

COMMENTS & RESPONSE REPORT

PUBLIC PARTICIPATION PROCESS

Three rounds of public participation were conducted as part of this Section 24G Process. One round prior to submission of the application form, i.e. the Pre-Application Public Participation Process, and another two rounds after the submission of the application form. The Public Participation Process (PPP) is described in detail below.

Pre-Application Public Participation Process

The pre-application S24G Report (BAR) was made available for a 30-day commenting period, from **18 January to 19 February 2024**, to the public, State Departments and Organs of State. The intention was to notify potential I&APs, by -

- Sending notification letters via email, to adjacent landowners, relevant Organs of State, the ward councillor, relevant State Departments and environmental organisations operating within the area.
- An advertisement was placed in the local newspaper, i.e. the Langeberg Bulletin, on *18 January 2024*.
- Two site notices were placed at access points to the site.
- The pre-application S24G Report was made available on PHS Consulting website (phsconsulting.co.za). The main report and appendices were made available as separate links.
- I&APs were encouraged to submit any comments via email, post and WhatsApp.
- All comments received during this commenting period have been responded to in the comments and response (C&R) report. Refer to **Table 1** for a summary of the comments and the project team's responses to the comments.

Statutory Public Participation Process

Registered I&APs and relevant State Departments and Organs of State were given another opportunity to comment on the draft S24G Report.

- The draft S24G Report was made available for another 30-day commenting period from **31 May to 2 July 2024**.
- The Report was uploaded on the PHS Consulting website. All appendices and the main report were separate links.
- Registered I&APs and State Departments were notified in terms of Section 24O of NEMA, by DEA&DP, of the availability of the report and commenting period.
- All comments received during the 30-day comment period have been included and responded to **Table 2** below.

The Final S24G Report was circulated for an additional 21 days, from **23 July to 14 August 2024**, for comment and review. All registered I&APs and State Departments/Organs of State were notified of the availability of the report and the commenting period. All comments received during this commenting period are responded to in **Table 3** below, and a final S24G report was submitted to DEA&DP in September 2024.

Third Statutory Public Participation Process:

The S24G Report will be made available for an additional 30-day commenting period, from **12 September up to and inclusive of 14 October 2025**, to all registered I&APs. Registered I&APs were notified via email of the availability of the report on the PHS Consulting website, for their comment. Relevant Organs of State, the ward councillor and State Departments were notified and provided with either an electronic copy of the report (USB) or a link to the online report. All comments received will be responded to in Table 4 of the Comments and Response Report.

After completion of this round of PPP the S24G Report will be updated to a Final S24G Report, including the above-mentioned PPP, before submission to DEA&DP.

Table 1: Comments received on Pre-Application S24G Report – 18 January to 19 February 2024

DATE RECEIVED	COMMENT	I&AP	RESPONSE TO COMMENT	RESPONDENT
GENERAL				
16 February 2024	The Malgas Ratepayers and Residents Association (MRRA) is responding to the Public Participation Process (PPP) on behalf of its members stretching from Area 1 (Nuyshoek) down to Infanta at the estuary of the Breede River to the Indian Ocean. It is of concern that Melkhoutrivier Properties (Pty) Ltd did not approach the MRRA at the inception of the development to find common ground on the environmental and business aspects that could possibly have minimized and or assisted the S24G Application, with the likelihood of a fine to be imposed by the relevant authorities.	M. Mulder - Malgas Ratepayers and Residents Association	Noted. PHS Consulting, on behalf of Melkhoutrivier Properties, did contact you during the pre-application phase to inform you of the unauthorised and proposed activities.	PHS Consulting
16 February 2024	As our access servitude road is via portion 1 farm 492, we drive along the property in question regularly and have been very pleased with the activity we have observed over the past years. 1. The farm has been neatly and well fenced along its boundaries with 3 remote control access gates. This has introduced a level of security for ourselves and other neighbouring property owners along the river which we appreciate. 2. We have witnessed the removal of large amounts of waste and debris from portions of the land which were previously used as a dump site. 3. The introduction of wild life in the form of various antelope, giraffe and other animals is very welcome and in our view an asset to the area. It's a blessing to be able to observe and experience these animals in close proximity, and heartwarming to witness the love and care the farm managers have for them. 4. We have seen large sections of land previously ploughed and used for agriculture transformed from barren rocky land into healthy grass plains for the animals. In short, whilst some of these activities may have taken place without prior authorisation, our overall impression is that the land is in considerably better condition as a result of the significant investment made by the purchaser, the interventions have been minimal and the positives far outweigh any negatives.	Casey Augoustides - neighbour	Noted, thank you.	PHS Consulting

	We look forward to seeing the game farm active in the near future and its positive contribution to eco-tourism to the area. It is our understanding that the main focus of the farm will be for game viewing and enjoying nature, but that there will also be controlled hunting from time to time to keep sustainable populations of wildlife.			
19 February 2024	It appears that the applicant continues to do construction regardless of the outcome of the report. e.g the large storeroom.	Marjo Felderhof	Noted. A storeroom is allowed under the Agricultural Zoning.	PHS Consulting
21 February 2024	The LBRCT feels uneasy in relation to the existing and proposed developments of Portion 1 Farm 492, Malagas. The contraventions of environmental legislation are considered serious in relation to the multitude of other development transgressions taking place in a biologically and ecologically sensitive area. Ultimately, the LBRCT are in principle opposed to the proposed additional building work and requests feedback on the matters raised in this comment.	Jason Oxley – Lower Breede River Conservancy Trust	Noted, thank you.	PHS Consulting
20 February 2024	This Branch offers no objection to the issuing of Environmental Authorisation in terms of the National Environmental Management Act 107 of 1998.	Vanessa Stoffels – Department of Infrastructure	Noted.	PHS Consulting
10 April 2024	The Western Cape Department of Agriculture: Land Use Management has no objection to the S24G process to rectify the unlawfulness of the activities commenced prior to obtaining approval.	Cor van der Walt – Department of Agriculture	Noted.	PHS Consulting
10 April 2024	The Department supports the proposed application on condition that the development is limited to a maximum of 5 additional dwellings as per the Western Cape Land Use Planning Guidelines for Rural Areas 2019.	Cor van der Walt – Department of Agriculture	There are 5 dwellings in total and the proposed lodge.	PHS Consulting
PPP				
16 February 2024	The Notice of a Public Participation Process notice by PHS Consultants on the 17th of January 2024 regarding the above subject did not follow The National Environmental Management Act 1998 (Act No. 107 of 1998; “NEMA”) and is moot because surrounding property owners and the MRRA It appears were not informed of Public Participation Process and the implications of their property rights. We believe that this is a fatal flaw in the PPP process. To this end, this Public Participation Process is not valid and should be cancelled and restarted and follow the prescripts of the NEMA regulations.	M. Mulder - Malgas Ratepayers and Residents Association	The MRRA and adjacent neighbours were informed of the pre-application public participation process (PPP) and their right to comment. Proof of this notification has been included in the submission to the Competent Authority. In addition, your comment is in the form of a reply email to the original email sent by PHS Consulting to the MRRA notifying them of the PPP. Adjacent landowners were informed as part of the PPP. The Pre-Application PPP is	PHS Consulting

	Nevertheless, the Malgas Ratepayers and Residents Association (MRRRA) is responding to the Pre-Application S24G Report - Proposed Project RE of P1 of farm 492 Melkhoutrivier, Malgas for Melkhoutrivier Properties (Pty) Limited produced by PHS Consulting.		therefore valid and was conducted in terms of NEMA and the EIA Regulations. The PPP involves 2 periods of public participation (30 days in pre-application and 30 days after submission of application).	
16 February 2024	The Notice for the Public Participation was defective, in that, it was not provided to the neighbouring property owners and the MRRRA and we challenge the comments under Section J. The Applicant and the PHS Consultants must advise a full list of all interested parties such as Lower Breede River Conservatory Trust, and the appropriate organs of state- Provincial and National.	M. Mulder - Malgas Ratepayers and Residents Association	See comment above. Due to POPIA, a full list of neighbours and other interested parties was not included in the report, and will only be submitted to DEA&DP as part of the final submission.	PHS Consulting
21 February 2024	It is of concern that Melkhoutrivier Properties (Pty) Ltd did not approach the LBRCT at the inception of the development to find common ground on the environmental and business aspects that could possibly have minimised or assisted the S24G Application.	Jason Oxley – Lower Breede River Conservancy Trust	PHS Consulting, on behalf of Melkhoutrivier Properties, did contact you during the pre-application phase of the Public Participation Process to inform you of the unauthorised and proposed activities and to obtain any comment you may have. Proof of this has been submitted to the Competent Authority. Due to POPIA, a full list of neighbours and other interested parties was not included in the report and will only be submitted to DEA&DP as part of the final submission.	PHS Consulting
REGISTERED PROFESSIONALS				
16 February 2024 21 February 2024	It appears that the northern part (between the Magas/Infanta Road, and down close to the Breede River of P1 of farm 492 will be used as a hunting farm in winter and a tourist destination during to summer months. The facility will entertain the public who will have access to all the facilities. In this instance, the following Acts and regulations will determine the integrity of the facilities and buildings: 1) Council for the Built Environment Act 2000(Act 43 of 2000) 2) Architectural Profession Act 2000 (Act 44 of 2000) 3) Engineering Professional Act 2000 (Act 46 of 2000) 4) Identification of Work (IoW)Government Gazette No 44333 26 March 2021	M. Mulder - Malgas Ratepayers and Residents Association Jason Oxley – Lower Breede River Conservancy Trust	PHS Consulting are undertaking the environmental application as the appointed EAP. PHS Consulting is an Environmental Consultancy and have not approved or certified any drawings. According to the Applicant, the Planning Approvals will be sought after the NEMA S24G process is complete and will incorporate concerns regarding engineering/ architectural drawings.	PHS Consulting

	5) Swellendam Municipal regulations concerning dwellings on land zoned Agricultural. In addition, most of the activities have been constructed but the integrity of the technical and engineering issues has to be examined as safe for the public access. This requires that Registered Professionals must examine the nature of the activities, the materials of construction, the life expectancy under different weather conditions, the calculations (if there are any) or undertake the calculations to National Standards and certify that the activities are suitable for the intended use by the owner and the public. PHS Consulting is not a Competent Authority to approve or certify engineering calculations and drawings.			
16 February 2024	Access road to dams: The design of the road including soil samples, soil compaction, material of road surface, storm water drainage, culverts, calculations and drawings to National Regulations. All activities certified by a Professional Civil Engineer specializing on roads as per IoW as above. Single-track P1 of farm 492 road adjacent to dams: The design of the road including soil samples, soil compaction, material of road surface, storm water drainage, culverts. All activities certified by a Professional Civil Engineer specializing on roads as per IoW as above. Expansion of dam 1: The design of the dam including soil samples, soil compaction, material of dam wall, impervious lining, dam buttress wall design, construction of overspill channel, material and construction of channels in draught and flood conditions, calculations and drawings to National Regulations. All activities certified by a Professional Civil Engineer specializing in dams as per IoW as above. Cleaning and expansion of dam 2: The design of the dam including soil samples, soil compaction, material of dam wall, impervious lining, dam buttress wall design, construction of overspill channel, material and construction of channels in draught and flood conditions, calculations and drawings to National Regulations. All activities certified by a Professional Civil Engineer specializing in dams as per IoW as above.	M. Mulder - Malgas Ratepayers and Residents Association Jason Oxley – Lower Breede River Conservancy Trust	The comments and concerns are noted. The roads constructed are for low traffic volume and intermittent use. Maintenance is for the landowner. The expansion on Dam 1 and 2 also form part of the WULA where design and outflow will be considered by the BOCMA Dam Engineer. The size of the dams is below the Dam Safety threshold under NWA. The Planning Approvals and building plan approval will be sought after the NEMA S24G process is complete and will incorporate concerns regarding engineering/ architectural drawings. The conservancy tanks will be according to SABS standards to minimise any future risk of leak. Maintenance and operation is included in the EMPr.	PHS Consulting

	Construction of firebreak road/access road on eastern boundary: The design of the road including soil samples, soil compaction, material of road surface, storm water drainage, culverts, calculations and drawings to National Regulations. All activities certified by a Professional Civil Engineer specializing on roads as per IoW as above. Extension of the break road/servitude road on eastern boundary: The design of the road including soil samples, soil compaction, material of road surface, storm water drainage, culverts, calculations and drawings to National Regulations. All activities certified by a Professional Civil Engineer specializing on roads as per IoW as above. Construction of two (2) landowner's cottages: The design and drawings of the landowner's cottages, soil samples and foundation plans calculations, disposal of sewerage and wastewater approved by registered Architect. A registered Professional Civil Engineer must approve any reinforced concrete structures, floors and beams. The material of construction of all the septic tanks has to be determined so that the tank do not corrode or deteriorate with time. The material of the septic tanks must be examined by a registered Professional Mechanical Engineer and certified that the material is fit for purpose. The size of the various septic tanks must be calculated based on their use through draught and flood conditions. A registered Professional Civil Engineer must certify the size of the septic tanks. The overflow from the septic tanks should be channeled to an open pond and not to the Breede River or the drinking water resource at the P1 of farm 492. Design details must be produced.			
LODGE				
16 February 2024 21 February 2024	The MRRA and LBRCT are totally against the development of the so-called lodge, in size a fully-fledged hotel and is totally against allowing Consent use. The existing and future buildings must only conform to the Swellendam Municipality guidelines on dwelling and other buildings on Agricultural Zoned property. The proposed Lodge appears to be way outside the guidelines and should not be allowed. If for whatever reason Swellendam Municipality wish to consider this application for consent use, it could result in a major precedent, with serious consequences for all agricultural properties in the Ward.	M. Mulder - Malgas Ratepayers and Residents Association Jason Oxley – Lower Breede River	A Consent Use Application has been submitted to council. The Lodge design incorporates 10 rooms at a maximum capacity of 20 guests.	PHS Consulting

