

**Appendix 2: Meetings and submissions – organs of state**

**claire@eapservices.co.za**

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**From:** Andries Struwig <Andries.Struwig@dedea.gov.za>  
**Sent:** Wednesday, 12 November 2025 15:48  
**To:** claire@eapservices.co.za  
**Cc:** Charmaine Struwig; 'Eric Fouche'; 'Duwayne Varnfield'  
**Subject:** RE: Request for approval of part 2 amendment of EA approach - EC08/1m/74-98\_ Kingsway homeowners association

Good afternoon Ms De Jongh

The public participation process as proposed is acceptable to the Department. You may continue with the public participation process.

Thank you.

**Andries Struwig**  
**Manager: EQM**  
**Cacadu Region**



Andries Struwig Pr. Sci. Nat.  
Tel: 041 508 5840 • Mobile: 079 503 1762  
Cnr of Athol Fugard Terrace & Castle Hill, Central  
Port Elizabeth, 6001  
P/Bag X5001, Greenacres, South Africa, 6057  
<http://www.dedea.gov.za/>  
<mailto:andries.struwig@dedea.gov.za>

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**From:** claire@eapservices.co.za <claire@eapservices.co.za>  
**Sent:** Thursday, 06 November 2025 10:08  
**To:** Andries Struwig <Andries.Struwig@dedea.gov.za>  
**Cc:** Charmaine Struwig <Charmaine.Mostert@dedea.gov.za>; 'Eric Fouche' <ericf@scribanteconcrete.com>; 'Duwayne Varnfield' <chairperson@kingswayresort.co.za>  
**Subject:** FW: Request for approval of part 2 amendment of EA approach - EC08/1m/74-98\_ Kingsway homeowners association

Good day Mr Struwig

I trust you are well.

I am following up on the proposed part 2 amendment application process for KHOA submitted for your approval.

Thank you

Kind regards

Claire

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**From:** [claire@eapservices.co.za](mailto:claire@eapservices.co.za) <[claire@eapservices.co.za](mailto:claire@eapservices.co.za)>

**Sent:** Friday, 10 October 2025 15:55

**To:** 'Andries Struwig' <[Andries.Struwig@dedea.gov.za](mailto:Andries.Struwig@dedea.gov.za)>

**Cc:** 'Charmaine Struwig' <[Charmaine.Mostert@dedea.gov.za](mailto:Charmaine.Mostert@dedea.gov.za)>; 'Eric Fouche' <[ericf@scribanteconcrete.com](mailto:ericf@scribanteconcrete.com)>; 'Duwayne Varnfield' <[chairperson@kingswayresort.co.za](mailto:chairperson@kingswayresort.co.za)>

**Subject:** Request for approval of part 2 amendment of EA approach - EC08/1m/74-98\_ Kingsway homeowners association

Good day Mr Struwig

I trust you are well.

The proposed approach and public participation process to be carried out for the required NEMA part 2 EA amendment application process on behalf of Kingsway homeowners' Association to amend conditions in the EA (EC08/1m/74-98) is attached for your approval.

Please let me know if you require additional information.

Thank you

Kind Regards

Claire

**Claire De Jongh**

0846074743

EAPASA registration: **2021/3519**

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**From:** Andries Struwig <[Andries.Struwig@dedea.gov.za](mailto:Andries.Struwig@dedea.gov.za)>  
**Sent:** Wednesday, 10 September 2025 15:39  
**To:** [claire@eapservices.co.za](mailto:claire@eapservices.co.za)  
**Cc:** Charmaine Struwig <[Charmaine.Mostert@dedea.gov.za](mailto:Charmaine.Mostert@dedea.gov.za)>  
**Subject:** RE: Application - amendment of EA - EC08/1m/74-98 on behalf of Kingsway homeowners association

Good afternoon Ms De Jongh

I think that there is a misunderstanding somewhere. The amendment process to be followed is a Part 2 process as the proposed changes to the Authorisation is not only administrative in nature but substantive. With that being said, I am meeting Mr Fouche from Kingsway sometime next week to sort out exactly what is needed and I assume that the will be in touch with you after the meeting.

