



EIA REFERENCE: 16/3/3/5/B4/45/1072/23
NEAS REFERENCE: WCP/EIA/AMEND/0000771/2023
DATE OF ISSUE: 14 SEPTEMBER 2023

The Board of Directors
Boschendal (Pty) Ltd
PO Box 25
GROOT DRAKENSTEIN
7680

Attention: Mr William George

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Email: specialproject1@boschendal.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE APPEAL DECISION ISSUED ON 6 DECEMBER 2018 (APPEAL DECISION REFERENCE NO. M/3/6/5): THE PROPOSED MIXED-USE DEVELOPMENT ON PORTION 7 AND 10 OF FARM NO. 1647, BOSCHENDAL (BOSCHENDAL VILLAGE)

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amendment of the Appeal Decision issued on 6 December 2018 (Appeal Decision Reference No. M/3/6/5) attached herewith, 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, which prescribes the appeal procedure to be followed. This procedure is summarized 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 A Groenewald (DJEC)
(2) Mr B de la Bat (Stellenbosch Municipality)

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AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE APPEAL DECISION ISSUED ON 6 DECEMBER 2018 (APPEAL DECISION REFERENCE NO. M/3/6/5): THE PROPOSED MIXED-USE DEVELOPMENT ON PORTION 7 AND 10 OF FARM NO. 1647, BOSCHENDAL (BOSCHENDAL VILLAGE)

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 Appeal Decision issued on 6 December 2018 (Appeal Decision Reference No. M/3/6/5) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Appeal Decision is amended as set out below:

1. CONDITION 2 OF THE APPEAL DECISION

The holder must commence with the listed activities on site within a period of five (5) years from the date of this appeal decision.

is amended to read:

The holder must commence with, and conclude, the listed activities within the stipulated validity period for which this amended Environmental Authorisation is granted, or this amended Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This amended Environmental Authorisation is granted for-

- (a) A period of **ten (10) years** from the date of issue of the original Appeal Decision dated 6 December 2018, during which period the holder must commence with the authorised listed activities.
- (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.

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 and will not change the scope of the Appeal Decision issued on 6 December 2018.
2. The amendment does not trigger any listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. 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 Appeal Decision.

C. CONDITIONS

1. All other conditions contained in the Appeal Decision issued on 6 December 2018 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 14 SEPTEMBER 2023

Cc: (1) Ms A Groenewald (DJEC)
(2) Mr B de la Bat (Stellenbosch Municipality)

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Annexure A