	In addition, a proposal such as the Lodge will require a permanent staff, as well as for the activity as Game farming and hunting, including any agricultural activity. This would require on site labour, which with the distance from Swellendam and Bredasdorp, would require housing, welfare, health and perhaps educational dwellings and facilities. Another undesirable factor for opposing the applications is that the size of the development could have a negative impact on the N2/Malgas/Infanta gravel road through significantly increased traffic, post any construction phase in itself potentially affecting the quality of the road surface. Building of a lodge: The indicating of the size of the footprint, and of the adjoined building and its purpose, design and drawings of the lodge, soil samples and foundation plan calculations, disposal of sewerage and wastewater all approved by registered Architect. A registered Professional Civil Engineer must approve any reinforced concrete structures, floors and beams. Building of ancillary buildings: As much as tourism could be desirable, there may not be much on the farm to excite tourism, and the Ward is already gifted with underutilized accommodation facilities. • What ancillary buildings are to be built? • No details are available for these buildings? • What is the purpose of these buildings? • What is the design of these buildings? • Who is going to occupy these buildings? • What will these buildings store? • What size are these buildings? All buildings must be designed with soil samples and foundation plan, calculations, disposal of sewerage and wastewater approved by registered Architect. A registered Professional Civil Engineer must approve any reinforced concrete structures, floors and beams. The drawings and the design of the fire suppression in the lodge, stores and ancillary buildings must be produced with approval from the local fire authority.	Conservancy Trust	Staff working at the lodge will commute from Swellendam on a daily basis. The lodge will only consist of 10 rooms – therefore a maximum of 10 additional cars is likely to make use of road at one given period. This additional impact on the road is unlikely to be significant. Building plans will need to be submitted for approval by Council. This process follows on the NEMA process as regulated. The proposed lodge will consist of a main building with a raised walkway that will lead from the main lodge to 10 separate cottages (i.e. lodge will be able to sleep 20 guests). According to the Applicant, the footprint of the main building of the lodge will measure 692m² in size and the 10 units will collectively measure roughly 600m². The total built footprint is therefore 1292m². The owner will appoint a Professional Architectural Draughts person at a later stage to finalise a complete building plan application submission and does not wish to incur the costs at this stage of the application. The Planning Approvals will be sought after the NEMA S24G process is complete and will incorporate concerns regarding engineering/ architectural drawings.	PHS Consulting PHS Consulting PHS Consulting PHS Consulting PHS Consulting
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16 February 2024	The registered Architect and all the Professional Engineers must be members of the Green Building Council of SA, in addition to their respective professional registrations with the relevant statutory councils.	M. Mulder - Malgas Ratepayers and Residents Association	The comment is noted.	PHS Consulting
16 February 2024 21 February 2024	The design and the construction methods must follow an approach of Environmentally Sustainable Development. This includes: • Solar or wind power as the primary power sources • Rainwater from roofs as the primary sources of water • Low volume and dual flush cisterns, preferably using untreated water. • No macerators in kitchens to shred kitchen waste. • Separate bins for Organic Waste, Recyclables and Other Waste. The designs must provide for the spaces for these three bins, also in the self-catering units and in the accommodations. • Grey water must be separated from the toilet effluent and used on the premises. Grey water must not go into the septic/conservancy tanks. • All external lights must be downward lighting and not cause light to shine beyond their immediate footprint. • Timber decks and such must not be built from hardwoods imported from tropical forests. Rather use locally plantation-grown eucalyptus. • No exotic invasive grasses such as Kikuyu. Use local grasses such as buffalo or kweek. • Outside furniture to be locally made from recycled plastic. • Preference to be given to materials, which have a significant proportion of reused materials; e.g. blocks made partially from recycled construction and demolition waste. • The approvals need to require a “local” content plan, showing how many and which types of local businesses and labour will be engaged, rather than contractors, suppliers and labour needing to travel long distances and thereby increasing the carbon footprint of the development.	M. Mulder - Malgas Ratepayers and Residents Association Jason Oxley – Lower Breede River Conservancy Trust	The following methods will be implemented as described in the S24G Report and EMP: • The houses / cottages on site are currently on ESKOM power supply, with the aim to be placed on solar supply. The Lodge will be supplied with solar. • The water from the dams is distributed via solar pump. • Irrigation water will be measured by installing and operating a self-registering water measuring device. • Irrigation techniques will consider soil type, crop type, soil water status and weather conditions. • Separate food waste from recyclable waste onsite through use of clearly labelled bins during construction phase. • Vegetation removed will be chipped and used on site for mulching or covering bare areas to be stabilised. If vegetation removed is not suitable for chipping / mulching it will be suitably disposed of at the nearest landfill site. In addition to the above, the following will be implemented where possible: • Harvesting of rainwater from roofs will be implemented. • Use of grey water from showers/baths will be used for irrigation of gardens. • Invasive grasses will be avoided.	PHS Consulting

			Local labour will be used where possible and where available.	
			The above will be clarified in the S24G Report.	
S24G REPORT				
16 February 2024	In the PHS Consulting report, the size of the property P1 of farm 492 page 6 indicates 1072.24 Ha. This area is shown in Figure 1 that includes the property North and South of the road from Malgas to Infanta. Figure 2 shows the area north of the road from Malgas to Infanta. • Please clarify whether the area of 1072.24 Ha only covers the area north of the road from Malgas to Infanta. ‘ • Will both areas, either side of the road from Malgas to Infanta be developed into a game farm? • What will be the size of the part applicable to the Game Farm?	M. Mulder - Malgas Ratepayers and Residents Association	The red outline it the total farm which measures 1072.24ha. The green polygon is the application area and the Applicant is in process of buying this part of the farm from the landowner. The application area measures approximately 504 ha in total.  This description will be included in the S24G Report.	PHS Consulting
GAME HUNTING				
16 February 2024	The Game hunting activity is not something felt to be desirable, with the unknown impact on local game and neighbours. Noting the verbal indications that the game farm would be on the Northern part, at around 550 ha, this is very small for conventional hunting. This leads to the possibility this would be so called “canned” hunting. If the lodge is occupied with hunters, there may be a continual importation of the exotic species, to provide the hunting opportunities. The game fence surrounding the proposed Game Farm is high and very restrictive to the flow of natural animals in the area, including eland from De Hoop.	M. Mulder - Malgas Ratepayers and Residents Association	For more information regarding the hunting activities and fencing, refer to the Game Management Plan attached Appendix O. This plan has been approved by CapeNature. All animals have the necessary permits.	PHS Consulting

	From the information available from PHS Consulting it is unclear the nature of hunting on the P1 of farm 492. Will this be by bow and arrow or firearms? If it is by firearms, there will be a requirement for an ammunitions store and weapon store, which is not mentioned in the documentation. The ammunitions /weapons store has to be designed to National Regulations and approved the local Police and/or Inspector of Explosives. Refer to : • Explosive Act 15 of 2003 • Occupation Health and Safety Act 85 of 1993 - Explosives Regulation GoN R109, G 24272 (2003). If firearms are to be used how does the applicant, protect neighbours, their animals, passing traffic on the road between Malgas to Infanta and boating fraternity on the Breede River from injury or killing from stray bullets? What are the hours of hunting on the property that will not to disturb surrounding neighbours? Has a rezoning application of the P1 of farm 492 from agriculture to a hunting game farm, if applicable, been applied for or received? If so, for which area of the Farm? Has permission been received from Cape Nature/SAN Parks to have P1 of farm 492 to be declared as a hunting establishment due its proximity of less than 5 kilometers from the De Hoop Nature Reserve? Where will the animals to be hunted on any part of P1 of farm 492 come from, and has permission from the authorities been secured? Please list the animals and the number that will be at P1 of farm 492 from elephants, rhinoceros; predators such as lions, leopards, hyenas, wild dogs; giraffe, antelope such Sable, Eland, Kudu, Springbok, impala; reptiles such as snakes, lizards and water animals such a hippopotamus and crocodiles and any other animals not mentioned above.		No rezoning is required. CapeNature is managing De Hoop Nature Reserve and is aware of and have authorised the Game Management Plan for the farm. Hunting will occur within the green polygon showed in map above. Refer to the Game Management Plan attached as Appendix O of the S24G Report.	PHS Consulting PHS Consulting PHS Consulting PHS Consulting
21 February 2024	The game hunting activity is not something felt to be desirable, with the impacts on local game and neighbours unknown. Noting the verbal indications that the game farm would be on the Northern part, at around 550 ha, this is very small for conventional hunting. If the lodge is occupied with hunters, there may be a continual importation	Jason Oxley – Lower Breede River Conservancy Trust	See responses above.	PHS Consulting

	of the species foreign to the area, to provide the hunting opportunities. The game fence surrounding the proposed Game Farm is high and very restrictive to the flow of natural fauna in the area, including eland. The LBRCT therefore requests the following information: • From the information available from PHS Consulting it is unclear the nature of hunting on the P1 of farm 492. Will this be by bow and arrow or firearms? • What are the hours of hunting on the property that will not disturb surrounding neighbours? • Has a rezoning application of the P1 of farm 492 from agriculture to a hunting game farm, if applicable, been applied for or received? If so, for which area of the Farm? • Has permission been received from Cape Nature/SAN Parks to have P1 of farm 492 to be declared as a hunting establishment due its proximity of less than 5 kilometres from the De Hoop Nature Reserve? • Where will the animals to be hunted on any part of P1 of farm 492 come from, and has permission from the authorities been secured? • Please list the game animals and the number that will be at P1 of farm 492.			
19 February 2024	1. Is the application for the entire erf or just the "sub-divided" portion? There seems to be a bit of confusion as it mentions the entire property in some instances 2. Shouldn't the application / public participation only get done once the property has been sub-divided? 3. If the sub-division is rejected, then is this application / document from PHS Consulting null-in-void? 4. If so, would the applicant revert back to the entire property / farm for permission to build a lodge? 5. A full analysis needs to be done as to what structures have been built and what is existing on the potential sub-division in order to get a feel as to how many buildings can be built on the "sub-divided" portion. 6. There is currently a large storeroom that has been built that has not been mentioned in the document. 7. The structures where the Camping Glamping was needs to be documented. Apparently there are still structures there that are currently being used.	Marjo Felderhof	1. This application relates to obtaining environmental authorisation for the unauthorised activities already undertaken and for the proposed new lodge. The application relates only to the portion to be sold to the Applicant, i.e. green polygon shown in map above. 2– 4. According to the Applicant, the subdivision is in progress. The S24G process is ongoing and not reliant on the completion of the subdivision first. 5 and 6. The following structures are on site: • Foreman's cottage • Workers cottage • 2x owner's cottages	PHS Consulting

	8. The size of the lodge (12 bedrooms) seems to be large for a 500 hectare property (potential sub-divided portion). 9. Will the lodge be built in the most eco-friendly manner? 10. Any hunting on the farm would appear to be in the form of canned hunting as the exotic game are kept in camps / paddocks for feeding purposes. 11. In regards to Labour, where would the employees stay during construction stage and thereafter. There is no available accommodation in the Malgas area? 12. Where would the permanent staff be housed? If on the proposed sub-divided portion, then that must also be mentioned in the document. 13. If the permanent staff stay on any section of the entire property, that also needs to be mentioned. 14. How much of the local population will be used in the development stage and as permanent staff? 15. Bringing Labour force into the area will put further strain on the already fragile environment here.e.g, water, sewerage, no ablutions, poaching on the local wildlife. 16. Construction trucks will have a negative impact on the main dirt road. 17. To increase the size of the dams could impact the small farms that border the river. 18. If the level of the dams drop, what water will be used to maintain its full capacity. 19. Would the borehole, that is on the southern portion of the farm, be used in any way for the lodge, to fill the dams or for irrigation for the growing of Lucerne. If so, it needs to be noted. 20. Will the game farm extend to the other side of the road? If so, will it be fenced off? In doing so, this will hinder the natural migration of local wildlife. 21. Has an EIA been done and if so was it done on the entire property or only on the "sub-divided" portion? 22. It was mentioned that the applicant will apply for consent use. Won't this have to be approved first before moving ahead? 23. What is the status with the Swellendam Municipality? They would need to approve any development. Have they been approached, and if so, what are their recommendations?		• Store • Dwelling with swimming pool Structures to be removed: • Glamping facilities • Tents 7. The camping and glamping has been closed and removal of structures is in process. 8. It will be a 10 bedroom lodge. This is considered adequate in size. 9. The lodge will be powered with solar energy. Rain water will be harvested for use at the lodge. Greywater from showers and baths will be used for irrigation. 10. Animals are kept in two camps on arrival. These animals are monitored for any health issues for approximately 10 - 14 days, before they are released onto the farm. No hunting is conducted in these camps. 11. Construction workers can be housed in the store on the farm. There are ablution facilities available at the store. 12: Permanent staff will commute to site daily. 13: Permanent staff will not be housed on site. 14. Permanent staff from Swellendam and local where possible. 15. Temporary construction staff will have a minimal impact for the duration of the construction of the lodge.	
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			16. Construction trucks for construction period of lodge only (all else completed) so impact short term and considered minimal. 17. The dams were expanded on and include outflow at the base to allow flow further downstream. 18. The source of the dams is an eye which flows right through the year, so level of dams are not expected to drop. 19. No dams or boreholes outside the application area , i.e. south of the road, will be used to supply water to the application area. 20. No it will not extend to the other side of the road. 21. The current S24G application process is the environmental application to obtain authorisation for the unlawful commencement with listed activities and for the proposed new lodge. 22. This is being run concurrently with the environmental application. 23. Swellendam Municipality have been asked to comment on the environmental application but no comment has been received.	
STORAGE OF DANGEROUS GOODS				
16 February 2024	The storage of hydrocarbon products and chemicals has not been addressed in the PHS Consulting report. Fuels for motor vehicles, boats and machinery that are stored on P1 of farm 492 must be in a bunded and in a secure environment with the necessary fire suppression equipment installed and active. Refer to:	M. Mulder - Malgas Ratepayers and Residents Association	The applicant has a mobile diesel tank measuring 500 litres. When not in use, this tank is housed under roof on a concrete surface.	PHS Consulting.

