
C5
C3
C4
D1
C7
C8
Legend
Cadastre
C02000000000009200000

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

An English version is available following.

PO BOX 26
SAMBERDEBAAI
8130

Geagte Meneer / Mevrou / Mejuffrou

C02000000000009200007: VOORLOPIGE BEVINDINGS TOV DIE BEPALING VAN BESTAANDE WETTIGE WATERGEBRUIK VAN DIE EIENDOM BINNE DIE BERG-OLIFANTS WATERBESTUURSGEBIED IN TERME VAN ARTIKEL 35 VAN DIE NASIONALE WATERWET, 1998 (WET 36 VAN 1998)

'n Aansoek vir die validasie en verifikasie van watergebruik vir bogenoemde eiendom is ontvang en en ge-eëvalueer. Die voorlopige bevindings vir die volume en wettigheid van die watergebruik(e) is bepaal en word in die tabelle hieronder aangedui.

Die voorlopige bevindings is ten opsigte van die volgende eiendom:

Tabel 1: Eiendomsbeskrywing

Farm Name *Plaasnaam*	**Registration Division** *Registrasie Afdeling*	**Farm Number** *Plaasnommer*	**Portion Number** *Gedeelte*	**Property Extent (ha)** *Eiendom Grootte (ha)*
STEENBOKSFONTEIN	Clanwilliam			136.6

	Name of Owner *Naam van Eienaar*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Title Deed Number** *Titelakte Nommer*
Property Owner *Eienaar van Eiendom*	MAFUTHA TRUST	2150/2003	T119266/2003

	Name of Water User *Naam van Watergebruiker*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Departmental Register Number** *Departementele Registrasie Nommer*
Registered Water User *Geregistreerde Watergebruiker*	MAFUTHA TRUST	2150/2003	A00002900

Die bestaande wettige watergebruik (BWW) word afsonderlik uitgebeeld in terme van Artikels 33 en 35 van die Nasionale Waterwet, 1998 (Wet No 36 van 1998) (NWW):

- Artikel 33 dek die watergebruik soos geadministreer deur 'n besproeiingsraad of Watergebruikersvereniging, wat as 'n BWW verklaar is.
- Artikel 35 dek ander watergebruike wat mag voorkom soos aangedui onder Artikel 35 van die NWW.

Tabel 2: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 33 van die NWW

Type of water use *Watergebruik Tipe*	**Irrigation Board / Water User Association name** *Naam van Besproeiingsraad / Watergebruikersvereniging*	**Scheduled Area (ha)** *Ingelyste Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			
Taking of water for non-irrigation purposes *Plaasnaam*			

Tabel 3: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 35 van die NWW

Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			**Taking of water for non-irrigation purposes** *Neem van water vir ander doeleindes*	
Volume (m3/annum) *Volume (m3/jaar)*	**Source** *Bron*		**Volume (m3/annum)** *Volume (m3/jaar)*	**Source** *Bron*
0	Surface Water		0	Surface Water
0	Groundwater		0	Groundwater

Tabel 4: Voorlopige bevindings vir wettige watergebruik ingevolge Artikel 35 van die NWW vir die stoor van water en stroomvloeivermindering aktiwiteit

Storing of water *Stoor van Water*			**Stream Flow Reduction Activity (Afforestation)** *Stroomvloeivermindering Aktiwiteit*	
Volume (m3/annum) *Volume (m3/jaar)*	**River/Stream** *Rivier/Stroom*		**Area (ha)** *Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*

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Aanhangsel A – Tabelle wat watergebruik tydens die kwalifikasieperiode aandui
Die tabelle dui op die verdeling van die vasgestelde watergebruik gedurende die Kwalifiserende Tydperk. Dit beteken die twee jaar tydperk voor die implementering van die Nasionale Waterwet en is soos volg:

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Annexure B – Kaart wat watergebruik tydens die kwalifiserende tydperk toon
Die kaart illustreer die omvang van besproeiing gedurende die Kwalifiserende Tydperk.

Indien u nie met die bostaande waardes saamstem nie, verskaf asseblief 'n skriftelike vertoë per e-pos aan Annemie Mynhardt na objections@aurecongroup.com of faks na 086 663 1343 binne 14 dae na ontvangs van hierdie brief. Merk asseblief die waardes en / of figure in Aanhangsels A en/of B om duidelik aan te toon met watter waardes u nie saamstem nie. Ondersteunende motivering moet verskaf word. Terugvoer sal nie oorweeg word indien dit nie in hierdie formaat verskaf word nie.

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Let asseblief op dat die watergebruikwaardes wat in hierdie brief aangedui word, nie 'n reg op watergebruik is nie.

Die uwe

Ashia Petersen
Waarnemende hoof uitvoerende beampte: Berg-Olifants Proto-CMA
DEPARTEMENT VAN WATER EN SANITASIE

Datum: 2018-02-08

water & sanitation
Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

PO BOX 26
SAMBERDEBAAI
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Dear Sir / Madam test

C02000000000009200007: PRELIMINARY FINDINGS FROM THE DETERMINATION OF THE EXISTING LAWFUL WATER USE ON PROPERTIES WITHIN THE BERG-OLIFANTS WATER MANAGEMENT AREA BEING UNDERETAKEN IN TERMS OF SECTION 35 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998)

An application for the validation and verification of water use has been received and assessed for the above-mentioned property. The preliminary findings for the extent and lawfulness of the water use(s) have been determined and are indicated in the tables below.

The preliminary findings are in respect of the following property:

Table 1: Property Description

Farm Name *Plaasnaam*	**Registration Division** *Registrasie Afdeling*	**Farm Number** *Plaasnommer*	**Portion Number** *Gedeelte*	**Property Extent (ha)** *Eiendom Grootte (ha)*
STEENBOKSFONTEIN	Clanwilliam			136.6

	Name of Owner *Naam van Eienaar*	**ID/Business registration number** *ID/ Besigheids-registrasienommer*	**Title Deed Number** *Titelakte Nommer*
Property Owner *Eienaar van Eiendom*	MAFUTHA TRUST	2150/2003	T119266/2003
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	MAFUTHA TRUST	2150/2003	A00002900

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Table 2: Preliminary findings for lawful water use in terms of Section 33 of the NWA

Type of water use *Watergebruik Tipe*	**Irrigation Board / Water User Association name** *Naam van Besproeiingsraad / Watergebruikersvereniging*	**Scheduled Area (ha)** *Ingelyste Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*
Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			
Taking of water for non-irrigation purposes *Plaasnaam*			

Table 3: Preliminary findings for lawful water use in terms of Section 35 of the NWA for taking of water

Taking of water for irrigation purposes *Neem van water vir landboudoeleindes*			**Taking of water for non-irrigation purposes** *Neem van water vir ander doeleindes*	
Volume (m3/annum) *Volume (m3/jaar)*	**Source** *Bron*		**Volume (m3/annum)** *Volume (m3/jaar)*	**Source** *Bron*
0	Surface Water		0	Surface Water
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Table 4: Preliminary findings for lawful water use in terms of Section 35 of the NWA for storing of water and stream flow reduction activities

Storing of water *Stoor van Water*			**Stream Flow Reduction Activity (Afforestation)** *Stroomvloeivermindering Aktiwiteit*	
Volume (m3/annum) *Volume (m3/jaar)*	**River/Stream** *Rivier/Stroom*		**Area (ha)** *Area (ha)*	**Volume (m3/annum)** *Volume (m3/jaar)*

The following annexures are included which shows the detail of how the values stated above were determined:

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The tables indicate the breakdown of determined water use during the Qualifying Period, which is the two year period before implementation of the National Water Act as follows:

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Yours faithfully



Ashia Petersen
Acting CEO: Berg-Olifants Proto-CMA
DEPARTMENT OF WATER AND SANITATION

Date: 2018-02-08

ANNEXURE A: TABLES DEPICTING WATER USE DURING THE QUALIFYING PERIOD

AANHANGSEL A: TABELLE VAN WATERGEBRUIK TYDENS DIE KWALIFISERENDE PERIODE

Note: Table numbers correspond with those in the initial application letter

Let wel: Tabel nommers stem ooreen met dié in die aanvanklike aansoekbrief

4.1 Abstraction *Ontrekking van water*

4.1.1 Taking of water for irrigation *Bespoeing vir Landboudoeleindes*

Field number on map *Veldnommer op kaart*	**Irrigated** *Besproei*	**Crop type *** *Gewas tipe **	**Area (ha)** *Oppervlakte (ha)*	**Rotation factor (%)** *Rotasiefaktor (%)*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m3/ha/jaar)*	**Volume (m³/year)** *Volume (m³/jaar)*
C1		0	23.40			
C2		0	14.64			
C3		0	16.39			
C4		0	25.23			
C5		0	6.81			
Total irrigated (m³/year) Totale besproeing (m³/year)						

4.1.2 Taking of water for other purposes *Neem van water vir ander doeleindes as besproeiing*

4.1.2.1 Feedlots *Voerkrale*

Animal type *Tipe diere*	**Number of animals** *Aantal diere*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal			

4.1.2.2 Domestic water use *Huishoudelike watergebruik*

Number of households *Aantal huishoudings*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal		

4.1.2.3 Industrial water use *Gebruik vir nywerhede*

Type of industry *Tipe nywerheid*	**Details of water use** *Besonderhede van watergebruik*	**Total Volume (m³/year)** *Totale Volume (m³/jaar)*
Total Totaal		

4.1.3 Water Sources *Waterbronne*

Sector *Sektor*	**Annual volume actually used (m³/year)** *Jaarlikse volume eintlik gebruik (m³/jaar)*			**Total** *Totaal*	**Notes** *Notas*
	Surface water *Oppervlak water*	**Groundwater *** *Grondwater **	**Irrigation Board** *Besproeiingsraad*		
Agricultural irrigation Landboubesproeing	0	0	0	0	Total 4.1.1 *Totaal 4.1.1*
Feedlots Voerkraal	0	0		0	Total 4.1.2.1 *Totaal 4.1.2.1*
Domestic water use Huishoudelike watergebruik	0	0		0	Total 4.1.2.2 *Totaal 4.1.2.2*
Industrial water use Gebruik vir nywerhede	0	0		0	Total 4.1.2.3 *Totaal 4.1.2.3*

Summary *Opsomming*	
Total Scheduled Irrigation Board (from LBO list) *Totaal Besproeiingsraadtoekenning (van LBO lys af)*	0 m³
Total Irrigation Board volume used *Totaal Besproeiingsraadtoekenning eintlik gebruik*	0 m³
Total other sources volume used *Totaal ander waterbronne gebruik*	0 m³
Total volume used *Totaal volume gebruik*	0 m³

4.2 Storage *Opgaring*

Map reference number *Veld nommer op kaart*	**Area (ha)** *Oppervlakte (ha)*	**Method for determining volume** *Metode vir volume bepaling*	**Maximum wall height (m)** *Maksimum walhoogte (m)*	**Average water depth at full supply level (m)** *Gemiddelde water diepte volvoorraadvlak (m³)*	**Crest length of wall (m)** *Kruin lengte van muur (m)*	**Volume (m³)** *Volume (m³)*
Total *Totaal*						

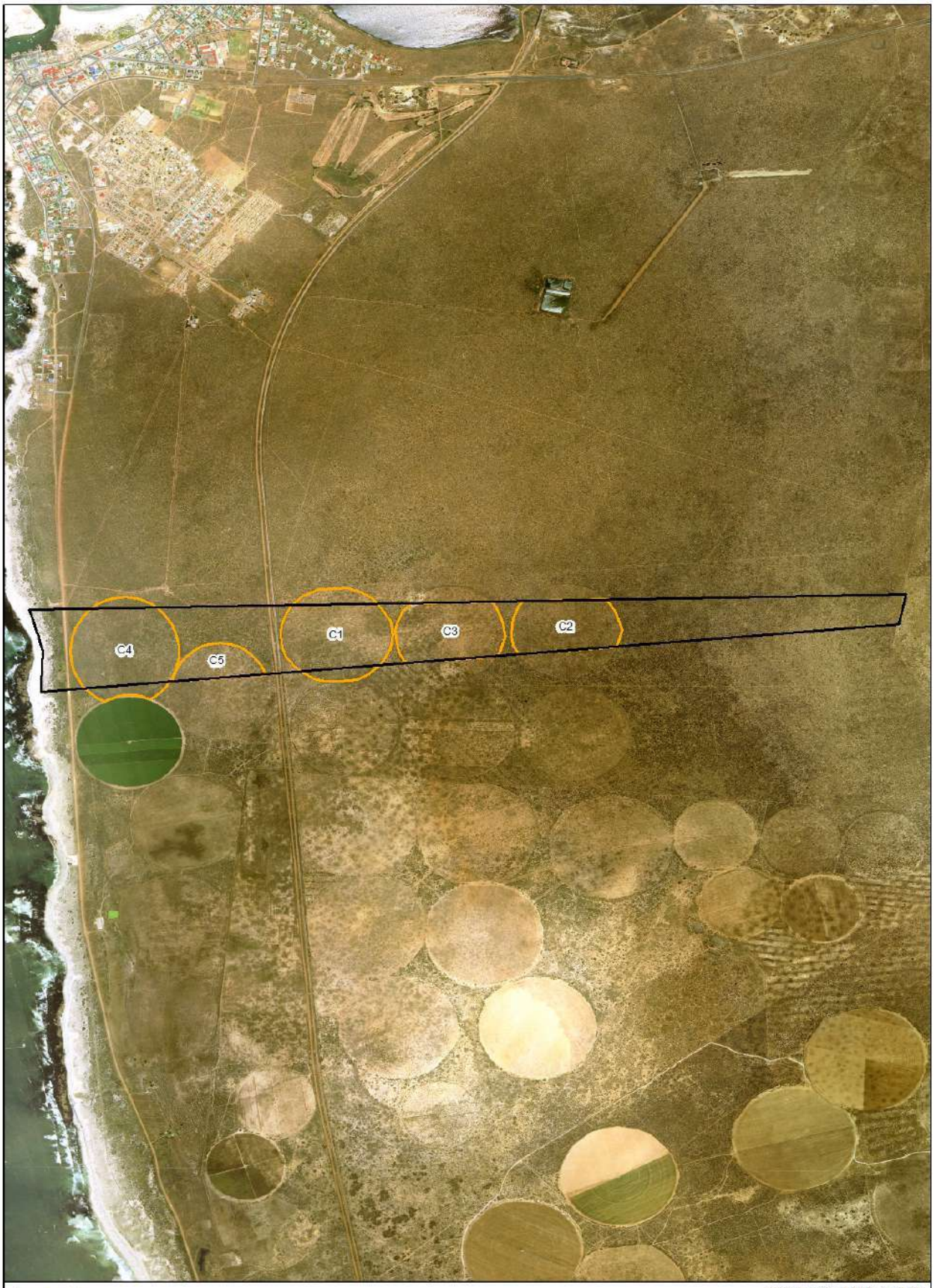
4.3 Stream Flow Reduction Activity *Stroomvloeivermindering Aktiwiteit*

Field number on map *Veld nommer op kaart*	**Type of trees in plantation** *Tipe bome in plantasie*	**Plantation area (ha)** *Plantasie oppervlakte (ha)*	**Water use rate (m³/ha/year)** *Watergebruik per eenheid (m³/ha/jaar)*	**Volume (m³)** *Volume (m³)*
Total *Totaal*				

5 ELU Summary *BWW Opsomming*

Existing Lawful Use

Taking of water	Surface Water	Ground Water	Irrigation Board	Total
Agricultural irrigation	0	0	0	0
Non Irrigation:				
Feedlots	0	0	0	0
Domestic water use	0	0	0	0
Industrial water use	0	0	0	0
Total Taking of water	0	0	0	0
Storage of water				


C4
C5
C1
C3
C2
Legend
Cadastre
C02000000000009200007

MUNISIPALITEIT
MUNICIPALITY
UMASIPALA

(027) 482 8000
(027) 482 1933
admin@cederbergraad.co.za
www.cederbergmun.gov.za
Privaatsak/Private Bag X2
Clanwilliam
8135

Meld asb. in u antwoord / In your reply please quote

Verwysing / Reference: Portion 19 of Farm 92

Navrae / Enquiries: D Joubert

26 October 2020

To Charlotte Turner

SEWAGE REMOVAL BY CEDERBERG MUNICIPALITY AT MUISBOSSKERM RESTAURANT

Cederberg Municipality hereby confirm that they will empty the sewage from the tank at Muisbosskerm restaurant when contacted by the owners.

There is a tariff involved for sewage removal and the amount as determined by the finance department in Lambert's bay Municipal office should be paid to Cederberg Municipality.

Contact Karin Kamfer on 027 432 1112 when the sewage should be removed and for payments.

Yours sincerely

Danne Joubert
Environmental Officer
Directorate: Integrated Development Services

Charl du Plessis

From: Ceoheritage [Ceoheritage@westerncape.gov.za]
Sent: 02 November 2021 11:17
To: Jenna Lavin
Cc: Charl du Plessis; Sean Ranger
Subject: Re: New Application: S24G Malkopan

Dear Jenna

Apologies for the delay in acknowledgement of receipt. I acknowledge receipt of your Sec 38 NID application submitted for Ptn 19 of Farm 92 Lamberts Bay received on 26 October 2021. The assigned case officer will be in contact going forward to advise on any further requirements.

Kind regards

Please note the following link regarding HWC 2021 December Operations

Ameerah Peters
Personal Assistant to
Chief Executive Officer
Heritage Western Cape
Western Cape Government

3rd Floor, Protea Assurance Building Greenmarket Square, Cape Town

Tel: 021 483 9598
Cell: 074 997 6627
Email: Ameerah.Peters@westerncape.gov.za
Website: www.westerncape.gov.za

Western Cape Government FOR YOU

iLifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

POPIA Disclaimer

In terms of the Protection of Personal Information Act 2013 (POPIA), we process your personal information as needed to establish and maintain a business relationship with the department. Your personal information may be disclosed to third parties in the normal course of business or as needed to comply with law. A complete privacy notice is available on https://www.westerncape.gov.za/general-publication/privacy-notice-department-cultural-affairs-and-sport-respects-and-protects-your-privacy.

From: Jenna Lavin <jenna.lavin@ctsheritage.com>
Sent: Tuesday, 26 October 2021 09:19
To: Ceoheritage <Ceoheritage@westerncape.gov.za>

Cc: Charl du Plessis <charlduplessis2@afrihost.co.za>; Sean Ranger <sean.ranger1@gmail.com>
Subject: New Application: S24G Malkopan

Dear Ameerah,

Please find attached the following documents submitted in support of a section 38(8) NID submission for:
S24G Rectification at Muisbosskerm Restaurant and the Malkoppan Tourism Facility - Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Portion 19 of Steenboksfontein Farm 92

- Signed NID Form
- Desktop Heritage Assessment
- Proof of Payment

Please confirm receipt of this email and advise if any further information is required?

Kind regards

Jenna

Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.

Jenna Lavin
Director
CTS Heritage

16 Edison Way, Century City
Tel: +27 (0)87 073 5739, Cell: +27 (0)83 619 0854
info@ctsheritage.com * www.ctsheritage.com

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WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY

Rig alle korrespondensie aan:
Address all correspondence to:

MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER

Navrae/Enquiries : R Verster
Verw.Nr./Ref. No.: 12/3/1/5

Posbus / P O Box 242
MOORREESBURG 7310

Telefoon/Phone (022) 4338400
Faks/Fax Nr. (022) 4338484

E-Mail Adres/Address :
westcoastdm@wcdm.co.za

Munisipale Gesondheidsdienste / Municipal Health Services

GESKIKTHEIDSERTIFIKAAT VIR 'N VOEDSELPERSEEL / CERTIFICATE OF ACCEPTABILITY FOR A FOOD PREMISES

(Hierdie sertifikaat is nie oordraagbaar van een persoon na 'n ander persoon of van een voedselperseel na 'n ander voedselperseel nie. / This certificate is not transferable from one person to another person or from one food premises to another food premises.)

SERTIFIKAATNO /CERTIFICATE NO: **CED 881/2022**

VOEDSELPERSEEL/FOOD PREMISES

Handelsnaam/Tradename: **MUISBOSSKERM**

Adres: (Ligging of handelsgebied of voertuigregistrasieno.) / Address (Location or trading area or vehicle registration no.)
MALKOPPAN PLAAS, LAMBERTSBAAI, 8130

Erfnommer/Erf number/Plaasnaam/Name of Farm: NVT

Adres waar voedsel hanteer word / Address where food is handled: **MALKOPPAN PLAAS , LAMBERTSBAAI, 8130.**

PERSOON IN BEHEER / PERSON IN CHARGE

Naam / Name	**CHARLOTTE TURNER**
I D Nommer / I D Number	**780623 0122 080**

SERTIFISERING(EN BEPERKING) / CERTIFICATION (AND RESTRICTION)

Hiermee word gesertifiseer dat bogenoemde voedselperseel voldoen aan die bepalings van Regulasies 5 en 6 van Goewermentskennisgewingnommer R638 van 22 Junie 2018 ten opsigte van die hantering van voedsel op die wyse gespesifiseer.
It is hereby certified that the above-mentioned food premises comply with the provisions of Regulations 5 and 6 made by Government Notice No R 638 of 22 June 2018 in respect of the handling of food in the manner specified.

Beperkings, voorwaardes of stipulasies kragtens regulasie 3(1)(b) / Restrictions, conditions or stipulation in terms of regulation 3(1)(b)

VERWERKING / VOORBEREIDING / BEDIENING VAN VERSKEIDENHEID MAALTYE, VISGEREGTE, BREDIES, ENS.

Waar van toepassing moet magtiging vir die bedryf van die besigheid ook van Plaaslike Munisipaliteite en/of ander owerhede verkry word." / "Where applicable, authorisation must also be obtained from Local Municipalities or other authorities."

WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY
2022 -07- 27
242, MOORREESBURG, 7310

AMPTELIKE DATUMSTEMPEL / OFFICIAL DATE STAMP

R VERSTER
NAAM VAN OMGEWINGSGESONDHEIDSPRAKTISYN / NAME OF ENVIRONMENTAL HEALTH PRACTITIONER

HANDTEKENING /SIGNATURE .....

	Nommer /Number	Datum /Date
Kwitansie. Receipt	**0040063225**	**5/07/2022**

ENDOSSEMENTE/VRYSTELLINGS kragtens Regulasie 15 ENDORSEMENT/EXEMPTIONS in terms of Regulation 15	DATUM/ DATE	HANDTEKENING VAN PRAKTISYN/ SIGNATURE OF PRACTITIONER
GEEN		

APPLICATION FORM
NOTIFICATION OF INTENT TO DEVELOP (NID)
SECTION 38 (1) AND SECTION 38 (8)

Heritage Western Cape Reference No:
To be completed by the applicant

Completion of this form is required by Heritage Western Cape for the initiation of all impact assessment processes under Section 38 (1) & (8) of the National Heritage Resources Act (NHRA)

As per Section 38 (1) (e) of the NHRA, submission of the NID must be initiated at the earliest stage of development. Should the development trigger any other legislation, practitioners may submit the NID without formal submission to other statutory bodies in order to comply with the NHRA.

This form is to be read in conjunction with the HWC Notification of Intent to Develop, Heritage Impact Assessment, (Pre-Application) Basic Assessment Reports, Scoping Reports and Environmental Impact Assessments, Guidelines for Submission to HWC

Whilst it is not a requirement, it may expedite processes and in particular avoid calls for additional information if certain of the information required in this form is provided by a heritage specialist/s with the necessary qualifications, skills and experience. All sections of the form must be completed in order to deem the application to be complete.

Making an incorrect statement or providing incorrect information may result in all or part of the application having to be reconsidered by HWC in the future, or submission of a new application.

The following information is to be included upon submission to HWC:

1. Proof of payment with correct reference number
2. Completed and signed application form – the application form must be completed in full in order to be considered
3. Power of Attorney
4. Locality Map
5. Images of the site and its context
6. Additional information pertaining to the heritage of the site

Application and associated documentation to be emailed to ceoheritage@westerncape.gov.za

A. APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

Department of Environmental Affairs Development Planning (Western Cape); Department of Mineral Resources (National); Department of Environmental Affairs (National);
Reference Number (if applicable):

Please tick the applicable section:

X	This application is made in terms of Section 38(8) of the NHRA and an application under NEMA has been made to the following authority:

This development will not require a NEMA application.
☐

B. BASIC DETAILS

PROPERTY DETAILS:

Name of property: **Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Portion 19 of Steenboksfontein Farm 92**	
Street address or location (eg: off R44):	
Erf or farm number/s: **Ptn 19 of Farm 92**	Coordinates: **S 32° 08'01.64" S** **E 18 18'20.31"E** (A logical centre point. Format based on WGS84.)
Town or District: **Lamberts Bay**	Municipality: **Cederberg**
Extent of property: **139.62 ha**	Current use: **Agricultural, Tourism**
Predominant land use/s of surrounding properties: **Agricultural**	

REGISTERED OWNER OF PROPERTY:

Name and Surname: **Mr I. Turner**		
Address: **Malkoppan Gasteplaas, Posbus 26, Lambertsbaai, 8130**		
Telephone 027 432 1017	Cell 083 370 0400	E-mail info@muisbosskerm.co.za

By the submission of this form and all material submitted in support of this notification (ie: 'the material'), all applicant parties acknowledge that they are aware that the material and/or parts thereof will be put to the following uses and consent to such use being made: filing as a public record; presentations to committees, etc; inclusion in databases; inclusion on and downloading from websites; distribution to committee members and other stakeholders and any other use required in terms of powers, functions, duties and responsibilities allocated to Heritage Western Cape under the terms of the National Heritage Resources Act. Should restrictions on such use apply or if it is not possible to copy or lift information from any part of the digital version of the material, the material will be returned unprocessed. All sections of the form have been completed.

Signature of Owner: Date:

_____

Should the owner not be able to sign, the applicants/ agents must attach copy of power of attorney to this form.

Signature of Applicant/ Authorised Agent: Date:

Applicants/ agents must attach copy of power of attorney to this form.

C. DEVELOPMENT DETAILS:

Please indicate below which of the following Sections of the National Heritage Resources Act, or other legislation has triggered the need for notification of intent to develop.

☐	S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.	S38(1)(c) Any development or activity that will change the character of a site -
☐	S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length.	☐ (i) exceeding 5 000m^2 in extent;
☐	S38(1)(d) Rezoning of a site exceeding 10 000m^2 in extent.	☐ (ii) involving three or more existing erven or subdivisions thereof;
X	Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details: **Section 24G Rectification application for a development that has been completed without previous authorisation**	☐ (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years. If you have checked any of the three boxes above, describe how the proposed development will change the character of the site:

If an impact assessment process has also been / will be initiated in terms of other legislation please provide the following information:

Authority / government department (ie: consenting authority) to which information has been /will be submitted for final decision: **DEA&DP**

Present phase at which the process with that authority stands: **S24G Rectification Application under NEMA**

Provide a <u>full</u> description of the nature and extent of the proposed development or activity including its potential impacts:

Assessment of heritage impacts following the unlawful development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) And A Restaurant (Muisbosskerm) On Farm 19/92, Steenboksfontein, Cederberg Municipality as part of Section 24G Application Process under NEMA.

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Historical development of the site as seen off sequential GOOGLE Earth Imagery in Figures 6a-f.

The development footprint appears to remain unaltered between 1985 and 2005. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced. At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 hectares of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009. By September of that year development of the ablution facilities are well advanced. The footprint of the development remains relatively unaltered thereafter until September of 2009. The next image from Feb 2016 shows the expansion of the footprint by clearing of additional natural vegetation over an extent of approximately 2 hectares. By this time the reception and restaurant facility had been erected. An additional expansion of the footprint occurs in 2019 when an additional 0.22 hectares of natural vegetation is cleared. This is followed by a further expansion of 0.53 hectares of natural vegetation being cleared by March of 2019.

The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 hectares of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 hectares cleared to the south east of the facility, this footprint is further expanded by February 2019 by approximately 0.057 hectares. The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approximately 4.89 hectares.

The Muisbosskerm is a legally permitted business in terms of “Die Wet op Omgewingsbewaring” Act 100 of 1982. The permit was issued on the 6th June 1988. A copy of the permit is appended in Appendix C – Permits and Licenses. A trade license and liquor license have additionally been approved for the facility.

The Muisbosskerm is a large open-air restaurant / cooking shelter reminiscent of the historical shelters used in the past. It comprises of cooking, braai and storage facilities serviced by ablution infrastructure and a fenced off parking area that extends to the north and south of the “skerm” between the road and the high-water mark of the ocean. The Muisbosskerm is a well-known landmark frequented by local and international visitors. It has featured in films and has been the subject of cooking programs and publications.

The parking area was historically used for the drying of kelp but this practice has been discontinued.

The Malkoppan tourism facility comprises of the following:

- 60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night.
- Each site has its own electricity connection.
- The camp sites are serviced by two ablution facilities comprised of nine (9) showers, six (6) toilets and two (2) baths. There are also separate washing / dishwashing facilities.

“Die Stalle” Campsite comprises of the following:

- 40 individual sites with each site serviced by an electrical point;
- These sites are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men’s side and four (4) showers and four toilets on the women’s side.

Temporary “Stalletjies”:

These 15 stalletjies are used during the monthly farmers market hosted on the property. Each of the stalletjies are hired by participants of the market who then display and sell their good. The event is hosted on the last Saturday of each month and is a well-supported event. Each of the stalletjies are built of wood with a zinc roof and each is supplied with an electrical connection.

The Fisherman accommodation facility:
This is an old refurbished and furnished labourer’s house that has been operational since 2012 to accommodate visitors. The furnishings provided are those typically found historically from the Sandveld.

Recreational Building:

This is a large freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities.

Existing Sewerage and waste water treatment:

Black water from both male and female ablutions is collected in a constructed 2 chamber septic tank. The super-natant overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the municipal wastewater treatment works.

Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.

Estimated value cost of the project in South African Rands: R__n/a_____

D. ANTICIPATED IMPACTS ON HERITAGE RESOURCES

Section 3 of the National Heritage Resources Act sets out the following categories of heritage resource as forming part of the national estate. Please indicate the known presence of any of these by checking the box alongside and then providing a description of each occurrence, including nature, location, size, type

Failure to provide sufficient detail or to anticipate the likely presence of heritage resources on the site may lead to a request for more detailed specialist information.

Provide a short history of the site and its environs (Include sources where available):

Background:
Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Archaeology:
The development lies along the West Coast about 5km south of Lamberts Bay. A series of archaeological sites lie 1.5km south of the property at Grootvlei and the very well known sites at Steenbokfontein are about 4km south of Malkoppan. Much of the coastline between Elands Bay and Lamberts Bay has been regularly studied by archaeologists based at the University of Cape Town as well as various impact assessments conducted since the late 1980s. In particular, the coastal archaeology found here has been part of Jeradino's core area on mega middens which started with her postgraduate studies at UCT (Jerardino 1994, 1996). Jerardino sampled the large black mussel (*Choromytilus meridionalis)* middens and most of these sites have been dated between 2 - 3 000 years ago with a date at Malkoppan older than 4000 years (Hart & Halkett 1995).

Manhire's Sandveld survey is also relevant as much of the ground inland of Lamberts Bay and south of the Jakkalsrivier was thoroughly researched and most of the sandstone koppies and deflation bays dotting the area have been inspected as they hold many rock art sites and open air scatters of Later and Middle Stone Age material. More recent work by Orton and Shaw has identified Late Early Stone Age/Early Middle Stone Age material buried below a few metres below the aeolian sands stretching along the coast at Hondeklipbaai.

Later Stone Age shell middens are the dominant archaeological site type at Malkoppan and Grootvlei but rock paintings and stratified MSA deposits are also found at Steenbokfontein in the complex of shelters found in the koppie. Steenbokfontein also holds one of the only dated rock paintings in the Western Cape due to a fallen painted slab that was uncovered during excavations. The paintings are at least 3500 years old and the site is part of ongoing research work. San hunter-gatherers and their ancestors were therefore well established in the area and made extensive use of the marine resources found nearby on the beach and rocky shoreline. The advent of pastoralism in the area around 2000 years ago led to the introduction and use of pottery and sheep, and cattle were introduced into the economy by indigenous Khoisan groups by around 1000 years ago.

The Archaeology Contracts Office conducted two impact assessments in the 1990s in 1995 and 1998 (Hart & Halkett 1995, 1998) for proposed developments at Malkoppan. It is not clear what developments were originally envisaged as these were not provided to the authors at the time but the preliminary work carried out identified 12 sites in 1995 and a further 6 sites in 1998. Jerardino had sampled MKP1 prior to the ACO surveys. Small test holes were dug in places to verify the depth of buried archaeological deposits. Another impact assessment by Orton was conducted for the ACO in 2007 at Grootvlei (Orton 2007) to assess the impact of unauthorised development on the archaeological sites there when a campsite was upgraded. The site coordinates were missing in the 1998 report and the coordinates provided in 1995 do not line up with the map submitted in the ACO report. We have therefore rectified this by correcting the coordinates and extracting the information on SAHRIS for the two ACO reports in 1995 and 1998.

Site Numbers STE1 - 18, recorded by the ACO in 2007 at Grootvlei, south of this development area and documented adequately in the 2007 ACO report
Site Numbers MKP1 - 18 (ACO reports 1995, 1998)

- MKP2 - 8, currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
- MKP12, closest site to this development but west of the main road. Currently undisturbed by the development
- MKP9, 17 & 18 - just north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP1, 10 & 11 - further north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP13 - 16, these site have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998.

Site#	SAHRIS ID	Description	Grading	Status
MKP 1	40874	Shell Midden - sampled by Jerardino	High	Further north of this development, currently undisturbed since they were in 1995 and 1998
MKP 2	40875	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the cluster and are south of the development assessed in this assessment
MKP 3	40876	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the cluster and are south of the development assessed in this assessment
MKP 4	40877	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the cluster and are south of the development assessed in this assessment
MKP 5	40878	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the cluster and are south of the development assessed in this assessment

MKP 6	40879	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1 cluster and are south of the development assessed in this assessment
MKP 7	40880	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1 cluster and are south of the development assessed in this assessment
MKP 8	40881	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1 cluster and are south of the development assessed in this assessment
MKP 9	40882	Shell midden	High	Just north of this development, currently undisturbed since they were recorde 1995 and 1998
MKP 10	40883	Shell midden	Mediu m	Further north of this development, currently undisturbed since they were recor in 1995 and 1998
MKP 11	40884	Shell midden	Low	Further north of this development, currently undisturbed since they were recor in 1995 and 1998
MKP 12	40885	Shell midden	High	Closest site to this development but west of the main road. Currently undisturbe the development
MKP 13	33845	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farm activities since 1998
MKP 14	33844	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farm activities since 1998
MKP 15	33842	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farm activities since 1998
MKP 16	33846	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farm activities since 1998
MKP 17	33848	Shell midden	Low	Just north of this development, currently undisturbed since they were recorde 1995 and 1998
MKP 18	33849	Shell midden	Mediu m	Just north of this development, currently undisturbed since they were recorde 1995 and 1998

Cultural Landscape and the Built Environment

The area that has been developed is located within a remote stretch of coastline located between Lamberts Bay and Elands Bay. This stretch of coastline has very low density development in the form of the occasional farm structure along the stretch of land in close proximity to the coast. This farm is one of a few along this coastline. The cultural landscape of this area is dominated by agricultural-type infrastructure located along the gravel road linking these two towns. Due to the nature, scale and location of the development, it is not anticipated that the illegal work has negatively impacted on any significant cultural landscape.

The farm buildings on this property that existed prior to the development under consideration can be described as west coast vernacular with some historic architectural significance and are therefore given a proposed grading of IIIC. An historical labourer's cottage which forms part of the farm werf complex, older than 60 years, has been renovated without a permit from Heritage Western Cape (see Figure 1c). It is currently unclear what changes were made and these should be properly documented as part of a workplan application to Heritage Western Cape.

Palaeontology:

According to the SAHRIS Palaeosensitivity Map (Figure 4), the area proposed for development is underlain by geological sediments of low and moderate sensitivity for impacts to palaeontology. These are mainly aeolian sands that

consist of light grey to red sandy soil across the bulk of the development area (eastern end) with a narrow strip of sandstone (pebbly in places) and conglomerate of Piekenierskloof Formation on the immediate coastline (western end) and generally unconsolidated, calcareous dune sand of the Witzand Formation sandwiched inbetween. The Witzand Formation is the most likely area to contain fossils of tortoise shells/bones, land snail shells and the bones of moles (Pether 2007).

Summary:

Given that the development has already taken place it is fortunate that no identified sites from the ACO and Jerardino surveys were destroyed or damaged by the current development. Crop agriculture has destroyed sites MKP13-16 but these were rated as having low significance by the ACO and are not part of this study. The vast majority of important LSA archaeological sites are located within 50m to 350m of the high water mark in the Witzand dunes. It is also possible that fossils in the Witzand Formation were destroyed during the clearing of ground for the development.

It is highly recommended that the owner and HWC engage further in the form of a management plan and heritage agreement for the future conservation of conservation-worthy sites on the property.

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them:

X	**Places, buildings, structures and equipment of cultural significance** Description of resource: **Renovated labourer's cottage > 60 years** Description of impact on heritage resource: **Renovations already made without a permit from HWC - see recommendations**
☐	**Places to which oral traditions are attached or which are associated with living heritage** Description of resource: Description of impact on heritage resource:
☐	**Historical settlements and townscapes** Description of resource: Description of impact on heritage resource:
☐	**Landscapes and natural features of cultural significance** Description of resource: Description of impact on heritage resource:
☐	**Geological resources of scientific or cultural importance** Description of resource: Description of impact on heritage resource:

X	**Archaeological resources** (Including archaeological sites and material, rock art, battlefields & wrecks)**:** Description of resource: **Various important mega middens and smaller shell middens, mainly Later Stone Age** Description of impact on heritage resource: **None - but see recommendations for a CMP and Heritage Agreement.**
X	**Palaeontological resources** (ie: fossils)**:** Description of resource: **Palaeo raised beaches, bones and shells of tortoises, snails and moles in the Witzand Formation** Description of impact on heritage resource: **Development already took place and impacts already made**
☐	**Graves and burial grounds** (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries)**:** Description of Resource: Description of Impact on Heritage Resource:
☐	**Other human remains:** Description of resource: Description of impact on heritage resource:
☐	**Sites of significance relating to the history of slavery in South Africa:** Description of resource: Description of impact on heritage resource:
☐	**Other heritage resources:** Description of resource: Description of impact on heritage resource:
Describe elements in the environs of the site that could be deemed to be heritage resources: **Description of impacts on heritage resources in the environs of the site:**	

Summary of anticipated impacts on heritage resources:
S24G Rectification application - most of the impacts have already been made and a CMP and Heritage Agreement have been recommended along with details of the renovation work carried out on the building > 60 years.

E. ILLUSTRATIVE MATERIAL:

Attach to this form a minimum A4 sized locality plan showing the boundaries of the area affected by the proposed development, its environs, property boundaries and a scale. The plan must be of a scale and size that is appropriate to creating a clear understanding of the development.

Attach also other relevant graphic material such as maps, site plans, satellite photographs and photographs of the site and the heritage resources on it and in its environs. These are essential to the processing of this notification.

Please provide all graphic material on paper of appropriate size and on CD/ USB in JPEG format. It is essential that graphic material be annotated via titles on the photographs, map names and numbers, names of files and/or provision of a numbered list describing what is visible in each image.

F. RECOMMENDATION

In your opinion do you believe that a heritage impact assessment is required? ☐ Yes **X** No

S24G Rectification application - most of the impacts have already been made and a CMP and Heritage Agreement have been recommended along with details of the renovation work carried out on the building > 60 years

Recommendation made by:

Name **Nicholas Wiltshire & Jenna Lavin**

Capacity **Directors, CTS Heritage**

PLEASE NOTE: No Heritage Impact Assessment should be submitted with this form or conducted until Heritage Western Cape has expressed its opinion on the need for such and the nature thereof.

G. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA)

If it is recommended that an HIA is required, please complete this section of the form.

DETAILS OF STUDIES TO BE CONDUCTED IN THE INTENDED HIA

In addition to the requirements set out in Section 38(3) of the NHRA, indicate envisaged studies:	
☐	Heritage resource-related guidelines and policies.
☐	Local authority planning and other laws and policies.
☐	Details of parties, communities, etc. to be consulted.
☐	Specialist studies, eg: archaeology, palaeontology, architecture, townscape, visual impact, etc. Provide details:
☐	Other. Provide details:

PLEASE NOTE: Any further studies which Heritage Western Cape requires should be submitted must be in the form of a single, consolidated report with a single set of recommendations. Specialist studies must be incorporated in full, either as chapters of the report, or as annexures thereto.
Please refer to the *Guidelines for Heritage Impact Assessments required in terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)*

Charl du Plessis

From: HWC HWC [HWC.HWC@westerncape.gov.za]
Sent: 27 October 2022 13:24
To: Jenna Lavin
Cc: Stephanie Barnardt; Sean Ranger; Charl du Plessis
Subject: RE: Malkoppan and Muisboskerm Ref: 21102606

Dear Applicant,

I acknowledge receipt of your HIA received on 26 October 2022.

Kind Regards ,
HWC Admin Team

3rd Floor, Protea Assurance Building
Green Market Square
Cape Town
8001
Tel) 021 483 9695

Heritage Resource Management Services | Heritage Western Cape
Protea Assurance Building, Greenmarket Square, Cape Town

Website: www.hwc.org.za / www.westerncape.gov.za

Western Cape Government
FOR YOU

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

From: Jenna Lavin <jenna.lavin@ctsheritage.com>
Sent: Wednesday, October 26, 2022 10:13 AM
To: HWC HWC <HWC.HWC@westerncape.gov.za>
Cc: Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>; Sean Ranger <sean.ranger1@gmail.com>; Charl du Plessis <charl@cederbergfpa.co.za>
Subject: Malkoppan and Muisboskerm Ref: 21102606

Hi there,

Please find attached the completed HIA for this project as well as proof of payment of R1100. Please confirm receipt of this email and advise if any additional information is required?

Many thanks and kind regards

Jenna

Jenna Lavin
CTS Heritage
238 Queens Road, Simons Town
Cell: +27 (0)83 619 0854
info@ctsheritage.com * www.ctsheritage.com

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P/S X2, CLANWILLIAM 8135
(027) 482-8000 (027) 482-1933
admin@cederbergraad.co.za

Rekening vir: MAFUTHA TRUST

TAX INVOICE / BELASTINGFAKTUUR

No. / Nr. 00002639482022/05

Datum	31/05/2022	Oorhandig	0.00
Rekening nr.	0000263948	Reelings	0.00
Debiteur BTW Nr.		Deposito	500.00

Datum	Beskrywing		BTW	Bedrag
	Saldo oorgedra:			1109.48
	ACB/ander betalings			0.00
08/06	Water	25	37.77	289.52
08/06	Water Basies		31.74	243.31
08/06	Riool Kostes		26.82	205.63

Versuim om jou munisipale rekening te betaal sal daartoe lei dat jou dienste sonder verdere kennisgewing ontkoppel word.
Rekening navrae kan gerig word aan navrae@cederbergraad.co.za

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VORIGE	HUIDIGE	VERBRUIK
31811	31836	25

METERLESINGS / DATUMS

VORIGE	HUIDIGE
25/04/2022	20/05/2022

ERF Nr.	005004	**WAARDASIE**		**DORPSGEBIED**	LAMBERTSBAAI
GEDEELTE		**GROND**		**STRAAT**	INACTIVE
EENHEID		**GEBOUE**	INACTIVE	**STRAAT Nr.**	
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BETAALBAAR VOOR OF OP **30/06/2022**

Charl du Plessis

From: Brett Keyser [brett@waterandwastewaterafrica.co.za]
Sent: 01 November 2022 13:20
To: Charl du Plessis
Subject: FW: e-WULAAS : Request to be Linked to a Client (CT23222)

From: Ewulaas_Do_Not_Reply@dws.gov.za <Ewulaas_Do_Not_Reply@dws.gov.za>
Sent: Monday, 31 October 2022 18:00
To: Brett Keyser <brett@waterandwastewaterafrica.co.za>
Subject: e-WULAAS : Request to be Linked to a Client (CT23222)

Dear Mr Brett Keyser (),

You have requested to be link to the client : Ian Turner.

Your reference number for the request is : CT23222

Your request will be attended to by the Regional Office Water Use Licence manager in Berg-Olifants - Belville. You will receive confirmation of your request via e-Mail.

Kind Regards,
e-WULAAS on Behalf of **Department of Water and Sanitation**

Private Bag X313, Pretoria, 0001
Sedibeng Building, 185 Francis Baard Street, Pretoria, 0001
Tel: (012) 336 7500
Fax: (012) 323-4472
Website: www.dws.gov.za
Email: E-WULAASCalls@dws.gov.za

water & sanitation
Department:
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REPUBLIC OF SOUTH AFRICA

e-WULAAS

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www.cederbergmun.gov.za
Privaatsak/Private Bag X2
Clanwilliam
8135

Meld asb. in u antwoord / In your reply please quote

Verwysing / Reference: 80/2022

Navrae / Enquiries: D Joubert

KANTOOR VAN MUNISIPALE BESTUURDER/OFFICE OF MUNICIPAL MANAGER

via email: info@muisbosskerm.co.za

31 October 2022

Ian Turner
Muisbosskerm restaurant
Lambert's bay

Solid waste disposal at Lambert's bay landfill site

Muisbosskerm restaurant may use the Lambert's bay landfill site for refuse disposal by ensuring that the business refuse tariff is paid per cart before the day of disposal. Proof of payment for disposal can be presented to the official at the entrance gate to the facility or the solid waste disposal tariff can be added to the existing municipal account monthly.

Contact Karin Kamfer for the Cederberg Municipality banking details and tariff list to proceed with payment. Email: karink@cederbergraad.co.za / 027 432 1112.

Thank you

Kind regards

J Kotze
Civils Manager

Our Ref: HM/WEST COAST/ CEDERBERG/LAMBERTS BAY/ PTN 19 OF FARM 92
Case No: 21102606SB1026E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Jenna Lavin
jenna.lavin@ctsheritage.com

RESPONSE TO HERITAGE IMPACT ASSESSMENT: FINAL COMMENT
In terms of Section 38(8) (where applicable) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: RECTIFICATION AT MUISBOSSKERM RESTAURANT PARKING AREA AND THE MALKOPPAN TOURISM FACILITY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Heritage Officers Meeting (HOMS) held on 14 November 2022.

FINAL COMMENT
The HIA as submitted and prepared by CTS Heritage dated 21 May 2022 is compliant with Section 38 (3) of the NHRA with the following recommendations:

1. A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property. This management plan must include the following stipulations:

a) That all new development must receive the required approvals at Heritage Western Cape.
b) That new development should not be permitted along the coastal side of the road.
c) In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
d) That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
e) Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources

2. The Heritage agreement to be entered into with HWC by 31 March 2023.
3. The draft CMP to be submitted by 31 March 2023.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....
Colette Scheermeyer
Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

25 November 22

APPENDIX G – PUBLIC PARTICIPATION PROCESS

Sean Ranger

Sel: 083 294 8776
Faks: 086 655 8060
sean.ranger1@gmail.com
Laboriestr 3, Courtrai
Suid-Paarl 7646

www.footprintservices.co.za

Charl du Plessis

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Posbus 454
Porterville 6810

APPENDIX F

PUBLIC PARTICIPATION REPORT

THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

DEA&DP REFERENCE NUMBER: 14/2/4/2/1/F2/4/0025/22

CLIENT: IAN TURNER

JANUARY 2023

Prepared by:

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
Email: charlduplessis2@afrihost.co.za
Address: PO Box, 454, Porterville, 6810

Sean Ranger
Cell: 083 294 8776
Fax: 086 655 8060
Email: sean.ranger1@gmail.com
Address: 3 Laborie Street, Courtrai, Paarl, 7646.

Reg.: Cederberg Conservation Services CC – Reg. No 2009/056651/23

TABLE OF CONTENTS

NR	HEADING	PAGE
1	**Project description**	**5**
2	**The process of Public Participation (PPP)**	**7**
3	**Public Participation Process Plan**	**7**
4	**Preliminary advertisement**	**7**
5	**Interested and Affected Parties**	**8**
	5.1 Database of Interested and Affected Parties	8
6	**Background information documents, distribution list and notification records**	**10**
	6.1 Background information and notification documents	10
	6.2 Notifications to key-stakeholders	10
7	**Photographs and site notification boards**	**10**
	7.1 Site notification boards	10
8	**Availability of the Pre-Application Section 24G Report**	**11**
9	**Comments and responses from the I&AP (17th January 2022 – 18th February 2022)**	**12**
10	**Submission of the Section 24 Application and Checklist**	**55**
11	**Comments received from HWC and Response thereto.**	**55**
11	**Public Participation on Section 24 Application and Checklist Report**	**56**
TABLES		
	Table 1 : Timeframes and public participation process	7
	Table 2 : List of Key Stakeholders and Interested and Affected Parties	8
	Table 3: Comment and response Report (17th January 2022 – 18th February 2022)	13

	Table 4: Comments received from HWC and Response thereto.	55
FIGURES		
1	Site notification boards	11
2	Availability of the consultation application and checklist report	11
3	Proof of notification on the Muisbosskerm website.	12
LIST OF ATTACHMENTS		
1.	DEA&DP, Directorate: Environmental Governance, Sub-directorate: Rectification, acknowledged the consultation application and the Public Participation process plan	
2.	Approved Public Participation Process Plan	
3	Preliminary advertisement	
4	Background information and notification documents to stakeholders and key role-players	
5	Proof of Notifications sent via mail and We-Transfer	
6	Wording of the Notification Board	
7	Comments received from Registered Interested and Affected Parties	
8	FES correspondence to Oceans and Coasts, West Coast District Municipality and the Cederberg Municipality in order to resolve conflicting comments	

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1. Project description

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on the farm Steenboksfontein no 92, Portion 19 in the Cederberg Municipality, Clanwilliam. The total extent of the property is 139, 0331 ha's. The property is located just south of the town of Lamberts Bay.

The property is covered with Cape Seashore Vegetation and Lamberts Bay Sand Fynbos. Cape Seashore Vegetation is considered Least Threatened. The expansion of the Muisbosskerm parking area was responsible for a loss of approximately 0.4 ha of this vegetation unit. Lamberts Bay Sand Fynbos is classified as a Vulnerable ecosystem, the tourism development at Malkoppan Gasteplaas between 2009 and 2019 was responsible for the loss of approximately 4.9 ha of this vegetation unit.

Malkoppan proved to be an uneconomical farm for agricultural production (irrigated potatoes) resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue with farming (in 2007) and shift the focus to tourism accommodation with a resultant reduction in the impacted footprint overall and the use of less water. The first accommodation that was rented was the existing unused cottage on the property which began in 2003. Some campsites were let from 2008. In 2009 the ablution facilities were completed and following this in 2015 the recreational building (reception and restaurant) was completed. In this year a monthly local community market was initiated. The development footprint as indicated in the maps below is now complete and will not be extended any further but for the necessary upgrading of the sewerage and waste treatment facilities. The balance of the property including the old potato irrigation circles will be left to regenerate naturally and will be retained for agricultural purposes.

The Muisbosskerm is a legally permitted business in terms of "Die Wet op Omgewingsbewaring" Act 100 of 1982. The permit was issued on the 6th June 1988. The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 ha's of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 Ha's cleared to the south east of the facility, this footprint is further expanded by February 2019 by approx. 0.057 ha's. The total area of natural vegetation cleared for both Malkoppan and Muisbosskerm between 2009 and 2019 therefore amounts to approx. 4.89 ha's.

The facilities comprise of the following areas and associated infrastructure:

- *The **Malkoppan tourism facility comprises** of (60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night, each with its own electricity connection and are serviced by two ablution facilities comprised of nine (9) showers, six (6) toilets and two (2) baths. There are also separate washing / dishwashing facilities.*
- ***"Die Stalle" Campsite comprises of (**40 individual sites, each site serviced by an electrical point and are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men's side and four (4) showers and four toilets on the women's side.*

- ***Temporary "Stalletjies" comprises of 1****5 "stalletjies" that are used during the monthly farmers market, each of the stalletjies are hired by market participants who then display and sell their wares. Each of the stalletjies is built of wood with a zinc roof and each is supplied with an electrical connection.*
- ***The Fisherman accommodation facility,*** *this is an old refurbished and furnished labourers house that has been operational since 2012 to accommodate visitors. The furnishings provided are those typically found and historically from the Sandveld.*
- ***Recreational Building,*** *is the large freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities.*
- ***Existing Sewerage and waste water treatment - this to include the ablution facilities at the main camp, the perdestalle, the recreational building and the Muisbosskerm;*** *Black water is collected in a constructed 2 chamber septic tank and or conservancy tanks. The super-natant overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the Cederberg municipal wastewater treatment works. In some cases conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.*
- ***Proposed new treatment facility -*** *It is further proposed that the sewerage, foul effluent and waste water be treated on site. This will require the construction of a single integrated a waste treatment facility. Water and Wastewater Africa were appointed to recommend and design the proposed facility. They have recommended the construction of a BioSub™ Sewage Treatment Plant. The new treatment facility will entail the establishment of five pump stations, a sewer pipeline while ±5 ha will be used for irrigation using manual drag lines and impact sprayers. The irrigation areas are proposed for the low sensitivity sites identified by the botanical specialist.*

FOOTPRINT Environmental Services (Registered as Cederberg Conservation Services CC – No 2009/056651/23) were appointed by Mr. Turner as the independent Environmental Assessment Practitioners to undertake this Section 24G Application in accordance with the requirements of the NEMA Act; Act No. 107 of 1998.

2. The process of public participation

The public participation process for this Section 24G Application process was initiated in 29th September 2021 when the NEMA: Section 24G Consultation Application was submitted to the DEA&DP, Directorate: Environmental Governance, Sub-directorate: Rectification.

DATE	TASK/PROCESS/ACTIVITY
29th September 2021	Section 24G Consultation Application was submitted to the DEA&DP
28th October 2021	DEA&DP, Directorate: Environmental Governance, Sub-directorate: Rectification, acknowledged the consultation application and the Public Participation process plan. **See Attachment 1 – Correspondence from the Case Officer.**
14th January 2022	Preliminary advert in "Ons Kontrei"
17th January 2022	Public Participation Process on consultation application and checklist report commence
18th February 2022	Public Participation Process on consultation application and checklist report concluded.
23rd February 2022	FES correspondence to Oceans and Coasts, West Coast District Municipality and the Cederberg Municipality in order to resolve conflicting comments.
1st November 2022	Submission of the Section 24G Application to the DEA&DP, Directorate: Environmental Governance, Sub-directorate: Rectification.

Table 1: Timeframes and public participation process.

3. Public Participation Process Plan

Keeping in mind the circular (001/2021) and the Regulations and Directions issued in terms of the DMA under the lockdown restrictions to an adjusted level 3 relevant at the time, a Public Participation Process Plan was compiled and submitted as part of the consultation application submission on the 29th September 2021. This to comply to the relevant COVID-19 Health and Safety measures and protocols. The DEA&DP CO approved the PPP Plan on the 28th October 2021. **See Attachment 2: Approved Public Participation Process Plan.**

4. Preliminary Advertisement

The preliminary advertisement will be published in "Ons Kontrei", both in English and Afrikaans on the on the 14th January 2022. The advertisements contained information on: the date; the location; the

applicable legislative provision contravened; and the activities commenced with without the required authorisation and for which the applicant is applying for *ex post facto* approval. Potential Interested and Affected Parties will have time from the 17th January 2022 to the 18th February 2022 to either register as an I&AP and / or to provide comments and inputs. **See Attachment 3 – Preliminary advertisement.**

5. Interested and Affected Parties

5.1 Database for Interested and Affected Parties

The standard available key-stakeholders (government, conservation and heritage agencies, municipalities) and all the adjacent neighbouring landowners were included in this database. The database was not viewed as static and was continually updated as people and organisations expressed interest in the project and registered as Interested and Affected Parties. The Stakeholder and I&AP database during the public participation were the following:

Group	Organisation / Department	Title	Initials	Surname	Postal	Town	Code
Authorities	DEA&DP; Directorate Governance Sub-directorate Rectification	Mr	S	Mallick	Private Bag X 9086	Cape Town	8000
Authorities	DEA&DP; Development Management Region 1	Ms	T	Dreyer	Private Bag X 9086	Cape Town	8000
Authorities	West Coast District Municipality	Mrs	Doretha	Kotze	PO Box 242	Moorreesburg	7310
Authorities	Cederberg Municipality	Ms	Dane	Joubert	Private Bag X2	Clanwilliam	8135
Authorities	Cederberg Municipality	Ward Councillor – Lambert's Bay			Private Bag X2	Clanwilliam	8135
Authorities	DWS	Mr	M.	Murovhi	Private Bag X 16	Sanlamhof	7532
Authorities	Department of Agriculture.	Mr	C	Van der Walt	Private Bag X1	Elsenburg	7607
Authorities	CapeNature	Mr	I	Adams	PO Box 26	Porterville	6810
Authorities	Heritage Western Cape	Ms	Waseefa	Dhansay	Private Bag X 9067	CapeTown	8000
Authorities	Department of Agriculture, Forestry & Fisheries Directorate Land Use and Soil Management.	Ms	Lutendo	Netshilema	Private Bag X2,	Sanlamhof	7532
Authorities	Oceans and Coasts EIA Department of Forestry, Fisheries & the Environment		T	Mbambo	2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront	Cape Town,	8001
Neighbour	Groendam		The owner				

Neighbour	Albanie		The owner	
Neighbour	Grootvlei		The owner	

Table 2 ; List of Key Stakeholders and Interested and Affected Parties.

6. Background information documents, distribution list and notification records

6.1 Background information documents

These documents included a background information sheet, a notification letter and a form to register as an Interested and Affected (I&AP) and to raise issues and comments as well a POPIA Consent Form. **See Attachment 4 - Background information and notification documents to stakeholders and key role-players.**

All these documents contain information pertaining to the unlawful tourism development at Steenboksfontein Farm 92 Portion 19, Clanwilliam, the location thereof, the applicable legislative provision contravened; and the activities commenced with without the required authorisation and for which the applicant is now applying for *ex post facto* approval. The important timeframes and where to obtain these reports were also included.

6.2 Electronic notifications

The above-mentioned documentation was sent on the 10th January 2022 via mail and WeTransfer link to download the Draft Section 24G Consultation Application and Checklist Report. **See Attachment 5 – Proof of notifications sent to stakeholders.**

7. Photographs and site notification boards

7.1 Site notification boards

Site notification boards (Size A2) were attached at the entrance to both Malkoppan and Muisbosskerm. These notification boards will remain in place until the conclusion of the entire public participation process. **See Figure 1.**



Notification board - Malkoppan



Notification board - Muisbosskerm

Figure 1: Site notification boards. **Please see Attachment 6 – Wording of the Notification Board.**

8. Availability of the pre-Application Section 24G Report

The pre-Application Section 24G Report was available at the Public Library at Lambert's Bay from the 16th January 2022 for review by the general public. **See Figure 2.**



Figure 2 : The Draft Section 24G Consultation Application and Checklist Report available at the Public Library in Lambert's Bay.

The pre-Application Section 24G Report was also uploaded on the Muisbosskerm-website (https://www.muisbosskerm.co.za/) homepage for the general public to download the document when visiting the website. **See Figure 3.**

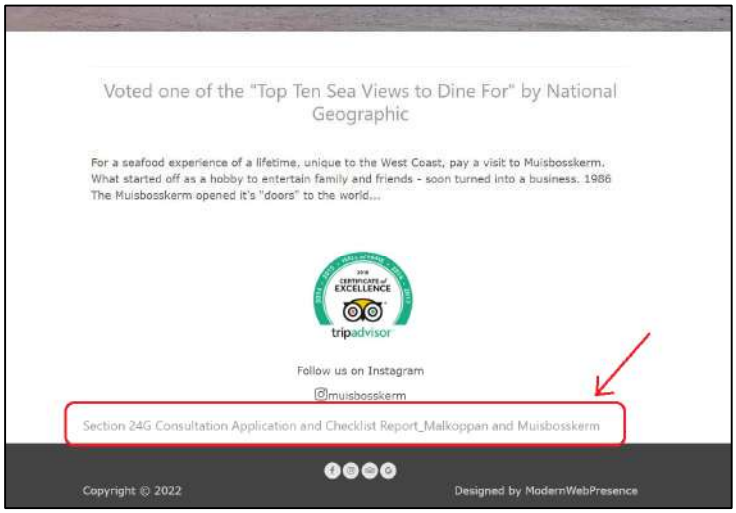


Figure 3 – Proof of notification on the Muisbosskerm website.

9.Comments and response from I&AP's (17th January 2022 – 18th February 2022)

This phase included the initial registration of Interested and Affected Parties as well as the comments and issues raised by these stakeholders. **See Attachment 7: Comments received from Registered Interested and Affected Parties** & **Table 3: Comments and Response report.**

Name / Organization	**Comment/Issue**	**Response**
Heritage Western Cape 21st December 2021	Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Impact Assessment Committee (IACom) held on 8 December 2021.	Noted.
	You are hereby notified that, since there is reason to believe that the Unlawful Development of Tourism Accommodation Facilities, Venue, Market Place(Malkoppan) and a Restaurant (Muisbosskerm), Lamberts Bay, will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides ***(3)*** *The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a)**: Provided that the following must be included:*** *(a) The identification and mapping of all heritage resources in the area affected;* *(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;* *(c) an assessment of the impact of the development on such heritage resources;* *(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the*	Noted. A heritage specialist has been commissioned by the applicant to undertake such an assessment that comply with the conditions set out by HWC in their comments received. These findings and recommendations will be included into the Section 24G Application and Checklist Report as well as in the EMP'r. See Appendix H. Specialist Reports and Appendix I – Environmental Management Programme.

	development; *(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;* *(f) if heritage resources will be adversely affected by the proposed development,* *The consideration of alternatives; and* *(g) plans for mitigation of any adverse effects during and after the completion of the proposed development.*	
	(Our emphasis) This HIA must in addition have specific reference to the following: The Committee requires a Heritage Impact Assessment which assesses impact of the illegal work on heritage resources and recommends possible mitigation measures to be undertaken.	See response above.
	The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above. The required HIA must have an integrated set of recommendations. The comments of relevant registered conservation bodies; all Interested and Affected parties; and the	See response above.

	relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied. Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by- case basis. If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link http://www.hwc.org.za/node/293 Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes. HWC reserves the right to request additional information as required. Should you have any further queries, please contact the official above and quote the case number.	
Cederberg Municipality 21st Jan 2021 dannej@cederbergmun.gov.za	No driving should be allowed in any coastal area next to Muisbosskerm north and south – the gates must be removed and replaced with full fencing to prevent illegal driving access to coastal property, dues and beaches.	Noted. The applicant will remove the two gates, plant two poles in between the gap and fence off the gap.
	The sewerage system for both Muisbosskerm and Malkoppan must be closed system with the use of conservancy tanks that should be pumped by the municipality when full. No seepage of any sewage into	Noted. The concern is noted. The BioSub™ Sewage Treatment Plant will have a footprint of approximately 3m x 20m x 2.5m deep. The exact measurements of each zone will be finalized prior to

	the environment may be allowed on any circumstance.	installation. See Appendix H for general information on the proposed treatment plant. Please also see Appendix I, the EMPr that provide clear recommendations for the maintenance of infrastructure. A WULA application is currently underway seeking a General Authorisation or Water License to ensure compliance with the standards required for the use of treated effluent for irrigation purposes. In addition please note the following; All submersible sewage pumps used will be of the same model and make and have their own float switches that will automatically switch the pumps on and off as the sewage level in the 2nd chamber rises and falls. An electrical control panel with visual/audible alarm buzzer will be installed at each pump station. The buzzer will be triggered for pump failure or where high-level condition occur. This will prevent any sewage overflows at any of the pump stations. A standby sewage pump will be kept on site to replace any pump that may fail. A mobile generator will also be kept on site to ensure that pumping is always possible, even during extended periods of power outages (which are now a regular occurrence). This measure is especially important during the peak season.

		As a last resort the municipal vacuum tanker service will be used to empty any tank before it overflows. See Appendix H – Specialists Reports.
DEA&DP Development Management – Region 1 N. Bieding 10th February 2022	Your correspondence (referenced: 14/2/4/1/F2/4/0037/21), the Section 24G Application Report and the associated information, including the Environmental Management Programme ("EMPr"), as received by this Directorate *via* electronic mail on 10 January 2022, refers.	Noted.
	<u>2.1 Comments on the Section 24G Application Report</u>	
	2.1.1 It is mentioned on page 15 of the abovementioned report that the balance of the property including the old potato irrigation circles will be left to regenerate naturally and be managed as a conservation area. It is therefore recommended that further details regarding the specific measures to ensure the conservation of the specific areas are provided, including information on how such interventions will be implemented and the relevant role-players required. Comments must be obtained from CapeNature in this regard.	This is incorrect, the remaining old potato circles falls outside the current footprint for this Section 24G Rectification application. The old potato circles will be retained for agricultural use. The report has been amended. See also comments received from the WCDoA:LUM. However the applicant has indicated that he has the intention to establish a conservation area on the coastal section of the property. Details on the process and the level of stewardship engagement will be negotiated over time and will be based on the recommendations from the CapeNature Western Cape Biodiversity Review Committee.
	2.1.2 It appears that the development further comprises components that are yet to be constructed or implemented. These include the proposed pump stations, sewage treatment facilities, composting area and eco-tourism facilities. Should any of the proposed	No new eco-tourism facilities are planned, Section 24G rectification is required for the existing development only, the new treatment facility does not, in our opinion, trigger any waste management listed activities. Additionally the footprint of the new treatment facilities is included in the total

	components triggers additional activities listed in terms of the Environmental Impact Assessment ("EIA") Regulations (as amended), then authorisation must also be obtained via the Section 24G process for these activities and the impacts associated with the additional components must be adequately assessed.	development footprint, contained in this application. The listing notice related to the clearance of vegetation for the footprint is therefore integrated into the current application.
	2.1.3 According to the records available, the original development commenced in 2009. It must therefore be illustrated and confirmed whether any activities listed in terms of the EIA Regulations, 2006 were unlawfully commenced with. Should this be the case, then the Competent Authority must be duly informed so that the appropriate way forward, including the rectification for the said activities is also obtained.	The relevant Listing Notices of 2006 (GNR 385, 386 and 387) were consulted an in our assessment the only listed activities that may have been relevant to the commencement of the construction of the ablution facilities in 2009 would have been this activities proximity to the high-water mark of the sea. As these facilities are located well outside the 100m marker from the high-water mark - none of these listed activities were considered applicable. If the Competent Authority differs in their opinion in this respect please advise us accordingly.
	2.1.4 It is recommended that any further Section 24G Application Reports also illustrates how the development is consistent with the Guideline on resort developments in the Western Cape dated December 2005.	The intention of the initiative is to, retrospectively, regularise a land use activity that commenced before the publication of the Resort Guidelines (in the case of Muisbosskerm at least before 2004, and in 2009, for Malkoppan Caravan Park) within context of currently applicable land use parameters set out in the Cederberg Municipality Zoning Scheme By-law, 2020. The character for the land use activity, in the case of Malkoppan, is that of a camping site (caravan stands etc) offering short term, mostly seasonal accommodation in tents and caravans. The Cederberg Municipality Zoning Scheme By-law, 2020, provides for camping sites as a primary right

		under AGRICULTURE ZONE I, with it becoming a consent use if certain thresholds are exceeded or where it is located within 1km of the high-water mark. Considering the location of the site in proximity to Lamberts Bay (less than 3km further north) as well as its setting along the coastline, a more conservative approach towards the allocation of the minimum land use rights that would be necessary to formalise the land use within its historical context, is recommend. Rezoning the site within the boundaries for FARM 19/92 to RESORT ZONE I will therefore go beyond what is necessary in terms of zoning rights or what the use historically entailed. Rezoning as such, at this stage, is not contemplated, but rather, pursuing the preservation of the underlaying agricultural character and land use regulatory framework applicable to the property, allowing the Owner in a sperate application to seek resort land use rights. The purpose of this NEMA application is not to resolve the future land use rights for the site, but to unpack the environmental sustainability of the various land use activities in context of the setting's environmental resources and assets. The land use and zoning components will be addressed separately in terms of the applicable municipal by-laws. The notion of resort and rezoning, at this point does not come into play, and

		if so, will go beyond what would be necessary for regularising the situation from a land use regulatory perspective. The Provincial Resort Guidelines aim to limit the development of resorts in an unplanned and context ignorant manner. It seeks to prioritise locations warranting the change in land use rights based on the suitability of the site within proximity of a unique and distinct natural resource or point of intertest being able both to attract and sustain the leisure activities associated with a resort. It also aims to prevent a proliferation of developments ultimately impacting negatively on the province's rich and diverse rural landscape. For this reason, jumping to the conclusion that Malkoppan will become a resort, is perhaps too soon to say. Malkoppan's proximity to Muisbosskerm, an established cultural landmark and West Coast destination, distance from Lamberts Bay and general location along the Cape West Coast and Cederberg Mountain range, offers much of a locational resource already to support it as a resort land use activity. The current scale and scope of the caravan park, however, can be accommodated without converting the underlaying zoning for the farm portion, which will support initiatives towards preserving and controlling the sprawl of non-agricultural land uses outside of the urban edge. It also established a

		more cautionary approach that avoids developments on or near the coastline. The camp site at Malkoppan, besides for the zoning scheme regulations, is in line with Cederberg's SDF in terms of it prioritisation on tourism activities to strengthen and diversify the Municipality's local economy, especially so for Lamberts Bay considering the diminishing fishing sector and ever growing environmental pressure on agricultural production due to the impact of climate change (increasing day temperatures and lower precipitation).
	2.1.5 On page 45 of the Section 24G Application Report, it is stated that to prevent impacts on sensitive areas utilised by guests it may be required that no-go areas be designated. As such, any designated no-go areas should be spatially illustrated on the site layout plan. The site layout plan must be included in the amended Section 24G Application Report.	See site layout plan.
	2.1.6 It is further recommended that all the relevant mitigation measures proposed throughout the Section 24G Application Report and associated reports be included in the final EMPr that will be submitted to the competent authority.	Noted. Please see Appendix I – Environmental Management Programme
	2.1.7 The applicant must be reminded to provide all proof of having conducted the Public	Noted. Please see Appendix G – Public Participation Report.

	Participation Process in terms of Regulation 41 (2) of the EIA Regulations, 2014 (as amended) as well as the approved Public Participation Plan.	
	2.2 Comment on the Specialist Botanical Report	
	2.2.1 The applicant is reminded that all specialist studies which relate to a specific environmental theme for which a Protocol is prescribed, (including the Specialist Botanical Report dated 6 November 2021) must meet the requirements of the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020), which came into effect on 9 May 2020.	So noted. The terms of reference provided for the specialist assessments conducted required compliance with the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020), which came into effect on 9 May 2020. In this regard we are of the opinion that they do meet these criteria. If the Competent Authority differs from our opinion please advise us on the shortcomings of those assessments. See Appendix M: national Screening and Site Verification Report as well as Appendix H: Specialist Reports.
	2.2 Comment on the Screening Tool Report and Site Sensitivity Verification Report	
	2.2.1 It is noted that the Screening Tool Report dated 20 September 2021 outlines both the site sensitivities as well as the required	Noted.

	specialist studies were provided.	
	2.2.2 It was further noted that a Site Sensitivity Verification Report (undated) was provided that details which of the specialist studies as per the above-mentioned Screening Tool Report will or will not be conducted. However, the Site Sensitivity Verification Report does not provide any information on whether the site sensitivities, as detailed in the Screening Tool Report are either disputed or agreed to, including the reasons thereto. For example, the Agriculture theme sensitivity is indicated as Very High in the Screening Tool Report, but the Site Sensitivity Verification Report does not dispute this rating and the need to compile an Agricultural Specialist Assessment relating to the transformation of agricultural land. This Directorate therefore recommends that this information be provided in an updated Site Sensitivity Verification Report. You are further reminded that in instances where an environmental theme has a rating of low (for example the Aquatic biodiversity theme and Agriculture theme), the requirements must be met in terms of the Protocols, and a Compliance Statement will be required.	Noted – Please see Appendix M. National Screening and Site Verification Report.
	2.3 <u>Comment on the EMPr</u>	
	2.3.1 While section 18 of the EMPr details aspects pertaining to 'monitoring and evaluation', the following	Noted. Please see Appendix I – Environmental Management Programme

	information in terms of Appendix 4 of the EIA Regulations, 2014 (as amended) are also required: 2.3.1.1 Section 1 (1)(g) - the method of monitoring the implementation of the impact management actions; 2.3.1.2 Section 1 (1)(h) - the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f); 2.3.1.3 Section 1 (1)(j) - the time periods within which the impact management actions contemplated in paragraph (f) must be implemented; 2.3.1.4 Section 1(1) (k) - the mechanism for monitoring compliance with the impact management actions;	
	2.3.2 Please be reminded that it is the responsibility of the applicant/Environmental Assessment Practitioner ("EAP") to ensure that the EMPr complies with Appendix 4 of the EIA Regulations, 2014 (as amended).	Noted.
	2.3.3 It is advised that all recommendations obtained during the Public Participation Process from the relevant commenting authorities be included in the EMPr.	Noted and included. Please see Appendix I – Environmental Management Programme
	Kindly quote the above mentioned reference number in any future correspondence in respect of the development proposal	Noted.
	This Directorate reserves the right to revise its initial comments and request further information from you based on any new or revised information received.	Noted.

West Coast Municipality 14th February 2022	Ek verwys na u kennisgewing gedateer 10 Januarie 2022 en die inligting daarby aangeheg.	
	Die bekamping en voorkoming dat ORV's "Off Road Vehicles" voertuie vanaf die Muisbosskerm Restaurant en Malkoppan toerismefasiliteit die kusgebied/duine betree. Tans is daar twee hekke by die Muisbosskerm Restaurant (1 noord en 1 suid) wat toegang gee aan besoekers tot die restaurant om ook die kusgebied per voertuig te kan betree. Geweldig baie klagtes word hieroor ontvang. Die ORV Regulasies verbied die ry van enige voertuig in die kusgebied, tot en met 500m vanaf die hoogwatermerk.	The applicant will remove the two gates, plant two poles between the gap and fence off the gap. Further to this, the applicant, has erected a wooden fence on the western boundary of the parking area, to prevent vehicles from driving around the fenced off areas in order to gain access to the coastline. The section to the south of Muisboskerm has been completed and the northern section is currently underway. However public access to the coastline will remain available, in leaving a gap between the wooden poles. Access will therefore only be for pedestrians. The fence off area has been extended with 12m towards the sea to prevent people from driving around the existing fenced off areas. Please see Appendix I – Environmental Management Programme
	Die bestuur en hantering van riool by die toiletgeriewe van die Muisbosskerm Restaurant en Malkoppan toerismefasiliteit moet daadwerklik uiteengesit word, aangesien dit 'n moontlike bron van mariene en omgewingsbesoedeling in die kusgebied is.	The concern is noted. The BioSub™ Sewage Treatment Plant will have a footprint of approximately 3m x 20m x 2.5m deep. The exact measurements of each zone will be finalized prior to installation. See Appendix H for general information on the proposed treatment plant. Please also see Appendix I, the EMPr that provide clear recommendations for the maintenance of

		infrastructure.
	Dit word aanbeveel dat die parkeerterrein by die Muisbosskerm omhein word en dat die hekke (noord en suid) van die Muisbosskerm, wat tans onwettige voertuigtoegang binne 500 m van die hoogwatermerk verleen, verwyder word. Sien die foto's hierby aangeheg.	Noted – See response above.
	Die Afdeling Omgewingsgesondheid het die volgende kommentaar op die ontwikkeling en verslag:.	
	3.1 Water vir menslike gebruik moet voldoen aan die bepalings van SANS 241/2011.	All drinking water for the visitors to these facilities is obtained from the Municipal Bulk Services line. As this is Municipal water the standards will and must comply with the requirements of SANS 241/2011.
	3.2 Goedkeuring moet vanaf die plaaslike munisipaliteit verkry word vir die voorgestelde suiweringsaanleg.	A WULA application is currently underway seeking a General Authorisation or Water Licence with the express purpose of achieving compliance from the Competent Authority for the use of treated effluent for irrigation purposes. In this regard it is our understanding that the competency for the approval of the treatment works proposed and the use of treated water lies with the Department of Water and Sanitation. A full description of the Sewerage and Waste water Treatment Facility is contained in the appendices and within this report.
	3.3 Die berging en wegdoen van vaste afval moenie oorlaste tot gevolg hê. Meer detail oor die wegdoen van vaste afval moet in die verslag verskaf word.	Noted. Please see the detail on waste management in the Section 24G report as well as the EMPr. Please see Appendix I - Environmental Management Programme
	3.4 Akkommodasie-fasiliteite moet voldoen aan Hoofstuk 4 (Weskus Distriksmunisipaliteit se Verordening op Munisipale Gesondheid van 9	This application was submitted and the permit obtained from the WCDM. Please see Appendix F.

	September 2008) en aansoek om 'n geskiktheidsertifikaat vir 'n voedselperseel moet aan die Afdeling Omgewingsgesondheid gerig moet	
	Die nodige goedkeurings moet vanaf Cederberg Munisipaliteit verkry word in terme van die Munisipale Verordening op Grondgebruikbeplanning. Dit word aanbeveel dat die huidige omgewingsassesseringsproses (NEMA S24G) en die grondgebruikaansoek gelyklopend hanteer word om enige vereistes en/of voorwaardes van die plaaslike owerheid aan te spreek en in te sluit.	The environmental process does not replace the municipal land use and development application. The Municipality however, cannot complete a decision about the land use application before, and especially in this instance, the section 24G environmental application has ran its course. The Municipality's comments on the various land use activities being considered in the NEMA application will be taken into consideration during the land use application process.
Forestry Fisheries and the Environment Oceans & Coasts (O&C) Branch T. Mbambo 15th February 2022	The Department of Forestry, Fisheries, and the Environment (DFFE) Oceans & Coasts (O&C) Branch appreciates the opportunity granted to comment on the Section 24G Consultation Application and Checklist Report for the Development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) And A Parking Area at A Restaurant (Muisbosskerm) On-Farm 19/92, Steenboksfontein, Clanwilliam. This Branch has provided recommendations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) **("ICM Act**").	Noted.
	1. The Branch O&C has the mandate to ensure the holistic management of the coast and	Noted.

	estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and the economic, social, and aesthetic value of the coastal zone are maintained to ensure that people, properties, and economic activities are protected against the impacts of dynamic coastal processes.	
	2. Guided by the principles of integrated coastal management, this Branch continues to strive for environmental sustainability and socially justified sharing of benefits derived from a resource-rich coastal area without compromising the ability of future generations to access those benefits.	
	3. The competent authority should note that this Branch concurs with the findings of the Compliance Notice in Terms of Section 31L of the National Environmental Management Act, 107 Of 1998 Ref 14/1/1/E1/10/3/3/0612/19 as dated 29/09/2020.	Noted.
	4. Based on practical knowledge and experience in the application of environmental legislation, observations gathered during the site inspection that was conducted on 11 February 2022, the assessment of the impacts associated with these structures and their placement on coastal public property, this Branch concludes that it is **in support** of the proposal for the competent	Noted.

	authority to grant environmental authorisation the following unlawful structures: **a. Existing Muisbosskerm Restaurant facility and associated infrastructure constructed within the original Farm 19/92 footprint.** **b. Existing Sewerage and wastewater treatment - this includes the existing ablution facilities at the main camp, the perdestalle, a portion of the recreational and the Muisbosskerm.** **c. The proposed new treatment facility** **d. Existing gravel parking area**	
	5. The Malkoppan tourism facility comprised of the 60 individual camping sites, temporary "stalletjies", the Fisherman accommodation facility, and Recreational Building did not form part of this assessment as activities are not situated within the HWM.	Noted.
	Branch O&C Decision: Request to Retain All the Unlawful Structures Constructed on The Coastal Zone Is **Not Supported** and further recommends for their demolition/removal and the area to be rehabilitated to its original state:	Noted see response under each section below.
	5.1 Expansion of the Muisbosskerm footprint	
	5.1.1 The report identifies that the historic Muisbosskerm is located within the beachhead dune field, which is littoral active, within 10 meters of the high-water mark. It further specifies that the new parking areas are covered with gravel to make them accessible to two-wheel drive vehicles.	Noted and correct.

	5.1.2 The proposal to retain the existing parking areas is Supported. Expansion of the Muisbosskerm outside the existing disturbed footprint is not supported.	No further expansion of the Muisbosskerm outside the current footprint is required or is being contemplated.
	5.1.3 It is recommended that existing historically operational roads be continually used to gain access to the site and to prevent additional impact on natural vegetation.	Noted and correct, no new access road is planned.
	5.2 Expansion of the parking area and the seating area extending into the sea-wooden chairs and table, roof structure, refuse bins situated on this portion NOT SUPPORTED.	Noted. No expansion for the parking area is planned. The infrastructure that is not supported by the Stakeholder will be removed. Please see Appendix I – Environmental Management Programme
	5.2.1 The site inspection conducted in Portion 19 of Farm 92, Steenboksfontein (Muisbosskerm), Malkoppan, Lamberts Bay, it was confirmed that the historic Muisbosskerm is located within the beach head dune field, which is littoral active, within 10 meters of the high-water mark situated in the littoral active zone and lies approximately 10m from the HWM of the sea.	Noted and correct.
	5.2.2 The compliance notice further confirms that the applicant has commenced with the placing of material on dunes and/or exposed sand surfaces of more than 10 square meters, within the littoral active zone, and depositing of material of more than 5 cubic meters within 100m of the high-water mark.	Noted and correct.
	Coastal flood risk: The image indicates that area beyond the high-water mark (purple line) is at low to very low ***short-term*** coastal flooding risk, the area	Noted and correct.

	where the structures are located. This can be viewed as short term flooding risk. West Coast DM Coastal management lines: The thick red line is the coastal management line, and it has been demarcated beyond the road infrastructure between the Farm 19/92 and the structures on the coastal management area, since this area is vulnerable to ***long term*** flooding risk. The dark yellow line is indicative of the medium flooding risk (1 in 50-year flood line) and the thin red line is indicative of the high flooding risk (1 in 100-year flood line) (See map in the comments received from this Department)	
	This site is generally at low risk of coastal short- and long-term erosion, with only the area north of the structures being at moderate risk of coastal erosion. The area also seems to be at low to no risk of short-term flooding but is at medium to high risk of long-term flooding and this was determined during the delineation of the draft coastal management lines. While flooding risks are low in the short term, an argument can be made for of the movement and the inundation of the high-water mark within the period of 10 years on to the structures. “As mean sea level rise (MSLR) accelerates, it will become increasingly necessary and useful to distinguish coastal “flooding” from “inundation.” The growing number of coastal MSLR vulnerability assessments makes it clear that confused	So noted. There are currently no activities planned to mitigate future impacts as this is a low-risk area. Should this become an issue in future then the applicant will need to pursue an application for undertaking such mitigation measures should they trigger a listed activity. This in adherence of the recommendation of your Department that no further expansion of this facility may occur.

	usage is abundant. We propose that the term “flooding” be used when dry areas become wet temporarily—either periodically or episodically—and that “inundation” be used to denote the process of a dry area being permanently drowned or submerged” Flick, et al. (2012: 365) *.	
	5.2.3 The above images and coastal vulnerability assessment makes it clear that the structures all that have been placed in proximity to the high-water mark, within the littoral active zone will potentially be impacted by salt-laden winds, moist air, and high swells and at risk of dynamic coastal processes. In terms of the climate vulnerability index, this site is classified within medium to high flood risk and long-term erosion risk parameters. This potentially places this site at risk of climate change impacts that brings about sea-level rise, storm surges, and spring tides which lead to erosion and encroachment of the HWM onto land. (See map in the comments received from this Department)	The concern of possible risk to the site caused by climate change is noted. To mitigate the long-term effects of high flood risk to the existing infrastructure would require significant works and expansions on the current footprint. As any future expansion is not supported by the department no flood risk or erosion risk mitigation measures are being contemplated at this juncture as these inevitably would result in an expansion of the facility. To align this application with the wishes of the department to maintain the physical footprint of the facility unaltered we recommend that should future flooding and erosion mitigation measures be required and these trigger the listed activities that these be addressed either through an EIA application or through the review / approval of a Maintenance Management Plan that specifically addresses these possible future interventions.
	5.2.4 The expansion of Muisbosskerm beyond the existing footprint is not supported. All activities should be	Noted and correct. No further expansion is planned, needed or is required currently.

	restricted to the already disturbed footprint.	
	5.2.5 It is recommended that the **seating area extending into the sea, which is inclusive of wooden chairs and table, roof structure, refuse bins situated on this portion** be demolished, and the affected areas are rehabilitated to their original state.	Noted – this infrastructure will be removed. Please see Appendix I - Environmental Management Programme
	5.2.6 As an alternative, this Branch proposes that the applicant explore alternatives to the wooden-like permanent seating area to the temporary options. In this alternative, this Branch would endorse the proposal to: • **retain the wooden rods used as roof structure and the wooden chairs removed and replaced with temporary chairs that could easily be removed to mitigate climate impacts.** • **retaining ablution rooms situated on the eastern portion of the property** • retain shipwreck and constructed retaining wall to protect the property.	Noted – these recommendations are included in the EMPr. Please see Appendix I – Environmental Management Programme
	5.3 **Braai area, braai utensils, and associated infrastructure (blue refuse bin, black containers) situated on the eastern portion is NOT SUPPORTED.**	Noted.
	5.3.1 The site inspection confirmed that the wooden braai area has been constructed on coastal public property, within 20m of the high-water mark, within 10m of the littoral active zone on a sandy beach. Under Section 7A of the ICMA, coastal public property is	Noted – this infrastructure will be removed. Please see Appendix I – Environmental Management Programme.

	established to improve access to the seashore to protect sensitive coastal ecosystems and protect people, property, and economic activities from risks arising from dynamic coastal processes. The braai area is located very close to the HWM. As a result, this area is at risk of dynamic coastal processes and being washed away ashore during high tide. This also places a safety risk as well as presents a visual intrusion. This braai area and associated infrastructure should be removed, and the area is rehabilitated to its original state.	
	5.3.2 All braai activities should be limited to the restaurant/farm footprint and not extend into the coastal area.	Noted and included in the EMPr. Please see Appendix I – Environmental Management Programme
	6. <u>Conditions and Recommendations:</u>	
	6.1 Page 35 of the checklist application specifies that Farm 19/92, is zoned Agriculture 1. According to the City of Cape Town Municipal By-Law, 2015, the primary uses which are permissible uses under this zoning category are agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station. Taking this into account, the use of the property as an eco-tourism & hospitality facility will require a rezoning and consent use application.	Please note that the property falls within the Cederberg Local Authority and not as mentioned within the City of Cape Town. Noted and correct. The Owner will ultimately have to compile and submit a Municipal land use application to legalese the land use activity itself. In this instance, the application will be made, subsequent to the outcome of the Section 24G application, in terms of the Cederberg Municipality: By-Law on Municipal Land Use Planning, 2019, based on the definition for AGRICULTURAL ZONE I as defined in the Cederberg Municipality Zoning Scheme By-law, 2020, which provides for a camping site as a primary land use right. The scale and scope for the land use currently,

		however, exceeds the maximum thresholds for purposes of the primary authorization, requiring the Owner to apply for consent and departures in order to regularize the land use under an agricultural zoning category. It is at this stage not envisaged that rezoning a portion of FARM 19/92 to RESORT ZONE I would be necessary of even appropriate. This still leaves the option for the Owner to apply for rezoning to RESORT ZONE I at a later stage, but based on a separate motivation outside the ambit of this initiative which is mainly intended to formalize the de facto situation.
	6.2 The applicant should ensure that they obtain the necessary land use approvals to ensure that this development is compliant and in line with development regulations, norms, and standards.	Correct – Please see response above.
	6.3 Points 6.1 and 6.2 of the Representation Letter for Muisbosskerm state that "*directly north and south of Muisbosskerm are long stretches of coastline which were fenced off and protected by owners against 4x4 driving and to conserve the fauna and flora thereon".*	Noted and correct, however in recent times contractors that developed a desalination plant for the Cederberg Municipality used a section to gain access to the plant and people unlawfully drive around existing fences to gain access to the section of the coastline. See responses on the demarcation and fencing of the parking area above. Various management recommendations are included in the EMPr to improve the future management of this section of coastline. Please see Appendix I – Environmental Management Programme.
	6.4 The applicant should note that Section 11(1) of the	Noted. Please see responses above and key

	Integrated Coastal Management states that the ownership of coastal public property vests in the citizens of the Republic and coastal public property must be held in trust by the State on behalf of the citizens of the Republic. Section 12 further prescribes that the State, in its capacity as the public trustee of all coastal public property must ensure that public property is used, managed, protected, conserved, and enhanced in the interests of the whole community and takes whatever reasonable legislative and other measures it considers necessary to conserve and protect coastal public property.	management recommendations in the EMPr. Please see Appendix I – Environmental Management Programme.
	6.5 This Branch does not endorse the fencing off/restriction or prohibition of coastal access for personal or private use. The applicant should ensure that all structures constructed to fence off/ restrict or prohibit access on coastal public property are removed and the affected areas rehabilitated to their original state.	This comment is in contradiction to comments received from the West Coast District Municipality and the Cederberg Municipality. In order to resolve the matter, FES submitted a letter to these three institutions to clarify and concur on these conflicting comments to guide us how to proceed with the recommendations going forward for inclusion of management recommendations in the EMP'r. **See Appendix 8** to this report. Based on this letter, these institutions as well as DEA&DP had a meeting on the 28th February upon which they submitted concurring comments. See **Appendix 7** to this report. Please see responses below as well as key management recommendations in the EMPr. Please see Appendix I – Environmental Management Programme.

	6.6 Considering that tours with field guides are proposed for future use, the applicant is encouraged to engage with this department on the application process and requirements for Off-Road Vehicle Driving via email to ORV permit ORVPermitting@environment.gov.za. The ORV Off-Road Vehicle Regulations regulates driving within the coastal zone and ensures that development is undertaken in an environmentally friendly and sustainable manner.	This comment is in contradiction to comments received from the West Coast District Municipality and the Cederberg Municipality. See response above and the actions undertaken to resolve the conflicting comments.
	6.7 Page 36 of the report specifies that the development is located near Bird Island. Bird Island is part of the group of four islands (Bird, Stag, Seal, and Black Rocks Island) and is an important breeding place for marine bird species it supports the largest breeding colony of Cape gannets in the world (over 160 000 birds) and other birds such as African Penguins and rare Roseate Terns. While the checklist report reports on this, it does not provide an approximate distance from Bird Island to the Muisbosskerm. To mitigate any potential impacts to these conservation areas, the applicant is urged to ensure that no activities with the potential to result in disturbance to the bird population are permitted on site.	The distance from Muisbosskerm to Bird Island is 4.92 km, this distance has been included in the report. This is a low key development that will have no impacts on the bird populations at Bird Island.
	6.8 Regular monitoring of the site, waste management in the form of refuse collection, clean-ups, and monitoring of erosion should be conducted to guarantee that the development keeps within the approved footprint and ensure minimal disturbance outside demarcated areas by visitors and tourists.	The importance of monitoring is noted and this will be the responsibility of the Environmental Control Officer (ECO). The applicant will be legally responsible for the implementation of the EMPr during the operational phase of the development.
	6.9 The report specifies that “bare soil areas such as those within the area used for the monthly community	The netting in the marketing and campsite areas will reduce erosion but are rather used to prevent and

	market and the areas more recently developed for camping have been covered with netting to provide some protection of the denuded surface from wind erosion". The report further elucidates that the netting does reduce erosion to a certain extent but is not adequate to prevent accelerated erosion from wind. Further development or development proposals in these areas cannot be supported. The applicant is encouraged to explore more conservative and ecologically sustainable approaches to address the issue of erosion	reduce the nuisance caused by sand blowing when people are selling their produce at the market and when camping. No further development outside the demarcated footprint is planned. The planting of grass will be the only other viable option but such operation will require large volumes of water for irrigation – and therefore should not be considered.
	7. <u>Specific Conditions to be included in the Final EMP</u>	
	7.1 Practically implementable mitigation measures should be applied to ensure that impact significance remains manageable and that there are no fatal flaws in terms of impacts that may occur to important biodiversity and cultural & heritage values on site. The conditions of the EMPr should be provided and made available for comment to ensure that this aspect is explicitly addressed.	Noted. All impacts identified in the Section 24G report as well as management recommendations provided by stakeholders during the Public Participation Process were included in the EMP'r. See Appendix I – Environmental Management Programme.
	7.2 No structure should be placed on coastal public property or within the littoral active zone.	Noted and included in the EMPr. See Appendix I – Environmental Management Programme.
	7.3 All rubble and waste material should be removed from the site.	Noted and included in the EMPr. See Appendix I – Environmental Management Programme.
	7.4 The applicant must consider, adhere to, and implement the relevant section of the National "ICM Act" applicable to this project. To avoid any disruption, we recommend that no activities with the potential to	It should be noted that the unlawful structures are within the footprint of the Muisbosskerm restaurant itself and the public access to coast is from the parking area therefore there will be no restrictions /

	restrict/prohibit the public to enjoy the coast should be scheduled to take place during peak season when demolishing, removing the unlawful constructed structures, and rehabilitating the area to its natural state.	prohibitions to the public from gaining access to the coast. However the recommendation is included in the EMP'r. Appendix I – Environmental Management Programme.
	7.5 Only work necessary that will enable the applicant to demolish and remove the unlawful constructed structures and rehabilitate the area to its original state must be allowed and undertaken and no camping site should be planned and established within the CPP.	The applicant will use his own staff that is resident at Lambert's Bay and no overnight or camping will be needed, however the recommendation has been included in the EMPr. See Appendix I Environmental Management Programme.
	7.6 Due to the demand for public safety, failure by the applicant to demolish and remove the constructed structures and rehabilitate the area to reinstate it to its original state before the structures were unlawfully constructed within the coastal area, we recommend that the competent authority gives power to the Local Municipality to issue a notice instructing the applicant to undertake the works within a specific period.	The applicant is more than willing to remove the specified unlawful structures, the action is therefore not required at this stage.
	7.7 The Local Municipality should also be given permission to reserves the rights to proceed with the demolishing and removal of the constructed structures and recover the costs from the applicant should the applicant fail to comply" and recommend for this condition to form part of the EA conditions to be adhered to and implemented.	Noted. This will be a recommendation by the EAP as one of the EA conditions if EA is granted.
	7.8 An Environmental Management Plan should be drawn which explicitly details the procedure and methods to be applied for the demolition and removal of the unlawful structures and rehabilitation of the area to the reinstated to its original state. Also, potential impacts associated, and appropriate mitigation measures to be	Noted and included in the EMPr. See Appendix I – Environmental Management Programme.

	identified to be implemented and adhered to.	
	7.9 Section 58 of the ICM Act read together with section 28 of NEMA which states that "Every person who causes, has caused or may cause an adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such adverse effect on the coastal environment" by taking into consideration and implementing recommendations provided in this comments document will ensure the coastal zone is protected, preserved and managed.	Noted. All impacts identified in the Section 24G report as well as management recommendations provided by stakeholders during the Public Participation Process were included in the EMP'r. See Appendix I – Environmental Management Programme.
	7.10 Kindly note that the activity may not commence before an environmental authorization is granted by the CA. It is an offense in terms of section 49A "NEMA" for a person to commence with a listed activity unless the CA has granted an environmental authorization for the undertaking of the activity. A person convicted of an offense in terms of the above is liable to a fine not exceeding 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.	Noted, that is the reason why the applicant is applying for rectification via the Section 24G application process.
	Kindly note that the Department reserves the right to revise its comments and request further information based on any additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via **OCEIA@dffe.gov.za / or Physical Address: Department of Environment Affairs (DEA), Branch: Oceans and Coast, 2 East Pier Building, East Pier**	Noted.

	Road, Victoria and Alfred Waterfront, Cape Town, 8001.	
Department of Agriculture land Reform and Rural Development 7th February 2022	Department of Agriculture, Land Reform and Rural Development; Directorate: Land and Soil Management administer and implement the Conservation of Agricultural Resources Act, (CARA) 43 of 1983). The Act is regarded as one of the principal Acts governing the protection of agricultural and other natural resources. The main aim of the Act is to control the utilization of natural agricultural resources to ensure the conservation of soil, water and vegetation, as well as the combating of alien and invasive plants. According to Section 1 of the Act, conservation of natural agricultural resources includes the protection, restoration as well as the reclamation thereof.	Noted.
	The objectives of CARA are to provide for the conservation of the natural agricultural resources through maintaining the production potential of the land, combating and prevention of erosion, preventing the weakening or destruction of the water resources, protecting the vegetation and combating weeds and invader plants.	Noted.
	Project Activity: Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on the farm Steenboksfontein no 92, Portion 19 in the Cederberg Municipality, Clanwilliam. The total extent of the property is 139, 0331 ha's. Consultation with the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site were as follows: Malkoppan proved to be an uneconomical farm for agricultural production resulting	Noted and correct.

	from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue with farming (in 2007) and shift the focus to tourism accommodation with a resultant reduction in the impacted footprint overall and the use of less water. The first accommodation that was rented was the existing unused cottage on the property which began in 2003. Some campsites were let from 2008. In 2009 the ablution facilities were completed and following this, in 2015 the recreational building (reception and restaurant) was completed. In this year too a monthly local community market was initiated. The development footprint as indicated in the appendices is now complete and will not be extended any further. The balance of the property including the old potato irrigation circles will be left to regenerate naturally and be managed as a conservation area, with some game. Historical development of the site as seen off sequential GOOGLE Earth Imagery: The development footprint appears to remain unaltered between 1985 and 2009. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced. At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 ha's of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009, by September of that year the ablution	

	facilities are well advance and the next available image from 2012 shows then as they are today. The footprint of the development remains unaltered thereafter until September of 2009. The next image from Feb 2016 shows and expansion on the footprint by clearing of additional natural vegetation over an extent of approx. 2 ha's. By this time the reception, restaurant facility had been erected. An additional expansion of the footprint occurs in 2019 when an additional 0.22 ha's of natural vegetation is cleared. This is followed by a further expansion of 0.53 ha's of natural vegetation being cleared by March of 2019 which is the current footprint of the facility. The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 ha's of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 Ha's cleared to the south east of the facility, this footprint is further expanded by February 2019 by approx. 0.057 ha's. The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approx. 4.89 ha's.	
	The developments have already been undertaken and therefore avoidance and minimization are not possible. You therefore required complying with the following requirements:.	Noted.
	Ensure that erosion controls as outlined in the EMP'r are implemented and maintained continuously. Regular monitoring of the site for signs of sheet and gulley erosion would be the most effective mitigatory measure.	The applicant will be legally responsible for the implementation of the EMPr during the operational phase of the development. The importance of monitoring is noted and this will be the responsibility of the Environmental Control Officer (ECO).
	According to Regulation 4, sub-regulation 1 (a) "Every	Noted, please refer to the EMPr. See Appendix I –

	land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of water". • *A suitable soil conservation work shall be constructed and thereafter be maintained in order to divert run-off water from other land or to restrict the run-off speed of run-off water.*	Environmental Management Programme.
	According to Regulation 5, sub-regulation 1 (a) (j) "Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of wind: *(a) The land concerned shall be cultivated in accordance with such method or be laid out in such manner that the surface movement of soil particles through the action of wind is restricted.* (j) *A suitable soil conservation work shall be constructed and thereafter be maintained in order to restrict the surface movement of soil particles trhough the action of wind.*	Noted – see response above.
	It is stated in the report that the site has listed invasive alien plant species present i.e Manatoka. Invasive alien Mannatokka trees should be monitored and removed should they established in the natural areas on Malkoppan gasteplaas as they can cause damage to the surrounding natural vegetation. According to the Conservation According to Conservation of Agricultural Resources Act, (Act 43 of 1983) , Regulation 15E	Noted, please refer to the EMPr. See Appendix I – Environmental Management Programme.

	methods of controlling alien plants are as follow: • Uprooting; felling; cutting or burning. Treatment with a weed killer that is registered for use in connection with such plants in accordance with the directions for the use of such • Biological control carried out in accordance with the stipulations of the Agricultural Pests Act,(Act no 36 of 1983). Combination of one or more methods mentioned above, and any action taken to control alien plants shall be executed with caution and in a manner that will cause least possible damage to the environment.	
	The Department reserves the right to revise its initial comments and request further information from you based on any ne or revise information received.	Noted.
CapeNature Ismat Adams 17th February 2022	It is understood that this application regards the development of parking areas at the restaurant Muisbosskerm, and the development of tourism facilities at the area known as Malkoppan Gasteplaas. The development entailed the clearing of indigenous vegetation both at Muisbosskerm and Malkoppan. Part of the site at Malkoppan had previously been used for potato farming, which had become inviable and resulted in the decision to develop tourism facilities. Both Muisbosskerm and Malkoppan developments took place in CBA area mapped as such due mainly to coastal protection (including dunes) and threatened vegetation type. The vegetation type that occurs at Malkoppan is vulnerable Lamberts Bay Strandveld. The vegetation type that occurs at Muisbosskerm is least threatened Cape Seashore Vegetation. A botanical assessment of	The CBA's for this area was published in 2014 and updated in 2017. The expansion of the Muisbosskerm parking area and some infrastructure on Malkoppan was constructed after 2014 (reception, community market and restaurant) while the other developments took place before 2014 (campsites, Muisbosskerm restaurant). Please note that the clearing of vegetation at the Muisbosskerm for the new parking lot was undertaken in 2017 while the Malkoppan area was cleared in 2009. Please note that the CBA was not designated prior

	the developments at Muisbosskerm and Malkoppan found species of conservation concern that would have been directly impacted by development.	to 2017 thus at the time of commencement of these activities / developments they occurred outside of a recognised CBA. Please note additionally that the Competent Authority has instructed us on previous applications to only make reference to the gazetted vegetation status from 2009 where Lamberts Bay Strandveld was not listed as Vulnerable. This is due to the fact that unless the listed ecosystems are adopted by the Competent Authority and gazetted by the minister the later and more current vegetation threat assessments have no legal standing.
	In section 12 of the S24G report, “unsure” has been indicated regarding Coastal Protection Zone, and whether the developments fall within the high, medium, or low risk zones. Note that regarding this, and as per DEA&DP coastal risk information layers, that the Muisbosskerm parking areas are in front of the mapped coastal management lines, within the littoral active zone, in front of the 20-year flood hazard line and is within a general risk zone. The Malkoppan development is within the coastal protection zone.	Noted and correct. The Section 24G Report has been amended to include this Zone. Comment provided by DFFE Ocean & Coast indicate that this site falls within a Low Risk Zone. This has been added to the S24G Report.
	Considering the above mentioned in 2. in context of	So noted, detailed comment has been received from the Department of Oceans and Coasts which has

	section 63(1) of NEM:ICMA – the already approved Muisbosskerm restaurant is already not consistent with section 17 of NEM:ICMA. Considering that the restaurant already exists and is authorised and considering the size and nature of developed parking areas, the parking areas may remain but no further development expanding the footprint of the restaurant should be authorised. The littoral active zone, as alluded to in the botanical assessment, will still largely maintain its natural function.	been responded to, that include among other actions the selective removal of certain unlawful infrastructure, improvement of demarcation of the parking area and the removal of access gates and the replacement thereof with permanent fencing. See above.
	The Malkoppan development is less aligned with section 17 of NEM:ICMA as the ecological integrity of the area at a local scale has been eroded by the development due to clearing of sensitive vegetation and likely species of conservation concern. The impact that has occurred because of the development is irreversible. Considering that the impacted area is within the coastal protection zone, has impacted CBA, a vulnerable ecosystem and threatened species, the Malkoppan development would fall into the moderate significance threshold as per the provincial offset guidelines. The damage done at the Malkoppan site should be compensated with an offset.	The impact on the CBA's were added to the impact tables and rated as medium. Some of the development occurred before 2014 which is the year that the CBA's for this section of the West Coast were published. See Appendix H. Amended Botanical Specialist Report. Regarding the offset – The Botanical report does recommend that no further development in natural areas should be undertaken and the only further suggestion is that these areas should be mapped as a conservation set- aside area that is attached to the environmental authorisation. Least Threatened Cape Seashore vegetation as the activity predates the existence of an identified CBA. We would also like to respond further to this in terms of the impact on threatened species - medium impacts provided in the botanical assessment refer to the impact for the site scale population and not

		the population across its entire distribution range. Therefore the residual impacts for the population as a whole will be low to insignificant.
	Section 9.1.3 of the botanical assessment states, *All four species of Conservation Concern (SOCC) that occurs within the study area occur outside the study area in the development on Muisbosskerm and Malkoppan Gasteplaas would have had an insignificant impact on these species.* It is uncertain whether the impact on the population was insignificant, it could be said with more certainty that SCC have been affected by the development, based on the current distribution and presence of SCC.	The amended Botanical Report clarify the uncertainty of Section 9.1.3. Section 9.1.3 to include the following: *"All four species of Conservation Concern (SOCC) that occurs within the study area, also occur outside the study area. The development on Muisbosskerm and Malkoppan Gasteplaas would have had an insignificant impact on the total population(s) these species but a medium impact on the SOCC on the property".* As noted by the specialist these species have distribution ranges across numerous vegetation units and over extensive distribution ranges. As such the loss of a portion of the population will not result in significant residual impact to the species population i.e. it will not alter the conservation status of these species populations across the entire distribution range nor impact on its ability to perpetuate itself.
	It is unclear how the impact significance regarding loss of vegetation at Muisbosskerm and Malkoppan is medium, then moves to medium-low with mitigation of no further development. The impact significance should remain medium as the mitigation is for the current	Noted and agreed, the impact tables were amended. See Appendix H. Amended Botanical Specialist Report.

	development to maintain the current footprint.	
	The S24G report states, *Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.* It is unclear why grey water is being used to water natural veld. There is concern that this practice affects the natural water regime of the veld.	The areas that will be irrigated are; The camp sites when not occupied. This will usually occur during the off-peak season, from February to November. The area at the back of the Main Camp Site and the Perdestalle Camp Site. This will usually occur during peak season only (December and January) when the camp sites are occupied. The total area to be irrigated is between 2 and 4 Ha, depending on the season. During peak season the area at the back of the camp sites (±2 Ha) will be irrigated. This equates to a maximum precipitation of ±2 mm per day during the peak season. Since this is also the warmest time of year, the evapotranspiration rate is also the highest. It is expected that treated effluent volumes will vary between 0 to 20% during the off-peak periods, except over the Easter Weekend and with ad-hoc events, such as the annual Rooibos-to-Muisbos cycling event, etc. During off-peak periods the total area is available for irrigation, which equates to a maximum precipitation of <0.1mm per day. Irrigation will be performed manually with drag lines and impact sprayers. See Appendix H – Specialist Reports.

