



24G Application: 14/2/4/2/2/B1/15/0025/25

ENVIRONMENTAL AUTHORISATION

The Managing Director
Breede River Properties (Pty) Ltd.
21A Bordeaux Avenue
CONSTANTIA HEIGHTS
7806

Email: pquirk@lionheadcapital.com

Attention: Paul Andrew Quirk

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL UPGRADING OF A FARMHOUSE AND CONSTRUCTION OF NEW BUILDINGS, ROADS AND PADDOCKS ON PTN 2 OF FARM POTTEBERG ESTATES, NO.516, SWELLENDAM

With reference to your application in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C as described in the application.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Breede River Properties (Pty) Ltd.
C/o Mr Paul Andrew Quirk
21A Bordeaux Avenue, Constantia Heights
CAPE TOWN
7806
Tel: [REDACTED]
Email: pquirk@lionheadcapital.com

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Government Notice No. R. 985 of 2014 – Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i> <i>i. Western Cape</i> <i>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i>	The unlawful activities and continuation entail the clearance of more than 300 square metres of Potberg Ferricrete Fynbos within a Critically Endangered ecosystem. Approximately 1181m² was cleared for the development of the following. Two existing farm buildings were expanded and converted for new uses. The old main farmhouse was renovated into a farm manager's cottage, while an outbuilding was restored into a staff cottage. Additional new buildings and facilities constructed on site include: • An additional staff cottage with an adjacent electrical room

	• New stables • A new fire pit located near the Breede River. Internal farm roads will be constructed, each 3 metres wide, connecting the existing farm road to the farm owner's house and the guest cottage. The following buildings and facilities are proposed and continuation of the unlawful activities as a future phase of the development: • A farm owner's house including a new access road and garages. • A private meditation room • A tennis court • An entertainment room • Four paddocks • A guest cottage
Similarly listed in Government Notice No. R327 of 2017 – Activity Number: 12 Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i> <i>i. Western Cape</i> <i>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i>	As above

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 2 of Farm Potteberg Estates No. 516, Swellendam.

The SG digit code is: C07300000000051600002

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 23' 42.49" South	20° 43' 40.22 East
2	34° 23' 16.21 South	20° 43' 56.16 East
3	34° 23' 17.42 South	20° 44' 00.10 East
4	34° 23' 19.89 South	20° 44' 04.14 East

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 22' 55.35 South	20° 43' 25.75 East
2	34° 22' 56.83 South	20° 43' 29.22 East
3	34° 23' 00.04 South	20° 43' 33.63 East
4	34° 23' 05.33 South	20° 43' 40.39 East

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

Herein-after referred to as "the site".

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

Doug Jeffery Environmental Consultants (Pty) Ltd.

C/o Ms. Adél Groenewald

P.O. Box 44

KLAPMUTS

7625

Tel: (021) 875 5272

Email: adel@dougjeff.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

Completed Buildings & Facilities

Two existing farm buildings were expanded and converted for new uses. The old main farmhouse was renovated into a farm manager's cottage, while an outbuilding was restored into a staff cottage. Additional new buildings and facilities constructed on site include:

- An additional staff cottage with an adjacent electrical room
- New stables
- A new fire pit located near the Breede River

Continuation of the commenced activities (not yet built) entails the following:

- A farm owner's house, including a new access road and garages
- A private meditation room
- A tennis court
- An entertainment room
- Four paddocks
- A guest cottage

Except for the meditation room, all buildings and facilities are planned to be situated as close as possible to the existing internal farm road, within an area that was previously transformed by historical agricultural activities (before 2003), where vegetation has since regrown, predominantly consisting of alien species. The holder of this authorisation intends to maintain the natural vegetation around the buildings and facilities, with no plans to establish formal gardens. Alien vegetation clearance is being undertaken to restore the property's natural ecosystems. The tables below provide further detail on the activities undertaken as well as continuation (proposed) of the intended activities.

