



**REFERENCE:** 16/3/3/5/E4/11/1044/22  
**DATE OF ISSUE:** 30 August 2022

The Board of Directors  
Gypsey Queen Properties 37 (Pty) Ltd  
Postnet Suite 22  
Private Bag X1005  
**CLAREMONT**  
7735

**Attention: Mr J.H Cullum**

E-mail: [johnny@mulilo.com](mailto:johnny@mulilo.com)

Dear Sir

**APPLICATION FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 12 JULY 2013 AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 31 JULY 2018 IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE RESIDENTIAL DEVELOPMENT ON ERF NO. 563, GRABOUW**

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 12 July 2013 (DEA&DP: E12/2/3/1-E4/11-0029/06) and the Amended Environmental Authorisation issued on 31 July 2018 (16/3/3/5/E4/11/1044/18) together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached amended Environmental Authorisation.

Yours faithfully

**Zaahir  
Toefy**

Digitally signed by  
Zaahir Toefy  
Date: 2022.08.30  
11:20:00 +02'00'

**ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) A Beukes/ D Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)  
(2) J van Rhyn (Theewaterskloof Municipality)

E-mail: [anwen@dougjeff.co.za](mailto:anwen@dougjeff.co.za)

E-mail: [judyva@twk.org.za](mailto:judyva@twk.org.za)



EIA REFERENCE: 16/3/3/5/E4/11/1044/22  
DATE OF ISSUE: 30 August 2022

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 12 JULY 2013 AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 31 JULY 2018 IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE RESIDENTIAL DEVELOPMENT ON ERF NO. 563, GRABOUW

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 me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 12 July 2013 (DEA&DP: E12/2/3/1-E4/11-0029/06) and the Amended EA issued on 31 July 2018 (16/3/3/5/E4/11/1044/18) together with the reasons for the decision in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

#### 1) **Section A: DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION:**

*The Board of Directors  
Gypsy Queen Properties 37 (Pty) Ltd  
% Mr J.H Cullum  
Postnet Suite 22  
Private Bag X1005  
**CLAREMONT**  
7735*

*Tel: (021) 685 3240  
Fax: (021) 385 1729  
E-mail: [johnny@mulilo.com](mailto:johnny@mulilo.com)*

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

is amended to read:

*The Municipal Manager  
Theewaterskloof Municipality  
% Mrs Judy van Rhyn  
PO Box 24  
**CALEDON**  
7230*

Tel: (028) 214 3383  
E-mail: [judyva@twk.org.za](mailto:judyva@twk.org.za)

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

## **B. REASONS FOR THE DECISION**

Find below the reasons to amend the EAs:

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 12 July 2013 and the Amended EA issued on 31 July 2018, nor trigger any additional listed activities in terms of the EIA Regulations 2014 (as amended).
2. 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 issued on 12 July 2013 and the Amended EA issued on 31 July 2018.

## **C. CONDITIONS**

1. All conditions contained in the EA issued on 12 July 2013 and the Amended EA issued on 31 July 2018, (attached as Appendix A) remain unchanged and in force, as it relates to this amended application.

## **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 on which 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 on which 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 Organs 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 Organs 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 Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> 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 2659, E-mail DEADP.Appeals@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

**Zaahir Toefy**

Digitally signed by  
Zaahir Toefy  
Date: 2022.08.30  
11:20:54 +02'00'

**ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 30 AUGUST 2022**

CC: (1) A Beukes/ D Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)  
(2) J van Rhyn (Theewaterskloof Municipality)

E-mail: [anwen@dougjeff.co.za](mailto:anwen@dougjeff.co.za)

E-mail: [judyva@twk.org.za](mailto:judyva@twk.org.za)

## Appendix A



**REFERENCE:** 16/3/3/5/E4/11/1044/18  
**ENQUIRIES:** Lorretta Osborne  
**DATE OF ISSUE:** 2018 -07- 3 1

The Board of Directors  
Gypsy Queen Properties 37 (Pty) Ltd  
PO Box 50  
**CALEDON**  
7230

