



REFERENCE: 16/3/3/5/B4/45/1028/18

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 2018 -05- 11

The Board of Directors
Spier Properties (Pty) Ltd
PO Box 137
LYNEDOCH
7603

Attention: Mr Richard Newton-King

Tel: (021) 881 8400
Fax: (021) 809 1110

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 15 JULY 2013: THE CONSTRUCTION OF BERMS ALONG THE R310 AND REHABILITATION OF WETLANDS ON SPIER FARM NO. 1404, 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 15 July 2013 (DEA&DP Ref.: 16/3/1/1/B4/45/1050/12) attached herewith, 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) Ulrich Von Molendorff (Stellenbosch Municipality)
(2) Kozette Myburgh (Ecosense Environmental Consultants)

Fax: (021) 808 8651
Fax: (086) 547 4221

REFERENCE: 16/3/3/5/B4/45/1028/18

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 2018 -05- 11

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 15 JULY 2013: THE CONSTRUCTION OF BERMS ALONG THE R310 AND REHABILITATION OF WETLANDS ON SPIER FARM NO. 1404, 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 15 July 2013 (DEA&DP Ref.: 16/3/1/1/B4/45/1050/12) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

Condition 1 in Section E: CONDITIONS OF AUTHORISATION

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, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity including site preparation may not commence during the period of administrative extension.

Is amended to read

The Amended Environmental Authorisation is valid for a period of **five years** from the date of this decision. If the holder does not commence with the listed activities within the said period, this amended environmental authorisation shall lapse for those activities, and a new application for environmental authorisation must be submitted to the Competent Authority. If

the holder wishes to extend the validity period of the amended environmental authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the amended environmental authorisation.

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 15 July 2013.
2. 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.
3. The development was delayed as a result of the lengthy process of the R310 realignment by the Western Cape Provincial Government Department of Transport and Public Works. This realignment process of the boundaries of both the Spier Estate and the R310 has a critical bearing on the ability to commence with the construction of the berms.
4. The extension of the validity period of the EA 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.

C. CONDITIONS

All conditions, with the exception of condition 1 contained in the EA issued on 15 July 2013 (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.

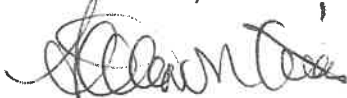
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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: 11-5-18

Cc: (1) Ulrich Von Molendorff (Stellenbosch Municipality)
(2) Kozette Myburgh (Ecosense Environmental Consultants)

Fax: (021) 808 8651
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ANNEXURE A
ENVIRONMENTAL AUTHORISATION ISSUED ON 15 JULY 2013



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Land Management (Region 1)

EIA REFERENCE NUMBER: 16/3/1/1/B4/45/1050/12

ENQUIRIES: Moe'mina Hoosain

DATE OF ISSUE: 15/07/2013

The Board of Directors
Spier Properties (Pty) Ltd
PO Box 137
LYNEDOCH
7603

Attention: Mr Richard Newton-King

Tel: (021) 881 8400

Fax: (021) 809 1110

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: CONSTRUCTION OF BERMS ALONG THE R310 AND REHABILITATION OF WETLANDS ON SPIER FARM 1404, 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) and the Environmental Impact Assessment Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to the preferred alternative described in the Final Basic Assessment Report ("BAR") dated January 2013.

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

2nd Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 483 2755 fax: +27 21 483 3633
Moe'mina.Hoosain@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Spier Properties (Pty) Ltd
PO Box 137
LYNDOCH
7603

Tel: (021) 881 8400
Fax: (021) 809 1110

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 11
The construction of:

- (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

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.

Activity Number: 18

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) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater

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

- (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.

The abovementioned list is hereinafter referred to as "the listed activities".

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

- o The construction of two berms along the R310 road reserve consisting of the following dimensions:
 - Berm A (SSW of Spier main entrance) of approximately 550m in length, up to 5m high and up to 15m wide. The toe of the berm will be approximately 50m from the middle of the R310. Berm A will have a maximum area of 8250m².
 - Berm B (NNE of Spier main entrance) of approximately 400m in length, up to 2m high and up to 6m wide. The toe of the berm will be approximately 50m from the middle of the R310. Berm B will have a maximum area of 2400m².
- o Both berms will be vegetated with indigenous vegetation and secured with a fence.
- o The deconstruction of an old biolytix plant on site.
- o Rehabilitation of the existing wetlands on site.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on:

Spier Estate, R310, Lyndoch, Stellenbosch

Latitude: 33° 58' 33.37" South
Longitude: 18° 46' 44.93" East

hereinafter referred to as "the site"

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ecosense CC
% Kozette Myburgh
PO Box 12697
DIE BOORD
8001
Tel: (021) 886 4056
Fax: (086) 547 4221

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, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be 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 and in accordance with regulation 10(2)–
 - 3.1 notify all registered interested and affected parties 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 interested and affected parties 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. and
 - 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 interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
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 and 14.
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of, the description set out in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/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.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation must be amended and submitted to this Department for authorisation.
 - 8.1 The Appendices section of the amended EMP must include the following:
 - o Site Layout Plans;

- o Basic Environmental Education Content;
 - o An updated Method Statement Template; and
 - o An updated Waste Management Plan.
9. The manner and frequency for updating the EMP must be done as follows:
- 9.1 An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.
10. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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 EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
11. 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
- 11.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he 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 activities was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
- 11.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
12. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
13. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
14. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for all phases of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.

15. An integrated waste management approach, which is based on waste minimisation and which 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. Suitable refuse disposal facilities must be provided.
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 artefacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

18. No surface water or groundwater may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water and wetlands must be met. Mitigation measures, including the implementation of buffer zones, contained in the Wetland Assessment Report dated November 2012, must be adhered to during the construction phase.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

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;
- 1.2. 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. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and 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.

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. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms must be submitted 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 J. de Villiers
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
By facsimile: (021) 483 4174

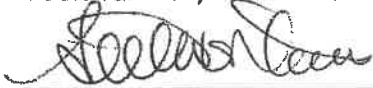
5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@westerncape.gov.za or URL http://www.westerncape.gov.za/eng/your_gov/406/services/11537/10199.

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: LAND MANAGEMENT (REGION 1)
DATE OF DECISION: 15-7-2013

CC: (1) U Von Molendorf
(2) K. Myburgh

(Stellenbosch Municipality)
(Ecosense Environmental Consultants)

Fax: (021) 808 8651
Fax: (086) 547 4221

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/1/1/B4/45/1050/12

NEAS EIA REFERENCE NUMBER:

WCF/EIA/0000742/2012

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 21 May 2012 and received by the competent authority on 22 May 2012, the final BAR dated January 2013 and the EMP submitted together with the final BAR.
- b) Relevant information contained in the Departmental information base, which includes, the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, and in particular section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to them, as included in the final BAR dated January 2013;
- e) The sense of balance between negative and positive impacts, and proposed mitigation measures.

No site visits were conducted. The competent authority has sufficient information before it to make an informed decision without conducting a site visit.

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 we, the competent authority, considered to be the most significant for decision making is set out below.

1. Public Participation

The public participation process included the following:

- Giving written notice to the owners and occupiers of land adjacent to the site, the municipality and ward councillor, as well as the various organs of state on 24 July 2012 and on 6 September 2012, respectively.
- Placing advertisements in the 'Eikestad Nuus' on 27 July 2012.
- Fixing a notice board at the site in September 2012.
- The circulation of the draft BAR and final BAR for public review on 31 July 2012 and 7 January 2013, respectively.

All the concerns raised by interested and affected parties were responded to and adequately addressed during the public participation process. Specific management and mitigation measures were considered for 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.

2. Alternatives

The following Activity Alternatives were considered:

Activity Alternative 1:

This alternative entails the construction of:

- Two berms along the R310 road reserve consisting of the following dimensions:
 - Berm A (SSW of Spier main entrance) of approximately 550m in length, up to 5m high and up to 15m wide,
 - Berm B (NNE of Spier main entrance) of approximately 400m in length, up to 2m high and up to 6m wide,
- A water canal that is 4m wide, 4m deep and 500m in length,
- A maintenance road that is 3m wide and approximately 500m in length, and
- The demolition of derelict structures and excavation of foundations associated with a decommissioned biolytix plant on-site.

This option was not preferred for the following reasons:

- Canalisation may lead to erosion, which would further contribute to sedimentation of watercourses.
- Construction of the canal may drain the wetlands and may cause erosion therein.
- The proposed wetland area is considered to be a more effective security measure than a fence.

Activity Alternative 2 (Preferred Alternative, herewith authorised):

This alternative entails -

- The construction of:
 - Two berms along the R310 road reserve consisting of the following dimensions:
 - Berm A (SSW of Spier main entrance) of approximately 550m in length, between 2.5-5m high and up to 15m wide,
 - Berm B (NNE of Spier main entrance) of approximately 400m in length, up to 2m high and up to 6m wide,
 - Both berms will be vegetated with indigenous vegetation and secured with a fence.
 - Rehabilitation of the existing wetlands on site, and
 - The demolition of derelict structures and excavation of foundations associated with a decommissioned biolytix plant on-site.

This option was preferred for the following reasons:

- The constructions of the berms would reduce noise and light pollution emanating from traffic.
- Rehabilitation of the wetlands will improve the ecological health of the ecosystem on site.
- Construction of the canal may drain the wetlands and may cause erosion therein.

The following Design Alternative was considered:

Design Alternative 1:

This alternative entails the construction of:

- A boundary wall and the use of a 30m strip of vegetation to mitigate noise and light pollution.

This option is not preferred for the following reason:

- The wall would not complement the surrounding landscape.
- The amount of vegetation required to minimise noise and light pollution is not considered to be practical.
- The thick strip of vegetation may incur security impacts in the long term, have an effect on wetland vegetation and use more available space.

The following Technology Alternative was considered:

Technology Alternative 1

This alternative entails the following:

- The material obtained from the deconstructed biolytix plant will be used for the base of the berms.
- The soil obtained from the water canal will be used to shape the berms.

This option is not preferred for the following reason:

- The water canal is not part of the preferred alternative any longer.

"No-Go" Alternative

This alternative implies that the health of the wetland on site will not be enhanced. Alien infestation is also likely to increase. In addition, the issue of noise and light pollution on the Spier Estate will not be resolved.

3. Impacts, assessment and mitigation measures

3.1. Activities Need and Desirability

The proposed levels of noise and light pollution will be minimised to an acceptable level for Spier Estate. The proposed activity will also lead to the overall improvement of the current status of the wetlands on site.

3.2. Biophysical Impacts

According to the Wetland Assessment dated November 2012, as conducted by Stephen van Staden and Natasha van de Haar from Scientific Aquatic Services, the majority of the vegetation on site consists of invasive alien vegetation. Due to past and present development and agricultural activities, wetland features on site were found to have either intermediate or low conservation value.

The construction of the berms will lead to the local loss of uncommon taxa indigenous to the site. Dredging activities during the construction phase will disrupt the movement of faunal species between areas. In addition, rehabilitation of the wetlands will result in disturbance of soils and change in vegetation characteristics. Dust pollution will be produced during the construction phase. According to the Wetland Assessment for this project, the impacts associated with vegetation loss, soil and faunal species disturbance can be limited through restricting construction activities to certain areas and lightly compacting soils following construction. To prevent dust pollution, material stockpiles can be moistened. These measures have been included in the EMP.

Provided that the recommendations in the Wetland Assessment dated November 2012 by Stephen van Staden and Natasha van de Haar are implemented, the significance of the negative impacts are expected to be low and over the long term the current condition of the wetlands could be expected to improve.

3.3. Socio-economic Impacts

The proposed project would create a number of temporary employment opportunities during the construction phase.

3.4 Cultural-Historical Impacts

The construction of the berms will impede the view of the surrounding mountains and farms. This can be mitigated by limiting the height of the berm as well as landscaping it to match the surrounds. The existing water furrow running along the R310 will not be affected by the proposed development.

In summary, the development will therefore result in both positive and negative impacts.

Positive Impacts

The proposed construction of the berms will lessen noise and light pollution experienced from oncoming traffic. The rehabilitation of wetlands (i.e. alien vegetation clearance, search and rescue and re-establishment of wetland vegetation) on site will improve the overall health of the wetland ecosystem. Possible employment opportunities exist for the construction phase of the proposed development. Existing employees of Spier Estate will maintain the site during the operation phase.

Negative Impacts

The proposed development will have a visual impact and will impact on the biophysical features of the area during the construction phase. The associated impacts can however be mitigated to an acceptable level.

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

The competent authority is satisfied that the proposed listed activity 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), and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels, provided that the following is observed:

- Adherence to the NEMA principles,
- Compliance with the conditions stipulated in this EA, and
- Compliance with the mitigations measures in the EMP.

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