	• <i>Petroleum Product Act 1977 (Act No 120 of 1997) Government Gazette No. 3842 Vol 485, 4 November 2005.</i> • Occupation Health and Safety Act 1993. Regulations for Hazardous Chemical Agents 2021			
SOCIO-ECONOMIC ASPECTS				
16 February 2024	The nature of the proposed development and the ongoing business will have a need for accommodating staff and labour. During the construction phase there will a requirement for construction labour. There are no existing facilities in the Malgas area to accommodate the construction labour. Where will the Applicant house the construction labour with the necessary toilets and sewerage on the farm and not destroy the natural vegetation on P1 of farm 492? During the operation phase of the business there will be a requirement for staff and labour to manage and to maintain the facility as per the Maintenance Management Plan (MMP). It must be noted that there are no areas with approved town planning permission/zoning for accommodation/dwellings closer than Swellendam and Bredasdorp. There are no existing zoned residential facilities in the Malgas area to accommodate the operation staff or labour. Where will the Applicant house the operational staff, and labour with the necessary accommodation, toilets and sewerage on the farm, and not destroy the natural vegetation on P1 of farm 492, and in particular the Game Farm portion? Where does the Applicant accommodate the operation staff and labourers who have children that need to attend local schools? What indirect jobs will be created in the Malgas and Swellendam area?	M. Mulder - Malgas Ratepayers and Residents Association	Construction workers can be housed in the store on the farm. Ablution facilities are available at the store. Permanent staff will not be housed on site and will commute daily. The lodge and seasonal hunting activities will compliment the tourism sector in the area and stimulate additional services and trade (e.g., shops, wineries and restaurants).	PHS Consulting
EXISTING STRUCTURES				
16 February 2024	In terms of the Swellendam Municipal regulations on agricultural zoned land, the landowner is allowed to construct a one residence for the landowner and five cottages. In reviewing P1 of farm 492 from Google Earth, we note that there are structures and activities such as glamping, camping structures, stores and other formal and informal structures in the farm, which conflicts with the Swellendam Regulations. These structures are not mentioned in the PHS	M. Mulder - Malgas Ratepayers and Residents Association	The following structures are on site: • Foreman's cottage • Workers cottage • 2x owner's cottages • Store • Dwelling with swimming pool	PHS Consulting

		Consultants report and hence this application is defective and not complete.		Structures to be removed: • Glamping facilities • Tents Proposed structures: • Lodge consisting of a main building and 10 guest units.	
16 February 2024 21 February 2024		MRRA and LBRCT requires an Independent Party not associated with the S24G application to visit the P1 of farm 492 and list: • All formal and informal structures, • The size of the structures, • The use of the structures, • Whether toilet and water facilities are provided • Whether the structures are occupied or not. • The integrity of the structure (safe for use) A report must be produced and distributed to all I&AP	M. Mulder - Malgas Ratepayers and Residents Association Jason Oxley – Lower Breede River Conservancy Trust	This is not a land use application and we are only applying for environmental authorisation for the listed activities. Land use planning process will follow. PHS Consulting are independent Environmental Assessment Practitioners conducting the environmental application to rectify unlawful activities already taken place and to apply for the new proposed lodge. You are welcome to flag any potential listed activities that we may have missed in terms of the EIA Regulations 2014, as amended or any aspects that we have not included in the assessment.	PHS Consulting
16 February 2024		The information provided, including from items below, does not highlight the Game Farm, which is already fenced and in existence. Section B – Activity Information. Not signed by applicant (page 10) Environmental Authorisation – (Applicable Legislation, Policies and/or Guidelines) (page 3) National Water Act – BOCMA (Applicable Legislation, Policies and/or Guidelines) (page 4) WULA system Rezoning from agriculture to game farming. MRRA do not see a change from agriculture to game farming as it is similar to cattle farming. The Registration Number of the Professional Architectural Draughts person who designed the two cottages that have been completed and any other structures as listed in 6.9 above.	M. Mulder - Malgas Ratepayers and Residents Association	The Game Management plan has been authorised by CapeNature and is in place. The Applicant will sign all the required pages with the statutory application to the Department. A WULA is underway and is in process with BOCMA. A rezoning application is not required. It is the EAP's understanding that these building plans for the two cottages will be submitted to council for approval as part of the land use application process that follows the NEMA process.	PHS Consulting
23 February 2024		From looking more closely at Google Earth, we have identified the following structures:	M. Mulder - Malgas	See previous responses.	PHS Consulting

	• 14 formal structures • 2 large stores • 8 tents • 6 caravan sites • 2 dams • Multiple informal housing As already listed in our letter of 16 February, MRRA requires an Independent Party not associated with the S24G application to visit the P1 of farm 492 and list the actual structures on the farm: • All formal and informal structures, • The size of the structures, • The use of the structures, • Whether toilet and water facilities are provided • Whether the structures are occupied or not. • The integrity of the structure (safe for use) A report must be produced and distributed to all I&AP As evidence, please the Google Earth images attached to this submission.	Ratepayers and Residents Association	Please note the application area is not for the entire farm but only for the part that the Applicant is buying over and is in the process of subdivision. Structures on the rest of the farm are not considered part of the application area.	
FINES				
16 February 2024 21 February 2024	Consideration should be made for the Applicant and the Owner to rehabilitate the area where natural vegetation has been removed. It may be a long-term project, but should go hand in hand with the maximum fine for the unauthorised removal in the first place. Because of not getting approval for activities on the P1 of farm 492, there is a provision for a fine in NEMA Section 24G Application. The Critically Endangered vegetation that has been removed measured is 8728m² as per the PHS report. In a recent court ruling, an owner has been fined R12.00 million for removing critically endangered vegetation measuring 12900 m². On a pro-rata basis, Melkhoutrivier Properties should be fined R8,	M. Mulder - Malgas Ratepayers and Residents Association Jason Oxley – Lower Breede River Conservancy Trust	The intention is to rehabilitate disturbed areas. The Botanist, Nick Helme, states in the Botanical Impact Assessment that fortunately most of the vegetation disturbance and clearing did not significantly damage the upper soil surface, and consequently natural (passive) vegetation rehabilitation is expected to be good, and will take place over a period of up to ten years. That is correct. This is an approximate figure. Noted.	PHS Consulting

	119,069.00 for their illegal activity. However, the 24G Fine Regulations limits the fine to a maximum of R5 million Rand.			
16 February 2024	The Malgas Ratepayers and Residents Association believes that any fine levied should be paid into a Community based Trust with representation of the Applicant, the MRRA and the LBRCT for managing the unintended negative consequences for the proposed development.	M. Mulder - Malgas Ratepayers and Residents Association	Noted.	PHS Consulting
BOTANICAL REPORT				
18 February 2024	This commentary serves as feedback on the Botanical Impact Assessment for Plot 492/1, Malgas compiled by Nick Helme Botanical Surveys (Nick Helme Pri.Sci.Nat. No. 400045/08) of 24 October 2023, with specific reference to the claims made regarding the neighbouring olive farm. The claims made in the report regarding the olive farm are false and this could have been verified had this been requested. I find it highly unprofessional to make reference of such a potentially negative nature toward the olive farm without any effort to obtain the actual facts. Detail on Infrastructure According to the Botanical report by Nick Helme, the olive farm spans 350 ha with close to 70 boreholes. By contrast, the olive plantation is actually 298 ha. There are five (5) developed boreholes on the farm of which only four (4) are in production. It should be noted that the farm does not use any surface water from Milkwood and Jacobs Rivers and relies solely on ground water to provide, other than irrigation, for domestic water to our 27 employees and their families. The ground water is of inferior quality to the river water. The olive farm mitigate this by using a combination of rainwater and reverse osmosis water for potable water thus reducing stress on downstream flow, particularly during dry periods. It should also be noted that to our knowledge, we are the only landowner on either the Milkwood or Jacobs river who allow abstraction of surface water to the contractors who supply and deliver water to Nuwedorp and numerous local residents who do not have access to water as we feel that this is part of our social responsibility and constitutionally right. Monitoring of water use efficiency Great emphasis and effort are placed on water use monitoring and efficiencies. Ground water levels and borehole water levels are strictly monitored twice weekly to ensure they remain within the range as recommended by DWAF after comprehensive a	Sean and Rene White	Thank you for the clarification. Area duly corrected in revised Botanical Impact Assessment.	PHS Consulting Nicke Helme

	Hydrogeological Impact Study and ground water reserves were determined. Irrigation efficiency is managed by a combination of: • Satellite imagery indicating ground moisture - daily by NDMI • Infield moisture probes • Regular infield physical soil moisture monitoring • Irrigation scheduling determined in conjunction with onsite weather station and onsite specific weather forecasting In fact, the farm manages to run effectively, producing approximately 25% of South Africa's production while only applying 50% of the water initially recommended by specialised olive farming consultants. Assessments and Studies Prior to the establishment of the olive plantation (2005 – 2007), the below studies were conducted: 2005 - Vinpro - survey of climate and soil structure to select most suitable crop for this area 2006 - Enviro Swift - conducted a Botanical and Freshwater Impact Assessment of both the Milkwood and Jacobs River riparian zone 2006 - SRK Consulting - conducted a comprehensive Hydrogeological Assessment to determine acceptable ground water abstraction recommendation which was compiled into a basic assessment 2006 - Aquacatch - conducted an Aquatic Ecosystem Impact report on the Milkwood and Jacobs Rivers 2006 - Procedural Public Participation was undertaken and public notices were posted and neighbours were contacted individually and invited to comment 2007 - Assessment Reports were submitted to Western Cape Department of Water Affairs and Forestry and to Western Cape Department of Environmental Affairs BOTH DEPARTMENTS APPROVED THE PROJECT Further to this:		Please provide copies of the 2023 Hydrogeological report and Freshwater Assessment, and the ongoing monitoring results and location of where these are taken; after reading these I will re-assess my comments, and change them if necessary.	Nick Helme
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	2023 - SRK Consulting conducted a further Hydrogeological Assessment and FEN Consulting conducted a Freshwater Assessment for both the Milkwood and Jacobs River riparian zones. This was open for Public Participation from 11th August 2023 to 15th January 2024. Public notices were posted and neighbours were contacted individually by email and invited to comment as per procedural requirements. In conclusion and given the lengths to which we have gone to understand the local water resources, our opinion is that the greatest threat to the riparian zones of both the lower Milkwood and Jacobs Rivers is the exponential encroachment of alien invasive vegetation (Port Jackson, Rooikrans), specifically since these valleys were burnt out in the 2019/2020 fires. The Olive Farm intends to establish a rehabilitation program during this coming winter months to start to eradicate these in the riparian zones. Further to this, the natural wetlands on the olive farm are in a good, healthy condition and documentary proof is available of this on request.			
19 February 2024	We wish to draw attention to the Procedures for the Assessment and Minimum Criteria for Reporting on Identified Environmental Themes (GN 320, GG 43110, March 2020 & GN 1150 GG43855 October 2020, commonly referred to as the "protocols"). The protocols specify the minimum requirements for specialist assessments, and it must be ensured that the botanical impact assessment includes these minimum requirements. As the terrestrial biodiversity, plant species and animal species themes are included, the requirements for each must be addressed. The species assessments must also comply with the Species Environmental Assessment Guideline (SANBI 2020).	Rhett Smart - CapeNature	The specialists have confirmed that their reports are compliant with the relevant Protocols.	PHS Consulting
19 February 2024	As mentioned in the botanical impact assessment, there are game on the old lands on the property. There is a game management plan for the property in accordance with the relevant legislation. The species present are mainly extralimital game species utilizing transformed areas in fenced camps and therefore do not need to be assessed in the animal species impact assessment as they are equivalent to agricultural livestock (bontebok (<i>Damaliscus pygargus pygargus</i>) a notable exception). We nonetheless recommend that the game management plan can be provided to the botanist.	Rhett Smart - CapeNature	I am not a grazing specialist and cannot comment on carrying capacities or suchlike. The issue of whether or not it is appropriate to stock extralimital game species (as here) is more of an ethical one than anything else, but as noted by CapeNature the extensive fencing thus required does indeed prevent indigenous, local terrestrial fauna from accessing or traversing much of the	Nick Helme