Thank you.

**Andries Struwig**  
**Manager: EQM**  
**Cacadu Region**



Andries Struwig Pr. Sci. Nat.  
Tel: 041 508 5840 • Mobile: 079 503 1762  
Cnr of Athol Fugard Terrace & Castle Hill, Central  
Port Elizabeth, 6001  
P/Bag X5001, Greenacres, South Africa, 6057  
<http://www.dedea.gov.za/>  
<mailto:andries.struwig@dedea.gov.za>

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**From:** [claire@eapservices.co.za](mailto:claire@eapservices.co.za) <[claire@eapservices.co.za](mailto:claire@eapservices.co.za)>  
**Sent:** Wednesday, 10 September 2025 12:21  
**To:** Charmaine Struwig <[Charmaine.Mostert@dedea.gov.za](mailto:Charmaine.Mostert@dedea.gov.za)>; Andries Struwig <[Andries.Struwig@dedea.gov.za](mailto:Andries.Struwig@dedea.gov.za)>  
**Subject:** Application - amendment of EA - EC08/1m/74-98 on behalf of Kingsway homeowners association  
**Importance:** High

Good day Mr Andries Struwig

An environmental authorisation (EC08/1m/74-98) was granted on 29 April 2008 for the expansion / upgrading of the Kingsway Resort in terms of Section 22 of the Environmental Conservation Act (Act 73 of 1989) to undertake a listed activity as schedule under Section 21 of the Act.

The following activities listed in terms of ECA were authorised:

- 1(m) - The construction or upgrading of public and private resorts and associated infrastructure
- 1(k) - The construction or upgrading of reservoirs for public water supply
- 2(c) - The change of land use from agricultural or zoned undetermined use or an equivalent zoning, to any other land use

A compliance audit was submitted in 2024.

A part 1 amendment application is hereby submitted to amend the zoning included in the project description and relevant conditions of environmental authorisation (EC08/1m/74-98)

I will deliver a hard copy of the application to the Department.

Kindly let me know if you request additional information.

Thank you

Kind Regards  
Claire

**Claire De Jongh**  
0846074743  
EAPASA registration: **2021/3519**

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**PART 2 AMENDMENT APPLICATION ON BEHALF OF KINGSWAY  
HOMEOWNERS' ASSOCIATION  
KOUGA LOCAL MUNICIPALITY, EASTERN CAPE**

**PROPOSED PART 2 AMENDMENT APPLICATION PROCESS  
SUBMITTED TO THE EASTERN CAPE DEPARTMENT OF  
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND  
TOURISM (DEDEAT) FOR APPROVAL**

**DEDEAT REFERENCE: EC08/1M/74-98**

**Date: 10 October 2025**



**PREPARED FOR THE APPLICANT:**

**PREPARED BY:**

**DATE:**

**Chairperson: Kingsway Homeowners Association**

**Claire De Jongh (EAPASA REG: 2021/3519)**

**October 2025**

**OVERVIEW OF PROPOSED APPLICATION**

**Introduction**

An environmental authorisation (EC08/1m/74-98) was granted on 29 April 2008 for the expansion / upgrading of the Kingsway Resort in terms of Section 22 of the Environmental Conservation Act (Act 73 of 1989) to undertake a listed activity as schedule under Section 21 of the Act. .

The following activities listed were authorised:

- 1(m) - The construction or upgrading of public and private resorts and associated infrastructure
- 1(k) - The construction or upgrading of reservoirs for public water supply
- 2(c) - The change of land use from agricultural or zoned undetermined use or an equivalent zoning, to any other land use

**Part 2 amendment application process required**

A compliance audit was submitted in 2024. Non compliances identified are required to be addressed. It has been confirmed with the Department that a Part 2 amendment application will be required for the proposed changes to the *following contained within the EA:*

***All undeveloped land within portions 1 and 34 to be zoned as Open Space III, regarded as common property and to be managed as a protected natural area or Nature Reserve by the Kingsway Homeowners Association.***

Reason for amendment request:

Managing the areas between the individual resort erven as open space 2 will be more practical for the HOA. All undeveloped land, outside designated sectional titled erven and areas between these sectional titled erven, within 35/501 and RE/209/501 (area between western erven and estuarine area) will be zoned as Open Space 3 and managed as a private Nature Reserve by the KHOA.

