



EIA REFERENCE: 16/3/3/5/B4/45/1047/22
NEAS REFERENCE: WCP/EIA/AMEND/0000647/2022
DATE OF ISSUE: 10 March 2023

The Board of Directors
Remgro Management Services (Pty) Ltd
P.O. Box 456
STELLENBOSCH
7600

Attention: Mr. NR Boonzaier /Mr P Kotzé

Tel: (021) 888 3328
Email: nrb@remgro.co.za
pkotze@remgro.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 AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 18 NOVEMBER 2020 (DEA&DP: 16/3/3/5/B4/45/1053/20) FOR THE MASTER PLAN FOR THE EERSTE RIVER BETWEEN PIET RETIEF BRIDGE AND THE DISTELL CRICKET FIELD, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the amended Environmental Authorisation issued on 18 November 2020 (DEA&DP Ref: 16/3/3/5/B4/45/1053/20) 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 an 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 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms. K Neethling (LEMC (Pty) Ltd)
(2) Mr S van der Merwe (Stellenbosch Municipality)

Email: karin@legacyemc.co.za
Email: Schalk.VanderMerwe@stellenbosch.gov.za



EIA REFERENCE: 16/3/3/5/B4/45/1047/22
NEAS REFERENCE: WCP/EIA/AMEND/0000647/2022
DATE OF ISSUE: 10 March 2023

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 AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 18 NOVEMBER 2020 (DEA&DP: 16/3/3/5/B4/45/1053/20) FOR THE MASTER PLAN FOR THE EERSTE RIVER BETWEEN PIET RETIEF BRIDGE AND THE DISTELL CRICKET FIELD, 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 amended Environmental Authorisation issued on 18 November 2020 (DEA&DP: 16/3/3/5/B4/45/1053/20) in terms of Part 2 of the EIA Regulations, 2014 (as amended).

The amended Environmental Authorisation is amended as set out below:

1. "Section B. LIST OF ACTIVITIES AUTHORISED" is amended to read:

The proposal entails the implementation of the Master Plan for the Eerste River between the Piet Retief Bridge and the Distell Cricket Field, which includes the following activities:

- The construction of pedestrian and cycle pathways covering approximately 4 900m² (with an approximate pathway width of 3.5m wide, which allows for separate and shared pedestrian and cycle pathways) along the southern bank of the Eerste River from Piet Retief Bridge to Die Boord, together with the implementation of security measures and lighting. Where expansion of the footprint along certain sections is required, low retaining structures will be constructed, and limited infilling will be undertaken in places to accommodate the pathway. A 3m long low retaining structure is proposed at one area only (close to the Indoor Sport Centre) and is not for a continuous section.
- The construction of a pedestrian bridge across the Eerste River, below the R44 to link Stellantia Avenue to Die Boord. The bridge will consist of a wide spanning concrete/steel structure

between the two abutments and will have an approximate footprint of 1 040m². Reno mattresses will be placed around the abutments and indigenous vegetation established as an erosion control measure.

- The phased removal of specific trees which affect the hydraulics of the river and the reintroduction of suitable locally indigenous trees, shrubs and wetland species to replace the removed trees.
- Removal of the gauging weir at the Plankenbrug confluence with the Eerste River and the redesign and relocation of the Lower Eerste River Irrigation Board water extraction points at two new locations – (1) the new pedestrian bridge across the Eerste River with a 400mm diameter steel pipe along the northern embankment between the old and new extraction points; and (2) the Plankenbrug River, approximately 150m upstream of the confluence with a similar 400mm diameter steel pipe between the two extraction points.
- Bank stabilisation and flood alleviation measures along certain stretches of the river. These include:
 - Reduction of steep bank slopes and widening of the riverbed as follows - reduction of the slope of the northern embankment of the Eerste River on Erven 4080 and 8719 (approximately 4 500m²); widening of the riverbed on Erven 705 and 7588 (approximately 5 750m²); and removal of the vegetation plug in the low flow area near Erf No. 5655 (approximately 530m²).
 - Relocation of the existing flood protection berm to the south on Erf No. 5667 (approximately 290m long) and construction of gabions/reno mattresses of approximately – (1) 60m long on the eastern bank of the Plankenbrug River on Erf No. 7589, (2) 120m long on the southern bank of the Eerste River on Erf No. 5667, and (3) 720m long on the northern bank of the Eerste River on Erf No. 6284; and
 - A new flood protection berm of approximately 6 000m² on Erf No. 7588.
- Soft and hard landscaping along the pathways and in the open spaces. This includes timber decks and benches along the pathways and outdoor gyms and park equipment in the open spaces on either end of the pathways.
- Formalising an existing parking area at the intersection of Koch Street and Suidwal Road with an approximate footprint of 1 400m².
- Implementation of a long term MMP for this section of the Eerste River.

2. "Annexure 2. Site Plan" is amended to include the following additional figures:



Figure 5: A map of the Eerste River between Krige Street and Aan De Wagen Weg showing all the trees that need to be removed to allow for the pulling back of the northern banks to reduce the slope.

3. “Section E. CONDITIONS OF AUTHORISATION” is amended to read:

- Condition 9
The amended Environmental Management Programme (“EMPr”) dated October 2022 (Appendix H of the amended application), is hereby approved and must be implemented.
- Condition 19
The removal of trees must be conducted in a phased and progressive manner and be replaced with indigenous vegetation, including the trees located within the civil works area on the right (northern) bank of the Eerste River, between the Aan-de-Wagenweg Bridge and the Krige Street Bridge, as specified in the Tree Removal Report dated May 2022.

4. “Alternatives” is amended to read:

Preferred Alternative (herewith authorised)

The implementation of the Master Plan for the Eerste River between the Piet Retief Bridge and the Distell Cricket Field, which includes the following activities:

- The construction of pedestrian and cycle pathways covering approximately 4 900m² (with an approximate pathway width of 3.5m wide, which allows for separate and shared pedestrian and cycle pathways) along the southern bank of the Eerste River from Piet Retief Bridge to Die Boord, together with the implementation of security measures and lighting. Where expansion of the footprint along certain sections is required, low retaining structures will be constructed, and limited infilling will be undertaken in places to accommodate the pathway. A 3m long low retaining structure is proposed at one area only (close to the Indoor Sport Centre) and is not for a continuous section.
- The construction of a pedestrian bridge across the Eerste River, below the R44 to link Stellantia Avenue to Die Boord. The bridge will consist of a wide spanning concrete/steel structure between the two abutments and will have an approximate footprint of 1040m². Reno mattresses will be placed around the abutments and indigenous vegetation established as an erosion control measure.
- The phased removal of specific trees which affect the hydraulics of the river and the reintroduction of suitable locally indigenous trees, shrubs and wetland species to replace the removed trees.
- Removal of the gauging weir at the Plankenbrug confluence with the Eerste River and the redesign and relocation of the Lower Eerste River Irrigation Board water extraction points at two new locations – (1) the new pedestrian bridge across the Eerste River with a 400mm diameter steel pipe along the northern embankment between the old and new extraction points; and (2) the Plankenbrug River, approximately 150m upstream of the confluence with a similar 400mm diameter steel pipe between the two extraction points.
- Bank stabilisation and flood alleviation measures along certain stretches of the river. These include:
 - Reduction of steep bank slopes and widening of the riverbed as follows - reduction of the slope of the northern embankment of the Eerste River on Erven 4080 and 8719 (approximately 4 500m²); widening of the riverbed on Erven 705 and 7588 (approximately 5 750m²); and removal of the vegetation plug in the low flow area near Erf No. 5655 (approximately 530m²).

