



Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/5/B4/45/1058/18
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2018 -11- 2 2

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7600

Attention: Ms Myra Francis

Tel: (021) 808 8462
Fax: (021) 887 6167

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 22 MARCH 2018: THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the amended Environmental Authorisation issued on 22 March 2018 (DEA&DP Ref: 16/3/1/5/B4/45/1006/18), attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of this amended Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Jessica Hanson (EcolImpact Legal Consulting (Pty) Ltd)

Fax: (021) 671 9976



Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/5/B4/45/1058/18
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2018 -11- 2 2

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 22 MARCH 2018: THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Department herewith **grants** the amendment of the amended Environmental Authorisation issued on 22 March 2018 (DEA&DP Ref: 16/3/3/5/B4/45/1006/18) (hereinafter referred to as the Environmental Authorisation), in terms of Part 2 of the EIA Regulations, 2014.

The Environmental Authorisation is amended as set out below:

1. Description of activity in Section B: LIST OF ACTIVITIES AUTHORISED:

- The construction of the following:
 - 203 units of GAP and affordable housing (2.77ha);
 - 60 flat units (0.56ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (0.95ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².

- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

is amended to read:

- The construction of the following:
 - 203 units of GAP and affordable housing (2.77ha);
 - 60 flat units (0.56ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (0.95ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. The eastern box culvert will be 2 x 1500mm x 1200mm in size and the western box culvert will be 2 x 1800mm x 900mm in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas except for the section of the retaining wall at the northern side of the river, which supports the embankment formed by the road.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

2. Condition 18 in Section E: CONDITIONS OF AUTHORISATION:

No development components, other than two bridges, may be located within the 1:100 year floodplain.

is amended to read:

No development components, other than two bridges and the section of the retaining wall at the northern side of the river, which supports the embankment formed by the road may be located within the 1:100 year floodplain.

3. The preferred alternative in ANNEXURE 1: REASONS FOR THE DECISION:

- This alternative consists of the following:
 - 203 units of GAP and affordable housing (2.77ha);
 - 60 flat units (0.56ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (0.95ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².

- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

This alternative is preferred for the following reasons:

- Only the two vehicle bridges will be located inside the floodplain.
- The layout accommodates the recommendations made in the various specialist reports.
- The flats were relocated to the middle of the site to reduce the visual impact, as recommended by the visual assessment.

is amended to read:

- This alternative consists of the following:
 - 203 units of GAP and affordable housing (2.77ha);
 - 60 flat units (0.56ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (0.95ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. The eastern box culvert will be 2 x 1500mm x 1200mm in size and the western box culvert will be 2 x 1800mm x 900mm in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas except for the section of the retaining wall at the northern side of the river, which supports the embankment formed by the road.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

This alternative is preferred for the following reasons:

- Only the two vehicle bridges and the section of the retaining wall at the northern side of the river, which supports the embankment formed by the road will be located inside the floodplain.
- The layout accommodates the recommendations made in the various specialist reports.
- The flats were relocated to the middle of the site to reduce the visual impact, as recommended by the visual assessment.

4. The Biophysical Impact in ANNEXURE 1: REASONS FOR THE DECISION:

The site historically contained Boland Granite Renosterveld vegetation and Cape Winelands Shale Fynbos vegetation, which is listed as endangered. The site is however currently disturbed with no natural vegetation remaining other than some wetland vegetation in the river.

A non-perennial river runs from east to west through the middle of the site. The flow of this non-perennial river was diverted in the past and channeled on the north western boundary. There is also a stormwater channel that runs through the site from the south-western corner of the site parallel to the boundary, which is diverted toward the non-perennial river by a berm. The non-perennial river is an ecological support area and no development will be located within the 1:100 year floodlines of the river except for two

vehicle bridges crossing the river. This was addressed sufficiently in the preferred alternative and included as Condition 18 under Section E of this Environmental Authorisation.

Is amended to read:

The site historically contained Boland Granite Renosterveld vegetation and Cape Winelands Shale Fynbos vegetation, which is listed as endangered. The site is however currently disturbed with no natural vegetation remaining other than some wetland vegetation in the river.