**3. Contact details of applicant**

**Name: Mr EGB Dawson**

**Address: PO box 1729 Jeffreys Bay, 6330**

**Telephone: 0423961475**

**Cell: 0826808324**

Reason for amendment request:

Details are outdated are require updating.

**7. Duration of authorisation**

**7.1 The change land use of Portions 1 and 34 of the Farm Mauritzkraal No 501, to be affected within 12 months of the date of signature of this authorization, by means of a rezoning in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.**

Reason for amendment request:

Updated to relevant legislation; relevant to zoning in part 2 amendment request

**7.3 Construction of housing infrastructure to commence within 12 months of completion of the construction of bulk service infrastructure and to be completed within 60 months of commencement.**

Reason for amendment request: Not all houses have been / were developed on the designated sectional title erven within 12 months of completion of the construction of bulk service infrastructure and within 5 years of installation of bulk services. Compliance audit identified four erven that are not yet developed.

**8.2.1 Portion 34 of the farm Mauritzkraal 501 within the Kouga Municipal area to be rezoned from Resort I to Resort II and Private Open Space III In terms of the Land Use Planning Ordinance, Ordinance**

**15 of 1985 and Portion 1 of the farm Mauritzkraal 501 to be rezoned from Agriculture to Resort II and Private Open Space III to facilitate the upgrading/ expansion of the existing Kingsway Resort**

Reason for amendment request:

It is requested that the open space areas between designated sectional title erven to be designated as open space 2 for private open space use. The area between western erven and Gamtoos river estuary (estimated 3.2 ha) and Ptn 35 of erf no. 501 Mauritzkraal (previous ptn 1) be zoned open space 3 for conservation use.

Managing the areas between the sectional title erven as open space 2 will be more practical for the HOA. All undeveloped land, outside designated resort sectional title erven as open space 2, is proposed to be zoned as Open Space 3 and managed as a protected private Nature Reserve by the KHOA.

**8.2.4.2 Allocation of all land other than Individual Resort II portions as Open Space III**

**Requested to be amended as follows:**

**Allocation of all other land, other than Individual Resort II and open space 2, as Open space III:**

Reason for amendment request:

Managing the areas between the sectional title erven as private open space 2 will be more practical for the HOA. All undeveloped land, outside designated resort and open space 2, to be zoned as Open Space 3 and managed as a protected private Nature Reserve by the KHOA for conservation use.

**8.3.12 The development footprint of each Individual unit as well as the area to be used for the installation of services and the Individual approach road to each site to be clearly demarcated with pegs. All areas outside the demarcated areas are to be Indicated as "no-go" areas for construction workers, machinery and vehicles and access to these areas are to be prohibited**

Reason for amendment request:

The erven are very small and, in some cases, this is not practically possible. Permission from KHOA by contractors to be sort for required laydown, ablution, waste management areas which may need to be within newly designated private open space 2.

Newly designated Open Space 3 designated as no-go for all construction / maintenance related activities.

**8.4.13.2 Limited landscaping can be allowed as part of site rehabilitation on Individual portions, but such landscaping must be restricted to the use of indigenous plant species and must be In keeping with the natural vegetation found on the property. Established, non-Invasive alien species may be retained but the area Is to be kept clear of all invasive alien plant species.**

Reason for amendment request:

Some rehabilitation required in proposed designated open space 2 following construction of a dwelling on sectional title erf / maintenance activities. Some proposed open space 2 areas, example, communal playground areas, are landscaped.

