



REFERENCE: 16/3/3/5/B4/23/1015/22

DATE: 07 September 2022

The Board of Directors
Braemer Farm Developments (Pty) Ltd

Private Bag 12356

DIE BOORD

7613

Attention: Mr Etienne du Toit

Tel: (021) 883 3787

E-mail: edt@vodamail.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 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 APRIL 2017: THE BRAEMER FARM MIXED USE DEVELOPMENT ON PORTIONS OF PORTION 2 OF THE FARM KLAPMUTS RIVER NO. 742 AND ERF NO. 2183, KLAPMUTS.

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 24 April 2017 (DEA&DP Ref.: 16/3/3/1/B4/23/1038/16), (hereinafter collectively referred to as "the previous Environmental Authorisation") attached herewith, together with the reasons for the decision.
2. The previous EA for the development of the Braemer farm mixed use development on Portions of Portion 2 of the Farm Klappmuts River No. 742 and Erf No. 2183, Klappmuts is herewith replaced by two separate Amended EA's, referring to the Braemer farm mixed use development on Portions of Portion 2 of the Farm Klappmuts River No. 742 and Erf No. 2183, Klappmuts (this application) and the development of a primary and a secondary school on Portion 7 and 8 of Portion 2 of the Farm Klappmuts River No. 742, Klappmuts (DEA&DP Ref: 16/3/3/5/B4/23/1053/22), respectively.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir Toefy

Date: 2022.09.07 09:22:58

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DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr Pieter de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)

E-mail: pieter@cornerstoneenviro.co.za

(2) Mr Shane Hindley (Department of Transport and Public Works)

E-mail: Shane.Hindley@westerncape.gov.za

(3) Mr Schalk van der Merwe (Stellenbosch Municipality)

E-mail: Schalk.vandermerwe@stellenbosch.co.za



EIA REFERENCE: 16/3/3/5/B4/23/1015/22
NEAS REFERENCE: WCP/EIA/AMEND/0000605/2022
DATE: 07 September 2022

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 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 APRIL 2017: THE BRAEMER FARM MIXED USE DEVELOPMENT ON PORTIONS OF PORTION 2 OF THE FARM KLAPMUTS RIVER NO. 742 AND ERF NO. 2183, KLAPMUTS.

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, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 24 April 2017 (DEA&DP Ref.: 16/3/3/1/B4/23/1038/16) in terms of Part 1 of the EIA Regulations, 2014.

The previous EA for the development of the Braemer farm mixed use development on Portions of Portion 2 of the Farm Klapmuts River No. 742 and Erf No. 2183, Klapmuts is herewith replaced by two separate Amended EA's, referring to the Braemer farm mixed use development on Portions of Portion 2 of the Farm Klapmuts River No. 742 and Erf No. 2183, Klapmuts (this application) and the development of a primary and a secondary school on Portion 7 and 8 of Portion 2 of the Farm Klapmuts River No. 742, Klapmuts (DEA&DP Ref: 16/3/3/5/B4/23/1053/22), respectively.

The previous Environmental Authorisation as it pertains to the Braemer farm mixed use development on Portions of Portion of the Farm Kapmuts River No. 742 and Erf No. 2183, Klapmuts is amended as set out below:

1. Section B: List of activities authorised, is amended to read:

The holder is herein authorised to undertake the following development that includes the listed activities as it relates to the development:

- Approximately 317 housing units (subsidy, town and group housing);
- A light industrial area, where a new warehouse facility for storage will be constructed;
- Public and private roads;
- Open space areas;
- Associated bulk infrastructure will be expanded to accommodate the development and a ring feed 11 KV power line will be constructed that will link to the existing municipal infrastructure; and

- Access will be obtained off the R44 via Stellengate Boulevard and the extension of Groenfontein road, which has recently been extended.