Buildings/ Structures Built	Existing footprint (m ²)	Expansion (m ²)	Total / new footprint (m ²)	Estimated area of vegetation cleared (m ²)
Farm Manager Cottage	90	108	198	N/A
Staff Cottage 1	60	41	101	60
Staff Cottage 2 + Electrical Room	N/A	N/A	85	326
Stables	N/A	N/A	164	543
Main Gate + Alternative Access	N/A	N/A	12	124
Fire Pit	N/A	N/A	36	128
TOTAL	150	149	596	1181

Table 1: Built Buildings and Structures with Existing Footprints, Expansions, and Estimated Vegetation Clearance

Proposed buildings and facilities (not built)	Footprint (m²)	Estimated Area of Vegetation to be Cleared / Disturbed (m²)
Farm Owners House	600	2253
Stoep, pool, paving, grass	1509	
Garages	91	
Guest Cottage	142	268
Workshop	30	53
Entertainment room	110	334
Private Meditation Room	32	73
Carport	85	84
Paddocks: 4 x (20m x 40m)	3200	3200 (not to be cleared but will be disturbed)
Tennis Court (36.5m x 18.5m)	675	906
TOTAL	6474	7181

Table 2: Continuation of activities - (Proposed) Buildings and Facilities with Associated Footprints and Estimated Vegetation Clearance

Proposed roads	Footprint (m²)
New Road to A: (67m x 3m)	205
New Road to E: (84.5m x 3m)	253.5
TOTAL	458.5

Table 3: Continuation of activities - (Proposed) Roads

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake and continue the listed activities specified in Section C above in accordance with and restricted to Alternative B described in the application on the site as described in Section D above.
2. The continuation / undertaking of the listed activities must be concluded within **five (5) years** from the date of the decision.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

4. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the development activities.
 - 5.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 5.2 The notice must also include proof of compliance with condition 6.

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2025* detailed in Section I below.
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;

- 6.4.2 name of the responsible person for this Environmental Authorisation;
- 6.4.3 postal address of the holder;
- 6.4.4 telephonic and fax details of the holder;
- 6.4.5 e-mail address, if any, of the holder; and
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2025*.

7. The listed activities may not continue within 20 calendar days from the date the holder notifies registered I&APs of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

8. The draft Environmental Management Programme ("EMPr") of December 2025 compiled by Doug Jeffery Environmental Consultants (Pty) Ltd. and submitted as part of the application for environmental authorisation is hereby **approved** and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

10. The holder must appoint a suitably experienced **Environmental Control Officer ("ECO")** or site agent where appropriate, before continuation of any land clearing or construction/development activities to ensure compliance with the EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).
12. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent

authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

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

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

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
16. The proposed mitigation measures as outlined in the Terrestrial & Botanical Report of February 2025 must be adhered to.

17. A 15m buffer must be implemented and maintained around all aquatic features except minor ephemeral drainage lines.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must

be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

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

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

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

I. APPEALS

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

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered Interested and Affected Parties (I&AP's) and the decision maker (Competent Authority who issued the decision) within **20 calendar** days from the date this decision was sent by the decision maker.
2. The I&AP's (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&AP's by the holder (applicant) of the decision.
3. All appeals submitted must:
 - a. be in writing in the appeal form obtainable from the Departmental website;
 - b. include supporting documents referred to in the appeal; and
 - c. include proof of payment of the prescribed non-refundable appeal fee, if prescribed.
4. The holder (applicant) of the decision must:
 - a. notify registered I&AP's and affected organs of state of any appeal received, and make the appeal available to them, within **5 calendar days** after the 20-day appeal period ends.

- b. Submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.
5. The applicant, where applicable, the decision-maker, or any person notified under regulation 4 of the *National Appeal Regulations, 2025* may submit a Responding Statement within **20 calendar days** from the date they received the appeal, in the form obtainable from the Department website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.
6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:
 - a. **By e-mail:**
DEADP.Appeals@westerncape.gov.za or
 - b. **By hand** where that person submitting does not hold an electronic mail account:
Attention: Mr Marius Venter
Room 809, 8th Floor Utilitas Building,
1 Dorp Street, Cape Town, 8001
- Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.
7. A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes is obtainable from the relevant website of the appeal authority: <http://www.westerncape.gov.za/eadp> or the office of the Minister at: Tel. (021) 483 3721 or email DEADP.Appeals@westerncape.gov.za