			property, which is clearly a negative, practical impact on these species.	
BOTANICAL AND FAUNAL				
19 February 2024	Based on the Western Cape Biodiversity Spatial Plan of 2017, the proposed development falls within a CBA and critically endangered ecosystems, namely Potberg Ferricrete Fynbos and Central Ruens Shale Renosterveld. With reference to the Overberg District Municipality's Spatial Development Framework of 2022, BVAs is classified as Core 1 under the Spatial Planning Categories. These Areas must be regarded as no-go for the development and must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity. There should be no further loss of natural habitat and degraded areas should be rehabilitated.	R Volschenk – Overberg Municipality	No further loss of CBAs are intended. The proposed lodge is located within a disturbed area. Degraded areas will be rehabilitated over time. The Botanist, Nick Helme, states in the Botanical Impact Assessment that fortunately most of the vegetation disturbance and clearing did not significantly damage the upper soil surface, and consequently natural (passive) vegetation rehabilitation is expected to be good, and will take place over a period of up to ten years.	PHS Consulting
19 February 2024	Giving the conservation status of Renosterveld, any remnants, irrespective of its state (pristine or degraded), should be excluded from the development footprint. The development of any additional infrastructure, such as the proposed lodge, should not impact on any renosterveld remnants.	R Volschenk – Overberg Municipality	This is the intention.	PHS Consulting
19 February 2024	According to the site sensitivity verification report, the botanical impact assessment is intended to address the terrestrial biodiversity, plant species and animal species themes. The botanical impact assessment recommends that the vegetation that would have been impacted by the dam and adjacent borrow excavations is better classified as Eastern Rûens Shale Renosterveld as these areas are underlain by shale and is supported by the species present. This vegetation type is reported as critically endangered, however we wish to advise that the status changed to endangered in the 2022 Revised List of Threatened Ecosystems.	Rhett Smart - CapeNature	This is correct. This has been corrected in the updated Botanical Report.	Nick Helme
19 February 2024	The habitat which would have been present is inferred from the surrounding remaining vegetation and from the historical aerial imagery, which is supported. The condition of the habitat within the riparian area of the watercourse is heavily invaded by alien invasive species which along with the disturbance from the historical dam construction reduces the conservation value.	Rhett Smart - CapeNature	Correct.	PHS Consulting
19 February 2024	The access road from the main road and along the eastern firebreak and the construction of the owner's dwelling took place within intact natural habitat. The proposed lodge is however fully located on the	Rhett Smart - CapeNature	Correct.	PHS Consulting

	previous mine, although sections of this area have revegetated this area would have likely been of low conservation value. It is however noted that some of the footprints were not ground-truthed and are based on desktop information, including the eastern firebreak, owner's dwelling and proposed lodge.			
19 February 2024	Three plant species of conservation concern were encountered on the site consisting of two vulnerable species and one endangered species. The two vulnerable species were commonly encountered within the area which had been scraped and is in the process of rehabilitation and therefore were not significantly affected by the clearing activities. The endangered species may have been affected by the access road from the public road. The threat status for <i>Serruria 'ludwigii'</i> has not been assessed or included in the online SANBI Red List. The Global Biodiversity Information Facility (GBIF) records this taxon as <i>Serruria acrocarpa var. ludwigii</i> (GBIF 2023). This taxon could however be of conservation concern. The report notes that there is a good probability that the property contains more species of conservation concern beyond the areas surveyed.	Rhett Smart - CapeNature	Correct.	PHS Consulting
19 February 2024	The animal species flagged in the screening tool, consisting of 8 bird species and 2 invertebrate species are briefly discussed. None of these species which were flagged were recorded on site. Observations of birds and records of frog calls around the dam are listed. It should be noted that <i>Hyperolius marmoratus</i> (painted reed frog) is an extralimital species that did not historically occur east of Tsitsikamma (http://speciesstatus.sanbi.org/assessment/last-assessment/1470/). The habitat around the dam should be considered as artificial aquatic habitat replicated in many farm dams. The flagged species should be discussed in more detail with regards to their habitat requirements and likelihood of occurrence and associated impacts. For example, butterflies are often closely associated with a host plant and other species associations (e.g. ants) and can be impacted at a small scale. Nesting black harriers (<i>Circus maurus</i>) could have also been impacted by the activities on site.	Rhett Smart - CapeNature	<i>Hyperolius marmoratus</i> is extralimital here, and now noted as such. Additional discussion added to revised report.	Nick Helme
19 February 2024	The impact assessment is provided for each of the project components and the impacts before mitigation range between medium and low and after mitigation they are all reduced to low apart from the operational phase impacts associated with the owner's dwelling and the proposed lodge. We wish to advise that the National Biodiversity Offset Guideline indicates that for residual impacts after following the mitigation hierarchy which are of medium significance or higher, a biodiversity offset is required. As the lodge	Rhett Smart - CapeNature	Construction phase residual ecological impact is Low negative after mitigation; for the operational phase the residual impact is of Low to Medium negative significance	Nick Helme

	has not yet been built, the options of avoid and minimize are still available.			
AQUATIC				
19 February 2024	Aquatic impact assessment describes the aquatic features on site and concurs with the mapping of the National Biodiversity Assessment. The rivers upstream of the public road terminate in two endorheic pans. The rivers on the subject property originate below the road. The presence of a spring upstream of the two dams is highlighted and provides evidence of groundwater supplementing the flow additional to the relatively small surface water catchments of the river. A hydrological impact assessment was also undertaken to assess the impact on surface water and groundwater and is used to inform the aquatic impact assessment. The only components of the development within or adjacent to the rivers and wetlands are the two dams and therefore are the only features assessed. The impact assessment indicates that the dams have been present since 1940 however they were no longer in use and are not evident in recent historical imagery. There were therefore existing impacts on the river in terms of impacts to flow as a result. The downstream flow requirements are evaluated, and the existing outflow pipes are considered sufficient for downstream flow. The hydrological impact assessment recommends that the base flow of 10 m³ per day downstream of the dams can be maintained, while the recommendation is at least 25% of the flow must be permitted downstream. Whichever is the larger amount should be implemented.	Rhett Smart - CapeNature	Correct. While the recommendation has its merits, stipulating a minimum baseflow would be problematic during dry or drought conditions if the inflow does not match the required release – it would imply that water will need to be released from the dam regardless of whether that water is available.	PHS Consulting Toni Belcher
19 February 2024	It is recommended that surface water abstraction is preferred to groundwater abstraction due to the presence of springs in the area and the potential impact which boreholes could have in reducing the spring flow. The concerns raised in the botanical impact assessment regarding the observed reduction in the flow of rivers in this area as a result of groundwater abstraction need to be more fully responded to. We wish to note that there is currently a water use license application (WULA) on an adjacent property for irrigation of olives with groundwater whereby the proposed abstraction volume was not considered sustainable and the isotope studies confirmed the linkages between the groundwater and river flow. We recommend that the competent authority (Breede Olifants Catchment Management Agency/Department of Water and Sanitation) should include the spring above the dams in this	Rhett Smart - CapeNature	The comment regarding the observed reduction in the flow of rivers in this area as a result of groundwater abstraction relates to other properties and is aimed at possible investigation by BOCMA. The comment re WULA on adjacent property is noted. The WULA linked to this S24G includes the assessment of the spring feeding the dams. We were not asked to look at groundwater abstraction as part of this assessment – I would certainly support the recommendation of surface water	PHS Consulting Toni Belcher

	application should form part of the monitoring programme for the adjacent property.		abstraction rather than groundwater but how is it part of this assessment. It is an issue because of the adjacent landowner application and should be addressed there.	
19 February 2024	The impact assessment indicates that the impacts were medium-low before mitigation and low after mitigation for the works undertaken and low before mitigation and none after mitigation for the operational phase. The recommendation is that the dams can remain in place with the recommended downstream flows. Key mitigation is clearing of alien invasive species and rehabilitation of the disturbed areas which aligns with the botanical impact assessment. A maintenance management plan (MMP) is proposed for the removal of sediments from the dams and the culverts and CapeNature supports that this should be undertaken. It must also be ensured that the aquatic impact assessment adheres to the protocols.	Rhett Smart - CapeNature	Correct. To my knowledge I have adhered to the protocols. A general statement like this is not helpful as it could just be a standard comment made in all assessments.	PHS Consulting Toni Belcher
REHABILITATION AND MONITORING				
19 February 2024	The areas which were scraped for the material for dam construction were likely in a better condition, however rehabilitation has thus far been relatively successful in these areas. We recommend that more information is provided regarding the specific methodology that was undertaken in this disturbance footprint which has allowed for successful rehabilitation following clearing of vegetation. This should include any rehabilitation measures that were undertaken. This will need to be taken into account in the evaluation of the impacts. We recommend that a monitoring programme of the rehabilitation is required in order to accurately assess the long-term impacts.	Rhett Smart - CapeNature	The Botanist, Nick Helme, states in the Botanical Impact Assessment that fortunately most of the vegetation disturbance and clearing did not significantly damage the upper soil surface, and consequently natural (passive) vegetation rehabilitation is expected to be good, and will take place over a period of up to ten years. The EMPr does include rehabilitation aspects that will have to be implemented.	PHS Consulting
ALIEN CLEARING				
19 February 2024	The proposed mitigation is an alien clearing programme first focused on the areas surrounding the footprints and then for the entire property with associated timeframes. CapeNature supports the mitigation measures as stated. Concern is further raised	Rhett Smart - CapeNature	Noted and agreed.	PHS Consulting

	regarding the reduction in water levels of the watercourses, which is addressed in the aquatic impact assessment.			
GROUND TRUTHING				
19 February 2024	We wish to raise concern that not all of the footprints which form part of the application were ground-truthed. In addition, the site visit that took place was not within the optimal time of year. We therefore recommend that a follow-up site assessment is required which includes all of the footprints, in particular the owner's dwelling and proposed lodge which trigger the requirement for a biodiversity offset.	Rhett Smart - CapeNature	I agree that it would be recommended, as more fieldwork is always better; however, I don't feel that it is essential.	Nick Helme
WATER				
16 February 2024	Water is a major resource for adjacent landowners, and into the Breede River. The water may be from rain sources, from the Potberg Mountain range and from local aquifers. The Applicant and the Property owner have provided a water survey of the area to establish the adequacy of the water resource and its impact on neighbours/surrounding farms/natural vegetation/local animals, and any possible inflow into the Breede River. The MRRA believe that the appropriate authorities reviewing and managing water resources need to comment on the report, its veracity and conclusions, and its impact on neighbouring farms and properties. • Please provide the calculation of <i>summer spring water of 18m³/day?</i> • <i>What period are these calculations based on – 1 year- 2 years - 10 years?</i> • <i>Please provide your calculations of Recharge to the dams during rainfall between 497.2 m³ and 76.7m³</i> • <i>Is there a guarantee to the downstream users of water of a volume of 31,641m³/pa</i>	M. Mulder - Malgas Ratepayers and Residents Association	BOCMA have commented and are reviewing the relevant information as part of the Water Use License Application.	PHS Consulting
19 February 2024	It has come to our attention that certain information in the Specialist Reports prepared by other parties that PHS Consultants used in preparing their S24G submission, that some facts do not appear to be accurate and appear to be distorted particularly in Appendix H – Specialist Report(s) - Appendix-H3-Botanical-Impact-Assessment compiled by Nick Helme Botanical Surveys Pri.Sci.Nat. No 400045/08. • The Olive Farm are engaged with the authorities regarding water use and availability, as MRRA have seen from the Olive Farm application and requests for Public Participation Comment.	M. Mulder - Malgas Ratepayers and Residents Association	Size of cultivated area has now been corrected with info provided by landowners; this error, however, makes no material difference to my conclusions or recommendations, and I remain entitled to my own opinion, which was informed by conversation with various local residents and my own observations on the state of vegetation in the seasonal wetlands and seeps on Melkhoutrivier 492; no figure for daily or annual	Nick Helme

	- In comparing the water consumption of the proposed P1 of farm 492 with the Olive Farm there appear to be errors on the size of the property, the consumption of the water and the source of the water. - The Olive Farm, we understand, will be making a direct submission to PHS to request rectification and advising the interested parties and authorities who have received the Public Participation document re farm 492, Melkhout Rivier. - We note the apparent errors and omissions could have been overcome had Nick Helme applied his mind and consulted the Olive Farm before issuing, it seems, an erroneous report.		groundwater abstraction was provided in comments submitted by Olive Farm; consulting the Olive Farm would potentially have cleared up the exact hectareage of cultivation (a 15% discrepancy is not the issue here), but my observation on the state of the vegetation in many seepage areas nearby would have remained,- supported by comments from those who were consulted.	
19 February 2024	The water use license application (WULA) summary report has been included as an appendix. It is noted that a total of six dams are included in the application, and thus an additional four dams are proposed or in existence. We note that the game management plan indicates a concrete reservoir to the west of the two dams under investigation.	Rhett Smart - CapeNature	The original farm has 6 small dams (all ELU). The application area only has 2 of these 6 dams. The concrete reservoir is not in use. There are 2 x 10 000 litre holding tanks placed within this reservoir.	PHS Consulting
21 February 2024	Water is a major resource for adjacent landowners, and ingress is crucial for the sustainable functioning of the Breede River Estuary. The water may be from rain sources, from the Potberg Mountain range and from local aquifers. The Applicant and the property owner have provided a water survey of the area to establish the adequacy of the water resource and its impact on neighbours/surrounding farms/natural vegetation/local animals, and any possible inflow into the Breede River. The LBRCT believe that the appropriate authorities reviewing and managing water resources need to comment on the report, its veracity and conclusions, and its impact on neighbouring farms and properties. - Please provide the calculation of <i>summer spring water of 18m³/day?</i> <i>What period are these calculations based on – 1 year- 2 years - 10 years?</i> <i>Please provide your calculations of Recharge to the dams during rainfall between 497.2 m³ and 76.7m³</i> <i>Is there a guarantee to the downstream users of water of a volume of 31,641m³/pa</i>	Jason Oxley – Lower Breede River Conservancy Trust	BOCMA have commented and are reviewing the relevant information as part of the Water Use License Application.	PHS Consulting
21 February 2024	I fail to see how the consultant can state that the wetland/vlei on my property can sustain itself with only 25% of the water, what they are saying that current amount of water is excessive – impossible?	Rupert Durie – Brookgreen Trust	That is not what was said – the 25% of flow needed is what the wetland needs to sustain itself, based on specialist knowledge.	PHS Consulting