Request to be amended to

Limited landscaping can be allowed as part of site rehabilitation on Individual portions and open space 2, but such landscaping must be restricted to the use of indigenous plant species and must be In keeping with the natural vegetation found on the property. Established, non-Invasive alien species may be retained but the area Is to be kept clear of all invasive alien plant species.

## Proposed approach

The following outlines the proposed approach to carry out the part 2 amendment application process:

1. Consolidate information and complete part 2 amendment application form;
2. EAP to compile part 2 amendment report as applicable to the proposed amendment requests, as required in terms of regulation 32 of the NEMA 2014 EIA regulations, as amended, 2017: baseline information, impact assessment of proposed amendments, impact assessment rating methodology, any additional mitigation measures identified, draft EMPr for approval (includes conditions of existing ROD, measures from assessment carried out and any new measures identified)  
Note: an approved EMPr will address the majority of non-compliances addressed in the audit
3. Carry out public participation as per section 41 of the NEMA EIA regulations, as amended, 2017, with permission to exclude placement of site notices (regulation 41 (2) a; regulation 41 (4)) and an advert (regulation 41 c); the original application process was subjected to a public participation process where Regulation 41 (2) and (4) were met.
4. Public participation is proposed to entail the following:
5. IAP register (provided as Appendix 1):
  - all homeowners / member of the Kingsway homeowner association
  - Adjacent landowners
  - relevant organs of state
  - ward councillor
6. Submit notice of intent to submit part 2 amendment application to IAPs (*regulation 41 (2) b*) and make the draft part 2 amendment application and EMPr available for a 30-day review and comment period;
7. Record all comments received; update the draft amendment report to a final amendment report as required in response to comments
8. Submit part 2 amendment application to the DEDEAT
9. Submit final part 2 amendment report and EMPr to the DEDEAT for decision making

## Conclusion

It is requested that the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism approves the proposed approach and public participation process for the NEMA part 2 EA amendment application process required to be carried out on behalf of Kingsway homeowners' Association, Kouga Local Municipality, Eastern Cape.



## Draft Public Participation and Comments and Response Report

### PART 2 AMENDMENT APPLICATION ON BEHALF OF KINGSWAY HOMEOWNERS' ASSOCIATION CAPE, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE

DEDEAT REFERENCE: EC08/1M/74-98

Date: October 2025

This document records the details of the public participation process and records any comments received from Interested and Affected Parties (IAPs) in terms of the Environmental Impact assessment (EIA) regulations of the National Environmental Management Act (Act 107 of 1998) as well as the responses provided by the Environmental Impact Assessment Practitioner and the proponent.

A public participation process will be carried out in accordance with Section 24J of the NEMA; the following activities are proposed:

- Notice of proposed application for EA and registration of IAPs:
  - Emailing notice to organs of state, adjacent landowners and KHOA members (dwelling owners and joint management of relevant land portions) of the intended part 2 EA amendment application
- Allowing for a 30-day review and comment period on Notice of proposed amendment application, draft application form, draft amendment assessment report and draft EMPr
  - It is not deemed necessary that the following be carried out as EA has been granted and the proposed amendment is relevant to the members of KHOA and relevant organs of state, who are included in the IAP register
    - Placing two posters close to the site to inform the public of the process; placement of advert in local newspaper.
- **Comment and Review period: To be confirmed**

The following public participation will take place during the application process

- Record of comments received in response to the notices and draft part 2 amendment application, assessment report and EMPr
- The draft part 2 amendment application will be updated to address all comments as required and the final part 2 amendment application, assessment report and EMPr will be submitted to the DEDEAT for decision making.