2. Section E: Conditions of Authorisation, is amended to read:

- Condition 2

The Environmental Authorisation is valid for a period of **five years** from the date of issue of this Amended Environmental Authorisation within which commencement must occur.

- Condition 8

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

3. Annexure 2: Site Plan is replaced with:

Erf No.	Zoning	Land Use	Areas	Approximate Density	Approximate No. Units
1	Residential Zone III	Town House	0,84	93	45
2	Residential Zone II	Group House	4,51	25	112
3	Residential Zone III	Town House	2,01	50	100
4	Residential Zone I	Group House	2,24	25	56
5	Institutional Zone I	Public School	3,36		
6	Institutional Zone I	Public School	3,40		
7	Industrial Zone I	Industry	0,30		
8	Transport Zone II	Public Road	0,77		
9-12	Open Space Zone I	Private Road	1,87		
Total					317

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Drawn:	WH	Checked:	MW	Date:	01/03/2016	Scale:	1:3000 (A3)	
Project No.:	P3193	Revision No.:						
Drawing:	Proposed Subdivision						Plan No.:	2

Proposed Subdivision
Portion 2 of Farm Klappmuts Rivier No. 742
 (Figure A-F represents Farm 742/2)

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tv3
ARCHITECTS AND TOWN PLANNERS

4. “Alternatives” is amended to read:

The following preferred layout of the Klapmuts Mixed-Use development has undergone a few revisions as a result of input from the Western Cape Department of Agriculture and the Western Cape Department of Education:

Layout Alternative 1 (Preferred)

This alternative entails the development of:

- Approximately 317 housing units (social, town and group housing);
- A light industrial area, where a new warehouse facility for storage will be constructed;
- Public and private roads;
- Open space areas;
- Associated bulk infrastructure will be expanded to accommodate the development and a ring feed 11 KV power line will be constructed that will link to the existing municipal infrastructure; and
- Access will be obtained off the R44 via Stellengate Boulevard and the extension of Groenfontein road, which has recently been extended.

This alternative was preferred since it took into consideration comments received from the Western Cape Department of Agriculture and the Western Cape Department of Education by removing the industrial area located to the south of the site for the preservation of agricultural land and by removing the business properties between the schools and the Groenfontein road to suit the needs of the schools. This alternative was also preferred since it incorporates the findings of the specialist studies and takes the environmental constraints of the site into account. A 32m buffer area will be implemented between the development, the two artificial storage dams and the Klapmuts River.

B. REASONS FOR THE DECISION

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

1. Portions 5 and 6 of Portion 2 of the Farm Klapmuts River No. 742, Klapmuts were sold by the Landowner, Braemer Farm Developments (Pty) Ltd to the Western Cape Government: Department of Transport and Public Works for the development of a primary and a secondary school. These two portions have been subdivided and rezoned to Portions 7 and 8 of Portion 2 of the Farm Klapmuts River No. 742, Klapmuts and are in accordance with the area designated in the Site Plan authorised in the EA issued on 24 April 2017.
2. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the EA issued on 24 April 2017.
3. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
4. 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.
5. The environment and the rights and interests of interested and affected parties (“I&APs”) will not be adversely affected by the decision to amend the amended Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the EA issued on 24 April 2017 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr 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 the Appeal Authority at: Tel. (021) 483 3721, 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: 2022.09.07
09:23:50 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 07 SEPTEMBER 2022

Cc: (1) Mr Pieter de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)
(2) Mr Shane Hindley (Department of Transport and Public Works)
(3) Mr Schalk van der Merwe (Stellenbosch Municipality)

E-mail: pieter@cornerstoneenviro.co.za
E-mail: Shane.Hindley@westerncape.gov.za
E-mail: Schalk.vandermerwe@stellenbosch.co.za

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ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 24 APRIL 2017



REFERENCE: 16/3/3/1/B4/23/1038/16

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 24.04.2017

The Board of Directors
Bremer Farm Development (Pty) Ltd
PO Box 12356
Die Boord
7613

Attention: Mr Etienne du Toit

Tel: (028) 514 3441

Fax: (086) 455 0942

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED BREMER FARM MIXED USE DEVELOPMENT ON PORTIONS OF PORTION 2 OF THE FARM KLAPMUTS RIVER NO. 742 AND ERF NO. 2183, KLAPMUTS.