		In addition to this a WULA is also underway to ensure compliance regarding the use of treated effluent for irrigation purposes.
	The conclusions of the site sensitivity verification report regarding botanical, faunal, aquatic and terrestrial biodiversity sensitivities are accepted.	Noted.
	CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	Noted.
Department of Agriculture Western Cape B. Laymon 22 March 2022	In principle the WC:DoA :LUM has no objection to the development on condition that:	Noted.
	The development is permissible in terms off the Municipal zoning scheme regulations.	The landuse planning application will commence as soon as EA is received.
	No agricultural/irrigation water should be transferred for any other than agricultural activities.	A WULA will be lodged in terms of future water use.
	Approval in terms EA and Municipal Planning is required.	Noted and the reason for this application.
	The footprint of the development should be limited to the current layout in order to minimize the impact on agricultural lands.	Noted no expansion outside the current footprint is planned.
	The campsite footprint should not encroach on cultivated or previously cultivated lands.	The EMPr provide clear recommendations regarding 'no-go"areas and this will include previously cultivated lands.
Cederberg Municipality 28 February 2022 (See Appendix 8).	After the stakeholder meeting regarding the conflicting comments received. The comments will still remain the same as submitted during the public participation period.	Noted.
	Full fencing (1.8m) should be erected to prevent ORV trespassing to the coastal areas but provide pedestrian	Noted – see response above. However it is of our opinion that the current 1.5m fence is more than

	access only. Gates must be removed on either side of Muisbosskerm and replaced by full fencing around designated parking areas.	adequate to control illegal ORV trespassing on this section of the coastline.
Forestry Fisheries and the Environment Oceans & Coasts (O&C) Branch T. Mbambo 1st March 2021 (See Appendix 8).	The Department of Forestry, Fisheries, and the Environment (DFFE) Oceans & Coasts (O&C) Branch appreciates the opportunity granted to comment on the Section 24G Consultation Application and Checklist Report for the Development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) And A Parking Area at A Restaurant (Muisbosskerm) On-Farm 19/92, Steenboksfontein, Clanwilliam. This Branch has provided recommendations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) **("ICM Act**").	Noted.
	The Branch O&C has the mandate to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and the economic, social, and aesthetic value of the coastal zone are maintained to ensure that people, properties, and economic activities are protected against the impacts of dynamic coastal processes.	Noted.
	Guided by the principles of integrated coastal management, this Branch continues to strive for environmental sustainability and socially justified sharing of benefits derived from a resource-rich coastal area without compromising the ability of future generations to access those benefits.	Noted.
	The competent authority should note that this Branch	Noted and agree. These recommendations has

	continues to endorse the implementation of the recommendations provided in the previous comments Ref:214650 as dated 15/02/2022.	been included in the EMPr. See Appendix I – Environmental Management Programme.
	Following a stakeholder meeting that was held between the Department of Forestry, Fisheries and Environment, Cederberg Municipality, West Coast District Municipality, and Department of Environmental Affairs and Development Planning on 28 February 2022, this Branch recommends for the following recommendations to be detailed in the Environmental Management Plan in of coastal access:	Noted.
	The access gates, which grant access to the coastal public property, as reflected in figure 1 be removed on both the Northern and Southern portions of Muisbosskerm.	Noted – see response above. This recommendation has been included in the EMPr. See Appendix I – Environmental Management Programme.
	The parking areas be cordoned off to restrict illegal driving on the dunes and to protect the property from dynamic coastal processes. The applicant should ensure that this demarcation remains strictly within the property/applied property boundary and does not exceed the footprint specified under this application. The applicant should further ensure that the use of materials for cordoning off the parking areas is visually permeable and not a hard structure is used.	The applicant is in the process to erect a wooden fence in order to demarcate the parking area to the north and south of the Muisbosskerm. This will still provide pedestrian access but will prevent illegal ORV access to the coast. The wooden fence material used is visually acceptable as this type of demarcation is used along the entire coastline and in protected areas as well.
	This Branch is in support of the proposal for the use of 1.5 or 1.8m full fencing with poles to cordon off the parking area and provide pedestrian access to the coastal portion. However, the applicant should ensure that the material selected for erecting this fence is durable and will be able to withstand dynamic environmental pressures to decrease	Noted – see comments above regarding the removal of the gates, the replacement with fencing and the demarcation of the parking area. Maintenance programmes will be implemented as prescribed in the EMP'r. See Appendix I– Environmental Management Programme.

	maintenance requirements.	
	The applicant is reminded of Section 58 of the ICM Act read together with section 28 of NEMA which states that "Every person who causes, has caused or may cause an adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such adverse effect on the coastal environment" by taking into consideration and implementing recommendations provided in this comments document will ensure the coastal zone is protected, preserved and managed.	Noted – recommendations from this Branch and other stakeholders have been included in the EMPr that is a legal binding document to the applicant in order to ensure the implementation of all actions and recommendations contain therein. See Appendix I – Environmental Management Programme.
	Given the extent of the illegal Off-Road Vehicle driving challenge that plagues this area, the applicant is urged to assist in efforts to ensure that sensitive ecosystems indigenous to this area are protected and conserved for long-term social and ecological benefit. Should the illegal driving on the coastal portion not improve after the implementation of the proposed measures, in line with Section 58 of ICMA, the onus could be placed on the applicant, as the property owner to which access to the coastal portion is acquired, to develop a Rehabilitation Plan and to rehabilitate the affected areas. The applicant is urged to encourage restaurant visitors to comply.	Noted. Once the gate has been removed, replaced by fencing and the demarcation of the parking area to the front has been completed – access to these areas should be adequately prevented. The erection of signage to increase general awareness will further assist the applicant to prevent driving on this section of the coastline. However the effectiveness of these activities should be monitored and it will be important to maintain the current infrastructure to prevent any further driving on this section of the coastline. See Appendix I– Environmental Management Programme.
	Kindly note that the Department reserves the right to	

	revise its comments and request further information based on any additional information received.	
West Coast Municipality 2nd March 2022 (See Appendix 8).	I refer to your email of 23 February 2022 and the conflicting comments received. A MS Teams meeting was held on 28 February 2022 between officials from DFFE, DEA&DP, Cederberg and West Coast District Municipalities where the issues regarding access to the coast at the Muisbosskerm were discussed.	Noted.
	It is hereby confirmed that the West Coast District Municipality stands by the comments submitted on 14 February 2022 and concurs with the comments of Cederberg Municipality regarding the vehicular access to the desalination plant (± 1 km north of Muisbosskerm).	Noted. See responses above.
	The West Coast District Municipality is also in agreement with the revised comments from DFFE dated 1 March 2022.	Noted. See responses above.

Table 3: Comments and Response report

10. Submission of the Section 24 Application and Checklist

The Section 24 Application and Checklist was submitted to DEA&DP, Directorate: Environmental Governance, Sub-directorate: Rectification on the 1st November 2022.

11. Comments from Heritage Western Cape.

The following Final comments from Heritage Western Cape were received on the 25th November 2022. **See Attachment 7: Comments received from Registered Interested and Affected Parties**

Comment received	Response
A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property. This management plan must include the following stipulations: a) That all new development must receive the required approvals at Heritage Western Cape. b) That new development should not be permitted along the coastal side of the road. c) In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances. d) That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway. e) Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources.	The landowner must ensure that the conservation management plan and heritage agreement is compiled. See Appendix I – Environmental Management Programme.
The Heritage agreement to be entered into with HWC by 31 March 2023.	Noted and correct. See Appendix I – Environmental Management Programme.
The draft CMP to be submitted by 31 March 2023.	Noted and correct. See Appendix I – Environmental Management Programme.

Table 4: Comments received from HWC and Response thereto.

12. **Public Participation on Section 24 Application and Checklist Report**

Notification was forwarded to the Registered Interested and Affected Parties on the 9th January 2023 for a commenting period of 30 days.

ATTACHMENT 1 :

DEA&DP SUB-DIRECTORATE: RECTIFICATION, ACKNOWLEDGED THE CONSULTATION APPLICATION AND THE PUBLIC PARTICIPATION PROCESS PLAN

Western Cape Government
Environmental Affairs and Development Planning

Directorate: Environmental Governance
Sub-directorate: Rectification

24G CONSULTATION REF: 14/2/4/1/F2/4/0037/21
ENQUIRIES: Ziyaad Allie

The Owner
PO Box 49
LAMBERTS BAY
8130

Email: info@muisbosskerm.co.za

Attention: Ian Truter

Dear Sir

INFORMATION REQUIREMENTS OF THE POTENTIAL SECTION 24G APPLICATION IN TERMS OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998)* ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF LISTED ACTIVITIES: UNLAWFUL DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE MALKOPPAN AND A RESTAURANT MUISBOSSKERM ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM

1. The abovementioned consultation form and Public Participation Process Plan dated 28 September 2021, has reference.

2. Please be advised that the *Section 24G Fine Regulations (GN. No. 698 of 20 July 2017* (hereafter referred to as "the fine regulations") were published on 20 July 2017. The fine regulations require that public participation be conducted prior to the submission of an application and that an application must include the representations as set out in Annexure A of the fine regulations.

3. Please be advised that submission of a section 24G application shall in no way derogate from an investigation of any transgression in terms of the *National Environmental Management Act,1998 (Act 107 0F 1998)* ("NEMA") nor from the National Prosecuting Authority's legal authority to institute criminal proceedings.

Listed / waste management activities that are being applied for:

4. A section 24G application is only relevant to listed activities that have commenced without the pre-requisite environmental authorisation. Only those activities applied for will be considered for environmental authorisation.

5. The applicant is thus required to ensure that all the applicable listed activities are included in the application to be submitted. In this regard, the timeframe of commencement of the listed activity/ies and the relevant Environmental Impact Assessment legislative period/regime is of particular importance.

6. Please also ensure that the similarly listed activities in terms of the current *Environmental Impact Assessment Regulations, 2014* (as amended) are applied for should the listed activities not have commenced within this period.

7. The appointed Environmental Assessment Practitioner is required to provide a detailed explanation as to why the unlawfully commenced activity is still similarly listed in terms of the NEMA.

8. Commencement of listed activities

8.1. Having considered the information contained in the consultation form, this Department has identified the following additional listed activities not included in the form that may have been triggered by the unlawful commencement of the activities, i.e.:

Activity Number: 17 of *GNR. 327 of 2017*
Activity Description: *Development—*
(i) in the sea;
(ii) in an estuary;
(iii) within the littoral active zone;
(iv) in front of a development setback; or
(v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

in respect of—
(a) fixed or floating jetties and slipways;
(b) tidal pools;
(c) embankments;
(d) rock revetments or stabilising structures including stabilising walls; or
(e) infrastructure or structures with a development footprint of 50 square metres or more —

but excluding—
(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
(bb) 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;
(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or
(dd) where such development occurs within an urban area.

Activity Number: 19A of *GNR 327 of 2017*
Activity Description: *The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—*
(i) the seashore;
(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or
(iii) the sea; —
but excluding where such infilling, depositing, dredging, excavation, removal or moving—
(f) will occur behind a development setback;
(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;
(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or 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.

8.2 Based on the information provided in the consultation, the Department is of the view that the above-mentioned listed activities may be applicable. The reasoning for this is that the appears that certain portions of the development may be located within 100m of the high-water mark of the sea. You are therefore required to confirm the applicability of the additional listed activities that that have been identified and, if applicable, include such in your application to be submitted.

Minimum requirements for every application for environmental authorisation:

9. You are reminded that section 24G is an application for environmental authorisation and thus an applicant must comply with the requirements of the NEMA in relation to the submission of an application for environmental authorisation and any other relevant information (section 24(1A)(e) of the NEMA). Section 24(4)(a) of the NEMA specifies the "procedures for the investigation, assessment and communication of the potential consequences or impacts of the activities on the environment" that every application for environmental authorisation must comply with.

10. Taking the above into consideration, together with the information requirements of Annexure A, Section C, Part 1 of the fine regulations related to the environmental impacts and representations to be completed by an Environmental Assessment Practitioner ("EAP"); and to be submitted together with the section 24G application; you are hereby advised that the application be informed by an environmental impact assessment.

11. When conducting such environmental impact assessment, the applicant/EAP must take into account the applicable guidelines developed by the Department, which may be downloaded from the Department's website (see above). In particular, the following are applicable:

    11.1. Guideline for Environmental Management Plans (June 2005);
    11.2. Guideline on Public Participation
    11.3. Guideline on Alternatives
    11.4. Guideline on Need and Desirability
    11.5. Departmental guideline series for involving specialist assessments, 2005

12. You are required to submit a Screening Report from the National Web based Environmental Screening Tool. The Screening Tool also provides site specific EIA process and review information, for example, the Screening Tool may identify if an industrial development zone, minimum information requirement, Environmental Management Framework or bio-regional plan applies to a specific area. The Screening Tool identifies related exclusions and/ or specific requirements including specialist studies applicable to the site and/or development, based on the national sector classification and the environmental sensitivity of the site.

Public Participation Process:

13. <u>Preliminary Advertisement</u>

    13.1. Kindly note the requirements of Regulation 8 and Annexure A, Section D of the fine regulations which stipulate that when submitting an application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

    13.2. Please note further that the advertisement must state that the applicant commenced a listed/ specified/ waste management activity(ies) without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. The advertisement **must** include (a) the date, (b) the location, (c) the applicable legislative provision contravened, (d) and the listed activity(ies) commenced with without the required authorisation.

    13.3. Interested and affected parties (I&APs) must be provided with the details of where they can register as an I&AP and submit their comment. Please be advised that at least 20 days must

be provided in which to do so. Proof of compliance with Regulation 8 of the fine regulations must be submitted together with your application.

13.4. Should you decide to compile a draft section 24G Application and of your own accord make it available for comment, it is recommended that the draft section 24G Application report be made available simultaneously with the Preliminary Advertisement requirement.

14. Section 24O consultation with organs of state/State departments

14.1. However, kindly note that any public participation undertaken **prior to submission of the section 24G Application** report, does not exempt from compliance with section 24O of the NEMA which obligates the competent authority when considering an application; to consult with every State department that administers a law relating to a matter affecting the environment.

14.2. You are required to submit a list of organs of state to be consulted in terms of section 24O together with the complete and signed application. The list of organs of state must be include their contact details with fax/email and the relevant contact person.

14.3. Copies of the section 24G application may be made available for comment to the relevant organs of state upon simultaneous submission of the application to the Department. **Note**: this does not qualify as the Regulation 8 public participation requirement which is required to be conducted prior to submission of an application.

14.4. Upon receipt of the complete and signed application, the Department will issue section 24O letters to the relevant organs of state for comment as per the EAPs specified timeframe for comment.

15. Two printed copies as well as two electronic copies (saved on CD/DVD) of the final Application must be submitted to the Department.

16. You are reminded that it is an offence in terms of section 49A of the NEMA to commence with a listed activity unless the competent authority has granted environmental authorisation for the undertaking of the activity and it is an offence to fail to comply with a directive issued in terms of NEMA. A person convicted of an offence is liable to a fine not exceeding **R10 million** or **imprisonment for a period not exceeding 10 years**, or to both such fine and imprisonment.

17. Kindly quote the abovementioned reference number in any future correspondence in respect of this consultation form.

Zaidah Toefy Digitally signed by Zaidah Toefy
Date: 2021.10.28 16:19:04 +02'00'

Mrs Z Toefy
Head of Rectification
Directorate: Environmental Governance

CC: (1) Sean Ranger (EAP) Email: sean.ranger1@gmail.com

ATTACHMENT 2 :

APPROVED PUBLIC PARTICIPATION PROCESS PLAN

Sean Ranger

Cell: 083 294 8776
Fax: 086 655 8060
sean.ranger1@gmail.com
3 Laborie St, Courtrai
South Paarl 7646

www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

28th September 2021

Department of Environmental Affairs and Development Planning

Directorate: Environmental Governance

Sub-directorate: Rectification

Private Bag 9086

Cape Town 8000

Attention – Mr S. Mallick

PUBLIC PARTICIPATION PROCESS PLAN

SECTION 24 G APPLICATION UNLAWFUL DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

1. Introduction to the unlawful development

The Muisbosskerm is a large open-air restaurant / cooking shelter that is operational since 1988. In 2007 it was decided to discontinue agricultural activities at Malkoppan and to provide camping facilities. This has grown to the current extent where 100 campsites, ablution facilities, restaurant/reception area, accommodation and temporary"stalletjies" for the local monthly market are available. The total area of natural vegetation cleared between 2009 and 2019 amounts to approx. 4.89 ha's. The applicant illegally commenced with various listed activities between 2009 and 2019. The illegal commencement of the activities has resulted in non-compliance with Section 24 of the National Environmental Management Act (No107 of 1998)(NEMA) and therefore a "ex-post facto" authorisation process is required for the listed activities which have taken place.

2. Locality

Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Steenboksfontein Farm 92, Portion 19, in the Cederberg Municipality. The property is located just south of the coastal town of Lamberts Bay. The GPS coordinates at Muisbosskerm is 32° 08'01.64" S and 18^0 18'20.31"E.

3. Legislative requirements for public participation

On 5 June 2020 new Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of EIA and related processes during Lockdown Alert Level 3. The Directions of 5 June 2020 repealed the Directions of 31 March 2020. The duration of Directions of 5 June 2020 came to an end at midnight on 17 August 2020. On 9 September 2020 new Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of EIA and related processes during the national state of disaster declared in terms of COVID-19 The Directions of 9 September 2020 came into effect from 9 September 2020 and apply for as long as the national state of disaster declared in terms of COVID-19 remains in place (i.e. irrespective of the Alert Level that is in place, the Directions of 9 September 2020 apply for as long as the national state of disaster is still in place).

CIRCULAR – DEA&DP NO. 001/2021 (dated 06/0/2021) confirmed that;

- *This Circular must be read together with Circular DEA&DP No. 0024/2020 (dated 30 September 2020) as well as with Circular DEA&DP No. 0023/2020 (dated 8 December 2020);*
- *Confirm that the arrangements set out in Paragraph 4 of the Directions of 9 September 2020 apply to all matters in respect of processes in terms of which Minister Anton Bredell (the Western Cape Provincial Minister of Local Government, Environmental Affairs and Development Planning) or officials of the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) are the relevant Competent/Licencing Authority; and*
- *Communicate the determinations made and arrangements in respect of the format in which to submit applications, documents, reports and comments to DEA&DP and related matters for the duration of the National State of Disaster declared in term of COVID-19.*

Keeping in mind of this circular (001/2021) and the Regulations and Directions issued in terms of the DMA under the current lockdown restrictions on a adjusted level 2, this Public Participation Process Plan is presented to comply to the relevant COVID-19 Health and Safety measures and protocols.

4. Submission of the Section 24G Consultation Form

FES submitted the Section 24G consultation from electronically to the Director: Environmental Governance: Mr S. Mallick at Shafeeq.Mallick@westerncape.gov.za on the 28th September 2021.

5. ALIGNMENT WITH REGULATION 34 OF THE NEMA EIA REGULATIONS 2014 (AS AMENDED) AND CIRCULAR: DEA&DP NO. 0001/2021 DATED 6TH JANUARY 2021.

In order to comply with the above-mentioned requirements and taking COVID 19 pre-cautionary measures into consideration the following activities will be implemented by the EAP.

REQUIREMENTS	ACTIVITIES	PRECAUTIONARY MEASUREMENTS
Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of the site and alternative site	The site notification will be designed by a service provider and couriered to Porterville where the EAP will collect them and attach them to the entrance of the property. The site notifications will remain on site for the entire process.	All courier services are sanitising their vehicles and products being transported. The EAP will sanitise the site notifications on receipt thereof and after fixing it to the boundary fence at the entrance to the property. After completion the EAP will sanitise his hands immediately.
A notice board referred to in sub regulation (2) must- • *be of a size at least 60cm by 42cm; and* • *(b) display the required information in lettering and in a format as may be determined by the competent authority*.	The site notification board will adhere to these recommendations.	None.
Giving written notice, in any of the manners provided for in section 47D of the Act, to • *the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the*	All potential Interested and Affected Parties & Key stakeholders will be informed about the PPP by using e-mails to inform them of the opportunity to comment on the draft consultation Section 24G Application and Checklist Report.	Under the current adjusted level 2 lockdown regulations the public library at Lambert's Bay is open and I&AP will be able to review the consultation Section 24G Application and Checklist Report. When visiting I&AP must undergo a screening assessment, wear a face

site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken; • *owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;* • *the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;* • *the municipality which has jurisdiction in the area;* • *any organ of state having jurisdiction in respect of any aspect of the activity; and any other party as required by the competent authority;*	The landowner will assist FES in compiling an e-mail database of all surrounding landowners. The postal services will also be used to post notifications, however this will be the last option if potential I&AP does not have access to e-mail facilities. If the public library at Lambert's Bay is closed due to adjusted levels in the future, when the draft consultation Section 24G Application and Checklist Report became available for public participation, – the site notification and the pre- preliminary advert in the local newspaper will inform stakeholders to contact the EAP's to obtain an electronic copy of the draft consultation Section 24G Application and Checklist Report. We have all the e-mail contact details of the Departments that are responsible for resource management in the area and they will receive an electronic version of the draft consultation Section 24G Application and Checklist Report. .	mask and sanitise their hands before entering the facility. The Draft documents will also be distributed using WeTransfer – whereby the stakeholder can download the file and provide comments and inputs.
Placing an preliminary advertisement in a local newspaper	A preliminary advertisement will be published in "Ons Kontrei" a local	Communications with the editor and or website service provider will

in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.	newspaper in the area. This will run concurred with the Public Participation process on the draft consultation Section 24G Application and Checklist Report. These drafts reports will be uploaded on the applicant's website as soon as these reports are available for PPP.	be done electronically– no personal contact is therefore envisaged.
Placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii);and using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to- *(i) illiteracy;* *(ii) disability; or* *(iii) any other disadvantage*.	The activity is on a rural farm within the Cederberg Municipality, near to the coastal town of Lambert's Bay. No other communities will be affected. None of the neighbouring landowners are illiterate, have a disability or have any other disadvantage.	No actions envisaged.
Public meetings - No public meetings are planned.	If the need arises for a meeting, it will be arranged in accordance with the Regulations of the Disaster	Control of aspects such as number of attendees, the size of the venue to allow for sufficient social

	Management Act, Act 2002, applicable at that time.	distancing, self-screening, provision of hand sanitisers, the compulsory wearing of face masks and the completion of an attendance register to trace people if someone attending the meeting tests positive for COVID 19 after the meeting will be implemented.

6. Section 24G Application and Checklist

FES will submit the Section 24G Application and Checklist Report electronically to the Director: Environmental Governance at zaidah.toefy@westerncape.gov.za / Charmaine.mare@westerncape.gov.za once the public participation process on the Consultation Draft Section 24G Application and Checklist Report is completed.

7. Section 24G Application and Checklist PPP

At this juncture we will have our database for all Registered Interested and Affected Parties completed, including email contact addresses. All notifications and draft Reports will be distributed using electronic media and or providing a link for the downloading of the documentation by the registered I&AP. The Case Officer will also receive contact details of all the organs of state that we consulted with in order to provide them with Section 24O commenting letter.

8. Submission of Reports to the DEA&DP Case Officer

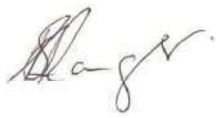
All reports and communication with the DEA&DP Case Officer will be done electronically. We consider this approach sufficient as a Public Participation Plan, to achieve adherence of the requirements of the Competent Authority (Department of Environmental Affairs and Development Planning) and the above-mentioned legislative requirements.

9. Decision from the Department and the Appeal Process

All Registered Interested and Affected Parties will be informed about the Decision from the Department and notified about the Appeal Process using electronic media and providing links for downloading these documents.

We consider this approach sufficient as a Public Participation Plan, to achieve adherence of the requirements of the Competent Authority (Department of Environmental Affairs and Development Planning) and with the above mentioned legislative requirements.

Kind regards.





K.S Ranger

C.P du Plessis

ATTACHMENT 3:

PRELIMINARY ADVERTISEMENT PUBLISHED IN "ONS KONTREI" ON THE 14TH JANUARY 2022

Stop Misbruik opleiding aan Matzicare-Badisa in Matzikama

Berig: Susan Carstens

MATZIKAMA: Susan Carstens, skool maatskaplike werker by Kring 5 Weskus het op 22 November 2021 opleiding aan personeel van Matzicare rondom Stop Misbruik-Protokol van Wes-Kaap Onderwysdepartement, aangebied.

Die fokus van die Stop Misbruik-Protokol is: Die verantwoordelikheid van opvoeders in die hantering van onthulling van kindermisbruik, verwaarlosing en seksuele misdrywe teenoor kinders, asook die wetlike plig van opvoeders om misbruik aan te meld indien hul redelikerwys daarvan bewus is. Dit is primêr die verantwoordelikheid van die skoolhoof om prosedures te implementeer, bestuur en in stand te hou

Wetgewing wat leiding gee in die uitvoering van die Stop Misbruik-Protokol en hoekom word kortliks bespreek. Volgens die Konstitusie van die Republiek van Suid-Afrika word basiese menseregte vervat in die konstitusie soos byvoorbeeld die reg tot onderwys en Artikel 12 meld dat almal 'n reg het om nie op 'n wrede, onmenslike of vernederende manier gestraf te word nie

Kindermisbruik in die Kinderwet sluit emosionele mishandeling, fisiese mishandeling, seksuele mishandeling, kinderarbeid en doelbewuste verwaarlosing in.

Volgens die Wet op Seksuele Misdrywe kan daar gelet word op artikel 54(1) (a) Enige persoon wat kennis dra dat 'n seksuele misdryf teen 'n kind gepleeg is, moet dit onmiddellik by die SAPD aanmeld. Geen SAPD-lid mag klagtes weier by 'n SAPD-stasie nie (2)(a) 'n Persoon wat kennis dra, 'n redelike vermoede of oortuiging het dat 'n seksuele misdryf teen 'n persoon wat verstandelike gestremd is, gepleeg is, moet hierdie kennis, vermoede of oortuiging onmiddellik by die polisie aanmeld.

Skoolbeheerliggame moet verseker dat aansoekers wat vir aanstelling oorweeg word, nie skuldig bevind is op 'n oortreding teen 'n kind in terme van die Wet op Seksuele Misdrywe , Wet 32 van 2007 of die Kinderwet, Wet 38 van 2005 nie.

Die Wet op indiensneming van opvoeders, Wet 76 van 1998, Art 17(1)(d) meld dat 'n opvoeder ontslaan moet word as hy/sy skuldig bevind word van betrokkenheid in 'n seksuele verhouding met 'n leerder in die skool waar hy/sy in diens is.

Skakeling tussen verskillende departemente en NGO's vind op gereelde basis plaas sodat daar altyd in die beste belang van kinders opgetree kan word.

KENNISGEWING VAN 'N ARTIKEL 24G PUBLIEKE DEELNAME PROSES
DOS&OB - 14/2/4/1/F2/4/0037/21

Aansoeker: Ian Turner
Konsultante: FOOTPRINT Environmental Services
Projek ligging: Die Muisbosskerm Restaurant en die Malkoppan toerisme fasiliteit is op Steenboksfontein Plaas 92, Gedeelte 19, in die Cederberg Munisipaliteit geleë. Die eiendom is suid van Lambertsbaai. Die GPS koördinate by Muisbosskerm is 32° 08'01.64" S en 18° 18'20.31"O.
Projek beskrywing: Die Muisbosskerm is 'n groot buitelug restaurant / kookskerm wat reeds sedert 1988 operasioneel is. In 2007 is alle landbou aktiwiteite op Malkoppan gestaak en daar is besluit om voorsiening te maak vir 'n kampterrein. Die kampterrein het sedertdien gegroei tot die huidige uitleg waar daar 100 staanplekke, ablusiegeriewe, restaurant/ontvangsarea en tydelike stalletjies is wat maandeliks tydens plaaslike markdae gebruik word.
Onwettige aktiwiteite:
• **2009.** GK Nr. 546 (Gelyste Notering 3 van 2010), Gelyste Aktiwiteit 12, die skoonmaak van 'n area van 300 vierkante meter of meer van plantegroei waar 75% van die plantegroei bedekking inheemse plantegroei is en Gelyste Aktiwiteit 13, die skoonmaak van 'n gebied van 1 hektaar of meer van plantegroei waar 75% of meer van die plantbedekking inheemse plantegroei is. GK Nr. R327 (Gelyste Notering 1 van 2014), Aktiwiteit 27, die skoonmaak van 'n area van 1 ha of meer natuurlike plantegroei asook Aktiwiteit 17, *die ontwikkeling (v)waar geen ontwikkelings terugslag bestaan nie, binne 'n afstand van 100meter binnelands van die hoogwater-merk van die see of die getymonding, watter een die grootste is; in terme van die (e) infrastruktuur of strukture met 'n ontwikkelingsvoetspoor van 50 vierkante meter of meer - (beide die aktiwiteite het plaasgevind oor 'n tyd vanaf middel 2009).*
2017: GK Nr. R 327 (Gelyste Notering 1 van 2014), *Aktiwiteit 18,* die plant van plantegroei of die plaas van enige materiaal op duine of blootgestelde sand opppervlaktes van meer as 10 vierkante meter, in die littorale aktiewe sone, vir die doel om die vrye beweging van sand, erosie en opbou daarvan te beperk asook *Aktiwiteit 19A,* die opvul of die deponering van enige materiaal van meer as 5 kubieke meter, die bagger, uitgrawing, verwydering of beweging van grond, sand, skulpe, skulpgruis, klippies of rotse van 5 kubieke meters van (i) die strand, (ii)littorale aktiewe sone, 'n getymond of 'n afstand van 100m binnelands van die hoogwater merk van die see of getymond, watter afstand is die grootste en of (iii) die see.
Voorgestelde aktiwiteite: Die aansoeker het onwettig bogenoemde aktiwiteite tussen 2009 en 2019 onderneem. Dit het veroorsaak dat die aansoeker nie Artikel 24 van die Wet op Nasionale Omgewingsbestuur, (Nr. 107 van 1998), nagekom het nie en daarvoor is "*ex-post facto*" magtigings proses nodig vir die aktiwiteite wat reeds plaasgevind het.
Gelyste aktiwiteite vir die "ex-post facto" magtigings proses:
GK Nr. R 327 van die OIA Regulasies, 2014 (soos gewysig) en spesifiek vir;
• *Aktiwiteit 27 - Die skoonmaak van 'n area van 1 ha of meer maar minder as 20 ha van inheemse plantegroei.*
• *Aktiwiteit 17 - Ontwikkeling, (i) in die see; (ii) in 'n vleiland; (iii) in die littorale aktiewe sone; (iv) voor 'n ontwikkeling terugslag; of (v)waar geen ontwikelings terugslag bestaan nie, binne 'n afstand van 100 meter binnelands van die hoogwatermerk van die see of die getymonding, watter een die grootste is; in terme van die (a) oprig van drywende jettie of glybaan; (b) getypoel; (c) walle; (d) rots bekledings of stabiliserings walle; of (e) infrastruktuur of strukture met 'n ontwikkelingsvoetspoor van 50 vierkante meter of meer.*
• *Aktiwiteit 18 - Die plant van plantegroei of die plaas van enige materiaal op duine of blootgestelde sand opppervlaktes van meer as 10 vierkante meter, in die littorale aktiewe sone, vir die doel om die vrye beweging van sand, erosie en opbou daarvan te beperk.*
• *Aktiwiteit 19A - Die opvul of die deponering van enige materiaal van meer as 5 kubieke meter, die bagger, uitgrawing, verwydering of beweging van grond, sand, skulpe, skulpgruis, klippies of rotse van 5 kubieke meters van (i) die strand, (ii)littorale aktiewe sone, 'n getymond of 'n afstand van 100m binnelands van die hoogwater merk van die see of getymond, watter afstand is die grootste en of (iii) die see.*
Registrasie van Geïnteresseerde en Geaffekteerde Partye (GGP). Om te registreer as GGP, voorsien asb. naam, posadres, faks en e-pos en meld u verkose kommunikasie meganisme skriftelik aan die konsultante. Dui ook asseblief aan enige direkte sake, finansiële, persoonlike of ander belang in die goedkeur of afkeur van die aansoek.
Beskikbaarheid van die konsultasie Seksie 24G Aansoek en Kontrole verslag: Die verslag is vanaf 17 Januarie 2022 by die Lambertsbaai Openbare Biblioteek beskikbaar en of kan elektronies aangevra word by charlduplessis2@afrihost.co.za
Kommentaar en registrasie: 17 Januarie - 18 Februarie 2022

Sean Ranger
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Sean.ranger@gmail.com
3 Laborie St, Courtrai

NOTIFICATION OF SECTION 24G PUBLIC PARTICIPATION PROCESS
DEA&DP 14/2/4/1/F2/4/0037/21

Applicant: Ian Turner
Consultants: FOOTPRINT Environmental Services
Project location: Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Steenboksfontein Farm 92, Portion 19, in the Cederberg Municipality. The property is located just south of the coastal town of Lamberts Bay. The GPS coordinates at Muisbosskerm is 32° 08'01.64" S and 18° 18'20.31"E.
Project description: The Muisbosskerm is a large open-air restaurant / cooking shelter that is operational since 1988. In 2007 it was decided to discontinue agricultural activities at Malkoppan and to provide camping facilities. This has grown to the current extent where 100 campsites, ablution facilities, restaurant/reception area, accommodation and temporary "stalletjies" for the local monthly market are available.
Unlawful activities:
2009: GN No. R. 546 (Listing Notice 3 of 2010). Listed Activity 12, the clearance of an area of 300 square meters or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation and Listed Activity 13, the clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. GN No. R. 327 (Listing Notice 1 of 2014), Activity 27, the clearance of an area of 1 hectares or more of indigenous vegetation and Activity 17, development, - (v) if no development setback exists, within a distance of 100 meters inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of (e) infrastructure or structures with a development footprint of 50 square meters or more (both activities commenced in a phased approach from mid 2009).
2017: GN No. R. 327 (Listing Notice 1 of 2014), activity 18, the planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square meters, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion and Activity 19A, the infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic meters from the (i) the seashore;(ii) the littoral active zone, an estuary or a distance of 100 meters inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea.
Proposed Activities: The applicant illegally commenced with the above-mentioned activities between 2009 and 2019. The illegal commencement of the activities has resulted in non-compliance with Section 24 of the National Environmental Management Act (No107 of 1998)(NEMA) and therefore a "ex-post facto" authorisation process is required for the listed activities which have taken place.
Listed Activities for the "ex-post facto" authorisation process:
GN No. R. 327 of the EIA Regulation, 2014(as amended) and specifically for;
• *Activity 27 - The clearance of an area of 1ha or more, but less than 20 ha's of indigenous vegetation.*
• *Activity 17 - Development, (i) in the sea;(ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 meters inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments;(d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square meters or more.*
• *Activity 18 - The planting of vegetation or placing of any material of dunes or exposed sand surfaces of more than 10 square meters, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion.*
Activity 19A - The infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic meters from (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 meters inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea.
Registration as Interested and Affected Parties (I&AP): To register as a I&AP, please submit your name, postal address, contact details and the issues and comments you want to raise, disclosing any direct business, financial, personal and or other interest in the approval or refusal of the application.
Availability of the Consultation 24G Application and Checklist Report: The report will be available at the Lambert's Bay Public Library from the 17th January 2022 or an electronic version is obtainable from charlduplessis2@afrihost.co.za
Comment and Registration: 17th January - 18th February 2022

Charl du Plessis
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PO Box 454

www.footprintservices.co.za

Gemeenskapwerkers doen opruimingswerk

Berig: Annemarie Munnik
Foto: Verskaf

KLAWER: CWP werkers, van Thembalethu Development het Maandag, 10 Januarie met opruimingswerk in Klawer begin. Op Dinsdag het die twee CWP spanne rondom die SAPD en kliniek skoongemaak. Die werkers werk agt dae 'n maand en beplan om by die skole en die kerke ook op te ruim.

Angelique Harris, 'n voorman van een van die spanne noem dat hulle 4 Augustus 2017 begin het met die projek. Die kontrak word volgens Harris elke jaar einde September hernu.

Die werkers word per dag betaal. Harris noem dat dit nie veel is nie, maar hulle is bereid om te werk om kos op die tafel te bring. "Dit is vir my 'n groot voorreg om die omgewing skoon en netjies te hou," aldus Harris.

Thembalethu Development is in 2002 gestig as 'n nie-winsgewende maatskappy/nie-winsgewende organisasie, om 'n leidende rol te speel in 'n kollektiewe poging om die lewensomstandighede en lewensbestaan van myngemeenskappe te verbeter. Die hoofdoel van die organisasie was om ontwikkeling in landelike gemeenskappe te fasiliteer wat arbeid aan die mynbedryf verskaf.



Die span wat voor die kliniek skoongemaak het. Siela Pieters, Christina Mbekshuhe, Violet Martinus, Ange-lique Harris en Mietjie Boois.

LAER OLIFANTSRIVIER WATERGEBRUIKERSVERENIGING

BETREKKINGS
WATERBEHEERHULP X 3

Die hooffunksie van 'n Waterbeheerhulp (WBH) behels die oop- en toemaak van sluise op gegewe tye. Om diè funksie en ander gepaardgaande take te verrig word sodanige WBH van 'n fiets en toerusting voorsien waarmee 'n seksie gewerk moet word.

Om oorweeg te word vir die pos moet applikante aan die volgende vereistes voldoen.

Minimum vereistes:
Graad 8 (wiskunde as geslaagde vak sal voordelig wees, maar is nie 'n vereiste nie.)
Kode 08 bestuurslisensie.
Moet fisies gesond wees.
Sluitingsdatum: 21 Januarie 2022

Die vergoedingspakkette sluit in 'n mededingende salaris, verpligte pensioenfonds, opsionele persoonlike mediesefonds en 13de tjek.
Die Laer Olifantsrivier Watergebruikersvereniging (LORWGV) is 'n werkgewer wat gelyke geleenthede en regstellende aksie toepas.
CV's sal slegs deur pos, e-pos of faks aanvaar word. Geen persoonlike aflewerings nie (Weens Covid-19 getalle-beperkings).
Rig navrae en volledige aansoeke per Curriculum Vitae (CV) aan die Menslike Hulpbronne Bestuurder Mev. E Engelbrecht, LORWGV, Privaatsak X1, Vredendal, 8160 Tel. (027) 213 2043/4, Faks (027) 213 3519, E-pos: elitae@lorwua.co.za
Korrespondensie sal slegs met kortlys kandidate geskied. Alle ander applikante moet hul aansoeke as onsuksesvol aanvaar sou geen terugvoering binne 2 weke na sluiting van die pos ontvang word nie.

ATTACHMENT 4 :

BACKGROUND INFORMATION AND NOTIFICATION DOCUMENTS TO STAKEHOLDERS AND KEY ROLE-PLAYERS

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PO Box 454
Porterville 6810

10th January 2022

CapeNature
PO Box 26
Porterville
6810

Attention –Mr Ismat Adams

THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

NOTIFICATION OF NEMA SECTION 24G APPLICATION PROCESS

DEA&DP – 14/2/4/1/F2/4/0037/21

Notice is given of a Public Participation Process in terms of the Environmental Assessment Regulations, 2014 (as amended), promulgated under the National Environmental Management Act (NEMA), Act 107 of 1998. The applicant (Mr. Ian Turner), illegally commenced with listed activities between 2008 until 2019. The illegal commencement of the activities has resulted in non-compliance with Section 24 of the National Environmental Management Act (No107 of 1998)(NEMA) and therefore a *"ex-post facto"* authorisation process is required.

The Public Participation and commenting period will start on the **17th January 2022** for the prescribed 30 days and will end on the **18th February 2022.** An electronic copy of the Consultation Section 24G Application Report will be sent to you via a WeTransfer, on the **10th January 2022**. Please download the link and acknowledge receipt thereof at charlduplessis2@afrihost.co.za. Please also complete and submit POPIA consent form with your registration and comments form.

"*Ex-post facto*" authorisation is needed for the following listed activities:

Listed Activities for the "ex-post facto" authorisation process:
GN No. R. 327 of the EIA Regulation, 2017 and specifically for;

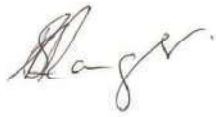
- Activity 27 - The clearance of an area of 1ha or more, but less than 20 ha's of indigenous vegetation.
- Activity 18 - The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion.
- Activity 19A - The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from— (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea.
- Activity 17 – Development— (i) in the sea; (ii) in an estuary;(iii) within the littoral active zone;(iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres or more.

Locality: The property, Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Steenboksfontein Farm 92, Portion 19, in the Cederberg Municipality. The property is located just south of the coastal town of Lamberts Bay. The GPS coordinates at Muisbosskerm is 32° 08'01.64" S and 18^0 18'20.31"E.

Applicant: Mr. Ian Turner

Environmental Assessment Practitioner: FOOTPRINT Environmental Services.

Regards.





K.S Ranger C.P du Plessis

KENNISGEWING VAN 'N ARTIKEL 24G PUBLIEKE DEELNAME PROSES

DOS&OB - 14/2/4/1/F2/4/0037/21

Aansoeker : Ian Turner

Konsultante: FOOTPRINT Environmental Services

Projek ligging: Die Muisbosskerm Restaurant en die Malkoppan toerisme fasiliteit is op Steenboksfontein Plaas 92, Gedeelte 19, in de Cederberg Munisipaliteiet geleë. Die eiendom is net suid van Lambertsbaai. Die GPS koördinate by Muisbosskerm is 32° 08'01.64" S en 18^0 18'20.31"O.

Projek beskrywing: Die Muisbosskerm is 'n groot buitelug restaurant / kookskerm wat reeds sedert 1988 operasioneel is. In 2007 is alle landbou aktiwiteite op Malkoppan gestaak en daar is besluit om voorsiening te maak vir 'n kampterrein. Die kampterrein het sedertdien gegroei tot die huidige uitleg waar daar 100 staanplekke, ablusiegeriewe, restaurant/ontvangsarea en tydelike stalletjies is wat maandeliks tydens plaaslike markdae gebruik word.

Onwettige aktiwiteite:

- **2009.** GK Nr. 546 (Gelyste Notering 3 van 2010), Gelyste Aktiwiteit 12, die skoonmaak van 'n area van 300 vierkante meter of meer van plantegroei waar 75% van die plantegroei bedekking inheemse plantegroei is en Gelyste Aktiwiteit 13, Die skoonmaak van 'n gebied van 1 hektaar of meer van plantegroei waar 75% of meer van die plantbedekking inheemse plantegroei is. GK Nr. R327 (Gelyste Notering 1 van 2014), Aktiwiteit 27, die skoonmaak van 'n area van 1 ha of meer natuurlike plantegroei asook Aktiwiteit 17 – Die ontwikkeling *(v)waar geen ontwikelings terugslag bestaan nie, binne 'n afstand van 100meter binnelands van die hoogwatermerk van die see of the getymonding, watter een die grootste is; in terme van die (e) infrastruktuur of strukture met 'n ontwikkelingsvoetspoor van 50 vierkante meter of meer* - (beide die aktiwiteite het plaasgevind oor 'n tyd vanaf middel 2009).

2017: GK Nr. R 327 (Gelyste Notering 1 van 2014), *Aktiwiteit 18* – Die plant van plantegroei of die plaas van enige materiaal op duine of blootgestelde sand opppervlaktes van meer as 10 vierkante meter, in die littorale aktiewe sone, vir die doel om die vrye beweging van sand, erosie en opbou daarvan te beperk asook *Aktiwiteit 19A* – Die opvul of die deponering van enige materiaal van meer as 5 kubieke meter, die bagger, uitgrawing, verwydering of beweging van grond, sand, skulpe, skulpgruis, klippies of rotse van 5 kubieke meters van (i) die strand, (ii)littorale aktiewe sone, 'n getymond of 'n afstand van 100m binnelands van die hoogwater merk van die see of getymond, watter afstand is die grootste en of (iii) die see.

Voorgestelde aktiwiteite: Die aansoeker het onwettig bogenoemde aktiwiteite tussen 2009 en 2019 onderneem. Dit het veroorsaak dat die aansoeker nie Artikel 24 van die Wet op Nasionale Omgewingsbestuur, (Nr. 107 van 1998), nagekom het nie en daarvoor is "*ex-post facto*" magtigings proses nodig vir die aktiwiteite wat reeds plaasgevind het.

Gelyste aktiwiteite vir die "ex-post facto" magtigings proses:

GK Nr. R 327 van die OIA Regulasies, 2014 (soos gewysig) en spesifiek vir;

- *Aktiwiteit 27* - Die skoonmaak van 'n area van 1 ha of meer maar minder as 20 ha van inheemse plantegroei.
- *Aktiwiteit 17 – Ontwikkeling, (i) in die see; (ii) in 'n vleiland; (iii) in die littorale aktiewe sone; (iv) voor 'n ontwikkeling terugslag; of (v)waar geen ontwikelings terugslag bestaan nie, binne 'n afstand van 100meter binnelands van die hoogwatermerk van die see of the getymonding, watter een die grootste is; in terme van die (a) oprig van drywende jettie of glybaan; (b) getypoel; (c) walle; (d) rots bekledings of stabiliserings walle; of (e) infrastruktuur of strukture met 'n ontwikkelingsvoetspoor van 50 vierkante meter of meer.*
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NOTIFICATION OF SECTION 24G PUBLIC PARTICIPATION PROCESS

DEA&DP – 14/2/4/1/F2/4/0037/21

Applicant: Ian Turner

Consultants: FOOTPRINT Environmental Services

Project location: Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Steenboksfontein Farm 92, Portion 19, in the Cederberg Municipality. The property is located just south of the coastal town of Lamberts Bay. The GPS coordinates at Muisbosskerm is 32° 08'01.64" S and 18^0 18'20.31"E.

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Unlawful activities:

2009: GN No. R. 546 (Listing Notice 3 of 2010). Listed Activity 12, The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation and Listed Activity 13, The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. GN No. R. 327 (Listing Notice 1 of 2014), Activity 27 - The clearance of an area of 1 hectares or more of indigenous vegetation and Activity 17 Development, - (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of (e) infrastructure or structures with a development footprint of 50 square metres or more (both activities commenced in a phased approach from mid 2009).

2017: GN No. R. 327 (Listing Notice 1 of 2014), activity 18, The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion and activity 19A The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from the (i) the seashore;(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea.

Proposed Activities: The applicant illegally commenced with the above-mentioned activities between 2009 and 2019. The illegal commencement of the activities has resulted in non-compliance with Section 24 of the National Environmental Management Act (No107 of 1998)(NEMA) and therefore a "ex-post facto" authorisation process is required for the listed activities which have taken place.

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Registrasie van Geïnteresseerde en Geaffekteerde Partye (GGP). Om te registreer as GGP, voorsien asb. naam, posadres, faks en e-pos en meld u verkose kommunikasie meganisme skriftelik aan die konsultante. Dui ook asseblief aan enige direkte sake- finansiële, persoonlike of ander belang in die goedkeur of afkeur van die aansoek.

Kommentaar en registrasie: 17 Januarie – 18 Februarie 2022

Registration as Interested and Affected Parties (I&AP): To register as a I&AP, please submit your name, postal address, contact details and the issues and comments you want to raise, disclosing any direct business, financial, personal and or other interest in the approval or refusal of the application.

Comment and Registration: 17th January - 18th February 2022

Sean Ranger

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Fax: 086 655 8060
sean.ranger1@gmail.com
3 Laborie St, Courtrai
South Paarl 7646

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

NOTIFICATION
DRAFT SECTION 24G CONSULTATION - APPLICATION AND CHECKLIST REPORT
THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

DEA&DP REFERENCE NUMBER: 14/2/4/1/F2/4/0037/21

KENNISGEWING
KONSEP KONSULTASIE SEKSIE 24G AANSOEK EN KONTROLE VERSLAG
DIE ONTWIKKELING VAN TOERISME AKKOMMODASIEFASILITEITE, VENUE, 'N MARKIE (MALKOPPAN) EN 'N PARKEER AREA BY RESTAURANT (MUISBOSSKERM) OP PLAAS 19/92, STEENBOKSFONTEIN, CLANWILLIAM
DOS:OB VERW. NR. 14/2/4/1/F2/4/0037/21

Indien u enige kommentaar het en wil registreer as 'n Geïnteresseerde en Geaffekteerde Party, voltooi asseblief die vorm en die POPIA Consent vorm en stuur terug aan ***FOOTPRINT Environmental Services voor of op 18 February 2022.***

Should you have any comments and/or would like to register as ad Interested and Affected Party ("I&AP"), please complete this form and the POPIA Consent Form and return to ***FOOTPRINT Environmental Services by the 18th February 2022.***

Kontakbesonderhede / Contact details:
Posbus / PO Box 454, Porterville, 6810; 086 6088304 (faks / fax); e-pos / e-mail charlduplessis2@afrihost.co.za

Titel en Naam (Title and Name)	
Adres (Address)	
Tel en Faks (Tel and Fax)	
Sel (Cell)	
E-pos (E-Mail)	

U KOMMENTAAR / YOUR COMMENTS

1. Die volgende kwessies moet aangespreek word in die verslag / The following issues should be addressed in the report.

2. Die volgende kommentaar word gelewer / The following comments are made.

3. Enige persoonlike, besigheid, finansiele of ander belange by die aansoek / Any personal, business, financial or other interests regarding this application.

DANKIE VIR U DEELNAME / THANK YOU FOR YOUR PARTICIPATION

Locality Map Malkoppan & Muisbosskerm

Malkoppan & Muisbosskerm
GPS Coordinates
181826.990 E
32086.464 S

Prevailing wind:
NW during winter
SE during summer

National Freeway; National Route		Nasionale Deurpad; Nasionale Roete
Arterial Route		Hoofverkeersroete
Main Road		Hoofpad
Secondary Road; Bench Mark		Sekondêre Pad; Hoogtemerk
Other Road; Bridge		Ander Pad; Brug
Track and Hiking Trail		Dowwe Pad en Voetslaanpad
Railway; Station or Siding		Spoorweg; Stasie of Sylyn
Other Railway; Tunnel		Ander Spoorweg; Tonnel
Embankment; Cutting		Opvulling; Deurgrawing
Power Line		Kraglyn
Built–up Area (High, Low Density)		Beboude Gebied (Hoë, Lae Digtheid)
Buildings; Ruin		Geboue; Murasie
Post Office; Police Station; Store	▪P ▪PS ▪W	Poskantoor; Polisiestasie; Winkel
Place of Worship; School; Hotel	▪K ▪S ▪H	Plek van Aanbidding; Skool; Hotel
Fence; Wall		Draadheining; Muur
Windpump; Monument		Windpomp; Monument
Communication Tower		Kommunikasietoring
Mine Dump; Excavation		Mynhoop; Uitgrawing
Trigonometrical Station; Marine Beacon		Peilbaken; Seevaartbaken
Lighthouse and Marine Light		Vuurtoring en Seevaartlig
Cemetery; Grave		Begraafplaas; Graf

International Boundary and Beacon		Internasionale Grens en Baken
Provincial Boundary		Provinsiale Grens
Protected Area		Bewarings Gebied
Perennial River		Standhoudende Rivier
Perennial Water		Standhoudende Water
Non–perennial River		Nie–standhoudende Rivier
Non–Perennial Water		Nie–standhoudende Water
Dry Water Course		Droë Loop
Dry Pan		Droë Pan
Marsh and Vlei		Moeras en Vlei
Pipeline (above ground)	P	Pyplyn (bo die grond)
Water Tower; Reservoir; Water Point	▪WT ▪R ▪F	Watertoring; Reservoir; Waterpunt
Coastal Rocks		Kuslynrotse
Prominent Rock Outcrop		Prominente Klipbank
Erosion; Sand		Erosie; Sand
Woodland		Beboste Gebied
Cultivated Land		Bewerkte Land
Orchard or Vineyard		Boord of Wingerd
Recreation Ground	Rec	Ontspanningsterrein
Row of Trees		Rye Bome

0 2,5 5 10 15 20 Kilometers

N W E S

Sean Ranger

Cell: 083 294 8776
Fax: 086 655 8060
sean.ranger1@gmail.com
3 Laborie St, Courtrai
South Paarl 7646

www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

This consent form must be completed when submitting a completed Registration form as an Interested and Affected Party (charlduplessis2@afrihost.co.za).

Consent to Provide Personal Information in terms of POPIA

Cederberg Conservation Services (FES), 24 Wes Street, Porterville (the responsible party)

And

_____

(Name and Surname/Company name –please insert)

1. Why?

As a company that provides a service, we need to gather certain information in terms of the Public Participation Process as required by the National Environmental Management Act, 1998 (Act 107 of 1998) specifically the requirements set out in Regulation 41 of the EIA Regulations, 2014 (as amended)

1.1 In order for FES to register you as an Interested and Affected Party, we need your permission in terms of the POPIA (Act 4 of 2013) to process, store and share your personal information.

1.2 Cedarberg Conservation Services (FES) will be responsible in the handling and management of your personal information.

1.3 This information will only be used for the purpose for which it was collected i.e. to fulfil the Public Participation Process as required by the National Environmental Management Act, 1998 (Act 107 of 1998)and will include but will not be restricted to.

- *Personal contact details*
- *Property information and details*
- *Personal viewpoints and comments in terms of this specific development proposal*
- *Personal, business, financial or other interests regarding this proposed development*

2. How?

2.1 We will obtain information from the general public (Interested and Affected Party) when receiving their completed Interested and Affected Party registration form.

3. What?

3.1 From time to time, we will collect and update information which includes, but will not be limited to:

- *Personal contact details*
- *Property information and details*
- *Personal viewpoints and comments in terms of this specific development proposal*
- *Personal, business, financial or other interests regarding this proposed development*

4. Your Rights

You have a right not to share the information as set out above. However in some instances this will be a legislative requirement.

You also have the right to correct your information or to request us to delete the information, unless the law states that we must hold the information. You have a right to revoke this consent. If you would like to contact us in relation to your information, please send an email to charlduplessis2@afrihost.co.za

5. Complaints

You have the right to lodge a complaint to the Information Regulator at: complaints.IR@justice.gov.za or alternatively search for the contact details on the internet.

6. General

Security measures are in place to ensure that your information is handled with the necessary confidentiality. Your privacy is important to FES and we respect the fact that you trust us to keep your information safe and confidential at all times.

However it should be noted, that this information will become public knowledge as all development applications and associated reports must be made available for comments to all key-stakeholders, Government Departments and Registered Interested and Affected Parties during the application and assessment process. In this instance FES has no control over the use of your personal information by an unauthorised party who may act to the contrary of the purpose for which the information was gathered by FES.

7. Declaration

I, _____ (insert personal name or company name if company), hereby provide consent to FES (the Responsible Party) to obtain my information and use it for the purpose for which it was collected, as described in Section 1.3 above.

Signature _____

Name _____ Date _____

ATTACHMENT 5:

PROOF OF NOTIFICATIONS SENT VIA MAIL AND WE-TRANSFER

Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:27
To: che@mylan.co.za
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf; Muisbosskerm and Malkoppan_Notification_Albanie.pdf

Dear Interested and Affected Party

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:24
To: groendam@mylan.co.za
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_Groendam.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

Dear Interested and Affected Party

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Please do contact me if you need more clarity and information.

Kind regards.

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PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:29
To: 'Danie Claassen (Group Office)'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_Malkkoppan and Muisboskerm.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

Dear Interested and Affected Party

I hope this mail finds you well.

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We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

www.footprintservices.co.za

Charl du Plessis

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Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:31
To: 'Ziyaad Allie'
Cc: 'Charl du Plessis'; 'Sean Ranger'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf; Muisbosskerm and Malkoppan_Notification_Rectification.pdf

Dear Interested and Affected Party

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

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Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:42
To: 'Danne Joubert'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf; Muisbosskerm and Malkoppan_Notification_CBM.pdf

Dear Interested and Affected Party

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We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

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www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
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PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:35
To: 'Laurin Wilson'; 'DEADP.EIAAdmin@westerncape.gov.za.'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_DEA_DP.pdf; Section 24G Consultation Application and Checklist Report_Malkoppan and Muisbosskerm_Jan 2022 _compressed.pdf

Dear Laurin

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:42
To: 'Doretha Kotze'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_WCDM.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

Dear Doretha

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:43
To: williamf@cederbergraad.co.za
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_CBMWC.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

Dear Interested and Affected Party

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Please do contact me if you need more clarity and information.

Kind regards.

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Cell: 079 172 4340
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e-mail: charlduplessis2@afrihost.co.za
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Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:44
To: 'Murovhi Mashudu Justice (BVL)'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf; Muisbosskerm and Malkoppan_Notification_DWS.pdf

Dear Interested and Affected Party

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We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

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e-mail: charlduplessis2@afrihost.co.za
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Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:46
To: 'Ismat Adams'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_CapeNature.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

Dear Ismat

I hope this mail finds you well.

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An electronic copy of the Report will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 15:47
To: 'Waseefa Dhansay'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf; Muisbosskerm and Malkoppan_Notification_HWC.pdf

Dear Waseefa

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 16:27
To: danie@octoplace.co.za
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_Grootvlei.pdf; Muisbosskerm and Malkoppan_Notification_Grootvlei.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

Dear Interested and Affected Party

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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 16:34
To: 'Rahab Maboa'; 'Lutendo Netshilema'
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf; Muisbosskerm and Malkoppan_Notification_DALRRD.pdf

Dear Rahab and Lutendo

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the Report will be delivered to your offices later this week – please confirm that you are back at the offices.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
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Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
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Porterville 6810

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Charl du Plessis

From: Lutendo Netshilema [LutendoN@Dalrrd.gov.za]
Sent: 11 January 2022 11:33
To: Charl du Plessis; Rahab Maboa
Subject: Re: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

Good day

This office hereby acknowledge receipt of the above matter.

Kind Regards

From: Charl du Plessis <charlduplessis2@afrihost.co.za>
Sent: Monday, 10 January 2022 16:33:53
To: Rahab Maboa; Lutendo Netshilema
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

EXTERNAL EMAIL: This email originated outside of "DALRRD Environment". CAUTION: Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Rahab and Lutendo

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

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We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

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www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
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Porterville 6810



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Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 17 January 2022 10:22
To: OCEIA@dffe.gov.za
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: Muisbosskerm and Malkoppan_Notification_DFFE.pdf; Background Information Document_January 2022.pdf; FES_General Consent to Provide Personal Information in terms of POPIA_Jan 2022.pdf; Malkoppan_kommentaar en Registrasie.pdf

The Director

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
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Charl du Plessis

From: WeTransfer [noreply@wetransfer.com]
Sent: 17 January 2022 10:30
To: charlduplessis2@afrihost.co.za
Subject: Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21) sent successfully to oceia@dffe.gov.za



Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21) has been sent oceia@dffe.gov.za

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Recipients

oceia@dffe.gov.za

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1 item

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Charl du Plessis

From: WeTransfer [noreply@wetransfer.com]
Sent: 13 January 2022 07:59
To: charlduplessis2@afrihost.co.za
Subject: Section 24G Consultation Application and Checklist Report_Malkoppan and Muisbosskerm_Jan 2022_compressed.pdf sent successfully to natasha.bieding@westerncape.gov.za



Section 24G Consultation Application and Checklist Report_Malkoppan and Muisbosskerm_Jan 2022_compressed.pdf has been sent natasha.bieding@westerncape.gov.za

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Sent: 10 January 2022 16:57
To: charlduplessis2@afrihost.co.za
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21) sent successfully to danie.claassen@sanlam.co.za



Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21) has been sent danie.claassen@sanlam.co.za

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danie.claassen@sanlam.co.za

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1 item

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and Muisbosskerm_Jan 2022_compressed.pdf
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Message

Dear Interested and Affected Party

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From: WeTransfer [noreply@wetransfer.com]
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To: charlduplessis2@afrihost.co.za
Subject: Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21) sent successfully to dkotze@wcdm.co.za and 9 others



Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21) has been sent dkotze@wcdm.co.za and 9 others

1 item, 28 MB in total • Expires on 17 January, 2022

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Recipients

dkotze@wcdm.co.za dannej@cederbergmun.gov.za
murovhim@dws.gov.za waseefa.dhansay@westerncape.gov.za
iadams@capenature.co.za williamf@cederbergraad.co.za
ziyaad.allie@westerncape.gov.za groendam@mylan.co.za
che@mylan.co.za danie@octoplace.co.za

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1 item

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Message

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ATTACHMENT 6:

WORDING OF THE SITE NOTIFICATION BOARDS

KENNISGEWING VAN 'N ARTIKEL 24G PUBLIEKE DEELNAME PROSES

DOS&OB - 14/2/4/1/F2/4/0037/21

Aansoeker : Ian Turner

Konsultante: FOOTPRINT Environmental Services

Projek ligging: Die Muisbosskerm Restaurant en die Malkoppan toerisme fasiliteit is op Steenboksfontein Plaas 92, Gedeelte 19, in die Cederberg Munisipaliteit geleë. Die eiendom is net suid van Lambertsbaai. Die GPS koördinate by Muisbosskerm is 32° 08'01.64" S en 18^0 18'20.31"O.

Projek beskrywing: Die Muisbosskerm is 'n groot buitelug restaurant / kookskerm wat reeds sedert 1988 operasioneel is. In 2007 is alle landbou aktiwiteite op Malkoppan gestaak en daar is besluit om voorsiening te maak vir 'n kampterrein. Die kampterrein het sedertdien gegroei tot die huidige uitleg waar daar 100 staanplekke, ablusiegeriewe, restaurant/ontvangsarea en tydelike stalletjies beskikbaar is.

Onwettige aktiwiteite:

- **2009.** GK Nr. 546 (Gelyste Notering 3 van 2010), Gelyste Aktiwiteit 12, die skoonmaak van 'n area van 300 vierkante meter of meer van plantegroei waar 75% van die plantegroei bedekking inheemse plantegroei is en Gelyste Aktiwiteit 13, die skoonmaak van 'n gebied van 1 hektaar of meer van plantegroei waar 75% of meer van die plantbedekking inheemse plantegroei is. GK Nr. R327 (Gelyste Notering 1 van 2014), Aktiwiteit 27, die skoonmaak van 'n area van 1 ha of meer natuurlike plantegroei asook Aktiwiteit 17, die ontwikkeling (v) waar geen ontwikkelings terugslag bestaan nie, binne 'n afstand van 100meter binnelands van die hoogwatermerk van die see of getymonding, watter een die grootste is; in terme van die (e) infrastruktuur of strukture met 'n ontwikkelingsvoetspoor van 50 vierkante meter of meer - (beide die aktiwiteite het plaasgevind oor 'n tyd vanaf middel 2009).

2017: GK Nr. R 327 (Gelyste Notering 1 van 2014), *Aktiwiteit 18* – Die plant van plantegroei of die plaas van enige materiaal op duine of blootgestelde sand opppervlaktes van meer as 10 vierkante meter, in die littorale aktiewe sone, vir die doel om die vrye beweging van sand, erosie en opbou daarvan te beperk asook *Aktiwiteit 19A* – Die opvul of die deponering van enige materiaal van meer as 5 kubieke meter, die bagger, uitgrawing, verwydering of beweging van grond, sand, skulpe, skulpgruis, klippies of rotse van 5 kubieke meters van (i) die strand, (ii)littorale aktiewe sone, 'n getymond of 'n afstand van 100m binnelands van die hoogwater merk van die see of getymond, watter afstand is die grootste en of (iii) die see.

Voorgestelde aktiwiteite: Die aansoeker het onwettig bogenoemde aktiwiteite tussen 2009 en 2019 onderneem. Dit het veroorsaak dat die aansoeker nie Artikel 24 van die Wet op Nasionale Omgewingsbestuur, (Nr. 107 van 1998), nagekom het nie en daarvoor is "*ex-post facto*" magtigings proses nodig vir die aktiwiteite wat reeds plaasgevind het.

Gelyste aktiwiteite vir die "ex-post facto" magtigings proses:

GK Nr. R 327 van die OIA Regulasies, 2014 (soos gewysig) en spesifiek vir;

- *Aktiwiteit 27* - Die skoonmaak van 'n area van 1 ha of meer maar minder as 20 ha van inheemse plantegroei.
- *Aktiwiteit 17* – Ontwikkeling, (i) in die see; (ii) in 'n vleiland; (iii) in die littorale aktiewe sone; (iv) voor 'n ontwikkeling terugslag; of (v)waar geen ontwikelings terugslag bestaan nie, binne 'n afstand van 100meter binnelands van die hoogwatermerk van die see of the getymonding, watter een die grootste is; in terme van die (a) oprig van drywende jettie of glybaan; (b) getypoel; (c) walle; (d) rots bekledings of stabiliserings walle; of (e) infrastruktuur of strukture met 'n ontwikkelingsvoetspoor van 50 vierkante meter of meer.
- *Aktiwiteit 18* – Die plant van plantegroei of die plaas van enige materiaal op duine of blootgestelde sand opppervlaktes van meer as 10 vierkante meter, in die littorale aktiewe sone, vir die doel om die vrye beweging van sand, erosie en opbou daarvan te beperk.
- *Aktiwiteit 19A* – Die opvul of die deponering van enige materiaal van meer as 5 kubieke meter, die bagger, uitgrawing, verwydering of beweging van grond, sand, skulpe, skulpgruis, klippies of rotse van 5 kubieke meters van (i) die strand, (ii)littorale aktiewe sone, 'n getymond of 'n afstand van 100m binnelands van die hoogwater merk van die see of getymond, watter afstand is die grootste en of (iii) die see.

NOTIFICATION OF SECTION 24G PUBLIC PARTICIPATION PROCESS

DEA&DP – 14/2/4/1/F2/4/0037/21

Applicant: Ian Turner

Consultants: FOOTPRINT Environmental Services

Project location: Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Steenboksfontein Farm 92, Portion 19, in the Cederberg Municipality. The property is located south of the coastal town of Lamberts Bay. The GPS coordinates at Muisbosskerm is 32° 08'01.64" S and 18^0 18'20.31"E.

Project description: The Muisbosskerm is a large open-air restaurant / cooking shelter that is operational since 1988. In 2007 it was decided to discontinue agricultural activities at Malkoppan and to provide camping facilities, this has grown to 100 campsites, ablution facilities, restaurant/reception area, accommodation and temporary "stalletjies" for the local monthly market are available.

Unlawful activities:

2009: GN No. R. 546 (Listing Notice 3 of 2010). Listed Activity 12, The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation and Listed Activity 13, The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. GN No. R. 327 (Listing Notice 1 of 2014), Activity 27 - The clearance of an area of 1 hectares or more of indigenous vegetation and Activity 17 Development, - (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of (e) infrastructure or structures with a development footprint of 50 square metres or more (both activities commenced in a phased approach from mid 2009).

2017: GN No. R. 327 (Listing Notice 1 of 2014), activity 18, The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion and activity 19A The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from the (i) the seashore;(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea.

Proposed Activities: The applicant illegally commenced with the above-mentioned activities between 2009 and 2019. The illegal commencement of the activities has resulted in non-compliance with Section 24 of the National Environmental Management Act (No107 of 1998)(NEMA) and therefore a "ex-post facto" authorisation process is required for the listed activities which have taken place.

Listed Activities for the "ex-post facto" authorisation process:

*G*N No. R. 327 of the EIA Regulation, 2014(as amended) and specifically for;

- *Activity 27 - The clearance of an area of 1ha or more, but less than 20 ha's of indigenous vegetation.*
- *Activity 17* - Development, (i) in the sea;(ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of— (a) fixed or floating jetties and slipways;(b) tidal pools; (c) embankments;(d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres or more.
- *Activity 18* - The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion.
- *Activity 19A* - The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from— (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea.

Registrasie van Geïnteresseerde en Geaffekteerde Partye (GGP). Om te registreer as GGP, voorsien asb. naam, posadres, faks en e-pos en meld u verkose kommunikasie meganisme skriftelik aan die konsultante. Dui ook asseblief aan enige direkte sake- finansiële, persoonlike of ander belang in die goedkeur of afkeur van die aansoek.

Beskikbaarheid van die konsultasie Seksie 24G Aansoek en Kontrole verslag: Die verslag is vanaf 17 Januarie 2022 by die Lambertsbaai Openbare Biblioteek beskikbaar en of kan elektronies aangevra word by charlduplessis2@afrihost.co.za

Kommentaar en registrasie: 17 Januarie – 18 Februarie 2022

Registration as Interested and Affected Parties (I&AP): To register as a I&AP, please submit your name, postal address, contact details and the issues and comments you want to raise, disclosing any direct business, financial, personal and or other interest in the approval or refusal of the application.

Availability of the Consultation 24G Application and Checklist Report: The report will be available at the Lambert's Bay Public Library from the 17th January 2022 or an electronic version is obtainable from charlduplessis2@afrihost.co.za

Comment and Registration: 17th January - 18th February 2022

Sean Ranger

Cell: 083 294 8776
Fax: 086 655 8060
sean.rangerl@gmail.com
3 Laborie St, Courtrai
South Paarl 7646

FOOTPRINT Environmental Services

www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

ATTACHMENT 7:

COMMENTS RECEIVED FROM REGISTERED INTERESTED AND AFFECTED PARTIES

Our Ref: HM/WEST COAST/ CEDERBERG/LAMBERTS BAY/ PTN 19 OF FARM 92
Case No.: 21102606SB1026E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

Jenna Lavin
jenna.lavin@ctsheritage.com

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: UNLAWFUL DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A RESTAURANT (MUISBOSSKERM), LAMBERTS BAY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21102606SB1026E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Impact Assessment Committee (IACom) held on 8 December 2021.

You are hereby notified that, since there is reason to believe that the Unlawful Development of Tourism Accommodation Facilities, Venue, Market Place(Malkoppan) and a Restaurant (Muisbosskerm), Lamberts Bay, will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a) ***): Provided that the following must be included:***

(a) The identification and mapping of all heritage resources in the area affected;
(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;
(c) an assessment of the impact of the development on such heritage resources;
(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
(f) if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and
(g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

(Our emphasis)
This HIA must in addition have specific reference to the following:

- The Committee requires a Heritage Impact Assessment which assesses impact of the illegal work on heritage resources and recommends possible mitigation measures to be undertaken

Our Ref: HM/WEST COAST/ CEDERBERG/LAMBERTS BAY/ PTN 19 OF FARM 92
Case No.: 21102606SB1026E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Jenna Lavin
jenna.lavin@ctsheritage.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link http://www.hwc.org.za/node/293

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

HWC reserves the right to request additional information as required.
Should you have any further queries, please contact the official above and quote the case number.

.....
Colette M Scheermeyer
Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

21 Dec 2021

NOTIFICATION
DRAFT SECTION 24G CONSULTATION - APPLICATION AND CHECKLIST REPORT
THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

DEA&DP REFERENCE NUMBER: 14/2/4/1/F2/4/0037/21

KENNISGEWING
KONSEP KONSULTASIE SEKSIE 24G AANSOEK EN KONTROLE VERSLAG
DIE ONTWIKKELING VAN TOERISME AKKOMMODASIEFASILITEITE, VENUE, 'N MARKIE (MALKOPPAN) EN 'N PARKEER AREA BY RESTAURANT (MUISBOSSKERM) OP PLAAS 19/92, STEENBOKSFONTEIN, CLANWILLIAM
DOS:OB VERW. NR. 14/2/4/1/F2/4/0037/21

Indien u enige kommentaar het en wil registreer as 'n Geïnteresseerde en Geaffekteerde Party, voltooi asseblief die vorm en die POPIA toestemming vorm en stuur terug aan ***FOOTPRINT Environmental Services voor of op 18 February 2022.***

Should you have any comments and/or would like to register as ad Interested and Affected Party ("I&AP"), please complete this form and the POPIA Consent Form and return to ***FOOTPRINT Environmental Services by the 18th February 2022.***

Kontakbesonderhede / Contact details:
Posbus / PO Box 454, Porterville, 6810; 086 6088304 (feks / fax); e-pos / e-mail charlduplessis2@afrihost.co.za

Titel en Naam (Title and Name)	Ms Danné Joubert
Adres (Address)	2A voortrekker street, clanwilliam 8135
Tel en Faks (Tel and Fax)	027 482 8000
Sel (Cell)	072 463 6623
E-pos (E-Mail)	danne@cederbergmun.gov.za

U KOMMENTAAR / YOUR COMMENTS

1. Die volgende kwessies moet aangespreek word in die verslag / The following issues should be addressed in the report.

2. Die volgende kommentaar word gelewer / The following comments are made.

please include Marius wheeler from Cape Nature; mwheeler@capenature.co.za

3. Enige persoonlike, besigheid, finansiele of ander belange by die aansoek / Any personal, business, financial or other interests regarding this application.

DANKIE VIR U DEELNAME / THANK YOU FOR YOUR PARTICIPATION

Sean Ranger

Cell: 083 294 8776
Fax: 086 655 8060
sean.rangerl@gmail.com
3 Laborie St, Courtrai
South Paarl 7646

www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

This consent form must be completed when submitting a completed Registration form as an Interested and Affected Party (charlduplessis2@afrihost.co.za).

Consent to Provide Personal Information in terms of POPIA

Cederberg Conservation Services (FES), 24 Wes Street, Porterville (the responsible party)

And

Danné Joubert ; Cederberg Municipality

(Name and Surname/Company name –please insert)

1. Why?

As a company that provides a service, we need to gather certain information in terms of the Public Participation Process as required by the National Environmental Management Act, 1998 (Act 107 of 1998) specifically the requirements set out in Regulation 41 of the EIA Regulations, 2014 (as amended)

1.1 In order for FES to register you as an Interested and Affected Party, we need your permission in terms of the POPIA (Act 4 of 2013) to process, store and share your personal information.

1.2 Cedarberg Conservation Services (FES) will be responsible in the handling and management of your personal information.

1.3 This information will only be used for the purpose for which it was collected i.e. to fulfil the Public Participation Process as required by the National Environmental Management Act, 1998 (Act 107 of 1998)and will include but will not be restricted to.

- *Personal contact details*
- *Property information and details*
- *Personal viewpoints and comments in terms of this specific development proposal*
- *Personal, business, financial or other interests regarding this proposed development*

2. How?

2.1 We will obtain information from the general public (Interested and Affected Party) when receiving their completed Interested and Affected Party registration form.

3. What?

3.1 From time to time, we will collect and update information which includes, but will not be limited to:

- *Personal contact details*
- *Property information and details*
- *Personal viewpoints and comments in terms of this specific development proposal*
- *Personal, business, financial or other interests regarding this proposed development*

4. Your Rights

You have a right not to share the information as set out above. However in some instances this will be a legislative requirement.

You also have the right to correct your information or to request us to delete the information, unless the law states that we must hold the information. You have a right to revoke this consent. If you would like to contact us in relation to your information, please send an email to charlduplessis2@afrihost.co.za

5. Complaints

You have the right to lodge a complaint to the Information Regulator at: complaints.IR@justice.gov.za or alternatively search for the contact details on the internet.

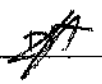
6. General

Security measures are in place to ensure that your information is handled with the necessary confidentiality. Your privacy is important to FES and we respect the fact that you trust us to keep your information safe and confidential at all times.

However it should be noted, that this information will become public knowledge as all development applications and associated reports must be made available for comments to all key-stakeholders, Government Departments and Registered Interested and Affected Parties during the application and assessment process. In this instance FES has no control over the use of your personal information by an unauthorised party who may act to the contrary of the purpose for which the information was gathered by FES.

7. Declaration

I, Danné Joubert (insert personal name or company name if company), hereby provide consent to FES (the Responsible Party) to obtain my information and use it for the purpose for which it was collected, as described in Section 1.3 above.

Signature 

Name Danné Joubert Date 19/01/2022

NOTIFICATION
DRAFT SECTION 24G CONSULTATION - APPLICATION AND CHECKLIST REPORT
THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

DEA&DP REFERENCE NUMBER: 14/2/4/1/F2/4/0037/21

KENNISGEWING
KONSEP KONSULTASIE SEKSIE 24G AANSOEK EN KONTROLE VERSLAG
DIE ONTWIKKELING VAN TOERISME AKKOMMODASIEFASILITEITE, VENUE, 'N MARKIE (MALKOPPAN) EN 'N PARKEER AREA BY RESTAURANT (MUISBOSSKERM) OP PLAAS 19/92, STEENBOKSFONTEIN, CLANWILLIAM
DOSSIER VERW. NR. 14/2/4/1/F2/4/0037/21

Indien u enige kommentaar het en wil registreer as 'n Geïnteresseerde en Geaffekteerde Party, voltooi asseblief die vorm en die POPIA toestemming vorm en stuur terug aan ***FOOTPRINT Environmental Services voor of op 18 February 2022.***

Should you have any comments and/or would like to register as ad Interested and Affected Party ("I&AP"), please complete this form and the POPIA Consent Form and return to ***FOOTPRINT Environmental Services by the 18th February 2022.***

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Titel en Naam (Title and Name)	Ms Danné Joubert
Adres (Address)	2A voortrekker street, Clanwilliam 8135
Tel en Faks (Tel and Fax)	027 482 8000
Sel (Cell)	072 449 6623
E-pos (E-Mail)	danne@cederbergmun.gov.za

U KOMMENTAAR / YOUR COMMENTS

1. Die volgende kwessies moet aangespreek word in die verslag / The following issues should be addressed in the report.

No driving should be allowed in any coastal area next to Muisbosskerm North or South. the gates must be removed and replaced with full fencing to prevent illegal driving access to coastal property, dunes and beaches.

2. Die volgende kommentaar word gelewer / The following comments are made.

The sewage system for both Muisbosskerm and Malkoppan must be a closed system with the use of conservancy tanks that should be pumped by the municipality when full. No seepage of any sewage into the environment may be allowed on any circumstance.

3. Enige persoonlike, besigheid, finansiële of ander belange by die aansoek / Any personal, business, financial or other interests regarding this application.

N/A

DANKIE VIR U DEELNAME / THANK YOU FOR YOUR PARTICIPATION

Danné Joubert 21/01/2022

Western Cape Government

Department of Environmental Affairs and Development Planning
Natasha Bieding
Directorate: Development Management, Region 1
Natasha.Bieding@westerncape.gov.za | Tel: 021 483 5833

REFERENCE: 16/3/3/6/F2/4/2003/22
DATE: **10 February 2022**

The Manager
Footprint Environmental Services
P. O. Box 454
PORTERVILLE
6810

Attention: Mr. Sean Ranger

Cell.: 083 294 8776
E-mail: Sean.ranger1@gmail.com

Dear Sir

COMMENT ON THE DRAFT SECTION 24G APPLICATION REPORT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE DEVELOPMENT OF TOURISM ACCOMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON PORTION 12 OF FARM 92, STEENBOKSFONTEIN, CLANWILLIAM.

1. Your correspondence (referenced: 14/2/4/1/F2/4/0037/21), the Section 24G Application Report and the associated information, including the Environmental Management Programme ("EMPr"), as received by this Directorate *via* electronic mail on 10 January 2022, refers.

2. Having considered the information contained in the aforementioned reports, this Directorate hereby provides the following comments:

2.1 Comments on the Section 24G Application Report

2.1.1 It is mentioned on page 15 of the abovementioned report that the balance of the property including the old potato irrigation circles will be left to regenerate naturally and be managed as a conservation area. It is therefore recommended that further details regarding the specific measures to ensure the conservation of the specific areas are provided, including information on how such interventions will be implemented and the relevant role-players required. Comments must be obtained from CapeNature in this regard.

2.1.2 It appears that the development further comprises components that are yet to be constructed or implemented. These include the proposed pump stations, sewage treatment facilities, composting area and eco-tourism facilities. Should any of the proposed components triggers additional activities listed in terms of the Environmental Impact Assessment ("EIA") Regulations (as amended), then authorisation must also be obtained via the Section 24G process for these activities and the impacts associated with the additional components must be adequately assessed.

2.1.3 According to the records available, the original development commenced in 2009. It must therefore be illustrated and confirmed whether any activities listed in terms of the EIA Regulations, 2006 were unlawfully commenced with. Should this be the case, then the Competent Authority must be duly informed so that the appropriate way forward, including the rectification for the said activities is also obtained.

2.1.4 It is recommended that any further Section 24G Application Reports also illustrates how the development is consistent with the Guideline on resort developments in the Western Cape dated December 2005.

2.1.5 On page 45 of the Section 24G Application Report, it is stated that to prevent impacts on sensitive areas utilised by guests it may be required that no-go areas be designated. As such, any designated no-go areas should be spatially illustrated on the site layout plan. The site layout plan must be included in the amended Section 24G Application Report.

2.1.6 It is further recommended that all the relevant mitigation measures proposed throughout the Section 24G Application Report and associated reports be included in the final EMPr that will be submitted to the competent authority.

2.1.7 The applicant must be reminded to provide all proof of having conducted the Public Participation Process in terms of Regulation 41 (2) of the EIA Regulations, 2014 (as amended) as well as the approved Public Participation Plan.

2.2 Comment on the Specialist Botanical Report

2.2.1 The applicant is reminded that all specialist studies which relate to a specific environmental theme for which a Protocol is prescribed, (including the Specialist Botanical Report dated 6 November 2021) must meet the requirements of the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020), which came into effect on 9 May 2020.

2.3 Comment on the Screening Tool Report and Site Sensitivity Verification Report

2.3.1 It is noted that the Screening Tool Report dated 20 September 2021 outlines both the site sensitivities as well as the required specialist studies were provided.

2.3.2 It was further noted that a Site Sensitivity Verification Report (undated) was provided that details which of the specialist studies as per the abovementioned Screening Tool Report will or will not be conducted. However, the Site Sensitivity Verification Report does not provide any information on whether the site sensitivities, as detailed in the Screening Tool Report are either disputed or agreed to, including the reasons thereto. For example, the Agriculture theme sensitivity is indicated as Very High in the Screening Tool Report, but the Site Sensitivity Verification Report does not dispute this rating and the need to compile an Agricultural Specialist Assessment relating to the transformation of agricultural land.

This Directorate therefore recommends that this information be provided in an updated Site Sensitivity Verification Report. You are further reminded that in instances where an environmental theme has a rating of low (for example the Aquatic biodiversity theme and Agriculture theme), the requirements must be met in terms of the Protocols, and a Compliance Statement will be required.

2.3 Comment on the EMPr

2.4.1 While section 18 of the EMPr details aspects pertaining to 'monitoring and evaluation', the following information in terms of Appendix 4 of the EIA Regulations, 2014 (as amended) are also required:

2.4.1.1 Section 1 (1)(g) - the method of monitoring the implementation of the impact management actions;
2.4.1.2 Section 1 (1)(h) - the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f);
2.4.1.3 Section 1 (1)(j) - the time periods within which the impact management actions contemplated in paragraph (f) must be implemented;
2.4.1.4 Section 1(1) (k) - the mechanism for monitoring compliance with the impact management actions;

2.4.2 Please be reminded that it is the responsibility of the applicant/Environmental Assessment Practitioner ("EAP") to ensure that the EMPr complies with Appendix 4 of the EIA Regulations, 2014 (as amended).

2.4.3 It is advised that all recommendations obtained during the Public Participation Process from the relevant commenting authorities be included in the EMPr.

3. Kindly quote the abovementioned reference number in any future correspondence in respect of the development proposal.

4. This Directorate reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

Taryn Dreyer

Digitally signed by Taryn Dreyer
Date: 2022.02.10 15:32:14 +02'00'

pp _____

HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Ms. Z. Toefy (Department of Environmental Affairs and Development Planning) E-mail: Zaidah.Toefy@westerncape.gov.za
(2) Mr. Z. Allie (Department of Environmental Affairs and Development Planning) E-mail: Ziyaad.Allie@westerncape.gov.za
(3) Ms. F. Zingitwa-Lwana (Department of Environmental Affairs and Development Planning) E-mail: Fundiswa.Zingitwa-Lwana@westerncape.gov.za
(4) Mr. I. Turner (Mafutha Trust) E-mail: info@muisbosskerm.co.za
(5) Ms. D. Joubert (Cederberg Municipality) E-mail: dannej@cederbergmun.gov.za

Charl du Plessis

From: Doretha Kotze [dkotze@wcdm.co.za]
Sent: 14 February 2022 15:18
To: Charl du Plessis
Cc: WCDM Correspondence
Subject: WCDM comment: S24G APPLICATION, FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)
Attachments: IMG-20220214-WA0037.jpg; IMG-20220214-WA0036.jpg; IMG-20220214-WA0035.jpg; IMG-20220214-WA0034.jpg

Verw: 13/2/12/4/1

Meneer

1. Ek verwys na u kennisgewing gedateer 10 Januarie 2022 en die inligting daarby aangeheg.

2. Die Omgewingsbestuursafdeling van hierdie munisipaliteit beveel aan dat die volgende kwessies daadwerklik aangespreek word in die verslag:

   2.1 **Die bekamping en voorkoming dat ORV's "Off Road Vehicles" voertuie vanaf die Muisbosskerm Restaurant en Malkoppan toerismefasiliteit die kusgebied/duine betree**. Tans is daar twee hekke by die Muisbosskerm Restaurant (1 noord en 1 suid) wat toegang gee aan besoekers tot die restaurant om ook die kusgebied per voertuig te kan betree. Geweldig baie klagtes word hieroor ontvang. Die ORV Regulasies verbied die ry van enige voertuig in die kusgebied, tot en met 500m vanaf die hoogwatermerk.

   2.2 **Die bestuur en hantering van riool by die toiletgeriewe van die Muisbosskerm Restaurant en Malkoppan toerismefasiliteit moet daadwerklik uiteengesit word**, aangesien dit 'n moontlike bron van mariene en omgewingsbesoedeling in die kusgebied is.

   2.3 Dit word aanbeveel dat die parkeerterrein by die Muisbosskerm omhein word en dat die hekke (noord en suid) van die Muisbosskerm, wat tans onwettige voertuigtoegang binne 500 m van die hoogwatermerk verleen, verwyder word. Sien die foto's hierby aangeheg.

Onderstaande fotos wat skade aandui in die kusgebied/duine as gevolg van ORV voertuie wat onwettige toegang verkry vanaf Muisbosskerm Restaurant en Malkoppan toerismefasiliteit, veral oor vakansies en naweke.





3. Die Afdeling Omgewingsgesondheid het die volgende kommentaar op die ontwikkeling en verslag:

   3.1 Water vir menslike gebruik moet voldoen aan die bepalings van SANS 241/2011.

   3.2 Goedkeuring moet vanaf die plaaslike munisipaliteit verkry word vir die voorgestelde suiweringsaanleg.

   3.3 Die berging en wegdoen van vaste afval moenie oorlaste tot gevolg hê. Meer detail oor die wegdoen van vaste afval moet in die verslag verskaf word.

   3.4 Akkommodasie-fasiliteite moet voldoen aan Hoofstuk 4 (Weskus Distriksmunisipaliteit se Verordening op Munisipale Gesondheid van 9 September 2008) en aansoek om ‘n geskiktheidsertifikaat vir ‘n voedselperseel moet aan die Afdeling Omgewingsgesondheid gerig moet.

4. Die nodige goedkeurings moet vanaf Cederberg Munisipaliteit verkry word in terme van die Munisipale Verordening op Grondgebruikbeplanning. Dit word aanbeveel dat die huidige omgewingsassesseringsproses (NEMA S24G) en die grondgebruikaansoek gelyklopend hanteer word om enige vereistes en/of voorwaardes van die plaaslike owerheid aan te spreek en in te sluit.

Groete

D o r e t h a K o t z e
Stads- en Streekbeplanner/Town and Regional Planner
Weskus Distriksmunisipaliteit
Langstraat 58 Long Street
Posbus 242 PO Box
MOORREESBURG 7310
Tel: 022 433 8523
West Coast District Municipality

From: Charl du Plessis [mailto:charlduplessis2@afrihost.co.za]
Sent: 10 January 2022 03:42 PM
To: Doretha Kotze
Cc: 'Charl du Plessis'
Subject: Notification : Draft Section 24G Consultation Application and Checklist Report_ FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

Dear Doretha

I hope this mail finds you well.

Please find attached the notification of a Public participation process for the Draft Section 24G Consultation Application and Checklist Report : THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM. (DEA&DP Ref No: 14/2/4/1/F2/4/0037/21)

An electronic copy of the will be submitted to you via a WeTransfer link. Please download the link and acknowledge receipt therefore at charlduplessis2@afrihost.co.za.

We are looking forward to your response and comments provided within the set timeframe.

Please do contact me if you need more clarity and information.

Kind regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

Charl du Plessis
Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Enquiries: T Mbambo **Tel**: 074 083 6174 Ref: **EDMS - 214650**

Footprint Environmental Services
Att: Mr. Charl du Plessis/ Sean Ranger
PO Box 49
Lamberts Bay
8130

Tel: *027 432 1017/ 079 172 4340*
Email: charlduplessis@afrihost.co.za/ info@muisbossakerm.co.za

Dear Mr. Charl, du Plessis

SUBJECT: COMMENTS ON THE SECTION 24G CONSULTATION APPLICATION AND CHECKLIST REPORT FOR THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKETPLACE (MALKOPPAN), AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

The Department of Forestry, Fisheries, and the Environment (DFFE) Oceans & Coasts (O&C) Branch appreciates the opportunity granted to comment on the Section 24G Consultation Application and Checklist Report for the Development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) And A Parking Area at A Restaurant (Muisbosskerm) On-Farm 19/92, Steenboksfontein, Clanwilliam. This Branch has provided recommendations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) **("ICM Act**").

1. The Branch O&C has the mandate to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and the economic, social, and aesthetic value of the coastal zone are maintained to ensure that people, properties, and economic activities are protected against the impacts of dynamic coastal processes.

2. Guided by the principles of integrated coastal management, this Branch continues to strive for environmental sustainability and socially justified sharing of benefits derived from a resource-rich coastal area without compromising the ability of future generations to access those benefits.

3. The competent authority should note that this Branch concurs with the findings of the Compliance Notice in Terms of Section 31L of the National Environmental Management Act, 107 Of 1998
   Ref 14/1/1/E1/10/3/3/0612/19 as dated 29/09/2020.

4. Based on practical knowledge and experience in the application of environmental legislation, observations gathered during the site inspection that was conducted on 11 February 2022, the assessment of the impacts associated with these structures and their placement on coastal public property, this Branch concludes that it is **in support** of the proposal for the competent authority to grant environmental authorisation the following unlawful structures:

   - **Existing Muisbosskerm Restaurant facility and associated infrastructure constructed within the original Farm 19/92 footprint.**
   - **Existing Sewerage and wastewater treatment - this includes the existing ablution facilities at the main camp, the perdestalle, a portion of the recreational and the Muisbosskerm.**
   - **The proposed new treatment facility**
   - **Existing gravel parking area**

5. The Malkoppan tourism facility comprised of the 60 individual camping sites, temporary “stalletjies”, the Fisherman accommodation facility, and Recreational Building did not form part of this assessment as activities are not situated within the HWM.

Branch O&C Decision: Request to Retain All the Unlawful Structures Constructed on The Coastal Zone Is **Not Supported** and further recommends for their demolition/removal and the area to be rehabilitated to its original state:

5.1 Expansion of the Muisbosskerm footprint

5.1.1 The report identifies that the historic Muisbosskerm is located within the beachhead dune field, which is littoral active, within 10 meters of the high-water mark. It further specifies that the new parking areas are covered with gravel to make them accessible to two-wheel drive vehicles.

5.1.2 The proposal to retain the existing parking areas is Supported. Expansion of the Muisbosskerm outside the existing disturbed footprint is not supported.

5.1.3 It is recommended that existing historically operational roads be continually used to gain access to the site and to prevent additional impact on natural vegetation.

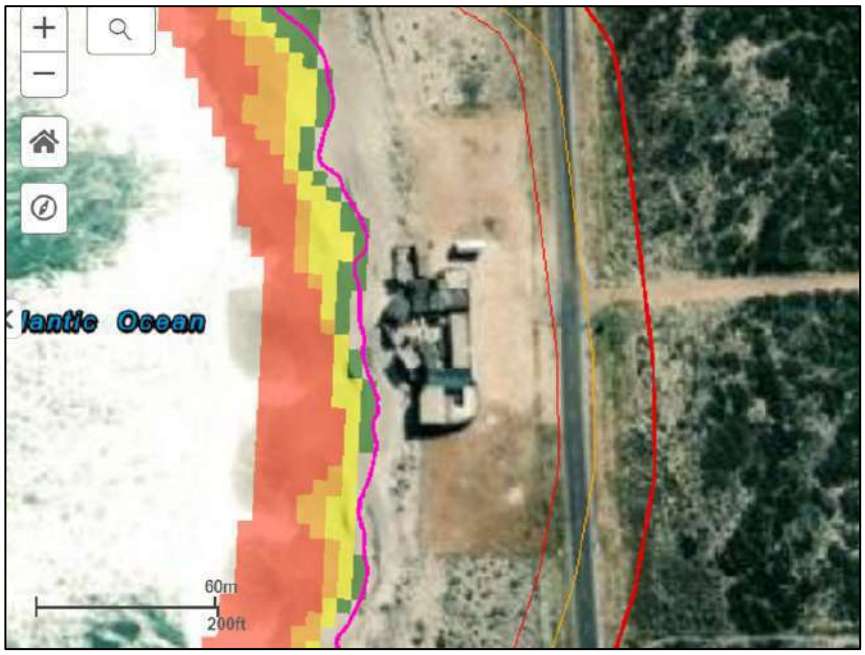
5.2 Expansion of the parking area and the seating area extending into the sea-wooden chairs and table, roof structure, refuse bins situated on this portion NOT SUPPORTED

5.2.1 The site inspection conducted in Portion 19 of Farm 92, Steenboksfontein (Muisbosskerm), Malkoppan, Lamberts Bay, it was confirmed that the historic Muisbosskerm is located within the beachhead dune field, which is littoral active, within 10 meters of the high-water mark situated in the littoral active zone and lies approximately 10m from the HWM of the sea.



5.2.2 The compliance notice further confirms that the applicant has commenced with the placing of material on dunes and/or exposed sand surfaces of more than 10 square meters, within the littoral

active zone, and depositing of material of more than 5 cubic meters within 100m of the high-water mark.



Coastal Climate Change Vulnerability Assessment

Western Cape

Coastal Flood Risk

- very low
- low
- moderate
- high
- very high

Gazetted Boundaries

Coastal Management Lines

Western Cape (Draft)

West Coast DM

CML Draft

High Risk (1 in 20yr)

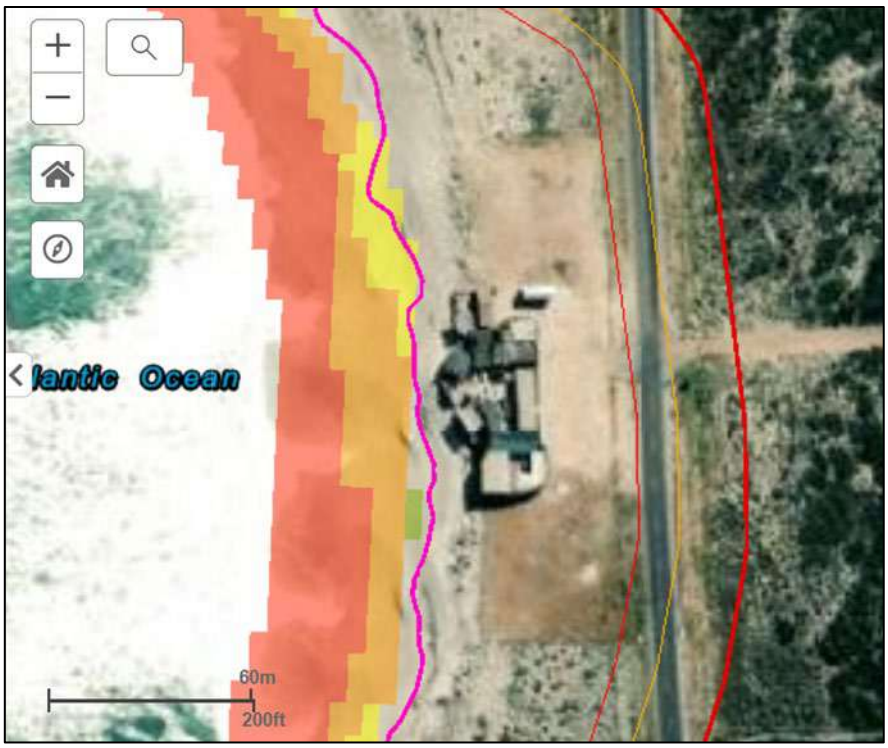
Medium Risk (1 in 50yr)

Low Risk (1 in 100yr)

High Water Mark (1 in 10yr)

Coastal flood risk: The image indicates that area beyond the high-water mark (purple line) is at low to very low ***short-term*** coastal flooding risk, the area where the structures are located. This can be viewed as short term flooding risk.