A non-perennial river runs from east to west through the middle of the site. The flow of this non-perennial river was diverted in the past and channeled on the north western boundary. There is also a stormwater channel that runs through the site from the south-western corner of the site parallel to the boundary, which is diverted toward the non-perennial river by a berm. The non-perennial river is an ecological support area and no development will be located within the 1:100 year floodlines of the river except for the two vehicle bridges crossing the river and the section of the retaining wall on the northern side of the river, which supports the embankment formed by the road. This was addressed sufficiently in the preferred alternative and included as Condition 18 under Section E of this Environmental Authorisation.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

- (a) The increase in size of the two box culverts will allow for better flow of water in the river.
- (b) The increase in length of the retaining wall at the northern section of the river will ensure a more stable river bank and will stabilise and strengthen the eastern road crossing.
- (c) The amended development will not have a negative impact on the hydrology and ecology of the river.
- (d) As required in terms of Regulation 41 of the NEMA EIA Regulations 2014 a public participation process was conducted for the amendment application, which comprised of the following:
 - All previous registered Interested and Affected Parties, including Organs of State, which have jurisdiction in respect of any aspect of the relevant activity, were notified of the amendment application on 24 and 27 August 2018; and
 - A commenting period on the Draft Amendment Report was allowed from 28 August 2018.

At the end of the commenting period comments were received, none of which were objections.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—

- 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
- 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section D below;
- 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
2. One week's notice must be given to the Directorate: Development Management (Region 1) before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this Environmental Authorisation.
3. All other conditions contained in the amended Environmental Authorisation issued on 22 March 2018 (attached as Annexure A) remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and


- 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:
- By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000
- By facsimile: (021) 483 4174; or
- By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 22/11/2018

Copied to: (1) Jessica Hanson (EcoImpact Legal Consulting (Pty) Ltd)

Fax: (021) 671 9976

FOR OFFICIAL USE ONLY:	
EIA REFERENCE NUMBER:	16/3/3/5/B4/45/1058/18

END

ANNEXURE A
AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 22 MARCH 2018



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/5/B4/45/1006/18
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2018-03-22

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7600

Tel: (021) 808 8025
E-mail: municipal.manager@stellenbosch.gov.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 NOVEMBER 2016: THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH.

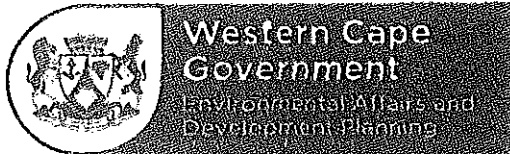
1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 25 November 2016 (DEA&DP Ref.: 16/3/1/1/B4/45/1114/14) attached herewith, and to adopt the amended Maintenance Management Plan together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) admin@ecoimpact.co.za (Eco Impact Legal Consulting (Pty) Ltd)
(2) Myra.Francis@stellenbosch.gov.za (Stellenbosch Municipality)
(3) Mr A Oosthuizen (DEA&DP: DDF)

Fax: (021) 483 8311



Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/5/B4/45/1006/18

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 2018 -03- 22

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 NOVEMBER 2016: THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 25 November 2016 (DEA&DP Ref.: 16/3/1/4/B4/45/1114/14) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby adopts the amended Maintenance Management Plan ("MMP") for the construction of a residential development on Erf No. 11330, Stellenbosch, included as Appendix C in the Amendment Application dated 2 February 2018.

The EA is amended as set out below:

1. Description of activity in Section B: LIST OF ACTIVITIES AUTHORISED:

➤ The construction of the following:

- 194 units of GAP and affordable housing (2.78ha);
- 60 flat units (0.54ha) that will be located on one erf in the central region of the site; and
- 4 public open space erven (1.01ha)

- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

Is amended to read:

- The construction of the following:
 - 203 units of GAP and affordable housing (2.77ha);
 - 60 flat units (0.56ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (0.95ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

2. The preferred alternative in ANNEXURE1: REASONS FOR THE DECISION:

- This alternative consists of the following:
 - 194 units of GAP and affordable housing (2.78ha);
 - 60 flat units (0.54ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (1.01ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

This alternative is preferred for the following reasons:

- Only the two vehicle bridges will be located inside the floodplain.
- The layout accommodates the recommendations made in the various specialist reports.
- The flats were relocated to the middle of the site to reduce the visual impact, as recommended by the visual assessment.