1. With reference to the above application, the Department 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 Environmental Impact Assessment Regulations, 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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) S van der Merwe (Stellenbosch Municipality)

Fax: (021) 887 1874

(2) P de Villiers (Cornerstone Environmental Consultants (Pty) Ltd)

Fax: (021) 425 2174



REFERENCE: 16/3/3/1/B4/23/1038/16

NEAS REFERENCE: WCP/EIA/0000172/2016

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 24.04.2017

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE BREAMER FARM MIXED USE DEVELOPMENT ON PORTIONS OF PORTION 2 OF THE FARM KLAPMUTS NO. 742 AND ERF NO. 2183, KLAPMUTS.

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated January 2016.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Bremer Farm Development (Pty) Ltd
% Etienne du Toit
PO Box 12356
DIE BOORD
7613

Tel: (028) 514 3441
Fax: (086) 455 0942

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 327 of 7 April 2017 -</p> <p>Activity Number: 24 The development of a road—</p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p>	<p>The development includes the construction of roads which would exceed the threshold.</p>
<p>Government Notice No. R. 327 of 7 April 2017 -</p> <p>Activity Number: 28 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:</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>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The site was previously used for agricultural purposes.</p>
<p>Government Notice No. R. 327 of 7 April 2017 -</p> <p>Activity Number: 45 The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—</p> <p>(i) has an internal diameter of 0,36 metres or more; or</p> <p>(ii) has a peak throughput of 120 litres per second or more; and</p> <p>(a) where the facility or infrastructure is expanded by more than 1000 metres in length; or</p> <p>(b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;</p> <p>excluding where such expansion—</p>	<p>The development includes the expansion of existing bulk infrastructure which would exceed the threshold.</p>

<p>(aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or</p> <p>(bb) will occur within an urban area.</p>	
<p>Government Notice No. R. 327 of 7 April 2017 –</p> <p>Activity Number: 46 The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—</p> <p>(i) has an internal diameter of 0,36 metres or more; or (ii) has a peak throughput of 120 litres per second or more; and</p> <p>(a) where the facility or infrastructure is expanded by more than 1000 metres in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;</p> <p>excluding where such expansion—</p> <p>(aa) relates to the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes within a road reserve or railway line reserve; or</p> <p>(bb) will occur within an urban area.</p>	<p>The development includes the expansion of existing bulk infrastructure which would exceed the threshold.</p>
<p>Government Notice No. R. 324 of 7 April 2017 –</p> <p>Activity Number: 15 The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</p> <p>In the Western Cape:</p> <p>i. Outside urban areas, or ii. Inside urban areas in:</p> <p>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</p> <p>(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</p>	<p>Erf No. 2183, undetermined zone, which is municipal land will be transformed and incorporated into the development.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following development that includes the listed activities as it relates to the development:

- Approximately 317 housing units (subsidy, town and group housing)
- Two schools, one a primary school and the other a secondary school;
- A light industrial area, where a new warehouse facility for storage will be constructed;

- Public and private roads;
- Open space areas;
- Associated bulk infrastructure will be expanded to accommodate the development and a ring feed 11 KV power line will be constructed that will link to the existing municipal infrastructure; and
- Access will be obtained off the R44 via Stellengate Boulevard and the extension of Groenfontein road, which has recently been extended.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on portions of Portion 2 of Farm Klapmuts River No. 742 and Erf No. 2183, Paarl, at the following co-ordinates:

Portion 2 of Farm Klapmuts River No. 742, Paarl:

33° 48' 58.76" South
18° 52' 14.81" East

Erf No. 2183, Paarl:

33° 48' 53.43" South
18° 52' 7.76" East

The SG digit codes are:

Portion 2 of Farm Klapmuts River No. 742, Paarl: C05500000000074200002

Erf No. 2183, Paarl: C05500040000218300000

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

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

The Board of Directors
Cornerstone Environmental Consultants (Pty) Ltd
% Mr Pieter de Villiers
PO Box 12606

DIE BOORD
7613

Cell: (083) 243 0994

Fax: (086) 435 2174

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 Layout Alternative 1 in the BAR dated January 2017 on the site as described in Section C above.

2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The holder shall be responsible for ensuring 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.
4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order 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.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 10 and 16

Notification and administration of appeal

6. The holder 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 decision reached on the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 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) detailed in Section G below;
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4 provide the registered I&APs with the:
 - 6.4.1 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, of the holder,
 - 6.4.6 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 (as amended).

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request.
12. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above 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.

Auditing

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit (quarterly for the duration of the construction phase) and submit Environmental Audit Reports to the Competent Authority (once every six months during the construction phase). The final Environmental Audit Report must be submitted to the Competent Authority (six months after operation commenced).

The holder must, within 7 days of the submission of the 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 on a publicly accessible website (if applicable).

Specific Conditions

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, 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: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
16. A 32 metre buffer zone must be demarcated between the development, the two artificial storage dams and the Klapmuts River before commencement of construction activities and must be maintained.

F. 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. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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.
4. 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 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.

5. 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 GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. –
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:
By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



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

DATE OF DECISION: 24-4-17

CC: (1) P. de Villiers (Cornerstone Environmental Consultants)
(2) S. van der Merwe (Stellenbosch Municipality)

Fax: (086) 435 2174
Fax: (021) 886 6899

ANNEXURE 1: LOCALITY MAP

Notation:



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Drawn:	Checked:	Date:	Scale:
WH	MW	05/02/2015	NTS (A2)
Projec. no.:	Revision no.:	1	Plan no.:
P3193	1		1
Drawing:	Locality Map		

**Portion 2 of Farm 742 and Erf 2183,
Klapmuts**

First Floor • La Gratitude Office Building
97 Dorp Street • Stellenbosch 7600
tel: (021) 891 3600
fax: (021) 892 8025
e-mail: info@tv3.co.za
web: www.tv3.co.za



ANNEXURE 2: SITE PLAN



Erf No.	Zoning	Land Use	Areas	Approximate Density	Approximate No. Units
1	Residential Zone III	Town House	0.84	59	49
2	Residential Zone II	Group House	4.51	25	112
3	Residential Zone III	Town House	2.01	50	100
4	Residential Zone II	Group House	2.28	25	56
5	Institutional Zone I	Public School	3.36		
6	Institutional Zone I	Public School	3.48		
7	Industrial Zone I	Industry	0.30		
8	Transport Zone II	Public Road	0.77		
9-12	Open-space Zone II	Private Road	1.87		
Total			19.37		317

Notation:



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Drawn	Checked	Date	Scale
MW	MW	01/02/2016	1:3000 (A3)
Project no.:	P31193	Revision no.:	1
Drawn:	Proposed Subdivision 2		

Proposed Subdivision
Portion 2 of Farm Klapmuts Rivier No. 742
(Figure A-F represents Farm 742/2)

First Floor - La Gratitude Office Building
 07 Dopp Street - Stellenbosch 7600
 tel (021) 981 3900
 fax (021) 982 8075
 e-mail: info@tv3.co.za
 web: www.tv3.co.za



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 30 September 2016 and the EMPr submitted together with the BAR dated January 2017;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated January 2017; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site;
- giving written notice to the owners and occupiers of land adjacent to the site, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 28 and 29 September 2016;
- the placing of a newspaper advertisement in the '*PaarlPost*' on 29 September 2016;
- making the pre-application Draft BAR available to I&APs for a 30 day commenting period from 8 October 2015; and
- making the Draft BAR available to I&APs for a 30 day commenting period from 3 October 2016.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