West Coast DM Coastal management lines: The thick red line is the coastal management line, and it has been demarcated beyond the road infrastructure between the Farm 19/92 and the structures on the coastal management area, since this area is vulnerable to ***long term*** flooding risk. The dark yellow line is indicative of the medium flooding risk (1 in 50-year flood line) and the thin red line is indicative of the high flooding risk (1 in 100-year flood line)



Coastal short term erosion risk: The image indicates that the area beyond the high-water mark is at risk of moderate coastal short-term erosion, especially north of the structures on the coastal public property.

Coastal Climate Change Vulnerability Assessment

Western Cape

Coastal Short term Erosion Risk

- very low
- low
- moderate
- high
- very high



This site is generally at low risk of coastal short- and long-term erosion, with only the area north of the structures being at moderate risk of coastal erosion. The area also seems to be at low to no risk of short-term flooding but is at medium to high risk of long-term flooding and this was determined during the delineation of the draft coastal management lines. While flooding risks are low in the short term, an argument can be made for of the movement and the inundation of the high-water mark within the period of 10 years on to the structures. “As mean sea level rise (MSLR) accelerates, it will become increasingly necessary and useful to distinguish coastal “flooding” from “inundation.” The growing number of coastal MSLR vulnerability assessments makes it clear that confused usage is abundant. We propose that the term “flooding” be used when dry areas become wet temporarily—either periodically or episodically—and that “inundation” be used to denote the process of a dry area being permanently drowned or submerged” Flick, et al. (2012: 365) *.

5.2.3 The above images and coastal vulnerability assessment makes it clear that the structures all that have been placed in proximity to the high-water mark, within the littoral active zone will potentially be impacted by salt-laden winds, moist air, and high swells and at risk of dynamic coastal processes. In terms of the climate vulnerability index, this site is classified within medium to high flood risk and long-term erosion risk parameters. This potentially places this site at risk of climate change impacts that brings about sea-level rise, storm surges, and spring tides which lead to erosion and encroachment of the HWM onto land.

5.2.4 The expansion of Muisbosskerm beyond the existing footprint is not supported. All activities should be restricted to the already disturbed footprint.

5.2.5 It is recommended that the **seating area extending into the sea, which is inclusive of wooden chairs and table, roof structure, refuse bins situated on this portion** be demolished, and the affected areas are rehabilitated to their original state.

5.2.6 As an alternative, this Branch proposes that the applicant explore alternatives to the wooden-like permanent seating area to the temporary options. In this alternative, this Branch would endorse the proposal to:

- **retain the wooden rods used as roof structure and the wooden chairs removed and replaced with temporary chairs that could easily be removed to mitigate climate impacts.**
- **retaining ablution rooms situated on the eastern portion of the property**
- **retain shipwreck and constructed retaining wall to protect the property.**

5.3 **Braai area, braai utensils, and associated infrastructure (blue refuse bin, black containers) situated on the eastern portion is NOT SUPPORTED.**

5.3.1 The site inspection confirmed that the wooden braai area has been constructed on coastal public property, within 20m of the high-water mark, within 10m of the littoral active zone on a sandy beach. Under Section 7A of the ICMA, coastal public property is established to improve access to the seashore to protect sensitive coastal ecosystems and protect people, property, and economic activities from risks arising from dynamic coastal processes. The braai area is located very close to the HWM. As a result, this area is at risk of dynamic coastal processes and being washed away

ashore during high tide. This also places a safety risk as well as presents a visual intrusion. This braai area and associated infrastructure should be removed, and the area is rehabilitated to its original state.

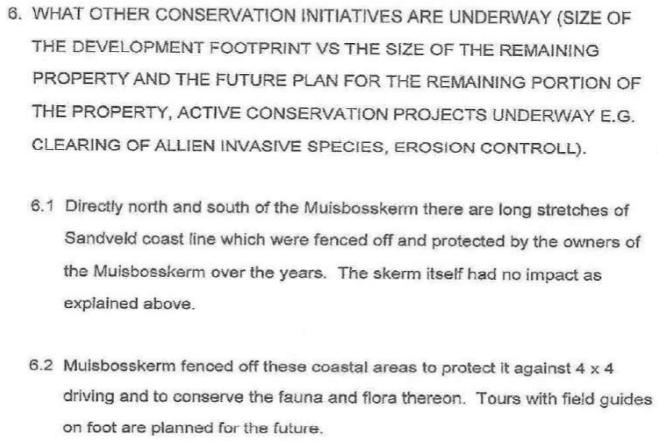
5.3.2 All braai activities should be limited to the restaurant/farm footprint and not extend into the coastal area.

6. Conditions and Recommendations:

6.1 Page 35 of the checklist application specifies that Farm 19/92, is zoned Agriculture 1. According to the City of Cape Town Municipal By-Law, 2015, the primary uses which are permissible uses under this zoning category are agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station. Taking this into account, the use of the property as an eco-tourism & hospitality facility will require a rezoning and consent use application.

6.2 The applicant should ensure that they obtain the necessary land use approvals to ensure that this development is compliant and in line with development regulations, norms, and standards.

6.3 Points 6.1 and 6.2 of the Representation Letter for Muisbosskerm state that "*directly north and south of Muisbosskerm are long stretches of coastline which were fenced off and protected by owners against 4x4 driving and to conserve the fauna and flora thereon".*



6. WHAT OTHER CONSERVATION INITIATIVES ARE UNDERWAY (SIZE OF THE DEVELOPMENT FOOTPRINT VS THE SIZE OF THE REMAINING PROPERTY AND THE FUTURE PLAN FOR THE REMAINING PORTION OF THE PROPERTY, ACTIVE CONSERVATION PROJECTS UNDERWAY E.G. CLEARING OF ALLIEN INVASIVE SPECIES, EROSION CONTROLL).

6.1 Directly north and south of the Muisbosskerm there are long stretches of Sandveld coast line which were fenced off and protected by the owners of the Muisbosskerm over the years. The skerm itself had no impact as explained above.

6.2 Muisbosskerm fenced off these coastal areas to protect it against 4 x 4 driving and to conserve the fauna and flora thereon. Tours with field guides on foot are planned for the future.

6.4 The applicant should note that Section 11(1) of the Integrated Coastal Management states that the ownership of coastal public property vests in the citizens of the Republic and coastal public property

must be held in trust by the State on behalf of the citizens of the Republic. Section 12 further prescribes that the State, in its capacity as the public trustee of all coastal public property must ensure that public property is used, managed, protected, conserved, and enhanced in the interests of the whole community and takes whatever reasonable legislative and other measures it considers necessary to conserve and protect coastal public property.

6.5 This Branch does not endorse the fencing off/restriction or prohibition of coastal access for personal or private use. The applicant should ensure that all structures constructed to fence off/ restrict or prohibit access on coastal public property are removed and the affected areas rehabilitated to their original state.

6.6 Considering that tours with field guides are proposed for future use, the applicant is encouraged to engage with this department on the application process and requirements for Off-Road Vehicle Driving via email to ORV permit ORVPermitting@environment.gov.za. The ORV Off-Road Vehicle Regulations regulates driving within the coastal zone and ensures that development is undertaken in an environmentally friendly and sustainable manner.

6.7 Page 36 of the report specifies that the development is located near Bird Island. Bird Island is part of the group of four islands (Bird, Stag, Seal, and Black Rocks Island) and is an important breeding place for marine bird species it supports the largest breeding colony of Cape gannets in the world (over 160 000 birds) and other birds such as African Penguins and rare Roseate Terns. While the checklist report reports on this, it does not provide an approximate distance from Bird Island to the Muisebosskerm. To mitigate any potential impacts to these conservation areas, the applicant is urged to ensure that no activities with the potential to result in disturbance to the bird population are permitted on site.

6.8 Regular monitoring of the site, waste management in the form of refuse collection, clean-ups, and monitoring of erosion should be conducted to guarantee that the development keeps within the approved footprint and ensure minimal disturbance outside demarcated areas by visitors and tourists.

6.9 The report specifies that “bare soil areas such as those within the area used for the monthly community market and the areas more recently developed for camping have been covered with netting to provide some protection of the denuded surface from wind erosion”. The report further

elucidates that the netting does reduce erosion to a certain extent but is not adequate to prevent accelerated erosion from wind. Further development or development proposals in these areas cannot be supported. The applicant is encouraged to explore more conservative and ecologically sustainable approaches to address the issue of erosion.

7. Specific Conditions to be included in the Final EMP

7.1 Practically implementable mitigation measures should be applied to ensure that impact significance remains manageable and that there are no fatal flaws in terms of impacts that may occur to important biodiversity and cultural & heritage values on site. The conditions of the EMPr should be provided and made available for comment to ensure that this aspect is explicitly addressed.

7.2 No structure should be placed on coastal public property or within the littoral active zone.

7.3 All rubble and waste material should be removed from the site.

7.4 The applicant must consider, adhere to, and implement the relevant section of the National "ICM Act" applicable to this project. To avoid any disruption, we recommend that no activities with the potential to restrict/prohibit the public to enjoy the coast should be scheduled to take place during peak season when demolishing, removing the unlawful constructed structures, and rehabilitating the area to its natural state.

7.5 Only work necessary that will enable the applicant to demolish and remove the unlawful constructed structures and rehabilitate the area to its original state must be allowed and undertaken and no camping site should be planned and established within the CPP.

7.6 Due to the demand for public safety, failure by the applicant to demolish and remove the constructed structures and rehabilitate the area to reinstate it to its original state before the structures were unlawfully constructed within the coastal area, we recommend that the competent authority gives power to the Local Municipality to issue a notice instructing the applicant to undertake the works within a specific period.

7.7 The Local Municipality should also be given permission to reserves the rights to proceed with the demolishing and removal of the constructed structures and recover the costs from the applicant

should the applicant fail to comply" and recommend for this condition to form part of the EA conditions to be adhered to and implemented.

7.8 An Environmental Management Plan should be drawn which explicitly details the procedure and methods to be applied for the demolition and removal of the unlawful structures and rehabilitation of the area to the reinstated to its original state. Also, potential impacts associated, and appropriate mitigation measures to be identified to be implemented and adhered to.

7.9 Section 58 of the ICM Act read together with section 28 of NEMA which states that "Every person who causes, has caused or may cause an adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such adverse effect on the coastal environment" by taking into consideration and implementing recommendations provided in this comments document will ensure the coastal zone is protected, preserved and managed.

7.10 Kindly note that the activity may not commence before an environmental authorization is granted by the CA. It is an offense in terms of section 49A "NEMA" for a person to commence with a listed activity unless the CA has granted an environmental authorization for the undertaking of the activity. A person convicted of an offense in terms of the above is liable to a fine not exceeding 10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

Kindly note that the Department reserves the right to revise its comments and request further information based on any additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via **OCEIA@dffe.gov.za / or Physical Address: Department of Environment Affairs (DEA), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.**

Yours Sincerely



ACTING DIRECTOR: COASTAL CONSERVATION STRATEGIES

DATE: 15/02/2022

agriculture, land reform
& rural development
Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

Directorate: Land and Soil Management

Private Bag x 2, Sanlamhof, 7532,
17 Strand Street, Bellville, 7530
Tel: 021 944 1413/1424 **Fax:** 021 944 1427 **e-mail:** LutendoN@dalrrd.gov.za
Enquiries: Lutendo Netshilema **Date:** 07/02/2022

Cornerstone Environmental Consultants

P O Box 12606

Die Boord

Stellenbosch

7613

DEA&DP – 14/2/4/1/F2/4/0037/21

RE: COMMENTS ON NOTIFICATION OF NEMA SECTION 24G APPLICATION PROCESS ON THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM; WESTERN CAPE PROVINCE.

Department of Agriculture, Land Reform and Rural Development; Directorate: Land and Soil Management administer and implement the Conservation of Agricultural Resources Act, (CARA) 43 of 1983). The Act is regarded as one of the principal Acts governing the protection of agricultural and other natural resources. The main aim of the Act is to control the utilization of natural agricultural resources to ensure the conservation of soil, water and vegetation, as well as the combating of alien and invasive plants. According to Section 1 of the Act, conservation of natural agricultural resources includes the protection, restoration as well as the reclamation thereof.

The objectives of CARA are to provide for the conservation of the natural agricultural resources through maintaining the production potential of the land, combating and prevention of erosion, preventing the weakening or destruction of the water resources, protecting the vegetation and combating weeds and invader plants.

Project activity: Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on the farm Steenboksfontein no 92, Portion 19 in the Cederberg Municipality, Clanwilliam. The total extent of the property is 139, 0331 ha's. Consultation with the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site were as follows: Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue with farming (in 2007) and shift the focus to tourism accommodation with a resultant NEMA SECTION 24G APPLICATION S24GAF/04/2018 15 reduction in the impacted footprint overall and the use of less water. The first accommodation that was rented was the existing unused cottage on the property which began in 2003. Some campsites were let from 2008. In 2009 the ablution facilities were completed and following this, in 2015 the recreational building (reception and restaurant) was completed. In this year too a monthly local community market was initiated. The development footprint as indicated in the appendices is now complete and will not be extended any further. The balance of the property including the old potato irrigation circles will be left to regenerate naturally and be managed as a conservation area, with some game.

Historical development of the site as seen off sequential GOOGLE Earth Imagery: The development footprint appears to remain unaltered between 1985 and 2009. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced. At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 ha's of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009, by September of that year the ablution facilities are well advance and the next available image from 2012 shows then as they are today. The footprint of the development remains unaltered thereafter until September of 2009. The next image from Feb 2016 shows and expansion on the footprint by clearing of additional natural vegetation over an extent of approx. 2 ha's. By this time the reception, restaurant facility had been erected. An additional expansion of the footprint occurs in 2019

when an additional 0.22 ha's of natural vegetation is cleared. This is followed by a further expansion of 0.53 ha's of natural vegetation being cleared by March of 2019 which is the current footprint of the facility. The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 ha's of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 Ha's cleared to the south east of the facility, this footprint is further expanded by February 2019 by approx. 0.057 ha's. The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approx. 4.89 ha's.

The developments have been already been undertaken and therefore avoidance and minimization are not possible. **You therefore required complying with the following requirements.**

- Ensure that erosion controls as outlined in the EMPr are implemented and maintained continuously. Regular monitoring of the site for signs of sheet and gulley erosion would be the most effective mitigatory measure.
- According to Regulation 4, sub-regulation 1 (a) "Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of water":
  (a) A suitable soil conservation work shall be constructed and thereafter be maintained in order to divert run-off water from other land or to restrict the run-off speed of run-off water."
- According to Regulation 5, sub-regulation 1 (a) (j) "Every land user shall by means of as many of the following measures as are necessary in his situation, protect the cultivated land on his farm unit effectively against excessive soil loss as a result of erosion through the action of wind":
  (a) The land concerned shall be cultivated in accordance with such method or be laid out in such manner that the surface movement of soil particles through the action of wind is restricted.
  (j) A suitable soil conservation work shall be constructed and thereafter be maintained in order to restrict the surface movement of soil particles through the action of wind."
- It is stated in the report that the site has listed invasive alien plant species present i.e. Manatoka. Invasive alien Mannatokka trees should be monitored and removed should they establish in the natural areas on Malkoppan Gasteplaas as they can cause damage

to the surrounding natural vegetation. According to Conservation of Agricultural Resources Act, (Act 43 of 1983) , Regulation 15E methods of controlling alien plants are as follow:

- Uprooting; felling; cutting or burning
- Treatment with a weed killer that is registered for use in connection with such plants in accordance with the directions for the use of such
- Biological control carried out in accordance with the stipulations of the Agricultural Pests Act,(Act no 36 of 1983)

Combination of one or more methods mentioned above, and any action taken to control alien plants shall be executed with caution and in a manner that will cause least possible damage to the environment.

The Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours sincerely

pp. EXECUTIVE OFFICER: Act No 43 OF 1983
Director: Land and Soil Management

CONSERVATION OPERATIONS: LANDSCAPE WEST

Postal	PO Box 26, Porterville, 6810
Physical	72 Voortrekker Street, Porterville, 6810
Website	www.capenature.co.za
Enquiries	Ismat Adams
Telephone	Main +27 87 087 3188
Email	iadams@capenature.co.za
Reference	**SSD14/2/6/1/8/2/_ S24G_Tourism facilities – Malkoppan_ Parking area - Muisbosskerm**
Date	17 February 2022

FOOTPRINT Environmental Services
PO Box 454
Porterville
6810

Via email: Sean.ranger1@gmail.com

Attention: Mr Sean Ranger

Dear Mr Ranger

RE: SECTION 24G APPLICATION - DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM

DEA&DP Ref: 14/2/4/1/F2/4/0037/21

CapeNature would like to thank you for the opportunity to comment on this application. Our comments are as follows.

1. It is understood that this application regards the development of parking areas at the restaurant Muisbosskerm, and the development of tourism facilities at the area known as Malkoppan Gasteplaas. The development entailed the clearing of indigenous vegetation both at Muisbosskerm and Malkoppan. Part of the site at Malkoppan had previously been used for potato farming, which had become inviable and resulted in the decision to develop tourism facilities. Both Muisbosskerm and Malkoppan developments took place in CBA area mapped as such due mainly to coastal protection (including dunes) and threatened vegetation type. The vegetation type that occurs at Malkoppan is vulnerable Lamberts Bay Strandveld. The vegetation type that occurs at Muisbosskerm is least threatened Cape Seashore Vegetation. A botanical assessment of the developments at Muisbosskerm and Malkoppan found species of conservation concern that would have been directly impacted by development.

2. In section 12 of the S24G report, "unsure" has been indicated regarding Coastal Protection Zone, and whether the developments fall within the high, medium, or low risk zones. Note that regarding this, and as per DEA&DP coastal risk information layers, that the Muisbosskerm parking areas are in front of the mapped coastal management lines, within the littoral active zone, in front of the 20-year flood hazard line and is within a general risk zone. The Malkoppan development is within the coastal protection zone.

3. Considering the abovementioned in 2. in context of section 63(1) of NEM:ICMA – the already approved Muisbosskerm restaurant is already not consistent with section 17 of NEM:ICMA. Considering that the restaurant already exists and is authorised and considering the size and nature of developed parking areas, the parking areas may remain but no further development

The Western Cape Nature Conservation Board trading as **CapeNature**
Board Members: Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

expanding the footprint of the restaurant should be authorised. The littoral active zone, as alluded to in the botanical assessment, will still largely maintain its natural function.

The Malkoppan development is less aligned with section 17 of NEM:ICMA as the ecological integrity of the area at a local scale has been eroded by the development due to clearing of sensitive vegetation and likely species of conservation concern. The impact that has occurred because of the development is irreversible. Considering that the impacted area is within the coastal protection zone, has impacted CBA, a vulnerable ecosystem and threatened species, the Malkoppan development would fall into the moderate significance threshold as per the provincial offset guidelines. The damage done at the Malkoppan site should be compensated with an offset.

4. Section 9.1.3 of the botanical assessment states,

   All four species of Conservation Concern (SOCC) that occurs within the study area occur outside the study area in the development on Muisbosskerm and Malkoppan Gasteplaas would have had an insignificant impact on these species.

   It is uncertain whether the impact on the population was insignificant, it could be said with more certainty that SCC have been affected by the development, based on the current distribution and presence of SCC.

5. It is unclear how the impact significance regarding loss of vegetation at Muisbosskerm and Malkoppan is medium, then moves to medium-low with mitigation of no further development. The impact significance should remain medium as the mitigation is for the current development to maintain the current footprint.

6. The S24G report states,

   Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.

   It is unclear why grey water is being used to water natural veld. There is concern that this practice affects the natural water regime of the veld.

7. The conclusions of the site sensitivity verification report regarding botanical, faunal, aquatic and terrestrial biodiversity sensitivities are accepted.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,



Ismat Adams
Land-Use Scientist: Landscape West

For:

Marius Wheeler
Conservation Intelligence Manager: Landscape West

Western Cape Government

Cor Van Der Walt
LandUse Management
Email: LandUse.Elsenburg@elsenburg.com
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/1/1/302
YOUR REFERENCE : -
DEA&DP REFERENCE : 14/2/4/1/F2/4/0037/21
ENQUIRIES : Cor van der Walt/Kyle Solomons

Footprint Environmental Services
PO Box 454
PORTERVILLE
6810

Att: Sean Ranger

SECTION 24G CONSULTATION APPLICATION AND CHECKLIST REPORT
THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE AND A PARKING AREA AT A RESTAURANT: DIVISION CLANWILLIAM
PORTION 19 OF THE FARM NO 92

The S24G report dated January 2022 has reference.

Footprint Environmental Services was appointed by Mr. Ian Turner to undertake a Section 24G: rectification application. The existing unlawful development comprises of tourist accommodation facilities, venue, market place, restaurant and parking area on Portion 19 of Farm Steenboksfontein No. 92.

In principle the Western Cape Department of Agriculture: Land Use Management (WCDoA: LUM) has no objection to the development on condition that:

I. The development is permissible in terms of the Municipal zoning scheme regulations.
II. No agricultural/irrigation water should be transferred for any use other than agricultural activities.
III. Approval in terms of Environmental Authorisation (EA) and Municipal Planning is acquired.
IV. The foot print of the development should be limited to the current layout in order to minimize the impact on agricultural lands.
V. The campsite footprint should not encroach on cultivated or previously cultivated land.

Please note:

- That this is comment to the relevant deciding authorities in terms of the Conservation of Agricultural Resources Act no. 43 of 1983.

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt
LANDUSE MANAGER: LANDUSE MANAGEMENT
2022-03-22

Copies:
Department of Environmental Affairs & Development Planning
1 Dorp Street
Cape Town
8000

Cederberg Municipality
Private Bag X2
Clanwilliam
8135

ATTACHMENT 8:

FES CORRESPONDENCE TO OCEANS AND COASTS, WEST COAST DISTRICT MUNICIPALITY AND THE CEDERBERG MUNICIPALITY IN ORDER TO RESOLVE CONFLICTING COMMENTS

Charl du Plessis

From: Charl du Plessis [charlduplessis2@afrihost.co.za]
Sent: 23 February 2022 06:50
To: TMbambo@dffe.gov.za; 'Doretha Kotze'; 'Danne Joubert'
Cc: 'Sean Ranger'; 'Charl du Plessis'
Subject: Conflicting comments received for Acces to the Coast - Muisbosskerm
Attachments: Muisbosskerm and Malkoppan_Conflicting comments received.pdf

Good Morning Thandeka, Doretha and Danne

I hope this mail finds you all well.

Please find attached a letter regarding conflicting comments received and our perception of the management implications of each of those comments received.

We do need further assistance to clarify which of the recommendations / requirements should be included in the Applications & Checklist Report and the EMPr for implementation during the operational phase, keeping in mind the management implication as noted in this letter.

Kind Regards.

FOOTPRINT Environmental Services
www.footprintservices.co.za

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e-mail: charlduplessis2@afrihost.co.za
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Porterville 6810

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Sean Ranger
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Porterville 6810

23rd February 2022

Attention:

Danne Joubert (Cederberg Municipality)
Doretha Kotze (West Coast District Municipality)
T Mbambo (Department of Forestry, Fisheries and Environment – Ocean and Coast)

CONFLICTING COMMENTS RECEIVED FROM THE WEST COAST DISTRICT MUNICIPALITY, BRANCH OCEAN TO COAST AND THE CEDERBERG MUNICIPALITY REGARDING ACCESS TO THE COAST IN TERMS OF THE EXISTING INFRASTRUCTURE AT MUISBOSSKERM (GATES AND FENCED-OFF PARKING AREA). (DEA&DP Ref No – 14/2/4/1/F2/4/0037/21)

We have received the following comments from these three (3) key stakeholders, and request the department, district and local authority to discuss which recommendation would be a suitable intervention in this regard i.e. please clarify which of these comments and recommendations should be included in the EMPr for implementation.

Below please find our independent EAP's opinion on the management implications for each of the comments / recommendations that were received.

These comments were:

Institution	Comment and recommendation	Management implication
Cederberg Municipality	The gates must be removed and replaced with full fencing to prevent illegal driving access to coastal property, dues and beaches.	No controlled access possible via the gate for Marine Inspectors and no access for maintenance staff / contractors for the desalination plant of the Cederberg Municipality.
West Coast District Municipality	**Die bekamping en voorkoming dat ORV's "Off Road Vehicles" voertuie vanaf die Muisbosskerm Restaurant en Malkoppan toerismefasiliteit die kusgebied/duine betree**. Tans is daar twee hekke by die Muisbosskerm Restaurant (1 noord en 1 suid) wat toegang gee aan besoekers tot die restaurant om ook die kusgebied per voertuig te kan betree. Geweldig baie klagtes word hieroor ontvang. Die ORV Regulasies verbied die ry van enige voertuig in die kusgebied, tot en met 500m vanaf die hoogwatermerk. Gates. *No access to the coast for ORV's for guest from these two establishments as these activities are against the ORV Regulations.* *(Own translation)*	Noted and agreed – no access should be allowed for ORV, however if access control via fences and gates are not in place this will provide even easier access for the current illegal driving in these sensitive areas. As noted above how will the controlled access for Marine Inspectors and municipal maintenance staff be accomplished?
	Dit word aanbeveel dat die	No access possible via the

	parkeerterrein by die Muisbosskerm omhein word en dat die hekke (noord en suid) van die Muisbosskerm, wat tans onwettige voertuigtoegang binne 500 m van die hoogwatermerk verleen, verwyder word. Sien die foto's hierby aangeheg. The parking areas needs to fenced off and the both the existing gates (north and south) should be removed.	gate for Marine Inspectors and no access for maintenance staff / contractors for the desalination plant of the Cederberg Municipality.
Branch - Ocean and Coast	This Branch does not endorse the fencing off/restriction or prohibition of coastal access for personal or private use. The applicant should ensure that all structures constructed to fence off/ restrict or prohibit access on coastal public property are removed and the affected areas rehabilitated to their original state.	In our experience it is an inevitable consequence that the parking area will expand through incremental edge impacts over time and increased illegal driving will commence once all fences and gates are removed. It should be noted that lengthy periods of time sometimes elapse between events hosted at the Muisbosskerm Restaurant and during such times, in practical terms, there will be little or no monitoring of the general public using this as an access point for driving on the dunes. Our opinion is that this recommendation will have significant detrimental impacts on the coastal dunes and the associated vegetation to the north and south of Muisbosskerm.
	Considering that tours with field guides are proposed for future use, the applicant is encouraged to engage with this department on the application process and requirements for Off-Road Vehicle Driving via email to ORV permit ORVPermitting@environment.gov.za. The ORV Off-Road Vehicle Regulations regulates driving within the coastal zone and ensures that development is undertaken in an environmentally friendly and sustainable manner.	We are of the opinion that no ORV permits should be granted in this case and that the field guides referred to in this report should be field guides on foot.

Please could you therefore clarify which of the above-mentioned recommendations / requirements should be included in the Applications & Checklist Report and the EMPr for implementation during the operational phase, keeping in mind the management implication as noted above.

We appreciate your further comments and responses in this regard.

Regards.





K.S Ranger

C.P du Plessis

forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Enquiries: T Mbambo **Tel**: 074 083 6174 Ref: **EDMS - 215256**

Footprint Environmental Services
Att: Mr. Charl du Plessis/ Sean Ranger
PO Box 49
Lamberts Bay
8130

Tel: *027 432 1017/ 079 172 4340*
Email: charlduplessis@afrihost.co.za/ info@muisbossakerm.co.za

Dear Mr. du Plessis

SUBJECT: COMMENTS ON THE SECTION 24G CONSULTATION APPLICATION AND CHECKLIST REPORT FOR THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKETPLACE (MALKOPPAN), AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM - COASTAL ACCESS

The Department of Forestry, Fisheries, and the Environment (DFFE) Oceans & Coasts (O&C) Branch appreciates the opportunity granted to comment on the Section 24G Consultation Application and Checklist Report for the Development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) And A Parking Area at A Restaurant (Muisbosskerm) On-Farm 19/92, Steenboksfontein, Clanwilliam. This Branch has provided recommendations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) **("ICM Act**").

1. The Branch O&C has the mandate to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and the economic, social, and aesthetic value of the coastal zone are maintained to ensure that people, properties, and economic activities are protected against the impacts of dynamic coastal processes.

2. Guided by the principles of integrated coastal management, this Branch continues to strive for environmental sustainability and socially justified sharing of benefits derived from a resource-rich coastal area without compromising the ability of future generations to access those benefits.

3. The competent authority should note that this Branch continues to endorse the implementation of the recommendations provided in the previous comments Ref:214650 as dated 15/02/2022.

4. Following a stakeholder meeting that was held between the Department of Forestry, Fisheries and Environment, Cederberg Municipality, West Coast District Municipality, and Department of Environmental Affairs and Development Planning on 28 February 2022, this Branch recommends for the following recommendations to be detailed in the Environmental Management Plan in of coastal access:

    1. The access gates, which grant access to the coastal public property, as reflected in figure 1 be removed on both the Northern and Southern portions of Muisbosskerm.



Figure 1: Access gates to be removed

2. The parking areas be cordoned off to restrict illegal driving on the dunes and to protect the property from dynamic coastal processes. The applicant should ensure that this demarcation remains strictly within the property/applied property boundary and does not exceed the footprint specified under this application. The applicant should further ensure that the use of materials for cordoning off the parking areas is visually permeable and not a hard structure is used.

3. This Branch is in support of the proposal for the use of 1.5 or 1.8m full fencing with poles to cordon off the parking area and provide pedestrian access to the coastal portion. However, the applicant should ensure that the material selected for erecting this fence is durable and will be able to withstand dynamic environmental pressures to decrease maintenance requirements.

4. The applicant is reminded of Section 58 of the ICM Act read together with section 28 of NEMA which states that "Every person who causes, has caused or may cause an adverse effect on the coastal environment must take reasonable measures to prevent such adverse effect from continuing, recurring or occurring or, in so far as such harm to the coastal environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such adverse effect on the coastal environment" by taking into consideration and implementing recommendations provided in this comments document will ensure the coastal zone is protected, preserved and managed.

5. Given the extent of the illegal Off-Road Vehicle driving challenge that plagues this area, the applicant is urged to assist in efforts to ensure that sensitive ecosystems indigenous to this area are protected and conserved for long-term social and ecological benefit. Should the illegal driving on the coastal portion not improve after the implementation of the proposed measures, in line with Section 58 of ICMA, the onus could be placed on the applicant, as the property owner to which access to the coastal portion is acquired, to develop a Rehabilitation Plan and to rehabilitate the affected areas. The applicant is urged to encourage restaurant visitors to comply.

Kindly note that the Department reserves the right to revise its comments and request further information based on any additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via **OCEIA@dffe.gov.za / or Physical Address: Department of Environment Affairs (DEA), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.**

Yours Sincerely



ACTING DIRECTOR: COASTAL CONSERVATION STRATEGIES

DATE: 01/03/2022

NOTIFICATION
DRAFT SECTION 24G CONSULTATION - APPLICATION AND CHECKLIST REPORT
THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

DEA&DP REFERENCE NUMBER: 14/2/4/1/F2/4/0037/21

KENNISGEWING
KONSEP KONSULTASIE SEKSIE 24G AANSOEK EN KONTROLE VERSLAG
DIE ONTWIKKELING VAN TOERISME AKKOMMODASIEFASILITEITE, VENUE, 'N MARKIE (MALKOPPAN) EN 'N PARKEER AREA BY RESTAURANT (MUISBOSSKERM) OP PLAAS 19/92, STEENBOKSFONTEIN, CLANWILLIAM
DOS:OB VERW. NR. 14/2/4/1/F2/4/0037/21

Indien u enige kommentaar het en wil registreer as 'n Geïnteresseerde en Geaffekteerde Party, voltooi asseblief die vorm en die POPIA toestemming vorm en stuur terug aan ***FOOTPRINT Environmental Services voor of op 18 February 2022.***

Should you have any comments and/or would like to register as ad Interested and Affected Party ("I&AP"), please complete this form and the POPIA Consent Form and return to ***FOOTPRINT Environmental Services by the 18th February 2022.***

Kontakbesonderhede / Contact details:
Posbus / PO Box 454, Porterville, 6810; 086 6088304 (faks / fax); e-pos / e-mail charlduplessis2@afrihost.co.za

Titel en Naam (Title and Name)	Ms Danné Joubert
Adres (Address)	24 Voortrekker street, Clanwilliam
Tel en Faks (Tel and Fax)	027 482 8000
Sel (Cell)	072 443 6623
E-pos (E-Mail)	dannej@cederbergmun.gov.za

U KOMMENTAAR / YOUR COMMENTS

1. Die volgende kwessies moet aangespreek word in die verslag / The following issues should be addressed in the report.

After the stakeholder meeting regarding conflicting comments received, the comments will still remain the same as submitted during the public participation period.

2. Die volgende kommentaar word gelewer / The following comments are made.

full fencing (1.8m) should be erected to prevent ORV trespassing to the coastal areas but provide pedestrian access only. Gates must be removed on either side of Muisbosskerm replaced by full fencing around designated parking area.

3. Enige persoonlike, besigheid, finansiele of ander belange by die aansoek / Any personal, business, financial or other interests regarding this application.

N/A

DANKIE VIR U DEELNAME / THANK YOU FOR YOUR PARTICIPATION

28/02/2022

Charl du Plessis

From: Doretha Kotze [dkotze@wcdm.co.za]
Sent: 02 March 2022 08:34
To: Charl du Plessis
Cc: 'Sean Ranger'; TMbambo@dffe.gov.za; 'Danne Joubert'; Charles J Malherbe; Ieptieshaam.Bekko@westerncape.gov.za; Mercia.Liddle@westerncape.gov.za; 'Wade Theron'; WCDM Correspondence; Mellisa Naiker
Subject: RE: Conflicting comments received for Access to the Coast - Muisbosskerm

Ref: 13/2/12/4/1

Sir

I refer to your email of 23 February 2022 and the conflicting comments received. A MS Teams meeting was held on 28 February 2022 between officials from DFFE, DEA&DP, Cederberg and West Coast District Municipalities where the issues regarding access to the coast at the Muisbosskerm were discussed.

It is hereby confirmed that the West Coast District Municipality stands by the comments submitted on 14 February 2022 and concurs with the comments of Cederberg Municipality regarding the vehicular access to the desalination plant (± 1 km north of Muisbosskerm).

The West Coast District Municipality is also in agreement with the revised comments from DFFE dated 1 March 2022.

Regards

D o r e t h a K o t z e
Stads- en Streekbeplanner/Town and Regional Planner
Weskus Distriksmunisipaliteit
Langstraat 58 Long Street
Posbus 242 PO Box
MOORREESBURG 7310
Tel: 022 433 8523
West Coast District Municipality

From: Charl du Plessis [mailto:charlduplessis2@afrihost.co.za]
Sent: 23 February 2022 06:50 AM
To: TMbambo@dffe.gov.za; Doretha Kotze; 'Danne Joubert'
Cc: 'Sean Ranger'; 'Charl du Plessis'
Subject: Conflicting comments received for Acces to the Coast - Muisbosskerm

Good Morning Thandeka, Doretha and Danne

I hope this mail finds you all well.

Please find attached a letter regarding conflicting comments received and our perception of the management implications of each of those comments received.

We do need further assistance to clarify which of the recommendations / requirements should be included in the Applications & Checklist Report and the EMPr for implementation during the operational phase, keeping in mind the management implication as noted in this letter.

Kind Regards.

www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
e-mail: charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

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Our Ref: HM/WEST COAST/ CEDERBERG/LAMBERTS BAY/ PTN 19 OF FARM 92
Case No: 21102606SB1026E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 483 5959

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Jenna Lavin
jenna.lavin@ctsheritage.com

RESPONSE TO HERITAGE IMPACT ASSESSMENT: FINAL COMMENT
In terms of Section 38(8) (where applicable) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: RECTIFICATION AT MUISBOSSKERM RESTAURANT PARKING AREA AND THE MALKOPPAN TOURISM FACILITY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Heritage Officers Meeting (HOMS) held on 14 November 2022.

FINAL COMMENT
The HIA as submitted and prepared by CTS Heritage dated 21 May 2022 is compliant with Section 38 (3) of the NHRA with the following recommendations:

1. A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property. This management plan must include the following stipulations:

a) That all new development must receive the required approvals at Heritage Western Cape.
b) That new development should not be permitted along the coastal side of the road.
c) In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
d) That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
e) Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources

2. The Heritage agreement to be entered into with HWC by 31 March 2023.
3. The draft CMP to be submitted by 31 March 2023.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

.....
Colette Scheermeyer
Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

25 November 22

APPENDIX H – SPECIALIST REPORTS

SPECIALIST BOTANICAL REPORT

FARM 19/92, STEENBOKSFONTEIN,

LAMBERTS BAY



Prepared for Mr Ian Turner as part of a section 24G application process.

Riaan van der Walt

Email: admin@aecorp.co.za
Mobile: 0823058945 Fax: 086 556 4669
PO Box 325 Porterville 6810
Mark Street 30, Porterville

6 November 2021 (Amended 4 March 2022)

Declaration of Independence in terms of Chapter 5 of the National Environmental Management (NEMA), Act 107 of 1998:

I, Johannes Adriaan van der Walt, declare that:

• I act as the independent environmental practitioner in this report;

• I will perform the work relating to the report in an objective manner, even if this results in views and findings that are not favourable to the applicant;

• I declare that there are no circumstances that may compromise my objectivity in performing such work;

• I have expertise in conducting environmental impact assessments and specialist reports, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;

• I will comply with the Act, Regulations and all other applicable legislation;

• I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;

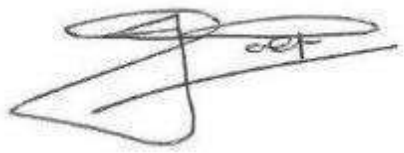
Environmental Consultant: Advanced Environmental Services (Pty) Ltd

Contact person: Johannes Adriaan van der Walt

Tel: +27 (82) 305 8945

Email: admin@aecorp.co.za

Signature **Date:** 4 March 2022



Abridged Curriculum Vitae – Johannes Adriaan van der Walt

PROFESSIONAL REGISTRATION

Professional Natural Scientist: South African Council for Natural Science Professionals (SACNASP) nr116549

QUALIFICATIONS

MTech Nature Conservation (cum laude) 2014, CPUT

BTech Nature Conservation (cum laude) 2012, CPUT

NDip Nature Conservation (cum laude) 1994, CPUT

LANGUAGES

English – fluent
Afrikaans – fluent

EXPERIENCE

33 years biodiversity conservation and botanical experience in the Fynbos and Succulent Karoo Biomes (West Coast Region)

EMPLOYMENT

1994 – 2006 CapeNature

2007 – 2010 Botanical Insight cc

2010 - 2017 CapeNature

2017 – present: Director at Advanced Environmental Corporation (Pty) Ltd and Fynbos Fish Trust trustee

Botanical expertise was gained through:

- Employment as nature conservationist with CapeNature for 24 years in the West Coast region;
- biodiversity assessments (including botanical) on the West Coast region since 1994;
- participating as a SANBI- CREW volunteer for botanical assessments for threatened plants on the West Coast region;
- participating in the Protea Atlas project as a volunteer in the West Coast region;
- contributing as a Red-list assessor for a selection of Fynbos species;
- conservation initiatives for threatened flora in the West Coast region with CapeNature;
- compliance monitoring of wildflower shows (Clanwilliam, Hopefield, Porterville, Tulbagh and Darling) between 1994 and 2006;
- compilation of species lists for protected areas;
- compilation of specialist botanical assessments for DEA&DP and private landowners since 2017;
- discovering three new plant species in the CFR since 2019;
- keeping up to date with new plant descriptions and taxonomic revisions in the CFR and
- keeping an extensive private collection on applicable literature which include field guides and other botanical reference books.

ADVANCED ENVIRONMENTAL CORPORATION

CONTENT

1. Introduction ……5

2. Terms of reference……6

3. Legal requirements applicable to the specialists conducting assessments.……6

4. Report content requirements……7

5. Limitations and assumptions……7

6. Study area……9

7. Methodology.……12

8. Vegetation ……13

8.1 General context ……13

8.2 Spatial planning……14

8.3 Local context……16

8.4 Habitat condition……17

8.5 Plant species……19

8.6 Species of Conservation Concern……19

8.7 Sensitivity of the vegetation……22

8.8 Alien plant species……24

8.9 Impacts on fauna……25

9. Potential botanical impacts identified ……25

9.1 Direct……25

9.2 Indirect……26

9.3 Cumulative impacts……26

9.4 Rating of the impacts……26

10. Recommendations for mitigating or remediating further botanical impacts ……32

11. Conclusions……32

References……34

Appendix A: Plant list for the property

1. INTRODUCTION

The initial specialist botanical assessment was completed on 6 November 2021 and amendments were made on 4 March 2022 to incorporate comments received from DEA&DP and CapeNature. The Muisbosskerm is an open-air restaurant located just above the high-water mark, 5 km south of Lamberts Bay on the West Coast, Western Cape, South Africa. The open-air restaurant was started by the Turner family in 1988 and the family has since (2009 – 2019) expanded their tourism facilities in the form of extended parking areas (Muisbosskerm), campsites, ablution facilities, reception, restaurant and farmer's market on Malkoppan Gasteplaas as indicated in **figure 1**. In the process of expanding these facilities, natural vegetation was cleared. The clearing of natural vegetation requires environmental authorisation (EA) from the relevant competent authority which is the Department of Environmental Affairs and Development Planning (DEA&DP). The relevant environmental process to rectify unlawful activities in terms of the Environmental Impact Assessment (EIA) regulations (2014), dated 7 April 2017 is a 24G application process and the specialist botanical report is a key component of this process to identify and assess impacts related to the clearing of the natural vegetation.

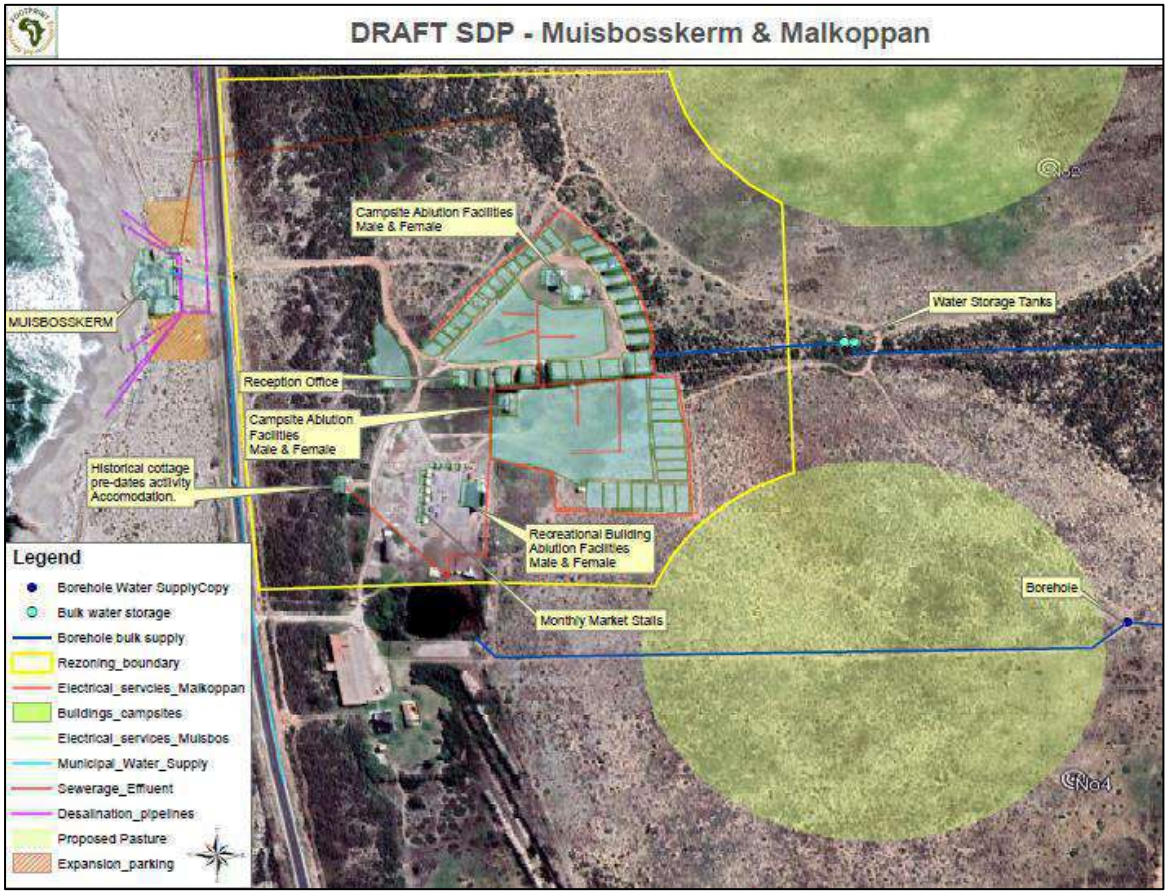


Figure 1: Satellite image indicating the Muisbosskerm and Malkoppan Gasteplaas footprint

2. TERMS OF REFERENCE

Terms of Reference as requested by the EAP (Footprint Environmental Services)

a) Undertake a site visit in order to assess the status and sensitivity of natural vegetation and fauna on the site.

b) Describe the plant communities and vegetation types present in the study area and place the vegetation in its regional context, including its status in terms of the current Spatial Biodiversity Plan and state of transformation throughout the development site.

c) Identify any plant Species of Conservation Concern and botanical conservation significance (sensitivity) of the study area, showing any No Go areas.

d) Identify any areas that would be of importance in retaining ecological connectivity or infrastructure.

e) Provide a botanical sensitivity map of the area including no-go areas (on Google Earth imagery).

f) Identify and assess botanical impacts of the development that have occurred on site for the development and operational phase and cumulative impacts in terms of quantitatively derived calculation of impact significance.

g) Make recommendations for mitigating or remediating further botanical impacts of the current development.

h) The report must comply with the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (GN No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 09 May 2020 the Protocol.

3. LEGAL REQUIREMENTS APPLICABLE TO THE SPECIALISTS CONDUCTING ASSESSMENTS

The Environmental Impact Assessment Regulations that were published on 4 December 2014 and amended on 7 April 2017, states that an EAP and a specialist, appointed in terms of regulation 12(1) or 12(2), must-

(a) be independent;

(b) have expertise in conducting environmental impact assessments or undertaking specialist work as required, including knowledge of the Act, these Regulations and any guidelines that have relevance to the proposed activity;

(c) ensure compliance with these Regulations;

(d) perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the application;

(e) take into account, to the extent possible, the matters referred to in regulation 18 when preparing the application and any report, plan or document relating to the application; and

(f) disclose to the proponent or applicant, registered interested and affected parties and the competent authority all material information in the possession of the EAP and, where applicable, the specialist, that reasonably has or may have the potential of influencing-

(i) any decision to be taken with respect to the application by the competent authority in terms of these Regulations; or

(ii) the objectivity of any report, plan or document to be prepared by the EAP or specialist, in terms of these Regulations for submission to the competent authority; unless access to that information is protected by law, in which case it must be indicated that such protected information exists and is only provided to the competent authority.

(2) In the event where the EAP or specialist does not comply with sub-regulation (1)(a), the proponent or applicant must, prior to conducting public participation as contemplated in chapter 5 of these Regulations, appoint another EAP or specialist to externally review all work undertaken by the EAP or specialist, at the applicant's cost.

(3) An EAP or specialist appointed to externally review the work of an EAP or specialist as contemplated in sub-regulation (2), must comply with sub-regulation (1).

4. REPORT CONTENT REQUIREMENTS

The following legislation and guideline documents are applicable and were adhered to in compiling this report:

4.1 Guidelines documents

a) Department of Environmental Affairs and Development Planning (DEA&DP) Guidelines for Involving Biodiversity Specialists in the EIA Process (Brownlie 2005).

b) Ecosystem Guidelines for Environmental Assessments in the Western Cape (Cadman 2016).

c) The Western Cape Biodiversity Spatial Plan Handbook (Pool-Stanvliet *et al*. 2017)

4.2 Legal documents

a) Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (GN No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 09 May 2020 the Protocol.

b) Appendix 6 of the 2014 EIA Regulations (National Environmental Management Act, 1998 (Act No. 107 of 1998)

5. LIMITATIONS AND ASSUMPTIONS

The field survey for the compilation of this report was conducted on 12 October 2021. This is just beyond the optimal time for conducting botanical assessments but due to late rain most of the annuals and geophytes were still identifiable. The Lamberts Bay area received good rains during autumn and early winter and the veld was in excellent condition during the field survey. The majority of the plant species recorded during the field surveys could be identified to species level while some species were identified to sub-species level. There were no other limitations to this study and a follow-up survey is not considered essential for decision-making. The specialist is confident that the report is a good reflection of the biodiversity effected by the development.

6. STUDY AREA

6.1 Location

The property, Steenboksfontein 19/92, is located 5 km south of Lamberts Bay and 180 km north of Cape Town in the Western Cape Province as indicated in **figure 2**. The property is 139 ha in extent of which more or less 70% have been developed. The Muisbosskerm (**figure 3**) is located between the high-water mark and the R365 provincial road that links Leipoldtville and Lambert Bay towns. Malkoppan Gasteplaas (**figure 4)** is located on the same property due east of the R365 road. The study area included the all the natural vegetation that remains on the property. Other developed areas on the property include private accommodation for the owner and three centre irrigation pivots (22 ha each) that were mainly used for the cultivation of potatoes.

The property is bordered to the south by Grootvlei Guest Farm with similar tourism facilities while the properties to the west and north are mainly utilised for potato and stock farming. The Surveyor General 21-digit code for the farm Steenboksfontein 19/92 is C02000000000009200019. The property falls within the jurisdiction of the West Coast District and Cederberg Local Municipalities.

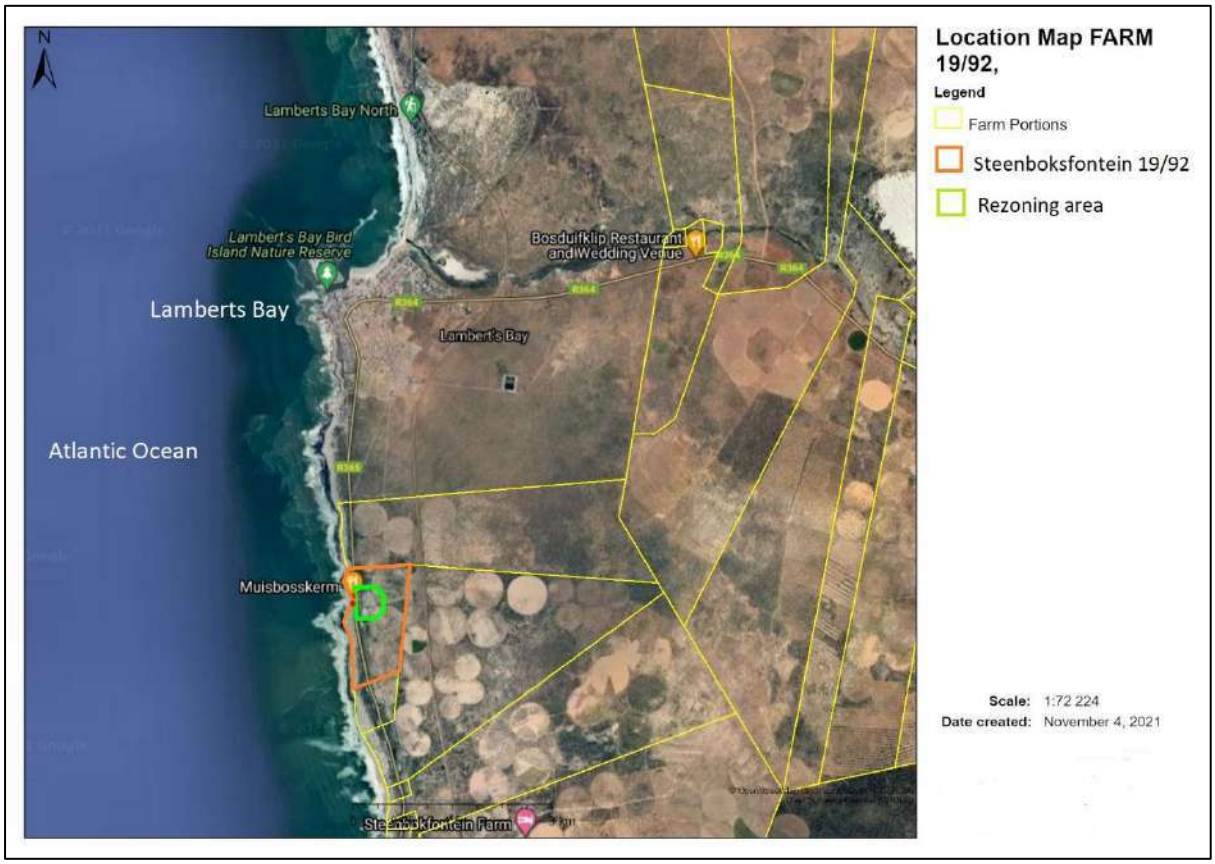


Figure 2. Location of Steenboksfontein 19/92.



Figure 3: Muisbosskerm open-air restaurant



Figure 4: Malkoppan Gasteplaas

6.2 Topography, geology and soils

The Muisbosskerm is located on the foredunes above a sandy beach (tidal wave smash zone) while the Malkoppan Gasteplaas is located in a slack area behind the foredune zone. The R365 road that runs through the property is also located on the foredune zone. The geology of the area around the Muisbosskerm consist mostly of course coastal sediment, while the Malkoppan area is mostly covered by fine calcareous sand which overlays a limestone hardpan (Mucina & Rutherford 2006).

6.3 Climate

The majority of rain in this area falls in winter, while the summers are dry and windy. This coastal area also receives some precipitation from dense fog in the winter months. The average yearly rainfall for Lamberts Bay Strandveld is 175 mm with peaks in June, July and August (Mucina and Rutherford 2006). For more detail see **figure 5**.

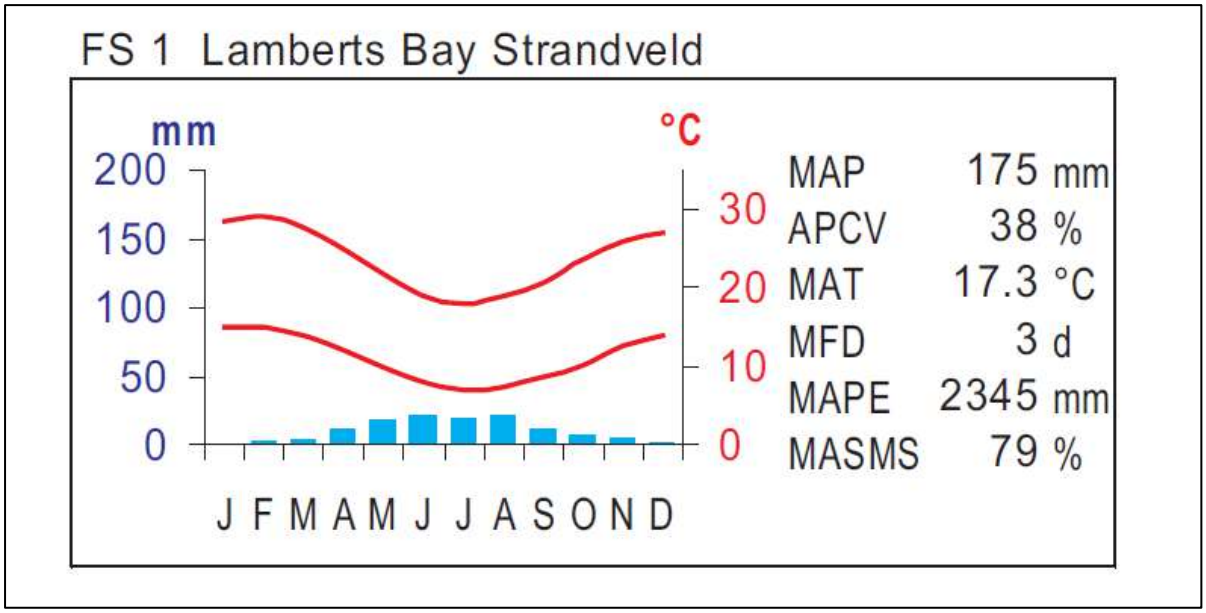


Figure 5: Average climatic figures for Lamberts Bay Strandveld. MAP = Mean annual precipitation; APCV= Annual precipitation coefficient of variance; MAT= Mean annual temperature; MFD= Mean frost days; MAPE= Mean annual potential evaporation; MASMA= Mean annual soil moisture stress (Mucina and Rutherford 2006).

7. METHODOLOGY

The field survey was conducted on 12 October 2021. All plant species within the remaining natural areas on the property were surveyed. These areas were fully covered by walking transects 30 meters apart. All plant species were noted, photographed and identified on site if possible. Plants that could not be identified during the field survey were later identified using available literature and taxon experts. The SANBI Red List status of all species found on the property was checked and recorded from SANBI's threatened plant website, http://redlist.sanbi.org. Maps of Critical Biodiversity Areas and vegetation types were compiled using Cape Farm Mapper. Cape Farm Mapper is GIS software from the Western Cape Department of Agriculture that is available on its website https://gis.elsenburg.com/apps/cfm/ and this information was cross checked with the Western Cape Biodiversity Spatial Plan (2017). Sensitive areas were mapped with the aid of a handheld GPS. Information was also gathered from applicable literature that included the National Vegetation Map (2018), and applicable biodiversity plans (Driver et al. 2003, Maree and Vromans 2010, Pool-Stanvliet 2017).

8. VEGETATION

8.1 General context

The Sandveld, where the property is located forms part of the Cape Floristic Region (CFR). The CFR is one of the most botanically diverse regions of the world with more than 9000 vascular plant species of which 69% are endemic (Goldblatt & Manning 2000).

Muisbosskerm:

The Muisbosskerm is located on within the foredune zone of the coastal vegetation and this azonal vegetation unit is classified Cape Seashore Vegetation. More detailed information on this vegetation unit, including a map is located in section 8.3.

Malkoppan Gasteplaas:

The development on Malkoppan Gasteplaas falls within the Fynbos Biome which encompasses most of the Cape Fold Mountains and coastal lowlands between Niewoudtville and Gqeberha. The Fynbos Biome has three major vegetation complexes: Fynbos, Renosterveld and Western Strandveld. Fynbos is the most prominent complex as it covers 67% of the Fynbos Biome and Steenboksfontein 19/92 also falls within this Fynbos complex. The main categories within the Fynbos complex are: Sandstone Fynbos, Quartzite Fynbos, Sand Fynbos, Shale Fynbos, Fynbos Shale Band Vegetation, Silcrete Ferricrete and Conglomerate Fynbos, Alluvium Fynbos, Granite Fynbos and Limestone Fynbos. Steenboksfontein 19/92 falls within the Sand Fynbos category area. Each of these units are further subdivided into vegetation units. The natural vegetation on the property area and the proposed development area are classified as Lamberts Bay Sand Fynbos vegetation unit. More detailed information on this vegetation unit, including a map unit is located in section 8.3.

8.2 Spatial planning

Muisbosskerm

The coastal strip on which the Muisbosskerm is located is mostly mapped and regarded as a Critical Biodiversity Area due to the sensitivity of the environment and its associated biodiversity as indicated in **figure 6.** The expanded parking areas to the north and south of Muisbosskerm was also constructed in this Critical Biodiversity Areas (CBA). Critical Biodiversity Areas are areas which must be safeguarded in their natural or near-natural state because they are critical for conserving biodiversity and maintaining ecosystem functioning. The applicable CBA maps for this section of the West Coast came into effect in 2014 and were updated in 2017. The expansion of the parking area took place after the publications of the CBA while the original footprint of the Muisbosskerm were constructed before the demarcation of the CBA.

Malkoppan Gasteplaas

The tourism facilities on Malkoppan are also mostly constructed within Critical Biodiversity Areas as indicated in **figure 6.** Some of the tourism facilities were constructed before biodiversity spatial plans for this area came into effect in 2014. The only area not mapped as a CBA is a section of the expanded camping area to the south east which was historically part of a potato crop circle. The undeveloped natural areas within the rezoning area are mapped as either CBA's or Ecological Support Areas (ESA). The ESA Aquatic areas within the rezoning zone indicated that some of these areas could be seasonally wet during the rainy season. None of the current development is located within ESA aquatic areas. ESA's that are not essential for meeting biodiversity targets, but play an important role in supporting the functioning of Protected Areas or Critical Biodiversity Areas, and are often vital for delivering ecosystem services.

The study area does not fall within an identified biodiversity corridor. The Biodiversity Sector Plan for the Saldanha Bay, Bergrivier, Cederberg and Matzikama Municipalities (Maree and Vromans 2010), list priority Special Habitats of the Saldanha Bay, Bergrivier, Cederberg and Matzikama Municipalities and the study area does not fall within any of these priority sites. The biodiversity sector plan also lists a priority corridor within its domain and the study site also does not fall within these corridors (Maree and Vromans 2010).

Reasons for the CBA's and ESA's on Muisbosskerm and Malkoppan

Critical Biodiversity Areas

Summary 1: Coastal Habitat Type (1.83), Ecological processes (12.13), SA Vegetation Type (0.34), Threatened SA Vegetation Type (9.95), Water resource protection (6.79)

Feature 1: Cape Seashore Vegetation (LT)

Feature 2: Coastal resource protection- West Coast

Feature 3: Foredune

Feature 4: Lambert's Bay Strandveld (VU)

Feature 5: Watercourse protection- Western Coastal Belt

The development impacted on futures 1 to 4 while future 5 (watercourse) was not impacted. The impact on the vegetation and Species of Conservation Concern is explained in section 8.3 and evaluated in the impact **tables 4**, **5** and **6**.

Ecological Support areas

Feature: Coastal Corridor, Watercourse

Category 1: ESA: Aquatic

The development did not impact on a watercourse on the property and the seasonal wet area is still intact.

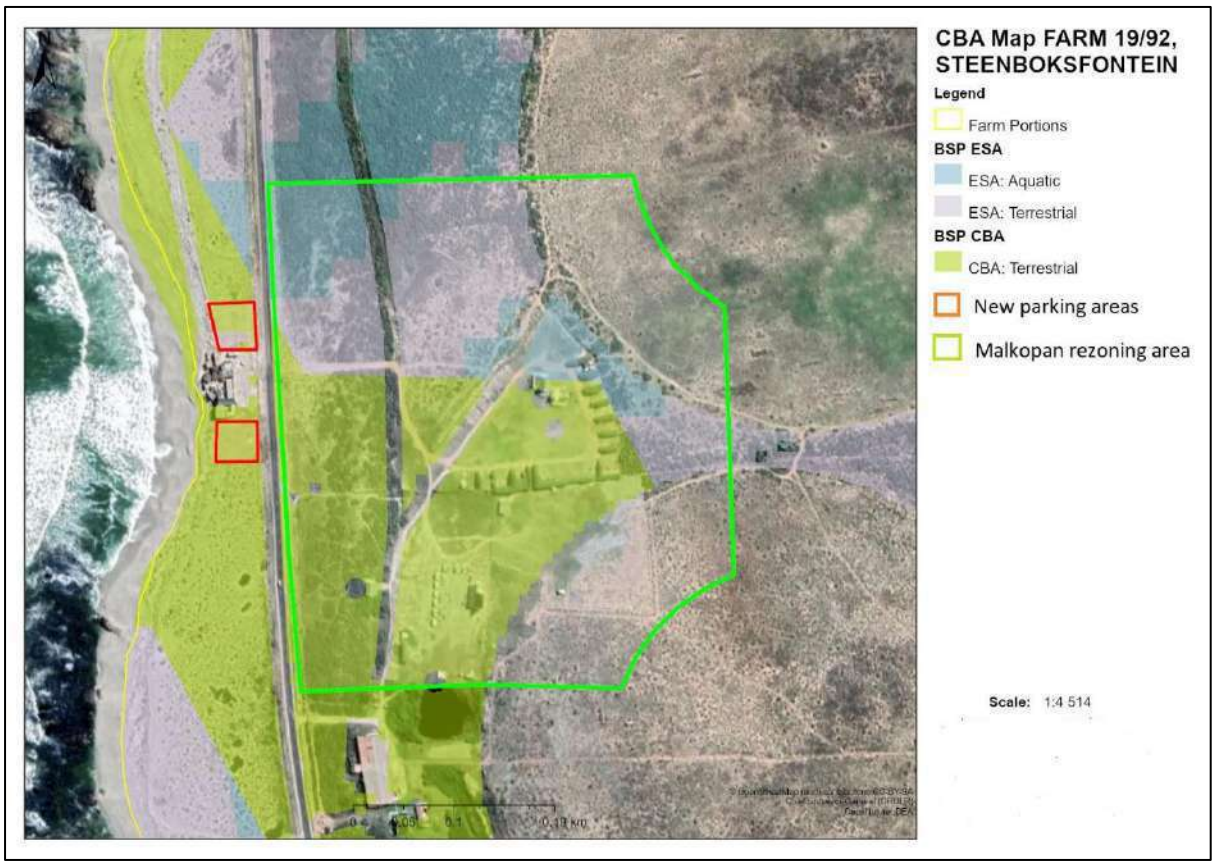


Figure 6: Critical Biodiversity Area and Ecological Support Area map for the study area on Steenboksfontein 19/92.

8.3 Local context

Muisbosskerm:

The Muisbosskerm is located within the coastal vegetation and the vegetation unit is classified as Cape Seashore Vegetation (**figure 7**). It is an azonal vegetation unit and contains a number of elements including beaches, coastal dunes, dune slacks and coastal cliffs (Mucina & Rutherford 2006). This vegetation unit is considered Least Threatened with a conservation target of 20%, which has been reached (50%) throughout the zone due to statutorily and privately protected areas. The biggest impact on this vegetation unit is caused by urban development (Mucina & Rutherford 2006). The expansion of the Muisbosskerm parking area was responsible for a loss of approximately 0.4 ha of this vegetation unit.

Malkoppan:

The vegetation unit for the Malkoppan rezoning area is classified as Lamberts Bay Strandveld.

Lamberts Bay Strandveld (**figure 7**) is classified as a Vulnerable ecosystem (Pool-Stanvliet et al. 2017). The original extent of this vegetation unit was 70 614 ha and in 2017, 35 218 ha (49.9 %) remained. The tourism development at Malkoppan Gasteplaas between 2009 and 2019 were responsible for the loss of approximately 4.9 ha of this vegetation unit. This amounts to 0.013% of this vegetation unit that remained in 2017.

Lamberts Bay Strandveld has a conservation target of 24%. Only 18% of the conservation target is formally protected in conservation areas. The main impact on this vegetation unit has been urban development and agricultural expansion for rooibos tea and potato cultivation. Lamberts Bay Strandveld is known for its rich species diversity and it also contains a number of endemic and threatened plant species. None of these endemic plants were recorded on the property but 4 Species of Conservation Concern were recorded. The full plant species list recorded during the field survey is attached to this report as **Appendix A**.

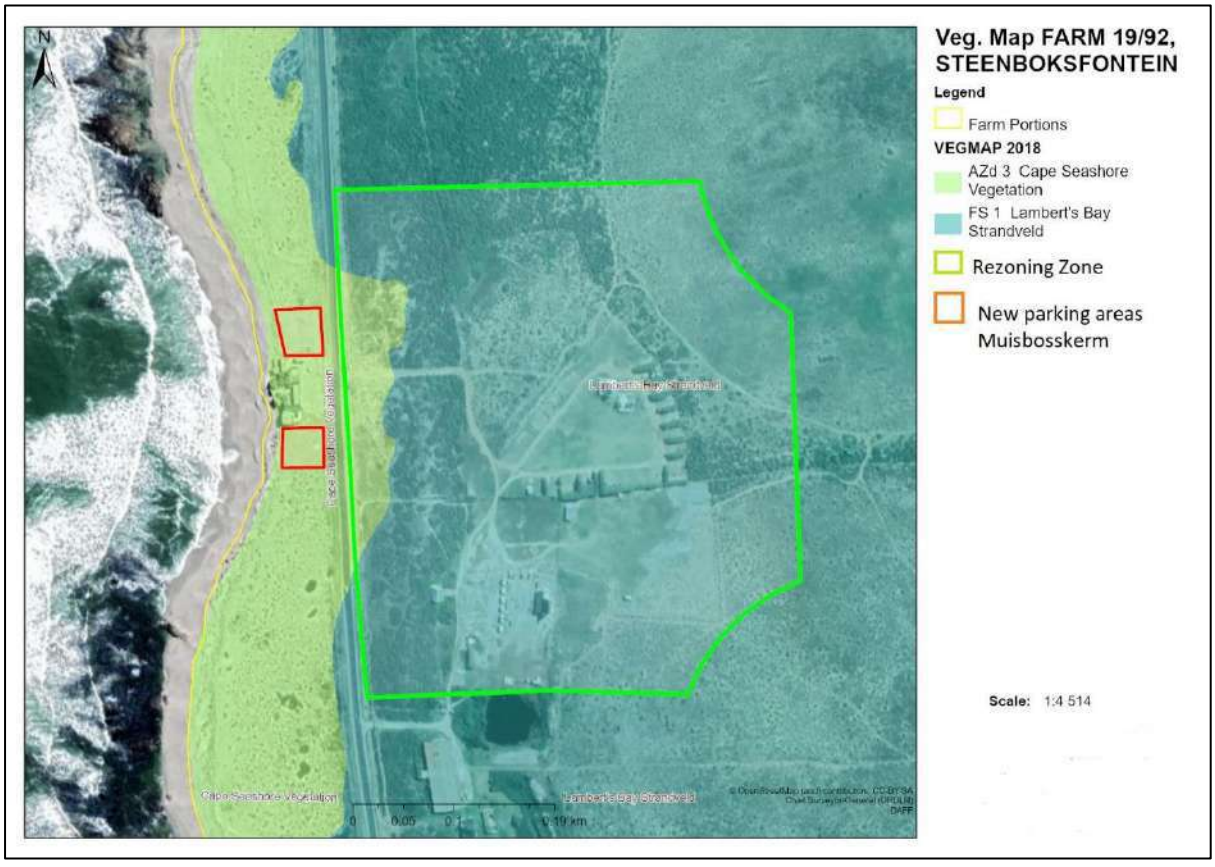


Figure 7: Map indicating the vegetation units of the study area and surrounds.

8.4 Habitat condition of vegetation

Table 1: Muisbosskerm (all areas west of R365 road on property, 20.6 ha total)

Habitat Condition	Percentage of habitat condition class (adding up to 100%) and area of each in hectares (ha)		Description and additional comments and observations (including additional insight into condition, *e.g.,* poor land management practises, presence of quarries, grazing/harvesting regimes, *etc.*)
Natural	15 ha	72.8 %	Vegetation intact
Near Natural (Includes areas with low to moderate level of alien invasive plants)	5 ha	24.3 %	Low to moderate degradation due to 4x4 roads within frontal dune area and litter from R365 road
Degraded (Includes 'Degraded' and 'Highly degraded' habitats)			
Transformed (Includes cultivation, dams, urban, plantation, roads, *etc.*)	0.6 ha	2.9 %	Muisbosskerm infrastructure and parking areas.

Table 2: Malkoppan Gasteplaas: (area within rezoning area 18.1 ha total)

Habitat Condition	Percentage of habitat condition class (adding up to 100%) and area of each in hectares (ha)		Description and additional comments and observations (including additional insight into condition, *e.g.,* poor land management practises, presence of quarries, grazing/harvesting regimes, *etc.*)
Natural	9 ha	49.7 %	Natural vegetation intact
Near Natural (Includes areas with low to moderate level of alien invasive plants)			
Degraded (Includes 'Degraded' and 'Highly degraded' habitats)	3.8 ha	21 %	Former areas to the north and south that were used as crop circles to cultivate patotoes. Native plant species have started to re-colonize these areas.
Transformed (Includes cultivation, dams, urban, plantation, roads, *etc.*)	5.3 ha	29.3 %	Camping sites and related infrastructure.

8.5 Plant species

In total, 100 native plant species representing 32 plant families were identified in the study area. The complete plant species list is attached as **appendix A**. The family with the most species present is the Asteraceae (daisy family) with 20 species. Succulents are well represented in the study area within the following families among other: Aizoaceae (13 species) and Euphorbiaceae (3 species) while a number of annuals and geophytes are also present. The coastal foredunes where the Muisbosskerm had a much lower species diversity due to the extreme environmental conditions in this coastal zone.

8.6 Species of Conservation Concern

Four plant species of Conservation Concern were recorded within study area and both were present within the proposed development area as well as the remaining natural veld. These four species are:

1) *Helichrysum dunense,* Vulnerable

2) *Amphibolia laevis* Near Threatened

3) *Babiana hirsuta,* Near Threatened

4) *Ferraria foliosa,* Near Threatened

1. *Helichrysum dunense* Vulnerable

Helichrysum dunense has a EOO of 1500 km², known from five locations but suspected to be under collected and to occur at around 10 locations. It continues to decline due to ongoing habitat loss to diamond and heavy mineral sand mining and urban expansion around Lambert's Bay, Elandsbaai and Port Nolloth (SANBI Red List). Only a few specimens were observed on the coastal dunes Muisbosskerm and the development at the Muisbosskerm would not have had a significant impact on this species (See **figure 8** for a picture).



Figure 8: *Helichrysum dunense*

2) ***Amphibolia laevis,*** Near Threatened

Amphibolia laevis is a member of the Aizoaceae family and has a restricted distribution range (Vredendal to Melkbosstrand), with an extent of occurrence (EOO) of 12 946 km². It is declining due to ongoing habitat loss in the southern part of its range, but it is still very common, occurring at more than 20 locations (SANBI Red List). See **figure 9** for a picture. It was only recorded near the Muisbosskerm in low densities.



Figure 9: *Amphibolia laevis*

3) ***Babiana hirsuta***, Near Threatened

Babiana hirsuta has a long, narrow, coastal distribution from Saldanha Bay to the Orange River Mouth (EOO 21 000 km²), known from 17 locations. This species is threatened by diamond mining activities in the northern part of its range and by grazing and development in the southern part. A new threat to the southern populations is the planned mining for heavy minerals in the Groenrivier area. Some subpopulations may also have been impacted by the implementation of centre-point irrigation schemes which have allowed the planting of crops in previously non-arable areas. If decline continues this species will soon be considered vulnerable (SANBI Red List). It was only found in the coastal zone north and south of Muisbosskerm and the population estimate on the property is + 400 plants. See **figure 10** for a picture. The expansion of the parking area at Muisbosskerm would have impacted on an estimated 10 – 50 plants. This species is very common to the north and south of Muisbosskerm.



Figure 10: *Babiana hirsuta*

4) ***Ferraria foliosa***, Near Threatened

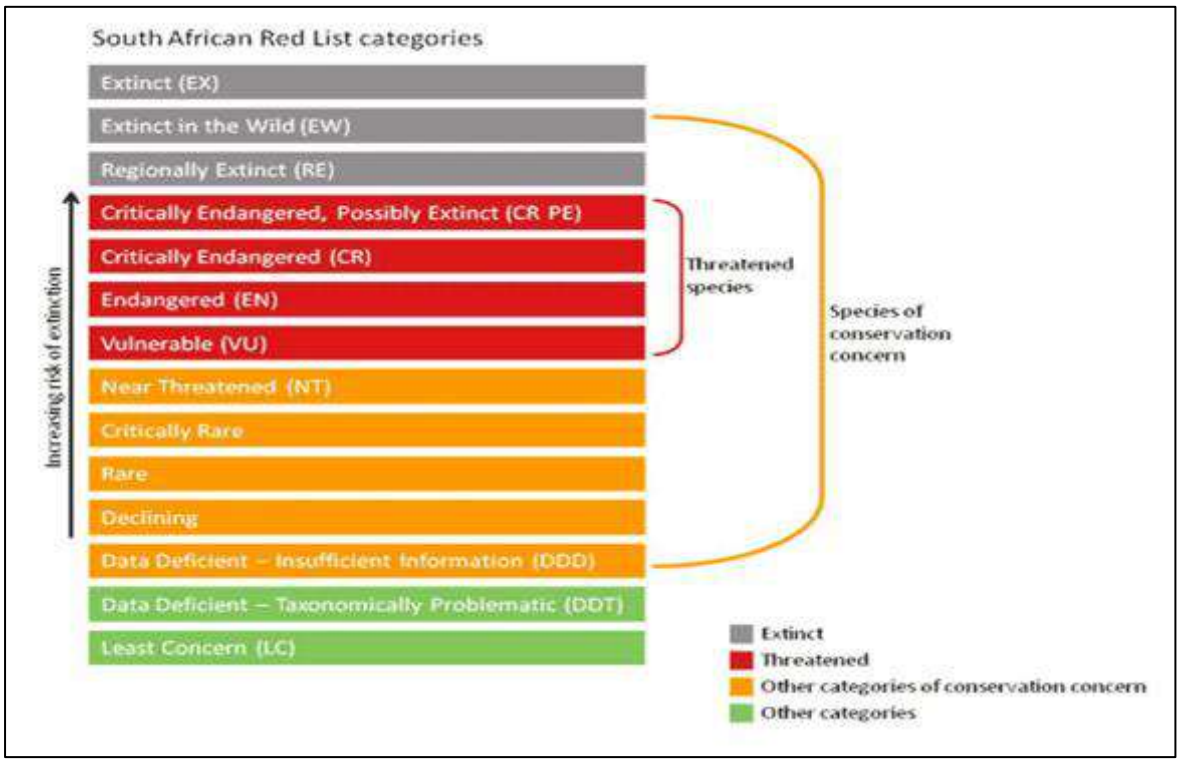
Ferraria foliosa is from the Iridaceae family and has a EOO 7268 km², between 10 and 20 locations (Hondeklipbaai to Velddrif) are declining due to diamond and heavy metal mining activities in the northern parts of its range and by coastal development and expanding crop cultivation, especially the centre-point pivot irrigation schemes, in the south (SANBI Red List). Less than 5 specimens were located due north of the campsites at Malkoppan. See **figure 11** for a picture.



Figure 11: *Ferraria foliosa*

The current status of all the plant species recorded is attached as **appendix A. Table 3** is the current threatened plant categories for plants in South Africa.

Table 3 South African Red List categories as prescribes by the International Union for Conservation of Nature (IUCN**)**



8.7 Sensitivity of vegetation

The study found four species listed as Species of Conservation Concern (SANBI Red List) while most of the remaining natural vegetation is threatened and regarded as Critical Biodiversity Areas or Ecological Support Areas. For this reason, the intact natural vegetation should be regarded as highly sensitive. The medium sensitive areas are the two centre pivot areas to the north and south that overlap with rezoning footprint and is mapped in yellow in **figures 12** and **13**. The developed areas at Muisbosskerm and Malkoppan Gasteplaas has a low sensitivity due to the lack of natural vegetation.

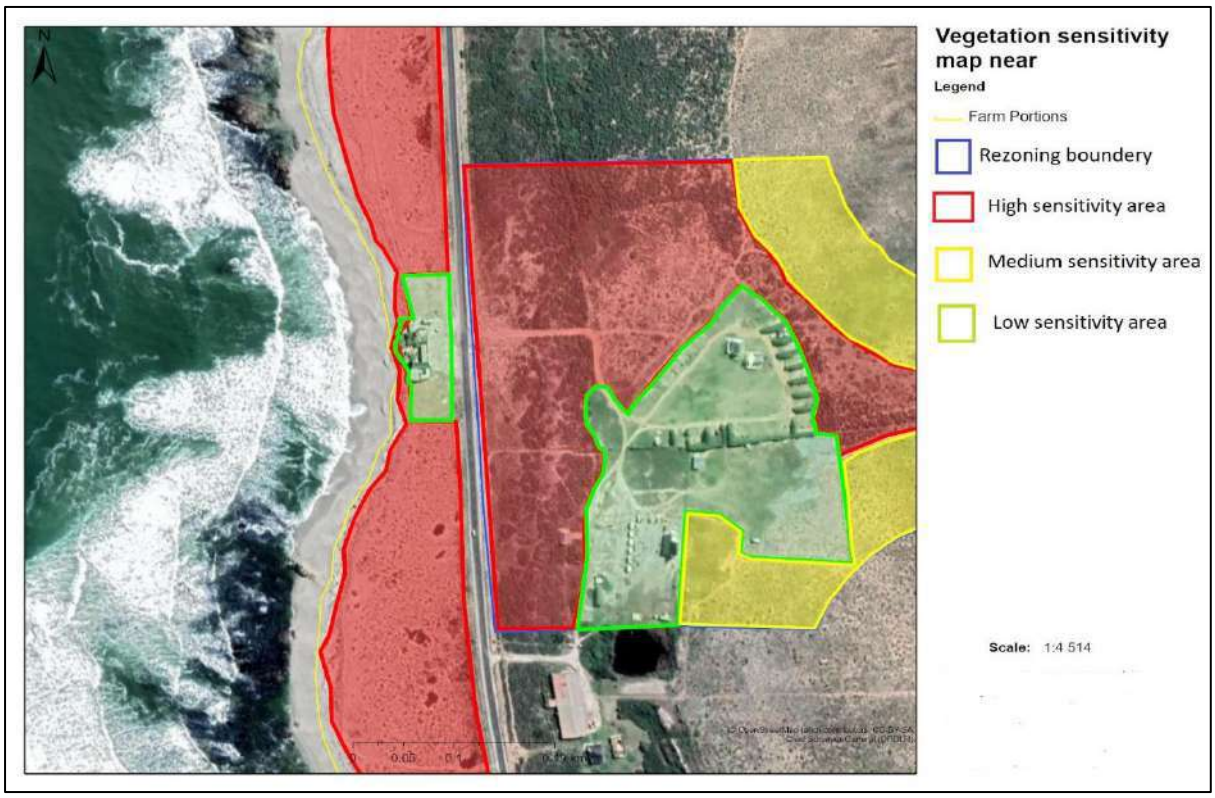


Figure 12: Sensitivity map: Red shaded =high sensitivity, yellow shaded = medium sensitivity, green shaded = low sensitivity.

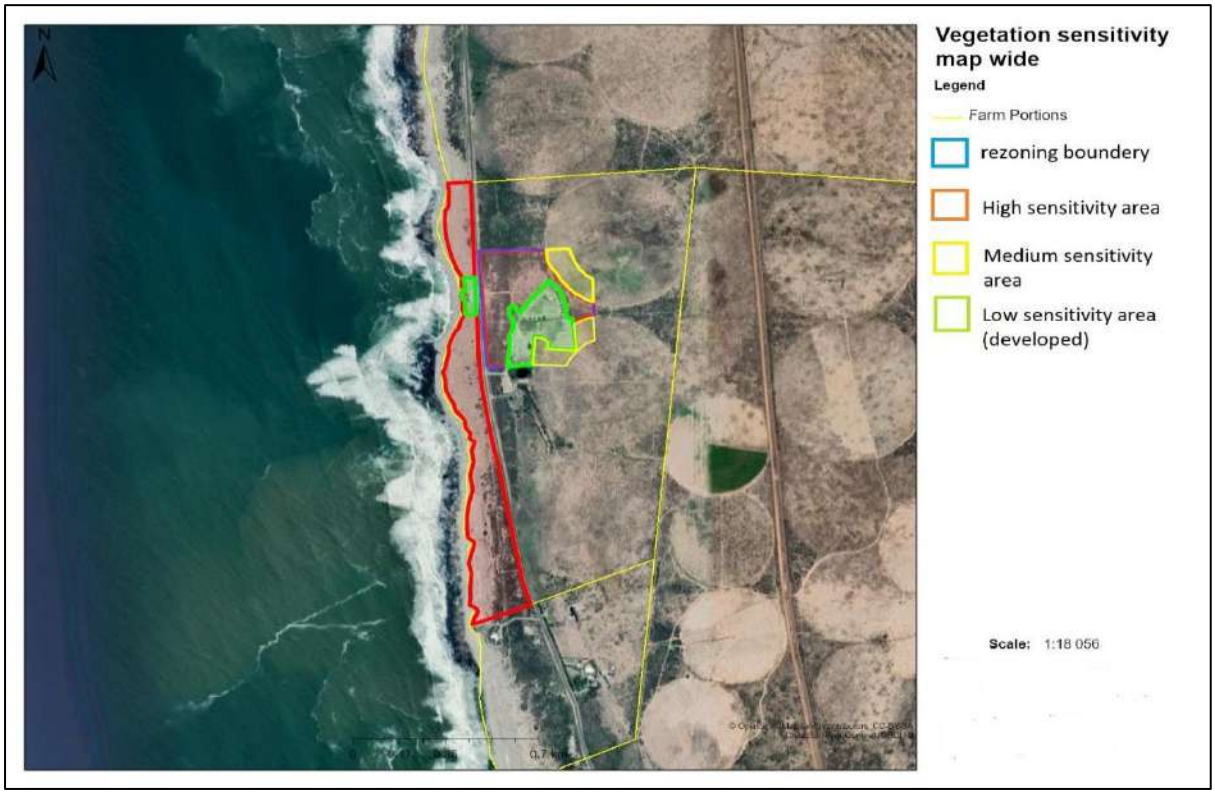


Figure 13: Sensitivity map: Red shaded =high sensitivity, yellow shaded = medium sensitivity, green shaded = low sensitivity.

8.8 Alien plant species present

Alien plants within the study area is limited to Manatoka *Myoporum tenuifolium* that the owner has planted to provide shade for his visitors (**figure 14**). The owner should monitor and control any Manatoka that establish outside the developed area.



Figure 14. The location of the alien invasive *Myoporum tenuifolium* trees planted to provide shade.

8.9 Impact on fauna

The development at Muisbosskerm and Malkoppan Gasteplaas would be responsible for the loss of habitat to a range of fauna that include; angulate tortoises, grey duiker, steenbok, rodents, birds and invertebrates, but this impact is insignificant due to the relatively small size of both developments. No resident threatened fauna species were recorded during the field survey.

9. IDENTIFICATION OF POTENTIAL BOTANICAL IMPACTS DUE TO THE DEVELOPMENT

The following potential botanical impacts have been identified as a result of the development at Muisbosskerm and Malkoppan.

9.1 Direct

Direct impacts are those that would have occurred as a direct result of the construction and operational activities of the development.

9.1.1 Loss of vegetation

Muisbosskerm:

The proposed development caused the loss of 0.4 ha of Cape Seashore Vegetation which is not listed as a threatened vegetation unit. The vegetation affected was also regarded as a Critical Biodiversity Area. Three plant Species of Conservation Concern were most likely affected by the development but the number of individual plants affected were most likely low and insignificant in terms of the total population.

Malkoppan:

The developed was responsible for the loss of 4.9 ha of Lamberts Bay Strandveld which is classified as a vulnerable vegetation unit. One species of Conservation Concern were most likely affected although the number of individual plants would not have been high.

9.1.2 Loss of ecological processes

Muisbosskerm:

The development of the parking areas is relatively small and no significant loss of ecological processes are expected. The parking area is fenced of to the south, east and west and this will prevent further degradation from vehicles in the adjacent areas. The impact on the fauna is also insignificant due to the small size of the development.

9.1.3 Loss of threatened plant species

All four species of Conservation Concern (SOCC) that occurs within the study area, also occur outside the study area. The development on Muisbosskerm and Malkoppan Gasteplaas would have had an insignificant impact on the total population(s) these species but a medium impact on the SOCC on the property.

9.2 Indirect / Long term

Potential long-term impacts resulting from the development are uncontrolled access by humans and vehicles into the remaining natural areas on the property.

9.3 Cumulative impacts

Cumulative impacts are those impacts that contribute to the loss of a vegetation unit and in this proposed development it will contributed to the loss of 0.4 ha Cape Seashore vegetation and 4.9 ha of Lamberts Bay Strandveld This amounts to 0.013% of this vegetation unit that remained in 2017.

9.4 Rating the impacts

The following ranking was used to rank the different aspects of the identified impacts of the development on Steenboksfontein 19/92. The results of the impact ratings are displayed in tables 4, 5 and 6.

Significance

The significance of an impact is an expression of the cost or value of an impact to society and must answer the question. Will the impact cause a notable change in the environment? Rating scale:

- Very low
- Low
- Medium
- High

Consequence

What degree of consequence will the impact have on the environment and community?

- None
- Slight
- Moderate
- Substantial
- Severe
- Extremely severe

Extent

This determines the extent of the impact in terms of a geographical area:

- development footprint
- property
- local (< 1 km from site)
- Regional (< 50 km from site)

- National
- International (migrant birds, international tourism)

Duration

To rate the duration of the impact with:

- extremely short term (hours-few months)
- short term (less than 1 year)
- long term (development/project duration)
- Permanent (continues after decommissioning of project or development)

Probability of impact

The probability of the impact occurring:

- improbable (highly unlikely or no chance of the impact occurring)
- probable (less than 50% chance that impact will occur)
- highly probable (more than 50 % chance that impact will occur)
- Definite (more than 95% chance that impact will occur)

Reversibility

The extent to which the impact is reversible to pre-impact state, with or without human intervention after the completion or decommissioning of the development or project.

- High (e.g., air pollution from chemical plant will stop when de-commissioned)
- Moderate (e.g., native plants might re-establish in cleared area)
- Low (e.g., Chemical composition soil changed and native plants will not establish)
- Non-reversable (impact is permanent)

Irreplaceability of the receiving resources or environment

- High irreplaceability of resources (e.g., plant endemic to footprint)
- Moderate irreplaceability of resources (e.g., vegetation can be rehabilitated)
- low irreplaceability of resources
- Resources are replaceable (the resource can easy be rehabilitated or replaced)

Can the impact be avoided?

- Yes
- No

Can the impact be mitigated?

- Yes
- No

Can the impact be managed?

- Yes

- No

Positive and negative aspects of the activity

- List positive impacts
- List negative impacts

Potential mitigation measures

- summary of mitigation measures

Significance rating of impact after mitigation

- very low
- low
- medium
- high

Table 4: Impact rating table for the development on Steenboksfontein 19/92, Muisbosskerm (**Development/Construction/Clearing phase**)														
Options	Impact	Nature of impact	Significance	Consequence	Extent	Duration	Probability	Reversibility	Irreplaceability of the receiving resources/environment	Can the impact be avoided?	Can the impact be mitigated?	Can the impact be managed	Potential mitigation measures	Significance rating of impact after mitigation
Development footprints	Clearing of 0.4 ha	Loss of vegetation	Medium	moderate	Development footprint	permanent	Definite	low	high	yes	yes	no	No further development should be approved. Control vehicle access in coastal zone Rehabilitation of parking area not a viable option	Medium
		Loss of ecological processes	Medium low	slight	Development footprint	permanent	improbable	low	medium	no	yes	no	The natural areas around the development should remain intact	Medium low
		Loss of threatened plant species	Medium	slight	Development footprint	permanent	definite	low	medium	yes	yes	yes	No further development should be allowed	medium
		Impact on CBA	Medium	moderate	Development footprint	permanent	definite	low	medium	no	no	no	No further development should be allowed	medium

Table 5: Impact rating table for the development on Steenboksfontein 19/92, Malkoppan Gasteplaas (**Development/Construction/Clearing phase**)														
Options	Impact	Nature of impact	Significance	Consequence	Extent	Duration	Probability	Reversibility	Irreplaceability of the receiving resources/environment	Can the impact be avoided?	Can the impact be mitigated?	Can the impact be managed	Potential mitigation measures	Significance rating of impact after mitigation
Development footprints	Clearing of 4.9 ha	Loss of vegetation	Medium	moderate	Development footprint	permanent	Definite	low	high	yes	yes	no	No further development should be approved.	Medium
		Loss of ecological processes	medium low	slight	Development footprint	permanent	improbable	low	medium	no	yes	no	The natural areas around the development should remain intact	Medium low
		Loss of threatened plant species	medium	slight	Development footprint	permanent	definite	low	medium	yes	yes	yes	No further development should be allowed	Medium
		Impact on CBA and ESA	Medium	moderate	Development footprint	permanent	definite	low	medium	no	no	no	No further development should be allowed	medium

Table 6: Impact rating table for operational phase of the tourism activities at Muisbosskerm and Malkoppan Gasteplaas														
Options	Impact	Nature of impact	Significance	Consequence	Extent	Duration	Probability	Reversibility	Irreplaceability of the receiving resources/environment	Can the impact be avoided?	Can the impact be mitigated?	Can the impact be managed	Potential mitigation measures	Significance rating of impact after mitigation
Proposed development footprints	Vegetation degradation	Further degradation of vegetation	Medium	slight	local	Long term	Definite	low	medium	yes	yes	yes	Clear up litter in natural areas Prevent vehicle access to natural areas Control invasive Mannatokka trees in natural areas Provide biodiversity awareness information to visitors (do and don'ts)	Low

10. PROPOSED MITIGATION MEASURES IDENTIFIED TO PREVENT FURTHER DEGRADATION OF THE VEGETATION ON THE PROPERTY

The proposed mitigation measures should be captured in the Environmental Management Plan (EMPr).

8.1 Operational phase

- No further development should be undertaken or approved in the high sensitivity areas as indicated in **figures 12** and **13**.
- Medium sensitivity areas could be utilised for further development if an environmental impact assessment process is followed to obtain Environmental Authorisation. The areas that were historically planted with potatoes have shown re-establishment of native vegetation and if these areas were not cultivated within the last ten years Environmental Authorisation should be obtained before cultivation.
- Treated sewage water should not be released into any high sensitivity area but could be utilised to irrigate lawns (campsites and parking areas) in the developed low sensitivity zone.
- Vehicle access to the coastal zone west of the R365 Provincial Road should be limited to the fenced off parking area at the Muisbosskerm and all other roads within this coastal zone should be closed.
- Invasive alien Mannatokka trees should be monitored and removed should they establish in the natural areas on Malkoppan Gasteplaas.
- Litter which includes empty wine bottles that were dumped in the natural area north of Malkoppan campsite should be removed as they pose a threat to biodiversity as well as guests.

11. CONCLUSIONS AND RECOMMENDATIONS

1. The development were responsible for the loss of less than 0.4 ha Cape Seashore Vegetation (Least Concern) and 4.9 ha of Lamberts Bay Strandveld (Vulnerable). These are relatively small developments and the impact on these vegetation units are rated medium (medium before mitigation).

2. The developments took place in areas mapped as Critical Biodiversity and Ecological Support Areas. Some of the development as indicated in this report occurred before Biodiversity Spatial Panning maps (CBA and ESA) were produced for this farm.

3. Four plant Species of Conservation Concern were recorded on the property and would most likely have been affected by the development. All four species have a large distribution area. The impact on the total population on the property is rated as medium.

4. No threatened animal species would have been significantly affected by the development.

5. Rehabilitation of the developed areas is not seen as a viable option.

6. No further development of any natural areas on the property should be allowed.

7. Vehicle access in the coastal area should be prevented by closing all vehicle access roads, except for the access road that leads to the Muisbosskerm.

8. Treated sewage water should not be discharged into the high sensitivity areas but could be utilized for irrigating lawns in the low sensitivity area.

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APPENDIX A: PLANT SPECIES LIST

LC = Least Concern

NT = Near threatened

VU = Vulnerable

A= Muisbosskerm B= Malkoppan Gasteplaas

INDIGENOUS					
Family	**Species**	**Common name**	**SANBI Red List status**	**A**	**B**
AIZOACEAE	*Adenogramma glomerata*	muggiegras	LC		
AIZOACEAE	*Amphibolia laevis*	coastal brightfig	NT		
AIZOACEAE	*Aizoon paniculatum*	Pink Baconfig	LC		
AIZOACEAE	*Caprpobrotus edulis*	suurvy	LC		
AIZOACEAE	*Conicosia pugioniformis*	varkslaai	LC		
AIZOACEAE	*Cleretum bellidiforme*	bokbaai vygie	LC		
AIZOACEAE	*Drosanthemum floribundum*	Pale Dewfig	LC		
AIZOACEAE	*Lampranthus stipulaceus*	vygie	LC		
AIZOACEAE	*Mesembryanthemum sp.*	Preenfig	LC		
AIZOACEAE	*Ruschia macowanii*	beach tentfig	LC		
AIZOACEAE	*Stoeberia utilis*	rooivy	LC		
AIZOACEAE	*Tetragonia decumbens*	coast seacoral	LC		
AIZOACEAE	*Tetragonia fruticosa*	kinkelbossie	LC		
AMARANTHACEAE	*Atriplex lindleyi*	Lindley's Saltbush	LC		
AMARANTHACEAE	*Manochlamys albicans*	bacon bush	LC		
AMARYLLIDACEAE	*Brunsvigia orientalis*	koningskandelaar	LC		
ANACARDIACEAE	*Searsia glauca*	taaibos	LC		
ANACARDIACEAE	*Searsia laevigata*	taaibos	LC		
APIACEAE	*Cynorhiza typica*	carrot	LC		
APIACEAE	*Dasispermum suffruticosum*	Dune Celery	LC		
APOCYNACEAE	*Asclepias crispe*	bitterwortel	LC		
APOCYNACEAE	*Microloma sagittatum*	Melkblommetjie	LC		
ASPARAGACEAE	*Asparagus asparagoides*	Bridal Asparagus	LC		
ASPARAGACEAE	*Asparagus capensis*	katdoring	LC		
ASPARAGACEAE	*Asparagus aethiopicus*	katdoring	LC		
ASPARAGACEAE	*Asparagus lignosus*	Fire Asparagus	LC		
ASPHODELACEAE	*Trachyandra falcata*	duinekool	LC		
ASPHODELACEAE	*Trachyandra ciliata*	wildeblomkool	LC		
ASPHODELACEAE	*Trachyandra divaricata*	veldkool	LC		
ASTERACEAE	*Amellus asteroides*	Amellus	LC		
ASTERACEAE	*Arctotis brevicapa*	sandveldgousblom	LC		
ASTERACEAE	*Arctotheca calendula*	Cape weed	LC		
ASTERACEAE	*Cotula sp.*	knoppies	LC		

ASTERACEAE	*Crassothonna cylindrica*	Ossierapuisbos	LC		
ASTERACEAE	*Didelta carnosa*	Meaty Saladbush	LC		
ASTERACEAE	*Dimorphotheca sinuata*	Namaqualand Rain Daisy	LC		
ASTERACEAE	*Dimorphotheca pluvialis*	reenblommetjie	LC		
ASTERACEAE	*Felicia filifolia*	felicia	LC		
ASTERACEAE	*Felicia hyssopifolia*	Soppy Felicia	LC		
ASTERACEAE	*Felicia tenuifolius*	grysastertjie	LC		
ASTERACEAE	*Helichrysum dunense*	dune everlasting	VU		
ASTERACEAE	*Oncosiphon suffruticosus*	Sandveld stinkkruid	LC		
ASTERACEAE	*Othonna coronopifolia*	Sand Babooncabbage	LC		
ASTERACEAE	*Osteospermum incanum*	grysbietou	LC		
ASTERACEAE	*Osteospermum moniliferum*	bietou	LC		
ASTERACEAE	*Pteronia divaricata*	Yellow Gumbush	LC		
ASTERACEAE	*Pteronia onobromoides*	Hottentotsboegoe	LC		
ASTERACEAE	*Pteronia ovalifolia*	grysgombos	LC		
ASTERACEAE	*Senecio littoreus*	coast ragwort	LC		
CAMPANOLACEAE	*Wahlenbergia sp.*	bluebell	LC		
CELASTRACEAE	*Maytenus heterophyla*	stinkpendoring	LC		
CELASTRACEAE	*Putterlickia pyracantha*	pendoring	LC		
CRASSULACEAE	*Tylecodon paniculatus*	botterboom	LC		
CUCURBITACEAE	*Kedrostis psammophylla*	Bryony	LC		
EBENACEAE	*Euclea tomentosa*	Honey Guarri	LC		
EBENACEAE	*Diospyros villosa*	Hairy Star-apple	LC		
EUPHORBIACEAE	*Euphorbia caput-medusae*	vingerpol	LC		
EUPHORBIACEAE	*Euphorbia burmannii*	soetmelkbos	LC		
EUPHORBIACEAE	*Euphorbia mauritanica*	Yellow Milkbush	LC		
FABACEAE	*Calobota sericea*	fluitjiesbos	LC		
FABACEAE	*Aspalathus spinescens ssp. lepida*	sandbos	LC		
GERANIACEAE	*Pelargonium senicoides*	wilde malva	LC		
GERANIACEAE	*Pelargonium gibbosum*	gouty geranium	LC		
HYACINTHACEAE	*Albuca cooperi*	Dainty Tamarak	LC		
HYACINTHACEAE	*Albuca grandis*	Grand Tamarak	LC		
HYACINTHACEAE	*Lachenalia pallida*	viooltjie	LC		
HYACINTHACEAE	*Lachenalia bulbifera*	Rooinaeltjie	LC		
HYACINTHACEAE	*Ornithogalum thyrsoides*	chincherinchee	LC		
IRADACEAE	*Moraea fugax*	soet uintjie	LC		
IRADACEAE	*Babiana hirsuta*	bobbejaantjie	NT		
IRADACEAE	*Ferraria foliosa*	Beach Spiderlily	NT		
IRADACEAE	*Lapeirousia anceps*	Long Kabong	LC		
LAMIACEAE	*Ballota africana*	Catmint	LC		
LAMIACEAE	*Salvia lanceolata*	rooisalie	LC		
MALVACEAE	*Hermannia alnifolia*	poprosie	LC		
MALVACEAE	*Hermannia amoena*	jeukbos	LC		

MALVACEAE	*Hermannia heterophylla*	poprosie	LC		
MALVACEAE	*Hermannia scordifolia*	poprosie	LC		
MALVACEAE	*Hermannia trifurca*	Purple Dollsrose	LC		
MOLLUGINACEAE	*Pharnaceum microphyllum var micro.*	Minileaf Spookasem	LC		
NEURADACEAE	*Grielum grandiflorum*	Blue-eye Snotblom	LC		
OXALIDACEAE	*Oxalis hirta*	suring	LC		
OXALIDACEAE	*Oxalis purpurea*	perssuring	LC		
PAPAVERACEAE	*Cysticapnos vesicaria ssp. vesicaria*	Cape clapper	LC		
PLUMBAGINACEAE	*Limonium peregrinum*	Large Sea-Lavender	LC		
PLUMBAGINACEAE	*Limonium sinuatum*	Blue Statice	NA		
POACEAE	*Ehrharta brevifolia*	grass	LC		
POACEAE	*Ammophila arenaria*	grass	Naturalized exotic		
POACEAE	*Cladoraphis cyperoides*	Sedge-Stemmed Love Grass	LC		
POLYGALACEAE	*Muraltia spinosa*	skilpadbessie	LC		
SANTALACEAE	*Thesium sp.*	swartstorm	LC		
SCROPHULARIACEAE	*Dischisma sp.*	Falseslugwort	LC		
SCROPHULARIACEAE	*Zaluzianskya affinis*	Sandveld drumsticks	LC		
SCROPHULARIACEAE	*Manulea silenoides*	Starbone Fingerphlox	LC		
SOLANACEAE	*Lycium ferocissimum*	slangbessie	LC		
SOLANACEAE	*Solanum guineense*	bitterappel	LC		
SOLANACEAE	*Lycium tetrandrum*	muisbos	LC		
TECOPHILAECEAE	*Cyanella hyacinthoides*	raaptol	LC		
VISCACEAE	*Viscum capense*	Voëlent	LC		
ZYGOPHYLLACEAE	*Roepera morgsana*	slymbos	LC		
ALIEN					
SCROPHULARIACEAE	*Myoporum tenuifolium*	manatoka	invasive alien		

HERITAGE IMPACT ASSESSMENT

In terms of Section 38(8) of the NHRA for the

S24G Rectification at Muisbosskerm Restaurant parking area and the Malkoppan Tourism Facility





HWC Ref: 21102606

Prepared by CTS Heritage

CTS HERITAGE

Jenna Lavin

Claire Abrahamse

For

For Footprint Environmental Services

May 2022

CTS HERITAGE

EXECUTIVE SUMMARY

1. Site Name:

Muisboskerm and Malkkopan Tourism Facilities

2. Location:

Along the West Coast, between Elands Bay and Lamberts Bay

3. Locality Plan:

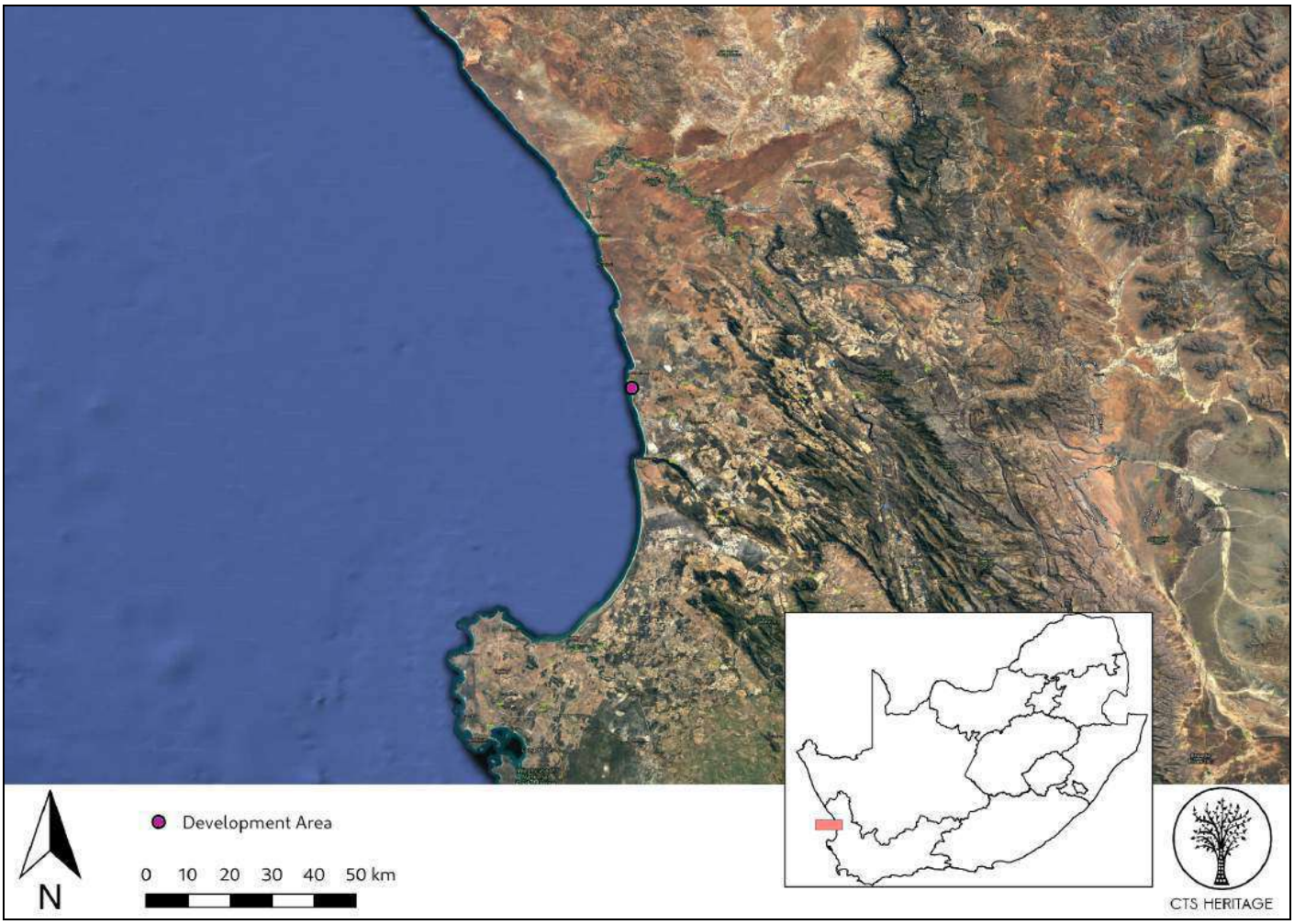


Figure 1: Location of the proposed development site near Lamberts Bay

4. Description of Proposed Development:

Assessment of heritage impacts following the unlawful development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) and a Restaurant parking (Muisbosskerm) On Farm 19/92, Steenboksfontein, Cederberg Municipality as part of Section 24G Application Process under NEMA.