16 February 2024	It has been noted that there may be a borehole on the property, which could impact on the Hydrological study, and doesn't appear to be noted therein.	M. Mulder - Malgas Ratepayers and Residents Association	Borehole is on original farm and does not form part of the application area.	PHS Consulting
16 February 2024	From the PHS report it appears that the water collected in the dams will be used as drinking water at the lodge and other buildings. To this end the followings details are required: • pH of the water • Total dissolved solids (TDS) • Chemical composition of the water • Sterilization of the water if required • Filtration of the water • Filter microns • The design of water pressure at the buildings • Material of piping and valves • Nature of the pump (centrifugal, reciprocal, diaphragm) • Pump power (solar or electrical)	M. Mulder - Malgas Ratepayers and Residents Association	The water provided will be compliant with SANS 241 drinking water standard at the point of provision. A filtration system will be designed in order to obtain this, once the final design volume is known.	PHS Consulting
13 March 2024	During investigation conducted by the BOCMA officials on 30 April 2021 at farm Melkhout River 492/1(rem), Swellendam, it was confirmed that farm Melkhout River have contravened activities defined as water uses in terms of section 21(b)- storing water, section 21(c)-impeding or diverting the flow of water in a watercourse, and section 21(i)-altering the bed, banks, course, or characteristics of watercourse of the NWA without a water use authorisation and failed to comply with section 26(1)(c) and section 34(2) of the NWA. A notice of intention to issue a directive in terms of section 53(1) of the NWA dated 25 May 2021 was issued. This office acknowledges that a representation letter dated 17 June 2021 was received and responded to with a response letter dated 15 July 2021. On 26 February 2024 BOCMA officials conducted a follow-up investigation to monitor compliance with the issued notice. Therefore, it was found that the two dams were connected to metering device and used for domestic water. In addition, no irrigation is taking place at farm Melkhout River 492/1(rem), Swellendam. An aquatic impact assessment report dated July 2023 was compiled with the proposed rehabilitation plan and this confirms that the facility is compliant with the notice dated 25 May 2021.	Kgadi Makgakga - BOCMA	The water uses noted by BOCMA are concurred. The two dams are metered and it is reported on a monthly basis to BOCMA. The Freshwater Ecological report complies with the requirement of the notice of intention to issue a directive in terms of section 53(1) of the NWA dated 25 May 2021.	PHS Consulting
13 March 2024	The BOCMA would like to advice that an application for a water use authorisation in terms of section 21(a), (b), (c) and (i)-For two dams within the regulated area must be lodged using the electronic Water	Kgadi Makgakga - BOCMA	The WULA is in process and forms part of the PPP for the S24G application.	PHS Consulting

	Use Licence Application and Authorisation System (eWULAAS) located on the Department of Water and Sanitation (DWS) website (www.dwa.gov.za) before the irrigation takes place and proposed activities for accommodation. Furthermore, an alien vegetation clearing programme should be initiated within the property, with on-going progress made and a Rehabilitation Plan for all disturbed areas must be in place and implemented as proposed under a report titled " <i>Aquatic impact assessment report for the alleged unauthorised activities at farm Melkhoutrivier portion 1 of no. 492, Malgas dated July 2023</i> ".		Alien vegetation management is ongoing and forms part of the EMPr for the S24G process. Rehabilitation for disturbed areas is as per the Freshwater Ecological report and is included in the S24G Report and EMPr.	
13 March 2024	Your attention is drawn to Section 22 (1) of the National Water Act, which states: 22. (1) A person may only use water (a) without a licence if that water use is permissible under Schedule 1; (i) if that water use is permissible as a continuation of an existing lawful use; or (ii) if that water use is permissible in terms of a general authorisation issued under section 39; (b) if the water use is authorised by a licence under this Act; or (c) if the responsible authority has dispensed with a licence requirement under subsection (3)	Kgadi Makgakga - BOCMA	The comment is noted.	PHS Consulting
13 March 2024	It is recommended that the BOCMA stands on this matter in terms of water use licence application process in terms of section 40 of the NWA to be considered during the assessment of this application as stipulated in paragraph 3 of this letter.	Kgadi Makgakga - BOCMA	The WULA is in process.	PHS Consulting
EMPR AND MMP				
19 February 2024	The mitigation measures proposed in the EMP and RMMP is supported.	R Volschenk – Overberg Municipality	Noted.	PHS Consulting
PLANNING APPLICATIONS				
19 February 2024	CapeNature has received two municipal planning applications for this property over the past year. One was for the proposed lodge as included in this application in which we recommended that an applicability checklist should be provided to DEA&DP. The other application was for an airstrip and hangar south of the public road for which we also recommended that an applicability checklist is required. There are also buildings and other activities located along the western boundary of the property adjacent to the public road. We recommend that these other activities need to be assessed in terms of NEMA compliance and depending on the outcome should either be included in this application or a separate application/s.	Rhett Smart - CapeNature	According to the Applicant, the landuse planning process for the application area (inclusive of the lodge) will resume once the S24G process has been completed. The airstrip and hangar south of the public road does not form part of the application area and should be considered separate from the S24G process. The land in question does not belong to the applicant.	PHS Consulting

SERVICES				
19 February 2024	It is also noted that the services for the owner's house and proposed lodge have not been indicated. Potable water, sewage provision and electricity for these facilities must be indicated and included in the assessment.	Rhett Smart - CapeNature	Section D number 6 in the S24G Report provides detail on the services. No additional information has been provided to the EAP.	PHS Consulting
CONCLUSION				
19 February 2024	The botanical assessment and aquatic assessment must be updated to include the requirements of the protocols and the Species Environmental Assessment Guidelines.	Rhett Smart - CapeNature	This has been done.	Nick Helme
19 February 2024	A follow-up site visit is required to inform the botanical assessment to ensure that all the components of the development proposal are ground-truthed and should ideally take place in the optimal season.	Rhett Smart - CapeNature	This is not considered essential in this case.	Nick Helme
19 February 2024	The mitigation hierarchy must be applied for operational impacts for the owner's house and the lodge. If the impacts are still of medium significance or higher, then a biodiversity offset must be implemented.	Rhett Smart - CapeNature	Low to Medium : No offset required; but significant alien vegetation clearing required on entire property within 1 year of any decision, and ideally on property west of main road.	Nick Helme
19 February 2024	Confirmation should be provided regarding the existing impacts on the springs as a result of groundwater abstraction so that these can be addressed.	Rhett Smart - CapeNature	This is associated with the adjacent application for which a groundwater assessment was done by SRK? I cannot comment on that.	Toni Belcher
19 February 2024	The services for the owner's house and proposed lodge must be described and the impacts assessed.	Rhett Smart - CapeNature	Section D number 6 in the S24G Report details the services.	PHS Consulting

Table 2: Comments received on Draft S24G Report – 31 May to 2 July 2024

DATE RECEIVED	COMMENT	I&AP	RESPONSE TO COMMENT	RESPONDENT
GENERAL				
7 June 2024	We support concerns raised by Lower Breede Conservancy, as well as CapeNature.	Dr Odette Curtis-Scott: Overberg Renosterveld Conservation Trust	Noted.	PHS Consulting
26 June 2024	The subject property is located 6km south-east of Malgas and takes access off Main Road 268 at km46,6. This Branch offers no objection to the issuing of Environmental Authorisation in terms of the National Environmental Management Act 107 of 1998.	Vanessa Stoffels: Dept. of Infrastructure	Noted.	PHS Consulting
2 July 2024	At this stage Swellendam Municipality, (SWM), the MRRA understands, have noted and reviewed the application with interest. SWM's more specific involvement will come into play when applications are made to SWM for breaches of municipal rules and regulations, for consent use, breaches of municipal rules and regulations and for new applications. It has been noted that the property developer will only supply specifications of building planning on completion of the S24G application. We understand a previous application has been made to SWM substantially the same as for the proposed Lodge however SWM have declined to assess.	M Mulder: MRRA	Agreed and noted. The land use planning application will continue once the S24G process has been completed.	PHS Consulting
3 July 2024	In conclusion, CapeNature is satisfied that our concerns have been addressed with the recommended amendments to the EMP, and that there is sufficient information to make a decision.	Rhett Smart: CapeNature	Noted.	PHS Consulting
FRESHWATER SYSTEMS				
7 June 2024	The aquatic specialist claims that there were already existing dams in 2019 – Google Earth images do not support this claim. If there were any dams, they would have been very small and barely visible: This in no way justifies the unlawful development of two dams within in a watercourse in Critically Endangered vegetation.	Dr Odette Curtis-Scott: Overberg Renosterveld Conservation Trust	Noted.	PHS Consulting

	The hydrological report recommends that a certain amount water is released on a daily basis – but these are non-perennial rivers, so what will happen when they are not flowing (which tends to be most of the year, in our experience)? And who will monitor compliance on this recommendation? These recommendations are hardly enough to mitigate the impacts of an unlawful dam on an entire watercourse. They are flimsy and will not be enforced by any government agencies.		The Freshwater Specialist has made the following recommendation which has been included in the S24G Report: At least 25% of the flow in the watercourse that enters the dams should be allowed to continue downstream. This downstream flow requirement is important to maintain the downstream wetlands that provide habitat for amphibians and birdlife. The downstream flow requirement should largely be achieved passively by not drawing down the water level in the dam such that it drops below the lower culvert in the dam wall. The culverts should also be kept open and not blocked. Monitoring of the flow from the culverts in the lower dam wall should be recorded, as well as abstraction from the dam. It is recommended that there is an approved Maintenance Management Plan in place for the farm that would guide any maintenance activities undertaken in the watercourses. The hydrologist made the following observations: The spring system, some 84m up valley from the upper inflow of the two instream dams, is in actual fact a series of springs.... The spring system is a unique phenomenon in this particular environment and the perennial, but seasonally fluctuating discharge being a significant contributor to the overall discharge in the drainage system under	PHS Consulting
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			consideration. The discharge from the spring system even during a below average rain period exceeds that of a maximum flood event in the drainage system at some 534m³ per month. Furthermore, an application for adoption of Maintenance Management Plan has been included in the S24G process. The flow and abstraction measurements have to be reported to BOCMA as part of the WULA requirements. In addition, the EMPr requires that an external audit is undertaken by an independent auditor to ensure compliance with the EMPr and EA conditions.	
GROUNDWATER				
3 July 2024	It is agreed that the impacts as a result of groundwater abstraction on neighbouring properties cannot be addressed through this process, however it is important that the cumulative impacts of groundwater abstraction are taken into account. We recommend that Breede Olifants Catchment Management Agency (BOCMA) should consider a strategic approach to groundwater abstraction for the properties between Potberg Mountain and the Breede River Estuary through appropriate legislative or policy tools and monitoring.	Rhett Smart: CapeNature	Noted.	PHS Consulting
BOTANY AND FAUNA				
7 June 2024	We ask that the Department does not approve ANY further development on Critically Endangered and Endangered vegetation. The relatively small, disturbed area within virgin natural veld (renosterveld) will become covered in natural vegetation if given time, thus this apparent previous 'disturbance' does not in any way justify any development in an endangered vegetation type. We strongly object to this aspect of the application in particular. The justification that this site was 'previously disturbed' seems very far-fetched, as Goole Earth imagery suggests that this site was only	Dr Odette Curtis-Scott: Overberg Renosterveld Conservation Trust	The two owner's cottages have already been constructed without environmental approval. The unlawful construction of these cottages have been assessed by the Botanist and have a low negative impact. It would indeed appear that the proposed owners house footprint was first disturbed only in 2021. There are also numerous other	PHS Consulting Nick Helme

	first disturbed as recently as 2021 (most likely for the purposes of this dwelling). The botanical specialist has not been to this particular site and therefore we do not know the nature of this disturbance. Either way, it seems unlikely that this disturbance can by any means justify a whole new development (house, sewerage, road, which all will result in further disturbance to the wildlife which depend on these last remaining pieces of natural veld). There are many other locations on this farm where a house could be built without further impacting these sensitive remnants.		parts of the property where development of a new house would have a lower impact on Renosterveld.	
3 July 2024	Concerns raised by CapeNature in our comment on the Pre-Application NEMA Section 24G Report have been addressed in a comments and response report, which includes responses from the specialists. The botanical impact assessment has been updated with minor amendments. The botanical assessment includes additional detail regarding the animal species which may occur on site, in particular the faunal species of conservation concern flagged in the screening tool. We wish to note for future reference that according to the Species Environmental Assessment Guideline, the site ecological importance (SEI) needs to be calculated for any confirmed records of species of conservation concern in accordance with the prescribed methodology (SANBI 2022). Clear evidence has however been provided that the impacts on species of conservation concern was low, considering their global populations, and that two of these are re-establishing in the sections under rehabilitation therefore we are satisfied that no further inputs are required in this regard. Confirmation is provided that the vegetation clearing around the dams did not significantly damage the upper soil surface and therefore the rehabilitation potential is relatively good. Rehabilitation of unused roads has been included as a section within the Environmental Management Programme (EMPr). We recommend that rehabilitation should be required for other disturbance footprints as well. For the sections where there is good recovery from the topsoil cover, the most important rehabilitation	Rhett Smart: CapeNature	Noted. Noted. The S24G and EMPr will be amended to state that additional disturbance footprints relating to the lodge, owner's cottages and dams are to be rehabilitated. Alien clearing is discussed and prescribed in the EMPr and 24G Report.	PHS Consulting

