

11 May 2026

Mr. PJ le Roux

BASIC ENVIRONMENTAL OPINION:

**Proposed Restaurant, Function Venue and Hospitality Accommodation
Portion 16 of Farm 109, Malmesbury (Jacobsbaai), Western Cape (West Coast District)**

This environmental opinion relates to the proposed development of a small-scale restaurant, function venue and associated hospitality/self-catering accommodation facilities on Portion 16 of Farm 109, Malmesbury, situated near Jacobsbaai within the West Coast region of the Western Cape Province.

The proposal includes the establishment of a restaurant and function venue with a total development footprint of approximately 900 m² (0.09 hectares), as well as the conversion and utilisation of existing buildings on site for hospitality/self-catering accommodation purposes.

Based on the current site characteristics, historical land use and the extent of the proposed activities, it is the opinion of the undersigned that the proposed development does not trigger listed activities in terms of the Environmental Impact Assessment Regulations, 2017 (as amended), promulgated under the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA").

Site Disturbance and Indigenous Vegetation

The property has historically been utilised for farming activities which commenced prior to the promulgation of the Environment Conservation Act, 1989 (Act 73 of 1989) ("ECA") and/or the National Environmental Management Act, 1998 ("NEMA"). As a result, the site has been historically transformed and the topsoil has already been lawfully disturbed and/or removed through longstanding agricultural activities.

In terms of NEMA, "indigenous vegetation" is defined as:

"vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years."

Given the historical and lawful agricultural disturbance of the site, the vegetation occurring within the proposed development footprint does not meet the definition of “indigenous vegetation” as contemplated in the EIA Regulations. No intact indigenous vegetation will therefore be cleared as part of the proposed development.

Activity 27 of Listing Notice 1 (GN R327 of 2017, as amended) applies to:

“The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation...”

The proposed development footprint is approximately 900 m² (0.09 hectares), substantially below the 1 hectare threshold applicable to Activity 27. Furthermore, no indigenous vegetation, as defined by NEMA, will be cleared.

Accordingly, Activity 27 of Listing Notice 1 is not triggered.

Activity 28 of Listing Notice 1

Activity 28 of Listing Notice 1 applies to:

“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture... and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares;

or

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare...”

The proposed restaurant and function venue development footprint will be approximately 900 m² (0.09 hectares), which is significantly below the 1 hectare threshold applicable to developments outside an urban area.

Consequently, Activity 28 of Listing Notice 1 is not triggered.

Roads, Pipelines and Associated Infrastructure

The proposal does not include the construction of new roads, bulk services infrastructure or pipelines that would trigger listed activities in terms of Listing Notice 1 or Listing Notice 3 of the EIA Regulations, 2017 (as amended).

Existing access arrangements will be utilised for purposes of the proposed development. As such, listed activities associated with the development of roads, pipelines or related infrastructure are not triggered.

Existing Buildings and Listing Notice 3 Activity 6

The proposal further includes the conversion and use of existing buildings on the property for hospitality and self-catering accommodation purposes.

No expansion into environmentally sensitive areas is proposed, and no new development footprint associated with these conversions will exceed the relevant thresholds contemplated in Listing Notice 3.

Accordingly, the conversion and use of existing buildings for hospitality/self-catering accommodation purposes will not trigger Activity 6 of Listing Notice 3 in terms of the NEMA EIA Regulations, 2017 (as amended).

Conclusion

Based on the information available and the nature and extent of the proposed activities, it is concluded that:

- The site has been historically transformed through lawful agricultural activities predating the promulgation of ECA and/or NEMA;
- The topsoil has therefore already been lawfully disturbed and/or removed;
- No indigenous vegetation, as defined in terms of NEMA, will be cleared;
- The total development footprint is substantially below the applicable 1 hectare thresholds;
- Activity 27 of Listing Notice 1 is not triggered;
- Activity 28 of Listing Notice 1 is not triggered;
- No listed activities relating to new roads, pipelines or associated infrastructure in Listing Notice 1 or Listing Notice 3 are triggered; and
- The conversion of existing buildings for hospitality/self-catering accommodation purposes does not trigger Activity 6 of Listing Notice 3.

It is therefore the opinion that the proposed restaurant, function venue and associated hospitality accommodation development on Portion 16 of Farm 109, Malmesbury, does not require Environmental Authorisation in terms of the 2017 EIA Regulations (as amended), promulgated under NEMA, based on the listed activities assessed above.

Yours sincerely



Guillaume Nel
for GNEC