5. Heritage Resources Identified:

Cultural Landscape

None of the structures making up the site are even of a medium level of heritage significance. The old farmhouse is protected under Section 34 of the National Heritage Resources Act, and its context does adhere to the historic pattern of settlement in this area. At most, it and the adjacent pan might receive a grading of IIIC, along with the small guest cottage nestled in the dunes, which is representative of the typology, and older than the other fabric surrounding the campsite.

None of the other structures making up the site have sufficient significance to warrant grading. As a whole, the site would also not warrant grading.

However, the site does contribute to a broader cultural landscape that was only settled in the early 20th century, but that does have a mild degree of significance in that it comprises a linear coastal dune system with a string of brackish perennial water bodies behind the seaward dunes. The location of these pans has determined the location of structures in this otherwise sparse and expansive semi-desert landscape, that is so typical of the West Coast. The structures comprising Malkoppan today follow and reinforce this landscape pattern.

Archaeology

Table 1: Artefacts and sites identified during the field assessment within the development area (see Appendix 2 for detailed mapping)

Obs. No	Description	Latitude	Longitude	Grading	Mitigation
001	Grindstones, part of larger shell midden	32° 8'9.46"S	18°18'34.47"E	IIIA	HMP
002	Upper and lower Grindstones, part of larger shell midden	32° 8'8.66"S	18°18'34.93"E	IIIA	HMP
003	Stratified shell midden	32° 7'59.32"S	18°18'19.79"E	IIIA	HMP

6. Anticipated Impacts on Heritage Resources:

As noted above, the structures comprising Malkoppan today follow and reinforce the cultural landscape pattern identified as significant along this coastline. The current extent of building at Malkoppan and Muisbosskerm is not detrimental to the experience of the cultural landscape along this section of coastline. However, it is also important to note that the other nodes along this stretch of coastline are more densely built-up, but that this should not allow for un-assessed densification of the Malkoppan site.

While some additional development may be possible, Malkoppan has far less established landscaping, which affects the impact of the new buildings upon the overall experience of the cultural landscape.

Based on the results of the archaeology assessment, it is clear that the unauthorised development has negatively impacted archaeological heritage resources. However, as the impact had already taken place at the time of assessment, it is difficult to determine the significance of the archaeological resources impacted.

7. Recommendations:

As this HIA is assessing development that has already been completed, the following is recommended to ensure no further impacts to significant heritage resources:

1. A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property. This management plan must include the following stipulations:
    a. That all new development must receive the required approvals at Heritage Western Cape.
    b. That new development should not be permitted along the coastal side of the road.
    c. In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
    d. That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
    e. Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources
2. HWC has previously indicated that they wish to explore the imposition of "compensatory actions" in terms of S38(d)(4) of the NHRA related to this development. These actions could include the CMP, further detailed engagements between HWC and the landowner and/or fines determined by the heritage authority as archaeological sites damaged by the completed clearing and construction activities have ruled out the option of carrying out archaeological excavations to analyse the impacted middens

8. Author/s and Date:

Jenna Lavin

June 2022

CTS HERITAGE

CONTENTS

1. INTRODUCTION **5**
- 1.1 Background Information on Project 5
- 1.2 Description of Property and Affected Environment 7

2. METHODOLOGY **12**
- 2.1 Terms of Reference 12
- 2.2 Summary of steps followed 12
- 2.3 Assumptions and uncertainties 12
- 2.4 Constraints & Limitations 13

3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT **13**
- 3.1 Cultural Landscape 13
- 3.2 Archaeology 21
- 3.3 Palaeontology 26

4. IDENTIFICATION OF HERITAGE RESOURCES **27**
- 4.1 Heritage Resources identified 27
- 4.2 Mapping and spatialisation of heritage resources 28

5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT **29**
- 5.1 Cultural Landscape 29
- 5.2 Archaeology 29
- 5.3 Sustainable Social and Economic Benefit 31
- 5.4 Development Alternatives 31

6. RESULTS OF PUBLIC CONSULTATION **31**

7. CONCLUSION **32**

8. RECOMMENDATIONS **33**

APPENDICES

1 Archaeological Impact Assessment 2022

2 Cultural Landscape Assessment 2022

3 NID Form and Heritage Screener

3 HWC Response to NID

4 Results of PPP

1. INTRODUCTION

1.1 Background Information on Project

This application is for the assessment of heritage impacts following the unlawful development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) and Restaurant parking (Muisbosskerm) parking on Farm 19/92, Steenboksfontein, Cederberg Municipality as part of Section 24G Application Process under NEMA.

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Historical development of the site as seen from sequential GOOGLE Earth Imagery in Figures 15.1 to 15.6

The development footprint appears to remain unaltered between 1985 and 2005. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced. At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 hectares of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009. By September of that year development of the ablution facilities are well advanced. The footprint of the development remains relatively unaltered thereafter until September of 2009. The next image from Feb 2016 shows the expansion of the footprint by clearing of additional natural vegetation over an extent of approximately 2 hectares. By this time the reception and restaurant facility had been erected. An additional expansion of the footprint occurs in 2019 when an additional 0.22 hectares of natural vegetation is cleared. This is followed by a further expansion of 0.53 hectares of natural vegetation being cleared by March of 2019.

The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 hectares of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 hectares cleared to the south east of the facility, this footprint is further expanded by February 2019 by approximately 0.057 hectares. The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approximately 4.89 hectares.

The Muisbosskerm is a legally permitted business in terms of "Die Wet op Omgewingsbewaring" Act 100 of 1982. The permit was issued on the 6th June 1988. A trade licence and liquor licence have additionally been approved for the facility.

The Muisbosskerm is a large open-air restaurant / cooking shelter reminiscent of the historical shelters used in the past. It comprises of cooking, braai and storage facilities serviced by ablution infrastructure and a fenced off parking area that extends to the north and south of the "skerm" between the road and the high-water mark of the ocean. The Muisbosskerm is a well-known landmark frequented by local and international visitors. It has featured in films and has been the subject of cooking programs and publications. The parking area was historically used for the drying of kelp but this practice has been discontinued.

The Malkoppan tourism facility comprises of the following:

- 60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night.
- Each site has its own electricity connection.
- The camp sites are serviced by two ablution facilities comprised of nine (9) showers, six (6) toilets and two (2) baths. There are also separate washing / dishwashing facilities.

"Die Stalle" Campsite comprises of the following:

- 40 individual sites with each site serviced by an electrical point;
- These sites are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men's side and four (4) showers and four toilets on the women's side.

Temporary "Stalletjies":

These 15 stalletjies are used during the monthly farmers market hosted on the property. Each of the stalletjies are hired by participants of the market who then display and sell their good. The event is hosted on the last Saturday of each month and is a well-supported event. Each of the stalletjies are built of wood with a zinc roof and each is supplied with an electrical connection.

The Fisherman accommodation facility:

This is an old refurbished and furnished labourer's house that has been operational since 2012 to accommodate visitors. The furnishings provided are those typically found historically from the Sandveld.

Recreational Building:

This is a large freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities.

Existing Sewerage and waste water treatment:

Black water from both male and female ablutions is collected in a constructed 2 chamber septic tank. The supernatant overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the municipal wastewater treatment works.

Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.

1.2 Description of Property and Affected Environment

The area affected by the development is located on the West Coast approximately 6km south of Lamberts Bay along the R365. A portion of the development area is located on the beach within the high water mark. The remainder of the development area is located to the east of the R365 and is largely shielded from view from the R365.

The development area is dominated by illegal development work including the established grassed campsite areas, parking areas and market areas. The sections of the property that have not been disturbed are covered in strandveld vegetation and are littered with shell fragments.

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status

of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development.

The area that has been developed is located within a remote stretch of coastline located between Lamberts Bay and Elands Bay. This stretch of coastline has very low density development in the form of the occasional farm infrastructure along the stretch of land in close proximity to the coast. This farm is one of a few along this coastline. The cultural landscape of this area is dominated by agricultural-type infrastructure located along the gravel road linking these two towns. Due to the nature, scale and location of the development, it is not anticipated that the illegal work has negatively impacted on any significant cultural landscape.

The farm buildings on this property that existed prior to the development under consideration can be described as West Coast vernacular with some historic architectural significance and are therefore given a proposed grading of IIIC. What appears to be an historical labourer's cottage which forms part of the farm werf complex, has been renovated without a permit from Heritage Western Cape. According to the landowner, ""Die werkershuisie is reeds gebou in die 70 tigs. Ek het dit in 2004 gerestoureer in sandveld visserman styl vir toeriste uitverhuring" (The labourers' cottage was built in the 1970's. It was renovated in 2004 in the Sandveld Fisherman style to hire out for tourists).

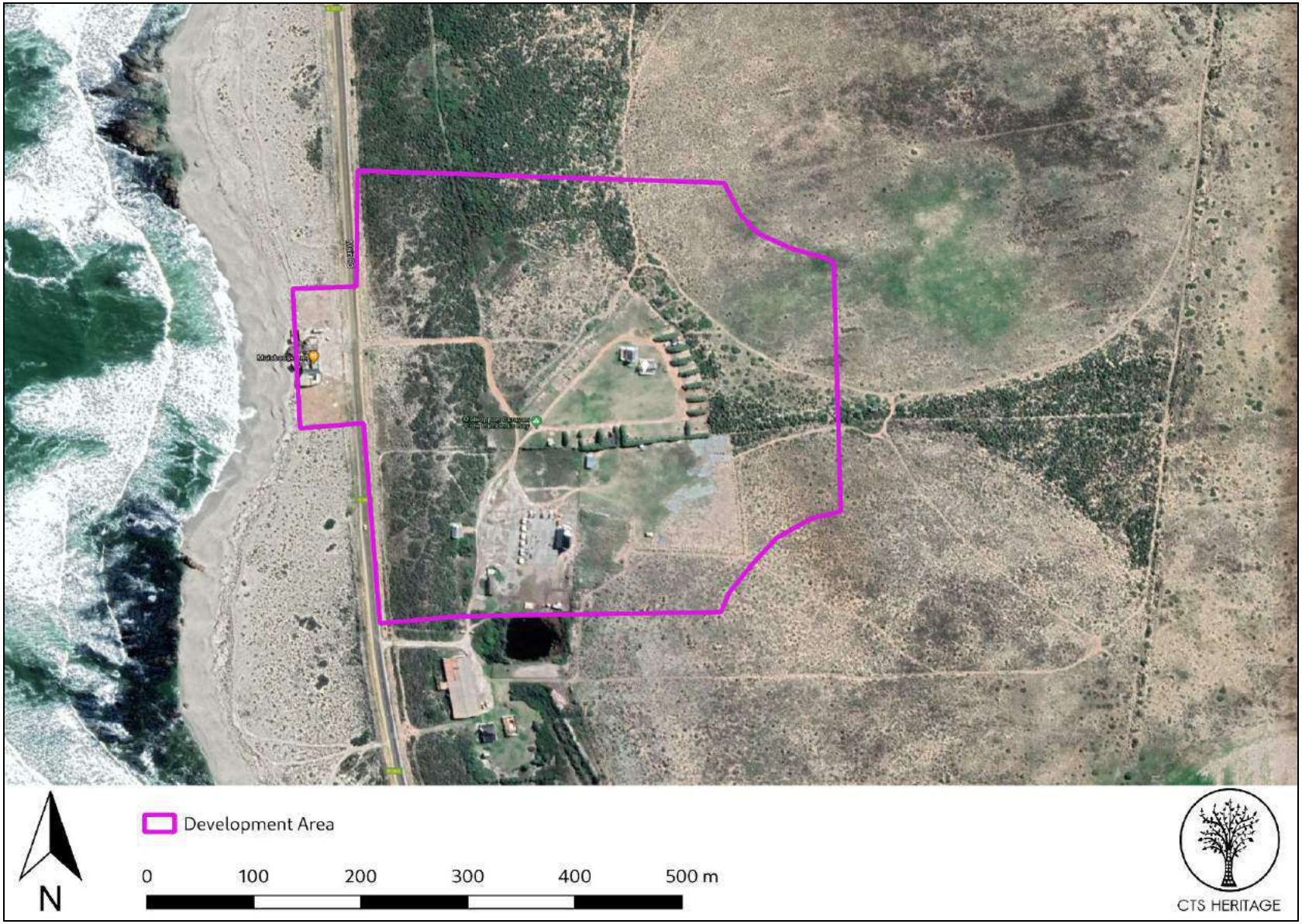


Figure 1.1: Satellite image indicating proposed location of development

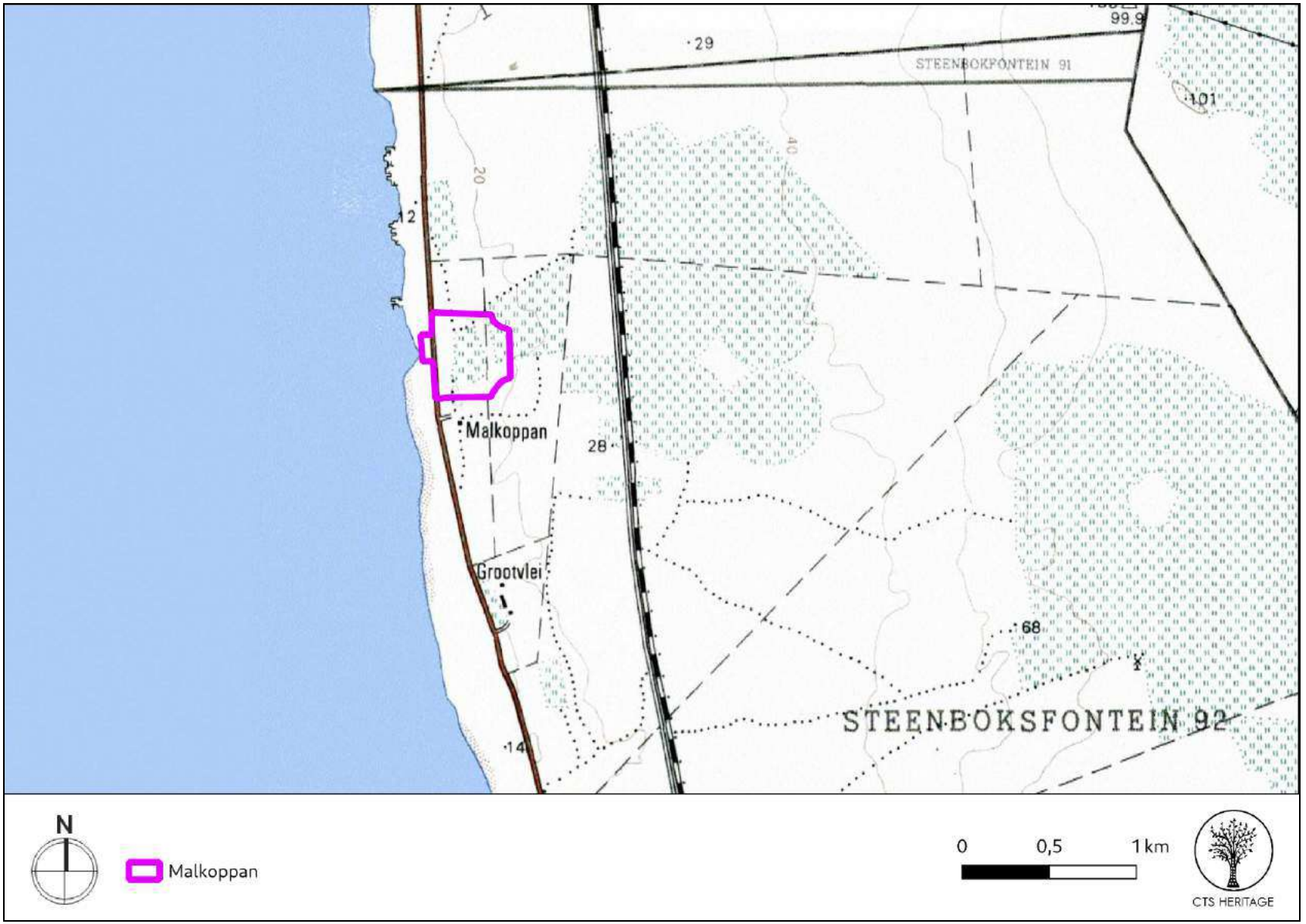


Figure 1.1: Satellite image indicating proposed location of development

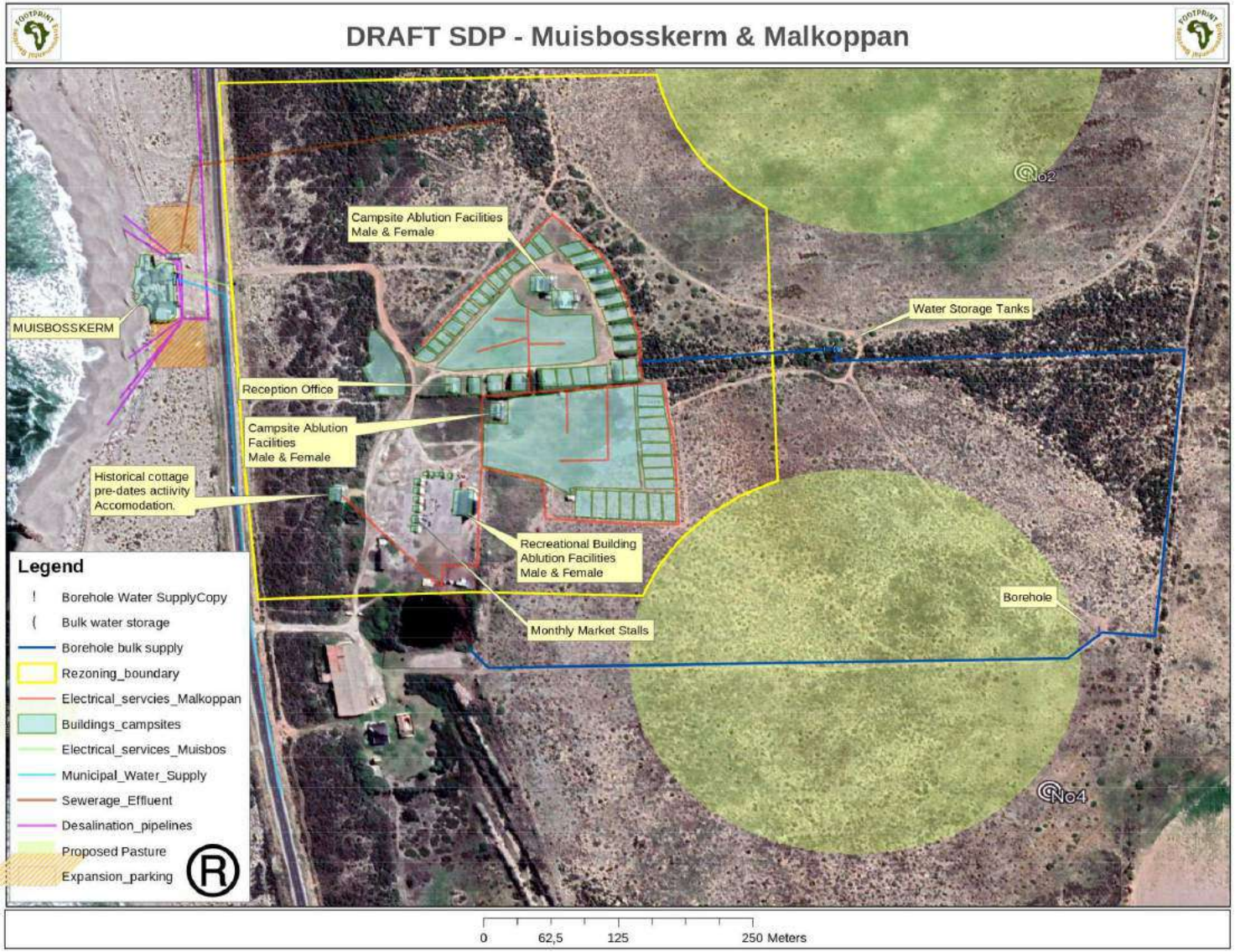


Figure 1.3: Close up satellite image indicating proposed location of development

2. METHODOLOGY

2.1 Terms of Reference

A Notification of Intent to Develop (NID) form for this proposed development was submitted to HWC in October 2021. HWC responded in a letter dated 1 January 2022 (Appendix 4) requiring that a Heritage Impact Assessment (HIA) be conducted that must assess the impact of the illegal work on heritage resources and recommend possible mitigation measures to be undertaken.

The purpose of this HIA is to satisfy the requirements of HWC in terms of section 38(8), and therefore section 38(3) of the National Heritage Resources Act (Act 25 of 1999).

2.2 Summary of steps followed

- A Desktop Study was conducted of relevant reports previously written
- An archaeologist (Ms J. Lavin) conducted an assessment of heritage resources likely to be impacted by the proposed development. The site visit took place on 15 February 2022 (Appendix 1).
- An assessment of built environment impacts and impacts to the cultural landscape was completed by Ms C. Abrahamse and integrated into this HIA
- The identified resources were assessed to evaluate their heritage significance
- Alternatives and mitigation options were discussed with the Environmental Assessment Practitioner

2.3 Assumptions and uncertainties

- The *significance* of the sites and artefacts is determined by means of their historical, social, aesthetic, technological and scientific value in relation to their uniqueness, condition of preservation and research potential. It must be kept in mind that the various aspects are not mutually exclusive, and that the evaluation of any site is done with reference to any number of these.

- It should be noted that archaeological and palaeontological deposits often occur below ground level. Should artefacts or skeletal material be revealed at the site during construction, such activities should be halted, and it would be required that the heritage consultants are notified for an investigation and evaluation of the find(s) to take place.

However, despite this, sufficient time and expertise was allocated to provide an accurate assessment of the heritage sensitivity of the area.

2.4 Constraints & Limitations

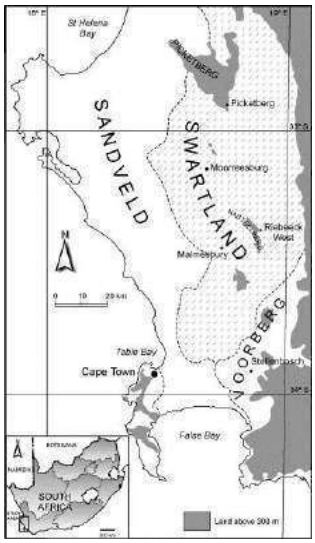
No significant limitations to the survey were experienced. However, as this is a section 24G process, the development has already taken place and so the field assessment is only able to hypothesise as to what has been impacted. To do this, the surrounding undisturbed areas were interrogated. As such, the authors are confident that the survey conducted provides a sufficient assessment of the archaeological sensitivity of the development area.

3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT

3.1 Cultural Landscape

Description of Cultural Landscape

The Sandveld comprises the coastal strip of the Piquetberg and Clanwilliam districts and is traversed by three river systems or "vleie", of which the Verlorenvlei is the best known (Fransen, 2004: 345).



The Sandveld region stretches from the Berg River in the south to Lamberts Bay in the North. The area is bounded by the Cederberg Mountains in the east and the Atlantic Ocean in the west. The Piketberg Mountains are situated in the middle of this region, forming a natural barrier between the sandy flatlands between the mountains and the sea.... While the term "Sandveld" is commonly used to describe the above geographical area, the actual Sandveld, as in the underlying geology and ecology, is ubiquitous from Milnerton in the south up until the point at which the mountains meet the sea north of Lamberts Bay (Figure 2).

The landscape is open and sparse with few water sources, many of which are slightly brackish even at the best of times (Thomas, 2016: 5).

Figure 2: Location of the Sandveld (https://www.sciencedirect.com/science/article/abs/pii/S1462901102001223).

This distinctive landscape – which is extremely arid, flat or with rolling hills, with settlement clustered along the vleis and with a coastal belt of dunes buffering the impact of the sea on the land (Figure 3) – has given rise to a distinctive vernacular architecture. The design and construction of buildings here has been constrained by available materials, the local economy, the relative isolation of the community and by functional requirements for shelter in a harsh climate. The buildings have a "homespun" and elemental quality that remains in evidence today, although is under threat (Fransen, 2004: 345 – see Figure 4).





Figure 3 (left): View from the low hills towards Elands Bay (https://tracks4africa.co.za/listings/item/w210992/western-cape-sandveld/) and Figure 4 (right): the "homespun" architectural qualities of the Verlorenvlei (Fransen, 2002: 350).

The combination of natural and man-made elements has led to the creation of a very specific sense of place, which has not been greatly impacted by modernization and development in the past century.

Studies of the cultural landscape in the Sandveld have focused on the "fingers" of the vleis that bisect this hostile environment. The subject site is one of the few settlements that is located between these. It traverses the dune environment, and is exposed to the coastline, with its cold Benguela current, thick mists and scarce rainfall.

Development of the Site

Substantial work has been done on the history and development of the Verlorenvlei, but less information exists on the Jakkalsvlei and Langvlei Rivers, which end at Lambert's Bay and the Wadrifsoutpan respectively. The two outer riverine systems are each marked by a small town where they end at the coastline: Elands Bay in the case of Verlorenvlei, and Lambert's Bay in the case of the Jakkals River.

The subject site – Malkoppan – is located between the central Wadrifsoutpan mouth and Lambert's Bay, and forms a portion of the historic farm Steenboksfontein.

Steenboksfontein was granted to G.E. Smit on the 31st December 1831. The Smit family's presence in the Sandveld dates to 1750, when Erasmus Smit was loaned the farm "Wagenpad" on the slopes of the Piketberg for the grazing of cattle (Thomas, 2016: 55).

Although no clear evidence as to the origins of the name "Malkoppan" could be found, the 1965 1:50000 Topographical Map indicates that the bay to the south of Lambert's Bay is named "Malkopbaai", with the

headland sheltering the harbour labelled “Malkopbaaipunt”. The map also indicates a perennial water body at the site – named a “pan” in Afrikaans – so it is likely that the name references the geographic location and features of the site.

The 1965 Topographical map – the earliest available - indicates a series of pans, strung out behind the dune system, each with a small structure located alongside. Albanie and Grootvlei are the other two examples, with Steenboksfontein – the original farmstead, most likely with a spring or permanent water source – being located closest to the Wadrifsoutpan.

The natural layers analysis of the cultural landscape indicates the gently sloping land, as well as the steeper dune system just beyond the coastline, against which the perennial pans are located (Figure 5). The sea, with a series of exposed “bays”, the river systems with their vlei estuaries, and the perennial pans behind the dunes are the water systems evident across the landscape.

In terms of the man-made layers, the historic parent farms, road system, settlements and historic werf areas (at least, those identified by Fransen in 2004) are indicated (Figure 6).

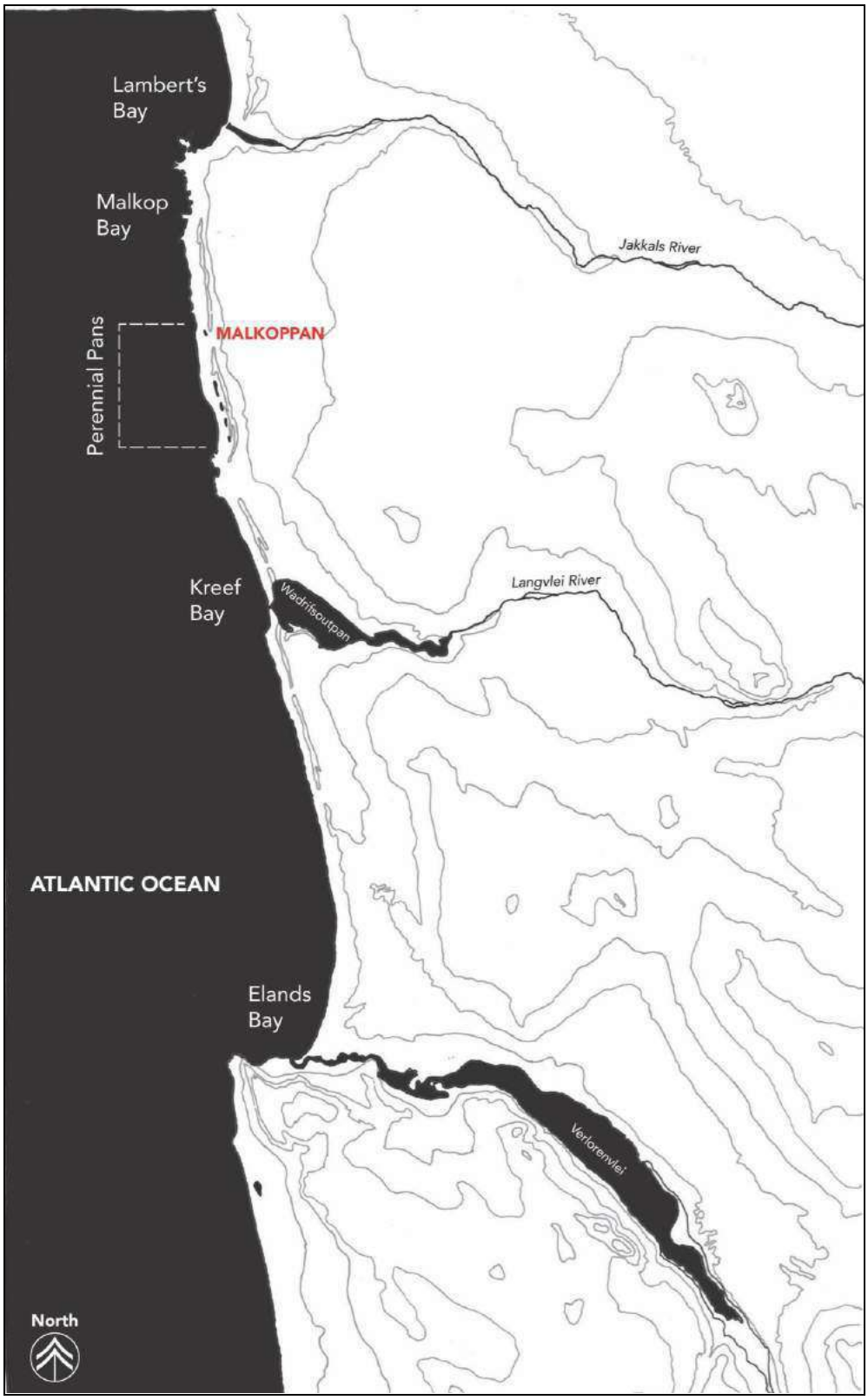


Figure 5: The natural layers of the Sandveld area in the vicinity of the site, with Malkoppan identified in red text.

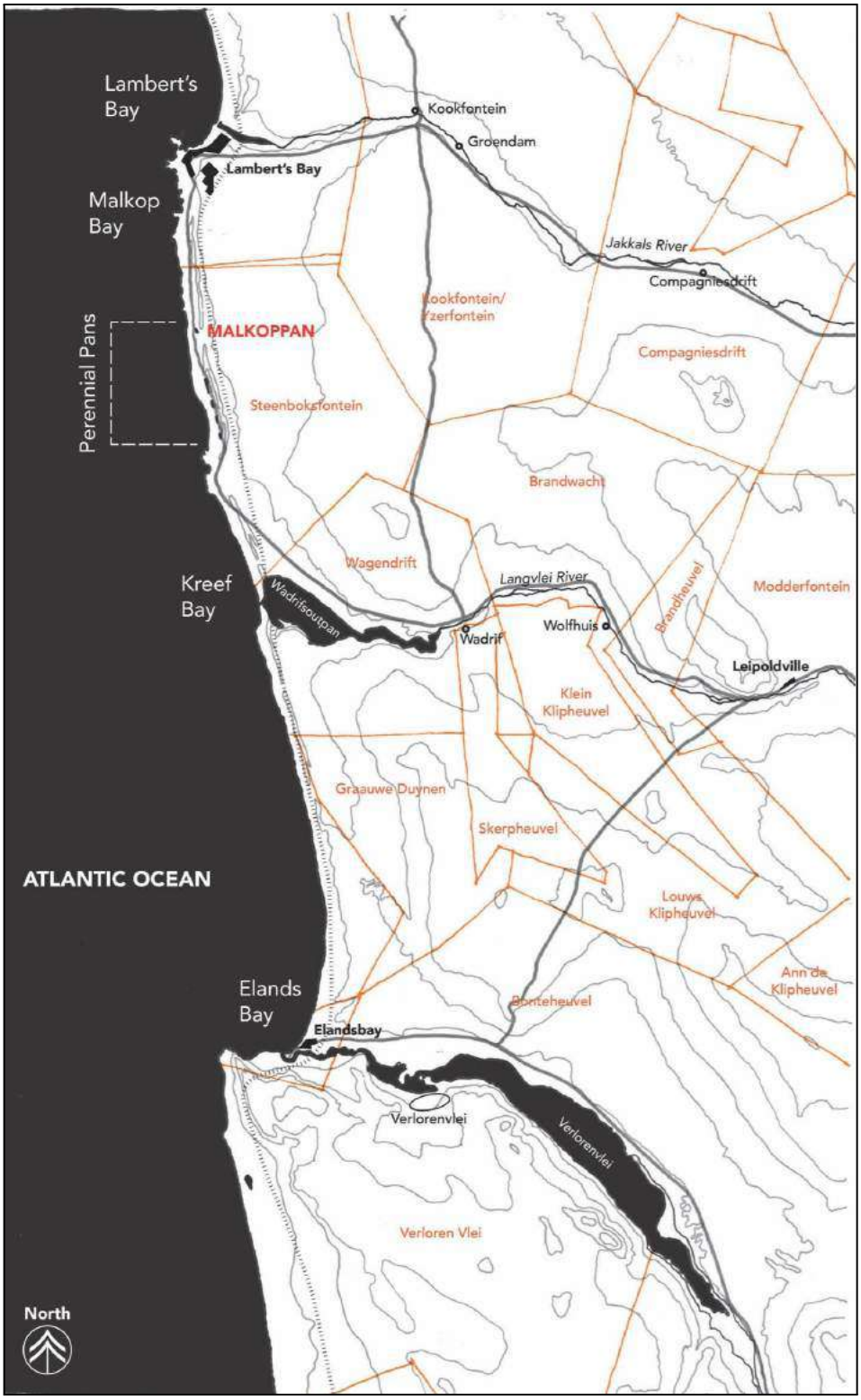
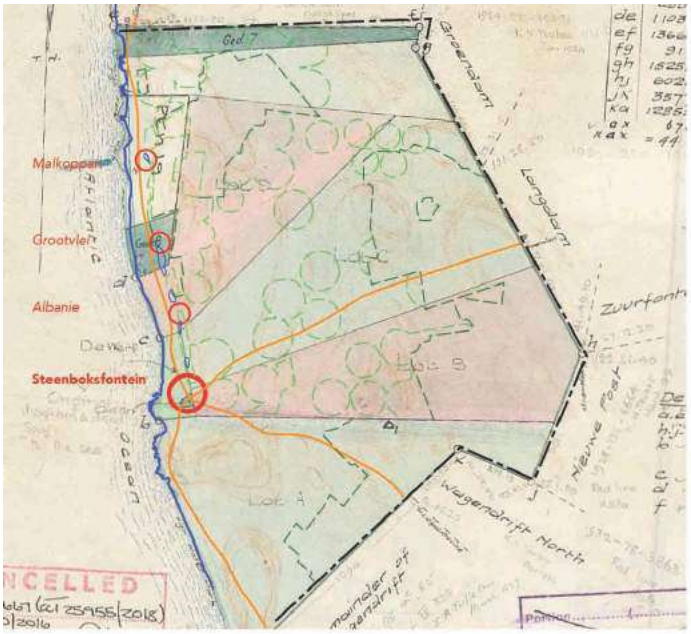


Figure 6: The man-made layers of the Sandveld area in the vicinity of the site, with Malkoppan identified in red text. The historic farm grant boundaries, in orange, are from NGI Mowbray, while the historic homesteads are from Fransen, 2004.

The 1930 Surveyor General Diagram was the earliest diagram of any detail that could be found for Malkoppan (Figure 7). The diagram clearly shows the original extent of Steenboksfontein form, as well as the subsequent subdivisions (of which Portion 19 is Malkoppan). The dune system is indicated in tan-coloured contour lines, and the road system is indicated, converging on "Die Erf" (in blue), surrounded by "Die Werf" (in green), which denotes the location of the Steenboksfontein homestead. Following the coastal road north towards Lambert's Bay, a series of red marks seem to indicate the potential location of buildings.



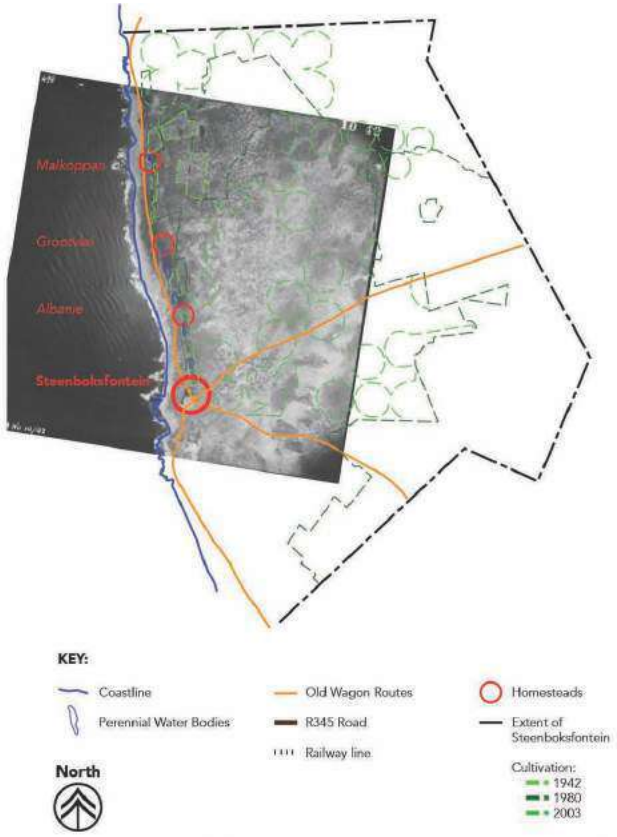
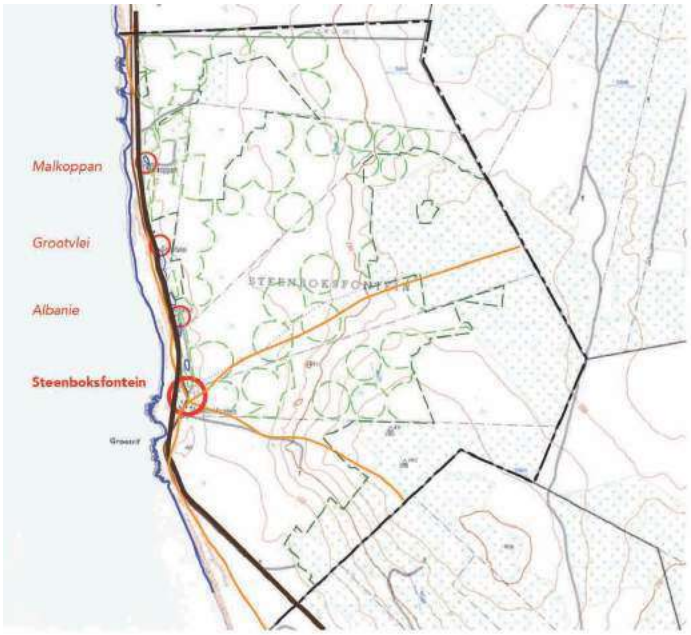


Figure 7 (left): The 1930 surveyor general diagram for Steenboksfontein farm, with the various portions and old wagon route identified.
Figure 8 (right): The 1942 aerial photography for the area shows the perennial pans, as well as the early extent of agriculture.

The 1942 aerial photography available for the site indicates that a dirt road ran through the four homesteads, from Steenboksfontein werf to Lambert's Bay (Figure 8). The farmhouse and rectangular barn structure seem to be in evidence, as does the pan. Cultivation to the north and east are in evidence, which supports the determination that the two structures identified would be in place by this time.

By 1964, the tarred road had been constructed (Figure 9), and by 1980 the railway line had joined the road as a linear infrastructure cutting the coastline off from the interior (Figure 10). From 1986, circular areas of cultivation speak to the introduction of more intensive agricultural irrigation (Figure 11).



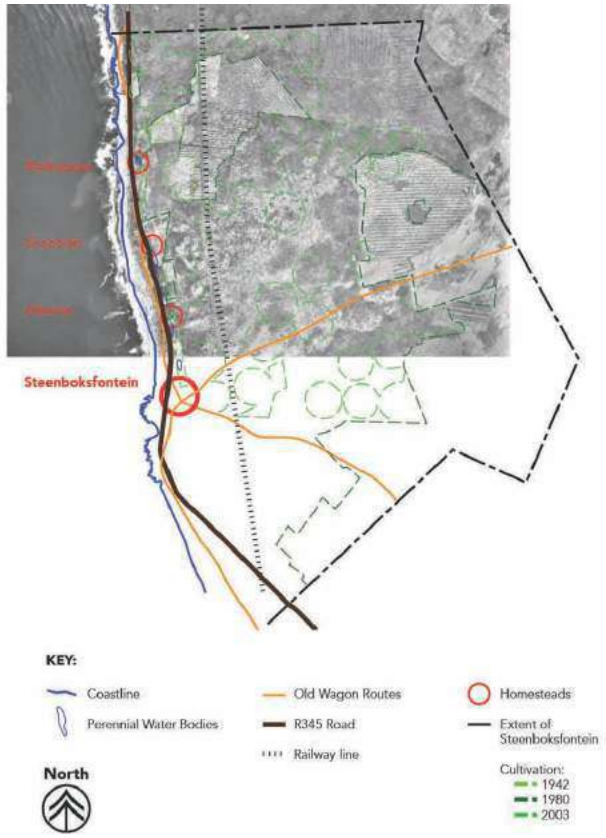


Figure 9 (left): The 1964 Topographical Map for the area, with the extent of agriculture identified.
Figure 10 (right): The 1980 aerial photography for the area showing the extent of agriculture and development at the time.

The 2003 Topographical map indicates a structure along the coastline – the origins of the Muisbosskerm restaurant (Figure 12) – while the 2010 Topographical map indicates a greater number of structures at all the settlement nodes along the coastline, while the extent of agriculture remains constant..

The analysis indicates a landscape that has seen slow and incremental development over the course of the 20th century, both in terms of the extent of cultivation and the number of structures at each node (Figure 13). It is clear that all of the structures located at Malkoppan today are within areas that have been cultivated at least since the 1940s.



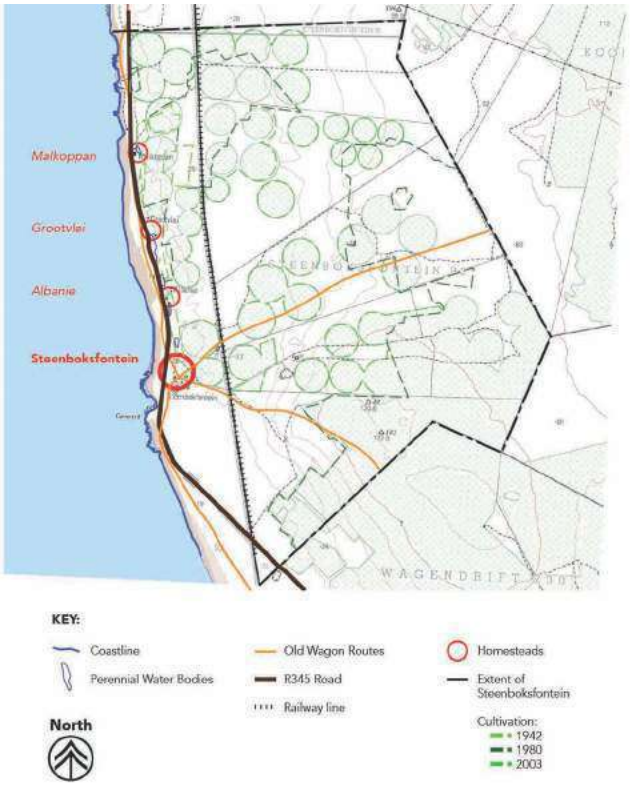


Figure 11 (left): The 1986 Topographical Map for the area, with the extent of agriculture identified.
Figure 12 (right): The 2003 Topographical Map for the area, with the extent of agriculture identified.

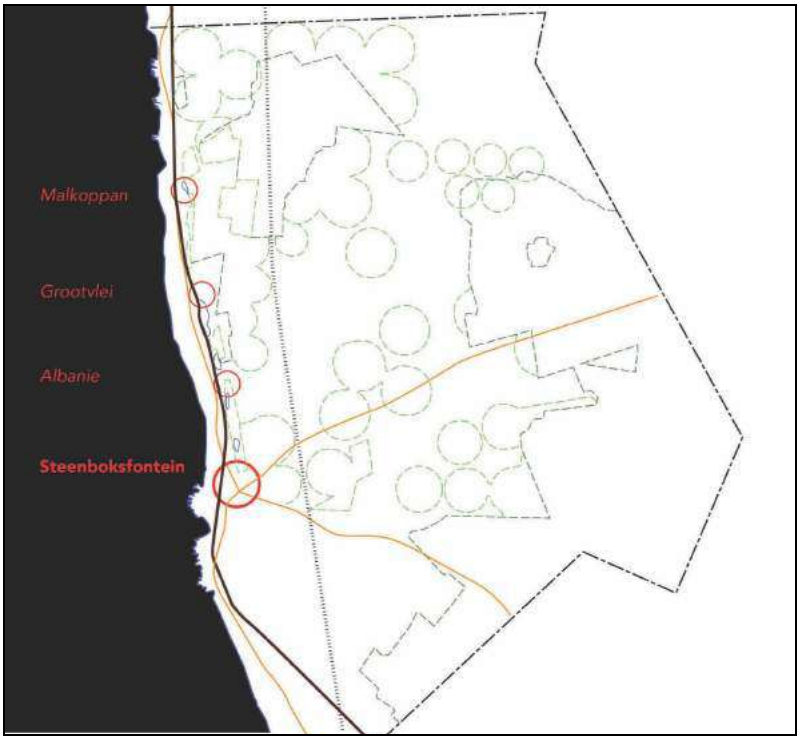


Figure 13 (left): Analysis of the development of the landscape around Malkoppan between 1930 and 2010.



3.2 Archaeology

The development lies along the West Coast about 5km south of Lamberts Bay. A series of archaeological sites lie 1.5km south of the property at Grootvlei and the very well known sites at Steenbokfontein are about 4km south of Malkoppan. Much of the coastline between Elands Bay and Lamberts Bay has been regularly studied by archaeologists based at the University of Cape Town as well as various impact assessments conducted since the late 1980s. In particular, the coastal archaeology found here has been part of Jeradino's core area on mega middens which started with her postgraduate studies at UCT (Jerardino 1994, 1996). Jerardino sampled the large black mussel (*Choromytilus meridionalis)* middens and most of these sites have been dated between 2 - 3 000 years ago with a date at Malkoppan older than 4000 years (Hart & Halkett 1995).

Manhire's Sandveld survey is also relevant as much of the ground inland of Lamberts Bay and south of the Jakkalsrivier was thoroughly researched and most of the sandstone koppies and deflation bays dotting the area have been inspected as they hold many rock art sites and open air scatters of Later and Middle Stone Age material. More recent work by Orton and Shaw has identified Late Early Stone Age/Early Middle Stone Age material buried a few metres below the aeolian sands stretching along the coast at Hondeklipbaai.

Later Stone Age shell middens are the dominant archaeological site type at Malkoppan and Grootvlei but rock paintings and stratified MSA deposits are also found at Steenbokfontein in the complex of shelters found in the koppie. Steenbokfontein also holds one of the only dated rock paintings in the Western Cape due to a fallen painted slab that was uncovered during excavations. The paintings are at least 3500 years old and the site is part of ongoing research work. San hunter-gatherers and their ancestors were therefore well established in the area and made extensive use of the marine resources found nearby on the beach and rocky shoreline. The advent of pastoralism in the area around 2000 years ago led to the introduction and use of pottery and sheep, and cattle were introduced into the economy by indigenous Khoisan groups by around 1000 years ago.

The Archaeology Contracts Office conducted two impact assessments in the 1990s in 1995 and 1998 (Hart & Halkett 1995, 1998) for proposed developments at Malkoppan. It is not clear what developments were originally envisaged as these were not provided to the authors at the time but the preliminary work carried out identified 12 sites in 1995 and a further 6 sites in 1998. Jerardino had sampled MKP1 prior to the ACO surveys. Small test holes were dug in places to verify the depth of buried archaeological deposits. The ACO (1995) found that "The Malkoppan area, being very close to the coast, is rich in archaeological material. Almost all the raised ground on the foredune to the west of the Lamberts Bay road is covered with a scatter of midden material. In some places this has affected the vegetation of the area giving rise to colonies of succulent plants that seem to thrive in the ashy shelly soil. The only way to establish the significance of the scatters was to dig test excavations to locate areas where there are stratified sequences. Very little stone artifactual material was noted on any of the sites."

The report by ACO (1998) concludes that “While archaeological material is present within the demarcated area, most of the sites are rather ephemeral suggesting very short term use by the pre-colonial inhabitants. The general paucity of either artifactual material or bone on all the sites (except MKP18) means that they have little research potential and do not need substantial mitigation. It has been suggested that small samples of the surface shell at these sites be collected for possible future radiocarbon dating.”

Another impact assessment by Orton was conducted for the ACO in 2007 at Grootvlei (Orton 2007) to assess the impact of unauthorised development on the archaeological sites there when a campsite was upgraded. The site coordinates were missing in the 1998 report and the coordinates provided in 1995 do not line up with the map submitted in the ACO report. We have therefore rectified this by correcting the coordinates and extracting the information on SAHRIS for the two ACO reports in 1995 and 1998. This detail is included in the attached Archaeology Assessment.

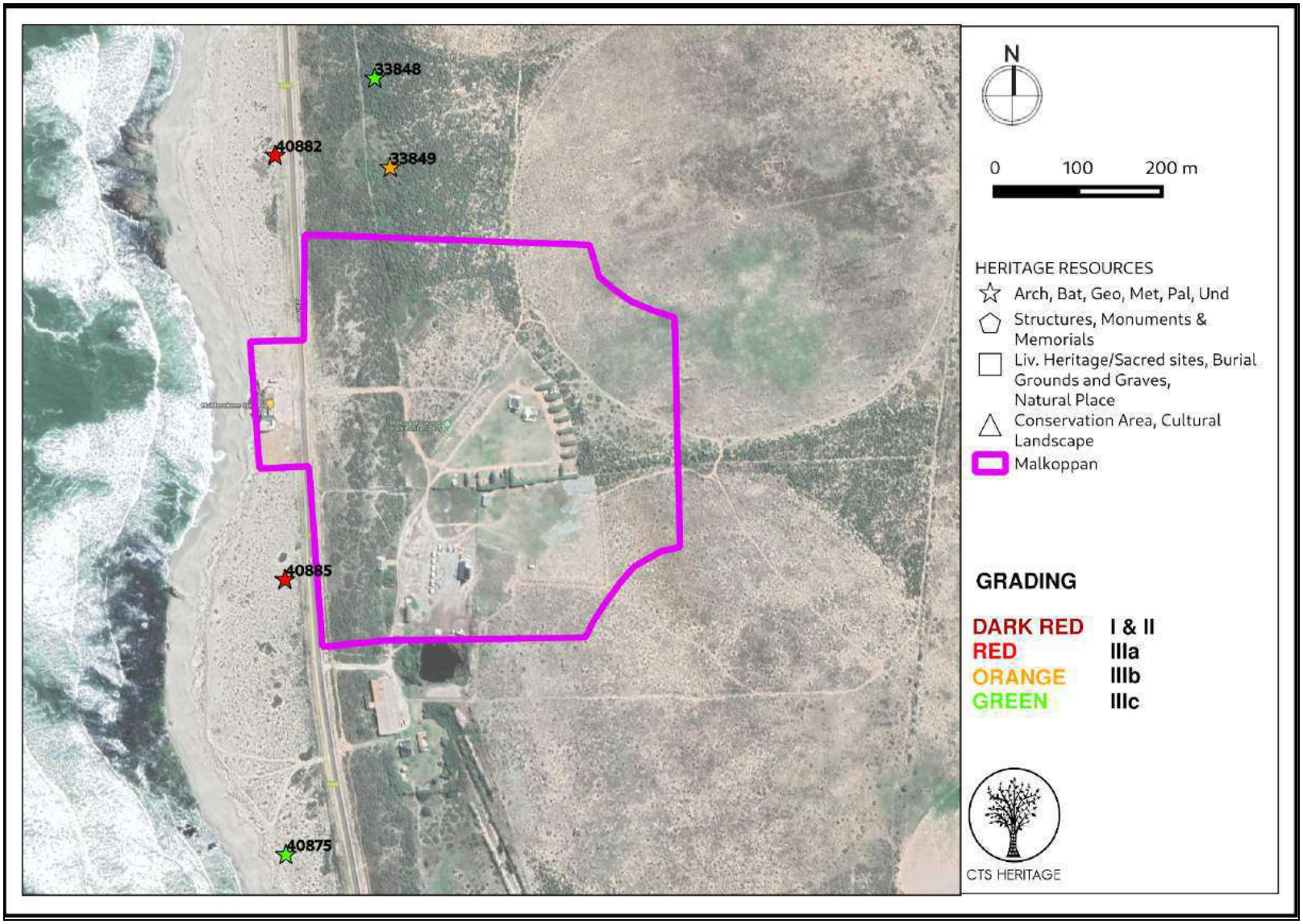


Figure 14: Spatialisation of known heritage resources located in proximity to the proposed development



Figure 15.1. Google Historical Satellite Imagery of the development area in 2021.



Figure 15.2. Google Historical Satellite Imagery of the development area in 2017 showing the southern uncleared parking area.



Figure 15.3. Google Historical Satellite Imagery of the development area in 2016 showing the northern uncleared parking area.



Figure 15.4. Google Historical Satellite Imagery of the development area in 2014 showing the undeveloped ground before the market stalls were built.



Figure 15.5. Google Historical Satellite Imagery of the development area in 2009 showing the northeastern camping and ablution facilities being developed.



Figure 15.6 Google Historical Satellite Imagery of the development area in 2005 showing the Muisbosskerm restaurant and the farm before the unauthorised developments took place.

3.3 Palaeontology

According to the SAHRIS Palaeosensitivity Map (Figure 16), the area proposed for development is underlain by geological sediments of low and moderate sensitivity for impacts to palaeontology. These are mainly aeolian sands that consist of light grey to red sandy soil across the bulk of the development area (eastern end) with a narrow strip of sandstone (pebbly in places) and conglomerate of Piekenierskloof Formation on the immediate coastline (western end) and generally unconsolidated, calcareous dune sand of the Witzand Formation sandwiched in between. The Witzand Formation is the most likely area to contain fossils of tortoise shells/bones, land snail shells and the bones of moles (Pether 2007).

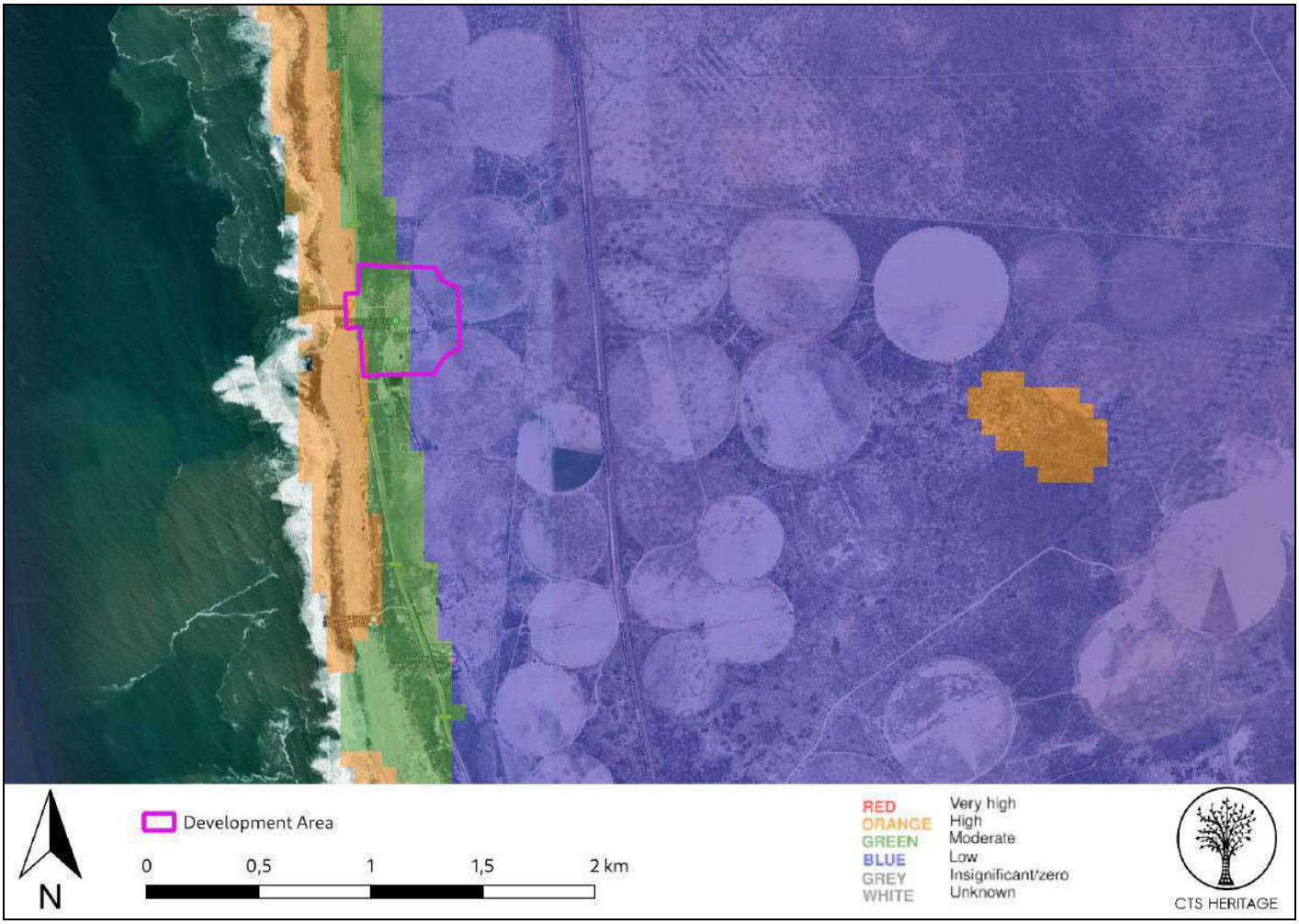


Figure 16: Palaeontological sensitivity of the proposed development area

4. IDENTIFICATION OF HERITAGE RESOURCES

4.1 Heritage Resources identified

Cultural Landscape

None of the structures making up the site are even of a medium level of heritage significance. The old farmhouse is protected under Section 34 of the National Heritage Resources Act, and its context does adhere to the historic pattern of settlement in this area. At most, it and the adjacent pan might receive a grading of IIIC, along with the small guest cottage nestled in the dunes, which is representative of the typology, and older than the other fabric surrounding the campsite (Figure 17).

None of the other structures making up the site have sufficient significance to warrant grading. As a whole, the site would also not warrant grading.

However, the site does contribute to a broader cultural landscape that was only settled in the early 20th century, but that does have a mild degree of significance in that it comprises a linear coastal dune system with a string of brackish perennial water bodies behind the seaward dunes. The location of these pans has determined the location of structures in this otherwise sparse and expansive semi-desert landscape, that is so typical of the West Coast. The structures comprising Malkoppan today follow and reinforce this landscape pattern.

Archaeology

Table 1: Artefacts and sites identified during the field assessment within the development area (see Appendix 2 for detailed mapping)

Obs. No	Description	Latitude	Longitude	Grading	Mitigation
001	Grindstones, part of larger shell midden	32° 8'9.46"S	18°18'34.47"E	IIIA	HMP
002	Upper and lower Grindstones, part of larger shell midden	32° 8'8.66"S	18°18'34.93"E	IIIA	HMP
003	Stratified shell midden	32° 7'59.32"S	18°18'19.79"E	IIIA	HMP

4.2 Mapping and spatialisation of heritage resources

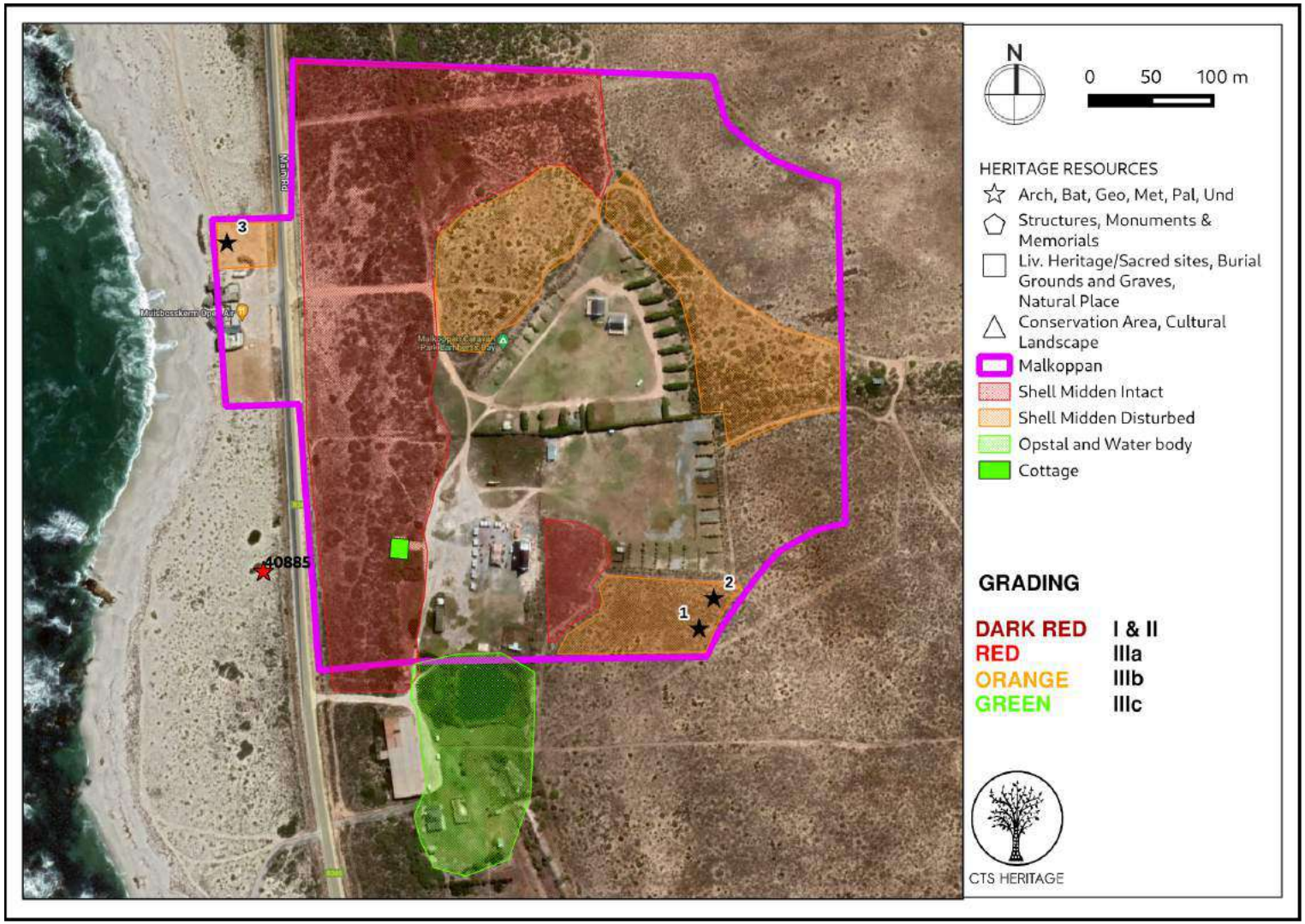


Figure 17: Heritage resources identified during the field survey

5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT

5.1 Cultural Landscape

As the structures comprising Malkoppan today follow and reinforce the cultural landscape pattern identified as significant along this coastline, it is not anticipated that the development has had a substantial negative impact on the cultural landscape value of the area. The current extent of building at Malkoppan and Muisbosskerm is not detrimental to the experience of the cultural landscape along this section of coastline.

In terms of activities, the existing agricultural and limited tourism activities such as camping are appropriate for this site, as are the temporary uses such as markets and music performances. Further tourism development on this property must be subject to a heritage impact assessment process.

However, it is also important to note that the other nodes along this stretch of coastline are more densely built-up, but that this should not allow for un-assessed densification of the Malkoppan site. While some additional development may be possible, Malkoppan has far less established landscaping, which affects the impact of the new buildings upon the overall experience of the cultural landscape.

The structure along the coastline is rudimentary, with its muted material- and colour-palette allowing for a certain amount of visual mitigation. It is unfortunate that the location of the Muisbosskerm restaurant, on the seaward side of the road, breaks with all settlement patterns along this coastline, and creates some visual impact when travelling along the R365.

5.2 Archaeology

Based on the findings of this report, it is clear that the unauthorised development has negatively impacted archaeological heritage resources. However, as the impact had already taken place at the time of assessment, it is difficult to determine the significance of the archaeological resources impacted.

For this, we need to rely on relevant assessments done in the past. In their assessment of this property, ACO (1995) found that “There is prolific archaeological material on Malkoppan to the extent that almost half the area that we were requested to survey may be described as being covered by midden. The reason for this extraordinary density may be related to reefs of rock on the shoreline which are exposed at low tide. These would have supplied abundant shellfish. In addition, fresh water was available in pans behind the dune cordon (most of these have been pumped dry in recent years). Jerardino (1994) has documented a sequence from the site MKP 1 which has shown that the sequence of occupation started here before 4000 years ago. The sequence of occupation involves an early period when people exploited limpets. This followed by a change in exploitation strategy that involved mass harvesting of black mussels giving rise to the "megamiddens" that are characteristic

of this area. The pattern changed again after the introduction of ceramics and domestic animals 2000 years ago. Many of the sites described in this report are similar to site MKP 1. It would appear that there is a local and distinctive occupation pattern that took place in the Elands Bay/Lamberts Bay region before 2000 years ago. As yet the cause of this is not known but is currently a topic of enquiry."

The report by ACO (1998) concludes that "While archaeological material is present within the demarcated area, most of the sites are rather ephemeral suggesting very short term use by the pre-colonial inhabitants. The general paucity of either artefactual material or bone on all the sites (except MKP18) means that they have little research potential and do not need substantial mitigation."

While it is clear that the unauthorised work impacted on archaeological resources, the results of test pits conducted in the area previously indicated that the archaeological deposit has little research potential and could therefore be graded IIIC. As the development is complete and there is no intention to expand the facilities, no further archaeological mitigation work is recommended related to this rectification application. However, as this property has an existing significant archaeological deposit and is open to the public, recommendations are made below regarding the ongoing management and conservation of this significant archaeological heritage.

Table 2: Heritage Impact Table

Nature of impact:	Destruction of significant archaeological and cultural landscape heritage resources.
Extent and duration of impact:	Within site footprint, permanent
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Low
Degree to which the impact may cause irreplaceable loss of resources:	Very High
Cumulative impact prior to mitigation:	Low
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Very High
Degree to which the impact can be mitigated:	Low
Proposed mitigation:	Development of Heritage Agreement and Management Plan
Cumulative impact post mitigation:	Low
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Very High

5.3 Sustainable Social and Economic Benefit

For the property itself consultation with the proponent revealed that the once productive commercial farm was rendered unsustainable due to an escalation in the salinity of the borehole water used for irrigation. As a result the commercial farming operation was ceased and the switch made to an income stream from tourism and hospitality sector

The facility has created permanent employment for people and temporary / volunteer staff who have gainful employment.

5.4 Development Alternatives

As this is a section 24G NEMA application and the work has already been completed, no alternatives are considered in this assessment.

6. RESULTS OF PUBLIC CONSULTATION

According to the HWC website (accessed on 19 August 2021), there are no registered Conservation Bodies that must be consulted with in terms of the HWC Guidelines for Public Consultation for HIAs. To this end, Local Municipality has been provided with 30 days in which to comment on this HIA from ***Friday 1 July 2022 to Monday 1 August 2022***. Please find the evidence of this consultation included in Appendix 5.

7. CONCLUSION

As noted above, the structures comprising Malkoppan today follow and reinforce the cultural landscape pattern identified as significant along this coastline. The current extent of building at Malkoppan and Muisbosskerm is not detrimental to the experience of the cultural landscape along this section of coastline. However, it is also important to note that the other nodes along this stretch of coastline are more densely built-up, but that this should not allow for un-assessed densification of the Malkoppan site.

While some additional development may be possible, Malkoppan has far less established landscaping, which affects the impact of the new buildings upon the overall experience of the cultural landscape.

Based on the results of the archaeology assessment, it is clear that the unauthorised development has negatively impacted archaeological heritage resources. However, as the impact had already taken place at the time of assessment, it is difficult to determine the significance of the archaeological resources impacted.

Options regarding sanction for the unauthorised impact to archaeological heritage have been put forward by HWC in their discussion on the NID application that was submitted for this work in terms of section 38(8) of the

NHRA. In their discussion on this work, IACom noted that section 38(4)(d) of the NHRA allows for HWC to determine "whether compensatory action is required in respect of heritage resources damaged or destroyed as a result of the development" and that this clause may apply to this application. However, this application is made in terms of section 38(8) of the NHRA and not sections 38(1), (2) and (3). Section 38(8) of the NHRA states that "The provisions of this section (ie. sections 38(1), (2), (3) and (4)) do not apply if an evaluation of the impact of such a development on heritage resources is required in terms of (other legislation, such as NEMA Section 24G)", such as this application.

While HWC and IACom are aware that the decision making authority for this application is DEADP and that section 38(4)(d) is not applicable, it has been suggested that HWC may impose a "compensatory action" for the unauthorised destruction of archaeological heritage - the destruction of the shell midden material resulting from the construction of the parking area, the construction of the camping area etc - as part of their comment to DEADP on this submission.

8. RECOMMENDATIONS

As this HIA is assessing development that has already been completed, the following is recommended to ensure no further impacts to significant heritage resources:

1. A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property. This management plan must include the following stipulations:
    a. That all new development must receive the required approvals at Heritage Western Cape.
    b. That new development should not be permitted along the coastal side of the road.
    c. In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
    d. That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
    e. Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources be outlined.
2. HWC has previously indicated that they wish to explore the imposition of "compensatory actions" in terms of S38(d)(4) of the NHRA related to this development. These actions could include the CMP, further detailed engagements between HWC and the landowner and/or fines determined by the heritage authority as archaeological sites damaged by the completed clearing and construction activities have ruled out the option of carrying out archaeological excavations to analyse the impacted middens

9. REFERENCES

Impact Assessment References				
Nid	**Report Type**	**Author/s**	**Date**	**Title**
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4028	AIA	Orton, J.	13/04/2007	Archaeological Impact Assessment of a Small Part of Grootvlei (Portion 8 of Farm 92 Steenbokfontein), Clanwilliam Magisterial District, Western Cape
4001	AIA	Hart, T. & Halkett, D.	01/10/1995	A Phase 1 Archaeological Investigation of a Portion of Malkoppan
4021	AIA	Hart, T. & Halkett, D.	01/05/1998	A Phase 1 Archaeological Investigation of a Section of the Farm 'Malkoppan' West of the Coastal Road, Lamberts Bay

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APPENDICES

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APPENDIX 1: Archaeological Impact Assessment (2022)

ARCHAEOLOGICAL SPECIALIST STUDY

In terms of Section 38(8) of the NHRA for a

S24G Rectification at Muisbosskerm Restaurant and the Malkoppan Tourism Facility

HWC Ref: 21102606

Prepared by

CTS HERITAGE

For Footprint Environmental Services

February 2022

CTS HERITAGE

EXECUTIVE SUMMARY

This application is for the rectification of authorised work in terms of section 24G of NEMA for development n Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality.

Based on the findings of this report, it is clear that the unauthorised development has negatively impacted archaeological heritage resources. However, as the impact had already taken place at the time of assessment, it is difficult to determine the significance of the archaeological resources impacted.

While it is clear that the unauthorised work impacted on archaeological resources, the results of test pits conducted in the area previously indicated that the archaeological deposit has little research potential and could therefore be graded IIIC. As the development is complete and there is not intended to expand further, no further archaeological mitigation work is recommended. However, as this property has existing significant archaeological deposit and is open to the public, recommendations are made below regarding the ongoing management and conservation of this significant archaeological heritage.

Recommendations

- A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property.
- HWC should investigate the option of imposing a “compensatory condition” for the unauthorised destruction of archaeological heritage.

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CONTENTS

1. INTRODUCTION **3**
1.1 Background Information on Project 3
1.2 Description of Property and Affected Environment 6

2. METHODOLOGY **9**
2.1 Purpose of Archaeological Study 9
2.2 Summary of steps followed 9
2.3 Constraints & Limitations 9

3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT **11**

4. IDENTIFICATION OF HERITAGE RESOURCES **22**
4.1 Results of Field Assessment 22
4.2 Archaeological Resources identified 28
4.3 Selected photographic record 29

5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT **35**
5.1 Assessment of impact to Archaeological Resources 35

6. CONCLUSION AND RECOMMENDATIONS **35**

7. REFERENCES **37**

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1. INTRODUCTION

1.1 Background Information on Project

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

The development footprint appears to remain unaltered between 1985 and 2005. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced. At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 hectares of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009. By September of that year development of the ablution facilities are well advanced. The footprint of the development remains relatively unaltered thereafter until September of 2009. The next image from Feb 2016 shows the expansion of the footprint by clearing of additional natural vegetation over an extent of approximately 2 hectares. By this time the reception and restaurant facility had been erected. An additional expansion of the footprint occurs in 2019 when an additional 0.22 hectares of natural vegetation is cleared. This is followed by a further expansion of 0.53 hectares of natural vegetation being cleared by March of 2019.

The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 hectares of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 hectares cleared to the south east of the facility, this footprint is further expanded by February 2019 by approximately 0.057 hectares. The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approximately 4.89 hectares.

The Muisbosskerm is a legally permitted business in terms of “Die Wet op Omgewingsbewaring” Act 100 of 1982. The permit was issued on the 6th June 1988. A trade licence and liquor licence have additionally been approved for the facility.

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The Muisbosskerm is a large open-air restaurant / cooking shelter reminiscent of the historical shelters used in the past. It comprises of cooking, braai and storage facilities serviced by ablution infrastructure and a fenced off parking area that extends to the north and south of the "skerm" between the road and the high-water mark of the ocean. The Muisbosskerm is a well-known landmark frequented by local and international visitors. It has featured in films and has been the subject of cooking programs and publications.

The parking area was historically used for the drying of kelp but this practice has been discontinued.

The Malkoppan tourism facility comprises of the following:

- 60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night.
- Each site has its own electricity connection.
- The camp sites are serviced by two ablution facilities comprised of nine (9) showers, six (6) toilets and two (2) baths. There are also separate washing / dishwashing facilities.

"Die Stalle" Campsite comprises of the following:

- 40 individual sites with each site serviced by an electrical point;
- These sites are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men's side and four (4) showers and four toilets on the women's side.

Temporary "Stalletjies":

These 15 stalletjies are used during the monthly farmers market hosted on the property. Each of the stalletjies are hired by participants of the market who then display and sell their good. The event is hosted on the last Saturday of each month and is a well-supported event. Each of the stalletjies are built of wood with a zinc roof and each is supplied with an electrical connection.

The Fisherman accommodation facility:

This is an old refurbished and furnished labourer's house that has been operational since 2012 to accommodate visitors. The furnishings provided are those typically found historically from the Sandveld.

Recreational Building:

This is a large freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities.

Existing Sewerage and waste water treatment:

Black water from both male and female ablutions is collected in a constructed 2 chamber septic tank. The supernatant

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overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the municipal wastewater treatment works.

Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.

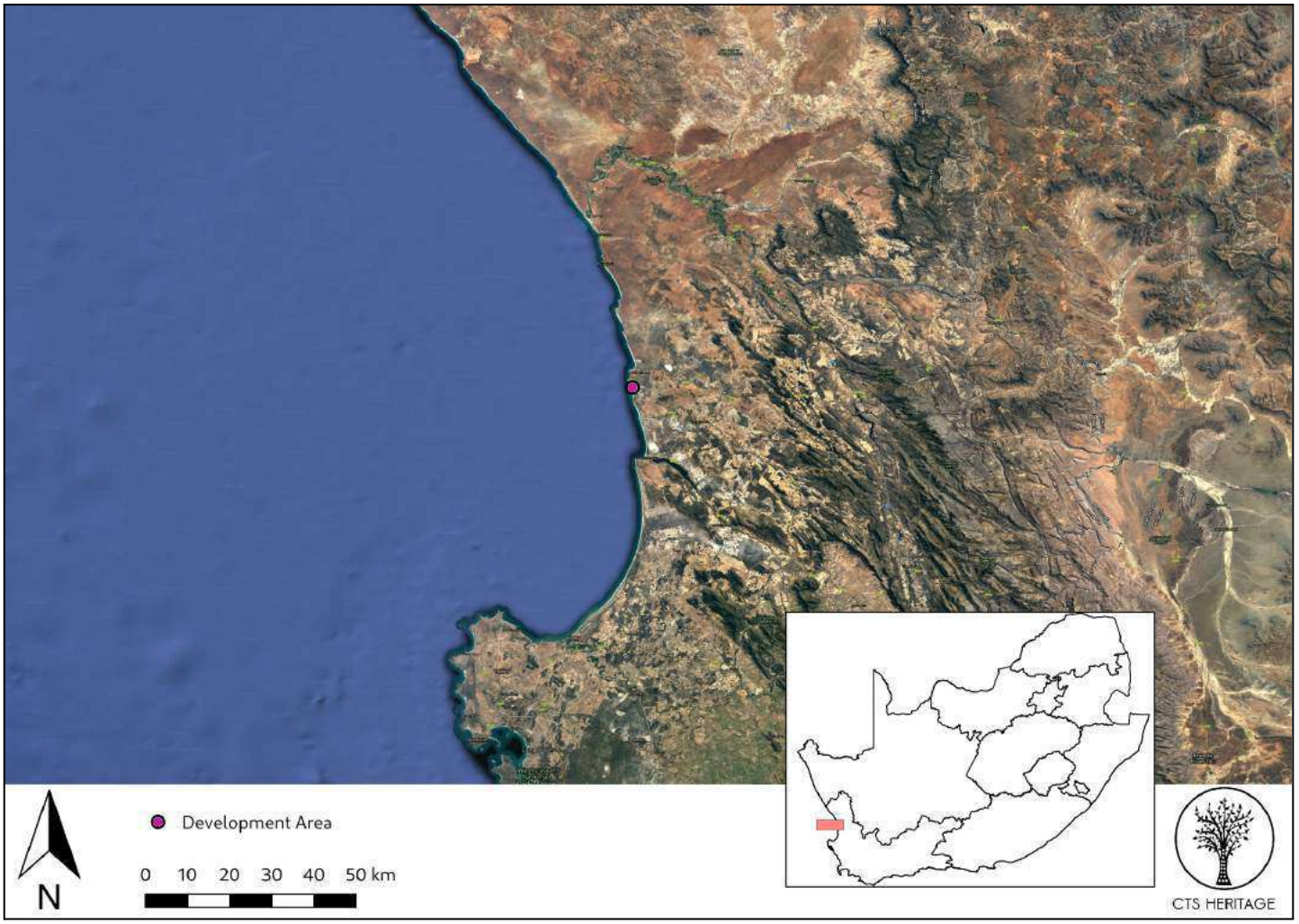


Figure 1.1: Satellite image indicating proposed location of development

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1.2 Description of Property and Affected Environment

The area affected by the development is located on the West Coast approximately 6km south of Lamberts Bay along the R365. A portion of the development area is located on the beach within the high water mark. The remainder of the development area is located to the east of the R365 and is largely shielded from view from the R365.

The development area is dominated by illegal development work including the established grassed campsite areas, parking areas and market areas. The sections of the property that have not been disturbed are covered in strandveld vegetation and are littered with shell fragments.

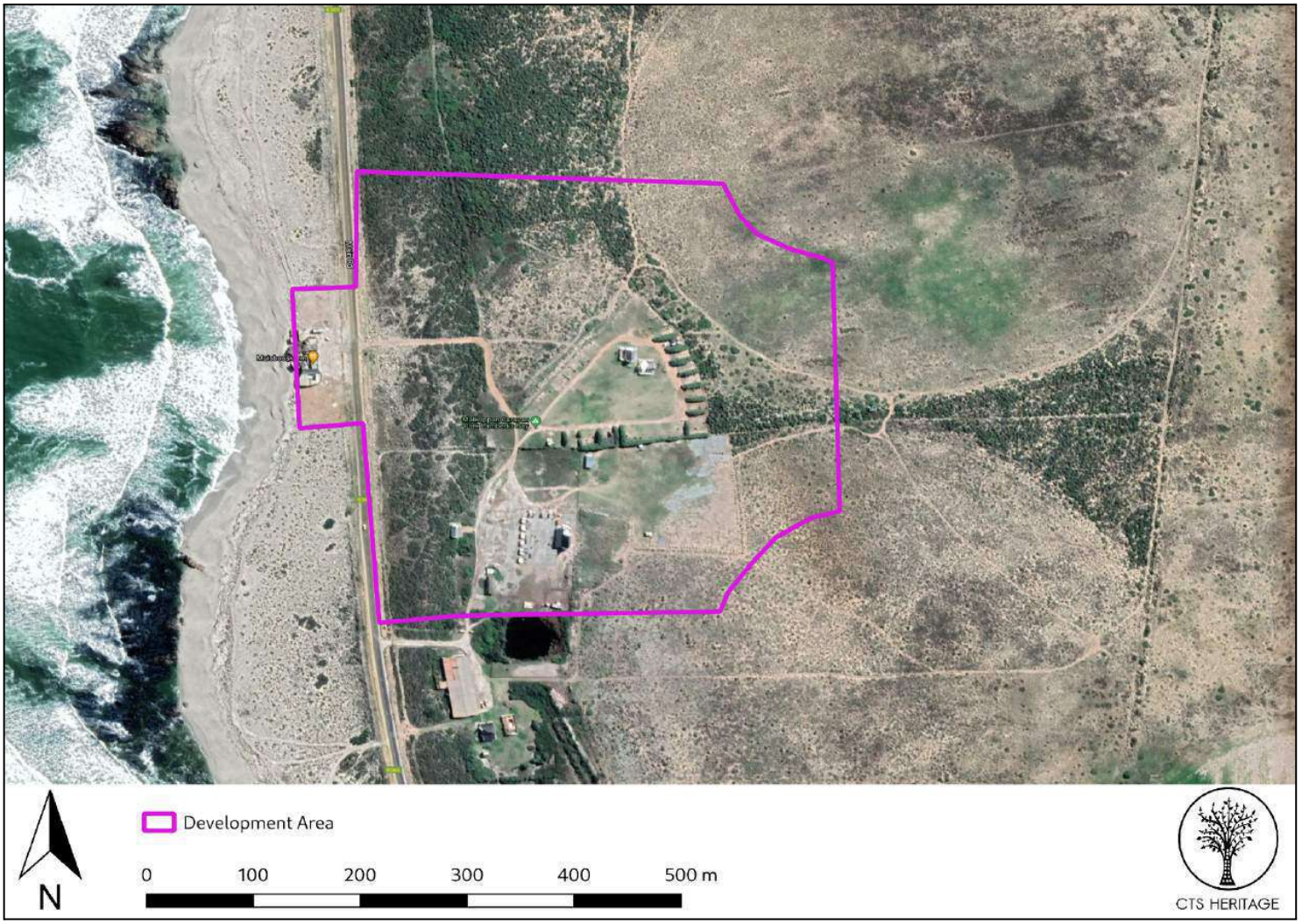


Figure 1.2: Close up satellite image indicating proposed location of development

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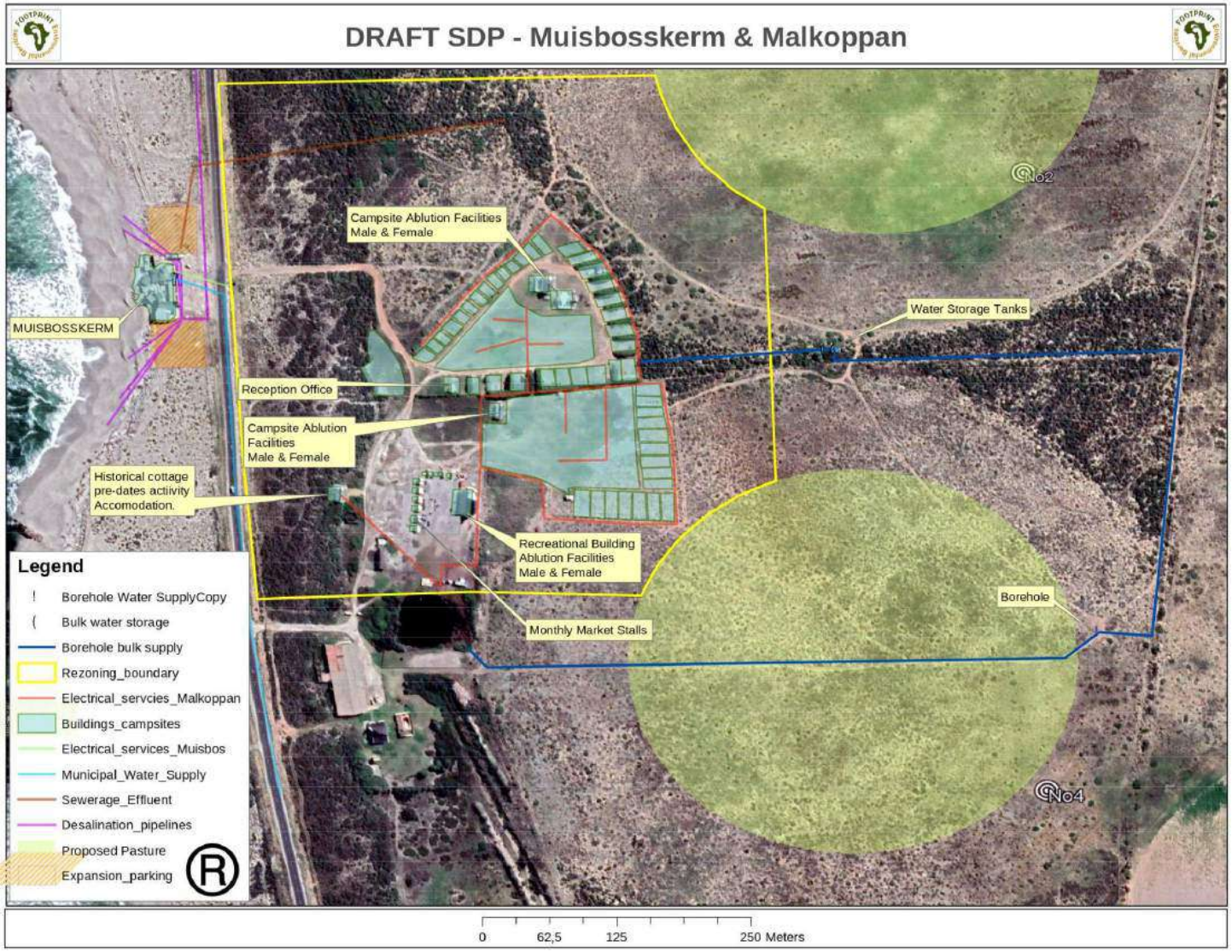


Figure 1.3: Close up satellite image indicating proposed location of development

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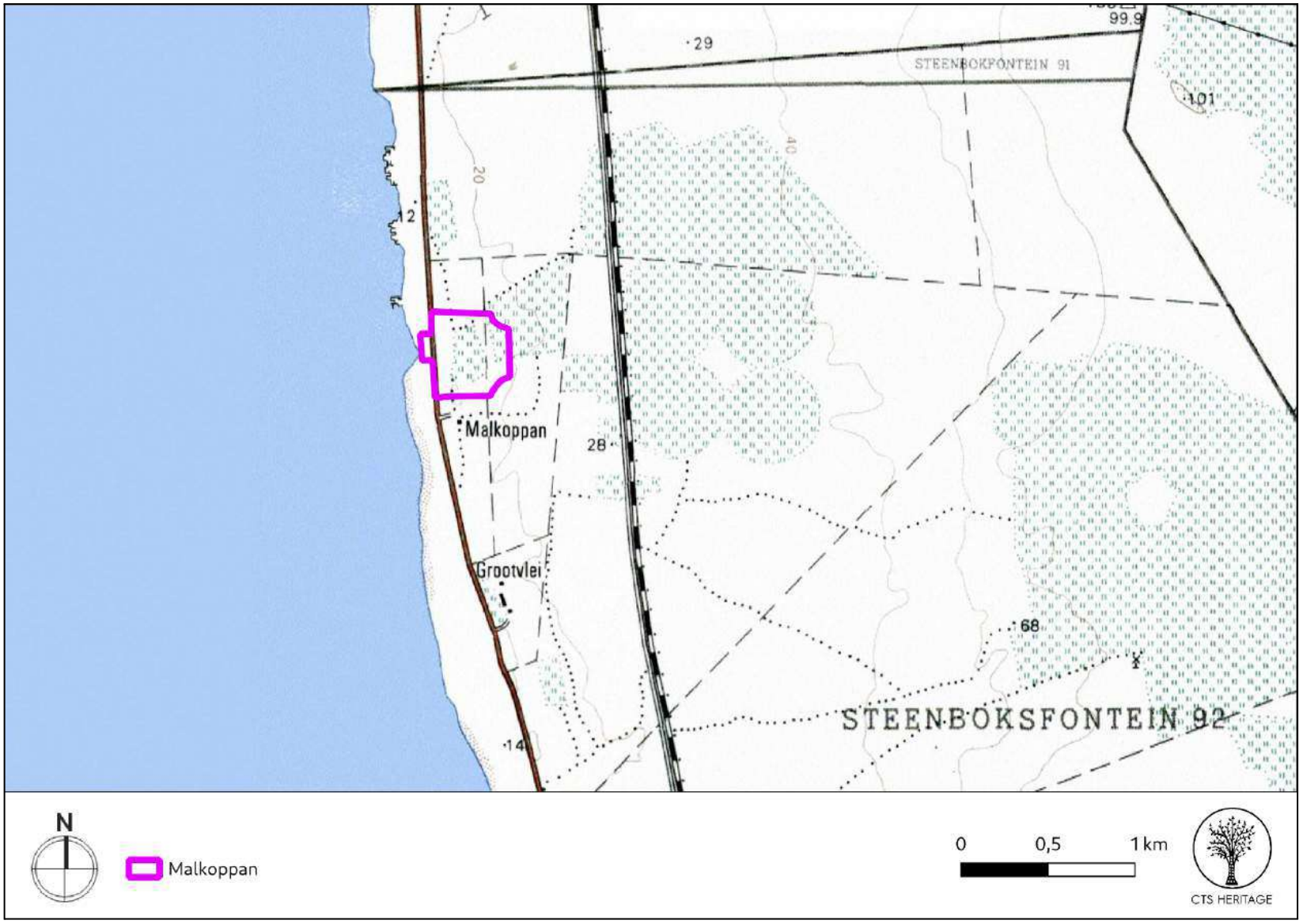


Figure 1.4. Overview Map. 1:50 000 Topo Map extract

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2. METHODOLOGY

2.1 Purpose of Archaeological Study

The purpose of this archaeological study is to satisfy the requirements of section 38(8), and therefore section 38(3) of the National Heritage Resources Act (Act 25 of 1999) in terms of impacts to archaeological resources, as per the Response to NID letter from HWC dated 16 September 2021.

2.2 Summary of steps followed

- An archaeologist (Ms J. Lavin) conducted a survey of the site and its environs on 15 February 2022 to determine what archaeological resources are likely to be impacted by the proposed development.
- The identified resources were assessed to evaluate their heritage significance in terms of the grading system outlined in section 3 of the NHRA (Act 25 of 1999).
- Alternatives and mitigation options were discussed with the Environmental Assessment Practitioner.

2.3 Constraints & Limitations

No significant limitations to the survey were experienced. However, as this is a section 24G process, the development has already taken place and so the field assessment is only able to hypothesise as to what has been impacted. To do this, the surrounding undisturbed areas were interrogated. As such, the authors are confident that the survey conducted provides a sufficient assessment of the archaeological sensitivity of the development area.

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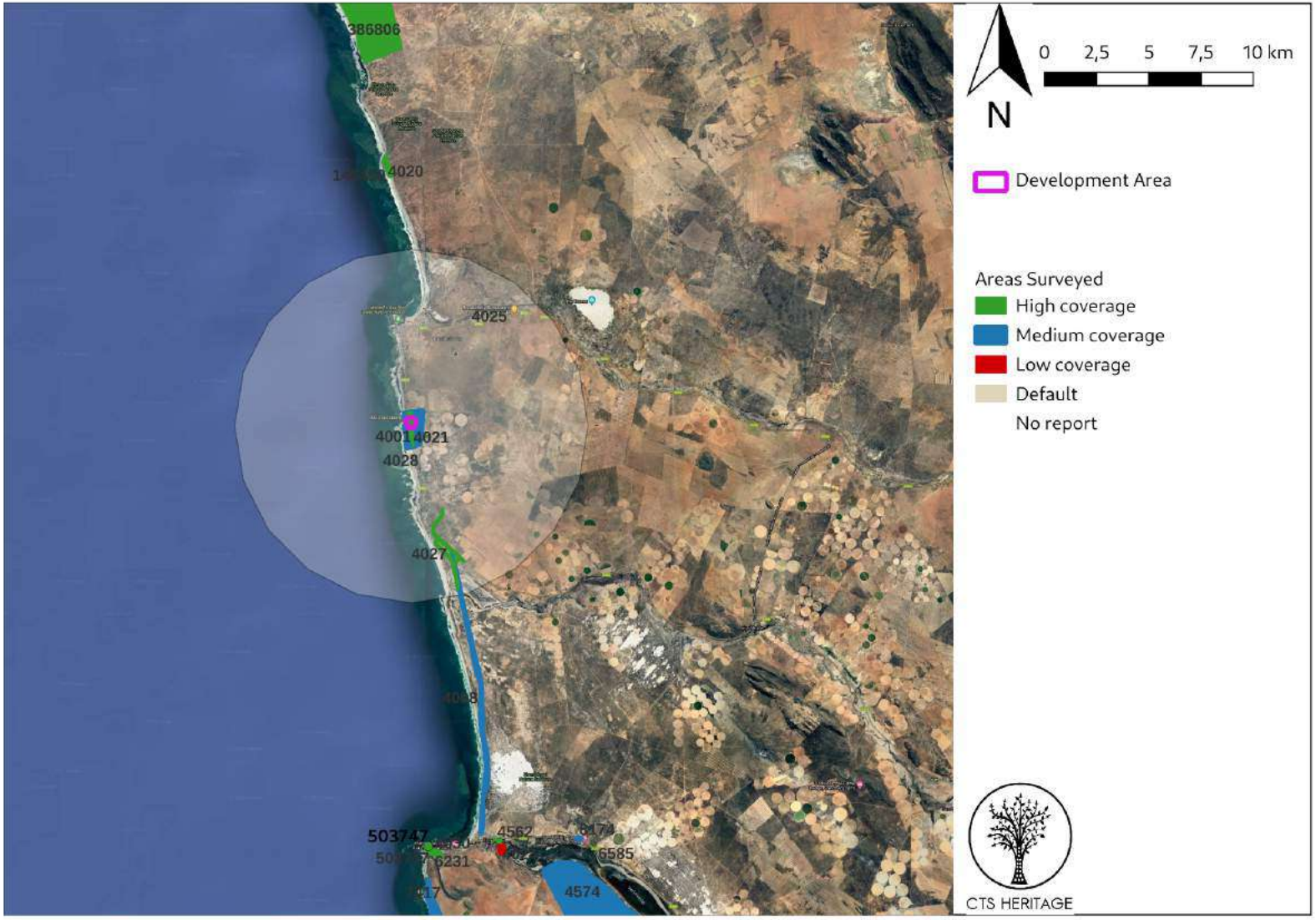


Figure 2: Close up satellite image indicating proposed location of development in relation to heritage studies previously conducted

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3. HISTORY AND EVOLUTION OF THE SITE AND CONTEXT

Background:

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Archaeology:

The development lies along the West Coast about 5km south of Lamberts Bay. A series of archaeological sites lie 1.5km south of the property at Grootvlei and the very well known sites at Steenbokfontein are about 4km south of Malkoppan. Much of the coastline between Elands Bay and Lamberts Bay has been regularly studied by archaeologists based at the University of Cape Town as well as various impact assessments conducted since the late 1980s. In particular, the coastal archaeology found here has been part of Jeradino's core area on mega middens which started with her postgraduate studies at UCT (Jerardino 1994, 1996). Jerardino sampled the large black mussel (*Choromytilus meridionalis)* middens and most of these sites have been dated between 2 - 3 000 years ago with a date at Malkoppan older than 4000 years (Hart & Halkett 1995).