See the following attached appendices for details of public participation activities carried out:

- **Appendix 1: Full Register of interested and affected parties**
- **Appendix 2: Meetings and submissions – organs of state**
- **Appendix 3: Registration and comments**

# EAP Services

Table 1: Comments and Responses, October 2025

| Name | Organisation /<br>Role | Comment Received | Response |
|------|------------------------|------------------|----------|
|      |                        |                  |          |

## Appendix 1: Full Register of interested and affected parties, October 2025

| NAME   |                | ORGANISATION / ROLE | CONTACT DETAILS | EMAIL |
|--|----------------|---------------------|-----------------|-------|
| <b>Landowner and applicant (KHOA landowners)</b> |                |                     |                 |       |
| Patrick  | Otto           | 36                  |                 |       |
| Allan  | Moore          | 37                  |                 |       |
| Christopher                                      | Van der Merwe  | 38                  |                 |       |
| Steven   | Phillips       | 39                  |                 |       |
| Steven   | Phillips       | 40                  |                 |       |
| Charl  | Van der Heever | 41                  |                 |       |
| Willem   | Jonck          | 42                  |                 |       |
| Billy  | Enslin         | 43                  |                 |       |
| Adri   | Barkhuisen     | 44                  |                 |       |
| Philip   | Kingman        | 45                  |                 |       |
| Lindy  | Barkhuisen     | 46                  |                 |       |
| Karen  | Prinsloo       | 47                  |                 |       |
| Johan  | Kruger         | 48                  |                 |       |
| Charles  | Brown          | 49                  |                 |       |
| Robert   | Wright         | 50                  |                 |       |
| David Johannes                                   | De Villiers    | 58                  |                 |       |
| Miekie   | Vianello       | 59                  |                 |       |
| Claude   | Darlow         | 60                  |                 |       |
| Corne  | Strydom        | 61                  |                 |       |
| Hugo   | Van Rensburg   | 62                  |                 |       |
| Michael  | Dibben         | 63                  |                 |       |
| Monique  | Pretorius      | 64                  |                 |       |
| Charl  | Wattkins       | 74                  |                 |       |
| Terry  | Dean           | 75                  |                 |       |
| Miekie   | Vianello       | 89                  |                 |       |
| Chris  | Muller         | 90                  |                 |       |
| Selwyn   | Wiggill        | 91                  |                 |       |

# EAP Services

| NAME       |              | ORGANISATION / ROLE | CONTACT DETAILS | EMAIL |
|------------|--------------|---------------------|-----------------|-------|
| Bevan      | Barkhuizen   | 92                  |                 |       |
| Grant      | Shearer      | 93                  |                 |       |
| Bernardus  | Bothma       | 94                  |                 |       |
| Michelle   | Ferguson     | 95                  |                 |       |
| Kritzinger | Pieter       | 96                  |                 |       |
| Johann     | Steffens     | 97                  |                 |       |
| Kevin      | Brown        | 98                  |                 |       |
| Andrew     | Meyer        | 99                  |                 |       |
| Barkhuizen | Albert       | 100                 |                 |       |
| Igen       | Barnardt     | 101                 |                 |       |
| Nico       | Jonker       | 102                 |                 |       |
| Joan       | Bowles       | 103                 |                 |       |
| Allan      | Bowles       | 104                 |                 |       |
| Vaughn     | Ashburner    | 105                 |                 |       |
| Claude     | Darlow       | 106                 |                 |       |
| Aubrey     | Coertzen     | 107                 |                 |       |
| Bruce      | Watson       | 108                 |                 |       |
| Joan       | Hibbert      | 109                 |                 |       |
| Verona     | Van Heerden  | 110                 |                 |       |
| Susanna    | Bezuidenhout | 111                 |                 |       |
| Sakkie     | Erasmus      | 112                 |                 |       |
| Jennifer   | Henry        | 113                 |                 |       |
| Jennifer   | Henry        | 114                 |                 |       |
| Marius     | Du Plessis   | 115                 |                 |       |
| Morne      | Grobler      | 116                 |                 |       |
| Werner     | Deyzel       | 117                 |                 |       |
| Noel       | Wilson       | 118                 |                 |       |
| Graham     | Todkill      | 119                 |                 |       |
| Steven     | Williams     | 120                 |                 |       |
| Mark       | Tiran        | 121                 |                 |       |