Is amended to read:

- This alternative consists of the following:
 - 203 units of GAP and affordable housing (2.77ha);
 - 60 flat units (0.56ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (0.95ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

This alternative is preferred for the following reasons:

- Only the two vehicle bridges will be located inside the floodplain.
- The layout accommodates the recommendations made in the various specialist reports.
- The flats were relocated to the middle of the site to reduce the visual impact, as recommended by the visual assessment.

3. Condition 7 in Section E: CONDITIONS OF AUTHORISATION:

The draft Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation is hereby accepted and must be implemented.

Should any amendments to the EMPr be required before an audit is required in terms of this environmental authorisation the applicant must:

- notify the competent authority of its intention to amend the EMP at least 60 days prior to the submission of the application for amendment to the EMP;
- obtain comment from potential I&AP's, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
- submit the amended EMP to the competent authority for approval within 60 days of inviting comments on the proposed amendments.

The EMP must be included in all contract documentation for all phases of implementation.

is amended to read:

The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and resubmitted to this Department before construction activities commence. The EMPr must be amended to refer to the amended project description, as well as include a revised layout showing the amended development.

The EMPr must be included in all contract documentation for all phases of implementation.

4. Condition 9 in Section E: CONDITIONS OF AUTHORISATION:

The Maintenance Management Plan ("MMP") must be amended to include a method statement for each of the identified maintenance actions in accordance with the Department's draft Guideline for compiling a MMP (hereto attached as Appendix A). The amended MMP must be re-submitted to the competent authority within 6 months from the date of this EA, or before construction activities commence, whichever occurs first.

is replaced with:

The amended Maintenance Management Plan ("MMP") adopted as part of this amendment EA must be implemented and must be included in all contract documentation for all phases of implementation.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the EA issued on 25 November 2016.
2. The 9 additional units will be included within the approved development footprint.
3. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (as amended) (Government Notice No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA, 1998.
4. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the EA.
6. The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its 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 their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

C. CONDITIONS

1. All conditions, with the exception of conditions 7 and 9 contained in the EA issued on 25 November 2016 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. HENRI FORTUIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 22-3-18

CC: (1) admin@ecoimpact.co.za (Eco Impact Legal Consulting)
(2) Myra.Francis@stellenbosch.gov.za (Stellenbosch Municipality)
(3) Mr A Oosthuizen (DEA&DP: DDF)

Fax: (021) 483 8311

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**ANNEXURE A
ENVIRONMENTAL AUTHORISATION ISSUED ON 25 NOVEMBER 2016**



Directorate: Development Management
(Region 2)

REFERENCE: 16/3/1/1/B4/45/1114/14
ENQUIRIES: Bernadette Osborne
DATE: 2016-11-29

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7600

Attention: Ms Myra Francis

Tel: (021) 808 8760
Fax: (021) 887 6167

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON ERF NO. 11330, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Amendment Regulations, 2010, and the EIA Regulations, 2014, the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred Layout LA2, described in the amended final Basic Assessment Report ("BAR"), dated 13 October 2016.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
Stellenbosch Municipality
PO Box 17

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3679 Fax: +27 21 483 3633
E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag 99086, Cape Town, 8000
www.westerncape.gov.za/eodp

STELLENBOSCH
7600

Tel: (021) 808 8760
Fax: (021) 887 6167

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

EIA Regulations, 2010, Listed Activities	EIA Regulations, 2014, Listed Activities
<p>Activity 9 of Government Notice No. R. 544 The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water</p> <p>(i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more,</p> <p>excluding where:</p> <p>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</p> <p>b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.</p>	<p>Not similarly listed in terms of the EIA Regulations, 2014, listed activities.</p>
<p>Activity 11 of Government Notice No. R. 544 The construction of:</p> <p>(i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size; (ix) slipways exceeding 50 square metres in size; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more</p>	<p>Not similarly listed in terms of the EIA Regulations, 2014, listed activities.</p>