Manhire's Sandveld survey is also relevant as much of the ground inland of Lamberts Bay and south of the Jakkalsrivier was thoroughly researched and most of the sandstone koppies and deflation bays dotting the area have been inspected as they hold many rock art sites and open air scatters of Later and Middle Stone Age material. More recent work by Orton and Shaw has identified Late Early Stone Age/Early Middle Stone Age material buried below a few metres below the aeolian sands stretching along the coast at Hondeklipbaai.

Later Stone Age shell middens are the dominant archaeological site type at Malkoppan and Grootvlei but rock paintings and stratified MSA deposits are also found at Steenbokfontein in the complex of shelters found in the koppie. Steenbokfontein also holds one of the only dated rock paintings in the Western Cape due to a fallen painted slab that was uncovered during excavations. The paintings are at least 3500 years old and the site is part of ongoing research

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work. San hunter-gatherers and their ancestors were therefore well established in the area and made extensive use of the marine resources found nearby on the beach and rocky shoreline. The advent of pastoralism in the area around 2000 years ago led to the introduction and use of pottery and sheep, and cattle were introduced into the economy by indigenous Khoisan groups by around 1000 years ago.

The Archaeology Contracts Office conducted two impact assessments in the 1990s in 1995 and 1998 (Hart & Halkett 1995, 1998) for proposed developments at Malkoppan. It is not clear what developments were originally envisaged as these were not provided to the authors at the time but the preliminary work carried out identified 12 sites in 1995 and a further 6 sites in 1998. Jerardino had sampled MKP1 prior to the ACO surveys. Small test holes were dug in places to verify the depth of buried archaeological deposits. The ACO (1995) found that "The Malkoppan area, being very close to the coast is rich in archaeological material. Almost all the raised ground on the foredune to the west of the Lamberts Bay road is covered with a scatter of midden material. In some places this has affected the vegetation of the area giving rise to colonies of succulent plants that seem to thrive in the ashy shelly soil. The only way to establish the significance of the scatters was to dig test excavations to locate areas where there are stratified sequences. Very little stone artefactual material was noted on any of the sites."

The report by ACO (1998) concludes that "While archaeological material is present within the demarcated area, most of the sites are rather ephemeral suggesting very short term use by the pre-colonial inhabitants. The general paucity of either artefactual material or bone on all the sites (except MKP18) means that they have little research potential and do not need substantial mitigation. It has been suggested that small samples of the surface shell at these sites be collected for possible future radiocarbon dating."

Another impact assessment by Orton was conducted for the ACO in 2007 at Grootvlei (Orton 2007) to assess the impact of unauthorised development on the archaeological sites there when a campsite was upgraded. The site coordinates were missing in the 1998 report and the coordinates provided in 1995 do not line up with the map submitted in the ACO report. We have therefore rectified this by correcting the coordinates and extracting the information on SAHRIS for the two ACO reports in 1995 and 1998.

Site Numbers STE1 - 18, recorded by the ACO in 2007 at Grootvlei, south of this development area and documented adequately in the 2007 ACO report
Site Numbers MKP1 - 18 (ACO reports 1995, 1998)

- MKP2 - 8, currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
- MKP12, closest site to this development but west of the main road. Currently undisturbed by the development
- MKP9, 17 & 18 - just north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP1, 10 & 11 - further north of this development, currently undisturbed since they were recorded in 1995 and 1998

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- MKP13 - 16, these site have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998.

Site#	SAHRISID	Description	Grading	Status
MKP1	40874	Shell Midden - sampled by Jerardino	High	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP2	40875	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP3	40876	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP4	40877	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP5	40878	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP6	40879	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP7	40880	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP8	40881	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP9	40882	Shell midden	High	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP10	40883	Shell midden	Medium	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP11	40884	Shell midden	Low	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP12	40885	Shell midden	High	Closest site to this development but west of the main road. Currently undisturbed by the development
MKP13	33845	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP14	33844	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP15	33842	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP16	33846	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP17	33848	Shell midden	Low	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP18	33849	Shell midden	Medium	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998

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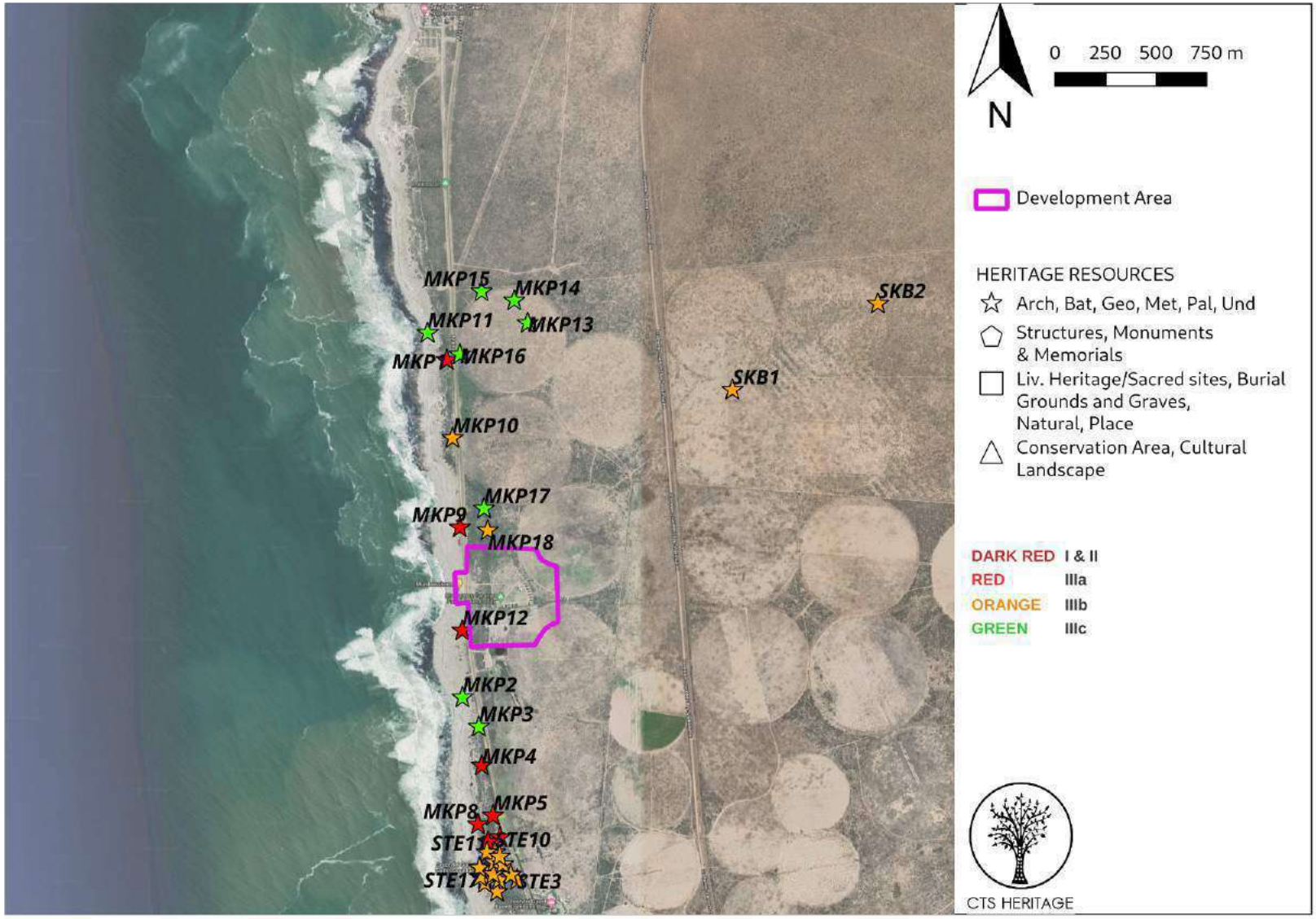


Figure 3. Heritage Resources Map. Heritage Resources previously identified in and near the study area, with SAHRIS Site IDs indicated (insets included in the Desktop Heritage Screening Assessment)

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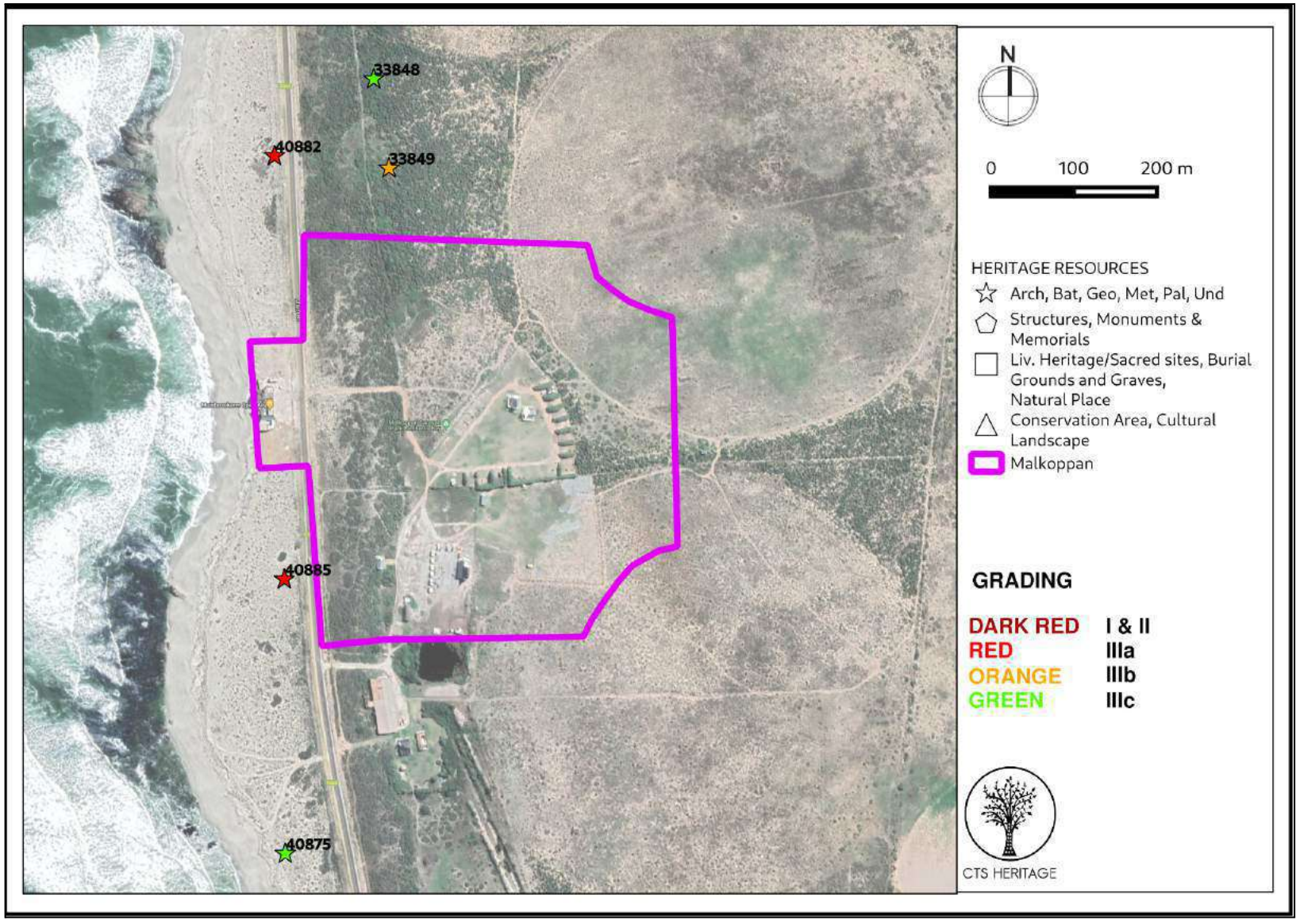


Figure 3.1. Heritage Resources Map. Heritage Resources Inset A with SAHRIS IDs indicated

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Figure 4.1. Google Historical Satellite Imagery of the development area in 2021.

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Figure 4.2. Google Historical Satellite Imagery of the development area in 2017 showing the southern uncleared parking area.

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Figure 4.3. Google Historical Satellite Imagery of the development area in 2016 showing the northern uncleared parking area.

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Figure 4.4. Google Historical Satellite Imagery of the development area in 2014 showing the undeveloped ground before the market stalls were built.

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Figure 4.5. Google Historical Satellite Imagery of the development area in 2009 showing the northeastern camping and ablution facilities being developed.

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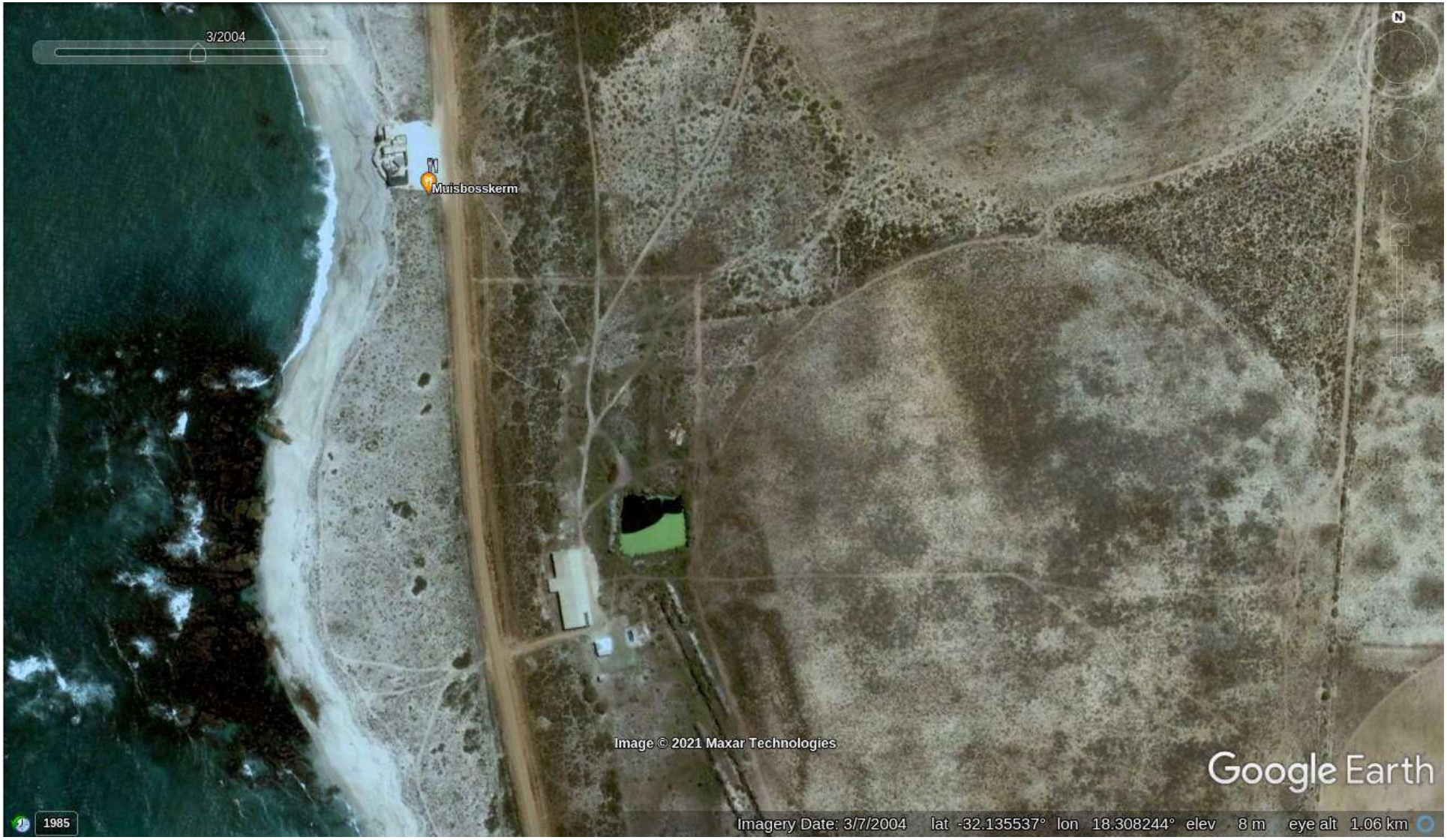


Figure 4.6 Google Historical Satellite Imagery of the development area in 2005 showing the Muisbosskerm restaurant and the farm before the unauthorised developments took place.

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4. IDENTIFICATION OF HERITAGE RESOURCES

4.1 Results of Field Assessment

The archaeological field inspection was conducted over 2 hours on 15 February 2022. The assessment was limited to the already disturbed areas and their peripheries to determine the likely impact to archaeological resources that has taken place.

The field assessment determined that where sections of veld remained largely undisturbed and intact, significant amounts of shell were noted eroding from the land surface. Furthermore, where the shell was most dense, the ground level tended to be higher than the surrounding ground surface where extensive clearing has taken place. The berm feature that shields the development area from the R365 appears to be a large midden that has some height and extends the length of the property, but the visible shell material could also be the result of the creation of a berm using material from a midden. The Recreational Facility appears to have impacted on one of the more intact midden areas. Some artifactual material was evident in these relatively undisturbed midden areas including a number of grindstones (Observation 001 and 002).

The beachfront restaurant is located on a platform overlooking the ocean to the west of the R365. This building is largely ephemeral but appears to have made use of midden material in its construction. There is also evidence of stratified midden material in an eroded cutting located immediately north of the restaurant (Observation 003).



Figure 5.1: Contextual Images -Overlooking the market stalls area



Figure 5.2: Contextual Images - The market building with bar and ablution facilities

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Figure 5.3: Contextual Images - Undisturbed ground on the far side of the fence



Figure 5.4: Contextual Images - Water bauser at campsite



Figure 5.5: Contextual Images - Overlooking the campsite area

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Figure 5.6: Contextual Images -Overlooking the development area



Figure 5.7: Contextual Image - overlooking the campsite area



Figure 5.8: Contextual Image - over undeveloped area towards market

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Figure 5.9: Contextual Image - campsite



Figure 5.10: Contextual Image - looking over undisturbed portions



Figure 5.11: Contextual Image - over campsite

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Figure 5.12: Contextual Image - over Muisbosskerm restaurant



Figure 5.11: Contextual Image - over Muisbosskerm restaurant

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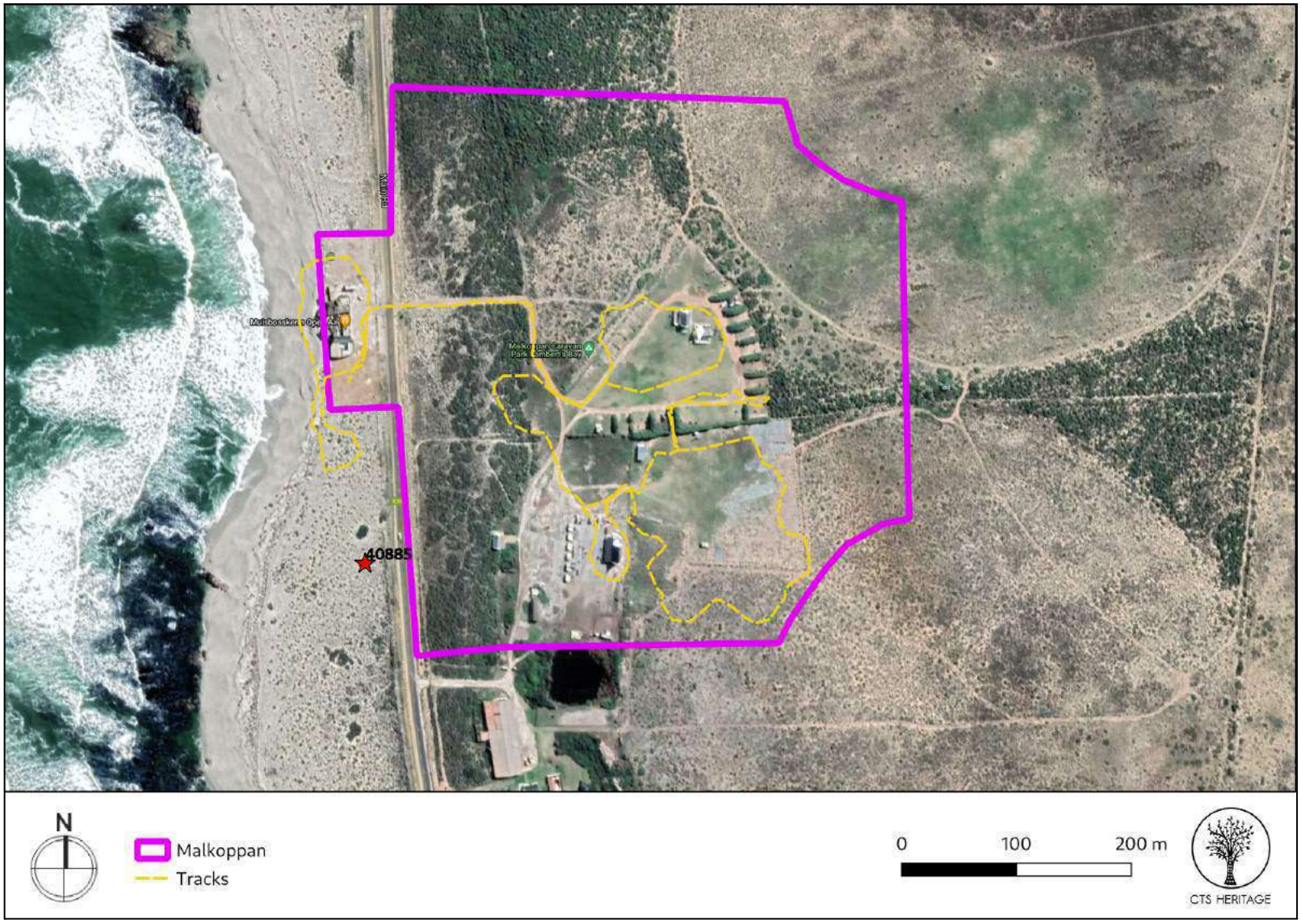


Figure 6.1: Track paths of route assessed on foot

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4.2 Archaeological Resources identified

Table 2: Artefacts and sites identified during the field assessment within the development area

Obs. No	Description	Latitude	Longitude	Grading	Mitigation
001	Grindstones, part of larger shell midden	32° 8'9.46"S	18°18'34.47"E	IIIA	HMP
002	Upper and lower Grindstones, part of larger shell midden	32° 8'8.66"S	18°18'34.93"E	IIIA	HMP
003	Stratified shell midden	32° 7'59.32"S	18°18'19.79"E	IIIA	HMP

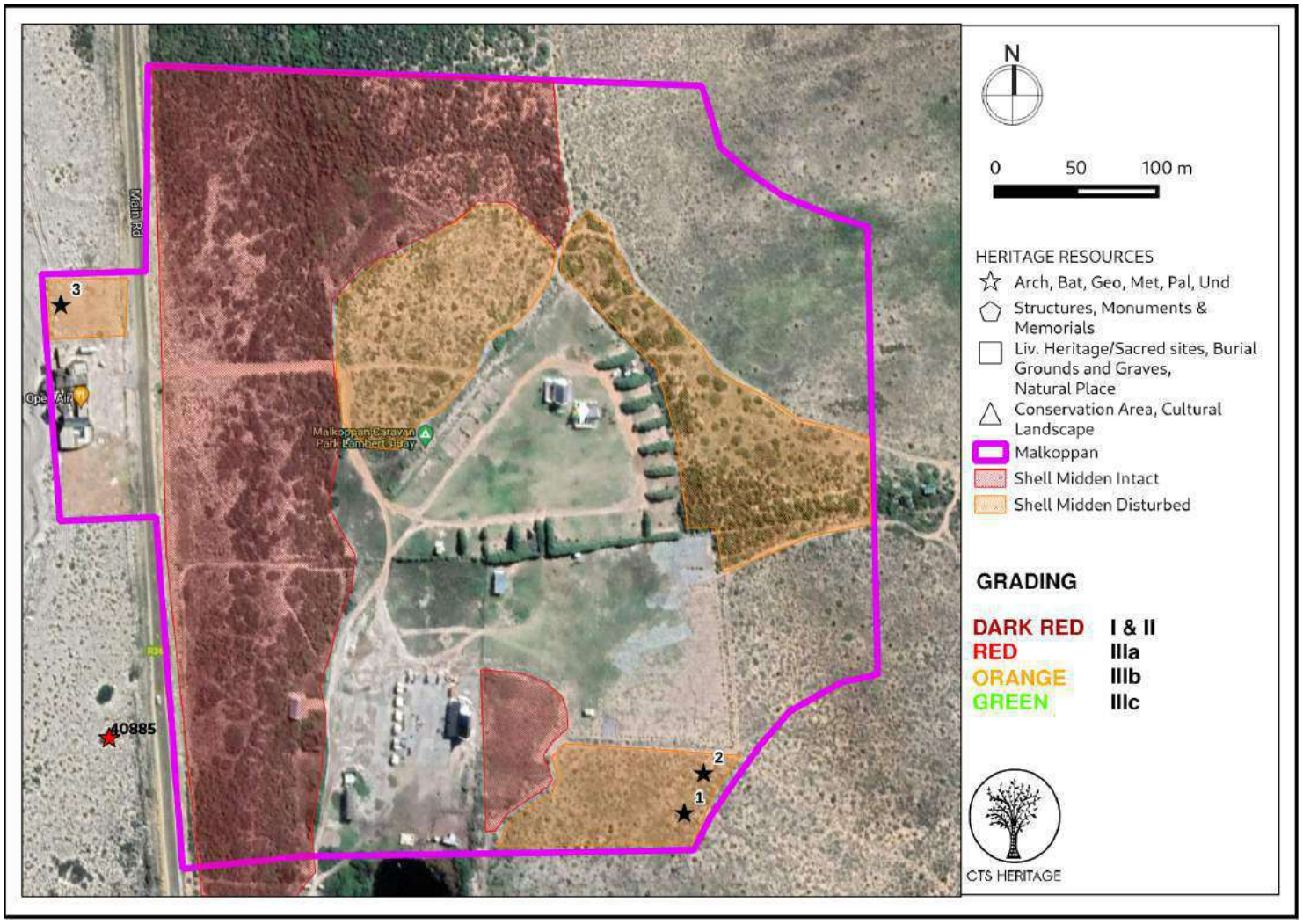


Figure 6.2: Map of location of identified heritage resources

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4.3 Selected photographic record



Figure 7.1 Shell eroding from ground surface



Figure 7.2 Shell eroding from ground surface

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Figure 7.3 Shell eroding from ground surface



Figure 7.4 Shell eroding from ground surface

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Figure 7.5 Site 001 - Grindstone



Figure 7.6 Site 002 - Upper and Lower Grindstone

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Figure 7.7 Remnant shell evident within campsite area



Figure 7.8 Site 003 - Eroding midden adjacent to the restaurant

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Figure 7.9 Site 003 - Eroding midden adjacent to the restaurant



Figure 7.10 Site 003 - Eroding midden adjacent to the restaurant

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Figure 7.11 Site 003 - Eroding midden adjacent to the restaurant



Figure 7.12 Shells used in the construction of the restaurant

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5. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT

5.1 Assessment of impact to Archaeological Resources

Based on the findings of this report, it is clear that the unauthorised development has negatively impacted archaeological heritage resources. However, as the impact had already taken place at the time of assessment, it is difficult to determine the significance of the archaeological resources impacted.

For this, we need to rely on relevant assessments done in the past. In their assessment of this property, ACO (1995) found that “There is prolific archaeological material on Malkoppan to the extent that almost half the area that we were requested to survey may be described as being covered by midden. The reason for this extraordinary density may be related to reefs of rock on the shoreline which are exposed at low tide. These would have supplied abundant shellfish. In addition, fresh water was available in pans behind the dune cordon (most of these have been pumped dry in recent years). Jerardino (1994) has documented a sequence from the site MKP 1 which has shown that the sequence of occupation started here before 4000 years ago. The sequence of occupation involves an early period when people exploited limpets. This followed by a change in exploitation strategy that involved mass harvesting of black mussels giving rise to the "megamiddens" that are characteristic of this area. The pattern changed again after the introduction of ceramics and domestic animals 2000 years ago. Many of the sites described in this report are similar to site MKP 1. It would appear that there is local and distinctive occupation pattern that took place in the Elands Bay/Lamberts Bay region before 2000 years ago. As yet the cause of this is not known but is currently a topic of enquiry.”

The report by ACO (1998) concludes that “While archaeological material is present within the demarcated area, most of the sites are rather ephemeral suggesting very short term use by the pre-colonial inhabitants. The general paucity of either artefactual material or bone on all the sites (except MKP18) means that they have little research potential and do not need substantial mitigation.”

6. CONCLUSION AND RECOMMENDATIONS

While it is clear that the unauthorised work impacted on archaeological resources, the results of test pits conducted in the area previously indicated that the archaeological deposit has little research potential and could therefore be graded IIIC. As the development is complete and there is not intended to expand further, no further archaeological mitigation work is recommended. However, as this property has an existing significant archaeological deposit and is open to the public, recommendations are made below regarding the ongoing management and conservation of this significant archaeological heritage.

Additional options regarding sanction for the unauthorised impact to archaeological heritage have been put forward by HWC in their discussion on the NID application that was submitted for this work in terms of section 38(8) of the NHRA. In their discussion on this work, IACom noted that section 38(4)(d) of the NHRA allows for HWC to determine “whether compensatory action is required in respect of heritage resources damaged or destroyed as a result of the development” and that this clause may apply to this application. However, this application is made in terms of section 38(8) of the NHRA and not sections 38(1), (2) and (3). Section 38(8) of the NHRA states that “The provisions of this

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section (ie. sections 38(1), (2), (3) and (4)) do not apply if an evaluation of the impact of such a development on heritage resources is required in terms of (other legislation, such as NEMA Section 24G)", such as this application.

While HWC and IACom are aware that the decision making authority for this application is DEADP and that section 38(4)(d) is not applicable, it has been suggested that HWC may impose a "compensatory condition" for the unauthorised destruction of archaeological heritage as part of their comment to DEADP on this submission.

Recommendations

- A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property.
- HWC should investigate the option of imposing a "compensatory condition" for the unauthorised destruction of archaeological heritage.

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7. REFERENCES

Impact Assessment References				
Nid	**Report Type**	**Author/s**	**Date**	**Title**
4027	AIA	Kaplan, J.	01/10/2004	Phase 1 Archaeological Impact Assessment Elands Bay to Lamberts Bay Road Upgrade
4028	AIA	Orton, J.	13/04/2007	Archaeological Impact Assessment of a Small Part of Grootvlei (Portion 8 of Farm 92 Steenbokfontein), Clanwilliam Magisterial District, Western Cape
4001	AIA	Hart, T. & Halkett, D.	01/10/1995	A Phase 1 Archaeological Investigation of a Portion of Malkoppan
4021	AIA	Hart, T. & Halkett, D.	01/05/1998	A Phase 1 Archaeological Investigation of a Section of the Farm 'Malkoppan' West of the Coastal Road, Lamberts Bay

Deacon. H. & J. Deacon. 1999. Human Beginnings in South Africa: Uncovering the Secrets of the Stone Age. David Philip Publishers, Cape Town and Johannesburg, pp1-214.

Jerardino, A. 1994. Test excavations at Grootdrif and Malkoppan, Piketberg District, Cape Province. Interim report to the National Monuments Council. Reference No. 9/2/072/13/5.

Jerardino, A. 1996. Changing social landscapes of the Western Cape coast of Southern Africa over the last 4500 years. Unpublished PhD thesis, University of Cape Town.

Pether, J. 2007. Fossils in Dunes, Palaeontology in the Witzand Formation, A General Information Document prepared for Heritage Western Cape.

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CTS HERITAGE

APPENDIX 2: Cultural Landscape Impact Assessment (2022)

CULTURAL LANDSCAPE ASSESSMENT

In terms of Section 38(8) of the NHRA for the

S24G Rectification at Muisbosskerm Restaurant and the Malkoppan Tourism Facility





HWC Ref: 21102606

Prepared by

Claire Abrahamse

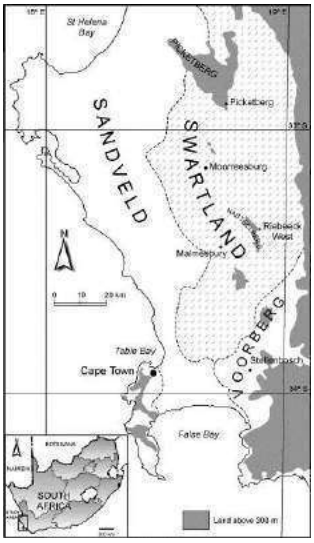
For

For Footprint Environmental Services

June 2022

DESCRIPTION OF CULTURAL LANDSCAPE

The Sandveld comprises the coastal strip of the Piquetberg and Clanwilliam districts and is traversed by three river systems or “vleie”, of which the Verlorenvlei is the best known (Fransen, 2004: 345).



The Sandveld region stretches from the Berg River in the south to Lamberts Bay in the North. The area is bounded by the Cederberg Mountains in the east and the Atlantic Ocean in the west. The Piketberg Mountains are situated in the middle of this region, forming a natural barrier between the sandy flatlands between the mountains and the sea.... While the term “Sandveld" is commonly used to describe the above geographical area, the actual Sandveld, as in the underlying geology and ecology, is ubiquitous from Milnerton in the south up until the point at which the mountains meet the sea north of Lamberts Bay (Figure A).

The landscape is open and sparse with few water sources, many of which are slightly brackish even at the best of times (Thomas, 2016: 5).

Figure A: Location of the Sandveld (https://www.sciencedirect.com/science/article/abs/pii/S1462901102001223).

This distinctive landscape – which is extremely arid, flat or with rolling hills, with settlement clustered along the vleis and with a coastal belt of dunes buffering the impact of the sea on the land (Figure B) – has given rise to a distinctive vernacular architecture. The design and construction of buildings here has been constrained by available materials, the local economy, the relative isolation of the community and by functional requirements for shelter in a harsh climate. The buildings have a “homespun” and elemental quality that remains in evidence today, although is under threat (Fransen, 2004: 345 – see Figure C).

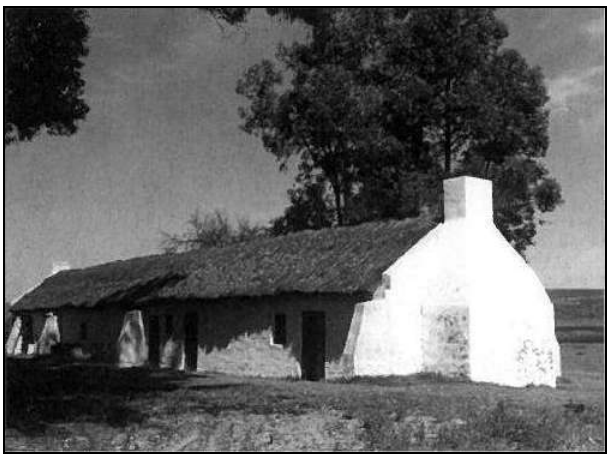



Figure B (left): View from the low hills towards Elands Bay (https://tracks4africa.co.za/listings/item/w210992/western-cape-sandveld/) and Figure C (right): the "homespun" architectural qualities of the Verlorenvlei (Fransen, 2002: 350).

The combination of natural and man-made elements has led to the creation of a very specific sense of place, which has not been greatly impacted by modernization and development in the past century.

Studies of the cultural landscape in the Sandveld have focused on the "fingers" of the vleis that bisect this hostile environment. The subject site is one of the few settlements that is located between these. It traverses the dune environment, and is exposed to the coastline, with its cold Benguela current, thick mists and scarce rainfall.

DEVELOPMENT OF THE SITE

Substantial work has been done on the history and development of the Verlorenvlei, but less information exists on the Jakkalsvlei and Langvlei Rivers, which end at Lambert's Bay and the Wadrifsoutpan respectively. The two outer riverine systems are each marked by a small town where they end at the coastline: Elands Bay in the case of Verlorenvlei, and Lambert's Bay in the case of the Jakkals River.

The subject site – Malkoppan – is located between the central Wadrifsoutpan mouth and Lambert's Bay, and forms a portion of the historic farm Steenboksfontein.

Steenboksfontein was granted to G.E. Smit on the 31st December 1831. The Smit family's presence in the Sandveld dates to 1750, when Erasmus Smit was loaned the farm "Wagenpad" on the slopes of

the Piketberg for the grazing of cattle (Thomas, 2016: 55).

Although no clear evidence as to the origins of the name “Malkoppan” could be found, the 1965 1:50000 Topographical Map indicates that the bay to the south of Lambert’s Bay is named “Malkopbaai”, with the headland sheltering the harbour labelled “Malkopbaaipunt”. The map also indicates a perennial water body at the site – named a “pan” in Afrikaans – so it is likely that the name references the geographic location and features of the site.

The 1965 Topographical map – the earliest available - indicates a series of pans, strung out behind the dune system, each with a small structure located alongside. Albanie and Grootvlei are the other two examples, with Steenboksfontein – the original farmstead, most likely with a spring or permanent water source – being located closest to the Wadrifsoutpan.

The natural layers analysis of the cultural landscape indicates the gently sloping land, as well as the steeper dune system just beyond the coastline, against which the perennial pans are located (Figure D). The sea, with a series of exposed “bays”, the river systems with their vlei estuaries, and the perennial pans behind the dunes are the water systems evident across the landscape.

In terms of the man-made layers, the historic parent farms, road system, settlements and historic werf areas (at least, those identified by Fransen in 2004) are indicated (Figure E).

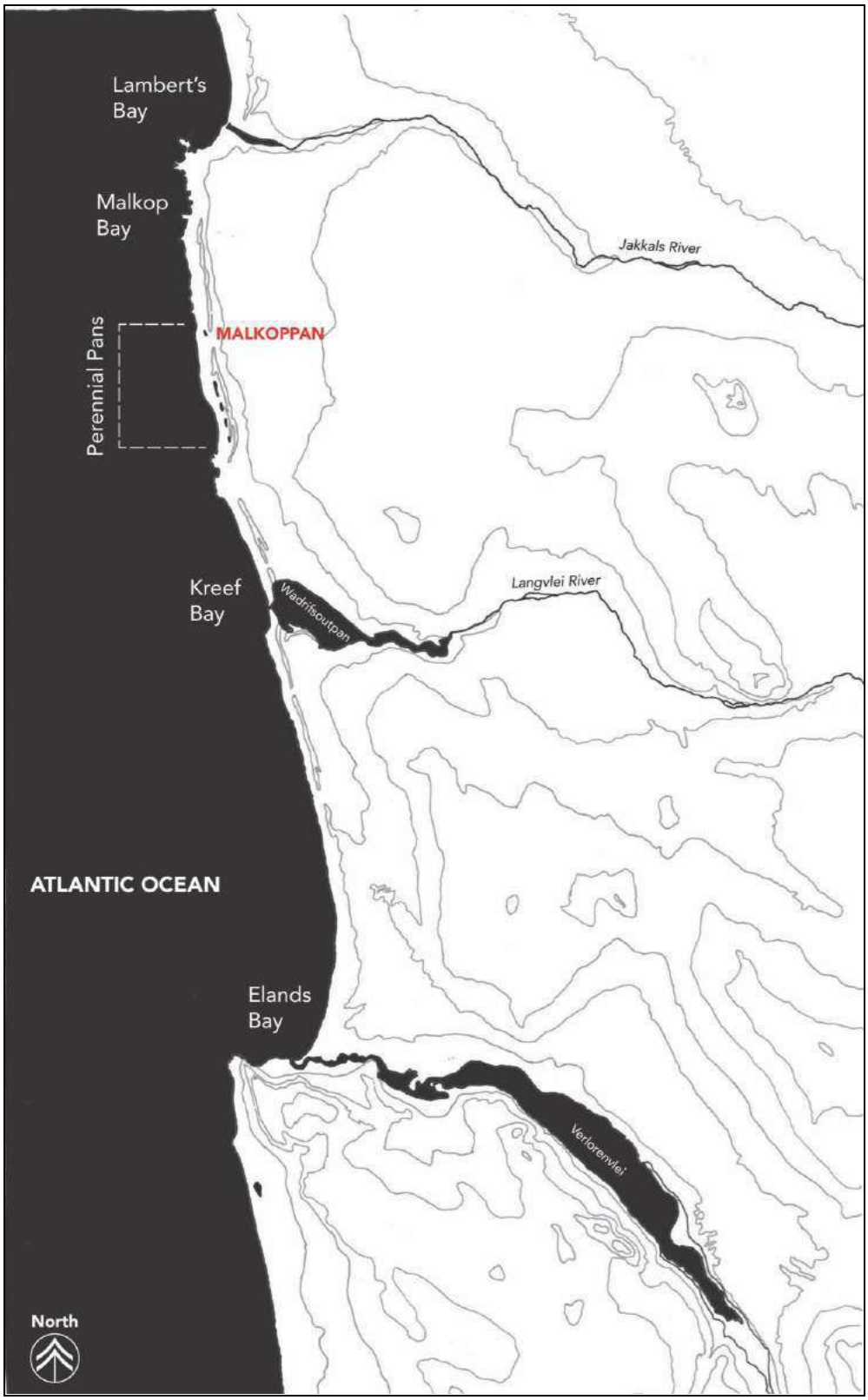


Figure D: The natural layers of the Sandveld area in the vicinity of the site, with Malkoppan identified in red text.

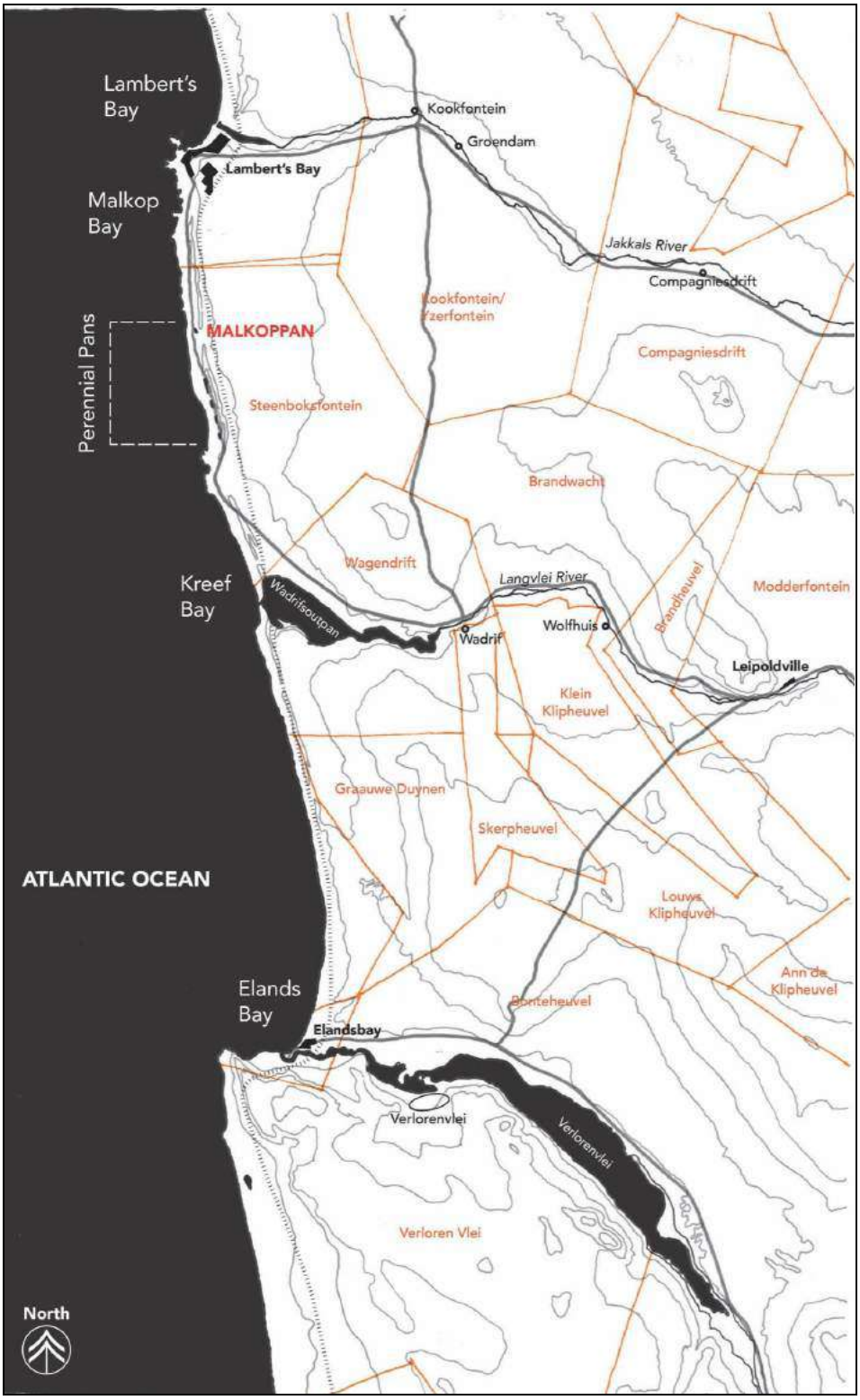


Figure E: The man-made layers of the Sandveld area in the vicinity of the site, with Malkoppan identified in red text. The historic farm grant boundaries, in orange, are from NGI Mowbray, while the historic homesteads are from Fransen, 2004.

The 1930 Surveyor General Diagram was the earliest diagram of any detail that could be found for Malkoppan (Figure F). The diagram clearly shows the original extent of Steenboksfontein form, as well as the subsequent subdivisions (of which Portion 19 is Malkoppan). The dune system is indicated in tan-coloured contour lines, and the road system is indicated, converging on "Die Erf" (in blue), surrounded by "Die Werf" (in green), which denotes the location of the Steenboksfontein homestead. Following the coastal road north towards Lambert's Bay, a series of red marks seem to indicate the potential location of buildings.

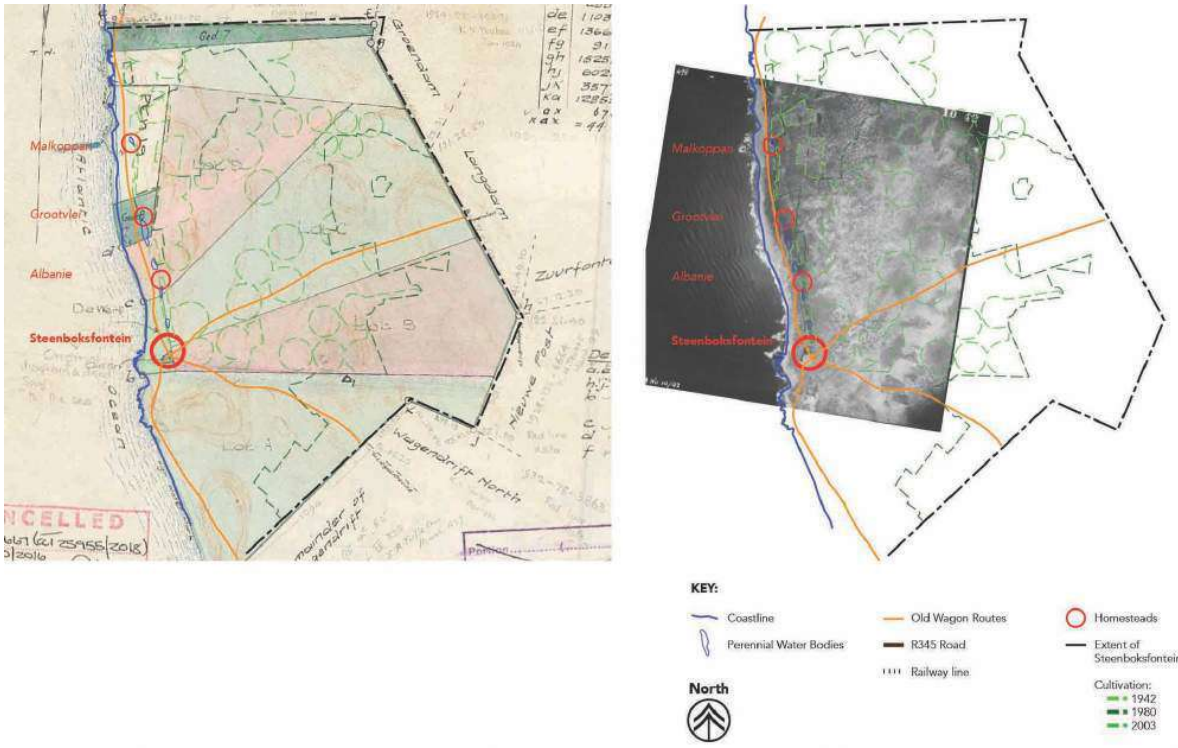


Figure F (left): The 1930 surveyor general diagram for Steenboksfontein farm, with the various portions and old wagon route identified.

Figure G (right): The 1942 aerial photography for the area shows the perennial pans, as well as the early extent of agriculture.

The 1942 aerial photography available for the site indicates that a dirt road ran through the four homesteads, from Steenboksfontein werf to Lambert's Bay (Figure G). The farmhouse and rectangular barn structure seem to be in evidence, as does the pan. Cultivation to the north and east are in evidence, which supports the determination that the two structures identified would be in place by this time.

By 1964, the tarred road had been constructed (Figure H), and by 1980 the railway line had joined the road as a linear infrastructure cutting the coastline off from the interior (Figure I). From 1986, circular areas of cultivation speak to the introduction of more intensive agricultural irrigation (Figure J).



Figure H (left): The 1964 Topographical Map for the area, with the extent of agriculture identified.
Figure I (right): The 1980 aerial photography for the area showing the extent of agriculture and development at the time.

The 2003 Topographical map indicates a structure along the coastline – the origins of the Muisboskerm restaurant (Figure K) – while the 2010 Topographical map indicates a greater number of structures at all the settlement nodes along the coastline, while the extent of agriculture remains constant..

The analysis indicates a landscape that has seen slow and incremental development over the course of the 20th century, both in terms of the extent of cultivation and the number of structures at each node (Figure L). It is clear that all of the structures located at Malkoppan today are within areas that have been cultivated at least since the 1940s.



Figure J (left): The 1986 Topographical Map for the area, with the extent of agriculture identified.
Figure K (right): The 2003 Topographical Map for the area, with the extent of agriculture identified.

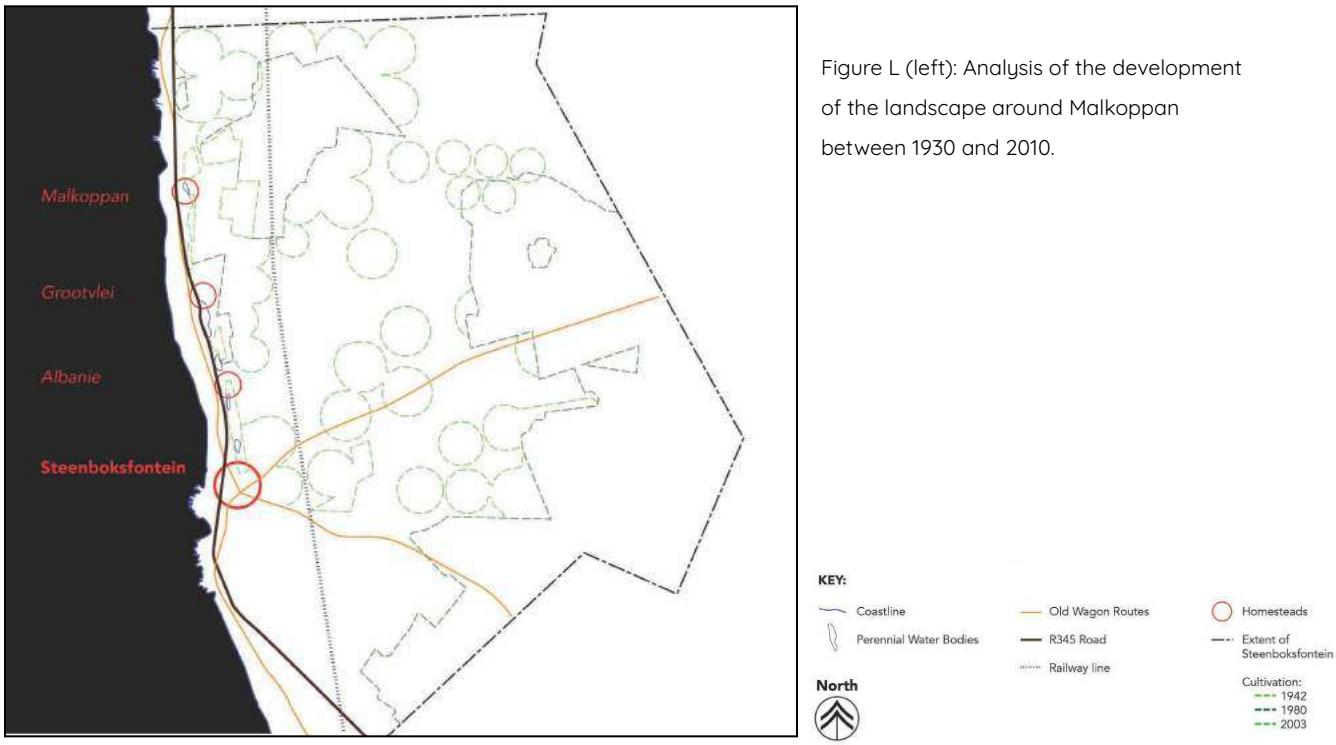


Figure L (left): Analysis of the development of the landscape around Malkoppan between 1930 and 2010.

STRUCTURES IN THE LANDSCAPE

It becomes clear, when examining texts that outline the development of this area (Walton, 1989, Thomas, 2016), that the historic loan farm settlements in the Sandveld were not associated with the coastline and coastal environment itself.

Walton notes that stock farming was seen to be profitable in the 18th Century, due to the comparatively low amount of capital required to start up, and the fact that from the 1750s, the government was keen to grant loan farms to stock farmers beyond the Cape Peninsula, Drakenstein and Stellenbosch areas, which had been overgrazed (1989: 113).

Loan farms were usually centred on a permanent water supply, such as a spring with associated good pasturage, and radiated outwards (supposedly for half-an-hour's walk from the centre). If a farmer erected a house or other buildings – known as an "Opstal", he was allowed to sell it to the government or another tenant who was granted the permit, but otherwise he paid an annual rental, and did not own the land (Walton, 1989: 113 – 115).

Because of the harsh climatic conditions, sandy dune system, and brackish water bodies along the coastline, the area within which Malkoppan is located was not settled by stock farmers until the 20th century, presumably because modern technology made farming in such areas viable.

The typical homestead, or "Opstal", in the area was documented by Andre Pretorius in his photography around the Lambert's Bay area in the early 1980s (Figure M – R). The architectural typology is of simple, rectangular or T-shaped buildings, one room deep, with half-hipped or full gables and double-pitched roofs, typically under thatch. The photographs also depict how the structures were nestled in the dune system, usually within a shallow, flat depression within the landscape. A simple stoep was often in evidence, as well as planting of gums or other exotics that would take hold in the arid environment. Lastly, Skaapdam shows the close relationship between settlement and the presence of water in the landscape (see Figure N).



Figure M - R (clockwise from top left): Andre Pretorius' photographs of the homesteads around Lambert's Bay, including Companiesdrift Farm, Skaapdam Farm, Rietfontein Farm (top and bottom right), and the homestead at Companiesdrift farm (bottom two, to right). All photographs taken between 1981 and 1991.

The old farmhouse and the barn structure at Malkoppan most closely follow the settlement pattern of homesteads or "Opstals" in the area. These structures are nested below the seaward dune system, close to the perennial pan. Although dating from the early 20th century and adhering to the square-planned, hipped roof structure typical of that era, the farmhouse has a deep stoep (Figure S).

However, although far more recent in their construction, the other structures located at Malkoppan more closely follow the architectural typology typically seen in the area (Figure T, U and V).

They are generally "longhouses", white-walled and with end gables and double-pitched roofs. All have stoeps with afdak roofs, supported on masonry columns. All are located in the "in between" levels of the flat, shallow depression and the steeper dunes behind, which appears to be typical.

However, aside from the small guest cottage on the seaward dune site, the other structures lack the landscaped surrounds that would allow them to nestle into their environment more harmoniously. However, all structures are below the level of the R345 road, and have far less visual impact than the very large barn footprint (Figure Q). They are small-scaled and scattered across the landscape in an unimposing way.



Figure S - V (clockwise from top left): The Malkoppan farmhouse, dating from the early 20th century, the two ablution blocks for the campsite (bathrooms, shower facilities and laundry), the guest cottage in the dunes, and the main new structure, with restaurant, kitchen and ablutions.

The series of panoramic photographs that follows, illustrates the landward structures within the landscape (Panorama 1 – 15).

The seaward facing structure, at Muisbosskerm, is entirely different in nature. This ramshackle seafood restaurant is very open and temporary in nature, with very few fixed or permanent structures (Panorama 16 – 17). It does not adhere to any landscape pattern or historic system of settlement of this landscape, but the rather muted colour palette of materials and impermeant nature of the structures does mitigate their impact on the landscape.



Panorama location map. The location of the various panoroma photographs is indicated on the map above.


Panorama 1: The recreational structure is to the left of image, with the guest cottage to the centre.


Panorama 2: The recreational structure is to the right of image, with the guest cottage to the centre.



Panorama 3: The back elevation of the recreational building, which is set into the gently sloping dunes.



Panorama 4: Looking east towards the recreational building, with the guest cottage behind the photographer. The old farm house is to the right of the image.



Panorama 5: The guest cottage, to the left of image, with the recreational building in the centre of the image. The location of the Malkoppan structures in a shallow depression in the dune landscape is evident in this image. The road is above the guest cottage structure.



Panorama 6: The campsite area with the two ablution structures in the centre of the image. Tall hedges screen the campsite from the main public area.



Panorama 7: View over the campsite lawn, looking south.



Panorama 8: View from the centre of the campsite lawn, where a gap in the hedge leads to another area for camping.



Panorama 9: View looking south-west from the roof loft of the women's ablution block. The guest cottage can be seen in the distance.



Panorama 10: The area behind the ablution buildings, where separate hedged areas provide secluded camping spots.



Panorama 11: View southwards, towards the restaurant structure, from the second camping field upon walking through the established hedge.



Panorama 12: View to the southwest, when walking from the camping field towards the recreational building and guest cottage. The sea is beyond the dunes in the background.



Panorama 13: View of the old farmstead from the road leading down from the R365. The barn structure is very large, and to the west of the farmhouse. The perennial waterbody is behind the dense vegetation.



Panorama 14: The Muisbosskerm restaurant structure as seen from the beack, looking northeast.



Panorama 15: View of the sea from the edge of the Muisbosskerm restaurant.



Panorama 16: The same view, but from within the restaurant space.



Panorama 17: View across the R365 from the Musiboskerm restaurant (to the right), and with the Malkoppan driveway to the east.



Panorama 18: Google Streetview perspective looking eastwards, over the Malkoppan campsite and old farm, from the R365 (2010).





Grootvlei guest farm, to the south of Malkoppan, also has perennial water bodies located behind the dunes. (Sources, to left: Google Streetview. To right: https://www.grootvleiguestfarm.co.za).



The old Steenboksfontein farm, seen from the R365. (Source: Google Streetview).



Drone view of Malkoppan during a 2017 music festival at the campsite. (Source: https://www.facebook.com/malkopsummerrock/photos/a.505999989606039/577103795828991/)

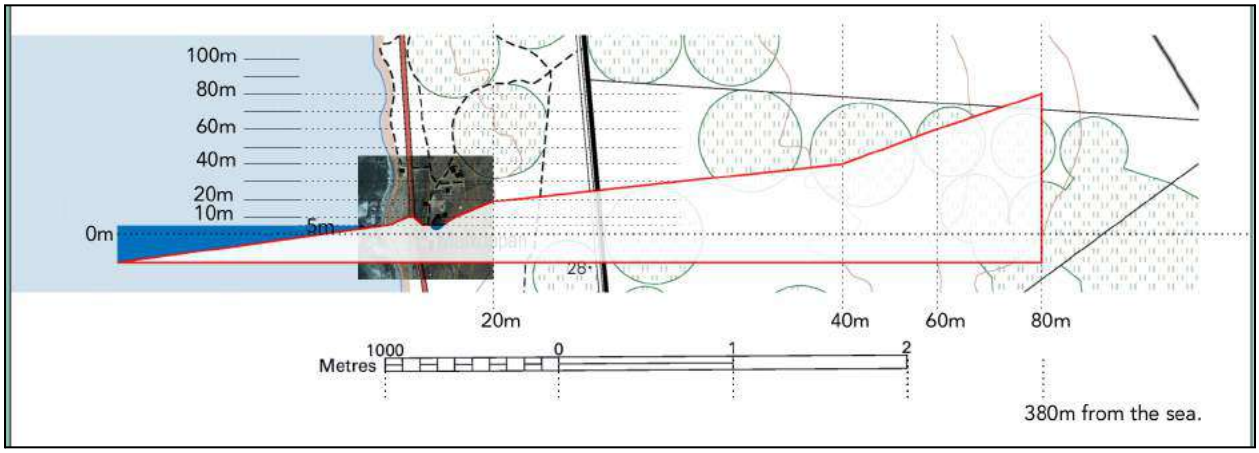


Figure W: Section through the site illustrating the t illustrates the screening of the site from the beach.

HERITAGE SIGNIFICANCE AND IMPACTS OF THE DEVELOPMENT ON THE CULTURAL LANDSCAPE

None of the structures making up the site are even of a medium level of heritage significance. The old farmhouse is protected under Section 34 of the National Heritage Resources Act, and its context does adhere to the historic pattern of settlement in this area. At most, it and the adjacent pan might receive a grading of IIIC, along with the small guest cottage nestled in the dunes, which is representative of the typology, and older than the other fabric surrounding the campsite (Figure W).

None of the other structures making up the site have sufficient significance to warrant grading. As a whole, the site would also not warrant grading.

However, the site does contribute to a broader cultural landscape that was only settled in the early 20th century, but that does have a mild degree of significance in that it comprises a linear coastal dune system with a string of brackish perennial water bodies behind the seaward dunes. The location of these pans has determined the location of structures in this otherwise sparse and expansive semi-desert landscape, that is so typical of the west coast. The structures comprising Malkoppan today follow and reinforce this landscape pattern.

However, it is also important to note that the other nodes along this stretch of coastline are more densely built-up, but that this should not allow for un-assessed densification of the Malkoppan site. While some additional development may be possible, Malkoppan has far less established landscaping, which affects the impact of the new buildings upon the overall experience of the cultural landscape.

The structure along the coastline is rudimentary, with its muted material- and colour-palette allowing for a certain amount of visual mitigation. It is unfortunate that the location of this restaurant, on the seaward side of the road, breaks with all settlement patterns along this coastline, and creates some visual impact when travelling along the R365.

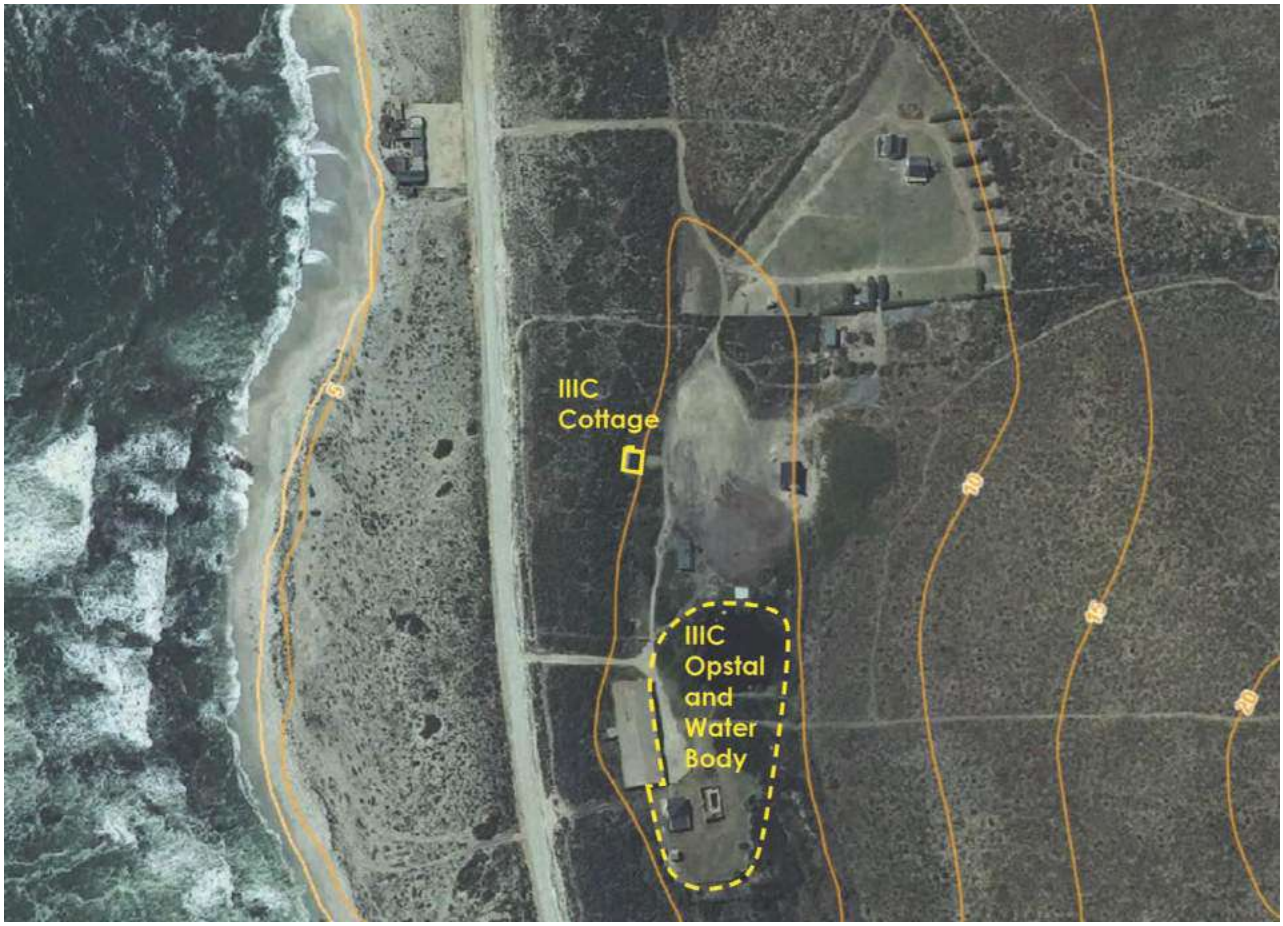


Figure X: Suggested grading of structures and places at Malkoppan.

RECOMMENDATION WITH RESPECT TO CULTURAL LANDSCAPE IMPACTS

The current extent of building at Malkoppan and Muisbosskerm is not detrimental to the experience of the cultural landscape along this section of coastline. However, the following is recommended:

1. That all new development must receive the required approvals at Heritage Western Cape.
2. That new development should not be permitted along the coastal side of the road.
3. In addition to agricultural activity, that only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
4. That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.

APPENDIX 3: NID Form and Heritage Screening Assessment

APPLICATION FORM
NOTIFICATION OF INTENT TO DEVELOP (NID)
SECTION 38 (1) AND SECTION 38 (8)

Heritage Western Cape Reference No:
To be completed by the applicant

Completion of this form is required by Heritage Western Cape for the initiation of all impact assessment processes under Section 38 (1) & (8) of the National Heritage Resources Act (NHRA)

As per Section 38 (1) (e) of the NHRA, submission of the NID must be initiated at the earliest stage of development. Should the development trigger any other legislation, practitioners may submit the NID without formal submission to other statutory bodies in order to comply with the NHRA.

This form is to be read in conjunction with the HWC Notification of Intent to Develop, Heritage Impact Assessment, (Pre-Application) Basic Assessment Reports, Scoping Reports and Environmental Impact Assessments, Guidelines for Submission to HWC

Whilst it is not a requirement, it may expedite processes and in particular avoid calls for additional information if certain of the information required in this form is provided by a heritage specialist/s with the necessary qualifications, skills and experience. All sections of the form must be completed in order to deem the application to be complete.

Making an incorrect statement or providing incorrect information may result in all or part of the application having to be reconsidered by HWC in the future, or submission of a new application.

The following information is to be included upon submission to HWC:

1. Proof of payment with correct reference number
2. Completed and signed application form – the application form must be completed in full in order to be considered
3. Power of Attorney
4. Locality Map
5. Images of the site and its context
6. Additional information pertaining to the heritage of the site

Application and associated documentation to be emailed to ceoheritage@westerncape.gov.za

A. APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

Department of Environmental Affairs Development Planning (Western Cape); Department of Mineral Resources (National); Department of Environmental Affairs (National);
Reference Number (if applicable):

Please tick the applicable section:

X	This application is made in terms of Section 38(8) of the NHRA and an application under NEMA has been made to the following authority:
	This development will not require a NEMA application.

B. BASIC DETAILS

PROPERTY DETAILS:

Name of property: **Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Portion 19 of Steenboksfontein Farm 92**	
Street address or location (eg: off R44):	
Erf or farm number/s: **Ptn 19 of Farm 92**	Coordinates: **S 32° 08'01.64" S** **E 18 18'20.31"E** (A logical centre point. Format based on WGS84.)
Town or District: **Lamberts Bay**	Municipality: **Cederberg**
Extent of property: **139.62 ha**	Current use: **Agricultural, Tourism**
Predominant land use/s of surrounding properties: **Agricultural**	

REGISTERED OWNER OF PROPERTY:

Name and Surname: **Mr I. Turner**		
Address: **Malkoppan Gasteplaas, Posbus 26, Lambertsbaai, 8130**		
Telephone 027 432 1017	Cell 083 370 0400	E-mail info@muisbosskerm.co.za

By the submission of this form and all material submitted in support of this notification (ie: 'the material'), all applicant parties acknowledge that they are aware that the material and/or parts thereof will be put to the following uses and consent to such use being made: filing as a public record; presentations to committees, etc; inclusion in databases; inclusion on and downloading from websites; distribution to committee members and other stakeholders and any other use required in terms of powers, functions, duties and responsibilities allocated to Heritage Western Cape under the terms of the National Heritage Resources Act. Should restrictions on such use apply or if it is not possible to copy or lift information from any part of the digital version of the material, the material will be returned unprocessed. All sections of the form have been completed.

Signature of Owner: _____ Date: 25/10/2021

Should the owner not be able to sign, the applicants/ agents must attach copy of power of attorney to this form.

Signature of Applicant/ Authorised Agent: Date:

Applicants/ agents must attach copy of power of attorney to this form.

C. DEVELOPMENT DETAILS:

Please indicate below which of the following Sections of the National Heritage Resources Act, or other legislation has triggered the need for notification of intent to develop.

S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar	S38(1)(c) Any development or activity that will change the character of a site -

	form of linear development or barrier over 300m in length.
	S38(1)(b) Construction of a bridge or similar structure exceeding 50m in length.
	S38(1)(d) Rezoning of a site exceeding 10 000m² in extent.
X	Other triggers, eg: in terms of other legislation, (ie: National Environment Management Act, etc.) Please set out details: **Section 24G Rectification application for a development that has been completed without previous authorisation**

(i) exceeding 5 000m² in extent;
(ii) involving three or more existing erven or subdivisions thereof;
(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years.

If you have checked any of the three boxes above, describe how the proposed development will change the character of the site:

If an impact assessment process has also been / will be initiated in terms of other legislation please provide the following information:

Authority / government department (ie: consenting authority) to which information has been /will be submitted for final decision: **DEA&DP**

Present phase at which the process with that authority stands: **S24G Rectification Application under NEMA**

Provide a full description of the nature and extent of the proposed development or activity including its potential impacts:

Assessment of heritage impacts following the unlawful development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) And A Restaurant (Muisbosskerm) On Farm 19/92, Steenboksfontein, Cederberg Municipality as part of Section 24G Application Process under NEMA.

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Historical development of the site as seen off sequential GOOGLE Earth Imagery in Figures 6a-f.

The development footprint appears to remain unaltered between 1985 and 2005. Thus all vegetation occurring within the development footprint may be regarded as natural vegetation as it was at least 24 years old when the activity commenced. At the Malkoppan facility the initial clearing of the natural vegetation appears to have been undertaken in mid 2009. This entailed the clearance of approximately 1.76 hectares of natural vegetation. The initial foundations for the ablution facilities are clearly visible in an image taken in July of 2009. By September of that year development of the ablution facilities are well advanced. The footprint of the development remains relatively unaltered thereafter until September of 2009. The next image from Feb 2016 shows the expansion of the footprint by clearing of additional natural vegetation over an extent of approximately 2 hectares. By this time the reception and restaurant facility had

been erected. An additional expansion of the footprint occurs in 2019 when an additional 0.22 hectares of natural vegetation is cleared. This is followed by a further expansion of 0.53 hectares of natural vegetation being cleared by March of 2019.

The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 hectares of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 hectares cleared to the south east of the facility, this footprint is further expanded by February 2019 by approximately 0.057 hectares. The total area of natural vegetation cleared between 2009 and 2019 therefore amounts to approximately 4.89 hectares.

The Muisbosskerm is a legally permitted business in terms of "Die Wet op Omgewingsbewaring" Act 100 of 1982. The permit was issued on the 6th June 1988. A copy of the permit is appended in Appendix C – Permits and Licenses. A trade license and liquor license have additionally been approved for the facility.

The Muisbosskerm is a large open-air restaurant / cooking shelter reminiscent of the historical shelters used in the past. It comprises of cooking, braai and storage facilities serviced by ablution infrastructure and a fenced off parking area that extends to the north and south of the "skerm" between the road and the high-water mark of the ocean. The Muisbosskerm is a well-known landmark frequented by local and international visitors. It has featured in films and has been the subject of cooking programs and publications.

The parking area was historically used for the drying of kelp but this practice has been discontinued.

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- 60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night.
- Each site has its own electricity connection.
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"Die Stalle" Campsite comprises of the following:

- 40 individual sites with each site serviced by an electrical point;
- These sites are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men's side and four (4) showers and four toilets on the women's side.

Temporary "Stalletjies":

These 15 stalletjies are used during the monthly farmers market hosted on the property. Each of the stalletjies are hired by participants of the market who then display and sell their good. The event is hosted on the last Saturday of each month and is a well-supported event. Each of the stalletjies are built of wood with a zinc roof and each is supplied with an electrical connection.

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Black water from both male and female ablutions is collected in a constructed 2 chamber septic tank. The super-natant overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the municipal wastewater treatment works.

Grey water from the male and female ablutions are collected in separate 2500 litre conservancy tanks. Each conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where

it is used to irrigate natural veld.

Estimated value cost of the project in South African Rands: R__n/a_____

D. ANTICIPATED IMPACTS ON HERITAGE RESOURCES

Section 3 of the National Heritage Resources Act sets out the following categories of heritage resource as forming part of the national estate. Please indicate the known presence of any of these by checking the box alongside and then providing a description of each occurrence, including nature, location, size, type

Failure to provide sufficient detail or to anticipate the likely presence of heritage resources on the site may lead to a request for more detailed specialist information.

Provide a short history of the site and its environs (Include sources where available):

Background:
Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Archaeology:
The development lies along the West Coast about 5km south of Lamberts Bay. A series of archaeological sites lie 1.5km south of the property at Grootvlei and the very well known sites at Steenbokfontein are about 4km south of Malkoppan. Much of the coastline between Elands Bay and Lamberts Bay has been regularly studied by archaeologists based at the University of Cape Town as well as various impact assessments conducted since the late 1980s. In particular, the coastal archaeology found here has been part of Jeradino's core area on mega middens which started with her postgraduate studies at UCT (Jerardino 1994, 1996). Jerardino sampled the large black mussel (*Choromytilus meridionalis)* middens and most of these sites have been dated between 2 - 3 000 years ago with a date at Malkoppan older than 4000 years (Hart & Halkett 1995).

Manhire's Sandveld survey is also relevant as much of the ground inland of Lamberts Bay and south of the Jakkalsrivier was thoroughly researched and most of the sandstone koppies and deflation bays dotting the area have been inspected as they hold many rock art sites and open air scatters of Later and Middle Stone Age material. More recent work by Orton and Shaw has identified Late Early Stone Age/Early Middle Stone Age material buried below a few metres below the aeolian sands stretching along the coast at Hondeklipbaai.

Later Stone Age shell middens are the dominant archaeological site type at Malkoppan and Grootvlei but rock paintings and stratified MSA deposits are also found at Steenbokfontein in the complex of shelters found in the koppie. Steenbokfontein also holds one of the only dated rock paintings in the Western Cape due to a fallen painted slab that was uncovered during excavations. The paintings are at least 3500 years old and the site is part of ongoing research work. San hunter-gatherers and their ancestors were therefore well established in the area and made extensive use of the marine resources found nearby on the beach and rocky shoreline. The advent of pastoralism in

the area around 2000 years ago led to the introduction and use of pottery and sheep, and cattle were introduced into the economy by indigenous Khoisan groups by around 1000 years ago.

The Archaeology Contracts Office conducted two impact assessments in the 1990s in 1995 and 1998 (Hart & Halkett 1995, 1998) for proposed developments at Malkoppan. It is not clear what developments were originally envisaged as these were not provided to the authors at the time but the preliminary work carried out identified 12 sites in 1995 and a further 6 sites in 1998. Jerardino had sampled MKP1 prior to the ACO surveys. Small test holes were dug in places to verify the depth of buried archaeological deposits. Another impact assessment by Orton was conducted for the ACO in 2007 at Grootvlei (Orton 2007) to assess the impact of unauthorised development on the archaeological sites there when a campsite was upgraded. The site coordinates were missing in the 1998 report and the coordinates provided in 1995 do not line up with the map submitted in the ACO report. We have therefore rectified this by correcting the coordinates and extracting the information on SAHRIS for the two ACO reports in 1995 and 1998.

Site Numbers STE1 - 18, recorded by the ACO in 2007 at Grootvlei, south of this development area and documented adequately in the 2007 ACO report
Site Numbers MKP1 - 18 (ACO reports 1995, 1998)

- MKP2 - 8, currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
- MKP12, closest site to this development but west of the main road. Currently undisturbed by the development
- MKP9, 17 & 18 - just north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP1, 10 & 11 - further north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP13 - 16, these site have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998.

Site #	SAHRISID	Description	Grading	Status
MKP1	40874	Shell Midden - sampled by Jerardino	High	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP2	40875	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP3	40876	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP4	40877	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP5	40878	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP6	40879	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP7	40880	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP8	40881	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this

				assessment
MK P9	40882	Shell midden	High	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998
MK P10	40883	Shell midden	Medium	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MK P11	40884	Shell midden	Low	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MK P12	40885	Shell midden	High	Closest site to this development but west of the main road. Currently undisturbed by the development
MK P13	33845	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MK P14	33844	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MK P15	33842	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MK P16	33846	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MK P17	33848	Shell midden	Low	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998
MK P18	33849	Shell midden	Medium	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998

Cultural Landscape and the Built Environment

The area that has been developed is located within a remote stretch of coastline located between Lamberts Bay and Elands Bay. This stretch of coastline has very low density development in the form of the occasional farm structure along the stretch of land in close proximity to the coast. This farm is one of a few along this coastline. The cultural landscape of this area is dominated by agricultural-type infrastructure located along the gravel road linking these two towns. Due to the nature, scale and location of the development, it is not anticipated that the illegal work has negatively impacted on any significant cultural landscape.

The farm buildings on this property that existed prior to the development under consideration can be described as west coast vernacular with some historic architectural significance and are therefore given a proposed grading of IIIC. An historical labourer's cottage which forms part of the farm werf complex, older than 60 years, has been renovated without a permit from Heritage Western Cape (see Figure 1c). It is currently unclear what changes were made and these should be properly documented as part of a workplan application to Heritage Western Cape.

Palaeontology:

According to the SAHRIS Palaeosensitivity Map (Figure 4), the area proposed for development is underlain by geological sediments of low and moderate sensitivity for impacts to palaeontology. These are mainly aeolian sands that consist of light grey to red sandy soil across the bulk of the development area (eastern end) with a narrow strip of sandstone (pebbly in places) and conglomerate of Piekenierskloof Formation on the immediate coastline (western end) and generally unconsolidated, calcareous dune sand of the Witzand Formation sandwiched inbetween. The Witzand Formation is the most likely area to contain fossils of tortoise shells/bones, land snail shells and the bones of moles (Pether 2007).

Summary:

Given that the development has already taken place it is fortunate that no identified sites from the ACO and Jerardino surveys were destroyed or damaged by the current development. Crop agriculture has destroyed sites MKP13-16 but these were rated as having low significance by the ACO and are not part of this study. The vast majority of important LSA archaeological sites are located within 50m to 350m of the high water mark in the Witzand dunes. It is also possible that fossils in the Witzand Formation were destroyed during the clearing of ground for the development.

It is highly recommended that the owner and HWC engage further in the form of a management plan and heritage agreement for the future conservation of conservation-worthy sites on the property.

Please indicate which heritage resources exist on the site and in its environs, describe them and indicate the nature of any impact upon them:

X	**Places, buildings, structures and equipment of cultural significance** Description of resource: **Renovated labourer's cottage > 60 years** Description of impact on heritage resource: **Renovations already made without a permit from HWC - see recommendations**
	Places to which oral traditions are attached or which are associated with living heritage Description of resource: Description of impact on heritage resource:
	Historical settlements and townscapes Description of resource: Description of impact on heritage resource:
	Landscapes and natural features of cultural significance Description of resource: Description of impact on heritage resource:
	Geological resources of scientific or cultural importance Description of resource: Description of impact on heritage resource:
X	**Archaeological resources** (Including archaeological sites and material, rock art, battlefields & wrecks): Description of resource: **Various important mega middens and smaller shell middens, mainly Later Stone Age** Description of impact on heritage resource: **None - but see recommendations for a CMP and Heritage Agreement.**
X	**Palaeontological resources** (ie: fossils): Description of resource: **Palaeo raised beaches, bones and shells of tortoises, snails and moles in the Witzand Formation**

	Description of impact on heritage resource: **Development already took place and impacts already made**
	Graves and burial grounds (eg: ancestral graves, graves of victims of conflict, historical graves & cemeteries): Description of Resource: Description of Impact on Heritage Resource:
	Other human remains: Description of resource: Description of impact on heritage resource:
	Sites of significance relating to the history of slavery in South Africa: Description of resource: Description of impact on heritage resource:
	Other heritage resources: Description of resource: Description of impact on heritage resource:
Describe elements in the environs of the site that could be deemed to be heritage resources: **Description of impacts on heritage resources in the environs of the site:**	

Summary of anticipated impacts on heritage resources:
S24G Rectification application - most of the impacts have already been made and a CMP and Heritage Agreement have been recommended along with details of the renovation work carried out on the building > 60 years.

E. ILLUSTRATIVE MATERIAL:

Attach to this form a minimum A4 sized locality plan showing the boundaries of the area affected by the proposed development, its environs, property boundaries and a scale. The plan must be of a scale and size that is appropriate to creating a clear understanding of the development.

Attach also other relevant graphic material such as maps, site plans, satellite photographs and photographs of the site and the heritage resources on it and in its environs. These are essential to the processing of this notification.

Please provide all graphic material on paper of appropriate size and on CD/ USB in JPEG format. It is essential that graphic material be annotated via titles on the photographs, map names and numbers, names of files and/or provision of a numbered list describing what is visible in each image.

F. RECOMMENDATION

In your opinion do you believe that a heritage impact assessment is required? Yes **X** No

S24G Rectification application - most of the impacts have already been made and a CMP and Heritage Agreement have been recommended along with details of the renovation work carried out on the building > 60 years

Recommendation made by:

Name **Nicholas Wiltshire & Jenna Lavin** Capacity **Directors, CTS Heritage**
PLEASE NOTE: No Heritage Impact Assessment should be submitted with this form or conducted until Heritage Western Cape has expressed its opinion on the need for such and the nature thereof.

G. INFORMATION TO BE PROVIDED AND STUDIES TO BE CONDUCTED AS PART OF THE HERITAGE IMPACT ASSESSMENT (HIA)

If it is recommended that an HIA is required, please complete this section of the form.

DETAILS OF STUDIES TO BE CONDUCTED IN THE INTENDED HIA

In addition to the requirements set out in Section 38(3) of the NHRA, indicate envisaged studies:	
	Heritage resource-related guidelines and policies.
	Local authority planning and other laws and policies.
	Details of parties, communities, etc. to be consulted.
	Specialist studies, eg: archaeology, palaeontology, architecture, townscape, visual impact, etc. Provide details:
	Other. Provide details:

PLEASE NOTE: Any further studies which Heritage Western Cape requires should be submitted must be in the form of a single, consolidated report with a single set of recommendations. Specialist studies must be incorporated in full, either as chapters of the report, or as annexures thereto.
Please refer to the *Guidelines for Heritage Impact Assessments required in terms of Section 38 of the National Heritage Resources Act (Act 25 of 1999)*

This development will not require a NEMA application.
☐

B. BASIC DETAILS

PROPERTY DETAILS:

Name of property: **Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Portion 19 of Steenboksfontein Farm 92**	
Street address or location (eg: off R44):	
Erf or farm number/s: **Ptn 19 of Farm 92**	Coordinates: **S 32° 08'01.64" S** **E 18 18'20.31"E** (A logical centre point. Format based on WGS84.)
Town or District: **Lamberts Bay**	Municipality: **Cederberg**
Extent of property: **139.62 ha**	Current use: **Agricultural, Tourism**
Predominant land use/s of surrounding properties: **Agricultural**	

REGISTERED OWNER OF PROPERTY:

Name and Surname: **Mr I. Turner**		
Address: **Malkoppan Gasteplaas, Posbus 26, Lambertsbaai, 8130**		
Telephone 027 432 1017	Cell 083 370 0400	E-mail info@muisbosskerm.co.za

By the submission of this form and all material submitted in support of this notification (ie: 'the material'), all applicant parties acknowledge that they are aware that the material and/or parts thereof will be put to the following uses and consent to such use being made: filing as a public record; presentations to committees, etc; inclusion in databases; inclusion on and downloading from websites; distribution to committee members and other stakeholders and any other use required in terms of powers, functions, duties and responsibilities allocated to Heritage Western Cape under the terms of the National Heritage Resources Act. Should restrictions on such use apply or if it is not possible to copy or lift information from any part of the digital version of the material, the material will be returned unprocessed. All sections of the form have been completed.

Signature of Owner: _____ Date: 25/10/2021

Should the owner not be able to sign, the applicants/ agents must attach copy of power of attorney to this form.

Signature of Applicant/ Authorised Agent: Date:

CEDAR TOWER SERVICES

HERITAGE SCREENER

CTS Reference Number:	**CTS21_230**
HWC Reference:	**21102606**
Client:	**Footprint Environmental Services**
Date:	**11 October 2021**
Title:	**S24G Rectification at Muisbosskerm Restaurant and the Malkoppan Tourism Facility**

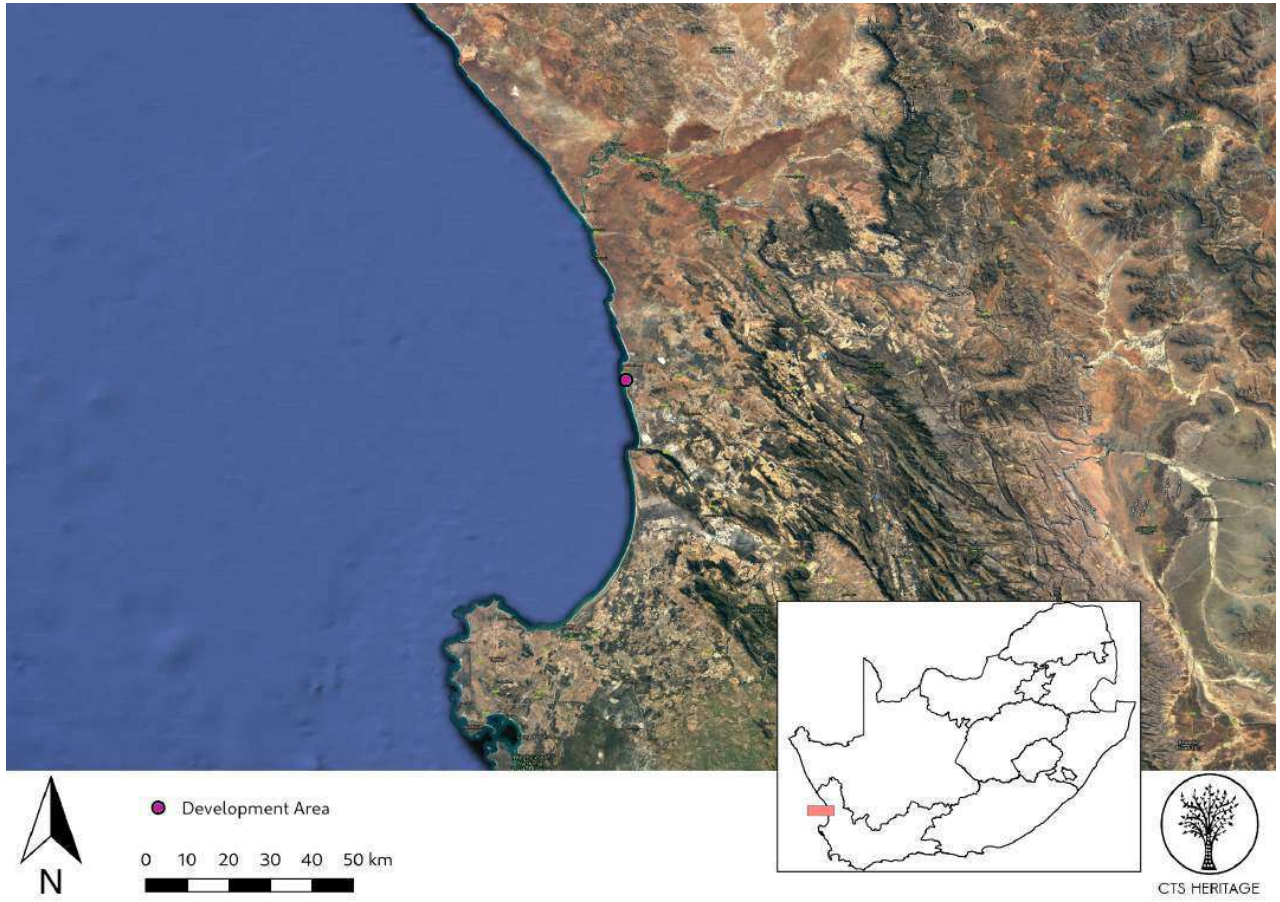


Figure 1a. Satellite map indicating the location of the study area in the Western Cape Province

Recommendation by CTS Heritage Specialists: (Type 2)	**RECOMMENDATION:** **The heritage resources along the routes proposed for development are only partially recorded** See Section 8 for full recommendations.

CTS Heritage
34 Harries Street, Plumstead, Cape Town, 7800
Tel: (082) 3037870/083 619 0854 **Email:** info@ctsheritage.com **Web:** www.ctsheritage.com

CEDAR TOWER SERVICES

1. Proposed Development Summary

Assessment of heritage impacts following the unlawful development of Tourism Accommodation Facilities, Venue, Market Place (Malkoppan) and a Restaurant (Muisbosskerm) On Farm 19/92, Steenboksfontein, Cederberg Municipality as part of Section 24G Application Process under NEMA.

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CEDAR TOWER SERVICES

2. Application References

Name of relevant heritage authority(s)	Heritage Western Cape
Name of decision making authority(s)	DEA&DP

3. Property Information

Latitude / Longitude	32° 08’01.64” S and 18 18’20.31”E
Erf number / Farm number	Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Portion 19 of Steenboksfontein Farm 92
Local Municipality	Cederberg
District Municipality	West Coast
Previous Magisterial District	Clanwilliam
Province	Western Cape
Current Use	Restaurant & Tourism Facilities (camping, market)
Current Zoning	Agricultural
Total Extent	139.62 ha

4. Nature of the Proposed Development

Total Surface Area	4.89 hectares
Depth of excavation (m)	Up to 2m where foundations were laid - but mainly surface leveled and cleared
Height of development (m)	4m

CEDAR TOWER SERVICES

5. Category of Development

Triggers: Section 38(8) of the National Heritage Resources Act	**X S24G rectification under NEMA**
Triggers: Section 38(1) of the National Heritage Resources Act	
1. Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.	
2. Construction of a bridge or similar structure exceeding 50m in length.	
3. Any development or activity that will change the character of a site-	
a) exceeding 5 000m^2 in extent	
b) involving three or more existing erven or subdivisions thereof	
c) involving three or more erven or divisions thereof which have been consolidated within the past five years	
4. Rezoning of a site exceeding 10 000m^2	
5. Other (state):	

6. Additional Infrastructure Required for this Development

N/A all development has already taken place

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7. Mapping (please see Appendix 3 and 4 for a full description of our methodology and map legends)

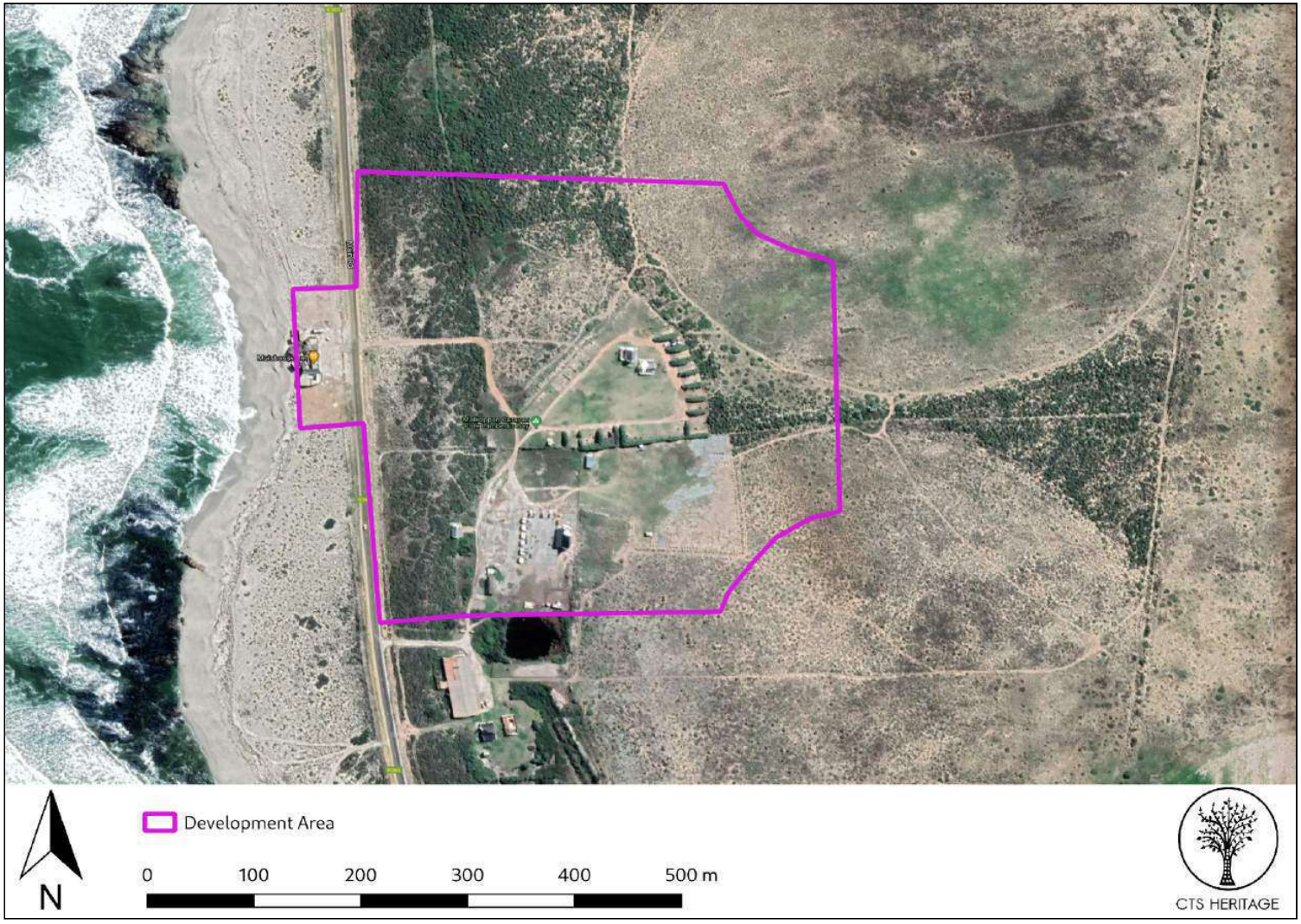


Figure 1b. Overview Map. Satellite image (2021) indicating the proposed development area at closer range.

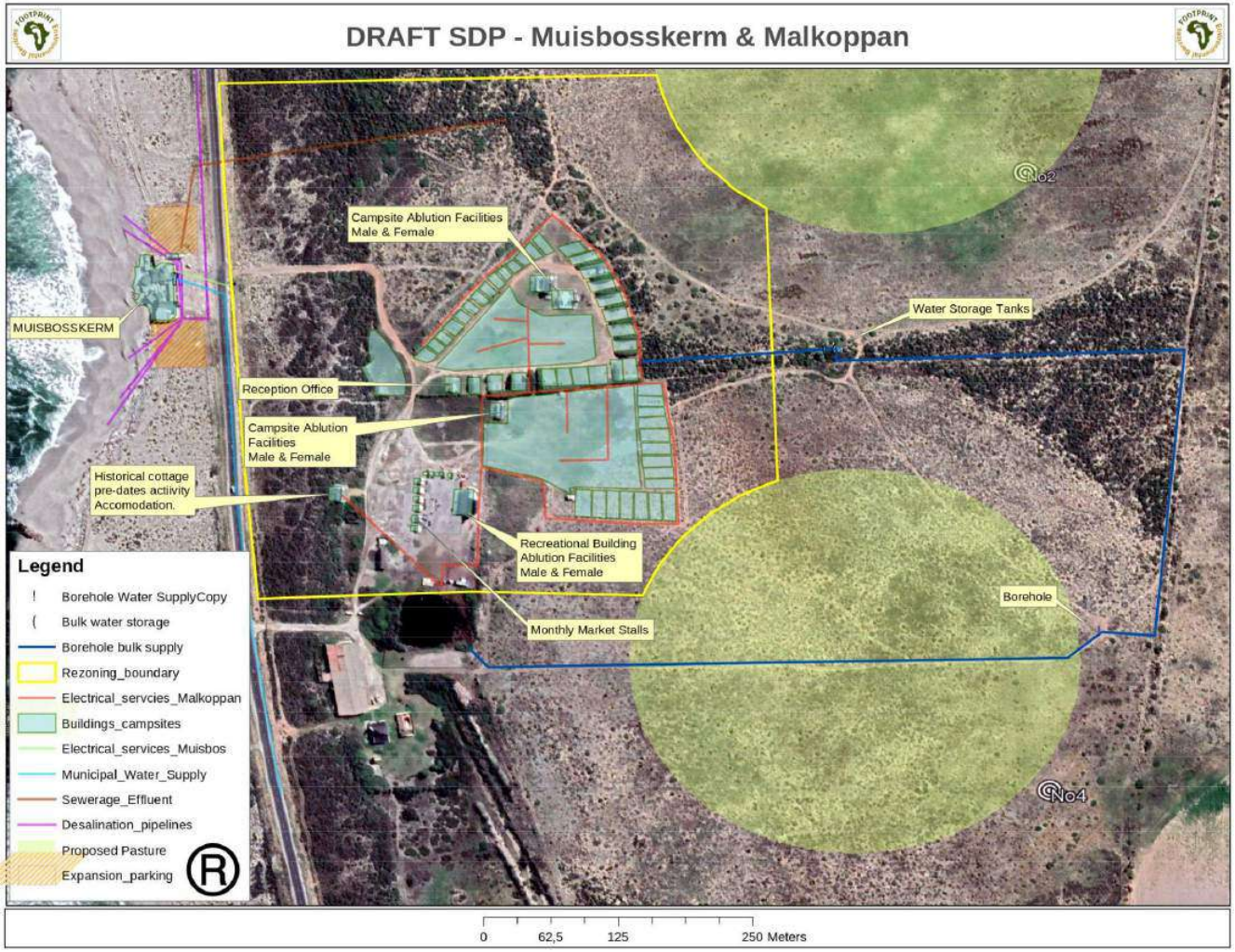


Figure 1c. Development Map. Satellite image (2021) indicating the detailed developments that have taken place.