**Attention: Mr Alex Von Klopmann**

Tel: (021) 385 1723  
Fax: (021) 385 1729

Dear Sir

**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 12 JULY 2013: THE ESTABLISHMENT OF 241 RESIDENTIAL ERVEN ON ERF NO. 563, GRABOUW**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** amendment of the Environmental Authorisation issued on 12 July 2013 (DEA&DP ref: E12/2/3/1-E4/11-0029/06), together with the reasons for the decision in terms of Part 1 of the EIA Regulations, 2014 (as amended).
2. In terms of Regulation 4 of the Environmental Impact Assessment 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 ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Mr D Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)  
(2) Mr J Viljoen (Theewaterskloof Municipality)

Fax: (086) 660 2635  
Fax: (028) 214 1289



**REFERENCE:** 16/3/3/5/E4/11/1044/18  
**ENQUIRIES:** Lorretta Osborne  
**DATE OF ISSUE:** 2018 -07- 3 1

## 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 12 JULY 2013: THE ESTABLISHMENT OF 241 RESIDENTIAL ERVEN ON ERF NO. 563, GRABOUW

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 issued on 12 July 2013 (DEA&DP EIA Ref: E12/2/3/1-E4/11-0029/06) (hereinafter referred to as the Environmental Authorisation), in terms of Part 1 of the EIA Regulations, 2014 (as amended).

1) The Environmental Authorisation is amended as set out below:

##### a) Section E:

###### Conditions of Authorisation: Condition 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."*

is amended to read:

This environmental authorisation is valid for a period of **five (5) years** from the date of this environmental authorisation. 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. 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.

## **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 Environmental Authorisation issued on 12 July 2013 (attached as Appendix A).
2. 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 Environmental Authorisation.
3. The proposed development was delayed as a result of an economic depression.
4. A Public Participation Process in terms of the EIA Regulations, 2014 (as amended) is not applicable for this application, since the application relates to non-substantial changes to the original environmental authorisation and therefore registered I&APs were not required to comment on this application.

## **C. CONDITIONS**

1. All conditions contained in the Environmental Authorisation issued on 12 July 2013 (attached hereto) still 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 on which 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 on which 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 Organs 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 Organs 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  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

#### **E. DISCLAIMER**

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

Your interest in the future of our environment is appreciated.

Yours faithfully



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

DATE OF DECISION: 31-7-18

CC: (1) Mr D Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)  
(2) Mr J Viljoen (Theewaterskloof Municipality)

Fax: (086) 660 2635  
Fax: (028) 214 1289

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# APPENDIX A



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: LAND MANAGEMENT:  
REGION 2**

**EIA REFERENCE NUMBER: E12/2/3/1-E4/11-0029/06**

**NEAS REFERENCE NUMBER: WCP/EIA/1825/2008**

**ENQUIRIES: Maboe Nthejane**

**DATE OF ISSUE: 2013-07-12**

The Board of Directors  
Gypsey Queen Properties 37 (Pty) Ltd  
P. O. Box 50  
**CALEDON**  
7230

**Attention: Mr. J. Cullum**

Tel.: (021) 385 1723

Fax: (021) 385 1729

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS OF 2006 AND THE EIA AMENDMENT REGULATIONS OF 2010: THE PROPOSED ESTABLISHMENT OF 241 RESIDENTIAL ERVEN ON ERF 563 IN GRABOUW**

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

**ENVIRONMENTAL AUTHORISATION**

**DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") of 2006 and the EIA Amendment Regulations of 2010, 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 Layout Alternative dated 03 November 2006 described in the Basic Assessment Report ("BAR") dated 09 March 2007 and attached hereto as Appendix A.

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

**A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

The Board of Directors  
Gypsey Queen Properties 37 (Pty) Ltd  
c/o Mr. J. Cullum  
P. O. Box 50  
**CALEDON**  
7230

Tel.: (021) 385 1723  
Fax: (021) 385 1729

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

**B. LIST OF ACTIVITIES AUTHORISED**

Government Notice No. R. 386 of 21 April 2006

**Item Number: 1(k)**

**Activity Description:** "The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines with:

- (i) an internal diameter of 0.36m or more; or
- (ii) a peak throughput of 120 litres per second or more".

**Item Number: 15**

**Activity Description:** "The construction of a road that is wider than 4m or that has a reserve wider than 6m, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30m long".

**Item Number: 16**

**Activity Description:** "The transformation of undeveloped, vacant or derelict land to –

- (a) establish infill development of 5ha or more, but less than 20ha; or
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1ha".