- Relocation of the existing flood protection berm to the south on Erf No. 5667 (approximately 290m long) and construction of gabions/reno mattresses of approximately – (1) 60m long on the eastern bank of the Plankenbrug River on Erf No. 7589, (2) 120m long on the southern bank of the Eerste River on Erf No. 5667, and (3) 720m long on the northern bank of the Eerste River on Erf No. 6284; and
- A new flood protection berm of approximately 6 000m² on Erf No. 7588.
- Soft and hard landscaping along the pathways and in the open spaces. This includes timber decks and benches along the pathways and outdoor gyms and park equipment in the open spaces on either end of the pathways.
- Formalising an existing parking area at the intersection of Koch Street and Suidwal Road with an approximate footprint of 1 400m².
- Implementation of a long term MMP for this section of the Eerste River.

This alternative is preferred as it incorporates the additional recommendations that were highlighted during the public participation process.

B. REASONS FOR THE DECISION

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

1. The amended Environmental Authorisation issued on 18 November 2020 (attached as Appendix A).
2. Reverting to the original alignment will not increase the total approved footprint of the pathways along the southern riverbank (i.e., 4 900 m²). This is based on a pathway length of 1.4 km (from Piet Retief Street Bridge to Die Boord, where the pathways end) and an approximate pathway width of 3.5 m (allowing for separate or shared pedestrian and cycle pathways).
3. The Addendum to the Freshwater Impact Assessment (BlueScience, October 2021) confirmed that the construction of the proposed amended pathway alignment would not result in any significant increase in the aquatic ecosystem impact from that specified in the initial specialist findings for the existing approvals. The mitigation measures, as well as the recommended maintenance and management measures will remain as provided for the proposed pathways in the previous freshwater assessment reports.
4. Locating both pathways along the south of the river will be more cost effective because landscaping, lighting, and CCTV, as well as maintenance during the operational phase need only be provided along the south of the river. In addition, there are existing underground 66kV oil filled electrical cables north of the river, which are laid at a depth of 1.2m to 1.7m below ground level. Undertaking work in the vicinity of these cables poses additional risk and has time and cost implications for the applicant.
5. The proposed formalisation of the pathway along the south of the river will enhance and improve public access and safety.

6. Updating the Tree Removal Survey to include those trees that will be impacted by the civil works will address the omission of these trees from the original survey. Specific conditions in this regard have also been included in the updated EMPr approved in the amendment decision.
7. The specialist and technical studies conducted during the EIA Amendment process confirmed that routing both pathways along the southern riverbank will not result in a significant environmental impact.
8. 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 Appeal Environmental Authorisation.
9. A public participation process was conducted for the amendment application. At the end of the commenting period, a number of comments, including comments from I&APs in favour of the existing approved pathway (alignment along the southern and northern riverbanks), were received. 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 amended Environmental Authorisation issued on 18 November 2020 (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

ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 10 MARCH 2023

Cc: (1) Ms. K Neethling (LEMC (Pty) Ltd)

(2) Mr S van der Merwe (Stellenbosch Municipality)

Email: karin@legacyemc.co.za

Email: Schalk.VanderMerwe@stellenbosch.gov.za

Appendix A



EIA REFERENCE: 16/3/3/5/B4/45/1053/20
NEAS REFERENCE: WCP/EIA/AMEND/0000482/2020
DATE OF ISSUE: 18 NOVEMBER 2020

The Board of Directors
Remgro Management Services (Pty) Ltd
P.O. Box 456
STELLENBOSCH
7600

Attention: Mr. NR Boonzaier/Mr P Kotzé

Tel: (021) 888 3328
Email: nrb@remgro.co.za
pkotze@remgro.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 AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 28 FEBRUARY 2020 (DEA&DP: 16/3/3/5/B4/45/1003/20 & 16/3/3/1/B4/45/1023/17): THE PROPOSED MASTER PLAN FOR THE EERSTE RIVER BETWEEN PIET RETIEF BRIDGE AND THE DISTELL CRICKET FIELD, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the amended Environmental Authorisation issued on 28 February 2020 (DEA&DP: 16/3/3/5/B4/45/1003/20 & 16/3/3/1/B4/45/1023/17) 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

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

CC: (1) Ms. K Neethling (LBMC (Pty) Ltd)
(2) Mr. S van der Merwe (Stellenbosch Municipality)

Email: karin@legacyemc.co.za
Email: Schalk.vandermerwe@stellenbosch.gov.za





EIA REFERENCE: 16/3/3/5/B4/45/1053/20
NEAS REFERENCE: WCP/EIA/AMEND/0000482/2020
DATE OF ISSUE:

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 AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 28 FEBRUARY 2020 (DEA&DP: 16/3/3/5/B4/45/1003/20 & 16/3/3/1/B4/45/1023/17): THE PROPOSED MASTER PLAN FOR THE EERSTE RIVER BETWEEN PIET RETIEF BRIDGE AND THE DISTELL CRICKET FIELD, 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 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 amended Environmental Authorisation issued on 28 February 2020 (DEA&DP: 16/3/3/5/B4/45/1003/20 & 16/3/3/1/B4/45/1023/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