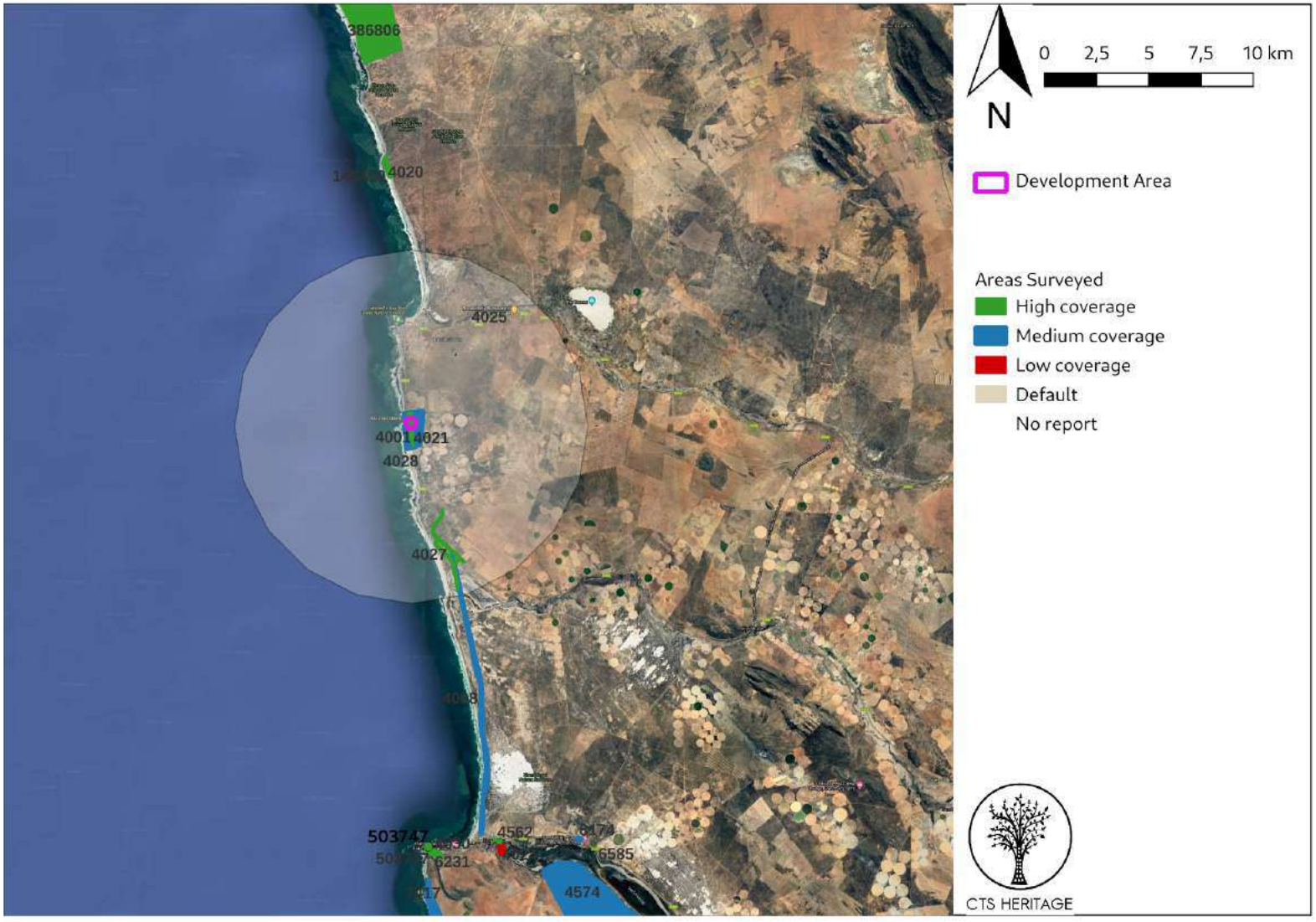


Figure 2a. Previous HIAs Map. Previous Heritage Impact Assessments surrounding the proposed development area within 10km, with SAHRIS NIDS indicated. Please see Appendix 2 for full reference list.

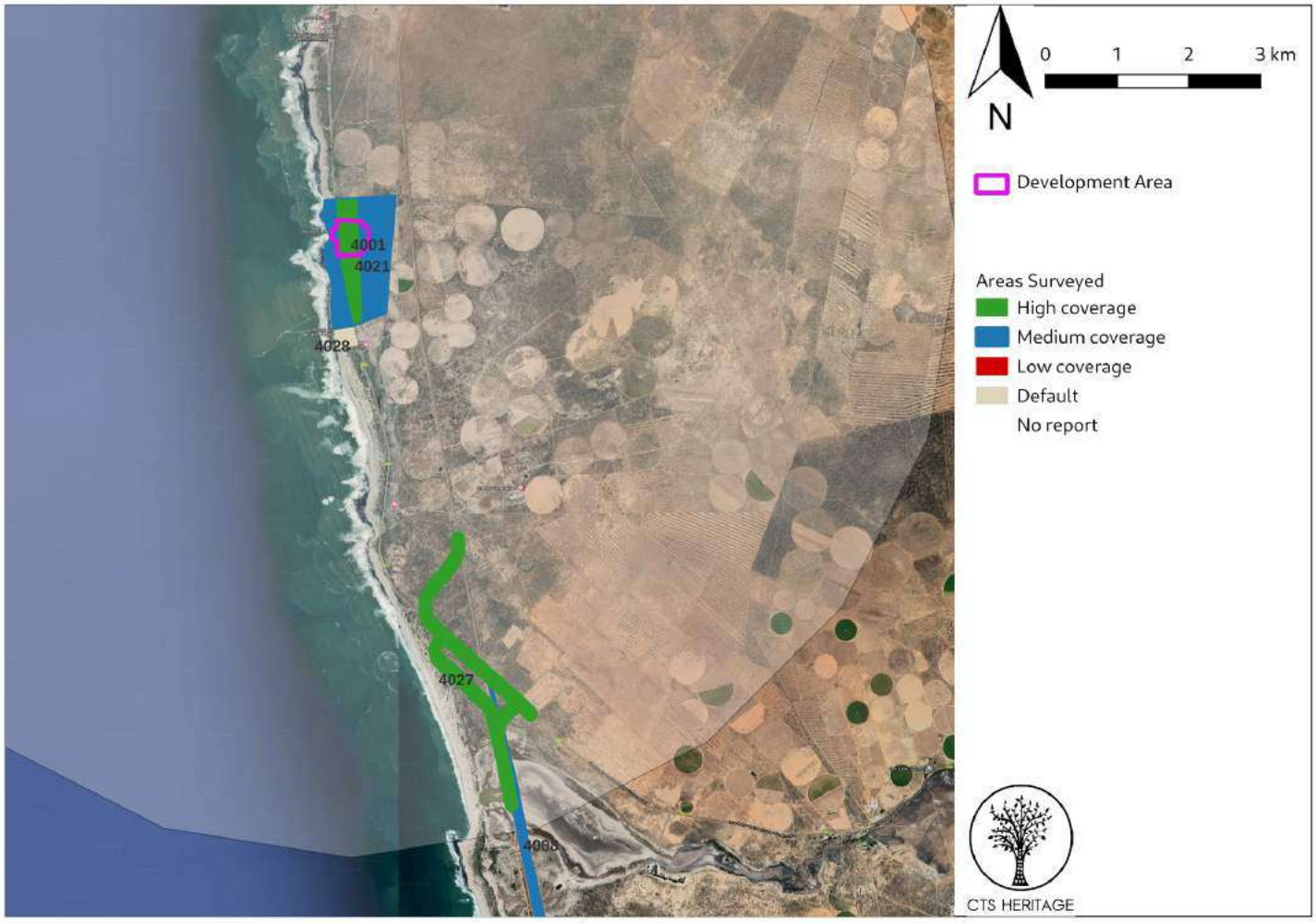


Figure 2b. Inset Map of previous HIAs shown closer up.

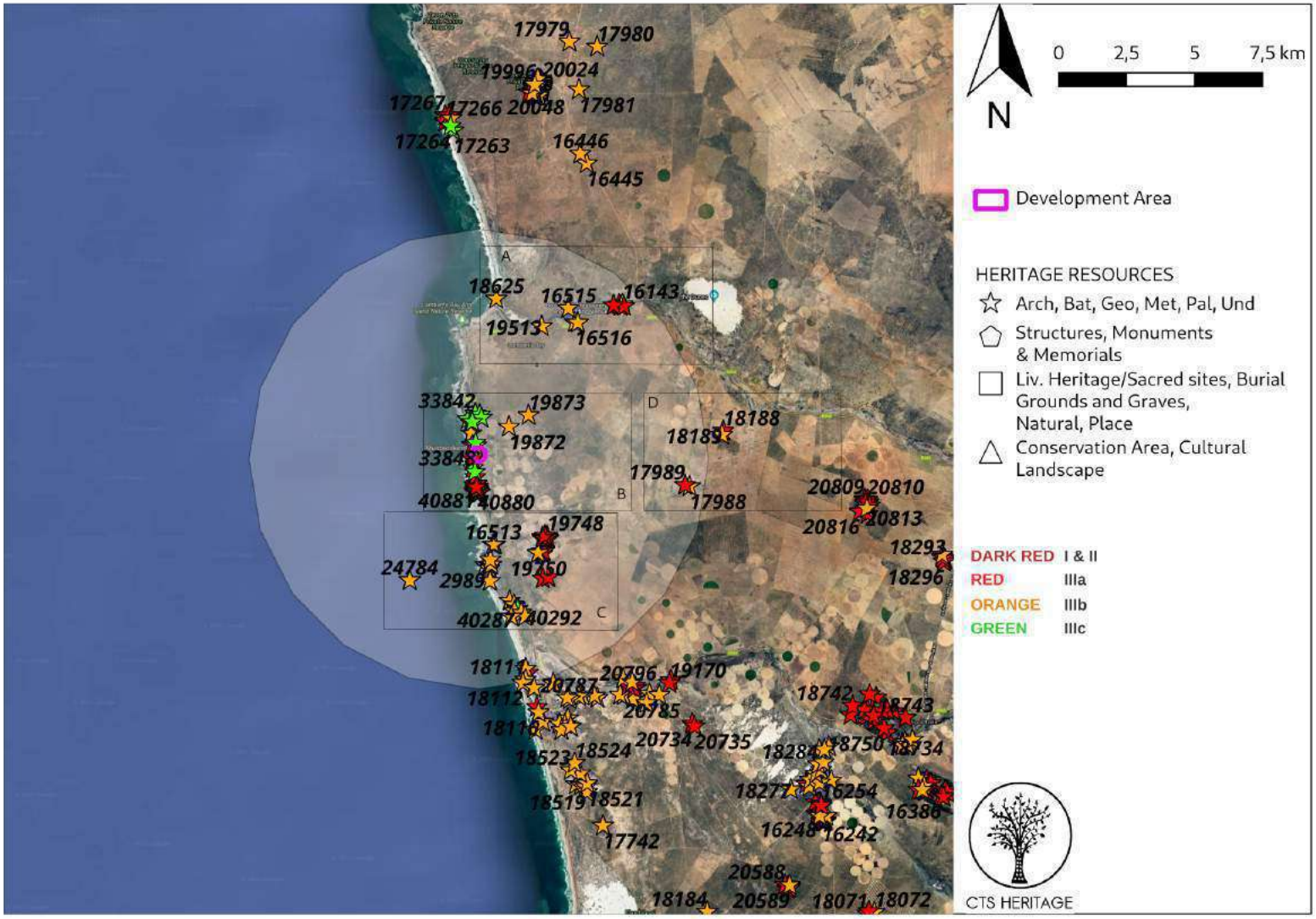


Figure 3a. Heritage Resources Map. Heritage Resources previously identified in and near the study area, with SAHRIS Site IDs indicated (see Figures 3b-3e for insets). Please See Appendix 4 for full description of heritage resource types.

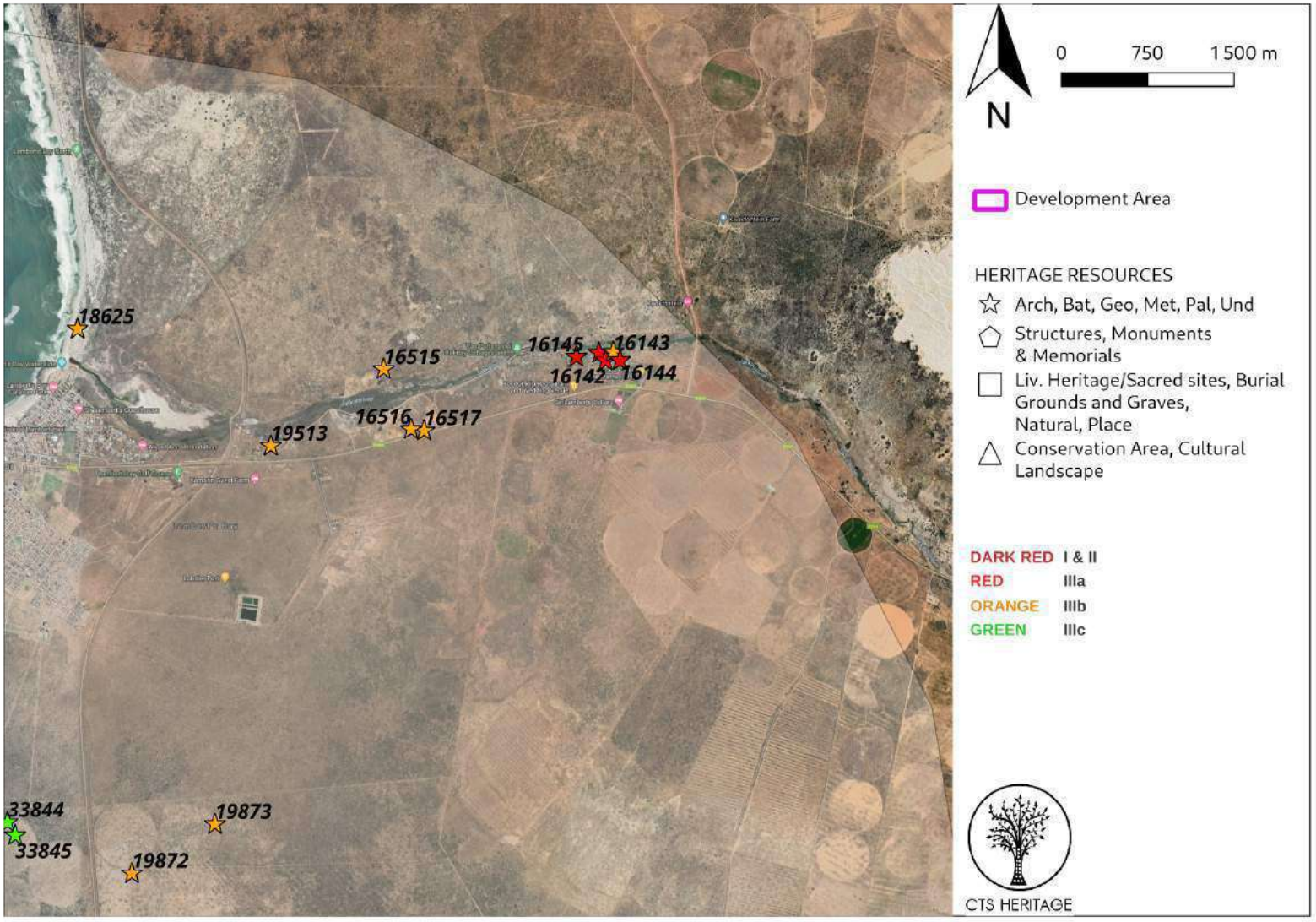


Figure 3b. Inset Map A. Please see Appendix 1 for all Site IDs.

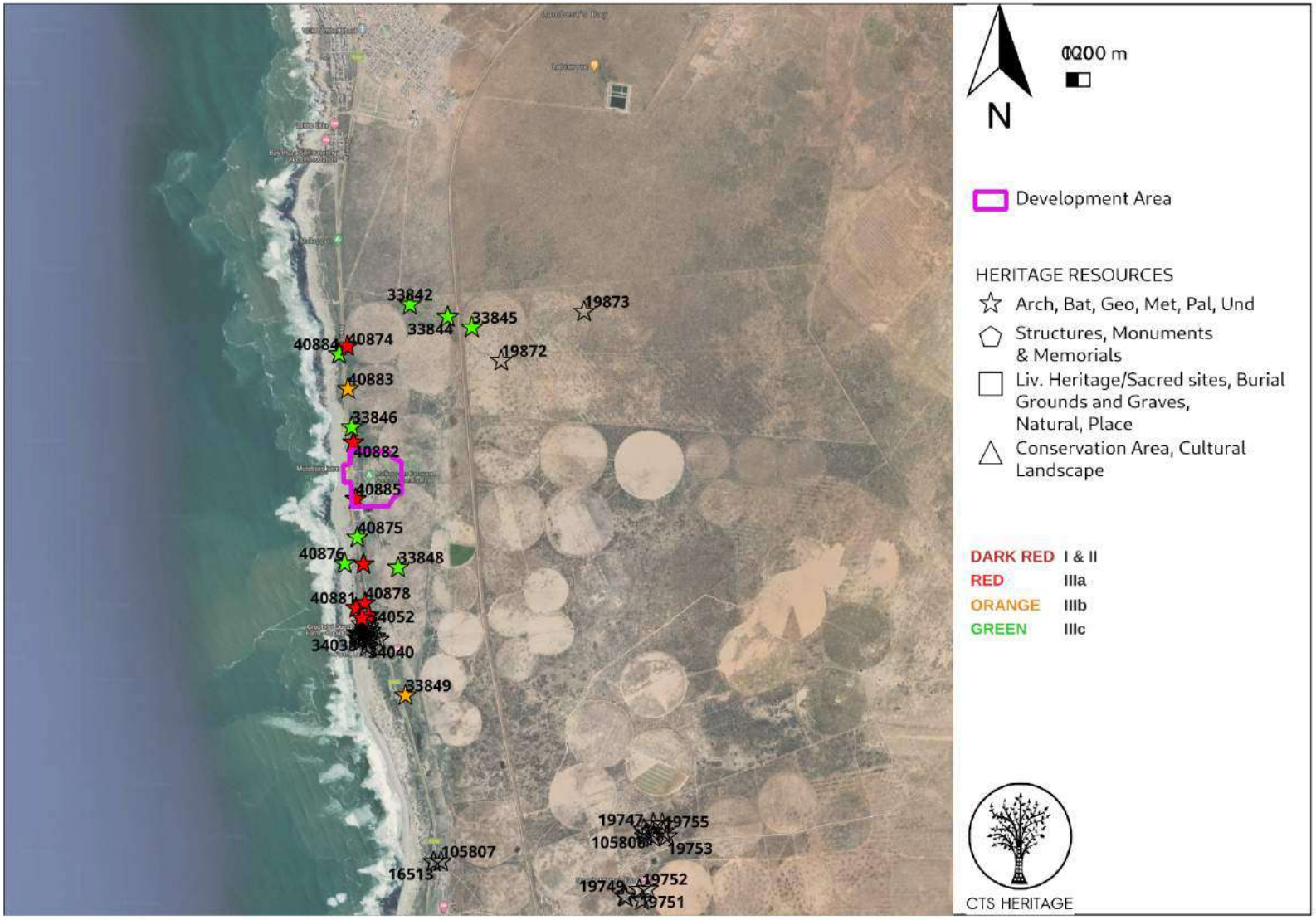


Figure 3c(i). Inset Map B 1 of 3. Please see Appendix 1 for all Site IDs.

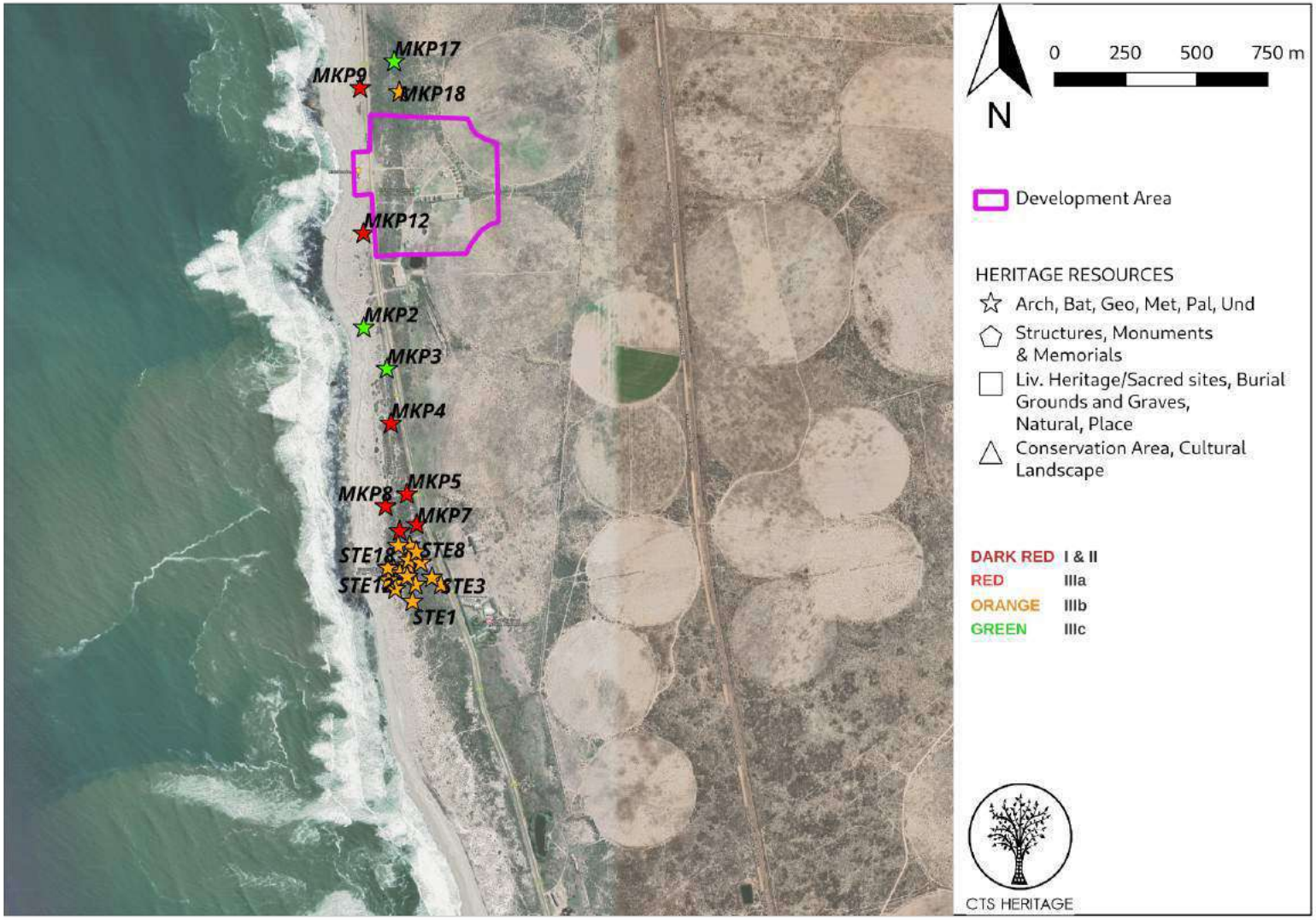


Figure 3c(ii). Inset Map B 2 of 3. Please see Appendix 1 for all Site IDs.

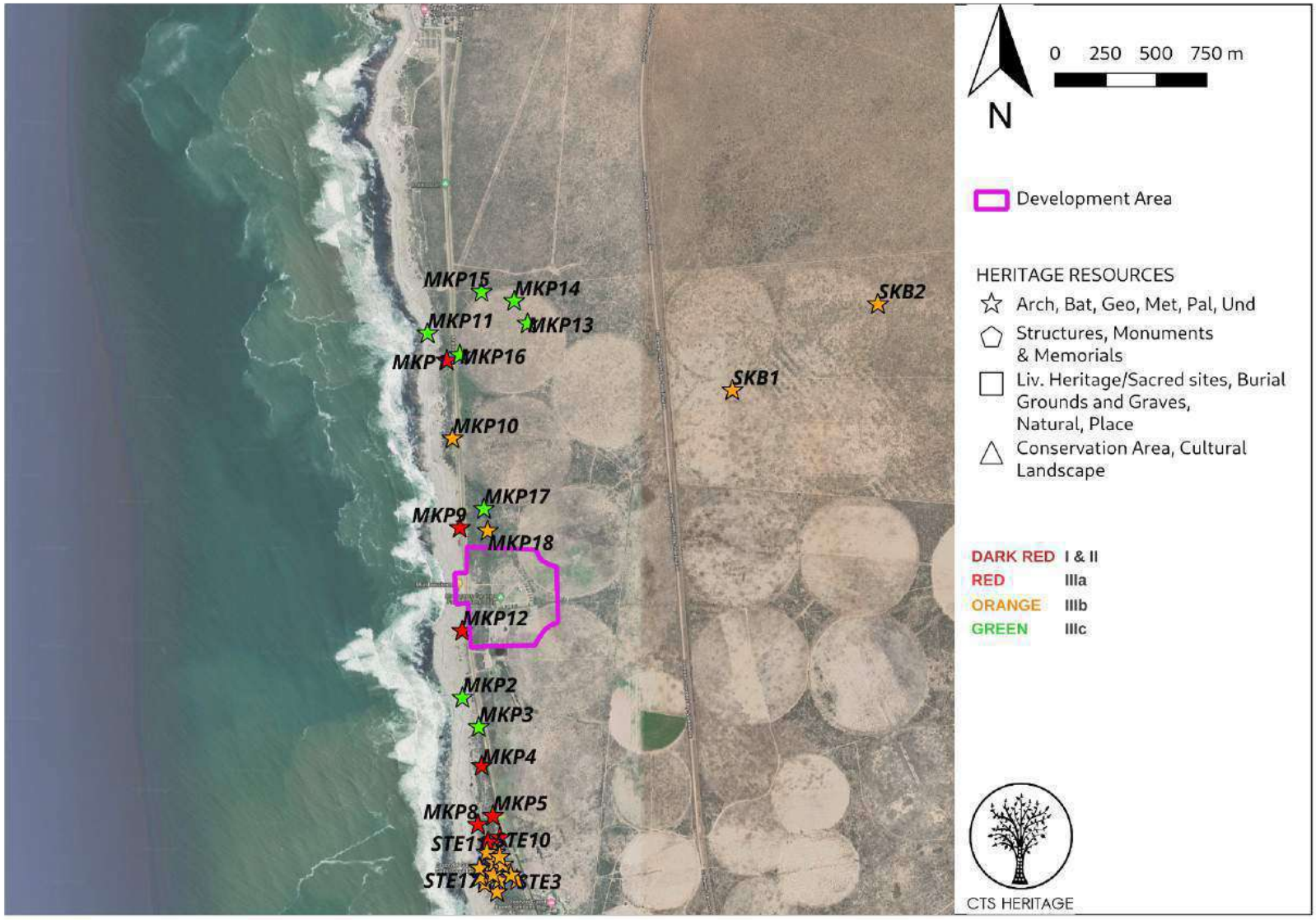


Figure 3c(iii). Inset Map B 3 of 3. Please see Appendix 1 for all Site IDs.

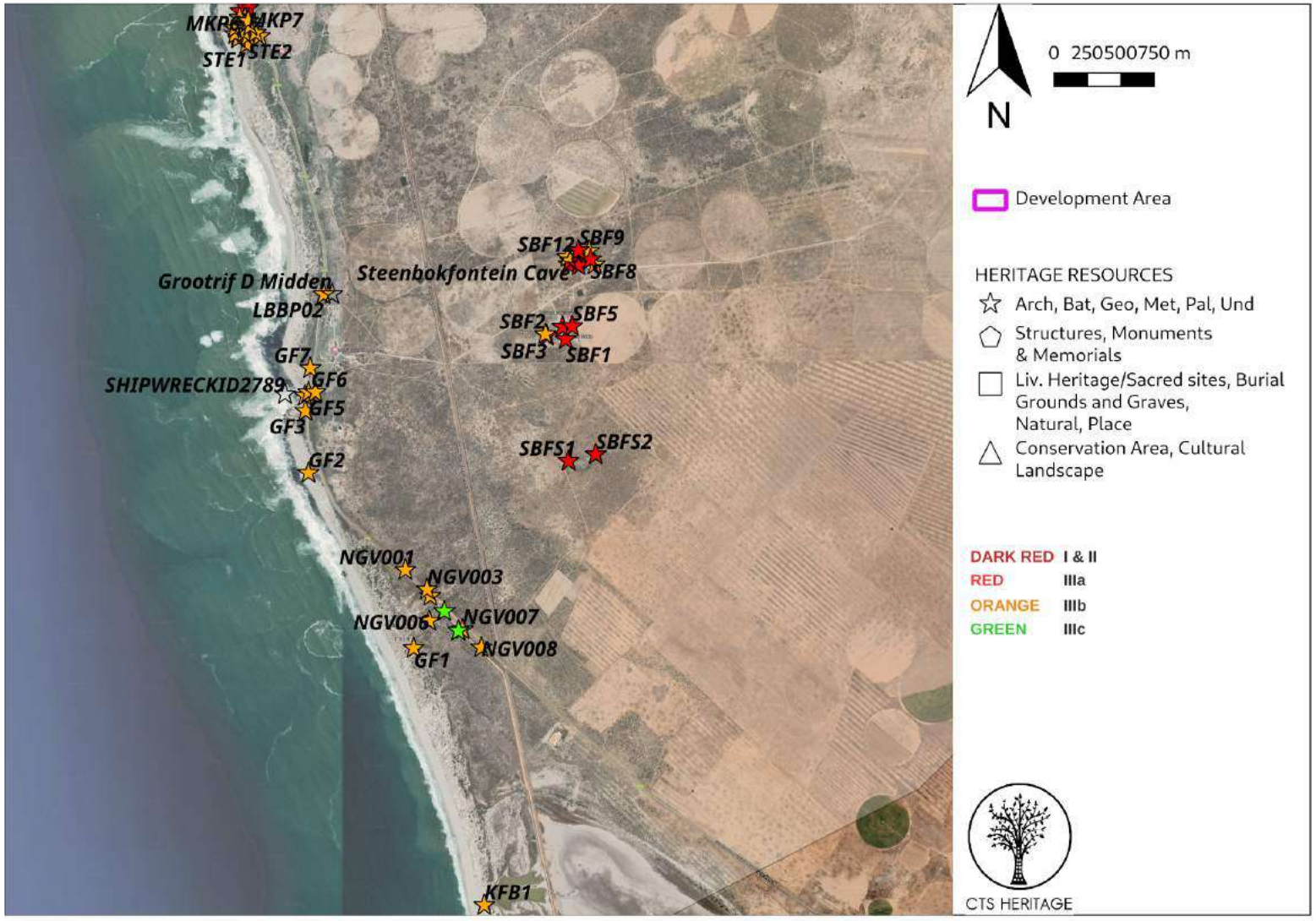


Figure 3d. Inset Map C. Please see Appendix 1 for all Site IDs.

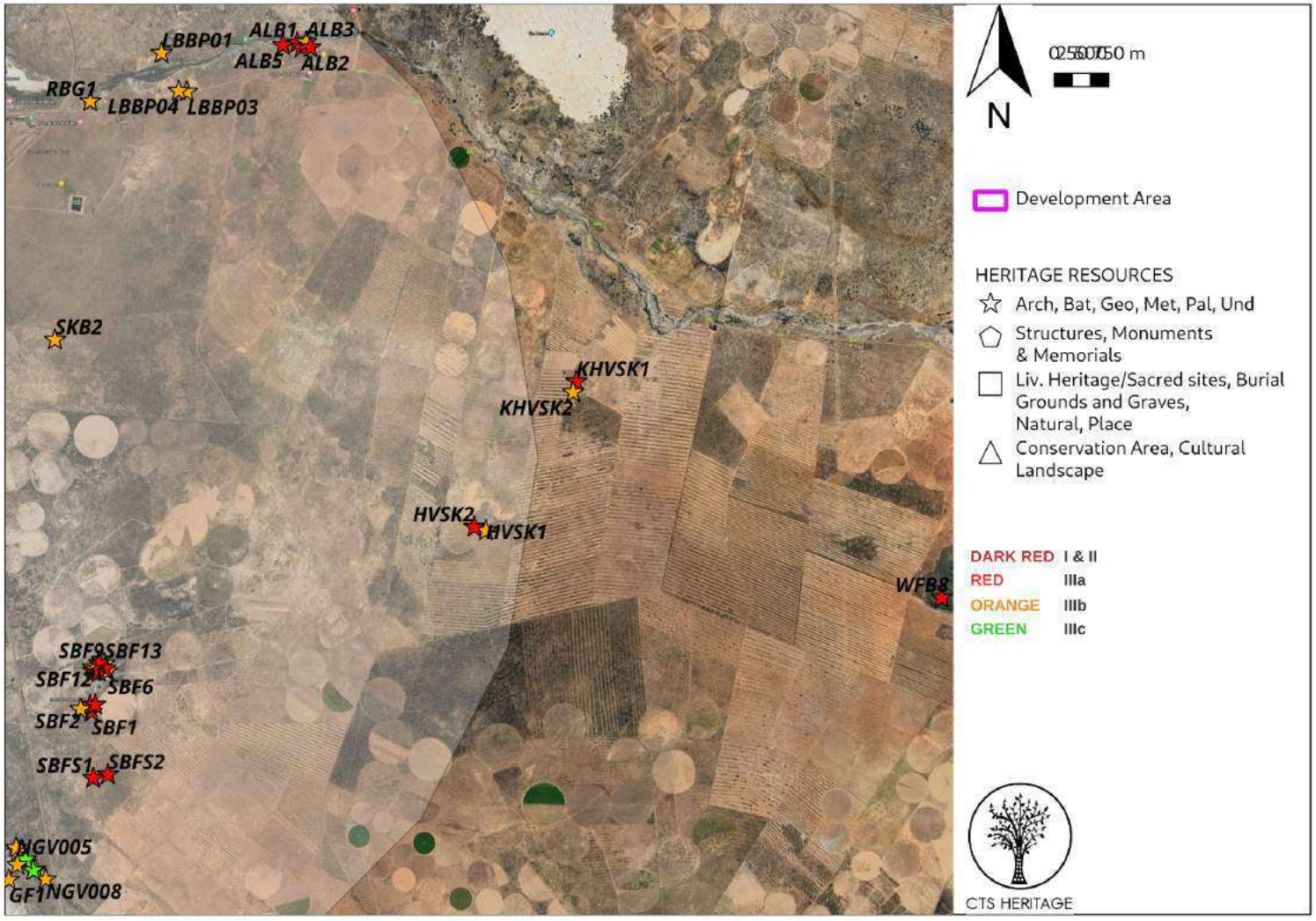


Figure 3e. Inset Map D. Please see Appendix 1 for all Site IDs.

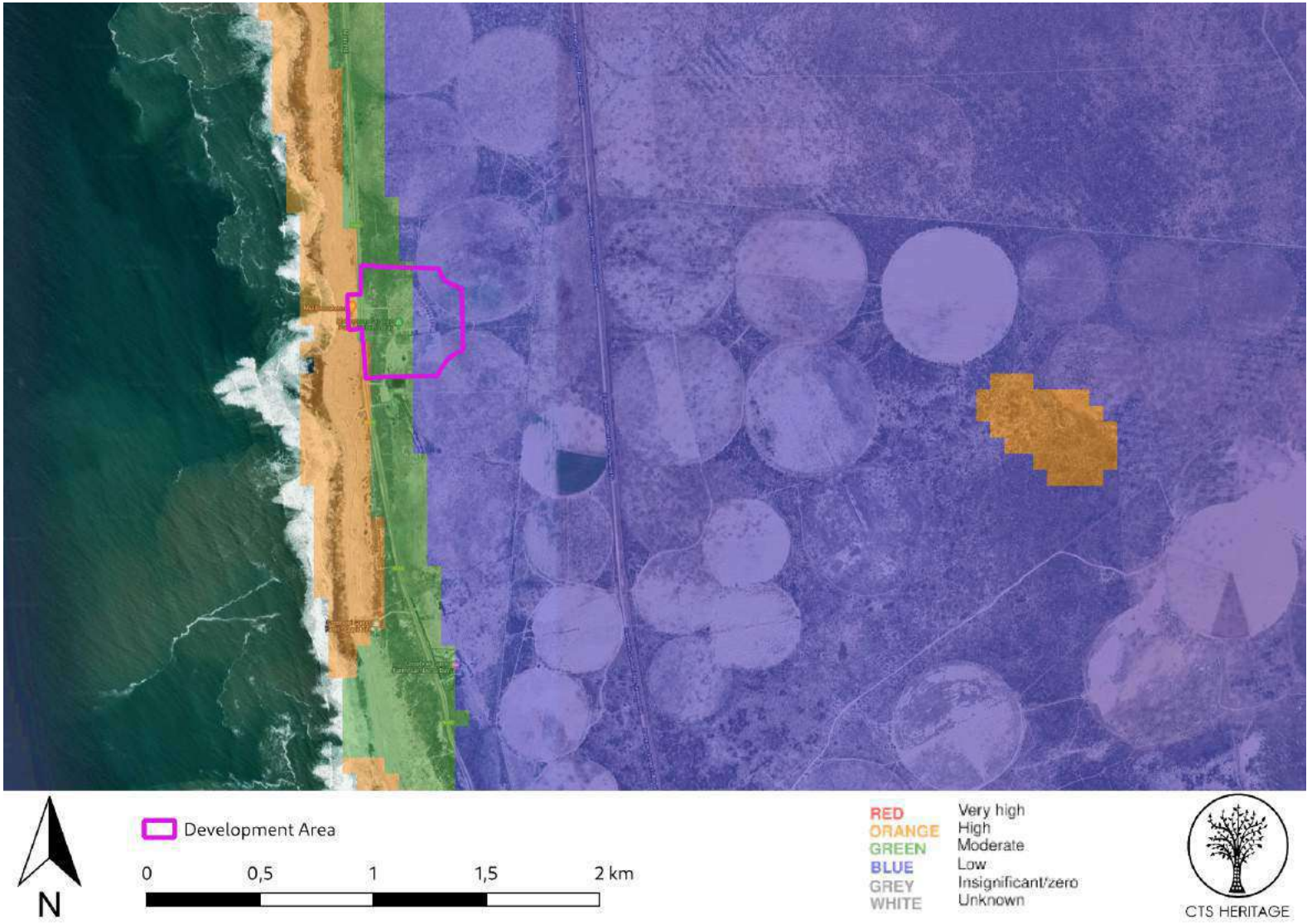


Figure 4. Palaeosensitivity Map. Indicating varied fossil sensitivity underlying the study area. Please See Appendix 3 for full guide to the legend.

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Figure 5a-d. Google Street Views of the development area.



Figure 6a. Google Historical Satellite Imagery of the development area in 2021.



Figure 6b. Google Historical Satellite Imagery of the development area in 2017 showing the southern uncleared parking area.



Figure 6c. Google Historical Satellite Imagery of the development area in 2016 showing the northern uncleared parking area.



Figure 6d. Google Historical Satellite Imagery of the development area in 2014 showing the undeveloped ground before the market stalls were built.



Figure 6e. Google Historical Satellite Imagery of the development area in 2009 showing the northeastern camping and ablution facilities being developed.

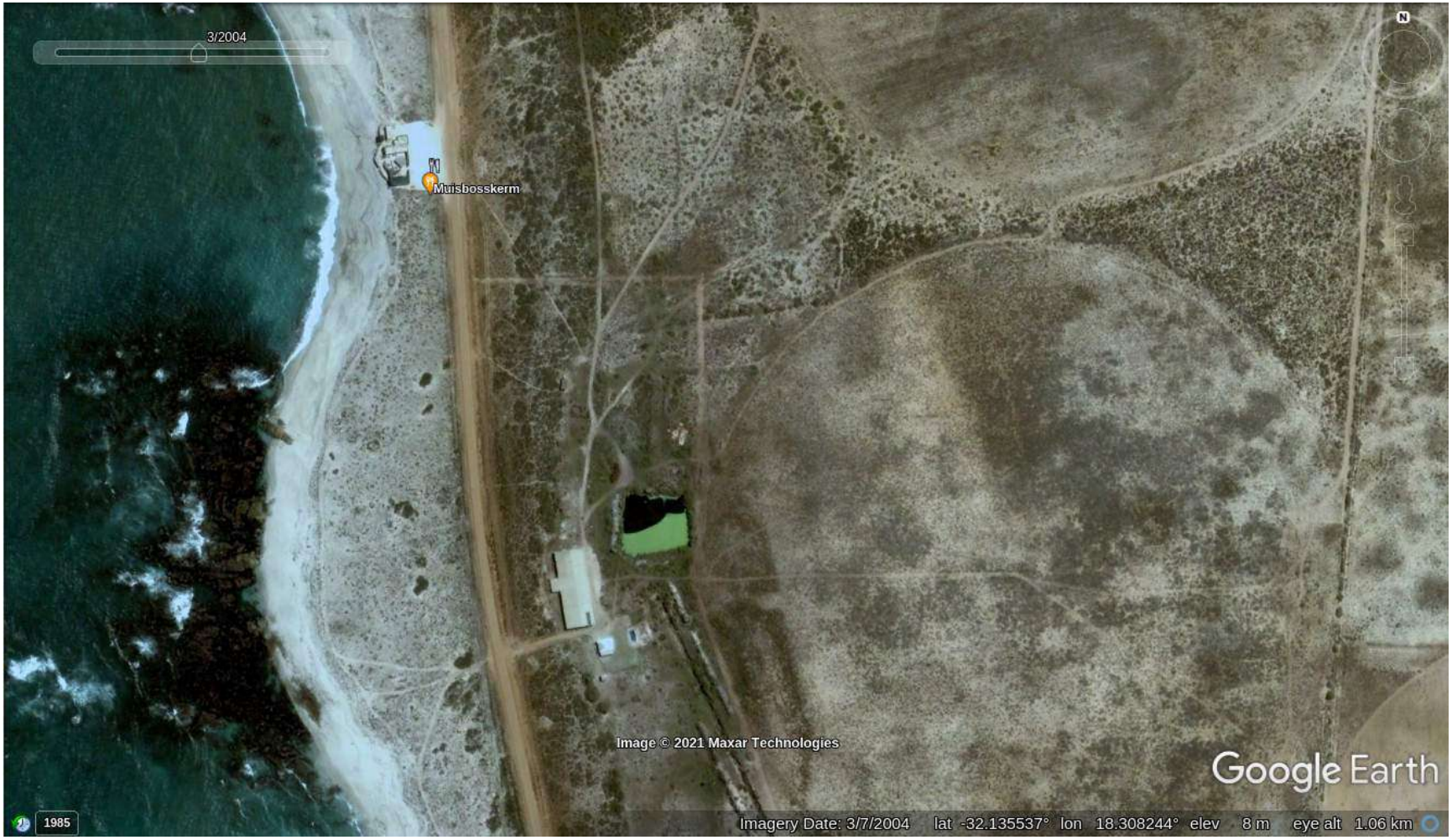


Figure 6f. Google Historical Satellite Imagery of the development area in 2005 showing the Muisbosskerm restaurant and the farm before the unauthorised developments took place.

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8. Heritage statement and character of the area

Background:
Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on Portion 19 of the farm Steenboksfontein no 92 in the Cederberg Municipality. The total extent of the property is 139,0331 hectares. The following information was obtained from the applicant on the sequential activities undertaken (i.e. those activities that have been completed) during the development of the site:

Malkoppan proved to be an uneconomical farm for agricultural production resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue farming in 2007 and to shift the business to tourism accommodation. This has reduced the consumption of water and the overall footprint of agricultural development. Accommodation had been rented since 2003 using the existing unused cottage on the property. Some campsites were created and let from 2008. In 2009 ablution facilities were completed and a recreational building (reception and restaurant) was completed in 2015. A monthly local community market was also initiated in 2015. The development footprint as indicated in Figures 1b & 1c is now complete and will not be extended any further. The remainder of the property, including the old potato irrigation circles, will be left to regenerate naturally and be managed as a conservation area with some game animals.

Archaeology:
The development lies along the West Coast about 5km south of Lamberts Bay. A series of archaeological sites lie 1.5km south of the property at Grootvlei and the very well known sites at Steenbokfontein are about 4km south of Malkoppan. Much of the coastline between Elands Bay and Lamberts Bay has been regularly studied by archaeologists based at the University of Cape Town as well as various impact assessments conducted since the late 1980s. In particular, the coastal archaeology found here has been part of Jeradino's core area on mega middens which started with her postgraduate studies at UCT (Jerardino 1994, 1996). Jerardino sampled the large black mussel (*Choromytilus meridionalis)* middens and most of these sites have been dated between 2 - 3 000 years ago with a date at Malkoppan older than 4000 years (Hart & Halkett 1995).

Manhire's Sandveld survey is also relevant as much of the ground inland of Lamberts Bay and south of the Jakkalsrivier was thoroughly researched and most of the sandstone koppies and deflation bays dotting the area have been inspected as they hold many rock art sites and open air scatters of Later and Middle Stone Age material. More recent work by Orton and Shaw has identified Late Early Stone Age/Early Middle Stone Age material buried below a few metres below the aeolian sands stretching along the coast at Hondeklipbaai.

Later Stone Age shell middens are the dominant archaeological site type at Malkoppan and Grootvlei but rock paintings and stratified MSA deposits are also found at Steenbokfontein in the complex of shelters found in the koppie. Steenbokfontein also holds one of the only dated rock paintings in the Western Cape due to a fallen painted slab that was uncovered during excavations. The paintings are at least 3500 years old and the site is part of ongoing research work. San hunter-gatherers and their ancestors were therefore well established in the area and made extensive use of the marine resources found nearby on the beach and rocky shoreline. The advent of pastoralism in the area around 2000 years ago led to the introduction and use of pottery and sheep, and cattle were introduced into the economy by indigenous Khoisan groups by around 1000 years ago.

The Archaeology Contracts Office conducted two impact assessments in the 1990s in 1995 and 1998 (Hart & Halkett 1995, 1998) for proposed developments at Malkoppan. It is not clear what developments were originally envisaged as these were not provided to the authors at the time but the preliminary work carried out identified 12 sites in 1995 and a further 6 sites in 1998. Jerardino had sampled MKP1 prior to the ACO surveys. Small test holes were dug in places to verify the depth of buried archaeological deposits. Another impact assessment by Orton was conducted for the ACO in 2007 at Grootvlei (Orton 2007) to assess the impact of unauthorised development on the archaeological sites there when a campsite was upgraded. The site coordinates were missing in the 1998 report and the coordinates provided in 1995 do not line up with the map submitted in the ACO report. We have therefore rectified this by correcting the coordinates and extracting the information on SAHRIS for the two ACO reports in 1995 and 1998.

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Site Numbers STE1 - 18, recorded by the ACO in 2007 at Grootvlei, south of this development area and documented adequately in the 2007 ACO report
Site Numbers MKP1 - 18 (ACO reports 1995, 1998)

- MKP2 - 8, currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
- MKP12, closest site to this development but west of the main road. Currently undisturbed by the development
- MKP9, 17 & 18 - just north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP1, 10 & 11 - further north of this development, currently undisturbed since they were recorded in 1995 and 1998
- MKP13 - 16, these site have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998.

Site#	SAHRISID	Description	Grading	Status
MKP1	40874	Shell Midden - sampled by Jerardino	High	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP2	40875	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP3	40876	Shell midden	Low	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP4	40877	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP5	40878	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP6	40879	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP7	40880	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP8	40881	Shell midden	High	Currently intact and undisturbed since 1995. These sites lie north of the STE1-18 cluster and are south of the development assessed in this assessment
MKP9	40882	Shell midden	High	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP10	40883	Shell midden	Medium	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998

MKP11	40884	Shell midden	Low	Further north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP12	40885	Shell midden	High	Closest site to this development but west of the main road. Currently undisturbed by the development
MKP13	33845	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP14	33844	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP15	33842	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP16	33846	Shell midden	Low	These sites have been heavily disturbed and partly destroyed by crop-circle farming activities since 1998
MKP17	33848	Shell midden	Low	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998
MKP18	33849	Shell midden	Medium	Just north of this development, currently undisturbed since they were recorded in 1995 and 1998

Cultural Landscape and the Built Environment

The area that has been developed is located within a remote stretch of coastline located between Lamberts Bay and Elands Bay. This stretch of coastline has very low density development in the form of the occasional farm infrastructure along the stretch of land in close proximity to the coast. This farm is one of a few along this coastline. The cultural landscape of this area is dominated by agricultural-type infrastructure located along the gravel road linking these two towns. Due to the nature, scale and location of the development, it is not anticipated that the illegal work has negatively impacted on any significant cultural landscape.

The farm buildings on this property that existed prior to the development under consideration can be described as West Coast vernacular with some historic architectural significance and are therefore given a proposed grading of IIIC. What appears to be an historical labourer's cottage which forms part of the farm werf complex, has been renovated without a permit from Heritage Western Cape (see Figure 1c). According to the landowner, ""Die werkershuisie is reeds gebou in die 70 tigs. Ek het dit in 2004 gerestoureer in sandveld visserman styl vir toeriste uitverhuring" (The labourers' cottage was built in the 1970's. I restored it in 2004 in the Sandveld Fisherman style to hire out for tourists).

Palaeontology:

According to the SAHRIS Palaeosensitivity Map (Figure 4), the area proposed for development is underlain by geological sediments of low and moderate sensitivity for impacts to palaeontology. These are mainly aeolian sands that consist of light grey to red sandy soil across the bulk of the development area (eastern end) with a narrow strip of sandstone (pebbly in places) and conglomerate of Piekenierskloof Formation on the immediate coastline (western end) and generally unconsolidated, calcareous dune sand of the Witzand Formation sandwiched inbetween. The Witzand Formation is the most likely area to contain fossils of tortoise shells/bones, land snail shells and the bones of moles (Pether 2007).

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Summary:

Given that the development has already taken place, it is fortunate that no identified sites from the ACO and Jerardino surveys were destroyed or damaged by the current development. Crop agriculture has destroyed sites MKP13-16 but these were rated as having low significance by the ACO and are not part of this study. The vast majority of important LSA archaeological sites are located within 50m to 350m of the high water mark in the Witzand dunes. It is also possible that fossils in the Witzand Formation were destroyed during the clearing of ground for the development.

It is highly recommended that the owner and HWC engage further in the form of a management plan and heritage agreement for the future conservation of conservation-worthy sites on the property.

RECOMMENDATION:

The heritage resources along the routes proposed for development are only partially recorded
Based on the available information, no direct damage to previously recorded archaeological sites has been made by this development.

The details of the work done on the building older than 60 years (if any) should be submitted to HWC with copies of the plans submitted to the Municipality showing the state of the building both prior and post the renovations, as well as a conservation management plan and heritage agreement with HWC for all the sites of heritage significance on the property.

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APPENDIX 1

List of heritage resources within the 10km Inclusion Zone

Site ID	Site no	Full Site Name	Site Type	Grading	Declaration
16141	ALB1	Albina 1	Rock Art	Grade IIIa	
16142	ALB2	Albina 2	Rock Art	Grade IIIa	
16143	ALB3	Albina 3	Rock Art, Deposit	Grade IIIb	
16144	ALB4	Albina 4	Rock Art	Grade IIIa	
16145	ALB5	Albina 5	Rock Art, Artefacts, Deposit	Grade IIIa	
17693	GF1	Grootrif 1	Artefacts	Grade IIIb	
17694	GF2	Grootrif 2	Shell Midden	Grade IIIb	
17695	GF3	Grootrif 3	Artefacts, Deposit, Shell Midden	Grade IIIb	
17696	GF4	Grootrif 4	Artefacts, Deposit, Shell Midden	Grade IIIb	
17697	GF5	Grootrif 5	Shell Midden	Grade IIIb	
17698	GF6	Grootrif 6	Artefacts, Shell Midden	Grade IIIb	
17699	GF7	Grootrif 7	Artefacts, Shell Midden	Grade IIIb	
105807	Grootrif D Midden	Grootrif D Midden	Shell Midden		
17988	HVSK1	Hardevlak se Klip 1	Artefacts, Deposit	Grade IIIb	

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17989	HVSK2	Hardevlak se Klip 2	Rock Art	Grade IIIa	
18110	KFB1	Kreefbaai 1	Shell Midden	Grade IIIb	
18111	KFB2	Kreefbaai 2	Artefacts, Shell Midden	Grade IIIb	
24784	Langebaan	Langebaan	Deposit	Grade IIIb	
18625	LBB1	Lamberts Bay 1	Artefacts, Shell Midden	Grade IIIb	
16515	LBBP01	Lamberts Bay Borrow Pit 01	Artefacts, Shell Midden	Grade IIIb	
16513	LBBP02	Lamberts Bay Borrow Pit 02	Artefacts, Shell Midden	Grade IIIb	
16517	LBBP03	Lamberts Bay Borrow Pit 03	Shell Midden	Grade IIIb	
16516	LBBP04	Lamberts Bay Borrow Pit 04	Shell Midden	Grade IIIb	
40874	MKP1	MALKOPPAN 1	Archaeological, Shell Midden	Grade IIIa	
40883	MKP10	MALKOPPAN 10	Shell Midden	Grade IIIb	
40884	MKP11	MALKOPPAN 11	Archaeological, Shell Midden	Grade IIIc	
40885	MKP12	MALKOPPAN 12	Shell Midden	Grade IIIa	
33845	MKP13	MALKOPPAN 13	Shell Midden	Grade IIIc	
33844	MKP14	MALKOPPAN 14	Shell Midden	Grade IIIc	
33842	MKP15	MALKOPPAN 15	Shell Midden	Grade IIIc	
33846	MKP16	MALKOPPAN 16	Shell Midden	Grade IIIc	

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33848	MKP17	MALKOPPAN 17	Shell Midden	Grade IIIc	
33849	MKP18	MALKOPPAN 18	Shell Midden	Grade IIIb	
40875	MKP2	MALKOPPAN 2	Shell Midden	Grade IIIc	
40876	MKP3	MALKOPPAN 3	Shell Midden	Grade IIIc	
40877	MKP4	MALKOPPAN 4	Shell Midden	Grade IIIa	
40878	MKP5	MALKOPPAN 5	Shell Midden	Grade IIIa	
40879	MKP6	MALKOPPAN 6	Shell Midden	Grade IIIa	
40880	MKP7	MALKOPPAN 7	Shell Midden, Deposit	Grade IIIa	
40881	MKP8	MALKOPPAN 8	Shell Midden	Grade IIIa	
40882	MKP9	MALKOPPAN 9	Shell Midden	Grade IIIa	
40285	NGV001	New Gravel Road 001	Shell Midden	Grade IIIb	
40286	NGV002	New Gravel Road 002	Artefacts, Shell Midden, Deposit	Grade IIIb	
40287	NGV003	New Gravel Road 003	Artefacts, Shell Midden	Grade IIIb	
40288	NGV004	New Gravel Road 004	Artefacts, Shell Midden	Grade IIIc	
40289	NGV005	New Gravel Road 005	Artefacts, Shell Midden	Grade IIIc	
40290	NGV006	New Gravel Road 006	Artefacts	Grade IIIb	
40291	NGV007	New Gravel Road 007	Artefacts	Grade IIIb	

40292	NGV008	New Gravel Road 008	Artefacts	Grade IIIb	
44089	OREX03	Orex Road, West Coast 03	Artefacts, Shell Midden	Grade IIIa	
19513	RBG1	Rooiberg LB 1	Artefacts	Grade IIIb	
19744	SBF1	Steenboksfontein 1	Rock Art, Artefacts, Shell Midden	Grade IIIa	
19745	SBF10	Steenboksfontein 10	Rock Art	Grade IIIa	
19746	SBF11	Steenboksfontein 11	Rock Art	Grade IIIa	
19747	SBF12	Steenboksfontein 12	Rock Art, Shell Midden	Grade IIIb	
19748	SBF13	Steenboksfontein 13	Rock Art, Shell Midden	Grade IIIb	
19749	SBF2	Steenboksfontein 2	Deposit, Shell Midden	Grade IIIb	
19750	SBF3	Steenboksfontein 3	Rock Art	Grade IIIa	
19751	SBF4	Steenboksfontein 4	Rock Art	Grade IIIa	
19752	SBF5	Steenboksfontein 5	Rock Art, Artefacts, Deposit, Shell Midden	Grade IIIa	
19753	SBF6	Steenboksfontein 6	Rock Art, Shell Midden	Grade IIIb	
19754	SBF7	Steenboksfontein 7	Rock Art, Artefacts	Grade IIIa	
19755	SBF8	Steenboksfontein 8	Rock Art, Artefacts	Grade IIIa	
19756	SBF9	Steenboksfontein 9	Rock Art, Artefacts, Shell Midden	Grade IIIa	
19757	SBFS1	Steenboksfontein South 1	Rock Art, Artefacts	Grade IIIa	

19758	SBFS2	Steenboksfontein South 2	Rock Art, Artefacts	Grade IIIa	
2989	SHIPWRECKID2789	Sybille	Shipwreck		
19872	SKB1	Skietbaan 1	Artefacts	Grade IIIb	
19873	SKB2	Skietbaan 2	Artefacts	Grade IIIb	
34039	STE1	STEENBOKFONTEIN 1	Shell Midden	Grade IIIb	
34129	STE10	STEENBOKFONTEIN 10	Shell Midden, Archaeological	Grade IIIb	
34053	STE11	STEENBOKFONTEIN 11	Shell Midden	Grade IIIb	
34051	STE12	STEENBOKFONTEIN 12	Shell Midden	Grade IIIb	
34048	STE13	STEENBOKFONTEIN 13	Shell Midden, Archaeological	Grade IIIb	
34047	STE14	STEENBOKFONTEIN 14	Shell Midden	Grade IIIb	
34044	STE15	STEENBOKFONTEIN 15	Shell Midden	Grade IIIb	
34042	STE16	STEENBOKFONTEIN 16	Shell Midden	Grade IIIb	
34038	STE17	STEENBOKFONTEIN 17	Shell Midden	Grade IIIb	
131430	STE18	STEENBOKFONTEIN 18	Shell Midden		
34040	STE2	STEENBOKFONTEIN 2	Shell Midden	Grade IIIb	
34041	STE3	STEENBOKFONTEIN 3	Shell Midden	Grade IIIb	
34043	STE4	STEENBOKFONTEIN 4	Shell Midden	Grade IIIb	

34045	STE5	STEENBOKFONTEIN 5	Shell Midden	Grade IIIb	
34046	STE6	STEENBOKFONTEIN 6	Shell Midden	Grade IIIb	
34049	STE7	STEENBOKFONTEIN 7	Shell Midden	Grade IIIb	
34050	STE8	STEENBOKFONTEIN 8	Shell Midden	Grade IIIb	
34052	STE9	STEENBOKFONTEIN 9	Shell Midden	Grade IIIb	
105806	Steenbokfontein Cave	Steenbokfontein Cave	Deposit		

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APPENDIX 2

Reference List

Heritage Impact Assessments				
Nid	**Report Type**	**Author/s**	**Date**	**Title**
4027	AIA	Kaplan, J.	01/10/2004	Phase 1 Archaeological Impact Assessment Elands Bay to Lamberts Bay Road Upgrade
4028	AIA	Orton, J.	13/04/2007	Archaeological Impact Assessment of a Small Part of Grootvlei (Portion 8 of Farm 92 Steenbokfontein), Clanwilliam Magisterial District, Western Cape
4001	AIA	Hart, T. & Halkett, D.	01/10/1995	A Phase 1 Archaeological Investigation of a Portion of Malkoppan
4021	AIA	Hart, T. & Halkett, D.	01/05/1998	A Phase 1 Archaeological Investigation of a Section of the Farm 'Malkoppan' West of the Coastal Road, Lamberts Bay

Other References

Jerardino, A. 1994. Test excavations at Grootdrif and Malkoppan, Piketberg District, Cape Province. Interim report to the National Monuments Council. Reference No. 9/2/072/13/5.

Jerardino, A. 1996. Changing social landscapes of the Western Cape coast of Southern Africa over the last 4500 years. Unpublished PhD thesis, University of Cape Town.

Pether, J. 2007. Fossils in Dunes, Palaeontology in the Witzand Formation, A General Information Document prepared for Heritage Western Cape.

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APPENDIX 3 - Keys/Guides

Key/Guide to Acronyms

AIA	Archaeological Impact Assessment
DARD	Department of Agriculture and Rural Development (KwaZulu-Natal)
DEA	Department of Environmental Affairs (National)
DEADP	Department of Environmental Affairs and Development Planning (Western Cape)
DEDEAT	Department of Economic Development, Environmental Affairs and Tourism (Eastern Cape)
DEDECT	Department of Economic Development, Environment, Conservation and Tourism (North West)
DEDT	Department of Economic Development and Tourism (Mpumalanga)
DEDTEA	Department of economic Development, Tourism and Environmental Affairs (Free State)
DENC	Department of Environment and Nature Conservation (Northern Cape)
DMR	Department of Mineral Resources (National)
GDARD	Gauteng Department of Agriculture and Rural Development (Gauteng)
HIA	Heritage Impact Assessment
LEDET	Department of Economic Development, Environment and Tourism (Limpopo)
MPRDA	Mineral and Petroleum Resources Development Act, no 28 of 2002
NEMA	National Environmental Management Act, no 107 of 1998
NHRA	National Heritage Resources Act, no 25 of 1999
PIA	Palaeontological Impact Assessment
SAHRA	South African Heritage Resources Agency
SAHRIS	South African Heritage Resources Information System
VIA	Visual Impact Assessment

Full guide to Palaeosensitivity Map legend

	RED:	VERY HIGH - field assessment and protocol for finds is required
	ORANGE/YELLOW:	HIGH - desktop study is required and based on the outcome of the desktop study, a field assessment is likely
	GREEN:	MODERATE - desktop study is required
	BLUE/PURPLE:	LOW - no palaeontological studies are required however a protocol for chance finds is required
	GREY:	INSIGNIFICANT/ZERO - no palaeontological studies are required
	WHITE/CLEAR:	UNKNOWN - these areas will require a minimum of a desktop study.

CEDAR TOWER SERVICES

APPENDIX 4 - Methodology

The Heritage Screener summarises the heritage impact assessments and studies previously undertaken within the area of the proposed development and its surroundings. Heritage resources identified in these reports are assessed by our team during the screening process.

The heritage resources will be described both in terms of **type**:

- Group 1: Archaeological, Underwater, Palaeontological and Geological sites, Meteorites, and Battlefields
- Group 2: Structures, Monuments and Memorials
- Group 3: Burial Grounds and Graves, Living Heritage, Sacred and Natural sites
- Group 4: Cultural Landscapes, Conservation Areas and Scenic routes

and **significance** (Grade I, II, IIIa, b or c, ungraded), as determined by the author of the original heritage impact assessment report or by formal grading and/or protection by the heritage authorities.

Sites identified and mapped during research projects will also be considered.

DETERMINATION OF THE EXTENT OF THE INCLUSION ZONE TO BE TAKEN INTO CONSIDERATION

The extent of the inclusion zone to be considered for the Heritage Screener will be determined by CTS based on:

- the size of the development,
- the number and outcome of previous surveys existing in the area
- the potential cumulative impact of the application.

The inclusion zone will be considered as the region within a maximum distance of 50 km from the boundary of the proposed development.

DETERMINATION OF THE PALAEONTOLOGICAL SENSITIVITY

The possible impact of the proposed development on palaeontological resources is gauged by:

- reviewing the fossil sensitivity maps available on the South African Heritage Resources Information System (SAHRIS)
- considering the nature of the proposed development
- when available, taking information provided by the applicant related to the geological background of the area into account

DETERMINATION OF THE COVERAGE RATING ASCRIBED TO A REPORT POLYGON

Each report assessed for the compilation of the Heritage Screener is colour-coded according to the level of coverage accomplished. The extent of the surveyed coverage is labeled in

three categories, namely low, medium and high. In most instances the extent of the map corresponds to the extent of the development for which the specific report was undertaken.

Low coverage will be used for:

- desktop studies where no field assessment of the area was undertaken;
- reports where the sites are listed and described but no GPS coordinates were provided.
- older reports with GPS coordinates with low accuracy ratings;
- reports where the entire property was mapped, but only a small/limited area was surveyed.
- uploads on the National Inventory which are not properly mapped.

Medium coverage will be used for

- reports for which a field survey was undertaken but the area was not extensively covered. This may apply to instances where some impediments did not allow for full coverage such as thick vegetation, etc.
- reports for which the entire property was mapped, but only a specific area was surveyed thoroughly. This is differentiated from low ratings listed above when these surveys cover up to around 50% of the property.

High coverage will be used for

- reports where the area highlighted in the map was extensively surveyed as shown by the GPS track coordinates. This category will also apply to permit reports.

RECOMMENDATION GUIDE

The Heritage Screener includes a set of recommendations to the applicant based on whether an impact on heritage resources is anticipated. One of three possible recommendations is formulated:

(1) The heritage resources in the area proposed for development are sufficiently recorded - The surveys undertaken in the area adequately captured the heritage resources. There are no known sites which require mitigation or management plans. No further heritage work is recommended for the proposed development.

This recommendation is made when:

- enough work has been undertaken in the area
- it is the professional opinion of CTS that the area has already been assessed adequately from a heritage perspective for the type of development proposed

(2) The heritage resources and the area proposed for development are only partially recorded - The surveys undertaken in the area have not adequately captured the heritage resources and/or there are sites which require mitigation or management plans. Further specific heritage work is recommended for the proposed development.

This recommendation is made in instances in which there are already some studies undertaken in the area and/or in the adjacent area for the proposed development. Further studies in a limited HIA may include:

- improvement on some components of the heritage assessments already undertaken, for instance with a renewed field survey and/or with a specific specialist for the type of heritage resources expected in the area
- compilation of a report for a component of a heritage impact assessment not already undertaken in the area
- undertaking mitigation measures requested in previous assessments/records of decision.

(3) The heritage resources within the area proposed for the development have not been adequately surveyed yet - Few or no surveys have been undertaken in the area proposed for development. A full Heritage Impact Assessment with a detailed field component is recommended for the proposed development.

Note:
The responsibility for generating a response detailing the requirements for the development lies with the heritage authority. However, since the methodology utilised for the compilation of the Heritage Screeners is thorough and consistent, contradictory outcomes to the recommendations made by CTS should rarely occur. Should a discrepancy arise, CTS will immediately take up the matter with the heritage authority to clarify the dispute.

The compilation of the Heritage Screener will not include any field assessment. The Heritage Screener will be submitted to the applicant within 24 hours from receipt of full payment. **If the 24-hour deadline is not met by CTS, the applicant will be refunded in full.**

CTS HERITAGE

APPENDIX 4: HWC Response to NID

Our Ref: HM/WEST COAST/ CEDERBERG/LAMBERTS BAY/ PTN 19 OF FARM 92
Case No.: 21102606SB1026E
Enquiries: Stephanie Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959

ILifa leMveli leNtshona Koloni
Erfenis Wes-Kaap
Heritage Western Cape

Jenna Lavin
jenna.lavin@ctsheritage.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

NOTIFICATION OF INTENT TO DEVELOP: UNLAWFUL DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A RESTAURANT (MUISBOSSKERM), LAMBERTS BAY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 21102606SB1026E

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Impact Assessment Committee (IACom) held on 8 December 2021.

You are hereby notified that, since there is reason to believe that the Unlawful Development of Tourism Accommodation Facilities, Venue, Market Place(Malkoppan) and a Restaurant (Muisbosskerm), Lamberts Bay, will impact on heritage resources, HWC requires that a Heritage Impact Assessment (HIA) that satisfies the provisions of Section 38(3) of the NHRA be submitted. Section 38(3) of the NHRA provides

(3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection (2)(a) ***): Provided that the following must be included:***

(a) The identification and mapping of all heritage resources in the area affected;
(b) an assessment of the significance of such resources in terms of the heritage assessment criteria set out in section 6(2) or prescribed under section 7;
(c) an assessment of the impact of the development on such heritage resources;
(d) an evaluation of the impact of the development on heritage resources relative to the sustainable social and economic benefits to be derived from the development;
(e) the results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources;
(f) if heritage resources will be adversely affected by the proposed development, The consideration of alternatives; and
(g) plans for mitigation of any adverse effects during and after the completion of the proposed development.

(Our emphasis)
This HIA must in addition have specific reference to the following:

- The Committee requires a Heritage Impact Assessment which assesses impact of the illegal work on heritage resources and recommends possible mitigation measures to be undertaken

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000 • **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000 • **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, ekapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za

Our Ref: HM/WEST COAST/ CEDERBERG/LAMBERTS BAY/ PTN 19 OF FARM 92
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Erfenis Wes-Kaap
Heritage Western Cape

Jenna Lavin
jenna.lavin@ctsheritage.com

RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP: HIA REQUIRED
In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

The HIA must have an overall assessment of the impacts to heritage resources which are not limited to the specific studies referenced above.

The required HIA must have an integrated set of recommendations.

The comments of relevant registered conservation bodies; all Interested and Affected parties; and the relevant Municipality must be requested and included in the HIA where provided. Proof of these requests must be supplied.

Please note, should you require the HIA to be submitted as a Phased HIA, a written request must be submitted to HWC prior to submission. HWC reserves the right to determine whether a phased HIA is acceptable on a case-by-case basis.

If applicable, applicants are strongly advised to review and adhere to the time limits contained the Standard Operational Procedure (SOP) between DEADP and HWC. The SOP can be found using the following link http://www.hwc.org.za/node/293

Kindly take note of the HWC meeting dates and associated agenda closure date in order to ensure that comments are provided within as Reasonable time and that these times are factored into the project timeframes.

HWC reserves the right to request additional information as required.
Should you have any further queries, please contact the official above and quote the case number.

.....
Colette M Scheermeyer
Deputy Director

Heritage Western Cape
Erfenis Wes-Kaap
ILifa leMveli leNtshona Koloni

21 Dec 2021

CTS HERITAGE

APPENDIX 5: Results of PPP

Gmail **Jenna Lavin <jenna.ctsheritage@gmail.com>**

HIA: Malkkopan and Muisboskerm, Section 24G

1 message

Jenna Lavin <jenna.lavin@ctsheritage.com> Fri, Sep 23, 2022 at 8:42 AM
To: Bradley Zass <bradleyz@cederbergmun.gov.za>, Danne Joubert <dannej@cederbergmun.gov.za>
Cc: Sean Ranger <sean.ranger1@gmail.com>, Charl du Plessis <charlduplessis2@afrihost.co.za>

Dear Mr Zass and Joubert,

CTS Heritage has been asked to assist with the heritage compliance process for the following project:

HERITAGE IMPACT ASSESSMENT In terms of Section 38(8) of the NHRA for the S24G Rectification at Muisbosskerm Restaurant parking area and the Malkoppan Tourism Facility

HWC requires that registered conservation bodies and the Local Authority be provided with 30 days to comment on Heritage Impact Assessments such as this. There are no registered conservation bodies for this area.

To this end, please find attached the Heritage Impact Assessment completed for this project. Please feel free to circulate this report with any party that may be interested. Please can you send comments or responses to this report to me by no later than **Monday 24 October 2022**.

Please feel free to contact me if you have any questions or concerns.

Kind regards

Jenna

Jenna Lavin
CTS Heritage
238 Queens Road, Simons Town
Cell: +27 (0)83 619 0854
info@ctsheritage.com * www.ctsheritage.com

CTS21_230 Footprint Malkoppan S24G Rectification_Draft HIA with Appendices-compressed.pdf
10718K

Gmail **Jenna Lavin <jenna.ctsheritage@gmail.com>**

RE: Malkkopan and Muisboskerm, Section 24G

5 messages

Danne Joubert <dannej@cederbergmun.gov.za> Fri, Sep 23, 2022 at 9:26 AM
To: Jenna Lavin <jenna.lavin@ctsheritage.com>, Bradley Zass <bradleyz@cederbergmun.gov.za>
Cc: Sean Ranger <sean.ranger1@gmail.com>, Charl du Plessis <charlduplessis2@afrihost.co.za>

Thank you Jenna

We will read through the report for any comments and will inform you.

Regards/ Groete

Danné

From: Jenna Lavin [mailto:jenna.lavin@ctsheritage.com]
Sent: Friday, 23 September 2022 08:43
To: Bradley Zass; Danne Joubert
Cc: Sean Ranger; Charl du Plessis
Subject: HIA: Malkkopan and Muisboskerm, Section 24G

Dear Mr Zass and Joubert,

CTS Heritage has been asked to assist with the heritage compliance process for the following project:

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Kind regards

Jenna

Jenna Lavin
CTS Heritage
238 Queens Road, Simons Town

Cell: +27 (0)83 619 0854
info@ctsheritage.com * www.ctsheritage.com

Bradley Zass <bradleyz@cederbergmun.gov.za> Fri, Sep 23, 2022 at 9:41 AM
To: Danne Joubert <dannej@cederbergmun.gov.za>, Jenna Lavin <jenna.lavin@ctsheritage.com>
Cc: Sean Ranger <sean.ranger1@gmail.com>, Charl du Plessis <charlduplessis2@afrihost.co.za>

Hi Jenna

Herewith just to concur. Thank you @Danne

Regards

Bradley

From: Danne Joubert [mailto:dannej@cederbergmun.gov.za]
Sent: Friday, 23 September 2022 09:26
To: 'Jenna Lavin'; 'Bradley Zass'
Cc: 'Sean Ranger'; 'Charl du Plessis'
Subject: RE: Malkkopan and Muisboskerm, Section 24G

Thank you Jenna

We will read through the report for any comments and will inform you.

Regards/ Groete

Danné

From: Jenna Lavin [mailto:jenna.lavin@ctsheritage.com]
Sent: Friday, 23 September 2022 08:43
To: Bradley Zass; Danne Joubert
Cc: Sean Ranger; Charl du Plessis
Subject: HIA: Malkkopan and Muisboskerm, Section 24G

Dear Mr Zass and Joubert,

CTS Heritage has been asked to assist with the heritage compliance process for the following project:

HERITAGE IMPACT ASSESSMENT In terms of Section 38(8) of the NHRA for the S24G Rectification at Muisbosskerm Restaurant parking area and the Malkoppan Tourism Facility

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Please feel free to contact me if you have any questions or concerns.

Kind regards

Jenna

Jenna Lavin
CTS Heritage
238 Queens Road, Simons Town
Cell: +27 (0)83 619 0854
info@ctsheritage.com * www.ctsheritage.com

Jenna Lavin <jenna.lavin@ctsheritage.com> Tue, Oct 25, 2022 at 1:43 PM
To: Bradley Zass <bradleyz@cederbergmun.gov.za>
Cc: Danne Joubert <dannej@cederbergmun.gov.za>, Sean Ranger <sean.ranger1@gmail.com>, Charl du Plessis <charlduplessis2@afrihost.co.za>

Hi Bradley and Danne,

I was wondering if you have any comments?

Kind regards

Jenna

Jenna Lavin
CTS Heritage
238 Queens Road, Simons Town
Cell: +27 (0)83 619 0854
info@ctsheritage.com * www.ctsheritage.com

[Quoted text hidden]

Danne Joubert <dannej@cederbergmun.gov.za> Tue, Oct 25, 2022 at 2:17 PM
To: Jenna Lavin <jenna.lavin@ctsheritage.com>, Bradley Zass <bradleyz@cederbergmun.gov.za>
Cc: Sean Ranger <sean.ranger1@gmail.com>, Charl du Plessis <charlduplessis2@afrihost.co.za>

Hi Jenna

No comments from my side.

[Quoted text hidden]

Jenna Lavin <jenna.lavin@ctsheritage.com> Tue, Oct 25, 2022 at 2:28 PM
To: Danne Joubert <dannej@cederbergmun.gov.za>
Cc: Bradley Zass <bradleyz@cederbergmun.gov.za>, Sean Ranger <sean.ranger1@gmail.com>, Charl du Plessis <charlduplessis2@afrihost.co.za>

Thanks for the feedback.

[Quoted text hidden]

[Quoted text hidden]

WATER AND WASTEWATER AFRICA

Our Ref: 221031 WWWA Malkoppan WWTS v.3

31 Oktober 2022

Mr. Charl du Plessis
Footprint Environmental Services
charlduplessis2@afrihost.co.za
0791724340

Copy to:
Mr. Sean Ranger
Footprint Environmental Services
sean.ranger1@gmail.com
0832948776

Dear Charl,

Section 24G Application - Malkoppan Caravan Park and Muisboskerm Open Air Restaurant Water Supply and Wastewater Treatment Systems

I refer to your email dated 24 October 2022 and subsequent telephonic discussions.

Herewith the updated description of the proposed wastewater treatment system for Muisbosskerm and Malkoppan Gasteplaas.

Kind Regards



Brett Keyser
Pr. PC Water
+27 78 955 2717

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Contents

1. Existing Water Supply System 3
2. Existing Wastewater Management System 4
2.1 Wastewater Quality 5
2.2 Wastewater Quantity 5
3. Proposed new Decentralised Wastewater Treatment System 5
3.1 Pump Stations 6
3.1.1 Pump Station 1 (Muisbosskerm Open Air Restaurant) 9
3.1.2 Pump Station 2 (Malkoppan Recreational Building) 9
3.1.3 Pump Station 3 (Malkoppan Perdestalle Campsite Male and Female Ablutions) 9
3.1.4 Pump Station 4 (Malkoppan Main Campsite Male and Female Ablutions) 10
3.1.5 Pump Station 5 (Treated Effluent) 10
3.1.6 Sewer Pipeline 10
3.2 BioSub™ Sewage Treatment Plant 11
3.3 Irrigation of Treated Effluent 11
3.4 Service & Monitoring Agreement 12
3.5 Registration of Water Uses 12

1. Existing Water Supply System

Malkoppan Campsite has 2 sources of water (see Figure 3):

- Untreated borehole water is pumped from a borehole into 8 x 5 000-liter (40kl) borehole water storage tanks that are situated a few hundred yards to the east of the main camp site (see Figure 1 below). The borehole pump is switched on manually to fill the tanks. The tanks are situated on an elevated height which allows the water to gravitate to the camp site at 1 Bar pressure. A booster pump is used to increase the pressure in the water supply pipeline, if required. The untreated borehole water is used for irrigation purposes, to top-up the dam, and for the Main Camp site and Perdestalle ablutions (showers, baths, basins, urinals, and toilets). Signs in the ablutions and at the irrigation taps advise campers that the water is not fit for human consumption.
- A municipal water connection at the Malkoppan Recreational Building supplies water to this building and is also used by campers to fill up their drinking water supplies (see Figures 1 and 2 below).

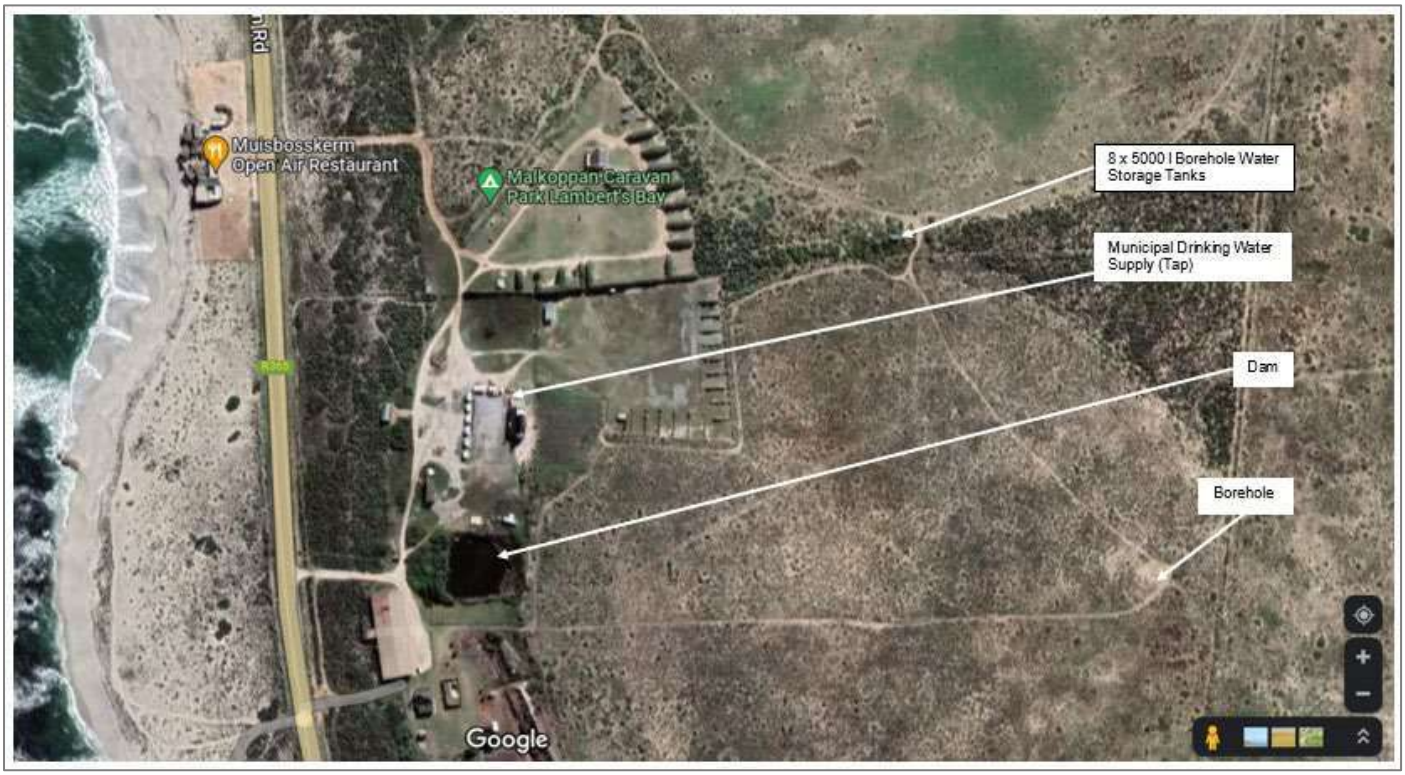


Figure 1. Water Supply to the Camp Site



Figure 2. Municipal Drinking Water Supply to the Camp Site

2. Existing Wastewater Management System

Currently wastewater is collected in conservancy tanks and septic tanks at the various ablution facilities. The municipal vacuum tanker service is used to collect and convey the solids fractions from these tanks to the local municipal wastewater treatment works, where it is discharged. The liquid fractions either gravitate into soak-away systems or are pumped to the veld. Table 1 below provides more detail.

Table 1. Current Wastewater Management Practice

Place	Description
Malkoppan Main Campsite Male and Female Ablutions	Black water from both male and female ablutions is collected in a constructed 2-chamber 5000-liter septic tank. The supernatant from the 2nd chamber overflows to a soak-away system. When the 1st chamber fills up with solids the municipal vacuum tanker service is called to empty the chamber and to dispose of the solids at the municipal wastewater treatment works. Grey water from the male and female ablutions are collected in 2 separate 2500-liter constructed conservancy tanks. Each conservancy tank has its own submersible pump with float switch that automatically pumps the grey water into the veld behind the campsites.
Malkoppan Perdestalle Campsite Male and Female Ablutions	Black and grey water is collected in a 2500-liter pre-manufactured HDPE conservancy tank. When the tank fills up with solids the municipal vacuum tanker service is called to empty the tank and to dispose of the solids at the municipal wastewater treatment works.
Malkoppan Recreational Building (Brouery) Ablutions	Black and grey water is collected in a constructed 3-chamber 5000-liter septic tank. The supernatant overflows to a soak-away system. When the 1st and/or 2nd chamber fills up with solids the municipal vacuum tanker service is called to empty the chambers and to dispose of the solids at the municipal wastewater treatment works.
Muisbosskerm Open Air Restaurant Ablutions	Black and grey water is collected in a 5000-liter pre-manufactured HDPE conservancy tank. When the tank fills up with solids the municipal vacuum tanker service is called to empty the tank and to dispose of the solids at the municipal wastewater treatment works.

Muisbosskerm Open Air Restaurant food preparation and fish cleaning area	Kitchen wastewater is discharged into the same 5000-liter conservancy tank as the sewage.

2.1 Wastewater Quality

At the Malkoppan Campsite there are no restaurant or laundry facilities on site, therefore only household sewage (black and grey water) is generated.

At the Muisbosskerm Open Air Restaurant, two types of wastewaters are generated:

- Effluent containing blood and fat, oil, and grease (FOG) is generated at the food preparation and fish-cleaning area
- Household sewage (black and grey water) is generated at the ablution facilities.

2.2 Wastewater Quantity

The highest daily volumes are expected during the annual summer holiday season, from approximately 15 December to 5 January. Table 2 shows how these daily volumes are calculated. The calculations can be verified by comparing it to the daily drinking water demand during this period. Malkoppan Campsite has 8 x 5 000-liter (40kl) borehole water storage tanks. The borehole pump is switched on manually to fill the tanks. If this is not done daily during the peak season, the tanks usually run dry, which is an indication that approximately 40 kl borehole water is used every day. The sewage volume generated is approximately 80% of the daily drinking water demand, which is calculated as 80% x 40kl = 32 kl/day. The calculation for the Camp Site in Table 2 below comes to the same figure.

Table 2. Estimated Wastewater Quantity for Peak Season (December/January every year)

Place	Calculation	Kl/day
Malkoppan Campsite	There are ± 80 to 100 campsites, accommodating 4 to 5 persons per campsite/day. Sewage generated is estimated at 80l/person.day x 5 persons/campsite x 80 campsites	32
Malkoppan Recreational Building/Brouery	±500 persons visit the monthly market. Sewage generated at the market and Recreational Building (Brouery) on market day is estimated at 10l/person.day x 500 persons	5
Muisbosskerm Open Air Restaurant	There is a lunch and dinner session, each session catering for 250 persons. Sewage generated is 20l/person.day x 250 persons/session x 2 sessions/day	10
Muisbosskerm Open Air Restaurant Food Preparation and Fish Cleaning Area	±100 liter/session x 2 sessions/day	0.2
Total		**47.2**

3. Proposed new Decentralised Wastewater Treatment System

We propose that all wastewater is pumped from the various sites described in Table 2, via a 50 mm HDPE sewer pipeline, to an on-site **BioSub™ Sewage Treatment Plant (Aerobic Model)**, where it will be treated.

The treated effluent will then be irrigated directly, or pumped to the existing Irrigation Pond, where it will be diluted with borehole water, before being irrigated. The area to be irrigated includes:

- the campsites (during off-peak periods when not occupied); and
- the open areas at the back of the campsites, as shown in Figure 4.

The irrigated effluent will comply with General Limits.

A soak-away will also be constructed next to the **BioSub™ Sewage Treatment Plant** to receive surplus treated effluent when not required for irrigation, for example during the winter months.

Figure 3 shows the proposed Process Flow Diagram (PFD) and Figure 4 the proposed site layout of the wastewater system, which is described in more detail in the following sections.

3.1 Pump Stations

All pump station sumps will consist of at least 2 chambers. The 1st chamber will retain the solids fraction of the sewage, while the "middle-cut" liquid section will gravitate to the 2nd chamber. The liquid fraction will then be pumped to the **BioSub™ Sewage Treatment Plant**. The 1st chamber of each pump station must be cleaned with a municipal tanker according to a predetermined schedule. This schedule will be based on operational experience, but should at the least be once per year, preferably just before the start of the December holiday season.

All submersible sewage pumps used will be of the same model and make and have their own float switches that will automatically switch the pumps on and off as the sewage level in the 2nd chamber rises and falls. An electrical control panel with visual/audible alarm buzzer will be installed at each pump station. The buzzer will be triggered when a pump failure or high-level condition occurs. This will prevent any sewage overflows at any of the pump stations. A standby sewage pump will be kept on site to replace any pump that might fail. A mobile generator will also be kept on site to ensure that pumping is always possible, even during extended periods of power outages (which is a regular occurrence). This measure is especially important during the peak season. As a last resort the municipal vacuum tanker service will be used to empty any tank before it overflows.

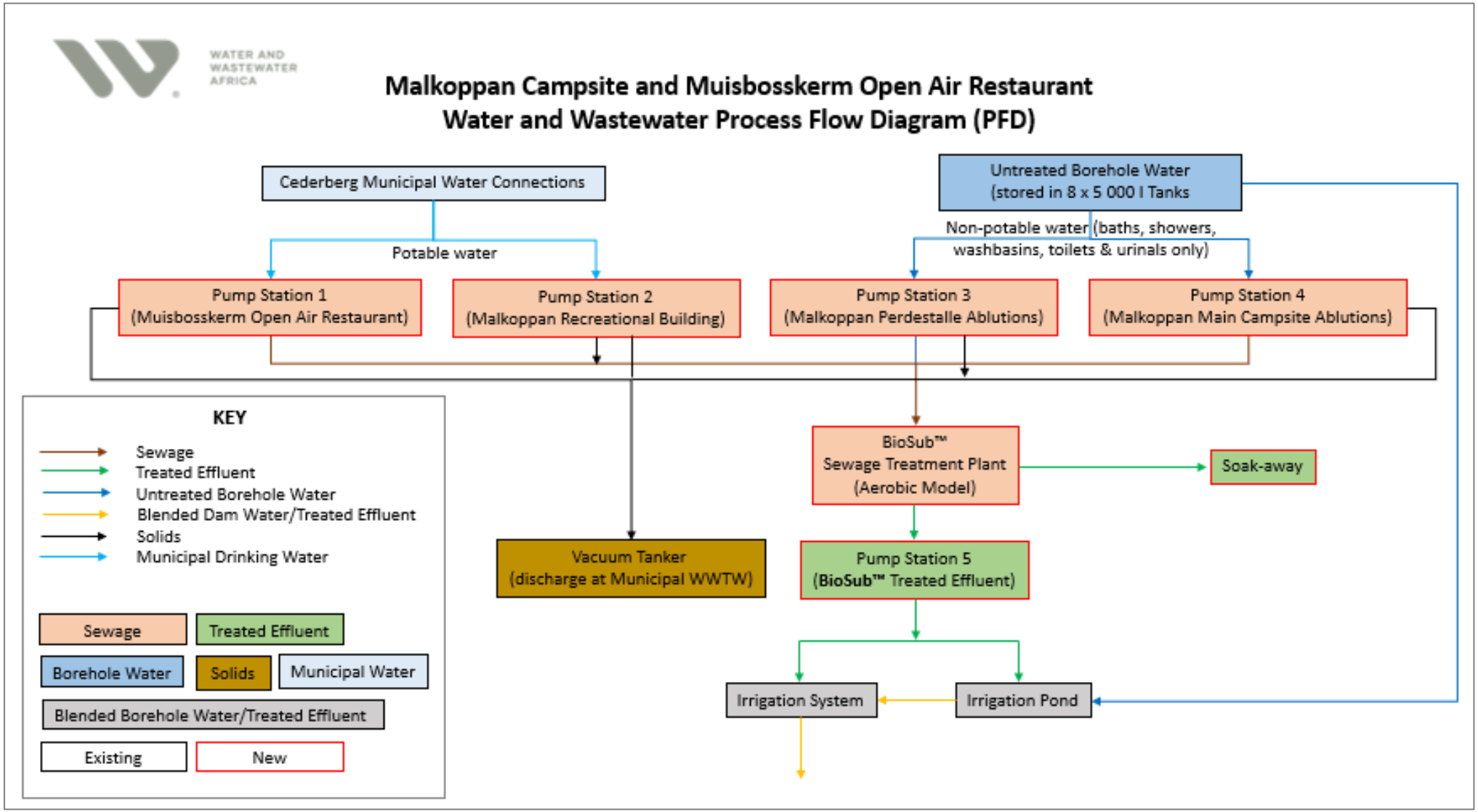


Figure 3. Proposed Water and Wastewater Process Flow Diagram (PFD)

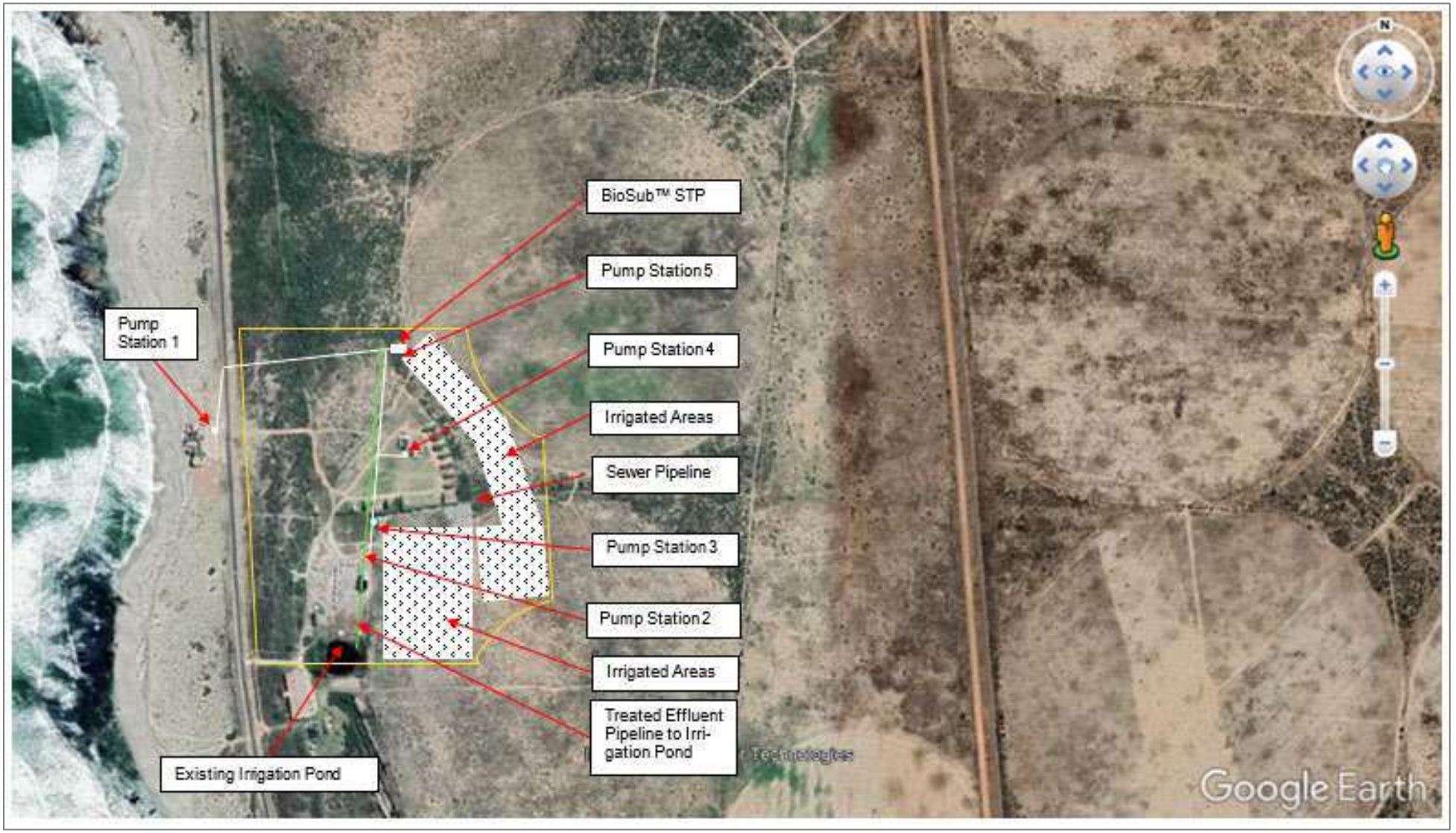


Figure 4. Site Layout of the Wastewater System

3.1.1 Pump Station 1 (Muisbosskerm Open Air Restaurant)

The existing 5000-liter pre-manufactured HDPE conservancy tank will be replaced with a constructed 3-chamber sewage pump station. The location of the new tank will be at the back of the ablutions, where it is out of site and close to the culvert under the road.

Kitchen effluent from the food preparation and fish cleaning area will gravitate through a newly constructed fat/grease trap where the fat, oil, and grease (FOG) will be separated from the liquid fraction of the wastewater before it gravitates into the 1st chamber of the sewage pump station.

Sewage (black and grey water) will gravitate from the ablutions into the 1st chamber, followed by the 2nd and 3rd chambers. Most of the floatable and settleable solids will be retained in the 1st and 2nd chambers while the 'middle cut' liquid fraction will flow over into the 3rd chamber. A submersible sewage pump with automatic float switch will pump the liquid fraction from the 3rd chamber via a non-return valve into the 50mm HDPE sewer pipeline that will run via the culvert underneath the road to the **BioSub™ Sewage Treatment Plant, as shown in Figure 5.**

The solids that accumulate in the 1st and 2nd chambers will be removed with the municipal vacuum tanker, as discussed previously.



Figure 5. Pump Station 1 (Muisbosskerm Open Air Restaurant) and Pipeline

3.1.2 Pump Station 2 (Malkoppan Recreational Building)

The existing constructed septic tank will be refurbished to function as a 3-chamber sewage pump station, as shown in Figure 4. Sewage (black and grey water) will gravitate from the ablutions into the 1st chamber, followed by the 2nd and 3rd chambers. Most of the floatable and settleable solids will be retained in the 1st and 2nd chambers while the 'middle cut' liquid fraction will flow over into the 3rd chamber. A submersible sewage pump with automatic float switch will pump the liquid fraction from the 3rd chamber via a non-return valve into the 50mm HDPE sewer pipeline that will connect with the sewer pipeline at the Perdestalle Campsite Male and Female Ablutions**, as shown in Figure 6.**

The solids that accumulate in the 1st and 2nd chambers will be removed with the municipal vacuum tanker, as discussed previously.

3.1.3 Pump Station 3 (Malkoppan Perdestalle Campsite Male and Female Ablutions)

The 5000-liter pre-manufactured HDPE conservancy tank removed at the Muisbosskerm Open air Restaurant will be installed and connected to the existing 2500-liter conservancy tank, as shown in Figure 6 below. The 5000-liter tank will then be utilized as the 1st chamber and the 2500-liter tank as the 2nd chamber of a 2-chamber sewage pump station.

Sewage (black and grey water) will gravitate from the ablutions into the 1st chamber, where the floatable and settleable solids fractions will be retained. The 'middle cut' will overflow to the 2nd chamber. A submersible sewage pump with automatic float switch will pump the wastewater without the solids fraction via a non-return valve into a 50mm HDPE sewer pipeline to the **BioSub™ Sewage Treatment Plant.** The larger size of the 1st chamber will result in an extended time before the chamber is filled with solids, thereby reducing the risk of overflows and the frequency of vacuum tanker services required.



Figure 6. Pump Station 2 (Malkoppan Recreational Building/Brouery) and Pipeline and Pump Station 3 (Malkoppan Perdestalle Campsite Male and Female Ablutions)

3.1.4 Pump Station 4 (Malkoppan Main Campsite Male and Female Ablutions)

The existing grey water tanks will be bypassed and the grey water from both the male and female ablutions will be diverted to the existing constructed black water septic tank. The grey water tanks will be decommissioned. The septic tank will be refurbished to function as a 2-chamber sewage pump station, as shown in Figure 7 below. Sewage (black and grey water) will gravitate from the male and female ablutions into the 1st chamber where the floatable and settleable solids fractions will be retained. The 'middle cut' liquid will overflow to the 2nd chamber. A submersible sewage pump with automatic float switch will pump the wastewater without the solids fraction via a non-return valve into a 50mm HDPE sewer pipeline that will connect into the sewer pipeline from the Recreational Building/Brouery and Perdestalle Campsite Male and Female Ablutions to the **BioSub™ Sewage Treatment Plant.**

3.1.5 Pump Station 5 (Treated Effluent)

The BioSub™ Sewage Treatment Plant comes with its own submersible pump which will pump the treated effluent directly to irrigation or to the irrigation dam, depending on the time of year and specific irrigation requirements.

3.1.6 Sewer Pipeline

The Sewer Pipeline will consist of a 50mm Class VI HTPE pipe with compression fittings. Non-return valves at each pump station will stop any backflow of sewage into any of the pump stations. The pipeline will be installed 600mm under the surface and clearly marked to reduce the risk of being ruptured by camping pegs.



Figure 7. Pump Station 4 (Malkoppan Main Campsite Male and Female Ablutions)

3.2 BioSub™ Sewage Treatment Plant

A BioSub™ Sewage Treatment Plant: **Aerobic Model** (refer to the brochure in Annexure 1) will be installed by Water and Wastewater Africa at the location shown in Figures 4 and 8. It will have a footprint of approximately 3m x 20m x 2.5m deep. The exact measurements of each zone will be finalized prior to construction. The **BioSub™** has a proven record of producing treated effluent that complies with specific end-use requirements (refer to Annexure 4 for a list of completed projects).



Figure 8. New BioSub™ Sewage Treatment Plant location

3.3 Irrigation of Treated Effluent

The total area that will be irrigated (see Figure 4) includes:

- The camp sites when not occupied. This will usually occur during the off-peak season, from February to November.
- The area at the back of the Main Camp Site and the Perdestalle Camp Site. This will usually occur during peak season only (December and January) when the camp sites are occupied.

The total area to be irrigated is between 2 and 4 Ha, depending on the season. During peak season the area at the back of the camp sites (±2 Ha) will be irrigated. This equates to a maximum precipitation of ±2 mm per day during the peak season. Since this is also the warmest time of year, the evapotranspiration rate is also the highest.

It is expected that treated effluent volumes will vary between 0 to 20% during the off-peak periods, except over the Easter Weekend and with ad-hoc events, such as the annual Rooibos-to-Muisbos cycling event, etc. During off-peak periods the total area is available for irrigation, which equates to a maximum precipitation of <0.1mm per day.

Irrigation will be performed manually with drag lines and impact sprayers.

3.4 Service & Monitoring Agreement

A post-installation service and monitoring agreement will be entered into between Water and Wastewater Africa and Mr. Ian Turner, the legal representative of the Malkoppan Campsite. Refer to Annexure 2, which shows is an example of a Service & Monitoring Agreement that must be signed by the client. Because the **BioSub™** is designed to operate with minimal operator intervention, it is recommended that the plant is serviced at the beginning and end of the peak season only, say in the 1st week of December and the last week of January, every year. From February to November of each year, only periodic basic checks are necessary.

Annexure 3 is an example of a Service Report that will be submitted to the client after each service. Copies of these reports can be forwarded to the Cederberg Municipality, should they require so.

3.5 Registration of Water Uses

All water uses are in the process of being registered as required by the National Water Act. This includes additional registration of the borehole water for domestic and commercial use (since it is currently registered for irrigation use only). The treated effluent will also be registered for irrigation use.