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, appointed in terms of the conditions of this Environmental Authorisation, shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully

MRS Z TOEFY

DELEGATED AUTHORITY

DIRECTORATE: ENVIRONMENTAL GOVERNANCE

DATE: 01 June 2026

Copied to: (1) Adél Groenewald (EAP)

(2) Mr. Ron Brunings (Swellendam Municipality)

(3) Elkerine Rossouw (BOCMA)

(4) Rhett Smart (CapeNature)

Email: adel@dougjeff.co.za

Email: rbrunings@swellendam.gov.za

Email: erossouw@bocma.co.za

Email: rsmart@capenature.co.za

Locality Map

Legend

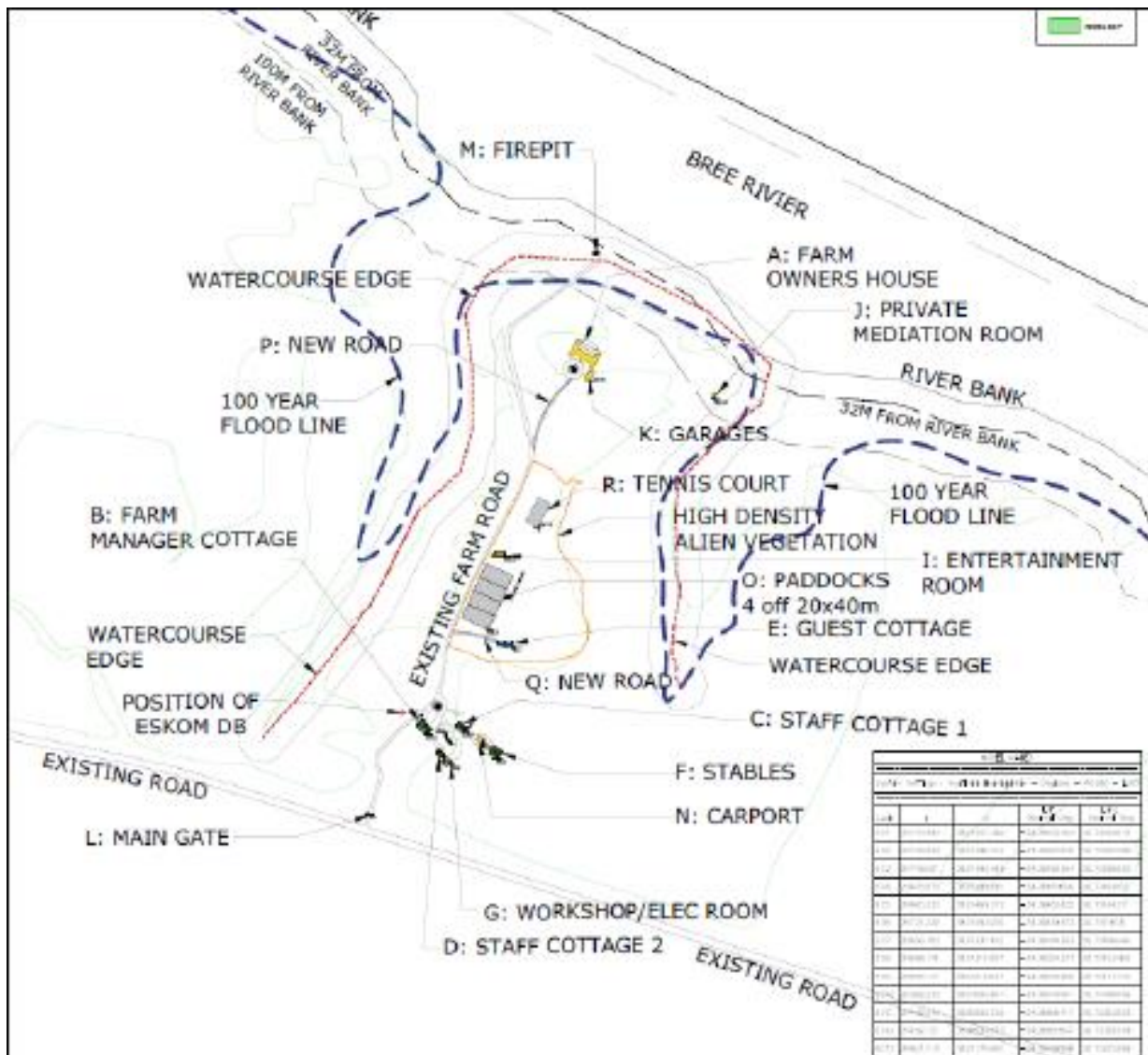
- Property Boundary
- Site Area



DOUG JEFFERY
ENVIRONMENTAL CONSULTANTS



ANNEXURE 2: SITE PLAN (ALTERNATIVE B)



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/2/B1/15/0025/25

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of **R625 000 (Six hundred and twenty-five thousand rand)** to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form.
- b) The Environmental Management Programme ("EMPr") of December 2025 submitted together with the application.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on:
Date: 24 February 2026
Attended by: Officials from this Department.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...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 ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Langeberg Bulletin** on 12 September 2024;
- A site notice was erected;
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor;
- I&APs were afforded the opportunity to provide comments on the application.

1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Breede-Olifants Catchment Management Agency (BOCMA)
- CapeNature
- DEA&DP – Waste Management Licensing (WML)
- Overberg District Municipality (ODM)

A summary of the comments received, and the responses thereto follows below.

BOCMA

BOCMA stated that only limited Schedule 1 water use (max 2000 m³/year) is allowed unless authorised. Additional infrastructure like lodges requires water-use approval. No paddock irrigation may occur without authorisation. Proof of wastewater removal from conservancy tanks must be kept on-site. Waste and wastewater from stables require a submitted waste management plan. Any jetties or river-edge structures must be authorised before construction.

CapeNature

CapeNature stated the following:

Site Ecological Importance (SEI)

SEI was calculated at the vegetation-unit level due to the high number of Species of Conservation Concern (SCCs) recorded and likely to occur. It is noted that the existing stables were built in a previously very high SEI area (good-condition Ferricrete Fynbos), which indicates significant ecological loss prior to the assessment.