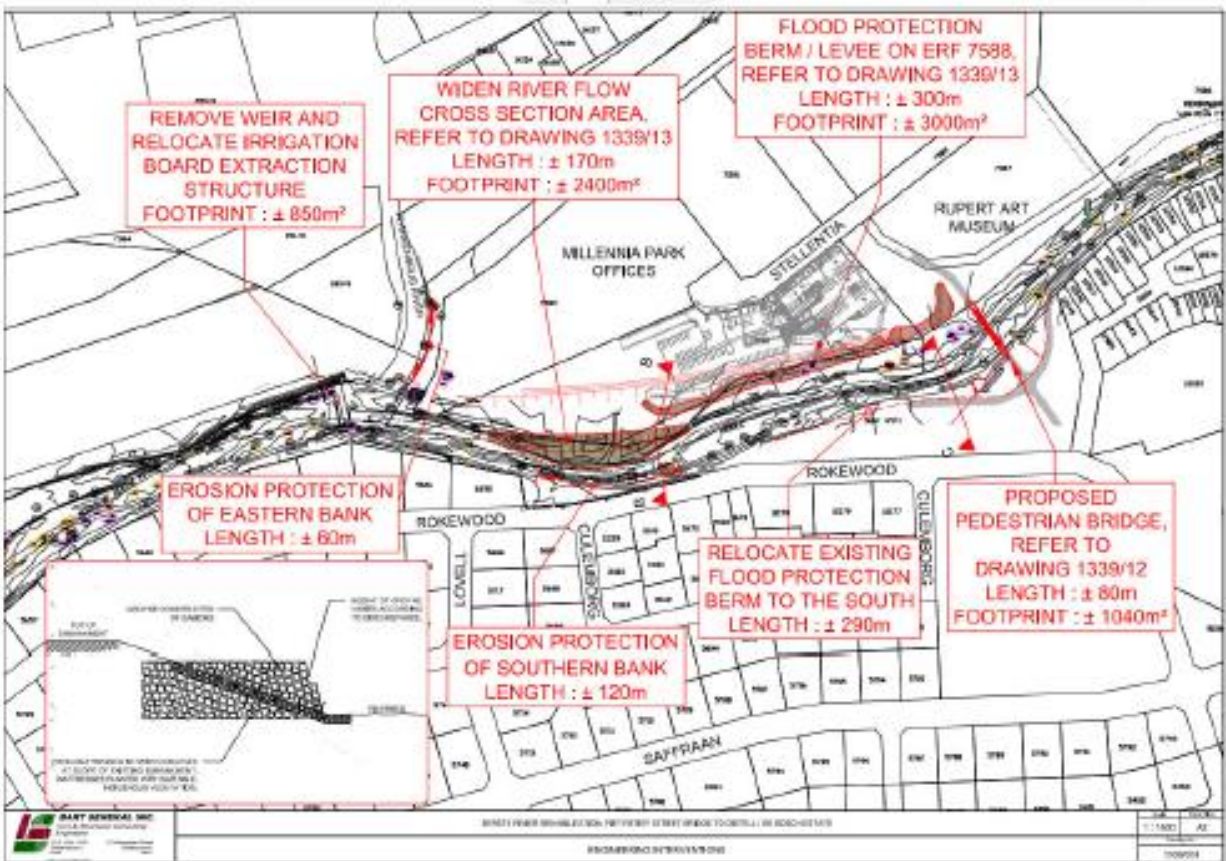
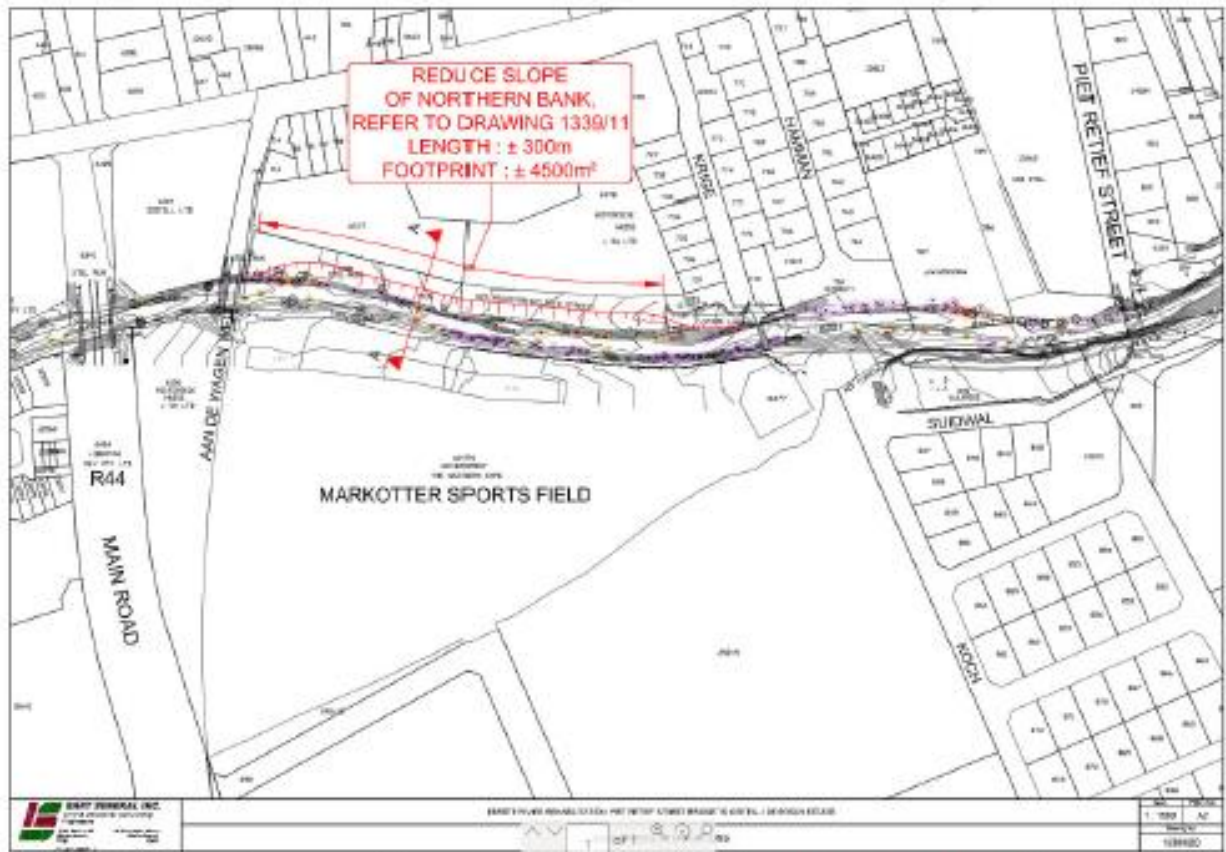
1. "Section B. LIST OF ACTIVITIES AUTHORISED" is amended to read:

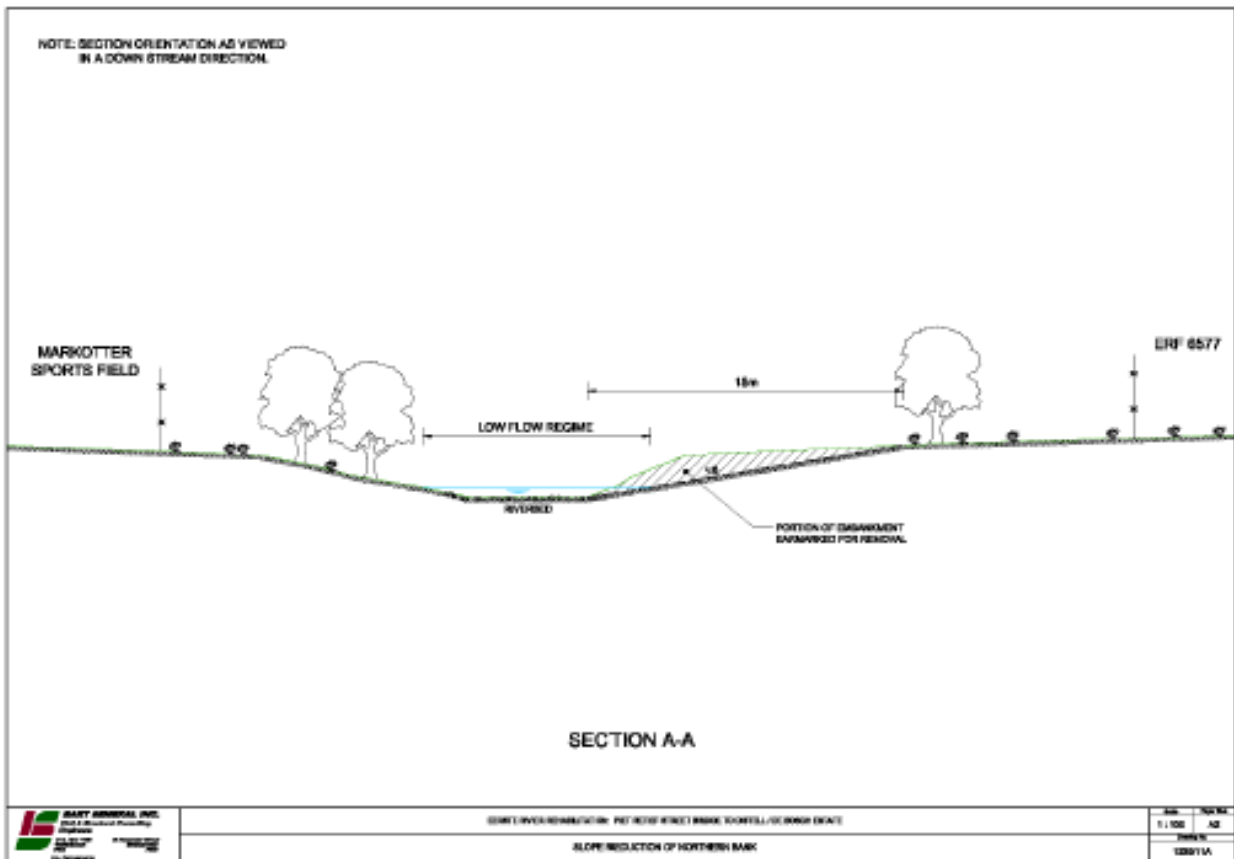
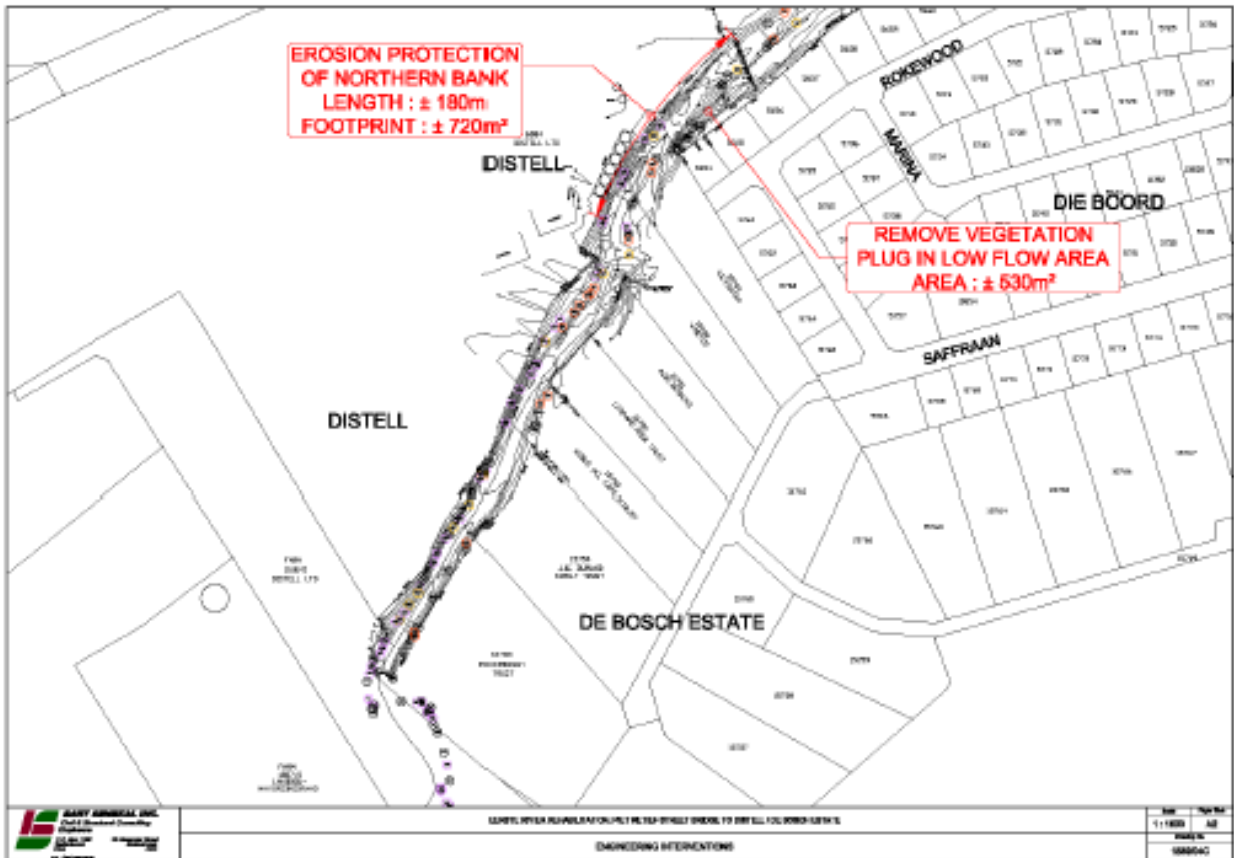
The proposal entails the implementation of the Master Plan for the Eerste River between the Piet Retief Bridge and the Distell Cricket Field, which includes the following activities:

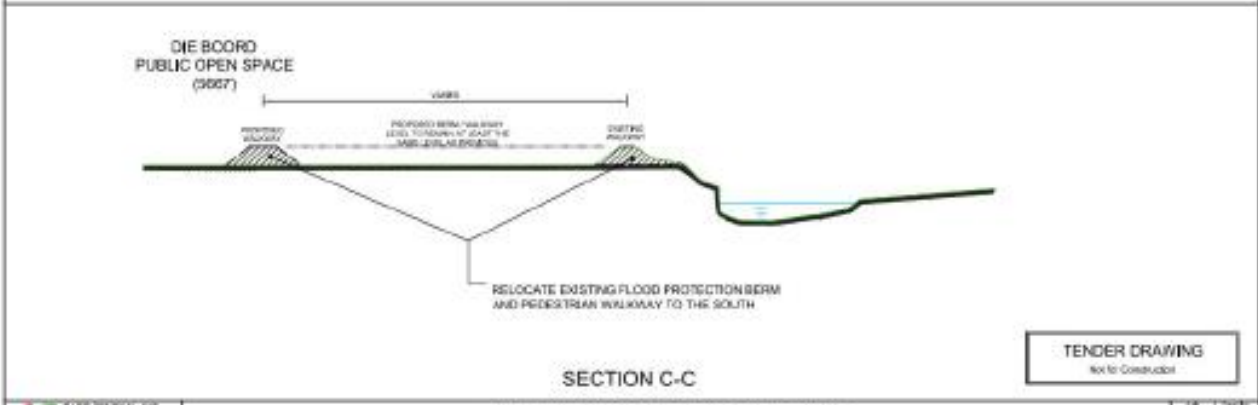
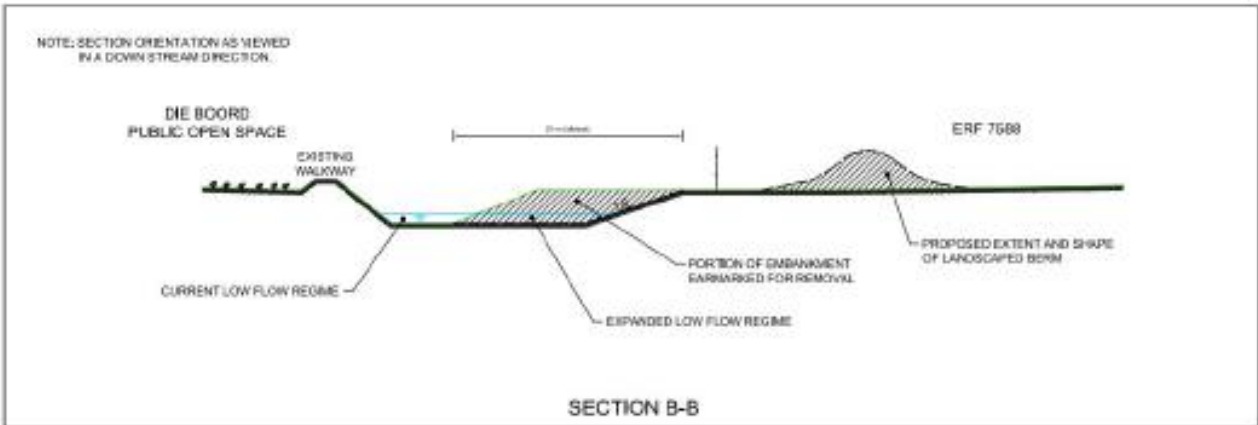
- *The construction of pedestrian and cycle pathways covering approximately 4900m² (ranging between 1.2m to 3.5m wide) along the Eerste River from Piet Retief Bridge to Die Boord, together with the implementation of security measures and lighting. The paths along the southern bank of the river will predominantly follow existing formal and informal footpaths, while a new pedestrian pathway will be established along the northern river bank between Aan-de-Wagenweg and the footbridge at the end of Krige Street. The existing pathway next to Markotter sport fields will be retained as a cycling path.*