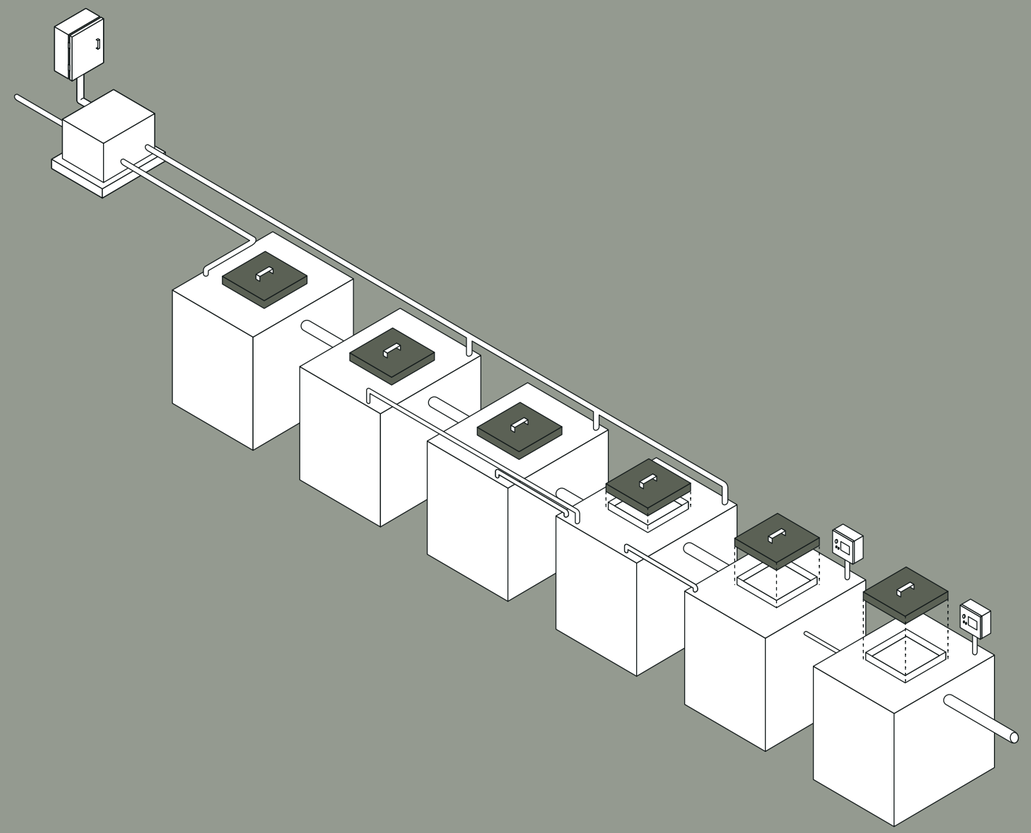
Annexure 1
BioSub™ On-site Sewage Treatment Plant Brochure (attached)

Annexure 2
Service and Monitoring Agreement Template (attached)

Annexure 3
Service Report Example (attached)

Annexure 4
List of Completed Projects (attached)

BioSub™



Water and Wastewater Africa © is a key provider of Decentralised Water and Wastewater Treatment Systems in South Africa, Africa and abroad by providing turn-key solutions through expert consultation, sustainable products, project management and services.

waterandwastewaterafrica.co.za info@waterandwastewaterafrica.co.za +27 (0) 21 3000 189

The BioSub™ is an on-site Sewage Treatment Plant that utilises natural processes to treat black & greywater for reuse.

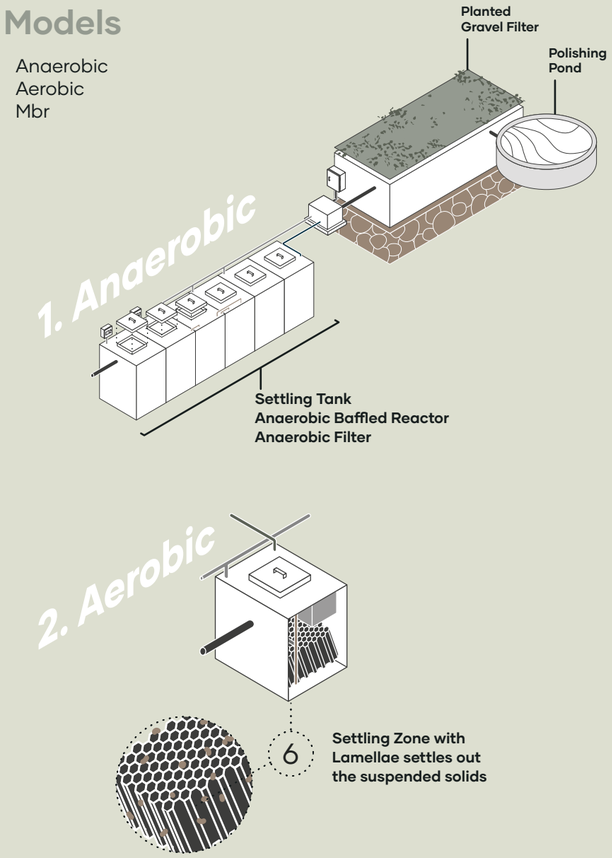
Up to 90% of the treated effluent can be reclaimed & reused for irrigation, flushing of toilets, filling of swimming pools, or to supplement your drinking water supplies.

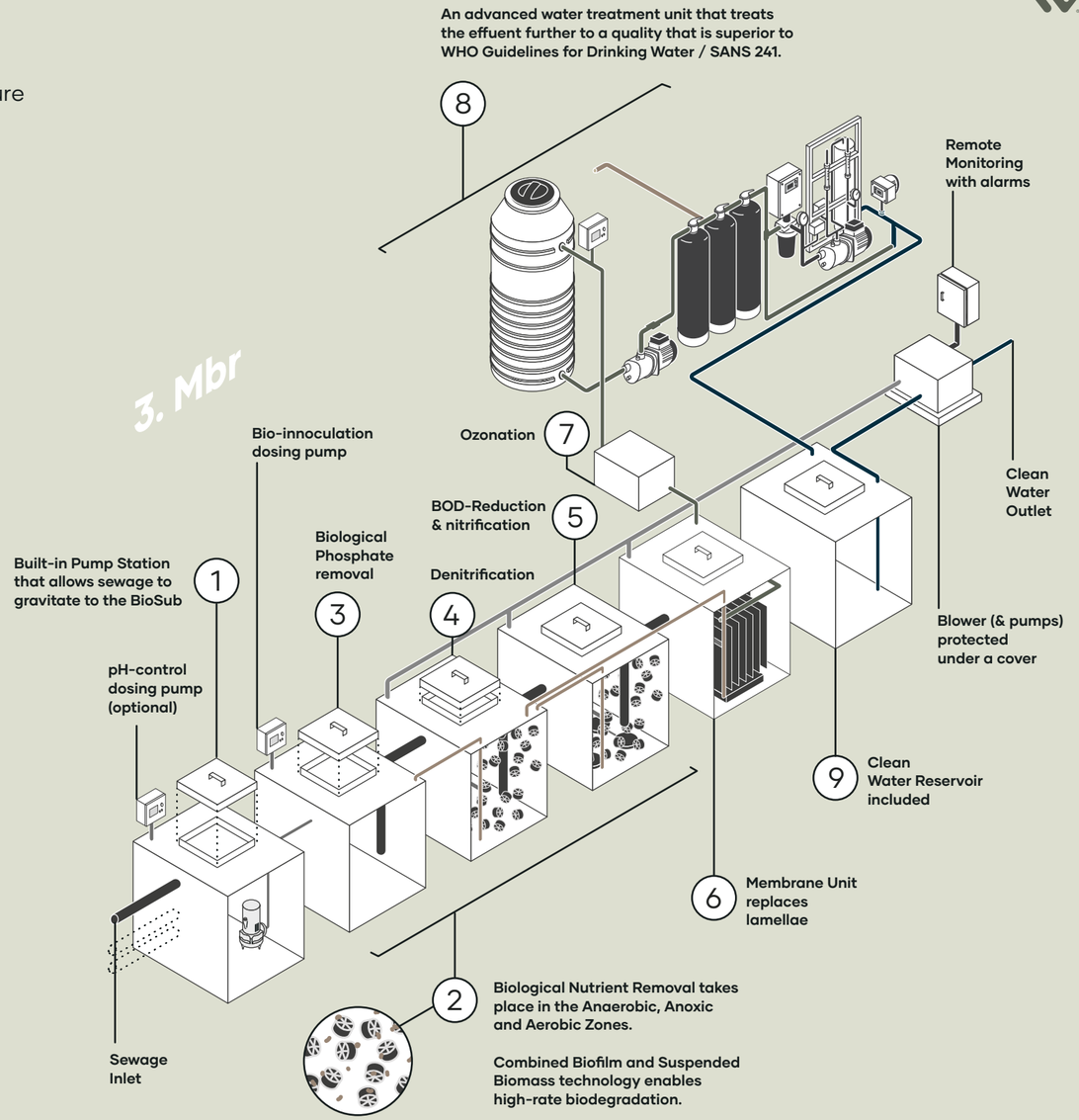
BioSub™

Each BioSub™ model has specific zones designed to use nature to remove pollutants from sewage.

3 Models

1. Anaerobic
2. Aerobic
3. Mbr





1. Sewage Pump Station
2. Reactor Zones
3. Anaerobic Zone
4. Anoxic Zone
5. Aerobic Zone
6. Membrane Zone
7. Advanced Oxydation Unit
8. Advanced Water Treatment Unit
9. Clean Water Reservoir

A unique design that offers the freedom to choose from basic to advanced technologies, small or large footprints & irrigation to drinking water reuse quality.

The BioSub™ incorporates sewage and clean water pump stations with treatment units.

The BioSub™ is the complete on-site wastewater treatment solution.

Special Features

- All-in-one system
- Modular
- Flexibility in choice of technology
- Flexibility in reuse water quality
- Fast installation
- Out of sight
- Small footprint
- Odourless
- Low noise
- Low on electricity
- Solar-power option
- Low maintenance
- Remote monitoring
- Environmental compliance
- Water reuse
- Low sludge production

Applications

- Private Households
- Housing Developments
- Rural Communities
- Farms
- Schools
- Golf Estates
- Game Lodges
- Guest Houses
- Camping Sites
- Nature Reserves
- Hotels
- Shopping Malls
- Factories
- Mines
- Fuel Stations

Ruens Kollege 2016

Bredasdorp (WC, South Africa)
Private School



Sewage Treatment
BioSub Aerobic
21 kl/d
Reuse: Irrigation of sportsfield

WATER AND WASTEWATER AFRICA

Our Ref: 220701 WWWA SMA Template

Date:

Mr/Ms:
Client:
Company Reg No:
VAT No:
Physical Address:
Tel No:
Mobile No:
Email:

Dear Client,

Service and Monitoring Agreement for Client Sites and Treatment Plants

This Service and Monitoring Agreement (SMA), along with the product User Manual, will guide you to operate and maintain your treatment plant and site effectively. A signed copy of the SMA is included in your product User Manual, along with a template of the site-specific Service Report

Please read through the below specifications, sign the agreement on the last page and forward the signed copy to us at info@waterandwastewaterafrica.co.za.

1. Site Services

Services include the following:

- Completion of site-specific tasks as per the Service Card
  **Please add any additional tasks that you would like our technician to perform when on site*
- Testing of SMS system and visual and audible alarm system
- Uploading of photos and communications onto the site-specific WhatsApp Group
- Training of client's staff to perform basic checks
- Compilation of a Service Report and submission via email

Each Service Report consists of 4 pages:

Page 1	Cover Page	Summary of service and effluent quality results and photos taken on the day
Page 2	Certificate of Analysis (COA)	Results of the laboratory analyses of the effluent sampled on the day of the service
Page 3	Compliance Report	Graphic display of the last 12 visits' flow volumes and water quality results in relation to compliance limits of each determinant
Page 4	Service Card	Site-specific tasks that are performed by our technician during each service

Once a year, during a service, our technician will conduct a site audit (at no extra cost) to assess your site and treatment plant. The audit will be attached to that Service Report.

PLEASE NOTE
Some treatment plants, e.g. the BioSub™ Sewage Treatment Plant (STP), are designed to collect solid waste in the anaerobic tank/zone until it is removed. Water and Wastewater Africa's staff will remove the solid waste, but in certain circumstances a municipal or private vacuum tanker is required. If this is the case, the cost thereof is additional to the cost of this agreement and is payable by the client directly to the vacuum tanker contractor. The frequency of cleaning the anaerobic tank depends on the organic load and the volume of solids disposed into the treatment system and is therefore site-specific. Proper management will reduce the discharge of solids into the system and therefore the frequency of cleaning the anaerobic tank.

2. Monitoring

As per the General Authorisation of the National Water Act, 1998 (Act No. 36 of 1998), water uses must be registered with the local Municipality and/or the Department of Water and Sanitation, whether it be for discharge, storage and/or irrigation purposes. Our team will sample and test the treated effluent with every visit to verify that your treatment plant is working correctly and that it produces treated effluent that complies with its intended end-use.

Monitoring includes:

- Sample collection
- Analysis
- Water and Wastewater Africa Certificate of Analysis (COA)
- External Certificate of Analysis (COA) for microbial analysis, at least once per year (at an additional cost, as stipulated at the time of sampling)
- Graphs
- General Authorisation Registration and follow-up with DWS on behalf of the client
- Submissions to the local municipality (if applicable)

3. Microsoft Teams-Based Reporting

All communications, your SMA, and reports are made available on your dedicated MS Teams folder. Only persons invited by the administrator (Water and Wastewater Africa) will be granted access to your MS Teams folder. Please contact our Service and Monitoring Manager at info@waterandwastewaterafrica.co.za to arrange a presentation.

4. WhatsApp Group

A WhatsApp Group is created for each site. This group is used for operational communication between our Service Technician, Service and Monitoring Manager and the client's operational staff. The aim of this group is for easy and immediate communication between all relevant stakeholders so that your treatment plant(s) run as smoothly as possible. Photos and communication that are uploaded, serve as an additional means of record-keeping.

Please provide the names and positions of your representatives that you want on this group in the table below:

Entity	Name	Position	Mobile no.	Email
Water and Wastewater Africa	Brett Keyser	Director	078 955 2717	brett@waterandwastewaterafrica.co.za
Water and Wastewater Africa	Jarrid Castle	Technician	081 449 2233	N/A

5. Your Service Plan

Our Service Technician will service and monitor your on-site treatment plant(s) every 1 / 2 /3 / 6 (please encircle) months, starting from _____ 20 ____. Service dates will be communicated in advance.

The following on-site treatment plants are included in this SMA:

No. of Treatment Plants	Type of Treatment Plant
1	
2	
3	

PLEASE NOTE
Each service consists of a single site visit which includes the service and monitoring of all the above listed on-site treatment plants.

Total Cost per Visit: R 6 200 excl. VAT

6. Terms and Conditions

- Price excludes VAT
- Price subject to annual price increase as per CPI
- Service and Monitoring Agreement is valid for 12 months from the start of the 1st service (please refer to Section 5).
- Service dates are subject to change, which will be communicated in advance via email or the WhatsApp Group
- Services are invoiced in advance of the service date and are payable no later than the last day of the service month. Proof of payment must be emailed to info@waterandwastewaterafrica.co.za
- Service reports will be submitted to the client ASAP after the service date

Please complete and sign on the next page and return per email to info@waterandwastewaterafrica.co.za. By signing below, you acknowledge that you are an authorised representative of the client and that this is a binding agreement.

Kind Regards

Brett Keyser
Managing Director

I hereby accept this Service and Monitoring Agreement and am authorised to do so.

Signed at _____ on _____ 20____.

Name: _____ Signature: _____

WATER AND WASTEWATER AFRICA

Aug-21

Site Information	
Name:	
Address:	
Contact Person:	
Mobile no:	
Email:	

Billing Information	
Name:	
Registration No:	
VAT no:	
Telephone no:	
Website	
Postal Address	
Physical Address	
Contact Person:	
Mobile no:	
Email:	

Service Details	
Frequency:	Quarterly
W&WWA Technician	Jarrid Castle
Service Date 1:	02-Aug-21
Service Date 2:	03-Aug-21
Report Date	06-Aug-21

Service Comments

BioSub™ and BorWa serviced, filters replaced on BorWa. Technician assisted client to find leak up to the point where the supply pipeline tees off to the new guest cottage. A valve was installed at this location to make it easier to find the leak (by closing off the valve onc can determine on which supply pipe the leak is). Client to dig open that section to find leak.
All 3 plants are working very well.

Water Quality Comments

The pond's water complies with the General Authorisation.
Drinking Water quality complies with SANS 241.
The client requested that we find a solution for the green colour of the pond. We are busy researching different possibilities.

Photos



WATER AND WASTEWATER AFRICA

Aug-21

Sample Information			
Description:	Pond		
Type:	Reuse: Irrigation		
Sample Point GPS Coordinates:	37°57'05.1"S 25°07'41.1"E		
Sampler	Jarrid Castle		
Sample Date:	02-Aug-21	Analysis Date:	05-Aug-21
GA / WUL:	General Authorisation Section 21 (e), Table 1.3: Irrigation up to 50 m3 per day		

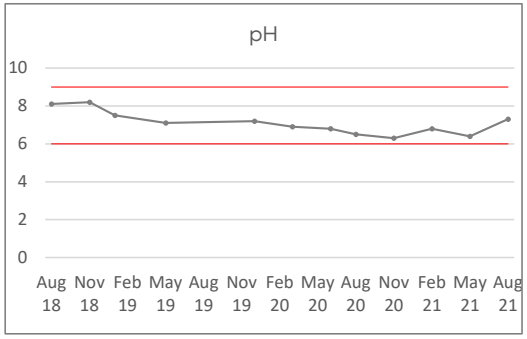
Determinant	Symbol	Unit	Limits	Lab ID
				2108-030
pH	pH	-	6-9	7,3
Electrical Conductivity	EC	mS/m	200	59,0
Chemical Oxygen Demand	COD	mg/l	5000	30,0
Sodium Adsorption Ratio	SAR	unit	5	1,6
Faecal coliforms	F coli	cfu's/100 ml	100000	NT
Daily Flowrate	DFR	kl/d	8,3	2,1

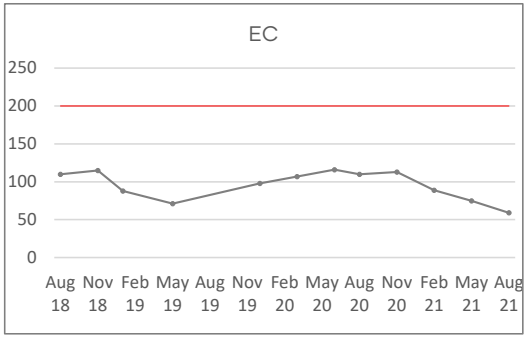
Methodology
All analyses conducted at 25 ± 5 °C.
RP - Results Pending
IC - Inconclussive
NR - Not Required
NT - Not Tested
ND - Not Detected
NA - Not Available
* Determinants tested at independent accredited laboratories. Copy of COA attached to report.
Water and Wastewater Africa takes part in the SABS Proficiency Testing Program and also conducts a series of inter-laboratory testing to verify accuracy of results.

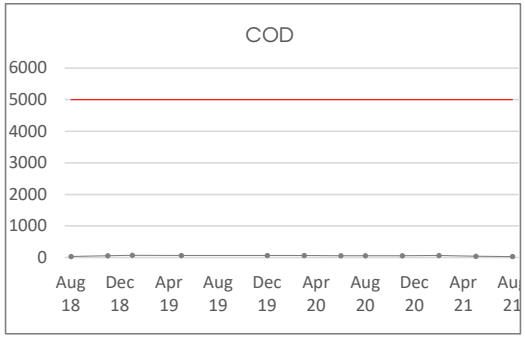
WATER AND WASTEWATER AFRICA

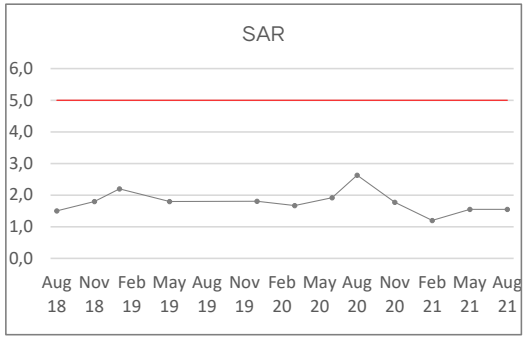
Aug-21

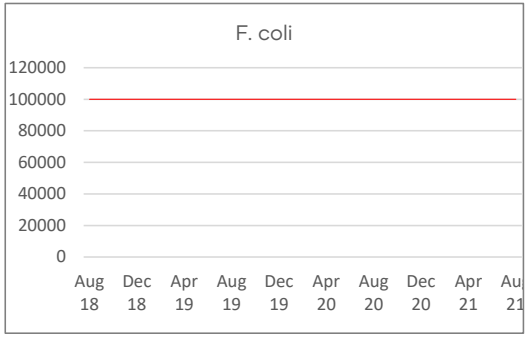
Determinant	Unit	Limits	Aug-18	Nov-18	Jan-19	May-19	Dec-19	Mar-20	Jun-20	Aug-20	Nov-20	Feb-21	May-21	Aug-21
pH	-	6-9	8,10	8,20	7,50	7,10	7,20	6,90	6,80	6,50	6,30	6,80	6,40	7,30
EC	mS/m	200	110	115	88	71	98	107	116	110	113	89	75	59
COD	mg/l	5000	35	55	71	63	63	62	54	58	60	65	45	30
SAR	unit	5	1,50	1,80	2,20	1,80	1,81	1,67	1,92	2,63	1,77	1,20	1,55	1,55
F coli	cfu's/100 ml	100000												
DFR	kl/d	8,3												2

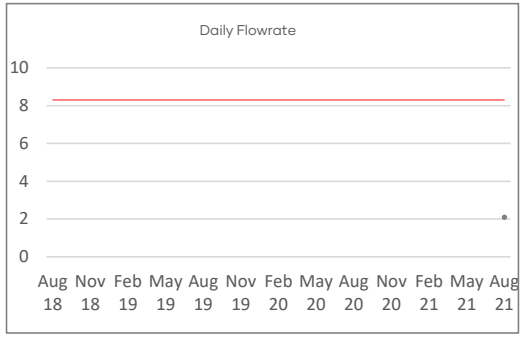












Key		
		Limits
		Results

WATER AND WASTEWATER AFRICA

Aug-21

Sample Information				
Description:	Tap			
Type:	Drinking Water			
Sample Point:	Tap			
Sampler	Jarrid Castle			
Sample Date:	02-Aug-21	Analysis Date:	05-Aug-21	
Daily Flowrate	DFR	kl/d	9	2,2

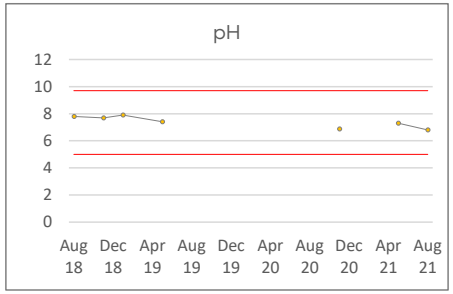
Determinant	SANS 241 (2015) Risk	Unit	Standard Limits	Lab ID 2108-028
Table 1 - Microbiological Determinants				
E.coli[a] or faecal coliforms[b]	Acute health	Count per 100	Not detected	NT
Protozoan parasites[c]				
Cryptosporidium species	Acute health[g]	Count per 10 ml	Not detected	
Giardia species	Acute health[g]	Count per 10 ml	Not detected	
Total coliforms[d]	Operational	Count per 100	≤ 10	
Heterotrophic plate count[e]	Operational	Count per ml	≤ 1 000	
Somatic coliphages[f]	Operational	Count per 10 ml	Not detected	
Table 2 - Physical, Aestetic, Operational & Chemical Determinants				
Physical & Aestetic Determinants				
Colour	Aesthetic	mg/l Pt-Co	≤ 15	
Conductivity (at 25 °C)	Aesthetic	mS/m	≤ 170	33
Total dissolved solids	Aesthetic	mg/l	≤ 1 200	
Turbidity	Operational[a]	NTU	≤ 1	0
	Aesthetic	NTU	≤ 5	
pH (at 25 °C)[b]	Operational	pH units	≥ 5 to ≤ 9,7	6,80
Chemical Determinants - Macro Determinants				
Free chlorine as Cl_2[d]	Chronic health	mg/l	≤ 5	
Monochloramine[c d]	Chronic health	mg/l	≤ 3	
Nitrate as N[e f]	Acute health	mg/l	≤ 11	
Nitrite as N[e f g]	Acute health	mg/l	≤ 0,9	
Combined nitrate plus nitrite[e f g]	Acute health	mg/l	≤ 1	
Sulphate as SO_4^{2-}	Acute health	mg/l	≤ 500	
	Aesthetic	mg/l	≤ 250	
Fluoride as F^-	Chronic health	mg/l	≤ 1.5	0,4
Ammonia as N	Aesthetic	mg/l	≤ 1.5	
Chloride as Cl^-	Aesthetic	mg/l	≤ 300	
Sodium as Na^2	Aesthetic	mg/l	≤ 200	
Zinc as Zn	Aesthetic	mg/l	≤ 5	
Chemical Determinants - Micro Determinants				
Antimony as Sb	Chronic health	µg/l	≤ 20	
Arsenic as As	Chronic health	µg/l	≤ 10	
Barium as Ba	Chronic health	µg/l	≤ 700	
Boron as B	Chronic health	µg/l	≤ 2 400	
Cadmium as Cd	Chronic health	µg/l	≤ 3	
Total chromium as Cr	Chronic health	µg/l	≤ 50	
Copper as Cu	Chronic health	µg/l	≤ 2 000	
Cyanide (recoverable) as CN^-	Acute health	µg/l	≤ 200	
Iron as Fe	Chronic health	µg/l	≤ 2 000	44
	Aesthetic	µg/l	≤ 300	
Lead as Pb	Aesthetic	µg/l	≤10	
Manganese as Mn	Chronic health	µg/l	≤ 400	21
	Aesthetic	µg/l	≤ 100	
Mercury as Hg	Chronic health	µg/l	≤ 6	
Nickel as Ni	Chronic health	µg/l	≤ 70	
Selenium as Se	Chronic health	µg/l	≤ 40	
Uranium as U	Chronic health	µg/l	≤ 30	
Aluminium as Al	Operational	µg/l	≤ 300	
Chemical Determinants - Organic Determinants				
Total organic carbon as C	Chronic health	mg/l	≤ 10	
Trihalomethanes[h]				
Chloroform	Chronic health	µg/l	≤ 300	
Bromoform	Chronic health	µg/l	≤ 100	
Dibromochloromethane	Chronic health	µg/l	≤ 100	
Bromodichloromethane	Chronic health	µg/l	≤ 60	
Combined trihalomethane[h]	Chronic health		≤ 1	
Total microcystin[j]	Chronic health	µg/l	≤ 1	
Phenols	Aesthetic	µg/l	≤ 10	

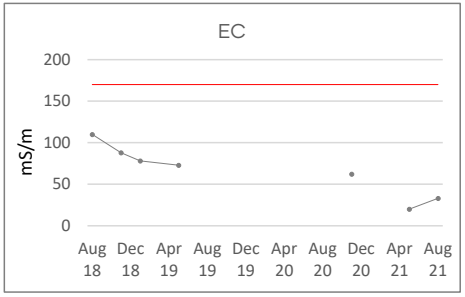
Methodology
All analyses conducted at 25 ± 5 °C.
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* Determinants tested at independent accredited laboratories. Copy of COA attached to report.
Water and Wastewater Africa takes part in the SABS Proficiency Testing Program and also conducts a series of inter-laboratory testing to verify accuracy of results.

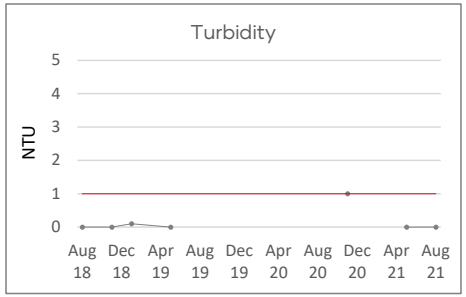
WATER AND WASTEWATER AFRICA

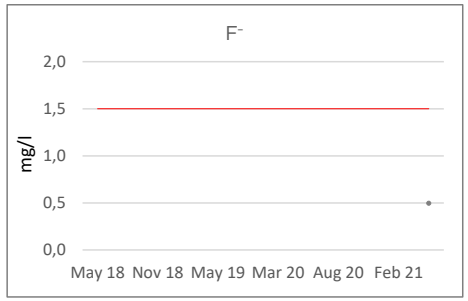
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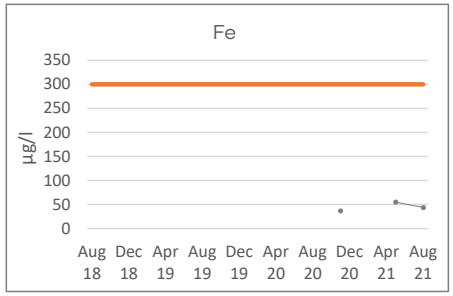
Determinant	Unit	Limits	Aug-18	Nov-18	Jan-19	May-19	Dec-19	Mar-20	Jun-20	Aug-20	Nov-20	Feb-21	May-21	Aug-21
pH	-	5 - 9.7	7,8	7,7	7,9	7,4					6,9		7,3	6,8
EC	mS/m	170	110	88	78	73					62		20	33
Turb	NTU	1	0	0	0	0					1		0	0
F	mg/l	1,5									0,1		0,5	0,4
Fe	µg/l	300									37		55	44
Mn	µg/l	100									29		25	21
E.coli[α]	-	Not detected									0		1	
DFR	kl/d	9												2

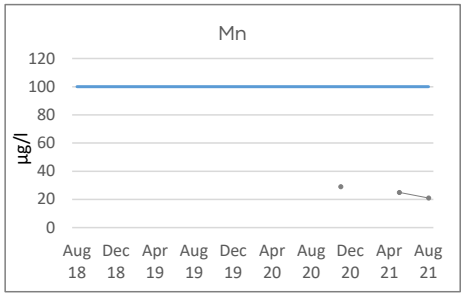


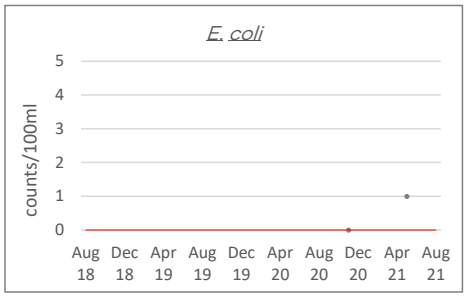


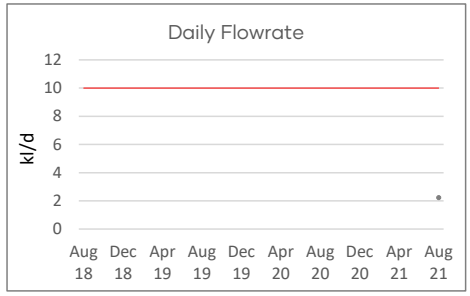












Key		Limits
		Results

WATER AND WASTEWATER AFRICA

Aug-21

Site Information	
Name:	
Address:	
Contact Person:	
Mobile no:	
Email:	

Service Information		
Date & Time:	02-Aug-21	10h00
Date & Time:	03-Aug-21	09h00
Technician:	Jarrid Castle	

☐ Call-Out ☐ Service ☐ Sample Collection ☐ Installation

Observations on Arrival

All treatment plants working. Assisted Gary to find leak on Pump 7 and 8 supply pipelines. Installed another valve on the supply pipe so that it is easier to find the leak.

To-Do List	
Yes	Report to reception before cunducting service
	Borehole Pump
Yes	Check Control Panel Power On
Yes	Check Switchmatic for no fault readings
Yes	Clean Control Panel
	Borehole Water Meter
Previous Reading:	Date: 19-May-21 — 404 — Average Daily Demand (m3) — 2,2
New Reading:	Date: 02-Aug-21 — 572
	BorWa™
Yes	Check Control Panel Power On
Yes	Clean Control Panel
Yes	Manual Backwash
Yes	Replace micro filter cartridges
Yes	Check UV lamp working
Yes	Clean UV lamp
No	Replace UV-lamp
N/A	Update SMS-unit software
N/A	Program SMS-unit and check backup battery charge
N/A	Load sim card and ICC ID no. on Contacts Database — 071 773 5087 (MTN)
N/A	Load sim card no. on bank beneficiaries — ICC ID no. XXXXXXX
Yes	Top-up airtime and sms bundle — R 70
Yes	Check Airtime Balance — R 218
Yes	Test SMS-unit alarm conditions
Yes	Test visual and audible system alarm
N/A	Take raw borehole water sample (January every year)
Yes	Take physical & chemical water sample
N/A	Take micro water sample
	Clarus Fusion Z1440
	Treated Effluent Meter
Previous Reading:	Date: 19-May-21 — 142 — Average Daily Demand (m3) — 2,1
New Reading:	Date: 02-Aug-21 — 300
No	Clean Sewage Sump with vacuum tanker
Yes	Remove unwanted items, wash and rinse STP
No	De-sludge with vacuum tanker
Yes	Adjust recirculation rate
Yes	Clean blower filter
N/A	Update SMS-unit software
N/A	Program SMS-unit and check backup battery charge
N/A	Load sim card and ICC ID no. on Contacts Database — 065 977 1977 (Telkom)
N/A	Load sim card no. on bank beneficiaries — ICC ID no. XXXXXXX
Yes	Top-up airtime and sms bundle — R 50
Yes	Check Airtime Balance — R 82
Yes	Test SMS-unit alarm conditions
Yes	Test visual and audible system alarm
Yes	Close and secure lids
	BioSub™
	Treated Effluent Meter
Previous Reading:	Date: 19-May-21 — 62 — Average Daily Demand (m3) — 0
New Reading:	Date: 02-Aug-21 — 64
Yes	Remove unwanted items, wash and rinse STP
Yes	De-sludge Aerobic Zone to Septic Zone
Yes	De-sludge Anoxic/Clarification Zone to Septic Zone
No	De-sludge Septic Zone with Vacuum Tanker
Yes	Adjust recirculation rate
Yes	Clean blower filter
N/A	Update SMS-unit software
N/A	Program SMS-unit and check backup battery charge
N/A	Load sim card and ICC ID no. on Contacts Database — 065 625 1399 (MTN)
N/A	Load sim card no. on bank beneficiaries — ICC ID no. XXXXXXX
Yes	Top-up airtime and sms bundle — R 70
Yes	Check Airtime Balance — ?
Yes	Test SMS-unit alarm conditions
Yes	Test visual and audible system alarm
No	Insert new HTH-floater
Yes	Close and secure lids
No	Replace old labels
	Housekeeping
N/A	Apply lime if any spillages
N/A	Cut grass, pick-up litter and maintain area around STP
No	Replace old signs
	Administrative
Yes	Photos uploaded on WhatsApp Group

Notes for Next Service

Replace old stickers with newly branded stickers. Get the ICC ID no's for all sim cards.

Supervisor:	Brett Keyser
Signed:	
Date:	06-Aug-21

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Dec 2012	Bon Courage Wine Estate	Bon Courage Robertson Western Cape	**Winery Effluent Pre-Treatment**	R325 000	80	Vineyard Irrigation	
Feb 2013	BA Wallin	Compton House Devon Valley Stellenbosch Western Cape	**Clarus Fusion**	R90 000	1	Kikuyu Lawn Irrigation	
Mar 2014	Dealtime Trade	Saddle Brook Franschhoek Western cape	**Clarus Fusion**	R120 000	1	Garden Irrigation	
Nov 2014	Leeu Estates	Dieu Donné Von Ortloff Klein Dassenberg Franschhoek Western Cape	**3 x Clarus Fusion**	R700 000	15	Garden and Vineyard Irrigation	
Aug 2014	La Motte	In Harmonie Franschhoek Western Cape	**Clarus Fusion**	R400 000	9	Discharge to River	

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Oct 2014	Asset Business Properties	Paddakloof Farm Franschhoek Western Cape	**Clarus Fusion**	R230 000	3	Kikuyu Lawn Irrigation	
Nov 2014	Ann Warsop	House Warsop Franschhoek Western Cape	**BorWa™**	R300 000	10	Drinking Water	
Dec 2014	La Providence Guest House	La Providence Franschhoek Western Cape	**BorWa™ Clarus Fusion**	R450 000	17	Drinking Water Irrigation	 

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Feb 2015	Koelenhof Boerdery	Koelenhof Plaas Stellenbosch Western Cape	**Winery Effluent Pre-Treatment**	R150 000	45	Vineyard Irrigation	
May 2015	MAN Vintners	Simondium Guild Simondium Western Cape	**BorWa™**	R80 000	10	Drinking Water	
Oct 2015	Moreson Family Farm	Moreson, Franschhoek Western Cape	**Sewage and Winery Effluent Treatment**	R850 000	30	Vineyard Irrigation	
Nov 2015	Koos du Toit	Goudmyn Robertson Western Cape	**BioSub™**	R400 000	15	Discharged to soak-away	
Mar 2016	Hazendal Wine Estate	Hazendal Manor House Stellenbosch Western Cape	**2 x BioSub™ 1 x BioTower™**	R700 000	40	Garden Irrigation	

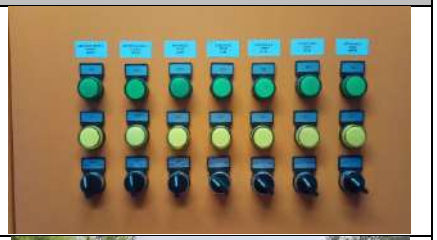
Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Jun 2016	Cape Chamonix	Libstar Bottling Plant Franschhoek Western Cape	**BioSub™**	R150 000	7	Vineyard Irrigation	
Aug 2016	Chaloner SA	Falcon's Nest Stellenbosch Western Cape	**BioSub™**	R150 000	3	Discharge to River	
Aug 2016	Distell	Ernita Farm Wellington Western cape	**BioSub™**	R470 000	15	Orchard Irrigation	
Sep 2016	Ruens Kollege Trust	Ruens Kollege, Klipdale Western Cape	**BioSub™**	R400 000	23	Sports Field Irrigation	
Nov 2016	Jaguar Trust	Cattle Baron Stellenbosch Western Cape	**BioSub™**	R260 000	7	Garden Irrigation	

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Nov 2016	Ndlambe Municipality	Bathurst Water Treatment Plant Bathurst Eastern Cape	**SetFloc™**	R350 000	300	Municipal Drinking Water	
Dec 2016	Lance de Willers	Tulbagh Beautiful Nature Farm Tulbagh Western Cape	**BioSub™**	R110 000	1.5	Veld Irrigation	
Mar 2017	Dew Crisp	Dew Crisp Franschhoek Western Cape	**SetFloc™**	R400 000	120	Kikuyu Irrigation	
May 2017	Marthin Potgieter	Golden Mile St Helena Bay Western Cape	**BioSub™**	R80 000	1	Garden Irrigation	
May 2017	Sea Trader	Cape St Martin St Helena Bay Western Cape	**BioSub™**	R180 000	3	Garden Irrigation	

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Jun 2017	Cape Chamonix	Libstar Bottling Plant Franschhoek Western Cape	**BioTower™**	R350 000	20	Vineyard Irrigation	
Jul 2017	Cas Enviro	Peet Mostert Vereeniging, Gauteng	**BioSub™**	R80 000	1	Garden Irrigation	
Dec 2017	Empanda	Almond Tree Farm Durbanville Western Cape	**BioSub™**	R280 000	7	Garden Irrigation	
Mar 2018	Berry Juice Construction	Nampula Mall Nampula Moxambique	**BioSub™**	R750 000	30	Garden Irrigation	
May 2018	Sarah Baartman District Municipality	Jansenville Reservoir Jansenville	**H2S Removal Plant**	R550 000	500	Drinking Water	

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Jun 2018	Pearl Stream	Fraaigelegen Paarl Western Cape	**BioSub™**	R160 000	3	Kikuyu Irrigation	
Aug 2018	Indigo Berries	Ernita Farm Wellington Western Cape	**BioSub™**	R275 000	15	Orchard Irrigation	
Oct 2018	Visio Investments	Bellenbosch Stellenbosch Western Cape	**BioSub™**	R150 000	3	Kikuyu Lawn Irrigation	
Nov 2018	Workgroove	L' Amitie Guesthouse Franschhoek, Western Cape	**BioSub™**	R400 000	8	Garden Irrigation	

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Nov 2018	Abland	Agripark Stellenbosch Western cape	**BioSub™**	R520 000	15	Lawn Irrigation	
Nov 2018	The Nest	La Petite Ferm Franschhoek Western Cape	**BioSub™**	R650 000	20	Vineyard Irrigation	
Apr 2019	Zotec Developments	Sparrow Circle Centurion Gauteng	**BioSub™**	R530 000	15	Garden Irrigation	
Nov 2019	La Providence Guest House	La Providence Franschhoek Western Cape	**BioSub™**	R200 000	3	Garden & Vineyard Irrigation	
May 2020	Telegenix Trading 856	Simondium Guild Simondium Western Cape	**BioSub™**	R700 000	15	Supplementing Drinking Water	

Date	Client	Site	Plant	Value	Capacity m^3/day	End-use	Photo
Oct 2020	SANParks	Cape Point Table Mountain National Park Western Cape	**BorWa™**	R1 300 000	40	Discharge to Boreholes	
Nov 2020	Aan de Vliet	Aan de Vliet Stellenbosch Western Cape	**BioSub™**	R350 000	5	Vineyard and Lawn Irrigation	
Mar 2021	Green School SA	Green School Simondium Western Cape	**BorWa™**	R350 000	35	Drinking Water	
July 2022	Elani Waters Home Owners Association	Misverstand Dam Moorreesburg Western Cape	**SetFloc™**	R350 000	50	Drinking Water	

In Progress Oct 2022	Hard Rock Lodge Chiriandra Lodge Elangeni Citrus Farm Parker Home Dugald Home	Addo Gqeberha Eastern Cape	**4 x BorWa™** **1 x SetFloc™**	R400 000	60	Drinking Water	
In Progress Nov 2022	De Werf N7	De Werf Fuel Station Philadelphia N7 Interchange Western Cape	**BioSub™** **BorWa™** **Fire System Booster Pump Station**	R1 000 000	10	Garden Irrigation Drinking Water Fire System Water	
In Progress Dec 2022	Heritage Plant & Civil Construction	Misty River Phase 2 Vanderbijlpark Gauteng	**BioSub™**	R600 000	15	Garden Irrigation	
In Progress Oct 2022	IPP Equipment	PetroPort N7	**BioSub™**	1 200 000	28	Toilet Flushing Garden Irrigation	

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admin@cederbergraad.co.za

Rekening vir: MAFUTHA TRUST

TAX INVOICE / BELASTINGFAKTUUR

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Datum	31/05/2022	Oorhandig	0.00
Rekening nr.	0000263948	Reelings	0.00
Debiteur BTW Nr.		Deposito	500.00

Datum	Beskrywing		BTW	Bedrag
	Saldo oorgedra:			1109.48
	ACB/ander betalings			0.00
08/06	Water	25	37.77	289.52
08/06	Water Basies		31.74	243.31
08/06	Riool Kostes		26.82	205.63

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25/04/2022	20/05/2022

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GEDEELTE		**GROND**		**STRAAT**	INACTIVE
EENHEID		**GEBOUE**	INACTIVE	**STRAAT Nr.**	
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Clanwilliam
8135

Meld asb. in u antwoord / In your reply please quote

Verwysing / Reference: Portion 19 of Farm 92

Navrae / Enquiries: D Joubert

26 October 2020

To Charlotte Turner

SEWAGE REMOVAL BY CEDERBERG MUNICIPALITY AT MUISBOSSKERM RESTAURANT

Cederberg Municipality hereby confirm that they will empty the sewage from the tank at Muisbosskerm restaurant when contacted by the owners.

There is a tariff involved for sewage removal and the amount as determined by the finance department in Lambert's bay Municipal office should be paid to Cederberg Municipality.

Contact Karin Kamfer on 027 432 1112 when the sewage should be removed and for payments.

Yours sincerely

Danne Joubert
Environmental Officer
Directorate: Integrated Development Services

APPENDIX I – ENVIRONMENTAL MANAGEMENT PROGRAMME

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Fax: 086 655 8060
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South Paarl 7646

www.footprintservices.co.za

Charl du Plessis

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APPENDIX I

THE DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A PARKING AREA AT A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

THE CLIENT

Ian Turner

DATE

JANUARY 2023

DEA&DP REFERENCE NUMBER: 14/2/4/2/1/F2/4/0025/22

Prepared by:

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Reg.: Cederberg Conservation Services CC – Reg. No 2009/056651/23

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ii) **Contents**

i	Copyright and Disclaimer	2
ii	Contents	3
iii	List of Tables	6
iv	List of Maps	6
v	Appendices	6
vi	Abbreviations	7
SECTION A	**OVERVIEW OF THE PROJECT**	**8**
1	**Introduction and description**	**8**
2	**Key components of the proposed development**	**12**
3	**Findings of the Section 24 G EIA Report**	**12**
	3.1 Impacts caused by the planning, design, and development phase	12
	3.2 Impacts caused by the operation phase	13
	3.3 Impacts that may result from the decommissioning phase	14
SECTION B : PURPOSE, LEGAL REQUIREMENTS AND STRUCTURE OF THE EMP'r		**15**
4	**Purpose of the EMP'r**	**15**
5	**Legal requirements**	**15**
6	**Structure of the EMP'r**	**17**
7	**Expertise of Environmental Assessment Practitioners**	**17**
8	**Environmental audit reports**	**18**
SECTION C: INSTITUTIONAL ARRANGEMENTS		**19**
9	**Roles and responsibilities**	**19**

	9.1 Project proponent	19
	9.2 Environmental Control Officer	20
	9.3 Project Manager	20
	9.4 Contractors and services providers	20
10	**Administration**	**21**
	10.1 Location of the EMP'r	21
	10.2 Site Meetings	21
	10.3 Failure to comply with the Environmental Considerations	21
	10.4 Legislative requirements	21
SECTION D : PLANNING AND DESIGN		**22**
11	**Planning and design**	**22**
12	**"No go" areas**	**22**
13	**Method statements**	**23**
SECTION E: SOCIAL RESPONSIBILITY PROGRAMME		23
14	**Local employment and business opportunities**	**23**
SECTION F : PLANNING, DESIGN AND DEVELOPMENT PHASE		24
15	**Environmental awareness training**	**24**
16	**The development footprint**	**24**
	16.1 Reducing impacts outside the development footprint	25
17	**Mitigation of the planning, design and development impacts**	**26**
	17.1 Impacts on geographical and physical aspects	26
	17.2 Impacts on terrestrial aspects	26

	17.3 Impacts caused by alien invasive plant species	27
	17.4 Impacts on heritage resources	27
	17.5 Impacts on socio-economic aspects	27
	17.6 Noise impacts	27
	17.7 Visual impacts / sense of place	27
	17.8 Visual impacts / Glare and Reflection	28
	17.9 Visual impacts / Visual scarring	28
	17.10 Impacts caused by Off Road Vehicles (ORV)	29
	17.11 Impacts caused on the littoral active zone	29
18	**Monitoring and evaluation**	**30**
SECTION G: OPERATIONAL PHASE		**31**
19	**The development footprint**	**31**
	19.1 Minimise impacts on the geographical and physical aspects	31
	19.2 Minimise impacts on the terrestrial aspects	32
	19.3 Facilitate the rehabilitation process in the remaining natural areas	32
	19.4 Rehabilitation of the littoral active zone	33
	19.5 Alien invasive species management	33
	19.6 Implementation of Heritage Management Plan	34
20	**Minimise impacts on socio-economic aspects**	**34**
	20.1 Employment	34
	20.2 Criminality, vandalism and theft	34
21	**Minimise visual impacts**	**34**

	21.1 Sense of place	34
	21.2 Glare and reflection	35
	21.3 Light pollution	35
22	**Management of visitors**	**36**
23	**Waste Management**	**36**
24	**Implementation of effective maintenance programmes**	**37**
SECTION H: DECOMMISIONING		**38**
SECTION I : CONCLUSION		**39**
SECTION J: REFERECES		**39**
SECTION K : APPROVAL		**40**

iii) List of Tables

Table 1:	Key findings of the 24G Report
Table 2 :	Section 24N (2) and (3) of the NEMA (as amended) listing the requirements of an EMP'r
Table 3 :	Appendix 4 of the NEMA EIA Regulations (2014)(As Amended)

iv) List of Maps

Map 1	Locality map
Map 2	Site development Plan
Map 3	Site development plan overlay with CBA and ESA

v) Appendix

Appendix 1	Curriculum Vitae of the Environmental Assessment Practitioners who compiled this EMPr
Appendix 2	Environmental audit

Appendix 3	Fines and penalties

vi) Abbreviations

CARA	Conservation of Agricultural Resource Act
CBA	Critical Biodiversity Area
DEA&DP	Department of Environmental Affairs and Development Planning
EA	Environmental Authorization
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
ECO	Environmental Control Officer
EMP'r	Environmental Management Programme
FES	FOOTPRINT Environmental Services
GPS	Global Positioning System
GIS	Global Information System
HWM	High Water Mark
IEM	Integrated Environmental Management
NEMA	The National Environmental Management Act No 107 of 1998 as amended.
NID	Notice of Intend to Develop
OESA	Other ecological Support Areas
PM	Project Manager
WC:DoA	Western Cape Department of Agriculture
WULA	Water Use Licence Application

SECTION A OVERVIEW OF THE PROJECT

1. Introduction and description

Both the Muisbosskerm Restaurant and the Malkoppan Tourism Facility are located on the farm Steenboksfontein no 92, Portion 19 in the Cederberg Municipality, Clanwilliam. The total extent of the property is 139, 0331 ha's. The property is located just south of the town of Lamberts Bay. **See Figure 1 – Locality map.**

The property is covered with Cape Seashore Vegetation and Lamberts Bay Sand Fynbos. Cape Seashore Vegetation is considered Least Threatened. The expansion of the Muisbosskerm parking area was responsible for a loss of approximately 0.4 ha of this vegetation unit. Lamberts Bay Sand Fynbos is classified as a Vulnerable ecosystem, the tourism development at Malkoppan Gasteplaas between 2009 and 2019 was responsible for the loss of approximately 4.9 ha of this vegetation unit.

Malkoppan proved to be an uneconomical farm for agricultural production (irrigated potatoes) resulting from the low nutrient status of the soils and the escalation in the salinity of the irrigation water (making the water unusable for irrigation of agricultural crops). This led to the decision to discontinue with farming (in 2007) and shift the focus to tourism accommodation with a resultant reduction in the impacted footprint overall and the use of less water. The first accommodation that was rented was the existing unused cottage on the property which began in 2003. Some campsites were let from 2008. In 2009 the ablution facilities were completed and following this in 2015 the recreational building (reception and restaurant) was completed. In this year a monthly local community market was initiated. The development footprint as indicated in the maps in the report is now complete and will not be extended any further but for the necessary upgrading of the sewerage and waste treatment facilities. The balance of the property including the old potato irrigation circles will be left to regenerate naturally and will be retained for agricultural purposes.

The Muisbosskerm is a legally permitted business in terms of "Die Wet op Omgewingsbewaring" Act 100 of 1982. The permit was issued on the 6th June 1988. The Muisbosskerm restaurant facility appears to retain its original footprint until March of 2017 at which point 0.17 ha's of natural vegetation is cleared north east of the facility. This is followed in March of 2018 by an additional 0.16 Ha's cleared to the south east of the facility, this footprint is further expanded by February 2019 by approx. 0.057 ha's. The total area of natural vegetation cleared for both Malkoppan and Muisbosskerm, between 2009 and 2019 therefore amounts to approx. 4.89 ha's.

The facilities comprise of the following areas and associated infrastructure:

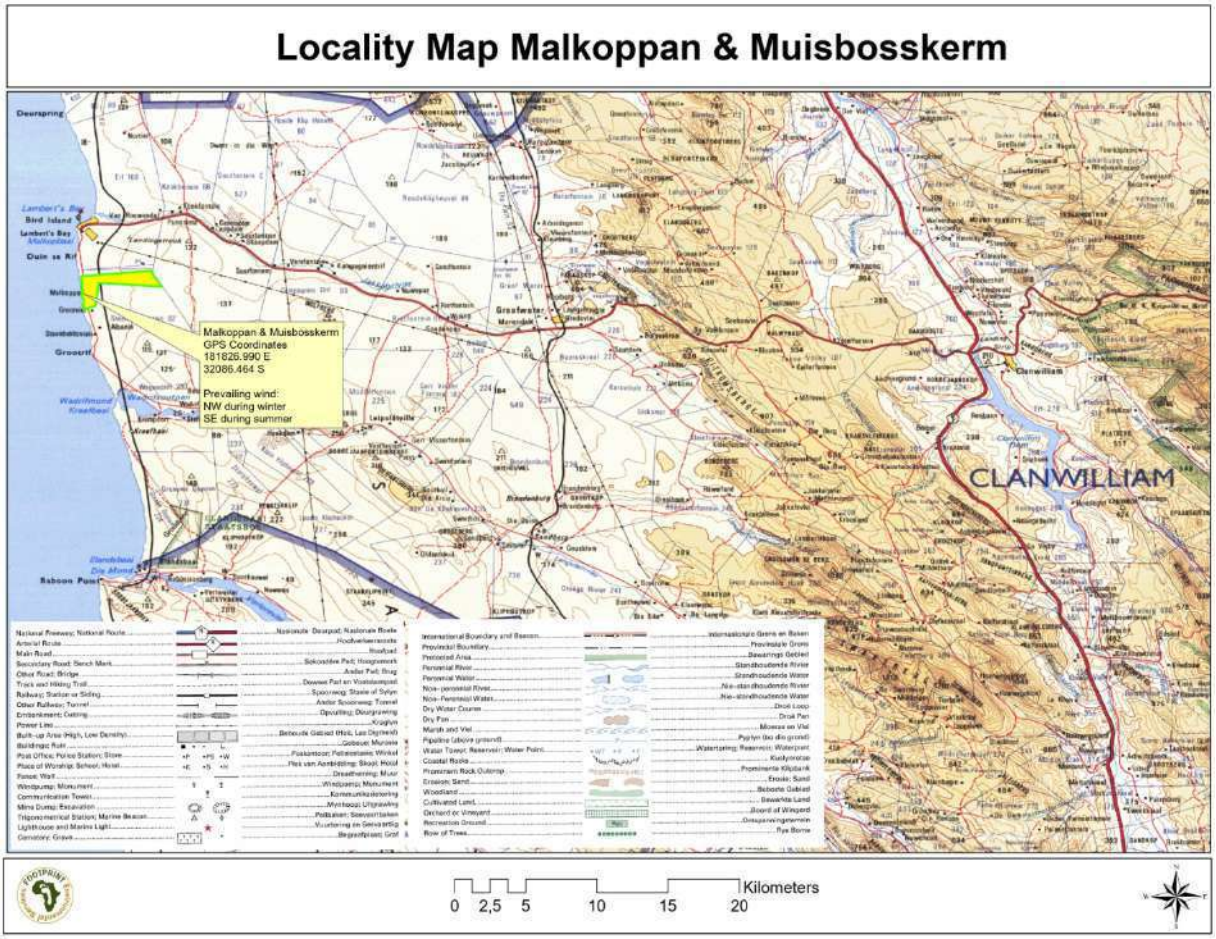
- *The **Malkoppan tourism facility comprises** of (60 individual camping sites each approximately 12m x 10 m in size which accommodate a maximum of five (5) people/ site/ night, each with its own electricity connection and are serviced by two ablution facilities comprised of nine (9) showers, six (6) toilets and two (2) baths. There are also separate washing / dishwashing facilities.*
- ***"Die Stalle" Campsite comprises of (**40 individual sites, each site serviced by an electrical point and are serviced by their own ablution facilities which include three (3) showers, four (4) toilets on the men's side and four (4) showers and four toilets on the women's side.*

- ***Temporary "Stalletjies" comprises of 1****5 "stalletjies" that are used during the monthly farmers market, each of the stalletjies are hired by market participants who then display and sell their wares. Each of the stalletjies is built of wood with a zinc roof and each is supplied with an electrical connection.*
- ***The Fisherman accommodation facility,*** *this is an old refurbished and furnished labourers house that has been operational since 2012 to accommodate visitors. The furnishings provided are those typically found and historically from the Sandveld.*
- ***Recreational Building,*** *is the large freestanding building with an open plan interior that serves as a reception area for arriving guests, houses a restaurant and is serviced by its own ablution facilities.*
- ***Existing Sewerage and waste water treatment - this to include the ablution facilities at the main camp, the perdestalle, the recreational building and the Muisbosskerm;*** *Black water is collected in a constructed 2 chamber septic tank and or conservancy tanks. The super-natant overflows to a soak-away system, while the solids fraction that collects in the 1st chamber is removed with a municipal vacuum tanker, as and when required, and disposed of at the Cederberg municipal wastewater treatment works. In some cases conservancy tank has its own submersible pump that pumps the grey water to the area behind the campsites, where it is used to irrigate natural veld.*
- ***Proposed new treatment facility -*** *It is further proposed that the sewerage, foul effluent and waste water be treated on site. This will require the construction of a single integrated a waste treatment facility. Water and Wastewater Africa were appointed to recommend and design the proposed facility. They have recommended the construction of a BioSub™ Sewage Treatment Plant. The new treatment facility will entail the establishment of five pump stations, a sewer pipeline while ±5 ha will be used for irrigation using manual drag lines and impact sprayers. The irrigation areas are proposed for the low sensitivity sites identified by the botanical specialist.*
- ***Expansion of the Muisboskerm footprint*** *– this is basically the expansion of the parking area.*

See Figure 2 ; Site development plan

FOOTPRINT Environmental Services (Registered as Cederberg Conservation Services CC – No 2009/056651/23) were appointed by Mr. Turner as the independent Environmental Assessment Practitioners to undertake this Section 24G Application in accordance with the requirements of the NEMA Act; Act No. 107 of 1998.

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Map 1 : Locality map – Muisbosskerm and Malkoppan

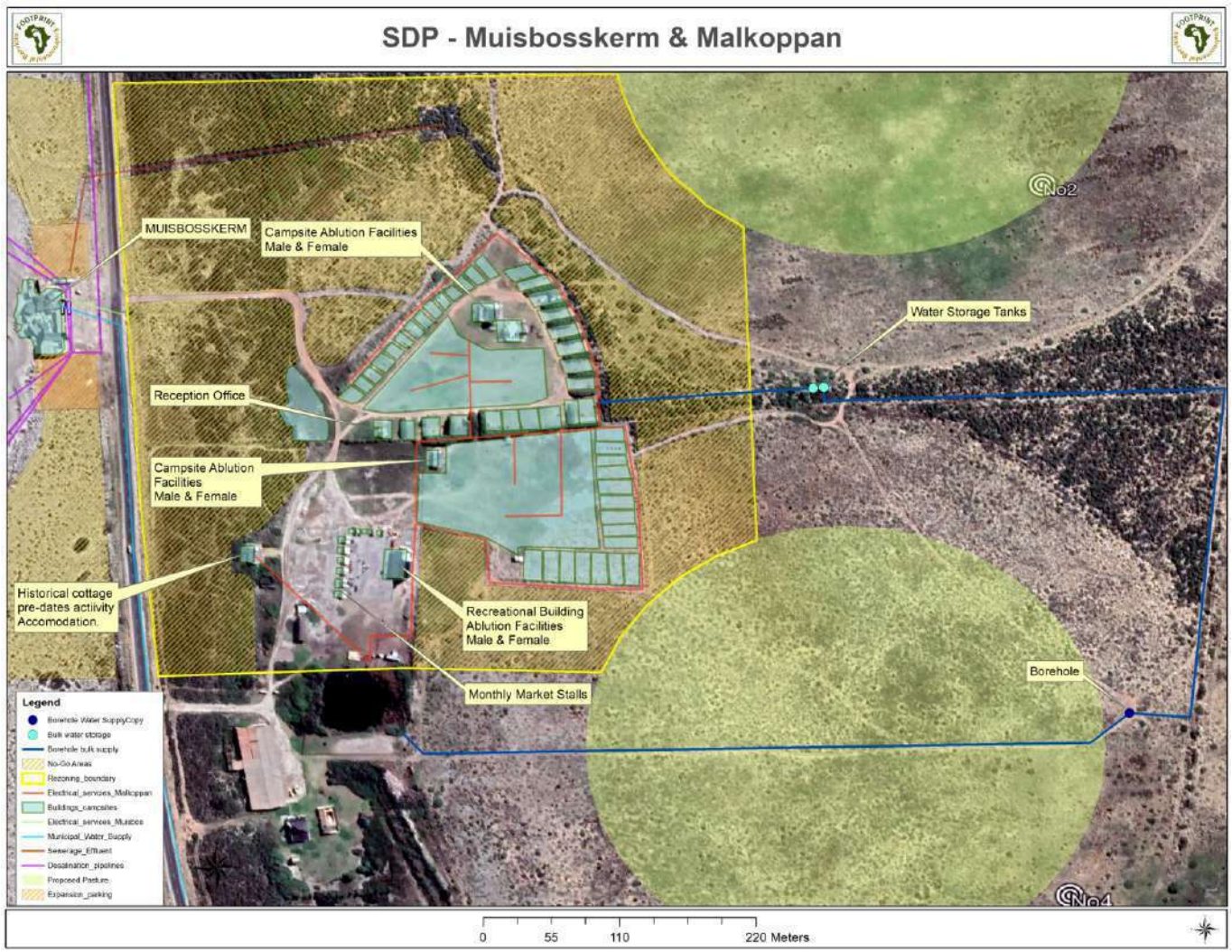


Figure 2 : Site layout plan – Muisbosskerm and Malkoppan

2. Key components of the proposed development

The proposed development will have the following key components / phases and this EMPr describes these in depth.

- *Institutional Arrangements – this describes the various roles and responsibilities of key stakeholders (Project Proponent; the Environmental Control Officer; Contractors and other services providers), provides administrative and legislative processes and protocols on how the development and monitoring should unfold taking into account the availability of the EMP'r, site meetings, failure to comply with the conditions and other legislative requirements;*
- *The planning and design of the resort – this describes activities to ensure that the client and his/her staff become more environmentally sensitive through training and awareness sessions. It also describes how impacts during this phase of the development can be mitigated through effective planning. Adherence to "no go" areas, and method statements to further mitigate possible impacts are also discussed. All these management activities will be assigned to a responsible person and will be monitored to ensure compliance.*
- *The operational phase - will focus on the identification of possible impacts during this phase of the development and describe actions to mitigate these impacts and impacts that arise from the planning and construction phase. These actions will be the sole responsibility of the project proponent for implementation and adherence will be monitored on a regular basis by a suitable qualified Environmental Control Officer.*
- *The decommissioning phase - must comply with the South African labour and environmental legislation at that time.*

3. Findings of the Section 24G EIA Report

The key findings of the Section 24G Report are summarised in Table 1. See Table 1. **Summary of the key findings of the Section 24G EIA Report on the impacts**.

Table 1 Summary of the key findings of the Section 24G EIA Report on the impacts expected.

3.1 Planning, design and development phase	
Nature of the impact	**Description of the impact**
Impacts on geographical and physical aspects	This is a local impact restricted to the site cleared and which occured during the preparation of the development area for the establishment of the buildings and associated infrastructure as well as the road within the site. In terms of duration it would be relevant for the full duration of the development phase and would carry over to the operational phase.
Impact on biological aspects: Terrestrial	Impacts on cleared vegetation cannot be mitigated and this resource has been permanently lost. The physical impacts on remaining vegetation can be well controlled through active management guidelines that restrict vehicles and people in natural areas, including the dunes and reduction of edge impacts on the natural areas around campsites and along access roads.
Impacts on biological aspects – Invasion by Alien Invasive Plants	As stated above the site has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site has listed invasive alien plant species present i.e. Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning
Impacts on socio-economic aspects	Temporary construction employment would have been available during the

	construction phase and the benefit to the local community would have extended to local business for material purchases and appliance installations.
Impacts on cultural-historical aspects	Impacts on cultural heritage are Very High at the local scale resulting from the permanent loss and / or damage of archaeological heritage sites on the property.
Noise impacts	None envisioned this is a rural agricultural farm and the noises associated with the development are low key and a long distance away from any neighbours (closest appears to be approx. 1.5 km distant to the south).
Visual impacts / Sense of Place	Low – this is an agricultural area and similar facilities are present on some neighbouring properties. At closer quarters the camping area and the chalet are screened to some extent by the topography. While additive the development is well aligned with the general view shed of this rural agricultural landscape in the Lamberts Bay to Elands Bay landscape. This is borne out by the recommendation of the Heritage Specialist that notes that no Visual Impact Assessment is required in this instance.
Visual impacts / Glare and Reflection	It is probable that some day time glare and reflection of sunlight may occur in terms of buildings and vehicles.
Visual impacts / Light Pollution	It is highly probable that night time light pollution may occur in terms of buildings and security lighting.
Visual impacts / Visual Scarring	Visual scarring has occurred during the construction period and this should be further minimised as far as possible.
3.2 Impacts caused by the operational phase	
Impacts on the geographical and physical aspects	Alteration of run-off characteristics may be caused by the development during the operational phase that are related to land surface disturbance, the creation of hardened surfaces, the diversion of water parallel to roads or within the hollowed-out road surface and vegetation removal. Erosion may cause a loss and deterioration of soil resources over the operational lifetime of the proposed development if not managed and mitigated correctly. The consequence will be the loss of topsoil, loss of soil fertility and the creation of erosion ditches.
Impact on biological aspects: Terrestrial	The nature of impact on biological aspects would be tied to disturbance of natural vegetation along the development footprint and along the access roads. The development has the potential to impact on sensitive biodiversity values. These would stem from impacts caused by visitors such as pollution, trampling and the increase in fire regimes. The occupancy of the site could additionally result in less optimal fire frequencies which is regarded as the primary operational phase botanical impact of concern. Operational impacts would additionally be associated with the minor loss of ecological connectivity. The probability that these impacts will occur would be 100% for edge effect impacts, which cannot be avoided. Disturbed areas are readily invaded by invasive alien plant species that are currently present on site.

	The impacts are considered reversable as on-site evidence from old disturbed areas and along the existing access roads, indicates that some diversity can return to highly disturbed areas, the irreplaceable loss of biodiversity from a structural perspective should therefore be low. This was noted and supported by the appointed specialist botanist. Very low intensity habitat fragmentation may occur on site during the operational phase
Impacts on biological aspects – Invasion by Alien Invasive Plants	As stated above the site has impacted natural vegetation associated with the ecosystem type present on site. As noted too the site has listed invasive alien plant species present i.e. Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning
Impacts on the socio-economic aspects: Employment (Permanent)	High - Permanent employment and commercial opportunity for owners. The extent of the impact will be limited to the landowner and his staff for as long as it the facility remains operational.
Impacts on the socio-economic aspects: Criminality, vandalism and theft	Vandalism, destruction and theft can impact on the owners and employed staff's lives, economic well-being and could potentially drain the owners maintenance budget.
Impacts on the cultural-historical aspects	NONE – Impacts would have already occurred during construction.
Noise impacts	Noise associated with an eco-tourism facility within a rural agricultural context. Limited to the site and its adjacent surrounds but permanent as long as the facility is in operation.
Visual impacts / Sense of Place	The removal of natural vegetation and its replacement by accommodation facilities may constitute a potential visual impact.
3.3 Impacts that may result from the decommissioning phase	
Potential impacts on the geographical and physical aspects:	**NONE –** Conceivably if the site was to be decommissioned all infrastructure would be demolished and removed and the site rehabilitated.
Potential impact on biological aspects: Terrestrial	Restoration of the natural ecosystem that occupied the transformed areas prior to the development.
Potential impacts on the socio-economic aspects	The decommissioning would conceivably impact on the socio-economic wellbeing of the local community by providing opportunities for employment on the positive side but would potentially result in significant negative impacts resulting from the loss of income to the applicant and his staff. Specialised services will be required for the assessment of the procedure for decommissioning of the site and this income could flow to services. Furthermore a contractor firm will be appointed to undertake the decommissioning with an inflow of income into his/her business and the jobs it supports. Finally deconstruction jobs will be available to the local unskilled and semi-skilled labour during the decommissioning phase with an increase in income into those households.
Impacts on biological aspects – Invasion by Alien	As stated above the site has impacted on natural vegetation associated with

Invasive Plants	the ecosystem type present on site. As noted too the site is invaded by listed invasive alien plant species, specifically Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning . If left unchecked these species will increase and physically supplant indigenous species and negatively impacted on ecosystem processes.
Potential impacts on the cultural-historical aspects	None.
Potential noise impacts	Increase in noise levels would be associated with deconstruction activities, such as vehicles, increase in people and equipment used for deconstruction. The potential for this noise can reduce the quality of life of adjacent landowners.
Potential visual impacts	**NONE** – return the site to the original viewshed.

SECTION B : PURPOSE, LEGAL REQUIREMENTS AND STRUCTURE OF THE EMP

4. Purpose of the EMP'r

The EMP'r has been included as part of the Section 24G Application and Checklist Report to provide a link between the impacts identified in the Application and Checklist Report and the actual environmental management on the property during project planning, construction, operation and decommissioning.

5. Legal requirements

In accordance with Section 24N of NEMA and Regulation 19 of Government Notice ('GN") No. 327 of 7 April 2017, the Western Cape Department of Environmental Affairs and Development Planning, requires the submission of an EMPr. The contents of the EMPr must meet the requirements outlined in Section 24N (2) and (3) of NEMA (as amended) and Appendix 4 of GN No. R 982 of 4 December 2014 (as amended). The EMP'r must address the potential environmental impacts of the proposed activity on the environment throughout the project life cycle including an assessment of the effectiveness of monitoring and management arrangements after implementation.

The Department requires that the EMPr be submitted together with the Section 24G Application and Checklist Report so that it can be considered simultaneously.

Table 2: Section 24N (2) and (3) of the NEMA (as amended) listing the requirements of an EMPr.

24N.(2) the environmental management programme must contain- (a) information on any proposed management, mitigation, protection or remedial measures that will be undertaken to address the environmental impacts that have been identified in a report contemplated in subsection 24(1A), including environmental impacts or objectives in respect of – (i) planning and design; (ii) pre-construction and construction activities; (iii) the operation or undertaking of the activity in question;

(vi) the rehabilitation of the environment; and
(vii) closure, where relevant.
(b) details of –
(i) the person who prepared the environmental management programme; and
(ii) the expertise of that person to prepare an environmental management programme
(c) a detailed description of the aspects of the activity that are covered by the draft environmental management plan;
(d) information identifying the persons who will be responsible for the implementation of the measures contemplated in paragraph (a);
(e) information in respect of the mechanisms proposed for monitoring compliance with the environmental management programme and for reporting on the compliance.
(f) as far as is reasonable practicable, measures to rehabilitate the environment affected by the undertaking of any listed activity or specified activity to its natural or predetermined state or to a land use which conforms to the generally accepted principle of sustainable development; and
(g) a description of the manner in which it intends to-
(i) modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;
(ii) remedy the cause of pollution or degradation and mitigation of pollutants; and
(iii) comply with any prescribed environmental management standards or practices.
(3) the environmental management programme must , where appropriate-
(a) set out time periods within which the measures contemplated in the environmental management programme must be implemented;
(b) contain measures regulating responsibilities for any environmental damage, pollution, pumping and treatment of extraneous water or ecological degradation as a result of prospecting or mining operations or related mining activities which may occur inside and outside the boundaries of the prospecting area or mining area in question; and
(c) develop an environmental awareness plan describing the manner in which-
(i) the applicant intends to inform his or her employees of any environmental risk which may result . from their work; and
(ii) risks must be dealt with in order to avoid pollution or the degradation of the environment.

Table 3 : Appendix 4 - GN No. R. 982 of 4th December 2017, listing the follow requirements for a EMP'r.

According to Appendix 4, the contents of an environmental management programme must contain the following information;
(a) details of –
(i) the EAP who prepared the EMP'r; and
(ii) the expertise of that EAP to prepare an EMP'r, including a curriculum vitae;
(b) a detail description of the aspects of the activity that are covered by the EMP'r as identified by the project description;
(c) a map at a appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitiveness of the preferred site, indicating any areas that should be avoided, including buffers;
(d) a description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including -
(i) planning and design;
(ii) pre-construction activities
(iii) construction activities;
(iv) rehabilitation of the environment after construction and where applicable post closure'
(v) operation activities;
(e) a description and identification of impact management outcomes required for the aspects contemplated in paragraph (d);
(f) a description of proposed impact management actions, identifying the manner in which the impact management outcomes

contemplated in paragraph (d) will be achieved, and must, where applicable, include actions to-

(i) avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation;

(ii) comply with any prescribed environmental management standards or practices;

(iii) comply with any applicable provisions of the Act regarding closure, where applicable; and

(iv) comply with any provisions of the Act regarding financial provisions for rehabilitation; where applicable;

(g) the method of monitoring the implementation of the impact management actions contemplated in paragraph (f);

(h) the frequency of monitoring the implementation of the impact management actions contemplated in paragraph (f);

(i) an identification of the persons who will be responsible for the implementation of the impact management actions;

(j) the time periods within which the impact management actions contemplated in paragraph (f) must be implemented;

(k) the mechanisms for monitoring compliance with the impact management actions contemplated in paragraph (f);

(l) a program for reporting on compliance, taking into account the requirements as prescribe by the Regulations;

(m) an environmental awareness plan describing the manner in which—

(i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; and

(ii) risks must be dealt with in order to avoid pollution or the degradation of the environment;

(n) any specific information that may be required by the competent authority; measures contemplated in paragraph (b);

6. Structure of the EMP'r

As mentioned above the EMP'r aims to address environmental management throughout the entire project cycle. The EMP'r for Malkoppan and Muisbosskerm is structured in the following way:

- *Project overview;*
- *Purpose, legal requirements, structure of the EMP'r;*
- *Institutional arrangements;*
- *Planning and design;*
- *Social responsibility programme;*
- *Development phase;*
- *Operation phase and decommissioning*

7. Expertise of Environmental Assessment Practitioners

Section 24N (2) and (3) of NEMA (as amended) and Appendix 4 of GN.No.R. 982 of 4 December 2014, (Section1 (a)(i) requires that an Environmental Management Programme must include the details of the person(s) who prepared the EMP'r, and the expertise of that person to prepare an EMP'r.

In this regard, the *Curriculum Vitae* of the Environmental Assessment Practitioners who compiled this EMP'r are included in **Appendix 1**.

Other Specialist used in compiling this Section 24 G Scoping and Environmental Impact Report.

Name of the company	Specialist	Report
CTS Heritage	Jenna Lavin Director	NID - Heritage

Advanced Environmental Cooperation	Riaan van der Walt	Botanical and Terrestrial Vertebrate Assessment

8. Environmental Audit Reports

In order to comply with Regulation 34 of the EIA Regulations, 2014 (as amended), the Environmental Audit Report for the proposed development at Malkoppan and Muisbosskerm must adhere to the following requirements;

- *Provide for recommendations regarding the need to amend the EMP'r;*
- *Report on the level of compliance with the conditions of the Environmental Authorisation and the EMP'r;*
- *The extent to which the avoidance, management and mitigation measures provided for in the EMP'r achieve the objectives and outcomes of the EMP'r;*
- *Identify and access any new impacts and risks as a result of undertaking the activity;*
- *Evaluate the effectiveness of the EMP'r;*
- *Identify shortcomings in the EMP'r and*
- *Identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMP'r*

The content of such environmental audit reports must contain;

- *Details of the independent person who prepared the environmental audit reports and the expertise of the independent person that compiled the environmental audit report;*
- *A declaration that the independent auditor is independent in a form as may be specified by the competent authority;*
- *An indication of the scope of, and the purpose for which, the environmental; audit report was prepared;*
- *A description of the methodology adopted in preparing the environmental audit report;*
- *An indication of the ability of the EMP'r to –*
    - *Sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an ongoing basis;*
    - *Sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the closure of the facility, and;*
    - *Ensure compliance with the provisions of environmental authorisation and EMP'r.*
- *A description of any assumptions made, and any uncertainties or gaps in knowledge;*
- *A description of any consultation process that was undertaken during the course of carrying out the environmental audit report;*
- *A summary and copies of any comments that were received during any consultation process; and*
- *Any other information requested by the competent authority.*

The independently appointed ECO will be responsible for the compiling and submitting all audit reports for the proposed development. All reports submitted by the ECO must adhere to and comply with the above legislative requirements.

SECTION C : INSTITUTIONAL ARRANGEMENTS

This EMP'r, once approved by the competent authority (DEA&DP), should be seen as binding on the Applicant and any person acting on the Applicant's behalf, including but not limited to agents, employees, associates, contractors and service providers. The Applicant and all other persons who may be directly involved in the development are also bound by their general Duty of Care, as stated in Section 28 of the National Environmental Management Act, 1998:

Duty of Care

"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 cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment"

This section describes the role and the responsibilities of the key stakeholders that are involved in the development, the implementation and review of the EMPr.

9. Roles and responsibilities

9.1 Project proponent

Mr. Ian Turner, the project proponent, is responsible for the implementation of the EMPr and must ensure that conditions of the Environmental Authorisation (EA) are implemented and that these documents are included in all contracts with service providers. Where activities and tasks are undertaken by workers and / or contractors the project proponent remains liable for non-compliance.

Key responsibilities for the project proponent will include the following aspects:

- *Liaison with the relevant authorities in the preparation and implementation of the EMPr and meeting the conditions of the EA and / or to any changes to the project or aspects thereof;*
- *Appointing an environmental auditor where required;*
- *Notifying the competent authority within 24 hours of an occurrence of any non-compliance with the EA, EMPr or any other environmental, agricultural and water related legislation;*
- *Take the necessary action in terms of non-compliance;*
- *Ensuring that all of the staff, representatives, contractors, consultants and any other agent operating under the employ of the proponent comply with the EA, EMPr and any other environmental, agricultural and water related legislation;*
- *Ensuring that all the necessary authorisations and permits have been obtained;*
- *Appoint an Environmental Control Officer (ECO) for the entire project to ensure that the conditions of the EA are adhered to (the ECO must have a degree / diploma in environmental management from a recognised South African University or Technicon, with a minimum of two years' experience in the field of Environmental Management and specifically as an environmental site officer, and;*
- *With due consideration to the observations, recommendations and reporting by the ECO take action whenever required.*

9.2 Environmental Control Officer

It is recommended that an ECO is appointed by the project proponent for the entire duration of the project with the following duties and responsibilities.

- *Site inspection once a month to evaluate compliance with the EA and conditions of the EMP'r. The ECO site inspection reports (also called "ECO checklists") will report on the compliance of the construction / development (monthly) and the operational phase (every third month) in relation to the required mitigation measures contained in the EMPr, as well as the conditions of approval described in the Environmental Authorisation. This report must be submitted to the project proponent, within five (5) days of the ECO's site inspection. Copies of the inspection reports must be kept on site. The contractor's meeting minutes must reflect environmental queries, agreed actions and dates of eventual compliance. These minutes form part of the official environmental record that must be kept on site and which will be submitted to the Competent Authority on the completion of the development* ***(See Appendix 2 – Environmental audit);***
- *Photographs of all environmental transgression during the construction and operational phase must be included and appended to the ECO reports. These photographs should be stored with other records related to this EMP'r. If captured in digital format, hard copies, in colour, must be kept with all other records relevant to the implementation of this EMP'r.*
- *Take the necessary action to ensure compliance with the requirements of the EMP'r at all times;*
- *Attend site meetings (when needed) with the Project Proponent to report, discuss and review performance in the implementation of the EMP'r, this to be a standing point on the monthly meeting agenda;*
- *Communicate and provide information regarding the implementation of the EMP'r with the workers / contractor when needed;*
- *Maintain a register of the dates and times and discussion with project team and various specialists when on site;*
- *Communicate all aspects of the EMP'r to the site staff prior to commencement of any activity that has the potential to cause environmental impact;*
- *Provide basic environmental awareness training;*
- *Undertake a final audit of the site on completion of the project and submit a report to DEA&DP as per conditions of the EA.*
- *Must complete the following reports and records (a) site instructions, (b) emergency preparedness and response procedures, (c) incident reports, (d) training records, (e) site inspection reports, (f) work procedures, (g) monitoring reports, (h) auditing reports and (i) complaints received. These records should be kept for at least two years after completion of the project.*

9.3 Project Manager

Although the Project Manager **(PM)** is responsible for the coordination of various activities during the development, he/she must also perform key duties to implement the EMP'r. The PM must delegate the implementation of the EMP'r to the contractors and staff to ensure compliance and must monitor performance from info received from the Environmental Control Officer's monthly reports. In the case of the Katkop Resort, the applicant will also be the project manager for the duties as mentioned above.

9.4 Contractors and services providers

The contractors shall be responsible for ensuring that all activities on site are undertaken in accordance with the environmental provisions detailed in this EMP'r and the EA – and must ensure that sub-contractors and their staff are duly informed of their roles and responsibilities in this regard.

The contractors have a duty to demonstrate respect and care for the environment in which they are operating and will be responsible for the cost of rehabilitation of any environmental damage that may result from non-compliance with any environmental regulations. A contract document between the Project Proponent and the contractor will reflect this responsibility and shall include penalties for non-compliance with the provisions of this EMP'r and the EA. The EMP'r must be included in all contractual agreements as an attachment.

10. Administration

10.1 Location of the EMP'r

This EMP'r will be a dynamic document and once approved by DEA&DP, may change over time when more information becomes available. However, any substantial changes will be communicated to DEA&DP for acceptance before any such changes are implemented. A copy of the EMP'r will be available at the property offices at all times.

10.2 Site Meetings

The ECO shall attend the progress and/or site meetings on a monthly basis to provide feedback on any outstanding or contentious environmental issues. The ECO must ensure that environmental issues are a standing point on the agenda during these meetings and must keep records of these meetings.

10.3 Failure to comply with the Environmental Considerations

This EMPr shall be binding on all the parties involved in this development and shall be enforceable at all phases within the project. Work shall at all times be approached with due concern to the conservation of the local natural environment. Management and site procedures shall be directed towards minimising environmental impact and / or damage in all aspects of the work.

The ECO may order the Project Proponent and or the Project Manager to suspend part or all of the work if the contractors / workers cause damage to the environment by not adhering to the conditions and specifications set. The suspension will be enforced until such time as the offending parties' actions, procedure and/or equipment are corrected.

Failure to show adequate consideration to the environmental aspects of the EMP'r as well as the conditions of approval by DEA&DP will result in the suspension of all work until such time as the offending actions or procedures are corrected. No extension of time will be granted for such delays and all costs will be borne by the project proponent. **Please see Appendix 3 – Fines and penalties.**

10.4 Legislative requirements

In order to meet all the legislative requirements for this development, the project proponent must ensure that all the necessary permits and approvals are obtained, this to include the EA, the EMP'r and the WULA. These approvals must be on record as hard copies and compliance monitored by the ECO.

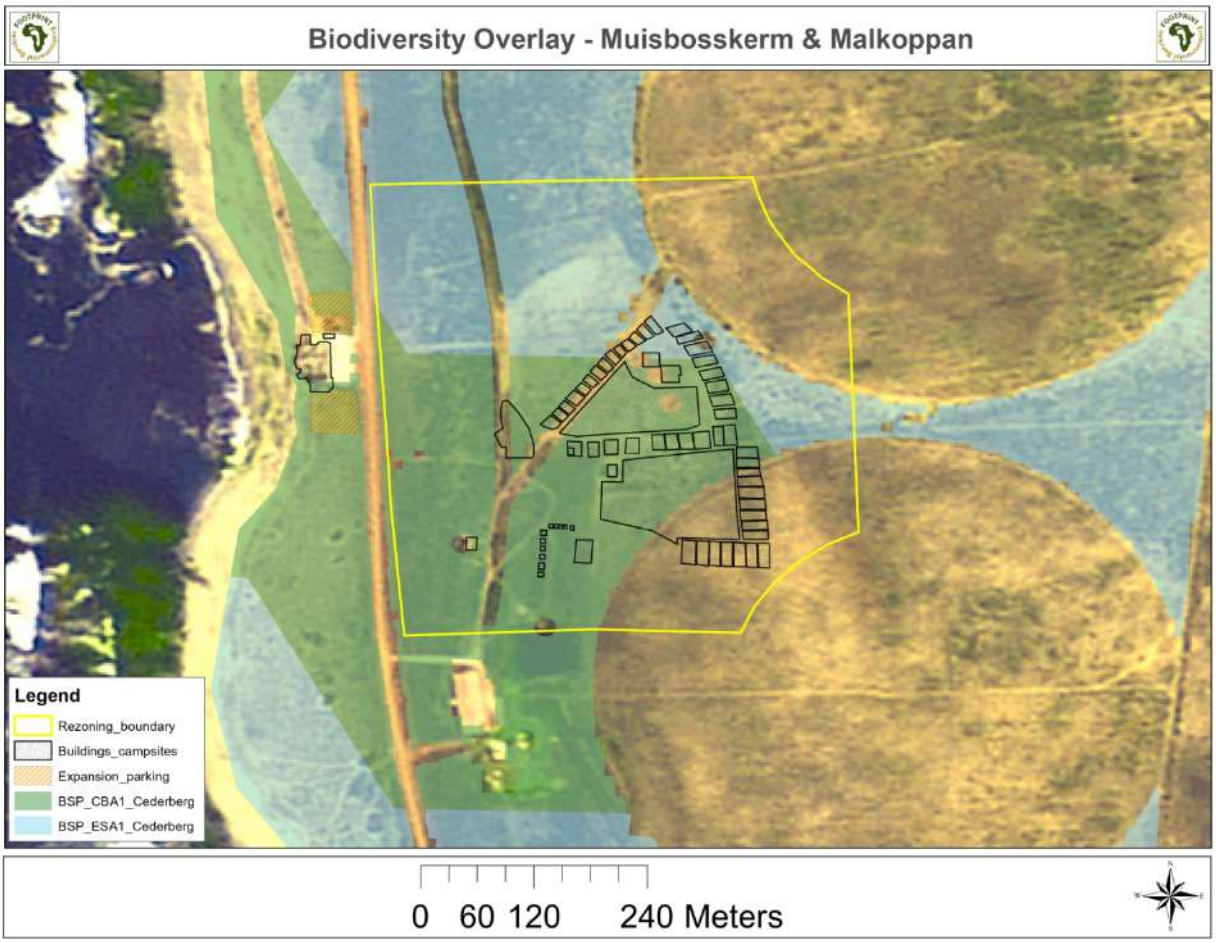
SECTION D : PLANNING AND DESIGN

11. Planning and design

The planning and design of all the facilities was completed between 2009 and 2019 and was therefore completed before undertaking the Section 24G Application. However the construction of the BioSub™ Sewage Treatment Plant has not commenced. This new treatment facility will entail the establishment of five pump stations, a sewer pipeline, while ±5 Ha will be used for irrigation using manual drag lines and impact sprayers. Its installation is required to upgrade and provide sufficient capacity for the facilities to treat effluent and sewerage.

12. "No go" areas

All areas that will be outside the development footprint should be demarcated as "no go" areas and any possible impacts should be avoided at all time during the project lifespan. The project proponent will be responsible for oversight of this condition and this monitoring action must be maintained for the full time-span of the project. **See Map 2 and 3. Site development plan and Site development plan overlay with CBA and ESA.**



Map 3 – Site development plan overlay with CBA and ESA.

13. Method statements

Method statements which are a written submission by the Contractor in response to an environmental specification / request by the Project Manager setting out a plan, materials, labour and methods that the Contractor will use to complete a specific activity. Failure to submit a method statement may result in suspension of the activity concerned until such time as a method statement has been submitted and approved.

Specific areas that will need method statements are;

- *Identification and demarcation of the "No go" areas*
- *Handling of spills and*
- *Waste management.*

SECTION E : SOCIAL RESPONSIBILITY PROGRAMME

14. Local employment and business opportunities

The key objective, for the proponent in terms of the social responsibility programme at Malkoppan and Muisbosskerm will be ensuring that opportunities and benefits associated with the development will create local employment (women should get preference), catalyse the establishment of local businesses and that it will improve capacity building – this should ensure growth in the local economy.

In order to ensure growth in the local economy the following actions will be implemented;

- *Preference to local service providers who are suitably qualified to undertake the civil works associated with the proposed development*
- *Reserve a set number of jobs for local labour.*
- *Facilitate mechanisms to enable these local people to access these employment opportunities.*
- *Enhance formal and informal skills transfer by implementing a training and skills development programme to enhance opportunities for local HDI's in the construction and maintenance sectors - This to be achieved through structured job shadowing.*
- *Where practically possible reserve a set number of jobs for young women.*
- *Facilitate mechanisms to enable women to access these employment opportunities.*
- *Ensure equity in remuneration for men and women doing the same job.*
- *Ensure that young women gain equal access to training and education opportunities to improve skills.*

This will be an ongoing process and records of service contracts must be kept on file as part of the environmental reporting.

SECTION F : PLANNING, DESIGN AND DEVELOPMENT PHASE

It must be noted that the entire development, except the proposed construction of a BioSub™ Sewage Treatment Plant and associated infrastructure, was completed prior to the initiation of the Section 24G application process. Therefore these impacts had already occurred and cannot be mitigated. Therefore the following recommendations must be implemented during the construction phase of the sewerage system.

15. Environmental awareness training

In order to achieve environmental management goals and objectives it is important that project proponent, project manager and other services providers are aware of their responsibility towards environmental legislation, the conditions of the EA and the content of this EMPr. The project proponent must ensure that his staff are well informed about their responsibilities and must at all times ensure that they obey these provisions. This activity will be repeated when new staff members are employed.

All employees must attend an environmental awareness training session presented by the ECO. This must include information on the key environmental features, the project's environmental requirements, possible environmental impacts, the do's and don'ts, the no go areas, waste management, prevention of pollution, handling and storage of hazardous liquids. This must be held within the first week of the approval date of the EA. Thereafter regular training sessions should be arranged to improve awareness levels as and when required.

This will be an ongoing effort and attendance records and topics discussed must be filed for record and monthly auditing purposes.

16. The development footprint

The specialist botanical study found four (4) species listed as Species of Conservation Concern (SANBI Red list) and most of the remaining natural vegetation is sensitive (status Vulnerable) and regarded as either a Critical Biodiversity Area or Ecological Support Area. For this reason, the intact natural vegetation should be regarded as highly sensitive as indicated in the botanical study. The medium sensitive areas are the two centre pivot areas to the north and south that overlap with rezoning footprint. The developed areas at Muisbosskerm and Malkoppan have a low sensitivity due to the lack of natural vegetation. In order to minimise any environmental impacts the project proponent must ensure that the development footprint avoids high and medium sensitivity areas and to keep the development footprint within its the existing size (Van der Walt 2021).

In order to keep to the smallest possible footprint, the following must be implemented;

- *Demarcate "no go areas" specifically all the intact natural vegetation areas that should be regarded as "no go" areas;*
- *No impacts (driving, trampling or any other disturbance) must be allowed in the remainder of the site and in the "no go" areas;*
- *Implement management guidelines to mitigate impacts outside the footprint (rezoning area);*
- *Maintenance measures including adequate drainage and side drains, dust control and restriction of edge use and*
- *Prevent any pollution.*

16.1 Reducing impacts outside the development footprint

All activities must be kept within the approved layout (area for rezoning) to minimise any environmental impacts outside the development footprint, See Map 4. In order to keep to the smallest possible footprint, the following actions and activities must be implemented by the project proponent:

- *Strictly adhering to established boundaries for the tourism and associated infrastructure, preventing disturbance outside these areas by vehicles or by tourists;*
- *No infrastructure may be developed / established on coastal public property or within the littoral active zone;*
- *Vehicle access to the coastal zone west of the R365 Provincial Road should be limited to the fenced off parking area at the Muisbosskerm and all other roads within this coastal zone should be signposted and closed.*
- *Demarcate "no go areas" specifically the high to medium sensitive areas;*
- *No impacts (driving, trampling or any other disturbance) must be allowed in the remainder of the site and in "no go" areas;*
- *Implement activities to mitigate impacts outside the footprint such as strict visitor control access;*
- *Monitor any impacts outside the development footprint;*
- *Implement effective maintenance programmes that includes adequate drainage and side drains of access roads, alien invasive plant clearing, restriction of edge impacts, waste management and recycling programmes, visitor control and fire management interventions.*

The ECO will be responsible for monitoring compliance during his/her site inspection audits on a monthly basis. These monthly audit reports and non-compliance issues and recommendations discussed with the Project Manager and must be kept on file.

17. Mitigation of planning, design and development impacts

17.1 Impacts on Geographical and physical aspects

To prevent the loss of soil resulting from wind erosion, standards for good practices and actions must be implemented by the project proponent to ensure that effective substrate conservation is achieved. This will include activities and action such as;

- *Strictly enforce no-go areas such as the high sensitivity areas and the dune system;*
- *Ensure that any erosion that is noted during monitoring is immediately addressed and the area rehabilitated;*
- *Chipping the bulky remains of the cleared alien invasive plant species, when needed;*
- *Stabilise eroded areas with mulched or composted vegetation, geotextile or when gullies have formed with appropriately sized gabion structures. Importantly these areas must be monitored for colonisation by invasive alien plants, these must be removed immediately once detected;*
- *Ensure that these areas are well protected and that no further disturbance occurs within them by fencing them out until fully recovered.*

Any signs of erosion detected by the ECO during monthly ECO audits must be reported to the project proponent. Records of these reports, site photographs and actions to mitigate impacts must be kept on file. The success of management interventions must be monitored on a monthly basis using fixed point photographic records. All photographic material must be kept on file for reporting purposes.

17.2 Impacts on Terrestrial aspects

As the facility is located in what was once natural vegetation it has resulted in a permanent loss of the extant vegetation. The consequence is the primarily loss of biodiversity pattern through the loss of species and populations of species both floral and invertebrate faunal assemblages associated with the particular ecosystem. However indigenous species are resilient and present in large numbers in the surrounding extant vegetation.

To prevent any further impacts on the remaining natural vegetation the following recommendations must be implemented:

- *Keep all development within the approved site layout;*
- *Enforce strict access control in "no go" areas;*
- *Prevent disturbance to natural areas;*
- *Preventing people from entering remaining natural and or high sensitivity areas;*
- *Under no circumstances should vehicles and or construction staff be allowed to cross over natural vegetation and or high sensitivity areas;*
- *No open fires are allowed in natural areas and*
- *Management of people should be well controlled to ensure that the natural areas are not trampled or over utilised.*

Any signs of trampling and transgressing in the natural vegetation and high sensitivty areas should be detected by the ECO during monthly ECO audits must be reported to the project proponent. Records of these reports, site photographs and actions to mitigate impacts must be kept on file. The success of management interventions must be monitored on a monthly basis using fixed point photographic records. All photographic material must be kept on file for reporting purposes.

17.3 Impacts caused by alien invasive species

The site has one listed invasive alien plant species present i.e. Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning.

If this species establishes itself in natural areas outside the demarcated area it must immediately be removed. The ECO must ensure compliance during his monthly visits to the site. These monthly audit reports and non-compliance issues discussed with the Project Proponent must be kept on file.

17.4 Impacts on heritage resources

Impacts on cultural heritage are Very High at the site scale resulting from the permanent loss and / or damage to archaeological heritage sites on the property (CTS 2021).

Required mitigation measures for heritage resources include the following

- In the event that excavations and earthmoving activities expose significant archaeological or heritage resources, such activities must stop and Heritage Western Cape must be notified immediately.
- If significant archaeological or heritage resources are exposed during construction activities, then they must be dealt with in accordance with the National Heritage Resources Act (No. 25 of 1999) and at the expense of the developer.
- In the event of exposing human remains during construction, the matter will fall into the domain of the South African Heritage Resources Agency and will require a professional archaeologist to undertake mitigation if needed. Such work will also be at the expense of the developer.

Additional heritage recommendations include:

A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property.

This management plan must include the following stipulations:

A conservation management plan and heritage agreement with HWC must be drafted at the landowners expense for the ongoing conservation and management of all the sites of heritage significance on the property. This management plan must include the following stipulations:

a) That all new development must receive the required approvals at Heritage Western Cape.
b) That new development should not be permitted along the coastal side of the road.
c) In addition to agricultural activity, only tourist, camping, restaurant and related uses are permitted at the site, including temporary uses such as markets and music performances.
d) That landscaping must be introduced around the existing structures, to provide shade and to mitigate visual impacts from the roadway.
e) Clear roles and responsibilities in terms of the ongoing conservation and protection of significant shell midden resources.

The ECO must ensure that the agreed and endorsed heritage conservation management plan is available on site and that the recommendations contained therein are adhered to. Any non-compliance incidents must be reported to Heritage Western Cape. This must form part of the monthly audit report.

17.5 Impacts on socio-economic aspects

Temporary construction employment would have been available during the construction phase and the benefit to the local community would have extended to local business for material purchases and appliance installations. For the construction phase of the of a BioSub™ Sewage Treatment Plant the applicant should adhere to the recommendations in Section 14.

The applicant must file all contracts and attendance registers for permanent and or temporary staff on site. The ECO must ensure that these records are available on site.

17.6 Noise impacts

Noise impacts are associated with the presence of people working on the property, however this impact is very low due to the isolation of the property. Furthermore noise impacts associated with an agricultural business is generic across most properties in the region. No management intervention is needed.

17.7 Visual impacts / sense of place

The removal of natural vegetation and its replacement at the restaurant, the camping facility and associated infrastructure does constitute potential visual impact. However the impact is low because of the agricultural landscape and the presence of similar facilities on some neighbouring properties. At closer quarters the camping area and the chalet are screened to some extent by the topography. Importantly in adherence to recommendations by the Heritage Specialists landscaping / vegetation shielding must be introduced around the existing structures, to provide shade and further mitigate visual impacts from the roadway.

This must be monitored by the ECO during monthly ECO audits.

17.8 Impacts on visual aspects / Glare and reflection

It is probable that some daytime glare and reflection of sunlight may occur from the buildings and vehicles and will remain permanent as long as the facility remains operational. Much of the mitigation that could have been undertaken cannot be undertaken currently as the facility is already in existence. Some mitigation measures are however recommended for the operational phase.

17.9 Impacts on visual aspects / Visual scarring

Visual scarring has occurred during the construction period and this should be further minimised during the operational phase. This is an impact that will remain until the development footprint is fully rehabilitated and well screened off. The project proponent should implement the following actions and activities to mitigate this impact during the construction of the sewerage system.

- *Careful environmental management measures should be enacted to prevent damage to surrounding natural by limiting access to these areas;*
- *Dust control measures should be put in place;*

- *The use of heavy machinery should be minimised as far as is practically possible to prevent scarring and erosion of the site, cut and fill operations should be minimized and*
- *Minimise the area impacted for trenching and the reticulation of the bulk lines on the sewerage system.*

These mitigation activities will be monitored by the ECO during his/her site inspection audits on a monthly basis. These monthly audit reports and non-compliance issues must be discussed with the Project Manager and kept on file.

17.10 Impacts caused by Off Road Vehicles (ORV)

The illegal use of ORV on the section of natural veld between the high water mark and the R365 is causing environmental impacts on the natural vegetation and accelerates impacts associated with wind erosion above normal background thresholds. Below are the key recommendations to be implemented with immediate effect by the applicant;

- *Demarcate the parking area at Muisbosskerm (western side of the parking area) with a permanent fixed wooden fence – to prevent vehicles from driving around the existing fence to gain access to these sensitive areas.*
- *Pedestrian access to the coastline must remain and be continually maintained;*
- *Remove the two gates currently located in the parking area at Muisbosskerm, concrete two additional poles to close the gap and fence the gap in order to ensure the clear demarcation of the entire parking area at Muisbosskerm;*
- *Erect signage that prohibits driving on this section of the property;*
- *Regular maintenance on the fencing is needed and all maintenance must be done immediately;*
- *Maintain the 12m extension of this fence line down towards the beach to prevent access to vehicles driven around the ocean side of the existing fence line;*
- *The landowner must monitor any illegal driving in these areas on a daily basis during the peak holidays and repair damaged infrastructure immediately when detected and*
- *All other access points on the property from the R365 to this section of coastline must remain locked at all times, excluding pedestrian access which must be permitted.*

17.11 Impacts caused on the littoral active zone

The coastal vulnerability assessment makes it clear that structures that have been placed in proximity to the high-water mark, within the littoral active zone will potentially be impacted by salt-laden winds, moist air, and high swells and at risk of dynamic coastal processes. In terms of the climate vulnerability index, this site is classified within medium to high flood risk and long-term erosion risk parameters. This potentially places this site at risk of climate change impacts that brings about sea-level rise, storm surges, and spring tides which lead to erosion and encroachment of the HWM onto land.

In order to mitigate these impacts the applicant must ensure that the following recommendations must be implemented;

- *Remove the seating area extending into the sea, which is inclusive of wooden chairs and table, roof structure and refuse bins;*
- *Remove the Braai area, braai utensils, and associated infrastructure (blue refuse bin, black containers) situated on the eastern portion of Muisbosskerm;*
- *Retain the wooden rods used as roof structure;*

- *Explore alternatives to the permanent seating area e.g. replace with temporary options that can be moved when needed;*
- *Retain ablution rooms situated on the eastern portion of the property;*
- *Retain shipwreck and constructed retaining wall to protect the property;*
- *All braai activities should be limited to the restaurant/farm footprint and not extend into the coastal area;*
- *No infrastructure may be developed / established on coastal public property or within the littoral active zone;*
- *The staff/contractor used to remove the unlawful structures is not allowed to overnight / camp on site while removing these structures, and;*
- *It is further recommended that the work undertaken to remove the unlawful infrastructure and the rehabilitation of these areas be scheduled outside the peak holidays to avoid any disruption or restrictions that may result where the public is seeking access to the beach below the high water mark.*

18. Monitoring and evaluation

A photographic record of the site and its immediate surrounds must be kept as part of the EMP'r to serve as a baseline for measurement of all future visual impacts and as an aid to the full rehabilitation of the site should the facility be decommissioned in the future.