The following preferred layout of the Klapmuts Mixed-Use development has undergone a few revisions as a result of input from the Western Cape Department of Agriculture and the Western Cape Department of Education:

Layout Alternative 1 (Preferred)

This alternative entails the development of:

- Approximately 317 housing units (social, town and group housing)
- Two schools, one a primary school and the other a secondary school;
- A light industrial area, where a new warehouse facility for storage will be constructed;
- Public and private roads;
- Open space areas;
- Associated bulk infrastructure will be expanded to accommodate the development and a ring feed 11 KV power line will be constructed that will link to the existing municipal infrastructure; and
- Access will be obtained off the R44 via Stellengate Boulevard and the extension of Groenfontein road, which has recently been extended.

This alternative was preferred since it took into consideration comments received from the Western Cape Department of Agriculture and the Western Cape Department of Education by removing the industrial area located to the south of the site for the preservation of agricultural land and by removing the business properties between the schools and the Groenfontein road to suit the needs of the schools. This alternative was also preferred since it incorporates the findings of the specialist studies and takes the environmental constraints of the site into account. A 32m buffer area will be implemented between the development, the two artificial storage dams and the Klapmuts River.

No-go Option:

This alternative entails the current status quo, which is vacant land. This alternative is not preferred since the farm has a low agricultural potential and will not create employment opportunities and alleviate the need for schools and housing in the area.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is situated outside the Klapmuts urban edge but inside the future growth corridor of Klapmuts. The Stellenbosch Integrated Development Plan (2014/15 and draft 2015/16) indicates the need for school sites in proximity of the R44 road. The development will facilitate investment into Klapmuts, create employment opportunities and alleviate the need for schools and housing in the area. The development is consistent with the spatial proposals of the Spatial Development Framework, promotes the principles of urban restructuring and is in line with the natural expansion of Klapmuts.

3.2 Biophysical Impacts

According to the Botanical Assessment dated 24 February 2015, the site previously supported *Swartland Alluvium Renosterveld*, which is classified as critically endangered vegetation. The site has however been transformed through previous land uses including mining and agricultural practices and has no remnants of indigenous vegetation remaining on the site. The site is not located in any areas identified as Critical Biodiversity Areas or Ecological Support Areas.

The Klapmuts River and two artificial storage dams are located adjacent to the site. A 32 metre buffer zone between the development, the two artificial storage dams and the

Klapmuts River will be implemented and maintained. This was included in the preferred layout and included as Condition 16 of this Environmental Authorisation.

3.3 Social Impacts

The findings of the Social Impact Assessment dated June 2015 conducted by Environmental Consulting and Research indicates that the construction and operational phase of the development would result in a number of positive social benefits for the local community and the area as a whole. These include provision of gap and middle income housing, the creation of employment and business opportunities, provision for the establishment of a much needed primary and secondary school for Klapmuts and broadening of the rates base.

3.4 Agricultural Impacts

The Agricultural Soil Potential Study dated 8 June 2015 conducted by Vinpro indicates that, dependent on the soil depth, the soil forms have medium-low to low potential for perennial crops, for example olive trees or vineyards. The soils are not suitable for high premium wine grapes because of wetness at shallow depths for most of the winter months, which impedes root growth.

3.5 Services

The Stellenbosch Municipality confirmed that there is sufficient capacity for electricity supply, potable water supply, solid waste removal and effluent discharge services for the development.

The development will result in both negative and positive impacts:

Negative Impacts:

The potential negative impacts during the construction phase of the development, such as dust and noise impacts, will be of low significance after mitigation.

Positive impacts:

The development will create employment opportunities and alleviate the need for schools and affordable housing in the area.

4. 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.

5. Conclusion

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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