	measure is alien clearing. The alien clearing measures included under the required mitigation in botanical impact assessment must be implemented as specified.			
3 July 2024	The botanical impact assessment has revised the residual impact for the operational phase from medium to low-medium, thereby reducing the residual impact to below the thresholds requiring a biodiversity offset. The motivation for the reduction in significance has not been provided, however we wish to note that the initial motivation was based on mitigation measures which landowners are unlikely to implement (i.e. planned burns, maintenance of firebreaks using appropriate methodology), however if these are included as essential mitigation measures in the EMPr they will need to be implemented.	Rhett Smart: CapeNature	The EMPr will be updated to include a requirement for managed block burns in all Renosterveld areas every 12 to 15 years. This must be undertaken/managed by a professional in the field. The maintenance of firebreaks is included in the EMPr and will need to be implemented correctly.	PHS Consulting Nick Helme
3 July 2024	The properties linking De Hoop Nature Reserve to the Breede River Estuary have been identified as a protected area expansion priority and therefore consideration should be given to formal conservation of the property, even if a biodiversity offset is not required. Previously we commented on the conservation value of the game camps on transformed pastures and therefore the focus would be on the remaining natural vegetation on the property. It is noted that it is intended to subdivide the existing property however both portions contain conservation worthy habitat. Game management has been addressed in terms the relevant legislation for which CapeNature is the competent authority.	Rhett Smart: CapeNature	The portion of the farm that will be owned by the Applicant will be managed as per the Game Management Plan. The informal conservation on the remaining area on this portion will be encouraged.	PHS Consulting
APPROVAL OF 24G APPLICATION				
7 June 2024	We are very concerned about the number of unlawful developments that have already taken place on this property (particularly the two dams and several roads which all impact natural vegetation): No effort was made to avoid impacts on the natural vegetation (by, for example, making use of existing disturbed areas, of which there are plenty on this farm), or to actively restore natural areas or watercourses (i.e. clear alien vegetation). Approving a 24G application (alongside an additional development application) for such a broad range of unlawful activities with such significant impacts on the CR / EN vegetation as well as the water resources here, would only serve to support the existing attitude	Dr Odette Curtis-Scott: Overberg Renosterveld Conservation Trust	Your concerns are noted. Alien vegetation clearance is ongoing and was noted by Botanist and Freshwater Ecologist. This was prior to the S24G process. Compliance is monitored through the ECO and auditing requirements of the EMPr and WULA.	PHS Consulting

	among the farming community of 'do it now and say sorry later'. Approving a 24G under these circumstances will completely undermine NEMA and set further precedence for landowners to undertake whatever developments they please and simply follow the EIA process after-the-fact. Who will monitor compliance on ANY recommendation? It is well known that the department has almost no capacity for compliance monitoring. Alien vegetation is a significant threat to this property and clearly the landowner is also in contravention of CARA; this needs to be rectified. It is critical that an alien vegetation plan is compiled, properly implemented (by properly trained teams, not bulldozers / untrained farm workers) and audited. The presence of hundreds of hectares of threatened natural vegetation (including ecotones between several of these), as well as the site's proximity to an existing protected area, suggests that the remaining natural portions on the site may have high conservation value. The high threat levels (unmanaged alien vegetation and impacts on watercourses by aliens and dams) suggest that affording the site formal protection will help to ameliorate these issues in future, as the landowner would work in partnership with an existing conservation body (e.g. CapeNature). We therefore recommend a more detailed botanical assessment across all the natural vegetation, at the optimal time of year (spring) in order to assess the potential value of the site as a protected area (e.g. nature reserve) as a potential 'offset', but also as a gesture of real intention to improve the ecological state of the property by the landowner. This would be far more meaningful than a fine (associated with a 24G). At least, if a conservation partner were involved here, there would be some form of compliance monitoring and guidance on alien-clearing, etc. We are concerned that this possibility has not yet been considered in any specialist reports, despite the extensive (cumulative) impacts on the natural systems here and the significant areas of natural vegetation remaining. The presence of introduced game is not necessarily indicative of a well-managed or conservation-minded management approach.		The S24G applicant has put firebreaks and alien vegetation management in place and committed to rehabilitate unused roads and previously disturbed areas on site. I recommend that all remaining natural areas outside these fenced off areas should be formally conserved, in partnership with CapeNature and the Overberg Lowland Renosterveld Trust. All costs for this process and ongoing required veld management should be borne by the applicant. The above recommendation will be included in the S24G Report.	Nick Helme PHS Consulting
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ENGINEERING				
13 June 2024	I intend to lodge an objection to the Engineering Council of South Africa on the engineering aspects of the project for failure to disclose the name of the Registered Professional Engineer and his/her design calculations or reports on the dams and roads in the project confines. The answers that are presented in the Appendix N7 obviates the answers of the Developer and PHS that are required. Furthermore, the dams are in existence and potentially pose a risk to the residents downstream of the dams. It is apparent that the Developer or PHS is oblivious to the tragedy of the building collapse in George that has recently occurred. I must point out that approval of other authorized approval entities can only approve the project in their expertise and not based on Design of Engineering unless they have a Registered Professional Engineer to give this approval. These other authorized approval entities will have to sign an undertaking taking full responsibility for any damage that is caused by failure of the dam structures or roads in the project area and downstream of farm 492 Melkhoutrivier.	S.Z. de Nagy Koves Hrabar	Your concern is noted. None of the dams carry a safety concern nor classification according to the NWA. The dams pre-date the NWA and are ELU in terms of the Water Act 1956 and did not require a permit in terms of section 9 of the Water Act 1956.	PHS Consulting
TOWN PLANNING AND ARCHITECT				
1 July 2024	1. I know that the sub-division is still in the process. Is it possible to have some sort of clarity as to how far down the line the process is as it has now been a couple of years. 2. It was mentioned that the final architect's plans will be done after the S24G application has been approved and after public participation. Surely all of this needs to be done upfront so the concerned participants have a better understanding as to what is happening. 3. Does the game farm have consent use approval yet?	Marjo Felderhof	1. According to the Applicant, the sub-division process has been initiated and is in process. 2. The plans included are indicative to provide detail on the listed activities in terms of NEMA and possible impacts. Final design and layout will be on the approved footprint and will be in consultation with and approved by Swellendam Municipality. 3. A Consent Use application for the proposed lodge has been submitted and will be completed after the S24G process is done. The game farm is a primary use akin with farming and does not require consent use.	PHS Consulting

2 July 2024	For all the above reasons, and more if required, the MRRA are still opposed to consent use, and especially for the development of the expansive 3094m² lodge, and surrounds. The lodge is a name. The proposed buildings are a hotel, and not appropriate for the area. No valid motivation other than tourism is set out. The tourism and socio-economic aspects appear in any event to be significantly flawed. This request for a Consent use will create a serious and inappropriate precedent if passed, adding to the further degradation of Biodiversity.	M Mulder: MRRA	As mentioned in the S24G Report, the development footprint of the lodge is 1292m² according to the plans provided by the Applicant. The concerns are noted.	PHS Consulting
SOCIAL ISSUES				
1 July 2024	4. It has been said the permanent staff will not be housed on the premises? Will they be housed in Nuwedorp or will it be on the remaining portion of the farm? It does not seem feasible that staff will be bussed in everyday from Swellendam or Bredasdorp, especially the night staff. 5. If the remaining portion of the farm is used for accommodation (as a means of not having staff on the premises), that could become an added problem.	Marjo Felderhof	The Applicant has indicated that no permanent staff will be housed on the premises, outside of the farm manager and 2 staff members already living on the farm, but bussed in from surrounding areas.	PHS Consulting
2 July 2024	The NEMA application and supporting annexures indicate the following key items: Cost of improvements likely to be around R16m. The 504 ha has no river frontage, so a negative for any tourism aspect. The property is fenced in with professional game fences, with Camp 1 for new game and Camp 2 for free running game, with the rest of the land taken up by some limited farming, dams and waterways, buildings and surrounds, roads and natural vegetation outside of the game farming. The fences restrict the natural flow of the fauna in the area, as noted in the Cape Nature report in 2 above.	M Mulder: MRRA	Your points are noted.	PHS Consulting

	The economic activity would be centered on the 20-bed lodge for the hunting season, understood to be around three months, but to be formally advised, and for the rest of year tourism. Revenue to be earned around R3m annually. Or R250 000 per month. Is this even possible from game viewing, game hunting and use of the lodge. On the surface it appears to be very exaggerated. Staff to be employed at the Game Farm and Lodge would be some 20 permanent staff and 30 temporary staff employed on a regular basis. It is stated that the staff would be transported daily from Swellendam, some 60 kms or so away. Game farming generally requires a low level of staff. Since there is no staff accommodation, one fails to see how a lodge which requires at least 12 hours a day, could be maintained. The aspect of using local labor as a socio-economic benefit appears to be highly exaggerated and inappropriate/unreasonable. Regarding the permanent staff at the Servicing lodge; the report states that staff will be bussed into the Lodge on a daily basis. There is no provision for change or toilet facilities for the staff on the premises. Will the staff use the guest rooms to get changed and use their toilets during working hours?				
2 July 2024	The above seems like an improbable socio-economic proposition, with the likelihood of attraction significant tourism probably very low. De Hoop and Bontebok park nearby are wonderful and provides extensive facilities and access for seeing a wide variety of fauna, including game, sea life and birds. Malagas has guest houses, a hotel for tourists, access to the Breede River and is situated at the Ferry. The Game Farm could not compare to De Hoop, and the area for game viewing or hunting could be just too small. Hunting with rifles could be dangerous to surrounding areas, thus perhaps limiting the attraction. Cape Nature should review.	M Mulder: MRRA	Your concerns are noted.		PHS Consulting

WASTE				
1 July 2024	In regards to general waste and clearing, it was mentioned that the nearest landfill would be used. There currently is a landfill on the remaining portion of the farm which is not a proper controlled site – is that the landfill that the game farm owner is referring to?	Marjo Felderhof	Waste is removed to a municipal dump site near Diepkloof. Waste is separated into recyclables and non-recyclables. The Municipality then removes the waste from this dump site to a registered landfill.	PHS Consulting
GAME MANAGEMENT PLAN				
2 July 2024	The NEMA application and supporting appendixes/annexures/documentation cover many pertinent aspects and requirements, including relevant information about Environment, Water Use, Flora and Fauna and general Biodiversity – The main purposes in the motivation are for: The rectification of previous illegal activities. For the development of a game farm for hunting and tourism activities on the 504-ha subject land. Appendix O sets out the approval for a live game farm industry by Cape Nature, Riversdale dated 6 August 2020, on the 504-ha section of Melkhoutrivirier property, in favour of Mr Booysen, although the property was and is officially still registered in the name of the Kemp family, and has a supporting motivation, apparently reviewed and modified by Cape Nature. Inter alia: - The Approval states the extra-limital species being 7 types of antelope are allowed, (to a total of 45), that it is for a three-year trial period, at which stage within three months a review must be made and presented to Cape Nature, for them to assess against the motivation. - The supporting motivation is very comprehensive, including: - Reviewing biodiversity and existing flora and fauna, - Inter alia the report also sets out the extra-limital species of 7 types of game allowed (45 animals) plus a possible special consideration could be given to an additional 2 categories of game, including buffalo. (15 animals) and more common species (25 animals) There is no provision for animals such as feline animals, rhinoceros or giraffe. The approval letter doesn't provide consent for these additional categories.	M Mulder: MRRA	The Game Management Plan does not form part of this application. The concerns are noted. Should you have any queries relating to the Game Management Plan, please contact Allistair Pietersen of CapeNature at apietersen@capenature.co.za	PHS Consulting

	- Indicating a period applicable for the activity from July 2020 to June 2025, not included in the approval. - A comprehensive requirement to record and report on the activities for Cape Nature to be able to audit. - Indicates fire related issues would be dealt with by neighbor's and by the Garden Route District Municipality, which is patently wrong as ODM and SWM. The following non inclusive queries are made, flowing from Appendix O and the supporting Motivation. - Re 2 c. i above, please could the review presented to Cape Nature be made available, with their comments. Is the approval still valid? - The motivation from 2020 is more detailed and comprehensive on existing Flora, Fauna and Biodiversity than the professional reports in the other Annexures, made more recently which do not seem to take the same views. Please explain how the reviews and contradictions can be explained. It has also been noted that areas previously farmed, would revert to being rehabilitated, including critically endangered species, thus improving biodiversity including Rhenosterveld. We understand that Environmental permission would be required to change the previous farm used to non-indigenous vegetation for these new and not local animals. - Re 2 c iv, has any permission been granted, for any additional species? If so for what and when? For the record at least 3 giraffes have been sighted on the property, which is outside the approval or the motivation. No appropriate vegetation for feeding giraffe. And also, Buffalo brought in from the far North, which are often diseased. - The area to include the game is stated in the motivation to be about 180 ha. Could this be reviewed and advised if Cape Nature believe adequate for the containment and feeding of the numbers of game contemplated. Noting the flora and environment is in most cases not appropriate for the animals concerned. - In general, it seems the Cape Nature approvals in Appendix O have lapsed, and the current position should be commented			
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	on by Cape Nature, in terms of the original approval and motivation. And why Mr Booysen has been allowed to continue, without new approvals and without attaching the results of the audits/assessments required by the approval and motivation to Appendix O. - Hunting is stated to be a main reason for the establishment of the Game Farm. Attached to the covering email is the Western Cape Hunting regulations/ guidelines etc. Are these regulations being complied with? The tourism aspect appears very inappropriate due to the limited area, and to the nearby substantial De Hoop and Bontebok National Parks, being more appropriate, than this very limited game farm. - In the event where hunting will be implemented on the Game Farm, where will the ammunition and firearms be stored to the satisfy all regulations. The facility should be a secure environment and fire detection provided. A local comment, appears to be that Mr. Booysen had a game farm up North, which he sold, while retaining certain animals to transfer to Melkhoutrivier presumably while complying with the regulations for the transport and veterinary care/assessment of game. The overwhelming conclusion could be that Mr. Booysen, has no care or concern for following rules and regulation and has paid lip service over the years to the significant requirements needed.			
ROADS AND SERVITUDES				
2 July 2024	The NEMA S24G application makes note of a Servitude through the center of the property. Its replaced with Servitude Access on new roads on the inside of East and West fences. These are verbally agreed with neighbour's for access but not registered against the Title Deeds. These roads should be registered against the title deeds on or before transfer of the property.	M Mulder: MRRA	The Applicant has confirmed that he is in the process of registering these servitudes.	PHS Consulting