Monitoring must also identify other impacts that may cause significant environmental impacts for which corrective actions should be developed and implemented. The frequency of monitoring will be determined by the E.A. It is recommended that monitoring is undertaken once a quarter i.e. every 3 months.

The ECO will be responsible for the monitoring and evaluation of activities and will include the following;

- *Compliance to the environmental specifications;*
- *Develop and implement appropriate interventions to address non-compliance;*
- *Develop and implement interventions to address environmental degradation;*
- *Ensure adequate record keeping relating to environmental compliance is in place;*
- *Ensure communication channels to authorities and stakeholders are open and transparent* and
- *Ensure that the contractor adheres to the method statements.*

******** **See Appendix 2 – Environmental audit report and Appendix 3 – Fines and penalties.**

Based on these the ECO will report to the Project manager and will use Non-compliance-, Monitoring- and the Final Audit reports. The Non-compliance Report describes the non-compliance issues by the contractor, will contain fines and penalties and will prescribe actions and activities that should be implemented to rectify the non-compliance activity. The Monitoring Report will be compiled on a monthly basis and submitted to DEA&DP as part of the Completion Report. The Final Audit report must be submitted to DEA&DP when the construction phase is completed. This report should contain a date, details of the auditor and outcome of the audit in terms of compliance with the EA and this EMP'r.

SECTION G: OPERATIONAL PHASE

The operational management at the Malkoppan and Muisbosskerm, will focus on minimising impacts caused by the following:

- *The development footprint;*
- *Minimise impact on the socio-economic aspects;*
- *Minimise visual impacts;*
- *Visitor management to avoid impacts caused by visitors (noise, waste generation and management, visitor control, access control, behaviour management and monitoring of impacts) and*
- *The implementation of effective maintenance programmes and the rehabilitation of the areas where the infrastructure has been removed, and;*
- *The conservation of heritage resources in full adherence of the Heritage Management Plan.*

It is further recommended that an ECO should be responsible for ensuring compliance every six months for the three years after receiving the environmental authorisation. This should be in an audit format and these findings should be kept on file at the site and submitted to DEA&DP annually for the duration of this period of compliance monitoring.

19. The development footprint

The property is 139, 0331 ha's in size, mostly covered with natural vegetation typical to this vegetation unit (much of this areas slowly rehabilitating from agricultural production circles). At approx. 4,9 ha's the development represents the transformation of 0.5% of the total property area. The following key recommendations should be implemented to minimise impacts caused by the development:

19.1 Minimise impacts on geographical and physical aspects

Alteration of run-off characteristics may be caused by the development during the operational phase that are related to land surface disturbance, the creation of hardened surfaces, the diversion of water parallel to roads or within the hollowed out road surface and vegetation removal. Erosion may cause a loss and deterioration of soil resources over the operational lifetime of the proposed development if not managed and mitigated correctly. Therefore the following recommendations should be implemented.

Ensure that erosion controls as outlined in this EMPr are implemented and maintained continuously.

- *Regular monitoring of the site for signs of sheet and gulley erosion would be the most effective mitigatory measure. In instance where accelerated levels of erosion are occurring, repairing faulty mitigation measures should this be the cause, stabilizing these areas either with natural vegetation, geo-textiles / nets and or with basket gabion structures could mitigate further soil loss and gulley erosion;*
- *Establishment of vegetative cover at the campsites and communal areas;*
- *Ensure that the access roads are continually maintained to prevent erosion in line with the recommendations for erosion control ;*
- *Strictly enforce no-go areas such as the high sensitivity areas (particularly areas under rehabilitation) and the dune system and ensure that these no-go areas are respected by visitors at all times (See Map 2);*
- *Ensure that any erosion that is noted during monitoring is immediately addressed and the area rehabilitated and*
- *Chipping the more bulky remains of the cleared alien invasive plant species, when needed.*

Compliance with these practices will be evaluated by the ECO in his/her site inspection audits. These reports must be undertaken every six months and non-compliance issues and recommendations discussed with the Project Manager. All

reports must be kept on file on the property and submitted to DEA&DP in accordance with the Competent Authorities requirements.

19.2 Minimise impacts on terrestrial aspects

The following actions and activities must be implemented by the project proponent to mitigate impacts on the terrestrial biological values:

- *Keep all development within the approved site layout;*
- *Enforce strict access control in no go areas;*
- *Prevent over utilisation of natural areas;*
- *Erosion control measures must be implemented when needed;*
- *Prevent accidental runaway wildfires;*
- *Vehicle and human traffic must be kept on existing roads no off-road / trail driving/walking is allowed;*
- *No hunting and or gathering of any plant or vertebrate species will be allowed, and;*
- *All vehicle access roads and hiking trails must be signposted, demarcated and maintained.*

Compliance with these practices will be evaluated by the ECO his/her site inspection audits. These reports must be undertaken every six months and non-compliance issues and recommendations discussed with the Project Manager. All reports must be kept on file on the property and submitted to DEA&DP in accordance with the Competent Authorities requirements.

19.3 Facilitate the rehabilitation process in remaining natural areas

The following are key interventions requiring implementation to facilitate and enhance the rehabilitation process in the remaining natural areas, that is outside the rezoning area:

- *Demarcate the rehabilitation areas appropriately and manage these areas as "no go" areas;*
- *Passive rehabilitation is likely to return good results as these areas are in close proximity of the natural vegetation that will act as a seed resource;*
- *Prevent any further impacts such as trampling and other impacts caused by visitors in these areas;*
- *Avoidance of these sites can be done using awareness signs or by the physical closure thereof;*
- *Prevent the establishment of alien invasive plant species –invasive species should be immediately removed should they colonise in the remaining natural area;*
- *Minimising the impact of edge effects through the implementation of visitor controls and use of these areas and*
- *The implementation of waste management activities.*

Compliance with these practices will be evaluated by the ECO his/her site inspection audits. These reports must be undertaken every six months and non-compliance issues and recommendations discussed with the Project Manager. All reports must be kept on file on the property and submitted to DEA&DP in accordance with the Competent Authorities requirements.

19.4 Rehabilitation of the littoral active zone

The infrastructure described under section 17.11 must be removed from the littoral active zone in such a way that this activity will facilitate the rehabilitation process of these areas and to prevent any further impacts within this zone.

- *The appointed ECO must provide environmental awareness training to staff that will be responsible for removing these materials;*
- *Remove materials as identified – materials must be removed from the site or re-used elsewhere on the property – no materials may be buried, burned or left within the littoral active zone;*
- *No driving and or machines may be used within the littoral active zone to remove or to transport materials;*
- *Staff may not overnight within the area;*
- *Public access to the coast must be retained and open at all times.*

Once removed the applicant must initiate the rehabilitation process

- *Slope the affected area to the same level as adjacent areas;*
- *Remove hardened top-soil to the level of the original substrate – no driving and use of machinery will be allowed in the littoral active zone;*
- *Cover the affected area with a bio-degradable geotextile net;*
- *Plant cuttings of Elymus distichus (Sea wheat);*
- *Water these cuttings on a weekly basis until they are fully established;*
- *Maintain the demarcation material for the entire rehabilitation process;*
- *No access by visitors must be allowed within the demarcated area;*
- *Monitor rehabilitation success with a fixed point photographic record on a monthly basis and provide this record to the ECO.*

The ECO must ensure compliance during his six monthly site visits and the rehabilitation process must be monitored using fixed point photographs that should be taken on one month's intervals. The outcomes of these audits must be discussed with the Project manager. All reports must be kept on file on the property and submitted to DEA&DP in accordance with the Competent Authorities requirements.

19.5 Alien Invasive Plant Species Management

The site has listed invasive alien plant species present i.e. Manatoka. However this species is used all along the west coast as a windrow and there is little evidence that it is invasive within this region. However should it become invasive and if left unchecked these species will increase and physically supplant indigenous species with the associated negative impacts on ecosystem processes and functioning. If individual plants are detected in the natural areas outside the demarcated rezoning area – they must be removed immediately. This will be the responsibility of the project proponent in order to comply with NEMBA.

Compliance with these practices will be evaluated by the ECO in his/her site inspection audits. These reports must be undertaken every six months and non-compliance issues and recommendations discussed with the Project Manager. All reports must be kept on file on the property and submitted to DEA&DP in accordance with the Competent Authorities requirements.

19.6 Implementation of Heritage Management Plan

Ensure that recommendations and the conditions of the Heritage Management Plan and the agreement with Heritage Western Cape are adhered to at all times. The agreement with Heritage and the Draft Conservation Management Plan must be submitted to HWC before the 31st March 2023. If reports of compliance are needed these must be submitted to Heritage Western Cape within the required timeframes.

This will be the responsibility of the applicant and the ECO must ensure ccompliance with these practices for the duration of his/her appointment. Compliance will be evaluated by the ECO in his/her site inspection audits.

20. Minimise impact on socio-economical aspects

20.1 Employment

This impact is high as the operational phase permanent employment opportunities will be created and the commercial opportunity for owners will be maintained. However it is important to ensure that people from the local community are employed at this facility to provide services such as maintenance, cleaning and bedding. Special attention should be given to women from the unskilled and semi-skilled sector. See Section 14 of this EMPR. The applicant must keep record of all employment statistics.

20.2 Criminality, vandalism and theft

Vandalism, destruction and theft can impact on the owners and employed staff's lives, economic well-being and could potentially drain the owners maintenance budget. Therefore adequate security measures would include access control, stock taking, law enforcement and the deployment of visible security staff when needed to curb vandalism or criminality.

21. Minimise visual impacts

21.1 Sense of place

The removal of natural vegetation and its replacement by accommodation facilities and associated infrastructure does constitute visual impact. This impact will remain permanent as long as the facility remains operational. Much of the mitigation that could have been undertaken cannot be implemented as the development and associated infrastructure is already in existence.

However the following mitigation measures should be implemented to mitigate possible impacts on visual and the sense of place values:

- *Retention of the natural vegetation adjacent to the facilities;*
- *Screening using indigenous trees will screen off the facilities and mitigating visual impacts to a great degree;*
- *Ensure that passive rehabilitation in the high sensitivity areas are aligned to recommendations made in this EMPr;*
- *The maintenance of the integrity and health of the internal and adjacent natural vegetation would further serve to mitigate impacts and*
- *The active removal of alien invasive plant species that are spreading outside the development footprint.*

Compliance with these recommendations will be evaluated during the ECO in his/her site inspection audits. These reports must be completed every six months for three years and non-compliance issues and recommendations discussed with the project proponent and kept on file as proof of compliance and submitted to DEA&DP in accordance with the Competent Authorities requirements

21.2 Glare and reflection

It is probable that some daytime glare and reflection of sunlight may occur from buildings and vehicles and will remain permanent as long as the facility remains operational. Much of the mitigation that could have been undertaken cannot be undertaken currently as the facility is already in existence. Some mitigation measures are recommended for the operational phase.

- *Painting the buildings and roofs in muted non-reflective colours that blend with the surrounds;*
- *Retention of the natural vegetation adjacent to the development;*
- *Screening using indigenous trees will screen off the facilities will further mitigating visual impacts to a great degree;*
- *Maintenance of the integrity, health of the intervening adjacent natural vegetation the prevention of impacts to occur in these areas would serve to mitigate impacts and*

Compliance with these practices will be evaluated by the ECO in his/her site inspection audits. These reports must be undertaken every six months and non-compliance issues and recommendations discussed with the Project Manager. All reports must be kept on file on the property of compliance and submitted to DEA&DP in accordance with the Competent Authorities requirements.

21.3 Light pollution

It is highly probable that night time light pollution may occur in terms of buildings and security lighting and will remain permanent as long as the facility remains operational. Much of the mitigation that could have been undertaken cannot be achieved as the facility is already in existence. To mitigate these impacts the following recommendations (landscape architectural and architectural guidelines) should be investigated and where possible implemented by the project proponent:

Mitigation Measures- Landscape Architectural Guidelines:

- *Neon security lights may not be used;*
- *Along the site boundary, lighting should be permitted at the entrance gateways only – but not along the length of the access road or along the boundary and*
- *To preserve the rural quality, the access road must to remain unlit.*

Mitigation Measures- Architectural Guidelines:

- *Avoid light 'pollution' by reducing lighting to the minimum necessary;*
- *Lighting is to be discrete, and well-integrated into the buildings;*
- *Use only low-wattage bulbs lights with a warm white illumination to minimise light pollution;*
- *Lights should feature a bulb with a hood, which enables light to be channelled down towards the ground, reducing wasted light;*
- *Lighting is to be discrete, and well-integrated into the buildings;*
- *Up-lightning onto the outer sides of the buildings may not be used and*

Compliance with these recommendations will be evaluated during the ECO in his/her site inspection audits. These reports must be completed every six months for three years and non-compliance issues and recommendations discussed with the project proponent and kept on file as proof of compliance and submitted to DEA&DP in accordance with the Competent Authorities requirements.

22. Management of visitors

Management to avoid impacts caused by visitors (noise, waste generation and management, visitor control, access control, behaviour management and monitoring of impacts) are important aspects that the project proponent must implement to avoid impacts associated by the use of the natural resource on the property.

- *Control visitor numbers;*
- *Develop, print and distribute an information booklet for the facility that includes the rules of using the facility – this to pro-actively prevent negative impacts;*
- *Erect awareness signs at strategic points;*
- *Increase awareness levels of the recycling programmes implemented at the facility;*
- *Monitor impacts caused by visitors and implement preventative actions to avoid and mitigate possible impacts, and;*
- *Implement active law enforcement actions when needed and*
- *Vehicle access in the coastal area should be prevented by closing all vehicle access roads, except for the access road that leads to the Muisbosskerm.*

Compliance with these recommendations will be evaluated during the ECO his/her site inspection audits. These reports must be completed every six months for three years and non-compliance issues and recommendations discussed with the project proponent and kept on file as proof of compliance and submitted to DEA&DP in accordance with the Competent Authorities requirements.

23. Waste management

The generation of waste at Muisbosskerm and at the Malkoppan Campsite and the lack of adequate waste management programmes may cause pollution but can additionally cause other negative environmental impacts. Therefore the landowners must ensure that the following recommendations are implemented:

- *Regular cleaning up programmes to keep the site clean and tidy at all times;*
- *Implement a basic recycling programme to separate organics, metal, glass and plastic;*
- *During peak season all waste must be regularly removed from the sites and feed into the Cederberg Municipal waste management site;*
- *All waste bins provided must have a closed-off lid to prevent scavenging by birds and animals;*
- *No waste must be dumped, burned and or buried on site;*

Compliance with these practices will be evaluated by the ECO in his/her site inspection audits. These reports must be undertaken every six months and non-compliance issues and recommendations discussed with the Project Manager. All reports must be kept on file on the property of compliance and submitted to DEA&DP in accordance with the Competent Authorities requirements.

24. Implementation of effective maintenance programmes

The bad or the lack of the implementation of an effective maintenance programme is the main cause for impacts on the environment and the inefficient use of financial resources. The project proponent must ensure that the following actions are implemented regularly to avoid impacts;

The following activities must be implemented:

- *Regular maintenance of demarcation materials (fences and wooden poles) at the parking area at Muisbosskerm;*
- *Regular maintenance of all services infrastructure;*
- *Gardening services to maintain landscape features and view sheds;*
- *The septic tanks should be regularly serviced and should never be allowed to overflow;*
- *Adhere to all maintenance protocol and recommendations of the service provider when using the BioSub™ Sewage Treatment Plant;*
- *Implement security and record keeping programmes that prevent criminality, vandalism and theft.*

Compliance with these activities will be assessed during the ECO in his/her site inspection audits. These reports must be completed *every six months for three years* and non-compliance issues and recommendations discussed with the Project Proponent and kept on file as proof of compliance and submitted to DEA&DP in accordance with the Competent Authorities requirements.

SECTION H : DECOMMISIONING

It is not foreseen or expected that this project will be decommissioned as this is a local and internationally well-known facility that draws local and international clients on their way to Namibia, Namaqualand or visiting the Cederberg and the West Coast.

It is expected that the decommissioning would conceivably impact on the socio-economic well-being and would be primarily negative with loss of economic sustainability of the owner and permanent employment opportunity and associated livelihoods.

However natural systems are inherently difficult to rehabilitate and very seldom can they be fully restored as they are dynamic systems that are not guaranteed to return in the same form and structure as the ecosystem that was originally transformed. This is truer over the long term with climate change. A detailed rehabilitation and restoration plan would need to be developed to deal with site specific interventions in aid of rehabilitation if needed at that time.

Furthermore,if decommissioning is required it should comply with the environmental legislation applicable at that time, keeping the following in mind;

- *Demarcation of the decommissioning site;*
- *Erosion and dust control;*
- *Noise control;*
- *Regular monitoring of the site for signs of sheet and gulley erosion would be the most effective mitigatory measure and*
- *Monitoring of rehabilitation and the removal alien invasive plants.*

SECTION I : CONCLUSION

Primarily our opinion is that the overall nature of the impacts associated with this tourism facility and the restaurant are in the range of medium-low to negligible on the negative side. The exception being the irreversible impacts on the site scale heritage resources. These impacts are moreover of such a nature that they can be efficiently mitigated and managed.

Furthermore, the applicant has instituted many of the management and mitigation measures on own initiative as he is intent on causing minimal damage to the environment and run an eco / adventure accommodation facility for clients who prefer accommodation facilities that are low key, environmentally friendly and have small development footprints. The very success of the business is premised on this profile.

Furthermore, this landuse is a common feature for agricultural properties in the adjacent landscape thus the landuse is aligned to what people resident in the area consider to be normal landuse.

Finally, the opportunity to establish a viable business dependent on non-consumptive resource utilisation (natural feature of a scenic landscape and ocean) and through that secure employment opportunities and livelihoods that are aligned to the strategic forward planning of the local authority would favour the continuation of this activity in the landscape.

SECTION J : REFERENCES

Cedar Tower Services, 2021. Heritgage Screener for the S24G Rectification at, Muisbosskerm Restaurant and the Malkoppan Tourism Facility

Van der Walt, R. 2021. Specialist Botanical Report, Farm 19/92, Steenboksfontein, Lamberts Bay

SECTION K : APPROVAL

_____ _____

Mr. Ian Turner Dated

APPENDIX 1: CURRICULUM VITAE OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS

The following information on the directors of FOOTPRINT Environmental Services clearly indicates that extensive experience and expertise exists within the consultancy to compile Environmental Management Programmes.

Sean Ranger is a certified EAP and holds an Masters in Sustainable Ecological Management the thesis dealing with a Bayesian GIS model for species distributions in the Western Cape. On leaving University he gained eight years experience in Research & Development for Bayer (Pty) Ltd and five years of contractual experience in Stewardship and the varied fields of conservation development & strategic planning, implementation and management and has successfully co-founded and co-managed FOOTPRINT Environmental Services that is now nearing its third year.

He has been very active in the Stewardship Arena for a number of years and was a team member on the first Stewardship Pilot Project that was initiated in 2001/2002 in the Western Cape. He managed the Agter Groenberg Pilot Site one of two pilot sites identified through use of the CAPE Lowlands Fine-scale Conservation Plan. The pilot phase of stewardship was regarded as a highly successful project and produced some of the first Contract Nature Reserves in South Africa. One of them, the Elandsberg Nature Reserve an in perpetuity contract which saw the conservation of significant sections of Critically Endangered Swartland Shale Renosterveld. The experience gained during this period included the use fine scale conservation plans (at that time the CAPE Lowlands Project) to identify priority sites for stewardship interventions, designing pamphlets and presentations on stewardship for the intervention, succeeding in on the ground negotiation with landowners in an agricultural setting for the establishment of stewardship sites, including testing and refining contractual agreements with landowners, assisting with the development of the stewardship database, developing Environmental Management Plans and contributing to the Stewardship Operational Manual for the CapeNature Stewardship program.

From here he joined the Greater Cederberg Biodiversity Corridor (CAPE Landscape Scale Conservation Intervention) as a project manager, an in this capacity used the initial experience gained from the Stewardship Pilot Project to develop a stewardship implementation methodology in a landscape scale conservation intervention context and undertook the development of framework for the engagement of the agricultural sector to mainstream biodiversity conservation. Here the stewardship focus was on the establishment of biodiversity corridors in two key areas, the Sandveld Core Corridor and the Cederberg Core Corridor. The character of these two sites differed dramatically in that the Sandveld Core Corridor is an area that was rapidly transformed for Potato & Rooibos production, while the Cederberg Core Corridor was based within the boundaries of a well established conservancy, the Cederberg Conservancy. Additional experience gained here included developing a strategic approach to stewardship within a broadly focussed landscape initiative, this included the integration of an Area-wide planning process with stewardship, developing and initiating the core corridor concept, developing a corridor database, the development of a 12-step negotiation process for stewardship, refinement of Environmental Management Plans, co-authoring the first drafts of an operational approach to corridor formation, chairing multi-stakeholder task teams (Sandveld Task Team) and later as a Senior Project Manager and as the Acting Co-ordinator of the GCBC exposure to writing of project proposals, sourcing international funding, strategic planning and management and personnel management, budgeting, preparing workplans and action plans etc.

As the owner of Ranger Consulting CC he has contributed to the development of a biodiversity best practices guideline for both the potato and Rooibos tea industries this built on initial experience obtained on the Steering Committee of the Biodiversity and Wine initiative. It included the development of the terms of reference for the consultants and later the development of an implementation strategy for the potato best practices project and the development of an Environmental Management Plan, Project plans and an auditing system. He has been responsible for the piloting and implementation of these guidelines since March 2008 on 35 producer farms. He has authored a Legal Compliance Strategy for the industry that is currently being implemented through an Intergovernmental Task Team.

Charl du Plessis holds a National Diploma and National Higher Diploma in Nature Conservation and has 17 years experience in conservation management on statutory conservation areas as well as on private and communal properties. He was the manager of the Cederberg Wilderness, a World Heritage Site for 12 years. During this time he gained an in depth knowledge of long and short term strategic biodiversity conservation planning, and implementation issues. He compiled various integrated action plans that focus on the implementation of conservation issues with timeframes and budgets. This was not done only for CapeNature but also for private landowners within conservancies. He was also responsible for the management of staff, contractors, management of ecological systems and processes (aliens, fire, footpaths, erosion, water systems and wetlands, rehabilitation and infrastructure development and maintenance as well as research and monitoring) within this Wilderness and surrounding conservancies and communities.

During the 2004 – 2008 he was involved in the Greater Cederberg Biodiversity Corridor acting as a negotiator and establishing a network of privately and communal owned contract nature reserves but was also part of the team that completed the 20 year stewardship strategy for CapeNature in the Greater Cederberg Biodiversity Corridor. The establishment and management of the contract nature reserve also entailed the completion of vision and mission statements, management objectives and action plans, budget allocations and finding co-funding to improve management of these areas. He also establishes the Greater Cederberg Fire Protection Association (GCFPA) and various community based tourism initiates and biodiversity related projects such as the Northern Cederberg Donkey Cart Route and the Algeria Buchu nursery. The Algeria Buchu nursery was established with co-funding that he secured. All these projects were based on Community Based Natural Resource Management (CBNRM) principles. During this period he was also responsible for the supervision of an international funded RARE education and awareness campaign in the Cederberg region that focus on conservation education and awareness.

Over the last couple of years, FES have produce various reports such as the Bergrivier Municipality LAB Biodiversity Report (2010), Biodiversity Assessments, Various basic assessments and Scoping Environmental impact processes. Risk Mitigation Plans for Agricultural producers including aspects like accreditation, erosion control, rehabilitation and monitoring, Fire Management Plans, Integrated Fire and Invasive Alien Plant species Clearing Plans, Area-wide Planning for the Nieuwoudtville Plateau, Erosion and Footpath Management Plan for the Groot - Winterhoek World heritage Site and a Environmental management Plan for Rooibos Limited and various licence arrangements for landowners - ***Please visit www.footprintservices.co.za***

ENVIRONMENTAL MANAGEMENT PROGRAMME AUDIT CHECKLIST

Project name: Malkoppan and Muisboskerm	Date: _____/_____/20___
Name of the Auditor:	Landowner Representative:

	AUDIT QUESTION	YES	NO	ACTION	COMMENTS
METHOD STATEMENTS					
1	Are all method statements developed and signed of				
2	Are all actions described in the method statement implemented				
SOCIAL RESPONSIBILITY					
3	Are local contractors and workers employed				
4	Are women employed				
5	Are training and capacity building programmes in place				
6	Are women and men doing the same job equally remunerated.				
ENVIRONMENTAL AWARENESS					
7	Are environmental awareness programmes developed and implemented				

8	Did all the contractors and employers attend awareness training sessions				
DEVELOPMENT PHASE					
9	Is the footprint demarcated				
10	Are the no go areas fenced off				
11	Have construction activities remained within the designated working areas?				
12	Were all construction materials stored in the appropriate designated area?				
13	Have all decommissioned materials been removed from site?				
14	Have all surplus materials from the excavation site been removed.				
15	Are the footprint within the allocated area and no disturbance visible in “no go” areas.				
SUBSTRATE MANAGEMENT					
16	Is erosion visible				
17	Has the demarcated access route/s been used?				
18	Are these roads effectively managed				
19	Are erosion control mechanisms in place				
20	Are erosion control mechanisms working effectively				
HERITAGE MANAGEMENT					

21	Heritage resource management plan available on site and are recommendation implemented.				
22	Has the contractor followed the prescribed steps to inform the component authority about the exposure.				
VISUAL IMPACT MANAGEMENT					
23	Has disturbance been kept to the minimum				
24	Is there any evidence of new road / pathways being established?				
25	Are complaints from the community adequately resolved?				
STORAGE AND HANDELING OF FUELS AND CHEMICALS					
26	Are steps and mechanisms in place to handled spills?				
27	Are there any visible signs of spillage of oil and /or diesoline				
WASTE MANAGEMENT					
28	Have temporary waste storage areas been identified				
29	Any visible evidence of waste lying around.				
NOISE AND DUST MANAGEMENT					
30	Is a system in place that the community can lodge their complaints				
31	Are these complaints adequately resolved?				
32	Is an effective road maintenance programmes in place.				

33	Are working hours within the limitation according to this EMPr				
GENERAL ASPECTS					
34	Are alien invasive species control effectively implemented.				
35	Are programmes in place to protect natural areas, "no go" areas as well as the frontal dunes?				
36	Are fire prevention and mitigation management actions evident on site?				
37	Visitor control strategies enforce including access to the frontal dune system.				
38	Rehabilitation underway and the success monitored.				
39	Are all infrastructure removed as recommended for the littoral active zone.				
40	Are rehabilitation monitored in this zone				
41	Are fences maintained to prevent the ORV from entering the frontal dunes?				
42	Are the heritage management plan implemented and conditions adhere to.				
43	Are staff employment statistics available and on site.				
44	Are audit reports available on site and kept on file.				
45	Are audit reports submitted to the competent authority.				
46	Overall adherence to this EMPr				

APPENDIX 3: SCHEDULE OF FINES FOR ENVIRONMENTAL DAMAGE OR EMP TRANSGRESSIONS

EMP TRANSGRESSION OR RESULTANT ENVIRONMENTAL DAMAGE	MIN. FINE	MAX. FINE
Failure to comply with prescriptions regarding appointment of an ECO and monitoring of EMP compliance.	R500	R1000
Failure to comply with prescriptions regarding environmental awareness training.	R500	R5000
Failure to comply with prescriptions regarding method statements.	R500	R5000
Failure to report environmental damage or EMP transgressions to the ECO.	R500	R1000
Failure to carry out instructions of the ECO regarding the environment or the EMP.	R500	R1000
Failure to comply with prescriptions posting of emergency numbers.	R500	R5000
Failure to comply with prescriptions regarding a complaints register.	R500	R1000
Failure to comply with prescriptions regarding information boards.	R500	R1000
Failure to comply with prescriptions regarding site demarcation and enforcement of 'no go'	R500	R5000
Failure to comply with prescriptions regarding site clearing.	R500	R5000
Failure to comply with prescriptions for supervision for loading and off loading of delivery vehicles.	R500	R1000
Failure to comply with prescriptions for securing of loads to ensure safe passage of delivery vehicles.	R500	R1000
Failure to comply with prescriptions for the storage of imported materials within a designated	R500	R1000
Failure to comply with prescribed administration, storage or handling of hazardous substances.	R500	R1000
Failure to comply with prescriptions regarding equipment maintenance and storage.	R500	R1000
Failure to comply with fuel storage, refueling, or cleanup prescriptions.	R500	R1000
Failure to comply with prescriptions regarding procedures for emergencies (spillages and fires).	R1000	R5000
Failure to comply with prescriptions regarding construction camp.	R500	R5000
Failure to comply with prescriptions for the use of ablution facilities.	R500	R1000
Failure to comply with prescriptions regarding water provision.	R500	R1000
Failure to comply with prescriptions for the use of designated eating areas, heating source for cooking or presence of fire extinguishers	R500	R1000
Failure to comply with prescriptions regarding fire control.	R500	R5000
Failure to comply with prescriptions for solid waste management.	R500	R5000
Failure to comply with prescriptions regarding road surfacing.	R500	R5000
Failure to comply with prescriptions to prevent water pollution and sedimentation	R500	R5000
Failure to comply with prescriptions to the protection of natural features, flora, fauna and archaeology and palaeontology	R500	R5000
Failure to comply with prescriptions regarding speed limits.	R500	R1000
Failure to comply with prescriptions regarding noise levels of construction activities.	R500	R5000
Failure to comply with prescriptions regarding working hours.	R500	R5000
Failure to comply with prescriptions regarding aesthetics.	R500	R1000
Failure to comply with prescriptions regarding dust control.	R500	R1000
Failure to comply with prescriptions regarding security and access onto private property	R500	R1000
Failure to comply with prescriptions regarding cement and concrete batching	R500	R5000

APPENDIX J – SUPPORTING DOCUMENTS OF COMPLIANCE HISTORY

REFERENCE: 14/1/1/E1/10/3/3/0612/19
ENQUIRIES: Fundiswa Zingitwa-Lwana

BY EMAIL:

Mafutha Trust

info@muisbosskerm.co.za

P.O. Box 26

LAMBERTS BAY

8130

Attention: Mr. Ian Turner

COMPLIANCE NOTICE

Dear Sir

COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998

1. The Department's Pre-Compliance Notice dated 05 June 2020, has reference.

2. Having considered the evidence before me, I, Achmad Bassier, in my capacity as an Environmental Management Inspector Grade 1, hereby issues Mr Ian Turner representing Mafutha Trust with a Compliance Notice in terms of section 31L of the National Environmental Management Act, 1998 ("NEMA").

3. This Compliance Notice relates to non-compliance with the provisions of section 24F of the NEMA. No activity listed in the Environmental Impact Assessment ("EIA") Regulations Listing Notice 1 of 2014 may commence without environmental authorisation from the competent authority.

Details of conduct constituting non-compliance

4. During an investigation into allegations of the commencement of a listed activity in contravention of section 24F of the National Environmental Management Act, 1998 ("NEMA"), a site inspection was conducted at Portion 19 of Farm 92, Steenboksfontein (Muisbosskerm), Malkoppan, Lamberts Bay, by an Environmental Management Inspector from the Department's Directorate: Environmental Law Enforcement on 05 February 2020, and it was confirmed that you have commenced with the placing of material on dunes and/or exposed sand surfaces of more than 10 square metres, within the littoral active zone, and depositing of material of more than 5 cubic metres within 100m of the high-water mark, without environmental authorisation.

GPS Coordinates: 32° 8'0.26"S 18°18'20.24"E



Map 1: Location of Portion 19 of Farm 92, Muisbosskerm

5. On considering the evidence before me there are reasonable grounds to believe that you have commenced the following activities without environmental authorisation:

   EIA Regulations Listing Notice 1 of 2014:

   Activity no. 18:

   The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —

   i. the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or

ii. such planting of vegetation or placing of material will occur behind a development setback.

Activity 19A:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

(i) the seashore;

(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or

(iii) the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

(a) will occur behind a development setback;

(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

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.



Photo 1: The distance of the wooden structure in relation to the sea



Photo 2: The fire place inside the wooden structure



Photo 3: Inside of the wooden structure

6. You are hereby instructed to:

6.1 immediately cease the above listed activities;

6.2 submit to the Department within **30 (thirty) working days** of receipt of this Compliance Notice a report and rehabilitation plan compiled by a suitably qualified and experienced independent environmental assessment practitioner, which must include the following:

6.2.1 assessment and evaluation of the impact on the environment; and

6.2.2 identification of proposed remedial and/or mitigation measures.

7. Approval of the report and plan by the Department does not remedy the unlawful commencement of the above activities, which remain unlawful in terms of section 49A(1) (a) and/or (d) of the NEMA.

8. If the above report and plan is approved by the Department, you will be obliged to take the necessary remedial / mitigation measures at your own cost.

9. If you wish to continue with the listed activity you may apply for environmental authorisation by way of a section 24G application. However, such application does not constitute permission to continue with the listed activity, which remains unlawful unless environmental authorisation is granted.

10. Should you choose to apply in terms of s24G on the NEMA, you must submit to the Department for approval, **within 60 (sixty) calendar days** of receipt of this Pre-Compliance Notice, a project schedule compiled by a suitably qualified and experience independent environmental assessment practitioner. The project schedule must clearly stipulate the time frames in terms of the s24G process and by when a s24G application will be submitted to the Sub-Directorate: Rectification.

11. Notwithstanding the section 24G application, the Department may commence criminal proceedings should circumstances so require.

Varying this Compliance Notice

12. If you would like me to vary this Compliance Notice or extend the period to which it relates, you may make representations to me, in writing, to do so.

Failure to comply with this Compliance Notice (section 31N of the NEMA) and related offences in terms of the NEMA

13. In terms of section 49A(1)(a) of the NEMA it is an offence to commence a listed activity without environmental authorisation. A person convicted of such an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.

14. Furthermore, failure to comply with a Compliance Notice is an offence in terms of section 49A(1)(k). A person convicted of such an offence is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

15. Any non-compliance with the Compliance Notice must be reported to the Minister, who may:

    15.1 revoke any permit or authorisation to which this Compliance Notice relates; and/or

    15.2 take any steps necessary to ensure compliance with the provisions of the law, permit or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.

Procedure for lodging an objection to this Compliance Notice (section 31L and 31M of the NEMA)

16. If you wish to lodge an objection to this Compliance Notice, you may do so by making representations, in writing, to the Provincial Minister of Environmental Affairs and Development Planning ("the Minister") within 30 days of receipt of this Compliance Notice.

17. You may also make representations, in writing, to the Minister to suspend the operation of this Compliance Notice pending finalisation of the objection.

18. The objection must be in writing and forwarded to the Appeal Administrator, Mr Marius Venter at the contact details below and must be accompanied by a statement detailing the grounds of the objection and supporting documentation, if any.

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: DEADP.Appeals@westerncape.gov.za

19. Irrespective of any representations you may make to me or to the Minister, you must comply with this Compliance Notice within the time period stated in the Compliance Notice, unless the Minister agrees to suspend the operation of this Compliance Notice.



Achmad Bassier
Director: Environmental Law Enforcement
Grade 1 Environmental Management Inspector
Date: 29/09/2020

Cc: *Ms Danne Joubert* *Cederberg Municipality* *Email:* dannej@cedebergmun.gov.za

Western Cape Government

Department of Environmental Affairs and Development Planning
Fundiswa Zingitwa-Lwana
Directorate: Environmental Law Enforcement
Fundiswa.Zingitwa-Lwana@westerncape.gov.za Tel: 021 483 2028

REFERENCE: 14/1/1/E1/10/3/3/0612/19
ENQUIRIES: Fundiswa Zingitwa-Lwana

BY EMAIL:

Mafutha Trust

P.O. Box 26

LAMBERTS BAY

8130

info@muisbosskerm.co.za

Attention: Mr. Ian Turner

ALLEGED UNLAWFUL CLEARING OF VEGETATION AND CONSTRUCTION ACTIVITIES (I.E. RESTAURANT) AND POLLUTION (I.E. TOILETS) WITHIN 100M OF HWM OF THE SEA ON PORTION 19 OF FARM 92, MUISBOSSKERM, MALKOPPAN, LAMBERTS BAY

1. The above matter and your complaint dated 4 October 2019, has reference.

2. The Department wishes to inform you of the outcome of the investigation conducted by Environmental Management Inspectors ("EMI's") from the Department's Directorate: Environmental Law Enforcement ("this Directorate") pertaining to the abovementioned matter.

3. During two site inspections conducted by EMI's from this Directorate on 05 February 2020 and 25 March 2021, respectively, at the above-mentioned

property, it was confirmed that you have commenced with the placing of material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, and deposited material of more than 5 cubic metres within 100m of the high-water mark, without environmental authorisation.

4. Subsequently, four notices (i.e., Pre-Compliance Notice, Pre-Directive Compliance Notice and Directive) were issued to the landowner on 5 June 2020 and 29 September 2020, respectively.

5. On 20 November 2020, the Department received a Project Schedule for the S24G Application process prepared by Mr Sean Ranger of Footprint Environmental Service on behalf of the landowner.

6. A variation of a Compliance Notice, dated 17 May 2021, was issued to the landowner of the subject property to ensure that the s24G Project Schedule is complied with and implemented correctly.

7. As such, the matter will be referred to the Department's Sub-Directorate: Rectification to facilitate the S24G Application process. For further enquiries, you may contact the following official:

   Ms Zaidah Toefy
   Head of Sub-Directorate: Rectification
   Tel: 021 483 5827
   Email: Zaidah.Toefy@westerncape.gov.za

8. Considering the above, the Directorate's investigation into the above matter has been concluded and the file will be closed.

9. You are reminded of your duty of care in terms of section 28 of the NEMA which states 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 reasonable be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

10. The Department wishes to thank you for your cooperation in this regard.



Mr Achmad Bassier

Director: Environmental Law Enforcement

Date: 28/03/2022

Cc: (1) Ms Danne Joubert *Cederberg Municipality* *Email: dannej@cedebergmun.gov.za*

(2) Mr. Sean Ranger *Footprint Environmental Services Email: sean.ranger1@gmail.com*

(3) Ms Zaidah Toefy *(Directorate: Rectification)* *Email:* Zaidah.Toefy@westerncape.gov.za

APPENDIX K: CERTIFIED COPY OF ID

REPUBLIC OF SOUTH AFRICA
NATIONAL IDENTITY CARD

TURNER

IAN

M

RSA

7210285220081

28 OCT 1972

RSA

CITIZEN



Signature:

I certify that this document is a true reproduction copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner.

NJ CLOETE
7202695-2

SUID-AFRIKAANSE BURGERLIKE DIENS
CITIZENSHIP SERVICE CENTRE
19 APR 2021
CSC
LAMBERTS BAY
SOUTH AFRICAN POLICE SERVICE

APPENDIX L: TITLE DEEDS

117

Prepared by me

CONVEYANCER
AREND LEOPOLD DE WAAL

Purchase price/Value	R.....	R.....
Mortgage Capital Amount	R.....	R 305,00
Reason for exemption	Cat.....	Exempt Id. ● section.....Act.....

DATA / CAPTURE
06 JUN 2018
LINDA NCAPAI

CERTIFICATE OF REGISTERED TITLE T 000025954 / 2018

(Issued under the provisions of Section 43 of the Deeds Registries Act, No 47 of 1937)

WHEREAS

The Trustees for the time being of the
MAFUTHA TRUST
Registration Number IT2150/2003

has applied for the issue to it, of a Certificate of Registered Title under the provisions of Section 43 of the Deeds Registries Act 1937

DATA / CAPTURE
07 JUN 2018

in respect of the undermentioned land being portion of the land registered in its name and held by them under Deeds of Transfer Numbers T119266/2003 and T29140/2004

NOW THEREFORE, pursuant to the provisions of the said Act, I, the Registrar of Deeds at Cape Town, do hereby certify that the said

The Trustees for the time being of the
MAFUTHA TRUST
Registration Number IT2150/2003

its Administrators or Assigns

is the registered owner of:

PORTION 19 of the Farm STEENBOKSFONTEIN NUMBER 92 in the Cederberg Municipality, Division Clanwilliam, Western Cape Province

In Extent: 139,0331 (ONE HUNDRED AND THIRTY NINE COMMA ZERO THRE THREE ONE) Hectares

AS WILL APPEAR FROM Diagram S.G. Number 239/2016 and held by Deeds of Transfer Numbers T119266/2003 and T29140/2004

A. **SUBJECT** to the conditions referred to in Deed of Partition Tranfer No T524/1961.

B. **SUBJECT FURTHER** to the terms of the Servitude referred to in the endorsement dated 6 November 1952, endorsed on Deed of Transfer No T11522/1939 and Certifcate of Registered Title No T11523/1939, which endorsement reads as follows:-

"Kragtens Not. Akte nr 595 gedateer 1.6.1950, het die eienaar van die grond onder paras 2 en 3 hiervan gehou, aan die Dorpsbestuur van Lambertsbaai 'n ewigdurende Serwituut toegeken om 'n pyplyn aan te lê binne 'n afstand van 3,15 meter ten weste van die lyne aangetoon op Kaart nr. 8177/49 aan die gesegde notariële akte nr. 595/52 geheg. Onderhewig aan sekere voorwaardes, soos meer volledig sal blyk uit die gesedge notariële: 'n afskrif waarvan geheg is aan T.11522/39"

(the eastern boundary of which 3.15 metres wide servitude pipeline is indicated by the linex xy and yz on Diagram S.G. No 239/2016 annexed hereto)

C. .....

D. .....

E. .....

AND THAT by virtue of these presents they are now and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS WHEREOF I, the said REGISTRAR, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE and executed at the office of the REGISTRAR OF DEEDS at CAPE TOWN on 05 JUN 2018 2018.

REGISTRAR OF DEEDS

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
DATE 16 MAR 2016

FRIEDLAENDER, BURGER & VOLKMANN - Land Surveyors : Stellenbosch

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System WG 19° X	
		Constants		+ 0,00	+ 0,00
AB	903,58	265 27 24	A	+65 564,79	+3 556 420,59
BC	1610,92	5 13 49	B	+64 664,05	+3 556 349,01
CD	727,69	67 59 51	C	+64 810,90	+3 557 953,22
DA	1807,00	177 29 16	D	+65 485,59	+3 558 225,85
Indicatory Data					
aA		265 27 24			
Dd		67 59 51			
(49)	STEENBOKSFONTEIN		△	+61 699,20	+3 560 836,22
(196)	LAMBERTSBAAI O		△	+61 494,59	+3 554 902,23

S.G. No. 239/2016

APPROVED

D.L. NL

for Surveyor-General

Date 2016-03-15

SHEET 1 OF 2 SHEETS

Beacon Descriptions

A, D	15mm Iron peg
B	20mm Iron peg in cairn
C	Iron standard

Servitude Note

The lines x y and y z represent the Eastern boundary of a Servitude Pipeline 3,15 metres wide, vide S.G. Dgm. No. 8177/1949 ; D/S No. 595/1952

THIS PORTION IS SUBJECT TO CONDITIONS REFERRED TO IN SECT. 11 (4) OF ACT 21/1966.

APPROVED IN TERMS OF SECT. 25 OF ORD. 15/1985
REF Farm No. 92 CLW.
DATE 2015-08-31

APPROVED IN TERMS OF SECT. 4 OF ACT 70/1970
REF 50384
DATE 2015-04-15

The figure a B C d High Water Mark of Atlantic Ocean
represents 139,0331 hectares of land, being

PORTION 19 OF THE FARM STEENBOKSFONTEIN NO. 92

Situate in the Cederberg Municipality
Administrative District of Clanwilliam
Province of Western Cape

Surveyed in December 2015
by me

J Burger.

D.P. BURGER (PLS 0080)
Professional Land Surveyor

This diagram is annexed to Deed of Number T0002595 4 / 2018 dated 05 JUN 2018 i.f.o.
Registrar of Deeds

The original diagram is S.G. No. 2936/1932 annexed to Deed of Transfer No. 1914 - 78 - 5019

S.G. File : CLWM. 92 (Vol. 2)
S.R. No. 111/2016
Comp: CH-1D (4461)

LPI C0200000

FRIEDLAENDER, BURGER & VOLKMANN - Land Surveyors : Stellenbosch

PORTION 19 OF THE FARM STEENBOKSFONTEIN NO. 92

Situate in the Cederberg Municipality
Administrative District of Clanwilliam
Province of Western Cape

S.G. No.
239/2016

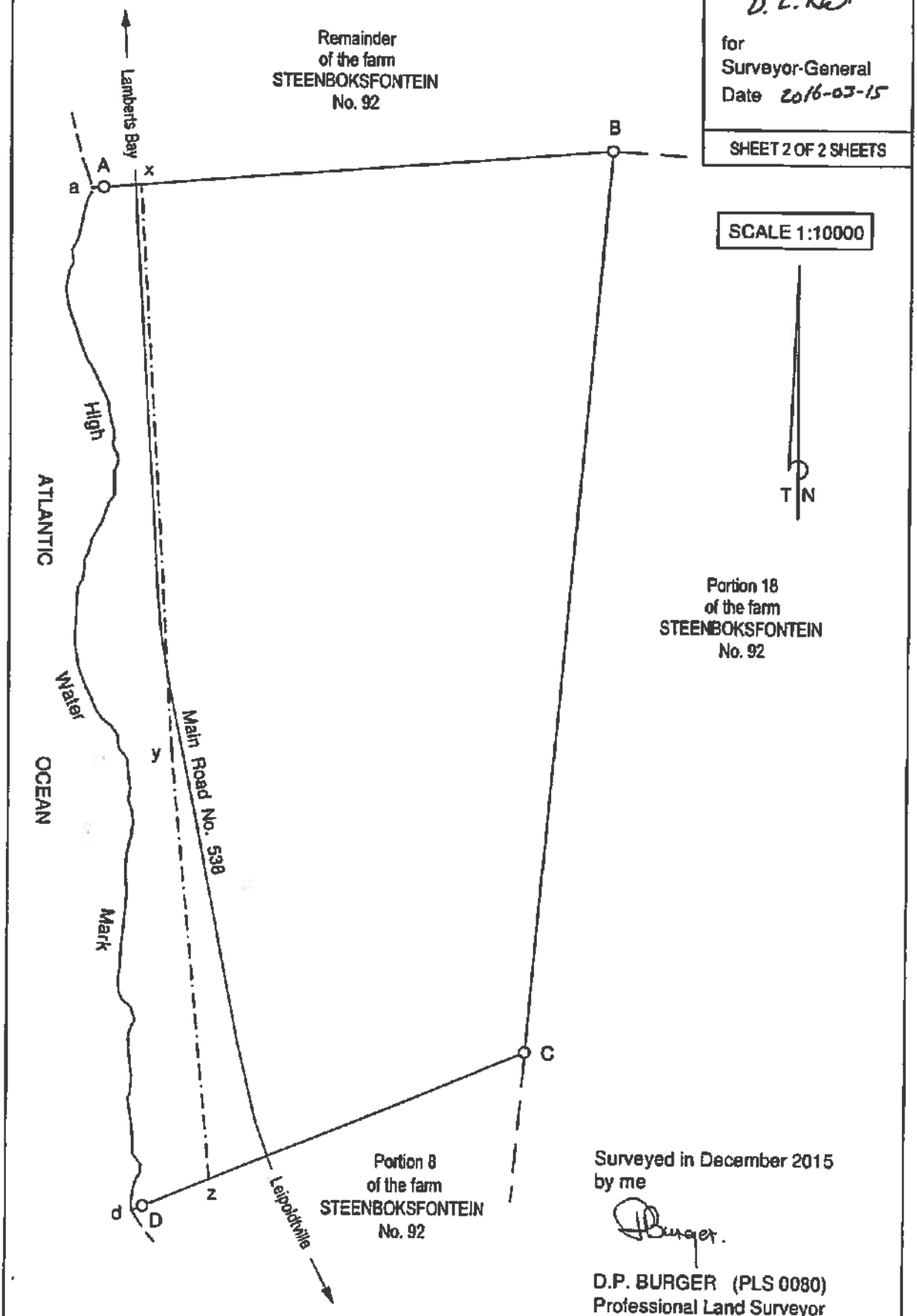
APPROVED

D. L. Nel

for
Surveyor-General
Date 2016-03-15

SHEET 2 OF 2 SHEETS

SCALE 1:10000



Surveyed in December 2015
by me

D.P. BURGER (PLS 0080)
Professional Land Surveyor

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL
DATE 16 MAR 2016

APPROVED SUBJECT TO SIMULTANEOUS REGISTRATION OF DIAGRAM 2401/2016
BEING F.S.K.M. No. 667

Clanwilliam Farm 92/19

APPENDIX M: NATIONAL SCREENING AND SITE VERIFICATION REPORT

SITE SENSITIVITY VERIFICATION – MALKOPPAN & MUISBOSSKERM.

DATE: 21 April 2021

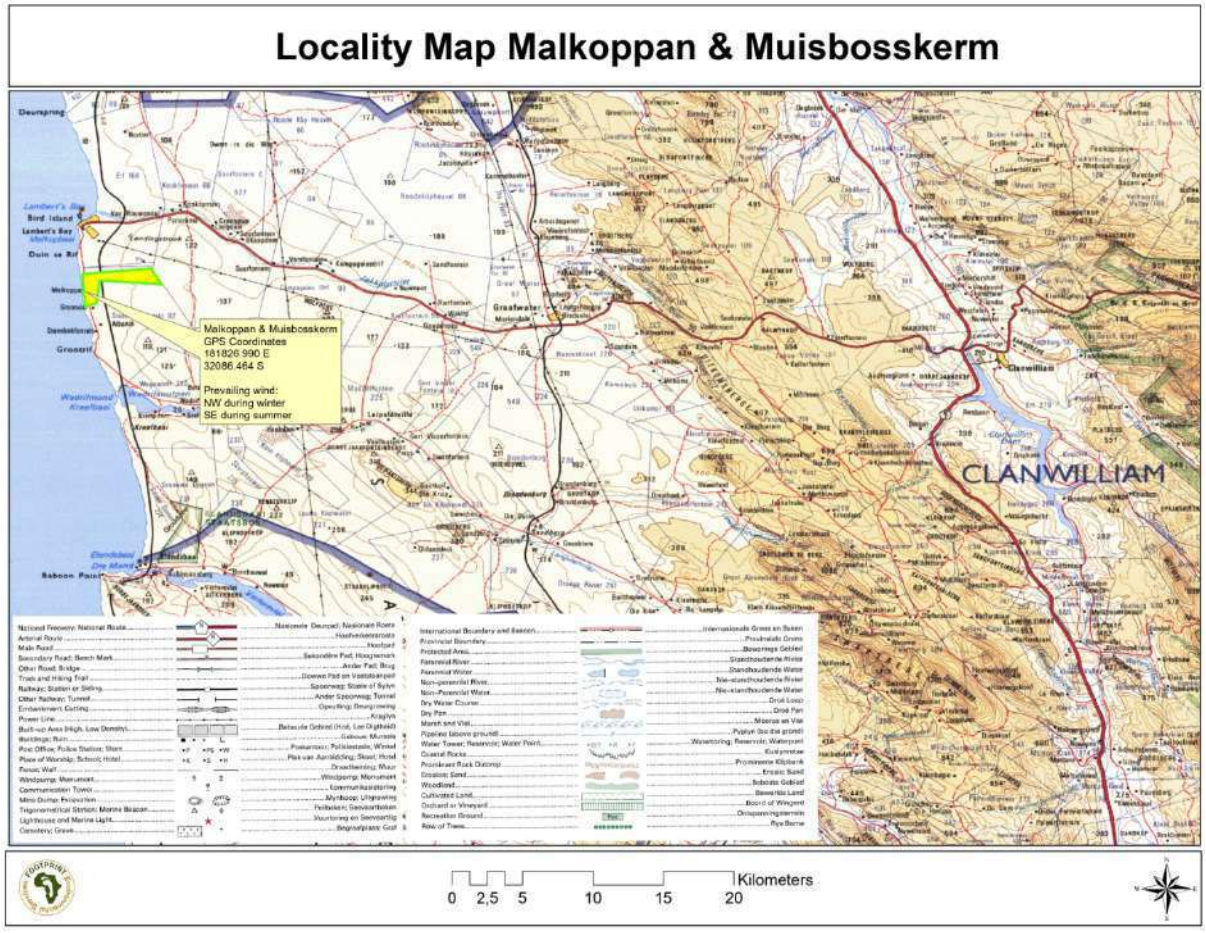
DEA&DP REF: 14/2/4/1/F2/4/0037/21

PROJECT TITLTE:

The development of tourism accommodation facilities, venue, market place (Malkoppan) and a restaurant (Muisbosskerm) on Farm 19/92, Steenboksfontein, Clanwilliam.

1. ENVIRONMENTAL ASSESSMENT PRACTITIONER & LEGAL COMPLIANCE:

The site verification was undertaken by Sean Ranger an EAPASA registered EAP, Registration No 2020/1062. The contents of this site verification report complies with Government Gazette No. 43110, dated 20 March 2020. See Locality map.



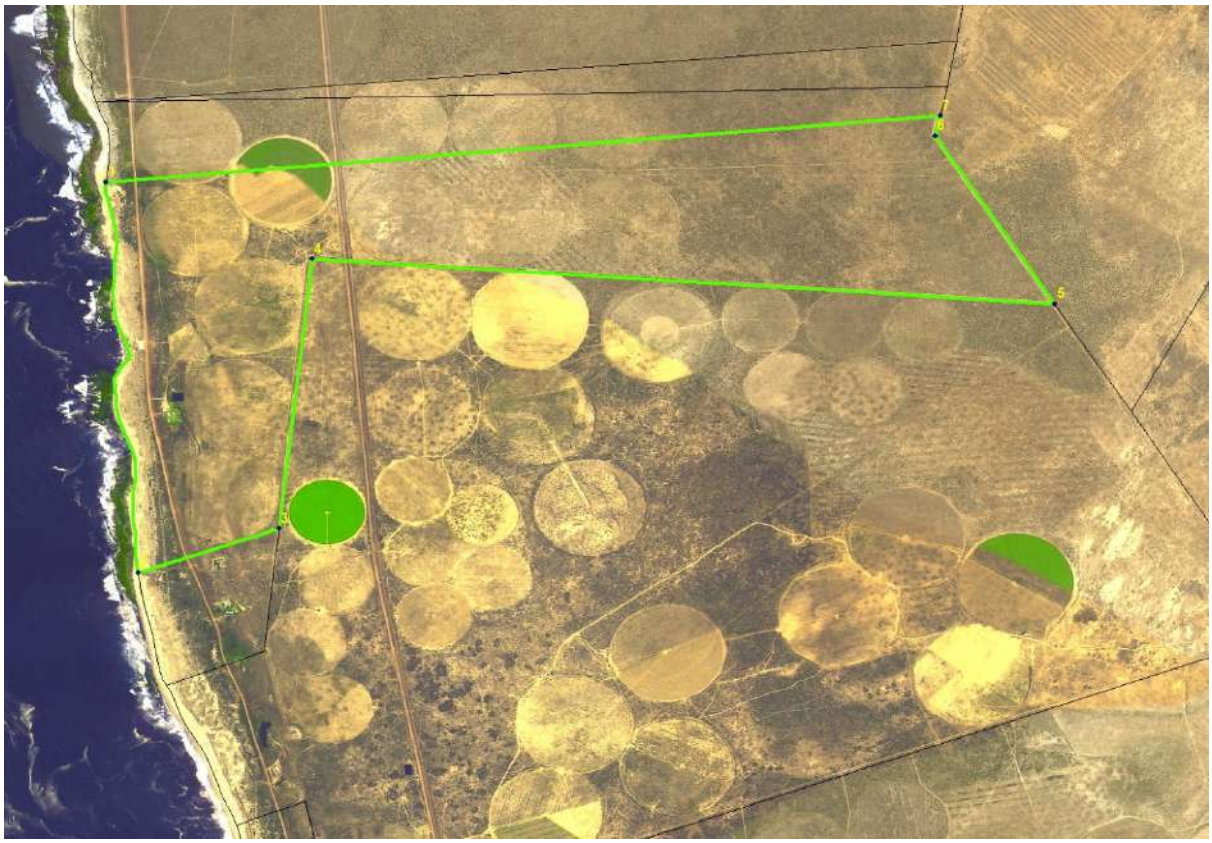
2. DESKTOP ANALYSIS:

The area contemplated in this site verification is Farm 19/92, Steenboksfontein in the Cederberg Municipal Area located at GPS Co-ordinates. The GPS of the property boundary is:

Point	Latitude (S)	Longitude (E)
1	32 ° 07 ' 29.474 " South	18 ° 18 ' 13.766 " East
2	32 ° 08 ' 44.809 " South	18 ° 18 ' 20.008 " East

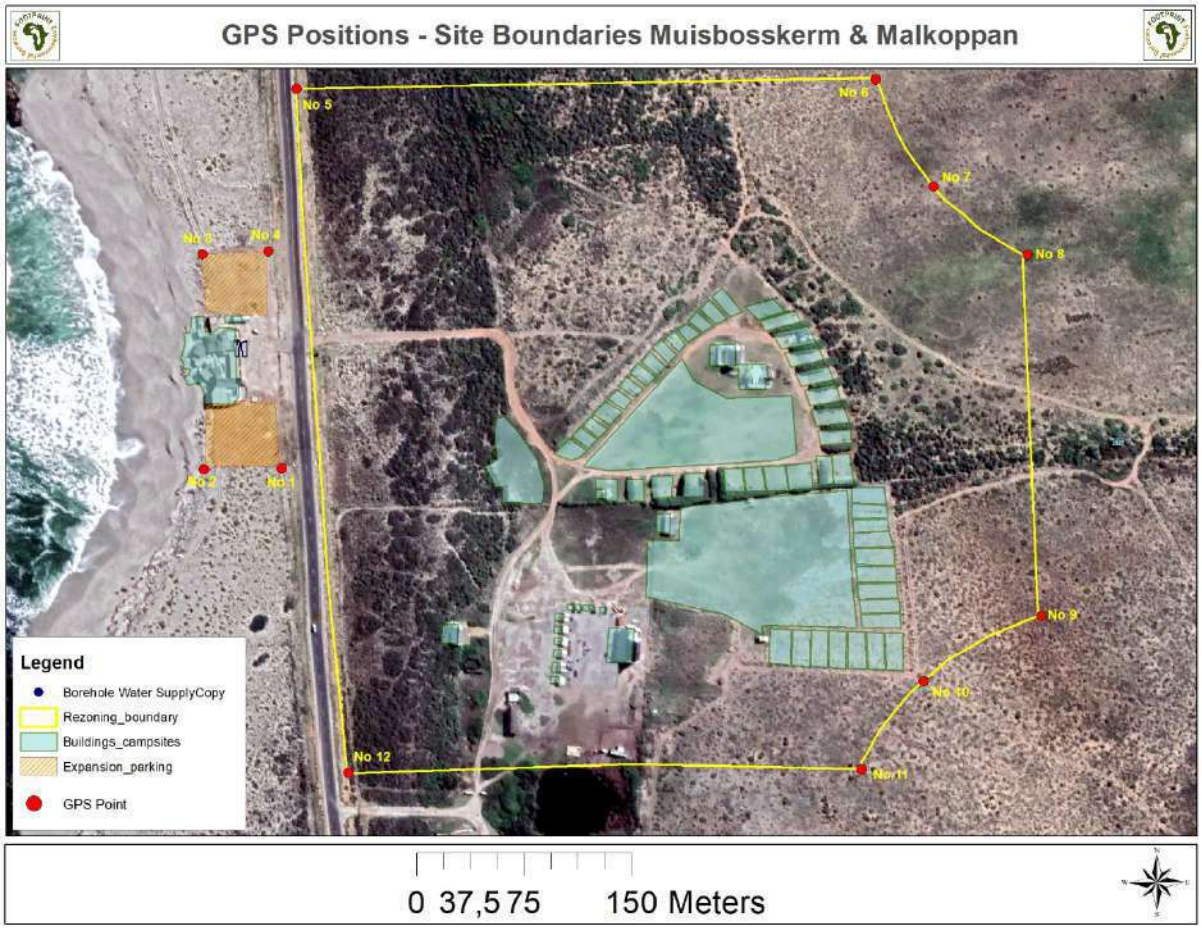
3	32 ° 08 ' 36.313 " South	18 ° 18 ' 47.195 " East
4	32 ° 07 ' 44.352 " South	18 ° 18 ' 53.579 " East
5	32 ° 07 ' 53.003 " South	18 ° 21 ' 16.863 " East
6	32 ° 07 ' 20.566 " South	18 ° 20 ' 53.763 " East
7	32 ° 07 ' 16.745 " South	18 ° 20 ' 54.751 " East

Please see map: GPS coordinates of the site boundaries.



From satellite imagery it is apparent that the farm still contains extant natural vegetation but it would appear that some areas have been degraded over time due to historical agricultural production and latterly through the expansion of the tourism facilities.

From this satellite overview it is additionally apparent that the landuse being proposed is fully aligned with the surrounding land use of irrigated crop production and the presence of additional farm infrastructure e.g. farm houses and shed complexes and similar tourism facilities further south i.e. this land use is present to the north, south east and south of the proposed development.



The current land use and the presence of natural vegetation can therefore be remotely verified.

<u>This landuse was further verified through an on-site verification which indicated the following</u>:

NB: For a photographic record across the property please refer to Appendix D in the Application and Checklist Report.

A closer view of the site indicates that some is covered with extant natural vegetation and is uniform across the entire extent of the property that has been developed. Muisbosskerm is located in Cape Seashore Vegetation (LT) and Malkoppan in Lamberts Bay Strandveld (V).

3. SPECIALIST PROTOCOLS IDENTIFIED BY THE NATIONAL SCREENING TOOL AND MOTIVATIONS OF WHY WE CONSIDER THESE TO BE UNNECESSARY FOR THIS ASSESSMENT.

Landscape/Visual Impact Assessment

We agree with the recommendation of the National Screening Tool. Heritage Specialists have been appointed to undertake an assessment in line with requirements of Heritage Western Cape Decision on a NID submission.

Archaeological and Cultural Heritage Impact Assessment

We agree with the recommendation of the National Screening Tool. Heritage Specialists have been appointed to undertake an assessment in line with requirements of Heritage Western Cape Decision on a NID submission.

Palaeontology Impact Assessment

We agree with the recommendation of the National Screening Tool. Heritage Specialists have been appointed to undertake an assessment in line with requirements of Heritage Western Cape Decision on a NID submission.

Terrestrial Biodiversity Assessment: We agree that terrestrial biodiversity may have been impacted and will be undertaken by a specialist.

Aquatic Biodiversity Impact Assessment: The proposed sites do not overlie extant aquatic features i.e. there is no real drainage line discernible nor any seep or wetland on any of the two proposed sites. This has been further verified by the botanical specialist. The need to undertake any further Aquatic Biodiversity Assessments is therefore disputed.

Avian Impact Assessment the site is fully developed and wholly unsuited as habitat for the identified species. This is not preferred habitat for Black Harriers and Secretary birds are a shy retiring species that does not associate with areas of high human activity. The absence of trees in this ecosystem furthermore precludes it as a suitable nesting habitat. The site has a very small footprint and would only have caused negligible to no impact of the habitat suitable for these species. The need to undertake any further Avian Impact Assessments is therefore disputed.

Socio-economic Impact Assessment: This is a very small localised development in a rural setting that will have some small socio-economic impact by way of job creation. A full impact assessment is therefore not warranted. The need to undertake further Assessments is therefore disputed.

Animal Impact Assessment: *Brinckiella mauerbergerorum* - the distribution map provided on the IUCN site shows that this species occurs from around Gansbaai in the south, northwards through the mountain chains to Northern Cape and down to the Atlantic West Coast. This spans many thousands of hectares of pristine habitat and Succulent Karoo much of it well conserved in existing CapeNature Nature Reserves and other statutory Protected Areas such as the West Coast National Park.

No quantitative assessment for this species population appears to be available. The population trend is listed as unknown on the IUCN Red List. As such an assessment by a specialist on site could at best detect the species in suitable habitat at a suitable time of the year. The question is then what? With no idea of the population status or specifics on habitat niche, how can a specialist draw a robust conclusion of the relative significance of impact that the proposed development will have on the population other than some individuals may be lost at the local scale? At the local scale the problem becomes how to mitigate impact in a situation where the habitat niche is unknown?. As such habitat transformation / vegetation transformation will lie at the heart of determining impact significance as there is no robust way of assessing potential impact on the species in the absence of more detail on population size and trend. A determination of the vegetation status and consequent impact on this habitat type is being used as a specialist assessment surrogate for potential impact on associated species. The need to undertake further Assessments is therefore disputed.

Bullacris obliqua the Bladder Grasshopper has an area of occupancy of 100 km^2 to 3000 km^2. The loss of 4.89 ha's of vegetation will not result in a significant impact that requires post development impact assessment. The distribution range of this species is not known or is unavailable. As above there is no way of robustly assessing potential impact on this species in the absence of a more detailed and quantifiable understanding of population size and trend. The need to undertake further Assessments is therefore disputed.

With due consideration our opinion is that in the absence of a known population estimate, of a known population trend and of known habitat niche an assessment becomes unfeasible as it is not possible to estimate impact significance nor identify or assess appropriate mitigation measures. Following the approach of protecting representative areas of connected ecosystems / vegetation that house this and many other species seems a quantifiable approach to the assessment of potential impact for a more broadly distributed species such as this. As such habitat transformation / vegetation transformation will lie at the heart of determining impact significance as there is no robust way of assessing potential impact on the species in the absence of more detail on population size and trend. A determination of the vegetation status and consequent impact on this habitat type is being used as a specialist assessment surrogate for potential impact on associated species. The need to undertake further Assessments is therefore disputed.

Plant Species Impact Assessment: We agree with the National Screening Tool recommendation in this regard. This will be undertaken by a suitably accredited and experience botanical specialist.

4. CONCLUSION

This site verification report clearly indicates that some specialist studies identified by the Screening tool for the site under consideration are necessary while others are disputed and do not in our opinion warrant any further specialist assessment.

SCREENING REPORT FOR AN ENVIRONMENTAL AUTHORIZATION AS REQUIRED BY THE 2014 EIA REGULATIONS – PROPOSED SITE ENVIRONMENTAL SENSITIVITY

EIA Reference number:

Project name: Ian Turner Malkoppan and Musbosskerm

Project title: S24G Application for tourism facilitieis

Date screening report generated: 20/09/2021 10:13:38

Applicant: Mr Ian Turner

Compiler: KS Ranger

Compiler signature:

.....

Application Category: Transformation of land|Indigenous vegetation

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Table of Contents

Proposed Project Location 3

Orientation map 1: General location 3

Map of proposed site and relevant area(s) 4

Cadastral details of the proposed site 4

Wind and Solar developments with an approved Environmental Authorisation or applications under consideration within 30 km of the proposed area 4

Environmental Management Frameworks relevant to the application 4

Environmental screening results and assessment outcomes 5

Relevant development incentives, restrictions, exclusions or prohibitions 5

Map indicating proposed development footprint within applicable development incentive, restriction, exclusion or prohibition zones 6

Proposed Development Area Environmental Sensitivity 6

Specialist assessments identified 7

Results of the environmental sensitivity of the proposed area. 9

MAP OF RELATIVE AGRICULTURE THEME SENSITIVITY 9

MAP OF RELATIVE ANIMAL SPECIES THEME SENSITIVITY 10

MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY 11

MAP OF RELATIVE ARCHAEOLOGICAL AND CULTURAL HERITAGE THEME SENSITIVITY 12

MAP OF RELATIVE CIVIL AVIATION THEME SENSITIVITY 13

MAP OF RELATIVE DEFENCE THEME SENSITIVITY 14

MAP OF RELATIVE PALEONTOLOGY THEME SENSITIVITY 15

MAP OF RELATIVE PLANT SPECIES THEME SENSITIVITY 16

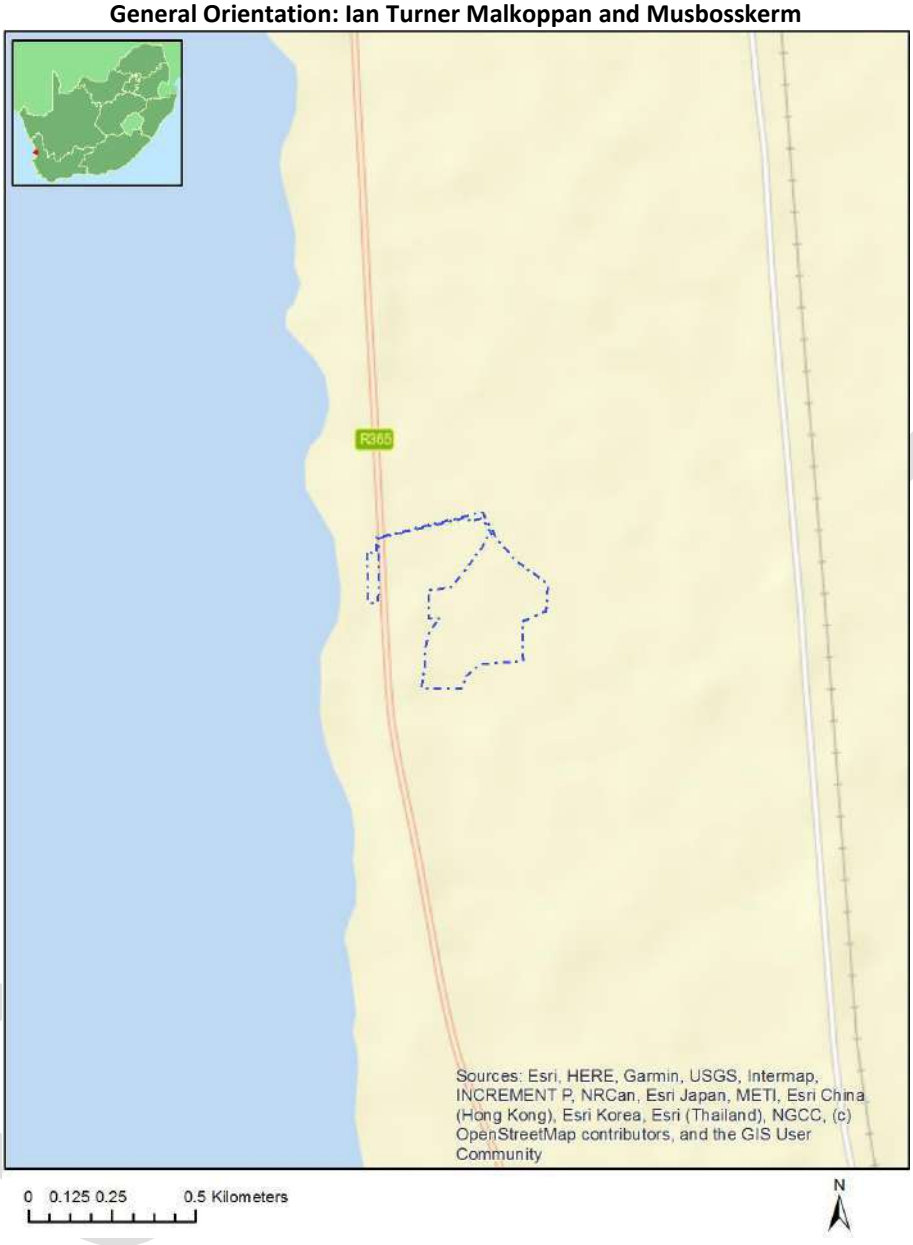
MAP OF RELATIVE TERRESTRIAL BIODIVERSITY THEME SENSITIVITY 17

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Proposed Project Location

Orientation map 1: General location

General Orientation: Ian Turner Malkoppan and Musbosskerm



Disclaimer applies

Map of proposed site and relevant area(s)



Cadastral details of the proposed site

Property details:

No	Farm Name	Farm/ Erf No	Portion	Latitude	Longitude	Property Type
1	STEENBOKSFONTEIN	92	0	32°9'12.96S	18°20'6.03E	Farm
2	STEENBOKSFONTEIN	92	19	32°8'13.67S	18°18'33.97E	Farm Portion
3	STEENBOKSFONTEIN	92	0	32°7'36.95S	18°19'35.68E	Farm Portion

Development footprint[1] vertices:
No development footprint(s) specified.

Wind and Solar developments with an approved Environmental Authorisation or applications under consideration within 30 km of the proposed area

No	EIA Reference No	Classification	Status of application	Distance from proposed area (km)
1	12/12/20/2636	Solar PV	Approved	27.8

Environmental Management Frameworks relevant to the application

[1] "development footprint", means the area within the site on which the development will take place and incudes all ancillary developments for example roads, power lines, boundary walls, paving etc. which require vegetation clearance or which will be disturbed and for which the application has been submitted.

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No intersections with EMF areas found.

Environmental screening results and assessment outcomes

The following sections contain a summary of any development incentives, restrictions, exclusions or prohibitions that apply to the proposed development site as well as the most environmental sensitive features on the site based on the site sensitivity screening results for the application classification that was selected. The application classification selected for this report is: **Transformation of land|Indigenous vegetation**.

Relevant development incentives, restrictions, exclusions or prohibitions

The following development incentives, restrictions, exclusions or prohibitions and their implications that apply to this site are indicated below.

Incentive, restriction or prohibition	Implication
Strategic Transmission Corridor-Western corridor	https://screening.environment.gov.za/ScreeningDownloads/DevelopmentZones/Combined_EGI.pdf

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Map indicating proposed development footprint within applicable development incentive, restriction, exclusion or prohibition zones

Project Location: Ian Turner Malkoppan and Musbosskerm



Proposed Development Area Environmental Sensitivity

The following summary of the development site environmental sensitivities is identified. Only the highest environmental sensitivity is indicated. The footprint environmental sensitivities for the proposed development footprint as identified, are indicative only and must be verified on site by a suitably qualified person before the specialist assessments identified below can be confirmed.

Theme	Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
Agriculture Theme	X			
Animal Species Theme		X		

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Aquatic Biodiversity Theme				X
Archaeological and Cultural Heritage Theme		X		
Civil Aviation Theme		X		
Defence Theme				X
Paleontology Theme		X		
Plant Species Theme			X	
Terrestrial Biodiversity Theme	X			

Specialist assessments identified

Based on the selected classification, and the environmental sensitivities of the proposed development footprint, the following list of specialist assessments have been identified for inclusion in the assessment report. It is the responsibility of the EAP to confirm this list and to motivate in the assessment report, the reason for not including any of the identified specialist study including the provision of photographic evidence of the site situation.

No	Specialist assessment	Assessment Protocol
1	Landscape/Visual Impact Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_General_Requirement_Assessment_Protocols.pdf
2	Archaeological and Cultural Heritage Impact Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_General_Requirement_Assessment_Protocols.pdf
3	Palaeontology Impact Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_General_Requirement_Assessment_Protocols.pdf
4	Terrestrial Biodiversity Impact Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_Terrestrial_Biodiversity_Assessment_Protocols.pdf
5	Aquatic Biodiversity Impact Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_Aquatic_Biodiversity_Assessment_Protocols.pdf
6	Avian Impact Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_Avifauna_Assessment_Protocols.pdf
7	Socio-Economic	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_General_Requirement_Assessment_Protocols.pdf

	Assessment	
8	Plant Species Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_Plant_Species_Assessment_Protocols.pdf
9	Animal Species Assessment	https://screening.environment.gov.za/ScreeningDownloads/AssessmentProtocols/Gazetted_Animal_Species_Assessment_Protocols.pdf

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Results of the environmental sensitivity of the proposed area.

The following section represents the results of the screening for environmental sensitivity of the proposed site for relevant environmental themes associated with the project classification. It is the duty of the EAP to ensure that the environmental themes provided by the screening tool are comprehensive and complete for the project. Refer to the disclaimer.

MAP OF RELATIVE AGRICULTURE THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
X			

Sensitivity Features:

Sensitivity	Feature(s)
Medium	Land capability;06. Low-Moderate/07. Low-Moderate/08. Moderate
Very High	Pivot Irrigation;Land capability;06. Low-Moderate/07. Low-Moderate/08. Moderate

MAP OF RELATIVE ANIMAL SPECIES THEME SENSITIVITY



Where only a sensitive plant unique number or sensitive animal unique number is provided in the screening report and an assessment is required, the environmental assessment practitioner (EAP) or specialist is required to email SANBI at eiadatarequests@sanbi.org.za listing all sensitive species with their unique identifiers for which information is required. The name has been withheld as the species may be prone to illegal harvesting and must be protected. SANBI will release the actual species name after the details of the EAP or specialist have been documented.

Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
	X		

Sensitivity Features:

Sensitivity	Feature(s)
High	Aves-Circus maurus
Medium	Invertebrate-Brinckiella mauerbergerorum
Medium	Invertebrate-Bullacris obliqua
Medium	Aves-Sagittarius serpentarius

Disclaimer applies
20/09/2021

MAP OF RELATIVE AQUATIC BIODIVERSITY THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
			X

Sensitivity Features:

Sensitivity	Feature(s)
Low	Low sensitivity

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MAP OF RELATIVE ARCHAEOLOGICAL AND CULTURAL HERITAGE THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
	X		

Sensitivity Features:

Sensitivity	Feature(s)
High	Within 150m of a Grade IIIa Heritage site
Low	Low sensitivity

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20/09/2021

MAP OF RELATIVE CIVIL AVIATION THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
	X		

Sensitivity Features:

Sensitivity	Feature(s)
High	Within 8 km of other civil aviation aerodrome
High	Dangerous and restricted airspace as demarcated

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MAP OF RELATIVE DEFENCE THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
			X

Sensitivity Features:

Sensitivity	Feature(s)
Low	Low Sensitivity

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MAP OF RELATIVE PALEONTOLOGY THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
	X		

Sensitivity Features:

Sensitivity	Feature(s)
High	Features with a High paleontological sensitivity
Low	Features with a Low paleontological sensitivity
Medium	Features with a Medium paleontological sensitivity

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MAP OF RELATIVE PLANT SPECIES THEME SENSITIVITY



Where only a sensitive plant unique number or sensitive animal unique number is provided in the screening report and an assessment is required, the environmental assessment practitioner (EAP) or specialist is required to email SANBI at eiadatarequests@sanbi.org.za listing all sensitive species with their unique identifiers for which information is required. The name has been withheld as the species may be prone to illegal harvesting and must be protected. SANBI will release the actual species name after the details of the EAP or specialist have been documented.

Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
		X	

Sensitivity Features:

Sensitivity	Feature(s)
Low	Low Sensitivity
Medium	Otholobium venustum
Medium	Wahlenbergia umbellata
Medium	Manulea pillansii
Medium	Sensitive species 1245
Medium	Ferraria densepunctulata
Medium	Empodium veratrifolium
Medium	Hermannia procumbens subsp. myrrhifolia
Medium	Galenia crystallina var. maritima
Medium	Oncosiphon schlechteri
Medium	Macrostylis crassifolia
Medium	Argyrolobium velutinum
Medium	Helichrysum dunense
Medium	Muraltia obovata
Medium	Caesia sabulosa

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MAP OF RELATIVE TERRESTRIAL BIODIVERSITY THEME SENSITIVITY



Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
X			

Sensitivity Features:

Sensitivity	Feature(s)
Low	Low Sensitivity
Very High	Critical biodiveristy area 1
Very High	Ecological support area 1
Very High	Ecological support area 2

Disclaimer applies

APPENDIX N: APPROVED PUBLIC PARTICIPATION PROCESS PLAN.

Sean Ranger

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Fax: 086 655 8060
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South Paarl 7646

www.footprintservices.co.za

Charl du Plessis

Cell: 079 172 4340
Fax: 086 608 8304
charlduplessis2@afrihost.co.za
PO Box 454
Porterville 6810

28th September 2021

Department of Environmental Affairs and Development Planning

Directorate: Environmental Governance

Sub-directorate: Rectification

Private Bag 9086

Cape Town 8000

Attention – Mr S. Mallick

PUBLIC PARTICIPATION PROCESS PLAN

SECTION 24 G APPLICATION UNLAWFUL DEVELOPMENT OF TOURISM ACCOMMODATION FACILITIES, VENUE, MARKET PLACE (MALKOPPAN) AND A RESTAURANT (MUISBOSSKERM) ON FARM 19/92, STEENBOKSFONTEIN, CLANWILLIAM.

1. Introduction to the unlawful development

The Muisbosskerm is a large open-air restaurant / cooking shelter that is operational since 1988. In 2007 it was decided to discontinue agricultural activities at Malkoppan and to provide camping facilities. This has grown to the current extent where 100 campsites, ablution facilities, restaurant/reception area, accommodation and temporary"stalletjies" for the local monthly market are available. The total area of natural vegetation cleared between 2009 and 2019 amounts to approx. 4.89 ha's. The applicant illegally commenced with various listed activities between 2009 and 2019. The illegal commencement of the activities has resulted in non-compliance with Section 24 of the National Environmental Management Act (No107 of 1998)(NEMA) and therefore a "ex-post facto" authorisation process is required for the listed activities which have taken place.

2. Locality

Muisbosskerm Restaurant and Malkoppan Tourism Facility are located on Steenboksfontein Farm 92, Portion 19, in the Cederberg Municipality. The property is located just south of the coastal town of Lamberts Bay. The GPS coordinates at Muisbosskerm is 32° 08'01.64" S and 18^0 18'20.31"E.

3. Legislative requirements for public participation

On 5 June 2020 new Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of EIA and related processes during Lockdown Alert Level 3. The Directions of 5 June 2020 repealed the Directions of 31 March 2020. The duration of Directions of 5 June 2020 came to an end at midnight on 17 August 2020. On 9 September 2020 new Directions were issued by the Minister of Forestry, Fisheries and the Environment in respect of the undertaking and administration of EIA and related processes during the national state of disaster declared in terms of COVID-19 The Directions of 9 September 2020 came into effect from 9 September 2020 and apply for as long as the national state of disaster declared in terms of COVID-19 remains in place (i.e. irrespective of the Alert Level that is in place, the Directions of 9 September 2020 apply for as long as the national state of disaster is still in place).

CIRCULAR – DEA&DP NO. 001/2021 (dated 06/0/2021) confirmed that;

- *This Circular must be read together with Circular DEA&DP No. 0024/2020 (dated 30 September 2020) as well as with Circular DEA&DP No. 0023/2020 (dated 8 December 2020);*
- *Confirm that the arrangements set out in Paragraph 4 of the Directions of 9 September 2020 apply to all matters in respect of processes in terms of which Minister Anton Bredell (the Western Cape Provincial Minister of Local Government, Environmental Affairs and Development Planning) or officials of the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) are the relevant Competent/Licencing Authority; and*
- *Communicate the determinations made and arrangements in respect of the format in which to submit applications, documents, reports and comments to DEA&DP and related matters for the duration of the National State of Disaster declared in term of COVID-19.*

Keeping in mind of this circular (001/2021) and the Regulations and Directions issued in terms of the DMA under the current lockdown restrictions on a adjusted level 2, this Public Participation Process Plan is presented to comply to the relevant COVID-19 Health and Safety measures and protocols.

4. Submission of the Section 24G Consultation Form

FES submitted the Section 24G consultation from electronically to the Director: Environmental Governance: Mr S. Mallick at Shafeeq.Mallick@westerncape.gov.za on the 28th September 2021.

5. ALIGNMENT WITH REGULATION 34 OF THE NEMA EIA REGULATIONS 2014 (AS AMENDED) AND CIRCULAR: DEA&DP NO. 0001/2021 DATED 6TH JANUARY 2021.

In order to comply with the above-mentioned requirements and taking COVID 19 pre-cautionary measures into consideration the following activities will be implemented by the EAP.

REQUIREMENTS	ACTIVITIES	PRECAUTIONARY MEASUREMENTS
Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of the site and alternative site	The site notification will be designed by a service provider and couriered to Porterville where the EAP will collect them and attach them to the entrance of the property. The site notifications will remain on site for the entire process.	All courier services are sanitising their vehicles and products being transported. The EAP will sanitise the site notifications on receipt thereof and after fixing it to the boundary fence at the entrance to the property. After completion the EAP will sanitise his hands immediately.
A notice board referred to in sub regulation (2) must- • *be of a size at least 60cm by 42cm; and* • *(b) display the required information in lettering and in a format as may be determined by the competent authority*.	The site notification board will adhere to these recommendations.	None.
Giving written notice, in any of the manners provided for in section 47D of the Act, to • *the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the*	All potential Interested and Affected Parties & Key stakeholders will be informed about the PPP by using e-mails to inform them of the opportunity to comment on the draft consultation Section 24G Application and Checklist Report.	Under the current adjusted level 2 lockdown regulations the public library at Lambert's Bay is open and I&AP will be able to review the consultation Section 24G Application and Checklist Report. When visiting I&AP must undergo a screening assessment, wear a face

site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken; • *owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;* • *the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;* • *the municipality which has jurisdiction in the area;* • *any organ of state having jurisdiction in respect of any aspect of the activity; and any other party as required by the competent authority;*	The landowner will assist FES in compiling an e-mail database of all surrounding landowners. The postal services will also be used to post notifications, however this will be the last option if potential I&AP does not have access to e-mail facilities. If the public library at Lambert's Bay is closed due to adjusted levels in the future, when the draft consultation Section 24G Application and Checklist Report became available for public participation, – the site notification and the pre- preliminary advert in the local newspaper will inform stakeholders to contact the EAP's to obtain an electronic copy of the draft consultation Section 24G Application and Checklist Report. We have all the e-mail contact details of the Departments that are responsible for resource management in the area and they will receive an electronic version of the draft consultation Section 24G Application and Checklist Report. .	mask and sanitise their hands before entering the facility. The Draft documents will also be distributed using WeTransfer – whereby the stakeholder can download the file and provide comments and inputs.
Placing an preliminary advertisement in a local newspaper	A preliminary advertisement will be published in "Ons Kontrei" a local	Communications with the editor and or website service provider will

in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.	newspaper in the area. This will run concurred with the Public Participation process on the draft consultation Section 24G Application and Checklist Report. These drafts reports will be uploaded on the applicant's website as soon as these reports are available for PPP.	be done electronically– no personal contact is therefore envisaged.
Placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii);and using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to- *(i) illiteracy;* *(ii) disability; or* *(iii) any other disadvantage*.	The activity is on a rural farm within the Cederberg Municipality, near to the coastal town of Lambert's Bay. No other communities will be affected. None of the neighbouring landowners are illiterate, have a disability or have any other disadvantage.	No actions envisaged.
Public meetings - No public meetings are planned.	If the need arises for a meeting, it will be arranged in accordance with the Regulations of the Disaster	Control of aspects such as number of attendees, the size of the venue to allow for sufficient social

	Management Act, Act 2002, applicable at that time.	distancing, self-screening, provision of hand sanitisers, the compulsory wearing of face masks and the completion of an attendance register to trace people if someone attending the meeting tests positive for COVID 19 after the meeting will be implemented.

6. Section 24G Application and Checklist

FES will submit the Section 24G Application and Checklist Report electronically to the Director: Environmental Governance at zaidah.toefy@westerncape.gov.za / Charmaine.mare@westerncape.gov.za once the public participation process on the Consultation Draft Section 24G Application and Checklist Report is completed.

7. Section 24G Application and Checklist PPP

At this juncture we will have our database for all Registered Interested and Affected Parties completed, including email contact addresses. All notifications and draft Reports will be distributed using electronic media and or providing a link for the downloading of the documentation by the registered I&AP. The Case Officer will also receive contact details of all the organs of state that we consulted with in order to provide them with Section 24O commenting letter.

8. Submission of Reports to the DEA&DP Case Officer

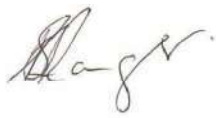
All reports and communication with the DEA&DP Case Officer will be done electronically. We consider this approach sufficient as a Public Participation Plan, to achieve adherence of the requirements of the Competent Authority (Department of Environmental Affairs and Development Planning) and the above-mentioned legislative requirements.

9. Decision from the Department and the Appeal Process

All Registered Interested and Affected Parties will be informed about the Decision from the Department and notified about the Appeal Process using electronic media and providing links for downloading these documents.

We consider this approach sufficient as a Public Participation Plan, to achieve adherence of the requirements of the Competent Authority (Department of Environmental Affairs and Development Planning) and with the above mentioned legislative requirements.

Kind regards.





K.S Ranger C.P du Plessis

APPENDIX O: REPRESENTATION BY THE OWNER

muisbosskerm

MUISBOSSKERM CC: 1994/032276/23 | VAT Nr. 4850146996
Tel: (027) 432 1017 | P.O. BOX 49, C/O CHURCH & BURRELL STREET, LAMBERT'S BAY, 8130
info@muisbosskerm.co.za | www.muisbosskerm.co.za

REPRESENTATION FOR MUISBOSSKERM

TO THE DIRECTOR
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANING
WESTERN CAPE GOVERNMENT
1ST FLOOR LEEUSIG BUILDING
LEEUWEN STREET
CAPE TOWN
8000

25 MARCH 2021

HISTORICAL DEVELOPMENT OF MUISBOSSKERM OPEN AIR RESTAURANT

1. GENERAL DESCRIPTION OF THE PROPERTY

1.1 The Muisbosskerm open air restaurant, herein after called "Muisbosskerm", is situated on the farm Steenboksfontein no. 92, portion no. 19, in the Municipality of Cederberg, Division of Clanwilliam, Province of the Western Cape, with a total extent of 139,0331 hectares.

1.2 Muisbosskerm is a legal business as appears from the permit issued, in terms of "Die Wet op Omgewingsbewaring 1982 (Act 100 of 1982)", dated 6 June 1988, in terms whereof the Muisbosskerm was permitted to "build a Muisbosskerm situated on the farm Malkoppan, approximately 4 km outside Lamberts Bay and approximately 5 m above the high water mark. A copy of the permit is attached hereto as annexure "A". See also a copy of the trade license issued in 1988 for Muisbosskerm to operate a restaurant, attached hereto as annexure "B".

1.3 Muisbosskerm is also the owner of a special liquor license which was issued to it legally by the liquor board in the year 2003.

2. HISTORICAL ASPECTS AND PRACTICES

2.1 Muisbosskerm consists of a big "kookskerm", like the traditional people used to build, with toilets, cooking and braai and storage facilities. There is also a fenced off parking area. In 1985 the original owner, Mr Edward Turner, started to take people to the gravel parking area, that was already there for crayfish divers and fisherman, to enjoy picnics and make seafood in the traditional style of the local people. In 1988 it became a legal operation, see annexures "A" and "B" attached, and since then it has been operating as an open air restaurant. The Muisbosskerm has become world renowned and has featured in many overseas films. It receives and serves overseas tourists from numerous countries and also serves many local tourists. The cooked meals over open fires had been the subject of many cooking programs and publications as well as films for the unique style of preparing quality food in front of their clients.

2.2 The parking area was also previously used for drying of kelp, but this practice has been discontinued.

3. THE REASONS WHY YOU HAVE TO CHANGE THE LAND USE AND RATHER INVEST IN TOURISM (ECONOMICS AND SUSTAINABILITY OF THE FARMING BUSINESS)

3.1 The parking area on which the Muisbosskerm started, was not used as farming land anymore and was also not suitable for sustainable farming, as it was just a narrow stretch of land between the road and the high water mark and it was already a parking area covered with gravel. Therefore there were no farming

activities nor natural vegetation on this piece of land before the Muisbosskerm started there.

4. WHAT DID YOU DO (TIME FRAMES, DESCRIBE THE DEVELOPMENT AND THE IMPACT AND SUSTAINABILITY OR THE FARM. THE BUSINESS AND SOCIAL IMPACTS THAT WILL ARISE)

4.1 Over the years the Muisbosskerm developed into a unique and world renowned tourist attraction and as such has positive impacts for the area. It also provide employment for about 25 people. Because it is so well known it has also attracted tourism to other businesses and to Lamberts Bay and the West Coast in general. During flower season in spring time, which is also a national phenomenon attracting thousands of local and overseas tourists,

Muisbosskerm is a necessary stopover for all these tourists. Therefore the Muisbosskerm has socially and economically impacted positively on the whole West Coast area and South Africa.

5. DURING THE DEVELOPMENT WHAT ENVIRONMENTAL CONSIDERATIONS AND OR SENSE OF PLACE FACTORS DID YOU CONSIDER DURING THE DEVELOPMENT.

5.1 The Muisbosskerm was constructed on an unused piece of land which was not suitable for agricultural purposes therefore there were no environmental considerations to consider.

5.2 There were no plants or any other natural or historical assets to protect on this area, thus it was specifically suitable to erect the Muisbosskerm there.

6. WHAT OTHER CONSERVATION INITIATIVES ARE UNDERWAY (SIZE OF THE DEVELOPMENT FOOTPRINT VS THE SIZE OF THE REMAINING PROPERTY AND THE FUTURE PLAN FOR THE REMAINING PORTION OF THE PROPERTY, ACTIVE CONSERVATION PROJECTS UNDERWAY E.G. CLEARING OF ALLIEN INVASIVE SPECIES, EROSION CONTROLL).

6.1 Directly north and south of the Muisbosskerm there are long stretches of Sandveld coast line which were fenced off and protected by the owners of the Muisbosskerm over the years. The skerm itself had no impact as explained above.

6.2 Muisbosskerm fenced off these coastal areas to protect it against 4 x 4 driving and to conserve the fauna and flora thereon. Tours with field guides on foot are planned for the future.

7. STATE THAT YOU WERE UNAWARE OF ANY ENVIRONMENTAL TRANSGRESSION IF THAT WAS THE CASE.

7.1 That was in fact the case. The Muisbosskerm is a legal business enterprise. The rest of the coast line was also fenced off and protected together with the natural flora and fauna of the area.

8. DESCRIBE THE PROCESS HOW YOU BECAME AWARE OF THESE TRANSGRESSIONS AND YOUR ACTIONS THEREAFTER

8.1 The Muisbosskerm is not aware of any transgressions, it is, as mentioned above, a legal entity that was permitted and licensed by the laws of the country and the government.

9. DESCRIBE HOW YOU WILL MITIGATE IMPACTS ON THE ENVIRONMENT DURING THE OPERATIONS PHASE OF THE DEVELOPMENT

9.1 The Muisbosskerm has fenced off its parking area so that the visitors to the Muisbosskerm can not transgress into the natural habitat north and south of the skerm.

10. PROVIDE DETAILS OF ANY PREVIOUS ENVIRONMENTAL TRANSGRESSIONS AND IF NONE PLEASE STATE THAT AS WELL.

10.1 The owners of the Muisbosskerm are not aware of any previous environmental transgressions.

11. PROVIDE FINANCIAL DETAILS WHY YOU MADE THE DECISION TO PROCEED WITH THIS DEVELOPMENT.

11.1 The original owner, Edward Turner, could not make a living as a farmer on the farm as it consists generally of very bad sandy soil, poor in nutrients. He tried to make a living with hawking and harvesting kelp with a concession, but could not feed his family. He was therefore forced to look for another source of income and that is what the Muisbosskerm has provided to him and his family, as well as to many others. The farmland never belonged to him or to the Muisbosskerm.

12. PROVIDE DETAILS ON THE EXPECTED SOCIO-ECONOMIC BENEFITS (FOCUS ON THE UPLIFTMENT OF FARM WORKERS, JOB CREATION, THE ESTABLISHMENT OF SMALL BUSINESSES IN A RURAL / URBAN CONTEXT OF LAMBERTS BAY)

12.1 The Muisbosskerm gave better jobs to farm workers and other people and was also a stimulant for other small businesses in the rural area to make a living from the extra tourists and guests that are attracted to the Muisbosskerm.

13. HOW WILL THIS DEVELOPMENT IMPROVE THE LONG-TERM CONSERVATION / MANAGEMENT OF THE NATURAL AREAS OF THE PROPERTY AND THE AREA.

13.1 The property on which the Muisbosskerm is situated was zoned and used for farming and because the Muisbosskerm does not require farming operations anymore it has a positive impact on the long term conservation and management of the natural areas of the property.

Kind regards

Ian Turner

(on behalf of MUISBOSSKERM)

MALKOPPAN GUEST FARM

P.O. BOX 26, LAMBERTS BAY, 8130

E-mail: malkoppanfarm@gmail.com
Cell: 083 3700 400

REPRESENTATION FOR MALKOPPAN GUEST FARM

TO THE DIRECTOR
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANING
WESTERN CAPE GOVERNMENT
1ST FLOOR LEEUSIG BUILDING
LEEUWEN STREET
CAPE TOWN
8000

25 MARCH 2021

HISTORICAL DEVELOPMENT OF MALKOPPAN GUEST FARM

1. GENERAL DESCRIPTION OF THE PROPERTY

1.1 Malkoppan Guest Farm (herein after called "Malkoppan") is a necessary extension of the Muisbosskerm business and operated on the farm Steenboksfontein no. 92, portion no. 19, in the Municipality of Cederberg, Division of Clanwilliam, Province of the Western Cape, with a total extent of 139,0331 hectares.

1.2 Malkoppan consists of a camping area with approximately 75 camp sites and 3 ablution buildings as well as a recreational building.

2. HISTORICAL ASPECTS AND PRACTICES

2.1 Malkoppan was developed on an existing cleared area for agricultural purposes. It was not economically viable to farm on this land, because the sandy soil is extremely poor in nutrients and the water used for irrigation became more and more saline.

3. THE REASONS WHY YOU HAVE TO CHANGE THE LAND USE AND RATHER INVEST IN TOURISM (ECONOMICS AND SUSTAINABILITY OF THE FARMING BUSINESS)

I could not make a living with farming on the property and there was an enormous demand for accommodation from the Muisbosskerm tourists. Farming used too much water, was not sustainable and has a bigger footprint on the natural resources than tourism.

4. WHAT DID YOU DO (TIME FRAMES, DESCRIBE THE DEVOLOPMENT AND THE IMPACT AND SUSTAINABILITY ON THE FARM, THE BUSINESS AND SOCIAL IMPACTS THAT WILL ARISE)

In 2003 Malkoppan started letting an unoccupied cottage on the farm to tourists on demand. In 2007 all farming operations were discontinued. In 2008 we started letting camp sites to tourists who could not find other occupation. In 2009 we built the ablution facilities because the campers desperately needed it. In 2015 we built the recreational building and started the local community market where small farming and business operators sell their produce once per month.

5. DURING THE DEVELOPMENT WHAT ENVIRONMENTAL CONSIDERATIONS AND OR SENSE OF PLACE FACTORS DID YOU CONSIDER DURING THE DEVELOPMENT.

5.1 The whole development of Malkoppan is situated on an abandoned and cleared field, with no natural flora or fauna.

6. WHAT OTHER CONSERVATION INITIATIVES ARE UNDERWAY (SIZE OF THE DEVELOPMENT FOOTPRINT VS THE SIZE OF THE REMAINING PROPERTY AND THE FUTURE PLAN FOR THE REMAINING PORTION OF THE PROPERTY, ACTIVE CONSERVATION PROJECTS UNDERWAY E.G. CLEARING OF ALLIEN INVASIVE SPECIES, EROSION CONTRAL).

6.1 The development footprint will not be extended beyond the existing development and rezoning area.

6.2 Future plans for the remaining portion of the property are the re-introduction and protection of natural game and plants of the area.

7. STATE THAT YOU WERE UNAWARE OF ANY ENVIRONMENTAL TRANSGRESSION IF THAT WAS THE CASE.

7.1 I was under the impression that I am within the allowed quota of buildings on a farm.

7.2 No natural and unspoiled areas were used, see 5.1 above.

8. DESCRIBE THE PROCESS HOW YOU BECAME AWARE OF THESE TRANSGRESSIONS AND YOUR ACTIONS THEREAFTER

In 2010 I became aware of the rezoning requirements and instructed Enviro Africa to do it, but then I was involved in a divorce and the property belongs to the Mafutha Trust, which was also involved in my divorce. The process was then stopped because of all the insecurity regarding whether the property would be sold or not.

9. DESCRIBE HOW YOU WILL MITIGATE IMPACTS ON THE ENVIRONMENT DURING THE OPERATIONS PHASE OF THE DEVELOPMENT

See paragraphs 5 and 6 above.

10. PROVIDE DETAILS OF ANY PREVIOUS ENVIRONMENTAL TRANSGRESSIONS AND IF NONE PLEASE STATE THAT AS WELL.

I do not have knowledge of previous transgressions.

11. PROVIDE FINANCIAL DETAILS WHY YOU MADE THE DECISION TO PROCEED WITH THIS DEVELOPMENT.

As mentioned above, tourism demanded it and also proved to be more remunerative than farming, and also less damaging to the environment than farming.

12. PROVIDE DETAILS ON THE EXPECTED SOCIO-ECONOMIC BENEFITS (FOCUS ON THE UPLIFTMENT OF FARM WORKERS, JOB CREATION, THE ESTABLISHMENT OF SMALL BUSINESSES IN A RURAL / URBAN CONTEXT OF LAMBERTS BAY)

12.1 Tourism is the key to socio-economic development on the West Coast.

12.2 It provides jobs to many unemployed people and also stimulates the growth of small businesses.

12.3 It also provides foreign money which is good for our country as a whole and especially our balance of payments.

13. HOW WILL THIS DEVELOPMENT IMPROVE THE LONG-TERM CONSERVATION / MANAGEMENT OF THE NATURAL AREAS OF THE PROPERTY AND THE AREA.

13.1 We have plans to protect the natural resources of the rest of the farm by conserving the natural fauna and flora. Tours on foot with tour guides and no 4 x 4 vehicles will be allowed.

13.2 The market gives an opportunity to jobless people and small businesses to sell their products and produce and make some money in the present dire economic conditions.

Kind regards

Ian Turner
(on behalf of MALKOPPAN GUEST FARM)