**Item Number: 18**

**Activity Description:** "The subdivision of portions of land 9ha or larger into portions of 5ha or less."

Government Notice No. R. 544 of 18 June 2011 (as amended) –

**Item Number: 23**

**Activity Description:** "The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5ha or more, but less than 20ha, or
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1ha but less than 20ha; -

except where such transformation takes place –

- (i) for linear activities; or
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies".

Government Notice No. R. 546 of 18 June 2011 (as amended) –

**Item Number: 12**

**Activity Description:** "The clearance of an area of 300m<sup>2</sup> or more of vegetation where the 75% or more of the vegetation cover constitutes indigenous vegetation

- (a) within any critically endangered ecosystem listed in terms of Section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified a critically endangered as in the National Spatial Biodiversity Assessment of 2004;
- (b) within critical biodiversity areas identified in bioregional plans;
- (c) within the littoral active zone or 100m inland from the high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas".

**Item 13 of GN No. R. 546**, i.e. "The clearance of an area of 1ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.
- (2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010:

Northern Cape and Western Cape:

- i. In an estuary;
- ii. Outside urban areas, the following:
  - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
  - (bb) National Protected Area Expansion Strategy Focus areas;
  - (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
  - (dd) Sites or areas identified in terms of an International Convention;
  - (ee) Core areas in biosphere reserves;
  - (ff) Areas within 10km from national parks or world heritage sites or 5km from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
  - (gg) Areas seawards of the development setback line or within 1km from the high-water mark of the sea if no such development setback line is determined.
- iii. In urban areas, the following:
  - (aa) Areas zoned for use as public open space;
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
  - (cc) Areas seawards of the development setback line;
  - (dd) Areas on the watercourse side of the development setback line or within 100m from the edge of a watercourse where no such setback line has been determined".

**Item Number: 14**

**Activity Description:** "The clearance of an area of 5ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;
- (2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;
- (3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010(a) In Eastern Cape, Free State, KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:
  - i. All areas outside urban areas".

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:

The establishment of a residential development of 193 Single Residential erven ranging in size from 300m<sup>2</sup> to 600m<sup>2</sup> on a portion of Erf 563, Grabouw. These erven will have a medium density of approximately 22 erven/ha. In addition, 48 General Residential units will be established at a higher density of approximately 40 erven/ha and eight open space erven will be provided.

A single intersection with the Oudebrug Road will be provided to connect to the internal road network of the residential development. This access point will be located approximately 285m northeast of the existing access to the Orchard Farm Stall.

The Theewaterskloof Municipality will provide the residential development with potable water and services relating to refuse disposal and wastewater disposal.

The residential development will have a footprint of approximately 15.49ha.

**C. PROPERTY DESCRIPTION AND LOCATION**

The listed activities will take place on a portion of the Farm No. 563, Grabouw. This property is located in the southwest of Grabouw, next to the Orchard Farm Stall and associated restaurant and picnic areas.

The SG 21 digit code for the site is: C01300100000056300000

Co-ordinates:           34°   09'   34.32" South  
                              19°   00'   39.11" East

hereinafter referred to as "the site".

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Doug Jeffrey Environmental Consultants  
c/o Mr. D. Jeffrey  
P. O. Box 44  
KLAPMUTS  
7625

Tel.: (021) 875 5272  
Fax: (021) 875 5515

## 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.

The listed activities, including site preparation, may not commence within 20 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.

2. The applicant must in writing, within 12 calendar days of the date of this decision and in accordance with Regulation 10(2)–
  - 2.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 2.1.1 the outcome of the application;
    - 2.1.2 the reasons for the decision as included in Annexure 1;
    - 2.1.3 the date of the decision; and
    - 2.2.4 the date of issue of the decision;
  - 2.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations of 2010 detailed in section F below; and
  - 2.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
3. A written notice of seven calendar days must be given to the competent authority before commencement of construction activities.
  - 3.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 3.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 8 and 15.
4. The holder is responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the description set out in section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
6. The applicant must notify the competent authority in writing, within 24 hours of not complying with any condition stipulated herein.