# EAP Services

| NAME       |               | ORGANISATION / ROLE | CONTACT DETAILS | EMAIL |
|------------|---------------|---------------------|-----------------|-------|
| Wynand     | Beling        | 122                 |                 |       |
| Wiilem     | Nel           | 123                 |                 |       |
| Dewald     | Pilcher       | 124                 |                 |       |
| Dave       | Alcock        | 125                 |                 |       |
| William    | Geldart       | 126                 |                 |       |
| Riki       | Ferreira      | 127                 |                 |       |
| Jean       | Stander       | 128                 |                 |       |
| Johan      | Jonker        | 129                 |                 |       |
| Johan      | Meyer         | 130                 |                 |       |
| Mike       | Bain          | 131                 |                 |       |
| Willie     | Botha         | 132                 |                 |       |
| Rubin      | Gillson       | 133                 |                 |       |
| Maretia    | Brass         | 134                 |                 |       |
| Regarht    | Stoman        | 135                 |                 |       |
| Gerald     | Strydom       | 136                 |                 |       |
| Cheryl     | De Jager      | 137                 |                 |       |
| Luther     | Van der Merwe | 138                 |                 |       |
| Johan      | Jonker        | 139                 |                 |       |
| Patricia   | Erasmus       | 141                 |                 |       |
| Manie      | Hough         | 142                 |                 |       |
| Brett      | Harris        | 143                 |                 |       |
| Rodney     | Robinson      | 144                 |                 |       |
| Craig      | Van Niekerk   | 145                 |                 |       |
| Werner     | Basson        | 146                 |                 |       |
| Barnie     | Human         | 147                 |                 |       |
| Bevan      | Barkhuizen    | 148                 |                 |       |
| Werner     | Deyzel        | 149                 |                 |       |
| Jonathan   | Pietersen     | 150                 |                 |       |
| John David | Eastman       | 151                 |                 |       |
| Ronald     | Morton        | 152                 |                 |       |

# EAP Services

| NAME           |              | ORGANISATION / ROLE | CONTACT DETAILS | EMAIL |
|----------------|--------------|---------------------|-----------------|-------|
| Garth          | Johnson      | 153                 |                 |       |
| Jason          | Knoetze      | 154                 |                 |       |
| Graham         | Crook        | 155                 |                 |       |
| Duwayne        | Varnefield   | 156                 |                 |       |
| Riaan          | Olivier      | 157                 |                 |       |
| Willie         | Benn         | 158                 |                 |       |
| Enrico         | Grunlingh    | 159                 |                 |       |
| Eric           | Fouche       | 160                 |                 |       |
| Johann         | Steffens     | 161                 |                 |       |
| Samuel Wilhelm | De Jager     | 162                 |                 |       |
| Samuel Wilhelm | De Jager     | 163                 |                 |       |
| Frederick      | Viljoen      | 164                 |                 |       |
| Dellville      | Randall      | 165                 |                 |       |
| Rohan          | Zoutendyk    | 166                 |                 |       |
| Altus          | Du Toit      | 167                 |                 |       |
| Ryno           | Hough        | 168                 |                 |       |
| Cedrick        | Meyer        | 169                 |                 |       |
| Dougie         | Strydom      | 170                 |                 |       |
| Waldo          | Van Rensburg | 171                 |                 |       |
| Roslyn         | Alcock       | 180                 |                 |       |
| Jean-Pierre    | Minnie       | 181                 |                 |       |
| Dirkie         | Scheepers    | 182                 |                 |       |
| Antoinette     | Bradley      | 183                 |                 |       |
| Floyd          | Morrison     | 184                 |                 |       |
| Brian          | Jeffreys     | 185                 |                 |       |
| Brian          | Jeffreys     | 186                 |                 |       |
| Brian          | Jeffreys     | 187                 |                 |       |
| Rivak          | Erasmus      | 188                 |                 |       |
| Nigel          | Bennett      | 189                 |                 |       |
| Warren         | Bonnage      | 190                 |                 |       |