SEWAGE				
Comment in response to point 7.4 of DEA&DP's Pre-Directive Issued	The DEADP comment 7.4 refers to the site being above the groundwater resource? Either way, we would prefer septic tanks with soakaways not to be used but conservancy tanks which is serviced, especially for a planned lodge facility. I would not support a septic system this close to the Estuary in terms of the Estuary Management Plan.	Elkerine Rossouw: BOCMA	The site is located above an aquifer. The aquifer present in the area is classified as a fractured and weathered and intergranular aquifer. The proposal to construct a septic tank for the new lodge is now replaced with the proposal to construct a 10 000-litre conservancy tank. More information is provided in the Final S24G Report.	PHS Consulting

Table 3: Comments received on Final S24G Report – 23 July to 14 August 2024

DATE RECEIVED	COMMENT	I&AP	RESPONSE TO COMMENT	RESPONDENT
GENERAL				
14 August 2024	Concerns raised by CapeNature in our comments on the Pre-Application and Draft NEMA Section 24G Report have been addressed in a comments and response report.	Rhett Smart - CapeNature	Noted.	PHS Consulting
14 August 2024	In conclusion, CapeNature is satisfied that our concerns have been addressed with the recommended amendments to the EMPr, and that there is sufficient information to make a decision.	Rhett Smart - CapeNature	Noted.	PHS Consulting
12 August 2024	With reference to the Municipality's comments submitted on 16 February 2024, the ODM would like to emphasize that it does not support any authorised development within critically endangered and/or endangered ecosystems. The proposed mitigation measures to exclude CBAs and critically endangered vegetation from the development footprint are supported.	Rulien Volschenk – Overberg District Municipality	No further loss of CBAs are intended. The proposed lodge is located within a disturbed area.	PHS Consulting
1 August 2024	This Branch offers no objection to the issuing of Environmental Authorisation in terms of the National Environmental Management Act 107 of 1998.	Vanessa Stoffels -Department of Infrastructure	Noted.	PHS Consulting
14 August 2024	A response is provided that the S24G Report and Environmental Management Programme (EMPr) will be amended to include rehabilitation of the additional disturbance footprints relating to the lodge, owner's cottages and dams, however it is not evident that this has been implemented. The EMPr has however been amended to include planned burns in accordance with the recommendation from the botanical specialist, which is supported. CapeNature must be contacted in relation to the game on the property when planned burns take place.	Rhett Smart - CapeNature	The need to rehabilitate additional disturbance footprint areas has been more clearly stated in the 24G Report and EMPr. This is specified in the reports.	PHS Consulting
14 August 2024	In response to the recommendation of formal conservation of the remaining natural vegetation on the property, it is indicated that the site is managed in accordance with the Game Management Plan which is mainly focused on the disturbed/transformed areas. We note however that the botanical specialist independently provided a recommendation that the remaining natural vegetation should be	Rhett Smart - CapeNature	That is correct and has been included as a recommendation in the report.	PHS Consulting

	formally conserved in partnership with CapeNature and the Overberg Renosterveld Conservation Trust.			
PLANNING ISSUES				
29 July 2024	The property currently exists as Portion I of the Farm Melkhoutrivier No.492, measuring 1072.24ha in extent. No subdivision application of the farm property into the entities purported in the report has been lodged. Accordingly, the merits of the proposal, and / or the extent of the transgression(s), as viewed from a land use perspective, must be based on the cadastral entities as they exist at present, not as proposed. Moreover, the property exists as an agricultural operation, no previous rezonings, consent uses and / or departures are on record as having been issued.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting
29 July 2024	The current property owner is abundantly aware of transgressions that have occurred repeatedly on his farm property over the past years, and exacerbated by the current initiatives outlined in the Section 24G Report. The current owner has flagrantly flouted his duty of care and the imperatives of applicable legislation for a long time and must be held to account once and for all, prior to any further authorisations being considered or issued.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting
29 July 2024	It is not the purpose of this communication to provide a final audit of all illegal development on the property, as that will be an instruction issued by the authority adjudicating the Section 24G application. Save to say that no approved building plans have been issued on Portion I of the farm Melkhoutrivier No.492 since 2003. It follows that all structures built on the property in the last 20 years are likely unauthorised.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting
29 July 2024	With regards the physical structures that are mentioned in the Section 24G Report: The two "completed" dwelling units (cottages), for the "owner and his son" are unauthorised and very likely contrary to what is permitted on the current cadastral entity in terms of the Swellendam By-law on Municipal Land Use Planning, 2020, read together with the Integrated Zoning Scheme By-law, 2020. In other words, the Municipality is not positioned to consider an application for said structures from a land use perspective until such time as it receives a full audit of all other structures located on the registered entity - it is likely that the collective extent of	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting

	physical development would probably exceed the parameters permitted. The structures have also been built without approval in terms of the National Building Regulations and Building Standards Act, 1977 (NBR's). The applicant was advised of the situation, yet continued with the building operation unabated, knowing full well of the environmental and legislative imperatives applicable. This flagrant disregard for due process is very disconcerting, particularly in light of the broader initiative under consideration. • The noted "foreman's cottage" and the "worker's cottage"(camp site / holding area) were erected by a previous tenant and also have no land use authorisation, or approval in terms of the NBR's. This implications of the development here has also not been contemplated in terms of NEMA. Moreover, these structures were not erected for a "foreman" or a "worker", rather they formed part of an ill-attempted resort development in this sensitive environment. Although the property owner and then tenant were advised of the process and a town planner was appointed at some point, the whole initiative came to nought, and the tenant disappeared without notice. The property owners ought to have taken the necessary action to address the matter, to no avail. In essence the structures should have been demolished at that time. • All of the <u>other built structures</u> located in the Camp Site / Holding area, including the mentioned "camp site" are illegal. The current property owner was well aware of the transgressions at the time, yet permitted the then tenant to continue to build and expand the operation, also likely with a view of taking ownership of that portion of the farm property. • With regards to the legality, merits, or otherwise, of the <u>expansion of the dams</u>, it is considered that of the other stakeholders have made sufficient input to justify very careful consideration of what is being proposed, what needs to be mitigated and / or rectified, and for what final purpose, moving forward.			
SERVICES				
29 July 2024	<u>Solid Waste</u> : Portion I of the farm Melkhoutrivier, No.492 is a farm property that ought to generate waste related only to that which is permitted on the property and in terms of the authorised land use.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting

	Under usual circumstances solid waste is managed and controlled on-site. It cannot be assumed that the solid waste to be generated by a proposed use (particularly if illegal and / or unauthorised) can / will be accommodated by the Swellendam Municipality. Specific arrangements would have had to have been made upfront with regards to servicing capacity, agreed-to volumes, costs and protocols. No known discussions in this regard have been held to date. Moreover, the Swellendam Municipality does not have a "dump site" in Diepkloof. All it does have is a small drop-off point for solid waste for residents residing on zoned residential properties in Lemoentuin and surrounds. This waste is then transported to Swellendam for processing. In other words, there is no agreement / guarantee that the Swellendam Municipality is placed to accommodate the additional waste from the applicant property with its existing infrastructure, not to mention that which is proposed. It is very concerning that the applicant appears to have done little to no due diligence of this critical component and in this location.			
29 July 2024	<u>Sewage:</u> To date no discussion has been initiated with the Swellendam Municipality as to its specifications and requirements, and how this is possibly to be accommodated in light of current and proposed development. Again, it is extremely disconcerting that the applicant cannot provide final details, specifications and / or guarantees in this regard.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting
29 July 2024	<u>Water:</u> This has been covered in detail by other stakeholders, other than to say that water is to be provided at an agreed-to standard and specification, and not to the detriment of the natural environment.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting
29 July 2024	<u>Waste Disposal Facility:</u> It is noted that the applicant property accommodates a still registered Waste Disposal Facility. This has not been discussed in the Section 24G Report. This facility, known as the "Malagas Waste Disposal Facility", is allocated to the Swellendam Municipality under licence 19/2.5/4/E3/10/w/10086/18 and measures some 8022m² in extent. Although the facility has not been used for several years, the Swellendam Municipality retains legal access to the site. Moreover, the site still needs to be closed and / rehabilitated on the basis of the criteria to be set out by the Provincial Department of Environmental Affairs and Development Planning in terms of NEMA.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting

	The property owner is fully aware of this requirement, but we are not sure whether this has been communicated to the applicant.			
LODGE				
29 July 2024	As noted above, no new authorisations ought to be considered on Portion I of the farm Melkhoutrivier No.492, until all existing transgressions have been audited, accounted for and rectified / mitigated. Not doing so would set a dangerous precedent moving forward. Notwithstanding, much is made of the proposal that an identified portion of Portion I of the farm Melkhoutrivier, No.492 is to be used as a "Game Farm". It is noted that a "Game Farm" is a primary use on a property zoned Agricultural Zone in terms of the Swellendam Integrated Zoning Scheme By-Law, so no specific land use application is required. However, whilst the parameters specific to game farming, particularly the movement of animals, carrying capacity, vegetation etc, is specifically managed and controlled by Cape Nature, the land use itself (farming) must be carried out in a manner and intensity similar to that which would occur on any other farm property in the region, particularly in terms of generating nuisance and impacting on the broader environment. In this regard safety, security, traffic, smell and noise, as well as the requisite physical infrastructure etc. are key elements in considering the merits of the land use. It ought also to be noted that animals are to be able to graze sustainably from the land / veld. Where there is little to no scope for natural grazing to meet nutritional needs, and animals are to be fed, specific consent use approval for this would have to be secured upfront. Importantly, land uses which are supplemental to farming game; such as guest accommodation (in excess of that permitted on a zoned agricultural property in terms of the zoning scheme) game drives and hunting, have to be specifically considered. The Section 24G report makes mention of a Game Lodge measuring some 1292m² in extent 20 guests. In essence this would fall under the definition of a "Guest House" in terms of the zoning scheme by-law. However, in light of the	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting

	extent of all the existing (authorised and unauthorised) accommodation already located on the property, it is likely that the further development of a guest house on the property under the current zoning cannot be considered — that is unless a detailed audit of all existing structures on the property indicates that there is still spare scope. It is noted that the establishment of a guest house would also require staff accommodation, which has not been discussed in any detail in the report. It would certainly not be practical to transport staff from Swellendam, given the distance and nature of the services that would be required, not to mention the accumulative impact on the road infrastructure. Said staff would also have to be located on the applicant property, not on adjoining farms. It is unknown how / where such staff would be accommodated. Were a subdivision of Portion I of the farm Melkhoutrivier, No.492 to be lodged, consideration of the application would be based on the agricultural potential of the 504ha of land, and / or how much thereof could practically be applied for farming purposes, based on the Conservation of Agricultural Resources Act (CARA) and NEMA prescripts, in this context. Were it to be found that such a subdivision is indeed agriculturally sustainable, based on existing farming practices in the region, the extent of permitted guest accommodation in terms of an agricultural zoning would likely be too limiting to utilise the property sustainably as a game farm that pivots on tourism. This could certainly be the case in this instance, where there is already considerable on-site development not directly designed and / or located to achieve this outcome. Note that this commentary is based on currently available information and could be amended moving forward were the applicant to supply the necessary documentation. It follows that any use of the property (as it is proposed to be subdivided) for a tourism-led game farming initiative would likely have to be rezoned, probably to Natural Environment Zone. A rezoning process would likely facilitate the establishment of adequate on-site guest and staff accommodation to make a game farming project sustainable. This would be subject to the requisite process in terms of the Western Cape Land Use Planning Act, and the Municipal By-			
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	Law on Land Use Planning. However, a likely condition of such a rezoning approval would be that the property be proclaimed a private nature reserve in terms the NEMA: Protected Areas Act, to thereby conserve and manage the area appropriately, but also to mitigate against the property falling back to agricultural zone.			
HUNTING				
29 July 2024	Reference is made to the possibility that the property be used for limited hunting purposes. Hunting is not a land use that has been tested in this region. Whilst assuming that game farming and hunting run largely hand-in-hand, this is not necessarily the case from a land use perspective, particularly where the applicant land is to be specifically stocked-up with "wild animals" to cater for tourism driven demand — in other words where the need for hunting to specifically cull excess animals is not a consideration. With reference to the points above, it is unlikely that the property (under an agricultural zoning) could generate the additional accommodation necessary to make hunting a sustainable option, that is unless an audit of current structures finds otherwise, or limited hunting is permitted within a proclaimed nature reserve by special dispensation. Whilst Cape Nature carries the responsibility in terms the Western Cape Nature Conservation Ordinance, 1974, the desirability and / or sustainability of hunting in this context from a land use perspective must be adequately demonstrated and considered. In this regard the following points are of relevance: • 504ha (gross) appears small for a sustainable game farming operation. • The entirety of the property cannot be utilised, given the proximity of a public road, the proximity of guest accommodation and adjoining leisure users. • Regular hunting as a use would likely necessitate a regular stocking-up of animals, to be imported from elsewhere.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting

	• If the animals are to be continually restocked, the logical question would be whether this is not merely a "canned" hunting initiative, and should it therefore be supported. • The applicant property is located within 5km of the De Hoop Nature Reserve			
29 July 2024	Finally, whilst the Notices and Directives that led up to this Section 24G process revolve primarily around the expansion of the dams and the removal of vegetation to thereby accommodate a game farm and hunting with concomitant additional guest accommodation, it should be clear from the content of this letter that there are a host of related land use matters that first require attention, mitigation and resolution, and certainly before any further / additional development initiatives on the property are contemplated. It is also clear that the Swellendam Municipality is yet to receive a subdivision application for consideration. Until such a subdivision is approved and registered, the intended use of the applicant property as proposed, remains moot.	Ron Brunings – Swellendam Municipality	Please refer to the attached letter from the Planner/Land Surveyor in response to your comment. Refer to Annexure 1 of this report.	PHS Consulting
27 July 2024	The Department has no objection to the S24G process. The Swellendam Municipal Zoning Scheme does not make provision for a lodge or cottage. Therefore, it is requested that the correct terminology be used so that the S24G Report and the Zoning Scheme are aligned. The Zoning Scheme permits only one owner's house. A manager's house may be permitted on condition that it be for bona fide agricultural purposes.	Cor van der Walt – Department of Agriculture	Refer to Annexure 2 of this report for a letter from the Planner in response to this comment.	PHS Consulting

Annexure 1: Letter in response to Swellendam Municipality's Comment

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TEL.	028 – 514 2615	Bakerstraat 13A	Posbus / P.O. Box 132
FAKS.	028 – 514 1873	Swellendam	Swellendam
SEL.	082 564 4815	6740	6740
E-mail:	pieter@houterman.co.za		

Our Ref: SA281

16 August 2024

PHS Consulting
PO Box 1752
HERMANUS
7200

Email: ls@phsconsulting.co.za

RE: REMAINDER OF PORTION 1 OF THE FARM MILK HOUT RIVIER NO. 492, SWELLENDAM ADMINISTRATIVE DISTRICT

With this, we would like to clarify the background of certain actions launched on Remainder of Portion 1 of the farm Melkhout Rivier Nr. 492.