- *The construction of a pedestrian bridge across the Eerste River, below the R44 to link Stellingia Avenue to Die Boord. The bridge will consist of a wide spanning concrete/steel structure between the two abutments and will have an approximate footprint of 1040m². Reno mattresses will be placed around the abutments and indigenous vegetation established as an erosion control measure.*
- *The phased removal of specific trees which affect the hydraulics of the river and the reintroduction of suitable locally indigenous trees, shrubs and wetland species to replace the removed trees.*
- *Removal of the gauging weir at the Plankenbrug confluence with the Eerste River and the redesign and relocation of the Lower Eerste River Irrigation Board water extraction points at two new locations – (1) the new pedestrian bridge across the Eerste River with a 400mm diameter steel pipe along the northern embankment between the old and new extraction points; and (2) the Plankenbrug River, approximately 150m upstream of the confluence with a similar 400mm diameter steel pipe between the two extraction points.*
- *Bank stabilisation and flood alleviation measures along certain stretches of the river. These include:*
 - *Reduction of steep bank slopes and widening of the riverbed as follows - reduction of the slope of the northern embankment of the Eerste River on Erven 4080 and 8719 (approximately 4500m²); widening of the riverbed on Erven 705 and 7588 (approximately 170m and 2 400m²); and removal of the vegetation plug in the low flow area near Erf No. 5655 (approximately 530m²).*
 - *Relocation of the existing flood protection berm to the south on Erf No. 5667 (approximately 290m long) and construction of gabions/reno mattresses of approximately – (1) 60m long on the eastern bank of the Plankenbrug River on Erf No. 7589, (2) 120m long on the southern bank of the Eerste River on Erf No. 5667, and (3) 720m long on the northern bank of the Eerste River on Erf No. 6284; and*
 - *A new flood protection berm of approximately 300m and 3000m² on Erven. 705, 7587, 7588.*
- *Soft and hard landscaping along the pathways and in the open spaces. This includes timber decks and benches along the pathways and outdoor gyms and park equipment in the open spaces on either end of the pathways.*
- *Formalising an existing parking area at the intersection of Koch Street and Suidwal Road with an approximate footprint of 1400m².*
- *Implementation of a long term MMP for this section of the Eerste River.*

2. "Annexure 2: Site Plan" is amended, as follows:

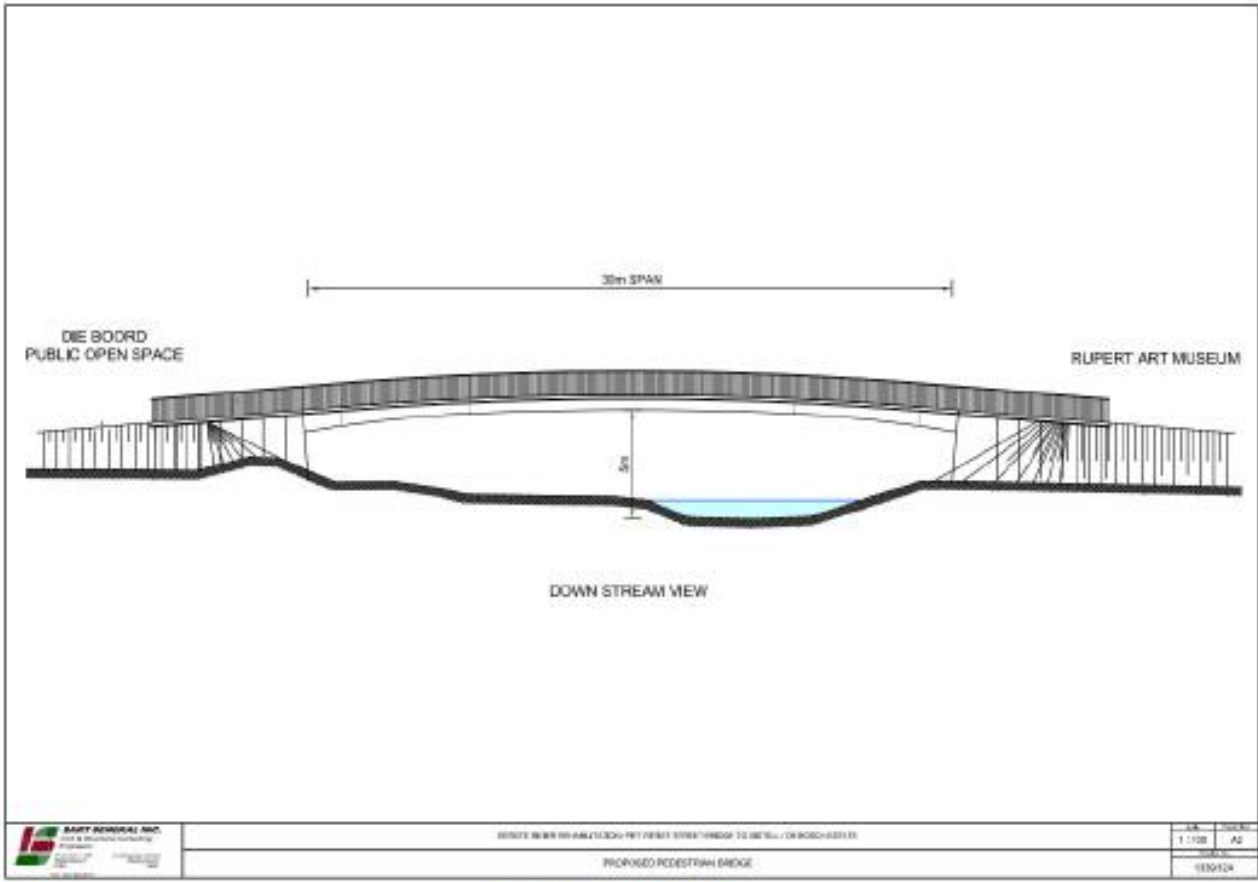






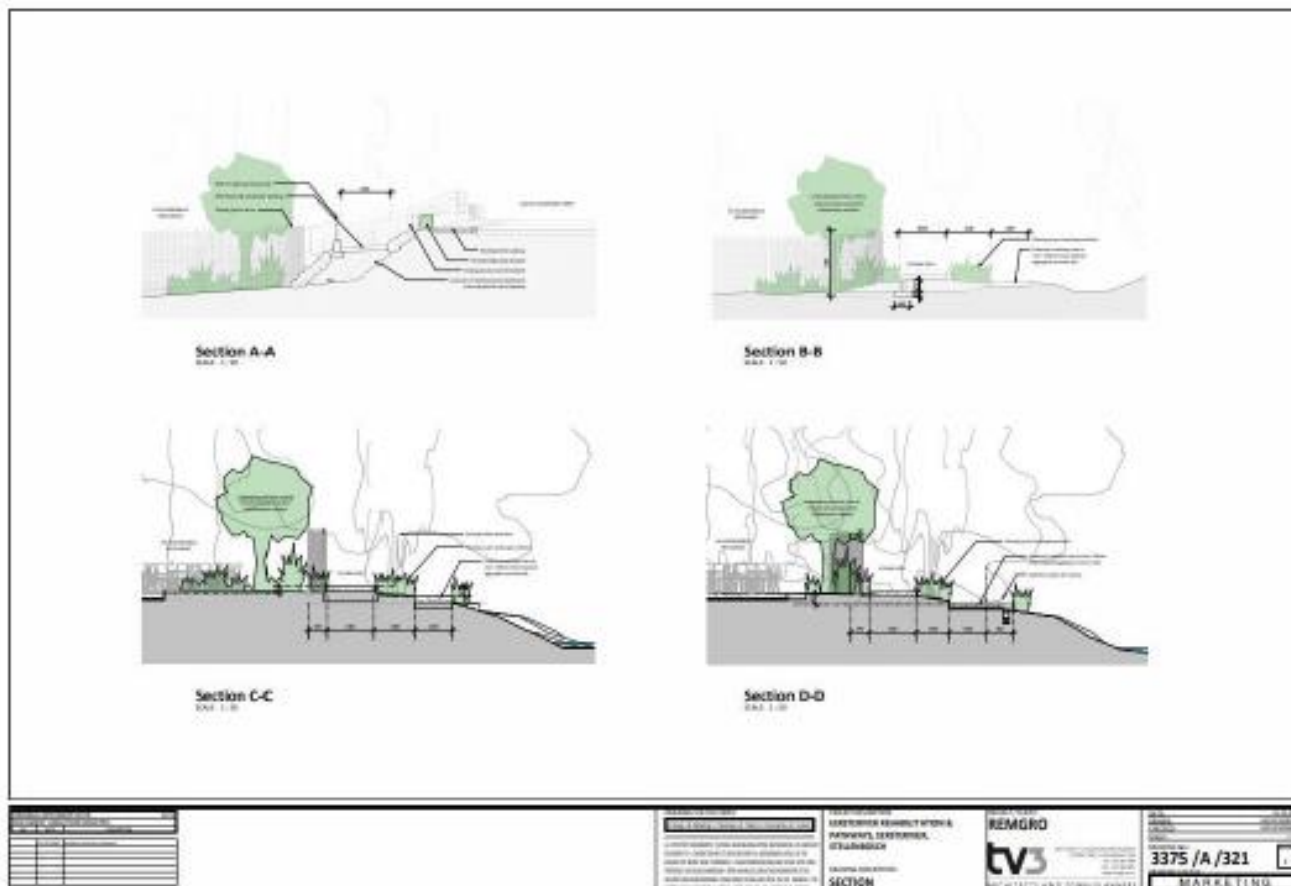
TENDER DRAWING
NOT TO CONSTRUCTION

	WEST RIVER FLOOD PROTECTION PROJECT - RIVER CROSS SECTION B-B TO DETAIL 1:2000 A3	NO.	DATE
	WEST RIVER FLOOD PROTECTION PROJECT - RIVER CROSS SECTION C-C & FLOOD PROTECTION	11/2014	A3
		11/2014	A3
		12/2014	



	WEST RIVER FLOOD PROTECTION PROJECT - RIVER CROSS SECTION C-C TO DETAIL 1:2000 A3	NO.	DATE
	PROPOSED PEDESTRIAN BRIDGE	11/2014	A3
		11/2014	A3
		12/2014	





3. "Alternatives" is amended to read:

Preferred Alternative (herewith authorised)

The implementation of the Master Plan for the Eerste River between the Piet Retief Bridge and the Distell Cricket Field, which includes the following activities:

- The construction of pedestrian and cycle pathways covering approximately 4900m² (ranging between 1.2m to 3.5m wide) along the Eerste River from Piet Retief Bridge to Die Boord, together with the implementation of security measures and lighting. The paths along the southern bank of the river will predominantly follow existing formal and informal footpaths, while a new pedestrian pathway will be established along the northern river bank between Aan-de-Wagenweg and the footbridge at the end of Krige Street. The existing pathway next to Markotter sport fields will be retained as a cycling path.
- The construction of a pedestrian bridge across the Eerste River, below the R44 to link Stellingia Avenue to Die Boord. The bridge will consist of a wide spanning concrete/steel structure between the two abutments and will have an approximate footprint of 1040m². Reno mattresses will be placed around the abutments and indigenous vegetation established as an erosion control measure.
- The phased removal of specific trees which affect the hydraulics of the river and the reintroduction of suitable locally indigenous trees, shrubs and wetland species to replace the removed trees.
- Removal of the gauging weir at the Plankenbrug confluence with the Eerste River and the redesign and relocation of the Lower Eerste River Irrigation Board water extraction point at two new locations – (1) the new pedestrian bridge across the Eerste River with a 400mm diameter steel pipe along the

northern embankment between the old and new extraction points; and (2) the Plankenbrug River, approximately 150m upstream of the confluence with a similar 400mm diameter steel pipe between the two extraction points.

- Bank stabilisation and flood alleviation measures along certain stretches of the river. These include:
 - Reduction of steep bank slopes and widening of the riverbed as follows - reduction of the slope of the northern embankment of the Eerste River on Erven 4080 and 8719 (approximately 4500m²); widening of the riverbed on Erven 705 and 7588 (approximately 170m and 2 400m²); and removal of the vegetation plug in the low flow area near Erf No. 5655 (approximately 530m²).
 - Relocation of the existing flood protection berm to the south on Erf No. 5667 (approximately 290m long) and construction of gabions/reno mattresses of approximately – (1) 60m long on the eastern bank of the Plankenbrug River on Erf No. 7589, (2) 120m long on the southern bank of the Eerste River on Erf No. 5667, and (3) 720m long on the northern bank of the Eerste River on Erf No. 6284; and
 - A new flood protection berm of approximately 300m and 3000m² on Erven. 705, 7587, 7588.
- Soft and hard landscaping along the pathways and in the open spaces. This includes timber decks and benches along the pathways and outdoor gyms and park equipment in the open spaces on either end of the pathways.
- Formalising an existing parking area at the intersection of Koch Street and Suidwal Road with an approximate footprint of 1400m².
- Implementation of a long term MMP for this section of the Eerste River.

This alternative is preferred as it incorporates the additional recommendations that were highlighted during the public participation process.

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 EA issued on 28 February 2020 or increase the level or nature of the impact initially assessed and considered.
2. The amendment includes the repositioning of the location of the pedestrian bridge to 30m east of the position indicated in the drawing included in the Engineering Interventions Report (Bart Senekal Inc May 2017) and approved in "Annexure 2: Site Plan" of the original EA issued on 12 March 2018, but the design and span over the river is the same.
3. Although the revised location of the pedestrian bridge was not included and approved in "Annexure 2: Site Plan" of the original EA issued on 12 March 2018, the correct position of the pedestrian bridge was included in Appendix B3 of the Basic Assessment Report that was circulated for Public Participation in 2017 and submitted for decision-making. Hence, the revised bridge position did form part of the initial Basic Assessment process.
4. In addition, the footprint of the new flood protection berm that was approved (6000m²) is reduced to 3000m² but stretches over two additional erven. These erven formed part of the footprint that was assessed and was included in the list of properties authorised for the project location.



5. The Addendum to the Freshwater Impact Assessment (BlueScience, October 2020) confirmed that the amended position (Erven 7588, 7587 and 705) and the design of the berm (reduced length and footprint), as well as the repositioning of the pedestrian bridge would not increase the risk or significance of the impacts that was initially assessed in 2017, because the flow and potential impact on the riverbanks are similar to the original assessment conducted in May 2017. Since there is no increase in the significance of the impacts as originally assessed, no additional mitigation measures are required.
6. It was also confirmed that the re-alignment of the pathway along the riverbank will reduce the actual footprint of the infrastructure and will therefore not add to the potential impact on the river if compared with the original design.
7. The amendment does not trigger any new 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.
8. 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.

C. CONDITIONS

1. All other conditions contained in the amended EA issued on 28 February 2020 (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



ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
DATE OF DECISION: 18 NOVEMBER 2020

CC: (1) Ms. K Neethling (LBMC (Pty) Ltd)
(2) Mr. S van der Merwe (Stellenbosch Municipality)

Email: karin@legacymc.co.za
Email: Schalk.vandemerwe@stellenbosch.gov.za



REFERENCE: 16/3/3/5/B4/45/1003/20
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2020-02-28

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 12 MARCH 2018: THE PROPOSED MASTERPLAN FOR THE EERSTE RIVER BETWEEN PIET RETIEF STREET BRIDGE AND THE DISTELL CRICKET FIELD, 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, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 12 March 2018 (DEA&DP Ref.: 16/3/3/1/B4/45/1023/17) (hereinafter collectively referred to as "the previous Environmental Authorisation") in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The previous Environmental Authorisation ("EA") for the development of the Masterplan for the Eerste River between Piet Retief Street Bridge and the Distell Cricket Field, Stellenbosch is herewith replaced by two separate Amended EA's, referring to the Masterplan for the Eerste River between Piet Retief Street Bridge and the Distell Cricket Field, Stellenbosch (this application) and the redesign and relocation of the Libertas Weir, Stellenbosch (DEA&DP Ref.: 16/3/3/5/ B4/45/1011/20), respectively.

The previous Environmental Authorisation as it pertains to the Masterplan for the Eerste River between Piet Retief Street Bridge and the Distell Cricket Field, Stellenbosch is amended as set out below:

1. "Section B. LIST OF ACTIVITIES AUTHORISED" is amended to read:

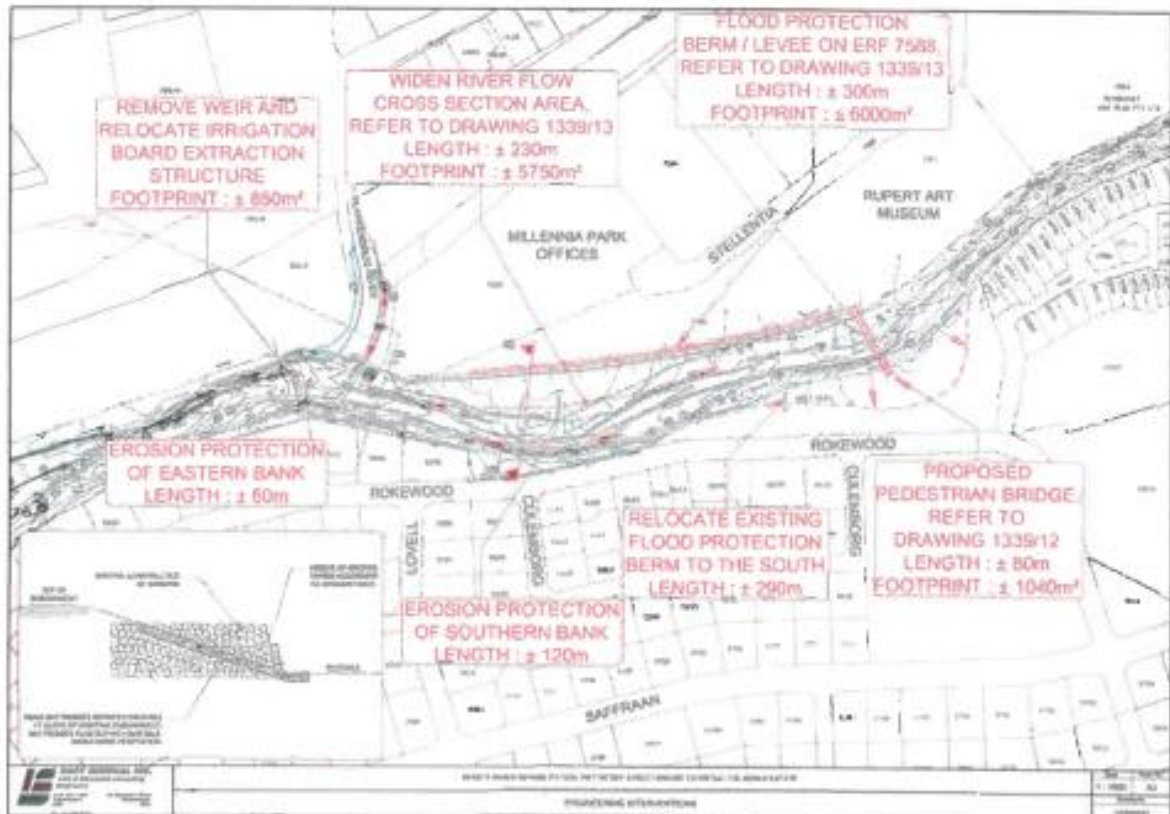
The proposal entails the implementation of the Master Plan for the Eerste River between the Piet Retief Bridge and the Distell Cricket Field, which includes the following activities:

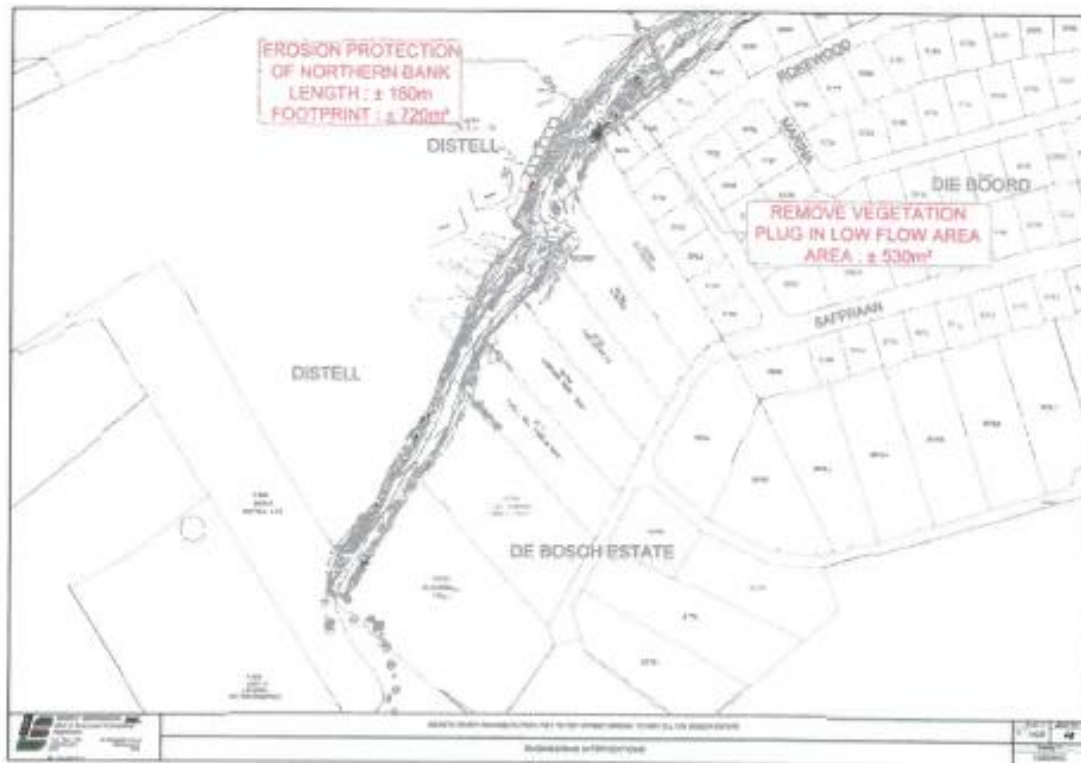
- The construction of pedestrian and cycle pathways covering approximately 4900m² (ranging between 1.2m to 3.5m wide) along the Eerste River from Piet Retief Bridge to Die Boord, together with the implementation of security measures and lighting. The paths along the southern bank of the river will predominantly follow existing formal and informal footpaths, while a new pedestrian pathway will be established along the northern river bank between Aan-de-Wagenweg and the footbridge at the end of Krige Street. The existing pathway next to Markotter sport fields will be retained as a cycling path.
- The construction of a pedestrian bridge across the Eerste River, below the R44 to link Stellantia Avenue to Die Boord. The bridge will consist of a wide spanning concrete/steel structure between the two abutments and will have an approximate footprint of 1040m². Reno mattresses will be placed around the abutments and indigenous vegetation established as an erosion control measure.
- The phased removal of specific trees which affect the hydraulics of the river and the reintroduction of suitable locally indigenous trees, shrubs and wetland species to replace the removed trees.
- Removal of the gauging weir at the Plankenbrug confluence with the Eerste River and the redesign and relocation of the Lower Eerste River Irrigation Board water extraction points at two new locations – (1) the new pedestrian bridge across the Eerste River with a 400mm diameter steel pipe along the northern embankment between the old and new extraction points; and (2) the Plankenbrug River, approximately 150m upstream of the confluence with a similar 400mm diameter steel pipe between the two extraction points.
- Bank stabilisation and flood alleviation measures along certain stretches of the river. These include:
 - Reduction of steep bank slopes and widening of the riverbed as follows - reduction of the slope of the northern embankment of the Eerste River on Erven 4080 and 8719 (approximately 4500m²); widening of the riverbed on Erven 705 and 7588 (approximately 5750m²); and removal of the vegetation plug in the low flow area near Erf No. 5655 (approximately 530m²).
 - Relocation of the existing flood protection berm to the south on Erf No. 5667 (approximately 290m long) and construction of gabions/reno mattresses of approximately – (1) 60m long on the eastern bank of the Plankenbrug River on Erf No. 7589, (2) 120m long on the southern bank of the Eerste River on Erf No. 5667, and (3) 720m long on the northern bank of the Eerste River on Erf No. 6284; and
 - A new flood protection berm of approximately 6000m² on Erf No. 7588.
- Soft and hard landscaping along the pathways and in the open spaces. This includes timber decks and benches along the pathways and outdoor gyms and park equipment in the open spaces on either end of the pathways.
- Formalising an existing parking area at the intersection of Koch Street and Suidwal Road with an approximate footprint of 1400m².
- Implementation of a long term MMP for this section of the Eerste River.

2. "Section E. CONDITIONS OF AUTHORISATION" is amended to read:

- Condition 9
The amended Environmental Management Programme ("EMPr") dated December 2019, Appendix 8 of the amended application is hereby approved and must be implemented.
- Condition 10
The MMP attached to the amended EMPr is hereby adopted and must be implemented.

3. "Annexure 2. Site Plan" is amended, as follows:





4. "Alternatives" is amended to read:

Preferred Alternative (herewith authorised)

The implementation of the Master Plan for the Eerste River between the Piet Retief Bridge and the Distell Cricket Field, which includes the following activities:

- The construction of pedestrian and cycle pathways covering approximately 4900m² (ranging between 1.2m to 3.5m wide) along the Eerste River from Piet Retief Bridge to Die Boord, together with the implementation of security measures and lighting. The paths along the southern bank of the river will predominantly follow existing formal and informal footpaths, while a new pedestrian pathway will be established along the northern river bank between Aan-de-Wagenweg and the footbridge at the end of Krige Street. The existing pathway next to Markotter sport fields will be retained as a cycling path.
- The construction of a pedestrian bridge across the Eerste River, below the R44 to link Stellenia Avenue to Die Boord. The bridge will consist of a wide spanning concrete/steel structure between the two abutments and will have an approximate footprint of 1040m². Reno mattresses will be placed around the abutments and indigenous vegetation established as an erosion control measure.
- The phased removal of specific trees which affect the hydraulics of the river and the reintroduction of suitable locally indigenous trees, shrubs and wetland species to replace the removed trees.
- Removal of the gauging weir at the Plankenbrug confluence with the Eerste River and the redesign and relocation of the Lower Eerste River Irrigation Board water extraction point at two new locations – (1) the new pedestrian bridge across the Eerste River with a 400mm diameter steel pipe along the northern embankment between the old and new extraction points; and (2) the Plankenbrug River, approximately 150m upstream of the confluence with a similar 400mm diameter steel pipe between the two extraction points.

- Bank stabilisation and flood alleviation measures along certain stretches of the river. These include:
 - Reduction of steep bank slopes and widening of the riverbed as follows - reduction of the slope of the northern embankment of the Eerste River on Erven 4080 and 8719 (approximately 4500m²); widening of the riverbed on Erven 705 and 7588 (approximately 5750m²); and removal of the vegetation plug in the low flow area near Erf No. 5655 (approximately 530m²).
 - Relocation of the existing flood protection berm to the south on Erf No. 5667 (approximately 290m long) and construction of gabions/reno mattresses of approximately – (1) 60m long on the eastern bank of the Plankenbrug River on Erf No. 7589, (2) 120m long on the southern bank of the Eerste River on Erf No. 5667, and (3) 720m long on the northern bank of the Eerste River on Erf No. 6284; and
 - A new flood protection berm of approximately 6000m² on Erf No. 7588.
- Soft and hard landscaping along the pathways and in the open spaces. This includes timber decks and benches along the pathways and outdoor gyms and park equipment in the open spaces on either end of the pathways.
- Formalising an existing parking area at the intersection of Koch Street and Suidwal Road with an approximate footprint of 1400m².
- Implementation of a long term MMP for this section of the Eerste River.

This alternative is preferred as it incorporates the additional recommendations that were highlighted during the public participation process.

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 EA issued on 12 March 2018.
2. The amendment does not trigger any new 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 AC Blake Family Trust will be the implementing agent for the construction and long term maintenance of the Libertas Weir, and is therefore responsible in terms of the NEMA and EIA Regulations. The trustees agreed to take over this component of the authorised development.
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 EA.

C. CONDITIONS

1. All other conditions contained in the EA issued on 12 March 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 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 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.

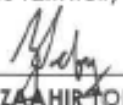
6. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail to DEADP.Appeals@westerncape.gov.za.

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. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 28/02/2020

CC: (1) Ms. K Neethling (LEMC (Pty) Ltd)
(2) Mr. S van der Merwe (Stellenbosch Municipality)

Fax: (021) 205 1966

Fax: (021) 887 7446

-----END-----