# EAP Services

| NAME                       |             | ORGANISATION / ROLE  | CONTACT DETAILS          | EMAIL                  |
|----------------------------|-------------|----------------------|--------------------------|------------------------|
| Warren (snr)               | Bonnage     | 191                  |                          |                        |
| Gary                       | Wilson      | 192                  |                          |                        |
| Deon                       | Share       | 193                  |                          |                        |
| Juan                       | Krog        | 194                  |                          |                        |
| Juan                       | Krog        | 195                  |                          |                        |
| Juan                       | Kilian      | 196                  |                          |                        |
| Shawn                      | Kilian      | 197                  |                          |                        |
| David                      | Pinches     | 198                  |                          |                        |
| Johan                      | Markram     | 199                  |                          |                        |
| Ian                        | De Swardt   | 200                  |                          |                        |
| Quinton                    | Ferreira    | 201                  |                          |                        |
| Quinton                    | Ferreira    | 202                  |                          |                        |
| Ann                        | Skinner     | 203                  |                          |                        |
| Grant                      | Shearer     | 204                  |                          |                        |
| Morne                      | Strydom     | 205                  |                          |                        |
| Mario                      | Grunlingh   | 206                  |                          |                        |
| Jillian                    | Le Roux     | 207                  |                          |                        |
| David                      | Osborn      | 208                  |                          |                        |
| Veronica                   | Stoman      | 213                  |                          |                        |
| <b>Adjacent landowners</b> |             |                      |                          |                        |
| Adele                      | Bain        | FARMER               |                          |                        |
| Bernard                    | Van Niekerk | FARMER               |                          |                        |
| Carina                     | Van Niekerk | FARMER               |                          |                        |
|                            |             |                      |                          |                        |
| DFFE: Oceans and Coast     |             | Kromme river Estuary | Automatically registered |                        |
| <b>Stakeholders</b>        |             |                      |                          |                        |
| Vathiswa                   | Zikishe     | SANBI                | Automatically registered | V.Zikishe@sanbi.org.za |

## EAP Services

| NAME                              |  | ORGANISATION / ROLE                                     |                          | CONTACT DETAILS | EMAIL  |
|-----------------------------------|--|---|--------------------------|-----------------|--|
| WESSA                             |  | Gary Koekemoer  | Automatically registered |                 | garyk22@me.com   |
| WESSA                             |  | Kevin Taylor  | Automatically registered |                 | kmtecologist@gmail.com   |
| Bird Life EC                      |  | Samantha Ralston  | Automatically registered |                 | energy@birdlife.org.za   |
| Bird Life EC                      |  | Mark Anderson   | Automatically registered |                 | ceo@birdlife.org.za  |
| EWT                               |  | Ian Little  | Automatically registered |                 | ianl@ewt.org.za  |
| ECPTA                             |  | Brian Reeves  | Automatically registered |                 | Brian.Reeves@ecpta.co.za   |
| <b>Ward councillors</b>           |  |   |                          |                 |  |
| Ward 7: Cllr Eric Mbuqu           |  | Ward 7:   | Automatically registered | 0794900260      | embuqu@kouga.gov.za  |
| <b>Kouga Local Municipality</b>   |  |   |                          |                 |  |
| Infrastructure and Engineering    |  | Charles EQ De Kock<br>Andre Botha<br>Jaques de Toit     | Automatically registered |                 | jdutoit@kouga.gov.za<br>abotha@kouga.gov.za>                                   |
| Planning, Development and Tourism |  | Lee-Ann Opperman  | Automatically registered |                 | aswart@kouga.gov.za  |
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## EAP Services

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## Appendix 2: Meetings and submissions – organs of state

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The Chairperson  
Kingsway Homeowners Association  
Kingsway Resort

Attention: Messrs Varnfield and Fouche

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### **ENVIRONMENTAL ISSUES AND NON-COMPLIANCES ASSOCIATED WITH THE ENVIRONMENTAL AUTHORISATION ISSUED FOR UPGRADING AND EXPANSION OF KINGSWAY RESORT**