Mitigation Measures

Many recommended mitigation measures focus on alien plant management and fire management, which are acknowledged as critical and are supported.

However, the use of a Maintenance Management Plan (MMP) for alien clearing and firebreaks is not supported when methods may trigger NEMA listed activities (e.g., bulldozing, topsoil disturbance, or vegetation clearing).

An MMP may only be considered for the central highly-invaded, low-SEI section (previously cultivated, dominated by Rooikrans), which:

- Lacks a fynbos seedbank.
- Has very low restoration potential.
- Must still specify an intended restoration goal.

CapeNature requested clarification regarding horse movement and grazing extent and recommended to restrict horses to low-SEI areas and prevent access to sensitive fynbos and estuarine areas. Alien clearing must follow best practice (cut-stump, herbicide; brush-cutting for firebreaks). These activities must be excluded from any Maintenance Management Plan (MMP). A dedicated integrated fire and alien management plan is recommended, due to the interaction between fire and alien seedbank dynamics. Alien clearing must be guided by an overall plan with phased targets and priorities rather than generic prioritisation. CapeNature made note of the alternatives presented in the application, but these were not assessed in the terrestrial biodiversity impact assessment. Only a small portion of the property was surveyed, leaving substantial room for improved avoidance and clustering.

CapeNature then stated that the adjacent property 8/516 had initiated a nature reserve declaration through CapeNature's stewardship programme; although incomplete, it demonstrates:

- High conservation value
- Functional connectivity between De Hoop Nature Reserve and the Breede River Estuary

The landowner of 2/516 is encouraged to explore formal conservation options, given the property's similar ecological characteristics.

CapeNature recommended that a 15m buffer is recommended around all aquatic features except minor ephemeral drainage lines. Confirmation is required regarding whether these drainage features meet the legal definition of a watercourse (e.g., presence of riparian vegetation). No current or proposed structures fall within buffer areas, except: A fire pit located within the 1:100-year estuary floodline, considered a minor concern but still noted. Only the fire pit is located within the 1 in 100-year flood line of the estuary. While ideally no features should be located within the flood lines, this is a minor feature. The services could potentially however impact on aquatic features, in particular the sewage provision.

