



REFERENCE: 16/3/3/6/2/E3/13/1253/25

DATE: 03 DECEMBER 2025

The Board of Directors
Spotlight Entertainment (Pty) Ltd
Unit 127, La Pamera
6 Indigo Drive
Burgundy Estate
CAPE TOWN
8000

Attention: Mr. Peter Scott

Tel: (021) 948 5396
Email: peter@psig.co.za

Dear Sir

ADOPTION OF A DEVELOPMENT SETBACK LINE ("SBL") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR PROPOSED ADDITIONS TO AN EXISTING DWELLING ON REMAINDER OF FARM NO. 494, MALGAS.

1. The electronic copy of the updated final development SBL checklist and supporting documents, as received by the Directorate: Development Management ("this Directorate") on 31 October 2025, and the acknowledgement thereof on 10 November 2025, refer.
2. Based on the information submitted to this Directorate, it is hereby confirmed that the listed activities in bold below apply to the proposed development on the abovementioned property. These are listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017):

Activity Number: 19A of Listing Notice 1

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) the seashore;
- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or
- (iii) the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or

- (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Activity Number 54: of Listing Notice 1

The expansion of facilities—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;

in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,

but excluding—

- (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; or
- (bb) where such expansion occurs within an urban area.

3. A Public Participation Process ("PPP") was conducted and involved the following:
- 3.1 Notification letters were distributed to the local and district municipality and the relevant Organs of State, as well as identified interested and affected parties ("I&APs") informing them of the request for the adoption of the development SBL.
 - 3.2 A 30-day commenting period was afforded to the I&APs, from 20 June 2025, to provide written comment with respect to the proposed development setback line adoption request.
 - 3.3 This Directorate is satisfied that the PPP that was followed met the minimum legal requirements for public participation for a development SBL and that the concerns raised by I&APs were responded to and adequately addressed. A freestanding building that was included in the original development proposal was excluded, following the issues raised in the comments received from the relevant organs of state and the competent authority with respect to the new building within the high-risk zone. Consequently, the revised development proposal now only includes the proposed additions to the existing house.
4. In terms of the NEMA EIA Regulations, 2014 (as amended) a "development setback" is defined as "a setback line defined or adopted by the competent authority".
5. In this regard, the competent authority hereby adopts the development SBL on Remainder of Farm No. 494, Malgas. The development SBL is depicted in Appendix A (attached hereto). The co-ordinates for the development SBL that are depicted in Appendix A are given in Table 1 below:

SETBACK LINE		
<i>Development Setback Line</i>		
POINT	CO-ORDINATES	
	Latitude (S)	Longitude (E)
1	34° 20' 54.5739" S	20° 36' 28.0736" E
2	34° 20' 54.3924" S	20° 36' 28.3883" E
3	34° 20' 54.2026" S	20° 36' 28.6571" E
4	34° 20' 53.9006" S	20° 36' 29.2407" E
5	34° 20' 53.6973" S	20° 36' 29.7280" E
6	34° 20' 53.5783" S	20° 36' 30.1260" E
7	34° 20' 53.5561" S	20° 36' 30.2870" E

6. The decision by the competent authority to adopt the development SBL is based on the following factors:
 - 6.1 The 5m contour is also the coastal management line and the existing farmhouse and the new additions to it, are located landward thereof and therefore outside the estuarine functional zone.
 - 6.2 The proposed additions to the existing farmhouse will be placed on previously disturbed areas and will not result in the clearance of the mapped endangered indigenous vegetation.
7. With regards to the development setback line, please note that:
 - 7.1 the development setback line is adopted in terms of the NEMA EIA Regulations, 2014 and only relates to the listed activities mentioned above and to the determination of whether or not environmental authorisation in terms of NEMA is required before undertaking the listed activities;
 - 7.2 the development setback line is not adopted in terms of the National Water Act, 1998 (Act No. 36 of 1998) or any other legislation. Notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;
 - 7.3 the development setback line does not imply that the areas behind the line will not be exposed to impacts of dynamic processes, including sedimentation, erosion and flooding; and
 - 7.4 the fact that development will be undertaken behind the development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting the "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.)
8. Since the proposed activities will be undertaken behind the abovementioned development setback line, environmental authorisation will not be required for the abovementioned listed activities in terms of NEMA.
9. It is, however, reiterated that the development setback line only relates to the listed activities mentioned above. If any of the other listed activities are triggered, environmental authorisation will have to be obtained in terms of the NEMA. It remains the responsibility of the proponent to determine

if listed activities are triggered and to ensure that the necessary environmental authorisation is obtained.

10. Please note, that I&APs involved in the Public Participation Process must be informed of the decision and their opportunity to lodge an appeal in terms of the provisions contained in the National Appeal Regulations, 2025.
11. This Directorate will not be held liable for any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the Directorate.
12. This Directorate reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully

MR ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Johan Neethling (Johan Neethling Environmental Services cc)

Email: info@jnes.co.za

(2) Mr. Ron Brunings (Swellendam Municipality)

Email: rbrunings@swellendam.gov.za

(3) Mr. Rhett Smart (CapeNature)

Email: rsmart@capenature.co.za

(4) Ms. Mercia Liddle (DEA&DP: Biodiversity and CM)

Email: mercia.liddle@westerncape.gov.za

PLAN OF THE LAND PARCEL

Legend:

- 1) Height was measured to top of land.
- 2) Contour interval is 1m.
- 3) Contour interval is 1m.
- 4) Contour interval is 1m.
- 5) Contour interval is 1m.
- 6) Contour interval is 1m.
- 7) Contour interval is 1m.

Scale: 1:1000

Coordinate Grid:

Point	X (m)	Y (m)
1	36000.00	102400.00
2	36000.00	102400.00
3	36000.00	102400.00
4	36000.00	102400.00
5	36000.00	102400.00
6	36000.00	102400.00
7	36000.00	102400.00

North Arrow: Indicated by a stylized arrow pointing upwards.

Scale Bar: 0m, 10m, 20m, 30m, 40m, 50m, 60m, 70m, 80m, 90m, 100m.

Survey Line: A line connecting points 1 through 7, showing the boundary of the land parcel.

Contour Lines: Lines representing equal elevations, labeled with values such as 3m, 4m, 5m, 6m, 7m, 8m, 9m, 10m, 11m, 12m, 13m, 14m, 15m, 16m, 17m, 18m, 19m, 20m, 21m, 22m, 23m, 24m, 25m, 26m, 27m, 28m, 29m, 30m, 31m, 32m, 33m, 34m, 35m, 36m, 37m, 38m, 39m, 40m, 41m, 42m, 43m, 44m, 45m, 46m, 47m, 48m, 49m, 50m, 51m, 52m, 53m, 54m, 55m, 56m, 57m, 58m, 59m, 60m, 61m, 62m, 63m, 64m, 65m, 66m, 67m, 68m, 69m, 70m, 71m, 72m, 73m, 74m, 75m, 76m, 77m, 78m, 79m, 80m, 81m, 82m, 83m, 84m, 85m, 86m, 87m, 88m, 89m, 90m, 91m, 92m, 93m, 94m, 95m, 96m, 97m, 98m, 99m, 100m.