7. The Draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented. An application for amendment of the EMP must be submitted to the competent authority if any amendments are to be made to the EMP, and the amendments may only be implemented once the amended EMP has been approved by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.
8. The applicant must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate, before commencement of any construction activities to ensure compliance with the EMP and the conditions contained herein.
9. 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 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.
10. Non-compliance with any condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
11. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
12. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
13. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
14. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Heritage Western Cape. 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 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.
15. The applicant must provide this Department with proof indicating that the informal settlers currently residing on the site have been relocated to a formal residential area before construction work may be commenced with.
16. The applicant must ensure that the rocky outcrop areas on the site are given public open space zoning in order to help prevent the residential development from being extended onto these conservation-worthy areas in the future.
17. The applicant must compile a Landscaping Plan for the residential development and ensure that the Theewaterskloof Municipality is satisfied with the Landscaping Plan.
18. The applicant must implement the recommendations stipulated on Pages 22 to 24 of the Visual Impact Assessment Report compiled by CNdv Africa dated November 2006.



The same recommendations are appended to this environmental authorisation as Appendix B.

19. The applicant must comply with the requirements which the Department of Transport and Public Works stipulated in the letter dated 27 September 2012. These requirements have been appended to this environmental authorisation as Appendix C.
20. The applicant must ensure that the residential development incorporates electricity saving measures that include *inter alia*, the following:
  - 20.1 The use of energy efficient lamps and light fittings.
  - 20.2 The roof and ceiling of each single storey residential dwelling must be insulated.
  - 20.3 Geysers must be covered with geysers "blankets" to improve energy efficiency.
21. The applicant must submit an environmental audit report, to this Directorate, 18 months after construction has been completed.
  - 21.1. The audit report must indicate the date on which construction work was completed and provide details regarding compliance with the conditions of this authorisation.
  - 21.2. If the audit report is not submitted, this Directorate may give 30 days' written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take the measures necessary for this purpose.

## F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the EIA Amendment Regulations of 2010.

1. An appellant must –
  - 1.1. submit a notice of intention to appeal to the Minister, within 20 calendar days of the date of the decision;
  - 1.2. submit the appeal within 30 calendar days of the lapsing of the 20 calendar days contemplated in Regulation 60(1), for the submission of the notice of intention to appeal; and
  - 1.3. within 10 calendar days of lodging the notice of intention to appeal, provide each registered I&AP 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 calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant that submits a responding or answering statement in terms of Regulation 63 must within 10 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 detailed above, the person, organ of state or applicant must immediately submit a concise written explanation to the Office of the Minister regarding the non-compliance.

4. All notice of intention to appeal and appeal forms must be submitted using one of the following methods:

By post: Western Cape Minister 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  
8<sup>th</sup> Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street,  
Cape Town, 8001

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@pgwc.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 or 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 the environment is greatly appreciated.

Yours faithfully

  
\_\_\_\_\_  
**MR. ZAHIR. TOEFY**  
**DIRECTOR: LAND MANAGEMENT (REGION 2)**

DATE OF DECISION: 12/07/2013

Copied to: D. Jeffrey  
M. H. Gxoyiwa

(Doug Jeffrey Environmental Consultants)  
(Theewaterskloof Municipality)

Fax: (021) 875 5515  
Fax: (086) 214 1289

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

**E12/2/3/1-E4/11-0029/06**

**NEAS EIA REFERENCE NUMBER:**

**WCP/EIA/1825/2008**

## Annexure 1: Reasons for the decision

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

- a) The Botanical Assessment Report compiled by Nick Helme Botanical Surveys dated July 2005.
- b) The letter from DH Environmental Consultants (Pty) Ltd dated 08 November 2005.
- b) The Heritage Impact Assessment Report compiled by Nicolas Baumann Heritage Consultant and dated April 2006.
- b) The Archaeological Impact Assessment Report compiled by the Agency for Cultural Resource Management and dated April 2006.
- B) The letter from Heritage Western Cape dated 05 May 2006.
- b) The information contained in the application notice dated 04 August 2006;
- b) The Town Planning Report compiled by Urban Dynamics dated November 2006.
- b) The Visual Impact Assessment Report compiled by CndV Africa dated November 2006.
- b) The Traffic Impact Assessment Report compiled by the ICE Group dated 10 November 2006.
- b) The information contained in the Application Form and BAR for environmental authorisation dated 09 March 2007;
- c) The letter from the Land Use planning section of the Department dated 22 March 2007;
- c) The consent provided by the landowner dated 29 October 2008;
- c) The comments received from I&APs and the responses provided thereto, as included in the BAR dated September 2009;
- d) The environmental authorisation (Ref. E12/2/3/2-E4/11-0368/08) granted by this Department on 31 March 2011 for the upgrading of the Grabouw Wastewater Treatment Works ("WWTW").
- d) The letter from the Breede Overberg Catchment Management Agency dated 04 August 2011.
- d) The Environmental Management Programme dated October 2011.
- e) The letter from the Theewaterskloof Municipality dated 03 November 2011.
- f) The letter from the South African Roads National Agency dated 12 March 2012.
- f) The letter from the ICE Group dated 12 March 2012.
- g) The letter from the Western Cape Department of Transport dated 27 September 2012.
- h) The letter from the Breede Overberg Catchment Management Agency dated 06 November 2012.
- t) The information contained in the Department's information base including - the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- u) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA (as amended); and
- x) The additional information received from Doug Jeffery Environmental Consultants on 15 March 2013 and 07 June 2013, respectively.