<p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	
<p>Activity 18 of Government Notice No. R. 544 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:</p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) 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- <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving:</p> <ul style="list-style-type: none"> (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line. 	<p>Activity 19 of Government Notice No. R. 983 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—</p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the seashore; or (iii) 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— <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.
<p>Activity 23 of Government Notice No. R. 544 The transformation of undeveloped, vacant or derelict land to –</p> <ul style="list-style-type: none"> (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares; or (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; - 	<p>Activity 28 of Government Notice No. R. 983 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (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; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional</p>

purposes.

The abovementioned activities are hereinafter referred to as, "**the listed activities**".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

- The construction of the following:
 - 194 units of GAP and affordable housing (2,78ha);
 - 60 flat units (0,54ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (1,01ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1,2m x 0,9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1,2m x 0,9m in size.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 11330, Stellenbosch, of the following co-ordinates:

33° 55' 17" South
18° 53' 44" East

The SG digit code is:

CO6700000000113300000

hereinafter referred to as, "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd
% Nicolaas Hanekom
PO Box 45070
CLAREMONT
7735

Tel: (021) 671 1660

Fax: (021) 671 1660

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent

authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, at least three (3) months prior to the expiry of this environmental authorisation.

Note that: (1) in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment at least three months prior to the expiry of the validity period of the environmental authorisation may result in the competent authority being unable to process the application for amendment and in the lapsing of the environmental authorisation;

(2) it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an environmental authorisation for the undertaking of the activity.

2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notified the registered interested and affected parties ("I&APs"). In the event that an appeal is lodged with the competent authority, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision –
 - 3.1 notify all registered I&APs of –
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
 - 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
 - 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all I&APs that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations; and
 - 3.5 provide the registered I&APs with:
 - 3.5.1 the name of the holder (entity) of this Environmental Authorisation,
 - 3.5.2 name of the responsible person for this Environmental Authorisation,

- 3.5.3 postal address of the holder,
 - 3.5.4 telephonic and fax details of the holder, and
 - 3.5.5 e-mail address, if any, of the holder.
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 2, 3, 9 and 13.
 5. The holder is responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
 6. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
 7. The draft Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation is hereby accepted and must be implemented.

Should any amendments to the EMPr be required before an audit is required in terms of this environmental authorisation the applicant must:

- notify the competent authority of its intention to amend the EMP at least 60 days prior to the submission of the application for amendment to the EMP;
- obtain comment from potential I&AP's, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
- submit the amended EMP to the competent authority for approval within 60 days of inviting comments on the proposed amendments.

The EMP must be included in all contract documentation for all phases of implementation.

8. A copy of the environmental authorisation and the EMPr must be kept at the site where the listed activities will be undertaken/office of the holder of the authorisation (Note: whichever is practical. In the case of a cell mast for example, it may be kept at the nearest office). Access to the site referred to in section C above must be granted and, the environmental authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
9. The Maintenance Management Plan ("MMP") must be amended to include a method statement for each of the identified maintenance actions in

accordance with the Department's draft Guideline for compiling a MMP (hereto attached as Appendix A). The amended MMP must be re-submitted to the competent authority within 6 months from the date of this EA, or before construction activities commence, whichever occurs first.

10. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where **any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated**, save that such application for amendment shall not include the personal details of the holder of the environmental authorisation.

10.1. Where an amendment relates to the change of ownership or transfer of rights and obligations, the applicant must:

10.1.1. submit an amendment application to the competent authority, stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; and (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.

10.1.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation/s or an addendum to the existing environmental authorisation/s if the transfer is found to be appropriate.

10.2. Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

11. Non-compliance with a condition of this environmental authorisation or EMPr may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction

activities to ensure compliance with the EMPr and the conditions contained herein. The appointed ECO must be present daily during construction in or near watercourses.

14. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
16. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
17. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; and graves or unmarked human burials.

