



EIA REFERENCE: 16/3/3/5/B4/45/1085/22
NEAS REFERENCE: WCP/EIA/AMEND/0000682/2022
DATE OF ISSUE: 29 JUNE 2023

The Board of Directors
Cloetesdal Developments (Pty) Ltd
Office 202, Mill Square, Plein Street
STELLENBOSCH
7600

Attention: Mr. Pieter du Toit

Cell.: (072) 436 6929
Email: pieter@similan.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 AUGUST 2021 (DEA&DP: 16/3/3/1/B4/45/1011/21) FOR THE NEWINBOSCH MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 33 OF FARM NO. 81, CLOETESDAL, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation issued on 16 August 2021 (DEA&DP Ref: 16/3/3/1/B4/45/1011/21) attached herewith, together with the reasons for the decision in terms of Part 2 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. In terms of Regulation 4 of the EIA Regulation, 2014, 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

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

Cc: (1) Ms E Visagie (GNEC)
(2) Mr S van der Merwe (Stellenbosch Municipality)
(3) Mr B du Preez (DTPW)
(4) Ms N Ndobeni (DWS)

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Email: ndobeniN2@dws.gov.za



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ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 AUGUST 2021 (DEA&DP: 16/3/3/1/B4/45/1011/21) FOR THE NEWINBOSCH MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 33 OF FARM NO. 81, CLOETESDAL, STELLENBOSCH

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

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”) and the Environmental Impact Assessment (“EIA”) Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the Environmental Authorisation issued on 16 August 2021 (DEA&DP: 16/3/3/1/B4/45/1011/21) in terms of Part 2 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1. “Section B. LIST OF ACTIVITIES AUTHORISED”

The proposed development comprises of a mixed-use development and associated infrastructure, which will include the following:

- *Approximately 1 216 units, consisting of single residential, group housing and town houses,*
- *A school on approximately 6ha,*
- *Institutional use (church) on approximately 2ha and*
- *A retail area of approximately 14 000m².*

The retail area will be located just south of the existing access road, which will form the access to the proposed development. The existing Manor House will be converted into a multifunctional venue that will include recreational uses (clubhouse/hall, restaurant), Homeowners Association management offices and a pre-school or crèche space. The surrounding open space will be used as an outdoor recreational area, including facilities such as an outdoor cinema/amphitheater, pool and changing rooms, soccer lawn, skate park and a vegetable garden.

A new sewerage link pipeline will be constructed from the existing 425mm diameter sewer main in the R304 road reserve to the south of the proposed development, on the eastern side of the road. The proposed pipeline will be approximately 1050m in length and will cross an ephemeral drainage line at an existing culvert crossing south of the property.

is amended to read:

The proposed development comprises of a mixed-use development and associated infrastructure, which will include the following:

- Approximately 1320 residential units consisting of single residential, group housing, town houses, and apartments.*
- A school on a site of approximately 3.3ha in extent.*
- Institutional use (church) on approximately 2ha.*
- A retail area of approximately 3ha.*

The retail area will be located just south of the existing access road, which will form the access to the proposed development. The existing Manor House will be converted into a multifunctional venue that will include recreational uses (clubhouse/hall, restaurant), Homeowners Association management offices and a pre-school or crèche space. The surrounding open space will be used as an outdoor recreational area, including facilities such as an outdoor cinema/amphitheater, pool and changing rooms, soccer lawn, skate park and a vegetable garden.

A new sewerage link pipeline will be constructed from the existing 425mm diameter sewer main in the R304 road reserve to the south of the proposed development, on the eastern side of the road. The proposed pipeline will be approximately 1050m in length and will cross an ephemeral drainage line at an existing culvert crossing south of the property.

2. ““Section E. CONDITIONS OF AUTHORISATION”

Condition 9

The draft Environmental Management Programme (“EMPr”) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

is amended to read:

Condition 9

The Environmental Management Programme (“EMPr”) dated 21 February 2023 submitted as part of the amendment application is hereby approved and must be implemented.

3. "Annexure 2. Site Plan"



Is replaced with:



4. “Alternatives”

Layout Alternative 1 (Preferred Layout Alternative)

The proposed development comprises a mixed-use development and associated infrastructure, which will include the following:

- *Approximately 1 216 units, consisting of single residential, group housing and town houses,*
- *A school on approximately 6ha,*
- *Institutional use (church) on approximately 2ha and,*
- *A retail area of approximately 14 000m².*

The retail area will be located just south of the existing access road, which will form the access to the proposed development. The Manor House will be converted into a multifunctional venue that will include recreational uses (clubhouse/hall, restaurant), Homeowners Association management offices and a pre-school or crèche space. The surrounding open space will be used as an outdoor recreational area, including facilities such as an outdoor cinema/amphitheater, pool and changing rooms, soccer lawn, skate park and a vegetable garden.