The NEMA S24G Report indicates that a single conservancy tank is proposed, however the location is not indicated and connecting pipelines would be required leading from each of the development components. More detail is therefore required regarding the sewage provision, with concern regarding the sensitivity of the site in proximity to the Breede River Estuary. The specialist should add an addendum assessing the sewage system. Sewage pipelines could also impact on terrestrial biodiversity. CapeNature recommends that there is further investigation of alternative layouts which take into account the mitigation hierarchy with regards to the BSP and SEI identified in the terrestrial biodiversity impact assessment and a more clustered layout. The alternative layouts will need to be assessed in the terrestrial biodiversity impact assessment as a minimum. It must be ensured that the loss of habitat at the stables is adequately addressed. An integrated invasive alien plant and fire management plan is considered to be essential mitigation.

EAP's responses

CapeNature's observation about the very high Sensitivity–Environmental Importance (SEI) of the stable footprint is acknowledged. The Terrestrial Biodiversity Assessment confirms that the stables were built within good-condition Potberg Ferricrete Fynbos, historically rated very high SEI due to species richness and the presence/likelihood of Species of Conservation Concern (SCCs).

The applicant had engaged in other regulatory processes (municipal land-use application and Heritage Western Cape NID) but was never informed of the need for a NEMA environmental authorisation. The oversight is stated to have occurred in good faith, though it does not negate the contravention. Lack of prior specialist input explains why ecological sensitivities were not previously identified.

It was acknowledged that construction of the stables resulted in the irreversible loss of very high SEI Potberg Ferricrete Fynbos, likely including SCCs. The Environmental Management Programme (EMPr) now includes mandatory ongoing management actions such as alien clearing, invasive species control, fire management, and plant rescue, to protect the

remaining intact fynbos. While the pre-construction habitat loss was not quantified, the “no-go” scenario analysis showed that removing the stables would require long-term, high-intensity intervention with limited ecological benefit. Instead, the section 24G process applies practical and enforceable mitigation measures through the EMPr, including:

- Clustering new development in previously disturbed, low-SEI areas
- Alien and invasive species management
- Fire management
- Plant search-and-rescue in medium/high SEI areas

Specialists confirm these measures provide landscape-level ecological benefit and protect remaining sensitive habitats. The EMPr has been updated so that no soil-disturbing MMP methods (grading, bulldozing, clearing) may occur in any fynbos, thicket, mosaic, riparian, or medium–very high SEI areas. Only the old cultivated Low-SEI field—where natural fynbos is completely lost—may use these methods. Horse movement will be restricted to paddocks and Low-SEI areas. A formal integrated fire and alien plant management plan has been added. It includes:

- Prioritisation and scheduling of alien clearing units
- Fire-risk mitigation and management of the existing fire pit
- Long-term coordination between fire and invasive-species management

Assessment of Alternatives

Two feasible layout alternatives (A and B) were assessed, plus the no-go option:

- Alternative A spread development across the site, increasing fragmentation of sensitive ecosystems.
- Alternative B (preferred) clusters all development within the degraded, Rooikrans-invaded Low-SEI cultivated field, avoiding intact fynbos and shortening access roads.

Specialists confirm that Alternative B reduces fragmentation and results in Low residual impact when mitigation is applied. The no-go alternative would retain unauthorised structures but would not provide systematic mitigation.

Conservation Considerations

Although the applicant will not pursue formal conservation or stewardship designation, they commit to:

- Protecting intact fynbos and thicket areas
- Implementing all recommended specialist measures
- Continued engagement with CapeNature on best-practice ecological management

Aquatic Assessment

The aquatic specialist confirmed watercourses and recommended a 15m buffer, which all structures comply with. Only the fire pit lies within the 1:100-year floodline and will be managed through the EMPr. A revised Site Development Plan identifies the conservancy tank and pipelines; all located outside required buffers and floodlines. The conservancy system is sealed, with wastewater removed by a licensed operator.