This farm is currently in the process of applying for a subdivision, but no applications have yet been submitted to the Department of Agriculture under Act 70 of 1970 or Swellendam Municipality in terms of Article 15(2)(d) of the Bylaw on Land Use Planning. The reason for this is because there are 2 portions, namely Portions 26 and 27 of the farm Melk Hout Rivier Nr. 492 which is subject to undivided shares as well as the fact that some of the owners can no longer be traced, and some owners had passed away years ago. See attached letter from attorney L.J. Smith of Marais Muller Hendriks Attorneys.

After the processes as detailed in the latter letter have been completed, the application process will continue.

1. Comment on response of Mr R. Brunings of Swellendam Municipality:

Mr H. Booysen, the potential buyer of the property and Mr J.T. Kemp reached an agreement regarding the section north of the Swellendam-Infanta road to make improvements. The property is still zoned Agricultural, and with farming activities the need arose for labour's accommodation and associated infrastructure such as a store. The necessary building plans for the structures have been submitted to Swellendam Municipality and I am not sure of the status of the approval, as Mr Ron Brunings mentioned. It is certainly the right of a farm owner to provide housing for his workers as well as erect structures for equipment and implements.



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FAKS.	028 – 514 1873	Swellendam	Swellendam
SEL.	082 564 4815	6740	6740
E-mail:	pieter@houterman.co.za		

The "Camp Site" had already been built before I became involved with the property and upon inquiry to Mr Booysen it is in no way used for accommodation and only used as storage facilities.

The dams were old overgrown dams and fell into disuse. On the aerial photos from 2011 and 2012, the parts of dams can be seen, but not in use because the dam walls were damaged.

2. Services:

- a) **Solid waste:** Before Mr Booysen became involved, there was a site where waste was deposited but he removed all solid waste at his own expense and rehabilitated the site.
- b) **Sewage:** As in many cases in the area, use is made of "conservancy tanks" which will also be the case with new structures on this property.
- c) **Water:** There is sufficient water available on the farm for domestic and agricultural uses.
- d) **Waste Site:** Already addressed.

3. New Development:

Considering the problems regarding Portions 26 and 27 there will be an Application launched for subdivision and consolidation.

Mr H. Booysen in collaboration with Cape Nature has all permits and regulations obtained and complied with for the establishment of certain wildlife species that are endemic to the area. Furthermore, it must also be kept in mind that there are several dry lands on the section north of the road, which are now well cultivated again, in order to create the necessary pastures for the wild species. After experts and cultivation have made recommendations regarding certain crops, I am sure that Mr Ron Bruning's statements are very unfounded and furthermore want to put the proceedings in a bad light.

There was initially an application for the license for a "Game Lodge" of 10 rooms but was put on hold because of Section 24G. Regarding the staff required for the Game Lodge, I am convinced that there are sufficient people in the area that who would welcome the opportunity of possible employment with open arms. Mr Ron Brunings' statement to drive staff from Swellendam is unfounded.

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E-mail:	pieter@houterman.co.za		

The subdivision and consolidation have already been discussed in detail with the Department of Agriculture and they are awaiting the application. There is sufficient sustainability in terms of the proposed portions and there should not be a problem with subdivision. The guest house will provide additional income to the farm and surrounding economy.

There will be no rezoning of any part of the property and the property remains agricultural with consent for a Guest House/Game Lodge.

Mr Ron Brunings' statement about hunting and game farming is completely unfounded and I suggest that he read more about game farming in South Africa. He will then also notice how financially beneficial such farming is for the economy of a region.

In conclusion, I just want to confirm again that Mr Ron Bruning's comments, are causing further strain on the 24G application. In his capacity as Manager: Town Planning and Building Control, he could have at least entered into conversation with, Mr H Booysen and Mr Kemp and myself, instead his comments are of a condemning nature. With future processes, all so-called violations according to Mr Brunings, with which I do not agree, will be legalized and authorized.

We trust you find the above in order and that we will hear from you soon.

Yours faithfully

P. T. Houterman
Prof. Land Surveyor
Reg. No. PLS 0914



MARAIS MÜLLER HENDRICKS
ATTORNEYS

Ons Verwysing: LJS/Lee/W12879
Epos: lee@mmh.law
U Verwysing:
Datum: 16 Augustus 2024

BEKKER HOUTERMAN LANDMETERS

Geagte Menere

1. RESTANT VAN GEDEELTE 1 VAN DIE PLAAS MELK HOUT RIVIER NR 492, AFDELING SWELLENDAM / EIENAAR JT KEMP
2. GEDEELTE 26 VAN DIE PLAAS MELK HOUT RIVIER NR 492, AFDELING SWELLENDAM / EIENAARS: GREENCYCLE (EDMS) BPK, GF KELLERMAN, A OHLSON, JT KEMP
3. GEDEELTE 27 VAN DIE PLAAS MELK HOUT RIVIER NR 492, AFDELING SWELLENDAM / EIENAARS: GREENCYCLE (EDMS) BPK, GF KELLERMAN, A OHLSON, JT KEMP
4. GEDEELTE 36 VAN DIE PLAAS MELK HOUT RIVIER NR 492, AFDELING SWELLENDAM / EIENAAR: GREENCYCLE (EDMS) BPK

Ons verwys na die bovermelde aangeleentheid en ons vorige korrespondensie in hierdie verband en bevestig as volg:

1. Ons het instruksies ontvang vanaf Mnr JT Kemp, Hannes Booysen (Melkhoutriver Properties (Pty) Ltd) en Greencycle (Edms) Bpk ten einde aansoek te doen vir 'n verklaarde bevel by die Hooggeregshof van Suid Afrika, Afdeling Kaapstad in terme waarvan eiendomsreg oor Gedeeltes 26 en 27 van die Plaas Melk Hout Rivier toegeken word aan Mnr JT Kemp en Greencycle (Edms) Bpk;
2. Die respondente in die aangeleentheid, synde die geregistreerde eienaars van onderskeidelik 31.25% en 12.5% aandeel in Gedeeltes 26 en 27 van die Plaas Melk Hout Rivier moet alreeds 'n geruime tyd oorlede wees aangesien hulle onderskeie ouderdomme meer as 124 jaar is.

tel +27 21 887 1021 docex 3, Kuils River www.maraismullerhendricks.co.za
address 21 Oewerpark, Die Boord, Stellenbosch, 7600 PO Box 627, Stellenbosch, 7599

LAW Lawyers
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MARAIS MÜLLER HENDRICKS ING. Nr 1997/012640/21

DIREKTEURE

CS HENDRICKS LLB LLM (LABOUR LAW) DIP PENOLOGY - CJ GROBBELAAR BA LLB - GM DE WET BMUS LLB - PJ TRUTER BA LLB DIP EST DIP BANKING LAW DIP INSOLVENCY LAW - OJM SIEBERHAGEN B COM LLB LLM DIP LABOUR LLM - LJ SMITH B PROC - P BRINK BA LLB - MJ TITUS B COM LLB - S RALL - WILLEMSE BA LLB - P NIEMANN B COM LLB - RW STEWART LLB ADV DIP LABOUR LAW

ASSOSIAAT

AC DU TOIT B COM LLB - JCD DU PLESSIS B.LUR LLB SIVIELE- KOMMERSELE- & STRAFREG DISPUTE RESOLUSIE/ GEAKKREDITEERDER ARBITREEDER MEDIASIE ARBITRASIE DRANKREG - FJ KOCH LLB

KONSULTANTE

AJ MARAIS BA LLB

PROFESIONELE ASSISTENTE

L SMIT BA LLB - SS MACHELM LLB - CT PETERSEN LLB - V LALLOO LLB - M ENGELBREGHT LLB - BS MINGUNI LLB - RL SILJEUR LLB - EB ERASMUS LLB - K LANGENBERG LLB

3. Ten einde voort te gaan met die aansoek moet ons bewyse lewer aan die Hooggeregshof dat ons voldoende navrae gedoen het by die Departement van Binnelandse Sake en die Meester van die Hooggeregshof ten einde bewyse voor te lê van hulle afsterwe en aanmelding van hulle onderskeie boedels. Ons kon egter geen van hierdie bewyse verkry nie en sal nou in 'n plaaslike en/of nasionale koerante moet adverteer, soos vereis deur die Hooggeregshof.
4. Sodra bogenoemde bevel toegeken word sal Mnr JT Kemp en Greencycle (Edms) Bpk 'n ruiloooreenkoms aangaan in terme waarvan die onderskeie aandele in Gedeelte 26 en 27 verruil word ten einde te verseker dat Mnr JT Kemp die algehele eienaar is van Gedeelte 27 en Greencycle (Edms) Bpk die algehele eienaar is van Gedeelte 26.
5. Ons voorsien dat die proses nog 'n paar maande sal duur en is ons egter positief dat die aansoek om verkrygende verjaring suksesvol sal wees, waarna die proses van konsolidasie en onderverdeling van die onderskeie eiendomme afgehandel kan word.

Ons vertrou bogenelde is in orde.

Die uwe
MARAIS MÜLLER HENDRICKS ING

Per:

L J SMITH

Annexure 2: Letter in response to Department of Agriculture's comment

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Sectional Titles, Cadastral, Topographical, Engineering and Photogrammetric Surveys



TEL. 028 – 514 2615
FAKS. 028 – 514 1873
SEL. 082 564 4815
E-mail: pieter@houterman.co.za

Bakerstraat 13A
Swellendam
6740

Posbus / P.O. Box 132
Swellendam
6740

Our Ref: SA281

9 September 2024

PHS Consulting
PO Box 1752
HERMANUS
7200

Attention: Ms Lindsay Speirs
Email: ls@phsconsulting.co.za

**RE: REMAINDER OF PORTION 1 OF THE FARM MELK HOUT RIVIER NO. 492;
COMMENTS ON DEPARTMENT OF AGRICULTURE (MR COR VAN DER
WALT) SWELLENDAM ADMINISTRATIVE DISTRICT**

According to Swellendam Scheme Regulations (page 120), it is making provision under Consent use for a Guest house. Further-more it also makes provision for additional dwelling-units, up to 5 units under a consent use. The Consent Use is an application process with Swellendam Municipality. We already lodged an application for Consent Use for a Guest House. The application was put on hold, awaiting the outcome of the S24G – process.

Employee housing is a primary use under Agriculture Zone and the buildings currently on the portion north of the road, are used for employees on the farm. I want to iterate that due to other factors already addressed, we will lodge an application for subdivision, whereafter all the buildings on the portion will be within all the regulations of the Swellendam Zoning Scheme.

We trust you will find the above in order.

Yours faithfully

P. T. Houterman
Prof. Land Surveyor
Reg. No. PLS 0914

SECTION 3.15: AGRICULTURE ZONE (AZ)

3.15.1 Zoning Objectives

The purpose of this zone is to make provision for:

- the use of land for the purposes of bona fide agricultural production;
- conservation of suitable agricultural land;
- buildings and structures which can be erected for reasonable and normal use for agricultural purposes; and
- a limited range of other uses which could take place on agricultural land units as ancillary uses and which could provide for variety, sustainability and alternative income generation, without adversely impacting on the primary use of the land unit for agricultural production.

3.15.2 Land use parameters

Primary uses	Consent Uses
• Agriculture • Agricultural building • Bed and breakfast establishment • Crèche • Dwelling House • Employee housing • Limited occupational practice • Nursery • Pack Store	• Additional dwelling-unit (larger than 30m²) • Agricultural industry • Agri-village • Antenna Structure • Camping Site • Community facility • Farm Shop • Farm Stall • Guest-house • Heli-port; Air strip • Intensive feed farming • Kennel • Quarry • Occasional Use • On-farm educational institution • Picnic and braai facilities • Place of Assembly • Renewable Energy Structure • Riding School • Special use • Service Trade • Tourist facilities

3.15.3 Development Parameters

The following Development Parameters apply in this zone unless otherwise stipulated in an Overlay Zone:

(a) **Building lines**

- (i) Subject to the provisions of section 5.1 the following building lines are applicable to all buildings on the land unit: