



REFERENCE: 16/3/3/1/F5/20/2002/23
NEAS REFERENCE: WCP/EIA/0001216/2023
DATE OF ISSUE: 19 July 2023

The Board of Directors
Lonestar Group (Pty) Ltd.
5 Vineyard Court
Batis Road
DURBANVILLE
7550

Attention: Mr. Walter Bader/Mr. Alan Parry

E-mail: walter@lonestargroup.co.za

E-mail: alan@lonestargroup.co.za

Dear Sir(s)

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2111, RIEBEEK KASTEEL.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Euonell Visagie (Guillaume Nel Environmental Consultants)
(2) Mr. Alwyn Burger (Swartland Municipality)

E-mail: eg@gnec.co.za

E-mail: alwynburger@swartland.org.za



REFERENCE: 16/3/3/1/F5/20/2002/23
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2111, RIEBEEK KASTEEL.

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

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), 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 as included in the Basic Assessment Report (“BAR”) dated 18 January 2023.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the Maintenance Management Plan (“MMP”) dated 18 January 2023 for the proposed maintenance or management works to be undertaken in the watercourses.

The granting of this Environmental Authorisation (hereinafter referred to as the “Environmental Authorisation”) is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Lonestar Group (Pty) Ltd.
c/o Mr. Walter Bader/Mr. Alan Parry
5 Vineyard Court
Batis Road
DURBANVILLE
7550

E-mail: walter@lonestargroup.co.za / alan@lonestargroup.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as “the holder”.

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 12: <i>"The development of-</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs-</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</i> <p><i>excluding-</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared".</i> 	<p>The proposed site is located outside an urban area and infrastructure/structures of more than 100m² will be constructed within and within 32m from the edge of a watercourse.</p>
<p>Activity 19: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> 	<p>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m³ from the watercourse.</p>

<p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</p>	
<p>Activity 28: <i>"Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".</i></p>	<p>The proposed site was zoned for agricultural use on or after 01 April 1998 and is located outside an urban area.</p>

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

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

The proposed development entails the establishment of a mixed-use development and associated infrastructure on Erf No. 2111, Riebeeck Kasteel. The proposed development will comprise of the following:

- Approximately 72 General Residential group housing erven of varying sizes;
- Erven for General Business and Retail;
- A park/recreational space;
- An erf for refuse removal and services;
- Roads, landscaping and sidewalks;
- Private Open Spaces; and
- A landscaped Private Open Space in the northern portion adjacent to Tributary 1.

Two business areas, one office area and a retail area will be established along Pieter Cruythoff Avenue/Kloof street.

The business area in the southeastern corner will be developed as a shopping centre with approximately 160 parking bays. The business area in the southwestern corner of the site will be developed as an office complex with approximately 83 parking bays.

The shopping centre will be located near the intersection of Pieter Cruythoff and Lelie Street and will have a Gross Leasable Area of approximately 3500m². A 10m buffer will be established along the southeastern corner to accommodate the drainage system and a pedestrian bridge will traverse the Tributary. The green buffers along the southern and eastern portions will serve as open spaces and storm water detention areas. A pedestrian walkway will be established along the southeastern corner of the site to allow for pedestrian access across the green buffer area.

The offices will be located in the southwestern corner of the site and will consist of two separate buildings of 1000m² each. The offices will be surrounded with a parking area. The offices will facilitate commercial activities which cannot be accommodated at the shopping centre and will be complimentary to the shopping centre.

The larger portion of the site will comprise of a gated residential development that will be access controlled with a fence around the perimeter of the site. The northern most portion will serve as a landscaped private open space. This northern most portion will be situated adjacent to Tributary 1 and will act as a buffer area between the agricultural area to the north and the residential component south of Tributary 1.

Both business sites as well as the residential component will be accessed via a single entrance from Pieter Cruythoff Avenue/Kloof Street. A stop-controlled intersection will provide access to the business areas. Access to the residential component will be controlled via a boom and a guard house. The road to the residential component will include a two-lane entrance and single exit with a drop off and pickup bay. A centralised service yard will be provided within the residential component for refuse disposal.

The proposed development footprint will be approximately 75 773m².

The proposed development will be undertaken in two phases, as follows:

Phase 1:

A shopping centre and business centre with associated private and public roads and private open space.

Phase 2:

Offices and businesses with approximately 72 General Residential group housing erven, a service yard, private open space and private roads.

Works will also be undertaken in the watercourses and will include the following:

- The internal access road will traverse Tributary 1 via a box culvert through flow structure with reno mattresses.
- Service infrastructure crossings will be installed by means of open trenching as follows:
 - A water pipeline crossing immediately west of the access road culvert across Tributary 1;
 - A sewer pipeline crossing immediately east of the access road culvert across Tributary 1; and
 - A sewer pipeline crossing through Tributary 2.
- A wooden pedestrian bridge will be constructed across Tributary 2 and will span the entire delineated extent of the realigned Tributary 2. The supporting poles will be outside the delineated extent. The design will cater for a 1:100-year flood event.
- A fence will be erected around the boundaries of the site. The fence posts will not be located within the active channel but will be located on the embankments. An additional wire grid may be installed in the active channel, below the fence crossing, to allow for water flow and faunal movement.

- A berm will be constructed adjacent to the 1:100-year flood line on the western part of the site along the southern bank of the Krom River. The berm will mitigate the damming effect of the railway line to ensure that the site remains above the 1:100-year flood line.
- Tributary 2 will be realigned by confining the trench/realigned tributary section and the remnant tributary section into a single grass block lined channel. This newly realigned tributary will also host a stilling pond.
- Two storm water retention ponds will discharge into the newly realigned Tributary 2.
- All building infrastructure will be located outside the 10m conservation buffer surrounding Tributary 1. However, building infrastructure will be in close proximity to the newly realigned Tributary 2.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken on Erf No. 2111, Riebeek Kasteel.

A railway line forms the eastern boundary and Pieter Cruythoff Avenue/Kloof Street form the southern boundary. The western boundary is shared with Erf RE/1323 and the northern boundary is shared with Erf RE/20.

Erf No. 2111 is located west of the suburb of Esterhof and east of the Riebeek Kasteel town centre. Towards the south, opposite Pieter Cruythoff Avenue/Kloof Street, is the Riebeek Valley Wine Company. To the north, east and west is agricultural land. A small electrical substation is located in the southeastern corner of the erf.

The SG 21-digit code is: C04600190000211100000

Co-ordinates:

Latitude: 33° 22' 52.40" S

Longitude: 18° 54' 47.92" E

Location of river crossings:

Tributary 1:

Road, sewer, water pipeline crossing and culvert installation:

Latitude: 33° 22' 48.33" S

Longitude: 18° 54' 46.72" E

Tributary 2:

Pedestrian bridge crossing:

Latitude: 33° 22' 56.70" S

Longitude: 18° 54' 51.66" E

Sewer pipeline crossing:

Latitude: 33° 22' 56.00" S

Longitude: 18° 54' 52.82" E

Storm water detention pond 1:

Latitude: 33° 22' 54.03" S

Longitude: 18° 54' 52.08" E

Storm water detention pond 2:

Latitude: 33° 22' 57.17" S

Longitude: 18° 54' 50.28" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Guillaume Nel Environmental Consultants ("GNEC").

c/o Ms. Euonell Visagie

P.O. Box 2632

PAARL

7620

Tel.: (021) 870 1874

Fax: (021) 870 1873

E-mail: eg@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 18 January 2023 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
- (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.

4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 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 National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

10. The draft EMPr dated 31 March 2023 and MMP dated 18 January 2022 (as compiled by GNEC) and submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr, including the MMP, must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation, MMP and the EMPr 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 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.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct two weekly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. 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 waste disposal facility licensed in terms of the applicable legislation.

20. 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; 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.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 22.1 Dual-flush toilet systems.
 - 22.2 All taps must be fitted with water saving devices (*i.e.*, tap aerators, flow restrictors and low flow shower heads).
 - 22.3 Water-wise landscaping must be established.
23. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 23.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
 - 23.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
 - 23.3 All geysers must be covered with geyser "blankets".
 - 23.4 The installation of solar water heaters and solar panels must be considered for all buildings.

General matters

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the 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 Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder 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. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 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: Attention: Mr. Marius Venter

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. Marius Venter (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 DEADP.Appeals@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 DEADP.Appeals@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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 19 JULY 2023

CC: (1) Ms. Euonell Visagie (Guillaume Nel Environmental Consultants)
(2) Mr. Alwyn Burger (Swartland Municipality)

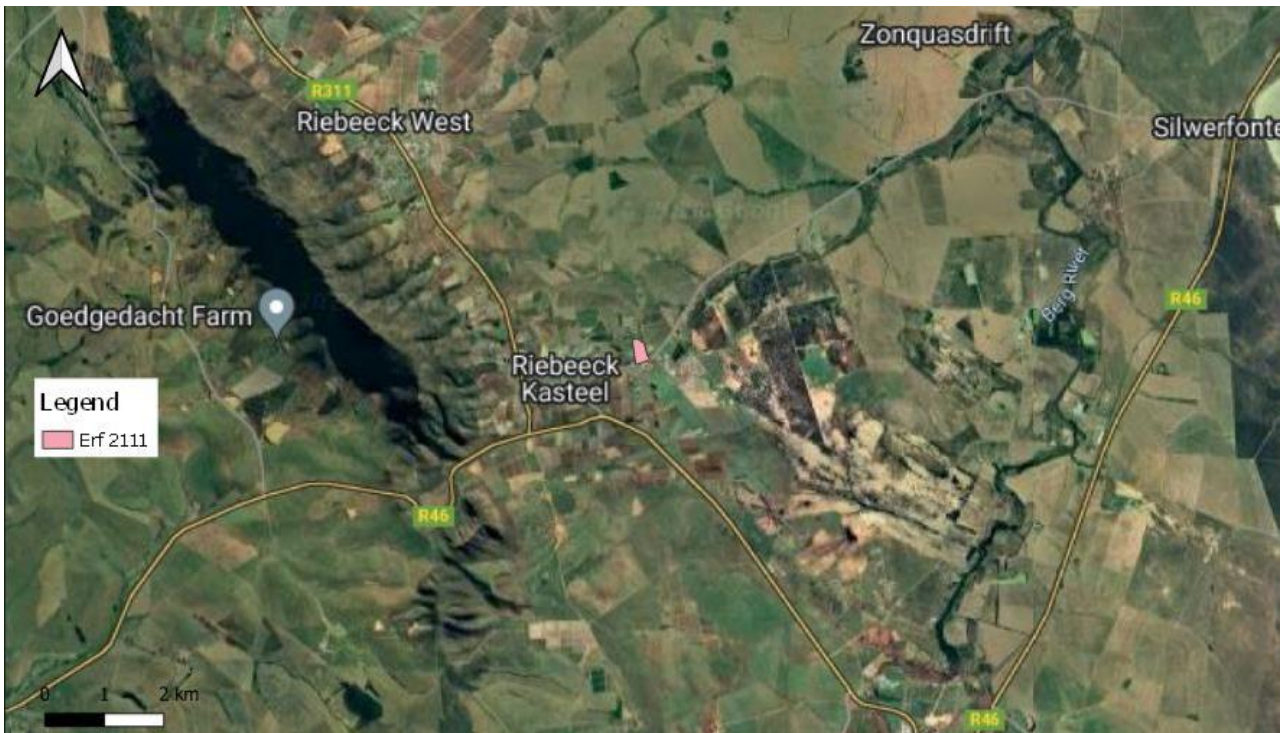
E-mail: eg@gnec.co.za
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FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/F5/20/2002/23

NEAS EIA REFERENCE NUMBER: WCP/EIA/0001216/2023

ANNEXURE 1: LOCALITY PLAN

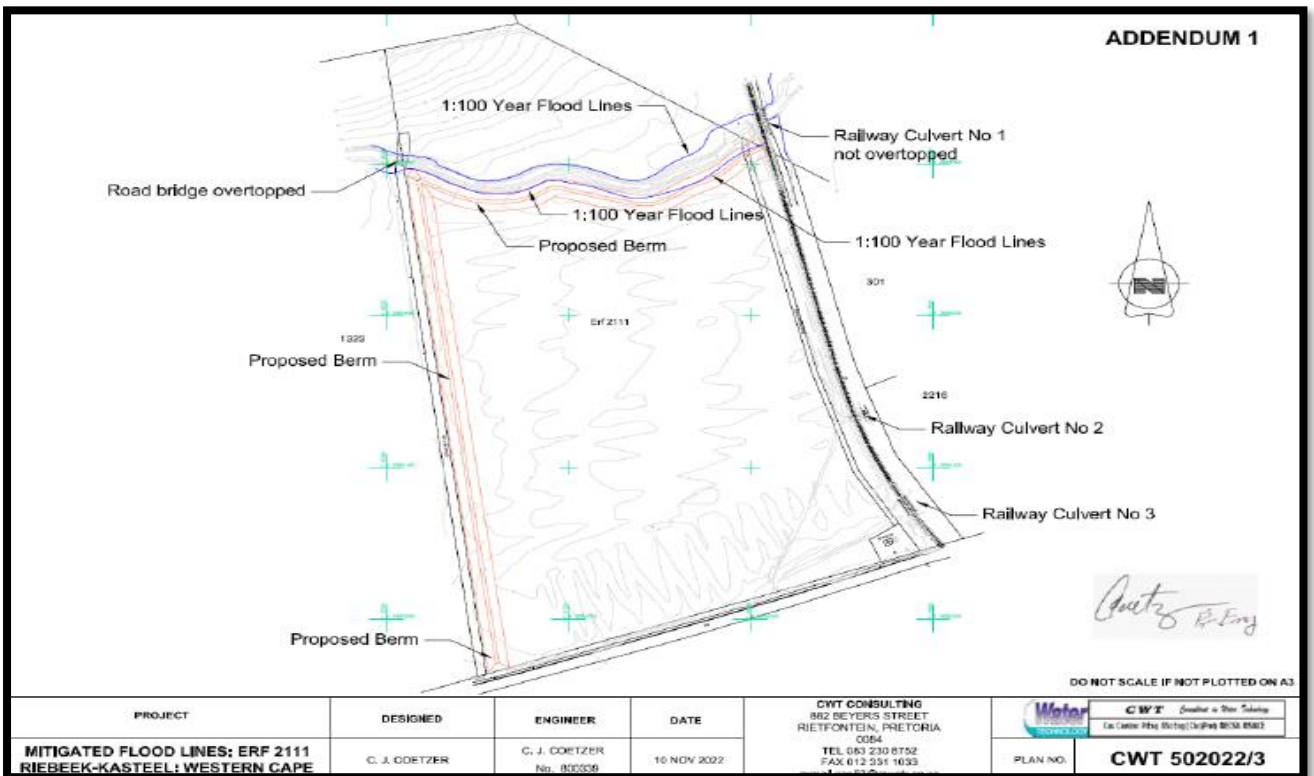


ANNEXURE 2: SITE PLAN





Berm design:



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form received by the competent authority via electronic mail correspondence on 20 January 2023; the BAR dated 18 January 2023, as received by the competent authority via electronic mail correspondence on 06 April 2023; and the EMPr submitted together with the BAR.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 18 January 2023.
- d) The meeting held on 03 March 2023:

Attended by: Ms. Taryn Dreyer and Ms. Rondine Isaacs of the Department of Environmental Affairs and Development Planning ("DEA&DP"); Mr. Bernardus Bosman and Ms. Euronell Visagie of DJEC; and Messrs. Allan Parry and Walter Bader of Lonestar Group (Pty) Ltd.

- e) No site visits were conducted. The competent authority had 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, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- Notices were placed on site on 15 July 2022;
- An advertisement was placed in the "Swartland Gazette" newspaper on 12 July 2022;
- The Executive Summary was hand delivered to adjacent landowners on 15 July 2022;
- The Executive Summary was placed on the EAPs website on 15 July 2022;
- E-mails were sent on 15 July 2022 to the ward councillor, local municipality and relevant organs of state/State Departments;
- An electronic copy of the pre-application BAR was placed on the EAPs website on 15 July 2022;
- A copy of the pre-application BAR was placed at the Riebeeck Kasteel Public Library on 15 July 2022;
- The pre-application BAR was made available from 15 July 2022 until 18 August 2022;
- Emails containing an Executive Summary were sent on 20 January 2023 to announce the availability of the draft BAR;
- The draft BAR was placed on GNEC's website on 20 January 2023; and
- The draft BAR was made available from 20 January 2023 until 22 February 2023.

Authorities consulted

The authorities consulted included the following:

- DEA&DP Directorate: Pollution & Chemicals Management;
- DEA&DP Directorate: Waste Management;
- National Department of Agriculture, Forestry and Fisheries;

- Western Cape Department of Transport and Public Works;
- Western Cape Department of Agriculture;
- Heritage Western Cape;
- Swartland Municipality;
- West Coast District Municipality;
- Department of Water and Sanitation;
- Eskom;
- Transnet; and
- CapeNature.

Concerns were raised relating to *inter alia*, potential health impacts of the adjacent farmer's crop spraying activities. These concerns were adequately addressed, as the 11 single residential units (Phase 3 on the most northern portion) were removed from the development proposal and replaced with a landscaped private open space.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following layout alternatives were considered:

Layout Alternative 1:

Layout Alternative 1 was originally the preferred alternative. This alternative is similar to the preferred alternative, but includes 11 single residential units (as part of Phase 3) adjacent to De Hoop Farm to the north and adjacent to Tributary 1. Due to concerns raised regarding the potential health impacts of the adjacent farmer's crop spraying activities, Layout Alternative 1 was discarded.

Layout Alternative 2:

Layout Alternative 2 contains more residential units and less open spaces that can be landscaped, as well as flats opposite the business centre. This alternative was discarded as it will have a greater visual impact. Furthermore, Layout Alternative 2 does not take into account the public interface along Kloof Street, nor the 10m buffer between the watercourses and the proposed development as required by the freshwater specialist.

Preferred alternative – herewith authorised:

The preferred alternative entails the establishment of a mixed-use development and associated infrastructure on Erf No. 2111, Riebeek Kasteel. The proposed development will comprise of the following:

- Approximately 72 General Residential group housing erven of varying sizes;
- Erven for General Business and Retail;
- A park/recreational space;
- An erf for refuse removal and services;
- Roads, landscaping and sidewalks;
- Private Open Spaces; and
- A landscaped Private Open Space in the northern portion adjacent to Tributary 1.

Two business areas, one office area and a retail area will be established along Pieter Cruythoff Avenue/Kloof street.

The business area in the southeastern corner will be developed as a shopping centre with approximately 160 parking bays. The business area in the southwestern corner of the site will be developed as an office complex with approximately 83 parking bays.

The shopping centre will be located near the intersection of Pieter Cruythoff and Lelie Street and will have a Gross Leasable Area of 3500m². A 10m buffer will be established along the southeastern corner to accommodate the drainage system and a pedestrian bridge will traverse the Tributary. The green buffers along the southern and eastern portions will serve as open spaces and storm water detention areas. A pedestrian walkway will be established along the southeastern corner of the site to allow for pedestrian access across the green buffer area.

The offices will be located in the southwestern corner of the site and will consist of two separate buildings of 1000m² each. The offices will be surrounded with a parking area. The offices will facilitate commercial activities which cannot be accommodated at the shopping centre and will be complimentary to the shopping centre.

The larger portion of the site will comprise of a gated residential development that will be access controlled with a fence around the perimeter of the site. The northern most portion will serve as a landscaped private open space. This northern most portion will be situated adjacent to Tributary 1 and will act as a buffer area between the agricultural area to the north and the residential component south of Tributary 1.

Both business sites as well as the residential component will be accessed via a single entrance from Pieter Cruythoff Avenue/Kloof Street. A stop-controlled intersection will provide access to the business areas. Access to the residential component will be controlled via a boom and a guard house. The road to the residential component will include a two-lane entrance and single exit with a drop off and pickup bay. A centralised service yard will be provided within the residential component for refuse disposal.

The proposed development footprint will be approximately 75 773m².

The proposed development will be undertaken in two phases, as follows:

Phase 1:

A shopping centre and business centre with associated private and public roads and private open space.

Phase 2:

Offices and businesses with approximately 72 General Residential group housing erven, a service yard, private open space and private roads.

Works will also be undertaken in the watercourses and will include the following:

- The internal access road will traverse Tributary 1 via a box culvert through flow structure with reno mattresses.
- Service infrastructure crossings will be installed by means of open trenching as follows:
 - A water pipeline crossing immediately west of the access road culvert across Tributary 1;
 - A sewer pipeline crossing immediately east of the access road culvert across Tributary 1; and
 - A sewer pipeline crossing through Tributary 2.

- A wooden pedestrian bridge will be constructed across Tributary 2 and will span the entire delineated extent of the realigned Tributary 2. The supporting poles will be outside the delineated extent. The design will cater for a 1:100-year flood event.
- A fence will be erected around the boundaries of the site. The fence posts will not be located within the active channel but will be located on the embankments. An additional wire grid may be installed in the active channel, below the fence crossing, to allow for water flow and faunal movement.
- A berm will be constructed adjacent to the 1:100-year flood line on the western part of the site along the southern bank of the Krom River. The berm will mitigate the damming effect of the railway line to ensure that the site remains above the 1:100-year flood line.
- Tributary 2 will be realigned by confining the trench/realigned tributary section and the remnant tributary section into a single grass block lined channel. This newly realigned tributary will also host a stilling pond.
- Two storm water retention ponds will discharge into the newly realigned Tributary 2.
- All building infrastructure will be located outside the 10m conservation buffer surrounding Tributary 1. However, building infrastructure will be in close proximity to the newly realigned Tributary 2.

This is the preferred alternative for the following reasons:

The preferred layout allows for a better public interface (edge treatments) along Kloof Street and integrates better with the historical landscape character of Riebeek Kasteel. A 10m conservation buffer will be established between the watercourses and the proposed development. The watercourse in the southeastern corner will aid in storm water management.

The berm that along the western part of the site and along the southern bank of the Krom River will mitigate the damming effect of the railway line, thereby ensuring that the site remains above the 1:100-year flood line.

The large open space along the northern boundary allows for a variable buffer of 60m to 120m between the adjacent agricultural activities and the residential component. In addition, a deviation from the Swartland Municipality's Spatial Development Framework is also not required.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed mixed-use development will not be established. This alternative was not deemed as preferred, as the proposed development will augment the economic activities, provide for much needed housing and the benefits to the holder and creation of jobs would not be realised. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The Western Cape Provincial Spatial Development Framework ("PSDF") (2014) stipulates five spatial principles to achieve sustainable development. These principles are spatial justice, spatial efficiency, accessibility, sustainability and resilience and quality and

liveability. The PSDF (2014) opposes urban sprawl and development outside the urban edge, while promoting densification of underutilised land.

The proposed development is in line with the PSDF (2014), based on the following:

- The PSDF acknowledges the need for housing and alleviating the housing backlog; and
- The PSDF highlights job creation as a priority and the proposed development will provide economic opportunities through the provision of temporary employment during construction and permanent employment through the provision of business, retail and industry.

Due to the location of the site within the general framework, the proposed development is regarded as spatially efficient, as all required infrastructure and services are available. The proposed development is regarded as a compact mixed-use development within the urban framework, with good accessibility. The proposed change in land use will promote short and long-term economic opportunities in the area without negatively impacting on the existing character of the area.

According to the Swartland Municipality Spatial Development Framework (2019), the site is located mainly within Development Zone G. Zone G represents an area demarcated for integrated development. Furthermore, the development of mixed-uses along activity streets (Kloof Street/Pieter Cruythoff Avenue) and link roads between Riebeek Kasteel central and Esterhof is supported. The site is located inside the urban edge and is demarcated for both residential purposes as well as mixed use purposes. The proposed development therefore conforms with the future spatial planning for the area.

Since the proposed development is located within the urban edge and earmarked for urban development, the proposed development does not require an application in terms of Section 53 of the Land Use Planning Act, 2014 (Act No. 3 of 2014).

3.2 Botanical impacts

There are no Critical Biodiversity Areas located on the site. The site has been used for agricultural purposes and has been transformed from its natural state. The vegetation on the site consists mostly of grasses and there is no indigenous Swartland Shale Renosterveld vegetation present on the site.

The embankments of the western portion of Tributary 1 contains some tree species whilst the downstream embankments are covered by graminoids. The active channel contains a variety of sedges and arum lilies. Tributary 2 only contains *Typha capensis*, with arum lilies at the inlet of the culvert where the railway line traverses the Tributary along the eastern boundary of the site.

No significant impacts on biophysical elements are anticipated as a result of the proposed development, as the site is completely transformed.

3.3 Freshwater impacts

A Freshwater Impact Assessment Report dated July 2022 and an updated Freshwater Impact Assessment Report dated March 2023, were compiled by Freshwater Ecologist Network Consulting (Pty) Ltd., to assess the potential freshwater impacts associated with the proposed development. The freshwater assessment was updated after the flood line assessment was undertaken, to assess the potential impacts of the berm construction.

Two tributaries of the Vis River flow across the site, as follows:

- Tributary 1 (Krom River) is located in the northern portion of the site, surrounded by agricultural fields; and
- Tributary 2 is located in the southeastern portion of the site. This Tributary has been historically realigned, and a trench was excavated to convey the flow in a more northerly direction towards another culvert underneath the railway line. A remnant portion of the Tributary is still evident, but has been closed off at the most southern culvert underneath the railway line.

Tributary 1:

The embankments of the western portion of Tributary 1 hosts some tree species with the downstream embankments being covered by graminoids. The active channel hosts a variety of sedges and arum lilies (*Zantedeschia aethiopica*).

Due to conversion to cultivated fields and the construction of upstream instream dams (De Hoop Dam and Kerk se Dam), significant alteration to the hydrological regime and instream characteristics of Tributary 1 is evident. This has resulted in the overall degradation of the system and has reduced the ecological sensitivity thereof.

Tributary 1 provides habitat for predominantly avifaunal species within a transformed landscape, due to the presence of a variety of vegetation species in the tributary. Tributary 1 is located in an area classified as an Ecological Support Area ("ESA") of watercourse ecological importance. Due to the overall ecological state of the tributary, it is not considered to be sensitive to changes in the landscape.

Tributary 2:

Tributary 2 was straightened and has limited vegetation, most notably *Typha capensis*, with arum lilies identified at the inlet of the culvert where the railway line traverses the tributary along the eastern boundary of the site.

Historical realignment, catchment changes and the construction of upstream instream dams have led to significant alteration of the hydrological regime and instream characteristics of the Tributary. Although it is still considered to be hydrologically functional, the riparian and instream characteristics have been significantly altered.

Tributary 2 is of moderate ecological importance on a landscape scale, due to the protection level of the wetland vegetation type it is associated with. The Tributary also provides suitable habitat for a variety of faunal species. Tributary 2 is located in an area classified as an ESA of watercourse ecological importance. Due to the overall ecological state of the Tributary, it is not considered to be sensitive to changes in the landscape.

Tributary 2 will be realigned and a conservation buffer around the realigned Tributary will be maintained. The activities associated with the construction of a culvert crossing over Tributary 1 and the realignment of Tributary 2 pose a moderate risk significance to the integrity of the Tributaries, with the implementation of mitigation measures.

The operation of infrastructure within the Tributaries and the proposed mixed-use development outside the delineated extent of the Tributaries pose a low risk significance to the ecological integrity of the Tributaries. This is due to the majority of the proposed mixed-use development being located outside the conservation buffers, the rehabilitation of the Tributaries and the open space areas on the site which will assist

in maintaining natural vegetation within and adjacent to the Tributaries to ensure the Tributaries function as biodiversity corridors within the site.

A MMP has been compiled for future maintenance activities to be undertaken within the watercourses. The freshwater specialist's recommended mitigation measures have been included in the EMPr for implementation.

3.4 Traffic impacts:

A Traffic Impact Assessment ("TIA") Report dated May 2022, was compiled by Sturgeon Consulting Pty Ltd to assess the potential traffic impacts associated with the proposed development.

The main access to the site will be off Kloof Street approximately 185m west of Lelie Street and 170m east of Pieter Cruythoff Street, opposite the Riebeek Valley Wine Company. The site access will have a three-lane cross section *i.e.*, two lanes in towards the internal intersection and one lane out. The internal intersection will serve the general business erven and will be stop-controlled on the side approaches. The access intersection on the development access side will be stop-controlled.

The present traffic demand on the surrounding road network can generally be described as low-medium. Kloof Street carries relatively low traffic volumes (two-way) with approximately 84 vehicles per hour during the morning peak hour, 112 vehicles per hour during the afternoon peak hour and 72 vehicles per hour during the Saturday peak hour in the vicinity of the site. The two-way flows on Kloof Street are well below the maximum two-way capacity of this type of road of approximately 1850 vehicles per hour, two-way. Lelie Street carries very low volumes of traffic (two-way) with approximately 60 vehicles per hour during the morning, afternoon and Saturday peak hours.

The intersection is currently operating at good Levels of Service A ("LOS A") with minimal delays and no upgrades are necessary. The intersection will continue to operate at good LOS A with minimal delays during the background (2027) conditions for all three peak hours. The capacity analysis for the proposed access intersection on Kloof Street will operate at good LOS A with minimal delays during all three peak hours.

Based on the capacity analyses of the 2032 total traffic operations, the intersection will continue to operate at good LOS A with minimal delays during the morning, afternoon and Saturday peak hours. The capacity analysis for the proposed access intersection on Kloof Street will operate at good LOS A with minimal delays along all approaches during all three of the peak hours. Given the size of the proposed development and the additional traffic from the west, a separate left turning lane must be constructed.

There is an existing formal paved sidewalk on the northern side of Kloof Street. The shopping centre and offices will potentially generate some additional pedestrian or bicycle trips, however, the existing non-motorised transport facilities are sufficient, and no improvements are required.

The main public transport routes run along Kloof Street and Lelie Street with minibus taxis and buses. Taxi trips account for approximately 5% of the total traffic during the morning and afternoon peak hours and approximately 0.5% during the Saturday peak hour. Buses account for approximately 3% of the total traffic demand during the morning peak hour and 0% during the afternoon and Saturday peak hours. The proposed

development will potentially generate some additional taxi trips for the transport of domestic workers/garden workers and employees from the surrounding areas.

There are currently no public transport facilities in the vicinity of the site. A taxi embayment must be constructed along the internal access road on the western side (drop-off) and the eastern side (pick-up) on the approach to the internal intersection. This will provide an opportunity for taxis to load and offload.

The traffic specialist recommended that site access on Kloof Street should have two lanes. The left turning lane at the development access should be constructed before the commencement of the residential component (Phase 2). The specialist's recommended mitigation measures have been included in the EMP for implementation.

3.5 Visual impacts

A Visual Impact Assessment Report dated July 2022 and an updated Visual Impact Assessment Report dated March 2023, were compiled by FILIA Visual (Pty) Ltd., to assess the potential visual impacts associated with the proposed development.

The overall landscape character of the receiving environment is that of a rural agricultural valley where the small rural historic town of Riebeek Kasteel is nestled in the foothills of the Kasteelberg.

Five Landscape Character Areas ("LCAs") have been identified. LCA1 is a gently rolling landscape of grazing and wheat lands and contains mostly large tracts of agricultural land uses and isolated homesteads, interspersed with transport infrastructure and other infrastructural elements, as well as stands and avenues of mature trees.

LCA 2 shares many characteristics with LCA1, but is situated on the east-facing slopes and foothills of Kasteelberg on more undulating topography, and at higher elevation. Land uses in LCA2 are distinctly agricultural, but with a different and finer grained mix of crops and higher concentration of homesteads, traditionally located at the foot of the mountains.

LCA3 is topographically similar to LCA2, but has a distinctive mix of land uses and includes the historic towns of Riebeek Kasteel and Riebeek West. LCA3 contains a patchwork of agricultural activities, including vineyards and orchards, with higher concentrations of dams and other modifications to the rural agricultural environment.

LCA4 contains the Kasteelberg, its foothills and Bothmanskloof Pass (which are designated a natural, rural and agricultural cultural landscape of significance). These are predominantly natural areas that are valued for their scenic and recreational amenity and carry landmark status in the district.

LCA5 comprises of the rolling agricultural landscape to the west of Kasteelberg and the Bothmanskloof Pass. Visual impact upon this LCA will be zero.

The sense of place of the receiving environment follows that of the landscape character areas, meaning that it is not uniform throughout the receiving environment. The site and receiving environment have a strong and unique sense of place.

The visual resource or perceived value of the landscape is considered to be very high, with notable scenic resources, including the following:

- The rural agricultural landscape to the north and east (a Grade III B Heritage Resource according to the Swartland Rural Heritage Survey (2014));
- The historic aspects of the sense of place of Riebeeek Kasteel as a rural village/small town, in terms of settlement patterns, landscape patterns, architectural density, materiality, typology, character and boundary conditions, especially street interfaces;
- The vista of long views over the agricultural landscape that opens up to the east from elevated views on the pass, and from (static) points of higher elevation on the slopes of the mountain; and
- The gateway qualities of the site, as well as its position in relation to the Kloof Street activity route and pedestrian corridor envisioned in the Spatial Development Framework.

LCA1 has a high visual absorption capacity overall and LCA2 has a high visual absorption capacity overall because the receiving environment will absorb all or most of the proposed development successfully. LCA3 will experience limited views with low visual intrusion, as topography and terrain variability will play a role in absorbing visible elements. Existing vegetation cover and/or structures such as buildings will screen or conceal the majority of the proposed development from LCA2. However, the nature of the proposed development will reduce the visual absorption capacity.

Although the proposed development is generally similar in nature to the existing landscape character and built form, it is somewhat unprecedented within the Landscape Character Area. LCA2 can therefore be described as having moderate to high visual absorption capacity overall. LCA4 has moderate visual absorption capacity overall, since the proposed development will be generally similar in nature to the existing landscape character and built form as viewed from Kasteelberg and the Pass, and since topography and terrain variability will play a role in absorbing visible elements.

The features of the receiving environment (topography, local vegetation and elements of the built environment) will play a significant role in reducing the overall potential visibility of the proposed development.

The site is not a visually prominent site. The topography around the site limits visibility to the site from surrounding areas. The undulations of the receiving environment will visually absorb the proposed development to a great extent, and from the majority of potential viewers within the receiving environment. The extension of Kloof Street is an active route for visual receptors from the agricultural area into the town, and connects to the R46/R44 which leads to Gouda and Hermon. The proposed development will be in the foreground when approaching the railway line. However, the wine cellar buildings and surrounding agricultural buildings will form a backdrop for the proposed development when viewed from the east looking west.

The long line of existing beefwood trees on a neighbouring property will also screen the proposed development from the northeast. For views from the Lelie Street and Kloof Street intersection, taller buildings will match that of the existing industrial building heights of the cellar.

Visibility from the historic town centre will be negligible, and all views will be significantly or entirely screened by topography. There will be no views onto the site from the surrounding scenic and other major roads (R311 and R46). There will also be no views from surrounding heritage landmarks and heritage resources. The only exception is the

werf at the termination of Main Street (De Hoop), which overlooks the surrounding landscape from a slightly elevated position on the low hill to the north of the site. It will have views over the site from the north at close quarters.

Residents in the smallholding area will see the proposed development from higher elevation, but exposure will be moderate, and most views will be screened by local vegetation and buildings. For viewers travelling northwest on Lelie Street, the proposed development will be centrally located in the field of vision, but will be partially screened by existing buildings. Views from the R46 Pass will be limited and at a distance of more than 4km.

The zone of potential visual influence of the proposed development will be approximately 2km. Views of the proposed development's most visible features (building roof areas, structures taller than 1 floor, exterior lighting etc.) from further than 800m away will lose significance in the visual field, and at 2km away or further, will become insignificant in the landscape. The area around the site that will potentially be affected will be limited.

The proposed development will result in moderate visibility overall, as it will be visible from less than half the zone of potential visual influence, and as views are partially obstructed. A number of local viewers will be affected (residents of Esterhof, users of the group of community facilities in close proximity to the site, commuters along Pieter Cruythoff Street, employees of and visitors to the Riebeek Valley Wine Co., residents of the peripheral smallholding areas etc.).

The proposed berm will not impact on the visual characteristics of the area. The berm will be landscaped with indigenous vegetation and will be 1m high, thereby blending into the environment.

The Visual Impact Assessment concluded that the proposed development would have an overall low visual impact significance in terms of impacts related to protection-worthy landscapes and scenic resources; and a low-medium impact in terms of impacts in relation to the effects on sensitive receptors and public interfaces. The specialist's recommended mitigation measures have been included in the EMP for implementation.

3.6 Heritage impacts

A Heritage Impact Assessment Report dated July 2022 and an Addendum dated 07 March 2023, were compiled by Cincy Postlethwayt to assess the potential heritage impacts associated with the proposed development.

Church Street, as it passes through Riebeek Kasteel, is designated a Secondary Scenic Route in terms of the PSDF (2014). The Kasteelberg and foothills are designated a natural, rural and agricultural cultural landscape of significance.

In terms of the Swartland Rural Heritage Survey, Riebeek Kasteel is regarded as a Historic Townscape and surrounded by many farms of heritage significance. The site is not identified as being of any significance and is not included in the Swartland Heritage Survey as part of the Riebeek Kasteel historic town.

According to the Heritage Impact Assessment Report, the site is situated some distance from the historic town and does not display any of the townscape patterns of heritage significance. The site is not located on a scenic route and has neither contextual nor

intrinsic heritage significance. There are no places, buildings, structures and equipment of cultural significance on the site, nor are there places to which oral traditions are attached. The site does not fall within the historic core area of a regionally noteworthy historic townscape. The site has no associations of historical or social significance and no sites of geological or scientific and/or cultural significance have been identified. Since the site has been disturbed by historical agricultural use, the archaeological potential is low.

In the Addendum Report dated 7 March 2023, the heritage specialist indicated that the removal of the 11 single residential units from the development proposal is in keeping with the heritage indicators included in the Heritage Impact Assessment Report dated July 2022. The heritage specialist further indicated that the removal of the 11 single residential units and its substitution with a landscaped open space is a substantial improvement and any remaining edge condition concerns will be effectively managed with the implementation of mitigation measures.

Heritage Western Cape indicated in a letter dated 06 October 2022 that they have no objection against the proposed development. The heritage specialist's recommended mitigation measures have been included in the EMP for implementation.

3.7 Storm water impacts

A Flood Line Assessment Report dated 11 November 2022, was compiled by CWT Consulting, to calculate the 1:100-year flood line on the site.

The assessment concluded that a significant portion of the site will be flooded by shallow, slow flowing storm water to the three culverts in the railway line. The railway line will cause a damming effect. However, flooding will be mitigated by constructing a berm along the western boundary of the site to the right bank of the stream in the northern part of the site. The berm will then continue on the right (southern) bank of the stream to the railway line along the eastern boundary of the site. Along the western boundary the berm will be constructed 500mm inside the fence line. The outside slope will be constructed at an angle of 1:2. The inside slope will be a 230mm wall which will double up as a garden wall. Along the northern boundary the berm will be constructed on the downstream side of the drainage channel. The 1m high berm will have a 2m wide flat ridge and the banks will slope down at an angle of 1:2.

The berm will not result in an increase in siltation during flood events as the berm will be landscaped with stabilising indigenous vegetation. Alien invasive species will be monitored and managed, and limited soil loss will occur when inundated. A MMP has been compiled to ensure that the watercourse and associated development structures within the river are functioning with near natural sediment transfer.

A storm water network will be installed in the road reserves. The storm water will discharge into retention ponds which will be designed to limit the post development runoff to the predevelopment volumes. The storm water will flow from the ponds into the storm water channel crossing the site. The existing channel will be rerouted to accommodate the shopping centre.

The storm water will be collected throughout the northern portion of the site and conveyed towards two retention ponds in the southeastern corner, where an existing drainage channel will be rerouted within a 20m buffer area along the southeastern corner of the site. The channel will be open, and the retention ponds will ensure that post development runoff remains the same as pre-development runoff.

3.8 Dust impacts

Potential dust impacts are anticipated during the construction phase. However, no significant potential dust impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential heritage and visual impacts;
- Potential traffic impacts; and
- Potential impacts on the watercourses.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Riebeeck Kasteel area; and
- Contribution to the local economy.

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.

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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "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."

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