A new sewerage link pipeline will be constructed from the existing 425mm diameter sewer main in the R304 road reserve to the south of the proposed development, on the eastern side of the road. The proposed pipeline will be approximately 1050m in length and will cross an ephemeral drainage line at an existing culvert crossing south of the property.

is amended to read:

The proposed development comprises of a mixed-use development and associated infrastructure, which will include the following:

- *Approximately 1320 residential units consisting of single residential, group housing, town houses, and apartments.*
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- *A retail area of approximately 3ha.*

The retail area will be located just south of the existing access road, which will form the access to the proposed development. The existing Manor House will be converted into a multifunctional venue that will include recreational uses (clubhouse/hall, restaurant), Homeowners Association management offices and a pre-school or crèche space. The surrounding open space will be used as an outdoor recreational area, including facilities such as an outdoor cinema/amphitheater, pool and changing rooms, soccer lawn, skate park and a vegetable garden.

A new sewerage link pipeline will be constructed from the existing 425mm diameter sewer main in the R304 road reserve to the south of the proposed development, on the eastern side of the road. The proposed pipeline will be approximately 1050m in length and will cross an ephemeral drainage line at an existing culvert crossing south of the property.

B. REASONS FOR THE DECISION

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

1. The Environmental Authorisation issued on 16 August 2021 (attached as Appendix A).
2. The amended development layout is in response to the Municipal Planning Tribunal (“MPT”) approval that included a comment that more residential opportunities should be provided. The

residential units were thus densified to accomplish this. In addition, based on market demand, an increase in commercial Gross Leasable Area is required, and similarly also a larger church. The amended development layout is confined to the same boundaries as the approved layout, with the majority of the assessed impacts, as well as mitigation measures identified during the original impact assessment remaining the same.

3. According to the information contained in the Traffic Impact Assessment (UDS Africa, 7 November 2022) undertaken during the EIA Amendment process, the amended development will not result in an increased traffic impact. The findings confirmed that based on the updated and more detailed development information, the amended development will have 514 AM peak hour trips and 116 PM peak hour trips fewer than the total trips previously assessed. Therefore, the required background road upgrades (based on updated traffic counts) and the road upgrades required with the addition of the proposed development traffic (based on updated development details) remain as per the previous specialist findings and recommendations. The Department of Transport and Public Works however specified that although it supports the amended development proposal, it does not support the proposed left-in access from Main Road 174 and that such an application will be considered once Main Road 174 has been dualled.
4. The municipality confirmed the availability of services for the amended development proposal in an electronic mail on 23 January 2023.
5. An objection was received from the Stellenbosch Interest Group against the reduced school site. The response provided to the objection explained that although a public school would have been preferred on the site, the Western Cape Department of Education advised that Stellenbosch is only earmarked to receive a budget allocation for a new school in 2030. The developer therefore had to search for a school operator within the private sector. Following consultation with private school operators, it was determined that a school of 2000 children would be substantially bigger than what any of the operators would consider. All the offers the developer received was for land of no more than 3ha due to cost, and the changing pedagogy and style of teaching. This resulted in a comprehensive feasibility study, which indicated that a 3.3ha school site would be feasible and will accommodate up to 1500 children. It was confirmed that this will meet the needs of the school operator that submitted a proposal to the developer.
6. 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.
7. A public participation process was conducted for the amendment application. Comments were responded to during the public participation process. This Department is satisfied that the public participation process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1. notify all registered I&APs of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the decision as included in Section B;
 - 1.1.3. the date of the decision; and

- 1.1.4. the date when the decision was issued.
- 1.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section D below;
- 1.3. draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 1.4. provide the registered I&APs with:
 - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2. name of the responsible person for this Environmental Authorisation;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;
 - 1.4.5. e-mail address, if any, of the holder; and
 - 1.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
2. All conditions contained in the Environmental Authorisation issued on 16 August 2021 (attached as Appendix A) still remain 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
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

MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
DATE OF DECISION: 29 JUNE 2023

Cc: (1) Ms E Visagie (GNEC)
(2) Mr S van der Merwe (Stellenbosch Municipality)
(3) B du Preez (DTPW)
(4) N Ndobeni (DWS)

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Appendix A