A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

18. No development components, other than the two bridges, may be located within the 1:100 year floodline of the river.
19. Effluent discharge from the site can only take place from the end of December 2017 after the upgrade of the Stellenbosch Wastewater Treatment Works ("WWTW") is completed and upon written confirmation from the Municipality that the WWTW is ready to accept effluent. A copy of the written confirmation must be submitted to the Department before commencement of discharge.
20. The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate quarterly during the construction phase.
 - 20.1. The audit report must indicate the date on which construction commenced and detail compliance with the conditions of this authorisation.
 - 20.2. Proof of ongoing compliance with the EMPr must be provided with audit report.

- 20.3. A final audit report must be submitted upon completion of the construction phase and detail post-construction rehabilitation.
- 20.4. If the audit report is not submitted, this Directorate may give 30 days' written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –

- 1.1. submit a notice of Intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.1.1. If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with –
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - 1.1.2. If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with –
 - (a) a copy of the notice lodged with the Minister and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
- 1.3. that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and
- 1.4. If a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.

2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or
By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator.

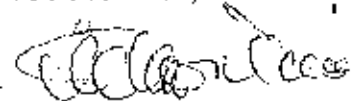
4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. HENRI FORTUIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 25-11-16

CC: (1) Mr N Honekorn (Eco Impact Legal Consulting (Pty) Ltd)
(2) Mr A Oosthuizen (DEA&DP; DDF)

Fax: (021) 671 1660
Fax: (021) 483 8311

FOR OFFICIAL USE ONLY:**EIA REFERENCE NUMBER:**

16/3/1/1/84/45/1114/14

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0001926/2014

ANNEXURE 1: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 9 October 2014, the EMPr submitted together with the amended final BAR on 13 October 2016;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the amended final BAR dated 13 October 2016;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The site visit conducted on 17 June 2015, attended by officials from this Department, the Department of Water and Sanitation, CapeNature, Stellenbosch Municipality, together with ASLA (the implementing agent) and Eco Impact Legal Consulting (Pty) Ltd (the Environmental Assessment Practitioner).

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2010, and was pending at the time of the promulgation of the EIA Regulations, 2014. In accordance with regulation 53(3) of Government Notice No. R. 982, activities similarly listed in terms of the NEMA EIA Regulations 2014 may be authorised as if applied for.

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

1. Public Participation

The public participation process included the following:

- identification of and engagement with I&APs;
- fixing notice boards at the site on 27 October 2014;
- giving written notice to the owners and occupiers of land adjacent to the site, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- providing a 30 day registration period;

- the placing of a newspaper advertisement in the 'Eikestadnuus' and 'Stellenbosch Gazette' on 28 October 2014;
- making the Draft BAR available to I&APs for public review for 30 days from 4 February 2015;
- the public meeting held on 26 February 2015;
- making the final BAR available to registered I&APs for public review for 21 days from 23 November 2015; and
- Making the amended final BAR available to registered I&APs for public review for 30 days from 1 September 2016.

Authorities Consultation:

The following authorities were consulted and had no objection:

- CapeNature;
- Department of Agriculture;
- Department of Water and Sanitation;
- Heritage Western Cape
- Stellenbosch Municipality; and
- DEA&DP's Directorate: Waste Management Planning.

All the concerns raised by I&AP's were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

The Department concurs with the environmental assessment practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this environmental authorisation.

2. Alternatives

Layout LA 1

This alternative consists of the following:

- 194 units of GAP and affordable housing (2.81 ha);
- 60 flat units on two erven (0.41 ha); and
- Public open space erven (0.82ha).

An area around the non-perennial river is proposed to be left as public open space, but a retaining wall will be constructed inside the non-perennial river. This alternative was not preferred due to the negative environmental impact associated with the retaining wall.

Layout LA 2 (preferred alternative)

- This alternative consists of the following:
 - 194 units of GAP and affordable housing (2.78ha);
 - 60 flat units (0.54ha) that will be located on one erf in the central region of the site; and
 - 4 public open space erven (1.01 ha)
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1,2m x 0,9m in size.
- A retaining wall will be constructed along the edge of the parking area for the flat units and at 4 locations on the northern side of the river. Construction of the retaining walls will be outside the floodplain and buffer areas.

- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of a 110mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

This alternative is preferred for the following reasons:

- Only the two vehicle bridges will be located inside the floodplain.
- The layout accommodates the recommendations made in the various specialist reports.
- The flats were relocated to the middle of the site to reduce the visual impact.

Layout LA 3

- The alternative consists of the following:
 - 191 units of GAP and affordable housing (2.86ha);
 - 58 flat units (0.40ha) will be located on two erven, one adjacent to Merton Street and another adjacent to Langeveldt Street; and
 - 3 public open space erven (1.06ha).
- The non-perennial river, its flood plain and buffer area will be zoned to Public Open Space. No construction will take place within the buffer area other than two box culvert vehicle bridges. Each box culvert will be 1.2m x 0.9m in size.
- Retaining walls will be constructed on both sides of the river.
- A detention pond will be constructed to manage storm water discharge on the site. The detention pond is centrally located on the site and covers an area of 500m².
- The internal water reticulation system will consist of 750mm diameter pipe and will be connected to the existing water reticulation system. There will also be a box culvert of 1.2m x 0.9m in size.

The alternative was not preferred due to the high visual impact of the flats on the site.

No-go Option:

This alternative represents the current status quo, which is vacant municipal land and was not preferred since it will not address the current need for housing in the community.

3. Impacts, assessment and mitigation measures

3.1 Actively need and desirability

The Stellenbosch Integrated Development Plan ("IDP") identified a need for housing in the community and according to the IDP and the Spatial Development Framework the site is earmarked for future high density residential development. The proposed development is in line with the forward planning for the area and will provide affordable housing opportunities.

3.2 Biophysical impact

The site historically contained Boland Granite Renosterveld vegetation and Cape Winelands Shale Fynbos vegetation, which is listed as endangered. The site is however currently disturbed with no natural vegetation remaining other than some wetland vegetation in the river.

A non-perennial river runs from east to west through the middle of the site. The flow of this non-perennial river was diverted in the past and channeled on the north

western boundary. There is also a stormwater channel that runs through the site from the south-western corner of the site parallel to the boundary, which is diverted toward the non-perennial river by a berm. The non-perennial river is an ecological support area and no development will be located within the 1:100 year floodlines of the river except for two vehicle bridges crossing the river. This was addressed sufficiently in the preferred alternative and included as Condition 18 under Section E of this Environmental Authorisation.

3.3 Visual Impact

It was recommended in the Visual Impact Statement dated June 2016 compiled by Urban Design Services cc, that the flats on the site be relocated to reduce the visual impact of the development. This was sufficiently addressed in the preferred alternative by placing the flats toward the centre of the site.

3.4 Geotechnical Impact

The site was historically used as a dumping site for infill material. A geotechnical investigation dated July 2014, compiled by Core Geotechnical Consultants, indicated that the site is suitable for a housing development, provided that certain aspects of concern relating to the geotechnical character of the site are addressed. This was sufficiently addressed and mitigated in the amended final BAR and EMPr.

3.5 Services

The Stellenbosch Municipality provided confirmation that there is sufficient capacity for solid waste management and water supply, but indicated that effluent management cannot be provided until additional treatment capacity becomes available at the Stellenbosch WWTW at the end of December 2017. This was included as Condition 19 of this Environmental Authorisation.

The development will result in both negative and positive impacts:

Negative Impacts:

The development will result in construction related impacts such as dust, visual and noise and could have a potential aquatic impact on the non-perennial river. These impacts were however mitigated to a satisfactory level in the preferred layout alternative and EMPr.

Positive impacts:

The development is in line with the forward planning for the area and will provide affordable housing to the community of Stellenbosch and surrounding areas.

4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;

- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

- Adherence to the NEMA principles;
- Compliance with the conditions stipulated in this environmental authorisation;
- Compliance with the mitigation measures in the EMPr; and
- Compliance with the mitigation measures in the MMP.

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