The application was submitted in terms of the NEMA EIA Regulations of 2006 and was pending at the time of the promulgation of the NEMA EIA Regulations of 2010. Some of the activities herein authorised, may not have been listed under the NEMA EIA Regulations of 2006, but are now listed in terms of the NEMA EIA Regulations of 2010. In accordance with Regulation 76(3) of GN No. R. 543, these activities may be authorised as if they were applied for;

No site visits were conducted, as the information submitted to the competent authority by the appointed EAP was deemed to be sufficient to make an informed decision. 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 ("PPP") included *inter alia*, the following:

- Identification and engagement with I&APs;
- Fixing a notice board at the site and any alternative site where the activity is to be undertaken on 21 September 2006;
- Giving written notice to the owners and occupiers of land adjacent to the site where the activity is to be undertaken, the municipality, Ward Councillor and the various organs of state having jurisdiction in respect of aspects of the activity on 21 September 2006;

- Placing a newspaper advertisement in the *Cape Times* on 21 September 2006 and in *Overberg Venster* on 22 September 2006;
- Holding a meeting with I&APs in the Grabouw Public Hall on 05 October 2006;
- Giving registered I&APs an opportunity to comment from 26 May 2011 to 21 June 2011 regarding the applicability of the NEMA EIA Amendment Regulations of 2010 to the proposed residential development.

The concerns raised by I&APs were adequately responded to during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

This Department is satisfied that the PPP that was conducted meets the minimum legal requirements and all the comments and responses were included in the BAR.

## 2. Alternatives

The applicant considered three layout alternatives and the 'no-go' alternative.

### Layout Alternative (dated 20 July 2006)

This alternative entails the establishment of a residential development comprising of 196 Single residential erven ranging in size from 300m<sup>2</sup> to 600m<sup>2</sup> on a portion of Erf 563, Grabouw. These erven will have a medium density of approximately 20 erven/ha. In addition, 60 General Residential units will be established and 10 open space erven will be established.

A single intersection with the Oudebrug Road will be provided to link up with the internal road network of the residential development. This intersection with the Oudebrug Road will be located approximately 285m northeast of the existing access to the Orchard Farm Stall.

The Theewaterskloof Municipality will provide the residential development with potable water as well as wastewater disposal and refuse disposal services.

The development footprint will be approximately 17.7ha in size.

This alternative does not make provision for the approximately 18m wide powerline servitude traversing the north-western portion of the site and does not take into account the proposed re-alignment of the N2 National Road that will affect the south-western corner of the site. It is as a result of these shortcomings that this alternative was discarded and the Layout Alternative dated 03 September 2006 was proposed.

### Layout Alternative (dated 03 September 2006)

This alternative entails the establishment of a residential development of 200 Single residential erven ranging in size from 350m<sup>2</sup> to 750m<sup>2</sup> on a portion of Erf 563, Grabouw. These erven will have a medium density of approximately 23 erven/ha. In addition, 48 General residential units will be established and 8 open space erven will be established.

A single intersection with the Oudebrug Road will be provided to connect to the internal road network of the residential development. This access point will be located approximately 285m northeast of the existing access to the Orchard Farm Stall.

The Theewaterskloof Municipality will provide the residential development with potable water as well as wastewater disposal and refuse disposal services.

The development footprint will be approximately 15.49ha in size.

It was noticed that the width of the stormwater drainage channel envisaged for this alternative alongside the Oudebrug Road cannot be made sufficiently wide to accommodate the expected volumes of stormwater. This layout alternative was therefore discarded and the Layout Alternative dated 03 November 2006 was proposed.

### Layout Alternative dated 03 November 2006 (herewith authorised)

This alternative entails the establishment of a residential development of 193 Single residential erven ranging in size from 300m<sup>2</sup> to 600m<sup>2</sup> on a portion of Erf 563, Grabouw.

These erven will have a medium density of approximately 22 erven/ha. In addition, 48 General Residential units will be established and 8 open space erven will be provided.

A single intersection with the Oudebrug Road will be provided to connect access to the internal road network of the residential development. This access point will be located approximately 285m northeast of the existing access to the Orchard Farm Stall.

The Theewaterskloof Municipality will provide the residential development with potable water as well as with wastewater disposal and refuse disposal services.

The development footprint will be approximately 15.49ha in size.

This layout alternative compares well with the other two layout alternatives in terms of helping to address the future demand for medium density residential developments in the approved Theewaterskloof Spatial Development Framework. However, this alternative does not have the disadvantages described above for the other two layout alternatives. This layout alternative is therefore the layout alternative preferred by the applicant. Having considered that no significant environmental impacts are envisaged for this layout alternative, this is the layout alternative that has been authorised.

#### "No-Go" Alternative

The "no-go" alternative involves abandoning the proposal of establishing the residential development on a portion of Erf 563 in Grabouw, thereby allowing the unauthorised dumpsite and the informal settlement prevailing on the site to remain. Adopting this alternative means that an opportunity to put the site to a more meaningful use by establishing the proposed residential development in order to help meet the expected growth of the medium income group in a suitable area of Grabouw will be missed. The 'no-go' alternative also means that the informal settlers residing on the site are likely to remain in their current living situation for longer, whereas approval of the residential development means the applicant must ensure that the said informal settlers are relocated to a formal residential area before the construction phase of the residential development may be commenced with.

In light of the above as well as the low significance of the environmental impacts anticipated as a result of establishing the residential development, the 'no-go' alternative is deemed to be undesirable and was discarded.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The population of Grabouw has grown considerably in the recent past and is expected to maintain this trend. Erf 563 in Grabouw is located in an area that has been identified with other areas for addressing the future demand for medium density residential developments in the approved Theewaterskloof Spatial Development Framework. The medium density residential development proposed by the applicant is therefore desirable on Erf 563, Grabouw.

#### **3.2 Biophysical Impacts**

Erf 563 in Grabouw occurs in an area where the indigenous vegetation is described by the South African National Biodiversity Institute ("SANBI") as Kogelberg Sandstone Fynbos. This vegetation type is categorised by SANBI as Critically Endangered. However, the indigenous vegetation on the site has largely been transformed by an informal settlement, unlawful dumping of refuse, previous earthmoving activities and alien vegetation infestation. According to the Botanical Report compiled by Nick Helme Botanical Surveys dated July 2005, only the on-site rocky outcrops existing mainly on the southern portion of the site are worthy of conservation. These conservation-worthy areas will remain as public open space, in keeping with the approved site layout plan and Condition 17 of this environmental authorisation. In this way, the remaining conservation-worthy vegetation on the site will continue to be protected.

It is noteworthy that in Condition 8 of this environmental authorisation, the applicant must appoint an ECO to ensure that all construction work relating to the residential development is conducted in line with the approved Construction and Operational Phase EMP as well as the conditions of this environmental authorisation. Given the above, it is unlikely that the establishment of the residential development will cause biophysical impacts of high significance.

**3.3 Visual and Sense of Place**

The proposed residential development will extend the town of Grabouw closer to the N2 National Road, thus impacting on the views of tourists travelling on this road. The Visual Impact Assessment Report compiled by CNdV Africa dated November 2006 includes recommendations for lowering the visual impact of the residential development to medium-high significance during the construction phase and to medium-low significance during the operational phase. These recommendations have been taken into account in Condition 18 of this environmental authorisation.

**3.4 Traffic**

The ICE Group (Pty) Ltd compiled a Traffic Impact Analysis Report dated 10 November 2006 regarding the proposed development and the South African National Roads Agency Ltd ("SANRAL") provided comment in a letter dated 12 March 2012. The SANRAL stipulated a requirement to be met in order for the establishment of the proposed development to be worthy of consideration. The Western Cape Department of Transport and Public Works subsequently commented in a letter dated 27 September 2012 and indicated that the said Department has no objection to the proposed development, as long as certain requirements in the same letter are met. These requirements include *inter alia*, the requirement stipulated in the aforesaid letter from the SANRAL. The requirements stipulated in the letter from the Western Cape Department of Transport and Public Works have been taken into account in Condition 19 of this environmental authorisation. Adherence to Condition 19 of this environmental authorisation will help to ensure that the traffic impacts caused by the establishment of the proposed residential development remain low.

**3.5 Services**

The Theewaterskloof Municipality has confirmed in the correspondence dated 03 November 2011 that the municipality will be able meet the needs of the residential development with regard to potable water supply, as well as the disposal of wastewater and solid waste.

**3.6 Regional Planning context**

The site is zoned Undetermined and must therefore be rezoned accordingly before the proposed residential development can be established. The applicant has lodged the rezoning application with the relevant authority in terms of the Land Use Planning Ordinance of 1985 (Ordinance No. 15 of 1985).

**3.7 Socio-economic**

The establishment of the residential development on Erf 563, Grabouw will be of major benefit to the people residing informally on the site, as these people will be relocated to a formal housing area before construction work on the site can be commenced with. The construction phase area is expected to provide numerous employment opportunities during the construction phase. The residential development will also help in the quest to meet the growing demand for medium density residential housing in Grabouw. In addition, it is expected that the operational phase of the residential development will provide numerous employment opportunities for domestic workers as well as employment opportunities relating to gardening services.

**3.8 Heritage**

Heritage Western Cape provided comment in their letter dated 05 May 2006 and indicated that it has no objections to the establishment of the proposed development, as the site is not considered to be archaeologically sensitive.

## **National Environmental Management Act Principles**

The National Environmental Management 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 EMP, 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.

-----End-----





## **Appendix B**

### **SITE PREPARATION**

- Open space areas, significant rock outcrops and all natural features that do not fall within the building footprints need to be marked off and protected from destruction by the construction machinery and work crews.
- All top-soil in areas where construction is to take place is to be removed and stockpiled for later use.
- A 2m tall berm must be raised in the 10m buffer zone along the Grabouw entrance road.
- It must meander and undulate slightly to give a natural rather than engineered appearance.
- Adequate top soil must be obtained to cover the berm to the landscape architects specifications.

### **CONSTRUCTION PHASE**

- The construction camp and storage areas must be carefully chosen to be visually unobtrusive and must be shielded from view.
- The dispersion of building supplies such as cement and any toxic substances such as diesel, into the surrounding land by human action, wind or water is to be prevented.
- All littering by the construction crews is to be strictly controlled.
- Toilets are to be provided for the workers and they must make use of them. Use of the bush as toilet facilities is not to be allowed.

### **SITE LAYOUT AND MASSING**

- A maximum building footprint of 50% of the area of each individual erf for double storey houses and 60% for single storey houses must be enforced. This must include all elements, including the garage, that are weatherproof, but excludes open pergolas, swimming pools, etc.
- The houses on the slope immediately north of the Grabouw entrance road as far as the road that serves as the entrance for the group housing are to be restricted to 1 storey in height.

### **ARCHITECTURAL DESIGN AND FINISHES**

- The architectural guidelines are to be included with all sales material so that prospective owners are aware of any restrictions before making a purchase.
- All buildings must conform to the guidelines. Any changes to these guidelines must be subject to an additional assessment.
- Special care needs to be taken with the design and implementation of the group housing so that the visual impact is minimised. Space is to be left

along the western boundary so that adequate screen planting can be done to shield the 'back' of the group housing from the N2.

- Cut and fill must be balanced on each site. No attempts to raise the height of a house by means of using fill alone are to be tolerated.
- No retaining structures are to be more than 1m in height.
- Loffelstein and Terraforce retaining systems must not be used, plastered masonry walls and log stabilised slopes being preferred.

### **FENCING**

- The fencing around the site should be visually permeable such as steel palisade painted dark charcoal or black, (not green.)
- Electronic means should be used to ensure security. No barbed wire, razor wire or spikes, which would be visually unacceptable, should be used.
- No clearing is to be done along fence lines.
- Where possible the fencing should be screened with indigenous vegetation although long lines of the same kind of plant along the entire fenceline should be avoided as this would draw attention to the fence rather than shielding it.

### **LIGHTING**

- The general principle for the entire estate is that lighting should be minimal and cause the least visual impact at night.
- No light sources, whether internal or external should be directly visible, all light sources being shielded so that only the area that needs to be lit is lit, and that light spillage and pollution is avoided.
- The lighting at the entrance structure must be by means of shielded down-lighters with only the security area being lit.
- All street lighting should be avoided, but where it is required for safety reasons, it should be shielded to only light the area that it is meant to light, and light spillage and pollution is avoided. Low level Bollard lighting can also be used.
- All external lighting on the houses is to be kept to a minimum and shielded to minimise light pollution. Bright security lighting is not to be allowed.

### **SIGNAGE**

- It is suggested that an estate-specific type of signage be created that includes the entrance signage, street names, traffic signs, information boards, and perhaps even house numbers. This is one way of giving visual cohesion and identity to the estate.
- The signage must be understated and congruent with the semi-rural nature of the estates.
- No neon or backlit signage is to be allowed.

## LANDSCAPING

- Much of the success of the visual mitigation will depend on the landscaping of the development. To this end an adequate budget must be included from the start, and this budget must be guaranteed against erosion by appropriation to other parts of the budget to make up for shortfalls.
- A master landscape plan must be drawn up by a registered landscape architect that identifies a botanical theme for the estate and continues it into all areas of planting, i.e. along some road edges and in the public spaces.
- Unsuitable plants such as 'tropical' plants e.g. *Strelitzia nicolai*, palms, etc. should not be allowed
- There must be adequate tree planting along the roads and in the private open spaces.
- A landscape plan for each house must accompany the house plans for municipal approval. The establishment of house gardens must become a priority once building work is finished on each erf.
- All planting must be from a carefully defined list of indigenous plant and tree species that is provided to each homeowner. Non-invasive flower and tree species that are part of the cultural heritage of the area can also be included in the list, i.e. roses.
- No Kikuyu lawn is to be allowed in the development with indigenous non-invasive species being preferred.
- The use of pergolas and vines to soften the built forms is encouraged.
- The 2m high berm along the Grabouw entrance road is to be planted with trees and water-wise species in order to maximise its screening ability. This will need to be permanently irrigated.

## Appendix C

- The extent of development on Portion A of Erf 563, Grabouw is limited to 193 single residential erven and 48 group housing units.
- The only access off Oudebrug Road (MR278) to the development must be at  $\pm$  km0.54km.
- All existing accesses to Erf 563, Grabouw (Portion A and Remainder of Erf 563) along MR278 must be closed. The remainder of Erf 563 to gain access via Portion A for which a servitude right of way must be registered over Portion A in favour of Remainder of Erf 563. The portion of Remainder of Erf 563 south of Erf 675 must gain access off the existing road connecting MR278 with Erf 675 (road link to shopping centre). Any future applications for rezoning or subdivision of the Remainder of Erf 563 will require a re-assessment of access from this Branch.
- The design of the new access at  $\pm$  km0.54 on MR278 to the development must include the following:
  - Two existing turning lanes from the development and
  - A short left slip and dedicated right turn lane on MR278.
- The existing street lighting must be extended along the MR278 to at least 150m beyond the new access to the development.
- A sidewalk of at least 2m wide must be constructed on the north-western side of the MR278 between Mimosa Street ( $\pm$  km0.84) and the access to the Grabouw Mall ( $\pm$  km0.27).
- The detailed road and pavement design for the above road infrastructure must be submitted to this branch for final approval (Mr. W. M. Silbernagl – 021 483 2170).
- Off-street parking to be provided at a rate of two parking per single residential erf and one parking per group housing unit plus 0.25 bays per unit for visitors.
- No external services will be allowed within a proclaimed road reserve.
- As controlling authority in terms of Act 21 of 1940, this Branch approves:
  - The relaxation of the 95m building Restriction on Portion 41 of Farm Bronkhorst 748, Paarl to 30m.
  - The 95m Building Restriction remains applicable for the Remainder of Erf 563 in terms of Act 21 of 1940.