1. Refer to various engagements between the Department and Kingsway Resort including the site meeting that took place on 23 April 2025 as well as the environmental compliance audit conducted by CEN IEM Unit to determine the level of compliance with the Environmental Authorisation issued for the expansion / upgrading of the Kingsway Resort.
2. In this regard it must be noted that the compliance audit has identified a number of non-compliances with the Environmental Authorisation and the current committee of the Kingsway Homeowners Association has engaged the Department to determine a way forward to address these.
3. One of the glaring non-compliances identified relate to various structures / transgressions on the Open Space 3 component of the resort. In this regard the following is pertinent:
  - 3.1. The Environmental Authorisation clearly stipulated that all undeveloped land within Kingsway is to be zoned as Open Space 3 and that all development be restricted to within the boundaries of individual erven.
  - 3.2. All encroachment onto this Open Space 3 zone therefore constitute transgressions of various stipulations / conditions in the Environmental Authorisation. This includes the viewing platform installed adjacent to Plot 38 as well as other structures as considered during the site meeting.
  - 3.3. No committee or any individual member of any such committee had any legal standing to grant any approvals for encroachment onto such Open Space 3 area with specific reference to the Environmental Authorisation and as a matter of fact any such approvals were unlawful in terms of NEMA.
4. To compound the matter there was already a Compliance Notice issued to Kingsway which required all structures encroaching onto common property to be removed. This Compliance Notice was not heeded by Kingsway and thus Kingsway is now in non-compliance with conditions in the Environmental Authorisation as well as with the stipulations of a compliance notice. In the event that further compliance action is to be instituted by the Department, the fact that a Compliance Notice previously issued was ignored will serve as aggravating circumstances.

5. During discussions between the Department and KHOA it was agreed that it is impractical to have common property within the so-called developed portion of Kingsway zoned as Open Space 3 and that it would be more appropriate to have this zoned as Resort 2 or similar. This will however require that a subdivision / setback line be established between the resort and the Gamtoos River and that the land between this land and the river remain as Open Space 3 together with the undeveloped property abutting the resort to the east.
6. It was further agreed that once this has been done, Kingsway can apply for an amendment of the Environmental Authorisation to allow the common property within the developed portion of the resort to be zoned as Resort which will then imply that encroachments that will be within this resort zone can be "legalised".
7. The demarcation of the subdivision line as discussed and marked during the site visit must be seen as the initiation of this process. Invariably this will imply that certain structures will be in front of this line and should therefore be removed. This must however be seen against the background that the Department will not be insisting that all structures that encroaches onto common property be removed but only those that will remain in Open Space 3 land.
8. It must furthermore be noted that this line does not cut across any individual plots but is on common property adjacent to individual plots. Statements to the contrary i.e. that the demarcation line cuts across individual plots, is therefore factually incorrect. It is perceived by the Department that this is part of the problem at Kingsway i.e. that some individuals seem to regard the common property abutting their plots as theirs.
9. As it stands, at this point in time the Department can take action against individuals that has facilitated such encroachment including notices to remove such structures and to rehabilitate. It must furthermore be noted that there is a possibility that some of the structures that were installed between individual erven and the river may in its own right have triggered EIA listed activities. In this regard the viewing platform adjacent to Plot 38 comes to mind for which the person responsible for such can be held personally responsible.
10. It is trusted that this clearly sets out the current state of affairs and the way forward. In this regard the Department is anticipating the formal surveying and demarcation of the subdivision line after which a process to amend the Environmental Authorisation may be initiated. As part of this process, other non-compliances will also need to be addressed. It is however advised that prior to initiating a formal amendment process that a meeting be held with the Department to determine the scope of such application as well as how to address other non-compliances that will not be able to be addressed through an amendment process.
11. Please provide the Department with a monthly progress report re implementation of the above and ensure that the process is concluded with a period of 90 days.



**ANDRIES STRUWIG**  
**MANAGER: EQM**  
**SARAH BAARTMAN/NMB REGION**

**DATE:** 14 May 2025

## Appendix 3: Registration and comments