DEA&DP – Waste Management Licensing (WML)

DEA&DP:WML stated that construction waste, including rubble and general debris, must be properly sorted, recycled and disposed of at licensed facilities. The Applicant must provide proof of waste transporters and disposal site licences to the ECO and Authority. Disturbed areas must be rehabilitated, including decommissioning all temporary waste storage areas, removing associated infrastructure, confirming soil is uncontaminated (and remediating if needed), and restoring the area before final rehabilitation sign-off. The implementation of a waste management plan including composting of organic waste and separation of recyclables must be ensured. A conservancy tank (9 000 litres) which will be installed on-site must be managed to prevent groundwater contamination. The regular emptying by licensed vacuum truck operators, disposal at licensed wastewater treatment facilities, and monitoring of septic systems to avoid pollution of the nearby Breede River must be established in the EMPr.

Overberg District Municipality (ODM)

The ODM stated that the mitigation measures proposed in the specialist studies are supported. Priority should be given to the rehabilitation of highly sensitive ecological areas and the prevention of further ecological degradation. The ODM supports the layout design that limit construction activities to low sensitive areas as demarcated in the Specialist Plant Species and Terrestrial Biodiversity Report. As per the *National Environmental Management: Biodiversity Act of 2004*, as well as the *Conservation of Agricultural Resources Act of 1983*, each landowner is responsible for the management of invasive species on their properties. An alien vegetation management should be developed and implemented for the entire property to limit further degradation to sensitive ecosystems.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Location/Site Alternatives

Alternative A

The development on the site is divided into two components:

Existing Development (already constructed) and Continued (proposed) Development (not yet constructed).

Existing Development

Two original farm buildings have been extended and repurposed.

- The original farmhouse was renovated to serve as the farm manager's cottage.
- A separate outbuilding was restored and converted into a staff cottage.

Additional new buildings and facilities that have already been constructed on site include:

- A second staff cottage with an adjacent electrical room;
- New stables;
- A fire pit located near the Breede River;
- To accommodate these developments, approximately 2875m² of vegetation was cleared.

Continued/Proposed Development- Buildings and Structures

The following buildings and facilities are proposed for the next phase of development:

- A farm owner's house with a new access road and garages.
- A private meditation room
- A tennis court
- An entertainment room
- Four paddocks
- A guest cottage .

With the exception of the meditation room, all proposed buildings and facilities will be positioned close to the existing internal farm road, within an area previously transformed by agricultural activities (prior to 2003). Although natural vegetation has since regrown, it is now largely dominated by alien invasive species. The holder is committed to preserving the surrounding natural vegetation and does not intend to establish formal gardens. Efforts are already underway to clear invasive alien plants and restore the site's natural ecosystems.

Continued development of Internal Roads

- Two new internal farm roads each 3 metres wide, are proposed to connect the existing farm road to the farm owner's house and the guest cottage.

Continued development of Services Infrastructure

- The development will make use of the existing on-site services. Proposed services include:
- Sewerage: A conservancy tank with a minimum capacity of 9 000 litres;
- Solid Waste: Organic waste will be composted; non-organic waste will be taken by the owner to a licensed landfill or disposal site (e.g. in Swellendam);
- Potable Water: Supplied from the existing borehole;
- Electricity: The property is connected to the Eskom grid. Additional solar panels with inverters will be installed to supplement power during load shedding.

Continuation of Vegetation Clearance

- An estimated 7565m² of vegetation will be cleared or disturbed as part of the development.
- Alternative A was, however, deemed unviable by the specialists, as it would contribute to further habitat fragmentation on the site. Based on the specialists' input, the layout was revised, resulting in Alternative B, which is the preferred alternative.

Alternative B (Herewith authorised)

The layout of the existing development remains unchanged from Alternative A. Similarly, the overall design and scope of the proposed (continued) development, as previously described, have not been altered. However, the layout has been revised to incorporate recommendations provided by the environmental specialists. The revised layout for Alternative B is summarised below:

- The tennis court, entertainment room, paddocks, and guest cottage have been repositioned closer together within the previously disturbed area that is heavily invaded by Rooikrans. This adjustment creates a more clustered development footprint, concentrated within the least environmentally sensitive portion of the site.
- The farm owner's house has also been moved closer to the area already invaded by Rooikrans, and in proximity to the other proposed structures. This relocation has allowed for a shorter access road, thereby reducing additional disturbance to the site.
- In addition, the proposed services layout has been updated to include nine (9)x4000 L conservancy tanks distributed across the various buildings rather than

one centralised system. Due to spatial constraints, the differing elevations of buildings, and the significant distances between structures, a single central conservancy tank is not feasible. The distributed system ensures efficient sewage management while limiting unnecessary excavation and disturbance.

The tanks will be located as follows:

- 3 × 4 000 L at the farm owner's house
- 1 × 4 000 L at the entertainment room
- 1 × 4 000 L at the guest cottage
- 3 × 4 000 L at the existing precinct

These changes are specifically aimed at minimising habitat fragmentation by confining new development to areas that have already been disturbed or are ecologically degraded due to alien invasive species. The specialist is of the opinion that, although the proposed location of the farm owner's house will not lead to a significant loss of Critically Endangered or Endangered habitat, the broader impacts of habitat fragmentation and long-term alien plant invasion on the site remain significant.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The option of ceasing the activity and rehabilitating the site would likely result in significant financial loss to the applicant and is not considered practically or economically feasible, particularly given that permanent structures have already been erected and irreversible land modifications have taken place. Furthermore, rehabilitation may not succeed in fully restoring the original ecological condition, especially within a Critically Endangered ecosystem such as Potberg Ferricrete Fynbos.

3. **Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability and Planning Context

The development activities, specifically clearing indigenous vegetation to establish dwellings, are not permitted under the property's existing land use rights, as no prior Environmental Authorisation was obtained. The development new activities align with the Western Cape Provincial Spatial Development Framework (March 2014) (PSDF), which put emphasis on sustainable development and ecological preservation by situating most new structures on previously transformed land dominated by alien species. This minimises additional environmental disturbance and aligns with PSDF principles. The

development also includes measures to remove invasive plants and restore ecosystems, further supporting sustainability goals as set out in the PSDF.

3.2. Services/ Bulk Infrastructure

The development plans to use existing service infrastructure such as groundwater and Eskom power, with proposed additions such as conservancy tanks for sewerage and solar panels for supplementary electricity. Domestic waste will be sorted on-site. Recyclable materials such as paper, plastic, glass, and metal will be separated from general waste and periodically transported to appropriate recycling facilities. Organic waste will be composted on-site for reuse in the garden. Non-recyclable and non-compostable waste is stored securely and disposed of at a licensed municipal landfill. These measures aim to minimise landfill contributions and promote responsible waste management.

3.3. Biophysical and Biodiversity Impacts

The activities undertaken have led to clearing and transformation of multiple sensitive vegetation types, most notably:

Critically Endangered Potberg Ferricrete Fynbos

This vegetation type dominated the site. It is highly sensitive, restricted in distribution, and listed as Critically Endangered indicating a high risk of extinction due to limited extent and ongoing degradation. Significant portions have been cleared or transformed.

Least Threatened Potberg Sandstone Fynbos

Disturbance was more limited and mostly occurred on Portion 2 of Farm 516.

Endangered Overberg Dune Strandveld

A narrow strip south of the estuary has been disturbed. This vegetation supports dune-associated species, stabilizes dune systems, and plays an important role in erosion control and habitat provision. The cumulative impacts have resulted in the loss of natural vegetation, including species of conservation concern in Critically Endangered and Endangered vegetation types, habitat fragmentation, undermining ecological function and connectivity, and increased risk of alien invasive species establishing in disturbed areas. This may also result in the disruption of ecological corridors and natural processes, with the greatest effect on sensitive vegetation types.

3.4. Visual / Sense of Place

The response to the Notice of Intent to Develop (NID) provided by Heritage Western Cape indicate that the existing and proposed developments on the site do not negatively impact the site's sense of place or heritage resources.

3.5. Stewardship Agreement between the holder and CapeNature

The property's similarity to a neighbouring property proposed for stewardship should be considered, and consultation with CapeNature is encouraged.

4. **NEMA Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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